OFFICIAL PROCEEDINGS
MINNEAPOLIS CITY COUNCIL

REGULAR MEETING OF
DECEMBER 6, 2013

(Published December 14, 2013, in *Finance and Commerce*)

Council Chamber

350 South 5th Street
Minneapolis, Minnesota
December 6, 2013 - 9:30 a.m.
Council Vice President Lilligren in the Chair.
Present - Council Members Schiff, Colvin Roy, Tuthill, Quincy, Glidden, Goodman, Hodges, Samuels, Gordon, Hofstede, Vice President Lilligren.
Absent – Council Member Reich, President Johnson.

A Moment of Silence was observed in remembrance of Nelson Mandela.

Schiff moved adoption of the agenda. Seconded.
Adopted upon a voice vote.
Absent – Reich, Johnson.

Schiff moved acceptance of the minutes of the regular meeting of November 12, 2013, the adjourned session held November 12, 2013, and the adjourned session held November 19, 2013. Seconded.
Adopted upon a voice vote.
Absent – Reich, Johnson.

Schiff moved referral of petitions, communications, and reports of the City officers to the proper Council committees and departments. Seconded.
Adopted upon a voice vote.
Absent – Reich, Johnson.

PETITIONS AND COMMUNICATIONS

AUDIT:

INTERNAL AUDIT (276873)
Payroll Review.
RiskMaster Post-Implementation Review.
Utility Revenue Collections Review.
Management Action Plans: Third Quarter Update.
2013 Audit Plan Update.
2014-2015 Proposed Audit Plan.

COMMITTEE OF THE WHOLE (See Rep):

ATTORNEY (276874)

Regulatory Services Reorganization: Ordinances amending the Minneapolis Code of Ordinances updating provisions to reflect the current organizational structure in Titles 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 20, 22, and 23.

CITY CLERK (276875)

2014 Calendar for City Council and Standing Committees: Approve 2014 City Council & Standing Committees Calendar; and Direct the City Clerk to post the 2014 Calendar as notice of regular meetings and Authorize the City Clerk to incorporate updates, corrections, and changes to the 2014 Calendar, as necessary, to accommodate the City Council and its Standing Committees.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276876)

Park Dedication Fee: Ordinance amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to Land Subdivision: Land Subdivision Regulations, revising the parkland dedication ordinance to conform to recently adopted state law.

INTERGOVERNMENTAL RELATIONS (276877)

2014 City of Minneapolis State Legislative Agenda: Approve and Direct staff to make recommended amendments and additions to develop the City's 2014 State Legislative Agenda.

Local Approval of Special Legislation - Target Center Property Tax Exemption: Approve Laws of Minnesota 2013, Chapter 143, Article 4, Section 42 regarding property tax exemption for a public entertainment facility; and Direct the City Clerk to file the required forms with the Secretary of State.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276878)

Land Sale (2029, 2033 & portion of 2101 W Broadway): To Plymouth Christian Youth Center.

Catalyst Five Points, LLC (2119 W Broadway): Preliminary & final approval to issue bonds.

Livable Communities Local Housing Incentive Account Grant Funds: Acknowledgement of Receptivity to an LCA Funding Award form for projects recommended for grant awards.

Diamond Hill Townhomes (a/k/a Bossen Terrace Townhomes, 5701 Sander Dr): Amendment & re-subordination of Multifamily Rental and Cooperative Program loan interests and extend the loan maturity date.

Housing Replacement Tax Increment Financing District III: Correcting Resolution 2013R-189 re parcel identification number for property at 1012 29th Ave N.

The Cookie Cart (1119 W Broadway): Grant of Year 34 CDBG dollars for bullet proof window.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276879)

Small Business Technical Assistance Program: Authorize contracts.

Financing for Renovation of 1806 15th Ave S: Authorize a one-time waiver of the Maximum Code Abatement Program funding cap of $20,000 to allow for a loan of up to $150,000, related actions.

Praxis Foods (1256 Penn Ave N & 1235-43 Oliver Ave N): One year extension to the exclusive development rights.

City-owned Surface Parking Lot (adjacent to African Development Ctr, 1927-29 5th St S): Lease with African Development Center of Minnesota to maintain and operate accessory parking lot.

DC Group Expansion (1977 W River Road N): Authorize continued analysis of expansion project proposal to determine if tax increment financing (TIF) assistance is appropriate and justifiable.

COMMUNITY DEVELOPMENT and REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276880)

Property Assessed Clean Energy (PACE) Program: Authorize Joint Powers Agreement between the City of Minneapolis and the Port Authority of the City of Saint Paul, related actions.

COMMUNITY DEVELOPMENT and REGULATORY, ENERGY AND ENVIRONMENT and WAYS & MEANS/Budget (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276881)

Business Health and Safety Improvement Loan Program: Direct staff to establish the Program, related actions.

COMMUNITY DEVELOPMENT and TRANSPORTATION and WAYS & MEANS/Budget (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276882)

Impound Lot and Development Strategy: Directions to staff to reduce the Impound Lot footprint and prepare recommendations on how to best to facilitate development while aesthetically improving the remaining infrastructure, including building and grounds, and enhancing the overall security and customer experience, related actions.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276883)

Greenway Heights Family Housing Project (Bloomington Ave S & Midtown Greenway): Approving the Greenway Heights Tax Increment Financing (TIF) Plan and the related Modification No. 2 to the Lake and Bloomington Redevelopment Plan and Modification No. 1 to the East Phillips Commons, Phase 1 TIF Plan, related actions.

Five15 on the Park (formerly Currie Park Lofts, generally 515 15th Ave S): Approving the Currie Park Redevelopment Plan and the Currie Park Tax Increment Financing (TIF) Plan and Modification No. 8 to the Cedar-Riverside Urban Renewal Plan, related actions.

Minnesota Department of Employment and Economic Development (DEED): Acceptance of grant for the 807 Broadway project.

HOME Program Income: Appropriation to Affordable Family Housing Development Fund & Single Family Fund.

2013 Housing Revenue Entitlement Bond Carryforward: Resolution authorizing the carryforward of $45,968,905 of 2013 Tax Exempt Multi-family Housing Entitlement Revenue Bonds for Multifamily Housing programs.

Future Upper Harbor Terminal Redevelopment: Direction to contract with HKGI, Hoisington Koegler Group, Inc., for work on the Upper Harbor Terminal.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH:

ATTORNEY (276884)

Domestic Violence: Update report related to City of Minneapolis' pledge to reduce domestic violence and work plan.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH (See Rep):

ATTORNEY (276885)

Combat Sex Trafficking: Resolution adopting a City pledge to combat commercial sexual exploitation & trafficking of juveniles & creating a City work group, Mpls Coordinating Committee to Prevent Juvenile Sex Trafficking, to further the goals of the pledge.

COORDINATOR (276886)

Homegrown Minneapolis Food Council: Mayoral appointments of Sammie Rivera (replacing Kurt Schreck), Omari Chatman (replacing Rebecca Reed), Hashep Seka (replacing Deborah Ramos), Pakou Hang (replacing Tracy Singleton); Reappointments of Beth Dooley, Rhys Williams and Mustafa Sundiata.

City Council appointments of DeVon Nolan (replacing Neill Oxendale), Andrew Dahl (replacing Sara Nelson-Pallmeyer), Zoe Holloman (replacing Eric Larsen); Reappointments of Alison Rotel, Russ Henry, Kris Igo and Aaron Reser.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET (See Rep):

EMERGENCY PREPAREDNESS (276887)

2013 Emergency Management Performance: Acceptance of grant award from Department of Homeland Security.

FIRE DEPARTMENT (276888)

Minnesota Board of Firefighter Training and Education (MBFTE) Training Reimbursement: Acceptance of MBFTE funding under the Round 6 training reimbursement program.

HEALTH DEPARTMENT (276889)

Youth Violence Prevention: Acceptance of funds from the Minnesota Department of Public Safety, Office of Justice Programs & enter into agreement for youth violence prevention and intervention activities.

Accreditation Preparation Support: Acceptance of funds from the State of Minnesota Department of Health & enter into agreement for preparation to apply for national public health accreditation.

Public Health Survey: Authorize Joint Powers Agreement with the Counties of Ramsey, Washington, Hennepin, Dakota, Scott, Carver and Anoka, and the cities of Bloomington, Richfield and Edina to collaborate on a comprehensive and metro-wide public health survey; Authorize payment to Ramsey County for the City's portion of survey expenses.

POLICE DEPARTMENT (276890)

Bomb Disposal Services: Joint Powers contract agreement with the Minnesota Department of Public Safety/Division of Homeland Security and Emergency Management.

Minneapolis Public Housing Authority (MPHA): Contract agreement for Police Department to provide sergeant investigator for one year for the MPHA Housing Choice Program.

2014 Detox Van Services: Contract amendment with Hennepin County to provide police Detox Van services.

REGULATORY, ENERGY AND ENVIRONMENT:

COORDINATOR (276891)

Minneapolis Climate Action Plan Priorities: Update.

Energy Pathways Study: Potential 2014 Legislative Energy related Items and Study Update.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276892)

Massage and Bodywork Establishments: a) Ordinance licensing and regulating massage and bodywork establishments; b) Amend License Fee Schedule to add a license fee; and c) Comments.

COORDINATOR (276893)

Community Environmental Advisory Committee (CEAC): a) Appoint James Nash and Sam Grant; and b) Waive residency requirement for Sam Grant.

LICENSES AND CONSUMER SERVICES (276894)

Licenses: Grant licenses recommended for approval.

Day Block Brewing Company, 1105 Washington Ave S: On-Sale Liquor Class B with Sunday Sales and Off-Sale Malt Liquor Licenses; Comments.

Nomad World Pub, 501 Cedar Ave S: On-Sale Liquor Class B with Sunday Sales License; Comments.

Coup D'Etat, 2923 Girard Ave S: On-Sale Liquor Class B with Sunday Sales License.

Hammer & Sickle, 1300 Lagoon Ave: On-Sale Liquor Class E with Sunday Sales License.

Dilla's Ethiopian Restaurant, 1813 Riverside Ave: On-Sale Liquor Class E with Sunday Sales License.

REGULATORY SERVICES (276895)

Rental Dwelling License at 2700 14th Ave S: Reinstate license of Manuel and Rosa Lema.

Rental Dwelling License at 2416 4th St N: Stipulated Agreement and Conditions relating to the Rental Dwelling License held by Wenrich Property & Development, LLC - Wendy Sullivan.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (276896)

2013 Storm Response: Sidewalk, Curb, and Gutter Repair.

PUBLIC WORKS AND ENGINEERING (276897)

Downtown Business Improvement Special Service District: Letters of objection (See Petn No 276773).

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (276898)

Standard Supplemental Specifications for Construction of Public Infrastructure: Water: Adoption of standards.

PUBLIC WORKS AND ENGINEERING (276899)

Water Service: Contract amendments with Metropolitan Airports Commission, City of Edina, Joint Water Commission, City of Hilltop, and City of Columbia Heights.

37th Ave N Greenway Project: Contract amendment with S.M. Hentges & Sons, Inc.

Cleaning and Lining of Cast Iron Drain Pipes: Contract amendment with IPR Northeast LLP.

Bike Walk Ambassador Program: Amend contract with Minnesota Department of Transportation.

Safe Routes to School Non-Infrastructure Grant Agreement Renewal: Agreement with Minnesota Department of Transportation.

Bituminous Material: Amend contract with Tiller Corporation, dba Commercial Asphalt Company.

Penn Ave Reconstruction Project Phase I: Amend contract with Meyer Contracting, Inc.

Bridge 9 Pier 3 Repairs: Temporary Construction Agreement with University of Minnesota.

Franklin Ave LRT Station Area Streetscape Project: Amend contract with Thomas and Sons Construction, Inc.

Special Service District Management: Amend contract with Urban Works, Inc.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (276900)

Bluff St Trail Project: a) Agreements with Hennepin County and Non-Motorized Transportation Pilot Program to accept grant funds; b) Appropriate funds and reallocate Net Debt Bonds.

Bid: OP 7863, Low bid of Veit and Company, Inc for Bluff Street Trail Project.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET and ZONING & PLANNING (See Rep):

PUBLIC WORKS AND ENGINEERING (276901)

Sewer Availability Charges (SAC): Agreement between City of Minneapolis, Upper Mississippi Academy, and Northern Star Council of the Boy Scouts of America for temporary sewer service at Fort Snelling.

Street Lighting Program: a) Cancel assessments relating to Riverside Ave Phase I and Phase II, Nicollet Ave S, Lyndale Ave S, University Ave SE, and Washington Ave SE Street Lighting Projects; and b) Refund 2013 paid assessments.

22nd St E Street Lighting Project: Reduce special assessments and refund paid assessments.

St. Anthony Bridge Over Northtown Yard: Temporary construction easements and permanent easements.

Hennepin Ave/Lyndale Ave Reconstruction Project: a) Contract with Kimley-Horn and Associates, Inc; and b) Acquisition of right-of-way and temporary construction easements.

West Broadway Transit Alternatives Study: Cooperative Funding Agreement with Metropolitan Council and Hennepin County Railroad Authority.

Nicollet-Central Modern Streetcar Project: Master Funding Agreement with Metropolitan Council for environmental review and pre-project development.

WAYS AND MEANS BUDGET:

ATTORNEY (276903)

2014 Ethics Board Appointment: Notice of Public Hearing.

FINANCE DEPARTMENT (276902)

3rd Quarter 2014 Financial Status.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (276904)

No-Fault Claim of Kokou Micosse: Authorization to submit all current and ongoing bills.

CONVENTION CENTER (276905)

Convention Center Concession Equipment: Accept low bid of Premier Restaurant Equipment Company for $156,907 for refurbished portable concession equipment.

CONVENTION CENTER (276906)

Target Center Renovation Project: Contract for Owner's Representative from TEGRA Group Inc.

FINANCE DEPARTMENT (276906.1)

2013 Budget Contingency: Amend 2013 Appropriation Resolution allocating contingency funds to several operating departments.

FINANCE DEPARTMENT (276907)

Entertainment Facilities (Target Center/Xcel Arena) Coordination Study and Report: Authorize Joint Powers Agreement with the State of Minnesota.

FINANCE DEPARTMENT (276908)

Minneapolis Public Housing Authority (MPHA) 2013 Payment in Lieu of Taxes (PILOT): Reimburse MPHA the 2013 PILOT payment and amend 2013 Appropriation Resolution by $483,000.

HUMAN RESOURCES (276909)

2008 Hiring Freeze: Rescind council action of December 12, 2008.

HUMAN RESOURCES (276910)

Health Reimbursement Plan Amendments: Authorize amendments to City of Minneapolis Health Reimbursement Arrangement Plan (HRA) and City of Minneapolis Amended and Restated Health Reimbursement Arrangement Trust Agreement (HRA Trusts) to comply with federal health care reform legislation.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (276911)

Enterprise Land Management System: Execute contracts with Sierra Systems Group Inc for $3,950,000, Infor Public Sector Inc for $2,275,323, and Avolve Software Corporation for $618,488.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (276912)

Information Technology Managed Services: Amend contract with Pillsbury Winthrop Shaw Pittman LLP by $276,150.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (276913)

PeopleSoft Financials (COMPASS) Upgrade: Issue Request for Proposals for Senior Project Management Services.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (276914)

Telecommunications (Voice and Data) Systems: Execute contract with CenturyLink for $2,000,000.

MAYOR (276915)

Mayors Against Illegal Guns (MAIG) Regional Coordinator: Approve amended request accepting grant of $60,000.

MAYOR (276916)

Minneapolis Public Schools Education and Outreach Grant: Approve amended request previously approved accepting grant of $25,000 from The Minneapolis Foundation.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (276917)

Appeal, 129 Plymouth Development LLC (129 Plymouth): Three (3) Conditional Use Permits, a Variance, and a Site Plan Review.

PLANNING COMMISSION/DEPARTMENT (276918)

Appeal: Seed Academy/Harvest Preparatory School (1401-1427 8th Avenue North), Conditional Use Permit, Variance, and Site Plan Review.

PLANNING COMMISSION/DEPARTMENT (276919)

Rezone: Broadway Flats, 2413 and 2419 Penn Avenue North from OR2 to C3A; 2423, 2425, 2503, 2507, and 2511 Penn Avenue North and a portion of 2512 Queen Avenue North from the R5 to the C3A;

Vacation: entire 12-foot wide alley subject to retention easements in favor of Xcel Energy and CenturyLink.

PLANNING COMMISSION/DEPARTMENT (276920)

Rezone: Church of St. Anne-St. Joseph Hien Parking Lot Expansion, 2215, 2219, and 2223 26th Avenue North and 2527 Penn Avenue North from R4 to R5.

Appeal: Church of St. Anne-St. Joseph Hien Parking Lot Expansion, 2215, 2219 and 2223 26th Avenue North and 2527 Penn Avenue North, Conditional Use Permit and Site Plan Review.

PLANNING COMMISSION/DEPARTMENT (276921)

Zoning Code Text Amendments, Assisted Living Facilities: Chapter 520 and Chapter 548.

The following reports were signed by Mayor Rybak on December 11, 2013, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following reports:

Comm of the Whole/IGR - Your Committee recommends approval of the City of Minneapolis 2014 Legislative Agenda, as set forth and described in Petn No 276877 on file in the Office of the City Clerk.

Further, Intergovernmental Relations staff is directed to make recommended amendments and additions to develop the City of Minneapolis' 2014 State Legislative Agenda.

Adopted.

Absent – Reich, Johnson.

Comm of the Whole/IGR – Your Committee recommends passage of the accompanying Resolution approving Laws of Minnesota 2013 Chapter 143, Article 4, Section 42 relating to a property tax exemption for a City owned public entertainment facility – Target Center.

Further, that the City Clerk be directed to prepare and file with the Secretary of State the required certification of approval and required documents.

Adopted.

Absent – Reich, Johnson.

Approved by Mayor Rybak 12/6/2013.

(Published 12/10/2013)

Resolution 2013R-521, approving Laws of Minnesota 2013, Chapter 143, Article 4, Section 42, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-521
By Glidden

Approving Laws of Minnesota 2013 Chapter 143, Article 4, Section 42.

Whereas, the Minnesota legislature has passed a law (Laws of Minnesota 2013 Chapter 143 Article 4 Section 42) relating to a property tax exemption for a city owned public entertainment facility – Target Center; and

Whereas, the said law requires an affirmative vote of the majority of the members of the City Council before it may become effective;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the said law now be approved and the City Clerk be directed to prepare and file with the Secretary of State the required certification of approval and required documents.

Adopted.

Absent – Reich, Johnson.

Approved by Mayor Rybak 12/6/2013.

Comm of the Whole – Your Committee, to whom was referred an ordinance amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to Land Subdivision: Land Subdivision Regulations, revising the parkland dedication ordinance to conform to recently adopted State law, now recommends that said ordinance be given its second reading for amendment and passage.

Goodman moved that the ordinance be amended by adding the following language to the definition of Development site in Section 598.360, to read as follows:

598.360. Definitions. The following terms whenever used in this article shall have the following respective meanings:

Development site refers to a plot of land that is intended or suitable for a proposed servicing of unimproved land or the improvement of previously developed land and for which there is the proposed construction of new buildings or renovation or significant change of existing buildings to accommodate a new land use or increased density of a land use and for which planning approvals are required. Development site does not include an expansion to an existing commercial or industrial building that is less than five thousand (5,000) square feet or the construction of a new commercial or industrial building that is less than five thousand (5,000) square feet. Seconded.

Adopted upon a voice vote.

Absent – Reich, Johnson.

The report was adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-099 amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to Land Subdivision: Land Subdivision Regulations, to revise the parkland dedication ordinance to conform to recently adopted State law, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-099
By Johnson and Goodman
Intro & 1st Reading: 10/4/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to Land Subdivision: Land Subdivision Regulations.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 598.320 of the above-entitled ordinance be amended to read as follows:

598.320. Appeal. Unless otherwise prescribed by state law, ~~All~~ all decisions of the planning commission shall be final subject to appeal to the city council and the right of subsequent judicial review. Appeals may be initiated by any affected person by filing the appeal with the zoning administrator on a form approved by the zoning administrator. All appeals must be filed within ten (10) calendar days of the date of decision by the planning commission and shall be accompanied at the time of filing with payment of a seventy-five dollars ($75.00) application fee. In the case of an appeal made by the original subdivider, the fee shall be waived. Timely filing of an appeal shall stay the decision of the planning commission until a decision is made by the city council. Not less than ten (10) days before the public hearing to be held by the zoning and planning committee of the city council to consider the appeal, the zoning administrator shall mail notice of the hearing to the property owners and the registered neighborhood group(s) who were sent notice of the public hearing held by the planning commission to consider the subdivision application. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings provided a bona fide attempt to comply with this section has been made. No subdivision approval shall be recorded nor any action taken by any person to develop, grade or otherwise alter the property until expiration of the ten (10) day appeal period and, if an appeal is filed pursuant to this section, until after a final decision has been made by the city council approving the subdivision.

Section 2. That Section 598.340 of the above-entitled ordinance be amended to read as follows:

598.340. Findings and purpose. The City Council of the City of Minneapolis and the Park and Recreation Board of the City of Minneapolis jointly find that the preservation and development of parks, playgrounds, recreational facilities, wetlands, trails, and open space areas within the city are essential to maintaining a healthy and desirable environment for residents and persons employed within the city. The value and attractiveness of residential, commercial, and industrial developments to land owners, developers, purchasers, employers, and employees is significantly enhanced by the presence of park and open space amenities.

The city council and park and recreation board find that the development of land for new residential, commercial, and industrial purposes creates a need for park and recreational land and facilities within the city that exceeds current park resources. The city council and park and recreation board find that:

(1) The National Recreation and Parks Association's guidelines for park system planning are that neighborhood parks have a service area between one-quarter (1/4) to one-half (1/2) mile and that the service area for community parks is between one-half (1/2) to three (3) miles.

(2) The Urban Land Institute's guidelines have a one-half (1/2) mile service radius for neighborhood parks and a two (2) mile service radius for community parks.

(3) One (1) of the stated goals of the park board's comprehensive park system plan is to "ensure park access for all residents by providing parks within an easy walk from their homes (no more than six (6) blocks) and achieving a ratio of .01 acres of parkland per household."

(4) The city's current neighborhood and community parks consist of one thousand seven hundred twenty-nine (1,729) acres.

(5) The ~~city~~ Metropolitan Council has projected that by the year ~~2030~~ 2040, ~~twenty-six thousand three hundred fifty (26,350)~~ forty-six thousand three hundred and sixty (46,360) new households will be added to the city creating a demand for an additional ~~two hundred sixty-three (263)~~ four hundred and sixty-four (464) acres of neighborhood and community parkland.

(6) The ~~city's comprehensive plan~~ Metropolitan Council projects net new job growth of ~~fifty-three thousand seven hundred sixty (53,760)~~ one hundred thirty-seven thousand three hundred sixty-eight (137,368) by the year ~~2030~~ 2040, which would create an additional need for ~~one hundred twenty-two (122)~~ three hundred and eleven (311) acres of parkland.

Section 3. That Section 598.350 of the above-entitled ordinance be amended to read as follows:

598.350. Authority. Pursuant to ~~Minnesota Statutes Section 462.358, Subd. 2, as amended,~~ Laws of Minnesota 2006, Chapter 269, ~~and~~ Laws of Minnesota 2008, Chapter 331, Laws of Minnesota 2008, Chapter 366, Laws of Minnesota 2013, Chapter 85, and other powers granted by law, the city and park and recreation board are jointly authorized to require that a reasonable portion of any new residential, commercial, and industrial development be dedicated to the public for public use as parks, playgrounds, recreational facilities, wetlands, trails, or open space areas, and that the city and park and recreation board may alternatively accept an equivalent amount in cash.

Section 4. That Section 598.360 of the above-entitled ordinance be amended to read as follows:

598.360. Definitions. The following terms whenever used in this article shall have the following respective meanings:

Development site refers to a plot of land that is intended or suitable for a proposed servicing of unimproved land or the improvement of previously developed land and for which there is the proposed construction of new buildings or renovation or significant change of existing buildings to accommodate a new land use or increased density of a land use and for which planning approvals are required. Development site does not include an expansion to an existing commercial or industrial building that is less than five thousand (5,000) square feet or the construction of a new commercial or industrial building that is less than five thousand (5,000) square feet.

Section 5. That Section 598.370 of the above-entitled ordinance be amended to read as follows:

598.370. Land dedication requirements. (a) *Generally*. ~~Pursuant to Minnesota Statutes Section 462.358, Subd. 2, as amended, Laws of Minnesota 2006, Chapter 269, and Laws of Minnesota 2008, Chapter 331, a~~ Any developer of land within the city that will result in a net increase in the number of development employees and/or a net increase in the number of residential dwelling units shall convey or dedicate to the public a reasonable portion of the land for public use for parks, playgrounds, recreational facilities, wetlands, trails, or open space. This requirement shall apply to platting of land, re-platting of land, registered land survey, or development that will require a building permit, but shall not apply to tax parcel combinations or splits, minor subdivisions, lot line adjustments, conversions of apartments to condominiums, or internal leasehold improvements that do not result in a net increase in the number of residential dwelling units or development employees.

City staff, in consultation with the Park Board Superintendent or their designee and the developer, shall determine the location and configuration of any land dedicated, taking into consideration the suitability and adaptability of the land for its intended purpose, future needs of the proposed development, and the criteria below. The park board may decline any such proposed dedication by responding in writing ~~in a timely manner~~ within ten (10) business days to a communication from the city to the park board describing the proposed land dedication. In such case, the developer will be required to make a payment-in-lieu of dedication in accordance with subdivision (c) below.

Criteria to be considered:

(1) The land to be dedicated must be in conformance with the comprehensive plan and applicable adopted small area plans and in an area that is identified for park or conservation purposes in an adopted city or park board plan.

(2) The land to be dedicated should serve an appropriate public purpose, which might include one (1) or more of the following:

a. Connecting existing components of the parks and open space network (including creation of a trail connection).

b. Expanding an existing public park, trail, or open space by the addition of adjacent land.

c. Preserving significant landforms, native plant communities, sensitive habitat, and/or cultural resources.

d. Preserving areas containing vegetation identified as endangered or threatened or that provide habitat for animals identified as endangered, threatened, or of special concern under 15 United States Code Section 1531 et seq. or Minnesota Statutes Section 84.0895, and rules adopted under these respective laws.

e. Providing space for recreational and leisure uses appropriate to meet the needs of the new residents and/or employees.

(3) There must be sufficient resources, public and/or private, available and committed to develop, operate, and maintain the new park land.

(4) The land to be dedicated should help serve an area that is under-served by parks due to distance to existing parks, population density, inadequate facilities, or inadequate size of existing nearby parks.

(5) The land to be dedicated shall be adequate for its intended purpose.

(6) Land dedicated solely for roadway, stormwater retention, or utility purposes, or otherwise unsuitable for the purposes listed above, shall not be accepted as satisfying the land dedication requirements of this article.

(7) Dedicated land shall be accessible to the public served unless the city and park board determine that the dedicated land is an environmentally or ecologically sensitive area for which public access would be detrimental.

(b) *Formula for dedication of land*. At any time that net new residential dwelling units and/or net new or increased development employees will result from development, the developer shall dedicate:

(1) .0066 acres of land for every newly created residential dwelling unit within the downtown area or .01 acres of land for every newly created residential dwelling unit outside of the downtown area, up to a maximum of ten (10) percent of the area being platted or developed, plus

(2) One hundred (100) square feet of land for each development employee, up to a maximum of ten (10) percent of the area being platted or developed.

Land so dedicated shall be within the plat, registered land survey, or development site and/or, subject to approval by the city after consultation with park board staff and the developer, in close proximity to the plat, registered land survey, or development site. The city may require the land dedication option under this subdivision (b) as a condition of plat, registered land survey or building permit approval, and in so doing may require that the land be dedicated prior to or at the same time as recording the final plat or registered land survey.

(c) *Dedication option; fee payment*. If a plat or registered land survey is not required under section 598.40, if the dedication of land is not practical, or if city staff, after consultation with Park Board Superintendent or their designee, determines that the land to be dedicated does not meet the requirements of subdivision (a), then a developer of property subject to subdivision (b) of this section shall contribute a cash payment in lieu of all or a portion of the

land otherwise required under subdivision (b) of this section. The fee for mixed-use developments that include both residential and non-residential development shall be the sum of the fees for the residential and non-residential development components. The amount of cash payment for residential development shall be one thousand five hundred dollars ($1,500.00) per non-exempt unit, with said amount to be adjusted annually as described below. The amount of the cash payment for non-residential development shall be based upon the city assessor's most recent certified land estimated market value per square foot of the total acreage of the plat or development site at the time of city approval, multiplied by the number of square feet that would have been dedicated under subdivision (b). The amount of cash payment in lieu of dedication for non-residential development shall not exceed two hundred dollars ($200.00) per development employee, with said maximum to be adjusted annually as described below. Both the per unit and per development employee limits above shall be adjusted each April 1 by the change in the Consumer Price Index for all Urban Consumers (CPI-U, all Items) for the Minneapolis-St. Paul area issued by the Bureau of Labor Statistics for the preceding twelve (12) months ending December 31 of the previous year, but shall not be reduced. In determining whether land dedication or cash in lieu thereof will be required, city staff, in consultation with park board staff, may consider without limitation the suitability and adaptability of land within the site for the purposes listed in subdivision (a) of this section and criteria for land dedication in subdivision (a) of this section. The cash payment in lieu shall be contributed prior to obtaining the city clerk's signature on the final plat or ~~prior to obtaining the building permit required for the project~~ at the time of payment of the fees for the building permit that authorizes the construction of the main structure of the project.

Section 6. That Section 598.380 of the above-entitled ordinance be amended to read as follows:

598.380. Private land maintained for public use. City staff, after consultation with Park Board Superintendent or ~~his~~ their designee, may at its discretion, waive all or a portion of the land or cash dedication required in section 598.370 and enter into an agreement for the private development and/or maintenance of land for public use for parks, playgrounds, recreational facilities, wetlands, trails, or open space areas within the proposed development, subject to the following conditions:

(1) The land area or value of the land and improvements privately developed and maintained for public use for parks, playgrounds, recreational facilities, wetlands, trails, or open space areas must at least equal that required under this ordinance.

(2) Land, facilities, and improvements accepted under this provision shall be accessible to the public in a manner similar to public land.

(3) The city must find that such land and improvements will serve the purposes listed in section 598.370(a).

(4) The city, park board, and developer of the land must have executed a parkland development agreement ensuring that specified land shall be developed and maintained by the developer to park board standards, and any and all successors in interest thereof, of any type whatsoever, which includes, but is not limited to heirs and assigns, for the purposes listed in section 598.370(a). The developer must include a covenant running with the specified land indicating that the land to be developed and maintained to park board standards for the purposes listed in section 598.370(a) will revert to the city and/or park board in

the event of a failure to comply with this requirement. When a recordable covenant concerning the ownership, maintenance or use of private areas and facilities for parkland development is required, the covenant shall be submitted to the city for approval, after consultation with park board staff. Such covenant shall be recorded prior to or at the same time as the final plat or prior to obtaining building permits, as applicable.

(5) Yards, court areas, parking areas, stormwater management areas, setbacks, and other open areas required by zoning and building ordinances and regulations shall not be included in the computation of the land area required in determining the park dedication waiver.

(6) Before a waiver is given, the city, in consultation with Park Board Superintendent or their designee, shall make a finding that such a waiver is acceptable.

(7) That where such waiver is granted, the amount of the waiver in the downtown area may be up to one hundred (100) percent of the park dedication requirements for the development.

(8) That where such waiver is granted, the amount of the waiver elsewhere in the city shall not exceed seventy-five (75) percent of the park dedication requirements for the development.

(9) If the developer provides park and recreational improvements, site amenities, or other landscape elements to the public use space, the value of the improvements shall be credited against the park dedication fees and conform to park board standards.

Section 7. That Section 598.410 of the above-entitled ordinance be amended to read as follows:

598.410. Administrative fee. A~~n~~ nonrefundable administrative fee of five (5) percent of the park dedication fees, not to exceed one thousand dollars ($1,000.00) per project, collected through building permits shall be paid by the permit applicant to the city upon building permit issuance.

Section 8. That Section 598.420 of the above-entitled ordinance be amended to read as follows:

598.420. Effective date. This ~~chapter~~ ordinance shall take effect ~~at the later of:~~ on January 1, 2014. It shall not apply to development that has received approval of all required land use applications by the city council, city planning commission, and/or board of adjustment prior to the effective date or development for which complete land use and/or building permit applications have been received in full by the department of community planning and economic development prior to the effective date.

~~(1) Six (6) months after both the Minneapolis City Council and the Park and Recreation Board adopt identical ordinances, or~~

~~(2) Approval of state law amendments related to same~~.

Adopted.

Absent – Reich, Johnson.

Comm of Whole – Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances, updating provisions to reflect the current organization structure as a result of the reorganization of the Department of Regulatory Services, now recommends that the following ordinances be given their second reading for amendment and passage:

a) Title 3 relating to Air Pollution and Environmental Protection:
Chapter 46 relating to Hazardous Waste Generation, Handling, Storage and Disposal.
Chapter 47 relating to Energy and Air Pollution.
Chapter 48 relating to Minneapolis Watershed Management Authority.
Chapter 50 relating to Minneapolis Waste Control and Waste Discharge Rules.
Chapter 51 relating to Fumigating.
Chapter 52 relating to Erosion and Sediment Control and Drainage.
Chapter 54 relating to Storm Water Management.
Chapter 55 relating to Lawn Fertilizer.
Chapter 56 relating to Prohibited Discharges to Sanitary or Combined Sewer.
Chapter 57 relating to Mercury Reduction.
Chapter 59 relating to Construction Activities.

b) Title 4 relating to Animals and Fowl:
Chapter 62 relating to In General.
Chapter 64 relating to Dogs, Cats, Ferrets, and Rabbits.
Chapter 65 relating to Ferrets.
Chapter 66 relating to Rabies Control.
Chapter 68 relating to Pet Shops, Kennels, etc.
Chapter 70 relating to Fowl, Pigeons, and Other Small Animals.
Chapter 72 relating to Diseased, Injured or Dead Animals.
Chapter 74 relating to Miscellaneous Regulations.
Chapter 76 relating to Stables.

c) Title 5 relating to Building Code:
Chapter 91 relating to Permit Fees.
Chapter 93 relating to Safety Precautions: Protection of Public Property.
Chapter 95 relating to Projections and Encroachments.
Chapter 101 relating to Plumbing.
Chapter 103 relating to Gas Piping.
Chapter 105 relating to Heating, Air Conditioning and Refrigeration.
Chapter 107 relating to Elevators, Escalators, Hoists and Lifts.
Chapter 108 relating to Parking Ramps.
Chapter 111 relating to Swimming Pools.
Chapter 113 relating to Retaining Walls.
Chapter 115 relating to Building Moving.
Chapter 117 relating to Wrecking.

d) Title 8 relating to Consumer Protection:
Chapter 154 relating to Consumer Affairs Division.
Chapter 160 relating to Weights and Measures.

e) Title 9, Chapter 176 relating to Fire and Police Protection: Burglar and Holdup Alarm Systems.

f) Title 10 relating to Food Code:
Chapter 186 relating to In General.
Chapter 188 relating to Administration and Licensing.
Chapter 190 relating to Meat and Meat Products.
Chapter 192 relating to Bread.
Chapter 194 relating to Eggs.
Chapter 196 relating to Water for Drinking and Domestic Purposes.
Chapter 198 relating to Soft Drink Manufacture and Storage.
Chapter 200 relating to Milk and Dairy Products.
Chapter 201 relating to Public Markets.
Chapter 202 relating to Municipal Market.
Chapter 204 relating to Environmental Preservation: Environmentally Acceptable Packaging.

g) Title 11 relating to Health and Sanitation:
Chapter 215 relating to Polluted Water Wells.
Chapter 216 relating to Water Well Construction.
Chapter 217 relating to Deaths and Burials.
Chapter 219 relating to Contagious Diseases.
Chapter 225 relating to Garbage and Refuse.
Chapter 227 relating to Nuisances Generally.
Chapter 229 relating to Pest and Vermin Control.
Chapter 230 relating to Pesticide Control.
Chapter 231 relating to Public Swimming Pool Code.
Chapter 232 relating to Suntanning Facilities.
Chapter 233 relating to Ozone-Depleting Compounds.
Chapter 234 relating to Indoor Smoking.
Chapter 235 relating to Dogs in Outdoor Food and Liquor Establishments.

h) Title 12 relating to Housing:
Chapter 240 relating to Lead Poisoning Prevention and Control.
Chapter 242 relating to Appeals.
Chapter 244 relating to Maintenance Code.
Chapter 246 relating to Residential Rehabilitation Grants.
Chapter 247 relating to Housing Finance Program.
Chapter 248 relating to Truth In Sale of Housing.
Chapter 249 relating to Vacant Dwelling or Building, Nuisance Condition.

i) Title 13 relating to Licenses and Business Regulations:
Chapter 259 relating to In General.
Chapter 261 relating to License Fees Generally.
Chapter 264 relating to Outdoor Pay Telephones.
Chapter 265 relating to Special Permits for Specific Businesses and Uses.
Chapter 266 relating to Rental Halls.

Chapter 267 relating to Amusements.
Chapter 268 relating to Lawful Gambling.
Chapter 269 relating to Asphalt Shingle and Roofing Material Manufacture.
Chapter 271 relating to Auctions and Auctioneers.
Chapter 272 relating to Resin Manufacturing.
Chapter 277 relating to Building Trades Licenses.
Chapter 278 relating to Heating, Ventilating and Air Conditioning, Gasfitting, Oil, Plumber/Gas Fitter, Refrigeration and Steam and Hot Water Installers.
Chapter 279 relating to Christmas Tree Dealers.
Chapter 281 relating to Tobacco Dealers.
Chapter 283 relating to Courtesy Benches.
Chapter 285 relating to Dancing Schools.
Chapter 287 relating to Filling Stations and Bulk Oil Plants.
Chapter 289 relating to Fire Extinguisher Sales and Service.
Chapter 291 relating to Fuel Dealers.
Chapter 293 relating to Going Out of Business Sales.
Chapter 295 relating to Groceterias and Portable Stores.
Chapter 296 relating to Hospitals.
Chapter 297 relating to Hotels.
Chapter 297A relating to Bed and Breakfast Facilities.
Chapter 299 relating to Ice Sale and Manufacture.
Chapter 301 relating to Laundries and Dry Cleaning Establishments.
Chapter 303 relating to Horse and Carriage Livery Services.
Chapter 304 relating to Hoofed and/or Small Animal Service.
Chapter 305 relating to Pedicabs.
Chapter 306 relating to Commercial Pedal Car.
Chapter 307 relating to Valet Parking.
Chapter 309 relating to Extended Hours of Operation.
Chapter 311 relating to Motor Scooter Leasing.
Chapter 313 relating to Motor Vehicle Dealers.
Chapter 315 relating to Motor Vehicle Lubricant Dealers.
Chapter 317 relating to Motor Vehicle Repair Garages.
Chapter 319 relating to Open Air Motor Vehicle Parking Lots.
Chapter 320 relating to Vehicle Immobilization Service.
Chapter 321 relating to Secondhand Dealers.
Chapter 322 relating to Precious Metal Dealers.
Chapter 324 relating to Pawnbrokers.
Chapter 325 relating to Pest Control.
Chapter 327 relating to Rental Automobile Odometer Inspection.
Chapter 331 relating to Sidewalk Flower Cart Vendors.
Chapter 332 relating to Solicitors, Peddlers and Transient Merchants.
Chapter 335 relating to Street Photographers.
Chapter 339 relating to Body Art Code.
Chapter 341 relating to Taxicabs.
Chapter 347 relating to Tree Servicing.
Chapter 348 relating to Used Motor Vehicle Parts Dealer.
Chapter 349 relating to Wreckers and Tow Trucks.
Chapter 350 relating to Recycling Activities and Salvage Yards.

j) Title 14 relating to Liquor and Beer:
Chapter 360 relating to In General.
Chapter 362 relating to Liquor Licenses.
Chapter 363 relating to Wine Licenses.
Chapter 366 relating to Beer Licenses.

k) Title 20 relating to Zoning Code:
Chapter 520 relating to Introductory Provisions.
Chapter 525 relating to Administration and Enforcement.
Chapter 543 relating to On-Premise Signs.
Chapter 544 relating to Off-Premise Advertising Signs and Billboards.

l) Title 22, Chapter 598 relating to Land Subdivision: Land Subdivision Regulations.

m) Title 23, Chapter 599 relating to Heritage Preservation: Heritage Preservation Regulations.

Adopted.
Absent – Reich, Johnson.

Ordinance 2013-Or-100 amending Title 3, Chapter 46 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Hazardous Waste Generation, Handling, Storage and Disposal, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-100
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 3, Chapter 46 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Hazardous Waste Generation, Handling, Storage and Disposal.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 46.30 of the above-entitled ordinance be amended to read as follows:

46.30. Definitions. Wherever the word "state", "agency" or "Minnesota Pollution Control Agency" is used in Minnesota Rules, Chapter 7045 and Minnesota Statutes, Sections 115A.916, 325E.10, 325E.11, 325E112 and 325E115, it shall be held to mean the City of Minneapolis. Wherever the word "commissioner" is used in the regulations and statutes, it shall be held to mean the ~~director of regulatory services or the director's authorized agent~~ commissioner of the Minneapolis Health Department or the commissioner's designees. Except as here after defined.

Category II nonfriable asbestos-containing material means any material, excluding Category I nonfriable asbestos-containing material, containing more than one (1) percent asbestos as determined using the methods specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Friable asbestos-containing material means previously nonfriable asbestos-containing material which becomes damaged to the extent that when dry all or a portion of the material may be crumbled, pulverized or reduced to powder by hand pressure.

Hazardous waste generating facility means any facility that generates, handles, stores, or disposes of hazardous waste originating at their address as defined and listed in Minnesota Rules Chapter 7045, including waste motor vehicle fluids.

Hazardous waste process facility means any facility that generates, handles, stores, or disposes of hazardous waste originating at their address or from another address as defined and listed in Minnesota Rules Chapter 7045, including waste motor vehicle fluids.

Site operator means any person(s), organization, company, group, or any other entity, public or private, that owns or is in control of a hazardous waste facility.

Section 2. That Section 46.40 of the above-entitled ordinance be amended to read as follows:

46.40. Permit required. (a) [*Generally.*] No person may begin operations of a hazardous waste facility without first filing an application and paying the permits fees as established in ~~the director's fee schedule pursuant to~~ section 91.70. Failure to obtain the permit prior to conducting the activity shall be deemed a violation and may result in late fees.

(b) *Permit requirements.* A permit shall not be issued for the operation of a new hazardous waste facility unless a hazardous waste facility application has been submitted along with a hazardous waste site plan, spill pollution prevention plan and application fees. The ~~assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent~~ commissioner may require additional information or data deemed appropriate and/or may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this Code for the preservation of public health and safety.

(1) *Hazardous waste facility application.* A written application from the site operator or their authorized representative shall be required for each permit. The application shall identify contact information a narrative of the business and be signed by the owner.

(2) *Hazardous waste site plan.* The site plan shall be drawn to an appropriate scale and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed hazardous waste facility, and measures proposed to contain spills and releases.

(3) *Spill pollution prevention plan.* The spill pollution prevention plan shall describe what measures, training and equipment have taken place and been purchased to prevent spills from occurring and what measures will be taken to address a release.

Section 3. That Section 46.50 of the above-entitled ordinance be amended to read as follows:

46.50. Pollution Control Annual Billing (PCAB) registration of a hazardous waste facility. (a) The site operator in control of a hazardous waste facility established under this ordinance or existing prior to this ordinance, shall register that site annually with the ~~assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent~~ commissioner. The site operator shall also remit an annual registration fee, per site, in an amount as established in Appendix J, License Fees Schedule. The site operator or their agent, by submission and payment, confirm that the hazardous waste facility has been inspected, maintained and is functioning satisfactorily. The annual fee shall be due and payable on January 31st of each year. If registration is not received or postmarked on or before January 31st of each year, the applicant shall pay late fees provided for such registration. Each day of failure to maintain or obtain registration may constitute a separate violation of this Code.

(b) *Existing hazardous waste facility.* A hazardous waste facility existing prior to January 1, 2008, must have on file, with the ~~assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent~~ commissioner, a hazardous waste facility application, a hazardous waste site plan, and a spill pollution prevention plan. The application and plans must be submitted by December 31, 2010.

Section 4. That Section 46.60 of the above-entitled ordinance be amended to read as follows:

46.60. Annual inspection of hazardous waste facilities. All hazardous waste facilities are subject to annual inspection by the ~~assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent~~ commissioner.

Section 5. That Section 46.80 of the above-entitled ordinance be amended to read as follows:

46.80. Storage of motor vehicle fluids, filters and parts. (a) All new and used motor vehicle fluids, filters and parts shall be stored in a manner that prevents the release of material to the environment.

(b) All new and used motor vehicle fluids must be stored in:

(1) Sealed containers inside of a building

(2) Sealed containers outside if protected by secondary containment

(3) Above ground or underground storage tanks registered with ~~Minneapolis Regulatory Services~~ the commissioner.

(c) All new and used motor vehicle filters and parts must be stored inside a building.

Section 6. That Section 46.105 of the above-entitled ordinance be amended to read as follows:

46.105. Removal of nonfriable category II asbestos containing materials. (a) This section applies but is not limited to cementitious asbestos board often referred to by its trade name "Transite®". Other category II asbestos containing materials include but are not limited to, Transite® shingles and siding, asbestos cement, asbestos putties, asbestos sealants, and certain asbestos-containing adhesives on or under exterior surfaces. This section shall apply to any building containing four (4) or fewer residential dwelling units.

(b) Removal of nonfriable category II asbestos-containing material must be done in such a manner that does not cause it to become friable asbestos-containing material. Examples of removal methods that would render the category II asbestos-containing material to become regulated asbestos-containing material are smashing it, dropping it to the ground, intentional burning, subjecting it to crushing by heavy machinery, or specific grinding, sanding, cutting, abrading and breaking by hand tools or mechanical tools.

(c) Cementitious asbestos board is assumed to contain asbestos and must be treated in the manner described herein. A property owner or contractor not following the below prescribed methods shall upon request of the ~~director of regulatory services or the director's authorized agent~~ commissioner provide an analysis by a laboratory according to Minnesota Rule Part 4620.3460 collected by a certified asbestos inspector identifying whether the siding is an asbestos containing material. Until such time that a report is provided all related work shall stop and precautions shall be taken to contain the material. The ~~director or the director's authorized agent~~ commissioner may require a licensed asbestos contractor to perform necessary cleanup if the requirements herein have not been followed.

(1) Water to which a surfactant has been added must be used before and during removal of asbestos-containing material to prevent fibers from becoming airborne during asbestos-related work and must be wet before removal, adequately wet during removal, and placed in sealed leak-tight containers following removal.

(2) Prior to removal, tarps or plastic sheeting shall be put in place to prevent materials from coming in contact with the ground and shall not allow visible materials to leave the property.

(3) Material shall be removed by hand tools to avoid rendering the asbestos-containing material friable.

(4) Materials shall be lowered, not dropped, to the walkable surfaces, tarps, plastic sheeting or dumpster.

(5) Materials shall be packaged, transported and disposed of as category II nonfriable asbestos-containing materials following all requirements under 40 CFR 61.150(c).

(6) Upon request of the ~~director of regulatory services or the director's agent~~ commissioner the property owner shall provide a copy of the landfill waste manifest for the disposal of the category II nonfriable asbestos containing material.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-101 amending Title 3, Chapter 47 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Energy and Air Pollution, ,, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-101
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 3, Chapter 47 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Energy and Air Pollution.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 47.20 of the above-entitled ordinance be amended to read as follows:

47.20. State standards and regulations. (a) *Adopted.* Unless more restrictive provisions are specifically provided for in other sections in this Code of Ordinances, Minnesota Rules (2008), Chapters 7005, 7007, 7009, 7011, 7017, 7019, 7023, 7025, 7027, and as amended from time to time, are adopted as an ordinance of the city, except that fee impositions different than those in the Minnesota Rules may be provided or modified by ordinance. Whenever the word "agency" or "Minnesota Pollution Control Agency" is used in the rules, it shall be held to mean the City of Minneapolis. Whenever the word "commissioner" is used in the rules, it shall be held to mean the ~~assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent~~ commissioner of the Minneapolis Health Department or the commissioner's designee.

(b) The official version of such Minnesota Rules will be filed with the Minnesota Secretary of State and can be accessed by any means required or allowed by the Minnesota Secretary of State. A copy of the Minnesota Rules, which could be slightly outdated at times, can be obtained through the Minnesota Office of the Revisor of Statutes.

Section 2. That Section 47.30 of the above-entitled ordinance be amended to read as follows:

47.30. Enforcement. The responsibility for the administration and enforcement of this Code and Minnesota Rules referenced in section 47.20 shall reside in the ~~Department of Regulatory Services~~ commissioner. Administration and enforcement shall include the following duties:

(1) Investigation of air quality complaints, the observation of air quality conditions, and enforcement actions to protect and improve the air resource.

(2) Issuance of permits, certificates, and notices under this chapter. The keeping of copies of applications, plans, permits, and certificates, records of violations, complaints and other records on file.

(3) Examination of the plans for all new buildings pertinent to the operation of fuel burning equipment or pollution control devices and for the alteration of all existing buildings or equipment in order to assure that they are in accordance with the rules and regulations established in this chapter.

(4) Examination of the application and plans for the construction, installation or alteration of any fuel burning equipment, pollution control device, or any equipment pertaining thereto and if found to meet the requirements of the rules and regulations, to approve the same.

(5) Inspection of all fuel burning, process and pollution control equipment under the jurisdiction of this chapter and when found to comply with its provisions, the issuance of a registration.

(6) Publication and dissemination of information on methods of air pollution reduction.

(7) Enlistment of the cooperation of civic or technical, scientific, and educational organizations.

(8) The authority to require the production of records of or relating to any systems or equipment that impact air quality conditions, including but not limited to, fuel burning, process, pollution control equipment, continuous and periodic monitoring records, and other records pertaining to emissions.

Section 3. That Section 47.40 of the above-entitled ordinance be amended to read as follows:

47.40. Pollution Control Annual Billing (PCAB) registration. (a) The owner or site operator of the equipment or items listed in this section shall register such equipment or items annually with the ~~assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent~~ commissioner. The owner or site operator shall also remit an annual registration fee, per site, in an amount as established in Appendix J, License Fees Schedule. Such equipment or items may not be operated without proper registration as outlined in this section. The site operator or their agent, by submission and payment, confirm that the equipment or item has been inspected, maintained and is functioning satisfactorily. The annual fee shall be due and payable on January 31st of each year. If registration is not received or postmarked on or before January 31st of each year, the applicant shall pay late fees provided for such registration. Each day of failure to maintain or obtain registration may constitute a separate violation of this Code.

(b) *Equipment and items to be registered.* The following equipment or items must be registered and comply with the provisions in this section before they may be operated in the City of Minneapolis:

(1) Interior oil, stoker, or hand fired fuel burning equipment or combination of fuel burning equipment with an input capacity exceeding four hundred thousand (400,000) Btu per hour;

(2) Commercial exhaust system with a discharge greater than five hundred (500) CFM;

(3) Annealer, atmosphere burner, cupola, bag filter, cyclone, dust collector, fly ash collector, scrubber, lint collector, waste oil burner, boiler, burner, kitchen exhaust system, waste generator, emergency generator, tumbler, make-up air heater, air handling equipment over five (5) horsepower, internal combustion engine, oil fired forge, oven, room heater or combination of room heaters totaling four hundred thousand (400,000) Btu, food or other process equipment, incinerator, dryer, heat treat oven, ladle, salt or cyanide pot, batch plant, shot blast, rotary press, compactor, coating system, degreaser, paint booth, plating equipment, sonic cleaner, reactor, catalytic combuster, or laminator;

(4) Roof or ground mounted commercial HVAC equipment;

(5) Commercial coffee roaster;

(6) Stage I vapor recovery system or other pollution control device(s) in or on any building, equipment, or premises; or

(7) Crematorium.

(c) *Posting of registration; failure to have registration.* Proof of registration for registered equipment must be posted in public view within the building for which the unit(s) are registered. For the purposes of this section "public view within the building" means the customer area of a business or the communal area of a residential structure, if such areas exist, or if such areas do not exist, then in an area that is readily accessible to members of the public using the building. If it is not possible to post proof registration, a sign must be posted that contains the name and valid phone number of a person or persons who can produce proof of such registration upon request. The proof of registration must still be kept within the building for which the unit(s) are registered. Failure to possess a proof of registration is a separate violation of this Code.

Section 3. That Section 47.60 of the above-entitled ordinance be amended to read as follows:

47.60. Emission reporting. When requested by the ~~Department of Regulatory Services~~ commissioner, an air pollution emitter must furnish information to locate and classify air contaminant sources according to the type, level, duration, frequency, and other information as may be necessary to evaluate the source's effect on air quality and compliance with emission regulations, including the methods, practices and controls utilized by the emitter to reduce or eliminate emissions of hazardous air pollutants as defined by Minnesota Rules.

Section 4. That Section 47.70 of the above-entitled ordinance be amended to read as follows:

47.70. Emission testing. (a) The ~~Department of Regulatory Services or its authorized agents are~~ commissioner is authorized to conduct or may cause to be conducted any tests to determine the extent of emissions from any equipment, process, or device whenever agents have a reasonable suspicion that this ordinance, state law, or federal law is being broken or human, animal, or plant life is in danger.

(b) The results of any such testing shall be made available to the person owning, operating, or in charge of such equipment.

(c) The ~~department of regulatory services~~ Minneapolis Health Department or its authorized agents shall have the authority to order the owner, operator, or person in charge of any equipment, process, or device to abate any violation.

(d) If such testing establishes a violation the violator shall be responsible for all costs incurred by the city associated with the analysis and sample collection.

Section 5. That Section 47.80 of the above-entitled ordinance be amended to read as follows:

47.80. Limit on increases in mercury air emissions from stationary sources. No stationary source required to register under section 47.40 shall increase annual emissions of mercury or mercury compounds to the air or water. Air emission increases that are both less than two pounds per year and less than 20 percent of annual emissions from the stationary source shall be considered de minimis emissions for purposes of this section and shall not constitute a violation of this section. Stationary sources emitting mercury shall report their 2006 base year mercury emissions to the ~~department of regulatory services~~ Minneapolis Health Department upon request pursuant to section 47.60 and shall report mercury emissions annually thereafter upon request. This section shall not apply to any stationary source in existence as of January 1, 2006 for which the operators have entered into an approved agreement with the Minnesota Pollution Control Agency, the Public Utilities Commission or the environmental protection agency providing for an elimination of emissions of mercury, provided that such agreement is abided by and fulfilled. Furthermore, any stationary source in existence as of January 1, 2006 will be seen to be in full compliance with this section if, within one (1) year of approval by the Minnesota Pollution Control Agency, Maximum Achievable Control Technology and a Continuous Emissions Monitoring system is installed and utilized.

Section 6. That Section 47.90 of the above-entitled ordinance be amended to read as follows:

47.90. Inspections authorized; orders requiring compliance. The ~~department of regulatory services~~ commissioner is authorized to inspect businesses, properties, equipment and records to determine if pollution control annual billing registrations must be filed, pursuant to section 47.40, if there exists reasonable suspicion that registration is required and has not been filed. The ~~department of regulatory services~~ commissioner is authorized to inspect such equipment to verify that the equipment can be operated within the provisions of Chapter 47 of the City Code of Ordinances. If at the time of any inspection it is found that the equipment is in such condition that it cannot be operated within the provisions of this chapter, the ~~department of regulatory services~~ commissioner shall give notice to the person owning, operating or in charge of such equipment and shall give orders to correct, repair, or replace the defective equipment.

Section 7. That Section 47.100 of the above-entitled ordinance be amended to read as follows:

47.100. Refusing ~~department of regulatory services personnel or authorized agents~~ commissioner lawful entry; right to enter. It is unlawful to:

(1) Obstruct, delay, resist, prevent, or interfere with the investigative, enforcement or inspection activities, or any other duties outlined in this section, of the ~~department of regulatory services or its authorized agents~~ commissioner; or

(2) To refuse the ~~department of regulatory services or its agents~~ commissioner lawful entrance to the premises.

Section 8. That Section 47.110 of the above-entitled ordinance be amended to read as follows:

47.110. Public nuisance prohibition and abatement. (a) It shall constitute a public nuisance and be unlawful for any person to make, continue, permit, or cause to be emitted into the open air any dust, gasses, fumes, vapors, smokes and/or odors with objectionable properties and in such quantities as would be likely to cause discomfort or annoyance to a reasonable person of normal sensibilities that does one or more of the following:

(1) Injures or are sufficient to injure the health or safety of any person or the public;

(2) Creates an obnoxious odor in the atmosphere;

(3) Causes damage to property;

(4) Creates a nuisance or hazard by obscuring vision; or

(5) Produces a deleterious effect upon trees, plants or other forms of vegetation.

(b) Characteristics and conditions which shall be considered in determining whether an emission is discomforting, annoying, objectionable, obnoxious, or excessive for the purposes of paragraph (a) of this section shall include, but not be limited to the following:

(1) Proximity of the emission to the nearest point of habitation;

(2) Duration of the emission;

(3) Whether the emission is recurrent, intermittent, or constant;

(4) Whether or not emission abatement measures are possible and whether or not they are used to reduce the emission; or

(5) The quality or state of the ambient air.

(c) Any emission of smoke, particulate matter, or other matter from any source in excess of the limitation established in or pursuant to this chapter shall be deemed a public nuisance

and may be abated by the ~~department of regulatory services~~ Minneapolis Health Department. Such abatement shall be in addition to all other remedies provided by law or equity.

Section 9. That Section 47.130 of the above-entitled ordinance be amended to read as follows:

47.130. Stack height. (a) All newly constructed stacks or chimneys serving one (1) or more nonresidential establishments shall extend at least ten (10) feet above the highest point of any roof within a radius of fifty (50) feet of the chimney. Any existing stack, chimney or vent is required to comply with the minimum requirements of this chapter.

(b) *Exemptions.* Such chimney height requirements may be waived by the ~~department of regulatory services~~ commissioner if:

(1) Special abatement equipment is installed that controls emissions in such a way that those emissions are in compliance with the provisions of this chapter;

(2) The ~~department of regulatory services~~ commissioner approves other means that ensure that emissions are in compliance with the provisions of this chapter; or

(3) The ~~department of regulatory services~~ commissioner determines that such stack height requirements are not necessary to meet the minimum emissions standards of this chapter.

Section 10. That Section 47.170 of the above-entitled ordinance be amended to read as follows:

47.170. Coffee Roaster After Burner requirements. All coffee roasters installed after June 30, 2008, must be equipped with an afterburner to minimize emissions of particulate matter, formaldehyde, acetaldehyde, acrolein, smoke and odor. The afterburner must be compatible with the size, capacity and intended use of the coffee roaster. The afterburner must be operational at all times during roasting and the operating temperature must be within manufacturer recommendations. Coffee roasters installed prior to June 30, 2008 may be required to install such a device as deemed necessary by the ~~department of regulatory services~~ commissioner to abate ongoing and chronic nuisance odor or other air pollution concerns.

Section 11. That Section 47.190 of the above-entitled ordinance be amended to read as follows:

47.190. Commercial building rating and disclosure. (a) *Definitions.* The following words shall have the meaning ascribed to them, unless the context clearly indicates a different meaning:

Benchmark means to input the total energy consumed for a building and other descriptive information for such building as required by the benchmarking tool.

Benchmarking information means information related to a building's energy consumption as generated by the benchmarking tool, and descriptive information about the physical building and its operational characteristics. The information shall include, but need not be limited to:

(1) Building address;

(2) Energy use intensity (EUI);

(3) Annual greenhouse gas emissions;

(4) Water use; and

(5) The energy performance score that compares the energy use of the building to that of similar buildings, where available.

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

Building owner means an individual or entity possessing title to a building, or an agent authorized to act on behalf of the building owner.

City-owned building means any building, or group of buildings on the same tax lot, owned by the City of Minneapolis containing twenty-five thousand (25,000) or more gross square feet of an occupancy use other than residential or industrial.

Covered building means:

(1) Any building containing at least fifty thousand (50,000) but less than one hundred thousand (100,000) gross square feet of an occupancy use other than residential or industrial shall be classified as a Class 1 covered building;

(2) Any building containing one hundred thousand (100,000) or more gross square feet of an occupancy use other than residential or industrial shall be classified as a Class 2 covered building.

The term "covered building" shall not include any building owned by the local, county, state, or federal government or other recognized political subdivision.

Director means the ~~head of the department to which the environmental services division of the city reports or the director's designee~~ commissioner of the Minneapolis Health Department or the commissioner's designee.

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 director 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.

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

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

(b) *Benchmarking required for city-owned buildings.* No later than June first, 2013, and no later than every June first thereafter, each city-owned building shall be benchmarked for the previous calendar year by the entity primarily responsible for the management of such building, in coordination with the director.

(c) *Benchmarking required for covered buildings.* Building owners shall annually benchmark for the previous calendar year each covered building and obtain an energy performance score as available according to the following schedule:

(1) All Class 2 covered buildings by June first, 2014 and by every June first thereafter; and

(2) All Class 1 covered buildings by June first, 2015 and by every June first thereafter.

(d) *Disclosure and publication of benchmarking information.* The building owner shall annually provide benchmarking information to the director, in such form as established by the director's rule, by the date provided by the schedule in subsections (b) and (c).

(1) The director shall make readily available to the public, and update at least annually, benchmarking information for the previous calendar year according to the following schedule:

a. Each city-owned building by August thirtieth, 2013 and by every August thirtieth thereafter;

b. Each Class 2 covered building by August thirtieth, 2015 and by every August thirtieth thereafter;

c. Each Class 1 covered building by August thirtieth, 2016 and by every August thirtieth thereafter.

(2) The director shall make available to the public, and update at least annually, the following information:

a. Summary statistics on energy consumption in city-owned buildings and covered buildings derived from aggregation of benchmarking information for those buildings;

b. Summary statistics on overall compliance with this section;

c. For each city-owned building and covered building:

1. The status of compliance with the requirements of this chapter;

2. Annual summary statistics for the building, including energy use intensity, annual greenhouse gas emissions, water use per gross square foot, and an energy performance score where available; and

3. A comparison of benchmarking information across calendar years for any years such building was benchmarked.

(e) *Exemptions.* The director may exempt a building owner from the benchmarking requirements of subsection (c) if the building owner submits documentation establishing any of the following:

(1) The building is presently experiencing qualifying financial distress in that the building is the subject of a qualified tax lien sale or public auction due to property tax arrearages, the building is controlled by a court-appointed receiver based on financial distress, the building is owned by a financial institution through default by the borrower, the building has been acquired by a deed in lieu of foreclosure, or the building has a senior mortgage which is subject to a notice of default; or

(2) The building or areas of the building 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

(3) The building is new construction and the certificate of occupancy was issued less than two (2) years prior to the applicable benchmarking deadline established pursuant to subsection (c).

(f) *Providing benchmarking information to the building owner.* Each tenant located in a covered building subject to this chapter shall, within thirty (30) days of a request by the building owner and in a form to be determined by the director, provide all information that cannot otherwise be acquired by the building owner and that is needed by the building owner to comply with the requirements of this section. Where the building owner is unable to benchmark due to the failure of any or all tenants to report the information required by this subsection, the owner shall complete benchmarking using such alternate values as established by the director. The director shall periodically evaluate the quality of any alternate values established pursuant to this subsection and propose revisions that increase the quality of such values.

(g) *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 in a document required to be prepared or disclosed by this section.

(h) *Enforcement.* The director ~~and authorized representatives and designees~~ shall enforce the provisions of this section. If it is determined that a building owner or any person subject to the provisions of this section fails to meet any requirement of this section, the director ~~or the director's designee~~ shall mail a warning notice to the building owner or person. The notice shall specify the reasons why the building owner or person fails to meet the requirements set forth in this section. The notice shall indicate that the person has forty-five (45) business days to comply with the applicable requirement. Any building owner or person who fails, omits, neglects, or refuses to comply with the provisions of this section after the period of compliance provided for in the required warning notice shall be subject to an administrative penalty pursuant to Chapter 2 and the schedule of civil fines adopted by the city council. The provisions of Chapter 2 shall govern the appeal and hearing rights afforded to any such person. Additionally, failure to

comply with this section may constitute good cause for the denial, suspension, revocation or refusal to issue the certificate of commercial building registration provided for pursuant to Chapter 174, Article IV of this Code or any applicable business license held by the building owner or person. This section may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

(i) *Rules.* The director shall promulgate and publish such rules as deemed necessary to carry out the provisions of this section.

(j) *Severability.* If any portion of this section is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the regulations, and such determination shall not affect the validity of the remainder of the section. If the application of any provision of this section to a particular person or property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other person or property.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-102 amending Title 3, Chapter 48 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Minneapolis Watershed Management Authority, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-102
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 3, Chapter 48 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Minneapolis Watershed Management Authority.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 48.10 of the above-entitled ordinance be amended to read as follows:

48.10. Definitions. (a) The words used in this chapter shall have the meanings given in Minnesota Statutes and Minnesota Rules, except where the context clearly shows otherwise. Wherever the word "agency" or "Minnesota Pollution Control Agency" is used in Minnesota Rules as incorporated into this chapter by section 48.20, it shall be held to mean the City of Minneapolis. Wherever the word "commissioner" is used in Minnesota Rules, as incorporated into this chapter by section 48.20, it shall be held to mean the ~~assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent~~ commissioner of the Minneapolis Health Department or the commissioner's designee. State definitions shall include, but shall not be limited to the following:

Abate means to lower, depreciate, reduce, or eliminate contaminants or lower, depreciate, reduce, or eliminate actions that may lead to pollution.

Aboveground storage tank system means any one (1) or a combination of containers, vessels, and enclosures, including structures and appurtenances connected to them, that is used to contain or dispense regulated substances, and that is not an underground storage tank. An aboveground tank includes rail cars, and trucks.

Boring means a hole or excavation that is not used to extract water and includes exploratory borings, environmental bore holes, vertical heat exchangers, and elevator shafts.

Contaminated soil means any soil contaminated with petroleum, hazardous waste, or one (1) or more pollutants in concentrations that exceed natural background levels as determined through an environmental assessment and laboratory analysis.

Dilution means any act of thinning down or weakening a concentration of a substance by mixing or adding a liquid, solid, semisolid, or gas.

Discharge means the addition of any pollutant to the waters of the state or to any disposal system.

Disposal system means a system for disposing of sewage, industrial waste and other wastes, and includes sewer systems and treatment works.

Flammable liquid shall have the meaning given by the U.S. Occupational Health and Safety Administration (OSHA) which defines a flammable liquid as "any liquid having a flash point below one hundred (100) deg. F. (37.8 deg. C.), except any mixture having components with flash points of one hundred (100) deg. F. (37.8 deg. C.) or higher, the total of which make up ninety-nine (99) percent or more of the total volume of the mixture. Flammable liquids shall be known as Class I liquids."

Hazard means anything capable of causing, or contributing to an adverse effect or event. The hazard associated with a suspected toxic substance is contingent on both its level of toxicity and degree of exposure to the substance.

Hazardous material means:

(1) a substance listed in Code of Federal Regulations, title 40, part 302, including petroleum under subpart 36, item C, but not including:

   a. a hazardous waste listed or identified under Code of Federal Regulations, title 40, part 261

   b. ~~ptroleum~~ petroleum under subpart 36, item A, B, or D; or

   c. a substance that is not liquid at a temperature of sixty (60) degrees Fahrenheit and pressure of 14.7 pounds per square inch absolute; or

(2) any mixture of substances identified in item (1) and petroleum, unless the amount of the substance identified in item a) is de minimus.

Substances identified in items (1) and (2) which also meet the definition of petroleum are considered hazardous materials.

Hazardous waste means any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may:

(1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or

(2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Industrial waste means any solid, liquid, or other wastes, resulting from any industrial, manufacturing, or business process, or from the development, recovery, or processing of a natural resource, which requires special handling or processing prior to disposal.

Leak means the uncontrolled passage or escape of liquid or gaseous substances through a break or flaw in a container or system.

Monitoring well means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed to extract groundwater for physical, chemical, or biological testing. This includes a groundwater quality sampling well.

Other wastes mean garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, oil, tar, chemicals, dredged spoil, solid waste, incinerator residue, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, cellar dirt or municipal or agricultural waste, and all other substances not included within the definitions of sewage and industrial waste set forth in this chapter which may pollute or tend to pollute the waters of the state.

Out of service well is any well, excluding monitoring and recovery/remedial wells, that is no longer being used to extract groundwater and shall include, but shall not be limited to: domestic drinking water wells; nontransient, noncommunity public water supply wells; air cooling wells; industrial wells; or irrigation wells.

Pollutant means any "pollutant" defined in section 502(6) of the Clean Water Act. Pollutants may include, but are not limited to the following:

(1) residential, commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash and sludge).

(2) metals such as cadmium, lead, zinc, mercury, silver, nickel, chromium, copper and non-metals such as phosphorous and arsenic.

(3) petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease).

(4) excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora or fauna of the state.

Pollution of water, water pollution, pollute the water means:

(1) the discharge of any pollutant into any waters of the state or the contamination of any waters of the state so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, agricultural, commercial, industrial, recreational or other legitimate uses, or to livestock, animals, birds, fish or other aquatic life; or

(2) the alteration made or induced by human activity of the chemical, physical, biological, or radiological integrity of waters of the state.

Regulated substance means a hazardous material or hazardous waste.

Remediation means cleanup or any other set of actions, methods, or controls, such as biological, chemical, thermal or physical, used to treat, remove, contain, stabilize, cap, isolate or substantially reduce the amounts of toxic materials in water, air, soil, or other media.

Risk means the predicted probability or actual frequency of an occurrence of an adverse effect or event.

Sewage means the water-carried waste products from residences, public buildings, institutions or other buildings, or any mobile source, including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and surface water as may be present.

Sewer system means pipelines or conduits, pumping stations, and force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Site means any tract or parcel of land, and including all buildings or structures on such lands.

Spill means the accidental or intentional spilling, leaking, pumping, pouring, emitting, or dumping into or on any land or water of hazardous wastes or materials which, when spilled, become hazardous wastes.

Standards means effluent standards, effluent limitations, standards of performance for new sources, water quality standards, pretreatment standards, and prohibitions.

Tank is a stationary device designed to contain an accumulation of regulated substances and constructed of nonearthen materials, such as concrete, steel, and plastic, that provides structural support. Tank includes bladders, rail cars, and trucks.

Temporary monitoring well is a monitoring well which is constructed and sealed within a seventy-two (72) hour time frame.

Underground storage tank system means any one or a combination of containers including tanks, vessels, enclosures, or structures and underground appurtenances connected to them, that is used to contain or dispense an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected to them, is ten (10) percent or more beneath the surface of the ground.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Water refers to "waters of the state", as defined in this chapter.

Watershed means all lands enclosed by a continuous hydrologic drainage divide and lying upslope from a specified water body or point.

Well means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed if the excavation is intended for the location, diversion, artificial recharge, or acquisition of groundwater. This includes monitoring wells, drive point wells, and dewatering wells. "Well" does not include:

(1) an excavation by backhoe, or otherwise for temporary dewatering of groundwater for nonpotable use during construction, if the depth of the excavation is twenty-five (25) feet or less;

(2) an excavation made to obtain or prospect for oil, natural gas, minerals, or products of mining or quarrying;

(3) an excavation to insert media to repressure oil or natural gas bearing formations or to store petroleum, natural gas, or other products;

(4) an excavation for nonpotable use for wildfire suppression activities; or five (5) borings.

Wellhead refers to a man-made physical structure or device at the land surface from or through which groundwater flows or is pumped from subsurface water-bearing formations.

Wellhead protection device is a manmade device attached to a wellhead that is intended to protect and preserve the quality of groundwater by preventing the entry of hazardous contaminants from the land surface.

(b) Other words and abbreviations used herein which are not specifically defined in applicable federal, state or city law shall be construed in conformance with the context, in relation to the applicable section of the statutes pertaining to the matter at hand, in conformance with the principles set forth in Chapter 3 of this Code, and in conformance with professional usage.

Section 2. That Section 48.20 of the above-entitled ordinance be amended to read as follows:

48.20. State rules and statutes. (a) Minnesota Rules (2001), Chapters 4715, 4720, 4725, 7035, 7037, 7041, 7042, 7044, 7045, 7048, 7050, 7056, 7060, 7080, 7100, 7105, 7150, 7151, and 9220, and subsequent updates, are made part of this chapter as if fully set forth herein. Minnesota Statute 115.061 (2003), and subsequent updates, are made part of this chapter as if fully set forth herein.

(b) Three (3) copies of the adopted state standards and regulations marked "Official Copy" shall be filed in the Office of the City Clerk and Office of the Minneapolis Watershed Management Authority in the ~~Environmental Services Section of the Department of Regulatory Services~~ Minneapolis Health Department, and remain on file for use and examination by the public. The clerk shall furnish copies of these adopted state standards and regulations at cost to any person upon request.

Section 3. That Section 48.60 of the above-entitled ordinance be amended to read as follows:

48.60. Minneapolis Watershed Management Authority. The authority to administer and enforce the provisions of this chapter of the Minneapolis Code of Ordinances on behalf of the city is vested in the Minneapolis Watershed Management Authority located in the ~~Environmental Services Section of the Department of Regulatory Services~~ Minneapolis Health Department. The Minneapolis Watershed Management Authority is hereafter referred to as the "authority." The authority shall have full jurisdiction to regulate and control watershed pollution as now or hereafter provided in this Code. The authority shall be under the supervision of the ~~assistant city coordinator of regulatory services~~ commissioner of the Minneapolis Health Department or the commissioner's designee. The ~~assistant city coordinator of regulatory services~~ commissioner shall designate the technical, professional, and support staff that shall constitute the Minneapolis Watershed Management Authority.

Section 4. That Section 48.160 of the above-entitled ordinance be amended to read as follows:

48.160. Annual chemical inventory registration. (a) Any owner or operator of land, buildings, or structures where a daily inventory of chemicals is maintained exceeding minimum thresholds as identified in section 48.170 shall obtain an annual chemical inventory registration for their facility.

(b) The fees for an annual chemical inventory registration shall be as established in section 48.310 of this chapter.

(c) Each registration application shall include the following information:

(1) Identification of local site contact responsible for the annual chemical inventory registration at the facility site.

(2) Identification of a twenty-four-hour contact responsible for the annual chemical inventory registration at the facility site.

(3) Identification of all chemicals identified in 48.170

(4) Listing of storage quantities and capacity of storage of all chemicals identified in 48.170

(5) Site map identifying interior and exterior chemical storage areas, buildings, site access, local streets, floor drains, area drains, and area catch basins that drain to the city storm water drainage system and site topography identifying site drainage patterns.

(6) Such other information relating to chemical storage on the site and the identification of the persons involved as the ~~director of operations and regulatory services~~ commissioner or their designee may prescribe.

Section 5. That Section 48.310 of the above-entitled ordinance be amended to read as follows:

48.310. Permitting and annual fees. (a) For the equipment specified below applicant(s) shall pay the permitting fee as established in ~~the director's fee schedule pursuant to~~ section 91.70 upon application and an annual fee as established in Appendix J, License Fees Schedule.

Equipment / Condition	Permit / FilingFee (see director's fee schedule pursuant to section 91.70)	Annual Fee (see Appendix J)
Aboveground storage tank		
Install/remove (48.120)		
Abandonment (48.120)		
Storage of regulated substances (48.125)		
Underground storage tank		
Out of service (48.150)		
Install/remove (48.130 and 48.145)		
Abandon in place (48.130 and 48.145)		
Annual chemical inventory registration (48.160)		
Contaminated site (48.230)		
Open leak site		
CERCLIS/MERLA site		
On-site remediation, except wells (48.240)		
Wells (48.260)		
Construction, modification, reconstruction, sealing		

Temporary well		
Water supply well maintenance		
Monitoring and recovery well maintenance		
Oil/water separator (48.270)		
Sediment trap (48.270)		
Industrial waste generator (48.280)		
Contaminated soil storage (48.300)		

(b) The annual fee shall be due and payable on January 31st of each year. If registration is not received or postmarked on or before January 31st of each year, the applicant shall pay late fees provided for such registration. Each day of failure to maintain or obtain registration may constitute a separate violation of this Code.

(c) Failure to obtain the appropriate permit prior to beginning work will result in a double permit fee.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-103 amending Title 3, Chapter 50 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Minneapolis Waste Control and Waste Discharge Rules, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-103
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 3, Chapter 50 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Minneapolis Waste Control and Waste Discharge Rules.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 50.20 of the above-entitled ordinance be amended to read as follows:

50.20. Regulations on file. Three (3) copies of such waste discharge rules marked "official copy" shall be filed in the office of the city clerk and office of the ~~director of operations and regulatory services for the City of Minneapolis~~ commissioner of the Minneapolis Health Department, and remain on file in such offices for use and examination by the public. The clerk shall furnish copies of said waste discharge rules at cost to any person upon request.

Section 2. That Section 50.30 of the above-entitled ordinance be amended to read as follows:

50.30. Definitions. (1) *Industrial waste* shall mean any solid, liquid or gaseous wastes, excluding domestic waste, resulting from any industrial, manufacturing, commercial, institutional or business activity, or from the development, recovery, or processing of a natural resource. Any waste that is transported by a liquid waste hauler and disposed into public sewers is industrial waste. Any leachate or contaminated groundwater disposed into public sewers is industrial waste.

(2) *Domestic waste* shall mean any waste generated from sanitary facilities, including, but not limited to, sinks and toilets.

(3) All terms and definitions shall be as defined by the waste discharge rules, except wherever the word "council board" is used in the waste discharge rules, it shall be held to mean the City of Minneapolis. Wherever the words "regional administrator" are used in the waste discharge rules, it shall be held to mean the ~~assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent~~ commissioner of the Minneapolis Health Department or commissioner's designee.

Section 3. That Section 50.70 of the above-entitled ordinance be amended to read as follows:

50.70. Fees. (a) The fees for permitting a discharge as required by sections 50.40, 50.50, and 50.60 of this chapter shall be as established in ~~the director's fee schedule pursuant to~~ section 91.70. Upon application an annual fee shall be as established in Appendix J, License Fees Schedule.

(b) The annual fee shall be due and payable on January 31st of each year. If registration is not received or postmarked on or before January 31st of each year, the applicant shall pay late fees provided for such registration. Each day of failure to maintain or obtain registration may constitute a separate violation of this Code.

(c) Failure to obtain the appropriate permit prior to discharging will result in a doubling of permit fees.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-104 amending Title 3, Chapter 51 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Fumigating, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-104
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 3, Chapter 51 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Fumigating.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 51.30 of the above-entitled ordinance be amended to read as follows:

51.30. Eligibility for permit. Applicants whose qualifications for the use of all fumigants as defined above have been approved by the ~~commissioner of health~~ Minneapolis Health Department and who otherwise qualify under the provisions of this chapter may be granted a fumigation permit.

Section 2: That Section 51.60 of the above-entitled ordinance be amended to read as follows:

51.60. Operator qualifications. Fumigation permits shall be issued subject to the condition that such fumigation shall in each instance be performed by a person, hereinafter referred to as an "operator," whose qualifications have been approved by the ~~commissioner of health~~ Minneapolis Health Department, and no person who has not so qualified shall fumigate any building, vessel, or other enclosed space with fumigants, as hereinbefore defined. Operators shall be qualified in an accepted method of resuscitation and when performing fumigation work shall have in their possession antidotes appropriate to the type of fumigant being used.

Section 3. That Section 51.70 of the above-entitled ordinance be amended to read as follows:

51.70. Notice to be given. The operator shall, at least twenty-four (24) hours prior to the commencement of fumigation, notify the fire department and the ~~commissioner of health~~ Minneapolis Health Department of the location of the building, vessel or enclosed space to be fumigated and the date and hour when fumigation is to commence. Such notification shall be given in writing and no such fumigation shall be performed unless such notices have been duly given.

Section 4. That Section 51.130 of the above-entitled ordinance be amended to read as follows:

51.130. Exceptions. (a) This article shall not apply to special rooms, vaults or tanks used for fumigation.

(1) All rooms, vaults or tanks used for fumigating articles must be approved by the ~~health commissioner~~ Minneapolis Health Department as to construction, location and ventilation. They must be kept in proper operating condition at all times.

(2) Any person, firm, corporation or institution operating such a room, tank or vault and not a holder of a fumigator permit must apply for and obtain a permit for such operation only. The fee for this permit shall be ninety-five dollars ($95.00) for one calendar year beginning January first of each year and shall be renewable before December thirty-first of each year.

(b) This article shall not apply to the use of fumigants in greenhouses, mushroom houses or grain bins or elevators or to horticultural or farm fumigations, or exterminations and the control of insects and burrowing animals outside of buildings.

(c) This article shall not apply to the use of liquid fumigants of the general type recommended for use for so-called "spot fumigation" of processing machinery or other equipment, or of finished products by flour mills, feed mills, and similar food processors provided that such liquid fumigants are applied by experienced personnel.

(d) The provisions of this article shall not apply to boxcar fumigations provided that such "spot" boxcar fumigations are performed by experienced personnel and such cars after fumigation are placarded on each door, or near thereto, with a sign reading as follows:

(10 inches)

DANGER
This car has been
FUMIGATED
Date _____
Time _____
Place _____
With

(8 inches)

_____
(Name of Gas)

Before unloading open both doors to air it and do not enter for at least forty-five (45) minutes thereafter, and until said car is safe for human occupancy**.**

Section 5. That Section 51.170 of the above-entitled ordinance be amended to read as follows:

51.170. License required; approval of application. (a) No person shall engage, use or cause to be used any hydrocyanic acid, cyanogen, or cyanide gas, or any gas or vapor which may be dangerous to life or which is of an explosive nature, hereinafter referred to and defined as "gas" for the purpose of fumigating or disinfecting any building, vessel, or other enclosed space without first paying the license fee hereby established and obtaining a license so to do from the city council.

(b) Each application for a license shall, before it is filed with the city clerk, be presented to the ~~commissioner of health~~ Minneapolis Health Department for approval or disapproval, which shall be written thereon.

Section 6. That Section 51.230 of the above-entitled ordinance be amended to read as follows:

51.230. Operator qualifications. The permit shall be issued subject to the condition that such fumigation shall in each instance be performed by the person whose qualifications have been approved by the ~~commissioner of health~~ Minneapolis Health Department, hereinafter

referred to as "operator," and no person who has not so qualified shall fumigate any building, vessel, or other enclosed space with gas, as hereinbefore defined.

Section 7. That Section 51.240 of the above-entitled ordinance be amended to read as follows:

51.240. Notice of fumigation. The application required by section 51.220 shall be filed with the chief of police. The applicant shall, at least twenty-four (24) hours prior to the commencement of fumigation, notify the fire department and the ~~commissioner of health~~ Minneapolis Health Department of the location of the building, vessel, or enclosed space to be fumigated and the date and hour when fumigation is to commence. Such notification shall be given in writing and no such fumigation shall be performed unless said notices have been duly given.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-105 amending Title 3, Chapter 52 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Erosion and Sediment Control and Drainage, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-105
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 3, Chapter 52 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Erosion and Sediment Control and Drainage.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 52.10 of the above-entitled ordinance be amended to read as follows:

52.10. Purpose. The purpose of Chapter 52 is to control or eliminate soil erosion, sedimentation and reduce the problems associated with drainage within the City of Minneapolis. It establishes standards and specifications for conservation practices and planning activities which minimize drainage problems, soil erosion and prevent sediment from entering curb and gutter systems and storm sewer inlets where ~~if~~ it is transported to lakes, creeks and the Mississippi River.

Section 2. That Section 52.30 of the above-entitled ordinance be amended to read as follows:

52.30. Definitions. For the purposes of Chapter 52, the following terms, phrases, words, and their derivatives shall have the meaning stated below:

Applicant is any person who submits an application to the city for a permit pursuant to Chapter 52.

Architect is a person duly registered or authorized to practice architecture in the State of Minnesota.

ASTM is the American Society for Testing Materials.

Bedrock is ~~inplace~~ in place solid rock.

Bench is a relatively level step excavated into earth material on which fill is to be placed.

Best management practices (BMP) is a technique or series of techniques which are proven to be effective in controlling runoff, erosion, and sedimentation.

Borrow is earth material acquired from an off-site location for use in grading on a site.

City engineer is the City Engineer/Director of Public Works of the City of Minneapolis and his/her duly authorized designees.

Civil engineer is a professional engineer registered in the State of Minnesota to practice in the field of civil works.

Civil engineering is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.

Clearing and *grubbing* is the cutting and removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains in the designated areas.

Commissioner is the commissioner of the Minneapolis Health Department or the commissioner's designee

Demolition is any act or process of wrecking or destroying a building or structure as defined in the City of Minneapolis Building Code, Chapter 117, Wrecking.

Detention facility is a temporary or permanent natural or manmade structure that provides for the temporary storage of stormwater runoff.

Developer is any person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.

~~*Director of inspections* is the Director of Inspections of the City of Minneapolis and his/her duly authorized designees.~~

Erosion is the wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities.

Erosion and sediment control plan (plan) is a plan which includes a set of best management practices or equivalent measures designed to control surface runoff and erosion

and to retain sediment on a particular site during the period in which pre-construction and construction related land disturbances, fills, and soil storage occur, and before final improvements are completed, all in accordance with the specific requirements set forth in section 52.100 of Chapter 52.

Erosion control inspector is a Minneapolis employee who has in his/her possession a provisional certification for erosion and sediment control plan design sponsored or endorsed by the Minnesota Pollution Control Agency (MPCA) and the Minnesota Board of Water and Soil Resources (BWSR), or who has completed a training program approved by the city engineer.

Excavation is the mechanical removal of earth material.

Fill is a deposit of soil or other earth materials placed by artificial means.

Final erosion and sediment control plan (final plan) is a plan which includes permanent measures and best management practices to control surface runoff and control sediment if not included in the erosion and sediment control plan (plan).

Floodplain is the one hundred (100) year floodplain which is that area adjoining a watercourse which could be inundated by a flood that has a one (1) percent chance of being equaled or exceeded in any given year and is delineated on the Federal Emergency Management Agency Floodway Maps for Minneapolis.

General stormwater permit is the Minnesota Pollution Control Agency's (MPCA) General National Pollutant Discharge Elimination System (NPDES) construction stormwater permit covering anyone conducting a land disturbing activity which disturbs five (5) or more acres of total land area.

Grade is the vertical location of the ground surface.

(1) Existing grade is the grade prior to grading.

(2) Rough grade is the stage at which the grade approximately conforms to the approved plan.

(3) Finish grade is the final grade of the site which conforms to the approved plan.

Hennepin Conservation District (HCD) is the Hennepin Conservation District organized and operating under Minnesota Statutes, Chapter 40.

Issuing authority is the City Engineer/Director of Public Works and the Director of Inspections of the City of Minneapolis and their duly authorized designees.

Land disturbance activity is any land change that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters, lands, or rights-of-way within the City of Minneapolis, including but not limited to building demolition, clearing and grubbing, grading, excavating, transporting and filling of land. Land disturbance activity does not include the following:

(1) Minor land disturbance activities including, but not limited to, underground utility repairs, home gardens, minor repairs, and maintenance work which do not disturb more than five hundred (500) square feet of land.

(2) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.

(3) Emergency work to protect life, limb, or property and emergency repairs. If the land disturbing activity would have required an approved erosion and sediment control plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of Chapter 52.

Landscape architect is a person duly registered or authorized to practice landscape architecture in the State of Minnesota.

Maintenance project is a non-construction related activity.

Manual of Standards is a compilation of technical standards and design specifications adopted by the City of Minneapolis Department of Public Works as being proven methods of controlling construction related surface runoff, erosion and sedimentation. This includes the Erosion and Sediment Control Manual as developed by the Hennepin Conservation District of Hennepin County, 1989, and subsequent amendments thereto, and "Protecting Water Quality in Urban Areas" prepared by the Minnesota Pollution Control Agency (MPCA), 1989, and subsequent updates.

MnDOT is the Minnesota Department of Transportation.

Outfall is the point of discharge to any watercourse from a public or private stormwater drainage system.

Owner is any person with a legal or equitable interest in the land for which an erosion control permit has been issued.

Permittee is the applicant in whose name a valid permit is duly issued pursuant to Chapter 52 and his/her agents, employees, and others acting under his/her direction.

Retention facility is a temporary or permanent natural or manmade structure that provides for the storage of stormwater runoff by means of a permanent pool of water.

Runoff is rainfall, snowmelt, or irrigation water flowing over the ground surface.

Sediment is soils or other surficial materials transported by surface water as a product of erosion.

Sedimentation is the process or action of depositing sediment that is determined to have been caused by erosion.

Select topsoil borrow is the material furnished under MnDOT specification 3877.2 designated as "B" as defined by the Soil Science Society of America.

Site is the entire area of land on which the land disturbance activity is proposed in the permit application.

Site plan is a plan or set of plans showing the details of any land disturbance activity of a site including but not limited to the construction of: structures, open and enclosed drainage facilities, stormwater management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.

Slope is the incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

Soil is naturally occurring surficial deposits overlying bedrock.

Soils engineer (geotechnical engineer) is an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering.

Soils engineering (geotechnical engineering) is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and/or testing of the construction thereof.

Stripping is any activity which removes or significantly disturbs the vegetative surface cover including clearing, grubbing of stumps and root mat, and topsoil removal.

Structure is anything manufactured, constructed or erected which is normally attached to or positioned on land, including buildings, portable structures, earthen structures, roads, parking lots, and paved storage areas.

Surveyor is a person duly registered or authorized to practice land surveying in the State of Minnesota.

Topsoil is the upper layer of soil.

Topsoil borrow is the material furnished under MnDOT specification 3877.2 designated as "A" as defined by the Soil Science Society of America.

Utility is the owner/operator of any underground facility including an underground line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute communications, data, electricity, power, heat, gas, oil, petroleum products, water (including stormwater), steam, sewage, and other similar substances.

Watercourse is any natural or improved stream, river, creek, ditch, channel, canal, conduit, gutter, culvert, drain, gully, swale, or wash in which waters flow either continuously or intermittently.

Watershed is a region draining to a specific river, river system, or body of water.

Watershed District/Watershed Management Organization (WMO) is an organization which oversees the activities in a particular watershed as defined by Minnesota Statutes, Sections 103B and 103D.

Wetlands is a lowland area, such as a marsh, that is saturated with moisture, as defined in Sec. 404, Federal Water Pollution Control Act Amendments of 1987, or the Minnesota Wetland Conservation Act of 1991.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-106 amending Title 3, Chapter 54 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Storm Water Management, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-106
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 3, Chapter 54 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Storm Water Management.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 54.40 of the above-entitled ordinance be amended to read as follows:

54.40. Definitions. For the purposes of Chapter 54, the following terms, phrases, words, and their derivatives shall have the meaning stated below:

Applicant is any person who submits a Storm Water Management Plan pursuant to this ordinance and the person's agents, employees, and others acting under this person's direction.

~~*Assistant city coordinator of regulatory services* is the Assistant City Coordinator of Regulatory Services of the City of Minneapolis and the assistant city coordinator's duly authorized designees.~~

Best Management Practices (BMP)—See Storm Water Management Best Management Practices.

City engineer is the City Engineer/Director of Public Works of the City of Minneapolis and duly authorized designees.

Clearing and grubbing is the cutting and removal of trees, shrub, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains.

Commissioner is the commissioner of the Minneapolis Health Department or the commissioner's designee

Connected actions—See phased or connected actions.

Constructed facilities—See storm water management constructed facilities.

Detention facility is a natural or built structure that provides for the temporary storage of storm water runoff and release at controlled rates.

Design Manual—See Minneapolis Storm Water Management Design Manual, Section 54.30.

Impervious surface is one that does not allow rainfall to soak into the ground, including but not limited to the rooftops and paved areas such as roads, parking lots, driveways, sidewalks and plazas.

Issuing authority for Storm Water Management Plan approval and certification is the city engineer and for registration and maintenance is the ~~director of regulatory services~~ commissioner.

Land disturbing activity is any land change, including phased or connected actions, within the City of Minneapolis including, but not limited to, building demolition, clearing and grubbing, grading, excavating, transporting and filling of land, or other changes of the land surface including removing vegetative or impervious cover.

Minneapolis Storm Water Management Design Manual—See Section 54.30.

Mitigation is avoiding, minimizing, rectifying, or compensating for impacts.

Non-structural best management practices—See Best Management Practices.

Owner is any person with a legal or equitable interest in the land that includes one (1) or more storm water management constructed facilities.

Person is any individual, firm, corporation, partnership, franchisee, association or governmental entity.

Phased or connected actions are as defined by Minnesota Environmental Review Rules, as follows:

(1) *Phased action* means two (2) or more projects to be undertaken by the same proposer that the city engineer determines:

a. will have environmental effects on the same geographic area, and

b. are substantially certain to be undertaken sequentially over a limited period of time.

(2) *Connected actions:* Two (2) projects are "connected actions" if the city engineer determines they are related in any of the following ways:

a. one (1) project would directly induce the other;

b. one (1) project is a prerequisite for the other; or

c. neither project is justified by itself.

Pollution is the human-made or human-induced alteration of the chemical, physical, biological or radiological integrity of an aquatic ecosystem.

Project is an undertaking that involves land disturbing activities, including phased or connected actions.

Public waters are waters identified under Minnesota Statutes, Section 103G.005, Subdivision 15.

Receiving water body is the initial lake, stream, river, or wetland into which site runoff is conveyed whether directly or through the public storm drain system.

Regional storm water facility is a natural or built structure or device within the project's receiving water body drainage area, when so designated by the city engineer.

Responsible party is the property owner and agents, employees, and others acting under the property owner's direction.

Retention facility is a natural or built structure that provides for the storage of storm water runoff by means of a permanent pool of water.

Runoff is rainfall, snowmelt, or irrigation water flowing over the ground surface.

Sediment is soils or other surficial materials transported by surface water as a product of erosion.

Site is the land on which the project, including phased or connected actions, is located.

Site plan is a plan or set of plans showing the details of any land disturbing activity including, but not limited to, the construction of structures, open and enclosed drainage facilities, storm water management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.

Soil is naturally occurring surficial deposits overlying bedrock.

Storm Water Best Management Practices (BMPs) are practices, techniques, or measures which are proven to be effective in managing one (1), or more than one (1), of the following: storm water runoff rate, storm water runoff volume, pollutants conveyed by storm water runoff, sediment conveyed by storm water runoff. Best management practices include, but are not limited to, official controls, structural and nonstructural best management practices, and operation and maintenance procedures. A partial list of structural best management practices and devices includes pond systems/detention basins, infiltration, bioretention and vegetated channels, grit chambers, oil/water separators, filtration systems, and diversions. A partial list of non-structural best management practices includes lawn care education, organic litter management, street sweeping, catch basin stenciling, and catch basin cleaning. BMPs are further defined in the design manual.

Storm water hotspot is a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical storm water runoff.

Storm water management is the collection, conveyance, storage, treatment and disposal of storm water runoff in a manner to minimize channel erosion, flood damage, or degradation of water quality and in a manner to protect and enhance the environment, public health, safety, and general welfare.

Storm water management devices include, but are not limited to, constructed wetlands, wet ponds, wet extended detention ponds, pocket ponds, multiple pond systems, settling basins, infiltration trenches or basins, filter systems bioretention areas, dry or wet swales, grass channels, waterways, rooftop detention, skimming devices, grit chambers, sweeping, and diversions.

Storm water management goals are based on the receiving water body and emphasize overall volume reduction, nutrient reduction for storm water discharge to lakes, rate control for storm water discharge to streams, and suspended solids removal for storm water discharge to the Mississippi River.

Storm Water Management Plan (Plan) is the set of drawings, calculations, and other documents that comprise all of the information and specifications for the drainage systems, structures, concepts and techniques that will be used to control storm water as required by this ordinance and the design manual.

Storm water pond is a facility capable of holding water on a long-term seasonal or permanent basis (retention), or a short-term basis (detention), the purpose of which is to collect runoff, nutrients, and sediment prior to releasing water into wetlands, lakes, streams, and rivers.

Storm water runoff is the direct response of a watershed to precipitation or snowmelt and includes runoff that enters a ditch, stream, storm drain or other concentrated flow.

Structural best management practices—See Storm Water Best Management Practices.

Structure is anything manufactured, constructed or erected that is normally attached to or positioned on the land, including portable structures, roads, parking lots, and paved storage areas.

Water quality refers to those characteristics of storm water runoff that relate to the physical, chemical, biological, or radiological integrity of water.

Water quantity refers to those characteristics of storm water runoff that relate to rate and volume.

Watershed is the drainage area contributing storm water runoff to a specific receiving body of water or watercourse such as a lake, creek, or river.

Wetlands are waters identified under Minnesota Statutes, Section 103G.005, Subdivision 19.

Section 2. That Section 54.90 of the above-entitled ordinance be amended to read as follows:

54.90. Responsibility following construction/completion. (a) *Duration.* An approved storm water management plan shall remain in effect unless cancellation is approved by the city engineer. All site areas used for the purpose of flood storage or treatment of storm water runoff shall be preserved and maintained for that use, including areas required for maintenance and inspection.

(b) *Changes to plans.* A responsible party can request modifications to an approved storm water management plan, and the issuing authority can order modifications to an approved storm water management plan. Any modification to an approved storm water management plan must be approved by the city engineer.

(c) *Annual notification.* The ~~assistant city coordinator of regulatory services~~ commissioner shall annually notify responsible parties of storm water management devices of the need to register, that the devices are subject to annual inspection, and to conduct maintenance on a one (1) year interval or in accordance with maintenance plans on file.

(d) *Annual site registration.* Any person(s), organization, company, group, or any other entity, public or private, in control of storm water management devices installed under this ordinance or existing prior to this ordinance shall register that site annually with the ~~assistant city coordinator of regulatory services~~ commissioner, remit an annual registration fee at the rate as established in Appendix J, License Fees Schedule per storm water management device. Submission and payment confirm that the site's storm water management devices have been inspected, maintained and are functioning satisfactorily. The annual fee shall be due and payable on January 31st of each year. If registration is not received or postmarked on or before January 31st of each year, the applicant shall pay late fees provided for such registration. Failure to obtain the appropriate permit prior to discharging will result in a doubling of fees. Each day of failure to maintain or obtain registration may constitute a separate violation of this Code.

(e) *Annual inspection of storm water facilities.* All storm water management devices are subject to annual inspection by the ~~assistant city coordinator of regulatory services~~ commissioner. If the city engineer or ~~assistant city coordinator of regulatory services~~ commissioner deems that devices are not functioning satisfactorily, a notice of noncompliance may be issued and procedures followed as described in Section 54.90(f)(2).

(f) *Maintenance of storm water constructed facilities.*

(1) *Regular maintenance.* Regular maintenance of storm water management constructed facilities in accordance with the approved plan shall be required unless the plan is modified and approved by the city engineer ([section] 54.90(2)). All facilities shall be maintained in proper condition for sustained use, consistent with the performance standards for which they were originally designed.

a. All settled materials from ponds, sumps, grit chambers, and other devices, including settled solids, shall be removed and properly disposed of.

b. All planted materials integral to storm water facility performance, safety, and/or aesthetic quality shall be maintained in proper condition consistent with design performance standards, including replacement when necessary.

(2) *Action upon non-compliance.* In the event maintenance does not conform to the approved plan or to any instructions of the issuing authority, notice to comply shall be given to the responsible party in writing. After a notice to comply is given, in the determination of the issuing authority, the responsible party shall be required to make the corrections within the time period determined by the issuing authority. If an imminent hazard exists, the issuing authority may require that the corrective work begin immediately. Failure of the responsible party to comply with the directives of section 54.90(f)(1) will constitute a violation pursuant to section 54.90(f)(2), and the issuing authority may proceed with the necessary maintenance of the site at the expense of the responsible party. The responsible party will be billed for the expenses incurred by the issuing authority. Failure to pay will result in the issuing authority seeking recovery of costs and damages pursuant to the conditions set forth in section 54.120.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-107 amending Title 3, Chapter 55 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Lawn Fertilizer, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-107
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 3, Chapter 55 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Lawn Fertilizer.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 55.30 of the above-entitled ordinance be amended to read as follows:

55.30. Authority to administer. The authority to administer and enforce the provisions of this chapter of the Minneapolis Code of Ordinances on behalf of the city is vested in the Minneapolis Watershed Management Authority located in the ~~environmental management section of the department of operations and regulatory services~~ Minneapolis Health Department. The Minneapolis Watershed Management Authority, hereafter referred to as the "authority," shall have full authority to administer this chapter in addition to all authority given to it pursuant to section 48.70 and other sections of this Code.

Section 2. That Section 55.70 of the above-entitled ordinance be amended to read as follows:

55.70. Sale of fertilizer containing phosphorus. Effective January 1, 2002, no person, firm, corporation, franchise, or commercial establishment shall sell at retail any lawn

fertilizer, liquid or granular, within the City of Minneapolis that contains any amount of phosphorus or other compound containing phosphorus, such as phosphates, except:

(1) Effective January 1, 2002, such fertilizer may be sold for use as provided in section 55.50. Displays of lawn fertilizers containing phosphorus shall not be permitted on the sales floor or exterior of the store.

(2) Effective January 1, 2002, it is recommended that retailers post a notice that the use of lawn fertilizers in the City of Minneapolis is restricted in accordance with this chapter.

(3) Effective January 1, 2002, for each sale of lawn fertilizer, the seller shall, at the time of the sale, make available to the buyer with a copy of this chapter of the Minneapolis Code of Ordinances, or a summary prepared by ~~Minneapolis regulatory services~~ the Minneapolis Health Department.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-108 amending Title 3, Chapter 56 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Prohibited Discharges to Sanitary or Combined Sewer, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-108
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 3, Chapter 56 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Prohibited Discharges to Sanitary or Combined Sewer.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 56.10 of the above-entitled ordinance be amended to read as follows:

56.10. Purpose. The City of Minneapolis has been pursuing an aggressive campaign of separating its sanitary sewer system from its stormwater drainage system to reduce the number of combined sewer overflows (CSO). However, some rainleaders and other components, which handle stormwater, are still connected to the sanitary sewer system. During rain events, infiltration and inflow from buildings and parking lots with rainleaders and area drains connected to the sanitary sewer system, cause its capacity to be exceeded resulting in overflows to adjacent storm drains. This overflow ends up discharging sewage and stormwater into the Mississippi River. Rooftop drains (rainleaders) that are connected to the sanitary sewer system are one (1) of the major causes of combined sewer overflows. Residential and commercial buildings, usually built before 1961, sometimes have pipes that lead underground directly into

the sanitary sewer system, rather than through gutters to lawns or the stormwater drainage system. To protect the environment and prevent these overflows as well as preventing the possibility of sewage backing up into homes and businesses, rainleaders and other connections which deliver stormwater into the sanitary system rather than the stormwater drainage system or to pervious surfaces need to be disconnected. State and federal environmental mandates require us to work to eliminate combined sewer overflows. The city and ~~metropolitan council~~ Metropolitan Council have conducted studies that determined the main contributor to these overflows is rainleader connections. The purpose of this chapter is to define regulations that will aid the city in limiting inflow of rainwater to the sanitary sewer system. The ordinance will help to minimize the overflow problem resulting from the lack of capacity of the sanitary system to handle large amounts of rainwater. Rainwater runoff will be more appropriately handled through natural filtration and/or the stormwater drainage system. The net result will be a cleaner Mississippi River and a more efficient waste treatment system.

Section 2. That Section 56.60 of the above-entitled ordinance be amended to read as follows:

56.60. Authority to administer. The authority to administer and enforce the provisions of this chapter of the Minneapolis Code of Ordinances on behalf of the city is vested in the Minneapolis Watershed Management Authority located in the ~~Environmental Management section of the Department of Operations and Regulatory Services~~ Minneapolis Health Department. The Minneapolis Watershed Management Authority, hereafter referred to as the "authority," shall have full authority to administer this chapter in addition to all authority given to it pursuant to section 48.70 and other sections of this Code.

Section 3. That Section 56.110 of the above-entitled ordinance be amended to read as follows:

56.110. Permit fee. The fee for obtaining a disconnection permit shall be established in ~~the director's fee schedule pursuant to~~ section 91.70.

Section 4. That Section 56.180 of the above-entitled ordinance be amended to read as follows:

56.180. Rainleader disconnection appeals panel. A rainleader disconnection appeals panel is hereby established to hear appeals related only to rainleader disconnection time extension decisions. The panel shall consist of the following ~~three (3)~~ two (2) members:

(1) ~~Director of operations, licenses and environmental services~~ Commissioner of the Minneapolis Health Department or designee;

(2) City engineer or designee;

~~(3) Director of inspections or designee.~~

The ~~director of operations, licenses and environmental services~~ commissioner of the Minneapolis Health Department or their designee shall provide a secretary to the panel who will serve in a nonvoting capacity. The panel shall adopt its own rules for procedures which are not in conflict with applicable ordinances.

Section 5. That Section 56.200 of the above-entitled ordinance be amended to read as follows:

56.200. Right to appeal; procedure. (a) If a time extension to disconnection is not approved, or is approved upon conditions that the applicant finds objectionable, the applicant may, either personally or through his/her authorized agent, make an appeal to the panel. Such appeal shall be filed on a form provided by the rainleader disconnect program within fourteen (14) days from the date of the adverse determination. The appellant shall file any and all documents and/or affidavits that support the appeal. The payment of a fee in the amount of one hundred dollars ($100.00) must accompany the submission of the appeal to cover administrative and handling costs.

(b) The appeals panel shall render its decision based upon the evidence submitted, unless the panel believes that a hearing is necessary in order to reach its decision. If a hearing is determined to be necessary, the d~~irector of operations, licenses and environmental services~~ Minneapolis Health Department or designee shall schedule a hearing. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the appellant by mail, addressed to the appellant at his/her address shown on the appeal.

Section 6. That Section 56.210 of the above-entitled ordinance be amended to read as follows:

56.210. Hearings and decisions of the panel. (a) All hearings before the panel shall be public. A record of the entire proceedings shall be made by tape recording. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefore. Such fees may be established by the panel, but shall in no event, be greater than the cost involved. The panel may grant continuances for good cause shown.

(b) The panel shall make specific findings of fact and/or conclusions in connection with any decision upon any appeal. For those appeals without a hearing, a decision shall be made within sixty (60) days of the date of appeal. For those appeals with a hearing, a decision on any appeal shall be made at the hearing in which the appeal is heard, unless the appeal is continued to a subsequent meeting. Any decision by the panel shall be made by a majority of the quorum. All decisions by the panel shall be a final decision and shall become final when signed by the ~~director of operations, licenses and environmental services~~ commissioner of the Minneapolis Health Department or their designee chair, and shall become effective and enforceable at such time or at such alternative time as is specified therein.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-109 amending Title 3, Chapter 57 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Mercury Reduction, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-109
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 3, Chapter 57 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Mercury Reduction.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 57.30 of the above-entitled ordinance be amended to read as follows:

57.30. Retail notice requirements. Any person within the city that offers for sale at retail any fluorescent bulbs or other bulbs or lamps containing mercury shall post readily visible signage stating that the bulbs or lamps contain mercury, that they may not be placed in the waste stream and which references available lamp and bulb recycling programs offered by Hennepin County or other public or private entities. Such signage shall be developed, approved and annually updated by the ~~deputy director of environmental management and safety~~ Minneapolis Health Department and shall be required to be posted on or before July 1, 2007 by any qualifying retail establishment.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-110 amending Title 3, Chapter 59 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Construction Activities, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-110
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 3, Chapter 59 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Construction Activities.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 59.30 of the above-entitled ordinance be amended to read as follows:

59.30 After hours work permit required. (a) Operation of construction equipment without a permit is allowed only on Monday through Friday from 7:00 a.m. to 6:00 p.m., not

including federal holidays. Operation of construction equipment outside of these hours and days without a permit from the ~~assistant city coordinator for regulatory services or their designee~~ Minneapolis Health Department is prohibited.

(b) The fees for an after hours work permit issued pursuant to paragraph 59.30(a) shall be established in the director's fee schedule pursuant to section 91.70. The fee for an after hours work permit for a department of public works project, other government agency project or projects of their agents shall be as established in ~~the director's fee schedule pursuant to~~ section 91.70. Permits shall be obtained in advance of the proposed activity.

(c) Parties applying for an after hours work permit must provide a general notice of their activity to all occupants where the construction activity will occur and to the building owners and their tenants of all adjacent properties. The notice must include contact information for the party performing the construction activity, brief description of the proposed work, intended dates and times and identify that complaints regarding the construction activity will be received by Minneapolis Information and Services by dialing 311 in Minneapolis or 612-673-3000 from cell phones and phones outside of Minneapolis.

(d) Applications for an after hours work permit shall be in such form as prescribed by the ~~department of regulatory services~~ Minneapolis Health Department. A copy of the written notice required by 59.30(c) must be submitted with the permit application.

(e) Exemption from permit requirements:

(1) A property owner or tenants of a residentially used property may conduct construction activities on their residentially used property on Saturdays, Sundays and federal holidays from 9:00 a.m. to 6:00 p.m.;

(2) A party using construction equipment in an enclosed and insulated building that does not share a common wall with another building or occupant; or

(3) A project for which the city engineer has determined that the expeditious construction, repair or rehabilitation of any highway, road or bridge or other public infrastructure necessitates the operation of pile drivers, jackhammers, engines, power units or any other construction equipment and has so certified in writing.

Section 2. That Section 59.40 of the above-entitled ordinance be amended to read as follows:

59.40. Temporary crushing permit required. (a) No person may begin operation of temporary crushing activities except under specific permit from the ~~assistant city coordinator for regulatory services or their designee~~ Minneapolis Health Department.

(b) The fees for a temporary crushing permit issued pursuant to paragraph 59.40(a) shall be established in ~~the director's fee schedule pursuant to~~ section 91.70. Permits shall be obtained in advance of the proposed activity.

(c) Parties applying for a temporary crushing permit must provide a general notice of their activity to all occupants where the construction activity will occur and to the building owner and their tenants of all adjacent properties. The notice must include contact information for the party performing the construction activity, a brief description of the proposed work, the intended

dates and times and must identify that complaints regarding the construction activity will be received by Minneapolis Information and Services by dialing 311 in Minneapolis or 612-673-3000 from cell phones and phones outside of Minneapolis.

(d) A permit shall not be issued for the operation of temporary crushing equipment unless the following requirements as applicable are met:

(1) The performance standards in chapters 46, 47, 48, 50, 117 and 389 of the Minneapolis Code of Ordinances; and state rules and statutes as determined applicable by the ~~assistant city coordinator for regulatory services or their designee~~ Minneapolis Health Department when issuing the wrecking permit required by section 117.10 of this Code;

(2) Materials crushed, ground, pulverized or milled must originate on the site where the temporary crushing activity is occurring unless the ~~assistant city coordinator for regulatory services or their designee~~ Minneapolis Health Department determines that it is to the public benefit to transport to an offsite location;

(3) Temporary crushing activities shall not exceed one hundred twenty (120) consecutive calendar days from the date of issuance of a required permit; and

(4) A temporary sign, three (3) feet by four (4) feet, indicating the name, address and telephone number(s) of the person(s) or agent(s) of the company conducting the temporary crushing activities shall be placed within ten (10) feet of all public rights-of-way adjacent to the project site. The company conducting the temporary crushing activities shall ensure that an agent responsible for the activities being conducted is available on site or by phone on a twenty-four (24) hour basis.

(e) Applications for temporary crushing permit shall be in such form as prescribed by the ~~department of regulatory services~~ Minneapolis Health Department. A copy of the written notice required by 59.40(c) must be submitted with the permit application.

Section 3. That Section 59.50 of the above-entitled ordinance be amended to read as follows:

59.50. Abrasive blasting permit required. (a) No person shall abrasively blast the interior or exterior of any building, structure, or other architectural surface except under specific permit from the ~~assistant city coordinator for regulatory services or their designee~~ Minneapolis Health Department.

(b) The fees for an abrasive blasting permit issued pursuant to paragraph 59.50(a) shall be as established in ~~the director's fee schedule pursuant to~~ section 91.70. Permits shall be obtained in advance of the proposed activity.

(c) Parties applying for an abrasive blasting permit must provide forty-eight (48) hours in advance a general notice of their construction activity to all occupants of the building, structure or architectural surface where the construction activity will occur and to all building owners and their tenants within a seventy-five (75) foot radius of the building, structure or architectural surface to be abrasively blasted. The notice must include contact information for the party performing the construction activity, brief description of the proposed work, intended dates and times and identify that complaints regarding the construction activity will be received by

Minneapolis Information and Services by dialing 311 in Minneapolis or 612-673-3000 from cell phones and outside Minneapolis.

(d) All painted surfaces to be abrasively blasted must be tested for lead content following EPA, HUD or ASTM protocols.

(e) All abrasive blasting activity shall meet the following performance standards:

(1) Standards established in Chapters 46, 47, 48, 50, and 389 of this Code;

(2) Standards established in Minnesota Rule Part 7025 if laboratory analysis indicates the presence of lead based paint;

(3) Dust generated by the activity must be contained on site; and

(f) Applications for an abrasive blasting permit shall be in such form as prescribed by the ~~department of regulatory services~~ Minneapolis Health Department. A copy of the written notice required by 59.50(c) and analytical results required by 59.50(d) must be submitted with the permit application. If analytical results as required by 59.50(d) are not submitted with the application, the permit will not be issued until the city has tested the painted surface.

(g) In the event the applicant cannot perform the abrasive blasting on the scheduled date(s) contained in the application the applicant shall provide notification to ~~environmental services~~ the Minneapolis Health Department, the owners of the property, and as required in 59.50(c)(3) twenty-four (24) hours prior to the commencement of the rescheduled abrasive blasting operation.

Section 4. That Section 59.70 of the above-entitled ordinance be amended to read as follows:

59.70. On site suspension and or modification of a permitted construction activity. A permit issued under authority of 59.30, 59.40 or 59.50 may be modified or suspended by the Minneapolis Police or the ~~assistant city coordinator for regulatory services or their designee~~ Minneapolis Health Department if:

(1) The construction activity is causing unreasonable noise, dust or odor interfering with the property use(s);

(2) The construction activity ~~cause~~ causes unreasonable noise, dust or odor interfering with adjacent property use(s);

(3) The construction activity is a violation city ordinance; or

(4) The construction activity is in violation of conditions of the permit.

Section 5. That Section 59.80 of the above-entitled ordinance be amended to read as follows:

59.80. On site suspension of unpermitted construction activity. Construction activity that would require a permit under authority of 59.30, 59.40 or 59.50 may be ordered to be suspended by the Minneapolis Police or by the ~~assistant city coordinator for regulatory~~

~~services or their designee~~ Minneapolis Health Department if a valid permit for the construction activity is not present on site for review.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-111 amending Title 4, Chapter 62 of the Minneapolis Code of Ordinances relating to Animals and Fowl: In General, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-111
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 4, Chapter 62 of the Minneapolis Code of Ordinances relating to Animals and Fowl: In General.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 62.20 of the above-entitled ordinance be amended to read as follows:

62.20. Animal ~~control officer; animal~~ wardens. ~~Minneapolis Animal Care and Control may appoint or designate an inspector to be detailed as animal control officer to enforce the provisions of this chapter and to perform such duties in connection with the enforcement thereof as the Manager of Minneapolis Animal Care and Control or the Code of Ordinances may direct.~~ Minneapolis Animal Care and Control may employ, at such times as deemed necessary, persons to be designated as animal wardens and equipment for the purpose of capturing and conveying to an animal shelter all animals in violation of this Code. Such animal wardens shall be under the supervision of ~~the animal control officer and the Manager of~~ Minneapolis Animal Care and Control. Such animal wardens are authorized to issue violation tags and to carry and display appropriate badges or identification.

Section 2. That Section 62.30 of the above-entitled ordinance be amended to read as follows:

62.30. Interfering with animal wardens. No person shall in any manner molest, hinder or interfere with ~~the Manager of~~ Minneapolis Animal Care and Control, ~~his or her~~ its agents, any police officer, or any animal warden employed directly or by contract with the city to capture animals and convey them to the animal shelter while such person is engaged in such occupation.

Section 3. That Section 62.35 of the above-entitled ordinance be amended to read as follows:

62.35. Providing false information. No person shall provide false information to ~~the Manager of~~ Minneapolis Animal Care and Control, nor to any of ~~his or her~~ its agents, concerning

any license or permit, any application for a license or permit, or any actual or alleged criminal, civil or administrative offense.

Section 4. That Section 62.50 of the above-entitled ordinance be amended to read as follows:

62.50. Disposal of unclaimed animals. At the expiration of five (5) days from the time any animal is impounded, if the same has not been reclaimed in accordance with the provisions of the preceding sections, ~~the animal control officer~~ Minneapolis Animal Care and Control shall cause such animal to be disposed of in accordance with the provisions of federal law and state statutes governing the operation of pounds or kennel facilities.

Section 5. That Section 62.60 of the above-entitled ordinance be amended to read as follows:

62.60. Records. ~~The animal control officer~~ Minneapolis Animal Care and Control shall keep an accurate account of all animals received at the pound, and of all animals disposed of or released therefrom.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-112 amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-112
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 64.10 of the above-entitled ordinance be amended to read as follows:

64.10. License required. (a) No person shall keep, harbor, or maintain care, custody, or control over any dog or cat over four (4) months of age, for a period in excess of five (5) days, without first having obtained a dog or cat license from Minneapolis Animal Care and Control. This section shall not apply to any veterinarian or a licensed pet shop operator or during the first six (6) months of an animal being under the care, control, possession, or custody of an animal rescue group recognized by Minneapolis Animal Care and Control. Minneapolis Animal Care and Control may require the rescue organization to provide adequate documentation establishing that the person maintaining temporary care, custody or control over the animal is affiliated with the rescue organization and acting on its behalf. The rescue organization may

further be required to provide photographs and other documents establishing the identity of such animals under its care, custody or control. The ~~manager of animal care and control~~ Minneapolis Animal Care and Control may deny the licensing exemption provided for in this section for good cause, including but not limited to the existence of previously sustained or established violations by the rescue organization or its agents of any ordinances, statutes, laws or regulations related to the licensing and care of animals. Violations of this provision may result in an administrative fine.

(b) Any dog not licensed in accordance with this section may be subject to immediate seizure by a Minneapolis Animal Care and Control Officer or a Minneapolis Police Officer in any of the following situations:

(1) The owner or custodian of the unlicensed animal has not obtained a license despite having been previously cited by Minneapolis Animal Care and Control of the licensing requirement imposed by this section. Evidence of any prior citation issued after the effective date of this ordinance and provided to the same owner or custodian, even if related to a different animal, shall constitute sufficient cause to subject the unlicensed animal to seizure; or

(2) The unlicensed animal is present during the commission of a crime or the execution of a search warrant that leads to an arrest or ticket; or

(3) The unlicensed animal is present when the owner or custodian of the unlicensed animal is arrested for a crime; or

(4) The owner of the unlicensed animal has one (1) or more delinquent administrative citations, issued after the effective date of this ordinance, associated with the unlicensed animal; or

(5) Investigation or observation by ~~the manager of animal care and control or the manager's designee~~ a Minneapolis Animal Care and Control officer of ~~discloses~~ evidence that the unlicensed animal is being used by its owner or custodian to create an intimidating or threatening presence on any public sidewalk, right-of-way or upon any public property inclusive of parks.

If a dog is seized pursuant to this section, it shall be held a minimum of five (5) days in which the Minneapolis Animal Shelter is open to the public for not less than four (4) hours per day. The owner or custodian may reclaim the dog after first coming into compliance with all regulations including licensure and vaccination against rabies. If the dog is not properly licensed after five (5) days, its disposition may be at the discretion of ~~the manager of~~ Minneapolis Animal Care and Control ~~or the manager's designee~~.

Section 2. That Section 64.30 of the above-entitled ordinance be amended to read as follows:

64.30. License application and fee. (a) Every person required to obtain a license under this chapter shall make application to Minneapolis Animal Care and Control for a dog or cat license. The license shall be valid for one (1) year from the date of issuance. As a condition for the issuance of a dog or cat license, the applicant shall certify that the dog or cat has been vaccinated against rabies in conformance with the requirements of this Code.

(b) Minneapolis Animal Care and Control shall provide each dog and cat licensed with a metallic tag upon which shall be stamped or engraved the registration number of the dog or cat. The annual fee for a dog or cat license required by this Code shall be twenty-five dollars ($25.00) for a spayed or neutered dog or cat; verification that the dog or cat has been spayed or neutered is required. The fee for a three-year pet license shall be seventy-five dollars ($75.00) for a spayed or neutered dog or cat; verification that the dog or cat has been spayed or neutered is required. The annual fee for an unneutered or unspayed dog or cat shall be fifty dollars ($50.00). Individuals sixty-five (65) years of age or older and individuals who receive means-tested public assistance and/or households with limited income shall pay a discount on their annual license fee in the amount of fifteen dollars ($15.00) for each dog or cat. A lifetime license is available for dogs and cats that are spayed or neutered and are microchipped. Certification by a licensed veterinarian that the animal is spayed or neutered is required for a lifetime license. The microchip number and manufacturer must be provided for the lifetime license to be issued. The fee for a lifetime license shall be two hundred dollars ($200.00). There shall be no reimbursement of any license fee, including lifetime, upon the death or removal of the animal from the city and fees shall not be prorated. Animals declared dangerous and potentially dangerous are not eligible for lifetime licenses.

(c) Dogs in training with or trained by a recognized program with an established curriculum for training dogs for service to persons with disabilities, and dogs and cats awaiting adoption in foster homes under a recognized pet adoption program, shall be exempt from the license fees in this section. To qualify for an exemption, such programs shall be approved by ~~the Manager of~~ Minneapolis Animal Care and Control.

(d) *Transfer of license.* Licenses obtained under this chapter are not transferable from one owner to another owner. Licenses obtained under this chapter are not transferable from one animal to another.

(e) Minneapolis Animal Care and Control may contract with approved veterinary clinics, pet stores, animal day care centers and other businesses as approved by Minneapolis Animal Care and Control to receive dog and cat license applications and to remit the application and fee to Minneapolis Animal Care and Control.

(f) *Payment of outstanding fees and fines.* No license shall be issued or renewed until all outstanding fees, fines or other financial claims of the city have been remitted to Minneapolis Animal Care and Control.

Section 3. That Section 64.55 of the above-entitled ordinance be amended to read as follows:

64.55. Off leash dog areas; permits and regulations. (a) Dogs may be unrestrained by chain or leash in areas designated for off leash activities by the City or Minneapolis Park and Recreation Board. No person shall use a designated off leash area without first having obtained a permit for each dog using such an area from ~~the department of licenses and consumer services~~ Minneapolis Animal Care and Control. A dog deemed a dangerous animal under section 64.110 of this Code, or as a dangerous or potentially dangerous dog as defined under Minnesota Statute 347.50, is not permitted to use off leash areas.

(b) The annual fee for an off leash area permit shall be set by the Minneapolis Park and Recreation Board. A resident permit may only be issued upon verification that the dog has been issued a current Minneapolis dog license and verification of rabies vaccination. A non-resident

permit may only be issued upon verification of rabies vaccination. ~~The department of licenses and consumer services~~ Minneapolis Animal Care and Control shall provide a tag containing a registration number and the year registered for each permit. Permits shall be valid from the time they are issued until January thirty-first next after the date of issuance.

(c) Upon application for a permit, the applicant shall be provided with the rules for use of off leash areas. As a condition for the issuance of a permit, the applicant shall sign and agree to abide by these rules. A permit may be revoked for failure of the applicant, or any person who takes the dog into an off leash recreation area, to abide by these rules, or for violation of any of the provisions of this chapter or park board ordinances that occur within an off leash area. Permits may be revoked by ~~the director of licenses and consumer services~~ Minneapolis Animal Care and Control.

(d) The person responsible for a dog must have the dog restrained when entering and leaving an off leash area. If so directed by a law enforcement officer, ~~animal control officer~~ Animal Care and Control Officer, or animal warden, persons using an off leash area must immediately restrain their dogs and remove them from the off leash area.

Section 4. That Section 64.100 of the above-entitled ordinance be amended to read as follows:

64.100. Maximum number animals of the dog, cat, ferret, or rabbit kind.

(a) No occupant of any residential building or unit of a residential building shall allow more than three (3) animals of the dog, cat, ferret, or rabbit kind over the age of four (4) months to be kept within the residential building or unit without a permit.

(b) The number of dogs, cats, ferrets, or rabbits permitted in subsection (a) may be increased by obtaining a permit issued by Minneapolis Animal Care and Control. The permit shall specify any restrictions, limitations, conditions or prohibitions required by ~~the Manager of~~ Minneapolis Animal Care and Control. The permit may be modified or revoked by ~~the Manager of~~ Minneapolis Animal Care and Control for failure to conform to such restrictions, limitations, conditions or prohibitions. Violations of this section may result in an administrative fine.

(c) ~~The Manager of~~ Minneapolis Animal Care and Control may grant permits pursuant to this section only after the applicant has gained the written consent of at least eighty (80) percent of the occupants of the several descriptions of real estate situated within one hundred (100) feet of the applicant's real estate.

(d) Any person desiring a permit shall make application to Minneapolis Animal Care and Control. Approval of application is subject to conditions prescribed by Minneapolis Animal Care and Control. The permit may be denied or cancelled at the discretion of ~~the Manager of~~ Minneapolis Animal Care and Control. All permits issued shall expire on January 31 of the following year after its issuance unless sooner revoked. The application fee for such permit shall be seventy-five dollars ($75.00) which shall be paid at the time of application. The annual renewal fee thereafter for such permit shall be fifty dollars ($50.00). Minneapolis Animal Care and Control shall inspect the premises annually or as deemed necessary. Should the permit be refused or cancelled, the fee paid with application shall be retained by Minneapolis Animal Care and Control. Violations may result in an administrative fine.

(e) Minneapolis Animal Care and Control shall enforce the provisions of this chapter.

Section 5. That Section 64.110 of the above-entitled ordinance be amended to read as follows:

64.110. Dangerous and potentially dangerous animals. Minneapolis Animal Care and Control is authorized to deem any animal as a dangerous animal or a potentially dangerous animal subject to the requirements under this Code and under Minnesota State Statute 347.50 subdivision (2), Dangerous Dogs and Minnesota State Statute 347.50 subdivision (3) potentially dangerous dogs. The owner or custodian of the animal must immediately comply with the confinement requirements as defined in this ordinance, even if appealing the declaration.

No off leash park permit as defined in section 64.55 shall be issued for any animal that has been declared potentially dangerous or dangerous under this Code or pursuant to state statute.

(a) For the purposes of this chapter, a person is peaceably and lawfully upon the private property of an owner or custodian when he or she is on the property in the performance of any duty imposed upon him or her by the laws of this state or any city or county, or by the laws or postal regulations of the United States, or when he or she is on the property upon express or implied invitation.

(b) Declarations shall be made by ~~the Program Manager of~~ Minneapolis Animal Care and Control, ~~or the manager's designee,~~ based on this Code and state statute. If a declaration is made, the owner of the animal shall be notified in writing. Notification shall include a copy of ordinance and statute, the report (including supplemental reports, if any) and a statement of the declaration.

(c) ~~The manager of animal care and control~~ Minneapolis Animal Care and Control will consider the following factors in determining a dangerous or potentially dangerous animal declaration:

(1) Whether any injury or damage to a person or domestic animal by the accused animal was caused or contributed to by the actions of that person, including acts of physical abuse, tormenting, teasing or assault.

(2) Whether a person injured by the animal was committing a trespass or other tort upon the premises occupied by the owner or custodian of the animal, or whether the person injured by the animal was committing or attempting to commit a crime.

(3) Whether a person injured by the animal had gained uninvited and unauthorized entry onto fenced or indoor property of the owner or custodian of the animal. As used in this section, "unauthorized entry" does not include entry into a fenced residential front yard unless the yard is locked or posted to prohibit entry.

(4) Whether any injury or damage to a person by the animal was caused while the animal was protecting or defending a person or the animal's offspring within the immediate vicinity of the animal from an unjustified attack or assault.

(5) The size and strength of the animal (including jaw strength) and the animal's propensity to bite humans or other domestic animals.

(d) *Potentially dangerous animal.* "Potentially dangerous animal" means any animal, except an animal assisting a peace officer engaged in law enforcement duties and/or animals trained by a recognized program within an established curriculum for training animals for services such as rescue and recovery, that demonstrates any of the following behavior:

(1) Any animal that engages in any unprovoked behavior that requires a defensive action by any person to prevent bodily harm when the person and the animal are on or off the property of the owner or custodian of the animal. "Bodily harm" means physical pain or injury, illness, or any impairment of physical condition.

(2) Any animal that, when unprovoked, bites a person on public or private property, causing a minor injury not resulting in muscle tears or disfiguring lacerations or requiring multiple sutures, or corrective or cosmetic surgery.

(3) Any animal that, when unprovoked, bites, inflicts injury, or otherwise causes injury to a domestic animal off the property of the owner or custodian of the attacking animal.

(4) Any animal that, when unprovoked, engages in any behavior that constitutes a physical threat of bodily harm to a person or domestic animal or poses an immediate threat to public safety off the property of the owner or custodian of the animal.

(5) Any animal that has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals as documented by law enforcement or Minneapolis Animal Care and Control.

(e) *Dangerous animal.* "Dangerous animal" means any animal, except an animal assisting a peace officer engaged in law enforcement duties and/or animals trained by a recognized program within an established curriculum for training animals for services such as rescue and recovery, that demonstrates any of the following behavior:

(1) Any animal that, when unprovoked, inflicts substantial bodily harm on a human being who is conducting himself or herself peacefully and lawfully. "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

(2) Any animal previously designated as a potentially dangerous animal that,after the owner or custodian has been notified of such designation, exhibits any of the behaviors described in this subsection or subsection (d) of this section.

(3) Any animal previously designated as a potentially dangerous animal, after the owner or custodian has been notified of such designation, if the owner or custodian subsequently violates any requirement of this section.

(4) Any animal that kills or inflicts substantial bodily harm to another domestic animal without provocation while off or on the property of the owner or custodian of the attacking animal.

(5) Any animal, when unprovoked, that repeatedly attacks or attempts to attack a person or domestic animal on private or public property. For purposes of this provision, "repeatedly" shall mean more than one (1) unprovoked attack or attempted attack occurring during the course of either a single encounter or separate encounters.

(6) The dog's owner or custodian is in possession of training apparatus, paraphernalia or drugs intended to be used to prepare or train dogs to be fought and the dog displays evidence that it has been or will be fought.

(f) *Appeal hearing procedures.*

(1) Potentially dangerous and dangerous animal. The owner or custodian of an animal that has been declared potentially dangerous or dangerous may appeal the declaration and request a hearing. The appeal request must be submitted in writing within ten (10) calendar days of notification. If a hearing is requested, ~~the program manager, or the manager's designee~~ Minneapolis Animal Care and Control, shall schedule a hearing within ten (10) business days. Appeals shall consist of a hearing before ~~the manager of animal care and control, or the manager's designee~~ Minneapolis Animal Care and Control. The hearing officer shall be ~~the manager of animal care and control, or the manager's designee~~ an employee of Minneapolis Animal Care and Control.

a. A hearing fee of two hundred fifty dollars ($250.00) must be paid prior to scheduling the hearing.

b. Individuals receiving means-tested public assistance and/or households with limited income may receive a waiver of appeal fees.

c. ~~The manager of the program~~ Minneapolis Animal Care and Control and/or the hearing officer may set limits on the amount of evidence that may be submitted and the length of testimony offered.

d. The individual conducting the review shall have authority to amend the declaration or order as appropriate and to establish specific requirements.

(2) Any time after a declaration has been issued, ~~animal care and control~~ Minneapolis Animal Care and Control may seize a declared animal. All applicable fees and costs shall be the responsibility of the owner or custodian of the animal. The animal shall not be released until all fees are paid in full and compliance with all provisions of this Code is achieved. All animals seized pursuant to this subsection may be disposed of by ~~animal care and control~~ Minneapolis Animal Care and Control after fourteen (14) calendar days of notification of declaration when either the animal is not properly registered or an appeal has not been properly submitted pursuant to this section.

(3) In the event that the declaration is overturned, all fees will be reviewed by the hearing officer or the ~~manager of animal care and control~~ hearing officer's designee.

4) The owner of the animal shall be notified by telephone of the hearing results within three (3) business days and in writing within ten (10) business days.

(5) All decisions may be appealed to the Minnesota Court of Appeals.

(g) *Annual review requests.* If there are no additional reports of the behavior described in subsections (d) or (e) of this section within a twelve-month period from the date of the designation as a dangerous animal or a six-month period from the date of the designation as a potentially dangerous animal, the animal's owner may request a review, in writing, of the declaration designation. The owner must provide documented evidence for review that the animal's behavior has changed due to environment, health, age, training, neutering or other relevant factor. The review request and supporting documentation must be submitted to ~~the manager of animal care and control, and the manager, or the manager's designee~~ Minneapolis Animal Care and Control, which shall rule on the review request based on the record. The owner of the animal shall be notified in writing of the review results within ten (10) business days of receipt. An administrative fee of two hundred fifty dollars ($250.00) shall be paid prior to the review. In cases where the owner has successfully completed a training program approved by ~~the manager of animal care and control~~ Minneapolis Animal Care and Control, the administrative fee may be reduced or waived ~~by the manager~~.

(h) *Potentially dangerous or dangerous animal requirements.* No person may own or house a potentially dangerous or dangerous animal in the City of Minneapolis unless the animal is registered as provided in this subsection. No person operating a day care, as that term is defined pursuant to the Zoning Code, or any other home occupation in which children are regularly present, shall own, house or otherwise have temporary or permanent custody upon the premises of any animal previously declared potentially dangerous or dangerous as a result of displaying aggression towards a person. Owners or custodians of potentially dangerous and dangerous animals may be required to comply with any or all of the following requirements, and any additional requirements established by a hearing officer, within fourteen (14) calendar days of notification of the declaration. Any imposed requirements are proper subjects for consideration by a hearing officer during a potentially dangerous or dangerous animal declaration appeal proceeding. Failure to comply shall constitute adequate grounds for confiscation of the animal and possible disposition under subsections (k) through (n).

(1) Microchip (must be pre-paid if animal care and control implants the microchip).

(2) Current rabies vaccinations (must remain current on rabies vaccinations).

(3) Current annual license for a declared animal (regardless of current license status).

(4) Muzzle (with three-foot leash to be held by an adult at all times the animal is outside and not inside a proper enclosure).

(5) A proper enclosure may be required in order for the animal to be unleashed or unmuzzled. For a potentially dangerous animal, a proper enclosure shall consist of a securely fenced yard area and/or a proper kennel. A securely fenced yard area shall have a fence of sufficient height, strength and design to prevent the animal or the animal's muzzle from moving over, under or through the fence and a gate and locking mechanism of sufficient strength and design to prevent the animal or the animal's muzzle from moving through the gate without proper leash

and muzzle. For a dangerous animal, a proper enclosure shall consist of a proper kennel. A proper kennel in all cases shall meet the following minimum specifications:

a. A minimum of thirty-two (32) square feet in floor area per animal that will be kept in such enclosure.

b. The sidewalls shall have a minimum height of five (5) feet and be constructed of eleven (11) gauge or heavier wire. If the enclosure is on any permeable surface, the fence must be buried a minimum of eighteen (18) inches. Openings in the wire shall not exceed two (2) inches, support posts shall be one and one-quarter (1¼) inch or larger steel pipe buried a minimum of eighteen (18) inches into the ground.

c. A cover over the entire kennel shall be provided. The cover shall be constructed of the same gauge wire as the sidewalls or heavier and shall have no openings greater than two (2) inches.

d. An entrance/exit gate shall be provided and constructed of the same material as the sidewalls and shall also have no openings greater than two (2) inches. The gate shall be self closing, self locking and shall be locked at all times the animal is in the kennel.

e. The kennel shall comply with all zoning setbacks requirements unless variances are obtained.

(6) Secured area maintained inside the home where the animal will stay when persons, other than family members, are present.

(7) Annual registration and payment of all applicable fees including submission of photographs of the required kennel and secured area and a current photograph of the animal. All fines shall be paid within thirty (30) days of the date they are due.

(8) The animal may not be possessed or maintained at any other location other than the owner's property.

(9) The owner or custodian of the animal may not be a minor under age eighteen (18).

(10) The animal shall not be subjected to neglect, suffering, cruelty, or abuse.

(11) The location where the animal is possessed or maintained shall be kept clean and sanitary with proper and adequate food, water, ventilation, shelter and care at all times.

(12) The owner of a potentially dangerous or dangerous animal may be required to complete an approved obedience class, at the direction of ~~the manager of animal care and control or the manager's designee~~ Minneapolis Animal Care and control.

(13) If the animal is to move from the approved location, written notification shall be provided to the manager of animal care and control within ten (10) business days prior to relocation.

(14) ~~The manager of animal care and control, or the manager's designee,~~ Minneapolis Animal Care and Control shall be allowed at any reasonable time to inspect the animal, the animal's muzzle and leash, and the place where the animal is located.

(15) Minneapolis Animal Care and Control may require that any animal deemed potentially dangerous and any puppies or offspring of the animal in the care and custody of the owner be sterilized at the owner's expense.

(i) *Additional dangerous animal requirements.* In addition to the requirements of subsection (h), all owners or custodians of dangerous animals shall fully comply with the following requirements within fourteen (14) calendar days of notification of the declaration. Failure to comply shall lead to confiscation of the animal and possible disposition under subsections (k) through (n).

(1) The animal and any puppies or offspring of the animal in the care and custody of the owner shall be sterilized at the owner or custodian's expense and adequate proof of sterilization shall be submitted.

(2) Proof of a current insurance policy or surety bond in the amount of at least three hundred thousand dollars ($300,000.00) to cover any personal injuries inflicted by the animal and payable to the injured party or parties.

(3) A clearly visible sign posted in the front and rear of the property indicating that a "dangerous animal" is on or in the premises, meeting any requirements as designated by ~~the manager of animal care and control~~ Minneapolis Animal Care and Control.

(j) *Declared animal from other jurisdictions.* No animal that has previously been determined to be potentially dangerous, dangerous or vicious by another jurisdiction shall be kept, owned or harbored in the City of Minneapolis unless the animal's owner or custodian complies with the requirements of the applicable declaration level as defined in subsections (h) and/or (i) of this section. Potentially dangerous or dangerous animal requirements must be met prior to bringing the animal into the city. Animals in violation of this subsection are subject to impoundment and humane destruction by lethal injection after notice and a hearing (if requested) under subsection (n) of this section.

(k) *Impoundment.*

(1) Any animal which bites a person or domestic animal and/or is subject to potentially dangerous or dangerous animal proceedings may be impounded at the discretion of ~~animal care and control~~ Minneapolis Animal Care and Control pending hearings and compliance.

(2) All animals that have been previously declared potentially dangerous or dangerous shall be impounded at the ~~animal care and control~~ Minneapolis

Animal Care and Control facility for the quarantine period and held until the final disposition is determined.

(3) All animals found to be in violation of the requirements of this section shall be impounded.

(4) The impounded animal's owner shall be charged for all impoundment related costs and fees.

(l) *Noncompliance, transfer, loss or death of declared animals.*

(1) Failure to comply with the provisions of this section may result in seizure of the animal by animal care and control and disposition pursuant to subsection (n).

(2) The owner or custodian of any animal declared potentially dangerous or dangerous must notify Minneapolis Animal Care and Control in writing of the death of the animal within fourteen (14) days of the animal's death. If requested by animal care and control the owner or custodian must execute an affidavit under oath setting forth the circumstances of the animal's death and disposition.

(3) If the owner or custodian of any animal declared potentially dangerous or dangerous wishes to relocate the animal based solely upon the owner or custodian relocating his or her principle residence either within or without the City of Minneapolis, the owner or custodian shall notify Minneapolis ~~animal care and control~~ Animal Care and Control in writing prior to such relocation. If requested by ~~animal care and control~~ Minneapolis Animal Care and Control, the owner or custodian must execute an affidavit under oath setting forth the new address of the owner or custodian where the animal will be housed.

(4) The owner or custodian of any animal declared potentially dangerous or dangerous shall not transfer the ownership or custodianship of such an animal to another person or persons unless the owner or custodian receives prior written approval from ~~the manager of animal care and control~~ Minneapolis Animal Care and Control. If requested by ~~animal care and control~~ Minneapolis Animal Care and Control, the owner or custodian must execute an affidavit under oath setting forth the complete name, address, and telephone number(s) of the person to whom the animal has been transferred. All applicable requirements of this section and this code must be met by the prospective new owner before the animal may be transferred.

(5) Whenever any animal declared potentially dangerous or dangerous is lost or runs away, the owner or custodian of the animal shall provide written notification to the ~~manager of animal care and control~~ Minneapolis Animal Care and Control within ten (10) business days after the loss of the animal. ~~The manager of animal care and control~~ Minneapolis Animal Care and Control may require that the owner or custodian provide an affidavit under oath setting forth the nature and circumstances of the loss of the animal. Should the animal return or should the owner or custodian otherwise subsequently become aware of the location of the animal, the owner or custodian shall notify ~~the manager of animal care and control~~ Minneapolis Animal Care and Control within three (3) business days.

(m) *Restriction on future ownership.*

(1) Any person who:

a Has owned or owns or had custody of an animal declared potentially dangerous or dangerous or ordered destroyed and is found to be in violation of any requirement of this section; or

b. Had owned a potentially dangerous or dangerous animal but never achieved compliance with the requirements of this section; or

c. Has owned or had custody of more than one (1) animal declared potentially dangerous or dangerous and/or ordered destroyed within two (2) years; or

d. Has owned or owns or had custody of an animal which has inflicted substantial bodily harm on a person and/or kills a domestic animal as a result of the intentional act or acts of that owner or custodian;

e. Has been convicted of any violation of Minnesota Statute Section 609.226, Harm Caused by Dog, or amendments thereto;

may be subject to restrictions on ownership or custody of other animals of the same species for a period of five (5) years after the most recent declaration. For the purposes of this section, custody would include any animal in the dwelling in which the person subject to the ownership restriction lives. The animal found to be in violation shall be impounded until due process is completed.

(For the purposes of this section, custody means the presence of any animal on the property of any dwelling or residence in which the restricted persons lives or resides including, but not limited to, all surrounding grounds, outbuildings and/or garages.)

(2) Any animal owner in violation of this subsection shall be notified in writing of the violation and may request a hearing in writing within five (5) business days of receipt of the notice. If a hearing is requested, ~~the program manager or the manager's designee~~ Minneapolis Animal Care and Control shall schedule a hearing within ten (10) business days. Violation appeals shall consist of an appearance before ~~the manager of animal care and control or the manager's designee~~ Minneapolis Animal Care and Control. An administrative fee of two hundred fifty dollars ($250.00) shall be paid prior to the scheduling of the hearing. ~~The program manager~~ Minneapolis Animal Care and Control may set limits on the amount of evidence that may be submitted and the length of any testimony offered.

(3) The owner of the animal shall be notified, in writing, of the hearing results within ten (10) business days.

(4) Any person convicted of a violent felony, as defined in Minnesota Statute 624.712, subdivision 5, who owns, possesses, or controls an animal weighing more than twenty (20) pounds, or an animal that ~~the manager of animal care and control~~ Minneapolis Animal Care and Control designates as posing a danger to the public's health, safety or welfare if misused by a person convicted of a violent

felony, must have a prohibited animal permit to own, keep or maintain that animal. For the purposes of this section, own, keep, or maintain would include any animal in the dwelling in which the person subject to the ownership restriction lives. If there is cause to believe that an animal poses a danger to the public's health, safety or welfare if misused by a person convicted of a violent felony, the animal may be impounded pending a determination made under this article and until a permit is obtained. If ~~the manager of animal care and control~~ Minneapolis Animal Care and Control designates an animal as posing a danger to the public's health, safety or welfare if misused by a convicted felon, written notice of this designation shall be mailed to the owner or custodian of the animal. The owner or custodian must pay an application fee and apply for the prohibited animal permit within fifteen (15) calendar days after the mailing of the written notice of designation. ~~The manager of animal care and control~~ Minneapolis Animal Care and Control may deny a prohibited animal permit if ~~he or she determines~~ it is determined that the animal poses a danger to the public's health, safety or welfare, or may condition the issuance of the permit upon the permittee's written agreement to comply with conditions of ownership to be determined by ~~the manager of animal care and control~~ Minneapolis Animal Care and Control. These conditions of ownership may include, but are not limited to, those found under subsections (h) and (i). A prohibited animal may subsequently be revoked by ~~the manager of animal care and control~~ Minneapolis Animal Care and Control if there is probable cause to believe that the convicted violent felon's continued ownership of the animal poses a danger to the public's health, safety or welfare. Any person violating this subsection is guilty of a misdemeanor. A person convicted of a violent felony under this article shall not include persons whose convictions were set aside, or persons whose sentences were completed ten (10) years or more in the past. "Misuse" by a convicted felon means use of an animal in a threatening or aggressive manner, or in the commission or furtherance of the commission of a crime.

a. Any animal whose owner or keeper is in violation of this subsection shall be impounded, or impounded subject to destruction, at the owner's expense.

b. An animal that poses a danger to the public health, safety or welfare if misused by a convicted felon under this section means any of the following:

    1. An animal weighing more than twenty (20) pounds;

    2. An animal which has been designated a potentially dangerous or dangerous animal under subsections (d) or (e) of this section;

    3. An animal designated by ~~the manager of animal care and control~~ Minneapolis Animal Care and Control as posing a danger to the public's health, safety or welfare if misused by a convicted felon based upon the following factors:

        i. The nature of any complaints regarding the animal.

        ii. The strength of the animal, including jaw strength.

        iii. The animal's tolerance for pain.

iv. The animal's tendency to refuse to terminate an attack.

v. The animal's propensity to bite humans or other domestic animals.

vi. The animal's potential for unpredictable behavior.

vii. The animal's aggressiveness.

viii. The likelihood that a bite by the animal will result in serious injury. This subsection shall not apply to any assistance animal, including guide animals, signal animals and service animals, trained or in training to assist a qualified individual with a disability.

(n) *Disposition of animals.*

(1) ~~The Program Manager at~~ Minneapolis Animal Care and Control is authorized to order the destruction or other disposition of any animal which:

a. Kills a person, or

b. Has bitten one (1) or more persons on two (2) or more occasions, or

c. Has caused substantial bodily injury or disfigurement as defined in subsections (d) or (e) of this section, or

d. Has engaged in an attack on or exhibited unusually aggressive behavior towards any person or domestic animal under circumstances that would indicate danger to the safety of the person or animal, or

e. Is prohibited by or found to be in violation of subsections (g), (h), (i), (j) or (l) of this section, or

f. Unprovoked, kills a domestic animal, or

g. Is prohibited by section 74.50 of this Code.

(2) In determining the disposition of the animal ~~the manager of animal care and control~~ Minneapolis Animal Care and Control will determine the potential of the animal to pose a danger to the public's health, safety or welfare based upon the following factors:

a. The animal weighing more than twenty (20) pounds;

b. The strength of the animal, including jaw strength;

c. The animal's tolerance for pain;

d. The animal's tendency to refuse to terminate an attack;

e. The animal's propensity to bite humans or other domestic animals;

f. The animal's potential for unpredictable behavior;

g. The animal's aggressiveness;

h. The likelihood that a bite by the animal will result in serious injury.

This subsection shall not apply to any assistance animal, including guide animals, signal animals and service animals, trained or in training to assist a qualified individual with a disability.

(3) Procedure.

a. The owner or custodian of the offending animal shall be notified in writing as to the reasons the animal is subject to disposition or destruction under this subsection and where applicable, copies of all reports received by ~~animal care and control~~ Minneapolis Animal Care and Control that were utilized to determine the disposition.

b. The owner shall have three (3) business days after the date of notification to request a hearing to appeal a destruction order. If a hearing is requested, it shall be scheduled within ten (10) business days. The hearing officer shall be ~~the manager of animal care and control or the manager's designee~~ an employee of Minneapolis Animal Care and Control, or its designee, and shall have authority to amend the declaration or order as appropriate.

c. If a hearing is not requested within three (3) business days of the notification, the animal may not be destroyed until a minimum of five (5) business days have passed since the issuance of the order.

d. If the animal has bitten a person, it shall remain at a designated ~~animal care and control~~ Minneapolis Animal Care and Control facility through the end of the quarantine period as required pursuant to section 66.40. At the conclusion of the quarantine period the animal shall be subject to further disposition as defined in this Code and may be held at the owner's expense until a disposition is determined.

e. Unclaimed animals shall be subject to disposition without notice to the owner or custodian after the mandatory hold period as established in section 62.40. Unclaimed animals shall include animals declared potentially dangerous or dangerous if in the custody of ~~animal care and control~~ Minneapolis Animal Care and Control and not in full compliance with the requirements of this section.

f. All applicable fees are subject to payment within twenty (20) days for any identified owners and shall be invoiced. All unpaid fees may be forwarded to a collection agency for processing.

(o) *Concealing of dangerous animals.* Any person who harbors, hides or conceals an animal found to be potentially dangerous or dangerous by ~~animal care and control~~ Minneapolis Animal Care and Control which has been ordered into custody for disposition shall be guilty of a misdemeanor.

(p) *Conditioning and training equipment prohibited.* No person shall use or possess any device, equipment, treatment or products for the strengthening or conditioning of an animal with the intent to enhance the animal's ability to inflict bodily injury upon human beings or domestic animals on public or private property.

(q) *Fees.* Fees under this section may include, but are not limited to, impound, kennel, license, penalties, hearing, registration and euthanasia fees. All applicable fees shall be defined by this Code and/or included in the licenses and annual billing fees schedule or in the schedule of civil fines for administrative offenses resolution, and duly approved by city council.

Impound fee	$100.00
Daily kennel fee, per day	25.00
Microchip fee	35.00
Euthanizing fee	75.00
Rabies vaccination	20.00
Sedation, if necessary	20.00
Annual license fee	75.00
Annual registration:	
Potentially dangerous	100.00
Dangerous	200.00
Appeal hearing fee:	
Potentially dangerous and dangerous	250.00
Prohibited animal permit	250.00

Annual County Registration fee—Determined by Hennepin County

Section 6. That Section 64.130 of the above-entitled ordinance be amended to read as follows:

64.130. Concealing of dangerous animals. Any person who harbors, hides or conceals an animal found to be dangerous by ~~the~~ Minneapolis Animal Care and Control which animal has been ordered into custody for destruction or other proper disposition shall be guilty of a misdemeanor.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-113 amending Title 4, Chapter 65 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Ferrets, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-113
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 4, Chapter 65 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Ferrets.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 65.10 of the above-entitled ordinance be amended to read as follows:

65.10. License required. No person shall keep, harbor, or maintain care, custody, or control over any ferret or rabbit without first having obtained a license from ~~the director of operations and regulatory services~~ Minneapolis Animal Care and Control. This section shall not apply to any premises maintained by a licensed veterinarian or a licensed pet shop operator.

Section 2. That Section 65.20 of the above-entitled ordinance be amended to read as follows:

65.20. Application for license. (a) Every person required to obtain a license under this chapter shall make written application therefor to ~~the director of operations and regulatory services~~ Minneapolis Animal Care and Control upon a form ~~that shall require the giving of such information by the applicant as the director may require~~ approved by Minneapolis Animal Care and Control.

(b) As a condition for the issuance of a ferret license, the applicant shall certify that the ferret has been vaccinated against rabies in conformance with the requirements of this Code.

Section 3. That Section 65.40 of the above-entitled ordinance be amended to read as follows:

65.40. Conditions for keeping ferrets or rabbits; revocation of license. ~~The director~~ Minneapolis Animal Care and Control may prescribe general conditions for the keeping of ferrets or rabbits as ~~in the director's judgment is~~ it deems necessary to safeguard public health and the general welfare. Subject to a hearing, if requested within five (5) days of the notification, to be held within ten (10) days of the request, ~~the director~~ Minneapolis Animal Care and Control may revoke any license granted pursuant to this chapter if any such condition is violated or if any pet becomes a public nuisance.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-114 amending Title 4, Chapter 66 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Rabies Control, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-114
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 4, Chapter 66 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Rabies Control.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 66.40 of the above-entitled ordinance be amended to read as follows:

66.40. Impoundment of rabies suspects. (a) Any dog, cat or ferret not vaccinated in accordance with sections 66.10, 66.20 and 66.25 which has bitten any person and caused an abrasion or puncture of the skin of such person shall be seized and impounded under the supervision of a licensed veterinarian or at the ~~city animal care and control~~ Minneapolis Animal Care and Control center for a period of not less than ten (10) days. If, after a complete examination by a veterinarian, the dog, cat or ferret has no clinical signs of rabies, it may be released to the owner upon the condition that the owner has the animal vaccinated and licensed as required by this Code. In the case of a stray, the animal shall be disposed of in accordance with applicable laws. It shall be unlawful for any owner or person having custody or control of any dog, cat or ferret, not vaccinated in accordance with sections 66.10, 66.20 and 66.25, which has bitten any person, to refuse to release such dog, cat, or ferret and make it immediately available to ~~the manager of animal care and control or the manager's designee~~ the Minneapolis Animal Care and Control center for the purpose of quarantine.

(b) Any dog, cat, or ferret vaccinated in accordance with sections 66.10, 66.20, or 66.25 which has bitten any person shall be confined by the owner or other responsible person in such manner as the ~~commissioner of health, manager of animal care and control or the manager's designee~~ Minneapolis Health Department or Minneapolis Animal Care and Control may direct and for a period of not less than ten (10) days. The ~~commissioner of health or the manager of animal care and control or an authorized representative~~ Minneapolis Health Department or Minneapolis Animal Care and Control shall conduct a terminal examination of the animal. If no signs of rabies are observed, the domestic animal may be released from confinement. It shall be unlawful for any owner or person in custody or control of any vaccinated dog, cat, or ferret that has bitten any person to refuse or fail to quarantine such dog, cat, or ferret as required by this subsection. ~~The manager of animal care and control or the manager's designee~~ Minneapolis Animal Care and Control shall seize any dog, cat, or ferret not quarantined in accordance with the subsection.

(c) Any other animal which has bitten any person and caused an abrasion or puncture of the skin of such person shall be seized and impounded under the supervision of a licensed

veterinarian or at the ~~city animal care and control center~~ Minneapolis Animal Care and Control center for a period of not less than ten (10) days. If, after a complete examination by a veterinarian, the animal has no clinical sign of rabies, the animal may, with the approval of the ~~commissioner of health or the manager of animal care and control or a designee~~ Minneapolis Health Department or Minneapolis Animal Care and Control, be released to the owner. In the case of an unclaimed animal, it shall be disposed of in accordance with applicable laws. It shall be unlawful for any owner or person in custody or control of any animal which has bitten any person to refuse to release such animal and make it immediately available to ~~the manager of animal care and control or the manager's designee~~ Minneapolis Animal Care and Control for the purpose of quarantine.

(d) Any rabies suspect impounded or confined under this section which is found to be sick or diseased shall be reported immediately in writing to the ~~commissioner of health and the manager of animal care and control~~ Minneapolis Health Department and Minneapolis Animal Care and Control by the attending veterinarian or operator of the quarantine facility. ~~The manager of animal care and control or the manager's designee~~ Minneapolis Animal Care and Control shall then take possession of such animal for the purpose of determining if it is suffering from rabies.

(e) The ~~commissioner of health or the manager of animal care and control or the manager's designee~~ Minneapolis Health Department or Minneapolis Animal Care and Control may, for good cause, order the immediate testing for rabies of an animal that is owned by an individual that has bitten one (1) or more individuals. The owner of the animal that is to be tested is entitled to a hearing as set forth in section 64.120(b) of this title. The time periods set forth in section 64.120(b) do not apply to requests for immediate testing of an owned animal. A hearing must be requested by the owner of the animal within twenty-four (24) hours of notification of the owner of the intent to test the animal for rabies. If a hearing is not requested by the owner within twenty-four (24) hours of notification of intent to test for rabies ~~the manager of animal care and control~~ Minneapolis Animal Care and Control shall make appropriate order to test the animal for rabies. If a hearing is requested, the owner must be available to attend the hearing and the hearing completed within twenty-four (24) hours of the time that the hearing was requested or the hearing will be deemed to have been waived. The owner shall immediately make the animal available to ~~the animal control officer~~ Minneapolis Animal Care and Control for rabies testing. In determining whether good cause exists to order rabies testing of an owned animal the ~~commissioner or the manager of animal care and control~~ Minneapolis Health Department or Minneapolis Animal Care and Control may consider:

(1) The physical location of the bite on the body of the victim.

(2) The medical condition of the victim.

(3) The medical necessity of immediate testing of the animal for rabies.

(4) The age and health of the victim.

(5) The vaccination records of the animal for which testing is sought.

(6) Potential harm to the victim of the bite by delays in the testing procedure.

(7) Potential harm to the victim of the bite by engaging in the course of post exposure rabies shots.

(8) The request of qualified medical personnel.

(9) Any other factors bearing on the necessity for immediate testing of the suspect animal.

(f) Nothing in this section shall be read so as to conflict with the requirements of section 64.110 as it pertains to destruction of dangerous animals.

Section 2. That Section 66.50 of the above-entitled ordinance be amended to read as follows:

66.50. Handling of dogs, cats, or ferrets bitten by rabid animals. For the purposes of this section, any bat, skunk, civet cat, raccoon or fox that bites a dog or cat shall be deemed to be a rabid animal. In the case of dogs, cats, or ferrets which have been bitten by a rabid animal, the following rules shall apply:

(a) In the case of a bitten (exposed) dog, cat, or ferret which has not been vaccinated in accordance with section 66.10 or 66.20 and which has been bitten by a rabid animal, said bitten (exposed) animal shall be immediately destroyed. If the owner is unwilling to destroy the bitten (exposed) animal, said animal may be placed under quarantine if quarantine is advisable after review by the Minnesota Board of Animal Health. The place and manner of quarantine shall be by order of the ~~manager of animal care and control or the commissioner of health~~ Minneapolis Health Department or Minneapolis Animal Care and Control.

(b) In the case of a bitten (exposed) animal which has been vaccinated in accordance with the provisions of section 66.10, 66.20, or 65.20(b), the animal shall be:

(1) Immediately revaccinated and confined for a period of forty (40) days following vaccination, or

(2) It shall be confined in strict isolation in a kennel for six (6) months under the supervision of a veterinarian. Before release of the dog, cat, or ferret to its owner, it shall be vaccinated for rabies one (1) month prior to its release, or

(3) It shall be destroyed if the owner does not comply with paragraph (1) or (2) of subsection (b).

Section 3. That Section 66.60 of the above-entitled ordinance be amended to read as follows:

66.60. Reports of bite cases. It shall be the duty of every physician or any person to report to the ~~commissioner of health~~ Minneapolis Health Department the names and addresses of persons treated for bites inflicted by animals within the city, together with such other information as will be helpful in rabies control.

Section 4. That Section 66.70 of the above-entitled ordinance be amended to read as follows:

66.70. Responsibilities of veterinarians. It shall be the duty of every licensed veterinarian to report to the ~~commissioner of health~~ Minneapolis Health Department the diagnosis of any animal within the city observed by such veterinarian to be a rabies suspect.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-115 amending Title 4, Chapter 68 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Pet Shops, Kennels, etc., to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-115
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 4, Chapter 68 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Pet Shops, Kennels, Etc.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 68.10 of the above-entitled ordinance be amended to read as follows:

68.10. License required; application procedure; duration. (a) No person shall keep or maintain any place for the sale, grooming, breeding, treating, exhibition, or any other form of care for hire of any animal, reptile, fish or bird without a license therefor.

(b) No person shall operate or maintain a mobile pet care vehicle without a license for each such vehicle and no person shall conduct any business in a mobile pet care vehicle while that vehicle is parked on a public street. For purposes of this chapter, a "mobile pet care vehicle" is a motor vehicle used for the sale, grooming, breeding, treating, exhibition, or any other form of care for hire of any animal, reptile, fish or bird. A mobile pet care vehicle does not include a motor vehicle used solely for transporting animals, reptiles, fish or birds. No sales of animals shall be permitted from the vehicle.

(c) Any person desiring a license under either subdivision (a) or (b) shall file with ~~the department of licenses and consumer services~~ Minneapolis Animal Care and Control a written application for such license. The application shall state in full the name, place of residence of the applicant and, where applicable, the name and residence of the owners of the place, premises and location where the applicant desires to conduct said business. ~~The department of licenses and consumer services shall forward such application for a license to~~ Minneapolis Animal Care and Control ~~for~~ shall issue a report on the sanitary conditions and other requirements of the place where the applicant intends to carry on the business, including any mobile pet care vehicle, and a report from the zoning administrator where applicable. When said reports are completed, the license shall be issued or denied pursuant to section 259.30

(d) Such license shall expire on May first next after its issuance unless sooner revoked.

Section 2. That Section 68.20 of the above-entitled ordinance be amended to read as follows:

68.20. License fees; issuance procedure. The fee for each place of business and each mobile pet care vehicle license issued under this chapter shall be as established in Appendix J, License Fee Schedule.

Upon payment into the city treasury by the applicant of such license fee or, if application for such license is made after May first, upon payment of such part of the license fee as shall be proportionate to the portion of the year for which such license is issued in accordance with the provisions of section 261.40 of this Code, and upon presentation by the applicant to ~~the department of licenses and consumer services~~ Minneapolis Animal Care and Control of the receipt of the city finance officer for said license fee, ~~the department of licenses and consumer services~~ Minneapolis Animal Care and Control shall issue to the applicant the license authorized and directed to be issued by the city council.

Section 3. That Section 68.40 of the above-entitled ordinance be amended to read as follows:

68.40. Compliance with regulations. Each licensee under this chapter shall conform to all applicable regulations as the ~~commissioner of health~~ Minneapolis Health Department may prescribe.

Section 4. That Section 68.80 of the above-entitled ordinance be amended to read as follows:

68.80. Mobile pet care vehicle insurance. Each applicant for a mobile pet care vehicle license shall file with ~~the department of licenses and consumer services~~ Minneapolis Animal Care and Control a public liability policy or certificate of insurance from a company licensed to do business in the State of Minnesota insuring the applicant against any and all liability incurred in the use or operation of the vehicle licensed under this chapter. The policy of insurance shall be in the limits of not less than one hundred thousand dollars ($100,000.00) for injury or death to one person, three hundred thousand dollars ($300,000.00) for injury or death for each occurrence, and ten thousand dollars ($10,000.00) for property damage.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-116 amending Title 4, Chapter 70 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Fowl, Pigeons, and Other Small Animals, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-116
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 4, Chapter 70 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Fowl, Pigeons, and Other Small Animals.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 70.10 of the above-entitled ordinance be amended to read as follows:

70.10. Permit required. (a) No person shall anywhere in the city keep, harbor, or maintain care, custody, or control over any small animal or any fowl such as a chicken, turkey, duck, or pigeon, without obtaining a permit issued by Minneapolis Animal Care and Control.

(b) ~~The Manager of~~ Minneapolis Animal Care and Control may grant permit pursuant to this section after the applicant has sought the written consent of at least eighty (80) percent of the occupants of the several descriptions of real estate situated within one hundred (100) feet of the applicant's real estate. Such written consent shall be required on the initial application and as often thereafter as ~~the Manager of~~ Minneapolis Animal Care and Control deems necessary.

(c) No permit shall be granted to keep any animal, fowl, or pigeon within a dwelling unit or part thereof, nor on any real estate which contains three (3) or more dwelling units.

(d) This section shall not apply to dogs, cats, ferrets, or rabbits nor to veterinarians or licensed pet shops or licensed kennels.

(e) *Application for permit*. Any person desiring a permit under this chapter shall make written application to Minneapolis Animal Care and Control. Approval of application is subject to conditions prescribed by Minneapolis Animal Care and Control. Failure to adhere to conditions is cause for cancellation of the permit and/or result in an administrative fine.

(f) *Duration of permit*. All permits issued shall expire on January 31 of the following year after its issuance unless sooner revoked. The application fee for such permit shall be fifty dollars ($50.00) which shall be paid at the time of application. The annual renewal fee thereafter for such permit shall be forty dollars ($40.00). Minneapolis Animal Care and Control will inspect the premise annually or as deemed necessary.

(g) *Five-year permit.* The fee for a five-year permit will be one hundred fifty dollars ($150.00). All five-year permits issued shall expire on January 31 of the year following the fifth year after its issuance unless sooner revoked. Minneapolis Animal Care and Control will inspect the premise annually or as deemed necessary.

(h) *Refusal to grant permit*. Minneapolis Animal Care and Control may refuse a permit to keep or maintain animals or fowl hereunder for failure to comply with the provisions of this chapter, and shall refuse a permit if such animals or fowl should not be kept upon the premises described in the application for the permit. If any such permit is refused, the fee paid with the application shall be retained by Minneapolis Animal Care and Control.

(i) *Enforcement*. Minneapolis Animal Care and Control shall enforce the provisions of this chapter.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-117 amending Title 4, Chapter 72 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Diseased, Injured or Dead Animals, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-117
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 4, Chapter 72 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Diseased, Injured or Dead Animals.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 72.30 of the above-entitled ordinance be amended to read as follows:

72.30. Quarantine. The ~~Commissioner of Health and/~~ Minneapolis Health Department or Minneapolis Animal Care and Control may order any diseased animal to be immediately quarantined. Upon certification by a licensed veterinarian that such animal is indeed suffering from one of the diseases enumerated in section 72.10, the ~~Commissioner and/~~ Minneapolis Health Department or Minneapolis Animal Care and Control may order that such animal be disposed of and direct the manner thereof.

Section 2. That Section 72.40 of the above-entitled ordinance be amended to read as follows:

72.40. Abandonment, care and destruction of diseased or injured animals. No person having the care, custody and control of any diseased, sickly, or injured animal shall abandon said animal anywhere in the city but instead shall provide care for said animal unless it is adjudged past recovery in which case said person shall cause said animal to be disposed of in such manner as the ~~commissioner of health or his designee~~ Minneapolis Health Department shall direct.

Section 3. That Section 72.50 of the above-entitled ordinance be amended to read as follows:

72.50. Unclaimed animals. Any sickly, injured or diseased animal found or abandoned upon any street, alley, lot or public place, which is adjudged by the ~~commissioner of health~~ Minneapolis Health Department or by any veterinarian summoned by the ~~Commissioner of Health and/~~ Minneapolis Health Department or Minneapolis Animal Care and Control to be past recovery, shall, if unclaimed and uncared for by the owner thereof, be disposed of pursuant to state law by order of the ~~Commissioner of Health and/~~ Minneapolis Health Department or Minneapolis Animal Care and Control.

Section 4. That Section 72.60 of the above-entitled ordinance be amended to read as follows:

72.60. Burial or abandonment of dead animals prohibited. No person shall deposit or cause to be deposited upon any lot or in any street, alley, lake, river or other body of water, sewer or manhole or bury or conceal in any way, a dead animal or part thereof. The owner or other person having charge of an animal at the time of its death shall remove or cause to be removed the dead body of such animal within twelve (12) hours after death to a crematory, sanitary landfill, rendering factory or any other place designated by the ~~commissioner of health~~ Minneapolis Health Department.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-118 amending Title 4, Chapter 74 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Miscellaneous Regulations, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-118
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 4, Chapter 74 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Miscellaneous Regulations.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 74.65 of the above-entitled ordinance be amended to read as follows:

74.65. Class C permit requirements. (a) Applicants for Class C permits must be identifiable persons or organizations that will be responsible for compliance with all terms of this Chapter. Applicants for Class C permits shall file an application with Minneapolis Animal Care and Control no less than ninety (90) days prior to a scheduled or planned event in the city. The application shall include:

(1) The names and addresses of all owners and operators of the applicant organization or individual.

(2) All reasonably pertinent records related to the veterinary care for all of the applicant's animals. The records should represent adequate care provided as needed and/or to prevent suffering and/or disease transmission. The veterinarian's records must include the age, weight, height/length, and gender of the animal.

(3) All reasonably pertinent records of training, transporting, breeding, importing, restraining, and housing for all of the applicant's animals to the extent possible.

(4) A safety plan for the animals and the public, including all means of restraint of the animals, and all other information as required by Minneapolis Animal Care and Control.

(5) A complete history for all owners or operators of citations, investigations, convictions, and/or sustained violations of any federal, state or local regulations pertaining to circuses or cruelty, abuse or neglect to animals by any regulatory authority.

(6) The scheduled locations for the ninety (90) days prior to a scheduled or planned event in the city of all of the animals that will be brought to the city for any reason for the planned event.

(7) Documentation satisfying the insurance requirements set by Minneapolis Animal Care and Control.

(8) All other reasonably pertinent information as required by Minneapolis Animal Care and Control.

(b) At least one (1) time prior to an event, and at the applicant's expense, Minneapolis Animal Care and Control shall travel to any of the scheduled locations prior to the event in the city for the purposes of inspecting all facilities and locations that are used to exhibit, train, transport, breed, import, restrain, house and care for all of the applicant's animals.

(c) Upon arrival of any of the applicant's animals in the city, Minneapolis Animal Care and Control shall inspect all of the applicant's animals and verify that all of the animals are in good health, that all animals have current vaccinations, that the applicant is in possession of current medical records for all animals, and that there are no signs of any abuse of the animals (including free of cuts, abrasions or other apparent injuries due to abuse). Minneapolis Animal Care and Control may reinspect and reverify all such information and records at any time the applicant's animals are in the city. Minneapolis Animal Care and Control shall make every effort to ensure that all of the animals are inspected each day that any of the applicant's animals are in the city.

(d) Upon arrival, Minneapolis Animal Care and Control shall review all plans and inspect all facilities to verify compliance with such plans in that all of the applicant's animals are properly restrained at all times while in the city and that adequate plans exist in the event of an emergency to protect the animals and the public in the event of fire, escape or other threat to the public's or the animals safety. Minneapolis Animal Care and Control may reinspect and reverify all such facilities and plans at any time the applicant's animals are in the city.

(e) While any of the applicant's animals are in the city, Minneapolis Animal Care and Control shall inspect all animals and verify all have adequate food, water, shelter, space, exercise, and care. All animals shall be kept clean at all times, all feces will be removed within one (1) hour of occurrence, fresh water will be provided to all animals at least every four (4) hours or more often as necessary to ensure the health of the animals, and all animals shall be housed at all times in temperatures considered suitable for each species in its natural environment.

(f) While any of the applicant's animals are in the city, Minneapolis Animal Care and Control shall inspect all animals to ensure none are subject to cruelty, neglect and/or abuse.

(g) The applicant shall provide for security posted to observe the animals at all times that any of the applicant's animals are in the city. Any personnel required as part of the emergency plan to protect the animals and the public shall be present and any identified tools, devices, or firearms shall be readily available.

(h) The applicant shall comply with all state and federal regulations pertaining to circuses or animals, and shall make all information related to such compliance available to Minneapolis Animal Care and Control upon request. Upon arrival in the city, the applicant shall provide a sworn affidavit representing that the applicant is in compliance with the terms of this section and with all other applicable state and federal regulations.

(i) Minneapolis Animal Care and Control shall make every effort to coordinate all inspection and enforcement efforts referred to herein with other departments in the city, with the Animal Humane Society, and other governmental organizations. Minneapolis Animal Care and Control is further authorized to contract with a veterinarian or any other person or organization with expertise in wild animal care to assist in investigating the applicant's care of the animals.

(j) It shall be unlawful for any person or organization intending to conduct an event requiring a Class C permit to bring the animals into the city without having first obtained a Class C permit. Minneapolis Animal Care and Control may enforce violations of this section through the administrative citation process in Chapter 2 of this Code, in addition to any other remedy available to the city for Code violations including permit revocation. Minneapolis Animal Care and Control is further authorized to make all other necessary orders and take all other necessary actions to protect the health and safety of the public and the animals.

(k) It shall be unlawful for any person to furnish false information for the purpose of obtaining a permit. Any permit obtained under fraudulent pretenses is void and shall be revoked.

(l) Any person applying for a permit shall provide evidence of surety bond or liability insurance in the amount set by Minneapolis Animal Care and Control which covers incidences or occurrences involving animals.

(m) Minneapolis Animal Care and Control may deny an application for a traveling animal exhibition permit for any of the following reasons:

(1) Failure to comply with or supply any information or access requested and/or required; or

(2) Falsification of any information required; or

(3) Previous or current violations of any provisions of this chapter; or

(4) Previous or current citations, violations of any local, state, or federal law relating to cruelty to animals, public safety or animal exhibition permits.

(n) Minneapolis Animal Care and Control may revoke a permit for any of the following reasons:

(1) Failure to comply with the terms of this chapter; or

(2) Falsification of any information required; or

(3) Current violations of any provisions of this chapter; or

(4) Violation of any local, state or federal law applicable to animals and/or traveling animal exhibitions.

(5) Any instance of animal cruelty, abuse or neglect within the City of Minneapolis.

(o) Minneapolis Animal Care and Control may confiscate, order veterinarian care, and/or prevent from exhibition any animal which possess a threat to public safety (including, but not limited to animals not current with vaccinations) and/or is in immediate danger due to animal cruelty, abuse or neglect.

(p) In the event of a permit denial by Minneapolis Animal Care and Control, the applicant may, upon written request, have the denial reviewed by the ~~public safety and regulatory services~~ Regulatory, Energy and Environment committee of the city council no less than thirty (30) days prior to the scheduled or planned event in the city. The committee shall make a recommendation concerning the application to the full city council at the conclusion of the hearing. If the denial is affirmed by the city council, the applicant may seek such judicial review as permitted by law.

Section 2. That Section 74.80 of the above-entitled ordinance be amended to read as follows:

74.80. Keeping of honeybees. (a) No person shall keep, maintain, or allow to be kept any hive or other facility for the housing of honeybees on or in any property in the City of Minneapolis without a permit.

(b) The number and location of hives, colonies and/or facilities for the housing of honeybees permitted by this section shall be determined by a permit issued by Minneapolis Animal Care and Control. The permit shall specify any restrictions, limitations, conditions or prohibitions required by ~~the manager of animal care and control~~ Minneapolis Animal Care and Control as necessary to safeguard public health and the general welfare. Subject to a hearing to be held by a committee of the council or other designated hearing examiner, if requested within five (5) days of the notification, ~~the manager of animal care and control~~ Minneapolis Animal Care and Control may deny, suspend or revoke any permit applied for or granted pursuant to this section if any condition or requirement is violated or if the keeping of honeybees becomes a public nuisance.

(c) ~~The manager of~~ Minneapolis Animal Care and Control may grant a permit pursuant to this section only after the applicant has met any educational requirements as established and published by the manager and received the written consent of at least eighty (80) percent of the occupants of the several descriptions of real estate situated within one hundred (100) feet of the applicant's real estate and one hundred (100) percent of the signatures of occupants of properties immediately adjacent to the applicant's real estate. When the proposed location of the hives, colonies and facilities is within a large real estate parcel greater than four (4) acres in size, the applicant must receive approval from eighty (80) percent of the occupants of the

several descriptions of real estate situated within two hundred fifty (250) feet of the hives and one hundred (100) percent of the occupants of the several descriptions of real estate situated within one hundred fifty (150) feet of the hives. For the purposes of this subsection, the term "occupant" refers to any one (1) occupant for each of the real estate properties referenced. When the proposed location of the hives, colonies and facilities is located on a rooftop on a second or higher story of any building or structure and the proposed hives are at least five (5) feet from the nearest side of the building or structure and at least fifteen (15) feet from the nearest adjacent and occupied building or structure not owned or operated by the applicant, the written consent requirements imposed by this subsection shall not be required.

(d) Any person desiring a permit for the keeping of honeybees shall make application to Minneapolis Animal Care and Control. Approval of the application is subject to reasonable conditions prescribed by ~~the manager of~~ Minneapolis Animal Care and Control. All permits issued shall expire on January thirty-first of the year following issuance unless sooner revoked. The application fee for such permit shall be one hundred dollars ($100.00) which shall be paid at the time of application. There shall be no fee for annual renewal. Minneapolis Animal Care and Control shall inspect the premises as deemed necessary. Should the permit be refused, denied or revoked, the fee paid with the application shall be retained by Minneapolis Animal Care and Control.

(e) Minneapolis Animal Care and Control shall enforce the provisions of this section.

(f) *Definitions.* As used in this section:

(1) *Apiary* means the assembly of one (1) or more colonies of honeybees at a single location.

(2) *Beekeeper* means a person who owns or has charge of one (1) or more colonies of honeybees.

(3) *Beekeeping equipment* means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

(4) *Colony* means an aggregate of honeybees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs, and honey.

(5) *Hive* means the receptacle inhabited by a colony that is manufactured for that purpose.

(6) *Honeybee* means all life stages of the common domestic honeybee, Apis mellifera species of European origin.

(7) *Lot* means a contiguous parcel of land under common ownership.

(8) *Nucleus colony* means a small quantity of honeybees with a queenhoused in a smaller than usual hive box designed for a particular purpose.

(9) *Undeveloped property* means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for

human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

(g) *Standards of practice.* Any person obtaining a permit pursuant to this comply with the following standards of practice:

(1) Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.

(2) Each beekeeper shall ensure that a convenient source of water is available to the colony prior to and so long as colonies remain active outside of the hive.

(3) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.

(4) For each colony permitted to be maintained under this article, there may also be maintained upon the same apiary lot, one (1) nucleus colony in a hive structure not to exceed one (1) standard nine and five-eighths (95/8) inch depth ten-frame hive body with no supers.

(5) Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall be a violation of this section for any beekeeper's unused equipment to attract a swarm, even if the beekeeper is not intentionally keeping honeybees.

(6) Each beekeeper shall enclose their property and/or the apiary with a latching fence. A fence shall not be required if the hives are approved to be located on a rooftop on a second or higher story so as to be inaccessible to the general public so that bee movements to and from the hive do not interfere with the ordinary movements of persons on adjacent properties or the public right of way.

(h) *Colony density.* Any person obtaining a permit pursuant to this section shall comply with the following restrictions on colony density:

(1) Except as otherwise provided in this ordinance, in each instance where a colony is kept less than twenty-five (25) feet from a property line of the lot upon which the apiary is located, as measured from the nearest point on the hive to the property line, and any entrances to the hive faces that lot line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that honeybees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be four (4) feet in height, so long as the vegetation normally reaches six (6) feet in height or higher. The flyway barrier must continue parallel

to the apiary lot line for ten (10) feet in either direction from the hive. All other sides of the area encompassing the colonies shall consist of fencing, a wall, dense vegetation or combination of at least four (4) feet tall. The area encompassing the colonies need not entail the entire property. A flyway barrier is not required if the property adjoining the apiary lot line is undeveloped, or is zoned agricultural or industrial, or is a wildlife management area or naturalistic park land with no horse or foot trails located within twenty-five (25) feet of the apiary lot line. A flyway barrier is not required if the hives are located on the roof of a structure containing at least one (1) full story if all hives are located at least five (5) feet from the side of the structure and at least fifteen (15) feet from any adjacent and occupied structure.

(2) No person is permitted to keep more than the following numbers of colonies on any lot within the city, based upon the size or configuration of the apiary lot:

a. *One-half (½) acre or smaller lot:* Two (2) colonies;

b. *Larger than one-half (½) acre but smaller than three-quarter (¾) acre lot:* Four (4) colonies;

c. *Larger than three-quarter (¾) acre lot but smaller than one (1) acre lot:* Six (6) colonies;

d. *One (1) acre but smaller than five (5) acres:* Eight (8) colonies;

e. *Larger than five (5) acres:* As determined by ~~the manager of~~ Minneapolis Animal Care and Control.

(3) Regardless of lot size, so long as all lots within a radius of at least two hundred (200) feet from any hive, measured from any point on the front of the hive, remain undeveloped, the maximum number of colonies may be increased by ~~the manager of~~ Minneapolis Animal Care and Control. No grandfathering rights shall accrue under this subsection.

(4) If a beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, a beekeeper shall not be considered in violation of the portion of this section limiting the number of colonies while temporarily housing the swarm on the apiary lot in compliance with the standards of practice established pursuant to this section if the swarm is so housed for no more than thirty (30) days from the date acquired.

Adopted.
Absent – Reich, Johnson.

Ordinance 2013-Or-119 amending Title 4, Chapter 76 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Stables, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-119
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 4, Chapter 76 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Stables.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 76.40 of the above-entitled ordinance be amended to read as follows:

76.40. Stable and assembly/transfer facility to be used exclusively for licensed horse and carriage livery service. (a) A stable or assembly/transfer facility shall be used exclusively for the purpose of keeping horses used in a horse and carriage livery service licensed under Chapter 303 of this Code.

(b) No horse shall be stabled or otherwise kept in a stable or assembly/transfer facility unless it is registered with ~~the department of licenses and consumer services~~ licensing official pursuant to section 303.80 of this Code.

(c) Each horse shall meet the requirements in Chapter 303 of this Code for veterinary examination and certification, and care and maintenance of animals.

Section 2. That Section 76.60 of the above-entitled ordinance be amended to read as follows:

76.60. Stable operation. (a) Only one horse may be in a stall and the stable shall not contain any more horses than it has stall space to accommodate.

(b) Only city registered horses may be present in the stable unless prior approval has been granted by ~~the department of licenses and consumer services~~ Minneapolis Animal Care and Control.

(c) Water shall be available for horses at all times when they are in their stalls.

(d) If horses are to be tethered, they shall be tethered by a halter.

(e) Odors and condensation shall be kept to a minimum.

(f) The stable, including equipment and furnishings, shall be kept in good condition.

(g) To prevent harborage or breeding of insects and rodents, the stable interior and surrounding property shall be kept neat and free of litter and clutter.

(h) Effective pest control measures emphasizing preventative action shall be provided to prevent insect and rodent pests from being present in the stable or on stable property.

(i) Feed shall be stored in rodent proof facilities or containers.

(j) Straw, shavings or other bedding material shall be kept clean and dry and shall be changed as often as is necessary to keep it in that condition.

(k) Manure, soiled bedding, barn sweepings and waste feed shall be removed from the premises twice a week. When stored prior to removal, these materials shall be kept in insect- and rodentproof facilities or containers.

(l) A person who is capable of handling horses routinely and in emergencies shall be at the stable at all times when horses are on the premises.

(m) Smoking shall not be allowed in stabling or storage areas.

Section 3. That Section 76.80 of the above-entitled ordinance be amended to read as follows:

76.80. Assembly/transfer facility operation. (a) The facility shall only be occupied by horses within a daily eighteen-hour time period. That time period shall be stated in writing by the licensee at the time the application is submitted for licensure.

(b) Only city registered horses may be present unless prior approval has been granted by ~~the department of licenses and consumer services~~ Minneapolis Animal Care and Control.

(c) Drinking water shall be provided to the horses according to their need while they are at the facility.

(d) If horses are to be tethered, they shall be tethered by a halter.

(e) The facility including equipment and fixtures shall be maintained clean and in good condition at all times. Odors shall be kept to a minimum.

(f) All feed and wastes shall be stored in secure rodentproof containers. Waste feed and manure shall be removed daily.

(g) Effective insect control measures shall be utilized at the site.

(h) A person who is capable of handling horses routinely and in emergencies shall be at the facility at all times when horses are present.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-120 amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to Building Code: Permit Fees, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-120
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to Building Code: Permit Fees.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 91.10 of the above-entitled ordinance be amended to read as follows:

91.10. Fee procedure. The fees established and set forth in this chapter shall be collected by the ~~director of inspections~~ City before the issuance of any permits for which fees are required under the provisions of this chapter. The ~~director of inspections~~ building official shall not issue any such permit for which the payment of a fee is required by said provisions until such fee shall have been paid to ~~said director of inspections~~ the City, excepting, however, such permits may be issued for work to be done for the United States without the payment of any fee. Every person, at the time of applying to the ~~director of inspections~~ City for any permit for which a fee is required to be paid under the provisions of this chapter, except in the case of street permits, shall make a statement in writing, upon blanks and forms to be furnished by the ~~director of inspections~~ City for that purpose, which shall contain information as to the location, nature, extent and cost of the proposed structure, work, installation or other purpose, as well as all other information which the ~~director of inspections~~ City shall have the right to require under this Code and said statement shall contain a declaration that the facts and representations herein made are true and correct, which statement shall be subscribed to by the person or persons, or officer or agent of the corporation applying for said permit. Upon such statement being filed as above required and upon the payment to the ~~director of inspections~~ City by the applicant for said permit of the required fee for said permit, said ~~director of inspections~~ building official shall issue such permit.

All fees collected shall be paid over to the city finance office, ~~by the director of inspections,~~ daily, or as soon after collections as practicable.

Section 2. That Section 91.15 of the above-entitled ordinance be amended to read as follows:

91.15. Fee refunds. (a) There shall be no refund of any permit fee or plan checking fee collected by the ~~director of inspections~~ City in accordance with this chapter when the amount of the fee so collected is equal to or less than the minimum fee established in section 91.40 and the director's fee schedule. However, claims for full refund of permit fees only, based on ~~department of inspections~~ Construction Code Services Division of the Community Planning Economic Development (CPED) Department error, may be granted.

(b) All claims for refunds of permit fees in accordance with this section shall be made to the ~~director of inspections~~ building official within one hundred eighty (180) calendar days of the payment of said fees.

(c) For permits which are cancelled after issuance, where no authorized work has begun, a refund of fifty (50) percent of the permit fees claimed in excess of the minimum fee established in section 91.40 may be granted less a processing fee as established ~~in the director's fee schedule~~ pursuant to section 91.70; in no case shall such fees retained by the ~~director of inspections~~ City exceed a maximum retained fee as specified in ~~the director's fee schedule~~ section 91.70, if no work has been started. If any work authorized by a permit has been started, the department may retain a percentage of the fee for such permit over and above the maximum retained fee set out herein commensurate with the percentage of the work completed.

(d) The ~~director of inspections~~ building official shall cause to be placed in the ~~director of inspections'~~ office where permits are to be obtained notices of such size and readability that persons making application for permits and paying the fees therefor shall be notified of the refund policies of the department.

(e) Refunds due under the foregoing provisions shall be made upon written request of the permit applicant. The city finance officer shall refund such monies by issuing a check to the applicant for the refund amount due, upon receipt of a check request approved by the ~~director of inspections~~ building official. Said request shall contain the name and address of the permit applicant, the permit number, and the amount of refund due under this section.

Section 3. That Section 91.20 of the above-entitled ordinance be amended to read as follows:

91.20. Street permits. (a) The ~~director of inspections~~ City, before issuing any permit for the use or occupancy of any portion of any street, shall require the payment by the applicant for such permit, in the manner herein provided, of a fee as established ~~in the director's fee schedule~~ pursuant to section 91.70

(b) No person shall place or allow to be placed on any street, boulevard or alley any container which has a capacity of more than five (5) cubic feet, and which is designed or utilized for the collection of building debris, solid waste, or any other material without first obtaining a street use permit.

(1) Street use permits for solid waste containers may only be issued to those persons licensed as a Minneapolis Solid Waste Hauler as required by Chapter 225.290 of this Code or as a Class A or B Wrecker of Buildings as required by Chapter 277.2270 of this Code.

(c) Street use permits for personal storage containers may only be issued to the company which is responsible for the delivery and pickup of the personal storage container.

(1) Personal storage container shall mean a storage container that is contracted to be delivered to a residence and used to store personal items then picked up by a hauler and stored at a facility until it is requested to be delivered back to the residence so that the personal items may be retrieved.

Section 4. That Section 91.35 of the above-entitled ordinance be amended to read as follows:

91.35. Service charges. (a) When an agency or person requests that research work or service be performed by the ~~department of inspections~~ Regulatory Services Department or the Community Planning Economic Development (CPED) Department, an hourly research fee as established ~~in the director's fee schedule~~ pursuant to Section 91.70, at a minimum charge of one (1) hour, shall be imposed.

(b) For each check returned as nonnegotiable due to insufficient funds, closed account or other reason, a bad-check charge of thirty dollars ($30.00) shall be collected together with the face amount of the returned check. In the future, this amount shall change to follow Minnesota State Statute 604.113, subd. 2(a), as amended.

Section 5. That Section 91.50 of the above-entitled ordinance be amended to read as follows:

91.50. When fees doubled. Should any person begin work of a kind for which a permit from the ~~director of inspections~~ City is required by this Code without having secured the necessary permit therefor from the ~~director of inspections~~ City, that person shall, when subsequently securing such permit, be required to pay double the fees provided for such permit, and shall be subject to all the penal provisions of said Code.

Section 6. That Section 91.60 of the above-entitled ordinance be amended to read as follows:

91.60. Violations. No person shall violate any provision of this chapter, or make any false statement in the affidavit as sworn statement made, as required by this Code, in connection with the securing of any permit from the ~~director of inspections~~ City.

Section 7. That Section 91.70 of the above-entitled ordinance be amended to read as follows:

91.70. Unit based permit fee adjustment; ~~director's~~ fee schedule. (a) The minimum fee as shown in section 91.40 and certificate, permit, service or other fees calculated on a unit item or other basis, as shown in sections 46.40, 48.310, 50.70, 56.110, 59.30, 59.40, 59.50, 91.15, 91.20, 91.35, 91.55, 91.105, 91.115, 91.120, 91.150, 91.190, 91.220, 91.270, 91.380, 91.390, 91.410, 91.460, 91.465, 91.610, 91.620, 91.740, 91.750, 91.770, 91.780, 91.900, 108.30, 174.500, 249.80, and 389.105 shall be subject to automatic adjustment based on annual increases in the construction cost index (CCI) for the City of Minneapolis as published quarterly by the Engineering News Record. Such adjustment, rounded off to the nearest one (1) percent, shall be effective on April first of each year based on the construction cost index for the period ending December 31 of the preceding calendar year. Thereafter the director's fee schedule shall be subject to automatic annual adjustment pursuant to the terms of subsection (a) and shall be made available to the public at least thirty (30) days prior to going into effect. In the event CCI for the preceding calendar year is less than three (3) percent, the annual increase will be three (3) percent.

(b) The ~~director of inspections~~ City shall publish, maintain and make available to the public via all readily available means, including posting to the city's designated Internet site(s), a schedule of all such fees referenced in subsection (a). Such schedule shall be titled the

~~director's~~ fee schedule and shall be promptly revised and updated by the ~~director~~ building official on April first of each year. The council shall approve the initial ~~director's~~ fee schedule to be effective April 1, 2004. Thereafter the ~~director's~~ fee schedule shall be subject to automatic annual adjustment pursuant to the terms of subsection (a) and shall be made available to the public at least thirty (30) days prior to going into effect.

(c) The building permit fee amounts herein established shall be effective April 1, 2004 and shall be subject to automatic annual adjustment each April first thereafter in a percentage equal to annual increases in the consumer price index (CPI) for the period ending December 31 of the preceding calendar year. In the event CPI for the preceding calendar year is less than three (3) percent, the annual increase will be three (3) percent. Such building permit fees and subsequently adjusted building permit fees shall be published and maintained in the ~~director's~~ fee schedule referenced in section 91.70 and shall be based on the following valuation categories:

Valuation Categories

$1.00 to $500.00

$501.00 to $2,000.00

$2,001.00 to $25,000.00

$25,001.00 to $50,000.00

$50,001.00 to $100,000.00

$100,001.00 to $500,000.00

$500,001.00 to $1,000,000.00

$1,000,001.00 and up

Section 8. That Section 91.90 of the above-entitled ordinance be amended to read as follows:

91.90. Required generally. (a) The ~~director of inspections~~ City before issuing (1) any permit for the wrecking, moving, raising and holding or erection of any building or structure, or portion thereof, (2) any permit for an addition to any existing building or structure or for any alterations or repairs to any existing building or structure, or (3) any annual maintenance permit as provided for in the Minnesota State Building Code, upon application therefor, shall require the payment by the applicant for such permit of value-based fees in the amounts herein set forth.

(b) Building valuation for the purpose of establishing building permit fees shall be as set forth by the valuation data published by the Building Code Division, Department of Administration, State of Minnesota, as may be amended from time to time, or the applicant's value, including all labor and materials, whichever greater. The valuation to be used in computing the permit and plan-check fees shall be the total contract price of all construction or maintenance work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any

other permanent work or permanent equipment. Nothing in this method of determining valuation for building permit fees shall be construed as supplementing or decreasing the fees for other permits required by this Code.

(c) The building permit fee amounts herein established shall be effective April 1, 2004 and shall be subject to automatic annual adjustment each April first thereafter in a percentage equal to annual increases in the consumer price index (CPI) for the period ending December 31 of the preceding calendar year. In the event CPI for the preceding calendar year is less than three (3) percent, the annual increase will be three (3) percent. Such building permit fees and subsequently adjusted building permit fees shall be published and maintained in the ~~director's~~ fee schedule referenced in section 91.70 and shall be based on the following valuation categories:

Valuation Categories

$1.00 to $500.00

$ 501.00 to $2,000.00

$2,001.00 to $25,000.00

$25,001.00 to $50,000.00

$50,001.00 to $100,000.00

$100,001.00 to $500,000.00

$500,001.00 to $1,000,000.00

$1,000,001.00 and up

Section 9. That Section 91.100 of the above-entitled ordinance be amended to read as follows:

91.100. Plan-checking fees. When the valuation of the proposed construction exceeds one thousand dollars ($1,000.00) and a plan is required to be submitted, a plan-checking fee shall be paid to the ~~director of inspections~~ building official at the time of submitting plans and specifications for checking. Said plan-checking fees for all buildings shall be sixty-five (65) percent of the building permit fees as set forth in section 91.90, except that for expedited plan-checking services as set forth in section 89.20, the fee shall be one hundred (100) percent of the building permit fees as set forth in section 91.90

Where plans are incomplete, or changed so as to require additional plan checking, an additional plan-check fee shall be charged at a rate established by the ~~director of inspections~~ building official.

Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation and plans submitted for checking may thereafter be returned to the applicant or destroyed by the ~~director of inspections~~ building official. The ~~director of inspections~~ building official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon written request by the applicant

showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan-check fee.

Section 10. That Section 91.105 of the above-entitled ordinance be amended to read as follows:

91.105. Special inspection fees. The fee for special inspections of a transitory project, including but not limited to carnivals, festivals and special events, or for special inspections to be performed during hours other than the normal working hours established by the ~~director of inspections~~ City shall require the payment of an hourly fee as established ~~in the director's fee schedule~~ pursuant to section 91.70, including a minimum specified fee, such fees to be paid to the city treasurer by the contractor, building owner or agent, or any other person requesting the special inspection.

Section 11. That Section 91.120 of the above-entitled ordinance be amended to read as follows:

91.120. Fees for temporary certificates of occupancy. Temporary or partial certificates of occupancy may be issued at the discretion of the ~~director of inspections~~ building official upon prepayment of a fee in an amount as established ~~in the director's fee schedule~~ pursuant to section 91.70 for each such temporary or partial certificate of occupancy requested and so issued. Temporary certificates of occupancy may be renewed upon prepayment of the renewal fee in an amount equal to the fee for issuance at the discretion of the ~~director of inspections~~ building official.

Section 12. That Section 91.180 of the above-entitled ordinance be amended to read as follows:

91.180. Fees required. The ~~director of inspections~~ City, before issuing any permit for the installation of any plumbing work, fixture or device, shall require the payment by the applicant of such permit fees in the amount herein provided.

Section 13. That Section 91.190 of the above-entitled ordinance be amended to read as follows:

91.190. Basic fees. (a) The fees for all plumbing permits shall be computed on the basis of the number of fixture openings, plumbing fixtures or devices provided for in such permits, and the fee for each shall be as established in the director's fee schedule pursuant to section 91.70 based on the following categories:

(1) Plumbing fixture installed, including waste and/or vent piping;

(2) Plumbing fixture set only;

(3) Waste and vent piping only;

(4) Rainwater leader, for ten (10) stories or fraction thereof.

(b) For the purpose of calculating fees, plumbing fixtures counts include but are not limited to lavatories, water closets, bath tubs, dishwashers, disposals, ice makers, sumps, floor

drains, indirect wastes, heat exchangers, sewer ejectors, solar heat exchangers, receiving tanks, cross-connection control devices, electric or steam water heaters, water storage tanks and food service equipment when connected to the water supply.

(c) Water service, supply and distribution system. The ~~director of inspections~~ City, before issuing any permit for the installation or replacement of, or extension to any water service, water supply or water distribution pipe or system of piping in any building or structure, shall require the payment by the applicant for such permit of fees as established in the director's fee schedule pursuant to section 91.70 and based on the following categories:

(1) For any permit for installing a water meter or fire meter.

(2) For any permit for installing, repairing, overhauling, or testing of reduced-pressure-zone (RPZ) backflow preventers.
RPZ permits are exempt from the minimum fee requirement as called for in section 91.150.

(3) For any permit for replacing or extending water distribution piping for each one hundred (100) lineal feet or fraction thereof.

(4) For any extension of the water pipe to a water-using device or fixture for which a plumbing permit is required, such plumbing permit and the fee paid shall cover the installation of both the device or fixture and the water piping for such device or fixture (subject to minimum fees, section 91.40).

Section 14. That Section 91.250 of the above-entitled ordinance be amended to read as follows:

91.250. Fees required. The ~~director of inspections~~ City, before issuing any permit for the installation of any gas piping or gas fixtures, or device, shall require the payment by the applicant for such permit of fees in the amount herein.

Section 15. That Section 91.310 of the above-entitled ordinance be amended to read as follows:

91.310. Fees required. The ~~director of inspections~~ City, before issuing any house moving permit or a permit for the wrecking of any building or structure, shall require the payment by the applicant for such permit of fees in the amounts herein provided.

Section 16. That Section 91.360 of the above-entitled ordinance be amended to read as follows:

91.360. Fees required. The ~~director of inspections~~ City, before issuing any permit for the installation of any sign, billboard or marquee, or for annual registration of same, shall require the payment by the applicant for such permit or registration of fees in the amounts herein provided.

Section 17. That Section 91.380 of the above-entitled ordinance be amended to read as follows:

91.380. Sign fees established. The permit fee for off-premises advertising billboards shall be as established ~~in the director's fee schedule~~ pursuant to section 91.70. For all other signs, the permit fee for a sign shall be as established in the director's fee schedule and shall require a fee for the first one hundred (100) square feet of area, plus a fee for each additional fifty (50) square feet of area, or fraction thereof. An additional fee shall be specified in the director's fee schedule for projecting sign permits. The fee for recovering the framework of awnings and canopies shall be as set forth in section 91.90 pertaining to other structures.

Section 18. That Section 91.415 of the above-entitled ordinance be amended to read as follows:

91.415. Banner signs. The fee for banner signs shall be that required for a temporary sign as set out in section 91.410. Such banner signs shall be installed only by a licensed sign hanger, after obtaining a temporary sign permit from the ~~director of inspections~~ City. The temporary sign permit for a banner sign shall have a limited expiration date of sixty (60) days and shall include all provisions set forth in section 109.370 of this Code.

Section 19. That Section 91.460 of the above-entitled ordinance be amended to read as follows:

91.460. Fees required. The ~~director of inspections~~ City, before issuing any permit for the construction, installation, alteration, addition or repair of any furnace, boiler, heating or power plant or system, or any device or equipment connected therewith, or for any other device connected, or to be connected with any chimney or stack, or for the construction, installation, alteration, addition or repair of any air conditioning system or ventilation system or sheet metal ductwork or equipment connected therewith, shall require the payment by the applicant for such permit of the fee or fees in the amount shown in the attachment. The permit fee amounts herein established shall be effective immediately and shall be subject to automatic adjustment each April first thereafter in a percentage equal to annual increases in the consumer price index (CPI) for the period ending December 31 of the preceding calendar year. Such permit fees and subsequent adjusted fees shall be published and maintained in the ~~director's~~ fee schedule referenced in Section 91.70 and shall be based on the following valuation categories.

Contract Price	**Required Heating and Valuation Categories**
$1.00—$50,000.00	
$50,001.00 and over	

The cost of installations, alterations, additions or repairs as used in this article shall include all labor and material supplied by the contractor. In addition, it shall include all materials supplied by other sources when these materials are normally supplied by the contractor.

The permit fee for the installation of a gas burner and its equipment for use in connection with a heating system shall be as established ~~in the director's fee schedule~~ pursuant to section 91.70.

Section 20. That Section 91.470 of the above-entitled ordinance be amended to read as follows:

91.470. Revision of estimated cost. The estimated cost shall be subject to review by the ~~director of inspections~~ building official, and if the estimate does not reflect the true cost, it shall be revised and the applicant shall pay the fee based upon such revision. The ~~director of inspections~~ building official may revoke any permit issued containing false information regarding the value of the work authorized by said permit. If the actual cost exceeds the estimate by five hundred dollars ($500.00) or more, the applicant shall report, within thirty (30) days after completion of the job, the actual cost to the inspection department and the fee shall be revised and the applicant shall pay a fee computed on the basis of the actual cost.

Should the ~~director of inspections~~ building official find that estimated cost was undervalued and not reported, or that for fees computed on a per-item basis, the number or type of items exceeds that reported on the work permit application, a penalty fee of fifty dollars ($50.00) shall be paid in addition to the revised permit fee.

Section 21. That Section 91.480 of the above-entitled ordinance be amended to read as follows:

91.480. Permit fees for heating, air conditioning and refrigeration by alternative sources of energy. Permits shall be required for the construction, installation, alteration, addition or repair of any furnace, boiler, heating or power plant or system, or any device or equipment connected therewith, or for the construction, installation, alteration or repair of any cooling piping and equipment, or of any air conditioning system or ventilation system or sheet metal ductwork or equipment connected therewith, or of any refrigeration plant or equipment when using an alternate source of energy such as, but not limited to, solar energy. The fee shall be determined by the ~~director of inspections~~ building official.

Section 22. That Section 91.600 of the above-entitled ordinance be amended to read as follows:

91.600. Fees required. The ~~director of inspections~~ City, before issuing any permit for the installation, extension, alteration or repair of any passenger or freight elevator, dumbwaiter, escalator or manlift, or for the installation or repair of gates or enclosure work in connection with any elevator, or for an annual elevator registration, shall require the payment by the applicant for such permit or registration of the fees in the amount herein provided.

Section 23. That Section 91.730 of the above-entitled ordinance be amended to read as follows:

91.730. Fees required. The ~~director of inspections~~ City, before issuing any certificate of code compliance or making any prerequisite inspection, shall require the payment by the applicant for such certificate of code compliance of the fees in the amounts herein set forth.

Section 24. That Section 91.740 of the above-entitled ordinance be amended to read as follows:

91.740. One- and two-family dwellings. The fee for a one- or two-family dwelling shall be as established in ~~the director's fee schedule pursuant to~~ section 91.70.

Section 25. That Section 91.750 of the above-entitled ordinance be amended to read as follows:

91.750. Multiple dwellings. The fee for multiple dwellings such as apartment buildings, shared-bath dwellings, rooming houses, boardinghouses, dormitories, fraternity and sorority houses, any building containing combinations of the above types of occupancy, and other similar type buildings shall be as established in ~~the director's fee schedule pursuant to~~ section 91.70 for the first dwelling, shared-bath or rooming unit, plus an additional fee as specified for each additional dwelling or shared-bath unit, and a separate specified fee for each additional rooming unit.

Section 26. That Section 91.770 of the above-entitled ordinance be amended to read as follows:

91.770. Commercial or industrial buildings. The fee for commercial or industrial buildings shall be as established in ~~the director's fee schedule pursuant to~~ section 91.70 for the first one thousand (1,000) square feet, or fraction thereof, of floor area, plus an additional specified fee for each additional one thousand (1,000) square feet of floor area, or fraction thereof.

Section 27. That Section 91.780 of the above-entitled ordinance be amended to read as follows:

91.780. Temporary certificate of code compliance. The fee for any temporary certificate of code compliance shall be as established in ~~the director's fee schedule pursuant to~~ section 91.70 and compliance with section 87.265 of this Code shall be required.

Section 28. That Section 91.900 of the above-entitled ordinance be amended to read as follows:

91.900. Fees required. The ~~director of inspections~~ City, before issuing any permit for erosion and sediment control shall require the payment by the applicant of such permit fees in the amount herein provided.

Section 29. That Section 91.910 of the above-entitled ordinance be amended to read as follows:

91.910. Basic fees. The fees for the permit required by section 52.140 shall be as established in ~~the director's fee schedule pursuant to~~ section 91.70 based on the following categories:

TABLE A
EROSION AND SEDIMENT CONTROL PLAN REVIEW AND INSPECTION FEES (UTILITIES)

Per lineal foot disturbed—Minimum fee as established by 91.40

TABLE B
EROSION AND SEDIMENT CONTROL PLAN REVIEW AND INSPECTION FEES (MULTI-FAMILY, COMMERCIAL, AND INDUSTRIAL)

500 square feet or less

501 square feet or more

**Area is based on ground area disturbed

TABLE C

676 square feet or less detached garage No fee

ALL OTHER CONSTRUCTION EROSION AND SEDIMENT CONTROL PLAN REVIEW AND INSPECTION FEES (SINGLE-FAMILY RESIDENTIAL)

500 square feet or less

501 to 3,000 square feet

3,001 square feet or more

For each additional 1,000 square feet

**Area is based on building footprint

TABLE D
EROSION AND SEDIMENT CONTROL PLAN REVIEW AND INSPECTION FEES (DEMOLITION ONLY)

Single-family residential

All others

(If building permit is issued at same time as demolition permit, the fee will be waived.)

TABLE E
EROSION AND SEDIMENT CONTROL PLAN REVIEW AND INSPECTION FEES (MAINTENANCE PROJECTS)

Annual permit

Other Inspections and fees:

1. Inspection outside of normal business hours per hour*

(minimum charge—two hours)

*Or the total hourly cost to the city, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

Section 30. That Section 91.950 of the above-entitled ordinance be amended to read as follows:

91.950. Authority to inspect. The ~~director of inspections~~ City is hereby authorized, when requested by the Minnesota Housing Finance Agency, to conduct inspections of rental properties within the city pursuant to Minnesota Statutes, Section 462A.071, in order to certify compliance with applicable housing codes for the purpose of qualifying the property for taxation as Class 4D property under Minnesota Statutes, Section 273.13. If ~~the director determines~~ it is determined that the property has already been inspected by the ~~inspections department's~~ housing inspection division's inspectors within the previous three (3) year period for purposes of the Minneapolis Rental Dwelling License Ordinance, Minneapolis Code of Ordinances, sections 244.1800 et. seq., then the ~~director~~ property may ~~certify~~ be certified as in compliance with the applicable codes to the State of Minnesota based upon an inspection of ~~department~~ applicable records without re-visiting the property. Inspections shall be conducted in conformity with section 244.1855 of this Code.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-121 amending Title 5, Chapter 93 of the Minneapolis Code of Ordinances relating to Building Code: Safety Precautions: Protection of Public Property, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-121
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 5, Chapter 93 of the Minneapolis Code of Ordinances relating to Building Code: Safety Precautions: Protection of Public Property.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 93.20 of the above-entitled ordinance be amended to read as follows:

93.20. Authority to stop construction or wrecking of buildings. The ~~director of inspections~~ building official is hereby given authority to stop the construction, alteration or repair of any building, or the wrecking of any building, whenever in the ~~director's~~ building official's judgment the same is being done in a reckless, careless or unsafe manner, or in violation of any ordinance of the city, and to order, in writing or by parole, any and all persons in any way or manner whatsoever engaged in constructing, altering, repairing or wrecking any such building to stop and desist therefrom. When any such work shall have been so stopped by the ~~director of inspections~~ building official, it shall not be resumed until after said ~~director~~ building official shall have been satisfied that all precautions will be taken for the protection of life and property and that such work will be prosecuted in a safe manner and in conformity with the ordinances of the city.

Section 2. That Section 93.50 of the above-entitled ordinance be amended to read as follows:

93.50. Temporary use of sidewalks, streets. Whenever buildings adjacent to street lines are to be erected or torn down, or altered in such manner as might give rise to any hazard to people passing the same, substantial fences shall be constructed in front of such buildings and when required temporary sidewalks and sidewalk covers shall be constructed as required herein. All such constructions shall be safely and substantially built to meet the approval of the ~~director of inspections~~ building official and shall be maintained in a safe condition at all times. If construction work is abandoned for more than sixty (60) days they shall be removed if so ordered by the ~~director of inspections~~ building official and the street or sidewalk cleared of all materials.

Section 3. That Section 93.60 of the above-entitled ordinance be amended to read as follows:

93.60. Permit to place building material on streets. Any person building or repairing a building near any street, avenue or public ground, or desiring to remove any building along any street, may apply to the city engineer for a permit to place building material, or properly contained building refuse, upon such street, avenue or public ground during the progress of such building or repairing, or removing such building, and the city engineer may, applying reasonable discretion, when the necessities of the case seem to require it, grant such permit under such conditions and restrictions (to be set forth in such permit) as will in the city engineer's judgment prevent needless inconveniences to the public. Such permit shall be in writing and may be revoked by the city engineer or the ~~director of inspections~~ building official upon good cause being shown, but while in force shall protect the property from seizure and the person permitted from the penalties of this Code, so long as such person shall rigidly observe the conditions and restrictions therein. Such permit shall be presented to the ~~director of inspections~~ building official and recorded in a book kept for that purpose by the ~~department of inspections~~ Construction Code Services Division of the Community Planning Economic Development (CPED) Department, and until the permit is so recorded it shall be of no force or effect. All permits issued by the ~~director of inspections~~ building official pursuant to the provisions of this chapter shall expire at the end of a ninety-day time period.

Section 4. That Section 93.70 of the above-entitled ordinance be amended to read as follows:

93.70. Walk and fence around building material. (a) When required by the city engineer or the ~~director of inspections~~ building official, a sidewalk or passageway, at least four (4) feet in width, shall be kept in front of any building during the progress of its construction, and shall extend from the side of the permanent sidewalk in front of each lot adjoining the sides of the lot on which such building is being erected. Such sidewalk, if temporary, shall be laid out around the space to be used for the materials to be employed in the erection of such building, but shall be laid wholly within that part of the street which is so permitted to be used for such building materials.

(b) Any such sidewalk shall at all times be kept clear for the passage of persons over the same, except when materials are being handled over said sidewalk, and no person shall leave any materials, tools, implements or machinery thereon.

(c) Such sidewalk, if temporary, shall be constructed in a manner approved by the ~~director of inspections~~ building official and the city engineer.

(d) The respective ends of said temporary sidewalk shall be laid even with the sidewalk to which it is connected.

(e) A fence four (4) feet in height shall be constructed from the line of the curb to the building line on both sides of any place where the permanent sidewalk shall be removed or obstructed by any building operations.

(f) It shall be the responsibility of the person granted a temporary occupancy permit to provide such safeguards as necessary to prevent access to that part of the street set out in said permit by unauthorized persons. It shall be unlawful for any unauthorized person to enter that part of the street provided with proper safeguards as required by this chapter.

Section 5. That Section 93.90 of the above-entitled ordinance be amended to read as follows:

93.90. Sidewalk to be covered. Whenever any new building abutting directly upon any street within the city shall have attained the height of one story, or whenever it may become necessary to unroof or take down any building so abutting upon any street within the city, or to perform any work thereon whereby risk may be incurred to any person passing the same, the party or parties erecting, unroofing, taking down or performing any work on any such building, or the owner thereof, shall erect a good and substantial covering over the sidewalk, at least four (4) feet in width and having headroom of not less than seven (7) feet six (6) inches in height, to be approved by the ~~director of inspections~~ building official.

Section 6. That Section 93.100 of the above-entitled ordinance be amended to read as follows:

93.100. Curb, paving or parking meters; how to remove. Whenever in the construction, alteration, repair or removal of any building, it shall be necessary to remove any of the paving or curb, or any parking meter, or meters, in the street in front of said building, or in the alley adjacent thereto, either for the purpose of making excavations or for setting derrick-posts, the ~~director of inspections~~ building official shall not issue a permit for said proposed work until the applicant for such permit presents to the ~~director of inspections~~ building official a permit from the city engineer for the removal of said paving, curb or parking meter, or meters, together with a receipt from the city finance officer for the amount of money necessary, according to the

estimate of the city engineer, to defray the expense of relaying said paving and resetting said curb and parking meters, and to defray the loss to the city of the public use of the parking spaces due to the removal of any parking meters. The estimate of loss to the city by reason of the removal of parking meters shall be determined in accordance with the estimate of cost for loss of the use of parking meters as set forth in section 478.430

The removal and reinstallation cost of meter shall be one hundred dollars ($100.00) per meter pole plus daily hooding/loss fees as set forth in section 478.430. These fees shall be increased as needed on an annual basis by the city engineer based on the actual cost to the city.

Section 7. That Section 93.180 of the above-entitled ordinance be amended to read as follows:

93.180. ~~Director~~ Building official to be notified before pouring concrete. (a) The contractor shall notify the ~~director of inspections~~ building official, when the reinforcing steel is being placed in the forms and nearly completed, to make an inspection.

(b) When metal lath hangers and ties for suspended ceilings are placed by the contractor, he shall, upon completion, notify the plaster inspector to make an inspection.

(c) No concrete shall be poured until both of the above inspections shall have been made and permission granted to proceed.

Section 8. That Section 93.210 of the above-entitled ordinance be amended to read as follows:

93.210. Fire prevention during construction. No combustible materials or equipment in excess of actual requirements shall be kept or stored in any building during construction. Shavings, wood cuttings and other light combustible materials shall be removed at frequent intervals. Form lumber, planking, scaffolding and similar material shall be removed as soon as they are no longer needed. No salamander shall be used on a floor of combustible construction unless protected with at least four (4) inches of sand under the legs thereof and no combustible material shall be permitted near such apparatus. All salamanders shall be securely constructed and designed so that they cannot be accidentally overturned. Such fire extinguishers of a nonfreezing type shall be provided as the ~~director of inspections~~ building official may require. In buildings over ten (10) stories high a guard shall be kept at the work during all hours that work is not in progress.

Section 9. That Section 93.220 of the above-entitled ordinance be amended to read as follows:

93.220. Additional precautions. When an unusual situation arises in the construction, alteration or wrecking of buildings which creates a substantial danger or hazard to the public, and when in the judgment of the ~~director of inspections~~ building official and the city engineer the provisions of this Code are not adequate to properly protect the public, or the enforcement of the provisions of this Code might create danger or hazard to the public, then upon the recommendation in writing of the ~~director of inspections~~ building official and the city engineer, the city council may prescribe additional precautions and safety measures and may direct or

authorize deviation from the requirements of this Code to meet the specific conditions of the project, as may be deemed necessary for the safety and protection of the public.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-122 amending Title 5, Chapter 95 of the Minneapolis Code of Ordinances relating to Building Code: Projections and Encroachments, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-122
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 5, Chapter 95 of the Minneapolis Code of Ordinances relating to Building Code: Projections and Encroachments.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 95.90 of the above-entitled ordinance be amended to read as follows:

95.90. Areaways. (a) *Defined.* The term "areaway," as used in this Code, shall mean a below-grade area which is or was used as an extension of, or adjunct to, a building or structure and which extends into and occupies a portion of a street or other public right-of-way.

(b) *New construction or modification of areaway.* No areaway shall be constructed or modified without an encroachment permit issued by the city engineer. Persons seeking an encroachment permit for an areaway shall submit an application before they apply for a building permit and shall submit their plans, including present and proposed top-of-curb profiles and other pertinent information, for the city's review regarding compliance with the following conditions and restrictions:

(1) No areaway shall be permitted in any alley right-of-way or in the roadway portion of any street (from the back of the curb to back of curb, or, if a new layout plan for a street has been approved by the city council, then between the proposed backs of curbs).

(2) No areaway shall be permitted in the sidewalk utility corridor, which is the five-foot wide portion of the public right-of-way parallel and adjacent to the back of the curb and having a depth of nine (9) feet measured from the top of the curb. No areaway shall extend more than twelve (12) feet into the public right-of-way as measured from the property line. Further, the areaway shall not serve as an essential support function for the adjacent building, so that the areaway can be readily removed without affecting the structural integrity of the adjacent building or other essential support systems to said building.

(3) The minimum granular cover material between the top of the areaway and the bottom of the sidewalk or driveway shall be six (6) inches at the property line. Further, said cover shall uniformly increase by sloping the areaway roof downward way from the property line at a minimum rate of three-fourths (¾) inch per foot advancing into the right-of-way.

(4) No opening of any kind, including, but not limited to, stairways, chutes, and ventilation openings, shall be allowed from the public sidewalk into the areaway.

(5) The walls of the areaway shall be of adequate strength and sufficiently braced with cross walls to resist all lateral and vertical loads, including but not limited to earth loads, hydrostatic loads, vehicular loads and loads imposed by the structure.

(6) The areaway shall be constructed of reinforced concrete or other suitable material adequate to safely carry the design load, including the capability of sustaining a concentrated live load of ten thousand (10,000) pounds on any area not exceeding six (6) inches square. All materials shall be corrosion-resistant.

(7) The shutoff (stop box) for all water supply lines shall be outside of and at least two (2) feet from the areaway walls and no such areaway shall interfere with pipes, sewers, conduits or other underground construction of the city or any public service corporation.

(8) Areaway roofs less than three (3) feet from the surface shall be insulated with a suitable material so as to prevent the melting and refreezing of snow caused by heat loss to the sidewalk or utility corridor above.

Upon completion of the review, the application for an areaway encroachment permit will be forwarded to the city engineer for approval or denial. After the city engineer issues the encroachment permit, the requesting party shall obtain a building permit prior to constructing said areaway.

Any modification of an existing areaway shall be performed in compliance with the requirements of section (b) above, as well as the additional requirements set forth for existing areaways in section (c) below as determined by the city engineer.

(c) *Existing areaway compliance.* All areaways or the remains of areaways, in existence prior to January 1, 1990, shall be allowed to remain in place until such a time as the city engineer may require that the areaway be modified or abandoned to accommodate projects for the public good, including, but not limited to, the following projects: Sidewalk, including condemned sidewalk replacement, curb, gutter, street pavement, utility, street lighting system, traffic signal system, and streetscape. When an areaway must be modified or abandoned for such purpose, the city engineer shall notify the property owner of the existing or potential areaway conflict. The property owner shall, within two (2) weeks, respond to the city engineer's notice and provide a schedule satisfactory to the city engineer for completing the required work. Should the property owner fail to supply a satisfactory schedule or follow through with the approved schedule, the city council may direct the city engineer to abandon said areaway in its entirety and may assess all associated costs against the property adjoining the areaway and such assessment shall be levied and collected in the same manner as special assessments under Chapter 10, Section 8 of the Charter of the City of Minneapolis. Before the city council

orders the city engineer to abandon an areaway, it shall hold a public hearing on the matter and shall provide the owner of the areaway fourteen (14) days written notice of the hearing, specifying the time and place thereof. An areaway or the remains of an areaway adjacent to a vacant lot, shall be abandoned and removed whenever a new building is constructed on any such vacant lot. All areaways or the remains of areaways in existence prior to January 1, 1990, shall remain in compliance with the following requirements:

(1) All existing stairway areaways or open areas shall be properly protected by smooth iron or brass railing with iron gates at the tops of all such stairways. If such stairways occur at street corners, they shall be rounded off so that they shall have a radius not exceeding the distance that said stairways project into the sidewalks, measured at right angles to the front or sides of the building.

(2) Areaways for ventilation shall not exceed four (4) feet by four (4) feet and shall be covered with a steel grating having openings not over one and one-fourth (1¼) inches wide.

(3) Coal chutes, ash hoists or similar openings shall not exceed three (3) feet four (4) inches by five (5) feet, and shall be covered with suitable covers or doors, having a rough surface which shall be approved by the city engineer and having hinges and other hardware flush with top surface.

(4) The covers over sidewalk areas mentioned in subsections (2) and (3) above shall be designed to carry a live load of one hundred fifty (150) pounds per square foot and when constructed in an alley right-of-way shall be designed to carry a concentrated load of six thousand (6,000) pounds on an area not exceeding six (6) inches square. When not opened, all such covers shall be securely locked in place. The walls around such areaways shall be of masonry or reinforced concrete of adequate strength to resist all stresses.

(5) Existing areaways larger than those permitted above or areaways to be used for other purposes shall not be allowed to remain unless a special permit was issued by the city council prior to January 1, 1990, and unless said areaways remain in compliance with the following requirements: The walls shall be of adequate strength and sufficiently braced with cross walls to resist all lateral and vertical loads; the sidewalk or roadway over areaways shall be constructed of steel, reinforced concrete or brick arches, adequate to safely carry at least one hundred fifty (150) pounds per square foot and if such surface is used as a roadway, shall also be capable of sustaining a concentrated load of six thousand (6,000) pounds on any area not exceeding six (6) inches square; the top surface of such sidewalk or roadway shall be smooth and flush, but shall not be slippery when wet; the controls on all water supply lines shall be outside of and at least two (2) feet from the retaining walls of such areas and no such areas shall interfere with any pipes, sewers, conduits or other underground constructions of the city or any public service corporation.

All areaways to be modified shall be designed to meet all applicable state and local building codes by a design engineer who shall be a qualified civil or structural engineer, licensed by the State of Minnesota as a professional engineer. Inspection of the work shall be provided during construction by or under the direct supervision of a qualified engineer, licensed by the State of

Minnesota as a professional engineer, so as to ensure that the work performed conforms to the design documents and all applicable state and local building codes. Said design and construction inspection engineer(s) shall be selected, hired and paid by the owner of the areaway.

(d) *Abandonment of areaways.*

(1) *Partial removal permitted.* Partial removal of an abandoned areaway is allowed only if the city engineer or his designee determines that a partial removal would better serve the public good for reasons including, but not limited to, avoidance of extensive excavation into roadways, minimizing disruption to vehicular traffic and minimizing disruption to pedestrian traffic.

Partial removal of an areaway shall require the demolition and complete removal of the areaway roof, floor and upper portion of the walls. The upper portion of the walls shall be defined as the top of wall to an assumed horizontal line five (5) feet below the bottom of the sidewalk or driveway at the property line. The remains of the areaway shall continue to be the responsibility of the abutting property owner and shall be subject to complete removal when the adjacent building is being demolished or for projects for the public good as set forth in paragraph (c) of this section. Property owners shall be required to file an affidavit with city engineer verifying the existence of the areaway remains and stipulating to the property owner's responsibility for its ultimate removal. The areaway's encroachment permit shall be maintained so long as the partial remains of the areaway are in existence. If the areaway does not have an encroachment permit, one must be obtained before the partial removal can proceed.

(2) *Complete removal required.* Unless the city engineer determines that a partial removal would better serve the public good, areaways that are to be abandoned shall be completely removed from city right-of-way, subject to demolition permit requirements. Areaways that are to be abandoned shall be completely removed from city right-of-way, subject to demolition permit requirements. An areaway adjacent to or part of a building being demolished shall also be demolished, unless it is to be incorporated into a new structure. Existing areaways so utilized must be modified to be consistent with the above said new areaway construction requirements in subsection (b) above.

All areaways to be abandoned in their entirety or partially removed shall be designed to meet all applicable state and local building codes by a design engineer who shall be a qualified civil or structural engineer, licensed by the State of Minnesota as a professional engineer. Inspection of the work shall be provided during construction by or under the direct supervision of a qualified engineer, licensed by the State of Minnesota as a professional engineer, so as to ensure that the work performed conforms to the design documents and all applicable state and local building codes. All costs associated with the services provided by said design and construction inspection engineer(s) shall be the responsibility of the areaway owner.

(e) *Safety inspection and certification of areaways.* All areaways shall be inspected when they become twenty (20) years of age, and every five (5) years thereafter, by an inspecting engineer who shall be a qualified civil or structural engineer, licensed by the State of Minnesota as a professional engineer. Said inspecting engineer shall be selected, hired and paid by the owner of the areaway, to determine whether said areaway is capable of carrying the

required loads and is otherwise structurally sound and in compliance with the provisions of this section.

The inspecting engineer shall make an engineering report of findings which shall consist of the following: (i) a statement as to whether or not the areaway is capable of carrying required loads, is structurally sound and is in compliance with the requirement of subsection (c) for areaways constructed prior to January 1, 1990, or subsection (b) for areaways constructed on or after January 1, 1990; and (ii) a list of the modifications, if any, that must be made in order to make the areaway capable of carrying required loads, structurally sound and in compliance with the appropriate subsection (b) or (c) as stated above; and (iii) a signed signature paragraph, stating the inspection and report was done by or under direct supervision of the inspecting engineer who is a duly licensed professional engineer under the laws of the State of Minnesota. In lieu of extensive modifications, the owner of the areaway may opt to make lesser modifications and more frequent engineering report of findings inspections, all as recommended by the inspection engineer, and included as an option in the engineering report of findings; provided, that such lesser modifications shall, in any event, incorporate sufficient structural and safety features to satisfy the appropriate subsections (b) or (c). In all cases, the full list of modification to meet the requirement (ii) above must be submitted to the ~~director of inspections~~ building official.

The ~~director of inspections~~ building official shall provide notification of the inspection and certification requirements of this section to the owner of any affected areaway whenever an order is issued requiring compliance with the inspection and certification provisions of this section.

This subsection (e) shall apply to all areaways in existence prior to the effective date of this ordinance as well as those constructed after the effective date. For areaways in existence at the effective date of this ordinance, the initial implementation for the engineering report of findings inspection, shall be done in an orderly manner as scheduled by the ~~director of inspections~~ building official with the general direction that the primary intent of this subsection is to require inspections of the areaways at the regular intervals, as stated above, and that the dates of the inspections, in relation to the age of the areaways, is secondary and reasonably adjustable. Whenever the age of an areaway is not readily ascertainable, the ~~director of inspections~~ building official shall use reasonable and best efforts to estimate the age of the areaway. Said estimated age shall then be used for the purpose of setting inspection schedules, as stated above. The areaway owner may, for whatever reason, have an engineering report of findings inspection done at any time. Once the engineering report of findings is submitted to the ~~director of inspections~~ building official and the fee is paid, the future inspection schedule shall be adjusted, maintaining the frequencies of visual inspections and engineering report of findings inspections, as described above, without regard to the actual age of the areaway.

Whenever the city engineer or the ~~director of inspections~~ building official becomes aware of any areaway for which there is no encroachment permit, the city engineer shall send a written notice to the owner of the areaway, setting forth the requirements of this subsection. Also included in the notice shall be the requirements of an encroachment permit for the areaway. Within sixty (60) days after the city engineer has sent the written notice to the owner, the owner shall submit a completed encroachment permit application and an engineering report of findings by the owner's inspecting engineer as required by this subsection, if the areaway is more than thirty-five (35) years of age. If the areaway is between twenty (20) years and thirty-five (35) years of age, the ~~director of inspections~~ building official, or designee, will conduct a visual inspection of the areaway. The owner shall comply with all provisions of this section relating to

the making of necessary modifications to the areaway in the same manner and time schedule as required herein as to owners who have an encroachment permit. The owner shall also comply with all of the encroachment permit requirements of this chapter applicable to areaways. Should the owner fail to comply with these requirements, no encroachment permit shall be issued and the owner of the areaway may be ordered by the city council to remove the areaway pursuant to section 95.20 of this chapter.

The city council may revoke any previously issued encroachment permit for the failure to comply with the provisions of this section, including the failure to cause the required areaway inspections to be made or the failure to make the necessary modifications within the submitted time schedule. Upon revocation of such permit, the owner of the areaway may be ordered by the city council to remove it pursuant to section 95.20.

This subsection (e) shall not apply to any areaway that is appurtenant to a parking ramp for which an operating certificate has been issued and is currently in effect pursuant to Chapter 108 of this Code.

(f) *Fee.* Whenever an engineering report of findings is required under this section, the owner of the areaway shall be required to pay a fee of seventy-five dollars ($75.00) to the city to defray the city's administrative costs in connection therewith. Whenever a visual inspection by the ~~director of inspections~~ building official is required under this section, the owner of the areaway shall be required to pay a fee of one hundred fifty dollars ($150.00) to the city to defray the city's field inspection and administrative costs in connection therewith. Such fee shall be in addition to the fee for the encroachment permit required under section 95.13.

(g) *Areaways appurtenant to city property exempt.* Areaways that are constructed as an extension of, or adjunct to a building or structure which is constructed and owned by the City of Minneapolis, shall be exempt from the provisions of subdivision (b) of section 95.90 and the other provisions of this chapter 95 pertaining to encroachments and projections.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-123 amending Title 5, Chapter 101 of the Minneapolis Code of Ordinances relating to Building Code: Plumbing, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-123
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 5, Chapter 101 of the Minneapolis Code of Ordinances relating to Building Code: Plumbing.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 101.60 of the above-entitled ordinance be amended to read as follows:

101.60. Plumber's license required. No person shall construct, reconstruct, extend, alter or repair any plumbing work or building drainage, or construct cesspools, or construct, reconstruct or connect any building drainage with cesspools, legal drainage terminal or the sewer system of the city, either directly or indirectly, until such person shall have first obtained a license from the city to do such work. No holder of any such plumber's license shall allow said licensee's name to be used by any other person or persons either for the purpose of doing plumbing work or obtaining a permit therefor, nor cause or permit any person in the licensee's employ to do or perform any plumbing work for the licensee without such employee having first obtained a certificate of competency as required by Chapter 278, Article I of this Code. Violation of these provisions by any such licensee shall be deemed good and sufficient cause for the revocation of the plumber's license, and the ~~director of inspections~~ building official is authorized to refuse to issue further permits to any licensee so violating said provisions. No person shall display any sign stating or implying that such person is a licensed plumber, unless such is a fact, or any sign stating or implying such that person is carrying on the business of plumbing unless such person is duly licensed to do so, as provided by this Code. No owner or lessee, nor any representative or agent of any owner or lessee, shall knowingly hire or otherwise engage any unlicensed person to do any plumbing work in any building in the city.

Section 2. That Section 101.70 of the above-entitled ordinance be amended to read as follows:

101.70. Permits. (a) Any person, before beginning to construct, reconstruct, extend, alter or repair any plumbing work, or install any plumbing fixture, appliance or appurtenance, or connect any plumbing work with a cesspool or the sewerage system, shall first obtain a permit for doing so from the inspections division.

(b) No person or persons shall make, or cause to be made, any change in the work for which a permit has been granted, without the consent of the ~~director of inspections~~ building official.

(c) Notwithstanding any other provisions of this Code to the contrary and where permitted by state law, permits may be issued to make repairs, additions, replacements and alterations to any plumbing or drainage work of any attached or detached single-family dwelling structure used exclusively for living purposes or any accessory buildings thereto provided that all such work in connection therewith shall be performed under the authorization of a permit obtained by the owner-occupant of said dwelling pursuant to section 89.30 of this Code.

(d) The ~~director of inspections~~ building official may require the submission of plans, specifications and other data in one or more sets with each application for a permit.

Section 3. That Section 101.75 of the above-entitled ordinance be amended to read as follows:

101.75. Work site notice to be displayed. No person required to be licensed by the provisions of this chapter shall commence with the construction, reconstruction, extending, altering or repairing of any plumbing work, or installing any plumbing fixture, or connecting any plumbing work with a cesspool or the sewerage system except as provided in the plumbing code unless there shall be conspicuously posted at the work site a work site notice. The work site notice shall be not less than eight by ten (8 × 10) inches in size and shall state the name of the licensed plumber, said plumber's business address and the certificate number identifying such plumber as issued by the ~~director of inspections~~ building official along with the contractor's business phone number. The work site notice required by this section may be posted or painted conspicuously on a vehicle when such vehicle is located on or adjacent to the property where the plumbing work is being done, but the vehicle is not to be concealed within a building or structure. In the event that the work site notice required by this section is not properly posted, the ~~director of inspections~~ building official or the ~~director's~~ building official's duly authorized agents may stop all plumbing work at the job site until this section has been complied with.

Section 4. That Section 101.190 of the above-entitled ordinance be amended to read as follows:

101.190. Officers designated. The ~~director of inspections~~ building official and inspectors of plumbing under the direction of the ~~director of inspections~~ building official, shall enforce and cause to be enforced the provisions of the plumbing code.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-124 amending Title 5, Chapter 103 of the Minneapolis Code of Ordinances relating to Building Code: Gas Piping, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-124
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 5, Chapter 103 of the Minneapolis Code of Ordinances relating to Building Code: Gas Piping.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 103.30 of the above-entitled ordinance be amended to read as follows:

103.30. Permits. Every person before constructing, reconstructing, installing, extending or altering any gas distribution pipes for the conveyance, distribution or use of illuminating or fuel gas, or installing or connecting any gas burning appliance with the gas distribution pipes whether from a public or private source or supply shall first secure a permit from the ~~director of inspections~~ building official authorizing said work. However, no permit shall be required of a licensed person for repair of gas distribution pipe leaks, repair and service of appliances, or the

disconnecting and reconnecting of appliances necessary for repair or service to an appliance or the building in which it is located. The application for such permit shall be made upon a blank form published by ~~said director~~ the building official for that purpose, and shall clearly describe the work to be done under such permit and shall be accompanied when required by said director by full plans and specifications of the same; after which, if it shall appear to ~~said director~~ the building official that the laws and this Code are complied with, or will be, when the installation is completed, the ~~director~~ building official shall grant such permit.

Section 2. That Section 103.40 of the above-entitled ordinance be amended to read as follows:

103.40. Approval of materials and appliances required. (a) No person shall install any material or appliance, or connect same to any gas system, which material or appliance has not been approved by the ~~inspections division~~ Construction Code Services Division of the Community Planning Economic Development (CPED) Department.

(b) No person shall knowingly represent that any appliance or material has been approved by the ~~inspections division~~ Construction Code Services Division of the Community Planning Economic Development (CPED) Department for installation when such is not a fact.

(c) The ~~inspections division~~ Construction Code Services Division of the Community Planning Economic Development (CPED) Department shall accept for installation any appliance or material which has been listed by a recognized national testing laboratory, until such time as experience in the field of actual service develops unforeseen factors warranting withdrawal of acceptance.

Section 3. That Section 103.50 of the above-entitled ordinance be amended to read as follows:

103.50. Procedure for securing approval. (a) Any person wishing acceptance of material or materials, appliance or appliances, which have not been accepted by a recognized national testing laboratory, shall submit all blueprints, cut-away sections, materials, appliances specifications or other required information to the plumbing or mechanical section of the ~~inspections division~~ Construction Code Services Division of the Community Planning Economic Development (CPED) Department.

(b) When tests or other investigations are required on any material or appliance, all arrangements shall be made by, and all expenses in connection with such test shall be borne by sponsor or sponsors for said appliance.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-125 amending Title 5, Chapter 105 of the Minneapolis Code of Ordinances relating to Building Code: Heating, Air Conditioning and Refrigeration, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-125
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 5, Chapter 105 of the Minneapolis Code of Ordinances relating to Building Code: Heating, Air Conditioning and Refrigeration.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 105.20 of the above-entitled ordinance be amended to read as follows:

105.20. Permits. (a) No person shall construct or install any heating, ventilating, air conditioning or refrigeration plant or equipment such as is subject to regulation by this chapter, in or for any building, or alter or repair any such existing heating, ventilating, air conditioning or refrigeration plant or equipment, without first making written application to and securing a permit from the ~~director of inspections~~ building official. However, a permit will not be required for service work, repairs or replacement of components or controls of any existing heating, ventilating, air conditioning or refrigeration system if all the following requirements are met:

(1) There is no change in the type or method of control.

(2) There is no increase in the required capacity, rating or BTU input of the system or equipment.

(b) No person shall make or cause to be made any change in the work regulated by this chapter for which a permit has been granted, or to the plans submitted for such a permit without first having obtained the approval of the ~~director of inspections~~ building official.

Section 2. That Section 105.30 of the above-entitled ordinance be amended to read as follows:

105.30. Work site notice. No person required to be licensed prior to obtaining a permit by the provisions of this chapter shall commence with or perform or enter upon the construction, installation, alteration or change of any heating, ventilating, air conditioning or refrigeration work within the city for which a permit is required unless there shall be conspicuously posted at the work site a work site notice. The work site notice shall be not less than eight (8) by ten (10) inches in size and shall state the name of the licensed mechanical contractor and said contractor's business address or business phone number. The work site notice required by this section may, upon approval by the ~~director of inspections~~ building official, be satisfied by a conspicuously marked vehicle when such vehicle is located on or adjacent to the property where the mechanical work is being done, but the vehicle is not to be concealed within a building or structure. A conspicuously marked vehicle shall be readily identifiable by company logo or name and may include the business address and/or phone number. In the event that the work site notice required by this section is not properly posted, the ~~director of inspections~~

building official or the ~~director's~~ building official's duly authorized assistants may stop all mechanical work at the job site until there has been compliance with this section.

Section 3. That Section 105.50 of the above-entitled ordinance be amended to read as follows:

105.50. Supervision and enforcement. The ~~director of inspections~~ building official and the ~~director's~~ building official's regularly authorized assistants assigned to such work shall enforce and cause to be enforced the heating code, and shall supervise all necessary tests and make all necessary inspections of heating, ventilating, air conditioning or refrigeration plants and equipment installed thereunder.

Section 4. That Section 105.70 of the above-entitled ordinance be amended to read as follows:

105.70. Permits only to licensed installers. (a) No permit for the construction, installation, alteration or repair of any heating, ventilating, air conditioning or refrigeration plant or equipment shall be issued by the ~~director of inspections~~ building official to any person who is not duly licensed by the city council, as required by this Code. However, permits may be issued by the ~~director of inspections~~ building official for the construction, installation, alteration or repair of boilers, other than cast iron sectional boilers, to any unlicensed contractor who has in possession an R stamp or ASME code stamp as provided for by the American National Standard ANSI/NB23, National Board Inspection Code 1983 as proof of special training for such type of work; provided, further, that permits may be issued by the ~~director of inspections~~ building official to unlicensed persons for the construction, installation, alteration or repair of ventilation systems (for single or multiple dwellings only) of a type commonly used for domestic kitchen or bathroom exhaust when each system is individually vented.

(b) Notwithstanding any other provision of this Code to the contrary and where permitted by state law and with exception of safety devices and combustion equipment, permits may be issued to make repairs, additions, replacements and alterations of any steam or hot water boiler, warm air furnace, air conditioning, ventilating or refrigeration equipment of any attached or detached single-family dwelling structure used exclusively for living purposes or any accessory buildings thereto, provided there is no change in the required capacity of the systems involved and that all such work in connection therewith shall be performed under the authorization of a permit obtained by the owner-occupant of said dwelling pursuant to section 89.30 of this Code.

Section 5. That Section 105.75 of the above-entitled ordinance be amended to read as follows:

105.75. High-pressure steam and high-pressure hot water piping. No permit for construction, installation, alteration, or repair or any high-pressure steam or high-pressure hot water piping shall be issued by the ~~director of inspections~~ building official to any person unless such person has a valid steam fitters' contracting license issued by the State of Minnesota, Department of Labor and Industry, pursuant to Section 326.46 et seq., Minnesota Statutes. All persons so licensed shall, prior to obtaining any permit from the ~~director of inspections~~ building official, file with said ~~director~~ building official their current state license number and no permit shall be issued to any person without said license number being on file in the office of the ~~director of inspections~~ building official. The standards for the installation, alteration, or repair of high-pressure steam or high-pressure hot water piping within the City of Minneapolis shall be as

set out in the State of Minnesota High Pressure Code, Chapter 5230 of the department of labor and industry, steam fitter rules and codes for power piping systems.

"High-pressure steam piping," for the purposes of this section, shall mean steam piping operating at a pressure of fifteen (15) pounds or more per square inch gauge. High-pressure hot water piping shall mean piping operating at a pressure in excess of thirty (30) pounds per square inch gauge and exceeding a temperature of two hundred fifty (250) degrees Fahrenheit.

Section 6. That Section 105.80 of the above-entitled ordinance be amended to read as follows:

105.80. Unlawful permits for others. Any person duly licensed as required by this Code to construct, install, alter, maintain or repair any heating, ventilating, air conditioning or refrigeration plant or equipment who, as such licensee, shall take out or secure a permit such as required by the heating code for work to be done by any person who shall allow his name to be used by any person for the purpose either of doing any such work or of obtaining permit therefor, shall by such act, upon conviction thereof, forthwith forfeit his license. The ~~director of inspections~~ building official shall thereafter refuse to issue any further permits to construct, install, alter or repair any heating or air conditioning plant or equipment under any license so forfeited.

Section 7. That Section 105.90 of the above-entitled ordinance be amended to read as follows:

105.90. Approval of materials and appliances required. (a) No person shall install any material or appliance, or connect same to any heating, ventilating or air conditioning system, which material or appliance has not been approved by the ~~department of inspections division~~ Construction Code Services Division of the Community Planning Economic Development (CPED) Department.

(b) No person shall knowingly represent that any appliance or material has been approved by the ~~department of inspections~~ Construction Code Services Division of the Community Planning Economic Development (CPED) Department for installation when such is not a fact.

(c) The ~~inspections division~~ Construction Code Services Division of the Community Planning Economic Development (CPED) Department shall accept for installation any appliance or material which has been listed by a recognized national testing laboratory, until such time as experience in the field of actual service develops unforeseen factors warranting withdrawal of acceptance.

Section 8. That Section 105.95 of the above-entitled ordinance be amended to read as follows:

105.95. Installation permit required. Before a permit may be issued by the ~~director of inspections~~ building official for the installation of any compressor unit, air conditioning device, air tempering device or other stationary mechanical equipment, the applicant shall provide a sketch sufficient for the ~~director of inspections~~ building official to determine that potential adverse noise effects have been considered. Consideration shall be deemed to have been made when a sketch of the installation with dimensions together with sound rating number of the equipment to be installed has been provided.

Any person who installs an air conditioner, heating unit, compressor unit or other stationary mechanical equipment in violation of this section shall remove said mechanical equipment without any additional cost to the owner of the property where such unlawful installation was made.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-126 amending Title 5, Chapter 107 of the Minneapolis Code of Ordinances relating to Building Code: Elevators, Escalators, Hoists and Lifts, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-126
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 5, Chapter 107 of the Minneapolis Code of Ordinances relating to Building Code: Elevators, Escalators, Hoists and Lifts.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 107.20 of the above-entitled ordinance be amended to read as follows:

107.20. Permits. (a) *Required.* Any person desiring to install, relocate, alter, repair or replace any elevator, hoist, lift, escalator, moving walk or part thereof shall first obtain a permit for so doing from the ~~inspections division~~ building official.

(b) *Not required.* Permits will not be required for maintenance work such as lubrication, cleaning and adjusting of equipment or for the replacement of worn or broken parts which are normal maintenance, when such maintenance is defined in Section 1206 of the Safety Code for Elevators and Escalators, ASME A17.1-1993 but not including Rule 1206.3 thereof.

(c) *Fees.* Permit fees shall be as provided in Article IX of chapter 91 of this Code.

Section 2. That Section 107.30 of the above-entitled ordinance be amended to read as follows:

107.30. Identification labels. The conveyances regulated by this chapter shall bear an identification label having a number assigned and recorded by the ~~inspections division~~ Construction Code Services Division of the Community Planning Economic Development (CPED) Department. Such labels shall be furnished and placed by the ~~inspections division~~ Construction Code Services Division of the Community Planning Economic Development (CPED) Department at a uniform location on or about the device or apparatus. Such identification labels shall not be removed without the permission of the ~~director of inspections~~ building official.

Section 3. That Section 107.50 of the above-entitled ordinance be amended to read as follows:

107.50. Annual operating permits. No person shall use or maintain any passenger elevator, freight elevator, escalator, dumbwaiter or manlift, as defined in the safety code for elevators and escalators, ASME A17.1-1993, for which an annual operating fee shall have been established by article IX of Chapter 91 of this Code, without first having applied to and obtained from the ~~director of inspections~~ building official a permit to do so. Operating permits shall expire on the first day of November of each and every year, and shall be renewed annually on or before said date for as long as such equipment shall be used. However, no such permit shall be required until the first day of November following the installation of such equipment.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-127 amending Title 5, Chapter 108 of the Minneapolis Code of Ordinances relating to Building Code: Parking Ramps, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-127
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 5, Chapter 108 of the Minneapolis Code of Ordinances relating to Building Code: Parking Ramps.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 108.10 of the above-entitled ordinance be amended to read as follows:

108.10. Definitions. For purposes of this chapter, the following terms shall mean:

Building Official: The Minnesota Certified Building Official designated by the city pursuant to Minnesota State Statue 326B.133.

Department: ~~The Minneapolis Department of Inspections~~ Construction Code Services Division of the Community Planning Economic Development (CPED) Department.

~~*Director:* The director of inspections.~~

Parking ramp: A building or structure, or part thereof, in which a structural level other than a slab on grade is used for parking, storage, or maintenance of motor vehicles.

Qualified civil or structural engineer: A person registered by the State of Minnesota as a professional engineer whose field of practice is civil or structural engineering, and who is insured in accordance with section 108.80 of this chapter.

Section 2. That Section 108.30 of the above-entitled ordinance be amended to read as follows:

108.30. Application for certificate; fee established. The fee for a parking ramp operating certificate shall be as established in the director's fee schedule pursuant to Chapter 91, Section 91.70. Application for a parking ramp operating certificate shall be filed with the department on forms provided by the department. The application shall contain the name, business address and telephone number of the owner of the ramp; the address of the parking ramp; the number of parking spaces; the year in which the ramp was constructed; and such other information as the ~~director~~ building official may require. The application shall also state the name, address and telephone number of the person or firm which operates the parking ramp, if different from the owner.

Section 3. That Section 108.60 of the above-entitled ordinance be amended to read as follows:

108.60. Affidavit and engineer's report required. Upon application for or renewal of the required operating certificate, the owner or operator of a parking ramp shall file with the ~~director~~ building official an affidavit stating that the parking ramp has been inspected in accordance with section 108.50 of this chapter by a qualified civil or structural engineer. The owner or operator shall file with the affidavit a copy of the engineer's inspection report. The report shall contain the engineer's findings and shall indicate whether the structure is capable of supporting the loads for which it is used. The report shall contain a statement by the engineer whose field of practice is civil or structural engineering and that he or she carries professional liability insurance in the amount of two hundred fifty thousand dollars ($250,000.00).

Section 4. That Section 108.70 of the above-entitled ordinance be amended to read as follows:

108.70. Certificate revocation; nonrenewal; penalties. (a) No operating certificate shall be issued or renewed unless the owner or operator of the parking ramp has obtained the annual inspections required by section 108.50 and filed the annual affidavits and reports required by section 108.60

(b) If the owner or operator of a parking ramp fails to file the annual affidavit and report required by section 108.60, the ~~director of inspections~~ building official may revoke the certificate. A decision to revoke the certificate may be appealed in writing to the city council within twenty-one (21) days of mailing of the ~~director's~~ building official's decision.

Section 5. That Section 108.90 of the above-entitled ordinance be amended to read as follows:

108.90. Insurance required for parking ramp operation. No operating certificate shall be granted unless the owner or operator shall carry liability insurance with an insurance company authorized to do business in the State of Minnesota. The liability insurance for the premises and operations of the ramp, which shall include coverage for any injury or loss caused

by explosion or collapse, shall be in the sum of at least one million five hundred thousand dollars ($1,500,000.00).

The owner or operator of an automobile service facility which provides less than one hundred (100) parking spaces in the service facility structure, shall carry liability insurance with an insurance company authorized to do business in the State of Minnesota. The liability insurance for the premises and operation of the ramp, which shall include coverage for any injury or loss caused by explosion or collapse, shall be in the sum of at least one million dollars ($1,000,000.00).

If the owner takes possession of the keys, and has care, custody and control of a vehicle, then the owner shall also provide garagekeepers legal liability insurance in the sum of at least three thousand five hundred dollars ($3,500.00) per stall, or two hundred fifty thousand dollars ($250,000.00) as minimum policy limits. The required certificates of insurance shall be kept current and valid at the corporate headquarters and copies shall be maintained at each parking ramp office. Such certificates shall be produced immediately upon demand of the ~~director of inspections~~ building official or the ~~director's~~ building official's designee, or any member of the public. Self-insured government entities shall be exempt from the requirements of this section.

Section 6. That Section 108.100 of the above-entitled ordinance be amended to read as follows:

108.100. Operating certificate to be posted. Every owner or operator of a parking ramp required to obtain an operating certificate shall post said certificate in a conspicuous location in the office or main collection booth of the parking ramp. In the event such notice is not posted, the ~~director~~ building official or the ~~director's~~ building official's designee may require that all motor vehicles be removed from the parking ramp and that no further parking of vehicles be allowed until the required operating certificate has been obtained and posted.

Section 7. That Section 108.110 of the above-entitled ordinance be amended to read as follows:

108.110. Penalty for failure to obtain or renew operating certificate. Should any person, firm, corporation, governmental entity or other entity operate a parking ramp without first having a valid operating certificate as required by this chapter, the owner or operator shall, when subsequently securing such certificate, be required to pay double the fee provided in section 108.30. The ~~director of inspections~~ building official or the ~~director's~~ building official's designee may also issue or cause to be issued an administrative citation to the owner or operator for violation of any of the provisions of this chapter.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-128 amending Title 5, Chapter 111 of the Minneapolis Code of Ordinances relating to Building Code: Swimming Pools, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-128
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 5, Chapter 111 of the Minneapolis Code of Ordinances relating to Building Code: Swimming Pools.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 111.20 of the above-entitled ordinance be amended to read as follows:

111.20. Permit required. No person shall construct or erect a private residential swimming pool or reconstruct any such pool or do any alteration, addition, remodeling or repair to such swimming pool in excess of the value of one hundred dollars ($100.00) without first obtaining a permit from the ~~director of inspections~~ building official. A permit shall be required for the reerection of any such swimming pool which was once erected with permit or which was in existence at the date of the enactment of this chapter, and then disassembled, and which is not reerected in the same location.

Section 2. That Section 111.60 of the above-entitled ordinance be amended to read as follows:

111.60. Design and construction requirements. The design and construction of all private residential swimming pools shall comply with the following:

(a) *Structural design.* The pool structure shall be engineered and designed to withstand the expected forces to which it will be subjected.

(b) *Overflow and surface drainage.* The pool and surrounding area shall be constructed and arranged in such a manner that no splash or overflow water shall return to the pool. No surface or roof drainage shall be permitted to enter the pool.

(c) *Finish.* Pool floor and walls shall have a cleanable, white or similar light-colored and impermeable surface.

(d) *Handholds.* Handholds shall be provided and shall not be more than nine (9) inches above the normal water line and shall extend around the entire periphery of the pool.

(e) *Pool deck.* Unobstructed deck areas not less than forty-eight (48) inches wide shall be provided to extend entirely around the pool. The deck surface shall be such as to be smooth and easily cleaned and of nonslip construction. The deck shall have a pitch of at least one-fourth inch to the foot, designed so as to prevent back drainage

into the pool. If deck drains are provided, drain pipe lines shall be at least two (2) inches in diameter and drain openings shall have an open area of at least four (4) times the cross-sectional area of the drain pipe. The deck drain system shall have indirect connection to the sanitary sewer. The deck drains shall not be connected to the recirculation system piping. No deck, other than the ground surface, shall be required for any pool that is totally above ground and which is less than four (4) feet in height.

(f) *Steps or ladders.* One or more means of egress in the form of steps or ladders shall be provided from any pool having a water depth of thirty-six (36) inches or more. Treads of steps and ladders shall be equipped with nonslip material.

(g) *Plumbing.* All supply and waste piping connected to such swimming pool shall be installed in accordance with the Minnesota State Plumbing Code.

(h) *Water supply.* The water supply serving the swimming pool shall be potable water or of a quality otherwise acceptable to the commissioner of health. All portions of the water distribution system serving the swimming pool and auxiliary facilities shall be protected against backflow. Water introduced into the pool, either directly or to the recirculation system, shall be supplied through an air gap in accordance with the Minnesota Plumbing Code. When such connections are not possible, the supply shall be protected by a suitable backflow preventer in accordance with the Minnesota Plumbing Code, installed on the discharge side of the last control to the fixture, device or appurtenance.

(i) *Drainage.* Pools shall be equipped with facilities for completely emptying the pool to the sanitary sewer, or other suitable disposal unit acceptable to the ~~director of inspections~~ building official.

There shall be no direct physical connection between the sewer system and any drain from the swimming pool or recirculation system. Any swimming pool or gutter drain or overflow from the recirculation system when discharged to the sewer system, storm drain, or other approved natural drainage course shall connect through a suitable air gap or air break so as to preclude the possibility of backup of sewage or waste into the swimming pool piping system.

The water from the pool shall not be drained onto the streets or sidewalk or any other public property or private property not owned by the pool owner.

(j) *Heaters.* All gas-fired or oil burning swimming pool heaters and boilers shall comply with the plumbing code and heating code of the city.

Section 3. That Section 111.100 of the above-entitled ordinance be amended to read as follows:

111.100. Approval of other design and equipment. Any swimming pool, the design and equipment of which incorporates features other than those set forth herein, shall be subject to review and approval by the ~~director of inspections~~ building official and the commissioner of health in accordance with acceptable standards and in conformance with current public health and safety practices.

Section 4. That Section 111.140 of the above-entitled ordinance be amended to read as follows:

111.140. Enforcement officers specified. The ~~director of inspections~~ building official and the commissioner of health are authorized and directed to administer and enforce the provisions of this chapter.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-129 amending Title 5, Chapter 113 of the Minneapolis Code of Ordinances relating to Building Code: Retaining Walls, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-129
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 5, Chapter 113 of the Minneapolis Code of Ordinances relating to Building Code: Retaining Walls.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 113.10 of the above-entitled ordinance be amended to read as follows:

113.10. Permit required. No person shall erect or construct a retaining wall which is not a part of a building and which is four (4) feet or more in height, without first obtaining a permit to do so from the ~~department of inspections~~ building official. No permit shall be required for any such retaining wall less than four (4) feet in height. An applicant for the issuance of a permit may be required to furnish a plan or drawing showing the construction of the wall and containing such data as reasonably deemed necessary by the ~~director of inspections~~ building official.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-130 amending Title 5, Chapter 115 of the Minneapolis Code of Ordinances relating to Building Code: Building Moving, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-130
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 5, Chapter 115 of the Minneapolis Code of Ordinances relating to Building Code: Building Moving.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 115.20 of the above-entitled ordinance be amended to read as follows:

115.20. Report of violations to State of Minnesota. The ~~director of inspections~~ building official shall report all violations of this chapter to the Minnesota Commissioner of transportation for possible revocation or suspension of the building mover's state license.

Section 2. That Section 115.30 of the above-entitled ordinance be amended to read as follows:

115.30. Permit required. Every licensed building mover shall, in each and every instance, before raising, holding up or moving any building from and/or to a location within the city limits, obtain a permit therefor from the ~~director of inspections~~ building official. Said permit shall contain an approval of the new site to which the building is to be moved. Said moving permit shall state specifically the route to be taken and all movement requirements designated by the city engineer and shall limit the time for the removal of said building. No building permit for the foundation, construction, alteration, or repair of such building shall be issued until such moving permit has been filed. Additionally, no building permit will be issued until a site plan is provided indicating building orientation and the locations of all building entrances in compliance with applicable zoning requirements. In no case shall a building be moved that is not worth sixty (60) percent of the cost of a similar new building.

Section 3. That Section 115.50 of the above-entitled ordinance be amended to read as follows:

115.50. Prerequisites to permit. (a) No permit shall be issued as herein provided for the removal of any building until satisfactory evidence is furnished by the city engineer that all sewer charges and water bills chargeable against the property sought to be moved have been paid, and that all sewer and water connections have been plugged or discontinued at the curbline or at the main, as shall be determined by the city engineer, and that satisfactory evidence is presented of the payment of all taxes chargeable against such property. No permit shall be issued until satisfactory evidence is furnished that all public utility companies furnishing services to the premises have been notified in writing by the building mover not less than two (2) business days prior to the raising, holding or moving of the building. The public utility company shall remove its equipment and service within the time set forth in such written notice or promptly notify the building mover and the ~~director of inspections~~ building official if a longer time period is necessary to remove their equipment and service so as not to constitute a hazard. The ~~director of inspections~~ building official then may withhold the issuance of the moving permit when in the director's opinion a longer time period is necessary for the removal of utility equipment and service so as to protect the public health, safety and welfare.

(b) However, in lieu of evidence of payment of taxes, the ~~director of inspections~~ building official may accept a certificate from the State of Minnesota, any of its agencies or political subdivisions, or a body public and corporate, that it is the owner of such property, and that such removal is being done by it, its contractor or agent.

(c) Further, no permit shall be issued as herein provided for the removal of any building until satisfactory evidence is furnished by a certificate from the commissioner of health that a licensed pest control company has satisfactorily exterminated all nuisance pests from the structure and premises.

(d) Further, no permit shall be issued as herein provided for the moving or removal of any building until satisfactory evidence is furnished in writing that said move or removal has approval of the heritage preservation commission as established in Chapter 34 of this Code.

(e) Further, no moving permit shall be issued as herein provided for the moving or removal of any building until satisfactory evidence is furnished in writing from the owner that all remaining foundation walls, footings, columns, floor slabs, piping, heating equipment, fuel storage tanks, and other debris shall be removed from the premises. The excavation remaining after the removal of a building or structure shall be filled to the level of the surrounding grade, with clean, granular-type fill material. Further, this shall be properly compacted and graded to provide drainage to prevent ponding of water. There shall be a topping of a sufficient depth and quality so as to enable groundcover to grow. Suitable groundcover shall be provided no later than ninety (90) days after permit issuance to comply with section 244.1570. Fencing not less than four (4) feet high shall be placed entirely around the perimeter of the excavation if it is more than thirty (30) inches deep at any point.

(f) Further, no permit shall be issued as herein provided for the moving of any building to a site within the city unless application has also been made by the owner of such building for a certificate of code compliance, as set out in Chapter 87 of this Code, to be performed when the building has been placed on its new site. New construction standards of the state building code shall apply to the construction, alteration, repair or rehabilitation necessitated by such inspection for any building moved to a site within the city. No such building shall be used for human occupancy until the certificate of code compliance relating to that building has been issued.

As a condition of the issuance of any permits, including the permit for moving required by this chapter, the applicant must deposit with the ~~director of inspections~~ building official two thousand dollars ($2,000.00) in cash or negotiable instrument. Such monies shall be deposited with the city treasurer to be held without interest until such time as said monies are refunded to the applicant or forfeited to the city in the event that the work required by this subsection and a certificate of code compliance is not issued within six (6) months from the date of the code compliance inspection. One three-month extension beyond the initial six-month time limitation may be requested by the owner if it can be shown that the code compliance work is proceeding expeditiously and is more than fifty (50) percent complete, or if unforeseen conditions have had a significant schedule impact on the completion of the work. In the event the building is restored to habitable condition and a certificate of code compliance is obtained within the time limits set out herein, the two thousand dollar ($2,000.00) cash deposit shall be refunded to the payee by the Minneapolis city finance officer.

Rehabilitation undertaken by the ~~Minneapolis Community Development Agency~~ Community Planning Economic Development (CPED) Department or under its sponsorship shall be exempt from the requirement of a cash deposit.

Section 4. That Section 115.70 of the above-entitled ordinance be amended to read as follows:

115.70. Moving from outside city. Any person desiring to move any building to within the limits of the city from outside of such limits shall, in addition to all other provisions herein contained, comply with the following requirements:

(a) Notify the ~~director of inspections~~ building official of the city in sufficient time so that the ~~director~~ building official may make all necessary inspections in order to determine whether such building complies with the applicable ordinances of the city.

(b) Pay to the ~~director of inspections~~ building official a fee of twenty-five cents ($0.25) per mile to be traveled by the inspectors in making the inspection, computed from the city hall in the city to the site where the building is being constructed or is located, together with a fee of twenty-five dollars ($25.00) per hour per inspector for each inspection, with a minimum of two (2) hours.

(c) The ~~director of inspections~~ building official is hereby authorized to make the inspections provided for herein upon compliance with the foregoing requirements.

Section 5. That Section 115.80 of the above-entitled ordinance be amended to read as follows:

115.80. Additional regulations. In addition to all other requirements herein, building movers shall observe the following rules:

(a) All building moving shall be done in a manner and during those hours and on the dates designated by the city engineer.

(b) All movements of buildings once started shall continue until completed, and no building shall be parked along the route unless deemed an emergency and approved by the city engineer. The building mover shall promptly notify the ~~department of licenses and consumer services~~ licensing official of such approval.

(c) Movers shall provide a front and rear escort for all movements and the outline of the building shall be readily defined by lights. Said escort and lighting shall be as specified by the city engineer. Not more than one building shall be moved over a bridge or a street at any one time. Every building mover shall notify the affected utilities and the ~~department of licenses and consumer services~~ licensing official at least two (2) business days, but not more than ten (10) business days, prior to the date of movement.

The city engineer shall have the right and authority to deny or change the requested movement depending upon the number of buildings to be moved in a particular area on a given day and to regulate such movements.

(d) The traffic engineering division of the city engineer's department shall issue for a fee "No Parking" signs to be posted by the mover along affected streets. The mover shall notify the city engineer of the streets or areas to be so posted by the mover. All such signs shall be posted not less than twenty-four (24) hours nor more than thirty (30) hours before the move is to be made and the date and day of such move shall be legibly imprinted thereon, together with the

name, address and telephone number of the building mover. All such signs shall be removed by the mover immediately after the building has passed a posted location.

(e) All laws pertaining to tampering with private property and vehicles on the streets shall be obeyed by the building mover during all moves.

(f) It shall be unlawful for any mover to use any other route than the one approved by the park and recreation board, the city engineer's office and/or the Minnesota State Highway Department.

(g) The moving permit must be posted on each building being moved during the entire move. The permit must be posted at a point not to exceed eight (8) feet above grade level when the building is loaded.

In to the moving permit card, two (2) signs must be attached to the building. Each of these signs must be not smaller than twenty-four (24) inches by eighteen (18) inches in size and of a permanent material (not paper or cardboard). One sign must be attached to each side of the building so that it is visible from the curb while the building is being moved, and must remain in place until the building has reached its final destination. Each sign must show, in letters not smaller than one and one-half (1½) inches in height, the licensee's name and telephone number

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-131 amending Title 5, Chapter 117 of the Minneapolis Code of Ordinances relating to Building Code: Wrecking, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-131
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 5, Chapter 117 of the Minneapolis Code of Ordinances relating to Building Code: Wrecking.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 117.10 of the above-entitled ordinance be amended to read as follows:

117.10. Permit required. No person shall commence or proceed to wreck, demolish or tear down any building or structure within the city, except as hereinafter provided, without first having obtained a permit from the ~~director of inspections~~ building official. Further, no person shall remove or salvage any building fixture or real property from the building or structure to be wrecked until the permit required by this chapter has been obtained.

Section 2. That Section 117.30 of the above-entitled ordinance be amended to read as follows:

117.30. Prerequisites to permit. (a) *Taxes, charges paid.* No permit shall be issued as herein provided until satisfactory evidence is furnished by a certificate of the city engineer that all sewer charges and water bills chargeable against the property sought to be wrecked have been paid and that all water and sewer connections have been plugged or discontinued at the curbline or at the main, as shall be determined by the city engineer, and that satisfactory evidence is presented of the payment of all taxes chargeable against such property. A fee of forty dollars ($40.00) for the sewer plug inspection by the city engineer shall be paid to the city finance department prior to the issuance of the permit. Nor shall any such permit be issued until satisfactory evidence is furnished that all public utility companies furnishing services to the premises have been notified in writing by the person applying for the wrecking permit not less than two (2) business days prior to proceeding with the wrecking or demolishing of the building. The public utility company shall remove its equipment and service within the time set forth in such written notice or promptly notify the building wrecker and the ~~director of inspections~~ building official if a longer time period is necessary to remove their equipment and service so as not to constitute a hazard. The ~~director of inspections~~ building official may then withhold the issuance of the wrecking permit when in the ~~director's~~ building official's opinion a longer time period is necessary for the removal of utility equipment and service so as to protect the public health, safety and welfare.

(b) [*State certificate in lieu of evidence of payment of taxes.*] However, in lieu of evidence of payment of taxes, the ~~director of inspections~~ building official may accept a certificate from the State of Minnesota, any of its agencies or political subdivisions, or a body public and corporate, that it is the owner of such property, and that such wrecking is being done by it, its contractor or agent.

(c) [*Extermination of pests.*] Further, no permit shall be issued as herein provided for the wrecking, demolition or tearing down of any building or structure in the city until satisfactory evidence is furnished by a certificate from the commissioner of health that a licensed pest control company has exterminated all nuisance pests from the structure and premises.

(d) [*Heritage preservation commission approval.*] Further, no permit shall be issued as herein provided for the wrecking, demolition or tearing down of any building or structure in the city until satisfactory evidence is furnished in writing that said wrecking, demolition or tearing down has the approval of the heritage preservation commission as established in Chapter 34 of this Code.

Section 3. That Section 117.60 of the above-entitled ordinance be amended to read as follows:

117.60. Supervision by ~~director~~ building official. All wrecking or tearing down of buildings or structures within the city shall be subject to the supervision of the ~~director of inspections~~ building official and to such reasonable restrictions as he may impose to avoid all preventable hazards to life, property or health.

Section 4. That Section 117.70 of the above-entitled ordinance be amended to read as follows:

117.70. Required wrecking procedures. The wrecking of any building or structure shall be complete and include the wrecking and removal of all foundations, footings, and floor slabs. All piping, heating plants, fuel storage tanks, appliances, and other such debris shall be removed from the premises. The excavation remaining after the removal of a building or structure shall be filled to the level of the surrounding grade with clean granular-type fill material. Said fill shall be compacted at an optimum moisture content to obtain proper compaction. The person doing the wrecking shall remove all steps, stoops, private sidewalks, accessory buildings, and hard-surface driveways unless such removal is specifically exempted by the ~~director of inspections~~ building official. Further, the person doing the wrecking and filling shall provide a topping of soil of a sufficient depth and quality so as to enable ground cover to grow. Suitable groundcover shall be provided no later than ninety (90) days after permit issuance to comply with section 244.1570.

Section 5. That Section 117.90 of the above-entitled ordinance be amended to read as follows:

117.90. Notice of completion. Each person upon completing the wrecking or tearing down of any building or structure shall immediately notify the ~~director of inspections~~ building official in writing that such work has been completed.

Section 6. That Section 117.110 of the above-entitled ordinance be amended to read as follows:

117.110. Stop orders. The ~~director of inspections~~ building official may stop the wrecking or tearing down of any building or structure, whenever, in the ~~director's~~ building official's judgment, the same is being done in a reckless, careless, unsafe or improper manner, or in violation of any ordinance of the city, and may order, in writing or by parole, all persons in any way or manner whatsoever engaged in wrecking or tearing down any such building or structure to stop and desist therefrom. Said persons, so notified, shall promptly comply with such orders of the ~~director of inspections~~ building official and shall not resume such work, except with the consent of the ~~director of inspections~~ building official, and when the work will be prosecuted in a safe manner and in conformity with the ordinances of the city.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-132 amending Title 8, Chapter 154 of the Minneapolis Code of Ordinances relating to Consumer Protection: Consumer Affairs Division, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-132
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 8, Chapter 154 of the Minneapolis Code of Ordinances relating to Consumer Protection: Consumer Affairs Division.

The City Council of The City of Minneapolis do ordain as follows:

That Section 154.10 of the above-entitled ordinance be amended to read as follows:

154.10. Established. There is hereby established a consumer affairs division ~~of the department of regulatory services. The director of regulatory services shall designate the director of licenses and consumer services~~ under the supervision of the licensing official, who shall serve as director.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-133 amending Title 8, Chapter 160 of the Minneapolis Code of Ordinances relating to Consumer Protection: Weights and Measures, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-133
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 8, Chapter 160 of the Minneapolis Code of Ordinances relating to Consumer Protection: Weights and Measures.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 164.40 of the above-entitled ordinance be amended to read as follows:

160.40. Duty to submit devices for inspection. No person maintaining or operating weights, measures, scale-beams, patent balances, steelyards or other instruments shall refuse to exhibit the same to employees of the ~~department of licenses and consumer services~~ director of the consumer affairs division authorized to perform the duties of deputy weighmasters or inspectors of weights and measures, for the purpose of inspection or examination when such officials request exhibition of same for the purpose of inspection or examination.

Section 2. That Section 160.50 of the above-entitled ordinance be amended to read as follows:

160.50. General powers and duties of inspectors. The said inspectors of the ~~department of licenses and consumer services~~ consumer affairs division shall be special police officers and shall from time to time weigh or measure and inspect packages or amounts of commodities of whatever kind kept within the corporate limits of the city for the purpose of sale or in the process of delivery in the city, in order to determine whether the same contain the amounts represented and whether they are offered for sale or sold in accordance with the statutes of the State of Minnesota or ordinances of the city in relation to weights and measures. Such inspectors may, for the purposes above mentioned, and in the general performance of their official duties, enter and go into or upon any stand, place or premises, or stop any vehicle

or conveyance delivering any commodity and require the person in charge thereof, if necessary, to go to some convenient place which the inspectors may specify for the purpose of making proper test. The inspectors shall enforce the ordinances of the city and the statutes of Minnesota regulating the size, weight and loads of motor vehicles. The inspectors may arrest, with or without formal warrant, any violator of the statutes of Minnesota or ordinances of the city in relation to weights or measures.

Section 3. That Section 160.70 of the above-entitled ordinance be amended to read as follows:

160.70. Interfering with inspectors. No person shall, in any way, hinder, impede or obstruct the inspectors of the ~~department of licenses and consumer services~~ consumer affairs division in the performance of their official duties.

Section 4. That Section 160.90 of the above-entitled ordinance be amended to read as follows:

160.90. Complaints of violation. Whenever the ~~department of licenses and consumer services~~ consumer affairs division shall have knowledge of any violation of the provisions of this chapter, or of any other requirement for the use of sealed weights and measures, it shall make complaint to the district court against the party or parties guilty of such violation.

Section 5. That Section 160.110 of the above-entitled ordinance be amended to read as follows:

160.110. Deputy weighers of fuel; bond. There shall be appointed to serve under the ~~department of licenses and consumer services~~ consumer affairs division, one or more deputy weighers for each licensed fuel dealer. Such deputy shall be a licensed fuel dealer or a competent employee of such dealer, and shall hold office until such appointment is revoked. Deputy weighers, before entering upon the duties of their office, shall give bond to the city in the sum of five hundred dollars ($500.00), with sureties to be approved by the city council, conditioned for the faithful performance of the duties of their office, and they shall serve without pay from the city and shall not be construed to be employees thereof. The same person may be appointed as a deputy weigher for one or more licensed dealers, and if for more than one, only one bond shall be required.

Section 6. That Section 160.130 of the above-entitled ordinance be amended to read as follows:

160.130. City to have standard weights and measures. The ~~department of licenses and consumer services~~ consumer affairs division shall procure, at the expense of the city, a complete set of weights and measures, which shall be tried, proved and sealed by the state; and when so sealed and certified, such weights and measures shall be the city's standard. Such weights and measures shall be tried, proved and sealed by the county standard once in every two (2) years.

Section 7. That Section 160.140 of the above-entitled ordinance be amended to read as follows:

160.140. Tests required and authorized. A representative of the ~~department of licenses and consumer services~~ consumer affairs division shall visit the places of business of

every person engaged in any business, trade or occupation requiring the use of weights and measures; and then and there try, prove and seal all scale-beams, steelyards, weights and measures; and when not found to be accurate, shall take the same into possession and prevent the further use thereof. The ~~department~~ division shall keep a record, which shall be open for public inspection, and which shall contain entries, under proper headings, of all scale-beams, steelyards, weights and measures sealed, together with the owners' names, and dates when so sealed. The ~~department~~ division may try and prove any scale-beams, steelyards, weights and measures in use within the city at any and all times when it shall deem it necessary for the purpose of detecting inaccuracies in such scale-beams, steelyards, weights and measures. For the tests hereinbefore provided for no fees shall be charged.

Section 8. That Section 160.150 of the above-entitled ordinance be amended to read as follows:

160.150. Tests on request. The ~~department of licenses and consumer services~~ consumer affairs division also may test, upon the request of any person, any scale-beams, steelyards, weights or measures used or kept within the city.

Section 9. That Section 160.240 of the above-entitled ordinance be amended to read as follows:

160.240. Records of dealers. Every licensed fuel dealer shall keep a complete record of all sales or deliveries of fuel and of all advertisements for the sale thereof, for a period of six (6) months after the date of such sale, delivery or advertisement, and such records shall at all reasonable times be open to the inspection of employees of the ~~department of licenses and consumer services~~ consumer affairs division.

Section 10. That Section 160.260 of the above-entitled ordinance be amended to read as follows:

160.260. Liquid fuels. (a) *Definitions.* Whenever used in this section:

(1) "Tank, truck, trailer or other wheeled conveyance" shall mean an assembly used for the delivery of liquids, comprising a tank, which may or may not be subdivided into two (2) or more compartments, mounted upon a wagon, automobile, truck or trailer, together with its accessory piping, valves, meters, etc.

(2) "Liquid fuels" shall include fuel in liquid form, which can or may be used for heating purposes and which has an American Petroleum Institute gravity nominally greater than twenty-two (22) and a Saybolt Universal viscosity of fifty (50) seconds at one hundred (100) degrees Fahrenheit, or less.

(b) *Methods of measuring.* No person shall sell, offer for sale, deliver or attempt to deliver any petroleum product or other liquid to be used for fuel for heating purposes, hereinbefore defined as "liquid fuels," by tank, truck, trailer or other wheeled conveyance, unless measured at the place of delivery by standard liquid gallon or five (5) gallon measure, or by a meter which has been tested, approved and sealed by the Minnesota Division of Weights and Measures. No deliveries of liquid fuels on a meter basis shall be made when a meter is broken and out-of-order, or the seal has been broken or tampered with, defaced or otherwise mutilated. If any meter used upon such tank, truck, trailer or other wheeled conveyance shall become out-of-order, or for any reason inaccurately measured liquid fuel, the person using the

same shall immediately report such fact to the ~~department of licenses and consumer services~~ consumer affairs division, which ~~department~~ division may issue a written permit to sell and deliver liquid fuel from compartments which have been calibrated, and whose indicators have been sealed by the Minnesota Division of Weights and Measures, in lieu thereof, for not to exceed forty-eight (48) hours. This section shall not apply to the delivery of liquid fuel by one dealer to another.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-134 amending Title 9, Chapter 176 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Burglar and Holdup Alarm Systems, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-134
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 9, Chapter 176 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Burglar and Holdup Alarm Systems.

The City Council of The City of Minneapolis do ordain as follows:

That Section 176.10 of the above-entitled ordinance be amended to read as follows:

176.10. Definitions. The following terms when used in this chapter shall have the following meanings, respectively:

Alarm business. The business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, monitoring, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, leased, maintained, monitored, serviced, repaired, altered, replaced, moved, or installed, any alarm system in or on any building, structure, or facility. This includes alarm system monitoring companies and alarm system operators that are located outside the city limits of Minneapolis which monitor alarms installed within the city limits of Minneapolis.

Alarm site. A single, fixed premise, building, structure, facility or location served by an alarm system. Each tenant's space within a multi-tenant building or complex, if served by a separate alarm system, shall be considered a separate alarm site.

Alarm system. Any instrument(s) or other device(s) which, as one of its purposes, is used to protect buildings, premises, or persons from criminal acts or unauthorized entries by warning persons of a crime or unauthorized entry through the emission or transmission of a sound or signal.

Alarm user. The person, employee, firm, partnership, association, corporation, company, or organization of any kind which uses or is in control of an alarm system at an alarm site, regardless of whether it owns or leases the system.

Calendar year. The period January first through December thirty-first of each year.

~~*Department.* The Licenses and Consumer Services Division of the Department of Regulatory Services of the City of Minneapolis.~~

Director. The Director of the Licenses and Consumer Services Division of the Department of Regulatory Services of the City of Minneapolis, or his or her designee.

Enhanced alarm verification process. An alarm business must make at least two (2) calls to the call list to verify that there is a valid alarm before requesting dispatch from MECC.

False alarm. Any activation of an alarm not caused by or as a result of a criminal act, an unauthorized entry, or an act of nature as determined by the responding police officer.

Licensing official. The official designated by the director of community planning and economic development, who supervises the licensing and consumer services functions of the city.

MECC. The Minneapolis Emergency Communications Center. The public safety communication center for all emergency police, fire, and ambulance services for the City of Minneapolis.

Valid alarm. An activation of an alarm caused by or as a result of a criminal act or unauthorized entry as determined by the responding police officer.

Section 2. That Section 176.40 of the above-entitled ordinance be amended to read as follows:

176.40. False alarms; penalties. (a) The alarm user shall pay a penalty to the city for each false alarm per calendar year. The penalty shall be:

(1) *First alarm—Registration required.*

a. *Registration fee.* Upon the first false alarm a registration fee of thirty dollars ($30.00) shall be imposed.

b. *Application procedure.* An alarm user must submit application materials as determined by the ~~director~~ licensing official.

c. Registration will be considered a lifetime registration if there are no false alarms in future years.

(2) *Second alarm fine* $100.00

(3) *Third alarm fine* 200.00

(4) *Fourth alarm fine* 300.00

(5) *Fifth alarm fine* 400.00

The fine shall increase by the sum of one hundred dollars ($100.00) for each succeeding false alarm thereafter.

(b) A penalty of two hundred dollars ($200.00) shall be paid by the alarm business to the city for each false alarm where the responding police officer determines that it was caused by the on-site actions of an employee of the alarm business.

(c) Fines are due within thirty (30) days of the date of the invoice.

Section 3. That Section 176.50 of the above-entitled ordinance be amended to read as follows:

176.50. Suspension of police response. (a) *Notice.* Upon the occurrence of the fifth false alarm within a calendar year, or where the alarm user is more than forty-five (45) days overdue in their payment of alarm penalties, the ~~director~~ licensing official shall serve, in person or by U.S. mail, the alarm user or the alarm user's designated contact person with written notification that effective immediately the Minneapolis Police Department may not respond to alarm dispatch requests from that site unless there is an in-person call for assistance from someone at the premises or other independent information that verifies the need for immediate police response. Police suspension shall remain in effect until full payment of alarm fines ~~are paid~~ is made.

(b) *Suspension of police response.* Upon the exhaustion of any departmental, administrative, and judicial appeal of a notice to suspend, the Minneapolis Police Department, in determining whether to make an immediate police response to notification of a signal from that alarm user's alarm system, may disregard that alarm dispatch request when the alarm signal is the only basis for making the dispatch request in accordance with section 176.50(a). Where there is, in addition to the alarm dispatch request, an in-person call, verification from a person at or near the premises or other independent evidence shows a need for police dispatch to the alarm site, police may consider the suspension of police response as an additional factor in the decision to order an immediate police response.

Section 4. That Section 176.55 of the above-entitled ordinance be amended to read as follows:

176.55. Appeal. (a) *Appeal letter.* An alarm user or alarm business who wishes to appeal a false alarm, penalties or suspension of police response must file an appeal in writing to the ~~director~~ licensing official within fifteen (15) days of notification of a false alarm, issuance of any fines or penalties or notification of suspension of police response. Failure to file a timely appeal shall constitute a waiver of the alarm user's or alarm business's right to appeal provided however, that the ~~director~~ licensing official may, with discretion, waive the fifteen-day limit if good cause is shown. There shall be no rights to appeal the decision of the director to not waive the fifteen-day time limit for appeal. While the appeal is pending, the action proposed by the ~~director~~ licensing official shall not be implemented.

(b) Within five (5) days of the director's receipt of the written appeal and after review of the files for the alarm site, alarm user, and alarm business, and all the submissions of the alarm user, the ~~director~~ licensing official shall issue a decision to confirm, suspend, or rescind the

suspension notice and serve a written copy thereof on the alarm user or the alarm user's contact person by mail.

(c) The decision of the ~~director~~ licensing official shall be final.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-135 amending Title 10, Chapter 186 of the Minneapolis Code of Ordinances relating to Food Code: In General, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-135
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 10, Chapter 186 of the Minneapolis Code of Ordinances relating to Food Code: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 186.40 of the above-entitled ordinance be amended to read as follows:

186.40. "Regulatory authority" defined for the code. Wherever the term "regulatory authority" is used in the Minnesota Food Code, it shall be held to mean the ~~environmental health division of the city department of regulatory services~~ Minneapolis Health Department.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-136 amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to Food Code: Administration and Licensing, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-136
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to Food Code: Administration and Licensing.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 188.10 of the above-entitled ordinance be amended to read as follows:

188.10. Authority. This chapter is adopted pursuant to Minnesota Statutes 1998, Chapter 144, 145, 145A, and 157, and related rules; and a delegation agreement authorized by Minnesota Statute 145A.07 between the Minnesota Department of Health and the City of Minneapolis authorizing the Environmental Health Division of the Minneapolis Health Department to inspect and regulate food, beverage and lodging establishments.

Section 2. That Section 188.20 of the above-entitled ordinance be amended to read as follows:

188.20. ~~Manager of the environmental health division~~ Environmental Health Division of the Minneapolis Health Department to enforce. This title shall be enforced by ~~the manager of~~ the ~~city's~~ environmental health division of the ~~department of regulatory services or the manager's authorized representatives~~ Minneapolis Health Department.

Section 3. That Section 188.50 of the above-entitled ordinance be amended to read as follows:

188.50. Notice to remove or destroy unwholesome food. The ~~manager of~~ environmental health division, upon discovering and determining that any food as herein defined which is offered or held for sale within the city is adulterated, decayed, diseased, unwholesome or for any cause unfit for human food, shall at once give the person in charge thereof notice to at once remove the same out of the city or to such place in the city as the ~~manager of~~ environmental health division may designate or destroy the same as directed by the ~~manager of~~ environmental health division.

Section 4. That Section 188.60 of the above-entitled ordinance be amended to read as follows:

188.60. Embargo and detention. The ~~manager of~~ environmental health division may attach a tag or issue a written notice of embargo or detention and thereby embargo any food, clothing, equipment, utensil or thing which by reason of origin, dirt, filth, extraneous matter, insects, temperature, corrosion, open seams, chipped or cracked surfaces is unfit for use. Such tag shall be printed as follows:

MINNEAPOLIS ENVIRONMENTAL HEALTH DIVISION HELD FOR INVESTIGATION
DATE _____
SANITARIAN _____

It shall be unlawful for any person to remove such tag from any food, utensil and the like or to remove or use such food, equipment, clothing and the like to which a tag has been attached or to remove, sell, give away, or otherwise dispose of any food covered by written notice of embargo or detention except by direction of the ~~manager of~~ environmental health division.

Section 5. That Section 188.70 of the above-entitled ordinance be amended to read as follows:

188.70. Authority to inspect. The ~~manager of~~ environmental health division, or its ~~agent~~ agents or ~~designee~~ designees ~~of~~, after proper identification, shall, at all reasonable times, have the right to enter into and upon premises and inspect any food establishment, vehicle, food manufacturing establishment or other business required to have or possessing a food license as set forth by this chapter, and it shall be unlawful for any person in any way to obstruct or hinder or refuse to permit the ~~manager of environmental health or the manager's authorized representatives~~ environmental health division to inspect such premises.

Section 6. That Section 188.80 of the above-entitled ordinance be amended to read as follows:

188.80. Inspection of premises. The environmental health ~~specialist/sanitarian~~ division shall inspect and examine every public and private market, stall, shop, store, warehouse, storehouse, cart, wagon, sleigh or other vehicle in, on or about which any such meat, fish, oysters, birds or fowls, vegetables, fruit, market or other provisions are kept, held or offered for sale as human food, as to the sanitary condition, cleanliness and wholesomeness of such places and vehicles for keeping human food for sale or other disposition or storage, and shall see to it that they are constantly maintained in a clean, wholesome and thoroughly sanitary condition. In case the inspector shall find any such place or vehicle to be in an unclean or unwholesome condition, the inspector shall notify the person in charge thereof to put it in a clean, wholesome and sanitary condition.

Section 7. That Section 188.90 of the above-entitled ordinance be amended to read as follows:

188.90. Inspection outside city. (a) The ~~manager of~~ environmental health division may permit the sale of food from food establishments outside the city without requiring an inspection by a representative of the environmental health division if local ordinances and reports from local or other responsible health authorities who have jurisdiction where such food establishments are located indicate comparable ordinance and inspection services to those in the city.

(b) Food shipped interstate and subject to federal inspection by the Federal Food and Drug Administration, United States Public Health Service, or other federal agencies may likewise be sold within the city without an inspection of the place of origin by the ~~manager of~~ environmental health division. Food from such sources shall be protected from contamination and spoilage during subsequent handling, packaging and storage, and while in transit.

Section 8. That Section 188.100 of the above-entitled ordinance be amended to read as follows:

188.100. Inspection, condemnation of food and food products. ~~Said environmental health specialist/sanitarian~~ The environmental health division shall visit at intervals, as set out in Minnesota Statutes, section 157.20, Subd. 2, every public and private market, stall, shop, store, warehouse and storehouse and all carts, wagons, sleighs or other vehicles of vendors or street hawkers in, at or about which any meat, fish, oysters, birds or fowls, vegetables, fruit, milk or other food products are kept, held or carried for sale or other disposition as human food, and shall examine and carefully inspect all such food products. If any unhealthy, unwholesome or

deleterious food products so intended for sale or other disposition as human food are found in or about any such place or vehicle, the environmental health ~~specialist/sanitarian~~ division shall at once give the person in charge thereof notice to at once remove the same out of the city or to such place as the inspector shall direct, or to destroy the same; whereupon said person in charge shall remove the same out of the city or to such place as the environmental health ~~specialist/sanitarian~~ division shall direct, or destroy the same as may be directed by the environmental health ~~specialist/sanitarian~~ division.

Section 9. That Section 188.130 of the above-entitled ordinance be amended to read as follows:

188.130. Vehicles for peddling food. (a) *Sanitation.* All vehicles used for transporting or peddling fruits, vegetables, milk, meat, poultry or other like produce or provisions shall at all times be kept free from dirt, dust, grease and other hurtful and contaminating substances and in a clean and sanitary condition.

(b) *Other use of vehicles.* No peddler doing business in the city and using a vehicle for the transporting or peddling of fruits, vegetables, produce or other provisions shall use or permit or cause to be used such vehicle for the hauling or conveyance of junk, junk materials, scrap, garbage, refuse or any decayed animal or vegetable matter or other unclean and unwholesome substance or thing whatever.

(c) *Inspection by environmental health division.* The ~~manager of~~ environmental health division, or ~~agent thereof;~~ its agents, shall inspect all vehicles used for transporting or peddling fruit, vegetables, milk, meat, poultry or other like produce or provisions, and shall condemn and destroy any food found thereon to be unsound, unwholesome or unfit for human consumption.

Section 10. That Section 188.170 of the above-entitled ordinance be amended to read as follows:

188.170. Short-term food permits and seasonal short-term food permits. Short-term food permits for the sale of food and drink for a period of no more than three (3) times annually, for no more than ten (10) total days, at community celebrations, circuses, and other like and similar occasions, may be issued upon proper application and the payment of a fee as established in Appendix J, License Fee Schedule. A seasonal short-term food establishment permit may be issued upon proper application and payment of a fee as established in Appendix J, License Fee Schedule. In the case of a short-term permit or a seasonal short-term food establishment, no more than two (2) food stands shall be allowed to operate per permit. The operation of short-term food establishments and seasonal short-term food establishments must be in conformity with the provisions of this chapter. The application for a short-term food permit will be considered late if not received by the ~~department of licenses and consumer services~~ licensing official ten (10) or more days prior to the date of the event. A late fee equal to fifty (50) percent of the application fee will be charged to the applicant and must be received by the ~~department of licenses and consumer services~~ licensing official before the short-term permit is granted. A short-term food permit with more than ten (10) food vendors at an event may request a permit based on cost of inspection as determined by the ~~manager of~~ environmental health division. Notwithstanding any other ordinance provision, the short-term food permit application and the seasonal short-term food establishment application shall be reviewed by the ~~department of licenses and consumer services~~ licensing official and approved or denied by the ~~director of licenses and consumer services, or the director of licenses and consumer services' designee~~

licensing official, with notice of the decision given to the council member representing the affected ward.

Section 11. That Section 188.180 of the above-entitled ordinance be amended to read as follows:

188.180. License application. Any person desiring a food license shall file with the ~~department of licenses and consumer services~~ licensing official a written application for such license, giving in such application the full name, place, date of birth and address of the owner or proprietor of the building, shop, stall, vehicle, stand or place where such food establishment is to be conducted and for which a license is desired, the location of the building or buildings, and the part or portion thereof intended to be used in the conduct of such business and under such license. If the applicant is a partnership or firm, the name, place and date of birth, residence address of all partners or persons interested therein; if a corporation, the state of incorporation, the name, place and date of birth, of all persons named in the corporation, and shall state whether or not any person named in the application has ever been convicted of any crime. Such application shall also indicate the source of funds used to begin operation of the food establishment and all documentary proof and evidence thereof including leases, contracts, purchase agreements, and financial statements. Such application shall also contain the kind, name, and location of every business or occupation applicant has been engaged in during the preceding ten (10) years, and the street address at which the applicant has lived during the preceding ten (10) years. The applicant shall state in such application the nature of the business to be conducted. If the applicant proposes to operate more than one (1) of such businesses, the applicant shall so state in the application and shall describe the part or portion of the building or place wherein the applicant proposes to conduct each of such businesses. If a license is granted, the part or portion of said building used as a food establishment shall conform to and the equipment and operation be in accordance with the provisions of this chapter.

Section 12. That Section 188.190 of the above-entitled ordinance be amended to read as follows:

188.190. Health inspection, recommendation required; license issuance or denial. Upon the filing of the application for a license hereunder it shall be referred to the ~~manager of~~ environmental health division for investigation, report and recommendation. After the report and recommendation of the ~~manager of~~ environmental health division have been received by the ~~director of licenses and consumer services~~ licensing official, the license may be granted or denied pursuant to section 259.30.

Section 13. That Section 188.210 of the above-entitled ordinance be amended to read as follows:

188.210. Application for additional vending machines. After a vending machine license has been issued, upon a written application to the ~~department of licenses and consumer services~~ licensing official and payment of the fee provided in section 188.250 of this Code for each additional machine, the licensee may receive licenses for additional machines over and above the number stated in the original application. The application for such license shall state the desired additional number, the date and number of the original license, the street address of the property or place wherein the additional machines are intended to be installed and shall be signed in the manner required for an original application.

Section 261.35 regarding the new business surcharge shall not apply to a food shelf application. If a machine is replaced or vandalized, a replacement decal may be issued at a cost as established in Appendix J, License Fee Schedule.

Section 14. That Section 188.220 of the above-entitled ordinance be amended to read as follows:

188.220. Change of vending machine location. In case a licensee changes or removes a vending machine from the location in which it is authorized by the license or permit to be located, and installs the same in a new location, such new location shall be reported in writing to the ~~department of licenses and consumer services~~ licensing official within thirty (30) days after such change or removal.

Section 15. That Section 188.230 of the above-entitled ordinance be amended to read as follows:

188.230. Labeling of vending machines. Every vending machine licensed hereunder shall bear an emblem or tag securely fastened to the front surface of the machine in a conspicuous place, bearing the expiration date of the license and the registration number assigned to such licensee. No person shall install, use or operate a greater number of vending machines than that for which the person has been granted a license and paid the fees. The ~~department of licenses and consumer services~~ licensing official and the environmental health division shall have the right to inspect the licensee's books and records to determine compliance with this section. Each owner shall clearly identify each vending machine or bank of interconnected vending machines operated by the owner with the owner's current telephone number in such a manner that the information can be easily read without moving the machine or machines. The absence of such an owner's label will constitute a violation of this chapter.

Section 16. That Section 188.240 of the above-entitled ordinance be amended to read as follows:

188.240. Impounding nonconforming machines. Any vending machine found without the proper license tag or emblem or owner's label thereon shall be impounded by the ~~department of licenses and consumer services~~ licensing official and any such impounded machine may be reclaimed by the owner thereof within thirty (30) days from the date of impounding and upon the payment to the city of costs sufficient to defray the expense of impounding and storage, and any reclaimed machine shall not be used except upon compliance with the terms of this chapter. If such machine is not reclaimed within the thirty (30) days above specified, it may be destroyed or disposed of by the police department according to law.

Section 17. That Section 188.370 of the above-entitled ordinance be amended to read as follows:

188.370. Submission, approval of plans. When a food establishment is altered or newly constructed, plans or suitable drawings and specifications shall be submitted to the ~~manager of~~ environmental health division and such plans and specifications must be approved before such work is begun. Plans and specifications shall be in sufficient detail so that an accurate and complete appraisal can be made as to compliance with the provisions of this chapter. Failure to submit plans for approval may result in the closing down of operations until plans have been approved. New risk 1 licensees or risk 2 licensees shall be required to complete a process review. The applicable plan review fees are contained in Appendix J.

Failure to pay the fee at the time of submitting the plans will result in a delay of the plan review approval process.

Section 18. That Section 188.470 of the above-entitled ordinance be amended to read as follows:

188.470. Itinerant food establishments. An itinerant food establishment conducting an unrestricted operation shall comply fully with the provisions of this chapter. When restricted operations are conducted the ~~manager of~~ environmental health division may accept modified physical facilities, may prohibit the sale of certain potentially hazardous foods and may augment requirements when ~~in the opinion of the manager~~ such action is necessary in the interest of public health.

Section 19. That Section 188.480 of the above-entitled ordinance be amended to read as follows:

188.480. Limited mobile food vehicle vending. It shall be unlawful to open, to operate any limited mobile food vending or mobile food manufacturing vehicle in the city, unless it is licensed, operated and conducted in accordance with the following conditions:

(1) The licensee must sell only prepackaged, nonperishable or self-limiting packaged confections as approved by the ~~manager of~~ environmental health division, except there may be issued up to fifteen (15) food licenses for operation of mobile food manufacturing vehicles for the sale of popcorn and soft drinks.

(2) Licensee shall not park his vehicle within thirty (30) feet of an intersection.

(3) Licensee shall not park in such a manner so as to create a traffic hazard.

(4) Sales by licensee shall be made on the curbside only and the vehicle shall be parked within one (1) foot of the curb.

(5) No waste liquids, garbage, litter or refuse shall be dumped on city sidewalks, streets, or lawn areas, or in city gutters or drains. When leaving a sales area, licensee or employees shall pick up all litter resulting from the business sales and shall deposit such litter in a city environmental health division approved covered garbage receptacle located on the vehicle. The receptacle shall be easily accessible for customer use. Licensee shall be responsible for all litter and garbage left by customers.

(6) Hours of operation for such vehicles shall be limited to the hours between 9:00 a.m. and 10:00 p.m..

(7) Licensee shall be in conformance with applicable city ordinances regarding noise control and vehicle identification.

(8) Licensee shall not be allowed to operate on and within the area bounded by the following streets: Commencing at the intersection of Second Avenue North and Washington Avenue; thence southwesterly along Second Avenue North to Ninth Street North; thence southerly and southeasterly along Ninth Street North to

LaSalle Avenue; thence southwesterly and southerly along LaSalle Avenue to Grant Street; thence easterly along Grant Street to Portland Avenue; thence northeasterly along Portland Avenue to Ninth Street South; thence southeasterly along Ninth Street South to Chicago Avenue; thence northeasterly along Chicago Avenue to Washington Avenue; thence northwesterly along Washington Avenue to the point of beginning.

(9) Licensee shall provide proof of liability insurance in the amount of one hundred thousand dollars ($100,000.00) for individuals or three hundred thousand dollars ($300,000.00) for any single incident. Certificate of insurance shall be delivered to appropriate city officials prior to issuance of a license.

(10) Licensee shall not operate any such business within two thousand (2,000) feet of any city, county, or state fair, carnival, circus, festival or civic event that is licensed or sanctioned by the city council except when licensee has obtained a temporary food permit from the ~~director of licensing and consumer services~~ licensing official as being a participant under the auspices and control of such event.

(11) Notwithstanding the limitations in subsection (1), licenses may be issued under this section for the sale of prepackaged perishable foods from nonmotorized carts operating exclusively on park board property with the approval of the park board. Each applicant for a license under this subsection shall include in the application a proposed operating location or route. The construction and dimensions of each cart, and all food and beverage items sold from such carts, shall be subject to the approval of the ~~manager of~~ environmental health division. Each mobile food cart shall meet National Sanitation Foundation (NSF) standards for food storage preparation and dispensing. Each cart shall be stored, cleaned and serviced on a daily basis at a permanent location in the City of Minneapolis licensed as a food distributor or manufacturer. All other provisions of this section, except subsection (1), shall apply to a license issued under this subsection.

This shall not be interpreted to prohibit food catering.

Section 20. That Section 188.485 of the above-entitled ordinance be amended to read as follows:

188.485. Mobile food vehicle vendors. (a) No person shall operate a mobile food vehicle in the city without a valid license required under this section. To the extent authorized in any such license granted under the provisions of this section, the licensee may conduct such licensed business on the public sidewalk or curbside on the street notwithstanding the provisions of sections 188.10, 427.110, 427.130, 478.85, 478.90(a, u, w, and y), 478.350, 478.370, 430.30, 439.30, and 549.160 of this Code.

(b) *Plan submission*. Application for a mobile food vehicle license shall be made at the ~~department of licenses and consumer services~~ licensing division before beginning the construction of a mobile food vehicle vending operation. The ~~director of licenses and consumer services~~ licensing official may require such information on the application as ~~the director~~ it deems reasonable and necessary, including but not limited to, the following information:

(1) Name and address of the applicant.

(2) Name and address of the approved commercial supply source and affiliated licensed food establishment in the city. If the licensed food establishment is not owned or operated by the applicant, the applicant shall provide written proof of consent from the establishment's owner to use the facility for food preparation, storage, and cleaning.

(3) A description of the preparation methods and food product offered for sale, including the intended menu, display, and distribution containers.

(4) The anticipated volume of food to be stored, prepared, and sold.

(5) Plans and specifications for the mobile food vehicle, including the proposed layout, photographs, mechanical schematics, construction materials, finish schedules, equipment types, manufacturers, model numbers, locations, dimensions, weight of vehicle per wheel, performance capacities, power source, installation specifications, and information on any custom fabricated equipment.

(6) Valid copies of all necessary licenses or permits required by state or local health and transportation authorities.

(7) A signed statement that the licensee shall hold harmless the city, any applicable special service district, and their officers and employees, and shall indemnify the city, any applicable special service district, and their officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license. Licensee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect permittee, property owners, city, and the district from all claims for damage to property or bodily injury, including death, which may arise from operations under the license or in connection therewith. Such insurance shall provide coverage of not less than one million dollars ($1,000,000.00) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days written notice filed with the ~~director of licenses and consumer services~~ licensing official. No license issued pursuant to the provisions of this section shall be valid at any time the insurance required herein is not maintained and evidence of its continuance filed with the ~~director of licenses and consumer services~~ licensing official.

(8) The proposed locations for conducting business according to subsection (c) below. No application will be accepted for a license operating location on a public sidewalk or private parking lot where a current license has been issued or a complete application is pending. If the proposed location is on a public sidewalk, the applicant shall submit a signed statement that the licensee shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be occasioned by any activity carried on or under the license. If the proposed location is private property, the applicant shall provide written consent from the property owner. If the proposed location is on or within two hundred (200) feet of park board property, the applicant shall provide written consent in the form of a permit, agreement, or other required written authorization from the park board.

(9) Each year at the time of filing the application for such a license, the applicant shall pay to the city finance officer a sum as established in Appendix J, License Fee Schedule.

(c) *Location review and restrictions*. Proposed operating locations shall be reviewed as follows:

(1) The ~~department of licenses and consumer services~~ licensing official shall maintain a list of eligible operating locations that is available for review by the public. The ~~director of licenses and consumer services~~ licensing official shall refer the subject of mobile food vendors in general to Downtown Business Improvement Special Service District ("the district"), which shall report its advisory recommendations concerning the potential locations of mobile food vendor sites on the public sidewalks within the boundaries of the district in section 465.10.

(2) Upon receipt of a complete application for a license, the license shall be referred to the director of public works for approval or disapproval. The use of the license operating location for mobile food vending must be compatible with the public interest in use of the sidewalks and streets as public right-of-way. In making such determination, the director of public works shall consider the width of the sidewalk, the method of placing the vehicle, the weight that can be supported by the paving at the proposed location, the proximity and location of existing street furniture, including but not limited to, utility poles, parking meters, bus shelters, benches, street trees, newsracks, as well as, the presence of bus stops, truck loading zones, taxi stands, valet parking zones, or other approved sidewalk cafes or mobile food vehicles to determine whether the requested location would result in pedestrian or street congestion.

(3) The director of public works shall not approve a location on a sidewalk where a mobile food vehicle would substantially impair the structural capacity of the sidewalk, movement of pedestrians or vehicles, or pose a hazard to public safety. The director shall not approve any location which is adjacent to a bus stop, taxi stand, or handicap loading zone, within thirty (30) feet of an intersection, within three (3) feet of a curb, or directly in front of a property entryway. Pedestrian walkways of no less than six (6) feet must be maintained on the service side of the mobile food vehicle.

(4) No mobile food vehicle vendor application will be accepted for a license operating location on a public sidewalk where a restaurant, with direct access to the sidewalk, is adjacent or within one hundred (100) feet on the same block face. This requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.

(5) Ingress and egress to private property shall be through existing driveway openings only.

(6) Parking on streets is permitted when in compliance with all ordinances, regulations, parking zones and posted signage. Sales by the licensee shall be

made on the curbside only and the vehicle shall be parked within one (1) foot of the curb. No mobile food vendor shall operate from the public right-of-way where a restaurant, with direct access to the sidewalk, or a permitted sidewalk café is within one hundred (100) feet on the same block face. This requirement may be waived if the licensee furnishes written consent from the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.

(7) Parking at a metered space is allowed as indicated above and subject to the following conditions:

a. Licensee shall only operate at an operational metered space and shall park in such a manner so as to only occupy the designated parking space.

b. Licensee shall comply with all posted requirements and fees in accordance with subsection (a).

c. Parking at a designated short-term metered space is not permitted.

d. When any portion of the mobile food vehicle, including any trailer, extends into an adjacent parking space, then that space shall be considered occupied by the mobile food vehicle and the licensee must comply with all posted meter requirements.

e. No mobile food vehicle, including any trailer, shall occupy more than two (2) metered parking spaces. Trailers may be detached from the vehicle while in operation.

f. No mobile food vehicle shall be allowed to operate at a metered space where a bicycle lane exists between the parking space and the parking meter.

g. No mobile food vehicle shall be allowed to operate at a hooded metered space or a parking meter that is temporarily out of service.

h. Licensee is prohibited from reserving a metered parking space by blocking, barricading, hooding, signing, or in any other manner preventing another vehicle from occupying the space.

i. No mobile food vehicle vendor shall operate from the public right-of-way within one hundred (100) feet on the same block face of a licensed sidewalk cafe. This requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.

j. No mobile food vehicle vendor shall operate from a public right-of-way within one hundred (100) feet on the same block face, where a restaurant with direct access to the sidewalk. This requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.

(8) The approved operating locations shall be indicated on the license and shall include the area of the mobile food vehicle. The license must be prominently displayed on the vehicle.

(9) If the requested operating location is denied, the applicant may select an alternate location, which shall also be referred to the director of public works for review.

(10) The city shall not approve more than one (1) mobile food vehicle per private parking lot, which must remain in compliance with the zoning code, including the off-street parking requirements for the host parking lot. The vehicle shall not block required drive aisles.

(11) Licensee shall not operate any such business within five hundred (500) feet of any city, county, or state fair, carnival, circus, festival or civic event that is licensed or sanctioned by the city council, or similar event authorized by a permit issued by the park board, except when the licensee has obtained a temporary food permit from the ~~director of licensing and consumer services~~ licensing official as being a participant under the auspices and control of such event, and, if applicable, written consent in the form of a permit, agreement, or other required written authorization from the park board.

(12) Licensee shall not operate any such business within five hundred (500) feet of a controlled entrance to a regional sports arena or facility, except when the licensee has obtained written permission from the owner and furnished such written permission to the ~~director of licensing and consumer services~~ licensing official at least fifteen (15) days in advance of such use.

(13) Licensee shall not operate any such business within two hundred (200) feet of park board property without written consent in the form of a permit, agreement, or other required written authorization from the park board.

(d) *Approved food and beverage list*. The ~~manager of~~ environmental health division shall maintain a record of approved food and beverage items which may be prepared and sold by mobile food vehicle vendors. Requests to have a food or beverage item considered for approval shall be submitted in writing to the ~~manager of~~ environmental health division, ~~who~~ that shall determine whether the food or beverage item is capable of preparation and service from the mobile food vehicle based on the equipment being used and the design and construction of the vehicle.

(e) *Form and condition of license*. In addition to naming the licensee, showing the approved operating location site diagram, and any other information deemed appropriate by the ~~director of licenses and consumer services~~ licensing official, the mobile food vehicle vending license shall contain the following conditions:

(1) Each mobile food vehicle vending license shall expire on April first of each year.

(2) The license shall not be transferrable from person to person or from place to place without approval of the ~~director of licenses and consumer services~~ licensing official.

(3) The approved operational location may be changed, either temporarily or permanently, by written notice of the ~~director of licenses and consumer services or their designee~~ licensing official.

(4) The license is valid for one (1) vehicle only.

(5) There shall be issued to each approved licensee a suitable decal that shall be permanently and prominently affixed to the vehicle.

(f) *Restrictions.* The mobile food vehicle shall comply in all respects with all requirements of state law, including but not limited to Minnesota Rules Chapter 1315, Chapter 1346, and Chapter 4626, and any requirements found in any other law, statute, rule, resolution, ordinance, or regulation of any kind and the following:

(1) All equipment must meet applicable National Sanitation Foundation (NSF) food service equipment standards.

(2) All foods, beverages, and ice must be obtained from an approved commercial source. Food cannot be stored in a home.

(3) Any food preparation or food storage done off-site must be accomplished at a city licensed food establishment location. Food cannot be prepared or stored in a home.

(4) Hours of operation shall be limited to the hours between 6:00 a.m. and midnight. The hours of operation for mobile food vehicles located within three hundred (300) feet of a residential building or a mixed use building with a residential component shall be limited to the hours between 7:00 a.m. and 10:00 p.m. No approved mobile food vehicle shall be left unattended nor remain at an authorized operating location outside of these allowed hours of operation.

(5) Every approved mobile food vehicle vendor shall operate for a minimum of one hundred fifty (150) days during the license term. This condition may be waived for mobile food vehicle vendors located outside the Central Business District.

(6) No mobile food vehicle vendor shall use or maintain any outside sound amplifying equipment, televisions or similar visual entertainment devices, lights, or noisemakers, such as bells, horns, or whistles.

(7) All waste liquids, garbage, litter and refuse shall be kept in leak proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the licensed food establishment. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles, or any other place except the licensed food establishment. The garbage receptacle shall be easily accessible for customer use. The licensee shall be responsible for all litter and garbage left by customers.

(8) The mobile food vehicle shall not have a drive-through.

(9) The ~~manager of~~ environmental health division may summarily close any licensed food establishment, including a mobile food vehicle, pursuant to section 188.580

(10) A mobile food vehicle vendor shall obey any lawful order of a police officer, traffic control agent, or ~~regulatory services~~ other city inspector to move to a different authorized location to avoid congestion or obstruction of the street or sidewalk.

(11) The mobile food vehicle shall comply with the provisions of section 466.280 and 536.20 relative to signage and advertising on the vehicle.

(12) No mobile food vehicle shall use external signage, bollards, seating, or any other equipment not contained within the vehicle.

(13) Any power required for the mobile food vehicle shall be self-contained, screened from view, and shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from an adjacent property only when the owner provides written consent. No power cable or equipment shall be extended at grade across any city street, alley, or sidewalk.

(14) The height of the mobile food vehicle, including all accessory equipment, shall not exceed ten (10) feet for operation on a public sidewalk or thirteen (13) feet, six (6) inches for operation on a street or parking lot. The director of public works may reduce the allowed maximum height on a public sidewalk in a particular location in consideration of existing right-of-way obstructions, including trees.

(15) No mobile food vehicle shall be kept, stored, or maintained on a residentially zoned property in violation of any ordinance or regulation.

(g) *License adverse action*. An application or approved license may be denied, revoked, suspended, or not renewed, after notice and an opportunity for a hearing thereon, for any of the following reasons:

(1) The application contains material omissions or false, fraudulent, or deceptive statements.

(2) The vehicle is operated in such a manner as constituting a public nuisance per this Code or state statutes.

(3) The proposed operation is in violation of any federal, state, or local laws including, but not limited to, the provisions of this Code pertaining to food, fire prevention, and health or safety.

The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

(h) *Effective date.* This section shall become effective on May 1, 2010.

Section 21. That Section 188.500 of the above-entitled ordinance be amended to read as follows:

188.500. Unpackaged processed food. (a) Unpackaged processed food, except readily perishable food as defined in section 186.50 of this Code, may be displayed and sold in bulk in self-service containers if all of the following conditions are satisfied:

(1) Each self-service container has a tight-fitting lid which is kept in a closed position at all times except during customer service.

(2) Each self-service container has a utensil with a handle for dispensing the product.

(3) Self-service containers, lids and utensils are constructed of nontoxic materials and provide for easy cleaning and proper repair.

(4) Self-service containers, lids and utensils are maintained in a sanitary condition and in a manner that prevents spoilage and infestation.

(b) Unpackaged processed food may be displayed and sold in bulk in other than self-service containers if all the following conditions are satisfied:

(1) The food is served by an employee of the food establishment directly to a consumer.

(2) The food is displayed in clean, sanitary and covered or otherwise protected containers.

(c) All policy statements or guidelines relating to the distribution of bulk foods shall be filed by the ~~manager of~~ environmental health division with the city clerk prior to its effective date. A public hearing before the appropriate committee of the city council shall be held if requested by an interested party.

Section 22. That Section 188.510 of the above-entitled ordinance be amended to read as follows:

188.510. Sidewalk cart food vendors. Notwithstanding the provisions of sections 188.110, 188.480(8), 427.110 and 427.130 of this Code, licenses may be issued pursuant to section 259.30 for sidewalk cart food vendors for the sale of specified food and beverage items from mobile pushcarts on the public sidewalks, which shall be operated and conducted in accordance with the following conditions:

(1) Each sidewalk cart shall be separately licensed and may operate only at the location specified in the license, except as permitted in subsection (20). However, in the event a licensee holds licenses for more than one (1) location, the licensee may place any of the licensee's licensed carts at any location for which the licensee holds a license. No licensee may trade carts or locations with another licensee; however, should a licensee apply for and be granted a different location for a cart during the licensing year and chooses to surrender the original location for that cart, the fee for such midseason cart location transfer shall be the fee indicated in section 188.250 of this Code for transfer alone.

(2) Application procedure:

a. Each applicant shall file an application with the ~~department of licenses and consumer services~~ licensing official on forms provided by the ~~department~~ official. In addition to the requirements of section 188.180 of this Code, the ~~director of licenses and consumer services~~ licensing official may require such information on the application as the ~~director~~ official considers reasonable and necessary.

b. No application for a single license or for the first of several licenses shall be accepted for filing unless the applicant files therewith plans and specifications for the cart which have been approved by the ~~manager of~~ environmental health division. Provided, however, that if the cart is not ready and available for inspection sixty (60) days after the application is filed, the applicant's proposed operating location shall be available to other applicants, and the applicant shall be required to select a new location.

No application from a single applicant for licenses beyond a first license shall be accepted for filing unless the applicant possesses sidewalk carts ready and available for inspection for each location beyond the first location. A single applicant, for the purposes of this section, shall mean an individual person, or any member of that person's immediate family and shall also include a corporation and any corporation with substantially the same ownership or ownership by persons of the immediate family of the stockholders of that corporation or partnership.

c. Each applicant shall include in the application a proposed operating location. The proposed location shall be referred to the director of public works for the approval or disapproval. The director of public works shall not approve a location where a sidewalk cart would substantially impair the movement of pedestrians or vehicles, or pose a hazard to public safety. Further, the director of public works shall not approve any location which is adjacent to a bus stop, taxi stand, or handicap loading zone, within fifty (50) feet of an intersection, within three (3) feet of a curb, or directly in front of a commercial entryway. If the applicant's proposed location is disapproved, the applicant shall be so notified, and the applicant may select an alternate location, which shall also be referred to the director of public works for approval or disapproval. A holder of a valid license for the previous license year may renew that license and thereby reserve that location for another license year. Any license not renewed by April fifteenth shall cause that location to become available to other applicants. Licenses may be renewed between April first and April fifteenth by the payment of a late fee in addition to the license fee. All licensees shall be notified of the availability of locations which have been vacated or for which licenses have not been renewed. The notification shall include a due date for applicants for these locations and a date upon which a lottery will be held to choose among multiple applicants.

d. The director of public works shall refer the subject of sidewalk cart food vendors on the Nicollet Mall to the advisory board provided for in Minnesota Statutes, Section 430.101, subdivision 3. The advisory board shall report its recommendations concerning the number and location of sidewalk cart sites on the Nicollet Mall to the director of public works. The director of public works shall review the board's report and prepare a list of approved locations

on the Nicollet Mall. The list shall be available in the ~~department of licenses and consumer services~~ office of the licensing official to any applicant or interested person.

e. No location which has been chosen in a previous application shall be available for selection.

(3) All sidewalk cart food vendor licenses shall expire on April first of each year subject to renewal year to year thereafter.

(4) No sidewalk cart shall have dimensions exceeding four (4) feet in width, eight (8) feet in length and eight (8) feet in height. However, a cart may be equipped with an awning which overhangs by not more than twelve (12) inches in any direction. Each sidewalk cart shall be self-propelled and capable of being moved and kept under control by one (1) person traveling on foot. A special license may be granted to a handicapped person to operate a sidewalk cart propelled by electric motor, provided that the applicant shall meet all other conditions for a license.

(5) Location restrictions:

a. Sidewalk cart food vendors may operate only within the area bounded by the following: Commencing at the intersection of Third Avenue North and the Mississippi River, thence southeasterly along the Mississippi River to Interstate 35 West, thence southerly along Interstate 35 West to Interstate 94, thence westerly and northerly along Interstate 94 to Glenwood Avenue, thence easterly to Tenth Street, thence northerly to Third Avenue North, thence northeasterly to the point of beginning or the sidewalk abutting the south side of Vineland Place between Lyndale Avenue South and Bryant Avenue South.

b. A sidewalk cart food vendor licensed under this section may operate on privately or publicly owned property, within the boundaries described in subparagraph (1) above, with the express written consent of the property owner, and the approval of the director of public works.

(6) A sidewalk cart food vendor license shall not be transferable from person to person or from place to place without approval of the ~~director of licenses and consumer services~~ licensing official.

(7) Every licensee shall maintain a permanent location within the City of Minneapolis for the storage and preparation of food and beverages carried by the licensee's sidewalk carts, and for the cleaning and servicing of those carts. Such permanent location shall comply in all respects with the requirements of the Minneapolis Food and Beverage Ordinances, and shall be separately licensed as a food distributor. Each sidewalk cart shall return to the permanent location at least once daily for cleaning and servicing.

(8) Each sidewalk cart shall meet National Sanitation Foundation (NSF) standards for food storage, preparation and dispensing. Toilet facilities shall be required at the permanent location but not on each cart.

(9) Each cart shall carry adequate hand-washing facilities for the employees of the licensee. A waste retention tank with fifteen (15) percent larger capacity than water supply tank shall be provided.

(10) All waste liquids, garbage, litter and refuse shall be kept in leakproof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the permanent location. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles or any other place except at the permanent location. When leaving the sales area the licensee or his employees shall pick up all litter resulting from his business and shall deposit such litter in an approved container located on his cart.

(11) The ~~manager of~~ environmental health division shall publish, and may from time to time amend, a list of approved food and beverage items which may be sold by sidewalk cart food vendors. No items of any kind, other than approved food and beverage items, shall be sold or dispensed from sidewalk carts.

(12) There shall be issued to each licensee a suitable decal for each licensed pushcart. Every pushcart licensed under this chapter shall at all times have the decal permanently and prominently fastened on the pushcart.

(13) Affixed permanently and prominently to each pushcart shall be a sign no smaller than twelve (12) inches by twelve (12) inches displaying the name, address and telephone number of the pushcart owner.

(14) Each licensee shall provide proof of liability insurance in the amount of one hundred thousand dollars ($100,000.00) for individuals, three hundred thousand dollars ($300,000.00) for any single incident and ten thousand dollars ($10,000.00) for property damage. A certificate of insurance shall be delivered to the ~~director of licenses and consumer services~~ licensing official prior to issuance of a license. The city shall be named an additional insured.

(15) No sidewalk cart operator shall use lights or noisemakers, such as bells, horns or whistles, to attract customers. A sidewalk cart operator may use battery-operated lights with protective shielding for the purpose of illuminating food and utensils.

(16) No sidewalk cart shall operate before 7:00 a.m. or after 11:00 p.m. on any day.

(17) No sidewalk cart shall operate, park, stand or stop in any street or alley except to cross at designated street crossings.

(18) The city council shall establish a reasonable fee, not to exceed two hundred fifty dollars ($250.00) per year, to be charged to each sidewalk cart food vendor not located on a specially assessed mall, to defray the cost of cleanup and maintenance and other policing in connection with the operation of the food cart.

(19) Any sidewalk cart operator who shall fail to operate at any licensed location for thirty (30) consecutive days between May first and October first shall forfeit that location. The ~~department of licenses and consumer services~~ licensing official

shall notify all licensees of the vacation of said location and shall set a date for a lottery, if necessary, to choose among multiple applicants.

(20) Notwithstanding other provisions of this section, a licensed sidewalk cart may operate at an indoor location other than its normal sidewalk location, with the approval of the environmental health division and the consent of the property owner, during the following times:

a. Between October first and April thirtieth.

b. Between May first and October first only during periods of inclement weather.

All other conditions and restrictions of this section shall continue to apply to a sidewalk cart operated at an indoor location under this subsection.

Section 23. That Section 188.520 of the above-entitled ordinance be amended to read as follows:

188.520. Indoor food cart vendors. (a) A food license may be issued pursuant to section 259.30 for the operation of a food cart on indoor private property in accordance with the provisions of this section.

(b) Application for an indoor food cart license shall be made upon forms provided by the ~~division of licenses and consumer services~~ licensing official and shall require information necessary to verify that the terms and conditions of this section have been met.

(c) Each food cart shall be separately licensed and may operate only at the location specified in the license. A license may allow for reasonable movement within a designated area of a building, provided that the food cart is at all times readily observable by city inspectors in the course of their inspection duties. Every location for an indoor food cart shall comply with all applicable provisions of building and fire codes, including those relating to ingress, egress, and passageway clearance.

(d) Each food cart license holder shall have the written consent of the property owner to its operation at the licensed location.

(e) All indoor food cart licenses shall expire on April first of each year.

(f) The provisions of subsections 188.510(4), (6), (7), (8), (9), (10), (11), (12), (13), (15), and (17) relating to sidewalk food carts shall also apply to indoor food carts, and such provisions are incorporated herein as though fully set forth in writing. However, the ~~manager of~~ environmental health division may adopt regulations authorizing dimension limitations for indoor food carts that exceed the limitations in subsection 188.510(4) for sidewalk food carts.

(g) No license shall be issued for an indoor food cart in a skyway.

(h) A sidewalk food cart operating indoors pursuant to subsection 188.510(20) shall pay only the license fee for sidewalk food carts and shall be exempt from the license fee for indoor food carts.

(i) No application for a license shall be accepted for filing unless applicant files therewith plans and specifications for the cart that have been approved by the ~~manager of~~ environmental health division.

(j) The license fee for indoor food carts shall be as established in Appendix J, License Fee Schedule.

Section 24. That Section 188.530 of the above-entitled ordinance be amended to read as follows:

188.530. Kiosk food cart vendors. (a) Notwithstanding the provision of sections 188.450 and 188.510(7), a food license may be issued pursuant to section 259.30 for the operation of a food cart in a kiosk on private property in accordance with the provisions of this section.

(b) Application for a kiosk food cart license shall be made upon forms provided by the ~~department of licenses and consumer services~~ licensing official and shall require information necessary to verify that the terms and conditions of this section have been met.

(c) Each food cart shall be separately licensed and may operate only at the location specified in the license. The food cart must at all times be readily observable by city inspectors in the course of their inspection duties. Every location for an indoor food cart shall comply with all applicable provisions of building and fire codes, including those relating to ingress, egress and passageway clearance.

(d) Each food cart license holder shall have the written consent of the property owner to its operation at the licensed location.

(e) All kiosk food cart licenses shall expire on April first of each year.

(f) The provisions of subsections 188.510(4), (6), (8), (9), (10), (11), and (12) of this Code, relating to sidewalk food carts shall also apply to kiosk food carts, and such provisions are incorporated herein as though fully set forth in writing. However, the ~~manager of~~ environmental health division may adopt regulations authorizing dimension limitations for kiosk food carts that exceed the limitations in subsection 188.510 (4) for sidewalk food carts.

(g) The menu for kiosk food cart vendor shall be limited to espresso-type drinks and other non-potentially-hazardous foods as determined by the ~~manager of~~ environmental health division.

(h) Fully operational and stocked toilet facilities and lavatory must be convenient to employees and be available at all hours of operation of the kiosk.

(i) The manager of environmental health division shall publish and may amend from time to time a set of guidelines relative to the servicing and maintenance of a kiosk food cart vendor.

(j) No application for a license shall be accepted for filing unless applicant files therewith plans and specifications for the cart which have been approved by the ~~manager of~~ environmental health division.

(k) The annual license fee for each kiosk cart food vendors license shall be those fees described in section 188.250 of this Code.

(l) Each application for a kiosk cart food vendors license shall comply with the site plan review standards as described in section 530.10 of this Code.

(m) All kiosks licensed under this chapter shall be designed to be directly accessible from a motor vehicle so that items sold are passed directly from a service window to the driver of the waiting motor vehicle.

Section 25. That Section 188.540 of the above-entitled ordinance be amended to read as follows:

188.540. Regulations of outdoor areas in retail food establishments. The following regulations shall apply to all outdoor areas in retail food establishments which do not hold on-sale liquor, wine, or beer licenses, including establishments holding sidewalk cafe permits:

(1) Every outdoor area must be approved as part of the original licensed premises or by the granting of an application for expansion of the licensed premises.

(2) Entertainment:

a. No food establishment shall conduct entertainment, including nonlive entertainment such as radio, taped music, and television, in an outdoor area without approval of the city council.

b. In the downtown and eastbank commercial district described in section 362.430 of this Code, the city council may approve any forms of entertainment unless otherwise prohibited by law.

c. Outside the downtown and eastbank commercial district described in section 362.430 of this Code, the city council may approve only those forms of entertainment which would be authorized under a class E on-sale liquor, wine, or beer license.

d. Regardless of the forms of entertainment authorized for an outdoor area, the city council may further restrict the days, hours, nature, volume, and other aspects of entertainment in any outdoor area, including a prohibition against all forms of nonlive music, radio, television, and other entertainment, to protect the safety, repose, and welfare of residents, businesses and other uses near the establishment.

e. The city council may authorize an establishment to conduct entertainment not otherwise allowed under its license in an outdoor area by permit temporarily for special events. Application for such permit shall be filed with the ~~department of licenses and consumer services~~ licensing official on a form prescribed by the ~~director~~ official. The fee for a temporary entertainment permit shall be as established in Appendix J, License Fee Schedule.

(3) All new and remodeled outdoor areas shall be handicap accessible. All existing outdoor areas shall comply with building codes relating to handicap accessibility. No outdoor area shall reduce existing handicap accessibility.

(4) The city council may restrict the hours of operation of an outdoor area based upon proximity of the area to residential dwelling units, and upon considerations relating to the safety, repose, and welfare of residents, businesses, and other uses near the establishment.

(5) The city council may require that access to and egress from an outdoor area only be through the door connecting it to the remainder of the premises, or to property controlled by the licensee.

(6) The licensee shall be responsible for picking up trash and litter generated by the operation of the outdoor area within a reasonable distance from the area.

(7) The city council may review the operation of any outdoor area in connection with the renewal of the license for the establishment, or at any other time for good cause. Violation of the terms and conditions of this section shall be grounds for revocation, suspension, or refusal to renew the license for that portion of the licensed premises pertaining to the outside area.

(8) All special restrictions relating to the hours of operation and types of entertainment in an outdoor area shall be endorsed on an addendum to the license certificate and posted in the establishment with the license certificate.

(9) For those establishments located in the Central Commercial District, as defined in section 360.10, the licensee shall not serve or permit any beverage in an original container manufactured from glass in an outdoor area after 9:00 p.m.

Section 26. That Section 188.560 of the above-entitled ordinance be amended to read as follows:

188.560. Minneapolis food manager certification requirements. Minneapolis food establishments must comply with the food manager certification requirements, as set out in Minnesota Rules, Chapter 4626.2000 to 4626.2525. In support and/or addition to the Minnesota Rules, all persons licensed to operate a food establishment under this chapter (except short-term food establishments) shall at all times employ at least one (1) full time person with supervisory responsibilities (which may be the licensee) who (1) spends a substantial amount of his/her work week at that food establishment, and (2) who has a current Minnesota Department of Health food manager certificate. A large establishment with more than one food preparation and service location under one (1) license, shall have a Minnesota Department of Health certified manager for each location.

A new licensee shall provide proof of certification before the facility is approved to open.

The licensee shall notify the city when the certified person leaves or terminates employment with the food establishment. A food establishment that no longer employs a certified manager shall employ a certified manager within thirty (30) days.

All establishments (except short-term food establishments and those exempted pursuant to rules adopted under the authority of the ordinance) shall maintain up-to-date written policies and guidelines on the premises. These policies and guidelines shall have been approved by the ~~manager of~~ environmental health division and shall govern food handling and preparation, sanitation practices and techniques, personal hygiene including handwashing techniques, the prevention of food borne illness through proper receiving, storage, preparation, cooling and reheating of foods, and other related matters.

Section 27. That Section 188.570 of the above-entitled ordinance be amended to read as follows:

188.570. Notification requirements for implementation of Minnesota Rules 4626.0410, Time As Public Health Control. A food establishment intending to use the procedures provided under Minnesota Rules 4626.0410 must submit written notification of its intention to use said procedures, and receive approval from the ~~manager of~~ environmental health division prior to implementing the provisions of Minnesota Rules 4626.0410.

Section 28. That Section 188.580 of the above-entitled ordinance be amended to read as follows:

188.580. Emergency closure of licensed food establishment. (a) *Summary closure conditions.* The ~~manager of~~ environmental health division may summarily close any licensed food establishment for the following reasons:

(1) Any one of the following conditions exist on, or result from, the operation of the licensed premises:

a. Evidence of a sewage backup in a food establishment to such an extent that the floor in food preparation, storage or warewashing areas has been flooded.

b. No potable hot or cold water under pressure to a food establishment to such an extent that handwashing, warewashing,food preparation, or toilet facilities are not operational.

c. A lack of electricity or gas service to a food establishment to such an extent that handwashing, warewashing, food preparation, or toilet facilities are not operational.

d. Evidence of an ongoing food-borne illness caused by the operationof the establishment.

e. More than one violation within thirty (30) days of holding potentially hazardous foods between fifty (50) degrees Fahrenheit and one hundred thirty (130) degrees Fahrenheit.

f. Lack of an accessible, previously approved handwashing facility in the food preparation area, or three (3) violations within thirty (30) days for improper maintenance of approved handwashing facilities, such as lack of soap or single-service hand towels.

g. Lack of an approved and presently operable dishwashing system on-premises, where food preparation utensils and/or reusable eating utensils are used as part of the business.

h. The presence of gnawed or rodent contaminated (urine stained) food product.

i. An infestation of rodents to such an extent that one (1) live mouse or rat is observed within the premises of the food establishment or there is the accumulation of fresh mouse droppings in more than one (1) location in either the food preparation or storage areas, or the presence of fresh rat droppings in one (1) location in the food storage or preparation areas.

j. An infestation of cockroaches in the premises to such an extent that six (6) or more live cockroaches are observed in the food preparation area or storage area, or there is the presence of one (1) cockroach in food caused by the operation of the food establishment.

k. The presence of flies breeding in the licensed food establishment as shown by the presence of eggs or maggots.

l. The presence of any condition that poses an imminent risk of substantial harm to the public health, safety or welfare.

(2) Lack of a license required by Title 10, Chapter 188 of the Minneapolis Code of Ordinances.

(b) *Procedure for emergency closure.*

(1) *Order to be issued.* If the ~~manager of~~ environmental health division ~~or the manager's agent~~, following an on-site inspection determines that any of the grounds for emergency closure exist in a licensed food establishment, an order for emergency closure may be summarily issued on such form as the ~~manager of~~ environmental health division shall promulgate. Such order shall: Identify the licensed food establishment; describe the specific grounds upon which the closure is based; state by what time the patrons must vacate; state that a hearing on the emergency closure can be requested by owner or manager by informing the ~~manager of~~ environmental health division ~~or the manager's agent~~; and be signed by ~~the manager of~~ an environmental health division representative. Such order shall be served on the owner, manager or apparent person in charge of the premises who shall thereupon close the premises, which shall remain closed pending either approval of the ~~manager of~~ environmental health division of the abatement of the condition(s) giving rise to the emergency closure, or final order of the ~~manager of~~ environmental health division after hearing as provided in subsection (2) below.

(2) *Hearing.* Upon written request, a hearing to consider whether the establishment may reopen, and the conditions, if any, to be imposed for such reopening, shall be commenced no later than three (3) business days after receipt of the written request. The ~~manager of~~ environmental health division~~, or the manager's agent,~~ shall render a written decision within two (2) business days after conclusion of the hearing.

(c) *Violation.* Any of the following is punishable as a misdemeanor:

(1) Failure of the owner, manager or apparent person in charge to close a licensed food establishment and/or vacate the patrons from the establishment after service of an order for emergency closure.

(2) Failure of any person to leave a licensed food establishment subject to an order for emergency closure upon being ordered to leave by the ~~manager of~~ environmental health division ~~or the manager's agent~~.

Adopted.
Absent – Reich, Johnson.

Ordinance 2013-Or-137 amending Title 10, Chapter 190 of the Minneapolis Code of Ordinances relating to Food Code: Meat and Meat Products, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-137
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 10, Chapter 190 of the Minneapolis Code of Ordinances relating to Food Code: Meat and Meat Products.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 190.10 of the above-entitled ordinance be amended to read as follows:

190.10. Inspection required. No person shall bring or cause to be brought into the city or hold or have possession of or expose or offer for sale or sell for human food in the city, any carcass, part of carcass, meat or meat products of any pig, lamb, calf, cattle, swine, sheep or goats, unless the same shall have been duly and properly inspected before and at the time of and after the slaughter thereof and passed and found to be sound, healthful, wholesome and fit for human food and properly marked, stamped, tagged or certified to, all in conformity with and in the manner prescribed by the "Regulations Governing Meat Inspection of the United States Department of Agriculture," issued by the United States Department of Agriculture July 15, 1914, and designated for purposes of identification as B. A. I. Order 211, and the amendments to said regulations from time to time made and issued by the United States Department of Agriculture, which said regulations and amendments are hereby referred to and made a part of this chapter as fully and to the same extent as if herein set forth at large; or unless such carcass, part of carcass, meat or meat products shall have been duly inspected by the ~~commissioner of health of the city~~ Minneapolis Health Department or by one or more of the duly appointed, qualified and acting meat inspectors of the ~~department of health~~ Minneapolis Health Department, and found healthful, wholesome and fit for human food, and properly marked,

stamped or tagged by the ~~commissioner of health~~ Minneapolis Health Department or by ~~his~~ its meat inspectors, as herein provided.

Section 2. That Section 190.20 of the above-entitled ordinance be amended to read as follows:

190.20. Authority to inspect and condemn. The ~~commissioner of health~~ Minneapolis Health Department shall inspect or cause to be inspected ~~by one or more of the duly qualified inspectors of the department of health~~ all carcasses, parts of carcasses, meats and meat product of every pig, lamb, calf, cattle, swine, sheep and goat brought into the city for sale, or held, exposed or offered for sale or sold for human food in the city, and shall determine whether or not the same is sound, healthful, wholesome and fit for human food, and the ~~commissioner of health and the inspectors of the department of health~~ shall order and require any and all such carcasses, parts of carcasses, meats or meat products which shall be found to be unsound, unhealthful, unwholesome or not fit for human food, to be at once condemned and destroyed for food purposes by being tanked in a sealed tank or saturated with coal oil or an oil distillate, as directed by the ~~commissioner of health or one of the inspectors making such inspection~~ Minneapolis Health Department. Upon the failure of the owner or person in charge or in possession of any such unsound, unhealthful, unwholesome or unfit carcass, part of carcass, meat or meat products, to remove or destroy the same as directed by the ~~commissioner of health or any of the inspectors~~ Minneapolis Health Department, the ~~commissioner of health~~ Health Department shall forthwith cause the same to be removed from the city or to be destroyed by being tanked in a sealed tank or saturated with coal oil or oil distillate.

Section 3. That Section 190.30 of the above-entitled ordinance be amended to read as follows:

190.30. Stamping of wholesome meat. All such carcasses, parts of carcasses, meats and meat products of any pig, lamb, calf, cattle, swine, sheep or goat brought into the city for sale, or intended or held or exposed or offered for sale or sold for human food in the city, which have not been duly inspected and passed and marked, stamped or certified to as sound, healthful, wholesome and fit for human food in conformity with and in the manner provided by said "Regulations Governing Meat Inspection of the United States Department of Agriculture" shall, upon being inspected by the commissioner of health or by one of the inspectors and found to be sound, healthful, wholesome and fit for human food, be marked and stamped with a rectangular stamp having thereon the words "Approved ~~Division Public Health~~ Minneapolis Health Department, Minneapolis Inspector No. _____" together with the figure denoting the proper number of the inspector using any such stamp. Such marking and stamping shall be done in a manner similar to that required by said regulations B. A. I. Order No. 211 and amendments thereto.

Section 4. That Section 190.40 of the above-entitled ordinance be amended to read as follows:

190.40. Inspection at slaughterhouse. All cattle, swine, sheep and goats whose carcasses, meats or meat products are intended for sale for human food in the city which are slaughtered at slaughterhouses or places other than those operated under the supervision of the United States Department of Agriculture shall, at the time and immediately before and after slaughter thereof, whenever and wherever it is practicable and possible so to do within or without the city, be inspected by the ~~commissioner of health or by the inspectors of the department of health acting under the supervision and direction of the commissioner of health~~

Minneapolis Health Department, and if found by such inspection to be sound, healthful, wholesome and fit for human food, shall be marked and stamped as provided in section 190.30. All slaughterhouses and places where any such animals intended for sale for human food in the city are slaughtered, shall at all times be kept and maintained in a clean and sanitary condition to be approved by the ~~commissioner of health~~ Minneapolis Health Department.

Section 5. That Section 190.50 of the above-entitled ordinance be amended to read as follows:

190.50. Inspection of meat slaughtered on farms. The carcasses of pigs, lambs, calves, cattle, swine, sheep and goats owned by any farmer and slaughtered on his farm, which can be and are identified as such, and which are shipped or brought into the city for sale as human food, before the same or any part thereof shall be exposed or offered for sale or sold in the city, shall be inspected and approved or disapproved and marked, stamped or tagged as sound, healthful, wholesome and fit for human food by the ~~commissioner of health~~ Minneapolis Health Department or one of the inspectors, at the express office or freight office when shipped into the city by railway, and when brought into the city otherwise than by railway, at some building, market or place in the city provided or designated therefor by the city council or by the ~~commissioner of health~~ Minneapolis Health Department as a place for such meat inspection purposes. All such carcasses of cattle and swine except veal carcasses shall have the head, tongue and lymphatic glands thereof in place and undetached therefrom. No such carcass or carcasses of pigs, lambs, cattle, swine, sheep or goats, or any part or parts thereof, shall be sold, exposed or offered for sale in the city unless and until the same shall have been properly inspected, approved and marked, stamped or tagged as fit for human food by the ~~commissioner of health or by a meat inspector of the department of health duly appointed and qualified to make such inspection~~ Minneapolis Health Department.

Section 6. That Section 190.100 of the above-entitled ordinance be amended to read as follows:

190.100. Application for license. Applications for licenses required by this article shall be made to the ~~department of licenses and consumer services~~ licensing official ~~on forms provided by the director of licenses and consumer services~~.

Section 7. That Section 190.130 of the above-entitled ordinance be amended to read as follows:

190.130. Licensing, marking of vehicles. In addition to the fee required by section 190.120, the licensee shall pay an annual fee as established in Appendix J, License Fee Schedule, for each vehicle used in the licensed business. Each such vehicle shall have attached to it on each side a license plate stating "Wholesale Sausage Manufacturer or Distributor" and giving the serial number of the license. Such license tag shall be attached to the vehicle so as to be conspicuous and legible at all times. It shall be furnished by the ~~department of licenses and consumer services~~ licensing official.

Section 8. That Section 190.200 of the above-entitled ordinance be amended to read as follows:

190.200. Application for license; issuance or denial. Any person desiring a license to engage in the business of selling unpackaged horse meat shall apply to the city council upon a form to be prepared by the ~~department of licenses and consumer services~~ licensing official. The

application shall contain the name and address of the applicant; location of proposed place of business; nature of the product to be sold under the license; whether the premises in which the business is to be conducted are separate and distinct from any food or other mercantile establishment; refrigeration provided; character of the material to be sold; nature of handling; character of sales, whether in original packages or otherwise; and such other information as the ~~department of licenses and consumer services and the commissioner of health~~ licensing official and the Minneapolis Health Department may require. The application shall be verified, and receipt for payment of the license fee shall accompany the filing of the application. After filing of the application, it shall be presented to the city council, which may grant or deny the application. No license shall be granted unless approved by the council member of the ward in which the premises described in the application are located.

Section 9. That Section 190.250 of the above-entitled ordinance be amended to read as follows:

190.250. Condition of premises. The premises devoted to the sale of unpackaged horse meat, and operated under a horse meat license, shall be kept clean and sanitary. The premises shall be subject to inspection by the ~~commissioner of health and employees of the department of health~~ Minneapolis Health Department, and shall be equipped, cared for and conducted, as regards preservation of health and prevention and suppression of disease, in substantially the manner required by Chapter 188, so far as the terms of said chapter apply. The ~~commissioner of health~~ Minneapolis Health Department, in writing at any time, may require the owner and holder of any horse meat license to comply with any of the provisions of Chapter 188, and failure to so comply shall be a violation of this article.

Section 10. That Section 190.270 of the above-entitled ordinance be amended to read as follows:

190.270. Inspections. All horse meat stored, offered for sale or sold under any license shall be subject to inspection by the ~~commissioner of health and employees of the department of health~~ Minneapolis Health Department. All health and sanitary regulations prescribed in Chapter 188 shall be observed so far as applicable. In the case of a live animal license, the ~~commissioner of health~~ Minneapolis Health Department shall make such inspections of the premises as may be necessary and shall require compliance with the provisions of Chapter 68 of this Code.

Section 11. That Section 190.280 of the above-entitled ordinance be amended to read as follows:

190.280. Original packages for retail. Packaged horse meat purchased by any licensee in an original retail package shall be sold only in such original package. None of the contents shall be removed from the original package on the licensed premises, nor mixed with any other substance and sold as human or animal food. Such packaged horse meat held for retail shall be kept in a separate compartment of a refrigerator, showcase or other container, separate from all other foods or materials and in a manner approved by the ~~commissioner of health~~ Minneapolis Health Department.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-138 amending Title 10, Chapter 192 of the Minneapolis Code of Ordinances relating to Food Code: Bread, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-138
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 10, Chapter 192 of the Minneapolis Code of Ordinances relating to Food Code: Bread.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 192.50 of the above-entitled ordinance be amended to read as follows:

192.50. Responsibility for enforcement. It shall be the responsibility of the ~~department of health of the city~~ Minneapolis Health Department to enforce the provisions of this chapter.

Adopted.
Absent – Reich, Johnson.

Ordinance 2013-Or-139 amending Title 10, Chapter 194 of the Minneapolis Code of Ordinances relating to Food Code: Eggs, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-139
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 10, Chapter 194 of the Minneapolis Code of Ordinances relating to Food Code: Eggs.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 194.30 of the above-entitled ordinance be amended to read as follows:

194.30. Invoices required. Every person selling eggs to retailers shall furnish to such retailers an invoice showing his name and address, date of sale and grade of eggs, if officially

graded, or words "Ungraded Eggs" if not officially graded. A copy of such invoice shall be kept on file by the person selling, and the retailer, in their respective places of business for a period of sixty (60) days, and shall be available and open for inspection at all reasonable times to the inspectors of the ~~department of licenses and consumer services~~ licensing official.

Section 2. That Section 194.110 of the above-entitled ordinance be amended to read as follows:

194.110. Enforcement of article. The ~~department of licenses and consumer services~~ licensing official shall enforce the provisions of this chapter.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-140 amending Title 10, Chapter 196 of the Minneapolis Code of Ordinances relating to Food Code: Water for Drinking and Domestic Purposes, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-140
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 10, Chapter 196 of the Minneapolis Code of Ordinances relating to Food Code: Water for Drinking and Domestic Purposes.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 196.10 of the above-entitled ordinance be amended to read as follows:

196.10. Standard of purity required. All water furnished for sale or sold for drinking, household or domestic uses and purposes shall be of the standard of purity, both chemical and bacteriological, adopted by the ~~department of health~~ Minneapolis Health Department, to wit: All well, spring, distilled and artesian well water shall be free from the presence of the colon bacillus and all other pathogenic bacteria; and the composition of all said waters shall be substantially as follows:

	Parts per 100,000	
Total solid residue	20.	60.
Chlorine	0.2	0.5
Free ammonia	.003	.005
Albuminoid ammonia	.002	.006
Oxygen absorbed in 10 minutes at 100 degrees C.	.010	.050

Nitrogen as nitrates	None	.100
Nitrogen as nitrites	None	

Section 2. That Section 196.30 of the above-entitled ordinance be amended to read as follows:

196.30. Materials for delivery containers. All containers in which water is furnished and sold for drinking, household and domestic purposes shall be of stainless steel, monel metal, glass, plastic, coated paper cartons or such other container material or lining as may be approved by the ~~commissioner of health~~ Minneapolis Health Department. Surfaces in contact with water shall be of a nontoxic material and shall not contribute to the adulteration of the water itself.

Section 3. That Section 196.70 of the above-entitled ordinance be amended to read as follows:

196.70. Inspections. The ~~commissioner of health and assistants and deputies of the commissioner of health~~ Minneapolis Health Department may stop and inspect or cause to be inspected any vehicle or tank thereon used by any person in delivering water for drinking, household or domestic purposes for the purpose of enforcing the provisions of this chapter and may inspect any and all buildings and plants where water is prepared, distilled or bottled for the uses and purposes hereinabove mentioned.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-141 amending Title 10, Chapter 198 of the Minneapolis Code of Ordinances relating to Food Code: Soft Drink Manufacture and Storage, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-141
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 10, Chapter 198 of the Minneapolis Code of Ordinances relating to Food Code: Soft Drink Manufacture and Storage.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 198.20 of the above-entitled ordinance be amended to read as follows:

198.20. Application for license. Any person desiring a license under this chapter shall file a written application for such license. The application should state the name and place of residence of the applicant, the name and place of the owner of the premises, and the location of the place where the applicant desires to manufacture or deal at wholesale in such beverages.

Upon the filing of such application for a license, it shall be referred to the ~~commissioner of health~~ Minneapolis Health Department for investigation, report and recommendation. After the report and recommendation of the ~~commissioner of health~~ Minneapolis Health Department have been received by the ~~director of licenses and consumer services~~ licensing official, the license may be granted or denied pursuant to section 259.30.

Section 2. That Section 198.50 of the above-entitled ordinance be amended to read as follows:

198.50. Contents and posting of license. Each license shall be conspicuously posted on the licensed premises, and shall state the name of the licensee, the address of the licensed premises, and the date of the last inspection by the ~~commissioner of health~~ Minneapolis Health Department.

Section 3. That Section 198.70 of the above-entitled ordinance be amended to read as follows:

198.70. Sanitary requirements at plant. All establishments licensed hereunder shall conform to the plumbing laws of the state and city and shall be kept clean and sanitary. All floors of the bottling and manufacturing rooms shall be of concrete or tile and properly trapped and drained and kept in good repair. All walls and ceilings shall be painted and kept clean. All rooms shall be adequately lighted and ventilated and screened during the season of fly prevalence. No substance shall be manufactured or stored in any stable, room used for sleeping or living purposes or in direct communication with any such stable or room, or with a water closet compartment except when such water closet is enclosed with a suitable and properly lighted and ventilated vestibule. There shall be a wash bowl and towel for employees, and after leaving closets, employees shall wash their hands. No cat, dog or other animal shall be allowed in the rooms of the building. Bottles shall not be removed from any dwelling where a communicable disease exists or has existed until permission is given by the ~~commissioner of health or one of the assistants of the commissioner of health~~ Minneapolis Health Department. No person with a communicable disease nor any "disease carrier" shall be employed in an establishment licensed under this chapter.

Section 4. That Section 198.80 of the above-entitled ordinance be amended to read as follows:

198.80. Sanitary methods required. Materials and equipment used for the manufacture of soft drinks shall be kept in a sanitary manner and shall be handled so as to avoid contamination. All water used in the manufacture of soft drinks shall be approved by the ~~commissioner of health or his assistants~~ Minneapolis Health Department. All bottles shall be thoroughly washed and sterilized before filling in a manner approved by the ~~commissioner of health or his assistants~~ Minneapolis Health Department. Brushes must be used in cleaning bottles, and after brushing, the bottles must be rinsed in clean water. Spring stoppers are prohibited. In drawing carbonated water from the carbinator to the bottling table, a blocked tinned pipe must be used. No material or equipment used for the manufacture of drinks shall be composed of or made either wholly or in part of brass, lead, copper or other metallic substances that are or will be affected by a liquid used therein, so that dangerous or deleterious compounds may be formed therein or thereby. No harmful material shall be added to the substance of the drink or incorporated in the bottle or cap.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-142 amending Title 10, Chapter 200 of the Minneapolis Code of Ordinances relating to Food Code: Milk and Dairy Products, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-142
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 10, Chapter 200 of the Minneapolis Code of Ordinances relating to Food Code: Milk and Dairy Products.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 200.50 of the above-entitled ordinance be amended to read as follows:

200.50. Distributors' licenses. No person shall sell within the city any pasteurized milk or milk products unless such milk or milk products have been pasteurized in a pasteurization plant for which a certificate of inspection has been secured. No person shall process the same within the city without first having obtained a milk pasteurization license.

(a) Application for a milk distributor's license shall be made to the ~~department of licenses and consumer services~~ licensing official. Such application shall be accompanied by the fee or fees herein set forth and established in Appendix J, License Fee Schedule, payable to the city finance officer. The license shall be issued or denied pursuant to section 259.30

(b) When any license is issued for a time less than the full license period, the license fee shall be prorated as provided by law.

(c) The ~~department of licenses and consumer services~~ licensing official shall keep a register of each license issued, the number thereof, the name of the person to whom the same is issued, the date when issued, and date of expiration, the amount paid therefor, and such other data as may be required.

(d) At the time of application for a milk distributor's license, in addition to the regular application form required by the ~~department of licenses and consumer services~~ licensing official, a form prescribed and furnished by the ~~commissioner of health~~ Minneapolis Health Department shall be filled in by the applicant and shall become a part of the permanent records of the health department. Such form shall be submitted to the ~~department of licenses and consumer services~~ licensing official and forwarded directly, upon submission, to the ~~commissioner of health~~ Minneapolis Health Department.

Section 2. That Section 200.70 of the above-entitled ordinance be amended to read as follows:

200.70. Vehicle licenses. (a) No person shall use or operate on any public highway in the city any vehicle used for the delivery of milk, or its products, or groceries and milk, without first having obtained a license in the manner hereinafter provided, except those vehicles exempt under Minnesota Statutes. This shall not be construed to apply to any retail grocery store vehicle delivering milk, its products, or groceries and milk, to city homes or places of business during the ordinary course of the delivery system operated by the grocery store. The application for such license shall be made to the ~~department of licenses and consumer services~~ licensing official and shall be accompanied by the fee or fees hereinafter set forth, payable to the city finance officer. The license shall be issued or denied pursuant to section 259.30. Licenses shall be transferable from one approved vehicle to another, owned by the same owner, at any time upon the payment of the requisite transfer fee.

(b) No license shall be issued or renewal of an issued license granted unless and until the person applying for such license shall first execute or obtain and file with the ~~department of licenses and consumer services~~ licensing official, for each vehicle, a policy or policies in an insurance company authorized to do business in the State of Minnesota, insuring such person, the lessees or licensees of such person, against loss in the sum of at least twenty-five thousand dollars ($25,000.00) for injury or death of any one person in any one accident, and (subject to said limit for one person) to a limit of not less than fifty thousand dollars ($50,000.00) for injury or death of two (2) or more persons in any one accident, resulting from the negligent operation, ownership, use or defective condition of any such milk delivery or grocery and milk delivery vehicle. If the licensee operates more than one vehicle he may file one policy of insurance covering all such vehicles, which policy of insurance shall, however, insure or indemnify each vehicle in the amounts hereinabove stated. Every insurance policy or policies insuring milk delivery or grocery and milk delivery vehicles, in addition to the foregoing provisions, shall also contain a provision insuring such person in the sum of at least five thousand dollars ($5,000.00) against loss or damage to the property of any person or persons in any one accident resulting from the negligent operation, ownership, use or defective condition of any such milk delivery or grocery and milk delivery vehicle.

(c) Whenever any license is issued for a term less than the full license period, the license fee shall be prorated.

(d) At the time any vehicle license is issued, the person to whom the license is so issued shall be furnished by the ~~department of licenses and consumer services~~ licensing official with one decal for each such vehicle, and such decal shall show thereon a number, the name of the city, and the year when such license expires. The licensee shall at all times display such decal conspicuously on the vehicle as prescribed by the ~~city health department~~ Minneapolis Health Department.

(e) The ~~department of licenses and consumer services~~ licensing official shall keep a register of each license issued by said department, the number thereof, the name of the person to whom the same is issued, the date when issued, the date of the expiration of same, the amount paid therefor, and such other data as may be required.

(f) For each milk delivery vehicle the annual license fee shall be as established in Appendix J, License Fee Schedule.

(g) For each grocery and milk delivery vehicle the annual license fees shall be as established in Appendix J, License Fee Schedule.

(h) Every licensee hereunder, and every person delivering milk or groceries and milk, shall display and keep displayed at all times in a prominent place on each outer side of any vehicle used for such deliveries, the name of the licensee which shall be printed in plain letters not less than four (4) inches in height, and keep such printed name in such condition that it may be at all times readily distinguishable. It shall be unlawful to display any name on the outside of the vehicle except that of the licensee and/or his registered trade name.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-143 amending Title 10, Chapter 201 of the Minneapolis Code of Ordinances relating to Food Code: Public Markets, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-143
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 10, Chapter 201 of the Minneapolis Code of Ordinances relating to Food Code: Public Markets.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 201.30 of the above-entitled ordinance be amended to read as follows:

201.30. Farmers market requirements. The holder of a farmers market license issued pursuant to this chapter shall comply with the following requirements:

(1) A minimum of sixty (60) percent of market vendors at farmers markets held between the eligibility dates set by the Farmers Market Nutrition Program must be agricultural producers.

(2) Farmers markets may contain a maximum combined total of forty (40) percent of the following market vendor types. A maximum of twenty-five (25) percent of total vendors may be non-food vendors, including craft producers and vendors of services.

a. Food market distributors, who when reselling produce may only sell produce that is not in season and not available at the market from agricultural producers.

b. Home processors.

c. Food market manufacturers.

d. Craft producers.

e. Vendors of services.

f. Plant vendors.

(3) Farmers markets may not contain market vendors of the following types:

a. Market vendors selling any entity's non-food product as an agent, franchisee, distributor, or licensee; or on consignment; or by any other third-party arrangement.

b. Market vendors selling non-food items such as "vintage," "found," "reclaimed" or "recycled" objects, or any other objects not originally manufactured by the market vendor unless those objects have been substantially transformed by the market vendor into objects of dissimilar form or function from the original.

(4) Upon initial application, renewal application or request by city staff, farmers markets shall provide a set of bylaws, or in the case that the market is sponsored by another organization, a set of approved operating rules along with the bylaws of the sponsoring organization, that address the market's ownership, governance structure, decision-making process, the market vendors' relationship to the market organization and the means by which vendors' interests are represented and protected in the governance of the market.

(5) Farmers markets shall become authorized to accept FMNP (Farmers Market Nutrition Program), S/FMNP (Senior Farmers Market Nutrition Program), WIC-CVV (Women, Infants and Children Fruit and Vegetable Vouchers), and any other similar food assistance programs as designated by the ~~director of regulatory services~~ licensing official, not including SNAP-EBT (Supplemental Nutrition Assistance Program Electronic Benefits Transfer), within twelve (12) months of licensure.

(6) Farmers markets shall take place outdoors, with the exception of up to six (6) indoor events per year, as designated on the license application and approved by the appropriate departments in advance of the indoor event or events.

Section 2. That Section 201.70 of the above-entitled ordinance be amended to read as follows:

201.70. License application. Each applicant for a license to operate a farmers market, mini market or produce and craft market shall file an application with the ~~department of licenses and consumer services~~ licensing official on forms provided by the ~~department~~ official. The ~~director of licenses and consumer services~~ licensing official may require such information on the application as the ~~director~~ official considers reasonable and necessary, including:

(1) The full name, date of birth, and current residence address of the applicant.

(2) The proposed location of the farmers market, mini market or produce and craft market and the dates and hours of market operations.

(3) A scaled diagram showing the site plan and layout of the market stalls with an indication of the portion thereof intended to be used in the conduct of such business pursuant to the license.

(4) A list of all market vendors at the farmers market, mini market or produce and craft market.

(5) The market manager's name, residence address, and telephone contact number.

Section 3. That Section 201.90 of the above-entitled ordinance be amended to read as follows:

201.90. Duties of market manager. Each licensed farmers market, mini market or produce and craft market shall designate a market manager who is responsible for the supervision, management and control of the licensed market. The market manager shall prepare rules and regulations relative to the care and conduct of said farmers market, mini market or produce and craft market and the placing of vehicles therein, preservation of order, prevention and removal of obstructions and nuisances, removal of vagrants and disorderly persons or persons found loitering therein, and the seizure of unhealthy, unwholesome or noxious substances. The market manager or designee is responsible for the operation of the farmers market, mini market or produce and craft market and must be present when the market is open to the public. The market manager shall:

(1) Complete an environmental health plan review and pay the applicable plan review fee as indicated in Appendix J, License Fee Schedule.

(2) Provide fully operational and stocked toilet facilities shall be available to all market customers and market vendors.

(3) Provide sufficient potable water to meet the needs of each market vendor.

(4) Ensure that all market vendors of immediately consumable foods are operating from a hard, smooth and easily cleanable surface.

(5) Ensure prompt removal of all trash and debris from the market and areas of public right-of-way within one hundred (100) feet of the farmers market, mini market or produce and craft market and in accordance with the Code of Ordinances.

(6) Ensure that all food market manufacturers and food market distributors are licensed prior to vending. Food market manufacturer and food market distributor licenses must be renewed yearly.

(7) Ensure all agricultural producers and home processors who may be exempt from licensure under Minnesota Statute Section 28A.15 have received approval to

operate at farmers, mini and produce and craft markets under such classification. Approval shall be granted by the ~~director of environmental health or the director's designee~~ environmental health division. Such market vendors must renew their registration documentation annually.

(8) Ensure a current list of all food market vendors selling or sampling food at the farmers, mini or produce and craft market is available to city staff to review at all times during which the market is open and operating.

(9) Ensure that the market complies with the percentages stipulated to in this chapter for the number of food to non-food market vendors and/or agricultural producers to other market vendor types.

(10) Ensure all farmers, mini and produce and craft markets and market vendors comply with the Minnesota Food Code (Minnesota Rules, Chapter 4626) and all applicable ordinances.

Section 4. That Section 201.120 of the above-entitled ordinance be amended to read as follows:

201.120. Insurance. A license for a farmers market, mini market and produce and craft market, any ~~part~~ part of which is on a street, sidewalk or other public right-of-way, may be granted only after the applicant has filed with the ~~division of licenses~~ licensing official a liability insurance policy, or evidence thereof, which policy shall provide coverage in the amount of two hundred thousand dollars ($200,000.00) for one (1) claimant and six hundred thousand dollars ($600,000.00) for any number of claimants, and shall specifically provide for the payment by the insurance company on behalf of the insureds of all which the insureds shall become obligated to pay by reason of liability, imposed upon them by law for injuries or damages to persons or properties arising out of the activities and operations of the insureds occurring on any public right-of-way pursuant to the provisions of this chapter. The applicant and the city shall be named as joint insureds on the liability policy.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-144 amending Title 10, Chapter 202 of the Minneapolis Code of Ordinances relating to Food Code: Municipal Market, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-144
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 10, Chapter 202 of the Minneapolis Code of Ordinances relating to Food Code: Municipal Market.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 202.50 of the above-entitled ordinance be amended to read as follows:

202.50. License application. Each applicant for a license to operate a municipal market shall file an application with the ~~department of licenses and consumer services~~ licensing official on forms provided by the ~~department~~ official. The ~~director of licenses and consumer services~~ licensing official may require such information on the application as the ~~director~~ official considers reasonable and necessary, including:

(1) The full name, date of birth, and current residence address of the applicant.

(2) If the applicant is a partnership or firm, the name, place and date of birth, residence address of all partners or persons interested therein; if a corporation, the state of incorporation, the name, place and date of birth, of all persons named in the corporation, and shall state whether or not any person named in the application has ever been convicted of any crime.

(3) The proposed location of the municipal market and the dates and hours of market operations.

(4) A scaled diagram showing the site plan and layout of the market stalls with an indication of the portion thereof intended to be used in the conduct of such business pursuant to the license.

(5) A list of all vendors at the municipal market.

(6) The market manager's and designee's names, residence addresses, and telephone contact numbers.

Section 2. That Section 202.110 of the above-entitled ordinance be amended to read as follows:

202.110. Duties of market manager. The municipal market shall designate a market manager who is responsible for the supervision, management and control of that market. The market manager shall prepare rules and regulations relative to the care and conduct of the market and the placing of vehicles therein, preservation of order, prevention and removal of obstructions and nuisances, removal of vagrants and disorderly persons or persons found loitering therein, and the seizure of unhealthy, unwholesome or noxious substances. The market manager or designee is responsible for the operation of the municipal market and must be present when the market is open to the public. The market manager shall:

(1) Complete an environmental health plan review and pay the applicable plan review fee as indicated in Appendix J.

(2) Provide fully operational and stocked toilet facilities to all market customers and market vendors.

(3) Provide sufficient potable water to meet the needs of each market vendor.

(4) Ensure that all market vendors of immediately consumable foods are operating from a hard, smooth and easily cleanable surface.

(5) Ensure prompt removal of all trash and debris from the market and areas of public right of way within one hundred (100) feet of the municipal market and in accordance with the Code of Ordinances.

(6) Ensure that all food market manufacturers and food market distributors are licensed prior to vending. Food market manufacturer and food market distributor licenses must be renewed yearly.

(7) Ensure all agricultural and home processors who may be exempt from licensure under Minn. Statute Section 28A.15 have received approval to operate at the markets. Approval shall be granted by the ~~director of~~ environmental health division ~~or the director's designee~~. Such market vendors must renew their registration documentation annually.

(8) Ensure a current list of all food market vendors selling or sampling food at the markets is available to city staff to review at all times in which the markets are open and operating.

(9) Ensure that the market complies with the percentages stipulated to in this chapter for the number of food to non-food market vendors and/or agricultural producers to other market vendor types.

(10) Ensure all market vendors comply with the Minnesota Food Code (Minnesota Rules, Chapter 4626) and all applicable ordinances.

Section 3. That Section 202.330 of the above-entitled ordinance be amended to read as follows:

202.330. Insurance. A license for a municipal market, any part of which is on a street, sidewalk or other public right-of-way, may be granted only after the applicant has filed with the ~~division of licenses~~ licensing official a liability insurance policy, or evidence thereof, which policy shall provide coverage in the amount of two hundred thousand dollars ($200,000.00) for one (1) claimant and six hundred thousand dollars ($600,000.00) for any number of claimants, and shall specifically provide for the payment by the insurance company on behalf of the insureds of all which the insureds shall become obligated to pay by reason of liability, imposed upon them by law for injuries or damages to persons or properties arising out of the activities and operations of the insureds occurring on any public right-of-way pursuant to the provisions of this chapter. The applicant and the city shall be named as joint insureds on the liability policy.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-145 amending Title 10, Chapter 204 of the Minneapolis Code of Ordinances relating to Food Code: Environmental Preservation: Environmentally Acceptable Packaging, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-145
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 10, Chapter 204 of the Minneapolis Code of Ordinances relating to Food Code: Environmental Preservation: Environmentally Acceptable Packaging.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 204.20 of the above-entitled ordinance be amended to read as follows:

204.20. Definition. As used in this chapter, the following terms and phrases shall have the meanings as defined in this section:

(a) *Packaging* shall mean and include food or beverage cans, glass bottles, or plastic bottles.

(b) *Environmentally acceptable packaging* shall mean and include any of the following:

(1) Returnable packaging: Food or beverage containers or packages, such as, but not limited to, soft drink bottles and milk containers that are capable of being returned to the distributor, such as, but not limited to, dairies and soft drink bottlers, for reuse at least once as a container for the same food or beverage;

(2) Recyclable packaging: Packaging that is separable from solid waste by the generator or during collection for the purpose of recycling.

(c) Food establishment, as used in this chapter, means a "food establishment" as defined in section 188.10 of the Minneapolis Code of Ordinances.

~~(d) Director shall mean the Director of Environmental Health of the Regulatory Services Department of the City of Minneapolis or the director's designee.~~

Section 2. That Section 204.40 of the above-entitled ordinance be amended to read as follows:

204.40. Enforcement. The ~~director~~ environmental health division shall have the duty and the authority to enforce provisions of this chapter.

Section 3. That Section 204.50 of the above-entitled ordinance be amended to read as follows:

204.50. Rules and regulations. The ~~director~~ environmental health division may, upon notice and hearing, promulgate such rules and regulations as may be necessary to carry out the purposes of this chapter and protect the health of the public, including the development of exemptions under section 204.70 for packaging for which there is no commercially available

alternative. In promulgating such rules, the director shall consider the legislative purposes provided in section 204.10 of this chapter and shall consult with the operators of affected food establishments.

Section 4. That Section 204.60 of the above-entitled ordinance be amended to read as follows:

204.60. Advisory committee on environmentally acceptable packaging. (a) The city council shall, by resolution, establish an advisory committee on environmentally acceptable packaging. The resolution shall provide for the membership, manner of appointment, the committee's charge and its duration. The membership shall be drawn from affected governmental units, business and industry, trade associations, general business organizations, consumer groups, environmental groups and others as determined in the resolution. The advisory committee shall include a member designated by the Hennepin County Board of Commissioners from outside the City of Minneapolis and a member designated by the Association of Metropolitan Municipalities. The charge of the committee shall include the following:

(b) Advising the ~~director of~~ environmental health division on implementation issues.

Section 5. That Section 204.70 of the above-entitled ordinance be amended to read as follows:

204.70. Exemptions. Notwithstanding any other provision to the contrary, this chapter shall not apply to:

(a) Any packaging used at hospitals or nursing homes;

(b) Any packaging which is not environmentally acceptable, but for which there is no commercially available alternative as determined by the ~~director~~ environmental health division by rule promulgated pursuant to section 204.50. In determining whether there are commercially available alternatives, the ~~director~~ environmental health division shall consider the following: (1) the availability of environmentally acceptable packaging for affected products; (2) the economic consequences to manufacturers, suppliers, retailers and other vendors of requiring environmentally acceptable packaging when available; and (3) the competitive effects on manufacturers, suppliers, retailers and other vendors involved in the sale of product brands or labels available only in packaging that is not environmentally acceptable packaging. Every rule creating an exemption under this paragraph shall be reviewed annually by the ~~director~~ environmental health division to determine whether current conditions continue to warrant the exemption.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-146 amending Title 11, Chapter 215 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Polluted Water Wells, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-146
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 11, Chapter 215 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Polluted Water Wells.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 215.40 of the above-entitled ordinance be amended to read as follows:

215.40. Tagging of polluted wells. When the commissioner of health finds that water from any well is contaminated, polluted or otherwise unfit or unwholesome for drinking purposes, the commissioner shall affix or cause to be affixed a metallic tag to the pump or other water-drawing device connected with said well, having thereon an inscription substantially as follows: "Do not drink this water. It is impure. ~~Dept. of Health~~ Minneapolis Health Department."

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-147 amending Title 11, Chapter 216 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Water Well Construction, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-147
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 11, Chapter 216 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Water Well Construction.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 216.20 of the above-entitled ordinance be amended to read as follows:

216.20. Authority. This chapter is adopted pursuant to Minnesota Statutes 1990, Chapter 103I; Laws of Minnesota 1991, Chapter 355; and related rules, and a delegation agreement authorized by Minnesota Statute 103I.111 between the Minnesota Department of

Health and the ~~Minneapolis Board of Health~~ Minneapolis Health Department authorizing the City to conduct a water well construction, reconstruction and sealing program.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-148 amending Title 11, Chapter 217 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Deaths and Burials, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-148
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 11, Chapter 217 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Deaths and Burials.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 217.70 of the above-entitled ordinance be amended to read as follows:

217.70. Report required. In the event of a death from any contagious or infectious disease, the physician in attendance shall furnish to the ~~department of health~~ Minneapolis Health Department a written certificate of death, as described above, within twelve (12) hours of the time of such death.

Section 2. That Section 217.90 of the above-entitled ordinance be amended to read as follows:

217.90. Preparation for burial. The undertaker, near relatives and any other person who shall have charge of the burial or shipment of the dead body of any person who has died of any contagious or infectious disease shall observe and obey the following rules and regulations:

(a) The dead body of any person who has died of any contagious or infectious disease shall be thoroughly disinfected, and shall not be exposed to the view of any person who is not necessarily engaged in its preparation for burial.

(b) Such dead body shall not be placed or kept in any receiving vault, in any cemetery or burying ground, unless it shall be first enclosed in a hermetically sealed, zinc-lined or other metallic casket, and unless a written permit so to do has first been obtained from the ~~department of health~~ Minneapolis Health Department.

Section 3. That Section 217.150 of the above-entitled ordinance be amended to read as follows:

217.150. Time limit for burial. No person shall retain, or allow to be retained, unburied, the dead body of any human being for a longer time than three (3) days after the death of such human being, without having obtained a written permit so to do from the ~~department of health~~ Minneapolis Health Department, which permit shall specify the length of time during which such dead body may be retained unburied. In case such dead person shall have died of Asiatic cholera, yellow fever, smallpox, scarlet fever, measles or diphtheria, the body of such person shall be buried within twenty-four (24) hours after death.

Section 4. That Section 217.160 of the above-entitled ordinance be amended to read as follows:

217.160. Unburied bodies to be reported. Any person who has discovered or seen, or who knows of the whereabouts within the city of the dead body of any human being, or of any part thereof, if such person has reason to believe that the fact of the death or of the existence or whereabouts of such dead body or of such part thereof is not known to the ~~department of health~~ Minneapolis Health Department, shall communicate immediately to the ~~department of health~~ Minneapolis Health Department the fact of such discovery, the place wherein and the time when such dead body or part thereof was discovered or seen, and the place where the same is or may be found, and any facts known to such person by which the same may be identified or the cause of death thereof ascertained.

Section 5. That Section 217.170 of the above-entitled ordinance be amended to read as follows:

217.170. Undertaker must have death certificate and permit. No undertaker, or any other person, shall remove for burial, shipment, or for any other purpose, whether scientific or otherwise, the dead body of any human being, without first presenting to the ~~department of health~~ Minneapolis Health Department a certificate of death (in accordance with the provisions of article II of this chapter) signed by a legally practicing physician or by the coroner and without obtaining therefrom a written permit so to do.

Section 6. That Section 217.180 of the above-entitled ordinance be amended to read as follows:

217.180. Bodies used for medical purposes. No physician, medical student or professor in a medical college or university or any other person shall use, obtain or receive any dead body of any human being, for dissection or for any other scientific purpose, except for autopsy immediately after death, who has died from Asiatic cholera, yellow fever, typhus fever, smallpox, scarlet fever, measles or diphtheria. The demonstrator of anatomy of any medical college or university, before using or receiving any dead human body for dissection or any other scientific purpose, shall certify to the ~~department of health~~ Minneapolis Health Department the name and nature of the disease of which such human body has died and shall obtain or cause to be obtained from the ~~department~~ Minneapolis Health Department a permit of burial for such body and shall preserve or cause to be preserved the remains of such dead body and bury or cause the same to be properly buried in the cemetery or burying ground indicated in such permit.

Section 7. That Section 217.190 of the above-entitled ordinance be amended to read as follows:

217.190. Burials prohibited outside cemeteries. No human body shall be buried at any place except in a public cemetery or placed in a vault outside of a public cemetery without a written permit from the ~~department of health~~ Minneapolis Health Department.

Section 8. That Section 217.200 of the above-entitled ordinance be amended to read as follows:

217.200. Exhumations; permit required. No grave, tomb, vault or other receptacle in which any dead body has been placed shall be opened for the purpose of exhuming or removing such dead body, unless a written permit so to do has been granted by the ~~department of health~~ Minneapolis Health Department, which permit shall dictate any precautions to be observed in so doing which the said department may deem necessary for the preservation of the public health. No body shall be exhumed by any undertaker or other person without first filing with the ~~department of health~~ Minneapolis Health Department a written request that such exhumation be made, signed by some person legally authorized so to do.

Section 9. That Section 217.220 of the above-entitled ordinance be amended to read as follows:

217.220. Undertakers, sextons, etc., to be registered. Every person who acts as an undertaker or as a sexton or superintendent in charge of any vault, tomb, burying ground or cemetery, for the reception and burial of the human dead shall cause such person's name, place of residence and the title of such person's office to be registered at the office of the ~~department of health~~ Minneapolis Health Department.

Section 10. That Section 217.230 of the above-entitled ordinance be amended to read as follows:

217.230. Permit required for burial. No interment or deposit of the dead body of any human being, or any other disposition thereof in any tomb, grave, vault or cemetery shall be made without a written permit therefor granted by the ~~department of health~~ Minneapolis Health Department; and no sexton or any other person shall assist in, countenance or allow any interment or deposit of a dead body unless such permit has been granted by the ~~department of health~~ Minneapolis Health Department.

Section 11. That Section 217.240 of the above-entitled ordinance be amended to read as follows:

217.240. Sextons to report burials. Every sexton, superintendent of a cemetery, or other person in charge of any cemetery or burying ground shall receive the permits issued for burials in said cemetery or burying ground, preserve the same, and furnish to the ~~department of health~~ Minneapolis Health Department, upon Monday of each week, a written report, upon blank forms to be furnished upon application by said department, of all burials made or caused to be made by such person.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-149 amending Title 11, Chapter 219 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Contagious Diseases, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-149
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 11, Chapter 219 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Contagious Diseases.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 219.20 of the above-entitled ordinance be amended to read as follows:

219.20. Reports by physicians. Every physician who is called to attend any case of Asiatic cholera, whooping cough, yellow fever, smallpox, scarlet fever, measles, tuberculosis, diphtheria, membranous croup, typhus or typhoid fever within the city shall notify the ~~department of health~~ Minneapolis Health Department in writing, within twenty-four (24) hours after the first visit thereto or after the physician has first seen or prescribed therefor, of the existence of such disease and of the date of its appearance, together with the name and residence of the person affected therewith. Subsequent cases of contagious disease which may occur in the same family or at the same residence while the same is under quarantine regulations shall be reported in similar manner to the ~~department of health~~ Minneapolis Health Department by the physician in attendance upon said cases.

Section 2. That Section 219.30 of the above-entitled ordinance be amended to read as follows:

219.30. Reports by others attending sick persons. Every person who shall treat, attend or visit for the purpose of treating, with or without physical agencies, any other person who is sick or affected with any contagious or infectious disease, such as Asiatic cholera, whooping cough, yellow fever, smallpox, scarlet fever, measles, tuberculosis, diphtheria, membranous croup, typhus or typhoid fever, there being no regularly licensed physician in attendance, shall, within twenty-four (24) hours after the first treatment, attendance or visit, as aforesaid, report in writing to the ~~department of health~~ Minneapolis Health Department the existence of such disease, the date of its appearance, and the name and residence of the person affected therewith. Every person who shall so treat, attend or visit, as aforesaid, any other person who is sick with any such disease shall be presumed to have and possess such knowledge of the characteristic symptoms of said contagious and infectious diseases as is commonly possessed by physicians regularly licensed to the practice of medicine under the laws of the State of Minnesota.

Section 3. That Section 219.40 of the above-entitled ordinance be amended to read as follows:

219.40. Reports by school principals, hotel manager, etc. Every proprietor, manager, superintendent, principal, owner, agent or other person in charge of any hotel, boarding house, boarding school, tenement house or other place of residence, or of any hospital, asylum or other public institution, in which any contagious or infectious disease may be discovered, shall give immediate notice to the ~~department of health~~ Minneapolis Health Department of the existence therein of such contagious or infectious disease, and of the name of the person or persons affected therewith.

Section 4. That Section 219.50 of the above-entitled ordinance be amended to read as follows:

219.50. Reports by persons having knowledge. Every person who may know of any case of contagious or infectious disease which such person has reason to believe has not been reported to the ~~department of health~~ Minneapolis Health Department, shall report immediately to the said department the name (if known) and the place of residence of the person affected with such disease, together with a statement of the name and nature of the disease.

Section 5. That Section 219.60 of the above-entitled ordinance be amended to read as follows:

219.60. Moving of sick persons; permit required. No person shall carry or remove, or aid in carrying or removing, or cause to be carried or removed from one building or place to another, or to or from any vehicle, any person who is sick with smallpox or any other contagious or infectious disease, without having first obtained a permit so to do from the ~~department of health~~ Minneapolis Health Department.

Section 6. That Section 219.70 of the above-entitled ordinance be amended to read as follows:

219.70. Report of recovery or death. Every physician who is attending a person affected with any contagious or infectious disease shall report promptly to the ~~department of health~~ Minneapolis Health Department the recovery or death of such person so affected, and certify to said department that the house in which such person has been quarantined has been thoroughly disinfected, together with the date of such disinfection.

Section 7. That Section 219.80 of the above-entitled ordinance be amended to read as follows:

219.80. Quarantine. Whenever quarantine has been established by the ~~department of health~~ Minneapolis Health Department upon or in any house in which a contagious or infectious disease exists, by a placard affixed to such house, such quarantine and all the provisions thereof shall be maintained until the recovery or death of the person or persons affected with such disease has been reported to the said department, and until the said house has been thoroughly disinfected, and until such disinfection has been approved and the placard has been removed by the said department. In the event of the occurrence of scarlet fever, the quarantine shall extend over a period of not less than three (3) weeks from the date of the appearance of such disease.

Section 8. That Section 219.90 of the above-entitled ordinance be amended to read as follows:

219.90. Permit to reenter school. Two (2) weeks after the disinfection of any house quarantined has been approved and the quarantine has been released by the ~~department of health~~ Minneapolis Health Department, a written permit may be issued by the said department authorizing the return and readmission to school of any child or children resident in such house, provided no other case of contagious or infectious disease shall have appeared in such house in the meantime.

Section 9. That Section 219.100 of the above-entitled ordinance be amended to read as follows:

219.100. Duty to vacate infected buildings. Every owner, agent or occupant of any building, or any part thereof, which is unfit for human habitation by reason and on account of its infection with any disease dangerous to human life or health, shall vacate such building or part thereof within such reasonable time as may be specified in a written notice to such effect, which shall be served by the ~~department of health~~ Minneapolis Health Department upon such owner, agent or occupant of said building.

Section 10. That Section 219.130 of the above-entitled ordinance be amended to read as follows:

219.130. Attendance at school prohibited. No parent or guardian of any minor child shall permit such child, if afflicted with any contagious or infectious disease, or any other child of the same family or resident in the same house in which said afflicted child is living, to attend any private or public day school, night school or Sunday School. Every principal or teacher in charge of any private or public day school, night school or Sunday School shall report to the ~~department of health~~ Minneapolis Health Department the name and residence of any child affected with any contagious or infectious disease who shall present himself or herself for attendance at such school, shall cause such child to return home immediately, and shall exclude from attendance at such school any child so affected and any other child who may belong to the same family or live in the same residence as that to or at which such affected child may belong or reside, until such time as the ~~department of health~~ Minneapolis Health Department shall issue a written permit providing for the readmission of such child to the school.

Section 11. That Section 219.230 of the above-entitled ordinance be amended to read as follows:

219.230. Disinfection of premises. In case of the vacation of any premises or apartments as mentioned in section 219.220, the commissioner of health or one of the commissioner's health officers shall immediately visit said premises or apartments and shall order and direct that said premises or apartments and all infected articles therein be properly and suitably disinfected. In case there shall be no remaining occupants in such premises or apartments and the same shall be vacant, the commissioner of health shall cause a notice in writing to be served upon the owner, or the agent of the owner of such premises or apartments, directing the renovation or disinfection of such premises or apartments under the direction and in conformity with the regulations of the ~~department of health~~ Minneapolis Health Department.

Section 12. That Section 219.510 of the above-entitled ordinance be amended to read as follows:

219.510. Definitions. (1) The term "high-risk sexual conduct" means:

(a) Fellatio;

(b) Anal intercourse;

(c) Vaginal intercourse with persons who engage in sexual acts in exchange for money.

(2) The term "hazardous site" means any commercial premises, building or structure, or any part thereof, which is a site of high-risk sexual conduct.

(3) The phrase "booths, stalls, or partitioned portions of a room or individual rooms" means:

(a) Enclosures specifically offered to persons for a fee or as an incident to performing high-risk sexual conduct; or

(b) Enclosures which are part of a business operated on the premises which offers movies or other entertainment to be viewed within the enclosure,including enclosures wherein movies or other entertainment is dispensed for a fee.

The phrase "booths, stalls, or partitioned portions of a room or individual rooms" does not mean enclosures which are private offices used by the owners, managers, or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing movies or other entertainment for a fee, and are not open to any persons other than employees.

(4) The phrase "doors, curtains or portal partitions" means full, complete, nontransparent closure devices through which one cannot see or view activity taking place within the enclosure.

(5) The phrase "open to an adjacent public room so that the area inside is visible to persons in the adjacent public room" means either the absence of any "door, curtain or portal partition" or a door or other device which is made of clear, transparent material such as glass, plexiglass or other similar material meeting building code and safety standards, which permits the activity inside the enclosure to be viewed or seen by persons outside the enclosure.

(6) The words "commissioner of health" mean the City of Minneapolis Commissioner of Health.

~~(7) The words "director of operations and regulatory services" mean the City of Minneapolis Director of Operations and Regulatory Services.~~

Section 13. That Section 219.530 of the above-entitled ordinance be amended to read as follows:

219.530. Powers of the commissioner of health ~~and the director of operations and regulatory services.~~ (1) In exercising powers conferred by this or any other section of this Code relating to communicable diseases, the ~~board of health~~ Minneapolis Health Department and the commissioner of health ~~or the director of operations and regulatory service~~s shall be guided by the most recent instructions, opinions and guidelines of the Center for Disease Control of the United States Department of Health and Human Services which relate to the spread of infectious diseases. Any regulations which are adopted by the board of health which relate to controlling the spread of infectious diseases shall also apply in exercising the powers authorized by this Code.

(2) In order to ascertain the source of infection and reduce its spread, the commissioner of health, and persons under the commissioner's direction and control, ~~or the director of operations and regulatory services, and persons under the director's direction and control,~~ shall have full power and authority to inspect or cause to be inspected, and to issue orders regarding any commercial building, structure or premises, or any part thereof, which may be a site of high-risk sexual conduct. If the commissioner of health ~~or the director of operations and regulatory services~~ determines that a hazardous site exists, the commissioner of health ~~or the director of operations and regulatory services~~ shall declare it to be a public health hazard and public health nuisance and shall then:

(a) Notify the management, owner or tenant of the premises that the commissioner ~~or director~~ has reasonable belief that the premises, building or structure is a hazardous site.

(b) Issue warnings to the management, owner or tenant of the premises stating the reasons for the commissioner's ~~or director's~~ belief that the premises, building, or structure is a hazardous site.

(c) Once such notice and warnings have been issued, the commissioner, or the commissioner's appointee ~~or the director or the director's appointee~~ shall proceed as follows:

(i) After the management, owner or tenant of the premises has been notified in writing as to the basis of the commissioner's ~~or the director's~~ determination, the management, owner or tenant shall have ten (10) days to request a hearing before the commissioner or the commissioner's appointee ~~or the director or the director's appointee~~ for a determination as to the existence of such hazardous site. If the management, owner or tenant of the premises does not request a hearing within ten (10) days of the notice, the commissioner ~~or the director~~ shall then cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site. The commissioner of health ~~or the director of operations and regulatory services~~ shall cause orders to be issued to the management, owner or tenant of the premises constituting the hazardous site to take corrective measures to prevent high-risk sexual conduct from taking place within the premises.

(ii) If the management, owner or tenant of the premises requests a hearing, the hearing shall be held before the commissioner or the commissioner's appointee ~~or the director or the director's appointee~~ at a date not more than thirty (30) days after demand for a hearing. After considering all evidence, the commissioner or the commissioner's appointee ~~or the director or the director's appointee~~ shall make a determination as to whether the premises constitutes a hazardous site. The commissioner or the director shall then issue a decision based upon all evidence presented. If the commissioner or the commissioner's appointee ~~or the director or the director's appointee~~ makes a determination that the premises constitute a hazardous site, the commissioner ~~or the director~~ shall then issue an order and cause the premises, building or structure to be posted with a warning advising the public that the premises have been declared a hazardous site.

(d) If, within thirty (30) days from issuance of the orders to the management, owner or tenant of the hazardous site, the commissioner of health ~~or the director of operations and regulatory services~~ determines that such corrective measures have not been undertaken, then the commissioner of health ~~or the director of operations and regulatory services~~ may order the abatement of the hazardous site as a public nuisance, which shall be enforced by mandatory or prohibitory injunction in a court of competent jurisdiction; or may secure a court order for the closure of the premises constituting the "hazardous site" until the premises, building, or structure is in compliance with the standards set forth in section 219.520

(e) Any person who removes, destroys, or defaces warnings posted on premises shall be guilty of a misdemeanor.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-150 amending Title 11, Chapter 225 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Garbage and Refuse, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-150
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 11, Chapter 225 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Garbage and Refuse.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 225.40 of the above-entitled ordinance be amended to read as follows:

225.40. Duty to provide solid waste containers. The owner, manager, proprietor, agent or occupant of any house, store, hotel, restaurant, or saloon within the city shall provide containers for the collection of solid waste. These containers shall be made of metal or approved plastic, as defined in section 225.580 of this Code, and be equipped with tight-fitting covers. Containers shall be placed upon the premises that such person may own, occupy or control in a situation as remote as possible from any surrounding dwellings and not less than twenty-five (25) feet from any adjacent street. The owner, manager, proprietor, agent or occupant shall empty and cleanse the containers or cause the same to be emptied and cleaned as often as may be necessary to prevent such containers or the contents thereof from becoming a nuisance, or as often as the ~~department of health and family support~~ Minneapolis Health Department may direct.

Section 2. That Section 225.290 of the above-entitled ordinance be amended to read as follows:

225.290. License required; application, issuance. (a) No person shall engage in the business or occupation of hauling solid waste within the city without first obtaining a license so to do and complying with all the requirements for the conduct of such business as hereinafter provided.

(b) No person shall place or allow to be placed on any street, boulevard or alley any container for which a street use permit is required, as per section 91.20 and which has a capacity of more than five (5) cubic feet, and which is designed or utilized for the collection of building debris, solid waste, or any other material without first obtaining a license so to do and complying with all the requirements for the conduct of such business as hereinafter provided.

(c) Application for such license shall be made to the ~~department of licenses and consumer services~~ licensing official and shall be accompanied by the fees hereinafter set forth, payable to the city finance officer. Such application shall be subscribed and sworn to by the applicant and shall contain the name and address of the proposed licensee and the owner of the vehicle or vehicles to be used in the collection and hauling of solid waste, together with a description of the vehicle. A license shall be issued or denied pursuant to section 259.30.

Section 3. That Section 225.300 of the above-entitled ordinance be amended to read as follows:

225.300. Insurance. No license shall be issued and no renewal of an issued license shall be granted unless and until the person applying for such license shall first file with the ~~department of licenses and consumer services~~ licensing official a policy or policies of insurance or an original duplicate of such policy or policies of an insurance company authorized to do business in the State of Minnesota, insuring such person against loss in the sum of at least twenty-five thousand dollars ($25,000.00) against liability imposed by law on account of bodily injuries or death of any one person in one accident (other than persons covered by any worker's compensation law), and (subject to said limit for one person) to a limit of not less than fifty thousand dollars ($50,000.00) against liability imposed by law for bodily injuries or death of two (2) or more persons in one accident, and in the sum of at least five thousand dollars ($5,000.00) against liability imposed by law on account of damage to or destruction of property, except property of others in charge of the insured, by reason of the ownership, use, maintenance or operation of any hauling vehicle. Said policy shall provide that it may not be canceled by the insurer except upon thirty (30) days' written notice to the ~~department of licenses and consumer services~~ licensing official. In case of cancellation of such insurance, the license shall be

suspended until such insurance has been replaced. If the licensee operates more than one vehicle, the licensee may file one policy of insurance covering all of such vehicles, which policy of insurance shall, however, insure or indemnify the licensee as to each vehicle in the amounts hereinbefore stated. No cancellation of a policy of insurance at the request of the named insured, or the company, shall be effective until after the expiration of thirty (30) days' written notice of such proposed cancellation has been filed with the ~~department of licenses and consumer services~~ licensing official, and in the event of the cancellation of any such policy of insurance without replacement, the license issued shall be suspended.

Section 4. That Section 225.330 of the above-entitled ordinance be amended to read as follows:

225.330. Register to be kept of licenses issued. The ~~department of regulatory services, licenses and consumer services division~~ licensing official shall keep a register of each license issued, the number thereof, the name of the person to whom the license is issued, the date when issued, the date of expiration of the license, and the amount paid therefor, and such data as may be required with respect thereto.

Section 5. That Section 225.340 of the above-entitled ordinance be amended to read as follows:

225.340. Marking of vehicles. At the time a license is issued, the applicant shall be furnished with two (2) metal plates or decals, for each licensed vehicle, which plates or decals shall show thereon the number, the name of the city and the license year. Within ten (10) days after the issuance of the license the applicant shall attach such metal plates or decals and keep them attached on the upper half of each side of the cargo box and no more than twelve (12) inches from the front edge of the box. Where the cargo box is not an integral part of the vehicle, such plates or decals shall be placed one on the upper half of each side of the cab. Said plates or decals shall be issued by the ~~department of licenses and consumer services~~ licensing official.

Section 6. That Section 225.380 of the above-entitled ordinance be amended to read as follows:

225.380. Identification of containers. No person shall place or allow to be placed on any street, boulevard or alley any container for which a street use permit is required, as per section 91.20 and which has a capacity of more than five (5) cubic feet, and which is designed or utilized for the collection of building debris, solid waste, or any other material, without having the name and telephone number of the owner stenciled or painted in legible printing in a conspicuous place upon such container. Any box or container not identified or found not to have the proper street use permit, may be impounded by the ~~department of licenses and consumer services~~ environmental health division or the police department if found upon public property. Owners of impounded containers may reclaim such by paying the costs of pickup and storage incurred by the city. Containers, not reclaimed within thirty (30) days of impoundment, may be disposed of by the ~~director, department of licenses and consumer services~~ environmental health division or chief of police, according to law. Any container which is placed on a city street shall have suitable reflectors or warning lights attached, as required by section 427.310 of this Code of Ordinances or as otherwise required by law.

Section 7. That Section 225.450 of the above-entitled ordinance be amended to read as follows:

225.450. Right of entry. Liquid waste haulers, under the direction of the chief of police, the ~~director of environmental health~~ environmental health division, the director of inspections, the director of public works, or their authorized representatives, may enter upon any premises between sunrise and sunset for the purpose of examining any vault, privy or private drain, and with consent of the owner or with an appropriate warrant or as otherwise permitted by law, may have access to any and all parts of every dwelling or building necessary for such examination and for such length of time as may be necessary to complete the same, and also for the purpose of cleaning the same when necessary. Designated employees of the chief of police, the ~~director of environmental health~~ environmental health division, the director of inspections, the director of public works, shall have the same right of access. Access may also be obtained at any time when one of the above-named officials or their authorized representatives determines that entry for such examination and/or cleaning is necessary because conditions appear to be present that pose an imminent danger to life or health which makes it unreasonably impracticable to either obtain consent or obtain a warrant to permit such entry.

Section 8. That Section 225.460 of the above-entitled ordinance be amended to read as follows:

225.460. Cleaning to preserve health; assessment of cost. Whenever in the judgment of the chief of police, the ~~director of environmental health~~ environmental health division, the director of inspections, the director of public works, or their authorized representatives, there exists on any private property any sink, privy or private drain which needs cleaning, altering, relaying or repairing in order to protect the public health or to prevent the same from becoming or continuing noisome or offensive, such individual or authorized representative, shall give notice in the manner provided for in section 227.100. notice, correction, and assessment shall take place using the procedures set out in section 227.100, And pursuant to abatement of nuisance authority in Laws of Minnesota for 1994, Article 9, Section 4. This shall include the definition of "owner" as used in section 227.100.

Section 9. That Section 225.520 of the above-entitled ordinance be amended to read as follows:

225.520. Inspections. Every owner, keeper or driver of any liquid waste cart or tank shall submit the said cart or tank for inspection to ~~director of environmental health for the department of regulatory services or his or her designee~~ the environmental health division, as requested. If the condition of the said cart or tank is not approved by the ~~director or the director's designee~~ environmental health division, such owner, keeper or driver shall keep the same out of service until it is cleaned, altered or repaired.

Section 10. That Section 225.580 of the above-entitled ordinance be amended to read as follows:

225.580. Requirements for containers. All containers in which solid waste is placed shall be made of metal or approved plastic and be equipped with tight covers. Every dwelling unit, rooming unit, and shared bath unit that utilizes city collection, pursuant to section 225.600 of this Code, shall be provided with an adequate number of serviceable mobile refuse containers (MRC) as required by the city engineer to hold the solid waste accumulated by such

units until collected for disposal. Any container that does not conform to all the provisions of this section, or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, must be promptly replaced by a proper container upon receipt of notice to that effect from the city engineer. No container may be placed in or adjacent to a public right-of-way for collection in such a manner that blocks access to any curb cut or garage access point of any adjoining property. Plastic solid waste containers shall meet the standards of the National Sanitation Foundation Standard No. 21 (as revised 1975). A copy of the standard will be on file at the Minneapolis ~~Department of Health and Family Support~~ Health Department.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-151 amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Nuisances Generally, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-151
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 11, Chapter 227 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Nuisances Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 227.90 of the above-entitled ordinance be amended to read as follows:

227.90. Offensive conditions and vegetation declared. (a) *In general.* No owner, agent or occupant of any privately owned lands or premises shall place upon, or permit upon the owner's premises any noxious weeds as are defined in Minnesota Statutes or Minnesota Rules, dirt or rubbish, or any swill, offal, garbage (except in authorized containers), ashes, barnyard litter, manure, yard cleanings, dead animals, inoperable vehicle as defined in the Zoning Code, or any other foul or unhealthy material, or any other condition on said premises, in such a manner as to constitute a nuisance. Except as part of a managed natural landscape as defined in this section, any weeds or grass growing upon any lot or parcel of land in the city to a greater height than eight (8) inches or which have gone or are about to go to seed are hereby declared to be a nuisance condition and dangerous to the health, safety and good order of the city. Ground cover planted and maintained above earth-sheltered buildings need not comply with the height limitation of this section; however, such ground cover shall not contain noxious weeds. Fallen trees, fallen tree limbs, dead trees, dead tree limbs, which in the opinion of the ~~director of inspections~~ environmental health division constitute a health, safety or fire hazard, are declared to be a nuisance condition. Further, when in the opinion of the ~~director of inspections~~ environmental health division, trees, brush and plant growth, which due to location and manner of growth constitute a hazard to the public or may cause injury or damage to

persons or property when such growth is in violation of sections 244.1580 or 427.280 shall also constitute a nuisance condition.

(b) *Right to install and maintain a managed natural landscape.* An owner, authorized agent, or authorized occupant of any privately owned lands or premises may, consistent with this subsection and all other applicable laws, statutes, rules and ordinances, install and maintain a managed natural landscape.

(1) *Definitions.*

Managed natural landscape means a planned, intentional and maintained planting of native or non-native grasses, wildflowers, forbs, ferns, shrubs or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plantings.

Meadow vegetation means grasses and flowering broad-leaf plants that are native to, or adapted to, the State of Minnesota, and that are commonly found in meadow and prairie plant communities, not including noxious weeds.

Noxious weed shall have the meaning assigned by Minnesota Statutes, Section 18.77, Subd. 8.

Ornamental plants means grasses, perennials, annuals and groundcovers purposefully planted for aesthetic reasons.

Rain garden means a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, lakes and rivers.

Turf-grass lawn means a lawn comprised mostly of grasses common used in regularly cut lawns or play areas (such as but not limited to bluegrass, fescue, and ryegrass blends), intended to be maintained at a height of no more than eight (8) inches.

(2) *Findings.*

The city council finds that the installation and maintenance of managed natural landscapes is beneficial to the city's environment and its residents and serves to further adopted city goals in that managed natural landscapes require fewer potentially harmful and costly inputs, improve stormwater retention, increase water quality and biodiversity, reduce greenhouse gas emissions, and provide habitat for wildlife such as birds, butterflies and other beneficial insects and species.

(3) *Requirements.*

a. Managed natural landscapes may include plants and grasses in excess of eight (8) inches in height and which have gone to seed, but may not include any noxious weeds and must be maintained so as to not include unintended vegetation.

b. Managed natural landscapes may not include any plantings, which due to location and manner of growth constitute a hazard to the public or may cause injury or damage to persons or property when such growth is in violation of sections 244.1580 or 427.280

c. Managed natural landscapes shall not include turf-grass lawns left unattended for the purpose of returning to a natural state.

Section 2. That Section 227.100 of the above-entitled ordinance be amended to read as follows:

227.100. Abatement of offensive conditions and vegetation. (a) When there exists on private property a condition which is in violation of section 227.90, a notice to remove the offensive matter or correct the nuisance condition shall be served by the chief of police, the chief of the fire department, ~~director of inspections,~~ commissioner of health, or their authorized representatives, upon the owner. Such notice may be served personally or may be served by mail. Such notice shall describe the matter to be removed and require removal thereof within three (3) days not to include Saturdays, Sundays or holidays following service of the notice. If at the end of said three (3) days following service of such notice the offensive matter has not been removed, or the nuisance condition corrected, the city shall cause the correction or removal and disposition.

(b) For properties in which there have been two (2) or more notices issued to remove offensive matter or to correct nuisance conditions within the prior twelve-month period, compliance with section (a) shall not be required. For these properties, the second notice issued within a twelve-month period shall contain a general notice that the city may abate future violations of section 227.90 without providing additional specific notice of the violation. This general notice shall remain in effect for twelve (12) months from the date it is sent. This notice shall inform the owner that the costs incurred by the city will be assessed pursuant to the procedure set forth by this ordinance.

(c) Whether notice was provided pursuant to section (a) or section (b), all costs, including an administrative fee of one hundred dollars ($100.00), incurred by the city for the removal and disposition of the offensive matter or for correcting the nuisance shall be assessed, levied and collected as a special assessment payable in one (1) sum or by up to ten (10) equal annual installments as the council may provide against the premises from which it was removed, in the manner provided for in this section. In cases where there have been one (1) authorized removal of offensive conditions and/or vegetation at a given site within any twelve-month period, the second and subsequent abatement assessments shall have a double administrative fee until such time as no authorizations are required for a period of twelve (12) months.

(d) When the city causes the correction or removal and disposition of a nuisance under this section, the chief of police, the chief of the fire department, ~~director of inspections,~~ commissioner of health, or their authorized representatives shall mail to the owner a notice of intent to assess the costs of said action. Such notice shall state the amount and basis for the costs and the time, date and place of a hearing before a hearing officer appointed by the council to determine the validity and amount of the proposed assessment. The notice may require, as a prerequisite to an owner's challenge of an assessment, that the owner file written objections to the assessment no later than fifteen (15) days before the hearing. The notice shall state that the owner may appeal the assessment to the district court within thirty (30) days after the adoption

of the assessment by the council at an annual meeting. The notice shall also inform the owner of the provisions of Minnesota Statutes Sections 435.193 to 435.195 and of the existence of any deferment procedure.

(e) "Owner," for the purposes of this section, shall mean the person who is listed as the contact person on the current rental licensing application on file with the city, if any, or, if none, the person listed as owner by the city assessor on the homestead record, or, if none, the taxpayer as shown by the records of the city assessor.

Section 3. That Section 227.110 of the above-entitled ordinance be amended to read as follows:

227.110. Offensive occupants. No person shall exercise, carry on, follow, engage in, or work at, any business, trade, calling or occupation which shall be dangerous, hurtful, unwholesome, offensive or unhealthy to the neighborhood. The chief of police, ~~director of inspections,~~ commissioner of health or other authorized representative shall give notice to such person to forthwith cease and desist from such business or trade, and if such person shall refuse or neglect to do so within forty-eight (48) hours from the time of such notification, then such person shall be guilty of a violation of this Code.

Section 4. That Section 227.150 of the above-entitled ordinance be amended to read as follows:

227.150. Transporting offensive substances. No person shall remove or cause to be removed, cleaned or carried, the contents of any privy vault or cesspool or any offal, butchers' waste, garbage, swill, rough tallow or slaughterhouse refuse, or any carcass of any dead animal without having first obtained a written permit so to do from the ~~department of health~~ Minneapolis Health Department, and such person shall comply with all the requirements and conditions of such permit.

Section 5. That Section 227.170 of the above-entitled ordinance be amended to read as follows:

227.170. Enforcement. The chief of police, ~~director of inspections,~~ commissioner of health or their authorized representatives shall enforce the provisions of this article, and for the purpose of enforcing the same, or satisfying themselves whether there has been any violation thereof, they shall, where they may have reasonable cause to believe that this article has been violated in any particular, enter into any building or upon any lot or premises whatsoever and make reasonable search and examination as to the existence or presence upon such premises of any nuisance or offensive substance or practice hereinbefore specified, or otherwise. No person shall resist, oppose or obstruct the above city officers in any manner in the enforcement of this article.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-152 amending Title 11, Chapter 229 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Pest and Vermin Control, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-152
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 11, Chapter 229 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Pest and Vermin Control.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 229.10 of the above-entitled ordinance be amended to read as follows:

229.10. Definitions. The following words and phrases when used herein shall have the meanings respectively ascribed to them in this section:

Approved: Approved by the commissioner of health pursuant to the applicable provisions of this Code of Ordinances and other ordinances and regulations.

Building: Any structure, whether public or private, that is adapted or intended for occupancy for dwelling purposes, for the transaction of business, for the rendering of professional service, for amusement, for the display, sale or storage of goods, wares or merchandise, or for the performance of work or labor, including hotels, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, warehouses, workshops, factories and all houses, garages, coops, sheds, barns and other structures.

Commissioner of health: The term "commissioner of health" as used herein shall include the commissioner of health and the commissioner of health's authorized representatives of the ~~department of public health~~ Minneapolis Health Department.

Extermination: The elimination or eradication of rats by any or all accepted measures, such as poisoning, fumigation, trapping, clubbing, etc.

Food and *foodstuffs:* Food for human consumption and also includes grain and other feed for animals and fowl.

Garbage: Waste matter of animal, fruit or vegetable origin.

Infestation: The presence of any insects, rodents, vermin or other pests.

Occupant: Any person or persons in charge, care or control of any property. Whenever the entire premises or building is occupied as a place of business under a single management, the person or persons in charge of such business shall be considered the owner.

Owner: Any person who alone or jointly or severally with others shall have actual possession of or have charge, care or control of any building or property within the city as executor, executrix, administrator, administratrix, trustee, guardian or agent. Such person or

persons shall be deemed and taken to be the owner or owners of such building or property within the true intent and meaning of this chapter, and shall be bound by the provisions of this chapter to the same extent as the owner.

Premises: A platted lot or part thereof or unplatted lot or parcel of land or plat of land, either occupied or unoccupied by a building as herein defined.

Rat harborage: Any physical condition or place which may provide shelter or protection for rats, thus favoring their multiplication or existence inside, outside or under a structure of any kind or on any lot or premises within the city.

Ratproof container: A container constructed of or lined with metal or other material that is impervious to rats. Doors or covers shall be impervious to rats and tight fitting to prevent the entrance of rats.

Ratproofing: The closing of openings in building foundations, under and around buildings, doors, windows, vents and other places which could provide a means of entry for rats, with material impervious to rat penetration.

Rats: All rats, muskrats, mice, rodents, vermin and other pests.

Rubbish: Combustible or noncombustible waste material, except garbage, and shall include, but not be limited to, such material as ashes, excelsior, rubber, tin cans, leather, lumber, tree branches, yard trimmings, scrap metal, glass, crockery and dust.

Section 2. That Section 229.30 of the above-entitled ordinance be amended to read as follows:

229.30. Enforcement. It shall be the duty of the commissioner of health ~~or his duly authorized representative~~ to enforce the provisions of this chapter. This shall not be construed so as to prohibit the ~~director of inspections~~ environmental health division from enforcing the provisions of the housing maintenance code pertaining to rats in dwellings or on the same lot or premises with a dwelling.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-153 amending Title 11, Chapter 230 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Pesticide Control, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-153
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 11, Chapter 230 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Pesticide Control.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 230.50 of the above-entitled ordinance be amended to read as follows:

230.50. Enforcement. This chapter shall be enforced ~~jointly~~ by agents of the ~~health department and department of inspections~~ Minneapolis Health Department pursuant to rules and administrative procedures for such enforcement promulgated under the authority of the city council.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-154 amending Title 11, Chapter 231 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Public Swimming Pool Code, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-154
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 11, Chapter 231 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Public Swimming Pool Code.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 231.50 of the above-entitled ordinance be amended to read as follows:

231.50. "Commissioner" defined. Wherever the term "commissioner" is used in the Minnesota Rules, it shall be held to mean the environmental health division of the ~~city department of regulatory services~~ Minneapolis Health Department.

Section 2. That Section 231.60 of the above-entitled ordinance be amended to read as follows:

231.60. Enforcement. The ~~department of operations and regulatory services~~ commissioner shall enforce the provisions of this chapter. The ~~director of operations and regulatory services~~ commissioner, or designee thereof, after proper identification, shall at all reasonable times have the right to enter into and upon premises to inspect and sample the water in public pools for compliance with this chapter.

Section 3. That Section 231.100 of the above-entitled ordinance be amended to read as follows:

231.100. Pool closure. When any of the following conditions are found, a public pool must be immediately closed to use when so ordered by the ~~director of operations and regulatory services~~ commissioner, or designee thereof. The owner of the pool or the owner's agent must place a sign at the entrance to the pool indicating that the pool is closed. The pool must remain closed until the condition is corrected and approval to reopen is granted by the ~~director of operations and regulatory services~~ commissioner, or designee thereof. A pool must be closed when one (1) of the following conditions exist:

(1) The units of lifesaving equipment specified in Minnesota Rules, Chapter 4717 are not provided.

(2) The water clarity standard specified in 231.70(g) is not met.

(3) The disinfection residual specified in 231.70(d) is not met.

(4) The pool has been constructed or physically altered without approval of plans as required by Minnesota Rules, Chapter 4717.

(5) There is any condition that endangers the health or safety of the public.

Adopted.
Absent – Reich, Johnson.

Ordinance 2013-Or-155 amending Title 11, Chapter 232 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Suntanning Facilities, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-155
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 11, Chapter 232 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Suntanning Facilities.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 232.10 of the above-entitled ordinance be amended to read as follows:

232.10. Definitions. *Department* means the ~~department of licenses and consumer services of the City of Minneapolis~~ Minneapolis Health Department.

Consumer means any member of the public who is provided access to a tanning facility in exchange for a fee or other compensation, or any individual who, in exchange for a fee or other compensation, is afforded use of a tanning facility as a condition or benefit of membership or access.

Fee means the amount charged to any individual or group of individuals in exchange for use of a tanning facility or facilities, whether direct or by virtue of membership or access.

Other compensation means the payment or exchange of goods, or anything of value, for use of the tanning facility or facilities.

Tanning facility or *tanning facilities* means a room or a booth which houses ultraviolet lamps or products containing such lamps intended for the irradiation of any part of the living human body for cosmetic or nonmedical related purposes.

Tanning equipment means sunlamp products and ultraviolet lamps intended to induce skin tanning through the irradiation of any part of the living human body.

Operator means the person designated by the licensee/permittee for the facility to assist and instruct the public in the correct operation of the tanning facility.

Ultraviolet radiation for purposes of this chapter will be referred to as follows:

(1) *UVA (Ultraviolet A) radiation* means radiation in the wavelength between three hundred twenty (320) to four hundred (400) nanometers (one billionth).

(2) *UVB (Ultraviolet B) radiation* means radiation in the wavelength between two hundred sixty (260) to three hundred twenty (320) nanometers (one billionth).

(3) *UVC (Ultraviolet C) radiation* means radiation in the wavelength between one hundred eighty (180) to two hundred sixty (260) nanometers (one billionth).

Section 2. That Section 232.60 of the above-entitled ordinance be amended to read as follows:

232.60. Suspension and revocation of license. Suspension of license. Whenever the ~~health officer~~ Department finds unsanitary or other conditions in the operation of a suntanning facility which, in the officer's judgment, constitutes a substantial hazard to the public health, the ~~officer~~ Department may, in addition to any other action taken, refer the matter to the appropriate city council committee ~~on licenses and consumer services~~ for consideration of license suspension or revocation. The license holder shall be given reasonable notice of any hearing held before the committee and shall be given an opportunity to present evidence and be heard.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-156 amending Title 11, Chapter 233 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Ozone-Depleting Compounds, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-156
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 11, Chapter 233 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Ozone-Depleting Compounds.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 233.30 of the above-entitled ordinance be amended to read as follows:

233.30. Requirements to recycle CFCs. (1) *Salvage automobiles.* A person who processes automobiles for salvage must remove CFCs for recycling prior to disposal or sale of the materials containing CFCs. This subdivision does not apply to crushed automobiles or automobiles that have been processed in a manner that makes removal and recovery of CFCs impossible.

(2) *Refrigeration equipment.* A person processing scrap refrigerators, room and central air-conditioning units, or freezers must remove and recycle, destroy, or properly dispose of the CFCs.

(3) *Mobile air-conditioning equipment.* A person servicing or removing mobile air-conditioning equipment must:

(a) Recapture CFCs, provide storage for recaptured CFCs, and transfer recaptured CFCs to a recycler; or

(b) Recapture and recycle the CFCs to an allowed use.

(4) *Servicing of appliances.*

(a) A person servicing refrigerators, room and central air-conditioning units, or freezers must:

1. Recapture CFCs, provide storage for recaptured CFCs, and transfer recaptured CFCs to a recycler; or

2. Recapture CFCs and recycle the CFCs to an allowed use.

(b) The recovered CFCs may be properly disposed of or destroyed.

(5) *Foam not required to be recycled.* This section does not require recycling of rigid or flexible foam.

(6) *Rules.* The commissioner of health ~~and director of regulatory services~~ may adopt rules for recycling CFCs and introduce standards for CFC recycling requirements which are not inconsistent with rules adopted by the Minnesota Pollution Control Agency (MPCA).

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-157 amending Title 11, Chapter 234 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Indoor Smoking, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-157
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 11, Chapter 234 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Indoor Smoking.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 234.80 of the above-entitled ordinance be amended to read as follows:

234.80. Violation and penalties. (1) *Proprietors.* It is a violation of this chapter for the proprietor or other person in charge of any premises subject to this chapter to fail to comply with the requirements of 234.30, or to retaliate against an employee, applicant for employment or customer, as prohibited by 234.50

(2) *Civil fines.* Violations of this chapter may be enforced administratively pursuant to Chapter 2 of this Code. Each day of violation constitutes a separate offense.

(3) *Adverse license action.* Violation of any provision of this chapter by a licensee shall be adequate grounds for the denial, refusal to renew, revocation or suspension of said license.

(4) *Enforcement.* The provisions of this chapter shall be enforced by the ~~department of operations and regulatory services~~ <u>Minneapolis Health Department</u>, the police department and fire department.

(5) *Injunctive relief.* The city attorney may bring a civil action against the proprietor or other person in charge of a public place or place of work to enjoin repeated or continuing violations of this chapter.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-158 amending Title 11, Chapter 235 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Dogs in Outdoor Food and Liquor Establishments, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-158
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 11, Chapter 235 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Dogs in Outdoor Food and Liquor Establishments.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 235.10 of the above-entitled ordinance be amended to read as follows:

235.10. Definitions. As used in this chapter:

Dangerous and potentially dangerous dog has the meaning specified in Minnesota Statute Section 347.50 and Title 4 of this Code.

Designated outdoor dog area means a specifically identified and defined outdoor area located on the premises of a licensed food or liquor establishment which has been approved by the ~~director of licenses and consumer services~~ Minneapolis Health Department pursuant to the requirements of this chapter.

Food establishment means those establishments licensed pursuant to Title 10 of this Code.

Liquor establishment means those establishments licensed pursuant to Title 14 of this Code.

Other person in charge has the meaning specified in the Minnesota Clean Indoor Air Act Rules, Minnesota Rules, part 4620.0100, subpart 10, as amended from time to time.

Outdoor area means any area utilized for food or beverage service and consumption located on the licensed premises of a food or liquor establishment but shall not include any "indoor area" as that term is defined in Minnesota Statute Section 144.413.

Proprietor has the meaning specified by the Minnesota Clean Indoor Air Act Rules, Minnesota Rules, part 4620.0100, subpart 13, as amended from time to time.

Section 2. That Section 235.20 of the above-entitled ordinance be amended to read as follows:

235.20. Designated outdoor dog areas authorized. (a) Licensed food and liquor establishments shall be eligible to apply for approval to allow dogs to accompany persons patronizing designated outdoor dog areas. The designated outdoor dog area shall be limited to approved outdoor areas; however, a dog may be present in an approved interior corridor solely for the purpose of being transported directly between the entry of the establishment and a designated outdoor dog area if direct access to the designated outdoor dog area is not capable of being provided. An approved interior corridor shall meet the requirements of the Minnesota Food Code, Minnesota Rules, part 4626.1585 6-501.115, as amended from time to time.

(b) An applicant seeking approval for a designated outdoor dog area shall provide the following required information on an application or license addendum form as required by the ~~director of licenses and consumer services~~ licensing official:

(1) The name, location, and mailing address of the establishment;

(2) The name, mailing address, and telephone contact information of the applicant;

(3) A description of the designated outdoor areas in which the applicant intends to allow dogs; and

(4) A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor areas.

(c) An approval for a designated outdoor dog area issued pursuant to this chapter may not be transferred to a subsequent owner upon the sale of the establishment but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for approval pursuant to this chapter if the subsequent owner wishes to continue to accommodate patrons' dogs, in addition to complying with all other applicable licensing requirements of this Code.

Section 3. That Section 235.60 of the above-entitled ordinance be amended to read as follows:

235.60. Violation and penalties. (1) *Proprietors.* It is a violation of this chapter for the proprietor or other person in charge of any premises subject to this chapter to fail to comply with the requirements of sections 235.20 or 235.30.

(2) *Patrons.* It is a violation of this chapter for a patron of any premises subject to this chapter to fail to comply with the requirements of section 235.40.

(3) *Civil fines.* Violations of this chapter may be enforced administratively pursuant to Chapter 2 of this Code. Each day of violation constitutes a separate offense.

(4) *Adverse license action.* Violation of any provision of this chapter by a licensee shall be adequate grounds for the denial, refusal to renew, revocation or suspension of the establishment's licenses or of the establishment's approval to provide designated outdoor dog areas.

(5) *Enforcement.* The provisions of this chapter shall be enforced by the ~~department of operations and regulatory services~~ Minneapolis Health Department.

(6) *Injunctive relief.* The city attorney may bring a civil action against the proprietor or other person in charge of a public place or place of work to enjoin repeated or continuing violations of this chapter. Failure to seek injunctive relief shall not bar the pursuit of any other form of enforcement provided by this section or applicable law.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-159 amending Title 12, Chapter 240 of the Minneapolis Code of Ordinances relating to Housing: Lead Poisoning Prevention and Control, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-159
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 12, Chapter 240 of the Minneapolis Code of Ordinances relating to Housing: Lead Poisoning Prevention and Control.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 240.30 of the above-entitled ordinance be amended to read as follows:

240.30. Enforcement authority. The environmental health division of ~~regulatory services~~ the Minneapolis Health Department shall have the authority to enforce Minnesota Statutes, Chapter 144 and amendments thereto, and Minnesota Rules, Chapter 4761 and amendments thereto.

Section 2. That Section 240.70 of the above-entitled ordinance be amended to read as follows:

240.70. Annual report. The ~~director of regulatory services~~ commissioner of health shall provide an annual report to the appropriate committee of the city council on sources of lead hazards, elevated blood lead levels and general environmental lead levels.

Section 3. That Section 240.100 of the above-entitled ordinance be amended to read as follows:

240.100. Renovation and remodeling. Whenever the commissioner of health, the fire chief, ~~the director of regulatory services~~ or a proper designee thereof issues a notice of violation to the owner or other natural person as defined in section 244.1840 (3) responsible for the maintenance of a rental dwelling, rooming house or lodging establishment constructed prior to

January 1, 1978 ordering the remedial repair of blistered, cracked, flaked, scaled or chalked away interior surface paint the notice shall inform the recipient of the following requirements:

(1) That a person actually performing or supervising the repair work, or the owner or other natural person as defined in section 244.1840 (3) responsible for the maintenance of the premises should that person perform or actively supervise the repair work, provide proof of certification in renovation and remodeling from an accredited training source pursuant to the Environmental Protection Agency's Lead Renovation Repair and Painting Program, 40 CFR Part 745, prior to or upon completion and inspection of the repair work.

(2) That the certification requirement imposed by this section shall not apply if the owner or other natural person as defined in section 244.1840 (3) responsible for the maintenance of the premises provides a report from a professional risk assessment performed by an independent risk assessor demonstrating that no paint from the area in need of repair contains lead. The report must be approved by the director of inspections or the director's designee.

Section 3. That Section 240.110 of the above-entitled ordinance be amended to read as follows:

240.110. Lead clearance inspection required. (a) In addition to the requirements of section 240.100, whenever the ~~director of regulatory services~~ commissioner of health or a proper designee thereof issues a notice of violation to the owner or other natural person as defined in section 244.1840(3) responsible for the maintenance of a one (1) to three (3) unit rental dwelling, rooming house or lodging establishment constructed prior to January 1, 1978 ordering the remedial repair of blistered, cracked, flaked, scaled or chalked away interior surface paint the notice shall inform the recipient of the requirements of this section. A person actually performing or supervising the repair work, or the owner or other natural person as defined in section 244.1840(3) responsible for the maintenance of the premises should that person perform or actively supervise the repair work, shall provide proof of training and licensure pursuant to, and shall ensure in writing to the inspector that all work is performed in compliance with, the Environmental Protection Agency's Lead Renovation Repair and Painting Program, 40 CFR Part 745. If the ~~director or the director's designee~~ commissioner of health or the commissioner's designee has cause to believe that the requirements of 40 CFR Part 745 have not been followed, the responsible party shall obtain and submit a clearance inspection report as defined in Minnesota Rules, Chapter 4761 documenting compliance with all requirements. Alternatively, the responsible party may submit a lead risk assessment report in compliance with Minnesota Rules, Chapter 4761 or an equivalent as approved by the ~~director~~ commissioner of health establishing that the deficient surface coatings do not contain lead. The inspections, measurements and any required mitigation shall be completed in compliance with a protocol that shall be published, maintained and made readily available by the ~~director~~ commissioner. The owner shall submit to the ~~director~~ commissioner of health all applicable and necessary information documenting compliance with this section.

(b) *Effective date.* This section shall become effective on June 1, 2011.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-160 amending Title 12, Chapter 242 of the Minneapolis Code of Ordinances relating to Housing: Appeals, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-160
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 12, Chapter 242 of the Minneapolis Code of Ordinances relating to Housing: Appeals.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 242.10 of the above-entitled ordinance be amended to read as follows:

242.10. Board created; membership, terms, compensation. A housing board of appeals is hereby created. The board shall consist of the director of ~~inspections~~ regulatory services or designee, ~~chief of fire prevention bureau or designee~~ fire marshal or designee, commissioner of health or designee, eight (8) public members, and one (1) alternate who must be residents of Minneapolis, to be appointed by the city council; with the supervisor of housing inspection and an attorney representing the city attorney's office, and the ~~Executive~~ Director of the ~~Minneapolis Community Development Agency~~ Community Planning Economic Development (CPED) Department or designee as ex officio members. All public members shall be appointed in conformance with the open appointments as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180. One of the public members shall be a member of the Greater Minneapolis Area Association of Realtors. Each of the eight (8) public members and the alternate shall serve for a term of two (2) years and until a successor has been appointed and qualified. The public member alternate shall serve in the absence of any of the eight (8) public members. Each public member of the board shall be compensated fifty dollars ($50.00) per meeting attended, not to exceed six hundred dollars ($600.00) per year.

Section 2. That Section 242.40 of the above-entitled ordinance be amended to read as follows:

242.40. Members entitled to vote. Every member of the board, except the city attorney's representative, director of ~~the Minneapolis Community Development Agency~~ Community Planning Economic Development (CPED) Department and Housing Supervisor, shall have the right to vote upon all questions coming before the board.

Section 3. That Section 242.60 of the above-entitled ordinance be amended to read as follows:

242.60. Right to appeal; procedure. Any owner of property or other person directly and personally affected by any order or other determination may, either personally or by an

authorized agent, make an appeal to the board unless precluded by the provisions of section 242.80. Such appeal shall be made before the deadline date provided by such order or determination, but in no event more than fifteen (15) days after the issuance thereof. Such appeal shall be made in writing through the department of ~~inspections~~ regulatory services on a form provided by the department of i~~nspections~~ regulatory services, and shall be accompanied by a filing fee of one hundred dollars ($100.00) in the form of a cashier's check or money order payable to the Minneapolis Finance Office. Said filing fee shall be waived from bona fide owner-occupants of a single-family or duplex dwelling. The department of inspections shall at the time such notice of appeal is received or upon request send to the appellant a copy of the complete text of this chapter as amended.

The department shall supply, to any appellant requesting same, copies of all or any portion of the ordinances, codes, rules or regulations which are the basis for the order or other determination from which appeal has been taken; and, at all times during business hours, such ordinances, codes, rules and regulations shall be kept available for public inspection at the office of the department of ~~inspections~~ regulatory services.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-161 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-161
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 244.40 of the above-entitled ordinance be amended to read as follows:

244.40. Definitions. The following words and phrases when used in the housing maintenance code shall have the meanings respectively ascribed to them in this section:

Approved: Approved by the director of ~~inspections~~ regulatory services or the director's designee pursuant to applicable provisions of this Code of Ordinances and other ordinances and regulations.

Attic story is any story situated wholly or partly in the roof, so designed, arranged or built as to be used for business, storage or habitation.

Basement: Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

Bath: A bathtub or shower bath.

Bedroom: A habitable room within a dwelling unit which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining room.

Block: A portion of the city, whether occupied by buildings or not, which is enclosed by and bounded by adjoining streets having official street name designations.

~~*Chief of the fire prevention bureau:* The legally designated chief of the fire prevention bureau or authorized representative~~.

Clean: The condition of being completely free from readily noticeable dirt, soil, stain, left over food particles, or other material not intended to be a part of the object in question.

Commissioner of health: The commissioner of health or authorized representative in the department of health.

Communal: Used or shared by, or intended to be used or shared by the occupants of two (2) or more rooming units or sleeping rooms.

Communicable disease: The following diseases for the purposes of the housing maintenance code, are deemed communicable: Chicken pox, diphtheria, poliomyelitis, smallpox, tuberculosis, typhoid fever and fevers with rash.

Dining room: A habitable room used or intended to be used for the purpose of eating but not for cooking or the preparation of meals.

Director of ~~inspections~~ regulatory services: The legally designated director of ~~inspections~~ regulatory services of the city or authorized representative.

Dwelling: Any building or structure, or portion thereof, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Dwelling unit: Any habitable room located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Efficiency living unit: "Efficiency living unit" is any room having cooking facilities used for combined living, dining and sleeping purposes and for the purpose of this Code shall be deemed a dwelling unit.

Emergency: Any condition or combination of conditions which in the opinion of the commissioner of health, director of ~~inspections~~ regulatory services or their designee or the ~~chief of the fire prevention bureau~~ fire marshal requires immediate action for the protection of health, safety or welfare of the occupants of a dwelling or of the public.

Extermination: The control and elimination of insects, rodents, vermin or other pests.

Family: A "family" is an individual or two (2) or more persons related by blood, marriage, domestic partnership as defined in Chapter 142 of the Minneapolis Code of Ordinances, or adoption, including foster children and bona fide domestic servants employed on a full-time basis by the family in the dwelling unit, living together as a single housekeeping unit in a dwelling unit and also including roomers, provided that the family plus the roomers shall not exceed a total of five (5) persons; provided further that the limit of five (5) persons shall not apply where the entire group living in the dwelling unit consists of persons related by blood, marriage or adoption including foster children and domestic servants.

Fire escape: An emergency means of egress. A fire escape shall not constitute a required stairway.

Fire Marshal: The Fire Marshal of the City of Minneapolis, or any of the fire marshal's designees from the sworn service of the fire department or designees of the director of regulatory services charged with the administration or enforcement of the Minnesota State Fire Code for the City of Minneapolis. The fire marshal's designees may include any sworn member of the Minneapolis Fire Department, regardless of rank or assignment, or any member of the Fire Inspections Services.

Fire resistance or fire-resistive construction: Construction to resist the spread of fire, details of which are specified in section 85.100 and Chapter 87, Article II of this Code.

Garbage: Animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food.

Group residential facility: A "group residential facility" is one operated by a lawfully established and existing philanthropic or charitable organization or agency and which employs personnel of demonstrated competency in the fields of social, spiritual and physical rehabilitation, and has and operates under its own charter, regulations, rules and standards. In order to qualify, such agency must furnish adequate proof of the soundness of its governing charter, regulations and code and of its prior successful existence and practice.

Habitable floor area: An area which has a ceiling height of seven and one-half (7½) feet throughout. However, on floors above the first floor the habitable area shall have a minimum ceiling height of seven and one-half (7½) feet over fifty (50) per cent or more of its area, and no part of any floor having a ceiling height of less than five (5) feet shall be considered as part of the habitable floor area; and further, in dwellings one story and attic in height, attic type bedrooms may be located above the first floor of each dwelling unit if such attic type bedrooms have a minimum ceiling height of not less than seven (7) feet over fifty (50) per cent of their floor area.

Habitable room: Any room meeting the requirements of this Code for sleeping, living, cooking or dining purposes excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, recreation rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

Hazardous heating installations: All heating installations except those which conform with the applicable laws regulating the installation of such space heating in effect now or at the time of installation and which have been maintained in good repair and working condition and are being used in a safe manner.

Hazardous plumbing: All plumbing except that which conforms with the applicable laws regulating the installation of such plumbing in effect now or at the time of installation and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures.

Hazardous wiring: All wiring except that which conforms with the applicable laws regulating the installation of such wiring in effect now or at the time of the installation, and which has been maintained in good condition and is being used in a safe manner.

Hotel, licensed: Any dwelling wherein sleeping or rooming accommodations are offered or furnished to the general public for a shorter period of time than one week, with or without meals. It shall not include rooming houses or lodging establishments.

Hotel unit, licensed: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping in a licensed hotel, but not for cooking of meals.

Infestation: The presence of any insects, rodents, vermin or other pests within a dwelling or on the dwelling premises.

Kitchen: A habitable room used or intended to be used for cooking or the preparation of meals.

Living room: A habitable room within a dwelling unit which is used or intended to be used primarily for general living purposes.

Lodging establishment: Every building or structure, or any part thereof, kept, used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished regularly to roomers, for periods of one week or more, and having five (5) or more sleeping rooms or five (5) or more beds to let. "Lodging establishment" shall not include that part of a building or structure containing "shared-bath dwellings" as that term is defined in Chapter 244 of the Minneapolis Housing Maintenance Code. The term "lodging establishment" shall include fraternities and sororities as defined in the Minneapolis Zoning Code.

Lodging establishment with boarding: A lodging establishment where in meals are prepared and/or served to tenants.

Motel: "Motel" shall mean "Hotel, licensed" as defined in this Code.

Multiple dwelling: Any dwelling occupied, fitted up or arranged to be occupied as three (3) or more dwelling units and shall also include rooming houses and lodging establishments as defined herein.

Nondwelling structure: Any structure, except a dwelling, used or intended to be used for the shelter or enclosure of any animal or property of any kind.

Occupant: Any person over one year of age, including an owner or operator, living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit, rooming unit, or sleeping room or hotel unit.

Operator: Any person who has charge, care or control of a building, or part thereof, in which dwelling units, rooming units, sleeping rooms or hotel units are let.

Owner: The person who is the last owner of record or the fee owner or the contract purchaser or the agent of the aforementioned person or member resident of a warrant-owned building as defined by Minnesota Statutes, Section 273.124, subdivision 3.

Plumbing system: The plumbing system of a building includes the water supply distributing pipes; the fixtures and fixture traps; the soil, waste and vent pipes; the building drain and building sewer; the storm water drainage, with their devices and appurtenances; and connections within the building and outside the building within the property line.

Premises: A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure.

Professional: Whenever the words "professional state of maintenance and repair" are used in this Code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

Recyclables or recyclable materials: Recyclables are former items of rubbish which have been cleaned so as not to cause health or nuisance problems and separated into categories as follows for purposes of transportation, processing and final remanufacturing. Recyclables shall include, but not be limited to glass; aluminum, bi-metal, steel or tin cans, and other scrap metals such as brass, copper, lead; paper such as newsprint, corrugated cardboard, magazines, ledger paper, bond, computer printout paper, computer tab cards; housewares such as small and large appliances, furniture, utensils, tools; textiles such as clothing and linen.

Any of the above items which are not properly cleaned, prepared or stored such that they pose the threat of health, environmental or nuisance problems shall remain the responsibility and property of the individuals or household from which the materials originated.

Roomer: An occupant of a rooming house or lodging establishment who is not a member of the family of the operator of that rooming house, and shall also mean an occupant of a dwelling unit who is not a member of the family occupying the dwelling unit. This shall not be construed as to include temporary nonpaying guests of the operator.

Rooming house: Any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to five (5) or more roomers, with or without meals. Rooming houses shall be in compliance with the zoning ordinance and the construction requirements for rooming houses created after January 1, 1971, and alterations made to existing rooming houses after January 1, 1971 shall be as required for Group R occupancies in the building code.

Rooming unit: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking of meals.

Rubbish: Combustible or noncombustible waste materials, including garbage; and the term shall include, but shall not be limited to, such material as ashes, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, scrap metal, mineral matter, glass, crockery and dust. Rubbish shall not include human excreta, sewage or motor lubricating oils.

Sanitary: The condition of being completely free from infective, physically hurtful, diseased, poisonous, unwholesome, or otherwise unhealthful substances or influence and being completely free from rodents or arthropods, from the traces of either, and from an environment conducive to the growth of either.

Shared bath dwelling: A dwelling unit which does not contain a water closet and a hand lavatory and a bathtub or shower for the exclusive use of the occupants of the unit.

Single-family dwelling structure: A detached building occupied as a dwelling by one family alone.

Sleeping room: Any room in a lodging establishment which is used, intended to be used, or offered or held out for use, as a place where roomers sleep.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six (6) feet above grade, as defined herein, for more than fifty (50) per cent of the total perimeter, or is more than twelve (12) feet above grade, as defined herein, at any point, such basement, cellar or unused underfloor space shall be considered a story.

Story, first: The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty (50) per cent of the total perimeter, or more than eight (8) feet below grade, as defined herein, at any point.

Superficial floor area: Clear floor space, exclusive of fixed or built-in cabinets or appliances.

Supplied: Furnished, provided by, or under the control of, the owner, operator or agent.

Temporary housing: Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not permanently attached to the ground or to another structure.

Two-family dwelling: Any dwelling containing only two (2) dwelling units.

Water closet: A toilet, with a bowl and trap made in one piece, which is connected to the city water and sewer system or other approved water supply and sewer system.

Wood-frame construction: As applied to dwelling shall mean that type of construction in which the load bearing portions of the exterior walls or a portion thereof are of wood.

Section 2. That Section 244.60 of the above-entitled ordinance be amended to read as follows:

244.60. Temporary housing prohibited; exception. (a) Unless otherwise provided in this section, no camp car, house trailer, automobile, tent or other temporary structure may be

parked or placed upon any public street or on any public or private premises or street in the city and used as a shelter or enclosure of persons and their effects for the purpose of living therein.

(b) The director of ~~inspections~~ regulatory services may issue a permit to allow for temporary housing when a specified emergency creates the need to allow for such housing. A permit may be issued only when the emergency creating the need is an act of nature, a technological failure or malfunction, a terrorist incident, a public health emergency, an industrial accident, a hazardous material accident, or destruction caused by a civil disturbance.

(c) When the director of ~~inspections~~ regulatory services issues a permit to allow for temporary housing, the director shall provide that the permit will expire after a specific period of time, not to exceed six (6) months. The director shall attempt to set the expiration date to coincide with the elimination of the need for temporary housing. The director may grant one (1) six-month extension of this permit.

(d) The director of ~~inspections~~ regulatory services may set conditions on the use of the permit to mitigate the negative impacts of the permit. These conditions may include compliance with applicable statutes, ordinances and/or rules, including but not limited to the Minneapolis Fire Code, Minneapolis Health Code, Minneapolis Building Code, Minneapolis Housing Maintenance Code, and the Minneapolis Zoning Code. In addition, the director may impose any additional appropriate conditions to the use of the temporary housing permit.

(e) The director of ~~inspections~~ regulatory services may revoke the permit if the need for such temporary housing ends, or if the permit holder fails to comply with the conditions set by the director as to the use of the temporary housing permit.

Section 3. That Section 244.90 of the above-entitled ordinance be amended to read as follows:

244.90. Powers declared additional. The powers conferred on the director of ~~inspections~~ regulatory services shall be in addition to the power already conferred upon said director of ~~inspections~~ regulatory services and shall not be construed as in any way limiting these powers.

Section 4. That Section 244.120 of the above-entitled ordinance be amended to read as follows:

244.120. Officers designated. The director of ~~inspections and authorized representative~~ regulatory services or director's designee shall enforce the provisions of the housing maintenance code. This shall not be construed so as to prohibit the commissioner of health or authorized representative or the ~~chief of the fire prevention bureau~~ fire marshal or authorized representative from the enforcement thereof.

Cross references: *Director of ~~inspections~~ regulatory services to enforce housing maintenance code, § 28.50.*

Section 5. That Section 244.130 of the above-entitled ordinance be amended to read as follows:

244.130. Inspections required; powers. Pursuant to provisions of this Code of Ordinances, as set forth herein, the director of ~~inspections~~ regulatory services shall make

inspections to determine the condition of dwellings, dwelling units, shared bath dwellings, shared bath units, rooming units, sleeping rooms, hotel units, and premises located within the city for the purpose of enforcing the provisions of the housing maintenance code. The director of ~~inspections, or designated representative~~ regulatory services or the director's designee, may enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units, hotel units, lodging units, lodging establishments, and premises after obtaining consent from an occupant of the premises. In the event that an occupant of the premises does not consent to entry by the director of ~~inspections or designated representative~~ regulatory services or the director's designee, and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the premises. No person shall refuse entrance or impede the commissioner of health, director of ~~inspections~~ regulatory services, chief of the fire department, or the chief of police, or designated representative, in the performance of emergency duties and in case of emergency every such inspector or officer shall have the right to enter, examine and survey all premises, grounds, erections, structures, dwellings and buildings and every part thereof in the city at all times.

Section 6. That Section 244.150 of the above-entitled ordinance be amended to read as follows:

244.150. Notice of violations. Whenever the commissioner of health, the ~~chief of the fire prevention bureau~~ fire marshal or the director of ~~inspections~~ regulatory services determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation, of any provision of this Code, notice of such violation or alleged violation shall be given to the person or persons responsible therefor. Such notice shall:

(a) Be in writing;

(b) Include a description of the real estate sufficient for identification;

(c) Specify the violation which exists and remedial action required;

(d) Allow a reasonable time for the performance of any act it requires;

(e) Be served upon the owner, or the operator, or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner, or upon such operator, or upon such occupant if a copy thereof is served upon such owner, operator or occupant personally; or if a copy is left at such owner's, operator's or occupant's usual place of abode with a person of suitable age and discretion then resident therein; or by depositing in the United States Post Office, the notice addressed to such owner's, operator's or occupant's last-known address with postage prepaid thereon; or if service cannot be made by any one (1) of the above means then such notice shall be deemed served if a copy of such notice is posted and kept posted for twenty-four (24) hours in a conspicuous place on the premises affected by such notice.

Notwithstanding the other provisions of this section, a notice of violation shall not be required for violation of sections 227.90, 240.10, 240.20, 240.30, 240.40, 240.50, 240.60, 240.70, 240.80, 240.90, 240.100, 244.60, 244.240, 244.350, 244.410, 244.430, 244.460, 244.590, 244.610, 244.620, 244.640, 244.660, 244.690, 244.700, 244.760, 244.810, 244.820, 244.850, 244.910, 244.915, 244.930, 244.940, 244.945, 244.960, 244.1080, 244.1090,

244.1260, 244.1360, 244.1450, 244.1490, 244.1500, 244.1510, 244.1575, 244.1610, 244.1810, 244.1970, 385.240, 546.80, 547.80, 548.80 and 549.80.

Section 7. That Section 244.160 of the above-entitled ordinance be amended to read as follows:

244.160. Emergency orders. Whenever the commissioner of health, the director of ~~inspections~~ regulatory services or the ~~chief of the fire prevention bureau~~ fire marshal finds that an emergency exists in relation to the enforcement of the provisions of the housing maintenance code which requires immediate action to protect the health, safety or welfare of occupants of any dwelling or the public, (s)he may issue an order reciting the existence of such emergency and requiring that such action be taken as deemed necessary to meet the emergency, notwithstanding any other provisions of said code. However, when any such emergency shall be declared to exist the office declaring such emergency shall immediately report the same in writing to the city council.

Section 8. That Section 244.170 of the above-entitled ordinance be amended to read as follows:

244.170. Warning notice of insanitary condition. All personnel of the sanitation division of the public works department shall take note of any insanitary conditions caused by accumulation of garbage, rubbish or other debris upon any premises serviced by them and shall report such conditions to their supervisors who shall cause a "warning notice" of such conditions to be served upon the owner or occupant of the premises, either by mail or by leaving such notice in a conspicuous place on the premises. Such notice shall be on a form to be prepared by the director of public works and a record of all such notices served shall be transmitted to the director of ~~inspections~~ regulatory services for further inspection and enforcement of the provisions of the housing maintenance code. The service of any notice pursuant to this section shall not in any way supersede or affect any other order, tag or notice of violation duly issued or served pursuant to any other ordinance.

Section 9. That Section 244.180 of the above-entitled ordinance be amended to read as follows:

244.180. Emergency housing repair. (a) For the purposes of this section, the following definitions shall apply unless the context clearly indicates otherwise:

(1) The emergency violation hearing board (hereinafter referred to as "the board") shall consist of the director of ~~inspections~~ regulatory services, the commissioner of health, and the ~~chief of the fire prevention bureau~~ fire marshal, each of whom may appoint two (2) designees. If designees are appointed, the city council and the mayor shall be informed in writing of the designees.

(2) The housing maintenance code revolving repair fund (hereinafter referred to as "the fund") shall consist of the "revolving fund for tenants remedies and hazardous buildings act, and an emergency repair ordinance/City of Minneapolis" and any other funds which may be appropriated.

(b) If an emergency is found to exist and a repair order is issued pursuant to section 244.160, the office declaring such emergency shall immediately notify the board, which shall hold a hearing as soon as the deadline date for making the repair has passed. A quorum for this

meeting shall be three (3) members, one from each department, but no more than one from each department, and all actions shall require a majority vote of members present.

The owner or person authorized to make or order repairs as registered pursuant to section 244.200(e) and the affected occupant(s) shall be notified of the time and place of the hearing, and shall be allowed to present relevant evidence. Notice shall consist of a reasonable effort by the office declaring the emergency to contact the owner or person authorized to make or order repairs and the occupant, except that such notice need not be in writing and may be given over the telephone. Failure to attend by the owner or the occupant shall not preclude board action.

(c) Every notice of emergency issued pursuant to section 244.160 shall include the following language: "If you do not comply with this order by the above date, the city may remedy the violation and assess the costs to you, or allow the occupants to make the repair and deduct the expense from the occupant's rent, or take such other action it deems appropriate, pursuant to Chapter 244 of the Minneapolis Code of Ordinances."

(d) If the office declaring the emergency finds that the repair has been completed before the time of the hearing, the hearing shall be cancelled and all parties shall be so notified.

Upon finding that the repair has not been completed within the initial time allowed by the office declaring the emergency, that the emergency exists, and that the violation(s) have not been caused by the willful, malicious, negligent, or irresponsible conduct of a complaining occupant or anyone under the occupant's direction or control, the board may in its discretion order one or more of the following:

(1) Grant an extension for good cause;

(2) Allow the occupants to remedy the violation pursuant to section 244.180(d)—(h) of this Code; if necessary, the board may guarantee payment of up to two thousand dollars ($2,000.00) to contractors by the occupant using the fund as the guarantee source; may recommend a higher guarantee payment to the city council for its action; and the city shall recover from the owner any money paid pursuant to this guarantee, including appropriate interest, using such means, including special assessments, as feasible;

(3) Order the remedy of the violation by the city; monies to perform such repairs shall come from the fund and all costs incurred by the city, including appropriate interest, shall be recovered from the owner, using such means, including special assessments, as feasible;

(4) Order other such action as it shall deem necessary in order to remedy the emergency condition.

Any repair made pursuant to this section shall discharge the owner's responsibility to comply with any order to repair the emergency to the extent remedied.

(e) If the emergency violation hearing board issued an order pursuant to section 244.180(c)(2) of this Code permitting an occupant to remedy an emergency condition, the occupant of the premises affected may remedy this emergency and deduct the reasonable repair expenses of this remedy from the occupant's rent. The occupant shall include with the

first rent payment following the remedy of the emergency a copy of the receipt for repair expenses which differentiates between the cost of materials and the cost of labor. Unless the receipt has been fully paid, the occupant shall also include a copy of any installment payment contract which finances the repairs. If the rent for the period is reduced to zero due to the use of this section, the occupant must deliver a copy of the repair receipt or copies of the repair receipt and installment payment contract in the same manner as the rent payment is usually made. Any such repair expenses shall be considered a deduction from rent owed by the occupant and shall discharge the owner's responsibility to comply with any order to repair the emergency to the extent remedied. If an installment payment contract is involved, an occupant may, during any twelve-month period beginning with the first month of deduction, deduct from the rent due to the owner an amount, including the sum of principal and interest, not to exceed the equivalent of three (3) months' rent.

(f) Any repairs made pursuant to this section must comply with all applicable state laws and the Minneapolis Code of Ordinances, including, but not limited to, the ordinances contained in Title 5, Building Code, relating to permits, licensed contractors, and quality of repair.

(g) The hearing provided for in (b) above shall be in lieu of the appeal provided for in Chapter 242 of this Code. Appeal of any order of the board may be made to Minnesota District Court, Fourth Judicial District.

(h) The rights afforded by this section:

(1) May not be waived or modified; and

(2) Are in addition to and do not limit other rights available to the occupant.

Section 10. That Section 244.185 of the above-entitled ordinance be amended to read as follows:

244.185. Revolving fund for rental property repair. The department of ~~inspections~~ regulatory services shall maintain a revolving fund to be known as the housing maintenance code revolving repair fund for tenant remedies actions (hereinafter referred to as "the fund"). The fund may be drawn upon by administrators appointed by a court pursuant to Minnesota Statute Section 504B.425(d) and in the manner prescribed by Minnesota Statute Section 504B.445, Subd. 4(5). Monies to perform such repairs, including approved administrative expenses and fees, shall come from the fund. All costs and fees incurred by the court-appointed administrator, including appropriate interest, shall be recovered from the property owner. If the director of ~~inspections~~ regulatory services determines it is appropriate, disbursements from the fund may be recovered through the special property tax assessment process. The assessment, interest, and any penalties shall be collected in the same manner as are special assessments made for other purposes under state statute or municipal charter. Repairs made pursuant to this section must comply with applicable state law and the Minneapolis Code of Ordinances in such a manner as to achieve minimum compliance with the housing maintenance code. Disbursements from the fund shall not be subject to the provisions and requirements of the procurement process of the city and shall be made on a case by case basis at the discretion of the director of ~~inspections~~ regulatory services.

Section 11. That Section 244.190 of the above-entitled ordinance be amended to read as follows:

244.190. Reinspection fee. (a) There shall be no fee charged for an initial inspection to determine the existence of a housing maintenance code violation.

A one hundred dollar ($100.00) fee shall be charged for each subsequent reinspection finding noncompliance that is conducted after the due date for compliance with an order, as determined by the director of ~~inspections~~ regulatory services or the director's designee.

(b) The reinspection fees prescribed above shall be billed directly to the owner or contact person/agent of the property. Reinspection fees shall be increased by fifty (50) percent when not paid within thirty (30) days after initial billing, to cover administrative costs. Failure to pay such fees shall be grounds for denial, revocation, suspension, or non-renewal of a rental dwelling or lodging house license.

This subsection shall not be considered the exclusive method of collecting reinspection fees and shall not preclude collection by other lawful methods.

(c) Every notice of violation and order to correct housing code violations shall contain a clear and conspicuous explanation of the policy in this section requiring fees for reinspections.

(d) The director of regulatory services, and housing inspection supervisors designated by the director, may waive a reinspection fee in case of error, mistake, injustice, or other good cause.

Section 12. That Section 244.200 of the above-entitled ordinance be amended to read as follows:

244.200. Required. No person shall occupy or allow to be occupied any cooperative, condominium or townhouse building for which a registration statement has not been properly filed with the director of ~~inspections~~ regulatory services. The provisions of this article shall not apply to leasehold cooperatives, as defined in Minnesota Statutes, Section 273.124, Subd. 6. The payment of fees set forth in section 244.220 of this chapter shall be a prerequisite to this required registration. Such registration statement shall be made and filed on a form furnished by the director of ~~inspections~~ regulatory services for such purpose and shall set forth the following information:

(a) Name, address, phone number and date of birth of a contact person, a person appointed by the association to be responsible for managing the common areas of the building or complex of buildings, to accept service of process and to receive and give receipt for notices. The contact person shall reside inside of the sixteen-county metropolitan area consisting of the following counties: Hennepin, Rice, Wright, Anoka, Washington, McLeod, Ramsey, Dakota, Scott, Carver, Sherburne, Isanti, Chisago, Sibley, Leseuer and Goodhue. A post office box number or commercial mail service is not acceptable for an address.

(b) Name, address, phone number and position of the board members of the association;

(c) Street address of the building or complex of buildings;

(d) Address of each building within the complex of buildings and the unit numbers of each unit within the building. For each rental dwelling unit within the building or complex of buildings, identify the rental dwelling by address and unit number, and provide the owner's name and address.

(e) The director of ~~inspections~~ regulatory services shall enclose with the registration billing a new application to be completed by the registrant and returned with the proper registration fees. Upon receipt of the proper registration fee and the completed application for registration, the director of ~~inspections~~ regulatory services shall mail to the registrant a certificate of registration indicating the property is registered and proper payment has been made.

Section 13. That Section 244.210 of the above-entitled ordinance be amended to read as follows:

244.210. Manner of registering. The registration shall be made by the owner if such owner is a natural person; if the owner is a corporation, by an officer thereof; if a partnership, by one of the partners; and if an unincorporated association, by the manager, or managing officer thereof in the office of the director of ~~inspections~~ regulatory services. Notwithstanding, renewal of registrations as required annually by this code may be made by filling out the required renewal form furnished by the director of ~~inspections~~ regulatory services to the owner, operator or agent of a dwelling and mailing said form together with the required registration fee to the director of ~~inspections~~ regulatory services. Such renewal of registration may only be made where there has not been a change in ownership, operator, agent or type of occupancy as originally registered.

Section 14. That Section 244.230 of the above-entitled ordinance be amended to read as follows:

244.230. Posting. Every registrant of a building or complex of buildings shall post a receipted copy of the current registration containing the information required by section 244.200(a) through (e) when received from the director of ~~inspections~~ regulatory services. This item shall be conspicuously posted (in a frame with transparent cover) by the registrant in a public corridor, hallway or lobby of the building for which it is issued. If a public corridor, hallway, or lobby does not exist, the association shall provide dwelling unit owners with a copy of the certificate of registration.

Section 15. That Section 244.275 of the above-entitled ordinance be amended to read as follows:

244.275. Tenant to be notified of arsenic testing, removal and remediation in South Minneapolis Neighborhood Soil Contamination Site. (a) For the purpose of this section, the "South Minneapolis Neighborhood Soil Contamination Site" shall mean the area of South Minneapolis that has been or shall in the future be designated by the United States Environmental Protection Agency for testing, removal and/or remediation of arsenic contamination from residential properties.

(b) Any person allowing to be occupied or letting or offering to let to another for occupancy any dwelling unit located in the South Minneapolis Neighborhood Soil Contamination

Site area shall provide to the tenant or lessee copies of all written or electronic information received from the United States Environmental Protection Agency (USEPA) or its agents or contractors concerning arsenic testing results, and removal or remediation activities pertaining to the leased premises. Additionally, any such person shall facilitate, cooperate with and permit the USEPA or its agents or contractors to perform any lawful testing, cleanup, removal or remediation activities at such property as deemed reasonable and necessary by the USEPA. Violation of this section shall constitute good cause for adverse license action pursuant to section 244.1910

(c) Information regarding environmental testing, removal and remediation required to be provided under this section shall be provided to the tenant or lessee at each of the following times:

(1) Within thirty (30) days after the effective date of this section;

(2) Within thirty (30) days of receiving new information from the USEPA or its agent or contractor; and

(3) Prior to signing a lease for the premises or prior to agreement upon a tenancy, if no lease is provided.

(d) The property owner or the owner's representative shall retain an arsenic notification advisory in a format prescribed by the City of Minneapolis, stating that the property owner has complied with all notification requirements under this section, the dates of compliance, and the signature of the tenant or lessee attesting to compliance. If there is a contract or lease for the tenancy, the arsenic notification advisory must be attached thereto.

(1) The property owner shall provide a copy of the Arsenic Notification Advisory to the department of ~~inspections~~ regulatory services upon request of the director of ~~inspections~~ regulatory services or their designee.

(e) Within ninety (90) days of the date of the last Environmental Protection Agency cleanup in the South Minneapolis Soil Contamination Site, the Environmental Services Division of the Minneapolis Health Department will develop a recommendation on whether to sunset or alter this section.

Section 16. That Section 244.350 of the above-entitled ordinance be amended to read as follows:

244.350. Solid waste storage. Every dwelling unit, rooming unit, and shared bath unit shall be provided with an adequate number of containers to hold the solid waste accumulated by such units until said solid waste is removed from the premises. These containers shall be made of metal or approved plastic and be equipped with tight-fitting covers. Where city collection is utilized, pursuant to section 225.600 of this Code, the city engineer shall determine the number of mobile refuse containers (MRC) needed to hold the solid waste accumulated by such units until it is collected for disposal. An owner, operator or agent utilizing private solid waste collection shall provide both the required solid waste containers and the removal service. Approved plastic solid waste containers shall meet the standards of the National Sanitation Foundation Standard No. 21 (as revised 1975). A copy of the standard will be on file at the Minneapolis Department of Health ~~and Family Support~~.

Unobstructed pedestrian walkways not less than thirty (30) inches in width shall be maintained to the required solid waste containers. Such walkways shall lead from the public way and shall also be accessible to and usable by the occupants of the dwelling for which the containers are provided. Snow, whether natural, piled or accumulated, to a depth greater than six (6) inches shall be deemed to constitute an obstruction if not removed within a twelve-hour time period after snow has ceased to fall.

When in the opinion of the director of ~~inspections~~ regulatory services it has proven necessary to protect the health, safety and welfare of the public, the director may require owners of dwellings at specific addresses to provide large dumpster-type solid waste containers. Said dumpster-type containers must be rodent-proof, well maintained, bear identification of the solid waste hauler supplying the containers, including the phone number, and be provided with metal covers which the tenants can operate with no unusual physical effort. The solid waste haulers providing the dumpster service must provide collection service at least once every week and the dumpster or dumpsters shall be of sufficient size to handle the accumulation of solid waste between pickup periods from the address where the dumpster-type container is required. Large dumpster-type solid waste containers shall be required after conditions at a specific address have resulted in the issuance of two (2) written orders for overflowing solid waste within any twelve-month period.

Section 17. That Section 244.370 of the above-entitled ordinance be amended to read as follows:

244.370. Rubbish chutes and bins. No person shall install or use a rubbish chute or a rubbish bin unless such chute or bin has been approved by the persons charged with the enforcement of the housing maintenance code by section 244.120. This shall not be construed as to prohibit the use of properly connected incinerators which have been approved for use by the director of ~~inspections~~ regulatory services. All openings in rubbish chutes shall be maintained as designed and approved. All openings into flue-fed incinerators which are not in use shall be permanently sealed in an approved manner.

Section 18. That Section 244.435 of the above-entitled ordinance be amended to read as follows:

244.435. Heating facilities performance inspection and energy audit required. (a) The owner of any dwelling or dwellings required to possess a rental dwelling, rooming house, or lodging establishment license shall obtain at the owner's expense, a heating facilities performance inspection from a city-licensed mechanical or gas contractor or a boiler operator licensed by the State of Minnesota. The inspection shall verify that any combustion fuel heating plant in excess of ten (10) years of age complies with the "Heating, Ventilation and Cooling Performance Safety Check" requirements published, maintained and made readily available by the director of regulatory services. In addition to any other requirements adopted by the director, it shall be required that combustion make up air with a properly functioning air trap be installed for all combustion water heaters and heating plants in compliance with standards established by the Minnesota Fuel Gas Code. Should the initial inspection indicate that the dwelling or dwellings fail to meet any standard required pursuant to this section, the owner shall take necessary remedial action to abate the deficiency and obtain a reinspection documenting compliance with all requirements. Proof of a satisfactory inspection occurring within the previous two (2) years shall be required upon the occurrence of the regularly-scheduled periodic rental licensing inspection for the property. If proof of a satisfactory inspection is not provided upon the occurrence of the regularly-scheduled periodic rental licensing inspection, the owner shall be

ordered to provide such documentation or to obtain and submit proof of a satisfactory inspection within a reasonable timeframe, not less than thirty (30) days, as established by the director of regulatory services, and may not be deemed to have violated this section nor be subject to any penalties until the expiration of such time. The owner shall submit upon request to the director of regulatory services all applicable and necessary information documenting compliance with this section. This section shall not apply to any combustion fuel heating plant or boiler system already required to undergo periodic inspection by any agency of the State of Minnesota.

(b) Whenever the director of regulatory services or a proper designee thereof issues a notice of violation to the owner or other natural person responsible for the maintenance of a single family dwelling required to possess a rental dwelling license ordering the remedial repair of a condition enumerated in this subsection, the notice shall inform the recipient of the energy audit and blower door test requirements of this subsection. The owner of such a rental dwelling shall obtain at the owner's expense an energy audit including a blower door test and thermal (infrared) scan from a state-approved utility-administered conservation improvement program or from a home energy auditor otherwise recognized by the director of regulatory services. The inspection shall verify that the calculated house air leakage values are within levels established and adopted by the director. Should the initial blower test inspection indicate that the dwelling or dwellings fail to meet the standard adopted pursuant to this subsection, the owner shall take necessary remedial action in conformance with Minn. Statute Section 504B.161(1)(a)(3) to abate the deficiency and obtain a reinspection documenting compliance with all requirements. The audit, testing, measurements, and inspection and any required mitigation shall be completed in compliance with a protocol that shall be published, maintained and made readily available by the director. The owner shall submit to the director all applicable and necessary information documenting compliance with this subsection and shall, upon the request of any current or prospective tenant, provide a complete and accurate copy of any energy audit obtained pursuant to this subsection. After any qualifying dwelling establishes initial compliance with this subsection the director may not order any subsequent audit for a period of ten (10) years unless for good cause. This subsection shall not apply to condominium, cooperative or townhouse dwellings. The requirements of this subsection shall be triggered by any notice of violation duly and properly issued ordering the remedial repair of a violation of sections 244.520 or 244.530 involving:

(1) Lack of weather stripping around windows or exterior doors;

(2) Loose-fitting windows;

(3) Water damaged surfaces that appear to be caused by loose-fitting windows or doors or holes or breaches in the foundation or roof; or

(4) Lack of or loose-fitting storm windows or storm doors.

(c) *Effective date.* This section shall become effective June 1, 2011.

Section 19. That Section 244.550 of the above-entitled ordinance be amended to read as follows:

244.550. Stairways and porches. (a) [*Construction and maintenance generally; live load.*] Every inside and all outside stairways , every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in a professional state of maintenance and repair.

Normal use live load shall be the uniform load as set out in the state building code, one hundred (100) pounds per square foot.

(b) [*Handrails.*] Every inside and all outside stairways that have four (4) or more risers shall have at least one (1) handrail, and all such stairways which are forty-four (44) inches or more in width, or which are open on both sides, shall have a handrail on each side. If a stairway is open on one (1) side, the required handrail shall be placed on the open side, when required by the director of ~~inspections~~ regulatory services. Stairways required to be more than eighty-eight (88) inches in width shall be provided with an intermediate handrail. However, only one (1) handrail shall be required when such an outside stairway serves a one- or two-family dwelling and the stairway is not more than forty-two (42) inches above the adjacent surface. All handrails shall be not less than thirty (30) inches nor more than thirty-four (34) inches vertically above the nose of the stair treads or stairway platforms.

(c) *Exception.* Outside stairways attached to owner-occupied single-family dwellings are exempt from the handrail requirements of this section unless such outside stairways are more than forty-two (42) inches above the adjacent surface or are remodeled pursuant to a permit as required by Chapter 89 of this Code of Ordinances.

(d) [*To be kept clean of snow, etc.*] Required means of egress that are exposed to the elements shall be kept clear at all times of rubbish, snow, ice or other obstructions when such egress serves a multiple dwelling.

Section 20. That Section 244.555 of the above-entitled ordinance be amended to read as follows:

244.555. Guardrails. All accessible doorways, unenclosed floor and roof openings, open stairs, porches, balconies, walkways and landings which are more than thirty (30) inches above grade or the surface below shall be protected by an approved guardrail. The guardrail shall be not less than thirty-six (36) inches in height and, when in the opinion of the director of ~~inspections~~ regulatory services, it is necessary to protect the public safety, intermediate rails, balusters, or other approved members shall be provided so that no object nine (9) inches in diameter can pass through the guardrails. New installations or replacements of guardrails shall be in compliance with the state building code.

Section 21. That Section 244.590 of the above-entitled ordinance be amended to read as follows:

244.590. Discontinuance of required services. (a) No owner or operator shall cause any service, facility, equipment or utility which is required to be supplied under the housing maintenance code to be removed, shut off, or discontinued in any occupied rooming unit, hotel unit, dwelling or dwelling unit let or occupied by said owner, or operator, except for such temporary interruption as may be necessary while actual repairs, replacements or alterations are in process of being made.

(b) An administrative fee of fifty dollars ($50.00) shall be charged to the bill payer of a property where water services have been shut off for a period of forty-eight (48) hours for non-payment. An additional one hundred dollars ($100.00) administrative fee shall be charged to the bill payer of a property where the property is placarded with a letter of intent to condemned for lack of utilities resulting from the water services being shut off for non-payment.

(c) Administrative fees charged for water shut off for non-payment shall be added to the property's utility services bill as set forth in section 509.870.

Utility companies supplying service through a single meter to equipment or facilities that are required by the housing maintenance code shall post, on or near the front and rear entrances of a multiple dwelling or duplex containing such equipment or facilities, a notice of delinquency in payment of utility bills after the utility bills are sixty (60) days in arrears, or a notice of intent to discontinue such service for failure to pay utility bills not less than fifteen (15) calendar days prior to the actual discontinuance of the service. Said notice shall inform tenants of their right to make rent payments directly to the utility company. When the discontinuance of the service is done by said utility, they shall notify the director of ~~inspections'~~ regulatory service's authorized designee, ~~the supervisor of housing,~~ either by mail, phone, or hand delivery within forty-eight (48) hours after the discontinuance of the service.

After a utility company has posted either notice described above, the tenants in the building may pay any rents owing to the owner or operator of the building directly to the utility company. The utility company shall make available to any requesting tenant or tenant's representative the utility account of the multiple dwelling or duplex housing which has been posted pursuant to this article. Any such payment shall be considered a reduction of rent owed by the tenant and a reduction of the utility bill owed by the owner or operator of the building.

A utility company shall not discontinue service if it has received payments from the tenants sufficient to:

(1) Cover one hundred (100) per cent of the current bill and one-third (1/3) of the past-due bill within thirty (30) days after posting the original notice.

(2) Cover one hundred (100) per cent of the current bill and two-thirds (2/3) of the past-due bill within sixty (60) days after posting the original notice.

(3) Cover one hundred (100) per cent of the current bill and one hundred (100) per cent of the past-due bill within ninety (90) days after posting the original notice.

The utility company may discontinue service without further notice if it has not received the payments specified above.

No person shall deface or remove any notice posted by a utility company pursuant to this section. Such notice shall be removed only by the utility company which posted the notice or with its consent.

For the purposes of this section only, the term "utility company" shall include the water and sewer department of the City of Minneapolis.

Section 22. That Section 244.600 of the above-entitled ordinance be amended to read as follows:

244.600. Pest extermination. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for the extermination of insects, rodents, vermin or other pests on the premises. Whenever infestation exists in any dwelling, or in the shared or public parts of any building containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner. The director of ~~inspections~~ regulatory services may order the

extermination done by a person licensed to do such work by the provisions of Chapter 325 when in the director's opinion the infestation is widespread and severe.

Section 23. That Section 244.675 of the above-entitled ordinance be amended to read as follows:

244.675. Secured egress and ingress to be provided for certain multiple dwellings. All multiple dwellings containing four (4) or more dwelling units or ten (10) or more rooming units existing now or hereafter created shall provide the following security measures: all doorways leading to the exterior or to an exterior vestibule or entry must be secured by a locking device approved by the director of ~~inspections~~ regulatory services. The locking devices provided for required egress doorways shall be of a type that will engage and lock automatically when the door is in the closed position within the frame provided. Further, locks on such required egress doors shall be openable from the exterior by the use of a key or other approved device. All doors, whether required egress doors or auxiliary, shall be openable from the inside without the use of a key or any special knowledge or effort.

All locking devices required by this section shall be kept in a professional state of maintenance and repair. The security locks and devices required by this section shall be provided not later than January 1, 1987. However, when, in the opinion of the director of ~~inspections~~ regulatory services, conditions exist which warrant the installation of said security devices and locks within a shorter time period than previously set out, the director shall be empowered to order and secure the installation of such security and locking devices within a reasonable time period.

Section 24. That Section 244.820 of the above-entitled ordinance be amended to read as follows:

244.820. Dwelling unit to be occupied by one family. No dwelling unit shall be occupied by more than one family. However, unrelated persons may occupy a dwelling unit when such occupancy is permitted and authorized.

When, in the opinion of the director of ~~inspections~~ regulatory services, it is necessary for the protection of the health, safety and welfare of the occupants, the owner or agent of dwelling units let to another may be required to post in a conspicuous place, with a transparent cover, a card issued by the director of ~~inspections~~ regulatory services setting forth the maximum number of persons who may lawfully occupy such a dwelling unit. Said card shall be posted inside the dwelling unit at eye level on, or within four (4) feet of, the main entrance door.

Section 25. That Section 244.960 of the above-entitled ordinance be amended to read as follows:

244.960. Egress. Dwellings erected after July 1, 1972, shall have and shall maintain the egress facilities required by the Minnesota State Building Code at the time of erection. Dwellings existing prior to July 1, 1972, shall be provided with egress facilities as required by said Minnesota State Building Code or in compliance with the following regulations: Every habitable unit shall have a safe unobstructed means of egress. Every dwelling unit located above the first floor and every rooming house where three (3) or more roomers occupy one or more rooming units or hotel units located above the first floor and every basement dwelling or hotel unit shall have at least two (2) independent egress stairways which shall be located remote from each

other, and one of such stairways shall be an inside stairway. Every such egress shall comply with the following requirements:

(a) Every dwelling with an occupant load of ten (10) persons or fewer shall have one approved means of egress. Dwellings located on the second story shall have at least one approved means of egress if the occupant load of the entire story does not exceed ten (10) persons. Second stories having an occupant load of more than ten (10) persons and all other stories and basements shall have not less than two (2) approved means of egress. Exception: Only one approved means of egress shall be required from a basement within an individual dwelling unit when the occupancy load of such basement is ten (10) or fewer.

(b) All required egress stairs shall be easily accessible from every dwelling or dwelling unit without passing through any room other than public, shared or communal areas. Egress shall lead directly to grade, and such grade shall have an unobstructed path of travel to a public way.

(c) All inside egress stairways located in multiple dwellings more than two (2) stories in height shall be enclosed with materials and doors approved and acceptable to the director of ~~inspections~~ regulatory services now or at the time of their installation or materials having a one-hour fire-resistant rating with self-closing doors rated as Type B. The rated materials and doors shall be tested and approved and listed as such in the files of the director of ~~inspections~~ regulatory services. Smoke barriers of record, approved by the director of ~~inspections~~ regulatory services and the city fire marshal, shall be deemed an acceptable alternate and be allowed to remain and be maintained.

(d) The minimum width of all required egress stairways shall be thirty-six (36) inches measured at the face of the tread. Private stairways serving an occupancy of fewer than ten (10) persons may be thirty (30) inches wide.

(e) Risers of stairs serving habitable space shall not exceed eight (8) inches in height and the treads shall be not less than nine (9) inches in depth. Stair nosing shall not project more than one inch.

(f) All stairways which have four (4) or more risers, inside or attached to a dwelling shall have at least one handrail. All such stairways which are required to be forty-four (44) inches or more in width or which are open on both sides shall have a handrail on each side. If a stairway is open on one side, the required handrail shall be placed on the open side, when required by the director of ~~inspections~~ regulatory services. Stairways required to be more than eighty-eight (88) inches in width shall be provided with an intermediate handrail. Only one handrail shall be required for exterior stairs of one- and two-family dwellings when such stairs do not exceed forty-two (42) inches above the adjacent ground or surface.

(g) All handrails shall be installed not less than thirty (30) inches nor more than thirty-four (34) inches measured vertically above the nose of the stair treads or stairway platforms. Handrails projecting from a wall or other similar surface shall have a space of not less than one and one-half (1½) inches between said wall or surface and the handrails shall be so installed, located, and be of such size and shape that an adult person can grasp and hold onto the same. Handrails

hereafter installed or replaced shall be in compliance with the state building code as to location and size.

(h) All dwellings in a multiple dwelling shall have an approved exit within forty (40) feet from the exit of every dwelling above the first story if such building is of nonfireproof construction, and within fifty (50) feet if such building is of fireproof construction.

(i) Egress doors connected to public, shared or communal areas must be easily opened from the inside along the path of egress and remain unlocked or be of a type which can be unlocked without the use of a key or any special skill or knowledge. Where multiple dwellings have more than five (5) dwelling units, or more than ten (10) rooming units sharing the same means of egress, the doors serving such egress shall swing in the direction of travel and be selfclosing and latching. All stair tower doors located in multiple dwellings which are four (4) or more stories in height, and where the dwelling units are not individually owned, shall be openable from the inside of the stair tower without the use of a key or any special skill or knowledge when such stair tower doors open into a public, shared or communal area. No person shall lock, fasten closed, block open or in any other way tamper with the operation of selfclosing fire doors so that said doors do not function as required by this section.

(j) Any required means of egress exposed to the elements shall be kept clear of rubbish, snow, ice and other such obstructions at all times. All vertical ladders and other emergency fire escapes not recognized as a required means of egress shall be maintained in good order and repair.

Section 26. That Section 244.1030 of the above-entitled ordinance be amended to read as follows:

244.1030. "Regulatory authority" defined for the code. Wherever the term "regulatory authority" is used in the Minnesota Lodging Code, or in chapter 244, article X, rooming houses and lodging establishments, it shall be held to mean the ~~environmental health division of the city department of regulatory services~~ Minneapolis Health Department.

Section 27. That Section 244.1110 of the above-entitled ordinance be amended to read as follows:

244.1110. Keeping of register. Every person licensed as a rooming house or lodging establishment operator shall at all times keep a register within the rooming house or lodging establishment, in which shall be written the names of all occupants renting or occupying rooming units or sleeping rooms in such rooming house or lodging establishment. After the name or names of persons renting or occupying any rooming unit the operator, or operator's agent, shall write the number of the room or rooms which each person is to occupy, together with the date and hour when such room or rooms are rented, all of which shall be done before such person is permitted to occupy such room or rooms. The register shall be open to inspection within twenty-four (24) hours of request by the chief of police, commissioner of health, director of ~~inspections~~ regulatory services or ~~chief of the fire prevention bureau~~ fire marshal, or their authorized representatives.

Section 28. That Section 244.1145 of the above-entitled ordinance be amended to read as follows:

244.1145. Expiration; renewal. All licenses issued under this article shall expire on November first of each year, subject to renewal year to year thereafter. All licensees shall apply for renewal of their licenses on a form provided by the ~~director of inspections~~ commissioner of health. The renewal application may be in such abbreviated form as deemed sufficient by the director to verify current information on file concerning the licensee. An application for renewal shall be filed in the department at least thirty (30) days before expiration of the license. No license or provisional license shall be granted without payment of the required annual license fee. An individual who is operating a lodging establishment after the license has expired is operating an unlicensed lodging establishment.

Section 29. That Section 244.1155 of the above-entitled ordinance be amended to read as follows:

244.1155. Application for license. Within ninety (90) days after the effective date of this article, the owner of each lodging establishment shall make written application to the ~~director of inspections~~ commissioner of health for a license to carry on the business of renting lodging establishment property. Such application shall be made on a form furnished by the ~~director of inspections~~ commissioner of health for such purpose and shall set forth the following information:

(1) Name, business or residence address, telephone number, and date of birth of the owner of the lodging establishment. If the owner is a partnership, the name of the partnership, the name, residence address, and date of birth of the managing partner. If the owner is a corporation, the name and address of the corporation, and the name of the chief operating officer; in cases where the owner of a dwelling resides outside of the sixteen-county metropolitan area consisting of the following counties: Hennepin, Rice, Wright, Anoka, Washington, McLeod, Ramsey, Dakota, Scott, Carver, Sherburne, Isanti, Chisago, Sibley, Le Sueur and Goodhue; the owner's agent/contact person shall reside within the sixteen-county metropolitan area.

(2) If the owner has appointed an agent authorized to accept service of process and to receive and give receipt for notices, the name, business or residence address, telephone number, and date of birth of such agent.

(3) Every applicant, whether an individual, partnership, or corporation, shall identify in the application, by name, residence or business street address, telephone number, and date of birth, a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. Said natural person shall, if other than the owner, affix his or her notarized signature to the application, thereby accepting joint and several responsibility with the owner (including any potential criminal, civil, or administrative liability) for the maintenance and management of the premises. A post office box or commercial mail receiving service are not acceptable as an address for such person. The individual designated herein may also be the owner of the dwelling or an agent identified in subsection (2) above.

(4) Street address of the dwelling.

(5) Number and kind of units within the dwelling (sleeping rooms and or beds provided as applicable).

(6) Any other information deemed necessary to regulate the operations of a lodging establishment.

(7) In the event that any of the information required to be provided by this section changes, the applicant or licensee shall, within fourteen (14) days, notify in writing the ~~director of inspections~~ commissioner of health, or an authorized representative of the ~~director~~ commissioner, of the change. However, if the natural person designated in subsection (3) changes, the licensee or applicant shall file an entirely new application within fourteen (14) days. Furthermore, for just cause, the ~~director of inspections~~ commissioner of health, or an authorized representative of the ~~director~~ commissioner, may request that an applicant or licensee complete and file a new or replacement application for any rental dwelling, giving the licensee or applicant a minimum of fourteen (14) days to comply.

Section 30. That Section 244.1230 of the above-entitled ordinance be amended to read as follows:

244.1230. Inspection; recommendation to council. The ~~director of inspections~~ commissioner of health shall inspect each hotel for which a license application is filed. The ~~director~~ commissioner shall transmit to the city council a recommendation relative to such hotel license application. If the ~~director~~ commissioner recommends that such application be denied, the reasons for such recommendation shall be set forth by the ~~director~~ commissioner.

Section 31. That Section 244.1260 of the above-entitled ordinance be amended to read as follows:

244.1260. Register to be kept. Every person to whom a hotel license has been issued shall at all times keep a hotel register within the hotel, in which shall be written the names of all occupants renting or occupying hotel units in such hotel. The register shall be signed by the persons renting a hotel unit. After the name or names of persons renting or occupying any hotel unit the operator, or the operator's agent, shall write the number of the room or rooms which each person is to occupy, together with the date and hour when such room or rooms are rented, all of which shall be done before such person is permitted to occupy such room or rooms. The register shall be at all times open to inspection by the chief of police, commissioner of health, the director of ~~inspections~~ regulatory services and the ~~chief of the fire prevention bureau~~ fire marshal or their authorized representatives.

Section 32. That Section 244.1290 of the above-entitled ordinance be amended to read as follows:

244.1290. Numbering of units. Every licensed hotel operator shall number in a plain conspicuous manner every hotel unit and any tenement units and dwelling units if any such tenement units and dwelling units exist within the hotel. No two (2) units shall bear the same number. No number on any hotel unit, tenement unit, or dwelling unit shall be changed without first notifying the ~~director of inspections~~ commissioner of health so the occupancy record cards can be changed to agree with the unit numbering.

Section 33. That Section 244.1450 of the above-entitled ordinance be amended to read as follows:

244.1450. Condemnation authorized; requiring vacating. Whenever the commissioner of health, the director of ~~inspections~~ regulatory services, or the ~~chief of the fire prevention bureau~~ fire marshal finds that any dwelling, multiple dwelling or dwelling unit constitutes a hazard to the health, safety or welfare of the occupants or to the public because it lacks maintenance, or is dilapidated, unsanitary, vermin-infested, or rodent-infested, because it lacks the sanitary facilities and equipment required by the housing maintenance code, or because it violates residential storage standards, he or she may condemn such dwelling or dwelling unit as unfit for human habitation. If any dwelling or any part thereof is occupied by more families than provided by this code, or is erected, altered or occupied contrary to law, such dwelling shall be deemed an unlawful structure and the director of ~~inspections~~ regulatory services may cause such dwelling to be vacated. It shall be unlawful to again occupy such dwelling until it or its occupation, as the case may be, has been made to conform to the law.

Section 34. That Section 244.1460 of the above-entitled ordinance be amended to read as follows:

244.1460. Placarding. Any dwelling or dwelling units condemned shall be posted with a placard of condemnation by the director of ~~inspections~~ regulatory services. The placard of condemnation shall include the following:

(a) Name of the city;

(b) The name of the authorized department having jurisdiction;

(c) The chapter and section of this Code of Ordinances or other ordinance under which it is issued;

(d) Street address of building, dwelling number if applicable;

(e) A statement of reason or reasons for condemnation;

(f) A statement of time when occupants must vacate the dwelling or dwelling unit (not less than twenty-four (24) hours or more than thirty (30) days except in cases of emergency);

(g) The date that the placard of condemnation is posted;

(h) A statement of the penalty for defacing or removal of the placard.

Section 35. That Section 244.1470 of the above-entitled ordinance be amended to read as follows:

244.1470. Notice of condemnation required. Whenever the director of ~~inspections~~ regulatory services, commissioner of health or ~~director of the fire prevention bureau~~ fire marshal intends to condemn a dwelling or dwelling unit, notice shall be given to the owner of such condemnation and placarding of the dwelling or dwelling unit. Such notice shall:

(a) Be in writing;

(b) Include the street address of the building, dwelling number if applicable;

(c) Include a statement of the reason or reasons why it is being issued;

(d) Set a date to bring the conditions herein set out into compliance with the housing maintenance code and as notice that after said date the building or dwelling will be condemned.

Section 36. That Section 244.1490 of the above-entitled ordinance be amended to read as follows:

244.1490. Duty to vacate. Any dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation by the director of ~~inspections~~ regulatory services, commissioner of health or ~~director of the fire prevention bureau~~ fire marshal shall be vacated within a reasonable time as required by said director, or commissioner and it shall be unlawful for any owner or operator to let or allow any person to occupy said dwelling or dwelling unit. No person shall occupy any dwelling or dwelling unit which has been condemned and placarded by said director or commissioner after the date set forth in the placard of condemnation. The director of ~~inspections~~ regulatory services, commissioner of health or ~~director of the fire prevention bureau~~ fire marshal may allow a security or fire guard to occupy the condemned dwelling when, in the opinion of said director or commissioner such action best serves public interest.

Section 37. That Section 244.1500 of the above-entitled ordinance be amended to read as follows:

244.1500. Condemned dwellings not to be occupied. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from the director of ~~inspections~~ regulatory services, commissioner of health or ~~director of the fire prevention bureau~~ fire marshal. The director of ~~inspections~~ regulatory services, commissioner of health or ~~director of the fire prevention bureau~~ fire marshal shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated, as evidenced by proper issuance of a certificate of code compliance as set forth in Chapter 87, except where such certificate of code compliance is not required under the provisions of section 89.15 of this Code.

Section 38. That Section 244.1570 of the above-entitled ordinance be amended to read as follows:

244.1570. Grading and drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water on said premises or within any building or structure located thereon, and every premises shall be continuously maintained in a sanitary, erosion-free, and dust-free condition by suitable landscaping with grass, trees, shrubs, or other planted ground cover, or by paving with asphalt, concrete, or by such other suitable means as shall be approved by the director of ~~inspections~~ regulatory services. Where a premises is occupied or shared by fewer than three (3) dwelling units, the continued maintenance of the premises in the above conditions shall also be the responsibility of the occupants.

Whenever a premises is not in compliance with this section and presents an immediate hazard to public health and welfare, the director of ~~inspections~~ regulatory services shall give fifteen (15) days' notice to the owner or owners or the agent of such owners and occupant or tenant of premises in the city to correct the violation. In the event said violation is not corrected, the director of ~~inspections~~ regulatory services shall take the necessary actions to secure compliance with this section. Premises shall be considered hazardous when it becomes a potential source of filth and cause of sickness, when stagnant water or dust is left to accumulate or stand on the premises, or when erosion of the soil causes the same to spill over onto the sidewalk, street or the adjoining property.

Section 39. That Section 244.1580 of the above-entitled ordinance be amended to read as follows:

244.1580. Weeds, other vegetation. No owner, operator or occupant shall allow to remain on any portion of the premises occupied or controlled by such person any accumulation of hay, grass, straw, weeds, vines, bushes, other plant growth or dead trees or dead tree limbs which in the opinion of the director of ~~inspections~~ regulatory services constitutes a health, safety or fire hazard. Further, no person shall allow any bushes, trees or other vegetation to remain on any portion of private property which that person controls, when such vegetation is overhanging public premises unless said vegetation is cut back so as to maintain the following clearances: A clearance of seven (7) feet shall be maintained over pedestrian walkways and a clearance of fourteen (14) feet shall be maintained over vehicular passageways.

"Public premises" for the purpose of this chapter shall mean those areas where the city has exercised its easement rights to provide either pedestrian walkways or vehicular passageways.

Section 40. That Section 244.1720 of the above-entitled ordinance be amended to read as follows:

244.1720. Enforcement. The director of ~~inspections~~ regulatory services is authorized and directed to administer and enforce the provisions of this article. The director of ~~inspections~~ regulatory services may disapprove locking devices that do not meet the requirements of this article.

Section 41. That Section 244.1840 of the above-entitled ordinance be amended to read as follows:

244.1840. Application for license. Within ninety (90) days after the effective date of this article, the owner of each rental dwelling shall make written application to the director of ~~inspections~~ regulatory services for a license to carry on the business of renting residential property. In addition, the owner of each such rental dwelling constructed after the effective date of this article shall make written application to the director of ~~inspections~~ regulatory services for a license as herein provided prior to initial occupancy. Such application shall be made on a form furnished by the director of ~~inspections~~ regulatory services for such purpose and shall set forth the following information:

(1) Name, business or residence address, telephone number, and date of birth of the owner of the dwelling. If the owner is a partnership, the name of the partnership, the name, residence address, and date of birth of the managing partner, and the full name and address of all partners. If the owner is a corporation, the name and

address of the corporation, and the name of the chief operating officer; in cases where the owner of a dwelling resides outside of the sixteen-county metropolitan area consisting of the following counties: Hennepin, Rice, Wright, Anoka, Washington, McLeod, Ramsey, Dakota, Scott, Carver, Sherburne, Isanti, Chisago, Sibley, Le Sueur and Goodhue; the owner's agent/contact person shall reside within the sixteen county area.

a. All partnerships, corporations, limited liability companies or other recognized business associations which own a dwelling required to be licensed under this chapter shall submit, upon request of the director of ~~inspections~~ regulatory services or the director's designee, the name and address of all partners, shareholders or interest holders. If requested by the director of ~~inspections~~ regulatory services or the director's designee, information regarding the names and addresses of all partners, shareholders or interest holders must be submitted in a sworn affidavit. Failure to provide this information upon request and in proper form may result in a $500.00 fine or other appropriate enforcement action.

(2) If the owner has appointed an agent authorized to accept service of process and to receive and give receipt for notices, the name, business or residence address, telephone number, and date of birth of such agent.

(3) Every applicant, whether an individual, partnership, or corporation, shall identify in the application, by name, residence or business street address, telephone number, and date of birth, a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. Said natural person shall, if other than the owner, affix his or her notarized signature to the application, thereby accepting joint and several responsibility with the owner (including any potential criminal, civil, or administrative liability) for the maintenance and management of the premises. A post office box or commercial mail receiving service are not acceptable as an address for such person. The individual designated herein may also be the owner of the dwelling or an agent identified in subsection (2) above. The phone number herein required shall be of a phone number that shall be normally answerable twenty-four (24) hours a day, seven (7) days a week, not subject to normal business hours. The person designated as the person responsible for the maintenance and management of the premises, whether that person is also the owner of the property or a designee of the owner, shall be required to respond to inquiries from the department of regulatory services or the environmental health division of the Minneapolis Health Department within a reasonable period of time. Failure to respond in a reasonable period of time may lead to adverse license action pursuant to Section 244.1910(19) of this Code.

(4) Street address of the dwelling.

(5) Number and kind of units within the dwelling (dwelling units, rooming units, or shared bath units). For each unit, specify the floor number, and the unit number and/or letter and/or designation.

(6) In the event that any of the information required to be provided by this section changes, the applicant or licensee shall, within fourteen (14) days, notify in

writing the director of ~~inspections~~ regulatory services, or an authorized representative of the director, of the change. However, if the natural person designated in subsection (3) changes, the licensee or applicant shall file an entirely new application within fourteen (14) days. Furthermore, for just cause, the director of ~~inspections~~ regulatory services, or an authorized representative of the director, may request that an applicant or licensee complete and file a new or replacement application for any rental dwelling, giving the licensee or applicant a minimum of fourteen (14) days to comply.

Section 42. That Section 244.1850 of the above-entitled ordinance be amended to read as follows:

244.1850. Provisional licenses. The director of ~~inspections~~ regulatory services may issue a provisional license to the owner of a rental dwelling who has submitted an application and paid the license fee required by this article. A provisional license shall authorize the continued occupancy of rental dwelling units in actual existence on the effective date of this article, pending issuance of a rental dwelling license. A provisional license shall authorize the continued occupancy of dwelling units converted to rental usage after the effective date of this article, which shall be inspected pursuant to section 244.1870 of this article. A provisional license indicates only that the owner has submitted an application for a license and paid the required fee, and that the license shall be issued or denied after the building has been inspected for compliance with the minimum standards set forth in section 244.1855 of this article. A provisional license is not a determination that the building complies with the housing maintenance code or the minimum standards set forth in this article.

As a condition of a provisional license or annual renewal of such license, the applicant shall sign a statement affirming that the licensee meets the standards of section 244.1910, subsections (11) through (14).

Section 43. That Section 244.1860 of the above-entitled ordinance be amended to read as follows:

244.1860. Expiration; renewal. All licenses and provisional licenses issued under this article shall expire on August thirty-first of each year, subject to renewal year to year in the manner provided in this article. All licensees and provisional licensees shall apply for renewal of their licenses on a form provided by the director of ~~inspections~~ regulatory services. The renewal application may be in such abbreviated form as deemed sufficient by the director to verify current information on file concerning the licensee. No license or provisional license shall be granted without payment of the required annual license fee. An individual who is operating a rental dwelling after the license has expired is operating an unlicensed rental dwelling.

Section 44. That Section 244.1870 of the above-entitled ordinance be amended to read as follows:

244.1870. Point-of-conversion or change of ownership inspection. (a) A license or provisional license issued hereunder is nontransferable. A new license application shall be required for each change of ownership of a rental dwelling and whenever a dwelling is converted to rental usage.

(b) Whenever a dwelling is converted to rental usage or when a rental dwelling changes ownership, the dwelling or dwellings shall be promptly inspected for compliance with the

minimum standards set forth in section 244.1855 of this article. The fee for the inspection required by this section shall be one thousand dollars ($1,000.00) for the inspection of any dwelling converted to rental usage and four hundred fifty dollars ($450.00) for the inspections of a rental dwelling which has a change of ownership and which has not been inspected in the past six (6) months. This fee shall be in addition to the annual license fee. If, upon application for a license for any dwelling converted to rental usage, the owner or other natural person as defined in section 244.1840(3) provides proof of prior attendance and successful completion within five (5) years prior to the date of application of a recognized fundamentals of rental property management course approved by the director of regulatory services, the fee for the inspection required by this section shall be reduced to seven hundred fifty dollars ($750.00). This provision shall not apply to condominium buildings containing six (6) or more dwelling units nor to any rental building containing more than four (4) dwelling units, nor to any rental dwelling owned by a nonprofit entity, as that term is defined in this title. The director of ~~inspections~~ regulatory services may waive this provision if a property received a certificate of occupancy within three (3) years of the application date.

(1) Conversion shall be defined as single dwelling buildings and buildings/units with separate PID numbers (condominium or townhouse with two (2) to five (5) dwelling units) that have been unlicensed for the previous twelve (12) months for which the owners are applying for a rental dwelling license.

(c) Noncompliance with written orders duly issued pursuant to the inspection required under this section shall constitute cause for the imposition of adverse license action, including but not limited to license denial.

(d) If the licensee discontinues rental use and re-occupies the converted dwelling as an owner occupant within twelve (12) months of paying the inspection fee, the owner may be eligible for a fifty (50) percent refund of the inspection fee, upon written application. The provisions of this section shall apply to any property re-converted to rental use after application for this refund.

Section 45. That Section 244.1890 of the above-entitled ordinance be amended to read as follows:

244.1890. Inspection guidelines. The director of regulatory services shall adopt a policy for inspecting all rental dwellings which are required to be licensed under this article, consistent with inspection procedures set forth in section 244.130 or section 244.1855. The policy shall contain objectives for the systematic inspection of all rental dwellings and priorities for the use of scarce inspection resources. The guidelines shall be based upon the following factors and any other factors deemed by the director to promote an efficient inspections program:

(a) Geographic distribution and concentration of rental dwellings.

(b) Designation of rental dwellings as Category 4 or 5 in the records of the city assessor.

(c) Rental dwellings with delinquent property taxes.

(d) Property identified by the housing inspections ~~department~~ division as having an excessive number of housing code violations or a history of noncompliance or slow compliance with housing inspection orders.

(e) Rental dwellings for which no license or provisional license has been applied, or which were unregistered under former Article III of this chapter.

(f) Rental dwellings with an excessive number of police calls for drug offenses, prostitution, crimes of force or violence, and loud disturbances or parties.

(g) Sale of the equitable interest in a rental dwelling property.

Section 46. That Section 244.1900 of the above-entitled ordinance be amended to read as follows:

244.1900. Issuance of license. When, upon completion of an inspection of a building and rental dwellings therein, the director of ~~inspections~~ regulatory services finds that the minimum standards for licensing set forth in this article have been met, a rental dwelling license may be issued.

Section 47. That Section 244.1910 of the above-entitled ordinance be amended to read as follows:

244.1910. Licensing standards. (a) The following minimum standards and conditions shall be met in order to hold a rental dwelling license under this article. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation, or suspension of a rental dwelling license or provisional license, or for the imposition of reasonable conditions or restrictions upon such a license pursuant to section 259.165

(1) The licensee or applicant shall have paid the required license fee.

(2) Rental dwelling units shall not exceed the maximum number of dwelling units permitted by the Zoning Code.

(3) No rental dwelling or rental dwelling unit shall be over occupied or illegally occupied in violation of the Zoning Code or the Housing Maintenance Code.

(4) The rental dwelling shall not have been used or converted to rooming units in violation of the Zoning Code.

(5) The owner shall not suffer or allow weeds, vegetation, junk, debris, or rubbish to accumulate repeatedly on the exterior of the premises so as to create a nuisance condition under section 227.90 of this Code. If the city is required to abate such nuisance conditions under section 227.100 or collect, gather up or haul solid waste under section 225.690 more than three (3) times under either or both sections during a period of twenty-four (24) months or less, it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license.

(6) The rental dwelling or any rental dwelling unit therein shall not be in substandard condition, as defined in section 244.1920

(7) The licensee or applicant shall have paid the required reinspection fees.

(8) The licensee or his or her agent shall allow the director of ~~inspections~~ regulatory services and his or her designated representative to perform a rental license review inspection as set forth in section 244.2000 (c).

(9) The licensee shall maintain a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit and the corresponding floor number, and unit number and/or letter and/or designation of such unit within the building. The register shall be kept current at all times. The licensee shall designate the person who has possession of the register and shall inform the director of the location at which the register is kept. The register shall be available for review by the director or ~~his or her~~ their authorized representatives at all times.

(10) The licensee shall submit to the director of ~~inspections~~ regulatory services or an authorized representative of the director, at the time of application for a rental dwelling license and for just cause as requested by the director, the following information: the number and kind of units within the dwelling (dwelling units, rooming units, or shared bath units), specifying for each unit, the floor number, and the unit number and/or letter and/or designation.

(11) a. There shall be no delinquent property taxes or assessments on the rental dwelling, nor shall any licensee be delinquent on any financial obligations owing to the city under any action instituted pursuant to Chapter 2, Administrative Enforcement and Hearing Process.

b. The licensee or applicant shall have satisfied all judgments duly entered or docketed against the licensee or applicant by any court of competent jurisdiction arising out of the operation of a rental property business. This subsection shall not be found to have been violated if the licensee or applicant demonstrates that the underlying case or action leading to the entry of judgment is being properly and timely removed to district court or otherwise appealed, or when the judgment is being paid in compliance with a payment plan accepted by either a court possessing jurisdiction over the judgment or the judgment creditor or during any period when the enforcement of the judgment has been duly stayed by such a court. This subsection shall become effective January 1, 2008.

(12) There is no active arrest warrant for a Minneapolis Housing Maintenance Code or Zoning Code violation pertaining to any property in which the licensee, applicant or property manager has a legal or equitable ownership interest or is involved in management or maintenance.

(13) a. Any person(s) who has had an interest in two (2) or more licenses revoked pursuant to this article or canceled pursuant to section 244.1925 or a combination of revocations or cancellations shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of five (5) years.

b. Any person(s) who has had an interest in a license revoked pursuant to this article or canceled pursuant to section 244.1925, shall be ineligible from obtaining any new rental dwelling licenses for a period of three (3) years.

(14) No new rental dwelling license shall be issued for the property during the pendency of adverse license action initiated pursuant to section 244.1940.

(15) The licensee or applicant must have a current, complete, and accurate rental dwelling application on file with the director of ~~inspections~~ regulatory services in accord with the provisions of section 244.1840.

(16) a. Before taking a rental application fee, a rental property owner must disclose to the applicant, in writing, the criteria on which the application will be judged.

b. Application forms must allow the applicant to choose a method for return of the application fee as either 1) mailing it to an applicant's chosen address as stated on the application form, 2) destroying it 3) holding for retrieval by the tenant upon one (1) business-day's notice.

c. If the applicant was charged an application fee and the rental property owner rejects the applicant, then the owner must, within fourteen (14) days, notify the tenant in writing of the reasons for rejection, including any criteria that the applicant failed to meet, and the name, address, and phone number of any tenant screening agency or other credit reporting agency used in considering the application.

d. The landlord must refund the application fee if a tenant is rejected for any reason not listed in the written criteria.

e. Nothing in this section shall prohibit a rental property owner from collecting and holding an application fee so long as the rental property owner provides a written receipt for the fee and the fee is not cashed, deposited, or negotiated in any way until all prior rental applicants either have been screened and rejected for the unit, or have been offered the unit and have declined to take it. If a prior rental applicant is offered the unit and accepts it, the rental property owner shall return all application fees in the manner selected by the applicant, pursuant to section (b).

f. Violation of this subsection, 244.1910(16), may result in an administrative citation, or may contribute to the denial or revocation of a rental license.

g. This subdivision shall become effective December 1, 2004.

(17) An owner shall not have any violations of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, at any rental dwelling which they own or have an ownership interest. A violation of Minnesota Rule Chapter 1300.0120 subpart 1 shall result in a director's determination of noncompliance notice being sent, pursuant to 244.1930 to the owner regarding the rental dwelling where the violation occurred. A second violation, at any rental dwelling in which the owner has an ownership interest, of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, shall result in the issuance of a director's notice of denial, non-renewal, or suspension of the license or provisional license, pursuant to 244.1940 of the Code, for the rental dwelling where the second violation occurred.

(18) The owner, where the owner pays the water bill for a rental dwelling, shall not allow the water to be shut off for non-payment. If water to a rental dwelling has been turned off, for lack of payment by the owner it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license or provisional license.

(19) The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

(20) A licensee or owner/landlord shall not be in violation of section 244.265 of this Code, which requires owner/landlords to notify tenants and prospective tenants of pending mortgage foreclosure or cancellation of contract for deed involving the licensed property.

(21) Any person(s), having an ownership or management interest in any property, upon a second violation of section 244.1810 by allowing to be occupied, letting or offering to let to another for occupancy, any dwelling unit without having first obtained a license or provisional license, shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of two (2) years.

(22) The owner or licensee shall not be in violation of section 225.780, which requires every owner of a building containing two (2) or more dwelling units to provide for recycling services.

(23) The licensee or applicant shall not have any unpaid fines or fees owing to the City of Minneapolis related to their rental property.

Section 48. That Section 244.1930 of the above-entitled ordinance be amended to read as follows:

244.1930. Director's determination of noncompliance; notice. (a) If the director of ~~inspections~~ regulatory services determines that a building or dwelling unit fails to meet the licensing standards set forth in section 244.1910, or section 244.1920, he or she shall mail a notice to the owner and the person designated by the owner as the person responsible for the maintenance and management of the building or dwelling unit. The notice shall specify the reasons why the building or unit fails to meet the licensing standards in section 224.1910 or section 244.1920 and shall include a copy of the inspection report if applicable. However, if a building or dwelling unit fails to meet licensing standards 244.1910(2), (3), (4), (13)(a), (18) or (21), for a second time under the same owner/licensee, a notice of director's determination of noncompliance shall not be required to be sent as the building or dwelling unit may be subject to an action for denial; non-renewal; revocation or suspension pursuant to section 244.1940.

(b) If the rental dwelling fails to meet one (1) or more of the standards set forth in section 244.1910, the notice shall indicate that the license holder or applicant has ten (10) days to correct the defects, after which the city council will take action to deny, refuse to renew, revoke, or suspend the license or provisional license.

(c) If the rental dwelling fails to meet the standards set forth in section 244.1920, the notice shall indicate that the license holder or applicant has sixty (60) days to correct the defects causing the building to be substandard, after which the city council will take action to deny, refuse to renew, revoke, or suspend the license or provisional license. The director may for good cause authorize additional time to correct defects causing a building to be substandard. If the defects create an imminent hazard to health or safety, the director may proceed immediately for denial, nonrenewal, revocation, or suspension under section 244.1940, or may shorten the deadline for compliance to less than sixty (60) days.

(d) Whenever a notice of noncompliance is issued under this section, the director of ~~inspections~~ regulatory services shall also cause a notice to tenants to be prominently posted on the building. The notice shall indicate that a license proceeding has been commenced against the owner because the building has been found to be in violation of the housing maintenance code; that after a stated period of time allowed to bring the building into compliance, the city council may proceed to deny, revoke, or suspend the rental dwelling license for the building; that if the city council denies, revokes, or suspends the license, tenants may be required to vacate the building; that further information can be obtained from the City of Minneapolis Housing Services Office.

(e) The director of ~~inspections~~ regulatory services shall send copies of the notice of noncompliance and the notice to tenants to the housing services office.

Section 49. That Section 244.1960 of the above-entitled ordinance be amended to read as follows:

244.1960. Appeals procedure. (a) Any person wishing to appeal a determination of the director recommending denial, nonrenewal, revocation, or suspension of a license or provisional license, or that conditions or restrictions be placed on a license or provisional license, shall file a written notice of appeal with the department of ~~inspections~~ regulatory services within fifteen (15) days after receipt of the notice of denial, nonrenewal, revocation, suspension, or determination recommending conditions or restrictions. The notice shall contain a statement of the grounds for the appeal. The notice of appeal shall be accompanied by a fee of three hundred dollars ($300.00). All appeals shall be heard by an administrative hearing officer pursuant to Title 1, Chapter 2 of this Code.

(b) At the hearing, the hearing officer shall hear all relevant evidence and argument. The hearing officer may admit and give probative effect to evidence that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The hearing officer shall record the hearing and keep a record of documentary evidence submitted.

(c) The hearing officer shall render a decision in writing within thirty (30) days after the close of the hearing. The decision shall determine whether the building, or dwelling units therein, meets the licensing standards of sections 244.1910, 244.1920, or 244.2020, and shall specify the factual and legal basis for the determination.

(d) The hearing officer shall mail a copy of the decision to the license holder or applicant and to each licensed dwelling unit.

(e) The hearing officer shall refer the decision to the city council, which shall have final authority to issue, deny, renew, revoke, or suspend the license. The city council may hear

argument from the license holder/applicant, but shall take no further evidence. The city council may affirm, modify, or reverse the decision of the hearing officer.

(f) The final decision of the city council shall be mailed to the license holder or applicant.

(g) A notice to tenants of the final decision shall be mailed to each occupant and prominently posted on the building. The notice shall indicate the date upon which tenants must vacate the building and shall clearly indicate which dwelling units are affected. The notice shall indicate that further information and relocation assistance can be obtained from the City of Minneapolis Housing Services Office.

Section 50. That Section 244.1970 of the above-entitled ordinance be amended to read as follows:

244.1970. Vacation of affected dwelling units. When an application for rental dwelling license has been denied, or a rental dwelling license or provisional license has been revoked, suspended, or not renewed, or when the owner has not obtained a current rental dwelling license or provisional license upon proper application as required by this chapter, the director of ~~inspections~~ regulatory services shall order the dwelling or the affected dwelling units therein vacated, giving tenants a reasonable time to arrange new housing and to move their possessions.

Section 51. That Section 244.2000 of the above-entitled ordinance be amended to read as follows:

244.2000. Duties of licensee. Every holder of a rental dwelling license or provisional license shall:

(a) Post his or her license certificate, along with any other required informational posting as approved by the director of ~~inspections~~ regulatory services, when the certificate or required informational posting is received from the director of ~~inspections~~ regulatory services. If the informational posting is provided in a color format, the posting or any replacement posting must also be in color and the posting and license shall at all times be clearly and readily legible and visible. In multiple dwelling buildings, the certificate and required informational posting shall be conspicuously posted in a frame or frames with transparent cover in the common area immediately adjoining the front or principal entrance of the building. If there exists no such qualifying common area in the multiple dwelling building, the certificate and required informational posting shall be prominently posted within each dwelling unit, at or near the front or principal entrance. For other than multiple dwellings, the certificate and required informational posting shall be prominently posted at or near the front or principal entrance of the building.

(b) Maintain a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit and the corresponding floor number, and unit number and/or letter and/or designation, within the building. The register shall be kept current at all times. The licensee shall designate the person who has possession of the register. The register shall be available for review by the director or ~~his or her~~ their authorized representatives at all times.

(c) Permit the director of ~~inspections~~ regulatory services and ~~his or her~~ the director's authorized representatives, either voluntarily or pursuant to an administrative or other warrant, to enter upon the premises for the purpose of conducting inspections to verify compliance with the housing maintenance code, and the fire, health, zoning and building codes of the city. Such inspections shall be made at such frequencies as the director in ~~his or her~~ their sole judgment shall deem appropriate and necessary, and when practical shall provide reasonable advance notice to the license holder or a managing agent.

(d) The owner of any dwelling which is required to be licensed by this chapter shall, prior to the time of sale of said dwelling, notify the buyer in writing of all unabated orders and violation tags issued by the department of ~~inspections~~ regulatory services pertaining to said dwelling, as well as the requirement of law that said dwelling, upon acquisition by a new owner, must be licensed with the director of ~~inspections~~ regulatory services. A copy of the notification shall be mailed to the director of ~~inspections~~ regulatory services within five (5) days of furnishing the notification to the buyer. If the dwelling is owned by a corporation, an officer of said corporation shall carry out the notification required by this section. If the property is owned by more than one person, a notification by one of the owners shall satisfy this section. For the purposes of this section, "time of sale" shall be construed to mean when a written purchase agreement is executed by the buyer or, in the absence of a purchase agreement, upon the execution of any document providing for the conveyance of a dwelling required to be licensed.

(e) Upon written order of the director of ~~inspections~~ regulatory services or an authorized representative of the director, the licensee shall provide the director or authorized representative, within the ten (10) days, the following information: the number of dwelling, rooming, and shared bath units in the building, specifying for each unit, the floor number, and unit number and/or letter and/or designation.

(f) Submit current application information as required by section 244.1860 of this chapter.

Section 52. That Section 244.2010 of the above-entitled ordinance be amended to read as follows**:**

244.2010. Notices. Whenever a notice is required to be sent to or served upon the licensee of a rental dwelling under this article, notice shall be deemed sufficient if sent by first class mail to the owner or owner's designated agent at the address specified in the last license application filed in the department of ~~inspections~~ regulatory services under section 244.1840. If a notice sent to the address specified in the last license application is returned, and the owner or owner's agent cannot be found, then notice shall be sent to the person designated in the last license application, under subsection 244.1840(3), as responsible for the maintenance and management of the premises, or any other known caretaker or manager, and a notice shall also be posted on the building.

Every licensee shall notify the ~~inspections division~~ department of regulatory services within ten (10) days of any changes in the names, addresses, and other information concerning the persons listed in the last license application filed with the ~~division~~ department. Whenever notice is required to be sent or delivered to tenants of a dwelling unit under this article, notice shall be sufficient if sent by first class mail to the tenants or occupants of each licensed dwelling

unit at the address specified in the license application or the register that the licensee maintains pursuant to section 244.2000(b).

Section 53. That Section 244.2020 of the above-entitled ordinance be amended to read as follows**:**

244.2020. Conduct on licensed premises. (a) It shall be the responsibility of the licensee to take appropriate action, with the assistance of crime prevention specialists or other assigned personnel of the Minneapolis Police Department, following conduct by tenants and/or their guests on the licensed premises which is determined to be disorderly, in violation of any of the following statutes or ordinances, to prevent further violations.

(1) Minnesota Statutes, Sections 609.75 through 609.76, which prohibit gambling;

(2) Minnesota Statutes, Section 609.321 through 609.324, which prohibits prostitution and acts relating thereto;

(3) Minnesota Statutes, Sections 152.01 through 152.025, and Section 152.027, Subdivisions 1 and 2, which prohibit the unlawful sale or possession of controlled substances;

(4) Minnesota Statutes, Section 340A.401, which prohibits the unlawful sale of alcoholic beverages;

(5) Section 389.65 of this Code, which prohibits noisy assemblies;

(6) Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and section 393.40, 393.50, 393.70, 393.80, 393.90 and 393.150 of this Code, which prohibit the unlawful possession, transportation, sale or use of a weapon; or

(7) Minnesota Statutes, Section 609.72, and Section 385.90 of this Code, which prohibit disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least two (2) units on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.

(b) The police department and the ~~inspections division~~ department of regulatory services shall be jointly responsible for enforcement and administration of section 244.2020.

(c) Upon determination by a crime prevention specialist, or other assigned police department employee, utilizing established procedures, that a licensed premises was used in a disorderly manner, as described in subsection (a), the responsible crime prevention specialist or other assigned police department employee shall notify the licensee by mail of the violation and direct the licensee to take appropriate action with the assistance of the Minneapolis Police Department to prevent further violations. If the instance of disorderly use of the licensed premises involved conduct specified in paragraphs (a)(2), (a)(3) or (a)(6) of this section the licensee shall submit a satisfactory written management plan to the police department within ten (10) days of receipt of the notice of disorderly use of the premises. The written management plan shall comply with the requirements established in paragraph (d) of this section. The licensee shall implement all provisions of the written management plan within twenty (20) days after acceptance of the management plan by the crime prevention specialist or other assigned

police department employee. The notice provided to the licensee of the violation shall inform the licensee of the requirement of submitting a written management plan. That notice shall further inform the licensee that failure to submit a written management plan or failure to implement all provisions of the management plan within twenty (20) days after its acceptance may result in the city council taking action to deny, refuse to renew, revoke, or suspend the license. The established procedures manual is available to the public from the Minneapolis Police Department.

(d) If another instance of disorderly use of the licensed premises occurs within eighteen (18) months, if the premises contains between one (1) and six (6) distinct and separate residential units, or within twelve (12) months, if the premises contains more than six (6) distinct and separate residential units, of an incident for which a notice in subsection (c) was given, the crime prevention specialist or other assigned police department employee shall notify the licensee by mail of the violation. The licensee shall submit a satisfactory written management plan to the police department within ten (10) days of receipt of the notice of disorderly use of the premises. The written management plan shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding twelve (12) months. The written management plan shall also detail all actions taken and proposed to be taken by the licensee to prevent further disorderly use of the premises. The licensee shall implement all provisions of the written management plan within twenty (20) days after acceptance of the management plan by the crime prevention specialist or other assigned police department employee. The notice provided to the licensee of the violation shall inform the licensee of the requirement of submitting a written management plan. That notice shall further inform the licensee that failure to submit a written management plan or failure to implement all provisions of the management plan within twenty (20) days after its acceptance may result in the city council taking action to deny, refuse to renew, revoke, or suspend the license. The licensee or the listed agent/contact person for the licensee shall also successfully complete a property owner's workshop at the direction of and in accordance with a schedule set forth by the police department. Any costs associated with that workshop will be the sole responsibility of the licensee. The notice provided to the licensee of the violation shall inform the licensee of the requirement of the licensee or the listed agent/contact person for the licensee of the requirement to successfully complete a property owner's workshop. That notice shall further inform the licensee that failure to successfully complete the property owner's workshop may result in the city council taking action to deny, refuse to renew, revoke, or suspend the license.

(e) When required by paragraph (d), the rental dwelling license for the premises may be denied, revoked, suspended, or not renewed if the licensee fails to submit a written management plan that satisfies the requirements set forth in paragraph (d), or if the licensee fails to timely implement all provisions of an accepted written management plan, or if the licensee or the listed agent/contact person for the licensee fails to successfully complete a property owner's workshop after a minimum of two (2) approved workshops have been scheduled, offered and held. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the director of ~~inspections~~ regulatory services in the manner described in section 244.1940, and shall proceed according to the procedures established in sections 244.1950, 244.1960, and 244.1970.

(f) If another instance of disorderly use of the licensed premises occurs within eighteen (18) months, if the premises contains between one (1) and six (6) distinct and separate residential units, or within twelve (12) months, if the premises contains more than six (6) distinct and separate residential units, after the second of any two (2) previous instances of disorderly use for which notices were sent to the licensee pursuant to this section, the rental dwelling

license for the premises may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the director of ~~inspections~~ regulatory services in the manner described in section 244.1940, and shall proceed according to the procedures established in sections 244.1950, 244.1960, and 244.1970.

(g) No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days after a notice is given by the licensee to a tenant to vacate the premises, where the disorderly use was related to conduct by that tenant or his/her guests. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. A notice to vacate shall not be a bar to adverse license action unless a copy of the notice is submitted to the crime prevention specialist or other assigned police department employee within ten (10) days of receipt of the violation notice. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued by the director of ~~inspections~~ regulatory services at any time if it appears that the licensee has taken appropriate action to prevent further instances of disorderly use.

(h) A determination that the licensed premises have been used in a disorderly manner as described in subsection (a) shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-162 amending Title 12, Chapter 246 of the Minneapolis Code of Ordinances relating to Housing: Residential Rehabilitation Grants, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-162
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 12, Chapter 246 of the Minneapolis Code of Ordinances relating to Housing: Residential Rehabilitation Grants.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 246 of the Minneapolis Code of Ordinances be repealed.

~~**246.10. Findings and policy.** (a) The city council finds that many houses in the city do not meet the applicable housing code, that there is a need for a comprehensive housing rehabilitation program in the city which will complement any statewide housing rehabilitation program, and that some homeowners are unable to afford any rehabilitation expenses.~~

(b) Pursuant to the authority of Laws of Minnesota 1974, Chapter 285, the city has adopted a rehabilitation loan and grant program to aid in accomplishing such needed housing rehabilitation. Grants under such program shall be subject to the provisions of this chapter. (Code 1960, As Amend., § 91.010; Ord. of 7-26-74, § 1)

246.20. Eligible properties. The following requirements shall apply to any property for which a rehabilitation grant is made:

(a) The property must be a permitted use or have a conditional use permit under the city's zoning ordinance, and the use must be currently permitted under the urban renewal plan or development plan if located in such an area.

(b) A property shall not be eligible if it has been identified for public acquisition for which funding is presently available, unless that property is being formally reexamined for potential retention in which case waivers shall be considered. Properties which are identified for conditional or possible acquisition will be eligible.

(c) The property shall be used exclusively for residential purposes, and shall contain no more than three (3) dwelling units.

(d) After rehabilitation, the property must be insurable through an established public or private property insurance program.

246.30. Eligible applicants. (a) To be eligible for a rehabilitation grant, an applicant must be an owner-occupant or contract-for-deed purchaser with limited assets available to pay for repairs and a gross annual income not exceeding the income limits as shall be established by the city council as part of the administrative guidelines for the program, a copy of which shall be on file with the city clerk. The administrating body shall review this income limit from time to time to determine potential adjustment. A tenant of a life estate shall be deemed an owner for the purposes of this chapter.

(b) Absentee owners shall not be eligible for grants.

(c) Grants may be issued to applicants who are not occupants of the property at the time of application and approval but who will become occupants once rehabilitation work has progressed sufficiently to allow occupancy. In cases where the Minneapolis Community Development Agency (MCDA) is selling the property, fee title must pass concurrently with the closing of the grant or else upon the completion of the work in accordance with guidelines of the MCDA.

246.40. Rehabilitation grant utilization. (a) Rehabilitation grants can be used to finance the repair of code violations. In all cases, however, code violations that represent an immediate threat to health and safety ("hazards") must be repaired before "nonhazards," except as provided in contracts between homeowners and contractors which were executed prior to June 25, 1976, with the approval of the [Minneapolis Community Development Agency] MCDA. In addition, the installation of weatherization and/or other cost-effective, energy conservation improvements as designated by the MCDA executive director can be financed.

(b) The maximum amount of a rehabilitation grant shall be twelve thousand dollars ($12,000.00) per property for properties located in "priority/target" areas as designated by the

~~Minneapolis City Council and eight thousand dollars ($8,000.00) per property for properties located elsewhere in the city. This maximum figure shall take into consideration grants previously provided through this program or other CDBG-funded grants (unless specifically provided otherwise), the federal Section 115, and/or Minnesota Housing Finance Agency (MHFA) programs (including the MHFA's rehabilitation loan program). In the event that a property has been repaired with financing received through a Section 115 grant, a grant through this city program (or other CDBG-funded grant), or a "grant" provided by the MHFA and the ownership of the property has changed, and a period of at least two (2) years has transpired since the grant had been provided, the MCDA may provide a grant for eligible work (subsection (a) above), up to the maximum amount as applicable.~~

~~(c) The aggregate of all such grants shall not exceed the limitation prescribed by Laws of Minnesota 1974, Chapter 285.~~

~~(d) All grants shall be secured by a repayment instrument to be invoked in the event of (1) incomplete work or misused funds, or (2) change of the property's status within seven (7) years, as hereafter provided.~~

~~(1) All grant work shall be completed within nine (9) calendar months from the date that the grant is provided. In the month immediately following the nine-month construction period, the MCDA shall conduct a completion inspection. If the work has not been completed due to owner negligence, terms of the repayment agreement converting the grant to a loan bearing interest at the rate indicated by city guidelines may be invoked. If funds have been misused, the MCDA may seek total repayment of the grant in a lump sum and/or refer the case to appropriate legal authorities. This paragraph (1) shall apply only to such category of grants where deemed necessary by the MCDA.~~

~~(2) If a property is sold, transferred or otherwise conveyed or ceases to be the grant recipient's principal place of residence within seven (7) years from the date that a grant is provided, all or part of the grant shall be repaid to the MCDA. The MCDA shall have a lien as security for repayment of these funds. The grant repayment shall be on a prorated basis: Sale within three (3) years, one hundred (100) per cent repayment; sale within fourth year, seventy-five (75) per cent repayment; sale within fifth year, fifty (50) per cent repayment; sale within sixth year, twenty-five (25) per cent repayment; sale after sixth full year, no repayment. In the event of a hardship, the MCDA may waive the repayment provision or reduce the amount which the property owner is required to repay. Where transfer of title is caused by the death of the recipient, and the heirs to the property are income-eligible and agree to be owner-occupants, the new owners may assume the obligations of the original recipient under the terms of the repayment agreement with no immediate repayment of the grant funds required. For grant recipients with a household member sixty-five (65) years of age or older at the date of application, the first four thousand dollars ($4,000.00) of grant funds received will be treated as an immediate, nonrepayable grant; all other repayment provisions shall apply. (This "elderly bonus" provision shall only apply for grants approved prior to June 25, 1982.)~~

~~(e) Rehabilitation grants shall not be approved in conjunction with rehabilitation loans which include financing for general property improvements unless the property is being brought into full compliance with city codes.~~

~~(f) Grant recipients shall be required to maintain the improved property in at least the condition to which it was improved.~~

(g) The following shall apply only for rehabilitation grants funded through community development block grants (CDBG), except for special purpose grant programs administered under separate regulations as otherwise provided by contracts between the MCDA and the city:

(1) The provisions of section 246.30 shall apply; provided, however, that applicants whose "adjusted gross income" exceeds the income limits established pursuant to subsection 246.30(a) shall also be eligible if the applicant's household monthly housing related expenses before or after rehabilitation are in excess of twenty-five (25) per cent of the applicant's household monthly gross income provided that the applicant's combined household annual "adjusted gross income" does not exceed the maximum amount allowable under the Minnesota Housing Finance Agency home improvement loan program. For applicants whose only sources of income for the entire household are from retirement or disability annuities (or other fixed amounts), it will not be required that twenty-five (25) per cent of their monthly gross income be used for housing related expenses. "Adjusted gross income" shall not include income from the spouse not residing in the property in a marriage for which the petition of dissolution of marriage has been filed, except that child support, maintenance, or other such payments, shall be considered in income calculations.

(2) Rehabilitation grants that are being funded through CDBG to be administered as supplements to federally funded Section 115 grants or "grant" funded by the MHFA shall be administered in conformance with the respective program's regulations.

(3) The provisions of subsections (a), (b), (d), (e), (f) and (i) shall also apply, and the provisions of subsections (c) and (h) shall not apply.

(h) For this city program, as a general rule, the grant shall not be approved if the total of the existing indebtedness in the property plus the total value of the grant would exceed the after-rehabilitation fair market value of the property. In making the determination of the after-rehabilitation value, consideration shall be given to the extent of the improvements being conducted elsewhere in the neighborhood.

(i) In the event that a grant intended for funding by the MHFA must be provided from the resources of the city program, the terms and conditions of that grant shall not be altered.

246.50. Procedures. (a) The rehabilitation grant program shall be administered by the Minneapolis Community Development Agency, pursuant to the provisions of a cooperation agreement with the city for the administration of the city's rehabilitation loan and grant program.

(b) In reviewing and making the determination on each application, the following factors shall be considered:

(1) The availability of other governmental programs affordable by the applicant;

(2) The availability and affordability of private market financing;

(3) Whether the housing is required, pursuant to an urban renewal program or a code enforcement program to be repaired, improved or rehabilitated;

~~(4) Whether the housing is required, pursuant to a court order issued under Minnesota Statutes, Section 566.25, Clauses (b), (c) and (e), to be repaired, improved or rehabilitated;~~

~~(5) Whether the housing has been determined to be uninsurable because of physical hazards after inspection pursuant to a statewide property insurance plan approved by the United States Department of Housing and Urban Development under Title XII of the National Housing Act;~~

~~(6) Whether the housing unit is a single-family dwelling or homesteaded unit; and~~

~~(7) Whether the applicant is a person of low income, as defined herein.~~

~~**246.60. Principal reduction grants.** Principal reduction grants will be administered in conjunction with home improvement loans funded by the MHFA in accordance with program regulations adopted by both the MCDA board of commissioners and the Minneapolis city council. The regulations for those grants shall take precedence over other terms, conditions and eligibility requirements stated in this chapter.~~

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-163 amending Title 12, Chapter 247 of the Minneapolis Code of Ordinances relating to Housing: Housing Finance Program, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-163
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 12, Chapter 247 of the Minneapolis Code of Ordinances relating to Housing: Housing Finance Program.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 247 of the Minneapolis Code of Ordinances be repealed.

~~**CHAPTER 247. HOUSING FINANCE PROGRAM**~~

~~**ARTICLE I. IN GENERAL**~~

~~**247.10.** Authority. Pursuant to Laws of Minnesota 1975, Chapter 188, the City of Minneapolis has been authorized to establish programs to finance housing and to provide the needed mortgage credits and promulgate regulations therefor, and in establishing housing finance programs thereunder the city council is acting in all respects for the benefit of the citizens of the City of Minneapolis to serve a public purpose in improving and otherwise promoting their health, welfare and prosperity.~~

247.20. Purpose. The city council finds and determines that preservation of the quality of life in the city as a major metropolitan city is dependent upon the maintenance, provision and preservation of an adequate housing stock; that accomplishing this is a public purpose; that there are many housing units in the city that do not meet the applicable housing codes, some of which need to be destroyed, and some of which can be rehabilitated; that a need exists to replace housing which is destroyed; that a need exists for mortgage credit to be made available for new construction of housing; that refinancing existing mortgages will allow owners of housing units which need rehabilitation to take advantage of existing rehabilitation programs; that many owners, would-be purchasers or providers of housing units are either unable to afford mortgage credit at market rates of interest or obtain mortgage credit because the mortgage credit market is severely restricted; that a need exists for adequate, decent, safe and sanitary housing, especially at prices which primarily persons of low and moderate income can afford; that a need exists for public assistance to provide such housing in addition to the available governmental programs and private market financing; and that a need exists for additional mortgage credit for new construction of housing and rehabilitation of existing housing and to encourage the purchase of housing units, including housing units located on property which governmental bodies or agencies have acquired and made suitable for housing construction.

247.30. Definitions. The following terms when used in this chapter shall have the following meanings, respectively:

(a) *Act* shall mean Laws of Minnesota 1975, Chapter 188, as now in effect and as the same may be from time to time amended.

(b) *Agency* shall mean the housing and redevelopment authority in and for the City of Minneapolis, a public body corporate and politic created pursuant to the Municipal Housing and Redevelopment Act of 1947, as amended, and appearing as Minnesota Statutes, Chapter 462, as amended.

(c) *City* shall mean the City of Minneapolis, County of Hennepin, State of Minnesota.

(d) *City council* shall mean city council of the city.

(e) *Programs* shall mean the housing finance programs authorized by the act and subject to the regulations.

(f) *Regulations* shall mean the regulations for the programs promulgated by ordinance of the city council, as then in effect.

247.40. Agency powers. Except as otherwise expressly provided herein, the agency is hereby authorized to administer the programs. In the making or purchase of loans or other securities in furtherance of the programs, and in the issuance of revenue bonds or other obligations pursuant to the act, the agency as an existing agency is hereby authorized to exercise, within the corporate limits of the city, any and all of the same powers as the Minnesota Housing Finance Agency is authorized to exercise under the provisions of Minnesota Statutes, Chapter 462A, except that all bond sales by the agency shall be approved by resolution of the city council.

247.45. Housing and redevelopment authority authorized to issue mortgage revenue bonds. (a) The housing and redevelopment authority in and for the City of

Minneapolis, (the "HRA") is hereby authorized to exercise, on behalf of the City of Minneapolis all powers conferred by Minnesota Statutes, Sections 462C.01 to 462C.08 with respect to single-family housing, as defined in Minnesota Statutes, Section 462C.02, Subdivision 4, including, but not limited to, the power to issue and sell single family housing mortgage revenue bonds in an aggregate amount not to exceed three hundred million dollars ($300,000,000.00).

(b) The HRA shall, upon request of the city council, make periodic status reports to the city council regarding housing programs and bond issues carried out pursuant to the authorization contained in subsection (a) hereof.

247.50. Administrative costs. The agency will make every effort to ensure that the revenues generated from the programs are sufficient to retire the revenue bonds or obligations issued by the agency or the city to finance the programs and to provide for the administrative costs of the programs.

247.60. Rules and regulations. The city council shall, by ordinance, promulgate regulations for the programs. The city council shall not amend the regulations in effect at the time any bonds or obligations authorized by the act are issued to the detriment of the holder of such bonds or obligations.

247.70--247.90. Reserved.

ARTICLE II. HOUSING OWNERSHIP PROGRAMS REGULATIONS

247.100. Definitions. The following terms when used in this article shall have the following meanings, respectively:

(a) *Adjusted annual income* shall mean the gross annual income from all sources and before taxes or withholding of any member of the primary income recipient's family residing with the primary income recipient after deducting the following:

(1) The income of any resident (except the primary income recipient) who is under eighteen (18) years of age or is a full-time student, and who is related by blood, adoption or marriage to a resident income recipient or his/her spouse;

(2) Nonrecurring income as determined by the program director;

(3) An amount equal to seven hundred fifty dollars ($750.00) for each resident of the housing unit who is eighteen (18) years of age or over (maximum of two (2)), and five hundred dollars ($500.00) for each additional dependent of the primary income recipient.

(b) *Gross annual income* shall mean on an annual basis, salary, commissions, bonuses, interest, dividends, tips, gains on sales of securities, annuities, pensions, farm rental, partnership, estate or trust income, and miscellaneous income.

(c) *Housing ownership programs* shall mean the housing financing programs authorized by the act and administered in accordance with this article.

(d) *Housing unit* shall mean a private detached owner-occupied dwelling for one, two (2), three (3) or four (4) families, or a townhouse dwelling unit or dwelling unit under condominium ownership occupied or to be occupied by but one family alone.

(e) *Loan committee* shall mean a committee of three (3) persons consisting of the program director, the executive director of the agency, and the controller of the agency.

(f) *Members* shall mean the board of commissioners of the agency.

(g) *Mortgage insurer* shall mean the Federal Housing Administration, Veterans Administration, or any reputable private mortgage insurer authorized to engage in such business in the State of Minnesota.

(h) *Persons and families of low and moderate income* shall mean those persons and families whose adjusted annual income does not exceed one hundred ten (110) per cent of the median family income from time to time established by the United States Department of Housing and Urban Development for the Minneapolis-Saint Paul standard metropolitan statistical area.

(i) *Program director* shall mean the chief administrative officer of the housing ownership programs as designated by regulation of the agency.

(j) *Substantially rehabilitated* shall mean with regard to a housing unit the improvement thereof to a decent, safe and sanitary condition requiring more than routine or minor repairs or improvements and which may vary in degree from gutting and extensive reconstruction to cosmetic improvements coupled with cure of substantial accumulation of deferred maintenance.

247.110. Income limits. Housing units financed under the housing ownership programs shall be occupied primarily by persons and families of low and moderate income at the time the loan is made; provided, however, that to achieve economic integration, the agency may permit occupancy by persons and families who are not persons and families of low and moderate income.

247.120. Administration. The loan committee and the program director shall make recommendations to the members regarding the administration of the housing ownership programs and shall perform such other duties as may be directed by the agency in carrying out the housing ownership programs.

247.130. Forms and procedures. The agency shall prepare guides setting forth uniform procedures by which applications for loans under the housing ownership programs shall be submitted and processed and the contents thereof, and for determining eligibility of borrowers and for issuing commitments and other procedures necessary or desirable to assist the agency in carrying out the housing ownership programs. Such guides shall become effective upon the approving votes of the members. The program director may, in the program director's discretion and from time to time, prescribe and amend forms to be used by an applicant for applying for financing under the housing ownership programs.

247.140. Eligible applicants. Any individual, partnership, corporation or other business entity shall be eligible to make application for loans under the housing ownership programs in accordance with this article.

247.150. Authorization of mortgage loans. Under the housing ownership programs, no loan shall be made or purchased until the loan committee has reviewed the application relating to the loan and has approved such loan, and neither the purchase price nor the mortgage loan for a housing unit shall exceed three (3) times the income limitation established by section 247.100, clause (h) except that the agency may permit the purchase price and mortgage loan of a home purchased pursuant to a program intended to achieve economic integration to equal four (4) times the income limitation established by section 247.100 clause (h) or seventy-three thousand five hundred dollars ($73,500.00) in the cause of an owner-occupied two-family dwelling, or eighty-five thousand dollars ($85,000.00) in the case of an owner-occupied three-family dwelling, or one hundred thousand dollars ($100,000.00) in the case of an owner-occupied four-family dwelling.

247.160. Evidence of mortgage loans. The program director shall not permit any disbursement of an approved mortgage loan until such loan is evidenced by a fully executed note or other evidence of indebtedness, a mortgage and such other instrument as the program director may deem necessary or appropriate.

247.170. Residential mortgage loans. Residential mortgage loans shall be made to finance the acquisition of an existing, newly constructed or substantially rehabilitated housing unit and shall satisfy the following requirements:

(a) The borrower must be an individual fee owner-occupant of the housing unit.

(b) The borrower must be an acceptable credit risk with the ability to pay the loan obligation as determined by the loan committee under the guides established and approved pursuant to section 247.130 hereof.

(c) The property must be used for residential purposes. Mobile homes and trailers shall not be eligible for loans.

(d) Construction loans shall not be eligible.

(e) The housing unit to be purchased, constructed or substantially rehabilitated must not be in violation of applicable zoning ordinances or other applicable land use guides including any urban renewal plan or development district plan if located in such an area.

(f) At the time of application, financing must not be available from private lenders or other governmental programs upon terms and conditions which are affordable by the applicant. Other financing shall be deemed to be not affordable by the applicant if the applicant has been turned down on the basis of affordability by a lending institution for a mortgage loan in the same amount for which the applicant applies to the agency or, if private financing is available, only on terms such that payments of principal, interest, taxes, insurance and, in the case of a condominium unit, common expenses (as that term is defined in subdivision 8 of Section 515.02, Minnesota Statutes), on an annualized basis with respect to that

unit are greater than one-fifth of the adjusted annual income of the eligible borrower.

For purposes of this subsection, interest is assumed to be at the rate and for a term then available in the conventional mortgage market as determined by the agency from time to time.

(g) A residential mortgage loan shall be insured by a mortgage insurer or shall have a loan-to-value ratio, as determined by the agency, less than eighty (80) per cent.

(h) A residential mortgage for a substantially rehabilitated housing unit shall be made only when the loan committee determines that a minimum of twenty-five (25) per cent of the amount of the residential mortgage loan is attributable to improvements made or to be made; provided, however, that a residential mortgage loan may not be made for a substantially rehabilitated housing unit for which improvements have been completed at the time of application therefor, unless the improvements were completed within one year next preceding the date of application.

247.180. Housing ownership programs goals. The agency will submit from time to time to the city council a statement of goals for the housing ownership programs and at least once quarterly will submit to the city council a report as to the progress toward such goals.

247.190. Reserved.

ARTICLE III. HOUSING DEVELOPMENT REGULATIONS

247.200. Definitions. The following terms when used in this article shall have the following meanings, respectively:

(a) *Adjusted annual income* shall mean the gross annual income from all sources and before taxes or withholding of all residents of a housing development unit after deducting the following:

(1) The income of any resident (except the primary income recipient) who is under eighteen (18) years of age or a full-time student and who is related by blood, adoption or marriage to a resident income recipient or his/her spouse;

(2) Nonrecurring income as determined by the program director and sums received for foster child care;

(3) Extraordinary medical or other expenses as the program director approves for exclusion;

(4) Income of each additional income recipient eighteen (18) years of age or older, other than the primary income recipient, but not exceeding the amount of seven hundred fifty dollars ($750.00);

(5) An amount equal to seven hundred fifty dollars ($750.00) for each resident of the housing development unit who is eighteen (18) years of age or over (maximum of two (2) persons) and five hundred dollars ($500.00) for each additional resident;

(6) An amount up to seven hundred fifty dollars ($750.00) for child care expenses that are eligible for deduction under United States Internal Revenue Service Tax Regulations, but not exceeding the amount of seven hundred fifty dollars ($750.00).

(b) *Cooperative housing corporation* shall mean those corporations that qualify as cooperative housing corporations pursuant to Section 216 of the Internal Revenue Code of 1954, as amended.

(c) *Development area project* shall mean a housing development available for occupancy by persons and families without regard to adjusted annual income and located in a redevelopment project area or tax increment project area established pursuant to Minnesota Statutes, Chapter 462; a city development district established pursuant to Minnesota Statutes, Chapter 472A; a neighborhood strategy area or neighborhood emphasis area approved by the city council for concentrated use of community development block grant funds pursuant to the Housing and Community Development Act of 1974; or a housing development which is substantially rehabilitated without regard to location.

(d) *Eligible borrower* shall mean a nonprofit entity, a limited dividend entity or a cooperative housing corporation engaged in developing or operating a housing development, except that "eligible borrower" shall mean any individual, partnership, corporation or other business entity engaged in developing or operating a housing development if:

(1) The housing development is a development area project located in a redevelopment project area, or in a tax increment project area or in a city development district, or is a housing development which is substantially rehabilitated without regard to location.

(2) The mortgage loan is to be insured by the Federal Housing Administration.

For purposes of subdivision (3), section 247.230(f) of this article, an "eligible borrower" shall mean an individual who purchases a unit in a housing development under condominium or cooperative ownership for occupancy by that individual or that individual's family.

(e) *Gross annual income* shall mean, on an annual basis, salary, commissions, bonuses, interest, dividends, tips, gains on sales of securities, annuities, pensions, farm rental, partnership, estate or trust income, and miscellaneous income.

(f) *Housing development* shall mean a project consisting of four (4) or more dwelling units, each of which is available for occupancy by but one family alone, whether as a rental unit or under condominium or cooperative ownership.

(g) *Housing development program* shall mean the housing financing program authorized by the act and administered in accordance with this article.

(h) *Housing development unit* shall mean a dwelling unit in a housing development.

(i) *Limited dividend entity* shall mean an individual, partnership, joint venture or corporation that:

(1) By its organizational documents or by agreements or otherwise complies with limitations established by the agency or by any other governmental agency on the rate of return that such individual, partnership, joint venture or corporation may realize on investments in a housing development; and

(2) In the case of a corporation, is in compliance with all provisions of Minnesota Statutes, Chapter 301 or Chapter 303, whichever is applicable.

(j) *Low and moderate income project* shall mean a housing development intended primarily for occupancy by persons and families of low and moderate income at the time the mortgage loan is made, provided that in order to encourage economic integration, the city council of the city may permit occupancy of up to twenty-five (25) per cent of the housing development units in a low and moderate income project by persons and families who are not persons and families of low and moderate income.

(k) *Members* shall mean the board of commissioners of the agency.

(l) *Mortgage loan* shall mean a loan purchased or made to an eligible borrower out of proceeds of revenue bonds or obligations issued pursuant to the act, or out of any other available funds, for the purpose of providing construction financing, long-term financing, or both, for a housing development.

(m) *Nonprofit entity* shall mean those partnerships, joint ventures, corporations and associations that:

(1) Are established for a purpose not involving pecuniary gain to the members, partners or shareholders thereof;

(2) Pay no dividends or other pecuniary remuneration, directly or indirectly, to the members, partners or shareholders thereof; and

(3) In the case of private, nonprofit corporations, are established under and pursuant to Minnesota Statutes, Chapter 317, and are in compliance with all the provisions thereof.

In no event shall a limited dividend entity be deemed a nonprofit entity.

(n) *Persons and families of low and moderate income* shall mean those persons and families whose adjusted annual income does not exceed the greater of twenty-four thousand dollars ($24,000.00) or six hundred fifty (650) per cent of the annual gross rental for the housing development unit to be occupied; provided that the monthly gross rentals for all housing development units to be occupied by persons and families of low and moderate income shall not exceed one hundred twenty (120) per cent of the monthly fair market rents for new construction in the Minneapolis-St. Paul Market Area, as determined and adjusted from time to time by the United States Department of Housing and Urban Development with respect to the Section 8 Housing Assistance Payments Program--New Construction.

(o) *Program director* shall mean the chief administrative officer of the housing development program, as designated by resolution of the agency.

(p) *Project* shall mean a development area project or a low and moderate income project.

(q) *Substantially rehabilitated* shall mean with regard to a housing development the improvement thereof to a decent, safe and sanitary condition, or to improve the energy efficiency thereof, requiring more than routine or minor repairs or improvements, which may vary in degree from gutting and extensive reconstruction to cosmetic improvements coupled with cure of substantial accumulation of deferred maintenance.

247.210. Administration. The program director shall make recommendations to the members regarding the administration of the housing development program and shall perform such other duties as may be directed by the agency in carrying out the housing development program.

247.220. Forms and procedures. The city shall prepare guides setting forth uniform procedures by which applications for mortgage loans shall be submitted and processed and the contents thereof, eligibility of borrowers [shall be] determined and commitments issued and other procedures necessary or desirable to assist in carrying on the housing development program.

247.230. Applications for mortgage loans. Any individual, partnership, corporation or other business entity may apply for a mortgage loan to be made to an eligible borrower under the housing development program in accordance with this article. In the application for a mortgage loan, the applicant shall represent that each of the following conditions exist with respect to the mortgage loan which is the subject of the application:

(a) Not less than ninety (90) per cent of the mortgage loan will be used to provide residential real property for family units and other property functionally related and subordinate thereto.

(b) The housing development is not in violation of applicable zoning ordinances or other applicable land use guides including any urban renewal plan or development district plan if located in such an area.

(c) Revenues to be produced by the housing development will be sufficient to meet payments when due on the mortgage loan.

(d) If the eligible borrower is a limited dividend entity, the rate of return on the investment in the proposed housing development is reasonable in light of then existing conditions in the housing industry and financial markets and rate of return then prescribed by other governmental agencies.

(e) If the mortgage loan is for a substantially rehabilitated housing development, at least twenty-five (25) per cent of the amount of the mortgage loan is attributable to improvements to be constructed or which were completed within one year preceding the date of the application.

(f) As of the date of the application, financing is not available from private lenders upon terms and conditions which are affordable by the eligible borrower. Other financing shall be deemed to be not affordable by the eligible borrower if:

~~(1) As to any housing development not under condominium or cooperative ownership, it is reasonably projected by the applicant that annual gross effective rental income from the housing development after completion of construction, based upon a reasonable occupancy factor, plus other income incidental to the housing development, will be less than operating expenses calculated on an annualized basis, reasonably required reserves, debt service requirements and, in the case of an eligible borrower other than a nonprofit entity, a reasonable rate of return;~~

~~(2) As to any housing development proposed to be under condominium or cooperative ownership, other financing is available only at a rate which would, when combined with the cost of acquisition, construction or substantial rehabilitation and other costs incidental to the construction or substantial rehabilitation of the housing development as well as noneconomic factors, impair marketability of the units; and~~

~~(3) As to any unit in a housing development under condominium or cooperative ownership, other financing is available only on terms such that payments of principal, interest, taxes, insurance and common expenses (as that term is defined in subsection 8 of Section 515.02, Minnesota Statutes) on an annualized basis with respect to that unit are greater than one-fifth (1/5) of the adjusted annual income of the eligible borrower.~~

~~For purposes of this subsection, interest is assumed to be at the rate and for a term then available in the conventional mortgage market as determined by the agency from time to time.~~

~~**247.240. Evidence of mortgage loans.** Each mortgage loan shall be evidenced by a fully executed note or other evidence of indebtedness, a mortgage and such other instruments as the city or the agency may deem necessary or appropriate.~~

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-164 amending Title 12, Chapter 248 of the Minneapolis Code of Ordinances relating to Housing: Truth In Sale of Housing, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-164
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 12, Chapter 248 of the Minneapolis Code of Ordinances relating to Housing Code: Truth in Sale of Housing.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 248.20 of the above-entitled ordinance be amended to read as follows:

248.20. Required acts. (a) Any owner or representative of the owner who makes available for sale any single- or two-family dwelling, townhouse, first time condominium conversion that is not condemned requiring a code compliance, by implementing any of the following actions including, but not limited to, advertising the sale of the dwelling, entering into a listing agreement to sell the dwelling or posting a sign that the dwelling is for sale, shall, within three (3) calendar days of any such action, have an evaluation by a licensed evaluator.

(1) A disclosure report shall be prepared only by persons licensed as truth-in sale of housing evaluators under section 248.200.

(b) Any owner or representative of the owner who makes available for sale any single- or two-family dwelling, townhouse, first time condominium conversion that is condemned requiring a code compliance, by implementing any of the following actions, including, but not limited to, advertising the sale of the dwelling, entering into a listing agreement to sell the dwelling or posting a sign that the dwelling is for sale, shall, within three (3) calendar days of any such action, have a valid certificate of code compliance as set forth in section 89.15 of this Code or a copy of the orders issued as a result of a code compliance inspection.

(1) A code compliance certificate or orders of code compliance shall be prepared as directed by the City of Minneapolis ~~inspections division~~ building official.

(c) All required repair/replace items identified on a truth-in-sale of housing disclosure report must be completed by the buyer within ninety (90) days after the date of closing. The city does not assume any responsibility or liability if the buyer's funds are not sufficient to cover the costs of all required work. If the property is not sold, this section does not require the seller to complete the repairs. If the certificate of approval is not presented at closing, the buyer must sign the acknowledgement of responsibility agreement.

Section 2. That Section 248.70 of the above-entitled ordinance be amended to read as follows:

248.70. Disclosure report. The city shall prepare or authorize the use of such form or forms as it may deem appropriate to constitute a disclosure under section 248.20 and this section.

(1) The disclosure report shall provide information concerning minimum code requirements applicable to existing single- and two-family dwellings, townhouses, first time condominium conversion units which, when not complied with, constitute:

a. A major structural defect.

b. An immediate danger to the health and safety of the occupant.

c. A violation of the minimum housing code.

(2) The information shall indicate, with appropriate comments, whether the condition at the time and date of the evaluation:

a. Meets minimum city requirements.

b. Is below minimum city requirements.

c. Is a suggested correction; repair/replace is recommended but not required.

d. Is a required repair/replace item as specified in section 248.80.

e. Is not applicable/does not apply.

(3) It shall be assumed that any concealed facilities and installations that are not viewed are adequate, based on the functional operations of the facilities and installations and the condition of the equipment that is viewed.

(4) Nothing in the disclosure report shall indicate, or shall be deemed to indicate, that such dwelling meets all minimum housing and building standards. No warranty is expressed or implied.

(5) The disclosure report shall also indicate:

a. Whether or not there are housing orders pending regarding the property issued by the ~~inspections division~~ department of regulatory services, City of Minneapolis.

b. Whether the property is condemned or not.

c. The dwelling's current zoning status.

d. A discrepancy with city records regarding number of units.

e. Whether the property is conforming or nonconforming.

(6) The disclosure report shall include certification that a professional opinion prepared by a professional architect or engineer, licensed in this state, describing the following was available to prospective purchasers in first time condominium conversions:

a. Present condition of all structural components, including the age and condition of the roofing system.

b. Present condition of all common mechanical, electrical, heating, water, gas, plumbing, and fire safety installations located in the building, including systems located in and/or servicing the common areas of first time condominium conversions.

c. A statement regarding the expected useful life of each installation, system, or structure, or facility noted above.

Section 3. That Section 248.110 of the above-entitled ordinance be amended to read as follows:

248.110. Issuance of certificate of approval. (a) If after the evaluation the dwelling is found to be in compliance with the requirements of this chapter, or after all required repairs/replacements are completed and approved, a certificate of approval shall be issued to the owner or owner's representative.

(1) The certificate shall state the address of the property evaluated, the owner or owner's representative, and the owner or owner's representative address, report number, and issue date, that the structure has been inspected and is in compliance with the requirements of this section. The report shall be signed by the ~~director of inspections, or the director's designee~~ building official or building official's designee.

(b) If the city finds that circumstances following the issuance of a certificate of approval involve new violations of repair/replace items a new inspection may be required in order to satisfy the requirements of section 248.80

(c) The certificate of approval shall be valid only with the original truth-in-sale of housing evaluation.

Section 4. That Section 248.120 of the above-entitled ordinance be amended to read as follows:

248.120. Appeals board, appointment, terms. (a) Appeals board shall be established with members appointed by the city council, and shall consist of ten (10) members. The membership shall include the director of ~~inspections~~ regulatory services, or the director's designee, the ~~executive~~ director of the community planning and development agency (CPED), or the executive director's designee, an attorney representing the city attorney's office, and a public representative from each of the following: the financial community, the real estate business, a person experienced in construction, one (1) member each from the Minnesota Society of Housing Inspectors (MSHI) and the American Society of Home Inspectors (ASHI), and two (2) from the general public.

(b) The director of ~~inspections~~ regulatory services, or the director's designee, the ~~executive~~ director of the community planning and development agency (CPED), or the executive director's designee, and an attorney representing the city attorney's office shall serve in a nonvoting capacity.

(c) Each appointment shall be for a period of two (2) years and shall continue until a replacement has been duly appointed and qualified.

(d) Each public member shall be compensated fifty dollars ($50.00) per meeting attended, not to exceed six hundred dollars ($600.00) per year.

(e) Public members of the board must reside in the city.

Section 5. That Section 248.140 of the above-entitled ordinance be amended to read as follows:

248.140. Duties of the board. (a) The appeals board shall elect a chair who shall preside over meetings of the board and a vice-chair who shall preside in the absence of the chair.

(b) The director of ~~inspections~~ regulatory services, or the director's designee, shall act as secretary to the board and shall have the duty to keep all records.

(c) The following shall be the duties of the board:

(1) Adopt rules and procedures for appeals.

(2) Make available copies of such rules and procedures

.

(3) Hear and act upon all appeals. The board may modify, sustain, or quash all or any portion of any order, interpretation, requirement, decision, or other determination made by the director of ~~inspections~~ regulatory services, or the director's designee. The board may not grant exceptions to the code or act on other unrelated appeals.

(d) The secretary shall keep minutes of the board meetings including a record of votes, findings, and decisions, official actions, and appeals.

Section 6. That Section 248.150 of the above-entitled ordinance be amended to read as follows:

248.150. Right to appeal, procedures. (a) Any applicant or evaluator aggrieved by any administrative decision of the ~~director of~~ ~~inspections~~ building official, or the ~~director's~~ building official's designee, in accepting or rejecting any application for examination; in any determination of whether the person is qualified; in any issue related to the testing process; in accepting or rejecting educational credits; or to deny, revoke, suspend or not renew an evaluator's license may make an appeal to the board.

(b) Any owner of property or other person directly and personally affected by any required repair/replace order may, either personally or through their representative, make an appeal to the board.

(c) Any appeal must be by written notice filed with the ~~inspections division~~ building official within thirty (30) days of the decision.

(1) The payment of a fee in the amount of one hundred dollars ($100.00) will accompany the submission of the appeal from owners or their representative to cover administration and handling costs. Evaluators and design professionals appealing a disciplinary action by the city are exempt from this fee.

(d)The board shall hear the appeal and render its decision within forty-five (45) days of the filing of the notice of appeal.

(1) Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the appellant by mail, addressed to the appellant at the appellant's address shown on the appeal.

Section 7. That Section 248.160 of the above-entitled ordinance be amended to read as follows:

248.160. Hearings and decisions. (a) All meetings before the board shall be public and shall be posted.

(b) A record shall be kept of the proceedings.

(c) The board may, at its option, make specific findings and/or conclusions in connection with any decision upon any appeal.

(d) All decisions by the board shall become final when notice is communicated to the appellant or representative in writing and shall become effective and enforceable at such time or at such alternative time as specified therein.

(e) Decision of the appeals board, with respect to these duties shall be final, subject to appeal to the Minneapolis City Council. Any board decision or order to an evaluator or owner or their representative filing the appeal, shall include a written statement notifying them of the right to appeal that order or decision to the city council.

(f) Any applicant, evaluator, owner or their representative aggrieved by a decision of the board may appeal such decision to the city council by filing a written request with the city clerk within fifteen (15) days of receipt of the board's decision.

(1) If an appeal is filed, the city clerk shall, within two (2) weeks, fix a date for a public hearing.

(2) The city clerk shall mail a notice of the date, time, place and subject of the hearing to the person requesting the appeal and to the board and to the ~~director of inspections~~ building official, or the ~~director's~~ building official's designee.

(g) All such appeals shall be on the record and shall be heard by the ~~Public Safety and Regulatory Services~~ Regulatory, Energy and Environment Committee. The ~~Public Safety and Regulatory Services~~ Regulatory, Energy and Environment Committee shall then make a recommendation to the city council.

(1) At the time of the ~~Public Safety and Regulatory Services~~ Regulatory, Energy and Environment Committee public hearing, the committee shall hear from the person requesting the appeal, any board member or their designee, and any other party who wishes to be heard regarding the appeal.

(h) The ~~Public Safety and Regulatory Services~~ Regulatory, Energy and Environment Committee may reverse, confirm, or modify the board's order or decision and shall then make a recommendation to the city council.

(i) The city clerk shall mail a copy of the city council's decision of the appeal to the person making the appeal, the board chair, and the ~~director of inspections~~ building official, or the ~~director's~~ building official's designee.

Section 8. That Section 248.170 of the above-entitled ordinance be amended to read as follows:

248.170. Denial, revocation, suspension or cancellation of license. (a) Any evaluator's license issued or proposed to be issued under this chapter may be denied, revoked, suspended, cancelled or not renewed by an administrative decision by the ~~director of inspections~~ building official, or the ~~director's~~ building official's designee, if the applicant or evaluator:

(1) Is convicted of any crime related to the licensed occupation, pursuant to Minnesota Statutes, Section 364.03, Subd. 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of the licensed occupation, pursuant to Minnesota Statutes, Section 364.03, Subd. 3.

(2) In the application process for issuance or renewal of a license knowingly falsifies, conceals, misrepresents or misstates any material fact or matter bearing upon the holder's eligibility or competency.

(3) Obtains, attempts to obtain, or assists another in obtaining or attempting to obtain an evaluator's license through fraudulent or other improper means.

(4) Fails to provide satisfactory proof of insurance insuring the applicant/evaluator and the city or allows such insurance to laps.

(5) Fails to pay the required fees.

(6) Fails to promptly file any disclosure report.

(7) Has been the subject of substantiated complaints from residents using the applicant's evaluations services.

(8) Has demonstrated incompetency or inefficiency in conducting evaluations.

(9) Violates any of the provisions of this chapter or any conditions provided for in the license issued pursuant to this chapter.

(10) For just cause.

(b) If the ~~director of inspections~~ building official, or the ~~director's~~ building official's designee, determines that a truth-in-sale of housing evaluator's license should be denied, suspended, revoked, canceled or not renewed under this section, the ~~director of inspections~~ building official, or the ~~director's~~ building official's designee, shall send the applicant or evaluator a notice of denial, suspension, revocation, cancellation or nonrenewal.

(1) The notice shall state the proposed action to be taken and a summary statement of the reason or reasons that such action is recommended.

(2)The notice shall state that the proposed action will become final unless the applicant or evaluator files an appeal pursuant to sections 248.160 and 248.170.

Section 9. That Section 248.180 of the above-entitled ordinance be amended to read as follows:

248.180. Application fees, requirements and examination. (a) Each person desiring an evaluator license shall file with the city at least ten (10) business days prior to the date of examination, an application to take the required examination and shall pay the nonrefundable sum of one hundred dollars ($100.00) as an application fee.

(b) Each application shall contain the following information: name, address, place of current employment, time and place of schools attended and studies completed, together with a chronological record of the candidate's previous employment, with complete information regarding duties and type of work performed.

(c) The ~~inspections division~~ building official shall set standards regarding requirements to be met before applicants may take the examination. These requirements shall be given to each applicant upon request.

(1) Applicants not meeting these requirements will have their application and fee returned.

(d) The ~~inspections division~~ building official shall determine when and how often the examination shall be offered.

(e) The applications are public data under the Minnesota Data Practices Act and available to any person upon request.

Section 10. That Section 248.220 of the above-entitled ordinance be amended to read as follows:

248.220. Report filing and filing fees. (a) Each evaluator shall submit to the city, a true legible copy of each disclosure report within five (5) business days after the evaluation has been made. The copy shall be of the final report as furnished to the seller. The report shall be filed in a medium and format as approved by the ~~director of inspections~~ building official. A filing fee of twenty-five dollars ($25.00) made payable to the Minneapolis Finance Department shall be required with each disclosure report submitted to the city.

(1) Information page(s) required by the city to be attached to the report do not have to be filed with the report as long as the evaluator signs the statement that these pages have been attached and given to the owner or representative of the owner.

(b) When the disclosure report is not filed or the required filing fee is not paid within the five (5) business day time limit set forth in this section, a late fee of fifty dollars ($50.00) shall be due along with the filing fee.

(c) Failure to comply with the provisions of the timely filing of reports or to pay the required filing fees is just cause to suspend, cancel, revoke or fail to renew the license of a truth-in-sale of housing evaluator.

Section 11. That Section 248.225 of the above-entitled ordinance be amended to read as follows:

248.225. Acknowledgement of responsibility. (a) The buyer, buyer's agent, and closer shall be jointly responsible for filing a completed acknowledgement of responsibility form with the ~~inspections division~~ building official within one (1) business day after closing.

(b) The acknowledgement of responsibility form shall be available from the ~~inspections division~~ building official. The form shall require information deemed appropriate by the ~~director of inspections~~ building official, including:

(1) A statement that the buyer is required to complete all repair/replace items on the disclosure report within ninety (90) days after closing.

(2) The date(s) of sale and closing.

(3) The address of the property.

(4) The name(s), residential address(es) and signature(s) of all buyers.

(5) The name(s) and address(es) of any representative of a buyer, including real estate agents.

(6) The name(s) and address(es) of all seller(s).

(7) The name(s) and address(es) of any representative of a seller, including real estate agents.

(8) The name(s) and address(es) of the closer(s).

(9) The form shall be accompanied by a copy of the disclosure report.

(c) An acknowledgement of responsibility form need not be filed if a certificate of approval has been issued to the seller pursuant to section 248.110 prior to closing.

(d) Failure to comply with this section shall constitute a violation by the buyer, buyer's agent and the closer

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-165 amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to Housing: Vacant Dwelling or Building, Nuisance Condition, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-165
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to Housing Code: Vacant Dwelling or Building, Nuisance Condition.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 249.25 of the above-entitled ordinance be amended to read as follows:

249.25. Securing vacant buildings. (a) In general, if any building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured and the building could be made safe by securing the building, the director of ~~inspections~~ regulatory services may order the building secured and shall cause notice of the order to be served upon the owner of the premises. Such notice may be served personally or by mail. Service by mail is complete upon mailing a copy of the order to the owner at the last known address. If the owner fails to comply with the order within six (6) days after the order is served, the director of ~~inspections~~ regulatory services shall cause the building to be boarded up or otherwise properly secured. Whenever a building is boarded up pursuant to the authority of this chapter, the director of ~~inspections~~ regulatory services may cause all openings to the building to be boarded and secured.

(b) *Emergency.* When it is determined by the director of ~~inspections~~ regulatory services or the chief of police, or the fire chief that an emergency exists with respect to the health or safety of persons in the community, and immediate boarding and securing of a building is required, and where danger will exist to children, transients or others in the absence of an immediate boarding or securing of the building, the director of ~~inspections~~ regulatory services or the chief of police, or the fire chief may waive all requirements herein and immediately board or otherwise secure the building, provided that:

(1) The conditions showing the existence of an exigency are documented in writing by the director of ~~inspections~~ regulatory services or the chief of police or the fire chief or their designees.

(2) Notice be mailed immediately by the department invoking this section to the address of the owner and taxpayer, and, if recorded on the assessors rolls, the address of the mortgage holder, of the date of boarding or otherwise securing and the reasons therefor.

(c) After a vacant or unoccupied building has been boarded or otherwise secured under this section, should the owner fail to maintain the building in a secured condition until such time as it has been repaired and reoccupied, the director of ~~inspections~~ regulatory services shall resecure any openings into the building whenever it again becomes open to trespass, without further notice to the owner. An administrative fee of one hundred dollars ($100.00) and all other

costs incurred by the city for boarding or otherwise securing a building under this chapter, including, but not limited to the actual costs for boarding, inspecting, posting and monitoring the building, shall be assessed as provided in section 227.100. "Owner," for the purposes of this section, shall mean the person who is listed as the contact person on the current rental licensing application on file with the city, if any; or, if none, the person listed as owner by the city assessor on the homestead record; or, if none, the taxpayer as shown by the records of the city assessor. "Owner" shall not include a community development agency organized pursuant to the Laws of Minnesota 1980 Chapter 595.

(d) After a vacant or unoccupied building has been boarded or otherwise secured under this section for a period of 60 days, the owner of the building shall have the gas to the building turned off and the building winterized. If the owner fails to have the gas to the building turned off the director of ~~inspections~~ regulatory services may order the utilities company to shut off the gas to the building. The director of ~~inspections~~ regulatory services shall then require the building to be winterized to prevent the water pipes from freezing and damaging the building. The costs incurred by the city for winterizing the building shall be assessed as provided in section 227.100.

Section 2. That Section 249.30 of the above-entitled ordinance be amended to read as follows:

249.30. "Nuisance condition" defined; waiver of waiting period. (a) A building within the city shall be deemed a nuisance condition if:

(1) It is vacant and unoccupied for the purpose for which it was erected and for which purpose a certificate of occupancy may have been issued, and the building has remained substantially in such condition for a period of at least six (6) months; or

(2) The building is unfit for occupancy as it fails to meet the minimum standards set out by city ordinances before a certificate of code compliance could be granted, or is unfit for human habitation because it fails to meet the minimum standards set out in the Minneapolis housing maintenance code, or the doors, windows and other openings into the building are boarded up or otherwise secured by a means other than the conventional methods used in the original construction and design of the building, and the building has remained substantially in such condition for a period of at least sixty (60) days; or

(3) Evidence, including but not limited to neighborhood impact statements, clearly demonstrates that the values of neighborhood properties have diminished as a result of deterioration of the subject building; or

(4) Evidence, including but not limited to rehab assessments completed by CPED, clearly demonstrates that the cost of rehabilitation is not justified when compared to the after rehabilitation resale value of the building.

(b) When it is determined by the director of ~~inspections~~ regulatory services or the city fire marshal that a building constitutes an immediate hazard to the public health and safety, and after approval by the city council, the sixty-day waiting period set out in this section may be waived and the other procedures, as set out in this chapter, may be implemented immediately.

(c) Notwithstanding the foregoing provisions, accessory buildings such as garages, barns and other similar structures, not intended to be used for human habitation, shall be deemed to constitute a nuisance condition when such buildings are in violation of section 244.1560 of the housing maintenance code which regulates nondwelling structures or when such accessory buildings are structurally unsound in the opinion of the director of ~~inspections~~ regulatory services.

Section 3. That Section 249.40 of the above-entitled ordinance be amended to read as follows:

249.40. Abatement of nuisance condition. Buildings determined to be a nuisance condition may be rehabilitated or razed by order of the director of ~~inspections~~ regulatory services.

(1) Before any action is taken to abate a nuisance condition, except as provided in section 249.25 relating to securing vacant buildings, the director of ~~inspections~~ regulatory services shall examine the building to ascertain whether the nuisance condition should be ordered for rehabilitation or demolition. Among the criteria to be considered are the following:

a. The need for neighborhood housing;

b. The historic value of the building;

c. The impact on the neighborhood and the ability of the neighborhood to attract future residents;

d. The capacity of the neighborhood to use the property;

e. The zoning and comprehensive plan classifications for the property use;

f. The market potential for the property;

g. The estimated cost of rehabilitation;

h. The severity and the history of neglect;

i. The availability of funds for rehabilitation to the owner;

j. The structural condition of the building.

(2) If the director of ~~inspections~~ regulatory services determines that the building is a nuisance condition, the director of ~~inspections~~ regulatory services shall order the building to be demolished, or rehabilitated. The director may impose any and all conditions deemed appropriate to ensure compliance with the order.

(3) The ~~division of inspections~~ department of regulatory services shall give notice of the director's order to demolish or rehabilitate the building to the owner and other persons shown to have an interest in the building deemed to create a nuisance condition. Proper notice shall be sufficiently given when mailed by certified mail return receipt requested, postage prepaid, addressed to the owner to whom the

building is registered with the ~~division of inspections~~ department of regulatory services or, if not registered, to the owner or other persons shown to have an interest in the property as ascertained by the files and records of the register of deeds or registrar of titles in and for Hennepin County. Such notice shall also be given to such persons that the director of ~~inspections~~ regulatory services has actual knowledge of having an interest in the said property. In addition, such notice shall be served by three (3) weeks' published notice in any newspaper of general circulation in the City of Minneapolis as provided for in Minnesota Rules of Civil Procedure and by posting such notice at the street entrance to such building. The notice shall state:

a. That the director has determined that the building is a nuisance condition as defined by section 249.30 and that the building is to be demolished or rehabilitated. If the director is ordering that the building be rehabilitated, the notice shall state all of the conditions that are to be imposed.

b. The specific reasons the building has been determined to constitute a nuisance condition.

c. That unless the notice is appealed within twenty-one (21) days of the date the notice was mailed, in the manner provided in section 249.45, the ~~division of inspections~~ department of regulatory services will proceed to demolish the building or that the ~~division of inspections~~ department of regulatory services will impose the conditions of rehabilitation on the property.

d. The notice shall describe how an appeal may be filed under section 249.45

e. The notice shall state that the owner of the property will be responsible for the payment of all costs incurred by the city in razing or rehabilitating the building, as well as an administrative fee of fifteen (15) percent of the cost. The notice shall state that if the costs are unpaid, the costs and the administrative fee shall be levied and collected as a special assessment against the property as provided for under section 227.100

(4) If no appeal is received within twenty-one (21) days of the notice being mailed, the department of ~~inspections~~ regulatory services may proceed with the director's determination to demolish the building by razing the building, or may proceed with the director's determination to rehabilitate the building by imposing the conditions set forth in the notice.

(5) When the owner of a property, that has received a director's order to demolish or rehabilitate the property, intends to sell an interest in the property, the owner must disclosure to the purchaser that a director's order to demolish or rehabilitate the property has been previously issued.

Section 4. That Section 249.45 of the above-entitled ordinance be amended to read as follows:

249.45. Abatement of nuisance condition appeals. (a) There is hereby created a nuisance condition process review panel. The panel shall consist of the ~~director of operations, licenses and environmental services~~ building official, the fire marshal, the director of ~~housing~~

~~policy and development~~ community planning and economic development, and the city assessor or their designees. Three (3) members of the panel shall constitute a quorum. The panel shall make decisions by a majority vote. The director of ~~inspections'~~ regulatory services' order, as set forth in the notice, shall be upheld if the panel is deadlocked.

(b) The panel shall have authority to hear and decide all appeals from the director of inspections' order to demolish or rehabilitate a nuisance condition building. The panel shall uphold or overturn the director's determination that the building is a nuisance condition as defined by section 249.30 and shall uphold or overturn the director's determination that the building should be demolished or rehabilitated. If the director of ~~inspections~~ regulatory services imposes conditions on an order to rehabilitate the building, the panel shall have the authority to uphold, modify or overturn those conditions.

(c) Any person wishing to appeal a determination of the director of ~~inspections~~ regulatory services ordering demolition or rehabilitation shall file a written notice of appeal with the department of ~~inspections~~ regulatory services within twenty-one (21) days after receipt of the director's order. The notice shall contain a statement of the grounds for the appeal. The notice of appeal shall be accompanied by a fee of three hundred dollars ($300.00).

(d) The panel shall meet at the call of the chair to hear appeals. The panel shall notify the owner and any other person known to have an interest in the property in writing of the time and place of the hearing. In addition, notice of the hearing shall be sent to all property owners within three hundred fifty (350) feet of the subject property and to any neighborhood organization in which the property is located.

(e) Notice to the owners, or other parties with an interest in the property, shall inform the owner and parties of (1) the right to appear individually or through a representative or to submit a written statement, (2) the right to examine witnesses at the hearings and offer such evidence as may bear on the decision to demolish or rehabilitate the building, and (3) that the hearing will be recorded. Neighborhood organizations and owners of property within three hundred fifty (350) feet of the subject property shall be entitled to present joint or individual neighborhood impact statements to the panel. The neighborhood impact statements shall specifically address the items contained in section 249.40 (1) a., b., c. and d., and such other relevant material as may be offered.

(f) At the hearing, the panel shall hear all relevant evidence and argument. The panel may admit and give probative effect to evidence that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The panel shall record the hearing and keep a record of documentary evidence submitted.

(g) At the hearing, the ~~division of inspections~~ department of regulatory services shall present an oral summary of the background and reasons for its recommendation. A report, including any pertinent documents and photos shall be filed as part of the record. All parties having an interest in the property may review department documents, subject to restrictions in the Government Data Practices Act, prior to the hearing, and shall be permitted to present evidence in support of their position. Parties having an interest in the property shall have the right to question witnesses at the hearing.

(h) The panel shall render its decision in writing within thirty (30) days after the close of the hearing. The panel shall determine whether the building meets the definition of nuisance condition as set forth in section 249.30 and whether the director of ~~inspections'~~ regulatory

services' order to demolish or rehabilitate the building should be upheld or overturned and shall specify the factual and legal basis for the determination. The panel shall make it determination based upon the preponderance of the evidence.

(i) The panel shall mail a copy of its decision to the appellant.

(j) The panel shall refer its decision to the city council, which shall have the final authority to determine whether the building is a nuisance condition as set forth in section 249.30 and whether the building should be rehabilitated or razed. The panel's findings shall include the date and time of the hearing before the public safety and regulatory services committee. The ~~public safety and regulatory services committee~~ Regulatory, Energy and Environment Committee may hear arguments from the appellants and from the Department of Regulatory Services, but shall take no further evidence unless the committee determines that the new evidence is relevant, not duplicative, will aid the committee n making its determinations and has been submitted in a timely manner. The committee may, in lieu of hearing the new evidence, refer the matter back to the panel to hear the new evidence and develop the record. If the committee hears new evidence from the appellant or the Department it shall ensure that the adverse party has an opportunity to respond to and, if appropriate, rebut such evidence and may,as appropriate, continue the matter in order to do so.

Section 5. That Section 249.50 of the above-entitled ordinance be amended to read as follows:

249.50. Alternatives to demolition. (a) The city council may consider as an alternate to demolition:

(1) Ordering the owner of any nuisance condition to rehabilitate the building and specifying the time within which such rehabilitation shall occur. If rehabilitation is the alternative required by the city council, the owner shall present a plan for rehabilitation to the director of inspections that shall contain a commitment of funds to accomplish the plan. If the plan required herein is not received by the director of ~~inspections~~ regulatory services within the time ordered by the council, the city shall proceed to demolish the building.

(2) If the owner is, for any reason, unwilling or unable to immediately rehabilitate the building, the city may elect to rehabilitate and assess the cost thereof provided that the estimated cost may not exceed fifty (50) percent of the estimated after-rehabilitation market value of the property. Such costs shall be assessed against the property, in the manner provided for in section 249.60

(3) Notwithstanding the limitations of section 249.50(a)(2), and in order to make funds available for rehabilitation, the city may, to the extent neighborhood action plans of the neighborhood revitalization program allow, create a revolving fund for housing purposes to be used in the neighborhood for which the funds have been earmarked. The city may receive applications and consider, where appropriate, loans to owners for housing rehabilitation purposes.

(b) The city council shall order demolition or rehabilitation of the building. The city council shall make such order as it deems appropriate based upon the evidence and record of the appeal hearing. The city council may also impose any and all conditions it deems appropriate. These conditions may include the posting of a performance bond in an amount not

to exceed the estimated cost of rehabilitation. The ~~public safety and regulatory services committee~~ Regulatory, Energy and Environment Committee may postpone its decision and order the owner to update the committee at a future date on the progress of rehabilitation. The order shall be mailed to the last known address of the owner to whom the building is registered with the division of inspections or, if not registered, to persons shown to have an interest in the property as ascertained by the files and records of the registrar of deeds or registrar of titles in and for Hennepin County.

(c) The owner of the subject property shall comply with the city council's decision and order. If the owner fails to abide by the order, the director of ~~inspections~~ regulatory services shall immediately notify the city council which may then order immediate demolition or otherwise amend its order.

Section 6. That Section 249.60 of the above-entitled ordinance be amended to read as follows:

249.60. Collection of costs. The director of ~~inspections~~ regulatory services shall notify the owner of the cost incurred in razing or rehabilitating the building, under section 249.50, and the owner shall be responsible for the payment of the same, together with an administrative fee of fifteen (15) percent of the cost, within thirty (30) days of such notification. Upon default of payment after the said thirty (30) days, the cost of such razing or rehabilitating and the administrative fee shall be levied and collected as a special assessment against the property as provided for under section 227.100 of this Code, with interest at the rate of eight (8) per cent per annum on the unpaid balance thereof.

Section 7. That Section 249.65 of the above-entitled ordinance be amended to read as follows:

249.65. Revolving fund for abatement of buildings in a nuisance condition.
The department of ~~inspections~~ regulatory services shall maintain a revolving fund to be known as the nuisance building abatement fund (hereinafter referred to as "the fund"). The fund may be drawn upon to perform abatement of buildings within the city that have been deemed to be a nuisance condition pursuant to Chapter 249. All costs and fees incurred abating buildings that are a nuisance condition, including appropriate interest, shall be recovered from the property owner pursuant to section 249.60 and 227.100. The fund shall be credited with the collection of the costs and fees recovered. Disbursements from the fund shall not be subject to the provisions and requirements of the procurement process of the city.

Section 8. That Section 249.80 of the above-entitled ordinance be amended to read as follows:

249.80. Vacant building registration. (a) The owner of a building shall register the building with the director of ~~inspections~~ regulatory services within five (5) days after it becomes a vacant building. In this section, a "vacant building" is one that is:

(1) Condemned; or

(2) Unoccupied and unsecured for five (5) days or more; or

(3) Unoccupied and secured by means other than those normally used in the design of the building for thirty (30) days or more; or

(4) Unoccupied and has multiple housing maintenance, fire or building code violations existing for thirty (30) days or more; or

(5) Unoccupied for a period of time over three hundred sixty-five (365) days and during which time an order has been issued to correct a nuisance condition pursuant to section 227.90; or

(6) A vacant commercial or residential building or structure, which is unable to receive a certificate of occupancy due to expired permits, or demonstrated work stoppage of one hundred eighty (180) days or more as determined by the building official.

(b) The owner of a commercial building or structure designated as vacant pursuant to this section may appeal such designation within twenty-one (21) days after receipt of the designation or a billing statement therefore to the nuisance condition process review panel pursuant to the procedures established in section 249.45. The notice of designation or billing statement shall notify the building owner of such appeal rights.

(c) The registration shall be submitted on forms provided by the director of ~~inspections~~ regulatory services and shall include the following information supplied by the owner:

(1) A description of the premises;

(2) The names and addresses of the owner or owners;

(3) The names and addresses of all known lienholders and all other parties with an ownership interest in the building;

(4) The period of time the building is expected to remain vacant; and a plan and timetable for returning the building to appropriate occupancy or for demolition of the building.

(d) The owner shall submit a plan and timetable that must comply with the guidelines adopted by the director of ~~inspections~~ regulatory services. The guidelines are adopted for purposes of preventing nuisance conditions and maintaining compliance with this code. These guidelines shall be made available to building owners. The plan shall be submitted at the time of registration, or within a reasonable period of time thereafter to be determined by the director of ~~inspections~~ regulatory services.

(e) The owner shall comply with all applicable laws and codes. The owner shall notify the director of ~~inspections~~ regulatory services of any changes in information supplied as part of the vacant building registration within thirty (30) days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must meet the approval of the director of ~~inspections~~ regulatory services.

(f) The owner and the subsequent owners shall keep the building secured and safe and the building and grounds properly maintained until the rehabilitation or demolition has been completed.

(g) Failure of the owner or any subsequent owner to maintain the building and premises that result in abatement completed by the city shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by law.

(h) The new owner(s) shall register or re-register the vacant building with the director of ~~inspections~~ regulatory services within thirty (30) days of any transfer of an ownership interest in a vacant building. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the director of ~~inspections~~ regulatory services.

(i) The director of ~~inspections~~ regulatory services shall include in the file any property-specific written statements from community organizations, other interested parties or citizens regarding the history, problems, status or blighting influence of a vacant building.

(j) Vacant building fees:

(1) The owner of a vacant building shall pay an annual fee as established ~~in the director's fee schedule~~ pursuant to section 91.70. The fee is imposed to recover all costs incurred by the city for monitoring and regulating vacant buildings, including nuisance abatement, enforcement and administrative costs. This fee may be waived or suspended for the current year as a term or condition of a written restoration agreement or order issued pursuant to section 249.50. This fee may be waived for the current year and previous years if the property is acquired by the Community Planning and Economic Development (CPED) Department.

(2) The first annual fee shall be paid no later than five (5) days after the building becomes vacant. Subsequent annual fees shall be due on the anniversary date of initial vacancy. The fees shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.

(3) Unpaid fees shall be levied and collected as a special assessment against the property as provided for under section 227.100, with interest at the rate of eight (8) percent per annum on the unpaid balance thereof. Upon transfer of ownership, the new owner(s) shall be responsible for all unpaid and subsequent annual fees.

(k) A building owner shall provide access to all interior portions of an unoccupied building in order to permit a complete inspection for the purpose of enforcing and assuring compliance with the provisions of this chapter.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-166 amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: In General, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-166
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 259.10 of the above-entitled ordinance be amended to read as follows:

259.10. ~~Department~~ Division of licenses and consumer services ~~established~~ functions; ~~director~~ licensing official to issue all licenses and license permits. There ~~is hereby established a department of licenses and consumer services under the supervision of a director of licenses and consumer services~~ shall be a licensing official, designated by the director of community planning and economic development, who shall supervise the licensing and consumer services functions provided by this Code and who shall be the chief inspector, licenses, weights and measures, ~~which shall have~~ having all powers, duties and functions heretofore or hereafter authorized and directed by the city council by ordinance or otherwise ~~which are now vested, imposed upon or required of:~~

~~(1) The superintendent, licenses, weights and measures, the department of licenses, weights and measures or the division of licenses, weights and measures; and~~

~~(2) The city clerk insofar as such powers, duties and functions extend to licenses or license permits issued for any purpose whatever~~.

As used in this Code, the term “licensing official” shall include the licensing official and any of the licensing official’s authorized representatives, inspectors, agents or designees.

All licenses or license permits, whether a license fee is or is not required, shall be issued by and through the ~~director of licenses and consumer services~~ licensing official and shall be signed by the ~~director~~ licensing official or in the ~~director's~~ licensing official’s name by a duly authorized employee under the ~~director's~~ licensing official’s supervision and control and shall not be required to be signed by the mayor or any other city officer, provided that all licenses or license permits for any purpose authorized or required by state law to be issued by other city officers shall be signed by such other city officers but shall be issued and countersigned by the ~~director~~ licensing official. A consolidated license certificate shall be issued to every grantee upon which the annual license or licenses issued shall be noted and the official seal attached, except in those cases when decal is prescribed or the application is for a permit or an identification card. The term "license" in Titles 10, 11, 13 and 14 of this Code shall be construed to include both a "license" and a "license permit," where applicable.

Section 2. That Section 259.20 of the above-entitled ordinance be amended to read as follows:

259.20. License duration and application deadlines. (a) No license or license permit shall be issued for a longer period than one year.

(b) Unless otherwise provided in this Code, all licenses or license permits shall expire annually, with the date of the expiration of the licenses or license permits as specified in the ordinance specifically regulating the licensed activity. If no date is specified in such ordinance, a license or license permit shall expire on January first of each year.

(c) When a license or license permit has already been issued, the deadline for application for a subsequent year shall be 30 days prior to the expiration date of the existing license or license permit, unless: (1) another application deadline is specified in the ordinance specifically regulating the licensed activity; or (2) another application deadline is otherwise communicated in writing to the licensee by the licensing official ~~department of licenses and consumer services~~. If the application deadline is not met, there may be a delay in issuing or denying the subsequent license or license permit. A person shall not operate an establishment or conduct an activity that must be licensed after the license or license permit has expired and a new license or license permit has not been issued.

(d) When a license, if issued, would be issued for a period of less than or equal to the last three months of an annual license, the licensing official ~~director of licenses and consumer services~~ may, based on only one application, issue a license for the remainder of the annual licensing year and also issue a license for one consecutive annual licensing year.

Section 3. That Section 259.30 of the above-entitled ordinance be amended to read as follows:

259.30. Applications for licenses; issuance of licenses. (a) All applications for licenses and license permits shall be made to the licensing official ~~director of licenses and consumer services~~, and in all cases where the issuance of a license or license permit is required to be authorized and directed by the city council, the application for such license or license permit shall be forthwith presented by the licensing official ~~director~~ to the council for its consideration.

(b) ~~*Director*~~ *Staff approved licenses* means those licenses which can be approved and issued by the licensing official ~~director of licenses and consumer services~~, subject to the procedures required by these chapters. The following licenses can be approved and issued or denied by the licensing official ~~director~~, or the licensing official ~~director~~ may refer the application to the city council for approval or denial. The number following the license refers to the chapter section pertaining to each license.

TABLE INSET:

Antique Dealer--Class A and B	Chapter 321
Auction	Chapter 271
Bed and Breakfast	Chapter 297
Bowling Alley	Chapter 267
Bulk Gas and Oil Storage	Chapter 287

Car Wash	Chapter 265
Carnival	Chapter 267
Charitable Gambling	Chapter 268
Children's Rides	Chapter 267
Christmas Trees Dealer	Chapter 279
Circus	Chapter 267
Courtesy Bench	Chapter 283
Dance Hall	Chapter 267
Dancing School	Chapter 285
Dry Cleaner--Flammable, Non-Flammable, Pick-up Station, Dry Cleaning Plant Laundry	Chapter 301
Exhibition Exhibitor	Chapter 321
Exhibition Operator Class A, B, and C	Chapter 321
Farm Produce Permit	Chapter 265
Farm Produce Permit--Non Profit	Chapter 265
Fire Extinguisher Servicing--Class A and B	Chapter 289
Flower Cart Vendor	Chapter 331
Flower Cart Vendor, Midseason Transfer	Chapter 331
Food--Confectionary	Chapter 188
Food--Boarding House	Chapter 188
Food--Caterer	Chapter 188
Food--Distributor--Out of Town	Chapter 188
Food--Distributor	Chapter 188
Food--Drive In	Chapter 188
Food--Drive In Restricted	Chapter 188
Food--Indoor Food Cart Vendor	Chapter 188
Food--Institutional Food	Chapter 188
Food--Grocery	Chapter 188
Food--Grocery Specialty	Chapter 188
Food--Groceteria and Portable Store	Chapter 295
Food--Kiosk	Chapter 188
Food--Limited Mobile Food Vendor	Chapter 188
Food--Manufacturer	Chapter 188
Food--Market Distributor	Chapter 201
Food--Market Manufacturer	Chapter 201
Food--Meat Market	Chapter 190
Food--Mobile Food Vendor	Chapter 188
Food--Municipal Market	Chapter 202
Food--Public Market	Chapter 201
Food--Restaurant	Chapter 188
Food--Sidewalk Cart Food Vendor	Chapter 188
Food--Soft Drink Manufacturing and Storage	Chapter 198
Food--Soft Drink	Chapter 188
Food Shelf	Chapter 188
Food--Short Term Food Permit	Chapter 188
Food--Short Term Food Permit, Seasonal	Chapter 188
Food--Vending Machine	Chapter 188
Fuel Dealer--Cash and Carry Only	Chapter 291
Gas Fitter--Class A and B	Chapter 278
Gasoline Filling Station	Chapter 287

Going Out of Business Sale (Regular, Fire, Smoke, Disaster, City Acquired Property)	Chapter 293
Heating, Ventilation and Air Conditioning Installers, Class A and B	Chapter 278
Hoofed and/or Small Animal Service	Chapter 304
Horse and Carriage Livery Service	Chapter 303
Hospital	Chapter 296
Hotel--Motel	Chapter 297
Ice Peddler	Chapter 299
Ice Producer--Dealer, Wholesale	Chapter 299
Juke Box--Musical	Chapter 267
Laundry	Chapter 301
Liquid Waste Hauler	Chapter 225
Mechanical Amusement Device	Chapter 267
Mechanical Amusement Places	Chapter 267
Milk & Grocery Delivery	Chapter 200
Milk Distributor	Chapter 200
Milk Delivery Vehicle	Chapter 200
Mobile Food--Prepackaged Perishable Food	Chapter 188
Motor Vehicle Immobilization Service	Chapter 320
Motor Vehicle Dealer	Chapter 313
Motor Vehicle Repair Garage	Chapter 317
Motor Vehicle Servicing--Towing	Chapter 349
Oil Burner Installer	Chapter 278
Parking Lot (Commercial, Class A, B, and C)	Chapter 319
Pedicab	Chapter 305
Peddler	Chapter 323
Pet Shop and Mobile Pet Shop	Chapter 68
Plumber	Chapter 278
Refrigeration Systems Installer	Chapter 278
Rental Hall, Temporary	Chapter 266
Residential Specialty Contractor	Chapter 277
Secondhand Dealer	Chapter 321
Shooting Gallery	Chapter 267
Sign Hangers	Chapter 277
Solicitor--Charitable, Company, and Individual	Chapter 333
Solid Waste Hauler	Chapter 225
Steam and Hot Water Installer	Chapter 278
Street Photographer	Chapter 335
Sun Tanning Facility	Chapter 232
Swimming Pools--Public	Chapter 231
Tattoo, Sponsor for Temporary Event (Establishment)	Chapter 339
Taxi Service Company	Chapter 341
Taxicab--Driver	Chapter 341
Taxicab--Limited	Chapter 341
Taxicab--Vehicle	Chapter 341
Theater	Chapter 267
Tobacco Dealer	Chapter 281
Transient Merchant	Chapter 343
Tree Servicing	Chapter 347

Valet Parking	Chapter 307
Wholesale Sausage Manufacturer and/or Distributor	Chapter 190
Wrecker of Buildings--Class A and B	Chapter 277

(c) In the event that the licensing official ~~director of licenses and consumer services~~ denies the license application for a staff ~~director~~ approved license, the application for the license shall be presented by the licensing official ~~director~~ to the council for its consideration. The city council shall have the final authority to issue or deny a license which had been denied by the licensing official ~~director~~.

(d) The licensing official ~~director of licenses and consumer services~~ may designate license applications that require the submission of a business plan containing the information required in section 362.120(z) of this Code.

Section 4. That Section 259.40 of the above-entitled ordinance be amended to read as follows:

259.40. Register to be kept. The licensing official ~~director of licenses and consumer services~~ shall keep a register of each license, license permit and identification card issued, the name of the person to whom the same is issued, and the date when issued, the number and date of expiration of the same and the amount paid therefor, and such other data as may be required by the appropriate chapter of this Code.

Section 5. That Section 259.50 of the above-entitled ordinance be amended to read as follows:

259.50. Applications. (a) All licensees shall apply for their licenses on an application form provided by the licensing official ~~department of licenses and consumer services~~.

(b) The licensing official ~~department of licenses and consumer services~~ shall provide proper application forms for all licenses. These forms may contain questions relating to location, nature of business, building, sanitary and fire conditions, and any other questions that may be deemed necessary, or as required in the appropriate chapter of this Code. All such questions must be answered fully and truthfully by the applicant. Where similar information is required a single application may be used for more than one license.

Section 6. That Section 259.90 of the above-entitled ordinance be amended to read as follows:

259.90. Building investigation required. The building official ~~director of inspections~~ shall investigate and report to the city council as to whether or not all building regulations relative to the place in which the applicant is located, or intends to locate, have been complied with.

Section 7. That Section 259.100 of the above-entitled ordinance be amended to read as follows:

259.100. Fire prevention investigation required. (a) As used in this title, the term "fire marshal" has the meaning given to it pursuant to section 173.515.

(b) The fire marshal ~~bureau of fire prevention~~ shall investigate and report the facts to the city council as to whether the applicant has complied with all the ordinances and regulations governing the storage and sale of flammable merchandise, including the construction of the place or building in which such merchandise is stored or offered for sale.

Section 8. That Section 259.130 of the above-entitled ordinance be amended to read as follows:

259.130. License prohibited without required approvals. (a) No license shall be issued unless the application contains all the information required, together with the approval of the various departments charged with the duty of conducting the investigations and making the reports as above set forth, except as provided in section 259.132 relating to the issuance of a provisional license pending completion of site plan.

(b) *Incomplete applications.*

(1) Except for applications for a license under Title 14 of this Code, any application for a license that does not contain all requested and/or necessary information shall be deemed incomplete. An application remaining incomplete for ninety (90) ~~one hundred twenty (120)~~ days may be administratively denied by the licensing official ~~director of licenses~~. The licensing official ~~director~~ shall notify the applicant of any deficiencies at least thirty (30) days prior to administrative denial.

(2) If the application remains incomplete after being given thirty-day notice, the licensing official ~~director~~ shall send written notice that the license is denied. Applicants shall not be allowed to engage in any activities for which a license is required. Application fees shall not be refunded.

(3) An applicant may, prior to denial, send a written request to extend the application deadline. The licensing official ~~director~~ may extend the deadline for good cause. An applicant may appeal a license or extension denial to the city council within ten (10) days of notification of the denial.

Section 9. That Section 259.132 of the above-entitled ordinance be amended to read as follows:

259.132. Provisional license pending completion of site plan. (a) The city council may grant a provisional license to an applicant for an existing business operation that was previously licensed in the name of another person when the location of that business operation is not being changed, under the following circumstances:

(1) The application for the license contains all required information and department approvals except that the zoning administrator has determined that the property at which the applicant's business is located has not fulfilled the requirements of Chapter 530, Site Plan Review.

(2) No previous license, provisional license, or zoning approval issued by the city and held by the applicant has been revoked.

(3) No previous site plan approved by the city with respect to the subject property has been revoked.

(4) The subject property is in compliance with any interim deadlines and conditions established by a site plan approval that has been granted but for which the deadline for full implementation has not yet occurred.

(b) A provisional license shall be effective for four (4) months following the date of issuance, subject to the following exceptions and limitations.

(1) Upon notification by the zoning administrator that an application and application fee for site plan review for the subject property pursuant to Chapter 530 has not been submitted to the zoning office within twenty (20) days of issuance of the provisional license, the licensing official ~~director of licenses~~ shall immediately revoke the provisional license.

(2) The licensing official ~~director of licenses~~ may extend the effective date of the provisional license for up to two (2) months if the zoning administrator determines that such additional time is necessary for completion of the site plan approval process.

(c) The city council, or the licensing official ~~director of licenses and consumer services~~ for a staff ~~director~~ approved license, shall issue a license in place of the provisional license, to expire at the end of the license year applied for, upon notification by the licensing official ~~director of licenses and consumer services~~ or the zoning administrator that site plan approval has been granted for the subject property and a performance bond for the site plan improvements has been obtained, if such bond is required pursuant to Chapter 530.

(d) The licensing official ~~director of licenses and consumer services~~ shall revoke the provisional license upon its expiration date and notification by the zoning administrator the site plan approval has not been granted for the subject property or that a required performance bond for site plan improvements has not been obtained.

(e) Revocation of a provisional license by the licensing official ~~director of licenses and consumer services~~ may be appealed to the city council. The appeal must be filed within ten (10) calendar days of the date of the decision by the licensing official ~~director~~ to revoke the license.

Section 10. That Section 259.135 of the above-entitled ordinance be amended to read as follows:

259.135. License to be posted in conspicuous place. Where any provision of this Code requires a license to do business in the City of Minneapolis, such license shall be posted in a conspicuous place of said business. For the purposes of this section, "conspicuous place" shall mean display of the license on a wall of said business, clearly visible to customers if such licensed business is open to the public, or clearly visible to city investigators standing inside the doorway of the main office of any nonpublic licensed business. No other wall-hanging, certificate or article of any kind, unless otherwise provided in this section, shall be displayed within twelve (12) inches of the license required by this Code. When more than one (1) license or license permit is required by this Code, said license or license permits may be displayed in close proximity of each other. In the event that a licensee is operating an establishment subject to specific conditions or operational specific requirements imposed by the licensing authority or agreed to by the licensee, those conditions and requirements shall be clearly posted with or

alongside the license in a format approved by the licensing official ~~director of licenses and consumer services~~.

Section 11. That Section 259.150 of the above-entitled ordinance be amended to read as follows:

259.150. License tags. Where any provision of this Code purports to require a license tag of metal or any other particular material, the licensing official ~~director of licenses and consumer services,~~ may substitute some other suitable material for said license tag, card or badge. In other respects the provisions of this chapter are supplemental to the provisions of particular chapters dealing with particular licenses.

Section 12. That Section 259.160 of the above-entitled ordinance be amended to read as follows:

259.160. Certificate of insurance authorized. Wherever in any ordinance or provision of this Code licensing a trade, occupation or profession such ordinance requires the applicant to file with the licensing official ~~department of licenses and consumer services~~ an insurance policy, the applicant may file in lieu thereof a certificate of insurance, issued by an insurance company authorized to do business in the State of Minnesota, showing the existence in force of a policy or policies of insurance conforming to the requirements of the applicable licensing ordinance. Such certificate shall clearly set forth the name of the insurance carrier, the policy number, a description of the coverages, the limits of liability, period of coverage and any other requirements as set forth in each ordinance. There shall be attached to such certificate of insurance an endorsement which shall also be made part of the policy, and shall be in the form in each case made and provided by the licensing official ~~department of licenses and consumer services~~, and currently approved by the city attorney; and which endorsement shall describe and refer specifically to the insurance requirements of the applicable ordinance and shall state that the policy of insurance is intended to comply with such insurance requirements. The licensing official ~~department of licenses and consumer services~~ shall examine and shall accept or reject any such certificates in its discretion notwithstanding any other requirement for approval by the city attorney of the insurance policy.

Section 13. That Section 259.170 of the above-entitled ordinance be amended to read as follows:

259.170. Return of revoked licenses. Whenever any license issued for any purpose under this Code is revoked for any reason whatever, the licensee shall forthwith return such license to the licensing official ~~director of licenses and consumer services~~, and it shall be the duty of the license inspector, police officer or other person notifying such licensee or person operating under such revoked license immediately to remove or cause to be removed such license from the wall or other place where such license shall be posted or exhibited and return such license to the licensing official ~~director of licenses and consumer services~~.

Section 14. That Section 259.180 of the above-entitled ordinance be amended to read as follows:

259.180. Continuing bonds for licenses. (a) *Bonds for more than one year.* Wherever under the terms of this Code an applicant for a license is required to furnish to the city a surety bond, and where the licensee intends to carry on this business for more than one license year and to apply for a license annually, such licensee shall, at the time of obtaining the

license required, furnish a bond to cover the current annual license and any future annual licenses for such business.

(b) *Terms of bond.* The bond shall, in addition to other terms and conditions, contain the following:

"Provided, however, it is hereby expressly understood and agreed that nothing herein contained shall be deemed or construed to reduce the liability hereunder below the above stated penal sum for the said license period, and the like sum for each and every succeeding annual license period for which said principal shall be licensed, the same as if a new bond in the same sum were executed for each and every separate license period. It is further expressly understood and agreed that the liability of the surety hereon to any and all persons incurred in any one license period shall not exceed the above stated penal sum.

"It is further provided, that it is the intention of the parties that this bond is to be a continuing bond furnished as required for the issuance of the license for the current year and for each succeeding year. This bond may be cancelled at any time upon giving the said principal and the licensing official ~~department of licenses and consumer services~~ of the City of Minneapolis thirty (30) days' written notice, said notice to be served by registered mail, whereupon, except as to any liabilities or indebtedness incurred, or accrued, prior to the termination of this said thirty (30) days' notice, the liability of the surety under this bond shall cease."

(c) *Exception.* This section shall not apply to any bonds required for "off sale" liquor licenses.

Section 15. That Section 259.200 of the above-entitled ordinance be amended to read as follows:

259.200. Name and address must be filed. Every person, firm, partnership or corporation conducting any trade, business, profession or occupation or any multiple dwelling, wherein a license or license permit or registration is required, shall file with the licensing official ~~office of the director of licenses and consumer services~~ or the building official ~~director of inspections~~, or ~~other~~ appropriate department, a statement designating the name and address of the person authorized to receive citations, tags or notices from the city.

Section 16. That Section 259.230 of the above-entitled ordinance be amended to read as follows:

259.230. Surveillance cameras. (a) *Purpose.* The city council finds that small businesses, business with off-sale liquor licenses, tobacco dealers, food confectionary stores, grocery stores and gasoline filling stations ~~automobile related facilities which offer convenience food, gasoline and other services~~ can become targets of opportunity for theft and violent crimes. The purpose of this section, to be known as the Magnus amendment, is to protect the public health, safety and welfare by increasing security for patrons and employees of these businesses by the use of surveillance cameras. Surveillance cameras will assist in deterring crime in and adjacent to such businesses and can provide information to assist the police in investigating crimes that do occur.

(b) *Security requirements.* Every ~~automobile convenience store, convenience food store,~~ grocery store, tobacco dealer~~s~~, food confectionary store~~s~~ and off sale liquor establishment as

defined and/or regulated by Titles 10, 13, 14 and 20 of this Code ~~offering convenience food items~~ shall install a security camera system of a type, number and placement approved by the licensing official ~~director of licenses and consumer services~~ and/or Minneapolis Police Department.

(c) *Secured buildings.* ~~Convenience food store~~ Food confectionaries, tobacco dealers, off sale liquor stores, gasoline filling stations or grocery stores, as defined by Titles 10, 13, 14 and 20 of this Code that are situated within office, condominium, apartment or cooperative buildings shall be exempted from this section provided one of the following conditions exist:

(1) The building has a security system providing limited public access; or

(2) The building has a surveillance camera system meeting the requirements of this section and a written agreement exists providing that the property owner or operator shall provide surveillance materials to the license holder upon request ~~provides a concierge, doorman, or security guard at the main public entry during all hours of store operation~~.

(d) *Materials and maintenance requirements.* The licensing official ~~director of licenses~~ shall have the authority to formulate and make readily available reasonable rules to fully implement this ordinance.

(1) ~~*Type of cameras required*~~ *Digital recording method required.* The camera(s) must be capable of producing a retrievable image on ~~film, tape or~~ digital recording video that can be made a permanent record and which can be ~~enlarged~~ viewed through projection or other means. ~~Cameras required by this section shall be 35-milimeter cameras or video taping surveillance cameras or~~ Camera(s) and digital ~~video taping~~ recording equipment ~~and~~ shall be maintained in proper working order and recording twenty-four (24) hours per day. The licensing official may, through written policy, require new types of surveillance equipment as recommended and approved by the police department. ~~at all times during all hours of operation of the business.~~

(2) *Signage required.* Said establishments shall post a conspicuous sign which states that the property is under camera surveillance.

(3) *Minimum standards.* The licensing official ~~director of licenses~~ shall have the authority to formulate and make readily available reasonable rules to fully implement this ordinance. Cameras shall be subject to periodic inspections by the licensing official ~~director of licenses or their designee~~ or member of the Minneapolis Police Department.

a. At least one (1) camera shall be positioned to record the frontal view of each person entering the business premises. This location shall be approved by the licensing official or the police department, who shall have authority to require a change in the positioning of any camera in order to achieve compliance with this section.

b. The license holder of any gasoline filling station shall position additional cameras to record activity in exterior areas, including the simultaneous fueling locations.

(4) *Management of ~~film, videotapes or digital~~ surveillance recording materials.* Said establishments shall maintain, ~~and~~ make available~~, video tapes, film or digital material,~~ and provide surveillance recording materials to the licensing official ~~license and consumer services~~ and Minneapolis Police Department within eight (8) hours of any request. The establishment shall maintain surveillance recording materials for a period~~s~~ of one month within the recording system before ~~reusing materials~~ overwriting or destruction. ~~Videotapes and film shall be marked with the day of the month the material was used.~~ Digital recording materials shall be marked with the accurate time and date in a method that does not interfere with the image being recorded. ~~The establishment shall retain one blank tape, film or digital material to be used if the other material is taken by the license or police departments or if the other material fails. All video tapes shall be replaced after being used twelve (12) times.~~ Proprietary formats must have appropriate player software included with all requested video copies. Copies may be created on CD, DVD, USB or any other functional digital media recommended by the manufacturer of the installed equipment.

(e) *Effective date.* ~~Changes to the ordinance shall take effect on January 31, 2006 for all existing businesses and immediately for all new business applicants or proposed businesses or when change of equipment is ordered by the licenses and consumer services department.~~ Establishments utilizing video tapes, film or other previously-approved means of surveillance recording at the effective date of the amendments to this section requiring digital recordings must comply with the upgraded digital requirement on or before January 1, 2014.

(f) *Summary closure due to non-functional surveillance system*. The licensing official may order the emergency closure of any establishment subject to the requirements of this section that does not have a functional and compliant surveillance camera system in place within forty-eight (48) hours of written notice by the licensing official. Written notice placarded on the business premises shall constitute sufficient notice under this section. Upon request of the license holder, the licensing official shall conduct a hearing on the appeal of any such written notice within twenty-four (24) hours of such a request, to consider whether the order was issued properly and under what conditions the establishment may reopen, if any. The licensing official shall rule on the appeal at the close of the hearing. Upon verification by the licensing official that compliance with the requirements of this section has been achieved by the license holder, any emergency closure order shall be immediately abated.

Section 17. That Section 259.240 of the above-entitled ordinance be amended to read as follows:

259.240. Control of shopping carts. (a) *Control of shopping carts.* Each business or other entity which is licensed to do business under the provisions of this Code, which provides wheeled shopping carts to its customers for their use and which permits the removal of those shopping carts from their building(s) or other enclosed area or acquiesces in the removal of those shopping carts from their building(s) or other enclosed area shall, as a condition of their license, have the following general responsibilities to the licensor:

(1) To control such shopping carts when outside a building or other enclosed area but on the licensee's property or common areas shared by the licensee so they do not become a hazard to traffic or a nuisance to the public generally.

(2) To label such carts with the name and address of their business.

(3) To make reasonable efforts to provide for the timely return of such shopping carts to their premises. Nothing in this section shall create a legal duty to anyone but the licensor.

(b) *Specific duties to pick up shopping carts.* Each business or other entity which is licensed to do business under the provisions of this Code, which provides wheeled shopping carts to its customers for their use, permits such shopping carts to be removed from its building(s) or other enclosed area or acquiesces in such removal from its building(s) or other enclosed area and which has failed to comply with its responsibilities pursuant to paragraph (a) as determined by the director of licenses shall, in addition to the responsibilities provided in paragraph (a) have the following additional responsibilities:

(1) To prepare and file with the licensing official ~~department of licenses and consumer services~~ a written plan to control shopping carts. This plan shall detail all reasonable and necessary steps to control shopping carts which have been removed from its building(s) and other enclosed area by customers with the permission and/or acquiescence of the licensee and which have then left the property of the licensee. The licensing official ~~director, or the director's designee,~~ shall review the plan to determine if it is sufficient to meet the goals of this section. If in the judgment of the licensing official ~~director or the director's designee,~~ the plan is sufficient to meet the goals of this section, the plan shall be approved by the licensing official ~~director or the director's designee~~. If the plan is not sufficient to meet the goals of this section, the plan shall be revised by the licensee until it obtains the approval of the licensing official ~~director or the director's designee~~. Each licensee shall comply with its approved cart control plan. If the licensing official ~~director, or the director's designee,~~ determines that a cart control plan which has been approved is not adequate or determines that the licensee is not in compliance with its approved plan, the licensing official ~~director, or the director's designee,~~ may require the licensee to submit a new plan or state in writing the steps that will be taken to fully comply with the existing plan.

(2) The cart control plan shall include a commitment to search the area within one-half (1/2) mile radius of the business premises every day to pick up each wheeled shopping cart owned by the business and return it to the business premises or other secured location controlled by the licensee. The licensee is not required to enter private property to fulfill this responsibility. The area required to be searched and the number of daily searches to be conducted may be increased, as determined by the licensing official ~~director, or the director's designee,~~ in order to meet the goals of this section.

(c) *Requirement for businesses near light rail transit stations.* ~~Effective December 31, 2002, all~~ All licensed businesses located within a one-half (1/2) mile radius of a light rail transit station shall be required to provide a method to prevent shopping carts from leaving the building(s), except when under the control of the business' personnel, or provide an automatic locking device to prevent shopping carts from being removed from the business property.

(d) *Enforcement.* Failure to comply with any of the provisions of this section may subject a license holder to a citation, administrative penalty, or in extenuating circumstances, license

revocation, suspension or non-issuance of a future license in accordance with the procedures established by the city council.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-167 amending Title 13, Chapter 261 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: License Fees Generally, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-167
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 261 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: License Fees Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 261.15 of the above-entitled ordinance be amended to read as follows:

261.15. Reinstatement fee following license revocation. In addition to any other license fee required, the applicant shall pay a fee of one thousand dollars ($1,000.00) upon application for a license or license permit following revocation of any license, license permit, or provisional license previously issued by the ~~department of licenses and consumer services~~ licensing official to any of the following: the applicant; the person, partnership, or corporation in whose name the license is being sought; or to any person, partnership, or corporation which shares a beneficial interest in the business for which the license is being sought and a business for which a license, license permit or provisional license was previously revoked.

Section 2. That Section 261.30 of the above-entitled ordinance be amended to read as follows:

261.30. Refunds where license not granted. In case the license applied for, and deemed a complete application by the ~~director of licenses or the director's designee~~ licensing official, ~~and~~ is not granted, the fee paid shall be refunded to the applicant less a charge for processing the application as established in Appendix J, License Fee Schedule.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-168 amending Title 13, Chapter 264 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Outdoor Pay Telephones, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-168
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 264 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Outdoor Pay Telephones.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 264.40 of the above-entitled ordinance be amended to read as follows:

264.40. ~~Director~~ Licensing official may designate problem pay telephone. The ~~director of licenses and consumer services~~ licensing official may designate a particular outdoor pay telephone located on the property of a licensee described in section 264.10 as a problem pay telephone, based upon evidence which possesses probative value commonly accepted by reasonable prudent persons in the conduct of their affairs that one or more of the following conditions exist:

(a) The telephone is regularly or frequently used to further the distribution of controlled substances, prostitution, or other criminal activity.

(b) The unrestricted use of the telephone contributes to loitering or congregation in the area or disturbs the peace, quiet, or personal safety of other persons in the area.

(c) The telephone is detrimental to the public safety.

(d) The telephone unreasonably interferes with the flow of pedestrians or vehicular traffic.

(e) The telephone unreasonably interferes with the use of crosswalks, traffic signs or signals, hydrants, or mailboxes.

(f) The telephone unreasonably interferes with the ingress or egress from any residence or place of business.

(g) The telephone is deemed by the traffic engineer to be a safety concern or hazard.

(h) Failure to provide information as required under section 264.80

(i) The telephone is considered excessive given the number of outdoor pay telephones already in the area and that the aggregate number of outdoor pay telephones contributes directly to any conditions listed in subdivisions (a) through (g) above.

Section 2. That Section 264.50 of the above-entitled ordinance be amended to read as follows:

264.50. Procedure for designation of a problem pay telephone. (a) Before issuing an order under subsection 264.50(b), the ~~director of licenses and consumer services~~ licensing official shall conduct an informal hearing to determine whether a particular pay telephone is a problem telephone, and if so, what measures can be taken to correct the condition. The informal hearing shall be preceded by at least ten days' written notice to the licensee and the owner of the outdoor pay telephone at the address indicated on the subject pay telephone describing the time, place, and subject matter of the hearing. The ~~director~~ licensing official may consider any evidence with probative value commonly accepted by reasonably prudent persons in the conduct of their affairs.

(b) Following the hearing, the ~~director~~ licensing official may issue an order to the licensee to take remedial measures, including but not limited to:

(1) Requiring that the telephone be modified through use of existing technology to prevent persons from using the telephones to facilitate criminal activity.

(2) Installing a lockup telephone.

(3) Requiring that the telephone be modified to prohibit incoming calls.

(4) Requiring the telephone be moved to a different location on the parcel.

(5) Requiring that calls to pagers and/or cellular telephone numbers be blocked.

(6) Restricting coin access.

(7) Adding lighting.

(8) Rendering the telephone inoperative during certain hours.

(9) Temporarily removing or suspending the service of the telephone.

(10) Changing the type of enclosure of the telephone.

(11) Posting a sign indicating that a telephone has been modified, if applicable.

(c) Upon establishing that a remedial measure(s) ordered by the ~~director~~ licensing official does not adequately remedy the problem created by the pay telephone and upon further reasonable notice to the parties involved, the ~~director~~ licensing official may issue an order for removal of the telephone.

(d) The ~~director~~ licensing official shall issue the order, if necessary, in writing addressed to the licensee at the address listed in its most recent license application and to the outdoor pay telephone owner.

Section 3. That Section 264.60 of the above-entitled ordinance be amended to read as follows:

264.60. Compliance with ~~director's~~ licensing official's order. Failure to comply with the ~~director's~~ licensing official's order restricting or removing an outdoor pay telephone shall be grounds to revoke, suspend, or refuse to renew the licenses held by the licensee. If a licensee fails to comply with the ~~director's~~ licensing official's order, the ~~director~~ licensing official shall refer the matter to the committee of the city council responsible for licenses, to consider such action against the licensee.

Section 4. That Section 264.65 of the above-entitled ordinance be amended to read as follows:

264.65. Replacement prohibited. No person may install an outdoor pay telephone on a building or grounds from which a telephone has previously been ordered removed by the director without first having obtained permission from the ~~director~~ licensing official.

Section 5. That Section 264.70 of the above-entitled ordinance be amended to read as follows:

264.70. List of prohibited locations. The ~~director~~ licensing official shall maintain and make available on request a list of locations where installation of outdoor pay telephones is prohibited.

Section 6. That Section 264.75 of the above-entitled ordinance be amended to read as follows:

264.75. Installation and maintenance standards. Each outdoor pay telephone shall:

(a) Comply with all rules and regulations of the Minnesota Public Utilities Commission (PUC) and all local, state and federal regulations.

(b) Comply with all applicable federal, state, and local laws and regulations concerning the use of pay telephones by disabled persons.

(c) Be maintained in a neat and clean condition, free of graffiti and handbills and in good repair. Graffiti shall be cleaned and handbills removed or telephone cleaned within two (2) business days of notification by the ~~director or his or her representative~~ licensing official.

Section 7. That Section 264.80 of the above-entitled ordinance be amended to read as follows:

264.80. Information required. Upon request by the ~~director of licenses and consumer services, or his or her representative,~~ licensing official, a licensee shall supply, or cause a pay telephone company to supply, information regarding usage patterns of an outdoor pay telephone and the contractual arrangement under which an outdoor pay telephone is operated. The usage information requested shall not include information that violates ~~wire tapping~~ wiretapping or privacy statutes unless requested by subpoena. Failure to provide the requested information shall be grounds for:

(a) Designation of the telephone as a problem pay telephone; and/or

(b) An order for removal of the telephone; and/or

(c) Denial of a business license where the telephone is located.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-169 amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Special Permits for Specific Businesses and Uses, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-169
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 265 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Special Permits for Specific Businesses and Uses.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 265.250 of the above-entitled ordinance be amended to read as follows:

265.250. Licenses. No person, copartnership or corporation shall operate a car wash without first obtaining a license for such operation pursuant to application made in the form prescribed by the ~~department of licenses and consumer services~~ licensing official. In order to be eligible for such a license for an existing car-wash establishment the applicant must comply with the standards and rules established by the city engineer. The license of any licensee may be revoked for failure to comply with such standards and rules.

Section 2. That Section 265.280 of the above-entitled ordinance be amended to read as follows:

265.280. Authorized; permit required. (a) Any licensee under Chapter 188, 362 or 366 of this Code who is licensed to sell food, beer or liquor for consumption on designated premises may apply to the city council by and through the ~~department of licenses and consumer services~~ licensing official for a special permit to conduct a portion of such licensed business in a sidewalk café on a part of the public way immediately adjoining the licensed premises. Such permit shall be valid for one year from the date of council approval.

(b) To the extent authorized in any such special permit granted under the provisions of this article, the permittee may conduct such licensed business on the public way, notwithstanding the provisions of sections 186.40, 364.40, 368.40 and 427.130 of this Code.

Section 3. That Section 265.310 of the above-entitled ordinance be amended to read as follows:

265.310. Insurance. No permit authorized by this article shall be effective until the applicant therefor has filed with the ~~director of licenses and consumer services evidence~~ licensing official of insurance insuring the applicant against liability imposed by law arising out of the ownership, maintenance or operation of such sidewalk café in amounts of at least fifty thousand dollars ($50,000.00) for the injury or death of one person, three hundred thousand dollars ($300,000.00) for the injury or death of two (2) or more persons, and ten thousand dollars ($10,000.00) for damage to property. The city shall be named as an additional named insured in the policy providing such insurance, and such policy shall further provide that it may not be canceled except upon ten (10) days' written notice filed with the ~~director of licenses and consumer services~~ licensing official.

No permit issued pursuant to the provisions of this article shall be valid at any time the insurance required herein is not maintained and evidence of its continuance filed with the ~~director of licenses and consumer services~~ licensing official.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-170 amending Title 13, Chapter 266 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Rental Halls, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-170
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 266 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Rental Halls.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 266.50 of the above-entitled ordinance be amended to read as follows:

266.50. Application required/contents of application. An applicant for a rental hall license shall make application on the forms furnished by the ~~license division~~ licensing official and shall provide all other information deemed necessary by the ~~director~~ licensing official, including:

(1) The full name of the applicant, date of birth, and current residential address.

(2) The applicants' social security number and Minnesota business identification number, as required by Minnesota Statutes, Section 270.72. For purposes of this requirement, "applicant" means an individual if the license is sought for or in the name of an individual or a corporation or partnership if the license is sought for or in the name of a corporation or partnership. "Applicant" also means an officer or

director of a corporation, a member of a partnership, or an individual who is liable for delinquent taxes.

(3) Proof of ownership of the property, including the full name(s), place(s), date(s) of birth and address(es) of all owners, partners or persons interested therein, including all on-site managers of the business; if a corporation, the state of incorporation; the name(s), place(s), date(s) of birth and address(es) of all officers and directors, and stockholders controlling at least ten (10) percent of the outstanding shares issued.

(4) A scaled diagram of the premises clearly showing the floor plan and the location of the building or buildings, and the part or portion thereof intended to be used in the conduct of such business and under such license.

(5) The source of funds used to purchase property and begin operation of the rental hall and all documentary proof and evidence thereof including leases, contracts, purchase agreements, and financial statements.

(6) The kind, name, and location of every business or occupation the applicant has been engaged in during the preceding ten (10) years and the street address(es) at which the applicant has lived during the preceding ten (10) years.

(7) The nature of the business to be conducted.

(8) Proof of insurance as required by section 266.60(i).

(9) A business plan is required for approval of this license that contains the following elements:

a. Hours of operation for the licensed premises as allowed by zoning;

b. A security plan that describes the security features, including personnel and equipment, that the applicant will employ and how they will be utilized;

c. Description of how the applicant will maintain the orderly appearance and operation of the premises with respect to litter and noise;

d. Such other reasonable and pertinent information as the city council may require;

e. An applicant shall promptly notify the ~~director~~ licensing official, in writing, of any amendment to the submitted business plan.

Section 2. That Section 266.55 of the above-entitled ordinance be amended to read as follows:

266.55. Public hearing required. Upon the filing of the application, the ~~director of licenses and consumer services~~ licensing official shall refer the application to its standing committee on licenses for consideration and the conduct of a hearing thereon. The ~~director of licenses and consumer services~~ licensing official shall notify by mail all residents, to the extent such notice is feasible, and property owners within three hundred (300) feet of the proposed

rental hall of the time and place at which such application shall be considered by the committee. Said notice shall go to all owners of record of property as identified in the records of the Hennepin County Department of Property Taxation. The ~~director~~ licensing official shall also notify the appropriate neighborhood group(s) and business association(s) of the time and place of the hearing.

Section 3. That Section 266.60 of the above-entitled ordinance be amended to read as follows:

266.60. Operating requirements, regulations. Rental halls licensed under this chapter shall be operated in conformance with the following requirements:

(1) A current certificate of occupancy;

(2) Maintained in a clean and sanitary manner, well-ventilated and adequately lighted;

(3) A written, signed lease is required for all events for which a rental hall license is required.

a. All lease agreements shall be kept on file at the licensed rental hall for a period of one (1) year after the date of the event and made available to a ~~license inspector~~ licensing official or police officer upon request.

b. All lease agreements shall be maintained along with and accompanied by the following information:

1. The name(s), telephone number(s) and residential address(es) of the person(s) leasing the rental hall and of the contact person for the event;

2. The nature of the event and the estimated number of attendees;

3. The hours during which the lessee has use of the rental hall and the specific hours of the event;

4. The type and amount of entertainment offered/allowed by the lessee.

(4) The licensee shall have a designated manager who is an employee of the licensee on the premises at all times the hall is utilized or leased.

(5) The licensee shall provide adequate security for each event based upon the number of attendees and the nature of the event. At least one security guard licensed pursuant to Minnesota Statutes, Section 326.32 et seq. shall be present in and at the rental hall premises at all times during an event attended by fifty (50) or more people, if beverage alcohol is present, or if guests dance to live or recorded music.

a. A licensee may apply to the ~~director~~ licensing official for an exemption from the minimum security requirement for individual events. The applicant shall include all information deemed necessary by the ~~director~~ licensing official and be submitted at least fourteen (14) days prior to the event. The ~~director~~

licensing official shall have discretion to grant, impose reasonable conditions, or deny the exemption request, considering the nature of the event, the licensee's experience and demonstrated management capabilities, and any other relevant factors.

(6) All events must be conducted in strict compliance with all applicable federal, state and local laws and ordinances including, but not limited to, any law relating to zoning, building maintenance, fire prevention, liquor, health or safety.

(7) The licensee shall take appropriate action to prevent violations of law by persons attending events for which a license is required. The licensee shall not allow persons engaging in disorderly or illegal behavior to enter or remain on the rental hall premises.

(8) The certificate of occupancy, occupant load certificate, hours of operation and the license certificate issued under this chapter shall at all times be posted in a conspicuous place on the premises.

(9) The licensee shall submit proof to the license division that general liability insurance in the following amounts is in full force and effect: personal injury—Two hundred thousand dollars ($200,000.00) per claim/six hundred thousand dollars ($600,000.000 (aggregate) and property damage—Fifty thousand dollars ($50,000.00).

(10) Unless also licensed pursuant to this chapter, the lessee of a rental hall shall not sublease the premises to any other person nor shall the rental hall licensee allow such subletting.

(11) The licensee shall report to the respective police precinct all events involving both dancing by guests and live or recorded music, at least five (5) business days prior to the event.

(12) Pre-purchased tickets and ticket sales at the door are not allowed. Non-profit events (i.e.: political fundraiser or a registered charitable program in compliance with all state statutes) held at a rental hall are allowed to be open to the general public and have pre-purchased tickets and ticket sales at the door.

(13) Alcohol is allowed to be present at a rental hall under the following conditions:

a. It is provided by the host of the event or function for the guests and it is not sold to guests or anyone else; or

b. It is provided with a temporary alcohol license issued by the City of Minneapolis.

Section 4. That Section 266.70 of the above-entitled ordinance be amended to read as follows:

266.70. Temporary license authorized. Premises that are used as rental halls fewer than five (5) days per year are eligible for a temporary rental hall license. The applicant must submit a complete application at least fourteen (14) days prior to the event. The fee for each

event shall be as established in Appendix J, License Fee Schedule. The ~~director of licenses and consumer services~~ licensing official may issue the temporary license. An applicant for a temporary rental hall license must comply with all provisions of this chapter.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-171 amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Amusements, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-171
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 267 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Amusements.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 267.140 of the above-entitled ordinance be amended to read as follows:

267.140. Application. Application for a license under this article shall be made to the ~~department of licenses and consumer services~~ licensing official in writing and shall state the name and address of the owner and the operator, the location of the premises, and whether the owner or operator has been convicted of a violation of Minnesota Statutes, Sections 617.291 through 617.297, or of a law of another state or federal law of similar effect.

Section 2. That Section 267.170 of the above-entitled ordinance be amended to read as follows:

267.170. Issuance of license. The ~~department of licenses and consumer services~~ licensing official shall upon application and payment of the annual license fee issue a license effective for ninety (90) days, or until the expiration date, or until notification of denial by the city council, whichever is less. The ~~department of licenses and consumer services~~ licensing official shall notify the city council of any license issued. The license shall become effective for the remainder of the license year except where the council denies the license within ninety (90) days of the application.

Section 3. That Section 267.490 of the above-entitled ordinance be amended to read as follows:

267.490. Application for license; issuance. Any person desiring to carry on any carnival in the city may file with the ~~director of licenses and consumer services~~ licensing official an application in writing to the city council. Such application shall be made on forms furnished by the ~~department of licenses and consumer services~~ licensing official and shall include the

name, address and date of birth of the owner and of the manager; and the proposed location of the carnival and the dates on which and the hours during which the carnival will be operated. The completed application shall be presented to the city council at its first meeting thereafter, and the city council may consider such application and in its discretion may grant or refuse to grant such license. No such license shall be issued unless authorized by the council.

Section 4. That Section 267.505 of the above-entitled ordinance be amended to read as follows:

267.505. Insurance required. Each applicant for a license under this chapter shall keep at all times in full force and effect a public liability insurance policy written by an insurance company authorized to do business in this state, in the following amounts: Not less than twenty-five thousand dollars ($25,000.00) property damage; one hundred thousand dollars ($100,000.00) for injury or death of one person; and five hundred thousand dollars ($500,000.00) for injury or death for each occurrence. A copy of the policy or certificate of insurance shall be filed with the ~~department of licenses and consumer services~~ licensing official. The policy or certificate shall contain an endorsement as provided by section 259.160 of this Code of Ordinances. No cancellation of any insurance policy shall be valid except upon thirty (30) days' prior written notice to the city.

Section 5. That Section 267.580 of the above-entitled ordinance be amended to read as follows:

267.580. Application for license. Any person desiring to engage in the business of operating mechanical amusement devices shall apply in writing to the ~~department of licenses and consumer services~~ licensing official; such application shall contain the name of the applicant and, if a partnership or firm, the names of all partners or persons interested therein; if a corporation, the state of incorporation, the names of all officers and managers, together with the residence address of all persons named in the application, the business address of the applicant, and shall state whether or not any person named in the application has ever been convicted of any crime. Such application shall also contain the number of machines desired to be licensed and the location at which such machines will be kept and operated.

Section 6. That Section 267.620 of the above-entitled ordinance be amended to read as follows:

267.620. Licensee's identification required on machines. (a) The licensee shall permanently affix, in a conspicuous place on each machine licensed under this article, his or her name and either address or telephone number and shall keep the same legible.

(b) At the time a license is issued, the department of licenses and consumer services shall issue to the licensee a decal for each licensed machine. The decal shall show an assigned license number and the license year. Immediately after the issuance of the license, the licensee shall permanently and conspicuously affix the decal to the appropriate machine.

Section 7. That Section 267.640 of the above-entitled ordinance be amended to read as follows:

267.640. Impounding of machines. Any machine found to be in noncompliance with section 267.620 of this article shall be impounded by the police department or the ~~director of the~~

~~department of licenses and consumer services~~ licensing official, and any impounded machine may be reclaimed by the owner within thirty (30) days from the date of impounding and upon the payment to the city of costs sufficient to defray the expense of impounding and storage, and any reclaimed machine shall not be used except upon compliance with the terms of this article. If the machine is not reclaimed within the thirty (30) days above specified, it may be destroyed or disposed of at the discretion of the ~~director of licenses and consumer services~~ licensing official.

Section 8. That Section 267.650 of the above-entitled ordinance be amended to read as follows:

267.650. Replacement of lost decals. If a decal required by section 267.620 is lost or removed from the machine, the operator may obtain a replacement of the decal upon filing with the ~~department of licenses and consumer services~~ licensing official an affidavit setting forth the facts, and upon the payment of the fee as established in Appendix J, License Fee Schedule.

Section 9. That Section 267.861 of the above-entitled ordinance be amended to read as follows:

267.861. Class A licenses. (a) A Class A license shall be required of a place which is not licensed for the on-sale of liquor, wine or beer and which has more than six (6) amusement devices used or displayed for use. Except in the B-4 zoning district, no place with a Class A license shall be open for business to the public before 10:00 a.m. or remain open for business after 1:00 a.m. on any day.

(b) Each licensee holding a Class A license under this article shall strictly observe the following conditions. Failure to observe these conditions shall be grounds for suspension, revocation or refusal to renew said Class A license:

(1) A manager at least twenty-one (21) years of age shall be on the premises at all times;

(2) No cigarettes shall be sold on the premises, in vending machines or otherwise; however, this condition shall not apply if the licensee strictly observes a policy prohibiting all persons under eighteen (18) years of age from the premises. Before any Class A licensee may sell cigarettes on the premises, he or she shall file an affidavit with the application, and each annual renewal application, indicating observance of such a policy. Upon a finding that the licensee has allowed persons under eighteen (18) years of age in the licensed premises, the ~~director of licenses and consumer services~~ licensing official shall order the licensee to cease the sale of cigarettes and remove cigarette vending machines;

(3) The licensee shall pick up litter deposited by the patrons of the business upon public streets, sidewalks, alleys, and walkways in the immediate vicinity of all entrances and exits;

(4) The licensee shall not knowingly permit patrons of the business to loiter or congregate in the immediate vicinity of the entrances and exits in a manner which disturbs the peace and quiet of other persons;

(5) The licensee and employees and agents shall adhere to the provisions of section 395.50 of this Code relating to minors. No licensee, nor employees or agents, shall knowingly permit a minor to be present on the premises in violation of curfew laws, nor knowingly permit a person under the age of seventeen (17) years to be present on the premises when school is in session unless on a valid excused absence.

Section 10. That Section 267.862 of the above-entitled ordinance be amended to read as follows:

267.862 Class B licenses. (a) As used in this chapter, the term "restaurant" shall mean an establishment having appropriate facilities for seating at least twenty-five (25) guests at one time at tables where meals are regularly served to the general public, and which employs an adequate staff to provide the usual service to its guests, and which has gross sales during each fiscal year from the sale of food and beverages not containing alcohol in an amount not less than sixty (60) per cent of its total gross revenue from the sale of food and beverages.

(b) An establishment that is licensed for the on-sale of liquor, wine, or beer, which is a restaurant, and where six (6) or less amusement devices are used or displayed for use, shall obtain a Class B-1 license.

(c) An establishment that is licensed for the on-sale of liquor, wine, or beer which is not a restaurant, and where one or more amusement devices are used or displayed for use, and an establishment licensed for the on-sale of liquor, wine, or beer which is a restaurant and where more than six (6) amusement devices are used or displayed for use, shall obtain a Class B-2 license.

(d) Establishments holding a Class B-1 license shall observe the conditions set forth in (1) and (2) below. Establishments holding a Class B-2 license shall observe all of the conditions set forth below. Failure to observe these conditions shall be grounds for suspension, revocation or refusal to renew a license granted pursuant to this article:

(1) A manager at least twenty-one (21) years of age shall be on the premises at all times.

(2) The licensee and employees and agents shall adhere to the provisions of section 395.50 of this Code relating to minors. No licensee, or employees or agents, shall knowingly permit a minor to be present on the premises in violation of curfew laws, nor knowingly permit a person under the age of seventeen (17) years to be present on the premises when school is in session unless on a valid excused absence.

(3) All amusement devices shall be kept in a separate room segregated from the rest of the premises by a physical barrier such as a wall or room divider. No service or consumption of alcoholic beverages shall be permitted within the segregated area where such devices are located. Except in the case of bowling centers, hotels, and motels, the separate room shall have a separate entrance/exit to and from the public street, sidewalk, mall or atrium.

(e) Upon the request of the ~~director of the department of licenses and consumer services~~ licensing official, a restaurant required to obtain a Class B license shall file an audit or statement of account showing that its gross revenues from the sale of food and nonalcoholic beverages meet the sixty (60) per cent requirement contained herein. The filing of a false or fraudulent audit or statement of account shall be grounds for revocation or suspension of any liquor, wine or beer license.

Section 11. That Section 267.920 of the above-entitled ordinance be amended to read as follows:

267.920. Notification to council member. Upon the filing of an application for any license under this article, the ~~department of licenses and consumer services~~ licensing official shall notify the council member of the ward in which the proposed premises are located.

Section 12. That Section 267.980 of the above-entitled ordinance be amended to read as follows:

267.980. Licensee's identification required on machines. (a) The licensee shall permanently affix, in a conspicuous place on each machine licensed under this article, his or her name and either address or telephone number and shall keep the same legible.

(b) At the time a license is issued, the ~~department of licenses and consumer services~~ licensing official shall issue to the licensee a decal for each licensed machine. The decal shall show an assigned license number and the license year. Immediately after the issuance of the license, the licensee shall permanently and conspicuously affix the decal to the appropriate machine.

Section 13. That Section 267.1130 of the above-entitled ordinance be amended to read as follows:

267.1130. Application for license. Any person desiring to operate or conduct a place of entertainment shall apply to the ~~division of licenses and consumer services~~ licensing official for a license to do so, upon forms supplied by ~~it~~ the licensing official. The ~~division~~ licensing official shall present a copy of the application to the fire department for its report and recommendation. No license shall be issued except upon the approval of the city council. A complete application for a license hereunder shall contain all of the following:

(1) The full name of the applicant, place and date of birth, and current residential address.

(2) The full name, place, date of birth and address of the owner or proprietor of the building for which a license is desired.

(3) The applicants' social security number and Minnesota business identification number, as required by Minnesota Statutes Section 270.72. For purposes of this requirement, "applicant" means an individual if the license is sought for or in the name of an individual or the corporation or partnership if the license is sought for or in the name of a corporation or partnership. "Applicant" also means an officer of a corporation, a member of a partnership, or an individual who is liable for delinquent taxes.

(4) A scaled diagram showing the floor plan and the location of the building or buildings, and the part or portion thereof intended to be used in the conduct of such business and under such license.

(5) The full name(s), place(s) and date(s) of birth, residential address(es) of all partners or persons interested therein, including the on-site manager of the business; if a corporation, the state of incorporation; the name(s), place(s) and date(s) of birth of all officers, directors and stockholders controlling at least ten (10) percent of the outstanding shares issues.

(6) The nature of the business to be conducted.

Section 14. That Section 267.1155 of the above-entitled ordinance be amended to read as follows:

267.1155. Procedure for determining application. (a) The ~~director of licenses and consumer services~~ licensing official shall, within thirty (30) days, of receipt of a complete application, recommend to the city council that the application be granted or denied. The city council shall act upon the recommendation within sixty (60) days of receipt.

(b) Judicial review of adverse license action must be by writ of certiorari to the court of appeals. A petition for a writ of certiorari must be filed with the court of appeals and served on the city not more than thirty (30) days after the party receives the final decision of the city council.

(c) The operational status of the applicant or licensee shall be maintained pending appeal. This status may be challenged at any time by motion to the district court. The district court may issue temporary injunctive or other temporary equitable relief as authorized by law. The district court shall issue an initial decision within fourteen (14) days of filing of the motion. The district court's order shall remain in effect until a final decision of the appeal is issued, unless otherwise modified by the district court or court of appeals.

Section 15. That Section 267.1310 of the above-entitled ordinance be amended to read as follows:

267.1310. Application for license; publication. Any person desiring a license shall apply in writing to the city council by filing such application with the ~~director of licenses and consumer services~~ licensing official. Such applications shall show, in addition to any other information required, the total square foot area of the proposed dance hall.

Section 16. That Section 267.1320 of the above-entitled ordinance be amended to read as follows:

267.1320. Objections to license. Any person desiring to object to the issuance of such license may file objections in writing with the ~~director of licenses and consumer services~~ licensing official, or may appear personally to present objections to the committee of the city council to which such application may be referred for consideration.

Section 17. That Section 267.1660 of the above-entitled ordinance be amended to read as follows:

267.1660. Application for license. A license to operate a shooting gallery shall be granted only upon application filed with the ~~director of licenses and consumer services~~ licensing official. All applications shall contain the name and address of the applicant, the length of time of residency in Hennepin County and whether or not the applicant is a qualified voter in Hennepin County. If the applicant is a firm or partnership, the application shall state the names and addresses of all persons constituting such firm or partnership, the length of time each has been a resident in Hennepin County, and whether or not each is a qualified voter of Hennepin County. If the applicant is a corporation, the application shall state its principal place of business, the full name of such corporation, the state under whose laws it is incorporated, the full names and addresses of all officers and directors thereof, the length of time each has been a resident of Hennepin County and whether or not each is a qualified voter of Hennepin County. The application shall contain the address of the shooting gallery. The application shall further recite the type and caliber of arms proposed to be used, and shall contain a description of the manner and plan for stopping and controlling bullets or other ammunition proposed to be used.

Section 18. That Section 267.1690 of the above-entitled ordinance be amended to read as follows:

267.1690. Issuance of license. Upon the receipt by the ~~director of licenses and consumer services~~ licensing official of the application, and upon compliance by the applicant with all the regulations, conditions and terms of this article, and upon the payment of the fee, a license may be issued or denied, pursuant to section 259.30, to operate a shooting gallery at the location described in said application.

Section 19. That Section 267.1820 of the above-entitled ordinance be amended to read as follows:

267.1820. Application for license. Any person desiring a license under this article may file with the ~~department of licenses and consumer services~~ licensing official an application in writing. The application shall be in such form and require such information as the ~~department~~ licensing official deems reasonably necessary and shall contain the following:

(1) The name and home address of the applicant;

(2) The relationship of the applicant to the business;

(3) The name and location of the business; and

(4) The full name, residence address, date of birth and place of birth of each applicant, owner, manager, partner (if partnership), officer and director (if corporation), and other persons who will have charge, management or control of the business or the premises.

Section 20. That Section 267.1830 of the above-entitled ordinance be amended to read as follows:

267.1830. Insurance required. Each applicant for a license under this article shall file with the ~~director of licenses and consumer services~~ licensing official a public liability insurance policy or certificate of insurance from a company authorized to do business in Minnesota, insuring the applicant against any and all loss arising out of the use, operation or maintenance of the theater. The policy of insurance shall be in limits of not less than one hundred thousand dollars ($100,000.00) for injury or loss to one person, three hundred thousand dollars ($300,000.00) for each occurrence, and fifty thousand dollars ($50,000.00) property damage. The policy or certificate shall contain an endorsement as provided by section 259.160 under this Code of Ordinances. No cancellation of any insurance policy shall be valid except upon thirty (30) days prior written notice to the city. Failure to keep in full force and effect insurance required herein is grounds for revocation of the license.

Section 21. That Section 267.1845 of the above-entitled ordinance be amended to read as follows:

267.1845. Procedure for determining application. The ~~director of licenses and consumer services~~ licensing official shall, within thirty (30) days of receipt of the application, recommend to the city council that the application be granted or denied. The city council shall act upon the recommendation within sixty (60) days of receipt. In the event of denial, the ~~director of licenses and consumer services~~ licensing official shall institute proceedings for an injunction against further operation and shall assume the burden of proof in such judicial proceedings.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-172 amending Title 13, Chapter 268 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Lawful Gambling, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-172
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 268 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Lawful Gambling.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 268.60 of the above-entitled ordinance be amended to read as follows:

268.60. Permits for exempt organizations under Minnesota Statutes Section 349.166. Every organization seeking to conduct lawful gambling which is exempt from state licensing under Minnesota Statutes, Section 349.166 shall obtain a permit issued by the ~~director of licenses and consumer services~~ licensing official, subject to the following conditions:

(a) The organization shall pay a permit fee per day as established in Appendix J, License Fee Schedule;

(b) Permits for all classes of gambling activities may be approved;

(c) Lawful gambling by an organization exempt from licensing under Minnesota Statutes, Section 349.166 may be conducted on the premises of a licensed on-sale liquor, wine or beer establishment, or a bottle club subject to the restrictions in this chapter relating to the conduct of gambling in on-sale establishments and bottle clubs;

(d) Except as provided in subsection (c) above, the sale, consumption, and possession of intoxicating liquor at a gambling event by an exempt organization shall be prohibited, however, 3.2 beer may be served and consumed only under a valid temporary on-sale beer license;

(e) The organization shall comply with all statutory requirements for an exempt organization, including the sixty-day notice requirement to the City of Minneapolis. The ~~director of licenses and consumer services~~ licensing official, when granting a permit to an exempt organization, may waive the sixty-day notice requirement.

Section 2. That Section 268.110 of the above-entitled ordinance be amended to read as follows:

268.110. Contribution of net profits to Minneapolis Family Fund. (a) ~~Beginning May 1, 1990, e~~Every nonqualified organization licensed by the Minnesota Gambling Control Board to conduct gambling in the City of Minneapolis shall contribute at least ten (10) per cent of its net profits from gambling to the Minneapolis Family Fund established in section 268.120 of this Code. Net profits means profits less amounts expended for allowable expenses.

(b) A "qualified organization" is an organization that has attained tax-exempt status under Section 501(c)(3) of the Internal Revenue Code by having:

(1) Filed written application for tax-exempt status in the manner required by the Internal Revenue Service; and

(2) Received written approval of tax-exempt status under Section 501(c)(3) from the Internal Revenue Services; and

(3) Filed the documents referred to in (1) and (2) above with the department of health and family support; and

(4) Filed with the department of health and family support an affidavit, signed under oath by an officer of the organization, verifying that the organization has tax-exempt status under Section 501(c)(3) and that such status has not been revoked or otherwise cancelled. An affidavit shall be filed at the time the organization originally applies to be a qualified organization and with each subsequent application to renew its gambling license.

A "nonqualified organization" is any organization that is not a qualified organization.

(c) Payments of ten (10) per cent of net profits shall be made on a monthly basis. Payments shall be due on the date upon which duplicate monthly Minnesota gambling tax returns and taxes are due to the City of Minneapolis for the previous month's gambling activity under section 268.100. Payment shall be made by separate check made payable to: Minneapolis Finance Officer—Family Fund. Payment shall be remitted to the ~~department of licenses and consumer services~~ licensing official, accompanied by the duplicate Minnesota Gambling Tax Return and schedules for the monthly reporting period covered.

(d) The city council shall disapprove any pending application for renewal or original issue of a premises permit for any nonqualified organization which fails to contribute ten (10) per cent of net profits to the Minneapolis Family Fund as required by this section. Further, the police license division may notify the Minnesota Gambling Control Board of any nonqualified organization which has failed to contribute ten (10) per cent of its net profits to the Minneapolis Family Fund, and may request that the board revoke or suspend the organization's license during the license year. The city council shall not issue or renew, and may revoke or suspend, any on-sale or off-sale alcoholic beverage license, bottle club permit, or food license for any nonqualified organization which has failed to contribute ten (10) per cent of net profits to the Minneapolis Family Fund. The above remedies are not exclusive, and shall be in addition to any other powers and remedies provided by law.

Section 3. That Section 268.120 of the above-entitled ordinance be amended to read as follows:

268.120. Minneapolis Family Fund established. (a) There is hereby established a Minneapolis Family Fund (the "fund"). The fund is created pursuant to Minnesota Statutes, Section 349.213, Subdivision 1, to collect, administer, and disburse ten (10) per cent of the net profits derived from lawful gambling.

(b) The purpose of the Minneapolis Family Fund shall be to enhance and improve the quality of life for Minneapolis families. The fund will provide financial resources to programs located within the City of Minneapolis which enhance the developmental, economic, health, cultural, recreational, and educational opportunities for all family units and family members.

(c) The fund shall be administered by the department of health and family support department head or designee.

(d) No costs of administration shall be charged to the fund. All proceeds collected shall be disbursed under the provisions of this section.

(e) Disbursement of funds. Proceeds in the fund shall be disbursed in the following manner:

(1) Twenty-five (25) percent to the Department of Health and Family Support for ongoing for support of the child care loan renovation program;

(2) Twenty-five (25) percent to the Minneapolis Community Clinics for health care needs among family members of all ages within the City of Minneapolis;

(3) Twenty-five (25) percent to Parents In Community Action (Head Start) for early childhood education needs within the City of Minneapolis;

(4) Twenty-five (25) percent to discretionary distributions which further the mission and purpose of the Minneapolis Family Fund as described in the statement in subsection 268.120(b). These distributions shall be allocated by the city council at the time the CDBG budget is adopted annually. Organizations licensed to conduct lawful gambling in the City of Minneapolis shall be eligible. The director of neighborhood services shall issue a request for proposals for the distribution of these funds, based upon the mission statement in subsection 268.120(b). Upon receipt of all proposals, the director of neighborhood services shall recommend one (1) or more organizations to receive distributions. In making recommendations, the director shall consider the services provided by other Minneapolis Family Fund recipients, to ensure that all areas of the city benefit from the fund. Services to elderly residents shall be considered eligible.

(f) Distributions from the Minneapolis Family Fund shall qualify as lawful purpose expenditures under Minnesota Statutes, Section 349.12, Subdivision 11.

(g) As a condition of receiving distributions from the Minneapolis Family Fund, each recipient organization shall maintain on file with the ~~department of licenses and consumer services~~ licensing official:

(1) Verification of nonprofit status, copy of organizational bylaws, and articles of incorporation, if applicable;

(2) Current address;

(3) List of officers and directors;

(4) Previous year's budget and financial statement;

(5) Current balance sheet and income statement;

(6) A statement explaining how funds received from the Minneapolis Family Fund will be used.

(h) Every organization which receives funds from the Minneapolis Family Fund shall file an annual accounting indicating how the funds were spent.

(i) Every organization which receives funds from the Minneapolis Family Fund shall be deemed to have consented to an audit of its books and records by the City of Minneapolis to verify the proper use of the funds received.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-173 amending Title 13, Chapter 269 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Asphalt Shingle and Roofing Material Manufacture, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-173
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 269 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Asphalt Shingle and Roofing Material Manufacture.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 269.20 of the above-entitled ordinance be amended to read as follows:

269.20. Application and investigation. Application for such license shall be made to the city council on forms supplied by it, which shall include a statement of the address where such manufacturing is to be conducted. Before the issuance of any such license, the ~~director of inspections~~ licensing official, the health inspector and the chief of the fire department shall be notified of the application therefor. If any such official, after proper investigation shall file objections, the city council, after a hearing thereon, may refuse for cause to grant or reissue such license.

Section 2. That Section 269.50 of the above-entitled ordinance be amended to read as follows:

269.50. Records required; change of address. Each such license shall be recorded in the office of the ~~director of inspections~~ licensing official, together with the business address of the licensee and the address where such manufacturing is conducted. The licensee shall immediately notify the ~~inspector of buildings~~ licensing official of any change of address or manufacturing operation.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-174 amending Title 13, Chapter 271 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Auctions and Auctioneers, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-174
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 271 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Auctions and Auctioneers.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 271.30 of the above-entitled ordinance be amended to read as follows:

271.30. Application for license; qualifications of licensee. Any person desiring to carry on the business of auctioneer shall be of good moral character, and shall file with the ~~director of licenses and consumer services~~ licensing official an application upon a form to be prepared by the ~~director of licenses and consumer services~~ licensing official. Such application shall be under oath and shall contain the following information: The name of the applicant, the residence address of the applicant, and the place of business of said auctioneer, the name of the bonding company which has issued the bond required by the laws of the State of Minnesota, and the names of three (3) or more residents of the city who can vouch for the integrity and character of the applicant. Except as is provided by said Chapter 330, Minnesota Statutes, no person not a resident of the County of Hennepin shall be entitled to a license as an auctioneer in the city; and provided further that no license shall be issued to a person not a resident of Hennepin County unless the place of residence of such applicant authorizes the issuance of licenses to residents of the city on the same or similar basis as its own residents.

Section 2. That Section 271.90 of the above-entitled ordinance be amended to read as follows:

271.90. Special permit required. No license shall permit conduct of the business in any building or place in the city without a special permit therefor being first granted by the city council. Licenses granted auctioneers shall confer upon them the privilege of conducting auction sales anywhere in the city, except upon the sidewalks or streets thereof~~, provided the consent of the council member of the ward in which the auctioneer proposes to conduct the auction shall first be obtained and filed with the city clerk~~.

Section 3. That Section 271.150 of the above-entitled ordinance be amended to read as follows:

271.150. Inventory required. ~~When filing council member's consent for each sale with the director of licenses and consumer services, the~~ The applicant shall ~~also~~ file with the licensing official an inventory stating the name and address of the person, partnership, firm or corporation who shall be the true owner of the merchandise to be sold, the address at which said sale will be held, the period of time during which the sale will continue, and the name of the person to be in charge of such sale, and said inventory shall contain a legible, orderly, detailed, complete and accurate descriptive list of the merchandise to be offered for sale at such auction,

which inventory shall include only such merchandise as the applicant expects to include in such sale, located on the premises described or in any warehouse, except that it may include such undelivered merchandise as may have been ordered on a pending purchase order not later than thirty (30) days prior to the council member's consent; the regular wholesale price of the items (or lots of identical items) of merchandise to be sold at which the same had last been sold or offered for sale by the applicant, if applicant is a wholesaler; the regular retail price of the items (or lots of identical items) of merchandise to be sold at which the same have last been sold or offered for sale by the applicant if the applicant is a retailer; and insofar as reasonably possible on the basis of available record data regularly kept by the applicant, the date of acquisition of such goods, wares and merchandise and the persons from whom obtained. The inventory shall be verified under oath by the person or by the general managing officer or agent, person, firm or corporation owning the merchandise. No merchandise not described in the inventory shall be added to or included with that specified in the inventory filed with the ~~director of licenses and consumer services~~ licensing official, and no person shall offer for sale at any auction any merchandise not included in the inventory so filed, and each such attempt or act of selling or offering for sale at any such auction any merchandise or item not originally included in the inventory shall constitute a separate violation of this chapter.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-175 amending Title 13, Chapter 272 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Resin Manufacturing, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-175
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 272 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Resin Manufacturing.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 272.30 of the above-entitled ordinance be amended to read as follows:

272.30. Application procedure. An application for a resin manufacturing license shall be made upon forms provided by the ~~department of licenses and consumer services~~ licensing official ~~which shall refer the application to the director of the inspections department~~. The ~~director of inspections~~ licensing official shall cause to be investigated the matters contained therein, and convey approval or disapproval of the application to the appropriate committee of the city council. The application shall contain such information as the ~~department of licenses and consumer services~~ licensing official may require as well as the following:

(a) The name and resident address of the applicant;

(b) The type of business for which the license application is made;

(c) The applicant's local business address, telephone number and zip code;

(d) The street address of the process or processes for which application is being made.

Section 2. That Section 272.60 of the above-entitled ordinance be amended to read as follows:

272.60. Transferability. Licenses issued under this chapter shall only be transferable upon approval of an application to transfer, to be submitted to the ~~department of licenses and consumer services~~ licensing official and upon payment of a transfer fee of twenty dollars ($20.00).

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-176 amending Title 13, Chapter 277 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Building Trades Licenses, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-176
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 277 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Building Trades Licenses.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 277.2290 of the above-entitled ordinance be amended to read as follows:

277.2290. Application. Application for such license shall be made to the ~~director of licenses and consumer services~~ licensing official, in writing, stating therein the name of the person, firm or corporation desiring such license and the place of business. Said application shall be accompanied by the finance officer's receipt for the license.

Section 2. That Section 277.2300 of the above-entitled ordinance be amended to read as follows:

277.2300. Insurance; bond. No class B license shall be granted unless the applicant shall carry public liability insurance in a reliable insurance company or companies. Such policy of insurance shall not contain any "XC" (explosion, collapse) exclusion. The liability insurance for personal injury shall be in the sum of three hundred thousand dollars ($300,000.00) for one

occurrence. Said policy shall also be in the sum of at least fifty thousand dollars ($50,000.00) to cover loss or damage to property of any person or persons in any one occurrence. The city shall be named as an additional named insured in said policy. Copies of such public liability policy, together with a surety bond, shall be filed with the ~~department of licenses and consumer services~~ licensing official at the time of making application for the license. The surety bond shall be in the sum of ten thousand dollars ($10,000.00) to indemnify and save the city harmless from all damages, judgments, losses, claims, suits or liabilities of every kind growing out of the wrecking or demolition of any building. Such public liability insurance policy and surety bond shall be approved by the city attorney before issuance of the license. No provisions in any such policy or bond relative to notice to the insurer from the assured of its intention to undertake wrecking, demolishing or tearing down operations shall bind the city. The public liability insurance policy, as well as the surety bond herein provided for, shall not be canceled except upon thirty (30) days' written notice to the city, which written notice shall be served upon the ~~department of licenses and consumer services~~ licensing official.

No Class A license shall be granted unless the applicant shall carry public liability insurance in a reliable insurance company or companies. Such policy of insurance shall not contain any "XC" (explosion, collapse) exclusion.

The liability insurance for personal injury shall be in the sum of one million five hundred thousand dollars ($1,500,000.00) for one occurrence. Said policy shall also be in the sum of at least one hundred fifty thousand dollars ($150,000.00) to cover loss or damage to property of any person or persons in any one occurrence. The city shall be named as an additional named insured in said policy. Copies of such public liability policy, together with a surety bond, shall be filed with the ~~department of licenses and consumer services~~ licensing official at the time of making application for the license. The surety bond shall be in the sum of fifty thousand dollars ($50,000.00) to indemnify and save the city harmless from all damages, judgments, losses, claims, suits or liabilities of every kind growing out of the wrecking or demolition of any building. Such public liability insurance policy shall be approved pursuant to section 259.160 and the surety bond shall be on a form approved by the city attorney. No provisions in any such policy or bond relative to notice to the insurer from the assured of its intention to undertake wrecking, demolishing or tearing down operations shall bind the city. The public liability insurance policy, as well as the surety bond herein provided for, shall not be canceled except upon thirty (30) days' written notice to the city, which written notice shall be served upon the ~~department of licenses and consumer services~~ licensing official.

Section 3. That Section 277.2320 of the above-entitled ordinance be amended to read as follows:

277.2320. Place of business. The licensee must maintain a place of business in the State of Minnesota and, immediately upon receiving a license, shall have it recorded in the office of the ~~director of inspections~~ licensing official together with the actual place of business, giving street and number, and in case of removal therefrom shall immediately notify said ~~director~~ licensing official of such removal. The removal from the State of Minnesota by any such licensee of the place of business shall operate as a forfeiture of the license. No such licensee shall be deemed to have a place of business unless that licensee has acquired, maintained, and occupied at the location designated as the place of business, sufficient space for the keeping of the records in connection with wrecking work being done in the city and the conduct of business as such licensee, nor unless a sign bearing name and business be publicly exposed at said premises.

Section 4. That Section 277.2340 of the above-entitled ordinance be amended to read as follows:

277.2340. Revocation. The city council may, if it deems advisable, or after investigation and report by the ~~director of inspections~~ licensing official or building official that the licensee has not complied strictly with this Code or any permit granted thereunder, revoke such license.

Section 5. That Section 277.2350 of the above-entitled ordinance be amended to read as follows:

277.2350. Transfer of license; permitting misuse. No holder of any such license, as above provided, shall transfer or assign the same to any other person or allow his, her, or their name to be used by any other party, either for the purpose of doing work or obtaining a permit, under the penalty of forfeiting the license. The ~~director of inspections~~ building official is authorized to refuse to issue permits to any licensee violating this provision.

Section 6. That Section 277.2360 of the above-entitled ordinance be amended to read as follows:

277.2360. Exception from license. Notwithstanding the foregoing provisions, no license shall be required, except when ordered by the ~~director of inspections~~ building official on account of special hazards which make supervision by the department desirable, for the wrecking or tearing down of a dwelling not over two (2) stories in height, or a private garage or shed or other such minor buildings not exceeding one thousand (1,000) square feet of total floor area.

Section 7. That Section 277.2480 of the above-entitled ordinance be amended to read as follows:

277.2480. Application for license. Every person desiring a sign hanger's license or a billboard erector's license, as required by section 109.10, shall make application to the ~~director of licenses and consumer services~~ licensing official.

Section 8. That Section 277.2500 of the above-entitled ordinance be amended to read as follows:

277.2500. Insurance, bond. Each applicant for a license under this article shall file with the ~~director of licenses and consumer services~~ licensing official a public liability insurance policy or certificate of insurance issued by a company authorized to do business in Minnesota, insuring the applicant against any and all liability arising out of the performance of any sign or billboard work regulated by chapter 109 of this Code. The policy of insurance shall be in limits of not less than twenty-five thousand dollars ($25,000.00) for injury or loss to one person, fifty thousand dollars ($50,000.00) for each occurrence and ten thousand dollars ($10,000.00) property damage. The policy or certificate shall contain an endorsement as provided by section 259.160 of this Code. Said policy shall provide that it may not be cancelled by the insurer except after ten (10) days' written notice to the ~~director of licenses and consumer services~~ licensing official. Failure to keep in full force and effect insurance required herein is grounds for revocation of the license. The applicant shall furnish a surety bond to the city in the sum of eight thousand dollars ($8,000.00) running to the city for the benefit of and to protect any person for whom such work shall be done from loss or damage arising out of the licensee's failure to comply with any specifications pertaining to such work, the use of inferior materials, incompetent work, failure to

pay for labor and materials, and to guarantee the full and proper performance of all contracts entered into for the performance of such work by the licensee. Said surety bond shall first be approved as to form and execution by the city attorney before a license may be issued.

Section 9. That Section 277.2515 of the above-entitled ordinance be amended to read as follows:

277.2515. Transfer of license; permitting misuse. No holder of any such license, as above provided, shall transfer or assign the same to any other person or allow his, her, or their name to be used by any other party, either for the purpose of doing work or obtaining a permit, under the penalty of forfeiting the license. The ~~director of inspections~~ building official is authorized to refuse to issue permits to any licensee violating this provision.

Section 10. That Section 277.2590 of the above-entitled ordinance be amended to read as follows:

277.2590. Qualifications of certain permit applicants. No permit for the installation and maintenance of fire alarm systems connected to the city emergency reporting system shall be issued unless the person, or if a firm or corporation, then a member or employee of such firm or an officer of such corporation, has had at least five (5) years of verifiable experience in the design, installation and maintenance of the National Fire Protection Association's approved fire alarm system as set forth in pamphlet No. 72B, 1967 entitled "Auxiliary Protective Signaling Systems of 1967" which said pamphlet is made a part hereof and is on file for public inspection in the offices of director of inspections, for the installation, maintenance, and use of proprietary, auxiliary and local systems for watchmen, fire alarm and supervisory service, as recommended by the National Fire Protection Association, or five (5) years of verifiable experience in the design or installation or maintenance of similar or allied alarm, watchman, or communication systems. However, in lieu of five (5) years of verifiable experience as required above, any holder of a State of Minnesota Master Electricians license, acquired by examination, may apply for such permit; such applicants, however, must pass an examination to be conducted by the ~~department of inspections~~ building official and fire department with a grade of seventy (70) per cent or more.

Further, no permit regulated by this section shall be issued to any person unless that person is properly licensed by the State of Minnesota. Contractors shall be insured as required for electrical contractors by Minnesota Statute 326.242, Subdivision 6.

Section 11. That Section 277.2600 of the above-entitled ordinance be amended to read as follows:

277.2600. Matters to be recorded. Every person applying for an electrical permit, shall file a copy of his or her current state license with the ~~department of inspections~~ building official and shall record in the office of the ~~director of inspections~~ building official the actual place of business and the name under which the business is transacted, and shall immediately notify the ~~director of inspections~~ building official of every change in such name or place of business, and such change shall be endorsed upon the license.

Section 12. That Section 277.2650 of the above-entitled ordinance be amended to read as follows:

277.2650. Application. Any person, firm or corporation desiring a license as required by section 277.2640 shall make application to the city council, upon such form as shall be provided by the ~~department of licenses and consumer services~~ licensing official. Such application shall state the name, residence and business address of the applicant, whether the applicant desires to engage in such business personally or by the employment of others, and if by the employment of others, the number of persons to be employed. Such application shall contain such other and further information as may be required by the ~~department of licenses and consumer services~~ licensing official.

Section 13. That Section 277.2660 of the above-entitled ordinance be amended to read as follows:

277.2660. Insurance, bond. Each applicant for a license under this article shall file with the ~~director of licenses and consumer services~~ licensing official a public liability insurance policy or certificate of insurance issued by a company authorized to do business in Minnesota, insuring the applicant against any and all liability arising out of the performance of billposting or sign painting as defined in this article. The policy of insurance shall be in limits of not less than twenty-five thousand dollars ($25,000.00) for injury or loss to one person, fifty thousand dollars ($50,000.00) for each occurrence, and ten thousand dollars ($10,000.00) property damage. The policy or certificate shall contain an endorsement as provided by section 259.160 of this Code of Ordinances. Said policy shall provide that it may not be cancelled by the insurer except after ten (10) days written notice to the ~~director of licenses and consumer services~~ licensing official. Failure to keep in full force and effect insurance required herein is grounds for revocation of the license. The applicant shall furnish a surety bond to the city in the sum of ten thousand dollars ($10,000.00) running to the city for the benefit of and to protect any person for whom such posting or painting work shall be done from loss or damage arising out of the licensee's failure to comply with any specifications pertaining to such work, the use of inferior materials, incompetent work, failure to pay for labor and materials, and to guarantee the full and proper performance of all contracts entered into for the performance of such work by the licensee. Said surety bond shall first be approved as to form and execution by the city attorney before a license may be issued.

Section 14. That Section 277.2670 of the above-entitled ordinance be amended to read as follows:

277.2670. Issuance of license. The application shall be presented to the city council at the next meeting after its filing, and if ordered by the city council, a license shall be issued to the applicant, which shall be known as and designated "Billposting and Sign Painting License." The license shall be assigned a number by the ~~department of licenses and consumer services~~ licensing official, which number shall be placed on such license.

Section 15. That Section 277.2710 of the above-entitled ordinance be amended to read as follows:

277.2710. Identification card. The ~~department of licenses and consumer services~~ licensing official, upon application by the licensee, shall provide the licensee and each billposter and sign painter employed by the licensee an identification card to be carried by the licensee and each employee at all times while engaged in such business or occupation. The identification card shall have upon it the name of the licensee, the name of the employee employed by the licensee and authorized to carry such identification card, and the words "Minneapolis Billposter and Sign Painter, License No. _____".

Section 16. That Section 277.2940 of the above-entitled ordinance be amended to read as follows:

277.2940. Definitions. As used in this article, the following terms shall mean:

Building contract means an oral or written agreement between a residential specialty contractor and an owner for the performance of a new construction, home improvement or home repair as defined in this article and includes all labor, service and materials furnished and performed thereunder.

~~*Director* means the director of the licenses and consumer services division.~~

Employee means any individual who performs labor or services for a residential specialty contractor for wages or salary when the building contractor deducts amounts from the wages or salaries as required by the state or federal government.

Licensing official means the official designated by the director of community planning and economic development who supervises the licensing and consumer services functions provided by this Code.

Owner means any homeowner, tenant or any other person who orders, contracts for or purchases services of a residential specialty contractor, or the person entitled to the performance of the work of a residential specialty contractor pursuant to a building contract.

Residential specialty contracting business means the construction, repair, replacement, remodeling, alteration, conversion, modernization, improvement or addition to any building which is used as a private residence or dwelling place for not more than four (4) families, including accessory buildings and land, and either:

(a) Provision of only one of the eight categories of special skills as defined by Minnesota State Statute 326.83, subd. 19, or

(b) The provision of two or more of the eight categories of special skill as defined by Minnesota State Statute 326.83, subd. 19, and whose total gross annual receipts from projects regulated under this article do not exceed fifteen thousand dollars ($15,000.00).

Residential specialty contracting establishment means any shop, establishment, place or premises where the residential specialty contracting business is carried on.

Residential specialty contractor means any person, other than a bona fide employee of a residential specialty contracting business, who owns or operates a residential specialty contracting business, or who undertakes or offers to undertake or agrees to perform any building contracting or negotiates or offers to negotiate a building contract with an owner, or solicits or otherwise endeavors to procure by any means whatsoever, directly or indirectly, a building contract from an owner, whether or not such person is a prime contractor or subcontractor with respect to the owner.

Workmanlike means any work, effort or project which has been executed in a manner which, in the opinion of the ~~director of inspections~~ building official, is consistent with good

acceptable trade practices and which has been performed in accordance with the material manufacturers' recommendations and specifications.

Section 17. That Section 277.2980 of the above-entitled ordinance be amended to read as follows:

277.2980. Application required. Every licensee must complete the application form provided by the ~~licenses and consumer services division~~ licensing official. The application form shall contain all information required by the ~~licenses and consumer services division~~ licensing official, including, but not limited to:

(a) The name, residence address and telephone number of the applicant;

(b) The name of the residential specialty contracting establishment, its address and telephone number;

(c) Whether the applicant is a person, corporation or partnership:

(1) If the applicant is a corporation, the state of incorporation and the names, home addresses and telephone numbers of all officers and directors;

(2) If the applicant is a partnership, the names, home addresses and telephone numbers of all partners;

(d) The number of employees;

(e) The federal and state tax withholding numbers and the unemployment insurance account number.

Section 18. That Section 277.3020 of the above-entitled ordinance be amended to read as follows:

277.3020. Insurance required. Every licensee shall provide and maintain in full force and effect public liability insurance to indemnify any person against loss or injury in the sum of one hundred thousand dollars ($100,000.00) for injury or death to one person and three hundred thousand dollars ($300,000.00) for each accident or occurrence and ten thousand dollars ($10,000.00) for property damage, which shall include coverage for any damage caused to the owner's property and shall contain a provision that cancellation thereof shall not become effective without thirty (30) days prior notice thereof in writing to the ~~department of licenses and consumer services~~ licensing official. The City of Minneapolis shall be named as an additional insured in the policy.

Section 19. That Section 277.3025 of the above-entitled ordinance be amended to read as follows:

277.3025. License suspension or revocation for lack of insurance or bond. Any license issued under this article shall be immediately suspended by the ~~director~~ licensing official whenever, during the term of said license, a residential specialty contractor fails to keep in full force and effect, and in the full amount required, the insurance and bonds required by this article.

Section 20. That Section 277.3030 of the above-entitled ordinance be amended to read as follows:

277.3030. Bond required. Every application for a license shall be accompanied by a bond, approved as to form by the city attorney, executed by a bonding or surety company authorized to do business in the State of Minnesota, in the amount of ten thousand dollars ($10,000.00) annual aggregate, effective upon application, and conditioned upon the assurance that the applicant will comply with the provisions of this article and all laws of the city and to assure that upon default in the performance of any contract, the advance payment made thereon, less the reasonable cost of completion of the contract in the event of the noncompletion thereof, will be refunded to the owner with whom such contract was made. The city shall have a cause of action against the bond for reimbursement for any damages suffered as a result of noncompliance with the laws of the city. The bond shall contain a provision that no bond may be cancelled except upon thirty (30) days' written notice to the city, which shall be served upon the ~~licenses and consumer services division~~ licensing official.

Section 21. That Section 277.3040 of the above-entitled ordinance be amended to read as follows:

277.3040. License required to obtain building permit. The ~~inspections division~~ building official shall not issue a building permit to anyone required to be licensed under this article who is not at the time of the application for the permit properly licensed pursuant to this article.

Section 22. That Section 277.3070 of the above-entitled ordinance be amended to read as follows:

277.3070. Prohibited acts. No person shall commit any of the following acts:

(1) Abandonment or willful failure to perform, when the failure is not due to circumstances beyond the control of the licensee, any building contract or project engaged in or undertaken by a residential specialty contractor or willful deviation from or disregard of plans or specifications in any material respect without the written consent of the owner;

(2) Making any substantial misrepresentation in the procurement of a building contract or making any false promise likely to influence, persuade or induce;

(3) Any fraud in the execution of or in the material alteration of any contract, mortgage, promissory note or other document incident to a building contracting transaction;

(4) Preparing or accepting any mortgage, promissory note or other evidence of indebtedness upon the obligation of a building contract transaction with knowledge that it recites a greater principal obligation than the agreed consideration for the building contracting work, which constitutes an abuse to the consumer;

(5) Directly or indirectly publishing any advertisement relating to building contracting which contains an assertion, representation or statement of facts which is false, deceptive or misleading, provided that any advertisement which is subject to and

complies with the then existing rules, regulations or guidelines of the Federal Trade Commission, state laws or city ordinances shall not be deemed false, deceptive or misleading or by any means of advertising or purporting to offer the general public any building contracting work with the intent not to accept contracts for the particular work or the price which is advertised;

(6) Willful or deliberate disregard and violation of the building, housing, sanitary, health and fire laws of this state, county or City of Minneapolis;

(7) Willful failure to notify the ~~licenses and consumer services division~~ licensing official of any change in control, ownership, management or business name or location within thirty (30) days of such change;

(8) Conducting a residential specialty contracting business in any name other than the one in which the contractor is licensed;

(9) Offering to pay a loan as an inducement to enter into a building contract with others;

(10) Display of a false or forged license;

(11) Doing any residential specialty contracting business as defined in section 277.2940 herein unless all such business is done in a workmanlike manner;

(12) Failing to contact the ~~licenses and consumer services division~~ licensing official within ten (10) days after the contractor has received a certified letter from the ~~licenses and consumer services division~~ licensing official regarding a specific consumer complaint, or the ~~licenses and consumer services division~~ licensing official has received notice of refusal or nondeliverability of such letter;

(13) No residential specialty contractor shall allow its name to be used by any person, other than an employee, for the purpose of performing contracting work. No residential specialty contractor shall obtain a permit for an unlicensed contractor. No residential specialty contractor shall perform any work under a building permit obtained by the owner.

(14) No residential specialty contractor shall enter into several building contracts which are part of a single building plan for an owner for the purpose of avoiding the provisions of this article.

Section 23. That Section 277.3100 of the above-entitled ordinance be amended to read as follows:

277.3100. Job site notice required. No licensee shall commence building contracting work for which a license is required by this article unless there is conspicuously posted out of doors on the job site a rectangular-shaped notice not less than eight (8) by ten (10) inches in size stating the name, business address and license number of the licensee. When such notice is not posted, the ~~director~~ licensing official, the building ~~inspector~~ official, or their duly authorized agent, or the police license inspector may stop all work on the job site until this section has been complied with. This section shall not be construed to apply to anyone not required to be licensed under this article.

Section 24. That Section 277.3110 of the above-entitled ordinance be amended to read as follows:

277.3110. Owner's responsibility to hire only licensed contractors. The ~~licenses and consumer services division~~ licensing official may refuse to aid an owner who knowingly enters into a building contract with an unlicensed residential specialty contractor. No owner or representative of an owner shall knowingly enter into a building contract with an unlicensed residential specialty contractor.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-177 amending Title 13, Chapter 278 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Heating, Ventilating and Air Conditioning, Gasfitting, Oil, Plumber/Gas Fitter, Refrigeration and Steam and Hot Water Installers, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-177
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 278 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Heating, Ventilating and Air Conditioning, Gasfitting, Oil, Plumber/Gas Fitter, Refrigeration, and Steam and Hot Water Installers.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 278.180 of the above-entitled ordinance be amended to read as follows:

278.180. Application. Every person desiring a license as described in this chapter shall make written application to the ~~director of licenses and consumer services~~ licensing official, stating therein the name of the person, partnership, corporation or other business entity desiring such license, the principal place of business, and the master installer in responsible charge of the work in each of the trades for which application is made. In case of removal therefrom, the applicant shall immediately notify, in writing, the ~~director of inspections~~ building official of the address of the new place of business. In case of a change in the master installer, the applicant shall immediately notify, in writing, the ~~director of inspections~~ building official of the name of the master installer in responsible charge of work as defined in this chapter.

Section 2. That Section 278.220 of the above-entitled ordinance be amended to read as follows:

278.220. Issuance of licenses. Each contractor license shall be issued or denied by the ~~director of licenses and consumer services~~ licensing official pursuant to section 259.30.

Section 3. That Section 278.440 of the above-entitled ordinance be amended to read as follows:

278.440. Appeals. Any person aggrieved by any administrative decision of the contracted vendor in accepting or rejecting any application for examination, certification of educational qualification, certification of on the job training, certification of an employer educational program or any issue related to the testing process may appeal by filing with the ~~inspections division~~ building official written notice of appeal setting forth the specific issue(s) on appeal within thirty (30) days of notification of the decision. The notice of appeal shall be accompanied by a non-refundable fee of one hundred dollars ($100.00). Upon receiving notice of appeal, the ~~director of inspections~~ building official shall arrange for a hearing, which shall be held not less than ten (10) nor more than ninety (90) days from the date of receipt of the appeal. The ~~director of inspections~~ building official shall provide the appellant with not less than ten (10) days' notice of the time and place of the hearing.

Appeals shall be heard before a hearing officer who shall be an administrative law judge appointed by the chief administrative law judge of the Minnesota State Office of Administrative Hearings, pursuant to Minnesota Statutes Chapter 14. The hearing shall be a trial de novo, conducted according to the rules for contested case hearings found in Minnesota Rules Chapter 1400, and upon the evidence presented, the hearing officer shall affirm, modify or set aside the determination of the contracted vendor. The decision of the hearing officer shall be rendered in writing and shall contain the findings of fact and conclusions reached, and all parties shall be bound thereby.

Any person aggrieved by the decision of the hearing officer may appeal to the Minnesota court having jurisdiction as provided by law.

Costs of the appeal hearing, including fees charged by the office of administrative hearings and the expense of transcript preparation, but not including attorney fees of the opposing party, shall be paid by the non-prevailing party.

Section 4. That Section 278.510 of the above-entitled ordinance be amended to read as follows:

278.510. Denial, revocation, suspension or cancellation of certificate of competency. Any certificate of competency issued, or proposed to be issued under this chapter may be denied, suspended, revoked, canceled or not renewed if the applicant or holder:

(1) Is convicted of failing to comply with any of the provisions of state law or this Code relating to the construction, installation, alteration, repair, cleaning or servicing of systems regulated under this chapter or of failure to comply with a lawful order issued pursuant thereto.

(2) As a master installer in responsible charge of work, fails to obtain appropriate permits for any work for which permits are required more than three (3) times within a one-year period.

(3) In the application process for issuance or renewal of a certificate of competency, knowingly falsifies, conceals, misrepresents or misstates any material fact or matter bearing upon the holder's eligibility or competency.

(4) Obtains, attempts to obtain, or assists another in obtaining or attempting to obtain a competency card through fraudulent or other improper means.

If the ~~director of inspections~~ building official determines that a certificate of competency should be denied, suspended, revoked, canceled or not renewed under this section, the ~~director of inspections~~ building official shall send the applicant or holder a notice of denial, suspension, revocation, cancellation or nonrenewal of the certificate. The notice shall state the proposed action to be taken, a summary statement of the reason or reasons that such action is recommended, that the matter has been referred to the city council with a recommendation for the proposed action, that the city council will take the proposed action unless the applicant or holder appeals the determination in the manner described in section 278.515.

Section 5. That Section 278.515 of the above-entitled ordinance be amended to read as follows:

278.515. Appeals. Any person aggrieved by any administrative decision of the ~~director of inspections~~ building official to deny, revoke, suspend, cancel or not renew a certificate of competency may appeal by filing with the ~~inspections division~~ building official written notice of appeal setting forth the specific issue(s) on appeal within thirty (30) days of notification of the decision. The notice of appeal shall be accompanied by a non-refundable fee of one hundred dollars ($100.00). Upon receiving notice of appeal, the ~~director of inspections~~ building official shall arrange for a hearing, which shall be held not less than ten (10) nor more than ninety (90) days from the date of receipt of the appeal. The ~~director of inspections~~ building official shall provide the appellant with not less than ten (10) days' notice of the time and place of the hearing.

Appeals shall be heard before a hearing officer who shall be an administrative law judge appointed by the chief administrative law judge of the Minnesota State Office of Administrative Hearings, pursuant to Minnesota Statutes, Chapter 14. The hearing shall be a trial de novo, conducted according to the rules for contested case hearings found in Minnesota Rules, Chapter 1400, and upon the evidence presented, the hearing officer shall affirm, modify or set aside the determination of the ~~director of inspections~~ building official. The decision of the hearing officer shall be rendered in writing and shall contain the findings of fact and conclusions reached, and all parties shall be bound thereby.

Any person aggrieved by the decision of the hearing officer may appeal to the Minnesota court having jurisdiction as provided by law.

Costs of the appeal hearing, including fees charged by the office of administrative hearings and the expense of transcript preparation, but not including attorney fees of the opposing party, shall be paid by the non-prevailing party.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-178 amending Title 13, Chapter 279 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Christmas Tree Dealers, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-178
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 279 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Christmas Tree Dealers.

The City Council of The City of Minneapolis do ordain as follows:

That Section 279.25 of the above-entitled ordinance be amended to read as follows:

279.25. License application; penalty for late application. (a) Every person desiring a Christmas tree dealer's license shall file with the ~~department of licenses and consumer services~~ licensing official, on forms provided by ~~it~~ the licensing official, a written application containing the following information:

(1) The name and resident address of the applicant.

(2) A detailed diagram showing the location of the intended sale of Christmas trees.

(3) Any other information the director deems necessary.

(b) All applications for licenses in each and every calendar year are required to be filed on or before November fifteenth of said year. In the event any such application is filed after November fifteenth, before the license can be issued the applicant shall pay, in an addition to the regular fee, a sum equal to twenty (20) percent of the annual license fee.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-179 amending Title 13, Chapter 281 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Tobacco Dealers, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-179
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 281 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Tobacco Dealers.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 281.20 of the above-entitled ordinance be amended to read as follows:

281.20. Application for license; referral and action. Any person desiring to obtain a tobacco dealers license shall file with the ~~director of licenses and consumer services~~ licensing official a written application to the city council stating the full name and address of the applicant for such license, and the fixed location of the building or buildings and the part or portions thereof intended to be used by the applicant under such license. No license shall be granted for the purpose of dispensing tobacco from a motor vehicle. Upon the filing of any such application it shall be presented to the city council for consideration, and upon the granting of any such license by the council, the ~~director of licenses and consumer services~~ licensing official shall issue such license to the applicant after payment of the license fee herein required.

Section 2. That Section 281.80 of the above-entitled ordinance be amended to read as follows:

281.80. Enforcement. Sections 281.30 through 281.65 shall be administered and enforced by and through the ~~director of licenses and consumer services~~ licensing official of the City of Minneapolis. All compliance operations to ensure adherence to sections 281.60(b) and 281.60(c) shall be conducted by the ~~director of licenses and consumer services~~ licensing official or the Minneapolis Police Department.

The ~~director of licenses and consumer services~~ licensing official or the Minneapolis Police Department will conduct unannounced compliance checks at least once each calendar year at each location where tobacco is sold to test compliance with Minnesota Statutes, Section 609.685. In the event of a first violation, an unannounced compliance check shall be done within the following six (6) months and at least twice within the anniversary date of the first violation. In the event of a second violation, an unannounced compliance check shall be done within the following four (4) months and at least three (3) times within the anniversary date of the second violation. Compliance checks must involve minors over the age of fifteen (15), but younger than the age eighteen (18), who with the prior written consent of a parent or guardian, attempt to purchase tobacco under the direct supervision of a law enforcement officer or employee of the licensing authority.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-180 amending Title 13, Chapter 283 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Courtesy Benches, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-180
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 283 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Courtesy Benches.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 283.30 of the above-entitled ordinance be amended to read as follows:

283.30. Application for license. Every person desiring a license or licenses under this chapter shall apply to the ~~department of licenses and consumer services~~ licensing official, giving the location and specifications for each bench, the name and address of the applicant, and such other information as may be required in an application form to be prepared by the ~~department of licenses and consumer services~~ licensing official, city engineer and city attorney.

Section 2. That Section 283.110 of the above-entitled ordinance be amended to read as follows:

283.110. Insurance required. Before a license shall be issued, the applicant shall file with the ~~department of licenses and consumer services~~ licensing official a policy, or certificate thereof, of public liability insurance approved by the city attorney and issued by an insurance company authorized to do business in the State of Minnesota, insuring such applicant against loss in the sum of at least twenty-five thousand dollars ($25,000.00) because of liability imposed by law on account of bodily injury or death of any one person in any one accident, in the sum of at least fifty thousand dollars ($50,000.00) because of liability imposed by law on account of bodily injury or death of two (2) or more persons in any one accident, and in the sum of at least five thousand dollars ($5,000.00) because of liability imposed by law on account of damage to or destruction of property in any one accident, by reason of the installation, maintenance, use or removal of such bench for which a permit is issued regardless of the point to which such bench or benches may be moved within the city with or without the consent of the licensee. The city shall be named as an additional assured in said policy. The policy shall be maintained in its original amount by the licensee at his or her expense at all times during the period for which the license is in effect. In the event that two (2) or more licenses are issued to one licensee, one such policy may be furnished to cover two (2) or more benches, and each policy shall be of a type in which coverage shall automatically be restored immediately after the occurrence of any accident or loss from which liability may thereafter accrue.

Section 3. That Section 283.140 of the above-entitled ordinance be amended to read as follows:

283.140. Issuance of license. All applications, when approved by the ~~department of licenses and consumer services~~ licensing official and the city engineer, shall be granted or denied pursuant to section 259.30.

Adopted.
Absent – Reich, Johnson.

Ordinance 2013-Or-181 amending Title 13, Chapter 285 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Dancing Schools, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-181
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 285 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Dancing Schools.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 285.30 of the above-entitled ordinance be amended to read as follows:

285.30. Application. Any person desiring a license to conduct a dancing school shall make application therefor to the ~~department of licenses and consumer services~~ licensing official, upon forms to be furnished by such ~~department~~ licensing official, and such application shall, among other things, contain the name and address of the applicant, the name and address of the dancing school, and the residence and occupation of the applicant for five (5) years immediately preceding the date of application. After filing of such application the same shall be referred to the ~~director of inspections~~ building official, fire department and health department for investigation and report as to the suitability of the premises for which a license is sought.

Section 2. That Section 285.50 of the above-entitled ordinance be amended to read as follows:

285.50. Filing, approval of fees. Every applicant for a license shall file with the ~~department of licenses and consumer services~~ licensing official a schedule of fees to be charged and if such schedule is approved by the city council, it shall be the maximum fee which may be charged.
Adopted.
Absent – Reich, Johnson.

Ordinance 2013-Or-182 amending Title 13, Chapter 287 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Filling Stations and Bulk Oil Plants, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-182
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 287 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Filling Stations and Bulk Oil Plants.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 287.05 of the above-entitled ordinance be amended to read as follows:

287.05. Definitions. As used in this chapter, unless otherwise indicated, the following terms are defined as follows:

Bulk oil plant. A business engaged in the dispensing, handling or sale of gasoline, fuel oil or other flammable liquids in bulk quantities of thirty (30) gallons or more.

Delivery vessel. A vessel that stores and transports gasoline for delivery to a gasoline filling station.

~~*Director.* The director of licenses and consumer services or their designee.~~

Gasoline. A petroleum or a petroleum-based substance that is motor gasoline, or any grade of gasohol, and is typically used in the operation of a motor engine, excluding, aviation gasoline, No. 1 or 2 diesel fuel.

Gasoline filling station. A business engaged in the dispensing, handling or sale of gasoline or other fuels to the public.

Gasoline storage tank. A permanent vessel for storing gasoline at a gasoline filling station for the purpose of dispensing, handling or sale of gasoline.

Licensing official. The licensing official designated by the director of community planning and economic development, who supervises the licensing and consumer services functions of the city.

Simultaneous fueling location. The location at which a fueling device delivers or dispenses fuel to a single vehicle.

Stage I vapor recovery system. The control or management of hydrocarbons, volatile organic compound vapors and other gases during the transfer of gasoline from the delivery vessel to the gasoline filling station's gasoline storage tanks.

Stage II vapor recovery. The control or management of hydrocarbon and volatile compound vapors and gases during the transfer of gasoline from the gasoline filling station's gasoline storage tank to the vehicle's gasoline tank.

Vapor recovery equipment for gasoline filling stations. All equipment that is part of the vapor recovery system used by a gasoline filling station to collect and manage gasoline vapors generated from refueling vehicle gasoline tanks, gasoline storage tanks and portable fuel containers including, but not limited to, dispensing equipment, couplers, fittings, processors, control boards, gauges, and monitors.

Vapor recovery system. A vapor gathering system capable of collecting and managing hydrocarbon and Volatile Organic Compound (VOC) vapors and gases so as to prevent the vapors and gases from being emitted into the ambient air or atmosphere. The system's tank gauging and sampling devices are gas-tight except when gauging or sampling is taking place. A vapor recovery system may include stage I or stage II vapor recovery.

Section 2. That Section 287.20 of the above-entitled ordinance be amended to read as follows:

287.20. Application for building permit. Application for permit to build and operate any such filling station or bulk oil plant shall be made to the ~~director of licenses and consumer services~~ licensing official in writing, which application shall designate the location of the proposed station or plant, number and capacity of tanks, number of pumps, grease pit or grease hoist and whether for public or private use. Blueprints shall accompany the application, giving all such information and shall be subject to approval by the chief of the fire department, the ~~director of inspections~~ building official, and the zoning administrator. After inspection of the location of such proposed filling station or bulk oil plant shall have been made, one (1) copy of the blueprints shall be retained in the files of the fire prevention bureau. No work of any kind shall be started until the application for permit is approved. The fee for each such permit, either for a gasoline filling station or bulk oil plant, shall be six dollars ($6.00) which shall be paid to the ~~department of licenses and consumer services~~ licensing official at the time the application is submitted.

Section 3. That Section 287.70 of the above-entitled ordinance be amended to read as follows:

287.70. Transfer of licenses prohibited. In the event that the licensee desires to change the place of business the licensee shall apply for a new license with the ~~director of licenses and consumer services~~ licensing official. If the ownership of the licensee changes, the new owner shall apply for a new license from the ~~director of licenses and consumer services~~ licensing official.

Section 4. That Section 287.100 of the above-entitled ordinance be amended to read as follows:

287.100. Oil or gasoline spills. Oil or gasoline spills of five (5) gallons or more must be reported to the environmental management division of the Minneapolis ~~Department of Licenses and Consumer Services~~ Health Department and to the State duty officer.

Section 5. That Section 287.140 of the above-entitled ordinance be amended to read as follows:

287.140. Notice of installation. At least three (3) business days prior to installation of a stage I vapor recovery system at a gasoline filling station, the operator of the gasoline filling station shall give notice to the ~~Minneapolis department of licenses and consumer services~~ licensing official of the scheduled installation so that an inspector can, if desired by the ~~department~~ licensing official, be present to monitor compliance with this Code.

Section 6. That Section 287.170 of the above-entitled ordinance be amended to read as follows:

287.170. Denial, suspension or revocation. A gasoline filling station or bulk oil plant license may be denied, suspended, revoked or renewal refused by the city council for any of the following reasons:

(1) Violation of any federal, state or local law.

(2) Violation of any provision of the building, zoning, fire or health codes of the city.

(3) Failure to obtain permits required by the Minneapolis Fire Department.

(4) Failure to comply with orders issued by the ~~Minneapolis Department of~~ ~~Licenses and Consumer Services~~ licensing official.

(5) For other good cause shown which renders the licensee or license applicant unfit to hold a filling station or bulk oil plant license.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-183 amending Title 13, Chapter 289 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Fire Extinguisher Sales and Service, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-183
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 289 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Fire Extinguisher Sales and Service.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 289.50 of the above-entitled ordinance be amended to read as follows:

289.50. Application for license; issuance. (a) Any person desiring to engage in the business of servicing fire extinguishers as herein defined, and any person desiring to service his own fire extinguishers shall make written application to the ~~director of licenses and consumer services~~ licensing official for a license so to do. Such application shall be made on forms to be provided by the ~~department of licenses and consumer services~~ licensing official, and said application shall state thereon the name of the person, firm or corporation desiring such license and the place of business. An application for a Class B license shall include the address of all locations to be serviced by the applicant.

(b) No such license shall be issued unless such person, or, where the applicant is a firm or corporation, a member of such firm or officer of such corporation at the time of the making of the application, has such equipment and facilities as are reasonably necessary and adequate for servicing fire extinguishers.

Section 2. That Section 289.65 of the above-entitled ordinance be amended to read as follows:

289.65. Insurance required. Each Class A license shall furnish and file with the ~~department of licenses and consumer services~~ licensing official a policy of insurance in an insurance company authorized to do business in the State of Minnesota insuring the licensee, his or her employees and agents, against any and all loss by reason of negligence in the servicing of portable fire extinguishers; such policy of insurance to be in the limits of at least one hundred thousand dollars ($100,000.00) for any one person killed or injured in one accident and three hundred thousand dollars ($300,000.00) for each occurrence and twenty-five thousand dollars ($25,000.00) property damage. Failure to keep in full force and effect insurance required herein is grounds for revocation of the license.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-184 amending Title 13, Chapter 291 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Fuel Dealers, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-184
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 291 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Fuel Dealers.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 291.40 of the above-entitled ordinance be amended to read as follows:

291.40. Application for license. Every person desiring a license to sell fuel shall apply to the ~~director of licenses and consumer services~~ licensing official, and in such application shall state his or her true name, the name under which he or she intends to do business as a fuel dealer, whether an individual, firm, corporation or partnership, and, if a partnership, the names and addresses of all partners, the street address and location at which the business is to be carried on, together with the exact location of all other fuel or storage yards operated by the business within the city.

Section 2. That Section 291.90 of the above-entitled ordinance be amended to read as follows:

291.90. ~~Director~~ Licensing official to keep register of licenses. The ~~director of licenses and consumer services~~ licensing official shall keep a register of each license issued, the number thereof, the name of the person to whom the same is issued, the date when issued, the date of the expiration of the same, the amount paid therefor, and such other data as may be required.

Section 3. That Section 291.100 of the above-entitled ordinance be amended to read as follows:

291.100. Insurance required. No license shall be issued or renewed under this chapter unless the applicant shall have on file with the ~~director of licenses and consumer services~~ licensing official liability insurance, or a certificate thereof, in a company licensed in Minnesota in at least the amounts of twenty-five thousand dollars ($25,000.00) for property damage, one hundred thousand dollars ($100,000.00) for personal injury or death to one person, and three hundred thousand dollars ($300,000.00) for personal injury or death to more than one person from one accident, insuring against injury or damage arising out of the use or operation of any fuel delivery vehicle, including loading and unloading. Such policy shall contain a provision that no cancellation shall become effective without thirty (30) days' prior notice thereof in writing to the ~~director of licenses and consumer services~~ licensing official.

Section 4. That Section 291.105 of the above-entitled ordinance be amended to read as follows:

291.105. Self-insurance permitted. If the applicant has qualified as a self-insurer under Section 65B.48, Subdivision 3, Minnesota Statutes, and files with the ~~director of licenses and consumer services~~ licensing official a certified copy or a duplicate original of the self-insurance certificate as issued by the state commissioner of insurance, then no policy of insurance shall be required to be filed with the city as otherwise would be required under this chapter.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-185 amending Title 13, Chapter 293 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Going Out of Business Sales, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-185
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 293 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Going Out Of Business Sales.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 293.20 of the above-entitled ordinance be amended to read as follows:

293.20. Exception for actual disaster sales. This chapter shall not apply to a sale held by a regularly established retail or wholesale merchant at the merchant's regular place of business, under a permit issued by the ~~department of licenses and consumer services~~ licensing official, provided that such sale is held for a period not to exceed fifteen (15) successive days, excluding Sundays and holidays, during the period of ninety (90) days immediately following actual damage to said merchant's stock of goods by fire, water, smoke or other chance circumstance. If such damaged merchandise has not been sold within the fifteen (15) day period, an extension of such sale for a period of not to exceed an additional ten (10) successive days, excluding Sundays and holidays, may be authorized by an additional permit. The applicant for such permit must file with the application an inventory of the damaged merchandise to be offered at the sale, which inventory shall be verified by the insurance company covering the operation. The fee for such fifteen (15) day permits shall be as established in Appendix J, License Fee Schedule; the fee for each additional day allowed during which the sale is to be held shall be as established in Appendix J, License Fee Schedule.

Section 2. That Section 293.50 of the above-entitled ordinance be amended to read as follows:

293.50. Application for license. Any person desiring to advertise and conduct any sale of the type defined in this chapter shall apply to the ~~department of licenses and consumer services~~ licensing official on forms prepared by the ~~department~~ licensing official. The application shall be in writing and shall be in the name of the true owner of the merchandise to be sold. The application shall truthfully state:

(a) The name and address of the applicant, together with the names and addresses of all individuals who are members of the partnership, association or firm making such application and of all officers of any corporation making such application.

(b) The type of sale to be conducted and the reason for conducting such sale.

(c) The address at which such sale will be held.

(d) The nature of the occupancy of the premises where the sale is to be held, whether by lease or sublease, and the date of termination of such occupancy.

(e) Whether or not the applicant has held any sale, as defined in this chapter, at the premises referred to in the application within one year last past from the date of the application.

(f) The date of acquisition by the applicant of the business with respect to which the sale is to be held.

(g) The names and addresses of the individuals who will have charge of the sale.

(h) An inventory which shall contain:

(1) A legible, orderly, detailed, complete and accurate descriptive list of the merchandise to be offered for sale which inventory shall include only merchandise owned by the applicant which applicant expects to include in such sale located on the premises where the sale is to be held and in warehouses. Such inventory may include all goods which have been purchased by the applicant for resale on bona fide orders without cancellation privileges and shall not comprise goods purchased on consignment. Such inventory shall not include goods ordered in contemplation of conducting a sale regulated hereunder. Any purchase or additions made within ninety (90) days immediately prior to the filing of an application which increases the inventory beyond the average inventory for twelve (12) full and successive months next preceding the application shall be deemed an unusual purchase or addition and made in contemplation of having a sale as regulated by the terms of this chapter; provided, however, that in determining the average monthly inventory seasonable purchases and inventories shall be considered and adjusted.

(2) Insofar as reasonably possible on the basis of available record data regularly kept by the applicant, the dates of acquisition of such merchandise, the names and addresses of the persons from whom obtained, and the manner of acquisition. The inventory shall contain the cost price of the merchandise to be sold, and the regular price at which the merchandise was sold prior to the making of the application for license.

The application and the inventory shall be executed and verified in duplicate under oath by the individual making the application or by a member of the partnership making the application or by the general managing officer or agent of the association, joint enterprise, firm or corporation, making the application, and shall be filed in duplicate with the ~~department of licenses and consumer services~~ licensing official.

Section 3. That Section 293.70 of the above-entitled ordinance be amended to read as follows:

293.70. License fee. Upon the filing of such application and inventory in duplicate and the payment to the city of a fee as established in Appendix J, License Fee Schedule, the application shall be investigated by the ~~department of licenses and consumer services~~ licensing official and as soon as practicable referred to the appropriate committee of the council; provided, where the City of Minneapolis has purchased or condemned the property at which the business is conducted, the applicant may obtain a special nonrenewable license effective for only thirty (30) days upon payment to the city of a fee as established in Appendix J, License Fee

Schedule. The said committee shall then examine the application and supporting data and recommend to the council the granting or denial of such license.

Section 4. That Section 293.80 of the above-entitled ordinance be amended to read as follows:

293.80. Term; renewals authorized. Licenses issued hereunder shall be for a period of not to exceed forty-five (45) days. Upon satisfactory proof that all of the merchandise listed in the inventory attached to the original application has not been disposed of and that no items of merchandise not listed in such inventory have been or are to be sold at such sale, the ~~department of licenses and consumer services~~ licensing official shall investigate the truthfulness of the application and the supporting data, and shall then recommend to the appropriate committee the granting or denial of a renewal, and any such renewal shall require a fee as established in Appendix J, License Fee Schedule. In the event a second renewal for fifteen (15) days is applied for under the terms and conditions hereinbefore stated for the first renewal, the fee for such renewal shall be as established in Appendix J, License Fee Schedule, for each day of such sale to defray the cost of daily supervision by the ~~department of licenses and consumer services~~ licensing official during the period of the sale.

Section 5. That Section 293.90 of the above-entitled ordinance be amended to read as follows:

293.90. Proof required for renewal. Proof as required above shall be furnished on a form prepared by the ~~department of licenses and consumer services~~ licensing official. It shall be accompanied by an inventory which shall contain a legible, orderly, detailed, complete and accurate descriptive list of the merchandise then on hand unsold. Such renewal application and accompanying inventory shall be executed and verified under oath by the individual making the application, or by a member of the partnership making the application, or by the general managing officer or agent of the association, joint enterprise, firm or corporation making the application.

Section 6. That Section 293.110 of the above-entitled ordinance be amended to read as follows:

293.110. Conditions of license. The licensee shall have the privilege of conducting a sale as defined in this chapter upon the following conditions:

(a) Such sale shall be conducted on the premises specified in the application, during the period of the license and any renewals thereof, and no longer.

(b) No merchandise not described in the inventory shall be added to or included with that specified in the inventory furnished with the application and offered for sale at the sale. Each sale of merchandise not included in the inventory shall constitute a separate violation of this condition.

(c) The sale shall be advertised and conducted in the name of the licensee only and no reference to the reasons for the sale shall be advertised unless the reasons shall be in conformity with those stated in the application and shall be applicable to the licensee at the time of such advertisement.

(d) The license to conduct such sale shall be conspicuously displayed during the duration of the sale near the entrance to the premises where the sale is being held.

(e) A duplicate original of the application and inventory pursuant to which such license was granted, shall be available at the premises where the sale is being held to the ~~officers and agents of the department of licenses and consumer services~~ licensing official, and the licensee shall permit ~~them to examine~~ examination of all merchandise on the premises for comparison with such inventory.

(f) At the close of business each day there shall be noted on the inventory attached to such duplicate original application the items disposed of during such day.

(g) Suitable books and records shall be kept by the licensee and shall be available at all times to the ~~officers and agents of the department of licenses and consumer services~~ licensing official.

(h) No advertisement shall contain any assertion, representation or statement of fact which shall be untrue, deceptive or misleading as to the ownership of such merchandise, the source from which it was obtained, the quantity, nature, condition or quality thereof, or the value or price thereof, or the savings or discounts offered with respect thereto, and, if any price comparisons or percentages of savings or discounts are quoted in any advertisement, such savings or discounts shall be computed upon the prices stated in the inventory with respect to the items referred to in such advertisement; provided, however, that no comparison in either general or specific terms shall be made in any such advertisement with respect to either the regular wholesale or regular retail prices of any merchandise unless the regular wholesale or regular retail price of such merchandise so referred to is stated in the inventory attached to such application.

(i) The licensee shall forthwith at the conclusion of any such sale file with the ~~department of licenses and consumer services office~~ licensing official a true inventory of all merchandise, if any, then remaining unsold.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-186 amending Title 13, Chapter 295 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Groceterias and Portable Stores, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-186
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 295 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Groceterias and Portable Stores.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 295.20 of the above-entitled ordinance be amended to read as follows:

295.20. Application for license. Any person desiring a license under this chapter shall file with the ~~department of licenses and consumer services~~ licensing official a written application to the city council for such license, stating in such application the full name and address of the owner or proprietor of the groceteria or portable store to be conducted and operated by the applicant, and for which a license is desired, and the locations within the city where the applicant proposes to conduct and operate the same, and the kind of groceries, meats, provisions and miscellaneous goods, wares and merchandise the applicant desires to transport and sell under such license.

Section 2. That Section 295.40 of the above-entitled ordinance be amended to read as follows:

295.40. Foods permitted to be sold. The licensee shall sell only prepackaged foods approved by the commissioner of health. As used in this section:

(a) "Commissioner of health" shall mean the commissioner of health of the city and authorized representatives.

(b) "Prepackaged foods" shall mean clean, unadulterated, wholesome food packaged in a substantial, clean container or wrapper.

All perishable and readily perishable foods, as defined by section ~~188.10~~ 186.50 of this Code shall comply with this section.

Section 3. That Section 295.90 of the above-entitled ordinance be amended to read as follows:

295.90. Insurance. The licensee shall provide evidence of liability insurance in the amount of one hundred thousand dollars ($100,000.00) for individual or three hundred thousand dollars ($300,000.00) for any single incident and property damage coverage in the amount of five thousand dollars ($5,000.00). Certificate of insurance shall be filed with the ~~department of licenses and consumer services~~ licensing official prior to issuance of a license.

Section 4. That Section 295.110 of the above-entitled ordinance be amended to read as follows:

295.110. Locations, schedules to be filed; marking of vehicles. The list of locations to be served and the schedule of service to each location shall be kept currently revised and on file with the department, and each vehicle used as a groceteria shall have affixed thereto, in a conspicuous place so as to be legible at all times, a food vehicle decal furnished by the ~~department~~ licensing official.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-187 amending Title 13, Chapter 296 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Hospitals, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-187
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 296 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Hospitals.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 296.30 of the above-entitled ordinance be amended to read as follows:

296.30. Application for license. Any person desiring a license hereunder shall file with the ~~director of licenses and consumer services~~ licensing official an application therefor containing a verified statement of the names and ages of the persons desiring said license; the names and ages of the persons to be charged with the direction and management of the hospital which it is proposed to establish or conduct; the place where it shall be located; the names of the physicians in charge or to be in charge thereof; and any other information which may be required by the ~~director of licenses and consumer services~~ licensing official or the commissioner of health.

Section 2. That Section 296.40 of the above-entitled ordinance be amended to read as follows:

296.40. Approval procedure. The application for such license shall forthwith be presented by the ~~director of licenses and consumer services~~ licensing official to the commissioner of health. If the application is then approved by the commissioner of health, the commissioner shall so certify in writing on the application and deliver it to the ~~director of licenses and consumer services~~ licensing official who may issue or deny the license pursuant to section 259.30. In the event the commissioner of health does not approve the granting of such license, the commissioner shall so certify in writing on the application not so approved and return the same to the ~~director of licenses and consumer services~~ licensing official. When any such application is not approved by the commissioner of health or the commissioner's deputy, the ~~director of licenses and consumer services~~ licensing official shall not issue the license unless authorized and directed to do so by the city council.

Section 3. That Section 296.70 of the above-entitled ordinance be amended to read as follows:

296.70. Record of licenses. The ~~director of licenses and consumer services~~ licensing official shall keep a record of all licenses issued under this chapter, showing the number, name of licensee, date of issue and such other data as may from time to time be required.

Adopted.
Absent – Reich, Johnson.

Ordinance 2013-Or-188 amending Title 13, Chapter 297 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Hotels, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-188
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 297 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Hotels.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 297.30 of the above-entitled ordinance be amended to read as follows:

297.30. Application for license. Any person desiring to engage in the business of operating a hotel as provided for in this chapter shall first make application therefor in writing to the city council by filing with the ~~director of licenses and consumer services~~ licensing official a written application for such license, designating therein the character of the business to be conducted, giving in such application the full name and address of the proprietor or owner, or both, of such proposed hotel and such other information as the ~~director~~ licensing official may require to verify that the terms and conditions of this chapter have been met. Upon receipt of an application, the ~~director~~ licensing official shall refer the application to the commissioner of health, ~~department of inspections~~, building official, and fire department, for investigation and report whether the applicant meets the terms and conditions of this chapter and all applicable city codes relating to zoning, building, housing, health, and fire.

Section 2. That Section 297.40 of the above-entitled ordinance be amended to read as follows:

297.40. Investigation. The ~~director~~ licensing official shall make report to the city council upon such application, together with recommendations as to the granting or refusal of such license and as to the truth or falsity of any statement contained in such application. Such report shall also give what information the ~~director~~ licensing official has as to the character of the applicant or the general reputation of the building within which such hotel is to be conducted, and shall state as to whether or not in the knowledge of ~~director~~ licensing official such applicant, proprietor or owner has ever been charged with conducting a disorderly house or with having sold intoxicating liquors illegally.

Section 3. That Section 297.50 of the above-entitled ordinance be amended to read as follows:

297.50. Issuance of license; fee. (a) Upon the receipt of reports from the commissioner of health, ~~department of inspections~~ director of regulatory services, building official, fire department, and ~~director of licenses and consumer services~~ licensing official, the city council may, in its discretion, grant or refuse such license, but no such license shall be issued until all the regulations relating to hotels have been complied with.

(b) The annual license fee for such license shall be as established in Appendix J, License Fee Schedule.

For not more than 20 rooms $306.00

(c) Upon action by the city council authorizing and directing the issuance of a license to any such applicant, and payment of the license fee, the ~~director of licenses and consumer services~~ licensing official shall issue to such applicant the license authorized and directed to be issued by such resolution.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-189 amending Title 13, Chapter 297A of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Bed and Breakfast Facilities, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-189
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 297A of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Bed and Breakfast Facilities.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 297A.10 of the above-entitled ordinance be amended to read as follows:

297A.10. Definitions. *Bed and breakfast facility* is an establishment where short-term lodging is provided for compensation which may include breakfast meal service to guests only. Such facility is subject to additional requirements in the codes referred to in section 297A.50

Director shall mean the director of licenses and consumer services.

Licensing official. The licensing official designated by the director of community planning and economic development, who supervises the licensing and consumer services functions of the city.

Person shall mean any individual, partnership, corporation, or association.

Section 2. That Section 297.40 of the above-entitled ordinance be amended to read as follows:

297A.40. Application procedure. Any person desiring to operate a bed and breakfast facility in the City of Minneapolis shall contact the health department and zoning department for the purpose of assuring that all requirements are met as to each department. Upon approval by the aforementioned departments, written application shall be made to the ~~department of licenses and consumer services~~ licensing official. The application shall contain the name, address and phone number of the operator of the residence in which the bed and breakfast facility is located; address and phone number of the bed and breakfast, if different; number of guest rooms and the number of occupants each room may accommodate; names, phone numbers, and addresses of all individuals who will participate in the operation of the facility; name and phone number of a manager or contact person who can be reached during business hours; any further information deemed necessary by the ~~director~~ licensing official.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-190 amending Title 13, Chapter 299 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Ice Sale and Manufacture, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-190
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 299 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Ice Sale and Manufacture.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 299.50 of the above-entitled ordinance be amended to read as follows:

299.50. Applications for licenses generally. Any person desiring any license granted under this chapter shall file an application with the ~~department of licenses and consumer services~~ licensing official. Said application shall contain an affidavit stating the name and address of the owner of the business for which such application is made and the name and location of the body or bodies of water from which the ice has been or is to be harvested or the water used for its manufacture. Said form shall contain the statement that the sources named

therein are the only sources from which said ice or water used or to be used for its manufacture are or will be derived, subject to the provisions of this chapter, and shall be subscribed and sworn to by the applicant. It shall then be submitted by the applicant to the commissioner of health for approval and without such approval no application may be filed. If the commissioner of health approves the sources of the ice and water as therein stated, such approval shall be stamped thereon and said affidavit so stamped shall be filed with the application as herein provided. Any licensee thereafter desiring to make a change in the source of ice or water to be manufactured into ice, set forth in the application, shall notify the commissioner of health in writing and receive the commissioner's written approval of the source from which such licensee proposes to procure the ice or water to be manufactured into ice, before such change is made. In the event that the commissioner of health so approves, the new source shall thereafter be the only source from which the licensee may derive ice or water to be manufactured into ice, subject to the provisions of this chapter, with like force and effect as though such source had been stated in the application for licensee's license.

Section 2. That Section 299.70 of the above-entitled ordinance be amended to read as follows:

299.70. Procedure for producer's or dealer's license. Upon the filing of an application for a producer's license or a dealer's license, the same shall be presented to the commissioner of health. The premises and places in such application described, the building or buildings in which said business is being conducted, or it is proposed to conduct said business, such body or bodies of water from which ice is harvested or is to be harvested, or water used in the manufacture of ice shall be inspected by the commissioner of health or authorized representative who shall keep a permanent record of said inspection and who shall, if said places and premises, body or bodies of water, or water to be taken for the manufacture, are approved, so certify in writing on the application and deliver the same to the ~~director of licenses and consumer services~~ licensing official. In the event the commissioner of health approves said application, the license may be issued or denied pursuant to section 259.30. In case the commissioner of health does not approve the application, no license shall be granted.

Section 3. That Section 299.100 of the above-entitled ordinance be amended to read as follows:

299.100. Procedure for peddler's license. Upon the filing of an application for a peddler's license, it shall be presented to the commissioner of health. The vehicle or vehicles in such application described shall be inspected by the commissioner of health or the commissioner's deputy who shall keep a permanent record of said inspection, and who shall, if said vehicles are approved, so certify, in writing, on the application and deliver the same to the ~~director of licenses and consumer services~~ licensing official. In the event the commissioner of health approves said application, the license may be issued or denied pursuant to section 259.30. Unless the commissioner of health shall approve the application for license, no license shall be granted.

Section 4. That Section 299.110 of the above-entitled ordinance be amended to read as follows:

299.110. Vehicle license plates. Upon the registration of any vehicle or vehicles used in the sale and delivery or distribution of ice and the payment of fee therefor, the ~~director of licenses and consumer services~~ licensing official shall issue two (2) metal license plates for each vehicle, said license plates to be numbered serially, and the ~~director of licenses and~~

~~consumer services~~ licensing official shall keep a record of each license plate issued and the vehicles to which it is assigned. Said license plates shall at all times be attached to said vehicle. There shall be one plate on each side of the vehicle, in a conspicuous place.

Section 5. That Section 299.120 of the above-entitled ordinance be amended to read as follows:

299.120. Transfer of license plates; exception. Where a vehicle owned by a licensee is damaged through an accident or otherwise, transfer of license plates may be made for a period not to exceed five (5) days, but in such event the licensee shall notify the ~~director of licenses and consumer services~~ licensing official, in writing, at the date of transferring, and shall also notify the ~~director of licenses and consumer services~~ licensing official at the end of the five-day period that such plates have been returned to the original vehicle.

Section 6. That Section 299.150 of the above-entitled ordinance be amended to read as follows:

299.150. Registration of cash and carry ice station. The granting of a license for a cash and carry ice station shall constitute a registration of the building or buildings upon which said business is being carried on or is proposed to be carried on and of the sources of such ice. The ~~director of licenses and consumer services~~ licensing official shall keep a record and thereafter no building or buildings of said licensee shall be added or withdrawn by the said licensee except as hereinafter set forth; nor shall ice be obtained from any different source.

Section 7. That Section 299.160 of the above-entitled ordinance be amended to read as follows:

299.160. Cash and carry station license plates. Upon the registration of the cash and carry ice station with the ~~director of licenses and consumer services~~ licensing official and the payment of the fee therefor, the ~~director of licenses and consumer services~~ licensing official shall issue a decal for each cash and carry ice station operated, to be numbered serially, and the ~~director of licenses and consumer services~~ licensing official shall keep a record of each decal issued and the station to which it is assigned. Said decals shall at all times be posted in a conspicuous place on each of said ice stations.

Section 8. That Section 299.170 of the above-entitled ordinance be amended to read as follows:

299.170. Building requirements for cash and carry station. No business of conducting a cash and carry ice station shall be conducted in a building used as a filling station or in any building in which flammable liquids or materials are kept or stored. Each building in which it is proposed to conduct a cash and carry ice station shall be approved by the ~~director of inspections~~ building official prior to the issuance of a license.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-191 amending Title 13, Chapter 301 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Laundries and Dry Cleaning Establishments, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-191
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 301 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Laundries and Dry Cleaning Establishments.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 301.30 of the above-entitled ordinance be amended to read as follows:

301.30. Application for license. Application for any license under this article shall be made to the ~~department of licenses and consumer services~~ licensing official in writing stating the name of the applicant and the location of the premises to be licensed. If the applicant is a partnership, all partners' names shall be shown; if a corporation, the names of the principal officers shall be shown.

Section 2. That Section 301.40 of the above-entitled ordinance be amended to read as follows:

301.40. Approvals required. No license shall be granted under this article without the approval of the ~~director of inspections~~ building official, the chief of the fire department, and the commissioner of health. No dry cleaning establishment shall be licensed unless it complies with state law and this Code. Licenses shall be granted or denied pursuant to section 259.30.

Section 3. That Section 301.160 of the above-entitled ordinance be amended to read as follows:

301.160. License application. Any person desiring a license under the terms of this article shall make application in writing to the ~~department of licenses and consumer services~~ licensing official in the city on forms to be furnished by ~~such department~~ the licensing official, and such application shall contain among other things, the name of the person conducting the business, the address of the applicant, the address at which such business shall be conducted, the number and type of machines to be installed and used, and such other information as the ~~department of licenses and consumer services~~ licensing official, the ~~director of inspections~~ building official, the fire department or health department shall require, and such application shall be accompanied by a drawing or plat of the premises to be licensed showing the proposed installation of any machine or machines to be used in said business. Such plat shall show all details of connections and operational facilities. The application, together with the plat or map, shall be submitted to the ~~director of inspections~~ building official, the fire department and the health department for inspection.

Section 4. That Section 301.180 of the above-entitled ordinance be amended to read as follows:

301.180. Installation requirements. (A) *Installation Plans:*

(1) Before any installation is begun, a floor plan complete with all details of the requirements herein must be submitted to the ~~department of inspections~~ building official. This plan should show the building outline, location of all mechanical equipment in the building, fans with their CFM capacity, etc. This plan should be accompanied with detailed operation, installation and maintenance manuals prepared by the manufacturer of the proposed dry cleaning machine.

(2) Upon receiving written approval of the plans, the installation may be made.

(3) Before the machines can be put into operation for use, the installing contractor must arrange for the inspection of the equipment by the ~~department of inspections~~ building official and receive approval on same.

(B) *Location:*

(1) Coin-operated dry cleaning equipment locations must be approved by the ~~department of inspections~~ building official prior to the installation of machinery.

(2) Approval will not be granted for any building occupied in any part as a dwelling.

(3) Buildings should be single story structures with concrete floors in good condition. Installations in buildings not having concrete floors may be approved upon application, provided the requirements for proper ventilation, confinement of solvents within the dry cleaning service area and appropriate segregation of all building areas and equipment are installed and maintained to protect health. Complete information about the building and its construction must be included in the plans.

(C) *General:*

(1) The solvent shall be stored in closed containers, and should be transferred from the containers in a line free of leaks. All storage facilities for solvent, external from the equipment, must meet the requirements of the fire department.

(2) Filter residue and other residues containing solvent shall be disposed of so as not to create a health hazard or nuisance. A covered metal container should be used for temporary storage outside the building.

(3) Respiratory protective equipment shall be provided for maintenance personnel and must be kept in good repair and available for immediate use. Chemical cartridge respirators are approved for light solvent concentrations and the wearer should replace the cartridges immediately upon noting odor.

(4) A utility fire extinguisher of either the carbon dioxide or dry chemical type must be provided for use against electrical or oil fires.

(D) *Installation and Operation:*

(1) *Generally.* Only the front or customer side of the dry cleaning machine should be exposed to the customer area. The working or maintenance portion of the equipment should be separated from the front of the machine by a solid partition. No combustion equipment should be in the service area. Should the door to the service area of the machine itself be from the customer area, it must be so controlled that the emergency fan will go on automatically at any time the access door is opened.

(2) *Air movement through customer area.* As a means of minimizing any solvent build-up in the customer area and also to control any minor solvent leakage, it is required that there be a minimum flow rate from the customer area through the partition as follows:

No. of Machines	Minimum Flow Rate Per Machine (CFM)
1—3	500
4—8	400
9—16	375
17 or more	360

(Example: An 8-machine installation requires a minimum continuous exhaust flow rate of 3200 cfm.)

The exhaust ventilation as described above shall be provided on a continuous basis while the store is open for business. The fan wiring shall be such that the dry cleaning equipment cannot be operated unless the fan system is in operation.

(3) *Emergency fan.* It is also required that a general ventilation fan be installed in the back room or maintenance area to be used in case of serious solvent leakage. This fan may be installed in the rear wall and should have a minimum exhaust capacity of one thousand (1,000) cfm per machine when combined with the system in (D)(2).

(4) *Loading door.* The cleaning equipment must be provided with an exhaust system capable of maintaining a minimum of one hundred (100) feet per minute face velocity through the loading door whenever the door is open. The duct work connections from this system must be sealed (soldered or taped) and the discharge stack extended to a minimum height five (5) feet above the roof line.

(5) *Dike and drain tank.* Machines and filter assemblies shall be installed within either a liquidtight concrete dike or pan to contain the solvent should leakage occur. The floor within said dike shall be pitched to drain to a six-inch floor drain or a sump well. Such drain or well shall be connected to an emergency solvent storage tank and this tank shall be of sufficient capacity to hold all of the cleaning solvent contained in one complete system. Storage tanks shall be suitably vented to the exterior and to a minimum of two (2) feet above the roof line.

(6) *Interlock system.* An interlock system must be provided on the machine to prevent the loading door from being opened during the normal cycle. This system may be either electrical or mechanical and so connected that in the event of a power failure the machine fails safe.

(7) *Make-up air.* A supply of tempered make-up air greater than the total volume of air exhausted from the plant must be provided in order to eliminate any negative pressure condition which might develop. Under no condition will machines be allowed to operate where the customer area is not kept above atmospheric pressure. This requirement must be demonstrated to be complied with by proper tests being done by the installing contractor in the presence of the inspector. The make-up air supply fan must be automatically started to operate simultaneously with the fan drawing air from the customer area as outlined above in (2).

(8) *Operating instructions.* A step by step instruction list must be posted in a conspicuous location near the machine for customer use. A competent trained operator must be available or on call as long as the premises are open for business. A telephone number must be listed for emergency assistance.
   (a) A solvent vapor sensing device within the tumbler is desirable to control the drying cycle and to prevent the removal of the solvent-laden garments.

   (b) The machine design must be such that essentially no solvent is retained in the cleaned items upon completion of the dry cleaning cycle. A simple performance test which must be satisfied is the lack of any solvent odor in a closed automobile containing a newly cleaned load.

   (c) It is the responsibility of the proprietor to make certain that clothing which cannot be properly cleaned and dried will not be placed in the machines.

(9) The machine should be checked daily and kept in good repair. All maintenance personnel should be familiar with necessary machine repairs and instructed as to the solvent hazards.

(10) Solvent control is to be such that under normal operation and use conditions no solvent odor can be detected in the customer area.

(11) Only the solvent specified by the equipment manufacturer shall be used.

(12) Exhaust ventilation stacks from dry cleaning machines should be located as far as possible from combustion air or drier air intakes.

(13) Should any installation require a deviation from any part of these requirements a plan showing in detail the proposed deviation and stating the reason for the change should be submitted to the director of inspections. Written approval from the ~~director of inspections~~ building official must be received by the installer before commencing any work.

(14) Every licensee under the terms of this article shall maintain in full force and effect public liability insurance to indemnify any person against loss or injury in the sum

of fifty thousand dollars ($50,000.00) for injury or loss to one person and one hundred thousand dollars ($100,000.00) for each occurrence and fifty thousand dollars ($50,000.00) property damage.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-192 amending Title 13, Chapter 303 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Horse and Carriage Livery Services, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-192
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 303 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Horse and Carriage Livery Services.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 303.30 of the above-entitled ordinance be amended to read as follows:

303.30. License fee; cleanup fee. The annual license fee and street cleanup fee for a horse and carriage livery service shall be as established in Appendix J, License Fee Schedule. The cleanup fee shall be collected by the ~~department of licenses and consumer services~~ licensing official with the annual license fee and shall be credited to the department of public works for street maintenance purposes. The cleanup fee shall not apply to licensees who operate for ten (10) or fewer days in a calendar year.

Section 2. That Section 303.60 of the above-entitled ordinance be amended to read as follows:

303.60. Vehicle operation. Every horse and carriage operated in the City of Minneapolis shall observe all federal, state and local laws applicable to it. Drivers shall hold a Minnesota driver's license. Every vehicle shall be kept in neat appearance and good mechanical and running condition. Each vehicle shall conspicuously display a two-digit identification number, issued by the ~~department of licenses and consumer services~~ licensing official, on the right and rear side of the carriage.

Section 3. That Section 303.80 of the above-entitled ordinance be amended to read as follows:

303.80. Maintenance of animals. Prior to use in a horse and carriage operation, each horse shall be physically examined and certified as healthy and fit for the type of workload anticipated. The examination and certification shall be performed by a veterinarian licensed by the State of Minnesota, who shall be a member of the Minnesota Veterinary Medical Association, a member of the Minnesota and American Associations of Equine Practitioners, and specializing in equine medicine. The records of such examinations and certifications shall be reviewed by the health department and no horse shall be used in a horse and carriage operation without health department approval. The health department shall adopt appropriate standards for health and fitness of horses used in horse and carriage operations. Reexamination and recertification of animals shall be performed as needed by a veterinarian with the qualifications described in this section, at not to exceed thirty-calendar-day intervals. All records of such examinations and certifications shall be maintained by the licensee and available for review by the appropriate authorities. Prior to being used in a horse and carriage operation, each horse shall be issued an identifying number by the ~~department of licenses and consumer services~~ licensing official. The licensee shall attach the number to the horse and keep it visibly displayed during operation. The number shall be used to identify the horse in all necessary records including records of veterinary examinations.

Section 4. That Section 303.85 of the above-entitled ordinance be amended to read as follows:

303.85. Stabling of animals. Every licensee shall maintain outside the City of Minneapolis a permanent horse stable where it shall keep the horses used in its licensed horse and carriage operation. The stable shall contain adequate buildings and open ground to provide proper training, care, feeding, exercise, and rest for the animals. Upon passage of this section, upon application for a new license or renewal, and upon reasonable request by the ~~department of licenses and consumer services~~ licensing official, every licensee shall furnish the address and location of its stable to the department. The stable shall be open to the license and health officials of the City of Minneapolis at all reasonable times. Every horse used in a licensed horse and carriage livery operation shall be transported out of the city to the licensee's permanent stable at the end of every business day. No licensee shall keep horses in the city overnight at any temporary stable, transfer facility, loading zone, or any other location, whether on public or private property.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-193 amending Title 13, Chapter 304 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Hoofed and/or Small Animal Service, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-193
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 304 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Hoofed and/or Small Animal Service.

The City Council of The City of Minneapolis do ordain as follows:

That Section 304.60 of the above-entitled ordinance be amended to read as follows:

304.60. Conditions. Every licensee shall notify the ~~department of licenses and consumer services or its designee~~ licensing official a minimum of seven (7) days prior to bringing a hoofed or small animal into the city for a qualifying event. The ~~department of licenses and consumer services~~ licensing official, in conjunction with the ~~animal control officer~~ manager of animal care and control, shall have the authority to require the investigation and inspection specified in section 74.60 as well as the authority to specify further conditions under which the animals shall be kept while in the city.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-194 amending Title 13, Chapter 305 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Pedicabs, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-194
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 305 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Pedicabs.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 305.45 of the above-entitled ordinance be amended to read as follows:

305.45. License number. All pedicabs shall be assigned a number or number series by the ~~department of licenses and consumer services~~ licensing official. The number assigned shall be displayed on the lower left rear side of the pedicab and shall be a minimum of three (3) inches in height and in a contrasting color that does not blend into the paint color of the

pedicab. All trailers attached to a pedicab shall display the same number of the pedicab so attached on the trailer.

Section 2. That Section 305.50 of the above-entitled ordinance be amended to read as follows:

305.50. License application. (a) Application for a pedicab license under this chapter shall be made on forms provided by the ~~department of licenses and consumer services~~ licensing official and shall contain such information as the ~~department~~ licensing official may require, including the name, address and telephone number of the applicant; whether the applicant is a natural person, partnership, corporation or unincorporated association; the names and addresses of all partners, if a partnership, or of all officers and directors, if a corporation; and the names and addresses of all persons authorized to operate a pedicab on behalf of the licensee.

(b) Application for a pedicab driver license under this chapter shall be made on forms provided by the ~~department of licenses and consumer services~~ licensing official and shall contain such information as the ~~department~~ licensing official may require, including the name, address, and telephone number of the applicant. Each pedicab license shall indicate the name of the pedicab company for which the driver works. No pedicab driver shall drive for a different pedicab company without first notifying the licensing ~~department~~ official and obtaining a new driver's license indicating the new pedicab company. Every pedicab driver shall meet and maintain the following requirements in order to hold a pedicab driver license:

(1) Possess a valid Minnesota driver license or a valid driver license from their home state. Those with out of state driver licenses must not have a currently cancelled, revoked or suspended Minnesota driver license. Those with out of state driver licenses, must provide a certified copy of their driving and criminal history from their home state.

(2) Be a minimum of eighteen (18) years old.

(3) Shall not have had more than three (3) moving violations in the last three (3) years and no more than two (2) moving violations in the last year.

(4) Shall not have been convicted of careless or reckless driving within the last three (3) years.

(5) The provisions of Minnesota Statutes, Chapter 364 shall govern the eligibility of an applicant or license holder to acquire or maintain a pedicab driver license based on a prior or present criminal conviction or convictions.

Section 3. That Section 305.70 of the above-entitled ordinance be amended to read as follows:

305.70. Annual pedicab inspection. The ~~director of licenses and consumer services~~ licensing official shall require an annual pedicab inspection and may designate minimum safety standards for equipment and body defects. Pedicabs found to not meet minimum inspection standards may be identified as "out of service" and shall not operate until such defects have been repaired and approved by the ~~director or their designee~~ licensing official.

Section 4. That Section 305.90 of the above-entitled ordinance be amended to read as follows:

305.90. Operating restrictions and conditions. (a) No pedicab shall be operated upon a public sidewalk or other city property where the operation of a pedicab is prohibited.

(b) No pedicab shall use any public street or other public property as a waiting or parking area unless such area is a legal motor vehicle parking area or as permitted pursuant to Section 482.30, or in an established pedicab stand. Parked pedicabs shall not be attached to any object in accordance with Minneapolis Code of Ordinances Section 490.150

(c) No pedicab driver shall consume an alcoholic beverage while on duty or allow any passenger of the pedicab to drink or consume alcoholic beverages or to possess an open container of alcoholic beverages.

(d) All pedicabs shall be clean and maintained in a good state of repair. All pedicabs shall be maintained by the company so as to be well painted and have a damage or deterioration free appearance, and in safe operational condition. Pedicabs shall be, at all reasonable times, subject to inspection by the ~~department of licenses and consumer services~~ licensing official.

(e) All pedicabs shall display a valid license decal, centered on the rear of the pedicab vehicle or between the turn signals, issued by the ~~director of licenses and consumer services~~ licensing official, and the name and phone number of the licensee, and the schedule of the rates or fees charged for passenger services.

(f) Pedicab drivers shall have in their possession a valid driver's license, proof of insurance and a pedicab driver license while in control of any pedicab, and shall operate the pedicab in compliance with all applicable federal, state, and local traffic laws, Minneapolis City Ordinance and in a manner so as to assure the safety of persons and property.

(g) All pedicab operators shall obey and comply with any lawful order or direction of any police officer, traffic control agent, or ~~regulatory services inspector,~~ licensing official, and shall refrain from the use of any profane language or from interference with such officials while in the performance of their duties.

(h) No pedicab driver shall have in his or her possession a lighted cigarette, cigar, or pipe while driving a pedicab which is occupied by a passenger.

(i) A pedicab driver license issued under this chapter shall be coterminous with the licensee's driver license. Any time that a licensee's driver's license is suspended, revoked, or cancelled, his or her pedicab driver's license shall likewise be immediately suspended, revoked, or cancelled. The pedicab driver's license shall immediately be surrendered to the ~~department of licenses and consumer services~~ licensing official until such time his or her driver's license is reinstated.

(j) No pedicab driver shall permit more than three (3) passengers to be carried in a pedicab except that passengers weighing forty (40) pounds or less may be seated on the lap of a passenger who occupies a permanently affixed seat, and at no time shall the driver allow any passenger to ride in any area of the pedicab that was not specifically designed as a seat. No more than three (3) passengers shall be allowed in any affixed trailer except that passengers

weighing forty (40) pounds or less may be seated on the lap of a passenger who occupies a permanently affixed seat.

(k) At no time shall anyone other than a licensed pedicab driver be allowed to operate the pedicab.

(l) At no time shall a pedicab driver play or allow the playing of any amplified sound equipment in violation of Chapter 389 of the Minneapolis Code of Ordinances.

(m) Pedicab drivers must be properly attired with a shirt, pants or shorts and secure footwear.

(n) Pedicab drivers shall not stop to load or unload passengers or their belongings in the intersections of any street, crosswalks or in any manner or other location that would be considered unsafe. No pedicab shall load or unload in any such manner that will in any way impede or interfere with the orderly flow of traffic on the streets.

(o) It shall be unlawful for any pedicab owner or driver to allow or cause to be operated a pedicab in any unsafe manner or operating condition.

(p) In the event that a passenger leaves an article in the pedicab, the driver shall immediately attempt to return it. If the driver is unable to immediately return the article, it shall be turned into the pedicab company office at the end of the driver's shift or the first available opportunity.

(q) Any pedicab not in compliance with the minimum requirements of section 305.95 will be cited and placed "immediately-out-of-service". Any vehicle which has been so removed from service shall not be returned to service until such vehicle has been approved by the ~~department of licenses and consumer services~~ licensing official for service.

Section 5. That Section 305.110 of the above-entitled ordinance be amended to read as follows:

305.110. Pedicab company licenses. Every licensed pedicab company shall:

(1) Take affirmative measures to insure that all of its owners and drivers comply with the terms of this chapter.

(2) Be responsible for the operation of an unlicensed pedicab driver.

(3) Insure that no pedicab is operated in unsafe mechanical condition or continues to operate after it has been ordered out of service.

(4) Promptly respond to all requests for information from the department of licenses and consumer services.

(5) Promptly report any and all accidents involving pedicabs operating in Minneapolis to the ~~department of licenses and consumer services~~ licensing official.

(6) Every licensed pedicab company shall be deemed the agent for service of all notices, orders, and other correspondence from the City of Minneapolis to pedicab drivers operating under their company license.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-195 amending Title 13, Chapter 306 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Commercial Pedal Car, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-195
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 306 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Commercial Pedal Car.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 306.50 of the above-entitled ordinance be amended to read as follows:

306.50. License number. All commercial pedal cars shall be assigned a number or number series by the ~~department of licenses and consumer services~~ licensing official. The number assigned shall be displayed at least two (2) inches to the right of the rear left hand turn signal but no further than the center of the commercial pedal car and shall be a minimum of three (3) inches in height and in a contrasting color that does not blend into the paint color of the commercial pedal car.

Section 2. That Section 306.60 of the above-entitled ordinance be amended to read as follows:

306.60. License application. (a) Application for a license under this chapter shall be made on forms provided by the ~~department of licenses and consumer services~~ licensing official and shall contain any information the ~~department~~ licensing official may require, including the name, address and telephone number of the applicant; whether the applicant is a natural person, partnership, corporation or unincorporated association; the names and addresses of all partners, if a partnership, or of all officers and directors, if a corporation; and the names and addresses of all persons authorized to operate a commercial pedal car on behalf of the licensee.

(b) Application for a pedal car driver license under this chapter shall be made on forms provided by the ~~department of licenses and consumer services~~ licensing official and shall contain such information as the ~~department~~ licensing official may require, including the name, telephone number, date of birth, current address and all residing addresses within the previous five (5) years of the applicant. Each pedal car driver license shall indicate the name of the pedal

car business for which the driver works. No pedal car driver shall drive for a different pedal car business without first notifying the licensing ~~department~~ official and obtaining a new driver's license indicating the new pedal car company. Every pedal car driver shall meet and maintain the following requirements in order to hold a pedal car driver license:

(1) Possess a valid Minnesota driver license or a valid driver license from their home state. Those with out-of-state driver licenses must not have a currently cancelled, revoked or suspended Minnesota driver license. Those with out-of-state driver licenses must provide a certified copy of their driving and criminal history from their home state.

(2) Be a minimum of eighteen (18) years old.

(3) Shall not have had more than three (3) moving violations in the last three (3) years and no more than two (2) moving violations in the last year.

(4) Shall not have been convicted of careless or reckless driving or any violation of Minn. Stat. 169A (driving while impaired) within the past three (3) years.

(5) The provisions of Minnesota Statutes, Chapter 364 shall govern the eligibility of an applicant or license holder to acquire or maintain a pedal car driver license based on a prior or present criminal conviction or convictions.

Section 3. That Section 306.80 of the above-entitled ordinance be amended to read as follows:

306.80. Approved tour assembly sites required. All commercial pedal car businesses shall operate tours only from approved commercial locations on private property approved by the ~~department of licenses and consumer services~~ licensing official. These sites shall be used by the licensed business as the locations for patrons to gather and assemble prior to embarking on a commercial pedal car tour and to disembark at the conclusion of the tour. Approved sites shall provide patron access to restroom facilities and a minimum of three (3) off street customer parking spaces per pedal car operated from the site. Any approved assembly site located in the B4 Downtown Business District shall be exempt from the restroom facilities and the customer parking requirements. Any assembly site utilized three (3) or fewer times during the annual license period shall be exempt from all requirements of this section.

Section 4. That Section 306.90 of the above-entitled ordinance be amended to read as follows:

306.90. Commercial pedal car inspections. (a) *Initial inspections.* All commercial pedal cars must pass an initial inspection of condition and compliance with safety and equipment standards under this chapter before a commercial pedal car license is issued.

(b) *Annual inspections.* The ~~director of licenses~~ licensing official shall require an annual commercial pedal car inspection and may designate minimum safety standards for equipment and body defects. A separate fee as established in the license fee schedule may be required for an annual inspection. Commercial pedal cars found to not meet minimum inspection standards may be identified as "out of service" and shall not operate until such defects have been repaired and approved by the ~~director or the director's designee~~ licensing official.

(c) *Periodic inspections.* The ~~director of licenses~~ licensing official shall have the right to examine and inspect any licensed commercial pedal car at any reasonable time in order to ensure compliance with all applicable ordinances, laws and rules.

(d) *In-operation inspections.* If an inspector finds a commercial pedal car in operation exhibiting continuing and present safety concerns, the commercial pedal car may be immediately ordered out of service until necessary repairs are made or the safety concerns are resolved. Qualifying safety concerns may include but are not limited to failure to abide by applicable ordinances, laws or rules, flat tires, inoperable head lights or tail lights, or other mechanical or operational issues making the vehicle presently unsafe to operate.

Section 5. That Section 306.120 of the above-entitled ordinance be amended to read as follows:

306.120. Operating restrictions and conditions. (a) No commercial pedal car shall be operated or parked on a public sidewalk.

(b) No commercial pedal car shall use any public street or other public property as a waiting area unless such area is a legal motor vehicle parking area or as permitted pursuant to section 482.30 of this Code. No pedal car shall park or wait in a taxi stand as defined in section 482.10 of this Code.

(c) No commercial pedal car driver shall consume any alcoholic beverages while on duty or operate a commercial pedal car while impaired in any manner to any threshold provided by Minn. Statute Section 169A.20(1), as amended.

(d) All commercial pedal cars shall be clean and maintained in a good state of repair. All commercial pedal cars shall be maintained by the commercial pedal car business so as to be well painted and have an appearance free of damage or deterioration, and a safe operational condition. Commercial pedal cars shall be, at all reasonable times, subject to inspection by the ~~department of licenses and consumer services~~ licensing official or the police department.

(e) All commercial pedal cars shall display a valid license decal conspicuously displayed, issued by the ~~director of licenses and consumer services~~ licensing official.

(f) All commercial pedal cars shall have the trade name and phone number of the licensee conspicuously displayed on the pedal car.

(g) All commercial pedal car passengers consuming alcohol shall be of legal age as established pursuant to Minn. Statute Section 340A.503, as amended.

(h) Commercial pedal car drivers shall have in their possession proof of insurance, valid state driver's license and a commercial pedal car drivers license while in control of any commercial pedal car and shall operate the pedal car in compliance with all applicable federal, state, and local traffic laws, ordinances, or other applicable regulations and in a manner so as to assure the safety of persons and property. These documents shall be made available upon request of law enforcement, ~~an authorized city license inspector~~ the license official, or traffic control agent.

(i) All commercial pedal car drivers shall obey and comply with any lawful order or direction of any police officer, traffic control agent, or license inspector**,** and shall refrain from the

use of any profane language or from interference with such officials while in the performance of their duties.

(j) No commercial pedal car driver shall permit more passengers to be carried in a commercial pedal car than the commercial pedal car's normal seating capacity and no more than two (2) persons in addition to the driver may be in the center aisle while vehicle is in motion.

(k) No commercial pedal car driver shall allow a passenger or other individuals to drive their commercial pedal car unless that individual also holds a commercial pedal car driver's license.

(l) Commercial pedal cars may operate on Minneapolis Park and Recreation property only with prior written approval from the Minneapolis Park and Recreation Board.

(m) No glassware of any kind shall be allowed on a commercial pedal car including but not limited to bottles, receptacles or drinking glasses.

(n) No music or amplified sound shall be played, nor yelling or conversation be conducted, in such a manner that the sound of which carries to points of habitation or adjacent properties and is audible above the level of conversational speech at a distance of fifty (50) feet or more from the point of origin of the sound.

(o) No alcoholic beverages other than beer, wine, hard cider, or malt-based beverages below six (6) percent alcohol may be consumed by passengers of a commercial pedal car.

(p) It is the responsibility of the commercial pedal car driver to properly dispose of all trash.

(q) A commercial pedal car driver must be properly attired with a shirt, pants, skirt or shorts and secure footwear.

(r) A commercial pedal car driver shall not stop to load or unload passengers or their belongings in the intersections of any street, crosswalk or in any manner or other location that would be considered unsafe. No commercial pedal car driver shall load or unload in any such manner that will in any way impede or interfere with the orderly flow of traffic on the streets.

(s) It shall be unlawful for any commercial pedal car driver to allow or cause to be operated a pedal car in any unsafe manner or operating condition.

(t) It is the responsibility of the commercial pedal car driver to actively and affirmatively manage the behavior of the passengers of the commercial pedal car so that that their behavior remains law-abiding during the excursion, both while the pedal car is in motion and at a stop. Behavior which shall be prohibited and prevented includes specifically, but is not limited to, violations of Minn. Statute Sections 617.23 (indecent exposure) and 609.72 (disorderly conduct), and sections 227.180 (public urination) and 225.10 (littering) of this Code.

(u) Any commercial pedal car not in compliance with the minimum requirements of section 306.130 may be cited and placed immediately-out-of-service. Any vehicle which has been so removed from service shall not be returned to service until such vehicle has been

approved by the ~~department of licenses and consumer services~~ licensing official for resumption of service.

Section 6. That Section 306.150 of the above-entitled ordinance be amended to read as follows:

306.150. Commercial pedal car company licenses. Every licensed pedal car company shall:

(a) Take affirmative measures to insure that all of its owners and drivers comply with the terms of this chapter.

(b) Be responsible for the operation of an unlicensed pedal car driver.

(c) Ensure that no pedal car is operated in unsafe mechanical condition or continues to operate after it has been ordered out of service.

(d) Promptly respond to all requests for information from the ~~department of licenses and consumer services~~ licensing official.

(e) Promptly report any and all accidents involving pedal cars operating in Minneapolis to the ~~department of licenses and consumer services~~ licensing official.

(f) Every licensed pedal car company shall be deemed the agent of service of all notices, orders, and other correspondences from the City of Minneapolis to pedal car drivers operating under their company license.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-196 amending Title 13, Chapter 307 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Valet Parking, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-196
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 307 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Valet Parking.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 307.10 of the above-entitled ordinance be amended to read as follows:

307.10. Definitions. As used in this chapter, the following terms shall mean:

Authorized valet loading zone: A location which has been approved by the city council or its designee as an area where valet parking is permitted.

~~*Department:* The department of regulatory services, licenses and consumer services division.~~

Licensing official. The licensing official designated by the director of community planning and economic development, who supervises the licensing and consumer services functions of the city.

Valet parking: The process by which a patron's vehicle is removed from spaces on the public street to a private parking area for storage and subsequent retrieval upon the patron's demand.

Valet parking license: The license issued by the ~~department~~ licensing official allowing a valet parking operator to operate within the city.

Valet parking operator: A natural person, corporation, partnership, business association, or other organizational entity who, through its agents and employees, provides the service of valet parking.

Section 2. That Section 307.80 of the above-entitled ordinance be amended to read as follows:

307.80. License application. Application for a license under this chapter shall be made on forms provided by the ~~department~~ licensing official and shall contain such information as the ~~department~~ licensing official may require, including:

(1) The name, address and telephone number of the applicant; whether the applicant is a natural person, partnership, corporation or unincorporated association; the names and addresses of all partners, if a partnership, or of all officers and directors, if a corporation.

(2) Insurance information as required by section 307.90 of this chapter.

(3) The name and address of the business or businesses or entities which contracted with the valet parking operator for valet parking services at the authorized valet loading zone, and the name and address of the owner of the property at that location, if different from the business or businesses; the name and telephone number of the owner or manager of such businesses; and a copy of the agreement to provide valet parking at the authorized valet loading zone. The information required by this subsection shall not be required if the business itself possesses a valet parking license and is itself providing valet parking at its own location.

(4) A copy of the valet loading zone authorization, issued by the city council or its designee, for the authorized valet loading zone which specifies location and the permitted days and hours of operation.

(5) Proof of availability of off-street parking spaces to be used by the applicant.

Section 3. That Section 307.90 of the above-entitled ordinance be amended to read as follows:

307.90. Insurance required. Each applicant for a valet parking license shall file with the ~~department~~ licensing official a public liability policy or certificate of insurance from a company licensed to do business in the State of Minnesota insuring the applicant against any and all liability incurred in the use or operation of vehicles in the course of providing the service of valet parking. The policy of insurance shall be in the limits of not less than one hundred thousand dollars ($100,000.00) for injury or death to one person, three hundred thousand dollars ($300,000.00) for injury or death for each occurrence, and ten thousand dollars ($10,000.00) for property damage. The applicant and the city shall be named as joint insureds on the liability policy.

Section 4. That Section 307.120 of the above-entitled ordinance be amended to read as follows:

307.120. Prohibited acts. No valet parking operator licensed under this chapter, or its employees or agents, shall commit any of the following acts:

(1) Provide the service of valet parking at a location not authorized by the city council or its designee.

(2) Provide the service of valet parking before or after the time of day specified in the valet loading zone authorization issued by the city council or its designee.

(3) Park patrons' vehicles on a public street.

(4) Except for that required by section 307.130 of this chapter, place signs, cones, or any other object in a traffic lane, parking lane or sidewalk, or otherwise block or hinder movement in a traffic lane.

(5) Allow vehicles to remain in the authorized valet loading zone longer than fifteen (15) minutes.

(6) Violate any traffic law, including, but not limited to, laws prohibiting double parking, use of alleys for through traffic, obstructing traffic, illegal "U" turns, and speeding. The ~~director of licenses~~ licensing official may approve the use of alleys in the central commercial district when approved in the written plan submitted by the licensee for valet loading zone authorization.

(7) Store patrons' keys or operate any other aspect of the valet parking service from a vehicle parked on a public street.

(8) Knowingly permit its employees or agents to loiter in the immediate vicinity of the authorized valet loading zone in a manner which disturbs the peace and quiet of other persons.

Section 5. That Section 307.130 of the above-entitled ordinance be amended to read as follows:

307.130. Required conduct. Valet parking operators licensed under this chapter, and their employees and agents, shall:

(1) Fully comply with the requirements of the valet loading zone authorization issued by the city council or its designee.

(2) Operate vehicles in compliance with all applicable federal, state and local laws, and in a manner so as to assure the safety of persons and property.

(3) Provide each patron with a prenumbered receipt indicating the valet parking fee and the name and address of the operator.

(4) Display a sign, whose design and location shall be approved by the ~~department~~ licensing official, indicating any fee for valet parking. This sign shall be easily visible to patrons as they enter the authorized valet loading zone.

(5) Ensure that a supervisor designated by the valet parking operator is at the authorized valet loading zone at all times during hours of operation.

(6) Provide adequate staffing to ensure that vehicles do not remain in the authorized valet loading zone for longer than fifteen (15) minutes.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-197 amending Title 13, Chapter 309 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Extended Hours of Operation, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-197
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 309 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Extended Hours of Operation.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 309.40 of the above-entitled ordinance be amended to read as follows:

309.40. Application required/contents of application. An applicant for an extended hours of operation license shall make application on the forms furnished by the ~~licenses and consumer services division~~ licensing official and shall provide all information deemed necessary by the ~~director~~ licensing official, including but not limited to the following:

(1) The full name of the applicant, date of birth, and current residential address.

(2) The applicant's social security number, individual tax identification number, or Minnesota sales tax identification number. For purposes of this requirement, "applicant" means an individual if the license is sought for or in the name of an individual or a corporation or partnership if the license is sought for or in the name of a corporation or partnership. "Applicant" also means an officer or director of a corporation, a member of a partnership, or an individual who is liable for delinquent taxes.

(3) Proof of ownership of the property, or an executed lease agreement for the property.

(4) The nature of the business to be conducted and its impacts of noise, light, and traffic.

(5) Proximity to permitted or conditional residential uses.

(6) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.

(7) History of complaints related to the use.

(8) A business plan is required for approval of this license that contains the following elements:

a. Hours of operation;

b. A security plan that describes the security features, including personnel and equipment, that the applicant will employ and how they will be utilized;

c. Description of how the applicant will maintain the orderly appearance and operation of the premises with respect to litter and noise;

d. Description of how the business will have people exit the establishment at closing time and during an emergency that requires all people to exit the establishment quickly;

e. Such other reasonable and pertinent information as the city council may require; and

f. An applicant shall promptly notify the ~~director~~ licensing official, in writing, of amendment to the submitted business plan.

Section 2. That Section 309.50 of the above-entitled ordinance be amended to read as follows:

309.50. Public hearing required. Upon the filing of the application, the ~~director of licenses and consumer services~~ licensing official shall refer the application to its standing committee on licenses for consideration and the conduct of a hearing thereon. The ~~director of licenses and consumer services~~ licensing official shall notify, at least twenty-one (21) days in advance, by mail all residents, to the extent such notice is feasible, and property owners within three hundred (300) feet of the business requesting extended hours of the time and place at

which such application shall be considered by the committee. Said notice shall go to all owners of record of property as identified in the records of the Hennepin County Department of Property Taxation. The ~~director~~ licensing official shall also notify the appropriate neighborhood group(s) and business association(s) of the time and place of the hearing.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-198 amending Title 13, Chapter 311 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Motor Scooter Leasing, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-198
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 311 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Motor Scooter Leasing.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 311.30 of the above-entitled ordinance be amended to read as follows:

311.30. Application for license. Any person desiring a license shall apply in writing to the ~~department of licenses and consumer services~~ licensing official giving the name of the owner or manager of the business, the address of the business, the nearest street or parkway intersection to such place of business, the number of motor scooters to be used, and the state license number of each motor scooter.

Section 2. That Section 311.80 of the above-entitled ordinance be amended to read as follows:

311.80. Investigation. Upon the filing of such application, the ~~department of licenses and consumer services~~ licensing official shall investigate the traffic conditions in the immediate vicinity of applicant's proposed motor scooter business place, particularly during Saturdays and holidays, and report and recommend thereon to the city council.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-199 amending Title 13, Chapter 313 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Motor Vehicle Dealers, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-199
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 313 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Motor Vehicle Dealers.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 313.30 of the above-entitled ordinance be amended to read as follows:

313.30. Application for license. The application for a license shall be made in writing, and signed and verified by the applicant, on forms provided by the ~~director of licenses and consumer services~~ licensing official. Such application shall state the name of the applicant, age, residence, whether a registered voter of the city and, if a partnership, the names of all the partners, and shall be verified by one of them, and, if a corporation, the names of all of the officers thereof and verified by an authorized officer, and if additional licenses are applied for, for more than one place of business, the addresses of such additional places of business shall also be stated. Such application shall state the business and residence addresses of the applicant for a period of five (5) years prior to the date thereof and whether the applicant is the sole owner of the business to be conducted, and that no other persons than those named in the application have any interest in the management and control of such business.

Section 2. That Section 313.35 of the above-entitled ordinance be amended to read as follows:

313.35. Investigation; outstanding warrants. The ~~director of licenses and consumer services~~ licensing official shall investigate each application to determine that the applicant meets the qualifications to hold a motor vehicle dealer's license. For any original or renewal application, the investigation shall include an inquiry to the Hennepin County sheriff's department to determine whether there are any outstanding traffic warrants or overdue summons in the name of any company or trade name under which the business is known to operate, or in the name of an individual owner of the business, or in the name of a predecessor company or individual under which the business is known to have operated. If there are any outstanding traffic warrants or overdue summons, the license applicant shall be required to respond to them in the manner required by law, including, where appropriate by filing a complete affidavit of sale indicating sale of the vehicle prior to the date of the violation. Failure to respond to outstanding warrants and summons in the manner required above shall be grounds for denial, revocation, suspension, or refusal to renew a license under this chapter.

Section 3. That Section 313.125 of the above-entitled ordinance be amended to read as follows:

313.125. Record of sale. The licensee shall maintain at each licensed premises a book in which shall be clearly written in ink on the day each car is sold at those premises the date of

sale, the name and address of the buyer, and the serial number of the motor vehicle sold. Upon demand of any police officer, the ~~director of the department of licenses and consumer services or authorized representative~~ licensing official or any person designated by the mayor, the licensee shall promptly at any reasonable time display each book to such individual for inspection. The licensee's failure to maintain or display the books in accordance with this section shall be a violation of this chapter.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-200 amending Title 13, Chapter 315 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Motor Vehicle Lubricant Dealers, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-200
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 315 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Motor Vehicle Lubricant Dealers.

The City Council of The City of Minneapolis do ordain as follows:

That Section 315.20 of the above-entitled ordinance be amended to read as follows:

315.20. Application for, issuance of license. Applications for such licenses shall be made to the city council in writing and shall state the name of the applicant, place of business and of residence, and when granted by the city council such licenses shall be issued by the ~~director of licenses and consumer services~~ licensing official.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-201 amending Title 13, Chapter 317 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Motor Vehicle Repair Garages, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-201
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 317 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Motor Vehicle Repair Garages.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 317.10 of the above-entitled ordinance be amended to read as follows:

317.10. Defined. As used in this chapter, the following terms shall mean:

~~*Director:* The director of licenses and consumer services.~~

Licensing official. The licensing official designated by the director of community planning and economic development, who supervises the licensing and consumer services functions of the city.

Mobile repair garage: A vehicle which goes from place to place for the purpose of making motor vehicle repairs as defined herein.

Motor vehicle: A motor vehicle as defined in Minnesota Statutes, Section 169.01.

Motor vehicle repair garage: A business engaged in the repair of motor vehicles, except:

(a) A business which performs motor vehicle servicing solely to the extent of fueling, checking fluid levels, replacing filters, and other minor servicing functions customarily performed by a gasoline filling station, when those services do not exceed a cost of fifteen dollars ($15.00) including parts and labor;

(b) A garage or shop engaged exclusively in repairing the motor vehicles of its own fleet.

Person: A natural person, firm, partnership, association, or corporation.

Refuse: Refuse shall include, but not be limited to, trash, debris, discarded or abandoned parts, containers and tools, and motor vehicles defined as abandoned in Minnesota Statutes, Chapter 168B.

Repair: Mechanical repairs, service, maintenance, alterations, diagnostic testing or body work, and/or the addition of equipment, supplies or parts to a motor vehicle.

Self-service motor vehicle repair garage: A repair garage in which the customer performs some or all of the labor, and in which the garage provides the customer with a service facility, or new or used parts, or advice, assistance, or diagnosis in the performance of repairs.

Workmanlike: Consistent with proper and accepted trade practices and in accordance with manufacturers' recommendations and specifications.

Section 2. That Section 317.30 of the above-entitled ordinance be amended to read as follows:

317.30. Application. Application for a motor vehicle repair garage license shall be made on forms provided by the ~~department of licenses and consumer services~~ licensing official. The form shall include:

(a) The name, address, and birthdate of each applicant, each partner in the case of a partnership, and each officer and director in the case of a corporation;

(b) The name and address of the business;

(c) Such other information as the ~~director~~ licensing official may require to insure that the applicant meets the requirements of this chapter and of this Code as it relates to the business of a motor vehicle repair garage.

A business operating more than one motor vehicle repair garage may file a single application so long as it contains complete information as to each separate location and indicates the manager at each location.

Section 3. That Section 317.70 of the above-entitled ordinance be amended to read as follows:

317.70. Insurance required. Every license applicant shall provide and maintain in full force and effect public liability insurance to indemnify any person against loss or injury in the sum of one hundred thousand dollars ($100,000.00) for injury or death to one person and three hundred thousand dollars ($300,000.00) for each accident or occurrence, and ten thousand dollars ($10,000.00) property damage, and shall contain a provision that no cancellation thereof shall become effective without thirty (30) days' prior notice thereof in writing to the ~~department of licenses and consumer services~~ licensing official. In addition, each applicant for a motor repair garage license shall file with the ~~department of licenses and consumer services~~ licensing official, a public liability policy or certificate of insurance for each vehicle used in the business of its motor vehicle repair garage. All tow trucks shall be insured according to the provisions of Chapter 349 of the Minneapolis Code of Ordinances. Each mobile vehicle repair garage vehicle shall be insured to the same policy limits as a Class C tow truck.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-202 amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-202
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 319.30 of the above-entitled ordinance be amended to read as follows:

319.30. Application for license. Any person desiring to be licensed to own or operate a commercial parking lot shall file an application with the ~~department of licenses and consumer services~~ licensing official on forms provided by the ~~department~~ licensing official. The application shall contain such information as the ~~department~~ licensing official may require, including plot plans and the street address of the applicant's residence, the name of the owner of the lot and the name of the manager or operator of the lot if different than the owner. No application shall be considered completed unless plot plans have been approved by the ~~department of inspections~~ building official and department of public works with regard to all requirements of this chapter.

Section 2. That Section 319.40 of the above-entitled ordinance be amended to read as follows:

319.40. License-granting procedure. Prior to the issuance of a Class A or B license, the city council shall determine if the parking lot complies with all the provisions of this chapter, other applicable provisions of the Code, and state statutes and regulations. If all such provisions are met and proper application has been made, the city council may grant the license. Prior to the issuance of a Class C license, the ~~director of licenses and consumer services~~ licensing official shall determine if the parking lot complies with all the provisions of this chapter, other applicable provisions of the Code, and state statutes and regulations. If all such provisions are met and proper application has been made, the ~~director~~ licensing official may grant the license.

Section 3. That Section 319.90 of the above-entitled ordinance be amended to read as follows:

319.90. Insurance required. Each applicant for a commercial parking lot license under this chapter at all times shall keep in full force and effect a public liability insurance policy written by an insurance company authorized to do business in this state, in the following amounts: Not less than five thousand dollars ($5,000.00) property damage; twenty-five thousand dollars ($25,000.00) for injury or death of one person; and fifty thousand dollars ($50,000.00) for each occurrence. A copy of the policy or certificate of insurance shall be filed with the ~~department of licenses and consumer services~~ licensing official. The policy or certificate shall contain an endorsement as provided by section 259.160 of this Code of Ordinances. No cancellation of any insurance policy shall be valid except upon thirty (30) days' prior written notice to the ~~department of licenses and consumer services~~ licensing official.

Section 4. That Section 319.110 of the above-entitled ordinance be amended to read as follows:

319.110. Inspections required; notice, correction of violations. (a) At such times as deemed necessary, the ~~department of licenses and consumer services~~ licensing official shall inspect every parking lot located within the city. In the event a parking lot is found not in compliance with any of the provisions pursuant to this chapter a written notice shall be served personally upon the licensee of such parking lot or by mail at the residential address as appearing on the license application.

(b) The written notice shall describe the violation and shall be signed by the ~~director of licenses and consumer services~~ licensing official. The notice shall require the licensee to correct the listed violations within thirty (30) days after date of service of such notice or to show cause why such license should not be revoked at the next meeting of the appropriate city council committee following the thirty-day period. The notice shall contain a return to be signed by the server thereof attesting the manner in which the notice was served.

Section 5. That Section 319.210 of the above-entitled ordinance be amended to read as follows:

319.210. Attendant buildings. Attendant buildings shall be accessible to all reservoir areas and located no closer than five (5) feet from the sidewalk adjacent to any entrance or exit. Minimum standards for the materials and general design of attendant buildings shall be as follows:

(a) Attendant building shall have a minimum floor area sufficient to accommodate the normal complement of station-operating personnel. The building shall be enclosed and weathertight. It shall be equipped with an operable and lockable door and window. It shall be set on a curb or platform rising a minimum of six (6) inches above the adjacent lot paving. Service connections shall be in accordance with this Code.

(b) Materials of construction shall be compatible with the screening design and should respect the character of the surrounding neighborhood. Materials used in construction shall be of a permanent nature such as brick, stone, concrete, wood, terra cotta, prefinished metal, tile and other similar materials.

(c) All building plans shall be submitted to the ~~department of inspections~~ building official for approval so as to insure their compliance with all building codes. A building permit shall be required for construction of said building.

Section 6. That Section 319.225 of the above-entitled ordinance be amended to read as follows:

319.225. Parking lot security. (a) If the ~~director of licenses and consumer services~~ licensing official becomes aware of chronic problems or complaints with loitering, disorderly behavior, consumption of beverage alcohol, thefts, property damage, or other nuisance-related or criminal activity on parking lots licensed under this chapter, after (i) providing notice to the licensee of the concerns (ii) providing licensee a reasonable opportunity to correct the problem, and (iii) if the problems persist, conducting a hearing to ascertain if increased measures are warranted, the ~~director~~ licensing official may require such parking lots to provide increased monitoring or other reasonable security measures. To impose such monitoring or increased security measures, the ~~director~~ licensing official must prove at the hearing that a licensee, after notice and an opportunity to correct, has failed to adequately address the parking lot problems. The ~~director's~~ licensing official's determination may be based on all relevant evidence including the location's uniform crime reporting statistics.

(b) Licensees authorizing the removal or immobilization of a vehicle on a licensed parking lot for reasons of non-payment of a parking fee or a trespass violation must sign the required authorization form and be present when the service is performed. Said person authorizing this service must be an owner of the property from which the vehicle is to be

removed, or the license holder of the parking lot license for the property, or a bona fide employee of the owner or parking lot license holder, or a duly authorized protective agent, licensed under Minnesota Statutes, Chapter 326, hired by the owner or parking lot license holder authorized in writing by the owner of this property to authorize towing. The person authorizing the towing service and signing the order form shall not be a motor vehicle service or immobilization service licensee, nor an employee or agent of a motor vehicle service or immobilization service licensee.

Section 7. That Section 319.230 of the above-entitled ordinance be amended to read as follows:

319.230. Signs. (a) Every Class A licensee shall maintain information signs on the parking lot. No information signs are required for Class B lots except that when signs are used they shall conform to the requirements of this section when applicable. Said signs shall show the name and telephone number of the licensee or attendant, the license certificate number, the street address of the parking lot, and the rates charged for parking or storing automobiles on said premises. Such signs shall state the minimum rate, the maximum rate for twelve (12) hours, and the maximum rate for twenty-four (24) hours, and if there is no maximum rate, the sign shall so indicate. Such signs shall also state the rate for special events. No change in the posted rates shall be effective unless written notice of such change has been filed with the ~~department of licenses and consumer services~~ licensing official not less than seven (7) calendar days prior to the effective time of the change. Signs shall be either three (3) feet by five (5) feet horizontal, three (3) feet by five (5) feet vertical, or five (5) feet by ten (10) feet horizontal, permanently mounted with a minimum height to the bottom of sign of eight (8) feet and a maximum height to top of sign of fifteen (15) feet, and shall conform to all city codes regarding erection and construction. No temporary signs or overlays shall be permitted unless the price posted on such signs or overlays conforms with the price posted on the permanent signs on the lot. All signs shall be plainly visible to the public, and shall be printed in the "Standard Alphabet of Highway Signs" (series E); series C or D may be permitted upon approval to accommodate necessary long verbiage. Layout of sign graphics shall be according to the approved prototypes as approved by the city council on file with the ~~department of inspections~~ building official which establishes the standards pertaining to size of sign, color, and size of lettering, placement of information and identification symbols. Signs may include a business logo. In no case shall any letters or numerals be less than three (3) inches in height. The green color used shall be "outdoor advertising association standard" No. 144-L medium green.

(b) Signs on one-way streets need only display required graphics on the side facing traffic flow. In such cases the opposite face shall be painted white.

(c) Free parking lots may place no more than one (1) freestanding information sign at each entrance. The sign shall not be required to adhere to the above graphic requirements, but shall be limited to a maximum size of fifteen (15) square feet and in no case shall the longest dimension exceed five (5) feet.

(d) Except as permitted in this section, it shall be unlawful to attach signs to or display graphics of any type on licensed attendant buildings except to attach or incorporate into the building design a sign which specifies the hours of attendant duty, the location of keys after attendant hours, the name and phone number of licensee, and any other information essential to the normal operation of the lot.

(e) All parking lots that engage in towing of unauthorized vehicles shall post such practice on a sign at each lot entrance. The sign shall be a minimum of two (2) feet by three (3)

feet. In addition, the sign shall include the license number, name and telephone number of Class A tower used, and the current fee charged for towing. No tower shall charge more than the amount indicated on the sign posted at the parking lot at the time of towing of the vehicle. Letters on such signs shall be at least two (2) inches in height. Such signs shall be clearly worded to explain the rules and procedure under which a vehicle may be parked and left on the open air parking lot. The language and placement of the entrance signs shall be subject to approval by the ~~director of the department of licenses and consumer services or the director's duly authorized representative~~ licensing official. Compliance with this section shall occur within sixty (60) days of the effective date of the amendment.

(f) All parking lots that engage in immobilization of unauthorized vehicles shall post such practice on a sign at each lot entrance. The sign shall be a minimum of two (2) feet by thee (3) feet. In addition, the sign shall include the license number, name and telephone number of immobilization service used, and the current fee charged for immobilization. No immobilization service shall charge more than the amount indicated on the sign posted at the parking lot at the time of immobilization of the vehicle. The sign must include the phrase "Violators Booted Immediately" and include a logo chosen by the ~~Director of licenses and consumer services~~ licensing official to represent the fact that the parking lot uses a vehicle immobilization service. The logo shall be displayed at a size of fourteen and one-half (14.5) inches in width and four and one-half (4.5) inches in height. Letters on such signs shall be at least two (2) inches in height. Such signs shall be clearly worded to explain the rules and procedure under which a vehicle may be parked and left on the open air parking lot. The language and placement of the entrance signs shall be subject to approval by the ~~director of the department of licenses and consumer services or the director's duly authorized representative~~ licensing official. Compliance with this section shall occur within sixty (60) days of the effective date of the amendment.

(g) The information required to be present on the signage in paragraphs (e) and (f) may be combined on one (1) sign.

(h) All Class A parking lots located within the Downtown B4 zoning district shall post at all points of entry a Minneapolis Police Department no trespassing sign of dimensions as approved by the Minneapolis Police Department. Additionally, at least one (1) no trespassing sign shall be visible from any point in the lot.

Section 8. That Section 319.250 of the above-entitled ordinance be amended to read as follows:

319.250. Alterations. It shall be unlawful for any parking lot operator to make any alterations in the approved plot plan layout pertaining to entrance and exit location; width and grade; design and location of attendant building; landscaping area or screening; location of signs; location of lighting; without first securing the approval of the department of public works and the ~~department of licenses and consumer services~~ licensing official.

Section 9. That Section 319.270 of the above-entitled ordinance be amended to read as follows:

319.270. Keys left in vehicles. Whenever keys to motor vehicles are required to be left in the vehicle or with an attendant, an attendant must be on duty at all reasonable times and when such attendant is not on duty, the keys to the said motor vehicles shall be made available to the owners of such vehicles at some suitable place not more than one hundred fifty (150) feet distant from the parking area. Where no suitable place is available within one hundred fifty (150)

feet, the license applicant shall submit to the ~~department of licenses and consumer services~~ licensing official the location of the nearest suitable place subject to review of the ~~department of licenses and consumer services~~ licensing official and approval by the city council. In all instances, the location of key storage shall be made known to the tow desk of the police department.

Section 10. That Section 319.320 of the above-entitled ordinance be amended to read as follows:

319.320. Extensions of time. ~~After June 1, 1984, n~~No extension of time to comply with any of the requirements of this chapter shall be granted except to a parking lot situated on land scheduled for development in the immediate future. In the case of a parking lot so situated, the city council may grant an extension of time only to comply with the paving requirements of section 319.120, the landscaping requirements of section 319.200, and the provision of section 319.200 regarding the placement of attendant buildings.

A licensee seeking an extension of time shall do so by petition to the ~~department of licenses and consumer services~~ licensing official. When a petition has been filed, a hearing shall be scheduled before the standing committee of the city council responsible for licenses. No extension of time shall be granted unless the licensee shows that plans actually exist for the development of the property in the immediate future and that there are particular hardships and practical difficulties in the way of carrying out paving and landscaping without delay.

When an extension of time is granted, it shall be in writing and shall specify the date upon which paving and landscaping improvements must be completed. No extension of time shall be granted for a period longer than twelve (12) months.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-203 amending Title 13, Chapter 320 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Vehicle Immobilization Service, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-203
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 320 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Vehicle Immobilization Service.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 320.35 of the above-entitled ordinance be amended to read as follows:

320.35. Location restrictions. Vehicle immobilization may only occur on property that is deemed to be a restricted access property by the ~~director of licenses and consumer services~~ licensing official. Vehicle immobilization service licensees may request approval to perform vehicle immobilization services on a specific property by submitting a written request to the ~~director~~ licensing official. Such written request shall include a property site plan and explanation of the property access configuration constraints.

Section 2. That Section 320.40 of the above-entitled ordinance be amended to read as follows:

320.40. Application for license. Application for a license under this chapter shall be made on forms provided by the ~~Department of Licenses and Consumer Services~~ licensing official and shall contain such information as the ~~department~~ licensing official may require, including the following:

(a) Name, date of birth, place of birth, and street address of the place where the applicant resides.

(b) Street addresses of places where applicant has resided during the five (5) years preceding the date of application.

(c) Whether applicant has been convicted of any crime or ordinance violation within the past ten (10) years preceding the date of application, including the specific charge, date of conviction, place of conviction, and sentence for such violation.

(d) Whether applicant is a natural person, corporation, partnership or unincorporated association.

(e) The street address and telephone number of the place where applicant proposes to operate the licensed business.

(f) The private property locations where vehicle immobilization will be conducted and the persons authorized to order vehicle immobilization for each private property location.

Section 3. That Section 320.45 of the above-entitled ordinance be amended to read as follows:

320.45. Requirements of licensee. In addition to any other applicable regulation contained in this chapter or code, all vehicle immobilization service licensees and their employees shall operate in strict accordance with the following:

(a) All licensees shall issue a uniform to its employees providing vehicle immobilization service. The uniform must consist of, at a minimum, a jacket, a shirt or a vest. The uniform must clearly list the name of the company providing vehicle immobilization service. The uniform must clearly identify the employee providing vehicle immobilization service. The employee identification can consist of either the employee's first and last name or the employee's first name with a

code that is specific to that employee. This identification can be included on the uniform itself, or on a nametag that would be worn with the uniform. This uniform must be worn while the employee is providing vehicle immobilization service.

(b) All licensees shall issue to its employees business cards that accurately reflect the employee's supervisor's name, business address and telephone number, as well as, the telephone number to be called to have the wheel locking device removed. A business card, complying with this section, must be provided to an individual upon request.

(c) The licensee shall provide training in conflict management for its employees that install vehicle immobilization devices or have contact with those individuals who have been immobilized and shall provide documentation as to the content of the training and documentation as to the completion of that training to the ~~director of licenses and consumer services~~ licensing official. The ~~director of licenses and consumer services, or its designee,~~ licensing official shall review that documentation and may require additional training. For current and existing licensees and employees of licensees, this requirement shall be met within six (6) months of the date of passage of this ordinance. For new licensees, this requirement shall be met prior to the approval of the license by the city. For new employees, this requirement shall be met before the employee either installs a vehicle immobilization device or has contact with an individual who has been immobilized, without the supervision of an employee who has received this training, or within three (3) months of the date of their hire whichever comes first.

Section 4. That Section 320.50 of the above-entitled ordinance be amended to read as follows:

320.50. Rules of operation. In addition to any other applicable regulation contained in this chapter or code, all vehicle immobilization service licensees and their employees shall operate in strict accordance with the following:

(a) Prior to installing a locking wheel boot on any motor vehicle at the request of someone other than the vehicle's owner, the vehicle immobilization service licensee shall determine that the parking lot has entrance warning signs which are in compliance with Chapter 319.230(f) of this code, and that in the case of Class A commercial parking lots, have an ample supply of self service fee payment supplies such as envelopes, pencils, instruction signs, and other common equipment. In the event that the parking lot lacks any such items, vehicle immobilization shall be prohibited.

(b) The person authorizing the vehicle immobilization must be an owner of the property, or the license holder of the parking lot license for the property, or a bona fide employee of the owner or parking lot license holder, or a duly licensed protective agent, licensed under Minnesota Statutes, Chapter 326, hired by the owner or parking lot licensee, or a vehicle immobilization service licensee or employee pursuant to section 320.50 (e)(2) of this Code.

(c) Vehicle immobilization service licensees shall use a printed order form that includes the name, address and telephone number of the licensee's business. A completed order form must include the name of the natural person authorizing

the service, set forth in paragraph (b). The name of the person authorizing the service, and the date and time that the service was provided, must be stamped on the form. The person authorizing service shall sign the completed order form. The order form shall also include the name of the person installing the locking wheel boot, the location where the service is being provided, and a description of the vehicle to be immobilized. The vehicle immobilization service licensee shall have this authorized order form signed, fully completed and in personal possession before installing the locking wheel boot. The amount charged for the service, including any parking fees due, shall be included on this order form and a copy of this form shall be given to the person reclaiming the vehicle. All of the information on the order form must be legible. The original copy of the completed order forms shall be maintained at the licensee's place of business for a period of not less than two (2) years and shall be made available for review by the ~~Director of Licenses and Consumer Services or their designated representative~~ licensing official during all common and reasonable business hours.

(d) Vehicle immobilization service licensees shall have a process for handling complaints that arise from their immobilization of vehicles. On the back of the printed order form set forth in paragraph (c), a vehicle immobilization service licensee shall include information on how to file a complaint with the licensee. The back of the printed form must also include notification, in a format and substance as approved by the licensing official to include, at a minimum, a telephone number that a complainant may use to contact the City of Minneapolis' ~~Department of Licenses and Consumer Services at (612) 673-2080~~ if a complaint is not satisfactorily resolved.

(e) Parking Lot Patrol Activities.

(1) Except as provided in paragraph (e)(2), vehicle immobilization service licensees shall not perform parking lot patrol activities. Parking lot patrol activities shall be defined to include, but not limited to, determining which vehicles have not paid a parking fee or which vehicles are on the premises without the property owners' permission. Vehicle immobilization service licensees shall not enter a parking lot for the purpose of immobilizing a vehicle unless requested by the natural person authorizing the service, set forth in paragraph (b). Vehicle immobilization service licensees shall not have any employee waiting in any parking lot for which they are providing immobilization services. Waiting shall be defined to include any time in which the employee is not actively involved in providing vehicle immobilization services.

(2) A vehicle immobilization service licensee may perform parking lot patrol activities and may authorize immobilization provided that the licensee obtains a written and signed agreement from the owner of the property, or the license holder of the parking lot license for the property. The written agreement must detail when the vehicle immobilization service licensee is permitted to be on the property and the extent of the monitoring that will be done by the immobilization licensee. A copy of the agreement must be filed with the ~~Department of Licenses and Consumer Services~~ licensing official. The ~~Director of Licenses and Consumer Services~~ licensing official may reject any agreement that does not comply with the provisions of this section. If an

agreement is rejected, a licensee cannot perform parking lot patrol activities until an agreement is filed that complies with this section. Whenever any changes are made to the written agreement, a new copy of that agreement must be filed with the ~~Department of Licenses and Consumer Services~~ licensing official. A vehicle immobilization service licensee that is performing parking lot patrol activities must comply with paragraph (n) of this section.

(f) The licensee shall maintain a chronological log or record of the vehicles that have been immobilized. The log shall indicate a description of the vehicle, location that the service was performed, time of service, and time of vehicle release. A copy of this log or record shall be delivered to the ~~Director of Licenses and Consumer Services~~ licensing official each month.

(g) Immediately upon installing the locking wheel boot, a blaze orange warning decal at least forty-seven (47) square inches in size shall be prominently placed in the center of the driver's side window or on the front windshield directly in front of the vehicle steering wheel. The specific language on the warning sign shall be subject to approval by the ~~Director of Licenses and Consumer Services~~ licensing official and shall clearly and legibly inform the operator of the vehicle that a locking device has been installed on the front left wheel of the vehicle and that attempting to move the vehicle will cause serious damage to the vehicle. This decal shall display the telephone number and address of the licensee. Upon payment of the service fee, the licensee shall offer to remove the decal and shall have in possession the appropriate materials needed to remove all parts of the decal and residue.

(h) Vehicle immobilization service licensees shall maintain a telephone line that is answered by a natural person whenever an employee, officer or agent of a licensee is working, and/or a locking wheel boot is attached to a vehicle. The licensee is required to ensure that this telephone number is accurately printed on the warning decal attached to the vehicle. In addition, the licensee shall ensure that no inaccurate phone numbers are displayed on signs at the parking lot location where the vehicle immobilization occurred, on the business cards required by section 320.45 (b), or on any other medium that is viewable by the public.

(i) Vehicle immobilization service licensees shall respond to a request to remove a wheel-locking device within sixty (60) minutes. If a licensee does not appear to remove the wheel-locking device within sixty (60) minutes of a customer request, the locking device shall be removed at no charge.

(j) Vehicle immobilization service licensees shall not install a wheel locking boot on any vehicle displaying tax exempt plates, any marked emergency vehicle, any United States military vehicle, or any vehicle displaying a handicap vehicle permit without a Minneapolis police officer being present and duly notified.

(k) To prevent personal injury, damage to property, disorderly conduct, or other criminal activity, vehicle immobilization service licensees shall comply with all police officers' requests to remove a wheel-locking device and shall remove the wheel-locking device at no cost.

(l) In the event that a vehicle is not claimed within twenty-four (24) hours, the licensee shall notify the Minneapolis impound lot of the vehicle's description and location. If the vehicle was reported as stolen, the licensee, at the direction of a police officer, shall remove the vehicle immobilization device free of charge.

(m) The vehicle immobilization service licensee may not attempt to collect service fees or parking lot fees after a vehicle has been impounded by a Class A motor vehicle service licensee.

(n) If a parking lot is being monitored by a vehicle immobilization service licensee or an employee or agent of the licensee, for the purpose of determining which vehicles are parked illegally, the licensee and the individual performing the monitoring must comply with this section.

(1) During those times when the vehicle immobilization service licensee or agent of the licensee is actively monitoring the parking lot, the vehicle immobilization service licensee must provide a general notification that the parking lot is being actively monitored. That general notification must consist of a sign at each entrance for the lot. The signs must be a minimum of eighteen (18) inches by eighteen (18) inches. The signs must inform the public that the lot is being actively patrolled. The language and placement of the signs shall be subject to approval by the ~~director of the department of licenses and consumer services or the director's duly authorized representative~~ licensing official.

(2) The vehicle service licensee shall not permit an individual unable to provide information as to the acceptable use of the parking lot to monitor the parking lot.

(3) The individual monitoring the parking lot must remain visible in the parking lot while the parking lot is being actively monitored. While the individual is monitoring the lot, the individual shall wear a uniform as required in section 320.45(a).

(4) The individual monitoring the parking lot shall provide accurate information to any individual who asks as to the acceptable use of the parking lot, the name of the company providing the vehicle immobilization service and the address and telephone number of the office of the vehicle immobilization service company.

(5) If the individual monitoring the parking lot is able to determine that the driver of a vehicle has parked in a manner that would permit the vehicle to be immobilized, prior to that driver leaving the parking lot, and the individual monitoring the parking lot has a reasonable opportunity to warn that driver, that individual shall inform the driver that the vehicle must be moved or it will be immobilized.

(o) A vehicle shall not be immobilized if there is not compliance with this chapter.

Section 5. That Section 320.60 of the above-entitled ordinance be amended to read as follows:

320.60. Insurance required. Each applicant for a vehicle immobilization service license under this chapter shall at all times keep in full force and effect a public liability insurance policy written by an insurance company authorized to do business in the State of Minnesota, in the following amounts: One hundred thousand dollars ($100,000.00) for injury or death to one person, three hundred thousand dollars ($300,000.00) for each injury or death from each occurrence, and twenty-five thousand dollars ($25,000.00) for property damage. Proof of the required insurance policy must be submitted on forms provided by the ~~Department of Licenses and Consumer Services~~ licensing official.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-204 amending Title 13, Chapter 321 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Secondhand Dealers, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-204
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 321 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Secondhand Dealers.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 321.30 of the above-entitled ordinance be amended to read as follows:

321.30. Exceptions. The following transactions shall not require a license under this article:

(a) The sale of secondhand goods at events commonly known as "garage sales", "yard sales" or "estate sales" where all of the following are present:

(1) The sale is held on property occupied as a dwelling by the seller or owned, rented or leased by a charitable or political organization.

(2) The occupant owns the items offered for sale and that none of the items offered for sale shall have been purchased for resale or received on consignment for purpose of resale.

(3) The owner of the property conducts the sale and receives all proceeds from the sale.

(4) That no sale exceeds a period of seventy-two (72) consecutive hours. That no more than two (2) sales are held in any twelve (12) month period at any residential dwelling.

(b) The sale or receipt of secondhand books, magazines, post cards, postage stamps, or philatelic material.

(c) Goods sold at the public market pursuant to the provisions of Chapter ~~202~~ 201 of the Minneapolis Code of Ordinances.

(d) Transactions conducted by an antique dealer licensed under Article II of this chapter.

(e) Goods sold at an exhibition pursuant to Article III of this chapter.

(f) Transactions conducted by a precious metals dealer licensed under Chapter 322 of the Minneapolis Code of Ordinances, and for which a precious metal dealer's license is required.

(g) Transactions conducted by a pawnbroker licensed under Chapter 324 of the Minneapolis Code of Ordinances.

(h) Transactions conducted by a used auto part dealer licensed under Chapter 348 of the Minneapolis Code of Ordinances.

Section 2. That Section 321.80 of the above-entitled ordinance be amended to read as follows:

321.80. Application required. (a) *Contents.* Every applicant for a license defined in this article must submit a complete and accurate application on forms provided by the ~~department of licenses and consumer services~~ licensing official. All applicants, in addition to a general personal and criminal history, shall be required to submit adequate information to enable a fair determination of their eligibility to hold the license for which they are applying, including:

(1) Whether the applicant holds a current secondhand dealer, precious metal dealer, antique dealer or pawnbroker license from this or any other governmental unit.

(2) Whether the applicant has previously been denied, or had revoked or suspended, a secondhand dealer, precious metal dealer, antique dealer or pawnbroker license from this or any other governmental unit.

(3) The location of the business premises.

(4) The location at which the applicant's business records are maintained.

(5) If the applicant does not own the business premises, a true and complete copy of the executed lease, and the legal description of the premises to be licensed.

(6) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts which are unpaid.

(7) Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed.

(8) The applicant's hours of operation, on-site management and parking facilities.

(9) An executed data privacy advisory and consent form authorizing the release of criminal history information.

(10) Such other information as the city council or issuing authority may require.

(b) *New manager.* When a dealer places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the dealer must complete and submit the appropriate application, on forms provided by the ~~department of licenses and consumer services~~ licensing official, within fourteen (14) days of the change. The application must include all appropriate information required in section 321.80

(c) *Application execution.* All applications for a license under this ordinance must be signed and sworn to under oath or affirmation by the applicant. If the application is that of a natural person, it must be signed and sworn to by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

(d) *Investigation.* The police license inspector shall investigate into the truthfulness of the statements set forth in the application and shall endorse the findings thereon. The applicant shall furnish to the police license inspector such evidence as the inspector may reasonably require in support of the statements set forth in the application, or in answer to any questions raised by the investigation.

(e) *Public hearing.* The council member of the ward in which the proposed business would be located may request a public hearing at council, or in the evening hours at a location in the approximate vicinity of the proposed location.

(f) *Persons ineligible for a license.* No licenses under this ordinance will be issued to an applicant who is a natural person, a partnership if such applicant has any general partner or managing partner, a corporation or other organization if such applicant has any manager, proprietor or agent in charge of the business to be licensed, if the applicant:

(1) Is a minor at the time that the application is filed;

(2) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, section 364.03, subd. 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a dealer under this article as prescribed by Minnesota Statutes, section 364.03, subd. 3; or

(3) Is not of good moral character or repute.

Section 3. That Section 321.90 of the above-entitled ordinance be amended to read as follows:

321.90. Bond required. Before a license will be issued for a secondhand dealer, every applicant must submit a five thousand dollar ($5,000.00) bond on the forms provided by the ~~department of licenses and consumer services~~ licensing official. All bonds must be conditioned that the principal will observe all laws in relation to secondhand dealers, and will conduct business in conformity thereto, and that the principal will account for and deliver to any person legally entitled, any goods which have come into the principal's hand through the principal's business as a secondhand dealer, or in lieu thereof, will pay the reasonable value in money to the person. The bond shall contain a provision that no bond may be canceled except upon thirty (30) days written notice to the city, which shall be served upon the ~~department of licenses and consumer services~~ licensing official.

Section 4. That Section 321.100 of the above-entitled ordinance be amended to read as follows:

321.100. Records required. (a) *Exempt transactions.* The following items, when received by a dealer, are exempt from recording and reporting requirements in this article, regardless of the purchase price paid by the dealer, asking price if consigned or brokered, or value attributed to it if accepted in trade:

(1) The receipt of new or used merchandise from a merchant, manufacturer or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the secondhand dealer must maintain a record of all such transactions which describes each item, and must identify such items in a manner which relates them to that transaction record. Any identification code used by the dealer must be provided to the police license inspector or the inspector's designee(s) upon request.

(2) The sale or receipt of used merchandise donated to recognized non-profit organizations and for which no compensation is paid.

(3) The sale or receipt of secondhand household kitchen and laundry appliances.

(4) The sale or receipt of secondhand furniture, excluding audio, video and other electronic devices.

(5) The sale or receipt of secondhand cookware, glassware and eating utensils that do not contain precious metals.

(6) The sale or receipt of secondhand clothing and shoes.

(7) The sale or receipt of secondhand infant's, toddler's or children's clothing, appliances, furniture, or safety devices.

(b) *Recordable transactions.* Every dealer, at the time of receipt of any item which has a unique identifier, or is or contains precious metals or gems, regardless of the purchase price, asking price if consigned or brokered, or value attributed to it if accepted in trade, or any other item for which the dealer paid fifteen dollars ($15.00) or more, by check or other consideration,

or which the dealer intends to offer for sale, or broker, for thirty dollars ($30.00) or more, and which is not exempted in section 321.100(a), shall immediately and legibly record, using the English language, in ink or other indelible medium in a book, on forms, or in a computerized record approved by the police license inspector, the following information:

(1) A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

(2) The purchase price, asking price if consigned, or value attributed to item if accepted in trade, for each item received.

(3) Date and time the dealer received the item of property.

(4) Full name, residence address, residence telephone number, date of birth, and accurate description of the person from whom the item of property was received, including: sex, height, weight, race, color of eyes and color of hair.

(5) The identification number and state of issue from any of the following forms of identification presented by the seller:

a. Current valid Minnesota driver's license.

b. Current valid Minnesota identification card.

c. Current valid photo driver's license or photo identification card issued by another state or province of Canada.

(6) The signature of the person identified in the transaction.

(7) Class A dealers only. In addition to requirements of section 321.100(b)(1) through (6), effective sixty (60) days from the date of notification by the police license inspector of acceptable video standards, but no sooner than January 1, 1999, all class A dealers must take a color photograph or color video recording of:

a. Each customer involved in a reportable transaction as defined in section 321.110(a).

b. Every item received which does not have a unique identifier, and which is, or contains, precious metal(s) or precious gem(s).

(8) If a photograph is taken, it must be done in a format that will produce a picture at least two (2) inches in length by two (2) inches in width and must be maintained in such a manner that the photograph, if the film is developed, or frame, if the film is exposed but not developed, can be readily matched and correlated with all other records of the transaction to which it relates. Such photographs, or the undeveloped film containing them, must be available to the chief of police or the chief's designee upon request. The major portion of the photograph must include an identifiable front facial close-up of the person who sold, consigned or traded the item. Items photographed must be accurately depicted.

If a video photograph is taken, the video camera must record the person selling, consigning or trading the item so as to include an identifiable close-up of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The dealer must inform the person that they are being photographed or videotaped by displaying a sign of sufficient size in a conspicuous place on the premises. The dealer must keep the photographs or exposed videotape or film for ninety (90) days.

(9) Digitized photographs. Effective sixty (60) days from the date of notification by the police license inspector, but no sooner than July 1, 1999, Class A dealers must fulfill the color photograph requirements in section 321.100(b)(7) by submitting them as digital images, in a format specified by the issuing authority, and electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not ~~altar~~ alter or amend the requirements in section 321.100(b)(7).

(10) Inspection of records. The records must at all reasonable times be open to inspection by the police department or ~~department of licenses and consumer services~~ licensing official. Records of all transactions shall be retained for at least three (3) years from the date of transaction. Entries of digital images, when implemented, shall be retained a minimum of ninety (90) days.

Section 5. That Section 321.240 of the above-entitled ordinance be amended to read as follows:

321.240. Exceptions. The following transactions shall not require a license under this article:

(a) The sale of reportable goods at events commonly known as "garage sales," "yard sales" or "estate sales" where all of the following are present:

(1) The sale is held on property occupied as a dwelling by the seller or owned, rented or leased by a charitable or political organization.

(2) The occupant owns the items offered for sale and that none of the items offered for sale shall have been purchased for resale or received on consignment for purpose of resale.

(3) The owner of the property conducts the sale and receives all proceeds from the sale.

(4) That no sale exceeds a period of seventy-two (72) consecutive hours. That no more than two (2) sales are held in any twelve (12) month period at any residential dwelling.

(b) The sale or receipt of secondhand books, magazines, post cards, postage stamps, or philatelic material.

(c) Transactions conducted by a secondhand goods dealer pursuant to Article I of this chapter.

(d) Goods sold at an exhibition pursuant to Article III of this chapter.

(e) Goods sold at the public market pursuant to the provisions of Chapter ~~202~~ 201 of the Minneapolis Code of Ordinances.

(f) Transactions conducted by a precious metals dealer licensed under Chapter 322 of the Minneapolis Code of Ordinances, and for which a precious metal dealer's license is required.

(g) Transactions conducted by a pawnbroker licensed under Chapter 324 of the Minneapolis Code of Ordinances.

(h) Transactions conducted by a used auto part dealer licensed under Chapter 348 of the Minneapolis Code of Ordinances.

Section 6. That Section 321.290 of the above-entitled ordinance be amended to read as follows:

321.290. Application required. (a) *Contents.* Every applicant for a license defined in this article must submit a complete and accurate application on forms provided by the ~~department of licenses and consumer services~~ licensing official. All applicants, in addition to a general personal and criminal history, shall be required to submit adequate information to enable a fair determination of their eligibility to hold the license for which they are applying, including all of the following which are reasonably applicable:

(1) Whether the applicant holds a current secondhand dealer, precious metal dealer, antique dealer or pawnbroker license from this or any other governmental unit.

(2) Whether the applicant has previously been denied, or had revoked or suspended, a secondhand dealer, precious metal dealer, antique dealer or pawnbroker license from this or any other governmental unit.

(3) The location of the business premises.

(4) The location at which the applicant's business records are maintained.

(5) If the applicant does not own the business premises, a true and complete copy of the executed lease, and the legal description of the premises to be licensed.

(6) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts which are unpaid.

(7) Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed.

(8) The applicant's business plan including, at a minimum, hours of operation, on-site management and parking facilities.

(9) An executed data privacy advisory and consent form authorizing the release of criminal history information.

(10) Such other information as the city council or issuing authority may require.

(b) *New manager.* When a dealer places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the dealer must complete and submit the appropriate application, on forms provided by the ~~department of licenses and consumer services~~ licensing official, within fourteen (14) days of the change. The application must include all appropriate information required in section 321.290

(c) *Application execution.* All applications for a license under this ordinance must be signed and sworn to under oath or affirmation by the applicant. If the application is that of a natural person, it must be signed and sworn to by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

(d) *Investigation.* The police license inspector shall investigate into the truthfulness of the statements set forth in the application and shall endorse the findings thereon. The applicant shall furnish to the police license inspector such evidence as the inspector may reasonably require in support of the statements set forth in the application, or in answer to any questions raised by the investigation.

(e) *Public hearing.* The council member of the ward in which the proposed business would be located may request a public hearing at council, or in the evening hours at a location in the approximate vicinity of the proposed location.

(f) *Persons ineligible for a license.* No licenses under this ordinance will be issued to an applicant who is a natural person, a partnership if such applicant has any general partner or managing partner, a corporation or other organization if such applicant has any manager, proprietor or agent in charge of the business to be licensed, if the applicant:

(1) Is a minor at the time that the application is filed;

(2) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, section 364.03, subd. 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a dealer under this article as prescribed by Minnesota Statutes, section 364.03, subd. 3; or

(3) Is not of good moral character or repute.

Section 7. That Section 321.300 of the above-entitled ordinance be amended to read as follows:

321.300. Bond required. (a) *Antique dealers.* Before a license will be issued for an antique dealer, every applicant must submit a five thousand dollar ($5,000.00) bond on the forms provided by the ~~department of licenses and consumer services~~ licensing official. All bonds must be conditioned that the principal will observe all laws in relation to dealers, and will conduct business in conformity thereto, and that the principal will account for and deliver to any person legally entitled, any goods which have come into the principal's hand through the principal's business as a dealer, or in lieu thereof, will pay the reasonable value in money to the person. The bond shall contain a provision that no bond may be canceled except upon thirty (30) days written notice to the city, which shall be served upon the ~~department of licenses and consumer services~~ licensing official.

(b) *Antique mall operators.* Before a license will be issued for an antique mall operator, every applicant must submit a ten thousand dollar ($10,000.00) antique mall operator bond on forms provided by the ~~department of licenses and consumer services~~ licensing official. All antique mall operator bonds must be conditioned that the operator, and all mall antique dealers licensed to conduct business at the operator's location, will observe all laws in relation to dealers, will conduct business in conformity thereto, and that the operator will account for and deliver to any person legally entitled, any goods which have come into the hands of the operator, or the hands of any of its antique mall dealers, through their business as a dealer, or in lieu thereof, will pay the reasonable value in money to the person. The bond shall contain a provision that no bond may be canceled except upon thirty (30) days written notice to the city, which shall be served upon the ~~department of licenses and consumer services~~ licensing official.

(c) *Antique mall dealers.* Before a license will be issued for an antique mall dealer, the ~~department of licenses and consumer services~~ licensing official must have in its possession a valid antique mall operator bond issued to the licensed antique mall operator at the location for which the applicant is applying.

Section 8. That Section 321.310 of the above-entitled ordinance be amended to read as follows:

321.310. Records required. (a) *Exempt transactions.* The following item(s), when received by a dealer, are exempt from recording and reporting requirements in this article, regardless of the purchase price paid by the dealer, asking price if consigned or brokered, or value attributed to it if accepted in trade:

(1) The receipt of new or used merchandise from a merchant, manufacturer or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the secondhand dealer must maintain a record of all such transactions which describes each item, and must identify such items in a manner which relates them to that transaction record. Any identification code used by the dealer must be provided to the police license inspector or the inspector's designee(s) upon request.

(2) The sale or receipt of used merchandise donated to recognized non-profit organizations and for which no compensation is paid.

(3) The sale or receipt of secondhand clothing and shoes.

(b) *Recordable transactions.* Every dealer, at the time of receipt of any item which the dealer was required to pay for by check, and which has a unique identifier, or is or contains precious metals or gems, regardless of the purchase price, asking price if consigned or brokered, or value attributed to it if accepted in trade, or any other item for which the dealer paid fifteen dollars ($15.00) or more, by check or other consideration, or which the dealer intends to offer for sale, or broker, for thirty dollars ($30.00) or more, and which is not exempted in section 321.310(a), shall immediately and legibly record, using the English language, in ink or other indelible medium in a book, on forms, or in a computerized record approved by the police license inspector, the following information:

(1) A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

(2) The purchase price, asking price if consigned, or value attributed to item if accepted in trade, for each item received.

(3) Date and time the dealer received the item.

(4) Full name, residence address, residence telephone number, date of birth, and accurate description of the person from whom the item of property was received, including: sex, height, weight, race, color of eyes and color of hair.

(5) The identification number and state of issue from any of the following forms of identification presented by the seller:

a. Current valid Minnesota driver's license.

b. Current valid Minnesota identification card.

c. Current valid photo driver's license or photo identification card issued by another state or province of Canada.

(6) The signature of the person identified in the transaction.

(7) Class A dealers only. In addition to requirements of section 321.310(b)(1) through (6), effective sixty (60) days from the date of notification by the police license inspector of acceptable video standards, but no soon than January 1, 1999, all class A dealers must take a color photograph or color video recording of:

a. Each customer involved in a reportable transaction as defined in section 321.320(a).

b. Every item received that does not have a unique identifier, and which is, or contains, precious metal(s), precious gem(s) or precious stone(s).

(8) If a photograph is taken, it must be done in a format that will produce a picture at least two (2) inches in length by two (2) inches in width and must be maintained

in such a manner that the photograph, if the film is developed, or frame, if the film is exposed but not developed, can be readily matched and correlated with all other records of the transaction to which it relates. Such photographs, or the undeveloped film containing them, must be available to the chief of police or the chief's designee upon request. The major portion of the photograph must include an identifiable front facial close-up of the person who sold, consigned or traded the item. Items photographed must be accurately depicted.

If a video photograph is taken, the video camera record the person selling, consigning or trading the item so as to include an identifiable close-up of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The dealer must inform the person that they are being photographed or videotaped by displaying a sign of sufficient size in a conspicuous place on the premises. The dealer must keep the photographs or exposed videotape or film for ninety (90) days.

(9) Digitized photographs. Effective sixty (60) days from the date of notification by the police license inspector, but not sooner than July 1, 1999, Class A dealers must fulfill the color photograph requirements in section 321.310(b)(7) by submitting them as digital images, in a format specified by the issuing authority, and electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not ~~altar~~ alter or amend the requirements in section 321.310(b)(7).

(10) Inspection of records. The records must at all reasonable times be open to inspection by the police department or ~~department of licenses and consumer services~~ licensing official. Records of all transactions shall be retained for at least three (3) years from the date of transaction. Entries of required digital images, when implemented, shall be retained a minimum of ninety (90) days.

Section 9. That Section 321.450 of the above-entitled ordinance be amended to read as follows:

321.450. Exceptions. The following transactions shall not require a permit under this article:

(a) The sale or receipt of used merchandise donated to recognized non-profit organizations and for which no compensation is paid.

(b) The sale of secondhand books, magazines or postage stamps.

(c) Goods sold at the public market and farmer's markets pursuant to the provisions of Chapter ~~202~~ 201 of the Minneapolis Code of Ordinances.

(d) The sale used motor vehicles by licensed dealers.

(e) The sale of numismatic related articles, including but not limited to, coins, currency, tokens, medals and other such related collectibles if the temporary market exhibition operator is a nationally recognized non-profit numismatic society or association and the temporary market or exhibition is held at the Minneapolis Convention Center.

(f) An exclusive sale of arts and crafts where a commercial block event permit or park board permit has been issued for the event, and no second hand goods are displayed for sale.

Section 10. That Section 321.480 of the above-entitled ordinance be amended to read as follows:

321.480. Application required. (a) *Contents.* Every applicant for a license defined in this article must submit a complete and accurate application on forms provided by the ~~department of licenses and consumer services~~ licensing official. All applicants, in addition to a general personal and penal history, shall be required to submit adequate information to enable a fair determination of their eligibility to hold the permit for which they are applying, including:

(1) For temporary market or exhibition operator license applicants, the location, dates and times of the proposed temporary market exhibition.

(2) Whether the applicant holds a current secondhand dealer, precious metal dealer, antique dealer or pawnbroker license from this or any other governmental unit.

(3) Whether the applicant has previously been denied, or had revoked or suspended, a secondhand dealer, precious metal dealer, antique dealer, pawnbroker license, temporary market or exhibition license or permit from this or any other governmental unit.

(4) The location at which the applicant's business records are maintained.

(5) An executed data privacy advisory and consent form authorizing the release of criminal history information.

(6) Provide a scaled and dimensioned site plan of the property indicating the entire market layout including onsite placement of booths, tables, loading and unloading zones, trash receptacles, sanitary toilets, parking areas for vendors and market attendees (on or off-site), signage including location, type, dimension, and other relevant information.

(7) Such other application information as the city council or issuing authority may require.

(b) *Application execution.* All applications for a license under this ordinance must be signed by the applicant. If the application is that of a natural person, it must be signed by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one (1) of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

(c) *Investigation.* The police license inspector shall investigate into the truthfulness of the statements set forth in the application and shall endorse the findings thereon. The applicant must furnish to the police license inspector such evidence as the inspector may reasonably require in support of the statements set forth in the application, or in answer to any questions raised by the investigation.

Section 11. That Section 321.495 of the above-entitled ordinance be amended to read as follows:

321.495. Requirements. The temporary market exhibition operator shall:

(1) Comply with the physical site plan submitted with the license application as approved by the City of Minneapolis.

(2) Meet all requirements concerning the placement of temporary structures, and comply with all building, electrical, mechanical and fire code laws and ordinances.

(3) Operate on an improved surface free of dust, mud, standing water and is capable of supporting a wheel load of four thousand (4,000) pounds.

(4) Provide adequate and sufficient solid waste and recycling receptacles at all points of egress, and additionally as needed, and shall further provide portable sanitary toilets in a number and type as determined by the Minneapolis ~~Environmental~~ Health ~~Division~~ Department in accordance with the Portable Sanitation Association guidelines.

(5) Limit food vendors and agricultural products to less than twenty-five (25) percent of all vendors, up to a maximum of ten (10) food vendors, at the temporary market or exhibition.

(6) The use shall comply with all applicable requirements of Title 20, Zoning Code, of the Minneapolis Code of Ordinances.

(7) Obtain an amplified sound permit if noise above ambient sound levels are anticipated.

(8) Refrain from operating beyond the maximum hours of operation of 6:00 a.m. to 10:00 p.m. unless an extended hours license has been obtained.

(9) Maintain a lease with all temporary market or exhibition vendors outlining all regulations under this chapter. Leases shall be maintained for a period of one (1) year and made available upon request to the ~~director of licenses and consumer services~~ licensing official, the chief of police, or their designee.

(10) Maintain a minimum of ten (10) temporary market exhibitors under lease to qualify for a license.

(11) Remove trash, litter and debris from the event site within four (4) hours of close of the event.

(12) Equipment storage. Equipment used at an exhibition or temporary market including tables, tents, signs, merchandise, solid waste containers, or other non-permanent fixtures may only be stored in an enclosed building when sales are not occurring.

Ordinance 2013-Or-205 amending Title 13, Chapter 322 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Precious Metal Dealers, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-205
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 322 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Precious Metal Dealers.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 322.30 of the above-entitled ordinance be amended to read as follows:

322.30. Application. (a) [*Contents*.] Every person or organization desiring a license to deal in precious metals shall apply to the city council for a license on an application form provided by the ~~department of licenses and consumer services~~ licensing official. The application shall contain all information required by the ~~department of licenses and consumer services~~ licensing official, including:

(1) Name, place and date of birth and street residence of the applicant.

(2) The business address and the name and address of the owner of the premises.

(3) A statement whether, within the preceding ten (10) years the applicant has been convicted of any crime, petty misdemeanor or municipal ordinance relating to theft, damage or trespass to property or operation of a business; the nature and date of the offense and the penalty assessed.

(4) Whether the applicant is a natural person, corporation or partnership:

a. If the applicant is a corporation, the state of incorporation and the names and addresses of all officers and directors;

b. If applicant is a partnership, the names and addresses of all partners.

(5) The name of the manager or proprietor of the business.

(b) *Execution of application.* If the applicant is a natural person, the application shall be signed and sworn to by the person; if a corporation, by an agent authorized to sign; if a partnership, by a partner.

(c) [*Investigation*.] The police license inspector shall investigate into the truthfulness of the statements set forth in the application and shall endorse findings thereon. The applicant shall furnish to the police license inspector such evidence as he or she may reasonably require in support of the statement set forth in the application.

(d) *False statements in application.* No person shall make any material false statement in any application. In addition to other penalties, the licensee's license may be revoked by the city council for a violation of this section.

Section 2. That Section 322.40 of the above-entitled ordinance be amended to read as follows:

322.40. Bond required. Before a license will be issued the applicant shall submit a five-thousand-dollar ($5,000.00) bond on forms provided by the ~~department of licenses and consumer services~~ licensing official. All bonds shall be conditioned that the principal named will observe all laws in relation to dealers in precious metals, and will conduct business in conformity thereto, and that the principal will account for and deliver to any person legally entitled any goods which may have come into the principal's hand through the principal's business as a dealer in precious metal items, or in lieu thereof, will pay the reasonable value in money to the person.

Section 3. That Section 322.80 of the above-entitled ordinance be amended to read as follows:

322.80. Records required. Every precious metal dealer shall, at the time of purchase or consignment of a good, immediately record in ink in a book the following information:

(1) A complete description of the time.

(2) Purchase or consignment price.

(3) Time and date of receipt.

(4) Name, residence address, and driver's license number (or equivalent identification where a driver's license is not available) of the person selling or consigning the good.

The book as well as the goods purchased or consigned shall at all reasonable times be open to inspection of the police department or ~~department of licenses and consumer services~~ licensing official. Entries in the book shall be retained for at least three (3) years.

Section 4. That Section 322.100 of the above-entitled ordinance be amended to read as follows:

322.100. Photographs required. Every licensee shall maintain photographic equipment at its place of business capable of taking high quality color photographs of both the individual selling or consigning items and the items sold or consigned. The photographic

equipment maintained shall be of a type and quality approved by the ~~director of the department of licenses and consumer services~~ licensing official. When a licensee, or an agent or employee thereof, receives any precious metal item except coins, he or she shall photograph the individual selling or consigning such item and each item received. The photographs required by this section shall be maintained along with the other records required by this chapter in such a manner that they can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs shall be available to the police department upon request.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-206 amending Title 13, Chapter 324 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Pawnbrokers, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-206
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 324 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Pawnbrokers.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 324.50 of the above-entitled ordinance be amended to read as follows:

324.50. License fees. (a) The annual license fees for licenses issued under this chapter shall be as established in Appendix J, License Fee Schedule.

The annual license fee shall be payable semi-annually in accordance with procedures established by the ~~director of licenses and consumer services~~ licensing official.

(b) The billable transaction fee shall reflect the cost of processing transactions and other related regulatory expenses as determined by the city council, and shall be reviewed and adjusted, if necessary, at least every six (6) months. Licensees shall be notified in writing thirty (30) days before any adjustment is implemented.

(c) Billable transaction fees shall be billed monthly and are due and payable within thirty (30) days. Failure to do so is a violation of this chapter.

Section 2. That Section 324.80 of the above-entitled ordinance be amended to read as follows:

324.80. Application required. (a) (*Contents.*) An application form provided by the ~~department of licenses and consumer services~~ licensing official must be completed by every applicant for a new license or for renewal of an existing license. Every new applicant must provide all the following information:

(1) If the applicant is a natural person:

a. The name, place and date of birth, street resident address, and phone number of applicant.

b. Whether the applicant is a citizen of the United States or resident alien.

c. Whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places used.

d. The name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant and a certified copy of the certificate as required by Minnesota Statutes, Section 333.01.

e. The street address at which the applicant has lived during the preceding five (5) years.

f. The type, name and location of every business or occupation in which the applicant has been engaged during the preceding five (5) years and the name(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the preceding five (5) years.

g. Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a traffic ordinance. If so, the applicant must furnish information as to the time, place, and offense of all such convictions.

h. The physical description of the applicant.

i. Applicant's current personal financial statement and true copies of the applicant's federal and state tax returns for the two (2) years prior to application.

j. If the applicant does not manage the business, the name of the manager(s) or other person(s) in charge of the business and all information concerning each of them required in a. through h. of subdivision (1) of this section.

(2) If the applicant is a partnership:

a. The name(s) and address(es) of all general and limited partners and all information concerning each general partner required in subdivision (1) of this section.

b. The name(s) of the managing partner(s) and the interest of each partner in the licensed business.

c. A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minnesota Statutes, Section 333.01, a certified copy of such certificate must be attached to the application.

d. A true copy of the federal and state tax returns for partnership for the two (2) years prior to application.

e. If the applicant does not manage the business, the name of the manager(s) or other person(s) in charge of the business and all information concerning each of them required in a. through h. of subdivision (1) of this section.

(3) If the applicant is a corporation or other organization:

a. The name of the corporation or business form, and if incorporated, the state of incorporation.

b. A true copy of the Certificate of Incorporation, Articles of Incorporation or Association Agreement, and By-laws shall be attached to the application. If the applicant is a foreign corporation, a Certificate of Authority as required by Minnesota Statutes, Section 303.06, must be attached.

c. The name of the manager(s) or other person(s) in charge of the business and all information concerning each manager, proprietor, or agent required in a. through h. of subdivision (1) of this section.

d. A list of all persons who control or own an interest in excess of five (5) percent in such organization or business form or who are officers of the corporation or business form and all information concerning said persons required in sub (1) above. This subdivision (d), however, shall not apply to a corporation whose stock is publicly traded on a stock exchange and is applying for a license to be owned and operated by it.

(4) For all applicants:

a. Whether the applicant holds a current pawnbroker, precious metal dealer or secondhand goods dealer license from any other governmental unit.

b. Whether the applicant has previously been denied, or had revoked or suspended, a pawnbroker, precious metal dealer, or secondhand dealer license from any other governmental unit.

c. The location of the business premises.

d. If the applicant does not own the business premises, a true and complete copy of the executed lease.

e. The legal description of the premises to be licensed.

f. Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts that are unpaid.

g. Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application must be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed.

h. Such other information as the city council or issuing authority may require.

(b) *New manager.* When a licensee places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the licensee must complete and submit the appropriate application, on forms provided by the ~~department of licenses and consumer services~~ licensing official, within fourteen (14) days. The application must include all appropriate information required in section 324.80

(1) Upon completion of an investigation of a new manager, the licensee must pay an amount equal to the cost of the investigation to assure compliance with this chapter. If the investigation process is conducted solely within the State of Minnesota, the fee shall be five hundred dollars ($500.00). If the investigation is conducted outside the State of Minnesota, the issuing authority may recover the actual investigation costs not exceeding ten thousand dollars ($10,000.00).

(c) *Application execution.* All applications for a license under this chapter must be signed and sworn to under oath or affirmation by the applicant. If the application is that of a natural person, it must be signed and sworn to by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

(d) *Investigation.* The police license inspector must investigate into the truthfulness of the statements set forth in the application and shall endorse the findings thereon. The applicant must furnish to the police license inspector such evidence as the inspector may reasonably require in support of the statements set forth in the application.

(e) *Public hearing.* The council member of the ward in which the proposed business would be located may request a public hearing at council, or in the evening hours at a location in the approximate vicinity of the proposed location.

(f) *Persons ineligible for a license.* No licenses under this chapter will be issued to an applicant who is a natural person, a partnership if such applicant has any general partner or managing partner, a corporation or other organization if such applicant has any manager, proprietor or agent in charge of the business to be licensed, if the applicant:

(1) Is a minor at the time that the application is filed;

(2) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, Section 364.03, Subd. 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a licensee under this chapter as prescribed by Minnesota Statutes, Section 364.03, Subd. 3; or

(3) Is not of good moral character or repute.

Section 3. That Section 324.90 of the above-entitled ordinance be amended to read as follows:

324.90. Bond required. Before a license will be issued, every applicant must submit a five thousand dollar ($5,000.00) bond on the forms provided by the ~~department of licenses and consumer services~~ licensing official. All bonds must be conditioned that the principal will observe all laws in relation to pawnbrokers, and will conduct business in conformity thereto, and that the principal will account for and deliver to any person legally entitled any goods which have come into the principal's hand through the principal's business as a pawnbroker, or in lieu thereof, will pay the reasonable value in money to the person. The bond shall contain a provision that no bond may be canceled except upon thirty (30) days' written notice to the city, which shall be served upon the ~~department of licenses and consumer services~~ licensing official.

Section 4. That Section 324.100 of the above-entitled ordinance be amended to read as follows:

324.100. Records required. At the time of any reportable transaction other than renewals, extensions or redemptions, every licensee must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the police license inspector:

(1) A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

(2) The purchase price, amount of money loaned upon, or pledged therefor.

(3) The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.

(4) Date, time and place the item of property was received by the licensee, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records.

(5) Full name, residence address, residence telephone number, date of birth and accurate description of the person from whom the item of property was received, including: sex, height, weight, race, color of eyes and color of hair.

(6) The identification number and state of issue from any of the following forms of identification of the seller:

a. Current valid Minnesota driver's license.

b. Current valid Minnesota identification card.

c. Current valid photo driver's license or identification card issued by another state or province of Canada.

(7) The signature of the person identified in the transaction.

(8) Effective sixty (60) days from the date of notification by the police license inspector of acceptable video standards, the licensee must also take a color photograph or color video recording of:

a. Each customer involved in a billable transaction.

b. Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.

If a photograph is taken, it must be at least two (2) inches in length by two (2) inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the chief of police, or the chief's designee, upon request. The major portion of the photograph must include an identifiable front facial close-up of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must zoom in on the person pawning or selling the item so as to include an identifiable close-up of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that he or she is being videotaped orally and by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee must keep the exposed videotape for three (3) months.

(9) *Digitized photographs.* Effective sixty (60) days from the date of notification by the police license inspector, licensees must fulfill the color photograph requirements in section 324.100(8) by submitting them as digital images, in a format specified by the issuing authority, electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not ~~altar~~ alter or amend the requirements in subdivision (8).

(10) *Renewals, extensions and redemptions.* For renewals, extensions and redemptions, the licensee shall provide the original transaction identifier, the date of the current transaction, and the type of transaction.

(11) *Inspection of records.* The records must at all reasonable times be open to inspection by the police department or ~~department of licenses and consumer services~~ licensing official. Data entries shall be retained for at least three (3) years from the date of transaction. Entries of required digital images shall be retained a minimum of ninety (90) days.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-207 amending Title 13, Chapter 325 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Pest Control, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-207
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 325 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Pest Control.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 325.30 of the above-entitled ordinance be amended to read as follows:

325.30. Licenses and fees. (a) No person, either as owner or operator, shall engage in the business of fumigation, general pest control or area pest control without first having obtained a license from the city council. Such license shall be known as a Minneapolis pest control license and shall state the classification or classifications for which it is issued. The annual fee for such license shall be one hundred twenty-five dollars ($125.00). Such license shall be renewed on or before January first of each year. When a pest control company also carries a fumigation license under Chapter 51 of this Code of Ordinances, then the annual fee for the combination of a fumigator's license and a pest control license shall be one hundred twenty-five dollars ($125.00).

(b) In order to obtain and retain such a license, there shall be at least one person, either as owner or operator or an employee, who holds a master pest control license. The technical aspects of selection and application of all poisons used by such pest control company shall be the direct responsibility of such holder of a master license. Every person seeking a master or journeyman license shall file with the ~~department of licenses and consumer services~~ licensing official, on forms furnished by ~~it~~ the licensing official, a request for such a license. The applicant for a master license shall pay an initial fee of thirty dollars ($30.00) and an annual renewal fee of ten dollars ($10.00) thereafter. The applicant for a journeyman license shall pay an initial inspection fee of thirty dollars ($30.00) and an annual renewal fee of eight dollars ($8.00) thereafter.

(c) Every applicant for either a master or journeyman license must take and pass an oral or written examination before a license will be issued.

(d) Pest control companies or pest control employees desiring to engage in or work in the pest control business within the city must submit to such examination as hereinafter described in section 325.70.

(e) A license may be issued by the city council to a pest control company for one or both or any combination of the following classifications for which an applicant may apply:

(1) General pest control.

(2) Area pest control.

(f) The master license pest control number shall be displayed in a prominent position on all pest control company vehicles doing business in the city. The master journeyman pest control license identification card shall be shown on demand to health department representatives, police or other law enforcement officers of the city.

(g) In case of revocation of a license for any cause the commissioner may require such licensee to pass an examination as a condition to reinstatement of such license.

(h) Each licensee shall be issued an identification card on which shall appear the licensee's photograph and signature. A license shall not be transferable.

(i) It shall be unlawful for any pest control company to employ or retain as an employee, any person to do pest control work who is not properly licensed or under proper temporary apprentice permit issued by the commissioner of health. Any new employee may work as an apprentice on a temporary apprentice permit issued by the commissioner of health without taking an examination, provided he or she is working for a licensed pest control company and working at all times with and under the direct supervision of a person possessing a master or journeyman pest control license. A person possessing a temporary permit cannot take the examination for a master or journeyman license until he or she has worked at least three (3) months as a temporary pest control employee. However such employee must take such examination within one year after the issuance of a temporary permit.

(j) Identification cards and such other procedural matters as may be necessary shall be established by the commissioner of health.

(k) A refresher program of not more than a one-day session shall be sponsored or conducted twice each year by the health department. This program shall place special emphasis on proper handling and safe use of materials used in the pest control industry. Every owner, member or partner of a pest control company and every pest control employee actually engaged in or performing pest control services shall attend at least one refresher program annually as a condition for the issuance of licenses established under this chapter. Failure to attend such refresher program may be grounds for revocation of the license.

Section 2. That Section 325.60 of the above-entitled ordinance be amended to read as follows:

325.60. Insurance required. (a) A pest control company shall not engage in the practice or business of pest control until such company shall furnish and file with the ~~department of licenses and consumer services~~ licensing official a policy of insurance or a certificate thereof in an insurance company authorized to do business in the State of Minnesota, insuring such pest control company against any and all loss by reason of negligence in the use of pesticides; such policy of insurance to be in limits of one hundred thousand dollars ($100,000.00) for any one person injured or killed in one accident, and two hundred thousand dollars ($200,000.00) for any one accident or two (2) or more persons injured or killed in one accident, irrespective of

the number of persons killed, and in the sum of at least ten thousand dollars ($10,000.00) because of damage to or destruction of property in any one accident, which policy of insurance shall be approved by the city attorney. No cancellation of any insurance policy shall be valid except upon ten (10) days prior notice to the city. Failure to keep in full force and effect insurance required herein is grounds for revocation of any license or permit. Such license holder shall replace such policy of insurance with another to be approved by the city attorney. Whenever the city council shall deem such policy of insurance to be insufficient for any reason, and in default thereof the city council may revoke such license.

(b) Any pest control company that is licensed under Chapter 51 of this Code of Ordinances, and also under this chapter, need furnish but one policy of insurance. The city attorney shall prepare a proper endorsement which shall be attached.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-208 amending Title 13, Chapter 327 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Rental Automobile Odometer Inspection, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-208
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 327 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Rental Automobile Odometer Inspection.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 327.20 of the above-entitled ordinance be amended to read as follows:

327.20. Complaint and inspection. Upon complaint of a defective odometer to the ~~department of licenses and consumer services~~ licensing official, made not later than thirty (30) days after termination of the lease of a rental automobile the owner of that automobile shall make such automobile available to the ~~department of licenses and consumer services,~~ licensing official ~~which shall~~ to examine and test the odometer to determine whether it is defective. The automobile shall be made available at a reasonable time and place for the purpose of such examination.

Section 2. That Section 327.30 of the above-entitled ordinance be amended to read as follows:

327.30. Renting after defect discovered. If the department of licenses and consumer services licensing official finds that a rental automobile contains a defective odometer, no

person shall thereafter rent or lease that automobile as a rental automobile unless (a) the defective odometer is repaired or replaced and (b) the department of licenses and consumer services licensing official, upon further examination and testing, determines that the automobile no longer contains a **defective odometer.**

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-209 amending Title 13, Chapter 331 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Sidewalk Flower Cart Vendors, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-209
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 331 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Sidewalk Flower Cart Vendors

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 331.60 of the above-entitled ordinance be amended to read as follows:

331.60. License application. Each applicant shall file an application with the ~~department of licenses and consumer services~~ licensing official on forms provided by the ~~department~~ licensing official. The ~~director of licenses and consumer services~~ licensing official may require such information on the application as he/she considers reasonable and necessary to verify that the applicant meets all of the requirements of this chapter. No application shall be accepted unless the applicant files therewith plans and specifications for the cart, drawn to scale, meeting the design and size specifications in section 331.100

One application shall be filed by each single applicant regardless of how many sidewalk flower cart licenses the applicant wishes to obtain. The application shall contain a space in which the applicant shall indicate the number of sidewalk flower cart locations sought.

Section 2. That Section 331.70 of the above-entitled ordinance be amended to read as follows:

331.70. [Filing of application; allocation process.] (a) *Application deadline.* The deadline for filing applications for new licenses and renewal of existing licenses shall be 4:30 p.m. on March first of each year, or if March first is not a business day, then 4:30 p.m. on the next business day after March first. After the filing deadline, the ~~department~~ licensing official shall accept no more applications for new licenses or renewal of existing licenses until the allocation process has been completed. If the allocation process has been completed, and additional locations remain unused, the ~~department~~ licensing official shall reopen the application

period, set a new application deadline, accept additional applications, and allocate the remaining locations in the same manner as prescribed below.

(b) *Allocation of sidewalk flower cart locations.* The ~~department~~ licensing official shall rank all of the approved locations for sidewalk flower carts by desirability. Licenses for the approved locations shall be chosen by lot. The drawing shall be held ~~in~~ by the ~~department~~ licensing official during regular business hours. All applicants shall be notified and invited to attend. A licensee shall be chosen by lot for each approved location, beginning with the most desirable location and ending with the least desirable location. Once a single applicant has been chosen for a location, that applicant shall not be considered for a subsequent location until each single applicant has been chosen for one location.

(c) No preference shall be given to renewal applicants in the allocation of approved locations for each new license year.

Section 3. That Section 331.80 of the above-entitled ordinance be amended to read as follows:

331.80. List of approved locations. The director of public works shall refer the subject of sidewalk flower carts on the Nicollet Mall to the advisory board provided for in Minnesota Statutes, Section 430.101, subdivision 3. The advisory board shall report its recommendations concerning the number and location of sidewalk cart sites on the Nicollet Mall to the director of public works. The director of public works shall review the board's report and establish a list of approved locations on the Nicollet Mall. The list shall be made available ~~in~~ by the ~~department of licenses and consumer services~~ licensing official to any applicant or interested person. The list of approved locations may be amended from time to time in the manner prescribed by this section.

Section 4. That Section 331.90 of the above-entitled ordinance be amended to read as follows:

331.90. License restrictions. (a) A license issued under this chapter shall only allow the sale of flowers from sidewalk pushcarts at approved locations on the Nicollet Mall.

(b) Each flower cart shall be separately licensed and shall be authorized to operate only at the location designated on the license. However, in the event a licensee holds licenses for more than one location, the licensee may place any of his/her licensed carts at any location for which he/she holds a license. No licensee may trade carts or locations with another licensee; however, should a licensee apply for and be granted a different location for a cart during the licensing year and chooses to surrender the original location for that cart, the fee for such midseason cart location transfer shall be as established in Appendix J, License Fee Schedule.

(c) A license issued under this chapter shall allow only the sale of cut flowers.

(d) A sidewalk flower cart license shall not be transferable from person to person nor from place to place without approval of the ~~director of licenses and consumer services~~ licensing official.

(e) There shall be issued to each licensee a suitable decal for each licensed flower cart. Every flower cart licensed under this chapter shall at all times have the decal permanently and prominently fastened on the pushcart.

(f) Affixed permanently and prominently to each sidewalk flower cart shall be a sign no smaller than twelve (12) inches by twelve (12) inches displaying the name, address and telephone number of the licensee.

(g) Each licensee shall provide proof of liability insurance in the amount of one hundred thousand dollars ($100,000.00) for individuals, three hundred thousand dollars ($300,000.00) for any single incident and ten thousand dollars ($10,000.00) for property damage. A certificate of insurance shall be delivered to the ~~director of licenses and consumer services~~ licensing official prior to issuance of a license. The city shall be named an additional insured.

(h) No sidewalk flower cart operator shall use lights or noisemakers, such as bells, horns or whistles, to attract customers. A sidewalk flower cart operator may use battery-operated lights with protective shielding for the purpose of illuminating merchandise.

(i) No sidewalk flower cart shall operate before 7:00 a.m. nor after 11:00 p.m. on any day.

(j) No sidewalk flower cart shall operate, park, stand or stop in any street or alley except to cross at designated street crossings.

(k) Each sidewalk flower cart shall be equipped with a suitable waste container. When leaving the sales area the licensee or his/her employees shall pick up all litter resulting from the business and shall deposit such litter in the waste container located on his/her cart.

Section 5. That Section 331.100 of the above-entitled ordinance be amended to read as follows:

331.100. Design and size specifications. (a) Every sidewalk flower cart shall be neat and tasteful in appearance, constructed with finished materials, and shall be kept clean and well maintained at all times.

(b) No sidewalk flower cart shall have dimensions exceeding three (3) feet in width, six (6) feet in length and six (6) feet in height. However, a cart may be equipped with an awning which overhangs by not more than twelve (12) inches in any direction. Each sidewalk flower cart shall be capable of being moved and kept under control by one (1) person traveling on foot. The ~~director of licenses and consumer services~~ licensing official may grant a special license to a handicapped person to operate a sidewalk flower cart propelled by electric motor, provided that the applicant shall meet all other conditions for a license.

Section 6. That Section 331.110 of the above-entitled ordinance be amended to read as follows:

331.110. Forfeiture of license. Any sidewalk flower cart operator who shall fail to operate at any licensed location thirty (30) consecutive days between May first and October first shall forfeit that location. The ~~department of licenses and consumer services~~ licensing official shall notify all licensees of the forfeiture of said location and shall set a date for a lottery, if necessary, to choose among multiple applicants.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-210 amending Title 13, Chapter 332 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Solicitors, Peddlers and Transient Merchants, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-210
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 332 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Solicitors, Peddlers, and Transient Merchants.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 332.50 of the above-entitled ordinance be amended to read as follows:

332.50. Adverse license action. (a) *Generally.* Any license issued under this section may be suspended or revoked, or otherwise subject to adverse license action, at the discretion of the city council for violation of any of the following:

(1) Subsequent knowledge by the city of fraud, misrepresentation or incorrect statements provided by an applicant on the application form.

(2) Fraud, misrepresentation or false statements made during the course of the licensed activity.

(3) Subsequent conviction of any offense to which the granting of the license could have been denied under this chapter.

(4) Engaging in any activity prohibited under this chapter.

(5) Violation of any other provision of this chapter.

(6) Violation of any law relating to zoning, health, fire, building or safety requirements, or any other federal law or statutory or ordinance provision.

(7) Failure to comply with any valid orders issued by the ~~Minneapolis Department of Licenses and Consumer Services~~ licensing official or any ~~other~~ department or division of the city.

(8) For other good cause shown which renders the licensee unfit to hold a peddler or transient merchant license.

(b) *Emergency.* If, in the discretion of the city council, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant

licensed under this chapter, the city council may immediately suspend the person's license and provide notice of the right, in the council's discretion, to a subsequent and expedited hearing in front of a committee of the city council, an administrative law judge or a hearing officer retained by the city. Any decision made by an administrative law judge or hearing officer shall be in the form of a report and recommendation subject to modification and approval by the city council.

Section 2. That Section 332.70 of the above-entitled ordinance be amended to read as follows:

332.70. Registration and identification of solicitors. (a) All solicitors and any person exempt from the licensing requirements of this ordinance under section 332.30 shall be required to register with the city prior to engaging in those activities. Registration shall be made on the same form required for a license application, but no fee shall be required. Immediately upon completion of the registration form, the director of regulatory services or the director's designee shall issue to the registrant a certificate of registration and identification card as proof of the registration. Certificates of registration and identification cards shall be non-transferrable.

(b) Upon the issuance of a solicitor's registration or a peddler's or transient merchant's license, the ~~department of licenses and consumer services~~ licensing official shall issue to each individual employee, agent, or representative registered for direct solicitation, peddling or operation as a transient merchant, an identification card. Such card shall contain a photograph of such employee, agent, or representative, name, address, the name of the supplier for whom he or she is an employee, agent, or representative, and the trade or brand names of its goods or services being sold or promoted. On the identification card shall be printed the word "solicitor", "peddler", or "transient merchant", as applicable, the time period for which it is issued, and the number of the identification card which shall be registered with the ~~department of licenses and consumer services~~ licensing official. Every solicitor, peddler, or transient merchant registered or licensed hereunder shall carry and display his or her identification card at all times while engaged in solicitation, peddling or operation as a transient merchant, upon a lanyard or in a manner such that the photograph and information is readily, continuously and clearly visible and unobstructed.

(c) Individuals engaging in non-commercial door-to-door advocacy shall not be required to register or obtain an identification card.

(d) Notwithstanding any provision of this section or chapter, any person, age seventeen (17) and under, participating as a peddler or solicitor in fundraising programs for, or sponsored by, a public or private elementary, junior high, high school, or bona fide children's organization including, without limitation, Boy Scouts, Girl Scouts, or youth sports, arts or similar extracurricular activities, shall register with the city as part of said group prior to engaging in those activities. No fee shall be required. The ~~department of licenses and consumer services~~ licensing official shall accept registration of the group as a single entity and such registration shall be made by the school principal, scout troop leader or other similar adult with authority over the conduct and operations of the group. Registration shall be made on a form approved by the director of regulatory services and each group member engaging in peddling or soliciting shall carry with and display a city-approved group identification card.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-211 amending Title 13, Chapter 335 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Street Photographers, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-211
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 335 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Street Photographers.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 335.50 of the above-entitled ordinance be amended to read as follows:

335.50. Bond required. No license shall be issued until the applicant shall file with the ~~department of licenses and consumer services~~ licensing official a surety bond, approved by the city attorney, in the sum of ten thousand dollars ($10,000.00), conditioned upon the licensee responding in damages to all persons who may suffer damages arising out of the operation and conduct of said business upon the streets of the city, which bond shall cover one or more photographer-employees of the licensee and shall be written in favor of the city and all persons who might suffer or sustain any damage arising out of the operation of the business of street photography, and that the same shall remain in full force and effect during the continuance of said license.

Section 2. That Section 335.60 of the above-entitled ordinance be amended to read as follows:

335.60. Issuance of license; badge. When satisfied that the applicant is of good moral character and has met the requirements of this chapter, the ~~director of licenses and consumer services~~ licensing official shall issue a license to the applicant to engage in the business of street photography, and shall furnish the applicant with a circular badge not less than two (2) inches in diameter which shall contain the words "Street Photographer, License No. _____." The licensee and all employees, while engaged in taking street action pictures, shall wear said badge in a conspicuous place on their outer garments.

Section 3. That Section 335.70 of the above-entitled ordinance be amended to read as follows:

335.70. Regulations. Each licensee under this chapter shall, in the conduct of the business, be governed by the following regulations:

(a) The licensee shall not obstruct or impede pedestrian traffic, and shall not remain more than fifteen (15) minutes at any one location on the sidewalk.

(b) The licensee shall not operate within a distance of thirty (30) feet of any street corner.

(c) The licensee shall not ~~annoy~~ bother any pedestrians by soliciting them to purchase pictures.

(d) The licensee shall see that all cards which may be cast upon the sidewalk by the persons to whom they have been handed are picked up from the sidewalk or street.

(e) No person shall be required by the licensee or any of the licensee's photographers or employees to pay anything for pictures without first having the opportunity of seeing, without charge, a proof of the picture taken.

(f) The licensee shall at all times keep the ~~department of licenses and consumer services~~ licensing official advised of the names of currently employed photographers, and said ~~department~~ licensing official shall be notified within forty-eight (48) hours when any of the same are no longer employed by the licensee.

Adopted.
Absent – Reich, Johnson.

Ordinance 2013-Or-212 amending Title 13, Chapter 339 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Body Art Code, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-212
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 339 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Body Art Code.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 339.20 of the above-entitled ordinance be amended to read as follows:

339.20. Definitions. The following terms used in this ordinance shall be defined as follows:

Aftercare means written instructions given to the client, specific to the procedure rendered, on caring for the body art and surrounding area. The instructions must include information on when to seek medical treatment.

Antiseptic means an agent that destroys disease-causing microorganisms on human skin or mucosa.

Body art or *body art procedure* means physical body adornment using, but not limited to, tattooing and body piercing. Body art does not include practices and procedures that are performed by a licensed medical or dental professional if the procedure is within the professional's scope of practice.

Body art establishment means any structure or venue, whether permanent or temporary, where body art is performed.

Body piercer or *piercer* means any person engaged in the practice of body piercing.

Body piercing or *piercing* means puncturing or penetration of the skin and tissue of a person and the insertion of jewelry or other adornment into the opening, except puncturing the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.

Branding means an indelible mark burned into the skin using instruments of thermal cautery, radio hyfrecation, and strike branding.

Contaminated waste means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in Code of Federal Regulations, title 29, section 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens."

Convention temporary event means a tattooing or piercing event held in a building other than the licensed tattooing or piercing establishment.

~~*Department* means the Department of Regulatory Services, City of Minneapolis.~~

~~*Director* means the director of the department of licenses and consumer services and his or her designee~~

Disinfection means the destruction of disease-causing microorganisms on inanimate objects or surfaces.

Equipment means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

Establishment means any location where tattooing, piercing, or both tattooing and piercing are practiced.

Establishment plan means a to-scale drawing or other suitable drawings and specifications of an establishment's layout which illustrates that the requirements of sections 339.160(1) and (2) are incorporated into the establishment's proposed facilities.

Guest artist means an individual who performs body art procedures according to the requirements under section 339.120(1).

Guest artist temporary event means performing body art procedures within a licensed body art establishment by a person licensed to perform body art procedures pursuant to section 339.120(1).

Handsink means a lavatory equipped with potable hot and cold water held under pressure, used for washing hands, wrists, arms, or other portions of the body.

Hot water means water at a temperature of at least one hundred ten (110) degree F.

Implanting means to fix or set securely an object in or under tissue and includes but is not limited to three-dimensional body art applications. Implanting does not include medical procedures including but not limited to pacemaker insertion, cosmetic surgery, and reconstructive surgery performed by licensed medical personnel.

Jewelry means any ornament inserted into a pierced area.

Licensing official means the licensing official designated by the director of community planning and economic development, who supervises the licensing and consumer services functions of the city.

Liquid chemical germicide means a tuberculocidal disinfectant or sanitizer registered with the Environmental Protection Agency.

Microdermal means a single-point perforation of any body part other than an earlobe for the purpose of inserting an anchor with a step either protruding from or flush with the skin.

Micropigmentation or *cosmetic tattooing* means the use of tattoos for permanent makeup or to hide or neutralize skin discolorations.

Operator means any person who controls, operates, or manages body art activities at a body art establishment and who is responsible for the establishment's compliance with these regulations, whether or not the person actually performs body art activities.

Piercer (see "Body piercer.")

Piercing (see "Body piercing.")

Procedure surface means the surface area of furniture or accessories that may come into contact with the client's clothed or unclothed body during a body art procedure and the area of the client's skin where the body art procedure is to be performed and the surrounding area, or any other associated work area requiring sanitizing.

Remodel means, for the purposes of the body art code, any change to the current establishment that would require either a building permit or trades permit for the work to proceed except that remodel does not include changes to the front desk area, wait area, painting, wallpapering, or carpeting, even if a permit is otherwise required. Adding a new workstation, plumbing changes, or expanding into adjacent space to add workstations are

examples of remodeling. Remodel also means any change to an establishment plan previously submitted to the ~~director~~ licensing official.

Sanitize/sanitization means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level.

Scarification means an indelible mark fixed on the body by the production of scars.

Sharps means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized, single use needles, scalpel blades, and razor blades.

Sharps container means a closed puncture-resistant, leak-proof container labeled with the international "biohazard" symbol that is used for handling, storage, transportation, and disposal.

Single use means products or items intended for one-time, one-person use that are disposed of after use on the client. This definition includes, but is not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, disposable razors, piercing needles, tattoo needles, scalpel blades, stencils, ink cups, and protective gloves.

Sterilization means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

Subdermal implantation means the implantation of an object entirely below the dermis.

Suspension means the suspension of the body from affixed hooks placed through temporary piercings.

Tattooing means any method of placing indelible ink or other pigment into or under the skin or mucosa with needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of micropigmentation and cosmetic tattooing.

Tattooist means any person engaged in the practice of tattooing.

Technician or *body art technician* means any individual who is licensed under Minn. Statute Chapter 146B to perform tattooing or piercing.

Temporary body art establishment means any place or premise operating at a fixed location where an operator performs body art procedures for no more than twenty-one (21) days in conjunction with a single event or celebration.

Tongue bifurcation means the cutting of the tongue from the tip of the base, forking at the end.

Universal precautions means a set of guidelines and controls, published by the Center for Disease Control (CDC) as "guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as

"recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures," in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

Section 2. That Section 339.40 of the above-entitled ordinance be amended to read as follows:

339.40. Enforcement. Pursuant to the authority granted in Minn. Statute Section 146B.02(9), the ~~department of regulatory services~~ licensing official shall enforce the provisions of this chapter. The ~~director of licenses and consumer services, or designee thereof,~~ licensing official, after proper identification, shall at all reasonable times have the right to enter into and upon premises and inspect any tattooing or piercing establishment.

Section 3. That Section 339.60 of the above-entitled ordinance be amended to read as follows:

339.60. Establishment licensing procedure. (a) All applications, new and renewal, for body art establishment licenses shall be made upon forms furnished by the ~~director of licenses and consumer services~~ licensing official, and upon payment of the license fee, the license may be granted or denied pursuant to section 259.30

(b) Each new applicant shall provide:

(1) Names, addresses, phone numbers, and dates of birth of all owners, officers, partners and onsite managers of the body art establishment;

(2) The address of the permanent or temporary establishment;

(3) An approved establishment plan;

(4) All applicable fees; and

(5) Any other relevant information as required by the ~~director~~ licensing official.

Section 4. That Section 339.82 of the above-entitled ordinance be amended to read as follows:

339.82. Establishment information. The following information must be kept on file for three (3) years on the premises of the establishment and must be made available for inspection upon request by the ~~director~~ licensing official:

(1) A description of all body art procedures performed by the establishment;

(2) Copies of the spore tests conducted on each sterilizer; and

(3) The following information for each technician or guest artist employed or performing body art procedures in the establishment:

a. Name;

b. Home address;

c. Home telephone number;

d. Date of birth;

e. Copy of an identification photo; and

f. License number or guest artist license number.

Section 5. That Section 339.90 of the above-entitled ordinance be amended to read as follows:

339.90. Establishment plan review. Establishment plan review is required for all new, remodeled, and altered establishments prior to commencement of construction. An establishment owner must submit an establishment plan to the ~~director~~ licensing official for approval of such plans and specifications. Plans and specifications shall be in sufficient detail so that an accurate and complete appraisal can be made as to compliance with the provisions of this chapter, including but not limited to sections 339.150 (1) and (2). Failure to submit a plan for approval may result in the closing down of operations until plans have been approved.

Section 6. That Section 339.120 of the above-entitled ordinance be amended to read as follows:

339.120. Temporary event license. Notwithstanding the requirements set forth in this chapter, the ~~director~~ licensing official may issue a temporary event license for a convention or guest artist temporary event. A convention temporary event shall be sponsored by a licensed body art establishment or professional organization. A guest artist temporary event shall be sponsored by a licensed body art establishment. The sponsor of a convention or guest artist temporary event shall list on the temporary event license application the name, address, date of birth, state license number and phone number of each participating body art technician, and the starting and anticipated completion dates the guest artist will be working.

(1) *License requirements.* A body art technician must hold a license issued pursuant to Minnesota Statute Section 146B.04.

(2) *Duration of event.*

a. A convention temporary event shall be no longer than seven (7) consecutive days.

b. A guest artist may not conduct body art procedures for more than thirty (30) days per calendar year. If the guest artist exceeds this time period, the guest artist must apply for a technician's license pursuant to Minn. Statute 146B.03.

(3) *Number of events.*

a. The same establishment or professional organization serving as a sponsor of a convention temporary event shall have no more than two (2) tattooing or piercing events in the same calendar year.

b. The same establishment serving as a sponsor of a guest artist temporary event shall have no more than four (4) tattooing or piercing events in the same calendar year.

(4) *Convention temporary event location requirements.*

a. A convention temporary event shall be held in a building other than a licensed tattooing or piercing establishment.

b. The location must be equipped with the facilities specified in 339.150(1) and (2).

c. A portable hand washing station must be located at each tattooing or piercing station, or an approved equivalency.

(5) *Sponsor fee.* The fee for a sponsor of a convention or guest artist temporary event shall be as established in the license fee schedule, and the fee shall be increased by fifty (50) percent if the completed application is received less than fourteen (14) days prior to the event.

Section 7. That Section 339.140 of the above-entitled ordinance be amended to read as follows:

339.140. Client records. The establishment licensee shall maintain proper records for each customer. The records shall include the following:

(1) The date of the procedure.

(2) Record of information on picture identification showing name, age, and current address of client.

(3) The design and location of the body art procedure performed.

(4) The name and license number of the technician performing the procedure.

(5) If the client is eighteen (18) years or older, a copy of the informed consent form to perform the tattoo or piercing signed and dated by the client.

(6) If the client is under the age of eighteen (18) years, a copy of the consent form to allow the piercing signed and dated by the parent or legal guardian as required under section 339.140

(7) A copy of the consent form signed and dated by the client required pursuant to section 339.130(f).

The record of the procedure shall be kept for three (3) years and shall be available for inspection by the ~~department~~ licensing official upon request.

Section 8. That Section 339.150 of the above-entitled ordinance be amended to read as follows:

339.150. Health and sanitary requirements. No body art establishment shall engage in the practice of body art, tattooing or piercing without complying with the following health and sanitary regulations:

(1) *Facilities.*

a. Any new or remodeled establishment shall submit an establishment plan in sufficient detail to the ~~director~~ licensing official to ascertain compliance with all other conditions and provisions of section 339.150(1) and (2).

b. Every establishment shall be equipped with a sewer and water connected water closet and a hand lavatory. The hand lavatory shall be conveniently located and supplied with hot and cold running water under pressure, maintained in good working order at all times, and kept in a clean and sanitary condition. The hand lavatory must be equipped with liquid hand soap, single-use paper towels or a mechanical hand drier or blower, and a nonporous washable garbage receptacle with a foot-operated lid or with no lid and a removable liner.

c. There shall be not less than one hundred fifty (150) square feet of floor space at the establishment and the establishment shall be lighted and ventilated as to comply with the standards approved by the ~~director~~ licensing official.

d. No establishment shall be used or occupied for living or sleeping quarters.

e. Facilities shall be maintained in good working order and in a clean and sanitary condition.

f. The procedure area must be separated from any other area that may cause potential contamination of work surfaces.

g. For clients requesting privacy, at a minimum, a divider, curtain, or partition must be provided to separate multiple procedure areas.

h. All procedure surfaces must be smooth, nonabsorbent, and easily cleanable.

i. All ceilings in the establishment must be in good condition.

j. All walls and floors must be free of open holes or cracks and be washable. No carpeting may be in areas used for body art procedures unless the carpeting is entirely covered with a rigid, nonporous, easily cleanable material.

k. No animals may be present during a body art procedure, unless the animal is a service animal.

(2) *Equipment and instruments.*

a. All jewelry shall be sterilized before use, and all needles and all tubes shall be sterilized before and after use. All needles used for piercing shall be single use needles. All sterilization shall be conducted:

   1. In a steam pressure autoclave using heat sensitive tape or thermometer and pressure gauge for at least fifteen (15) minutes at a minimum of two hundred fifty (250) degrees Fahrenheit, one hundred twenty-one (121) degrees Celsius, and at a minimum of fifteen (15) pounds of chamber pressure (fifteen (15) psi); or

   2. In a steam pressure autoclave using heat sensitive tape or thermometer and pressure gauge for at least thirty (30) minutes at a minimum of two hundred forty (240) degrees Fahrenheit, one hundred fifteen (115) degrees Celsius, and at a minimum of ten (10) pounds of chamber pressure (ten (10) psi); or

   3. By another method approved by the ~~director~~ licensing official which results in sterilization.

   4. At least once a month, but not to exceed thirty (30) days between tests, a spore test must be conducted on each sterilizer used to ensure proper functioning. If a positive spore test result is received, the sterilizer at issue may not be used until a negative result is obtained.

b. Reusable instruments must be thoroughly washed to remove all organic matter, rinsed, and sterilized before and after use.

c. Jewelry must be made of surgical implant grade stainless steel, solid 14 karat or 18 karat white or yellow gold, niobium, titanium, platinum, and/or a dense, low-porosity plastic. Jewelry must be free of nicks, scratches, or irregular surfaces, and must be properly sterilized prior to use. Use of jewelry that is constructed of wood, bone, or other porous material is prohibited.

d. All inks, dyes, and pigments shall be specifically manufactured for performing tattoo procedures. The mixing of approved inks, dyes, or pigments, or their dilution with potable water is acceptable. Immediately before applying a tattoo, the quantity of the dye used shall be transferred from the dye bottle and placed into single use paper cups or plastic cups. Upon completion of the tattoo, these single use cups and their contents shall be ~~discarded~~ disposed.

e. All tables, chairs, and furniture which may be exposed to blood or body fluids during the tattooing or piercing procedure shall be constructed of stainless steel, or other suitable material which will allow complete sanitization, and shall be sanitized between uses.

f. Every tattooist or piercer shall provide single-service towels or wipes for each customer. Such towels or wipes shall be stored in a manner so as to preclude contamination and disposed of in a covered, cleanable receptacle, acceptable to the ~~director~~ licensing official.

g. ~~Every~~ Each body art technician, tattooist or piercer shall wear clean garments when engaged in the practice.

h. All bandages and surgical dressings used in connection with the tattooing or piercing of any person shall be sterile or bulk-packaged clean.

i. All equipment and instruments shall be maintained in good working order and in a clean and sanitary condition.

j. All instruments and supplies must be stored clean and dry in covered containers.

k. Single-use disposable barriers or a chemical germicide must be used on all equipment that cannot be sterilized as part of the procedure as required under this section including, but not limited to, spray bottles, procedure light fixture handles, and tattoo machines.

(3) *Skin preparation.*

a. Whenever it is necessary to shave the skin, a new disposable single-use safety razor or a stainless steel straight edge must be used for each customer. The disposable razor must be discarded after use. The stainless steel straight edge must be thoroughly washed to remove all organic matter and sterilized before use on another client. All electric hair clippers shall be sanitized.

b. No body art procedure may be performed on any area of the skin where there is an evident infection, irritation, or open wound.

c. The skin area to be tattooed or pierced must be thoroughly cleaned with germicidal soap and water, rinsed thoroughly, and swabbed with an antiseptic solution. Only clean single-service towels and washcloths shall be used in the skin cleaning process.

d. Tattooing or piercing shall not be performed on any area of the skin where there is an evident skin infection unless approved by a physician.

(4) *Hand washing.*

a. Technicians must scrub their hands and wrists thoroughly before and after performing a body art procedure, after contact with the client receiving the procedure, and after contact with potentially contaminated materials.

b. A technician may not smoke, eat, or drink while performing body art procedures.

c. A technician may not perform a body art procedure if the technician has any open sores visible or in a location that may come in contact with the client.

(5) *Gloves.* Single-use nonabsorbent gloves of adequate size and quality to preserve dexterity must be used for touching clients, for handling sterile instruments, or for

handling blood or body fluids. Nonlatex gloves must be used with clients or employees who request them or when petroleum products are used. Gloves must be changed if a glove becomes damaged or comes in contact with any nonclean surface or objects or with a third person. At a minimum, gloves must be discarded after the completion of a procedure on a client. Upon leaving the procedure area, hands and wrists must be washed before putting on a clean pair of gloves and after removing a pair of gloves.

(6) *Proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.*

a. Articles such as bandages, dressings, gauze swabs, cotton, etc., used to clean tattooed or pierced skin areas must be properly discarded by placing these contaminated cleaning articles in sealable plastic bags which can be easily marked "contaminated with body fluids." All contaminated articles so packaged and labeled must be stored in a manner that presents no threat of recontamination or possible health hazards while awaiting final disposal.

b. Contaminated waste that may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag that is marked with the international biohazard symbol. It must then be disposed of by a licensed waste hauler at an approved site, or at a minimum, in accordance with the requirements contained in 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.

c. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods.

d. Sharps ready for disposal shall be disposed of in an approved container. Approved container means a puncture resistant, leak proof container that can be closed for handling, storage, transportation, and disposal. Ready for disposal means sterilized pursuant to 339.160(2)(a).

e. Storage of contaminated waste on-site shall not exceed the period specified by 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.

(7) The operator of the body art establishment shall ensure that all technicians provide each client with verbal and printed instructions on the approved care of the tattoo or piercing during the healing process. The written instructions must advise the client to consult a health care professional at the first sign of infection.

(8) The operator of the body art establishment shall immediately notify the Minnesota Commissioner of Health and the City of Minneapolis health department of any reports received of a potential bloodborne pathogen transmission.

Section 9. That Section 339.160 of the above-entitled ordinance be amended to read as follows:

339.160. Grounds for denial of an establishment license or emergency closure. If any of the following conditions exist, the owner or operator of a licensed establishment may be ordered by the ~~director~~ licensing official to discontinue all operations of a licensed body art establishment or the ~~director~~ licensing official may refuse to grant or renew, suspend, or revoke licensure:

(1) Evidence of a sewage backup in an area of the body art establishment where body art activities are conducted;

(2) Lack of potable, plumbed, or hot or cold water to the extent that handwashing or toilet facilities are not operational;

(3) Lack of electricity or gas service to the extent that handwashing, lighting, or toilet facilities are not operational;

(4) Significant damage to the body art establishment due to tornado, fire, flood, or another disaster;

(5) Evidence of an infestation of rodents or other vermin;

(6) Evidence of any individual performing a body art procedure without a license as required under this chapter;

(7) Evidence of existence of a public health nuisance;

(8) Use of instruments or jewelry that are not sterile;

(9) Failure to maintain required records;

(10) Failure to use gloves as required;

(11) Failure to properly dispose of sharps, blood or body fluids, or items contaminated by blood or body fluids;

(12) Failure to properly report complaints of potential bloodborne pathogen transmission to the commissioner; or

(13) Evidence of a positive spore test on the sterilizer if there is no other working sterilizer with a negative spore test in the establishment.

Before license approval or renewal or the reopening of the establishment, the establishment shall submit to the ~~director~~ licensing official satisfactory proof that the problem condition causing the need for the licensure action or emergency closure has been corrected or removed by the operator of the establishment. A body art establishment may not reopen without the written approval of the ~~director~~ licensing official and a valid establishment license.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-213 amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Taxicabs, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-213
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Taxicabs.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 341.10 of the above-entitled ordinance be amended to read as follows:

341.10. Definitions. Whenever used in this chapter the following words shall mean:

Central business district: The geographic area bounded by and including the Mississippi River southeasterly to Interstate 35; Interstate 35 southerly to Interstate 94; Interstate 94 westerly and northerly to Glenwood Avenue; Glenwood Avenue easterly to North Ninth Street; North Ninth Street northerly to Second Avenue North, and Second Avenue North to the Mississippi River.

Committee: The committee of the city council to which responsibility for licensing and consumer services may be assigned.

~~*Department:* The department of the city responsible for licensing and consumer services.~~

~~*Director:* The director of the department of licenses and consumer services and his or her designee.~~

Licensing official. The licensing official designated by the director of community planning and economic development, who supervises the licensing and consumer services functions of the city.

Limousine: A luxury passenger automobile with a seating capacity for not more than twelve (12) people, excluding the driver, which does not have a meter, and has a chassis and wheelbase that has been stretched, or is a sedan that the manufacturer promotes as a luxury automobile. A limousine does not include a bus, a pickup truck, station wagon, taxicab, truck, van, multipurpose vehicle, or sport utility vehicle.

Limousine service: A service that is for-hire, is provided in a limousine, is not provided on a regular route, provides only prearranged pickup and charges more than a taxicab for a comparable trip.

Motor carrier of passengers: A person engaged in the for-hire transportation of passengers in vehicles designed to transport eight (8) or more persons, including the driver.

Service company: The company which, for each group of taxicab owners operating under a common color scheme, provides common services and facilities such as radio dispatching, color rights, advertising, telephone listings, maintenance, insurance, credit accounts, driver assignments, and record keeping.

Seven-county metropolitan area: The counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, within the State of Minnesota.

Taxi driver's license: A license granted in accordance with Article III of this chapter.

Taxicab: Any motor vehicle, except a limousine or motor carrier of passengers, regularly engaged in the business of carrying passengers for hire, having a seating capacity of seven (7) or fewer persons including the driver and not operated on a fixed route or schedule.

Taxicab license: A license granted in accordance with Article IV of this chapter.

Taximeter: An instrument or device attached to a vehicle and designed to measure mechanically the distance traveled by such vehicle, to record the time said vehicle travels or is in waiting and to indicate upon such record the fare to be charged.

Wheelchair accessible taxicab: A motor vehicle for hire of a distinctive color or colors operated at rates per mile or upon a waiting-time basis, or both, which is a minivan or similar vehicle specially adapted for wheelchair users, which is also equipped with a taximeter, and which prioritizes requests for service from wheelchair users for purposes of transportation over and along the public streets, not over a defined route but, as to the route and destination, in accordance with and under the direction of the passenger or person hiring such vehicle.

Section 2. That Section 341.130 of the above-entitled ordinance be amended to read as follows:

341.130. Driver appearance. Every taxicab driver, while on duty, shall keep a clean and well-groomed appearance, and shall be suitably dressed. "Suitably dressed" shall mean long pants, jeans or bermuda or postal-type shorts, a skirt or dress, a shirt or blouse with collar, or a turtleneck. Footwear shall be worn consisting of shoes and socks, or sandals with a band or strap that fastens over the instep or around the ankle.

The following articles of clothing, when worn as outer garments, are prohibited:

(1) T-shirts without a pocket or buttons, underwear, tank tops, swimwear, jogging suits, body shirts, shorts, cut-offs, trunks, or similar attire;

(2) Flip-flop style sandals and clogs.

(3) Any clothing items with holes, tears or prominent stains.

By prior approval of the ~~director~~ licensing official, T-shirts and sports jerseys and shirts may be worn as outer garments in conjunction with special attractions.

Section 3. That Section 341.240 of the above-entitled ordinance be amended to read as follows:

341.240. Trip sheets. At the start of each shift, each driver shall enter the following information onto the trip sheet required by this section: (1) date, (2) shift start time, (3) driver name, (4) vehicle number, (5) and a written affirmation that a vehicle inspection was completed in compliance with section 341.140. Every taxicab driver shall keep a trip sheet, current to the last run taken, upon which shall be noted the starting location and time, and the drop off location and time of each trip, the place of discharge of each passenger, the amount of the fare charged, whether upon the meter, flat rate or trip basis, the time reporting and going off duty. Every taxicab driver shall also indicate on the trip sheet which runs included wheelchair accessible fares and shall indicate such fares with the letters "WC" by that run on the trip sheet. Such sheet shall be filed with and as part of the records of the taxicab vehicle licensee, and at the office of the service company with which the taxicab vehicle is associated. Trip sheets shall be filed not later than seventy-two (72) hours after the completion of the driver's shift, or immediately on demand of a police officer, traffic control officer or license inspector. The trip sheets shall be open to inspection by the chief of police, ~~director~~ licensing official, or their representatives at all times, and failure to so make and keep such trip sheets or the falsification of such trip sheets shall constitute a violation of this chapter and shall be cause for the revocation of the driver's taxicab license or, in the event such failure is by the vehicle licensee, shall be cause for the revocation of the taxicab license of such licensee. Each taxicab service company shall preserve trip sheets for a period of six (6) months, and submit upon request of the city council or ~~department~~ licensing official, any information contained in the driver's trip sheets, together with the true and correct information as to the orders or calls for taxicabs and the disposition of same. Service companies shall file trip sheets by cab number, chronologically.

Section 4. That Section 341.250 of the above-entitled ordinance be amended to read as follows:

341.250. Prohibited acts. No taxicab driver shall:

(1) Operate a taxicab in violation of state or local traffic regulations, or in any event without proper regard for the traffic, surface, and width of the street or highway and the hazards at intersections and any other conditions then existing, nor in such a manner or condition as to endanger or to be likely to endanger the safety of passengers, pedestrians, vehicles or the persons and property of others;

(2) Interfere with, impede, obstruct the legal operation of, or intentionally damage any vehicle or its equipment;

(3) Threaten, abuse, insult, provoke, interfere with, detain, impede or obstruct any other licensed driver, any passenger, prospective passenger or any other person in connection with operations under this chapter;

(4) Operate a taxicab in violation of the Minnesota Clean Indoor Air Act;

(5) Have in his or her possession while operating a taxicab, any firearm, knife with a blade length in excess of four (4) inches, or any assault weapon, as defined in section 393.85

(6) Provide any payment to any doorman, bellhop, taxicab starter, bartender or any other person within the City of Minneapolis in return for the referral of passengers;

(7) Block the normal flow of traffic, except while parallel parking or actively and lawfully loading and unloading passengers;

(8) Knowingly and with intent to disrupt communication on a two-way radio system, manipulate a microphone switch or other jamming device;

(9) Provide false information to or refuse to obey or to comply with any lawful order or direction of the license inspector or any police officer, or traffic-control officer, ~~or duly appointed inspector of the department,~~ nor shall any licensee use profane language or otherwise interfere with such officials while in the performance of their duties;

(10) Report a false location for purposes of gaining an unfair advantage in bidding to provide service;

(11) Fail to engage the taximeter when the taxicab is in motion and a passenger is present, unless a method of computing the fare without use of the meter is expressly authorized by a provision of this chapter;

(12) Solicit passengers in the City of Minneapolis, or lay hands upon the person or baggage of any person without the express consent of that person, or obstruct the movement of any persons, or follow any person for the purpose of soliciting business. Display of a sign on the taxicab to indicate that it is not engaged shall not be considered solicitation;

(13) Deceive any person as to destination, route, authorized taxicab rates, or fare;

(14) Overcharge;

(15) Take a circuitous route to a destination, or any route other than the most direct route, without the express consent of the passenger;

(16) Drop a passenger at a location other than the location requested unless prohibited by law;

(17) Refuse to convey an orderly passenger;

(18) Report for another driver's order;

(19) Fail to provide a receipt upon request;

(20) Play a radio or tape player without the consent of the passengers, with the exception of the vehicle's two-way radio;

(21) Engage in, or permit the use of a taxicab for, illegal gambling, prostitution, or trafficking in alcoholic beverages or controlled substances;

(22) Be in possession of or consume any alcoholic beverage or controlled substance while on duty; consume any alcoholic beverage or controlled substance within four (4) hours before beginning a shift;

(23) Drive a taxicab for more than twelve (12) hours in any twenty-four-hour period or for more than seventy-two (72) hours in any seven-day period;

(24) Park a taxicab in a residential area in violation of section 478.240 of this Code;

(25) Allow more passengers to occupy the vehicle than is provided for by its normal seating capacity, as indicated on the vehicle application. In no event shall more than two (2) persons in addition to the driver be permitted in the front seat of such vehicle;

(26) Lock, disable or refuse to unlock any taxicab door for the purpose of detaining or impeding a passenger;

(27) Operate a taxicab while using an electronic wireless communications device to write, send or read a text-based communication, unless such taxicab shall be lawfully standing or parked;

(28) Operate a taxicab while using a wireless telephone, including a wireless telephone equipped with hands-free technology, when a passenger is present, except for emergency purposes;

(29) Knowingly continue to operate a taxicab for hire when the condition of the vehicle is in violation of section 341.590, or otherwise detrimental to public safety;

(30) Knowingly disable, alter, damage or otherwise render inoperable any mandatory safety equipment required pursuant to section 341.597.

Section 5. That Section 341.305 of the above-entitled ordinance be amended to read as follows:

341.305. City ownership of taxicab license. (a) Authorized new licenses. Licenses originally issued on or after October 1, 1995, shall be issued for a period of one (1) calendar year and are subject to the annual renewal provision contained in section 341.260. Such licenses shall remain the title and property of the City of Minneapolis. Licensees in good standing shall have leave to operate a taxicab during the annual license period in compliance with the provisions of the Minneapolis Taxicab Ordinance, but licensees may not transfer licenses originally issued on or after October 1, 1995, to other individuals or companies. When a licensee ceases the operation of a taxicab license originally issued on or after October 1, 1995, the licensee shall surrender the license to the ~~director~~ licensing official to be re-awarded to applicants on the waiting list provided for in section 341.300(b)(2).

Section 6. That Section 341.330 of the above-entitled ordinance be amended to read as follows:

341.330. Neighborhood taxicab stands. (a) The city engineer and the ~~director~~ licensing official shall recommend locations on public streets in the vicinity of retail stores, medical facilities and multi-family residential buildings outside of the central business district for

the establishment of taxicab stands. The city engineer and the ~~director~~ licensing official shall also work with the owners and operators of retail stores, medical facilities and multi-family residential buildings to identify appropriate locations for taxicab stands in the parking lots or driveways of such properties. Upon approval by the city council and the mayor, and with the concurrence of private property owners for taxicab stands to be located on private property, the city engineer shall install appropriate signs and street markings for taxicab stands at these locations.

(b) All taxicab operators licensed to operate in Minneapolis may wait for fares at taxicab stands outside of the central business district without first having obtained a downtown taxicab stand permit.

Section 7. That Section 341.370 of the above-entitled ordinance be amended to read as follows:

341.370. Test required. The ~~department~~ licensing official shall test each applicant for a taxicab driver's license to determine that the applicant has a satisfactory knowledge of the provisions of this chapter, the traffic regulations, and the geography and street system of the City of Minneapolis, and a satisfactory ability to read, write, and speak the English language.

Section 8. That Section 341.380 of the above-entitled ordinance be amended to read as follows:

341.380. Taxicab driver training course. (a) The ~~director~~ licensing official shall establish a taxicab driver training course pursuant to the terms of this section. The course shall be designed to enhance the proficiency of drivers in all aspects of taxicab driving, and will include topics such as geography of the metropolitan area, traffic laws, vehicle safety, taxicab licensing laws and driver code of conduct, radio communications, cab stand and call procedures, taxicab fares, vehicle cleanliness and maintenance, customer relations, courtesy, and the accommodation of patrons with disabilities.

(b) The course may consist of components taught by ~~department~~ city employees, or components taught by an educational institution under contract with the city, or by a combination of such components.

(c) Successful completion of the taxicab driver training course shall be a prerequisite for obtaining a license for all taxicab drivers not licensed on the effective date of this ordinance, all taxicab drivers whose licenses have lapsed for more than one (1) year, and may be imposed as a requirement in any disciplinary action against a licensed driver, as a condition for renewal of a taxicab driver's license in the event of customer complaints, violations of taxicab regulations, or moving violations, and as a condition for reinstatement of any revoked or suspended taxicab driver's license.

(d) Each taxicab driver attending the course shall pay thirty-five dollars ($35.00) towards the course tuition. The driver's service company shall pay fifteen dollars ($15.00) toward the course tuition for each attending driver. Payment by each driver and service company shall be made to the ~~department~~ licensing official prior to admittance to the course. No driver shall be admitted to the course without presenting a paid voucher bearing the stamp of the ~~department~~ licensing official showing full payment by the driver and the service company.

(e) The city will match the total service company tuition payments, on an annual basis, in contributions to tuition costs or additional expenditures on curriculum development and instructional materials to improve the taxicab driver training course. In lieu of a matching contribution, the city in its discretion may reduce the service company tuition contribution for the next year by the amount not matched.

(f) The ~~department~~ licensing official shall not enroll a driver in the course unless the driver has filed a complete taxicab driver license application and paid the fee as required in section 341.410

(g) Upon successful completion of the course, the driver shall be issued a certificate of completion that shall make the driver eligible for a taxicab driver's license, upon payment of any remaining license fee and satisfaction of any remaining prerequisites.

Section 9. That Section 341.390 of the above-entitled ordinance be amended to read as follows:

341.390. License application. Every applicant for a taxicab driver's license shall file an application with the ~~department of licenses and consumer services~~ licensing official. The application shall be made on a form provided by the ~~department~~ licensing official, containing such information as the ~~director~~ licensing official may require to verify that the terms and conditions of this chapter have been met. The application shall be signed and sworn to by the applicant. The ~~department of licenses and consumer services~~ licensing official shall investigate each applicant. Any false statement on the application shall be grounds for denial, refusal to renew, or revocation of a license.

Section 10. That Section 341.400 of the above-entitled ordinance be amended to read as follows:

341.400. Duty to exhibit license. Every taxicab driver shall carry his or her taxicab driver's license while on duty and shall, upon demand of an inspector of licenses, a police officer, traffic-control agent or passenger, exhibit his or her license for inspection. Effective September 1, 1988, every taxicab driver while on duty shall display his or her taxicab driver's license on the dashboard of the vehicle in a location readily visible to passengers, in a manner approved by the ~~director~~ licensing official. In addition to any other penalties, a license inspector, police officer or traffic-control agent may order the licensee to discontinue operations until such time as the licensee has a license in possession.

Section 11. That Section 341.420 of the above-entitled ordinance be amended to read as follows:

341.420. Issuance of license. Each driver's license shall have upon it a number by which the license shall be designated and such other information as the ~~director~~ licensing official may require. Each license shall indicate the name of the service company for which the driver works. No taxicab driver shall drive for a different service company without first notifying the ~~department~~ licensing official and obtaining a new driver's license indicating the new service company. Any licensee who defaces, removes or obliterates any official entry made upon his or her license shall, in addition to any other punishment, have the license revoked.

Section 12. That Section 341.425 of the above-entitled ordinance be amended to read as follows:

341.425. License to be coterminous with Minnesota driver's license. A taxicab driver's license issued under this chapter shall be coterminous with the licensee's Minnesota driver's license. Any time that a licensee's Minnesota driver's license is suspended, revoked, or cancelled, his or her taxicab driver's license shall likewise be immediately suspended, revoked, or cancelled. The licensee shall immediately surrender his or her taxicab driver's license to the ~~department~~ licensing official. The taxicab driver's license shall be returned to the licensee upon reinstatement of the Minnesota driver's license or issuance of a limited license authorizing operation of a taxicab. No person shall operate a taxicab without a valid Minnesota driver's license.

Section 13. That Section 341.440 of the above-entitled ordinance be amended to read as follows:

341.440. Suspensions, revocations, and nonrenewal. A taxicab driver's license may be revoked, suspended, or not renewed by the city council at any time for cause after a hearing before the committee. When a license has been revoked, or suspended, it shall immediately be returned to the ~~department~~ licensing official. If the city council stipulates that a licensee whose license has been revoked may reapply after a specific period of time has elapsed, that period of time shall not commence until the license has been returned to the ~~department~~ licensing official.

Section 14. That Section 341.460 of the above-entitled ordinance be amended to read as follows:

341.460. Revocation, suspension and cancellation of Minnesota driver's license; limited licenses; alcohol-related driving convictions. (a) Any person holding a taxicab driver's license, whose Minnesota driver's license is revoked, suspended or cancelled for any reason, shall immediately surrender his or her taxicab driver's license to the ~~department~~ licensing official. The taxicab driver's license shall be returned to the licensee upon reinstatement of the Minnesota driver's license or issuance of a limited license authorizing operation of a taxicab.

(b) Any licensed taxicab driver whose Minnesota driver's license has been revoked, suspended or cancelled and who has been issued a limited license authorizing the operation of a taxicab shall immediately notify the ~~department~~ licensing official of the same. The licensee shall furnish a copy of the limited license to the ~~director~~ licensing official. The licensee shall also furnish a written statement containing a schedule of the days and hours of each day during which he or she will be driving a taxicab during the term of the limited license. No deviation from the schedule shall be permitted. The licensee shall personally furnish to the ~~director~~ licensing official copies of all trip sheets for all shifts worked during the term of the limited license.

(c) Any person holding a taxicab driver's license shall notify the ~~department~~ licensing official immediately whenever he or she is convicted of an alcohol-related driving offense, whether or not it involves the operation of a taxicab. Alcohol-related driving offenses shall include driving under the influence, driving with a blood alcohol concentration of .08 or greater, any lesser moving violation in which a blood alcohol concentration test was given and recorded .08 or greater, aggravated driving violations, and open bottle.

(d) Failure to comply with the provisions of this section shall be grounds for revocation of a taxicab driver's license.

Section 15. That Section 341.495 of the above-entitled ordinance be amended to read as follows:

341.495. Reciprocity event licenses. (a) *Definitions* as used in this article shall mean:

Designated area shall mean the location within the reciprocity event where designated drivers are allowed to solicit business under their reciprocity event license.

Designated driver shall mean a driver holding a reciprocity event license issued by either Minneapolis or another designated jurisdiction who is eligible to participate in a reciprocity event.

Designated jurisdiction shall mean a jurisdiction outside the City of Minneapolis which is participating in a reciprocity event. Drivers from designated jurisdictions shall be eligible to become designated drivers. Drivers may obtain a reciprocity event license from any designated jurisdiction unless otherwise indicated in the reciprocity event information.

Reciprocity event shall mean an event where reciprocity designated drivers from other designated jurisdictions shall be eligible to solicit business in the designated area.

(b) *Declaration of reciprocity event.* The ~~director of licenses and consumer services~~ licensing official may declare a reciprocity event in the City of Minneapolis. Such event may be declared when conditions exist that are likely to create a need for taxicabs within the City of Minneapolis that is greater than can be met by the existing number of licensed taxis within the city. During such an event, a vehicle and/or driver holding a City of Minneapolis license may continue to operate within the City of Minneapolis without a reciprocity event license. For each such event, the division of licenses and consumer services shall:

(1) Post reciprocity event information on the division of licenses and consumer services web site listing the designated jurisdictions, designated area, dates of event, any restrictions that apply to designated vehicles or drivers, and the necessary steps to obtain a reciprocity event license.

(2) Provide a license decal to all vehicles that obtain a reciprocity event license.

(c) *Reciprocity event license.* Licensed drivers and vehicles may obtain reciprocity event licenses under the following conditions:

(1) Applicant driver must hold and demonstrate proof of a current valid taxi driver's license in a designated jurisdiction. The driver must have been subject to a criminal background check in order to obtain the taxi license.

(2) Applicant vehicle must hold and demonstrate proof of a current valid taxi vehicle license in designated jurisdiction.

(3) Applicant vehicle must demonstrate proof of a passed inspection within six (6) months of application for a reciprocity event license or submit to an inspection of the applicant vehicle prior to obtaining a reciprocity event license.

(4) Submit payment of any license fees established for the reciprocity event license. Such license fees will be established by the ~~director of licenses and consumer services~~ licensing official and shall be based upon the actual costs incurred to effectively issue the reciprocity event licenses and decals.

(5) Attend any reciprocity event training or instructional sessions.

(d) *Regulations.* The following regulations shall apply to reciprocity event licenses:

(1) Licensee must abide by fare limits and all regulations applicable to the reciprocity event.

(2) Any reciprocity event license issued is valid only for the specified time provided for in the license.

(3) Licensed vehicles shall conspicuously display the reciprocity event decal on the passenger side rear window of the vehicle.

(4) All regulations applicable to taxis in this chapter apply to reciprocity event licenses, unless otherwise stated as part of the reciprocity event information.

(5) Failure to follow any applicable regulations may result in adverse licensing action on both the reciprocity event license and the taxi license held by the offending driver and vehicle owner.

Section 16. That Section 341.500 of the above-entitled ordinance be amended to read as follows:

341.500. Insurance required. No person shall operate or permit to be operated any taxicab within the limits of the city nor shall any taxicab license be issued under this article, unless and until the applicant shall execute or obtain and file with the ~~department~~ licensing official either an insurance policy meeting the requirements of sections 341.510 through 341.550 or a self-insurance certificate pursuant to section 341.560.

Section 17. That Section 341.510 of the above-entitled ordinance be amended to read as follows:

341.510. Requirements for insurance. (a) Such insurance policy or policies shall be in an insurance company duly licensed to do business in the State of Minnesota, shall be approved by the ~~director of licenses and consumer services~~ licensing official, and shall insure such person, his or her lessees or licensees, against loss in the sum of at least one hundred thousand dollars ($100,000.00) because of bodily injury to or death of one (1) person in any one (1) accident, and subject to said limit for one person, to a limit of not less than three hundred thousand dollars ($300,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident resulting from the negligent operation, use or defective condition of a taxicab.

(b) Such insurance policy shall, in addition to the foregoing provisions, also contain a provision insuring such person, his or her lessees or licensees, in the sum of at least one hundred thousand dollars ($100,000.00) against loss for damage to the property of any person

or persons in any one accident resulting from the negligent operation, use or defective condition of any taxicab.

(c) Any of the policies herein provided for shall contain a clause in the case of an insurance policy that the liability of the insurer shall not be affected by the insolvency or bankruptcy of the assured; a clause obligating the insurer to give fourteen (14) days' written notice to the ~~department~~ licensing official and to the insured or assured before any cancellation or termination thereof earlier than its expiration date; a clause providing for the indemnity or security against the liability and responsibility of the owner, licensee or operator of any such taxicab for death or injuries to any person or persons resulting from negligence in the operation of such taxicab, in the business of such owner, licensee or operator, by any person legally using or operating the same with the permission, express or implied, of such owner, licensee or operator, subject to the limitations as to amount herein stated.

(d) No such policy shall include or contain any limitation, condition or clause providing in effect that such policy shall not cover automobiles mentioned or described or included therein when such automobiles are driven, used, operated or maintained while the driver or occupants thereof are intoxicated or engaged in the illicit transportation of liquor; and no such policy shall contain any limitation, clause or provision whatever excepting and releasing any insurer on any such policy from liability thereunder by reason of any such automobile being driven, used or operated when the driver or occupants thereof are intoxicated or engaged in the illicit transportation of liquor.

Section 18. That Section 341.530 of the above-entitled ordinance be amended to read as follows:

341.530. Replacement of insufficient insurance policy. If at any time in the judgment of the ~~department~~ licensing official, any such policy is not sufficient in form for any reason, the ~~department~~ licensing official shall require the owner, lessee, licensee or operator of such vehicle to replace such policy with another approved by the ~~director of licenses and consumer services~~ licensing official, and if for any reason any such policy shall become inoperative, no person shall operate any such taxicab until a policy approved by the ~~director~~ licensing official shall have been obtained and deposited with the ~~department~~ licensing official as herein provided.

Section 19. That Section 341.550 of the above-entitled ordinance be amended to read as follows:

341.550. License suspension or revocation for lack of insurance. (a) Any license issued under this article shall be immediately suspended by the ~~director~~ licensing official whenever during the term of said license the owner, lessee, licensee or operator of said taxicab shall fail to keep in full force and effect such insurance in the full amount required. If the insurance is allowed to lapse, is canceled, or is otherwise not in effect for a continuous period of sixty (60) days or more, the taxicab vehicle license shall be revoked.

(b) Because the city is concerned for the welfare of its citizens, and because the city desires to encourage its licensees to maintain adequate insurance coverage at all times, if the ~~department of licenses and consumer services~~ licensing official receives a cancellation notice prior to the annual expiration of any insurance policy for purposes other than a person to person transfer, a car to car transfer, or a company to company transfer, the license holder shall pay a fine of ten dollars ($10.00) per vehicle affected. Insurance policies that are allowed to lapse less than sixty (60) days will result in a two hundred dollar ($200.00) fine for the license holder. All

such fines shall be paid within fifteen (15) days of notification by the department. Failure to pay fines due may result in affected vehicles being ordered off the street.

Section 20. That Section 341.560 of the above-entitled ordinance be amended to read as follows:

341.560. Self-insurance authorized. If the applicant for a license under this article has qualified as a self-insurer under Section 65B.48, subdivision 3, Minnesota Statutes, and files with the ~~department~~ licensing official a certified copy or a duplicate original of the self-insurance certificate as issued by the state, then no policy of insurance shall be required to be filed with the city which otherwise would be required under this article.

Section 21. That Section 341.580 of the above-entitled ordinance be amended to read as follows:

341.580. Requirements for license. Each applicant for a taxicab license must comply with the following to the satisfaction of the ~~department~~ licensing official:

(a) Be a citizen of the State of Minnesota.

(b) Be of the age of eighteen (18) years or over in the case of an individual person or copartners or, in the case of a corporation, must be authorized to operate taxicabs and carry on business in accordance with the laws of the State of Minnesota.

(c) Must be a United States citizen, or an alien admitted for permanent residence, or who has otherwise obtained work authorization from the United States Immigration and Naturalization Service.

(d) Must fill out upon a blank form to be provided by the ~~department~~ licensing official giving such information as required by the ~~director~~ licensing official regarding the applicant and the vehicle to verify that the terms and conditions of this chapter have been met.

(e) Said application shall also include an accurate and detailed description of the color scheme of the taxicabs, including inscriptions or monograms thereon, proposed to be operated by the applicant, which shall be distinctly different from that of the taxicabs of any other licensed taxicab owner or operator, and from that of the taxicabs of the same owner or operator licensed in another jurisdiction, so that the ownership and identity may be readily ascertained by the police department and patrons of any taxicab, except that one (1) or more of the applicants who are members of the same taxicab organization or who subscribe for services to the same service company and who are authorized to use the color scheme of taxicabs, including the inscription or monograms thereon, of such organization or service company, may be licensed to do so when proper evidence of their right from such organization or service company to use such color scheme and inscriptions or monograms shall be filed with their application. The owner of any color right shall appoint the service company to be responsible for compliance and administration of the chapter with respect to licensees using the color scheme and shall notify the ~~department~~ licensing official of that appointment. No owner of any taxicab or the operator or driver thereof, licensed under the terms of this article, shall make any change whatever in the color scheme of the taxicabs or the inscriptions or monograms thereon without first obtaining the approval of the ~~director of licenses and consumer services~~ licensing official.

(f) The applicant applying for a taxicab license shall, before being issued a license, pay into the city treasury an annual license fee as specified in Appendix J, License Fee Schedule, for each and every vehicle to be licensed; except that when application shall be made after the commencement of any license year, licenses shall be issued for the period from the day of application thereof to the beginning of the next license year, upon payment by the applicant of a proportionate amount of the annual license fee.

(g) The applicant(s) shall be the true beneficial owner(s) of the taxicab business to be licensed. The full legal names and addresses of all persons holding a beneficial interest in the business shall be provided on the application.

(h) The applicant shall hold legal title to the vehicle. In the case of a partnership, the title shall be in the name of the partnership or one of the partners. In the case of a corporation, the title shall be in the name of the corporation. Exceptions to this provision may be granted for a vehicle held under a long-term lease from a reputable dealership or leasing company, in which case the applicant shall appear in the Minnesota vehicle registration as lessee. Exceptions may also be granted for vehicles in which title is held for financing purposes by a financial institution.

(i) The applicant(s) shall have no felony convictions in the last five (5) years, nor any nontraffic gross misdemeanor or misdemeanor convictions in the last three (3) years involving the use of force, possession or sale of a controlled substance, prostitution, or indecent conduct. The ~~director~~ licensing official may grant an exception to this provision upon evidence that the offense is not related to the taxicab business.

(j) [*Reserved.*]

Section 22. That Section 341.590 of the above-entitled ordinance be amended to read as follows:

341.590. Condition of vehicle. No taxicab shall be licensed, nor shall any person licensed under Article III of this chapter operate such vehicle, until it has been thoroughly and carefully examined and found to comply with the following:

(a) Every taxicab shall be in thoroughly safe condition for the transportation of passengers. Every taxicab shall be in full compliance with all state and federal regulations relating to vehicle equipment, maintenance and safety.

(b) To be well painted, and no taxicab shall be operated under its license until it has been painted in accordance with its authorized color scheme.

(c) Every taxicab shall have doors that can be easily opened from both the inside and outside, and the ~~director~~ licensing official shall make or have made by competent inspectors such examination or inspection before a license is issued. No license shall be granted to any vehicle found to be unfit or unsuited for public patronage.

(d) Every taxicab shall be equipped with a taximeter in good working order, equipped with a light so placed as to enable the passenger at all times to see the fare registered when operating on the meter basis.

(e) All windows and windshields in each taxicab, whether in doors or side or rear windows, shall be of shatterproof or nonshatterable glass. Each taxicab shall be equipped with (4) wheel brakes.

(f) Every taxicab shall be equipped at all times the taxi is in operation with a drop safe or deposit safe in good working order for the purpose of securing fares collected by the taxicab driver. Such safe shall be accessible from the driver's seat.

(g) The taxicab shall have windows in the rear and side of the taxicab sufficient in number and of such size, dimensions and clarity that passengers may be readily seen and identified through the windows.

(h) Every taxicab shall be equipped with at least three (3) doors in addition to the driver's door which open into the passenger compartment.

(i) Every taxicab shall be maintained in a clean condition both inside and outside at all times. Each vehicle exterior and interior shall be thoroughly cleaned at least once every seven (7) days. ~~A department inspector~~ The licensing official may order a taxicab out of service at any time until such time as the vehicle has been cleaned.

(j) All hood and trunk latches shall be in proper working order.

(k) Each taxicab shall be substantially free from damage. The vehicle shall have no loose hanging metal, body molding or chrome stripping. The complete exhaust system shall be intact and in good working order. The taxicab shall not operate with large dents or major body damage, nor shall the taxicab operate with large areas of unpainted or rusted metal. Taxicabs shall have all required fenders, bumpers, doors, door handles and lights, all of which shall be in good working order. No taxicab shall operate with tires considered unsafe according to the standard set forth in Minnesota Statute 169.723. Failure to meet all above-listed requirements shall cause the taxicab to be found unfit or unsuited for public use, and such vehicle may be ordered off the streets of the City of Minneapolis.

(l) ~~After March 31, 1984, a~~ All licensed taxicabs shall be equipped with seat belts openly displayed, readily available, and installed for use in the left front, right front, left rear, and right rear seats.

(m) Every taxicab shall have a speedometer, odometer, gas gauge, oil pressure indicator, and gearshift indicator in good working order.

(n) All mechanical systems and components, including the exhaust system, shall be intact, functional, and in good working condition.

(o) Every taxicab shall be equipped with three (3) D.O.T. approved emergency triangles and a fully charged fire extinguisher with a minimum size of 5BC.

(p) Each taxicab shall be equipped with a top light on the roof of the cab that shall be lighted when the cab is in service and available to receive passengers. Such light shall be visible from all directions.

(q) Every taxicab licensee shall permanently affix to either the back of the front seat passenger side headrest, or the back of the front seat passenger side, beginning no lower than

three (3) inches from the top of the front seat of the taxicab, an information card made of a laminated material at least three (3) inches by five (5) inches in size in Braille. This information card will contain the name of the taxicab company, the cab number and the telephone number of the ~~office of licenses and consumer services~~ licensing official or other city telephone number as directed by the licensing official. Also affixed to the back of either the front driver or front passenger seat headrest, or other location easily accessible to passengers, shall be a pamphlet holder suitable to store and display informational materials, passenger survey cards, or other materials as designated by the ~~director of licenses and consumer services~~ licensing official. Such pamphlet holder shall be designed to hold pamphlets or cards with a maximum width of four (4) inches. Taxicab licensees must maintain a supply of customer information and comment cards for immediate passenger use at all times.

(r) Every taxicab shall be equipped with the approved safety equipment in section 341.597 for its particular service company.

Section 23. That Section 341.597 of the above-entitled ordinance be amended to read as follows:

341.597. Mandatory safety equipment. (a) All licensed taxicabs shall be equipped with at least one (1) of the following safety products, chosen by the service company, in accordance with the submission and requirements of their particular service company in section 341.960(m):

(1) Digital camera security system.

(2) Security shield.

(3) Global positioning system (GPS).

(b) The ~~director~~ licensing official shall publish, maintain, and make available to the public a document that will outline the minimum standards and specifications required for each of these safety products and the taxicab licensees. This document shall be titled the taxicab safety book of standards. The city council shall approve the initial taxicab safety book of standards to be effective May 1, 2005, and all amendments thereto.

(c) Failure to comply with the terms of the taxicab safety book of standards may subject a taxicab licensee to revocation, suspension, or nonrenewal of their license.

(d) No taxicab licensee shall tamper, disable, or otherwise modify an approved digital camera security system, security shield, or global positioning system after installation.

(e) An inoperable or defective digital camera security system, security shield, or global positioning system shall cause the taxicab to be found unfit or unsuited for public use, and such vehicle may be ordered off the streets of the City of Minneapolis until repaired.

(f) No person shall disseminate, sell, or otherwise profit from any image recorded by a digital camera security system.

(g) In the event a taxicab is sold or otherwise transferred from one (1) service company or one (1) driver-owner to another, the approved safety equipment in section 341.597 for the current service company must be properly installed before the vehicle will be inspected and approved.

Section 24. That Section 341.600 of the above-entitled ordinance be amended to read as follows:

341.600. Issuance and form of license. When an application for a taxicab license has been approved, the ~~director of licenses and consumer services~~ licensing official, upon satisfactory fulfillment of the foregoing requirements, shall issue a taxicab license which shall be in such form as to contain:

(a) Class and passenger-carrying capacity of the taxicab licensed.

(b) The make of the car and, if available, the engine number and/or serial number, and the state license number.

(c) Each successful applicant shall be issued a decal that shall be permanently attached to the rear of the taxicab vehicle. The placement of such decal shall be to the immediate right or left of the rear license number required by section 341.640 of this article. The cost for replacement of a lost, damaged or destroyed decal shall be thirty-five dollars ($35.00).

Section 25. That Section 341.605 of the above-entitled ordinance be amended to read as follows:

341.605. Taxicab stand permits. (a) No taxicab vehicle shall wait at any taxicab stand in the central business district without having first obtained a permit therefor. At the time a permit is issued, the applicant shall be furnished with a decal. The applicant shall attach such decal on the lower right side of the rear windshield of the taxicab.

(b) Licensees not displaying a taxicab stand decal, may discharge passengers at taxicab stands, but may not collect passengers within one hundred (100) feet of the same unless:

(1) The licensee is operating under a contract or charge account previously signed and on file at the company; or

(2) The licensee is responding to a special call for service when such call has been documented by telephone records and such other evidence as the ~~director~~ licensing official deems necessary.

(c) No licensee or service company may apply for taxicab stand permits in excess of fifty (50) percent of that licensee's or service company's total Minneapolis-licensed fleet.

(d) The downtown taxicab stand permit requirement shall not apply when the ~~director~~ licensing official deems that special circumstances, including but not limited to special events, warrant the waiver thereof.

(e) Notwithstanding the other provisions of this section, an individual or company holding a taxicab vehicle license or having applied for transfer of a taxicab vehicle license on or before January 21, 1985, which was not a member of a company, cooperative, or association of at least fifteen (15) taxicabs or which was not equipped with two-way radio dispatch equipment may apply for taxi stand permits for all licensed taxicabs operating under their color scheme.

(f) The fee for the downtown taxicab stand permit shall be two hundred dollars ($200.00) per year and due with the regular license fee each year.

Section 26. That Section 341.610 of the above-entitled ordinance be amended to read as follows:

341.610. Records and maintenance of licenses. Taxicab licenses shall be signed by the ~~director of licenses and consumer services or by a duly authorized employee~~ licensing official and shall contain a number to be selected in accordance with the provisions of section 259.190. Any licensee who shall willfully deface, remove or obliterate any official entry made upon a license may, in addition to any other punishment imposed, have the license revoked as provided by the City Charter. The ~~department~~ licensing official shall keep a register of the names of each person owning or operating a vehicle licensed under this article, together with the license number and the description, make and necessary dimensions of such vehicle, with the date and complete records of inspection made of it. Such records shall be open to the inspection of the public at all times.

Section 27. That Section 341.620 of the above-entitled ordinance be amended to read as follows:

341.620. Inspections. (a) The ~~director~~ licensing official shall maintain a constant vigilance over all taxicabs to see that they are kept in a condition of fitness for public use, and to this end shall inspect, or cause to be inspected, all taxicabs from time to time, or on the complaint of any citizen as often as may be necessary. Reports in writing of all inspections shall be promptly made to the ~~department~~ division.

(b) The ~~director~~ licensing official may adopt a taxicab inspection form to be used in the inspection of taxicabs, and may designate a category of equipment and body defects as "out of service" defects. Taxicabs with "out of service" defects shall be ordered out of service, and shall remain out of service until the next regularly scheduled inspection or until a special inspection arranged under section 341.625.

Section 28. That Section 341.625 of the above-entitled ordinance be amended to read as follows:

341.625. Special inspection fee. A taxi vehicle licensee may arrange for a special inspection of his or her vehicle outside the regularly scheduled inspection days and times ~~of the department~~ upon application and payment of a fee as specified in Appendix J, License Fee Schedule, for each vehicle to be inspected. Special inspections shall be scheduled during the normal working hours of the ~~department~~ licensing official and all requests for special inspections must be filed by 9:00 a.m. on the day the inspection is to be conducted.

Section 29. That Section 341.630 of the above-entitled ordinance be amended to read as follows:

341.630. Expiration; renewal. (a) All taxicab licenses issued under this article shall expire on February first of each year.

(b) License fees shall be as established in Appendix J, License Fee Schedule.

~~(c) Those taxicab service companies that on December 31st of each year are exceeding the minimum fleet fuel efficiency levels, and wheelchair accessible vehicles as described in section 341.300 of this Code, shall be permitted to submit a service company license with no renewal fee from department of licenses and consumer services for that year. This fee waiver incentive shall terminate on January 1, 2011.~~

Section 30. That Section 341.640 of the above-entitled ordinance be amended to read as follows:

341.640. Display of license number. The taxicab so licensed shall have permanently affixed upon the exterior surface of both front doors or fenders and of the body at the rear of the taxicab, so as to be plainly visible at all times, the taxicab license number, in figures measuring not less than two and one-half (2½) inches high, with a letter size measuring not less than five-sixteenths (5/16) of an inch in width.

No taxicab shall be operated without its license number so affixed upon it, which number shall be selected, designated and assigned by the ~~department~~ licensing official upon issuing such license. Whenever an individual taxicab owner has joined any taxicab company or association of taxicab owners, the owner shall be issued a new license within the numbers assigned the new company or association, in accordance with the numbers distributed to said company or association as herein provided.

Section 31. That Section 341.650 of the above-entitled ordinance be amended to read as follows:

341.650. Transfer of license—Vehicle to vehicle. Taxicab licenses issued under the provisions of this article may be transferred from cab to cab upon payment of a fee as specified in Appendix J, License Fee Schedule, and the filing of a written application. Wheelchair accessible taxicab licenses may only be transferred to another wheelchair accessible taxicab. The applicant for such transfer shall make application, setting forth the information required by section 341.590, and shall present therewith a policy of insurance or bond approved in the manner and required by section 341.500. In the event such application is accompanied by a transfer of such policy of insurance or bond covering the first vehicle, such transfer shall contain a clause providing that the same shall not release the principal or surety from any liability resulting from the operation of the vehicle formerly covered under such policy, up to and including the date of such transfer. Upon the fulfillment of all of the provisions of this chapter concerning vehicle condition, insurance, title registration, and vehicle marking, and upon passing vehicle inspection, the ~~department~~ licensing official shall issue the necessary license and card to be displayed in said taxicab.

Section 32. That Section 341.655 of the above-entitled ordinance be amended to read as follows:

341.655. Transfer of license—Person to person. (a) Taxicab licenses issued prior to October 1, 1995, under the provisions of this article may be transferred from person to person upon payment of a fee as specified in Appendix J, License Fee Schedule, and completion of an application provided by the ~~department~~ licensing official, and approval by the ~~director of licenses and consumer services~~ licensing official. In addition to the information and requirements prescribed by sections 341.500 and 341.580, each application for a transfer shall contain a sworn statement from the present licensee by which he or she consents to the proposed transfer. If the licensee is a partnership, all partners shall complete such statement and if a

corporation, the statement shall be completed by an elected officer of the corporation. Such application shall be accompanied by true copies of any proposed or actual purchase agreement, bill of sale, promissory note, mortgage or other evidence of indebtedness which such applicant may incur or may have incurred as a result of the transfer. Such application shall also include a fiscal breakdown as to the cost of the vehicle(s), equipment, corporate stock, goodwill, contract rights and other intangibles included within the transfer. Among other things, the committee in its deliberations in the granting of such application, shall consider the reasonableness of the price the applicant shall have agreed to pay for a specified article or intangible. No value shall be attributed to the taxicab license to be transferred that is in excess of the proportion of the annual license fee remaining for the license year.

(b) Whenever taxicab licenses issued on or after October 1, 1995 are held by a corporation and the record of equitable ownership of stock of any such corporation is transferred, sold, pledged or otherwise assigned to new or different stockholders or whenever new or different directors, officers or managers are elected or appointed by any corporation holding a license as herein defined, such changes shall require the filing of an application for license in the manner provided by this chapter except that this provision shall not apply where the corporation's stock is publicly traded on a stock exchange.

(c) Failure to report any change in stockholders, officers or managers shall be grounds for the revocation of all licenses held by the corporation. Every corporation licensed under the provisions of this section shall adopt and maintain in its bylaws a provision that no transfer of stock is valid or effective unless approved by the city council and shall require that all of its certificates of stock shall have printed on the face thereof: "the transfer of this stock certificate is invalid unless approved by the city council of Minneapolis, Minnesota," and failure to comply with this provision shall be grounds for the revocation of all licenses held by the corporation. The provisions of this section shall not apply to the issuance of any license to a corporation whose stock is traded on a public stock exchange.

(d) Licenses issued after October 1, 1995, may not be transferred. Such licenses remain the property of the City of Minneapolis, and must be surrendered to the ~~director~~ licensing official, upon cessation of operation in compliance with provisions of this ordinance.

Section 33. That Section 341.660 of the above-entitled ordinance be amended to read as follows:

341.660. Unauthorized acts. (a) No taxicab license shall be sold or transferred except as provided for in subsection 341.655(a).

(b) No taxicab licensed under this chapter shall be operated by any person other than a taxicab driver licensed under this chapter.

(c) No person shall change the color scheme, inscription or monogram of any licensed taxicab without approval of the ~~director of licenses and consumer services~~ licensing official.

(d) No licensed taxicab shall be used as a private vehicle at any time.

(e) No person or company or agent of a company shall make directly or indirectly any false claim stating or implying that any taxicab is licensed to operate in the City of Minneapolis when in fact such taxicab is not licensed in the City of Minneapolis.

(f) No taxicab vehicle shall be equipped with a citizen's band radio transmitter or receiver or any device capable of intercepting police, emergency or other taxicab companies' transmissions.

(g) No taxicab vehicle licensee shall lease its taxicab vehicle license to another, nor lease, contract out, assign, or delegate the responsibilities and beneficial interest of its taxicab business to another.

(h) No taxicab vehicle licensee shall lease or contract out the use of any taxicab except to the limited degree permitted by section 341.695

(i) No taxicab vehicle licensee shall operate or allow operation of a vehicle after it has been ordered out of service.

(j) No taxicab vehicle licensee shall allow a taxicab to be parked in a residential area in violation of section 478.240

(k) No wheelchair accessible taxicab vehicle licensee shall wait at any taxicab stand in the central business district until after 8:00 p.m. Used metro mobility vehicles providing wheelchair accessible service are not permitted to use taxicab stands, except those taxicab stands which allow access to medical service centers.

Section 34. That Section 341.670 of the above-entitled ordinance be amended to read as follows:

341.670. Revocation for unsatisfied judgments. Taxicab licenses may be revoked upon its appearing to the city council that any persons operating a taxicab or taxicabs in the City of Minneapolis shall have failed to pay, within thirty (30) days after its entry, the full amount of any final judgment for damage to property or persons resulting from the negligent operation, use or defective condition of any such taxicab. Upon the failure of any licensee who is a member of any association operating under a common color scheme, or any individual, firm, partnership or corporation, to pay any such judgment within such thirty-day period, the licenses of each and all of the members of such association, individual, firm, partnership or corporation shall be revoked. Any such revocation shall be noted on the taxicab license and, where such revocation is for failure to pay any such final judgment, upon all taxicab licenses operated by the person, firm, association, partnership or corporation failing to pay any such final judgment, together with a statement of the reason therefor, and thereafter the taxicab or taxicabs shall be considered unlicensed vehicles and shall not be operated upon the streets of the City of Minneapolis. When the license is revoked, notification of the same shall be forwarded to the ~~department and director~~ licensing official, and the taxicab or taxicabs shall not be allowed to operate thereafter. The ~~department~~ licensing official shall keep a complete record of each taxicab license issued and all renewals and revocations thereof.

Section 35. That Section 341.690 of the above-entitled ordinance be amended to read as follows:

341.690. Driver information required. Each owner of a taxicab shall, upon the request of the ~~director~~ licensing official, provide information pertinent to the employment status of any person operating the licensed vehicle. Such information shall include, but not be limited to, the owner's federal withholding account number and records of transactions made under such account, and the owner's unemployment insurance account number and records of transactions

under such account. Each licensee shall respond to such request within ten (10) days. Failure to respond fully shall constitute cause for suspension or revocation of all licenses issued to the licensee.

Section 36. That Section 341.745 of the above-entitled ordinance be amended to read as follows:

341.745. Special discount rates. The ~~director~~ licensing official may authorize special rates lower than otherwise required in this chapter, upon written request from any licensed service company. Such special rates shall apply to all taxicabs of that particular color scheme. Special rates may include, but shall not be limited to:

(a) A discount applicable to all metered fares on all rides originating in the City of Minneapolis;

(b) Special flat rates from point to point;

(c) Special flat rates, or a discount from the metered fare, from any point within the City of Minneapolis to a particular destination.

(d) Special event rates. At all times when special event rates are in effect a sign which reads "Special Event Rate" and indicating the rate to be charged, in letters no smaller than two (2) inches in height and not less than one-fourth-inch stroke, shall be prominently displayed in every taxicab. Discontinuance of any discount shall require a seven-day written notice to the ~~director~~ licensing official.

Section 37. That Section 341.770 of the above-entitled ordinance be amended to read as follows:

341.770. Agreed rates authorized. Nothing herein contained shall prevent any person from making an agreement with the operator of a taxicab to furnish transportation at a rate to be agreed upon by them for an hour, day, week, month or longer period, but the person with whom the operator of a taxicab makes such agreement shall not be permitted to hire out the vehicle to any other person. Each licensee operating a taxicab under this section shall file with the ~~department~~ licensing official a schedule of rates by time to be charged under such agreement. Such schedule of rates except as herein otherwise provided may be changed by filing an amended schedule. No licensee, driver or employee shall charge any other rate than that set forth in such schedule, and any deviation therefrom shall constitute a violation hereof.

Section 38. That Section 341.774 of the above-entitled ordinance be amended to read as follows:

341.774. Contract rates. Nothing contained herein shall prevent an operator of a taxicab licensed in Minneapolis from making a contractual agreement with a company, agency, or organization to furnish transportation for employees, associates, clients, customers, or members at a rate that is based on mileage, number of passengers, number of service hours, number of trips, number of passenger hours, weekly or monthly fees, or any other reasonable and calculable basis, irrespective of the mileage charges, minimum charges, and waiting charges contained in this article or the taxicab operator's filed rates for ordinary radio-dispatch, hail, and taxicab stand pick-up service. Such a contractual agreement that provides for rates that differ from the rates ordinarily charged by the taxicab operator must be a document that is

legally executed by all parties and kept on file at the taxicab service company office subject to inspection at any reasonable time by the ~~director~~ licensing official or his designees.

Section 39. That Section 341.775 of the above-entitled ordinance be amended to read as follows:

341.775. Review of fares. (a) Taxicab fare rates shall be reviewed by the ~~director~~ licensing official annually. The maximum meter fare amounts for mileage charges herein established shall be subject to an automatic twelve-month adjustment effective each October first thereafter in a percentage equal to twelve-month changes in the Minneapolis Taxicab Cost Index, rounded to the nearest hundredth of one percent. The Minneapolis Taxicab Cost Index shall consist of a weighted combination of five (5) selected consumer price indexes as published by the United States Department of Labor, a total taxicab fleet size factor, and a license and inspection fee factor as calculated for the preceding twelve-month period ending on June thirtieth of that year. The composition of the Minneapolis Taxicab Cost Index shall be as specified in subsection (c) and the resulting calculation of any change to the maximum rate charge for each one-fifth (1/5) mile increment shall be rounded up to the next whole cent. Notification of the annual adjustment to the taxicab meter rate shall be made to all taxicab service companies at least thirty (30) days prior to taking effect.

(b) The initial maximum meter fare rates shall be equal to the rates that were in effect on February 28, 2009. The first automatic twelve-month adjustment to these rates as provided for pursuant to this section shall take effect October 1, 2010. The maximum percentage increase to the Minneapolis Taxicab Cost Index shall be capped at ten (10) percent for each twelve-month period unless the city council adopts a greater rate of increase by resolution. The maximum percentage decrease to the Minneapolis Taxicab Cost Index shall be capped at five (5) percent for each twelve-month period unless the city council adopts a greater rate of decrease by resolution.

(c) The Minneapolis Taxicab Cost Index shall be comprised of the following indexes and factors, which shall be weighted as indicated:

CPI and factors	**Weighting**
Midwest Region CPI-U (Consumer Price Index-Urban) Transportation Expenditure Category; (Series ID CUURO200SAT)	30%
National CPI-U Motor Vehicle Maintenance and Repair (Series ID CUUROOOOSETD)	10%
National CPI-U Motor Vehicle Parts and Equipment (Series ID CUUROOOOSETC)	10%
National CPI-U Motor Vehicle Insurance (Series ID CUUROOOOSETE)	10%
Midwest Region CPI-U All Consumers, all Items (Series ID CUUS0000SA0)	30%
Minneapolis taxicab fleet size, percentage change to total licensed fleet	8%
Minneapolis taxicab license and inspection fees, average of percentage changes to each	2%

Section 40. That Section 341.780 of the above-entitled ordinance be amended to read as follows:

341.780. Inspection of meters. The ~~department~~ licensing official shall examine at least two (2) times each calendar year all taximeters used on taxicabs in the city and, if approved, shall have placed thereon or attached thereto a device or seal indicating that such inspection and approval has been made. The ~~employees of the department~~ licensing official may stop at all reasonable times any taxicab operating on the meter basis and require the person in charge thereof to go to some convenient place for the purpose of making the examination herein required.

Section 41. That Section 341.790 of the above-entitled ordinance be amended to read as follows:

341.790. Defective or unsealed meters. No person shall drive or permit to be driven a taxicab equipped with a taximeter that does not bear the seal placed thereon by the ~~department~~ licensing official, or one that does not register or that registers inaccurately, or one on which the reading can be changed, altered or manipulated, except to clear the meter. No taxicab hired upon a meter basis shall be operated when a taximeter is broken and out of order, or the seal has been broken or tampered with, defaced or otherwise mutilated or for any reason does not currently register the fee charged.

Section 42. That Section 341.800 of the above-entitled ordinance be amended to read as follows:

341.800. Complaints about meters. When complaint is made to the ~~department~~ licensing official that any taximeter registers improperly or incorrectly, the ~~department~~ licensing official shall immediately examine and inspect such taximeter and every wheel, tire, gear shaft and other part of the mechanism which may affect the operation or control of such taximeter. The ~~department~~ licensing official shall seal all taximeters and date of examination and inspection thereof. In the event any taximeter becomes broken or has to be repaired or does not register correctly or the seal has been broken or tampered with, defaced or otherwise mutilated, the same shall be again inspected by the ~~department~~ licensing official and again sealed and a new record made of the subsequent inspection and sealing. A tolerance of two (2) per cent shall be allowed in tests of such meters. When it is necessary to recheck a sealed taximeter, the checker shall not be charged a fare for any such trip of inspection.

Section 43. That Section 341.910 of the above-entitled ordinance be amended to read as follows:

341.910. License fee. The annual fee for a service company license shall be one thousand one hundred dollars ($1,100.00). Should service company records not be complete, properly on file in an orderly fashion, and available for review by the ~~department~~ licensing official at the time of the annual service company review, an additional two hundred fifty dollar ($250.00) re-inspection fee may be charged for each additional inspection required to complete the review.

Section 44. That Section 341.930 of the above-entitled ordinance be amended to read as follows:

341.930. License application. Every service company shall apply for a license on a form prescribed by the ~~director~~ licensing official, containing such information deemed necessary to verify that the terms and conditions of this chapter have been met.

Section 45. That Section 341.960 of the above-entitled ordinance be amended to read as follows:

341.960. Conditions. Every licensed service company shall**:**

(a) Take affirmative measures to insure that all of its taxicab owners and drivers comply with the terms of this chapter;

(b) Be responsible for the operation of an unlicensed taxicab and the operation of a taxicab by an unlicensed driver;

(c) Insure that all trip sheets are filed and maintained in accordance with section 341.240

(d) Insure that no taxicab vehicle is operated in unsafe mechanical condition, or with major body damage, or in any event after being ordered out of service by a license inspector; insure that all taxicabs are washed at least once a week pursuant to section 341.150

(e) Be responsible to provide overall taxicab service to the public as required by section 341.290. Each service company shall keep accurate records indicating which of its licensed taxicabs and drivers are operating on each day, portion of a day, or shift. These records shall be filed and maintained for a minimum of one year and shall be available for inspection in the same manner as trip sheets;

(f) Institute policies and procedures requiring all drivers to respond to radio dispatch calls;

(g) If a request for service has not been answered within fifteen (15) minutes, the service company dispatcher shall order a taxicab to respond to the request immediately;

(h) Promptly respond to all complaints by passengers, and other members of the public. Also, every service company shall refer all significant complaints against individual taxicab owners and drivers to the ~~department of licenses and consumer services~~ licensing official;

(i) Promptly respond to all requests for information from the ~~department of licenses and consumer services~~ licensing official;

(j) Train and test all taxicab drivers regarding the traffic laws, ability to read and write the English language, the geography and street system of the areas serviced by its taxicabs, and the rules of conduct for taxicab drivers in this chapter.

(k) In addition to the above conditions, every licensed wheelchair accessible taxicab service company shall maintain a computerized dispatch system to adequately

respond to and maintain records of both on-demand and scheduled requests for service.

(l) A licensee licensed to transport passengers in wheelchairs must provide training to each of its operators on the special needs of persons with disabilities. The operator shall also receive training on operating and maintaining vehicle accessible features. The training program is subject to approval by the city council. Every licensed service company shall provide drivers trained to transport handicapped individuals and to ensure that the licensee is providing the service required under this chapter.

(m) Every licensed service company shall provide the ~~department~~ licensing official with written documentation detailing the specific safety equipment in section 341.597 that is required on all taxicabs in its fleet by December 1, 2004. This documentation shall include sufficient information on the specifications, type, and brand of safety equipment chosen to insure compliance with the taxicab safety book of standards.

Section 46. That Section 341.970 of the above-entitled ordinance be amended to read as follows:

341.970. Annual performance review. The ~~director~~ licensing official shall annually review the overall performance of each licensed service company, including but not limited to, a review of the level of compliance with the conditions prescribed in section 341.960. The annual review shall be conducted at least thirty (30) days prior to the license renewal date. The annual review may include a meeting between the ~~director~~ licensing official and the representatives of a licensed service company to discuss complaints and inspect records. The ~~director~~ licensing official shall report the results of each review to the committee, which shall consider such reports in determining whether to renew each service company license.

Section 47. That Section 341.975 of the above-entitled ordinance be amended to read as follows:

341.975. Service company reporting. (a) ~~Effective April 15, 1996, each~~ Each licensed service company shall, on a monthly basis, submit to the ~~department~~ licensing official a daily service report for each day of the preceding month that shall contain the following data:

(1) Number of taxicabs in service in each twelve (12) hour shift.

(2) The number of radio or telephone dispatched calls each taxicab took per shift.

(3) Number of total fares in each shift for each taxicab in service.

(4) The number of lost calls each day by time breakdown.

(5) The total response time for each trip. This shall include and show a separate breakdown for the time the caller was on hold, the time between the call for service, and the time the order was bid on or assigned to a taxicab, the time between the dispatch of the call and the time of arrival of the taxicab, and the amount of the fare as well as the location of the service request call.

(6) The average time each day by time period breakdown between the calls for service and the times of arrival of the taxicab by geographic areas to be determined by the ~~director~~ licensing official in consultation with the taxicab committee.

(7) In addition to the above information, taxicab service companies providing wheelchair accessible service shall provide data on the number of scheduled and unscheduled rides provided by each licensed vehicle, the start and end city locations of each trip, and the response to each request for wheelchair accessible service.

(b) The form of the daily service records shall be in such format as is agreed upon by the ~~director~~ licensing official and the taxicab committee. Within one (1) year, each taxicab service company shall provide the taxicab committee with a business plan that would detail the cost and time necessary to provide the data above in a computerized format. Daily service reports for each month shall be submitted by each service company to the ~~director~~ licensing official no later than the fifteenth (15th) day of the subsequent month. Any licensed service company that fails to furnish such a daily service report in a timely fashion shall have its license suspended for a period not to exceed thirty (30) days after a hearing before the committee responsible for dealing with licensing issues.

(c) Taxicab service companies operating with less than fifteen (15) taxicabs shall supply the same information, but may do so in a non-computerized format.

(d) Beginning February 1, 2001, each taxicab service company shall report to the appropriate city council committee on an annual basis the progress it has made toward putting handicapped accessible vehicles into service as taxicabs in the city. Such report shall specify the steps taken to properly review this option, when such vehicles will be part of the fleet, and what the anticipated costs of such operation will be.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-214 amending Title 13, Chapter 347 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Tree Servicing, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-214
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 347 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Tree Servicing.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 347.30 of the above-entitled ordinance be amended to read as follows:

347.30. Application for license. Any person desiring to engage in the business of tree servicing shall apply to the ~~director of licenses and consumer services, hereinafter referred to as director,~~ licensing official for a license. The application shall state the name and address of the applicant; whether applicant is an individual, partnership, firm or corporation; the number, make and style of vehicles to be used by the applicant in carrying on the business of servicing; and the names of the individual or individuals possessing the certification or educational degree required pursuant to section 347.35, and such application shall be accompanied by payment of the license fee.

Section 2. That Section 347.35 of the above-entitled ordinance be amended to read as follows:

347.35. ISA certification or Urban forestry or Arboriculturist degree required. All licensees shall employ an individual who possess current certification as an arborist from the International Society of Arboriculture (ISA) or post-secondary degree in urban forestry, arboriculturist, or an equivalent area of study, from an accredited institution of higher learning before a license will be issued to the applicant. An individual certified arborist, or urban forester or arboriculturist may not, at any time, be designated as the person in responsible charge of work by more than one (1) tree servicer. The certified arborist or urban forester or arboriculturist shall be responsible for property and tree protection, provide supervision of tree servicing, and comply with all applicable American National Standards for Arboricultural (ANSI) standards. Tree service licensees who obtained their license from the City of Minneapolis prior to the passing of this ordinance shall provide the name or names of the certified arborists or urban foresters or arboriculturist by December 31, 2008. In the event of a major storm or other tree emergency, the ~~director~~ licensing official may, upon request by the Director of Forestry of the Minneapolis Park and Recreation Board, exempt tree servicers who are under contract with the board to provide removal of diseased or infested trees and stumps from the requirements of this section for services completed under such contracts.

Section 3. That Section 347.40 of the above-entitled ordinance be amended to read as follows:

347.40. Insurance required. No license or renewal shall be granted until the applicant shall first have filed with the ~~director~~ licensing official an insurance policy or certificate thereof issued by an insurance company authorized to do business in the State of Minnesota, insuring said applicant for at least one hundred thousand dollars ($100,000.00) against liability for bodily injuries or death of any person not covered by workmen's compensation law, for at least three hundred thousand dollars ($300,000.00) against liability for bodily injuries or death to more than one person from one (1) accident, and for at least one hundred thousand dollars ($100,000.00) against liability for damage to or destruction of property in connection with or by reason of any type of tree servicing . Said policy shall provide that it may not be canceled by the insurer except after thirty (30) days' written notice to the ~~director~~ licensing official, and if such insurance is so canceled and the licensee shall fail to replace the same with another policy conforming to the provisions of this chapter, said license shall be automatically suspended until such insurance shall have been replaced. In addition, each license applicant shall also supply a

certificate of insurance of workmen's compensation when such insurance is required by state statute.

Section 4. That Section 347.50 of the above-entitled ordinance be amended to read as follows:

347.50. Register of licenses required. The ~~director~~ licensing official shall keep a register of each license issued, the number thereof, the name of the licensee, the date when issued, the date of expiration, and any other data bearing upon the enforcement of this chapter.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-215 amending Title 13, Chapter 348 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Used Motor Vehicle Parts Dealer, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-215
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 348 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Used Motor Vehicle Parts Dealer.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 348.40 of the above-entitled ordinance be amended to read as follows:

348.40. Insurance required. Each applicant for a license under this chapter shall file with the ~~department of licenses and consumer services~~ licensing official a public liability policy or certificate of insurance from a company authorized to do business in the State of Minnesota insuring the applicant against any and all liability occurring in or arising out of the operation of the business licensed under this chapter. The policy of insurance shall be in the limits of not less than one hundred thousand dollars ($100,000.00) for injury or death to one (1) person, three hundred thousand dollars ($300,000.00) for injury or death for each occurrence, and twenty-five thousand dollars ($25,000.00) for property damage. The policy of insurance shall contain a provision stating that no termination, expiration or cancellation of that policy shall be effective without thirty (30) days' prior and separate written notice to the ~~department of licenses and consumer services~~ licensing official. Where required by state law, each applicant shall obtain a certificate of insurance for workers' compensation and shall file a copy of that certificate with the ~~department of licenses and consumer services~~ licensing official.

Section 2. That Section 348.50 of the above-entitled ordinance be amended to read as follows:

348.50. Bond required. Each applicant for a license under this chapter shall file with the ~~department of licenses and consumer services~~ licensing official a surety bond in the sum of five thousand dollars ($5,000.00) conditioned on reimbursement to owners, including the city, for loss of or damage to any property where the loss or damage occurred in or arose out of the operation of the business licensed under this chapter and where the loss or damage was the result of the licensee's failure to comply with the provisions of this chapter or of the Minneapolis Code of Ordinances or of the Minnesota Statutes, including pollution control regulations. The surety bond shall contain a provision stating that no termination, expiration or cancellation of that bond shall be effective without thirty (30) days' prior and separate written notice to the ~~department of licenses and consumer services~~ licensing official.

Section 3. That Section 348.60 of the above-entitled ordinance be amended to read as follows:

348.60. Application. Application for a license under this chapter shall be made on forms provided by the ~~department of licenses and consumer services~~ licensing official and shall contain such information as the ~~department~~ licensing official may require, including the following:

(a) Name, date of birth, place of birth, and street address of the place where applicant resides.

(b) Street addresses of places where applicant has resided during the five (5) years preceding the date of application.

(c) Whether applicant has been convicted of any crime or ordinance violation for which a jail sentence could be imposed in the fifteen (15) years preceding the date of application, including the specific charge, date of conviction, place of conviction, and sentence for each such violation.

(d) Whether applicant is a natural person, corporation, partnership or unincorporated association.

(e) The street address and telephone number of the place where applicant proposes to operate the licensed business and the legal description of all real property proposed to be used in the licensed business.

(f) Written reports from the zoning, fire, police and pollution control departments indicating whether they approve or disapprove of the application.

Section 4. That Section 348.120 of the above-entitled ordinance be amended to read as follows:

348.120. Written statement required. (a) Except as provided hereunder, no person licensed under this chapter shall buy, take or receive possession of any motor vehicle or motor vehicle parts without obtaining from the owner or possessor of such property a written statement describing the property as to model, manufacturer, make and year of manufacture, and identifying such owner or possessor by name, address, telephone number and driver's license number, which shall be verified by the licensee by demanding that all sellers present a State of Minnesota driver's license or State of Minnesota identification card. However, a driver's license number shall not be required where the seller is a government agency, an insurance company

or another person licensed under this chapter. All such written statements shall be retained by the licensee for a period of not less than three (3) years and shall be open to inspection at all reasonable times by the licensing official or any member of the police department ~~or any inspector of the department of licenses and consumer services~~.

(b) Those persons licensed under this chapter who are crushing, shredding or shipping motor vehicle hulks shall obtain the statement required by this section for each motor vehicle hulk purchased or received by the licensee but shall not be required to obtain the statement upon purchase or receipt of single motor vehicle parts.

Section 5. That Section 348.130 of the above-entitled ordinance be amended to read as follows:

348.130. Records, reports to police. Every person licensed under this chapter shall keep a book in which shall be clearly written in ink and in the English language an accurate description of each vehicle purchased or received, including license and serial numbers, the amount of money paid for the vehicle, and the name, residence address, driver's license number and description of the person selling or turning over possession of such vehicle. This information shall be recorded at the time the motor vehicle is received by the licensee and shall be retained by the licensee for a period of not less than three (3) years and shall be open to inspection at all reasonable times by the licensing official or any member of the police force or any inspector of the department of licenses and consumer services. In addition, each licensee shall mail an accurate and up-to-date list of the description of each vehicle received, including each vehicle's license and serial number, to the auto theft division of the Minneapolis Police Department not later than the first day of every month**.**

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-216 amending Title 13, Chapter 349 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Wreckers and Tow Trucks, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-216
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 349 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Wreckers and Tow Trucks.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 349.50 of the above-entitled ordinance be amended to read as follows:

349.50. Approval required for change of service vehicle; fee. Such license shall constitute a registration of the vehicle so licensed and no other vehicle may be used without the written approval of the ~~department of licenses and consumer services~~ licensing official. In the event the licensee during the license year desires to change the vehicle or vehicles so licensed, the licensee shall make application describing the new vehicle or vehicles to be used and upon payment of a fee for each replacement vehicle as established in Appendix J, License Fee Schedule, shall submit said application to the ~~department of licenses and consumer services~~ licensing official for approval. If such approval is obtained, license certificates shall be issued and affixed as provided for in section 349.200.

Section 2. That Section 349.60 of the above-entitled ordinance be amended to read as follows:

349.60. Application procedure, Class A. Application for a Class A service vehicle license shall be made upon forms provided by the ~~department of licenses and consumer services~~ licensing official which shall refer the application to the police license inspector. The police license inspector shall investigate the matters contained therein, and convey approval or disapproval of the application to the ~~department of licenses and consumer services~~ licensing official. The application shall contain among other things:

(a) A true and correct list of all contracted or otherwise used private property towing locations and persons with authority to sign tow order forms, and the ~~department of licenses and consumer services~~ licensing official shall be immediately notified in writing when changes occur therein.

(b) A record and establishment of reasonable fixed towing and fixed drop charges, which fixed charges shall be filed with the police license inspector's office, which office is to be notified immediately in writing as changes occur in such rate.

(c) A statement that there will be a storage lot or lots at which will be maintained an office on the premises for the release of motor vehicles; together with the exact location of such lot or lots with changes to be made known to the ~~department of licenses and consumer services~~ licensing official immediately in writing.

(d) A true and current list of the names and addresses of all drivers employed by licensee.

Section 3. That Section 349.65 of the above-entitled ordinance be amended to read as follows:

349.65. Application procedure, Class E. Application for Class E service vehicle license shall be made upon forms provided by the ~~department of licenses and consumer services~~ licensing official, whom ~~which department~~ shall investigate the matters contained therein, and convey approval or disapproval of the application ~~to the department of licenses and consumer services~~. The ~~department of licenses and consumer services~~ licensing official shall not accept an application from any person, firm, corporation or association which has not been approved by the city council to be awarded a contract for Class E motor vehicle servicing under section 478.1055 of this Code. The application and renewal for Class E service vehicle license shall coincide with the contract date.

Section 4. That Section 349.70 of the above-entitled ordinance be amended to read as follows:

349.70. Bond, Class A. Class A licensees shall file a surety bond in the sum of ten thousand dollars ($10,000.00) conditioned upon the proper handling and safekeeping of vehicles, accessories and personal property, and the guaranty of reimbursement to owners for loss. The surety bond shall not be canceled except upon thirty (30) days' prior notice in writing to the ~~department of licenses and consumer services~~ licensing official.

Section 5. That Section 349.110 of the above-entitled ordinance be amended to read as follows:

349.110. Records required, Class A. All Class A licensees shall have a book in which shall be clearly written in ink and in the English language at the time the service is completed: an accurate description of the services provided, the place where the service was provided or from which a vehicle was towed, the full name of the driver of the service vehicle, the license plate number of the motor vehicle serviced and the name and resident address of the person requesting or authorizing the service. All such books maintained by a licensee shall be open to inspection at all reasonable times by the mayor, any member of the police force, or the licensing official ~~any inspector of the department of licenses and consumer services~~.

Section 6. That Section 349.130 of the above-entitled ordinance be amended to read as follows:

349.130. Driver registration permit required, Classes A and E. No person shall drive or operate a Class A or Class E service vehicle unless he or she has received a registration permit to do so issued by the ~~department of licenses and consumer services~~ licensing official. At all times when so engaged the driver shall carry this permit and exhibit it on demand to police officers, the licensing official ~~inspectors of the department of licenses and consumer services~~ or concerned citizens. This permit shall be issued to the applicant therefor upon completion of an application form prepared when approved by the ~~department of licenses and consumer services~~ licensing official. The application form shall include the applicant's full and true name, date of birth, residence, and police record, if any. Upon completion of this application it shall be referred for investigation to the police license inspector, who will arrange for fingerprinting, photographing, and the issuance of a permit if deemed appropriate, unless such inspector shall report to the ~~department of licenses and consumer services~~ licensing official a recommendation that the permit not be issued. A permit, when issued, shall include a permit number recorded by the ~~department of licenses and consumer services~~ licensing official and shall be presented to the applicant upon payment of a fee as established in Appendix J, License Fee Schedule. Such permit shall remain effective for one (1) year provided the permit holder possesses a valid driver's license and is employed by a person licensed under this chapter. The annual renewal fee and fee for a duplicate license shall be as established in Appendix J, License Fee Schedule.

Section 7. That Section 349.160 of the above-entitled ordinance be amended to read as follows:

349.160. Application procedure, Class B, C or D. Application for Class B, C or D license shall be made to the ~~department of licenses and consumer services~~ licensing official on forms provided by the licensing official ~~by such department~~. Such forms shall contain, among other things, the name or names of the owners and operators, their respective resident addresses and home phone numbers, the name under which the business is to be conducted

and the address where the business is to be located. The application shall also contain a current schedule of minimum charges to be made for service calls where service is for any reason not provided. Immediate notification of any changes in the minimum fees schedule shall be made to the ~~department of licenses and consumer services~~ licensing official.

Section 8. That Section 349.170 of the above-entitled ordinance be amended to read as follows:

349.170. Equipment. No service vehicle shall be licensed until it has been thoroughly and carefully examined by the ~~department of licenses and consumer services~~ licensing official ~~or authorized representative thereof~~, and found to comply with the following:

(a) To be thoroughly safe for the providing of any of the types of services described in the classifications in this section.

(b) To be equipped with a 2A10BC or larger fire extinguisher, as approved by the fire marshal, properly charged and in good working order at all times.

(c) To be clean in appearance and well-painted.

(d) To have the operating name, address and telephone number affixed in a permanent manner on the outer side of each of the front doors of the vehicle or on the side of the vehicle in letters of not less than three (3) inches in height.

Section 9. That Section 349.240 of the above-entitled ordinance be amended to read as follows:

349.240. Insurance. Each applicant for a Class A, B, C, D or E license under this chapter shall file with the ~~department of licenses and consumer services~~ licensing official a public liability policy or certificate of insurance from a company authorized to do business in Minnesota insuring the applicant against any and all liability incurred in the use or operation of the vehicle licensed under this chapter, including the providing of any motor vehicle service defined in section 349.10. The policy of insurance shall be in the limits of not less than:

(a) For a Class A or B license, one hundred thousand dollars ($100,000.00) for injury or death to one person, three hundred thousand dollars ($300,000.00) for injury or death from each occurrence and twenty-five thousand dollars ($25,000.00) for property damage;

(b) For a Class C or D license, twenty-five thousand dollars ($25,000.00) for injury or death to one person, fifty thousand dollars ($50,000.00) for injury or death from each occurrence, and ten thousand dollars ($10,000.00) for property damage or fifty thousand dollars ($50,000.00) personal injury and ten thousand dollars ($10,000.00) property damage combined single limit;

(c) For a Class E license, the policy of insurance shall be in the limits of not less than those specified in the City of Minneapolis contract awarded to the licensee.

Section 10. That Section 349.250 of the above-entitled ordinance be amended to read as follows:

349.250. License fee for Class B, C and D. The Class B, C, and D license fees shall be as established in Appendix J, License Fee Schedule. Notwithstanding the preceding sentence:

(a) A service station licensed under Chapter 287 of this Code may license one vehicle in either Class B or Class C and no fee shall be paid, but each additional vehicle shall be licensed within its appropriate class and the fee shall be paid accordingly.

(b) Service vehicles which are licensed in other municipalities under the provisions of a licensing and regulatory ordinance whose requirements and restrictions are equal to the provisions hereunder may be licensed to operate within the City of Minneapolis upon filing proof with the ~~department of licenses and consumer services~~ licensing official, and no fee shall be paid; provided, that the terms of such municipality's licensing ordinance contain the same privileges, responsibilities and mutual reciprocities as are herein provided.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-217 amending Title 13, Chapter 350 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Recycling Activities and Salvage Yards, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-217
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 13, Chapter 350 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Recycling Activities and Salvage Yards.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 350.30 of the above-entitled ordinance be amended to read as follows:

350.30. Application. Any person desiring to use property as a recycling or salvage yard shall make application to the ~~department of licenses and consumer services~~ licensing official for each location. Such application shall include the name and address of the applicant and each officer if the applicant is a corporation or each partner if the application is for a partnership, the description of the land to be used, and either evidence of the ownership by the applicant or written permission of the owner to so use the land, and such other information as requested by the director of regulatory services.

Section 2. That Section 350.50 of the above-entitled ordinance be amended to read as follows:

350.50. Violations of this chapter; administrative penalties; fines; revocation; reinspection fees. Any person found in violation of this chapter may be subject to penalties including administrative fines, and/or action to suspend, revoke or deny any current or future licenses. In addition to any other administrative action, a reinspection fee of one hundred dollars ($100.00) shall be assessed for subsequent inspections, when orders are not complied with, within the specified time frame. All such action initiated under this section shall comply with due process considerations. All actions initiated by the ~~department of licensing and consumer services~~ licensing official are subject to review by the city council.

Section 3. That Section 350.80 of the above-entitled ordinance be amended to read as follows:

350.80. Inspections. A recycling or salvage yard licensed pursuant to this chapter shall be subject to inspection at any time by the ~~director of regulatory services or the director's agents~~ licensing official or any other code enforcement official, agent or inspector of the city to enforce the provisions of this chapter.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-218 amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to Liquor and Beer: In General, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-218
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to Liquor and Beer: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 360.30 of the above-entitled ordinance be amended to read as follows:

360.30. Liquor caterer's license. A holder of a State of Minnesota caterer's permit issued under the provisions of Minnesota Statutes, Section 340A.404(12) may apply to operate under such caterer's permit in the City of Minneapolis using a form provided by the ~~director of licenses and consumer services~~ licensing official. Liquor catering shall be allowed in all zoning districts as defined in Chapters 546, 547, 548, 549, and 550, not withstanding Minneapolis City Charter, Chapter 4, Section 5(b). Holders of a liquor caterer's license shall comply with all provisions of the statutes, ordinances, and rules governing the retail sale of alcoholic beverages. A liquor caterer's license fee shall be as established in Appendix J, License Fee Schedule.

Events that are catered in Minneapolis in accordance with Minnesota Statutes, Section 340A.404(12) shall comply with the following provisions:

(1) A liquor caterer shall keep a record of each event they cater in Minneapolis. The record shall include the location of the event, the date and time, the event contact name(s) and phone number(s), and shall provide this register to city staff upon request. It is the responsibility of the licensee to reapply for license bundles when the number of days has been reached for a particular amount of licenses purchased in advance.

(2) The city council may by resolution establish a list of premises for which a liquor caterer may not provide services at an event without explicit approval of city council.

(3) All events that a liquor caterer provides alcohol for must be private and not open to the public. The event coordinator shall provide a list of people who may attend the event to the liquor caterer.

(4) No sale of beverage alcohol shall occur after 1:00 a.m.

(5) All servers of alcohol at a catered event must have received alcohol server training as approved by the ~~director of licenses and consumer services~~ licensing official and shall be at least eighteen (18) years of age.

(6) A liquor caterer shall staff the event with at least one (1) employee from the original licensed establishment.

(7) A liquor caterer shall notify the police precinct and business licensing at least twenty-four (24) hours prior to any alcohol catered event pertinent details about the event using a form provided by the ~~director of licenses and consumer services~~ licensing official.

(8) No single location in Minneapolis shall have a single liquor catered event lasting more than three (3) consecutive days, unless the license is issued in connection with a civic event or community festival as designated by the ~~director of licenses and consumer services~~ licensing official.

(9) An application for a liquor caterer's license may be denied, or an issued license may be suspended, or revoked without refund, for any of the following reasons:

a. The operation of an event does or will unreasonably disturb the peace, quiet or repose of surrounding residential or commercial areas.

b. The operation of an event does or will contribute to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the event's location.

c. Any violation of the laws relating to the sale or service of alcoholic beverages.

d. Licensee's refusal to supply books of account and contracts pertaining to an event as set forth in this section.

e. Any violation of the terms of this section.

f. Any other good cause related to the operation of the business or venue.

(10) Any violation of the provisions set forth in Title 14 in the Minneapolis Code of Ordinances by a licensee or his employee, agent or servant, while operating under a liquor caterer's license which occurs on the premises being catered, shall cause the licensee and his employee, agent, or servant to be subject to civil, criminal, or administrative action as provided by Title 14 and other applicable law.

(11) Both state and city permits/licenses must be available for display upon request of any law enforcement officer or investigator designated by the ~~director~~ licensing official for any catered event.

(12) Liquor caterers shall maintain adequate security at catered events in Minneapolis. The caterer may coordinate this with the host facility.

(13) If an event is to be held outside, the applicant shall indicate how the alcohol will be confined to a particular area. Exclusive outdoor events must provide at least one (1) toilet per every fifty (50) attendees.

(14) Liquor caterers shall submit to and/or facilitate any site inspections by police, fire, or other regulatory or health agency.

(15) Licenses issued under this section shall expire on August first of each year.

Section 2. That Section 360.70 of the above-entitled ordinance be amended to read as follows:

360.70. Special late hours food license. (a) Any person operating under an on-sale liquor, wine or beer license who desires to remain open for the service of food later than the hours provided in section 364.100 and section 368.70 may apply to the city council for a special late hours food license. Application shall be made on a form provided by the ~~division of licenses and consumer services~~ licensing official, containing such information as the ~~division~~ licensing official deems necessary to verify that the conditions of this section have been met and to make a recommendation regarding the application. The annual fee for a special late hours food license shall be as established in Appendix J, License Fee Schedule.

(b) The number of special late hours food licenses at any time issued and outstanding shall not exceed fifty (50).

(c) No special late hours food license shall be issued unless the establishment complies at all times with the following conditions:

(1) The establishment shall be a banquet facility as defined in section 362.425(b) in which the meal service required by section 362.425(b) is actually available during the special hours of operation authorized under the license, or

(2) The establishment shall be a restaurant which:

(i) Meets the standards set forth in section 362.390 and the standards in section 362.395 relating to percentage of revenue derived from the sale of food and nonalcoholic beverages, and

(ii) Maintains a substantial menu available during special late hours which includes at least four entrees, sandwiches, or other principal food items, and

(iii) Keep its business open for at least eight (8) continuous hours daily except Sunday, twelve (12) months a year, not including any hours authorized by its special late hours food license.

(d) The city council may issue a special late hours food license subject to additional conditions including, but not limited to:

(1) Limitation on the special late hours of operation or the days of the week on which special late hours are authorized;

(2) Requirements concerning menu items;

(3) Requirements concerning staffing or security levels;

(4) Any other requirement reasonably related to concerns of security, noise, litter, parking or traffic.

(e) The city council may deny, revoke, suspend or refuse to renew a special late hours food license for any of the following reasons:

(1) The existence of special late hours disturbs the peace, quiet or repose of surrounding residential or commercial areas;

(2) The existence of special late hours contributes to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the establishment;

(3) Any violation of the laws relating to sale or service of alcoholic beverages;

(4) Any violation of the terms of this section;

(5) Any other good cause related to the operation of the establishment.

(f) Nothing herein shall permit the operation of live entertainment, singing or dancing after 2:00 a.m. regardless of the class of on-sale license held by an establishment. The operation of live entertainment, singing, or dancing after 2:00 a.m. shall require a special late hours operation license under section 360.75.

Section 3. That Section 360.90 of the above-entitled ordinance be amended to read as follows:

360.90. Insurance required when licensee hires off-duty city employees. (a) No person having an "on sale" license issued pursuant to Chapter 362, 363 or 366 shall hire an off-duty city police officer to work at the licensed premises unless such person shall have filed ~~in the department of licenses and consumer services~~ with the licensing official:

(1) A notarized agreement that in consideration of the granting of such a license, the licensee will hold the city harmless and assume the defense of the city against any claim or lawsuit against it, by reason of the licensee's employee also being an off-duty city police officer;

(2) An insurance policy, or certificate of insurance thereof, written by a company authorized to do business in the State of Minnesota insuring the licensee, his or her officers, employees and agents against public liability or damages in the sum of three hundred thousand dollars ($300,000.00) for each accident or occurrence for injury or death, and five thousand dollars ($5,000.00) property damage, or may substitute a combined single limit of liability of three hundred thousand dollars ($300,000.00) for injury, death or property damage; and

(3) An insurance policy with worker's compensation coverage, fully covering such off-duty city police officer during periods of employment by the licensee.

The city and all off-duty city police officers employed by the licensee to work at the licensed premises shall be included as additional assureds in such public liability policy. No such policy shall contain a provision excluding from coverage the willful torts of any such off-duty city police officer, including but not limited to assault, false arrest, false imprisonment and malicious prosecution. Every such public liability policy and worker's compensation policy shall contain a provision that no cancellation thereof shall become effective without thirty (30) days' prior notice in writing to the department of licenses and consumer services.

(b) An insurance company which refuses to defend the city or its off-duty police officer under a public liability insurance policy purporting to provide the coverage as required by this section may be deemed an unacceptable insurer by the city council.

(c) Violation of this section may be grounds for suspension or revocation of said license.

Section 4. That Section 360.100 of the above-entitled ordinance be amended to read as follows:

360.100. Regulation of outdoor areas in on-sale liquor, wine, and beer establishments. The following regulations shall apply to all outdoor areas in on-sale liquor, wine, and beer establishments, including establishments holding sidewalk cafe permits:

(a) Every outdoor area must be approved as part of the original licensed premises or by the granting of an application for expansion of the licensed premises. Any expansion of the outdoor area of a licensed premises shall require a public hearing and notification as described in section 265.300 of this Code.

(b) Entertainment:

(1) Every outdoor area shall be deemed presumptively to be licensed as Class E, unless a higher class of license has been expressly granted to the outdoor area by the city council in the manner required by this Code.

(2) In the central commercial district described in section 360.10, the city council may grant a license to an outdoor area in any class.

(3) Outside the central commercial district described in section 360.10, no outdoor area shall be granted a license higher than Class D and entertainment shall only be permitted on private property on street level.

(4) Regardless of the class of license issued to an outdoor area, the city council may further restrict the days, hours, nature, volume, and other aspects of entertainment in any outdoor area, including a prohibition against all forms of nonlive music, radio, television, and other entertainment, to protect the safety, repose, and welfare of residents, businesses and other uses near the establishment.

(5) The city council may authorize an establishment to conduct entertainment not otherwise allowed under its license in an outdoor area by permit temporarily for special events. Application for such permit shall be filed with the ~~department of licenses and consumer services~~ licensing official on a form prescribed by the ~~director~~ licensing official. The fee for a temporary entertainment permit shall be as established in Appendix J, License Fee Schedule.

(c) Service and capacity restrictions outside the downtown/eastbank commercial district. It is the policy of the city council that outdoor areas, located outside the downtown and eastbank commercial district described in section 360.10, are intended primarily for the service of patrons at tables and for the consumption of alcoholic beverages in conjunction with food service. Outside the downtown and eastbank commercial district described in section 360.10, no bar shall be located in an outdoor area except a service bar for the exclusive use of employees. Service shall be provided only at tables, however, this shall not prohibit patrons from carrying beverages from an inside area to the outdoor area. Customers shall not be allowed to occupy the outdoor area in greater numbers than the seating or service area capacity permits. An exemption to the service bar requirement of this subsection may be granted to an establishment which demonstrates that it regularly maintained a bar open for service to customers in its outdoor area prior to April 1, 1989.

(d) The licensee shall provide food service in all outdoor areas during all hours of operation. Food service may consist of less than the full menu, but shall at all times offer a substantial choice of main courses, other food items, and nonalcoholic beverages.

(e) All new and remodeled outdoor areas shall be handicap accessible. All existing outdoor areas shall comply with building codes relating to handicap accessibility. No outdoor area shall reduce existing handicap accessibility.

(f) The city council may restrict the hours of operation of an outdoor area based upon proximity of the area to residential dwelling units, and upon considerations relating to the safety, repose, and welfare of residents, businesses, and other uses near the establishment.

(g) The city council may require that access to and egress from an outdoor area only be through the door connecting it to the remainder of the premises, or to property controlled by the licensee.

(h) The licensee shall be responsible for picking up trash and litter generated by the operation of the outdoor area within a reasonable distance from the area.

(i) The city council may review the operation of any outdoor area in connection with the renewal of the on-sale license for the establishment, or at any other time for good cause. Violation of the terms and conditions of this section shall be grounds for revocation, suspension, or refusal to renew the on-sale license for that portion of the licensed premises pertaining to the outside area.

(j) All special restrictions relating to the hours of operation and types of entertainment in an outdoor area shall be endorsed on an addendum to the license certificate and posted in the establishment with the license certificate.

(k) In any on-sale liquor, wine, and beer establishment where the licensee has city council approval to operate an outdoor area, and which is located within the Central Commercial District, as defined in section 360.10, the licensee is prohibited from serving any alcoholic malt beverage or non-alcoholic beverage in an original container manufactured from glass after 11:00 p.m. In addition to the prohibition on serving alcoholic malt beverages or non-alcoholic beverages in original containers manufactured from glass, the licensee shall not allow patrons to carry such beverage containers from an indoor area into an outdoor area.

Section 5. That Section 360.130 of the above-entitled ordinance be amended to read as follows:

360.130. Incomplete license applications. (a) Any application for a license under Title 14 of this Code that does not contain all requested and/or necessary information shall be deemed incomplete. An application remaining incomplete for one hundred twenty (120) days may be administratively denied by the ~~director of licenses~~ licensing official. The ~~director~~ licensing official shall notify the applicant of any deficiencies at least thirty (30) days prior to administrative denial.

(b) If the application remains incomplete after being given thirty-day notice, the ~~director~~ licensing official shall send written notice that the application is denied. Applicants shall not be allowed to engage in any activities for which a license is required. Application fees shall not be refunded.

(c) An applicant may, prior to denial, send a written request to extend the application deadline. The ~~director~~ licensing official may extend the deadline for good cause. An applicant may appeal a license or extension denial to the city council within ten (10) days of notification of the denial.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-219 amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Licenses, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-219
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Licenses.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 362.35 of the above-entitled ordinance be amended to read as follows:

362.35. Temporary on-sale liquor license. (a) A club or charitable, religious or other nonprofit corporation in existence for at least three (3) years or a political committee registered under Minnesota Statutes Section 10A.14 may obtain an "on-sale" license to sell liquor for consumption on premises specified in the license, including school buildings and school grounds.

(b) Application for temporary on-sale liquor license shall be made on forms provided by the ~~director~~ licensing official and shall contain the following:

(1) The name, address and purpose of the organization, together with the names and addresses of its officers and evidence of nonprofit status or of its status as a club under section 360.10 above.

(2) The purpose for which the temporary on-sale liquor license is sought, together with the place, dates and hours during which liquor is to be sold.

(3) Consent of the owner or manager of the premises, or a person or group with lawful responsibility for the premises.

(4) A specific description of the area in which alcoholic beverages are to be dispensed and consumed which area shall be compact and contiguous in accordance with section 360.15

(5) Such other information as the ~~director~~ licensing official may deem necessary.

(c) A temporary on-sale liquor license may be issued subject to the following conditions:

(1) Such license shall be issued for a period not to exceed six (6) consecutive days.

(2) No individual organization shall be granted more than three (3) four-day, four (4) three-day, six (6) two-day or twelve (12) one-day licenses in any combination not to exceed twelve (12) days per calendar year.

(3) The overall purpose of the license shall be to enhance the stated purpose of the applicant organization and no private organizer or promoter shall derive excessive profits from the event. The ~~director~~ licensing official may require presentment of the temporary licensee's and full year on-sale licensee's books of account and contracts entered into for purposes of the event to aid in the determination of compliance with this section.

(4) No such license shall be issued for the sale of liquor on school grounds or in school buildings or within three hundred (300) feet thereof when regularly scheduled classes are being held in the school.

(5) No more than twelve (12) licenses shall be granted in any one calendar year at any location.

(6) The licensee must contract for liquor services with the holder of a full-year on-sale intoxicating liquor license issued by the City of Minneapolis whose employees have received training within the twelve (12) month period preceding the event under an approved alcohol server awareness program and who provides evidence of liquor liability insurance covering the event.

(d) The fee for a temporary liquor license shall be as established in Appendix J, License Fee Schedule.

(e) Entertainment. A temporary on-sale liquor licensee may present entertainment as set forth in section 362.30(b) through (f) for an additional fee as established in Appendix J, License Fee Schedule.

(f) The city council may deny, revoke, suspend a license for any of the following reasons:

(1) The existence of temporary liquor disturbs the peace, quiet or repose of surrounding residential or commercial areas.

(2) The existence of temporary liquor contributes to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the establishment.

(3) Any violation of the laws relating to the sale or service of alcoholic beverages.

(4) Licensee's refusal to supply books of account and contracts pertaining to the event as set forth in section 362.35(c)(3).

(5) Any violation of the terms of this section.

(6) Any other good cause related to the operation of the establishment.

(g) Licenses issued under this section are subject to all laws and ordinances governing the sale of intoxicating liquor except those laws and ordinances which by their nature are not applicable.

(h) ~~Director of licenses and consumer services~~ Licensing official to grant temporary on-sale liquor license in certain instances. When an application for a license for temporary on-sale

liquor has been filed too late to be considered on the regular agendas of the ~~public safety and regulatory services committee and the~~ city council or the appropriate committee of the council prior to the scheduled date of the event, the ~~director of licenses and consumer services~~ licensing official may issue the license if the application is filed and complete, the fee including a fifty (50) percent late fee has been paid, and the required conditions listed above have been met. The ~~director~~ licensing official may also deny, suspend or revoke those licenses which he/she has issued based on the reasons listed above for which the city council may deny, suspend or revoke such licenses. The issuance of a temporary on-sale liquor license is subject to compliance with all applicable health and safety laws. Concurrence with the issuance of the temporary on-sale liquor license shall be obtained from the chair of the ~~public safety and regulatory services committee~~ appropriate committee of the city council and the council member representing the affected ward prior to the issuance of the license by the licensing official.

Section 2. That Section 362.36 of the above-entitled ordinance be amended to read as follows:

362.36. Temporary expansion of license. (a) On-sale liquor, wine and beer establishments may obtain a temporary expansion of license for premises directly adjacent and contiguous to a permanently licensed premises and for entertainment not otherwise allowed under the establishment's permanent license.

(1) Application for a temporary expansion of license shall be made on forms provided by the ~~director~~ licensing official and shall contain the following:

a. The name and addresses of the on-sale license holder and its owners, officers or partners.

b. A specific description and diagram of the area in which the temporary expansion activity is to occur. This area must be compact and contiguous to the permanently licensed premises, and be contained by physical enclosure devices.

c. Written consent of the owner or manager of the premises, or a person or group with lawful responsibility for the premises.

d. The purpose for which the temporary expansion is sought, and a detailed description of the planned activities including projected attendance, entertainment, food and beverage service, security plans, and hours of operation.

e. Proof that auxiliary permits for purposes of amplified music, short term food, block event, temporary structures, temporary utilities, etc., have been obtained.

f. Such other information as the ~~director~~ licensing official may deem necessary.

(2) An individual licensee may be granted up to such number of temporary expansion licenses for the duration of not more than two (2) consecutive days so as not to exceed twelve (12) days in any twelve-month period.

(3) The applicant shall file proof that the liability insurance required by this code of ordinances and by Minnesota Statutes Chapter 340A apply to the expanded area.

(4) The hours of operation of a temporary expansion of license shall not exceed those hours authorized at the permanent premises, or any lesser hours specified as a condition of the temporary expansion of premises license.

(5) The fees for a temporary expansion license shall be as established in Appendix J, License Fee Schedule.

(6) The city council may deny, revoke, suspend a license for any of the following reasons:

a. The existence of a temporary expansion disturbs the peace, quiet or repose of surrounding residential or commercial areas.

b. The existence of a temporary expansion contributes to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the establishment.

c. Any violation of the laws relating to the sale or service of alcoholic beverages.

d. Any violation of the terms of this section.

e. Any other good cause related to the operation of the establishment.

(7) Licenses issued under this section are subject to all laws and ordinances governing the sale of intoxicating liquor except those laws and ordinances which by their nature are not applicable.

(8) ~~Director of licenses and consumer services~~ Licensing official to grant temporary expansion license in certain instances. When an application for a license for temporary expansion license has been filed too late to be considered on the regular agendas of the ~~public safety and regulatory services committee and the~~ city council or the appropriate committee of the council prior to the scheduled date of the event, the ~~director of licenses and consumer services~~ licensing official may issue the license if the application is filed and complete, the fee including a fifty (50) percent late fee has been paid, and the required conditions listed above have been met. The ~~director~~ licensing official may also deny, suspend or revoke those licenses which he/she has issued based on the reasons listed above for which the city council may deny, suspend or revoke such licenses. The issuance of a temporary expansion license is subject to compliance with all applicable health and safety laws.

(b) ~~Director of licenses and consumer services~~ Licensing official to grant temporary expansion of premises and temporary entertainment licenses in certain places. When an application for a permit for temporary expansion of premises has been filed fewer than thirty (30) days prior to the scheduled date of the event or too late to be considered on the regular agendas of the ~~public safety and regulatory services committee and the~~ city council or the appropriate committee of the council prior to the scheduled date of the event, the ~~director of~~

~~licenses and consumer services~~ licensing official may issue the permit if the following conditions have been met:

(1) The application form has been completed and filed.

(2) The fee, including a fifty (50) percent late fee has been paid.

(3) The applicant has not been denied an application for temporary expansion of premises by the city council since any temporary expansion granted within the previous eighteen (18) months.

(4) The premises have not been designated by resolution of the city council pursuant to subsection 362.36(c) as requiring city council approval for a temporary expansion of premises.

(c) The city council may by resolution establish a list of premises for which a temporary expansion of premises must be approved by the city council and for which the ~~director~~ licensing official may not issue a permit for a temporary expansion under subsection 362.36(b).

Section 3. That Section 362.37 of the above-entitled ordinance be amended to read as follows:

362.37. Target Center liquor licenses. (a) *Definitions.* As used in this chapter, the following terms shall mean:

Miniature bottle. A bottle containing fifty (50) milliliters or less of intoxicating or non-intoxicating liquor.

Target Center. The Target Center sports arena located at 600 First Avenue North and all expansions and additions thereto.

(b) *Licenses authorized.*

(1) The city council may issue one or more on-sale or combination on-sale and off-sale intoxicating liquor licenses to the owner of the Target Center, or to an entity holding a concessions contract with the owner for use on the premises of the Target Center.

(2) Each license shall authorize sales on all days of the week to holders of tickets for events at the Target Center and to the owners of the Target Center and the owners' guests.

(3) Licenses issued pursuant to this chapter may be issued for space that is not compact and contiguous, provided that all such space is within the Target Center building and is included in the description of the licensed premises on the approved license application. Provided further that all food and beverage facilities covered by one license shall be operated by a single person, firm, or corporation.

(c) *Restrictions.*

(1) No intoxicating liquor shall be dispensed at any event held under the auspices of the Minnesota State High School League. No intoxicating liquor shall be dispensed at any other amateur athletic event without the prior approval of the director of licenses and consumer services.

(2) The licensee shall submit at least twenty-one (21) days in advance to the director of licenses and consumer services a monthly list of concerts, amateur athletic events and other special events at which the licensee intends to sell or serve alcoholic beverages on the arena floor or general seating areas. Upon request of the ~~director~~ licensing official, the licensee shall provide a report of any special measures which will be implemented, generally or for a particular event, to control or restrict the consumption of alcoholic beverages.

(d) *Special provisions.*

(1) A person licensed to make off-sales within the Target Center building may deliver alcoholic beverages to rooms and suites within the Target Center building (1) between midnight and 8 a.m. on Monday through Thursday, and (2) between midnight and 8 a.m. and between 10 p.m. and midnight on Friday through Sunday. No such delivery may be made to a room or suite within the building when an event utilizing the room or suite is in progress.

(2) A licensee may dispense intoxicating liquor in miniature bottles if the intoxicating liquor is poured from the miniature bottles, mixed into another beverage, and dispensed on the premises by employees of the licensee.

(e) *License fees.* The city council shall set the fees for the license or licenses in the Target Center at that amount which would be charged if separate licenses were required for each compact and contiguous area and for the operation of an off-sale liquor facility.

Section 4. That Section 362.60 of the above-entitled ordinance be amended to read as follows:

362.60. Payment and receipt for fee; refunds. (a) The applicant shall, on or before filing of an application, pay to the ~~department of licenses and consumer services~~ licensing official the fees required under section 362.50, as established in Appendix J, License Fee Schedule, and the ~~department~~ licensing official shall give to such applicant a receipt in duplicate, a copy of which receipt shall be filed with such application.

(b) If any application for a new "on sale" or "off sale" license or for a renewal of an "on sale" or "off sale" license is denied or withdrawn, the fee paid under section 362.50(a) shall be retained according to the sum specified in Appendix J, License Fee Schedule. If any application for a special license permitting the sale of intoxicating liquor on Sunday is denied or withdrawn, the sum established in Appendix J, License Fee Schedule shall be retained, and any sum over the amount specified in Appendix J, License Fee Schedule may be refunded.

Section 5. That Section 362.100 of the above-entitled ordinance be amended to read as follows:

362.100. Application procedure. Every application for a license to sell liquor, including applications for renewal of existing licenses or for recording changes in the ownership or management of establishments having existing licenses, or for an expansion of licensed premises, shall be made only upon forms furnished by the ~~department of licenses and consumer services~~ licensing official and when completed by the applicant, shall be filed with ~~said department~~ the licensing official, and a record of the same made therein. The application shall then be referred by ~~said department~~ the licensing official to the license inspector of the police department, who, upon having completed investigation thereof, shall direct the same to the ~~department of licenses and consumer services~~ licensing official.

Section 6. That Section 362.150 of the above-entitled ordinance be amended to read as follows:

362.150. Insurance required. At the time of filing any application for any type of liquor license, the applicant shall file with the city, through the ~~department of licenses and consumer services~~ licensing official, a liability insurance policy, or other evidence of financial responsibility, which fully satisfies all of the requirements of Minnesota Statutes, Section 340A.409. Such insurance shall be provided by an insurer authorized to do business in the State of Minnesota.

Section 7. That Section 362.260 of the above-entitled ordinance be amended to read as follows:

362.260. Investigation. The police license inspector shall investigate into the truthfulness of the statements set forth in the application, and into any other matters he or she considers relevant to the application, and shall endorse his or her findings thereon. The applicant shall furnish to the police license inspector such evidence as he or she may reasonably require in support of the statements set forth in the application. Upon completing his or her report, the police license inspector shall return the application to the ~~office of the department of licenses and consumer services~~ licensing official. The applicant shall file such security as may be required by law with the ~~office of the department of licenses and consumer services~~ licensing official, which security shall be approved as to form and execution by the city attorney.

Section 8. That Section 362.290 of the above-entitled ordinance be amended to read as follows:

362.290. Hearings on applications. If the application shall be for a new license under this chapter, including an application for a new Class A through Class D liquor license for premises which have not previously been licensed for music, dancing or live entertainment, such application shall be referred to the appropriate committee of the city council. The ~~department of licenses and consumer services~~ licensing official shall notify by mail all residents, to the extent such notice is feasible, and property owners within six hundred (600) feet of the main entrance of the proposed establishment, except that where the application is for a license within a B4 zoned district or in the downtown or East Bank commercial districts described in section 362.430, the ~~department~~ licensing official shall only be required to notify all residents and property owners within three hundred (300) feet of the main entrance of the proposed establishment. Said notice shall go to the owners of record in the office of the county auditor of

the time and place at which such application shall be considered by the appropriate committee of the city council. The ~~director~~ licensing official shall also notify the appropriate neighborhood group(s) and business association(s) of the time and place of the hearing. The ~~director of the licenses and consumer services department~~ licensing official shall assess and the applicant shall remit to the Minneapolis Finance Department prior to public notification, all specific expenses incurred by the city, including those from identification of the property residents and owners, production of the notice, interdepartmental processing fees, and postage costs. The first hearing on said application shall be held at the time and place regularly fixed for the meeting of the committee.

After the first hearing on any application for a new license or for a new Class A through Class D license where any of the area within three hundred (300) feet is within a residentially zoned district, the council member of the ward where the proposed premises would be located may hold a meeting on the application during evening hours at a location in the approximate vicinity of the premises proposed to be licensed. If that council member holds such a meeting, he or she shall notify the appropriate committee of the city council of the time and place of the meeting and that committee shall not act on the application until after that meeting, if that meeting is held within forty-five (45) days after the first hearing on the application. If the council member of the ward where the proposed premises would be located does not hold such a meeting within forty-five (45) days after the first hearing on the application, the committee or two (2) of its members or its staff shall hold a meeting on the application during evening hours at a location in the approximate vicinity of the premises proposed to be licensed. The chair of said committee shall notify the council member of the ward affected by the application of the time and place when the committee will consider the application, and the application shall not be disposed of by the committee until after such meeting if the application is for a new license or a new Class A through Class D license and until after the application shall have been brought before and considered by the committee at two (2) regular meetings thereof.

The final action of the committee upon any application referred to in this chapter shall be reported to the city council and by it considered and acted upon according to law.

Section 9. That Section 362.300 of the above-entitled ordinance be amended to read as follows:

362.300. Renewal procedure. If the application shall be for the renewal of an existing license, the ~~director of licenses and consumer services~~ licensing official shall immediately transmit the same to the appropriate committee of the city council, whereupon the application may be summarily acted upon by said committee and referred to the city council for immediate action.

Section 10. That Section 362.310 of the above-entitled ordinance be amended to read as follows:

362.310. Affidavit regarding employee benefits. No application to record change in the owners, officers, directors or shareholders of a licensed business shall be granted unless there has been submitted in support of the application an affidavit of the original licensee that the following acts, verifiable by the ~~director of licenses and consumer services~~ licensing official, have been performed:

(a) That original licensee has posted notice in a conspicuous place or places on the licensed premises notifying all employees of the time, place and date of hearing on the application;

(b) That said notice was so posted continuously for a period of at least fourteen (14) days prior to the date of said hearing;

(c) That he or she has paid all wages due and owing to all employees or that a valid agreement adequately described therein has been reached with regard to payment of such wages;

(d) That he or she has made payment to all employees in satisfaction and in lieu of vacation or holiday time earned by all employees or that a valid agreement adequately described therein has been reached with regard to such vacation or holiday time earned;

(e) That he or she has satisfactorily and completely complied with all obligations pertaining to employer contributions to employee benefit programs, including but not limited to pension plans, hospital, medical life insurance and profit-sharing programs.

Section 11. That Section 362.390 of the above-entitled ordinance be amended to read as follows:

362.390. "On sale" licenses outside former patrol limits. (a) "On sale" licenses shall be issued for any premises outside the liquor patrol limits existing on January 1, 1975, only to restaurants, hotels, and clubs which qualify under the definitions for such establishments contained in section 360.10 of this Code of Ordinances, and which comply with Minneapolis City Charter, Chapter 4, Section 5 (first) and the additional restaurant requirements in subsection (b).

(b) As used in this section, "restaurant" shall mean an establishment:

(1) Which is under the control of a single proprietor or manager.

(2) Which has suitable kitchen facilities including a stove, refrigerator, work table, dishwashing and utensil-washing sink with sanitizing heater.

(3) Which has facilities for seating not fewer than fifty (50) guests at one time at tables.

(4) Which employs an adequate staff to provide the usual and suitable table service to its guests.

(5) Where, in consideration of payment of money, meals are regularly served at tables to the general public.

(6) Where the meal service consists of no less than four (4) entrees, complete with vegetable, salad, bread or rolls, or sandwiches or other principal food items as approved by the ~~director of licenses and consumer services~~ licensing official, and a choice of non-alcoholic beverages. Prepackaged complete meals shall not be included in the enumerated main entrees.

(7) Where such meal service is provided through the normal operating hours.

(8) In which the equipment and premises meet the provisions of all food and health codes.

(c) The business records of the licensee, including federal and state tax returns, shall be available for inspection by duly authorized representatives of the city or of the city council, at all reasonable times.

Section 12. That Section 362.460 of the above-entitled ordinance be amended to read as follows:

362.460. Issuance and posting of license. Upon the granting by the city council of the application, a license shall be issued by the ~~department of licenses and consumer services~~ licensing official containing the name and address of the licensee and a description of the premises for which such license is granted, which license shall be signed by the ~~director of licenses and consumer services~~ licensing official and shall have attached thereto the seal of the city, and the same shall be kept posted at all times in a conspicuous place in the premises for which license is issued.

Section 13. That Section 362.470 of the above-entitled ordinance be amended to read as follows:

362.470. Death of licensee. The duly appointed, qualified and acting personal representative of the estate of a deceased licensee may operate under any license issued to the deceased licensee, for not more than ninety (90) days after the death of such licensee, upon the filing by said personal representative with the ~~department of licenses and consumer services~~ licensing official of a certified copy of his or her appointment as such. The qualifications of an applicant for an original license under this chapter shall also apply to such personal representative, except insofar as such qualifications shall also be required by any other law.

Section 14. That Section 362.475 of the above-entitled ordinance be amended to read as follows:

362.475. Bankruptcy. The duly appointed, qualified and acting trustee of the assets of a bankrupt licensee may operate under any license issued to the bankrupt licensee, and under any renewal thereof issued to such trustee, upon filing by said trustee with the ~~department of licenses and consumer services~~ licensing official of a certified copy of his or her appointment as such. The trustee shall be granted only one renewal of said license, except that for good cause shown, the city council may grant further renewals. The qualifications of an applicant for an original license under this chapter shall also apply to such trustee, except insofar as such qualifications shall also be required by any other law.

Section 15. That Section 362.490 of the above-entitled ordinance be amended to read as follows:

362.490. Premises to be open to inspection. The premises named in any license shall at all times while open to the public be open also to inspection and examination by the

licensing official or any police, fire, regulatory code official or inspector, or health officer of the city.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-220 amending Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Wine Licenses, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-220
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Wine Licenses.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 363.35 of the above-entitled ordinance be amended to read as follows:

363.35. Licensed premises. A license to sell wine limits sales of wine to the premises designated in the license application. Prior to the sale of wine by a licensee in expanded or diminished premises, an application to expand or diminish the licensed premises shall be submitted to the ~~department of licenses and consumer services~~ licensing official. Permission to expand a licensed premises may allow, in the expanded area, those activities and privileges of a class lesser than or equal to the class of license held for the main premises. The license fee shall be the fee prescribed for the highest class of license held by the premises, and shall not be prorated.

Section 2. That Section 363.41 of the above-entitled ordinance be amended to read as follows:

363.41. Temporary on-sale wine license. (a) A club or charitable, religious or other nonprofit corporation in existence for at least three (3) years or a political committee registered under Minnesota Statutes, Section 10A.14, may obtain an "on-sale" license to sell wine for consumption on premises specified in the license, including school buildings and school grounds. The license may also include the sale of intoxicating malt beverages or 3.2% malt beverages.

(b) Application for temporary on-sale wine license shall be made on forms provided by the director and shall contain the following:

(1) The name, address and purpose of the organization, together with the names and addresses of its officers and evidence of nonprofit status or of its status as a club under section 362.35(a) above.

(2) The purpose for which the temporary on-sale wine license is sought, together with the place, dates and hours during which wine is to be sold.

(3) Consent of the owner or manager of the premises, or a person or group with lawful responsibility for the premises.

(4) A specific description of the area in which alcoholic beverages are to be dispensed and consumed which area shall be compact and contiguous in accordance with section 360.15

(5) Such other information as the director may deem necessary.

(c) A temporary on-sale wine license may be issued subject to the following conditions:

(1) Such license shall be issued for a period not to exceed six (6) consecutive days.

(2) No individual organization shall be granted more than three (3) four-day, four (4) three-day, six (6) two-day or twelve (12) one-day, licenses, in any combination not to exceed twelve (12) days per calendar year.

(3) The overall purpose of the license shall be to enhance the stated purpose of the applicant organization and no private organizer or promoter shall derive excessive profits from the event. The ~~director~~ licensing official may require presentment of the temporary licensee's and full year on-sale licensee's books of account and contracts entered into for purposes of the event to aid in the determination of compliance with this section.

(4) No such license shall be issued for the sale of wine on school grounds or in school buildings or within three hundred (300) feet thereof when regularly scheduled classes are being held in the school.

(5) No more than twelve (12) licenses shall be granted in any one (1) calendar year at any location.

(6) The licensee must contract for wine services with the holder of a full-year on-sale intoxicating liquor or on-sale wine license issued by the City of Minneapolis whose employees have received training within the twelve (12) month period preceding the event under an approved alcohol server awareness program and who provides evidence of liquor liability insurance covering the event.

(d) The fee for a temporary wine license shall be as established in Appendix J, License Fee Schedule.

(e) Entertainment. A temporary on-sale wine licensee may present entertainment as set forth in section 362.30(b) through (f) for an additional fee of as established in Appendix J, License Fee Schedule.

(f) The city council may deny, revoke, suspend a license for any of the following reasons:

(1) The existence of temporary wine disturbs the peace, quiet or repose of surrounding residential or commercial areas.

(2) The existence of temporary wine contributes to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the establishment.

(3) Any violation of the laws relating to the sale or service of alcoholic beverages.

(4) Licensee's refusal to supply books of account and contracts pertaining to the event as set forth in section 362.35(c)(3).

(5) Any violation of the terms of this section.

(6) Any other good cause related to the operation of the establishment.

(g) Licenses issued under this section are subject to all laws and ordinances governing the sale of intoxicating liquor except those laws and ordinances which by their nature are not applicable.

(h) ~~Director of licenses and consumer services~~ Licensing official to grant temporary on-sale wine license in certain instances. When an application for a license for temporary on-sale wine has been filed too late to be considered on the regular agendas of ~~the public safety and regulatory services committee and~~ the city council or the appropriate committee of the council prior to the scheduled date of the event, the ~~director of licenses and consumer services~~ licensing official may issue the license if the application is filed and complete, the fee including a fifty (50) percent late fee has been paid, and the required conditions listed above have been met. The ~~director~~ licensing official may also deny, suspend or revoke those licenses which he or she has issued based on the reasons listed above for which the city council may deny, suspend or revoke such licenses. The issuance of a temporary on-sale wine license is subject to compliance with all applicable health and safety laws. Concurrence with the issuance of the temporary on-sale wine license shall be obtained from the chair of the ~~public safety and regulatory services committee~~ appropriate committee of the city council and the council member representing the affected ward prior to the issuance of the license.

Section 3. That Section 363.42 of the above-entitled ordinance be amended to read as follows:

363.42. Wine license issued pursuant to Charter Amendment Number 144. Restaurants located in certain zoning districts may obtain and on-sale wine license notwithstanding the seven (7) acre commercial zoning requirement of Chapter 4, Section 5 of the Minneapolis Charter, subject to the following provisions:

(a) *Definitions.* As used in this section, unless some other meaning is clearly required by the context, the following words and phrases shall mean:

Restaurant: An establishment, under the control of a single proprietor or manger, having appropriate facilities for the preparation and serving of a variety of at least four complete meals, having not fewer than twenty-five (25) seats at tables and the

application is for a Class C-2, Class E or Class D wine license, and where, in consideration of payment therefore, meals are regularly served at tables to the general public, and which employs an adequate staff to provide the usual and suitable service to its guests, and which has gross sales revenue during each fiscal year from the sale of food and beverages not containing alcohol in an amount of not less than seventy (70) percent of its total gross revenue from the sale of food and beverages.

Bar or bar area: Structures, furniture other than freestanding tables and booths, or waiting areas, where consumption of alcoholic beverages is the primary activity.

Meal: A variety and combination of food items which may contain entrees, sandwiches, combination salads, pizza, soup, breads, vegetables or fruits, contained in a menu as approved by the ~~director~~ licensing official.

(b) *Wine, intoxicating malt liquor, or 3.2 percent malt liquor.* May only be served to patrons seated for regular dining that have ordered or have been served a meal.

(c) Establishments licensed under this section may not have a bar or bar area. Counter area existing as of the effective date of this section equipped for the service of food and drink to patrons in full view of and conducted as part of the service of the dining room shall not be considered a bar or bar area.

(d) *Hours of operation:* Establishments licensed under this section shall not exceed the lawful hours of operation established in chapter 363.40 (a) of this Code. The city council may require establishments licensed under this section to further reduce their hours of operation upon consideration of, but not limited to, one (1) or more of the following factors:

(1) Proximity to permitted or conditional residential uses.

(2) Nature of the business and its impact of noise, light, and traffic.

(3) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area, and specific development standards.

(4) History of complaints related to the use.

(e) Full menu service shall remain available during all of the establishments hours of operation.

(f) *Percentage of food sold.*

(1) Establishments licensed under this section shall provide an accounting of the actual percentage of gross receipts attributable to the sale of food and non-alcoholic beverages during the immediately preceding calendar year. This requirement shall be established by an affidavit of the licensee on a form provided by the ~~director~~ licensing official. Such affidavit shall be submitted with each application for issuance of renewal of the license, or at other times as the ~~director~~ licensing official may request. Such statements shall be subject to verification by the city and the license applicant shall make such records available as may be necessary to verify such statements. The applicant shall

upon request furnish the city certified copies of any state sales tax returns covering the sale of food and beverages. The ~~director~~ licensing official, and any time and from time to time, may require that such accounting be verified and confirmed by an independent and licensed certified public accountant who is a member of the Minnesota Society of Certified Public Accountants. Failure or refusal of a licensee to provide such accountings upon request, or any false statements in any such accounting, shall be grounds for denial, suspension or revocation of all licenses held by such licensee for the on-sale of wine.

(2) In the event the city disputes the license applicant's statements, the matter shall be submitted to a neutral certified public accountant agreed upon by the city and the applicant. The certified public accountant shall make a determination based on accepted accounting principles, which shall be binding on both parties. The license applicant shall post a bond or cash in an amount that the city believes reasonably necessary to pay the cost of the audit.

(g) *Posting of license and outdoor seating plan.* Each licensee under this section shall conspicuously post the license certificate that shall list the authorized number of both indoor and outdoor seats. The licensee shall also post the approved outdoor seating plan immediately adjacent to the license certificate.

(h) All other provisions of this Title 14 shall apply unless by their nature are not applicable.

(i) This section 363.42 shall not apply to establishments in the Linden Hills neighborhood, until adoption of the Linden Hills Zoning Code Overlay. The Linden Hills neighborhood is defined as the area bounded by 36th Street and Lake Calhoun Parkway to the north, William Berry Parkway and Lake Harriet to the east, 47th Street and Fulton neighborhood to the south, and France Avenue and the cities of Edina and St. Louis Park to the west.

Section 4. That Section 363.60 of the above-entitled ordinance be amended to read as follows:

363.60. Payment and receipt for fee. (a) The applicant shall, on or before the filing of an application, pay to the ~~department of licenses and consumer services~~ licensing official the fee required by section 363.50, and the ~~department~~ licensing official shall give to such applicant a receipt in duplicate, a copy of which receipt shall be filed with such application.

(b) If any application for a license or for a transfer of a license is denied by the city council or withdrawn by the applicant, the fee paid under section 363.50(a) shall be refunded to the applicant.

Section 5. That Section 363.100 of the above-entitled ordinance be amended to read as follows:

363.100. Application procedure. (a) Every application for an "on sale" wine license, including applications for renewal of existing licenses and change of ownership of existing licenses, and applications for expanded or diminished licensed premises, shall be made only upon forms furnished by the ~~department of licenses and consumer services~~ licensing official, and when completed by the applicant, shall be filed ~~with the said department,~~ and a record of the same made therein. The application shall then be referred ~~by said department~~ to the license

inspector of the police department, who, upon having completed investigation thereof, shall direct the same to the ~~department of licenses and consumer services~~ licensing official.

(b) Any person desiring renewal of an "on sale" wine license shall make and file on or before sixty (60) days prior to the expiration of the license year a verified written application to the city council, through the ~~department of licenses and consumer services~~ licensing official in form as prescribed by the liquor control commission. If, in the judgment of the council, good and sufficient cause is shown by an applicant for failure to file the application for a license on or before sixty (60) days prior to the expiration of the license year, the council may, if the other provisions of this chapter are complied with, grant such application.

Section 6. That Section 363.150 of the above-entitled ordinance be amended to read as follows:

363.150. Insurance required. At the time of filing any application for a wine license, the applicant shall file with the city, through the ~~department of licenses and consumer services~~ licensing official, a liability insurance policy, or other evidence of financial responsibility, which fully satisfies the requirements of Minnesota Statutes, Section 340A.409, unless the applicant establishes by affidavit that it meets one of the exceptions provided in Minnesota Statutes, Section 340A.409, Subdivision 4. Such insurance, when required, shall be provided by an insurer authorized to do business in the State of Minnesota.

Section 7. That Section 363.260 of the above-entitled ordinance be amended to read as follows:

363.260. Investigation. The police license inspector shall investigate into the truthfulness of the statements set forth in the application, and into any other matters he or she considers relevant to the application, and shall endorse his or her findings thereon. The applicant shall furnish to the police license inspector such evidence as he or she may reasonably require in support of the statements set forth in the application. Upon completing his or her report, the police license inspector shall return the application to the ~~office of the department of licenses and consumer services~~ licensing official. The applicant shall file such security as may be required by law with the ~~office of the department of licenses and consumer services~~ licensing official, which security shall be approved as to form and execution by the city attorney.

Section 8. That Section 363.290 of the above-entitled ordinance be amended to read as follows:

363.290. Hearings on applications. If the application shall be for a new license, under this chapter, including an application for a new Class A through Class D license for premises which have not previously been licensed for music, dancing or live entertainment, such application shall be referred to the appropriate committee of the city council. The ~~department of licenses and consumer services~~ licensing official shall notify by mail all residents, to the extent such notice is feasible, and property owners within six hundred (600) feet of the main entrance of the proposed establishment, except that where the application is for a license within a B-4 zoned district, or in the downtown or east bank commercial districts described in section 362.430, the department shall only be required to notify all residents and property owners within three hundred (300) feet of the main entrance of the proposed establishment, said notice going to the owners of record in the office of the county auditor, of the time and place at which such application shall be considered by the appropriate committee of the city council. The ~~director~~

licensing official shall also notify the appropriate neighborhood group(s) and business association(s) of the time and place of the hearing. The ~~director of the licenses and consumer services department~~ licensing official shall assess, and the applicant shall remit to the Minneapolis Finance Department prior to public notification, all specific expenses incurred by the city, including those from identification of the property residents and owners, production of the notice, interdepartmental processing fees, and postage costs. The chair of said committee shall notify the council member of the ward affected by the application of the time and place when the committee will consider the application and the application shall not be disposed of by the committee until the same shall have been considered by the committee at two (2) regular meetings thereof. The final action of the committee upon any application referred to in this chapter shall be reported to the city council and by it considered and acted upon according to law.

Section 9. That Section 363.300 of the above-entitled ordinance be amended to read as follows:

363.300. Renewal procedure. If the application shall be for the renewal of an existing license, the ~~director of licenses and consumer services~~ licensing official shall immediately transmit the same to the appropriate committee of the city council, whereupon the application may be summarily acted upon by said committee and referred to the city council for immediate action.

Section 10. That Section 363.360 of the above-entitled ordinance be amended to read as follows:

363.360. ~~Conviction: Suspension or revocation.~~ ~~Upon conviction of the licensee, or of any agent or employee of said licensee, for violation of any of the provisions of law relating to the sale, possession, manufacture or transportation of wine or beer upon the premises of the licensee operated under said license, all licenses of the licensee shall be forthwith revoked, unless it shall appear that such violation was not willful on the part of the licensee, in which case, and in lieu of such revocation, such licenses may be suspended for a period of ten (10) days for the first violation or offense, for a period of thirty (30) days for the second violation or offense, and for the third violation or offense said licenses shall be revoked forthwith, which suspension or revocation shall be in addition to other penalties provided by this Code.~~ **Suspension, revocation and other adverse license action.** Upon a finding by the city council that the licensee, or any agent or employee of said licensee, has failed to comply with any of the provisions of law relating to the sale, purchase, distribution, possession, manufacture or transportation of wine or beer upon the premises of the licensee operated under said license, all licenses of the licensee shall be subject to adverse action pursuant to Minn. Statute Section 340A.415 and as otherwise provided by this Code.

Section 11. That Section 363.410 of the above-entitled ordinance be amended to read as follows:

363.410. Issuance and posting of license. Upon the approval by the city council of the application, and approval by the liquor control commissioner, a license shall be issued by the ~~office of the department of licenses and consumer services~~ licensing official containing the name and address of the license and a description of the premises for which such license is granted, which license shall be signed by the ~~director of licenses and consumer services~~

licensing official, and the same shall be kept posted at all times in a conspicuous place in the premises for which license is issued.

Section 12. That Section 363.420 of the above-entitled ordinance be amended to read as follows:

363.420. Death of licensee. The duly appointed, qualified and acting personal representative of the estate of a deceased licensee may operate under any license issued to the deceased licensee, for not more than ninety (90) days after the death of such licensee, upon the filing by said personal representative with the ~~office of the department of licenses and consumer services~~ licensing official of a certified copy of his or her appointment as such. The qualifications of an applicant for an original license under this chapter shall also apply to such personal representative, except insofar as such qualifications shall also be required by any other law.

Section 13. That Section 363.425 of the above-entitled ordinance be amended to read as follows:

363.425. Military service of licensee. Any person licensed to sell wine who shall enter any of the services of the Armed Forces of the United States may continue as holder of such license, and may have the same renewed in his or her name, together with any food license held in connection with the conduct of the business, by giving to a person selected by him or her a power of attorney to manage and conduct the business while said licensee is in the armed forces, and to apply for renewals of all such licenses for and on behalf of such licensee. Such power of attorney shall state that such licensee has entered the Armed Forces of the United States and shall designate the particular branch thereof. In addition to the authority and power to manage and conduct the business, such power of attorney, if the licensee shall so desire, may also provide for the authority to sell and dispose of such business. Any application for the renewal of any such license shall be made by the person holding such power of attorney for and on behalf of the licensee, but all information required in the license application shall pertain to the person so appointed to manage and conduct the business of the licensee, and no person not qualified under this chapter to hold or obtain such license in his or her own name, shall be authorized to conduct or manage such business under said power of attorney, nor shall the application of any such person be accepted. Furthermore, the provisions of this chapter shall not apply unless the person appointed power of attorney shall notify the ~~department of licenses and consumer services~~ licensing official within thirty (30) days of the time the licensee entered the armed forces.

Section 14. That Section 363.440 of the above-entitled ordinance be amended to read as follows:

363.440. Premises to be open to inspection. The premises named in any license shall at all times while open to the public be open also to inspection and examination by the licensing official or any police, fire, regulatory code official or inspector, or health officer of the city.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-221 amending Title 14, Chapter 366 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Beer Licenses, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-221
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 14, Chapter 366 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Beer Licenses.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 366.40 of the above-entitled ordinance be amended to read as follows:

366.40. Temporary "on sale" beer license. (a) A club or charitable, religious or nonprofit organization not included within the term "bona fide" club as defined in section 360.10 may obtain a temporary "on sale" license to sell beer on premises specified in the license, including school buildings and school grounds. The fee for such license shall be as established in Appendix J, License Fee Schedule.

(b) Application for a temporary "on sale" beer license shall be made in conformance with the provisions of section 366.110(a).

(c) The application for such temporary "on sale" beer license shall contain the following:

(1) The name and address of the organization.

(2) The purpose for which the organization is organized.

(3) The purpose for which the temporary "on sale" beer license is desired.

(4) The address of the place where beer is to be sold.

(5) The dates and hours at which beer is to be sold.

(d) A temporary "on sale" beer license shall be issued subject to the following conditions:

(1) Such license shall be issued for a period not to exceed ten (10) days.

(2) No individual organization shall be granted such license more than four (4) times per calendar year.

(3) No such license shall be issued for the sale of beer on school grounds or in school buildings or within three hundred (300) feet thereof when regularly scheduled classes are being held in such school.

(4) No such license shall be issued for the sale of beer within three hundred (300) feet of any church on any day upon which regularly scheduled church activities are conducted in such church; provided, however, that this restriction shall not apply if the authorized representative of such church consents in writing to the sale of beer under a temporary license at such times.

(5) The distances referred to in subsection (c) and (d) shall be calculated as provided in section 366.270.

(6) No more than twelve (12) licenses shall be granted in any one calendar year at any location, except for the Minneapolis Park and Recreation Board Parade Stadium.

(7) In the case of an event to be held upon publicly owned property, or where projected attendance is in excess of one thousand (1,000) persons; a certificate that there is in effect for the license period an insurance policy or pool providing at least fifty thousand dollars ($50,000.00) of coverage because of bodily injury to any one person in any one occurrence, three hundred thousand dollars ($300,000.00) because of bodily injury to two (2) or more persons in any one occurrence, ten thousand dollars ($10,000.00) because of injury to or destruction of property of others in any one occurrence, fifty thousand dollars ($50,000.00) for loss of means of support of any one person in any one occurrence, and three hundred thousand dollars ($300,000.00) for loss of means of support of two (2) or more persons in any one occurrence. An annual aggregate policy limit for dramshop liability of not less than three hundred thousand dollars ($300,000.00) per policy period may be included in the policy provisions. The policy shall cover all liability imposed by Section 340A.801, Minnesota Statutes. In the case of property owned or controlled by the City of Minneapolis, the city shall be named as an additional insured.

(e) ~~Director of licenses and consumer services~~ Licensing official to grant temporary on-sale beer license in certain instances. When an application for a license for temporary on-sale beer has been filed too late to be considered on the regular agendas of the ~~public safety and regulatory services committee and the~~ city council or the appropriate committee of the council prior to the scheduled date of the event, the ~~director of licenses and consumer services~~ licensing official may issue the license if the application is filed and complete, the fee including a fifty (50) percent late fee has been paid, and the required conditions listed above have been met. The ~~director~~ licensing official may also deny, suspend or revoke those licenses which he or she has issued based on the reasons listed above for which the city council may deny, suspend or revoke such licenses. The issuance of a temporary on-sale beer license is subject to compliance with all applicable health and safety laws. Concurrence with the issuance of the temporary on-sale beer license shall be obtained from the chair of the ~~public safety and regulatory services committee~~ appropriate committee of the city council and the council member representing the affected ward prior to the issuance of the license.

Section 2. That Section 366.70 of the above-entitled ordinance be amended to read as follows:

366.70. Payment and receipt for fee. (a) The applicant shall, on or before the filing of such application, pay to the ~~department of licenses and consumer services~~ licensing official the license fee required for the kind of license applied for, and the ~~department~~ licensing official shall

give to such applicant a report in duplicate, a copy of which receipt shall be filed with such application.

(b) Notwithstanding the provisions of any other ordinance, if an application for an "on sale" license is denied by the city council or withdrawn by the applicant, the amount as established in Appendix J, License Fee Schedule, shall be retained from any money deposited by the applicant, to defray the costs of the city in processing and investigating the application and any sum over the amount established in Appendix J may be refunded to the applicant.

Section 3. That Section 366.110 of the above-entitled ordinance be amended to read as follows:

366.110. Application forms and procedures. Every application for a license to sell beer, including applications for changes in ownership or expansion of premises, shall be made only upon forms furnished by the ~~department of licenses and consumer services~~ licensing official and, when completed by the applicant, shall be filed ~~by the same department~~ and a record of the same made therein. An application for a change in ownership or expansion of an "on sale" premises shall be accompanied by a nonrefundable investigation fee as established in Appendix J, License Fee Schedule. A licensee holding an "off sale" beer license shall not be required to make application for an expansion of premises. Notwithstanding the above-stated requirements, a licensee which is a publicly held corporation or a wholly owned subsidiary of a publicly held corporation need not file an application nor pay an investigation fee for changes in shareholders of the publicly held corporations nor changes in officers of either the publicly held corporation or the wholly owned subsidiary. An application and investigation fee must be submitted for changes in shareholders of the wholly owned subsidiary corporation and/or changes in managers. An application and investigation fee must be submitted for a change in manager when the licensee is a nonresident individual.

The application for an "on sale" beer license shall then be referred ~~by the department of licenses and consumer services~~ to the license inspector of the police department, who upon having completed investigation thereof, shall direct the same to the ~~department of licenses and consumer services~~ licensing official. The application for a new "off sale" beer license or for the renewal of an "off sale" beer license shall be recorded and investigated by the ~~department of licenses and consumer services~~ licensing official.

Section 4. That Section 366.150 of the above-entitled ordinance be amended to read as follows:

366.150. Investigation of application. The police license inspector shall investigate into the truthfulness of the statements set forth in all "on sale" beer applications, and into any other matters he or she considers relevant to the application, and shall endorse the findings thereof. All "off sale" beer applications shall be investigated by the ~~department of licenses and consumer services~~ licensing official. The applicant shall furnish to the proper investigator such evidence as the investigator may reasonably require in support of the statements set forth in said application. Upon completion of the report, the application shall be filed with the ~~department of licenses and consumer services~~ licensing official.

Section 5. That Section 366.180 of the above-entitled ordinance be amended to read as follows:

366.180. Hearings on applications. If the application shall be for a new "on sale" license, under this chapter, including a new Class A through Class D license for premises which have not previously been licensed for music, dancing or live entertainment, such application be referred to the appropriate committee of the city council. The ~~department of licenses and consumer services~~ licensing official shall notify by mail all residents, to the extent such notice is feasible, and property owners within six hundred (600) feet of the main entrance of the proposed establishment, except that where the application is for a license within a B-4 zoned district, or in the downtown or east bank commercial districts described in section 362.430, the ~~department~~ licensing official shall only be required to notify all residents and property owners within three hundred (300) feet of the main entrance of the proposed establishment, said notice going to the owners of record in the office of the county auditor of the time and place at which such application shall be considered by committee. The ~~director~~ licensing official shall also notify the appropriate neighborhood group(s) and business association(s) of the time and place of the hearing. The ~~director of the licenses and consumer services department~~ licensing official shall assess and the applicant shall remit to the Minneapolis Finance Department prior to public notification, all specific expenses incurred by the city, including those from identification of the property residents and owners, production of the notice, interdepartmental processing fees, and postage costs. The first hearing on said application shall be held at the time and place regularly fixed for the meeting of the committee, but succeeding hearings may be had at any special or regular meeting thereof. The chair of the committee shall cause the council member of the ward affected by said application to be notified of the time and place when the committee will consider said application, and such application shall not be disposed of by the committee until the same shall have been brought before and considered by the committee at two (2) regular meetings thereof. The final action of the committee upon any application referred to in this chapter shall be reported to the city council and by it considered and acted upon according to law.

Section 6. That Section 366.190 of the above-entitled ordinance be amended to read as follows:

366.190. Action on "off sale" applications. If the application shall be one for "off sale" beer license, such application, upon being investigated by the ~~department of licenses and consumer services~~ licensing official, shall be presented ~~by that department~~ to the appropriate committee at its next regular meeting.

Section 7. That Section 366.200 of the above-entitled ordinance be amended to read as follows:

366.200. Renewal procedure. If the application shall be for the renewal of an existing license, the ~~department of licenses and consumer services~~ licensing official shall immediately transmit the same to the appropriate committee of the city council, and the chair of said committee shall cause the council member of the ward wherein such business establishment is located to be notified and furnish him or her with an opportunity to be heard before said committee; whereupon the application may be summarily acted upon by the committee and referred to the city council for immediate action.

Section 8. That Section 366.250 of the above-entitled ordinance be amended to read as follows:

366.250. ~~Suspension or revocation on conviction.~~ ~~Upon conviction of the licensee, or of any agent or employee of said licensee, for violation of any of the provisions of law or of this Code relating to the sale, possession, manufacture or transportation of beer upon the licensed premises, all licenses of the licensee shall be forthwith revoked, unless it shall appear that such violation was not willful on the part of the licensee, in which case and in lieu of such revocation, such licenses may be suspended for a period of ten (10) days for the first violation or offense, for a period of thirty (30) days for the second violation or offense and for the third violation or offense, said licenses shall be revoked forthwith. This suspension or revocation shall be in addition to any other penalty provided.~~ **Suspension, revocation and other adverse license action.** Upon a finding by the city council that the licensee, or any agent or employee of said licensee, has failed to comply with any of the provisions of law relating to the sale, purchase, distribution, possession, manufacture or transportation of beer upon the premises of the licensee operated under said license, all licenses of the licensee shall be subject to adverse action pursuant to Minn. Statute Section 340A.415 and as otherwise provided by this Code.

Section 9. That Section 366.330 of the above-entitled ordinance be amended to read as follows:

366.330. Issuance and posting of license. Upon the granting by the city council of the application, a license shall be issued by the ~~department of licenses and consumer services~~ licensing official containing the name and address of the licensee and a description of the premises for which such license is granted, which license shall be signed by the ~~director of said department~~ licensing official and shall have attached thereto the seal of the city, and the same shall be kept posted at all times in a conspicuous place in the premises for which license is issued.

Section 10. That Section 366.340 of the above-entitled ordinance be amended to read as follows:

366.340. Death of licensee. The duly appointed, qualified and personal representative of the estate of a licensee may conduct the business authorized by any license issued under the terms of this chapter to the deceased licensee, for not more than ninety (90) days after the death of such licensee, upon filing by said personal representative with the ~~department of licenses and consumer services~~ licensing official, of a certified copy of his or her appointment as such. The qualifications of an applicant for an original license under this chapter shall also apply to such personal representative, except insofar as such qualifications shall also be required by any other law.

Section 11. That Section 366.350 of the above-entitled ordinance be amended to read as follows:

366.350. Military service of licensee. Any person licensed to sell beer who shall enter any of the services of the Armed Forces of the United States may continue as holder of such license, and may have the same renewed in his or her name, together with any food license held in connection with the conduct of the business, by giving to a person selected by him or her a power of attorney to manage and conduct the business while said licensee is in the armed forces and to apply for renewals of all such licenses for and on behalf of such licensee. Such power of attorney shall state that such licensee has entered the Armed Forces of the United

States, and shall designate the particular branch thereof. In addition to the authority and power to manage and conduct the business, such power of attorney, if the licensee shall so desire, may also provide for the authority to sell and dispose of such business. Any application for the renewal of any such license shall be made by the person holding such power of attorney, for and on behalf of the licensee but all information required in the license application shall pertain to the person so appointed to manage and conduct the business of the licensee, and no person not qualified under this chapter to hold or obtain such license in his or her own name, shall be authorized to conduct or manage such business under said power of attorney, nor shall the application of any such person be accepted. Furthermore, the provisions of this chapter shall not apply unless the person appointed power of attorney shall notify the ~~department of licenses and consumer services~~ licensing official within thirty (30) days of the time the licensee entered the Armed Forces.

Section 12. That Section 366.360 of the above-entitled ordinance be amended to read as follows:

366.360. Premises to be open to inspection. The premises named in any license shall at all times while open to the public be open also to inspection and examination by the licensing official or any police, fire, regulatory code official or inspector, or health officer of the city.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-222 amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-222
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 520.160 of the above-entitled ordinance be amended to read as follows:

520.160. Definitions. Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this zoning ordinance, have the meanings indicated. Additional definitions may be found within specific chapters of this zoning ordinance. All words and phrases not defined shall have their common meaning.

Affordable housing. Housing affordable to households whose income does not exceed fifty (50) percent of the metropolitan median household income, as determined by the U.S. Department of Housing and Urban Development. Housing must remain affordable continuously for a period of not less than fifteen (15) years to qualify as affordable housing.

Alley. A service roadway within a right-of-way providing a secondary means of motor vehicle access to abutting property and not intended for general traffic circulation.

Alternative financial establishment. A person, firm, association, corporation or partnership engaged in the business or service of check-cashing or making loans to be repaid in one (1) lump sum or in installments over a set period of time, either collateralized or not, for which there is a fee or service charge, or interest received, including but not limited to loans collateralized by personal check, payroll check, wage assignment or personal property title, or collateralized with the promise to relinquish possession of any personal property upon default. Alternative financial establishment includes but is not limited to consumer small loan lenders, currency exchanges, industrial loan and thrifts, and regulated loan companies, as defined and licensed by the Minnesota Department of Commerce. Alternative financial establishment does not include federal or state chartered banks, credit unions, or savings banks, nor does it include a person, firm, association, corporation or partnership that provides the service of cashing checks, drafts, money orders, or travelers' checks for a fee, incidental to the person's primary business and the charge for cashing a check or draft does not exceed one dollar ($1.00) or one (1) percent of the value of the check or draft, whichever is greater. An alternative financial establishment shall not include any use which could be defined as a pawnshop.

Ammunition. Cartridge cases, primers, bullets or propellant powder designed for use in any firearm.

Animal shelter. A facility that houses homeless, lost or abandoned animals or provides temporary boarding services for domestic animals.

Antique firearm. Any firearm (including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system) manufactured in or before 1898.

Antiques and collectibles store. An establishment where used property or cultural or collectible objects such as stamps, coins, sports memorabilia and art works are sold for collective purposes, where all or a substantial part of the value of the property is derived from its age, uniqueness or historical association.

Apiary. The assembly of one (1) or more colonies of honeybees at a single location.

Aquaculture. The cultivation, maintenance, and harvesting of aquatic species.

Aquaponics. The combination of aquaculture and hydroponics to grow food or ornamental crops and aquatic species together in a recirculating system without any discharge or exchange of water.

Arbor. A landscape structure consisting of an open frame with horizontal and/or vertical latticework often used as a support for climbing food or ornamental crops. An arbor may be freestanding or attached to another structure.

Assisted living. A facility licensed by the Minnesota Department of Health (DOH) where individualized home care aide services or home management services are provided to residents either by the management or by providers under contract with the management.

Automobile convenience facility. An establishment where the principal use is the sale of gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene, motor oil, lubricants, grease or minor accessories, directly to the public on the premises. In addition, household and convenience items, food or other miscellaneous retail goods commonly associated with the same also may be sold.

Automobile repair, major. An establishment engaged in performing repairs to, and the servicing of, passenger automobiles, where gasoline or other automobile engine fuel (store only in underground tanks), motor oil, lubricants, grease and minor accessories may be sold. Major repair may include all activities or repair or servicing of automobiles allowed in a minor automobile repair establishment, and rebuilding or reconditioning of passenger automobiles, body, frame or fender straightening, replacement or repair, painting or rust-proofing, or other similar repair or servicing of automobiles. Such work excludes commercial wrecking or dismantling, scrap/salvage yards, tire recapping and truck-tractor repair. In addition, household and convenience items, food or other miscellaneous retail goods commonly associated with the same also may be sold.

Automobile repair, minor. An establishment engaged in performing repairs to, and the servicing of, passenger automobiles, where gasoline or other automobile engine fuel (stored only in underground tanks), motor oil, lubricants, grease, and minor accessories may be sold. Minor repair may include muffler replacement, oil changing and lubrication, tire repair and replacement except tire recapping, wheel alignment, brake repair, suspension repair, engine repair and replacement, transmission repair and replacement, flushing of radiators, servicing of air conditioners, audio installation, detailing, and other activities of repair or servicing of automobiles, except rebuilding or reconditioning of passenger automobiles, body, frame or fender straightening, replacement or repair, painting or rustproofing. In addition, household and convenience items, food or other miscellaneous retail goods commonly associated with the same also may be sold.

Awning. A roof-like cover, often constructed of fabric, plastic, vinyl, metal or glass, designed and intended for protection from the elements or as a decorative embellishment, and which projects from a wall of a structure.

Bank or financial institution. A bank, trust company, bank and trust company, or savings bank organized under the laws of the State of Minnesota, or any national banking association or affiliate exercising trust powers in Minnesota. A bank or financial institution shall not include any use which could be defined as an alternative financial establishment.

Banner. A piece of fabric or similar lightweight material generally with no enclosing framework, which is designed either for decoration or to provide signage, and which may be mounted to a pole or building at one (1) or more edges.

Bay window. A projection from a building primarily constructed of windows that is one (1) or more feet above the adjacent grade.

Bed and breakfast home. An establishment in a private dwelling that provides temporary accommodations to overnight guests for compensation.

Birth center. A facility licensed by the Department of Health (DOH) for the primary purpose of performing low-risk deliveries that is not a clinic or hospital and where births are planned to occur away from a residence. Additional services provided may include prenatal care, parenting classes and postpartum care.

Block. A tract of land bounded by streets, or by a combination of streets, railroad rights-of-way, shorelines, waterways or boundary lines of the corporate limits of the city.

Block face. The half block area of property facing a street. Corner properties shall be considered part of two (2) block faces, one (1) for each of the two intersecting streets.

Board and care home. A facility licensed by the Minnesota Department of Health (DOH) where one (1) or more persons who are not capable of self-preservation receive personal or custodial care (assistance with bathing, dressing and supervision).

Board of adjustment. The board of adjustment of the City of Minneapolis.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

Building official. The individual designated by the director of the department of community planning and economic development to serve as the city's building official pursuant to Minnesota Statutes, Section 326B.133.

Bulk regulations. Standards and controls that establish the maximum size of structures and the buildable area within which structures may be located, including height, floor area ratio, gross floor area, lot coverage and yard requirements, but excluding residential density regulations.

Canopy. A structure, often constructed of fabric, plastic, vinyl, metal or glass, with supports attached to the ground, sheltering an area or forming a sheltered walk to the entrance of a building.

Canopy tree. A deciduous tree that commonly grows to a mature height of thirty-five (35) feet or greater.

Child care center. A facility, other than a family or group family day care home, in which a child care program is operated that is licensed by the Minnesota Department of Human Services (DHS), or that is excluded from licensure by Minnesota Statutes section 245A.03.

City. The City of Minneapolis.

City assessor. The City Assessor of the City of Minneapolis or his or her authorized representative.

City finance officer. The City Finance Officer of the City of Minneapolis or his or her authorized representative.

City council. The City Council of the City of Minneapolis.

City engineer. ~~The City Engineer of the City of Minneapolis or his or her authorized representative.~~ The director of the department of public works or their designee.

City planning commission. The City Planning Commission of the City of Minneapolis.

Clinic. An establishment where patients are admitted for medical or dental exams and treatment on an outpatient basis only. A use providing only counseling services shall not be considered a clinic.

Club or *lodge.* An establishment in which a limited group of people are organized to pursue common social or fraternal goals, interests or activities, and usually characterized by certain membership restrictions, payment of fees or dues, regular meetings and a constitution or bylaws.

Cluster development. A unified development of not less than three (3) dwelling units, either attached or detached, in which one or more principal buildings are grouped together in order to preserve common space for the benefit of the residents of the development. Cluster development allows flexibility in the location of residential structures and the size of individual lots in order to encourage a variety of housing types and the efficient use of land.

Coffee shop. An establishment engaged principally in the sale of coffee and other nonalcoholic beverages for consumption on the premises or for carryout, which may also include the sale of a limited number of food items.

Cold frame. An unheated outdoor structure built close to the ground, typically consisting of, but not limited to, a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from cold weather.

Communication exchange. A building where phone calls are switched to and from major feeder lines, where internet service providers route internet traffic between their networks, or where some other form of electronic communication exchanges occur. Communication exchange shall not include a telecommunication tower, antenna or base site.

Community center. An establishment operated by a non-profit organization or government agency, which includes recreational and cultural facilities, meeting rooms, social service facilities and public health facilities, or any combination thereof, and that is not a public park.

Community correctional facility. A facility where one (1) or more persons placed by the court, court services department, parole authority, or other correctional agency having dispositional power over a person charged with or convicted of a crime or adjudicated delinquent reside on a twenty-four (24) hours per day basis, under the care and supervision of the Department of Corrections (DOC) or Hennepin County, or licensed by the Department of Corrections as a corrections facility, excluding detention facilities. The maximum capacity shall not exceed thirty-two (32) persons.

Community garden: A use in which land managed by a group of individuals is used to grow food or ornamental crops for donation or for use by those cultivating the land and their households. Community gardens may be divided into separate plots for cultivation by one (1) or

more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Community residential facility. A facility where one (1) or more persons reside on a twenty-four (24) hour per day basis under the care and supervision of a program licensed by the Minnesota Department of Human Services (DHS). Community residential facilities shall not include facilities that are also eligible for licensure by the Minnesota Department of Corrections (DOC).

Community supported agriculture drop-off/pick up. Location where a farmer delivers or distributes farm shares and individuals pick up their shares at a set time weekly, biweekly or monthly.

Composting. The natural degradation of organic material, such as yard and food waste, into soil.

Concrete, asphalt and rock crushing facility. A use in which the principal activity is performed in an open area where concrete, asphalt, rock, brick, cement or other similar paving or building materials are crushed, ground, pulverized, bought, sold, exchanged, stored, mixed, packed, disassembled or handled. A concrete, asphalt and rock crushing facility does not include:

(1) The use on a public roadway construction or repair project approved by the city engineer of equipment which directly moves along the roadway surface and grinds, or grinds, reconstitutes and resurfaces the roadway; or

(2) The temporary on-site crushing, grinding, or pulverizing of a razed building, parking area or structural materials, which are subject to Chapter 389 of the Minneapolis Code of Ordinances.

Contractor's office. An office providing building construction or property maintenance services, and which does not involve outdoor storage of machinery or equipment. Examples include but are not limited to plumbing, electrical and cleaning contractors.

Contractor's yard. An establishment providing general contracting or building construction services, and which involves outdoor storage of machinery or equipment.

Convention center, public. A convention center operated by the City of Minneapolis.

Curb level. The level of the established curb in front of a building or structure measured at the center of such front. Where no curb elevation has been established, the city engineer shall establish such curb elevation.

Daily living skills. Personal management and social skills, including but not limited to home care maintenance, food preparation, personal care, money management, and child rearing skills, that are necessary for adequate functioning on an independent basis.

Day care.

Family day care. Day care for no more than ten (10) children at one (1) time, of which no more than six (6) are under school age, and which is licensed to operate as a family day care home.

Group family day care. Day care for no more than fourteen (14) children at one (1) time and which is licensed to operate as a group family day care home.

Day labor agency. An establishment engaged in the temporary employment of persons on a daily basis where persons wait on the premises for work assignments or transportation to work assignments.

Developmental achievement center. A facility in which a program of care, supervision, training or habilitation services that is licensed by the Minnesota Department of Human Services (DHS) is provided to functionally impaired persons for less than twenty-four (24) hours per day.

~~*Director of inspections.* The director of the City of Minneapolis Inspections Department or his or her authorized representative.~~

Dormitory. A building operated by a college or university offering an accredited course of study, which is occupied only by university or college students and support staff who receive from the dormitory lodging or meals on the premises for compensation.

Drive-through facility. A facility which accommodates automobiles and from which the occupants of the automobiles may make purchases or transact business, including the stacking spaces in which automobiles wait. Examples include but are not limited to drive-up windows, menu boards, order boards or boxes, drive-in restaurants and drive-up banks. Drive-through facilities shall not include the direct refueling of motor vehicles or a car wash.

Driveway. The area used for vehicular access to an off-street parking area from a street or alley. Driveway shall also include the area used for vehicular access to areas of the zoning lot other than an off-street parking area.

Drug store. A convenience retail store with a pharmacy.

Dwelling. A building, or portion thereof, containing one (1) or more dwelling units, designed or used exclusively for human habitation.

Efficiency unit. A dwelling unit consisting of one (1) principal room exclusive of bathroom, kitchen, hallways and closets.

Multiple-family dwelling. A building, or portion thereof, containing three (3) or more dwelling units.

Single-family dwelling. A building containing one (1) dwelling unit only.

Two-family dwelling. A building containing two (2) dwelling units only, each of which is separated from the other by an unpierced wall extending from ground to roof for at least eighty (80) percent of the length of the structure or an unpierced ceiling and floor extending from exterior wall to exterior wall.

Dwelling unit. One (1) or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with a single complete kitchen facility, sleeping area and bathroom provided within the unit for the exclusive use of a single household.

Early childhood learning center. A facility in which educational programs are provided to parents and children from ages birth to an age eligible to enter kindergarten within the next four (4) months.

Educational arts center. A facility owned and operated by a non-profit organization where lessons in the performing and visual arts are offered, including music, theater and dance.

Entertainment, general. Entertainment that does not meet one (1) or more of the definition requirements of limited entertainment.

Entertainment, limited. Entertainment limited to literary readings, story telling or live music by not more than three (3) persons, using nonamplified musical instruments, with no patron dancing.

Exhibition or temporary market. A temporary exhibition, sale, flea market, show or exposition of arts, crafts, antiques, or secondhand goods sold at tables, stalls, or booths at a fixed location.

Faculty house. A building used as a residence by staff or faculty members having a contract or agreement with a college or university to teach or conduct research on behalf of the institution.

Family. An individual or two (2) or more persons related by blood, marriage, domestic partnership as defined in Chapter 142 of the Minneapolis Code of Ordinances, or adoption, including foster children and domestic staff employed on a full-time basis, living together as a permanent household. This definition of family is established for the purpose of preserving the character of residential neighborhoods by controlling population density, noise, disturbance and traffic congestion, and shall not be applied so as to prevent the city from making reasonable accommodation where the city determines it necessary to afford handicapped persons living together in a permanent household equal access to housing pursuant to the Federal Fair Housing Amendments Act of 1988.

Farmers' market. A publicly or privately operated, open-air establishment where primarily agricultural products such as raw vegetables, fruits, syrups, herbs, flowers, plants, nuts or handcrafted items are sold. Non-agricultural products may be sold but the area dedicated to such products shall not occupy more than twenty-five (25) percent of the total sales area. Canopies may be allowed in order to provide protection from the elements for both the operators and the products.

Farmstand. A temporary structure for the display and sale of food or ornamental crops grown on-site at a community garden, market garden or urban farm.

Fence. A structure providing a barrier or screening, but not protection against the elements, erected to provide privacy or security which defines a private space and enhances the design of individual sites.

Firearm. Any device, designed to be used as a weapon, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or other form of combustion, but excluding antique firearm, "BB" gun, scuba gun, stud or nail gun used in the construction industry, or pop gun or toy gun.

Firearms dealer. Any person engaged in the sale, lease, trade or other transfer of firearms or ammunition at wholesale or retail. Firearms dealer shall not include any person engaged only in the business of repairing firearms.

Floor area, gross (GFA). The gross floor area of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, or from the centerline of walls separating two (2) buildings. The gross floor area of a building shall include basement floor area when one-half (½) or more of the basement height is above natural grade for more than fifty (50) percent of the total perimeter. The gross floor area shall also include elevator shafts and stairwells to each floor, penthouses, attic space having headroom clearances that meet building code minimum ceiling heights, interior balconies and mezzanines, enclosed porches, floor area devoted to accessory uses, and floor space used for mechanical equipment, except equipment located on the roof, unless otherwise specified in this ordinance. The gross floor area of structures devoted to bulk storage of materials, including but not limited to grain elevators and petroleum storage tanks, shall be determined on the basis of height in feet, assuming one (1) floor for each fourteen (14) feet in height. In determining the gross floor area of an individual use within a multiple tenant building, the gross floor area is the sum of the gross horizontal areas measured from the interior faces of the interior walls of the space occupied by the use. Gross floor area shall not include space devoted to accessory off-street parking or loading facilities, including aisles, ramps and maneuvering space.

Floor area ratio. The floor area ratio of the building or buildings on any zoning lot is the gross floor area of the building or buildings on that zoning lot divided by the area of such zoning lot.

Fraternity or *sorority.* A building which is occupied only by a group of university or college students and support staff who are associated together in a fraternity or sorority, which is officially recognized by a college or university offering an accredited course of study, and who receive from the fraternity or sorority lodging or meals on the premises for compensation.

Frontage. All the property abutting one (1) side of a street between the two (2) nearest intersecting streets measured along the line of the street, or if dead ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street. In addition, frontage shall include all property abutting a limited access roadway right-of-way.

> *Primary frontage.* For the purposes of applying the on-premise sign regulations, the frontage toward which the use faces or is oriented. Only one (1) such primary frontage shall be allowed on a zoning lot.
>
> *Secondary frontage.* For the purposes of applying the on-premise sign regulations, a frontage that is not the primary frontage.

Golf course. A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, shelter or other appurtenant structures. Practice driving ranges may also be located on the golf course. Miniature golf courses shall not be included in this definition.

Grade. The lowest point of elevation of the surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Grade, natural. The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall or other earthwork feature. Natural grade is determined by reference to a survey, or other information as determined by the zoning administrator.

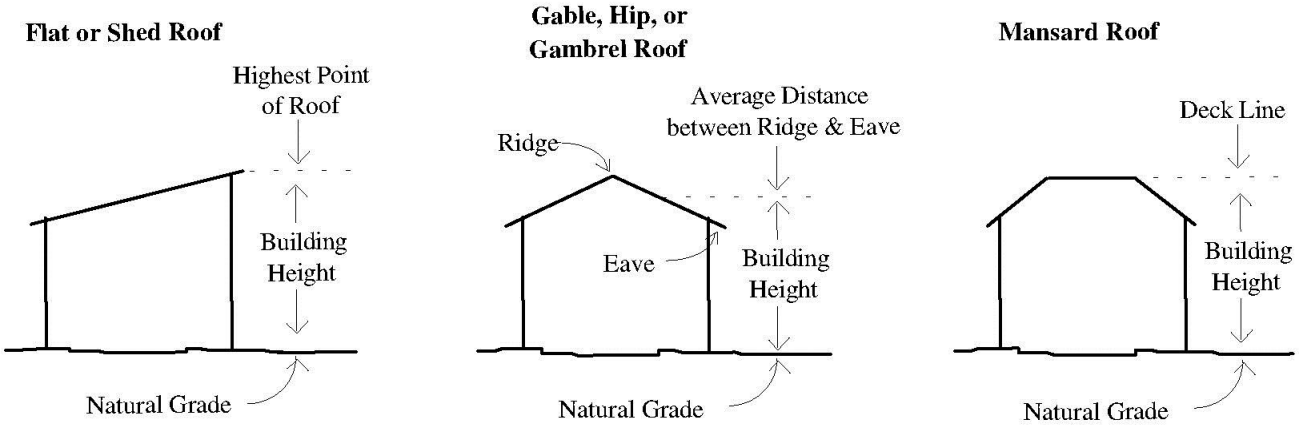
Greenhouse. A structure that is constructed primarily of glass, glass-like or translucent material which is devoted to the protection or cultivation of food or ornamental crops.

Greenhouse, lawn and garden supply store. An establishment where products related to the planting, maintaining, or harvesting of trees, shrubs, plants, grasses or sod, fertilizers, soils, chemicals or other goods and related products are sold in small quantity to the public.

Greenhouse, wholesale. An establishment where products related to the planting, maintaining, or harvesting of trees, shrubs, plants, grasses or sod, fertilizers, soils, chemicals or other goods and related products are sold primarily to greenhouse, lawn and garden supply stores, landscape contractors or other retail outlets.

Habitable. Suitable for a person to live in. References to habitable spaces, areas, and portions of dwellings shall include kitchens, hallways, bathrooms, closets, and unfinished areas easily converted to livable spaces, such as attics and basements, but does not include an attached accessory use designed or intended to be used for the parking of vehicles. References to habitable buildings shall include all habitable spaces and all attached structures to the habitable space including an attached accessory use designed or intended to be used for the parking of vehicles.

Height, structure or building. The vertical distance from the natural grade measured either at the curb level or at a point ten (10) feet away from the front center of the structure or building, whichever is closer, to the top of the highest point of the structure including parapets, or to the top of the highest point of the roof on a flat or shed roof, the deck line on a mansard roof, or the average distance between the eave edge and the ridge level for gable, hip and gambrel roofs. Dormers exceeding fifty (50) percent of the building width below a gable, hip and gambrel roof shall be included in the measured vertical distance. Except in the SH Shoreland Overlay District, roof-top mechanical equipment and enclosures less than fourteen (14) feet tall on a flat roof shall not be included in the height provided the equipment and enclosures are set back from the exterior walls one (1) foot for every one (1) foot they extend above the roof surface.



Height, structure or building

Home occupation. An occupation or profession carried on by a member of the household residing on the premises, conducted as a customary, incidental and accessory use of a dwelling. Also referred to as live-work.

Hoop house. A temporary or permanent structure typically made of, but not limited to, piping or other material covered with translucent material for the purposes of growing food or ornamental crops. A hoop house is considered more temporary than a greenhouse.

Hospital. An establishment where patients are admitted for medical, surgical, or psychiatric treatment for outpatient and/or inpatient, overnight accommodation.

Hospitality residence. A facility owned and operated by a non-profit organization that provides temporary housing to families of children being treated for life-threatening illnesses.

Hotel. An establishment containing rooming units providing temporary lodging accommodations to the general public, with rooms having access to the outside through an interior hallway connected to the main lobby of the building, and which may provide additional services such as restaurants, meeting rooms, entertainment, and recreational facilities. A hotel shall not include any use which could be defined as a motel.

Hours open to the public. The time during which a use is open to or does receive clients, customers, members or guests.

Hydroponics. The growing of food or ornamental crops, in a water and fertilizer solution containing the necessary nutrients for plant growth.

Impervious surface. Any material which significantly reduces or prevents natural absorption of stormwater into the soil and cause water to run off the surface in greater quantities and at an increased rate of flow. Impervious surfaces include, but are not limited to, buildings or other structures with roofs, sidewalks, and all stone, brick, concrete or asphalt surfaces.

Indoor recreation area. An establishment providing indoor recreation facilities such as bowling, pool/billiards, table tennis and video and arcade games.

Inebriate housing. A facility that provides housing twenty-four (24) hours per day to persons who are chemically dependent and considered to be handicapped persons under the Federal Fair Housing Amendments Act of 1988. It does not include any facility licensed by the Minnesota Department of Human Services (DHS), Minnesota Department of Corrections (DOC), or any other county, state, or federal community correctional facility.

Intermodal containerized freight facility. A facility that serves as a transfer point for containerized freight between rail and truck transportation modes. The principal activity is the transfer of freight containers or truck semitrailers between rail cars and trucks.

Laboratory, medical or dental. An establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient, on direction of a physician; or an establishment primarily engaged in making dentures, artificial teeth, and orthodontic appliances to order for the dental profession.

Library, public. A library operated by Hennepin County.

Licensing official. The individual designated by the director of the department of community planning and economic development to serve as the city's licensing official or their authorized representative.

Limited access roadway. Those roadways and roadway segments, including entrance and exit ramps and approaches, that are designated to prohibit nonmotorized traffic, and include I-35W, I-94, I-394 and highway 62.

Limousine service. An establishment owning, leasing or operating by contract limousines and providing some or all of the following services such as dispatching, advertising, maintenance, insurance, record keeping, driver assignments and other related services.

Loading space. An off-street space or berth used for the temporary parking of a vehicle while loading or unloading cargo, products or materials from such vehicle.

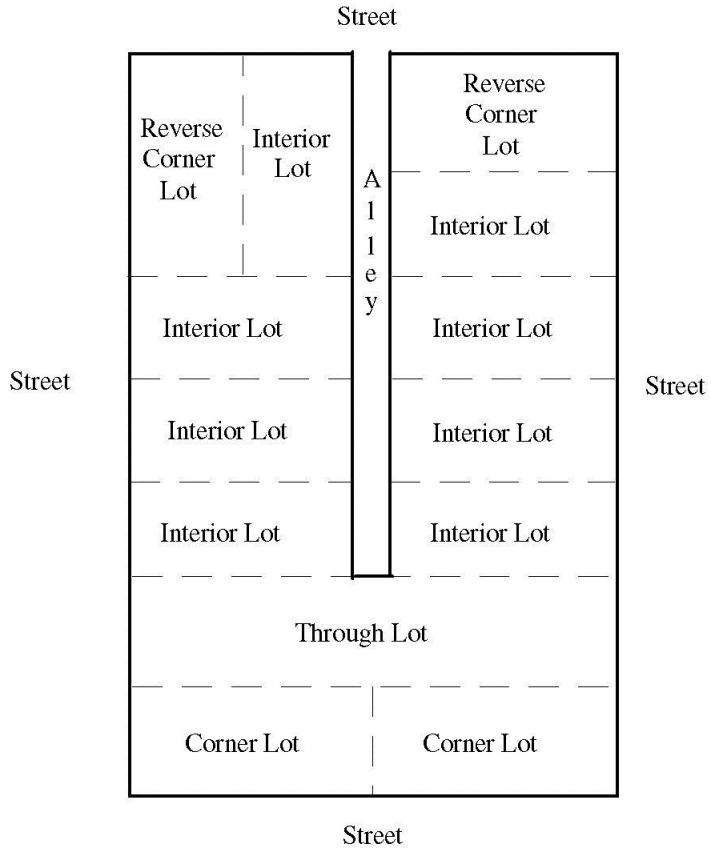
Lot. A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law.

Corner lot. A lot with frontage on two (2) or more streets at their intersection or on two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Reverse corner lot. A corner lot that includes more than one (1) lot line adjacent to streets of which one (1) lot line is substantially a continuation of the front lot line of the adjacent property to the rear.

Through lot. A lot that fronts upon two (2) generally parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot.

Zoning lot. A single, buildable parcel of land under common ownership or control, occupied by one (1) or more principal buildings or uses, accessory buildings or uses, and all yards and open spaces, as required by the zoning ordinance. A zoning lot may consist of more than one (1) platted lot, but shall not be separated by a public street.



Zoning lot

Lot area. The area bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a duly recorded lake, river, street or alley right-of-way.

Lot coverage. The area covered by principal and accessory structures. Lot coverage shall not include awnings, canopies, balconies, eaves, and signs that meet the standards for permitted obstructions in required yards.

Lot depth. The average distance between the front lot line and the rear lot line of a lot.

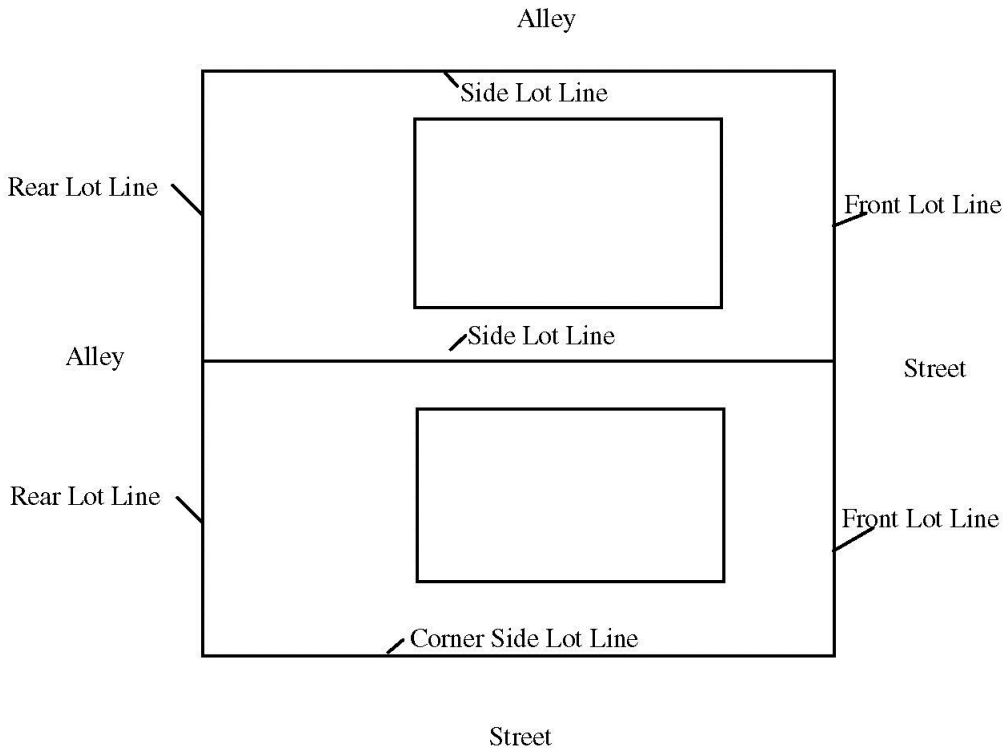
Lot line. A line of record bounding a lot that divides one (1) lot from another lot or from a public or private street or alley or any other public space.

Corner side lot line. A side lot line which adjoins a public street.

Front lot line. A boundary of a lot which is along an existing or dedicated public street, but not an alley. On a corner lot, the front lot line shall be the lot line that is in line with the predominant platting orientation of the block.

Rear lot line. The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Side lot line. Any boundary of a lot which is not a front lot line or a rear lot line.



Side lot line

Lot of record. A parcel of land of which the plat, deed, or similar instrument has been duly recorded in the Office of the Hennepin County Recorder or Registrar of Titles.

Lot width. The distance between the side lot lines of a lot measured along a straight line parallel to the front lot line immediately in back of the required front yard. Where no front yard is required, lot width is the distance between the side lot lines of a lot measured along the front lot line.

Luminance. The physical measure of brightness or light emanating from an object with respect to its size. The unit of measurement for luminance is nits, which is the total amount of light emitted from a sign divided by the surface area of the sign (candela per square meter).

Manufactured home park. A development of two (2) or more manufactured homes as defined in Minnesota Statutes Chapter 327.

Market garden. An establishment where food or ornamental crops are grown on the ground, on a rooftop or inside a building, to be sold or donated.

Marquee. A permanent, roof-like structure projecting over an entryway, parallel to the ground, generally designed and constructed to provide protection from the elements.

Mayor. The Mayor of the City of Minneapolis.

Medical helistop. An identifiable landing area for discharging and picking up passengers and goods, by helicopter or similar vertical lift aircraft, located on the property of a hospital. No refueling or servicing of aircraft, or permanent facilities, including terminals, hangars, warehousing or storage, are permitted.

Mini-market. A type of farmers market, limited to five (5) or fewer market vendors, whose primary purpose is to improve access to locally grown agricultural products.

Mission. A facility that provides services such as a food shelf, free meals or snack, or day shelter. Ancillary services such as counseling, vocational training or free clothing may also be provided. Treatment for chemical dependency and overnight shelter are prohibited.

Motel. An establishment containing rooming units designed primarily for providing sleeping accommodations for transient lodgers, with rooms having a separate entrance providing direct access to the outside, and providing automobile parking located adjacent to or near sleeping rooms.

Motor freight terminal. A building or area in which freight is assembled or stored for routing in intrastate or interstate shipment, and which is not a package delivery service.

Motorized scooter. Any two (2) wheeled device that is powered by an electric motor or an internal combustion engine that has handlebars, wheels up to ten (10) inches in diameter and is designed to be stood or sat upon by the operator. This definition excludes motorcycles and segways.

Mural. A work of graphic art painted on a building wall, which contains no commercial advertising or logos, and which does not serve to advertise or promote any business, product, activity, service, interest or entertainment.

Neighborhood electric vehicle. A four-wheeled, battery powered electric motor vehicle that, for the purposes of this zoning ordinance, includes both neighborhood electric vehicles and medium speed electric vehicles as defined in Minnesota Statutes Section 169.011.

Nightclub. A use engaged in the sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges and similar uses, or a use other than a sit down restaurant which provides general entertainment.

Nonconforming lot, legal. A lot of record, lawfully existing on the effective date of this ordinance or amendment thereto that does not comply with one (1) or more of the lot area or lot width regulations applicable in the district in which it is located.

Nonconforming structure, legal. A structure or portion thereof, lawfully existing on the effective date of this ordinance or amendment thereto that does not comply with one (1) or more of the bulk regulations applicable in the zoning district in which it is located.

Nonconforming use, legal. A use of land or structures, lawfully existing on the effective date of this ordinance or amendment thereto that currently is not allowed, or that does not comply with one (1) or more of the regulations applicable in the zoning district in which it is located.

Nursing home. A facility for aged, chronically ill, or incurable persons licensed by the Minnesota Department of Health providing nursing care and related medical services.

Outdoor recreation area. An establishment providing outdoor recreation facilities such as a golf driving range, skating rink, miniature golf course or other nonmotorized amusement. An outdoor recreation area shall not include an outdoor theater.

Outdoor sales and display. The outdoor placement or presentation of goods, materials or merchandise for sale on the premises.

Outdoor storage. The outdoor placement or depositing of goods, materials, equipment, stock or supplies.

Overlay district. A zoning district that encompasses one (1) or more primary zoning districts or portions thereof and that imposes additional requirements, or relaxes one (1) or more standards required by the primary zoning district.

Overnight shelter. An accessory use to a religious institution place of assembly providing temporary housing for a period of time not to exceed twenty-four (24) hours to persons without permanent housing. In addition, an overnight shelter may be a principal use in the DS Downtown Shelter Overlay District, subject to the provisions of the district.

Package delivery service. A use which transports individual packages for expedited delivery in single rear axle straight trucks or smaller vehicles, where no single item weighs over one hundred fifty (150) pounds.

Park, neighborhood. A public park less than six (6) acres, designed to serve a single neighborhood.

Park, public. A park operated by the City of Minneapolis, including all park buildings.

Parking aisle. The clear area for either one or two way traffic movement and maneuvering between rows of parking spaces.

Parking facility. An area, either a parking lot or garage, that provides short-term or long-term off-street parking for motor vehicles. Parking facility includes designated locations for vehicles engaged in loading or unloading of passengers or goods. Parking facility does not include commercial or industrial yard areas for storage, handling, processing, pickup or delivery of goods, materials or equipment, such as building materials sales yards, scrap/salvage yards, metal milling facilities, contractor yards and other similar uses. A parking facility may be a principal or an accessory use.

Parking garage. A structure or any portion thereof designed for the parking of one (1) or more motor vehicles, not including display or storage of motor vehicles for sale.

Parking lot. A ground level, open area used for the short-term or long-term parking of motor vehicles. A parking lot includes the top level of a parking garage when one-half (½) or more of the top level is within four (4) feet above or below the adjacent sidewalk grade.

Parking space. A space of definite length and width designed for parking of motor vehicles within a parking area that is directly accessible to a parking aisle or driveway. Said space shall be exclusive of such drives, aisles or entrances giving access thereto, and curbing.

Pawnshop. An establishment where money is loaned on security of personal property pledged as collateral for the loan and where such pledged items may be sold to the general public.

Performing, visual or martial arts school. A facility providing lessons for artistic activities including, but not limited to dance, music, painting, karate, and yoga. A performing, visual or martial arts school shall not include shower facilities.

Pergola. A building-like structure with columns supporting an elevated trellis over which vines or plants may grow.

Phased development. Two (2) or more development projects undertaken or to be undertaken by the same developer or proposer that the city determines will have effects on the same geographic area and that are or will be undertaken over a limited period of time.

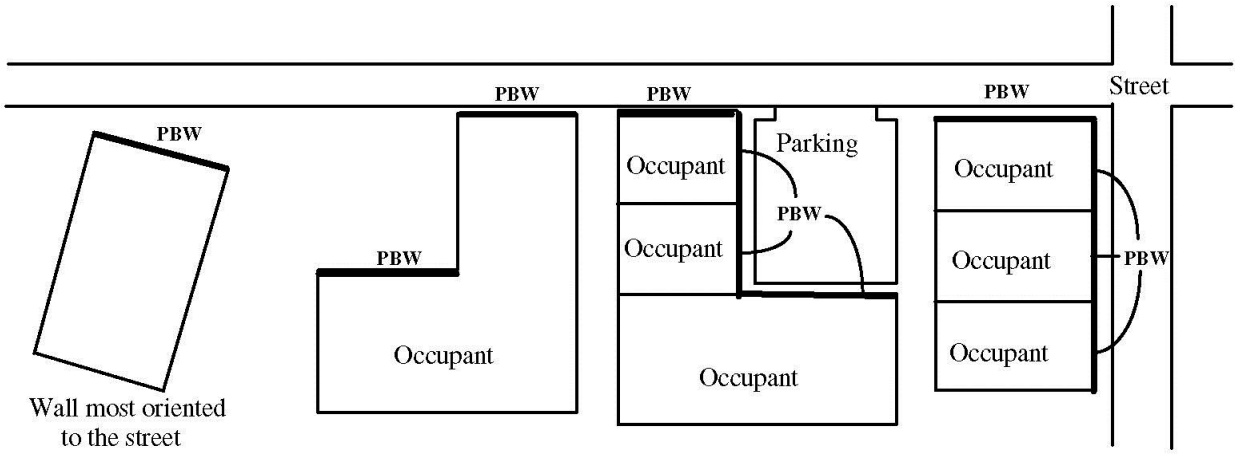
Place of assembly, religious institution. A church, synagogue, temple, mosque or other facility that is used for prayer by persons of similar beliefs, or a special purpose building that is architecturally designed or particularly adapted for the primary use of conducting on a regular basis religious services and associated accessory uses by a religious congregation.

Planned unit development. A large-scale integrated development, often including two (2) or more uses, planned and developed under unified ownership or control.

Planning director. ~~The Director of the Minneapolis City Planning Department or his or her authorized representative~~ The director of the department of community planning and economic development or their designee.

Preschool. A facility in which educational programs are provided for children from ages twenty-four (24) months to an age eligible to enter kindergarten within the next four (4) months.

Primary building wall. For the purpose of applying on-premise sign regulations, a primary building wall is an exterior building wall that faces a street or an exterior building wall that faces an accessory parking area and contains a public entrance. When the exterior building walls are not parallel to a street, they shall be assigned to the street frontage to which they are most oriented.



PBW = Primary Building Wall

Principal entrance. A door, other than a vehicle access door, that is designed as a principal means of access by the customers, occupants, employees or guests of the building. A building may have more than one (1) principal entrance.

Produce and craft market. A recurring event, held outdoors or in another defined place, on designated days and times, where market vendors consisting of agricultural producers, home processors, food market manufacturers, food market distributors and craft producers that manufactures or crafts non-food goods by the force of their own labor, are organized for the purpose of selling their products directly to the public. A minimum of thirty (30) percent of market vendors in produce and craft markets shall be food market vendors (agricultural producers, food market manufacturers, food market distributors, or home processors).

Production or processing. The assembly, disassembly, fabrication, manufacture, cleaning, servicing, packaging, sorting or other handling of goods or materials, either as an intermediate input for further production or processing, or for final sale, use or consumption.

Railroad right-of-way. A strip of land with tracks and auxiliary facilities for track operation such as signals or crossing arms, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.

Reception or meeting hall: Also known as a banquet hall or a rental hall. A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event or function, that is not open to the general public, whether or not a fee is charged.

Recycling facility. A use performed in an enclosed building where scrap or salvage materials are shredded, milled, crushed, ground, bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, bottles, plastics and aluminum cans. A recycling facility shall not include automobile wrecking or dismantling.

Regulatory services director. The director of the department of regulatory services or their designee.

Research, development and testing laboratory. An establishment in which facilities for scientific research, investigation, testing or experimentation are located, but not facilities for the manufacture of products, except as incidental to the main purpose of the laboratory.

Residential hospice. A facility that provides twenty-four (24) hour per day residential and support services in a home-like setting for hospice patients as an integral part of the continuum of home care provided by a hospice licensed by the Minnesota Department of Health.

Restaurant, delicatessen. An establishment which sells ready-to-eat foods, in bulk or individual servings, primarily for consumption off the premises, and is not a fast food restaurant.

Restaurant, fast food. An establishment whose design or principal method of operation includes five (5) or more of the following characteristics. In addition, any restaurant with a drive-through facility shall be considered a fast food restaurant.

(1) A permanent menu board is provided from which to select and order food.

(2) Customers pay for food before consuming it.

(3) A self-service condiment bar is provided.

(4) Trash receptacles are provided for self-service bussing.

(5) Furnishing plan indicates hard finished stationary seating arrangement.

(6) Most main course food items are substantially prepared or cooked on premises and packaged in individual, nonreusable containers.

Restaurant, sit down. An establishment engaged in the preparation and retail sale of food and beverages, which is characterized by table service to customers and that is not a delicatessen restaurant, fast food restaurant or nightclub.

Roof, flat. A roof slope with a two (2) foot rise over a twelve (12) foot run or less.

Rooming unit. One (1) or more rooms, designed, occupied or intended for occupancy as a separate living quarter that is not a dwelling unit.

School, K—12. A use which meets state requirements for elementary or secondary education.

School, vocational or business. A use which meets state requirements for a vocational or business school.

Scrap/salvage yard, metal milling facility. A use where scrap or salvage materials are shredded, milled, crushed, ground, bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, bottles, plastics and aluminum cans. A scrap/salvage yard, metal milling facility may include automobile wrecking or dismantling.

Secondhand goods store. An establishment other than an antiques and collectibles store, used bookstore, clothing consignment store or pawnshop, which engages in the sale of used clothing, furniture, household appliances or other household items.

Service area canopy. A roof-like structure attached to or detached from the principal building that provides overhead protection to exterior customer service areas.

Service bay. An enclosed area designed and used for the service of not more than one (1) motor vehicle at a time.

Sexually oriented use. A use which is defined in Chapter 549, Downtown Districts.

Shopping center. A unified development of two (2) or more ground floor commercial uses, excluding offices, operated under common ownership or management, which may be connected by a common wall or may be freestanding, and which may include common parking and signage. A shopping center shall not include:

(1) A storefront building or group of storefront buildings where each use includes a separate principal customer entrance facing the street.

(2) A commercial or mixed use building with a separate principal customer entrance for each ground floor use with street frontage with any on-site parking facilities located at the interior or rear of the site.

Sign. A structure, fixture, placard, announcement, declaration, image, device, demonstration, logo or insignia used for direction, information, identification, attraction, or to advertise or promote any business, product, activity, service, interest or entertainment.

Animated sign. A sign with a progression of frames which give the illusion of motion, moving objects, moving patterns or bands of lights and shapes; or that gives the visual impression of movement.

Auxiliary sign. A sign that has a purpose secondary to the use of the lot on which it is located, such as "telephone," "drive-through," "cash machine," "air," "entrance," "exit," parking restrictions, security warnings or similar directives.

Awning sign. A sign printed on or in some fashion attached directly to an awning.

Back-to-back sign. A sign structure with two (2) sign faces oriented in opposite directions and spread not more than two (2) feet apart.

Balloon sign. A sign consisting of a bag or similar device made of lightweight material supported by helium, hot, or pressurized air, which is greater than eighteen (18) inches in diameter.

Building sign. A sign attached to a building, including but not limited to an awning, canopy, or marquee, wall, projecting or window sign.

Canopy sign. A sign printed on or in some fashion attached directly to a canopy.

Changeable copy sign, dynamic. A sign or portion thereof with letters or numbers only that can be electronically changed or rearranged without altering the face or the surface of the sign.

Changeable copy sign, manual. A sign or portion thereof with letters or numbers only that can be manually changed or rearranged without altering the face or the surface of the sign.

Dynamic sign. A sign, or any element of a sign, which provides the ability to change text or images, or exhibits changing effects in order to provide intermittent illumination or the illusion of such illumination, or any series of imagery or display which may appear to move or change, including changes produced by any electronic method. A dynamic sign is not a changeable copy sign, dynamic.

Flashing off-premise sign. A sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination or the illusion of intermittent flashing light by any means. Also, any mode of lighting which resembles zooming, twinkling or sparkling.

Freestanding sign. A sign which has supporting framework that is placed on, or anchored in, the ground and which is independent of any building or other structure.

Identification sign. A sign containing principally the name of the individual or establishment occupying the premises, and which also may include the street address, telephone number or other information identifying the use.

Illuminated sign. A sign lighted by or exposed to artificial lighting either on or in the sign or directed toward the sign.

Interior sign. A sign which is located within the interior of any building, or within an enclosed courtyard, that is not visible from the property line or public right-of-way.

Marquee sign. A building sign painted on or attached to a marquee.

Monument sign. A freestanding sign with its sign face mounted on the ground, on a solid base at least as wide as the sign, or on one (1) or more poles or beams with not more than one (1) foot of open area between the sign face and the ground or base.

Off-premise advertising sign or billboard. A sign which directs attention to a business, establishment, product, service, interest, activity or entertainment not exclusively related to the premises where such sign is located.

On-premise sign. A sign which directs attention to or promotes a business, establishment or activity conducted, or a product, service, interest or entertainment sold or offered, on the premises where such sign is located.

Pole sign. A freestanding sign which has its supportive structure anchored in the ground or on a solid base not at least as wide as the sign, or which has a sign face elevated above the ground or base by one (1) or more poles or beams and with an open area between the sign face and the ground or base of more than one (1) foot.

Political sign. A sign posted by a person or group promoting or commenting on a political issue, opinion or candidate for political office.

Portable sign. A sign which is designed or intended to be moveable, including by trailer or on its own wheels, even though the wheels of such sign may be removed.

Project information sign. A sign erected on the premises on which construction is taking place, identifying the project, the architects, engineers, landscape architects, contractors or similar artisans, or the owners, financial supporters, sponsors or similar individuals having a role or interest in the project.

Projecting sign. A sign which projects from a wall of a building in such manner that the sign face is perpendicular to the wall, or a sign which is suspended from a soffit or other permanent roof overhang.

Real estate sign. A sign which advertises the sale, rental or lease of the property on which the sign is located.

Roof sign. A sign which is mounted on the roof of a building or which projects above the top of the wall of a building with a gambrel, gable or hip roof.

Service area canopy sign. A sign which is part of, or attached to, a service area canopy.

Snipe sign. A sign of any material, including but not limited to paper, cardboard, wood or metal, attached to any object and having no application to the premises where located.

Specific product or brand name sign. A sign which mentions a specific product or brand name sold or offered on the premises.

Stringer sign. A sign that is made of commercial or decorative pennants, flags or streamers which are attached to a string, rope or cable.

Temporary sign. A sign which is intended to be displayed for a limited time period only.

Time and temperature sign. A sign which displays current time and temperature only.

Wall sign. A sign attached parallel to, or painted on, a wall, which is supported by such wall, and which displays only one (1) sign surface, or a sign attached parallel to, or within forty-five (45) degrees of parallel, or painted on, the surface of the lower slope of a mansard roof.

Window sign. A sign that is placed inside a window or upon the surface of a window and is visible or is intended to be viewed from the exterior of the window.

Sign face. The surface of the sign upon, against or through which the message or the sign is exhibited.

Sign structure. A structure including the supports, uprights, bracing and framework which supports or is capable of supporting a sign.

Single or two-family dwelling existing on the effective date of this ordinance. Single or two-family dwellings existing on November 20, 1999 and buildings originally designed as single or two-family dwellings existing on November 20, 1999, which may be used for either single or two-family dwelling purposes, provided all other requirements of this zoning ordinance are met.

Sports and health facility. An establishment for the conduct of indoor sports and exercise activities, which may include related locker and shower rooms, offices and classrooms. A sports and health facility shall not include any use which could be defined as an indoor exercise area.

Storefront building. A mixed use or multiple story building, which may share a common wall with one (1) or more buildings, all of which front within five (5) feet of a front lot line or public sidewalk, and where each ground floor use includes a separate principal customer entrance facing the street.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or fourteen (14) feet, whichever is less, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. Where a portion of a building included between the upper surface of any floor and the upper surface of the floor next above exceeds fourteen (14) feet in height, each fourteen (14) feet or fraction thereof is considered a story except that the first story may be up to twenty (20) feet in height for all buildings other than single and two-family dwellings and multiple-family dwellings having three (3) or four (4) dwelling units. If the finished floor surface directly above a basement, cellar or unused under floor space is more than six (6) feet above grade, for more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above grade at any point, such basement, cellar or unused under floor space shall be considered a story.

Story, half. A story that meets the following criteria:

(1) The half story will be located on a principal residential structure with a maximum district or use height of two and one-half (2.5) stories. A partial story located in any other district or on any other use shall be considered a full story.

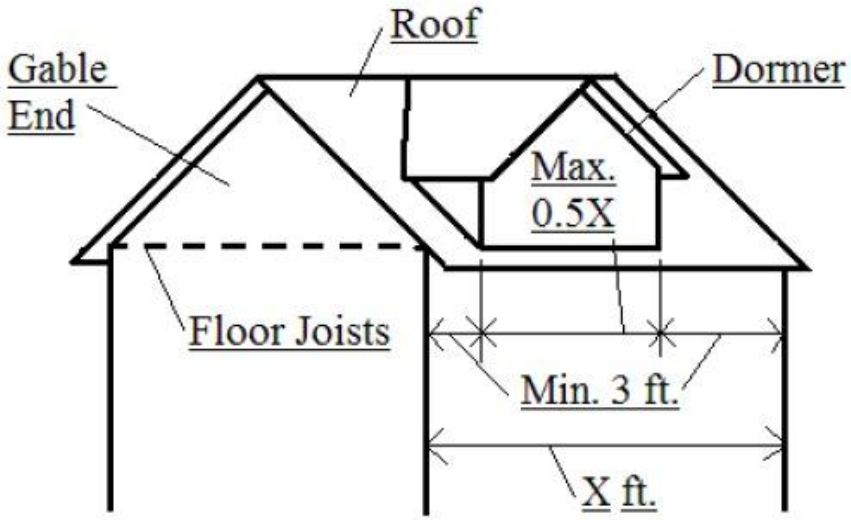
(2) Gross floor area of the half story will be located under a gable or hip roof and all of the roof rafters shall abut the floor joists, except at gable ends or where dormers are allowed.

(3) Dormers on the half story will meet the following standards.

a. The total width of all dormers on any façade will not exceed fifty (50) percent of the width of the wall of the floor below the half story roof.

b. Dormers will be located no closer than three (3) feet from any end-of-house corner of the floor below and any gable end wall.

c. Dormers will not extend beyond the wall below and will not interrupt the eave edge of the hip or gable roof.



Story, half

Street. A right-of-way which affords a primary means of motor vehicle access to abutting property.

Structure. Anything constructed or erected with a more or less fixed location on the ground or in or over a body of water. A structure shall include, but not be limited to, buildings, fences, walls, signs, canopies, decks, patios, antennae, piers, docks and any objects or things permanently attached to the structure.

Accessory structure. A structure detached from a principal structure, incidental and subordinate to the principal structure or use, including but not limited to garages, sheds, above-ground swimming pools, and fences.

Principal residential structure. Any structure containing a principal residential use.

Supportive housing. A facility that provides housing for twenty-four (24) hours per day and requires participation by residents in programs or services designed to assist residents with improving daily living skills, securing employment or obtaining permanent housing. It does not include:

(1) Senior housing with services designed specifically to serve the needs associated with the aging of the residents.

(2) Inebriate housing.

(3) Any facility licensed by the Minnesota Department of Human Services (DHS), Department of Health (DOH) or Minnesota Department of Corrections (DOC).

(4) Any other county, state or federal community correctional facility.

(5) Fraternities, sororities or other student housing.

(6) Any facility owned, leased or operated by the Minneapolis Public Housing Authority (MPHA).

(7) The use of one (1) dwelling unit on one (1) zoning lot which meets the occupancy requirements of the zoning district in which it is located.

Taxicab service. An establishment which provides taxicab facilities and services such as radio dispatching, color rights, advertising, telephone listings, maintenance, insurance and driver assignments.

Towing service. An establishment engaged in the towing or storage of damaged or impounded vehicles. Such use shall not include the wrecking or dismantling of vehicles.

Top plate. The part of a stud wall directly below and abutting the roof rafters.

Trellis. A framework over which vines and plants may grow that is not a pergola. A freestanding trellis or a trellis attached to and supported by a building extending out from the building more than five (5) feet shall be considered a fence.

Urban farm. An establishment where food or ornamental crops are grown or processed to be sold or donated that includes, but is not limited to, outdoor growing operations, indoor growing operations, vertical farms, aquaponics, aquaculture, hydroponics and rooftop farms.

Use. The purpose or activity for which the land or buildings thereon are designed, arranged, intended, occupied or maintained.

Accessory use. A use of land or of a building or portion thereof incidental and subordinate to a principal use.

Conditional use. A use which, because of its unique characteristics, cannot be properly classified as a permitted use in a district but which may be allowed in such zoning district upon demonstrating that such use will comply with all of the conditions and standards of this zoning ordinance.

Permitted use. A use which may be established in a particular district or districts.

Principal use. The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted or conditional.

Variance. Departure from the literal requirements of this zoning ordinance where practical difficulties exist because of special conditions or circumstances unique to a site.

Vehicle. A vehicle shall include the following:

Commercial vehicle. A motor vehicle designed and registered as a truck and licensed under the motor carrier laws of the State of Minnesota for the transportation or property but not persons, or a motor vehicle designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry ten (10) or more persons or any number of persons for a fee. Commercial vehicle includes vehicles commonly called trucks, delivery vans, buses, taxicabs, limousines, and other similar vehicles.

Inoperable vehicle. A vehicle that is abandoned or lacking vital component parts essential to its mechanical functioning, including but not limited to the engine, drive train, and wheels; or a vehicle that is so mechanically defective as to be unsafe for operation; or a vehicle that does not display a current license plate, current license tab, or current registration.

Motor vehicle. A vehicle that has its own motive power and that is used for the transportation of people or goods on streets. Motor vehicle includes passenger automobiles, trucks and commercial vehicles, and recreational vehicles with motive power.

Passenger automobile. A motor vehicle designed to carry less than ten (10) persons, including the driver. Passenger automobile includes vehicles commonly called cars, minivans, passenger vans, sport utilities, motorcycles and pickups, and that is not a commercial vehicle.

Recreational vehicle. A vehicle with or without motive power, which is designed for sport or recreational use or which is designed for human occupancy on an intermittent basis. Recreational vehicles include, but are not limited to, snowmobiles, boats, trailers, motor homes, campers, all terrain vehicles and similar items for personal recreation.

Vintage passenger automobile. A passenger automobile eligible for pioneer, classic, or street rod license plates, or that has a collector license plate, as defined by the State of Minnesota Department of Public Safety.

Video store. An establishment where movies are offered for rent to the general public for off-premises use. A video store may also offer accessory products or services, such as rental of video equipment.

Wholesale establishment. A business establishment engaged primarily in selling to retailers for resale.

Yard. An open space on the same zoning lot with a use, building or structure which is unoccupied and unobstructed from its lowest surface level to the sky, except as otherwise provided by this zoning ordinance. A yard extends along a lot line and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

Corner side yard. A yard located immediately adjacent to and extending along the corner side lot line between the front yard and the rear lot line.

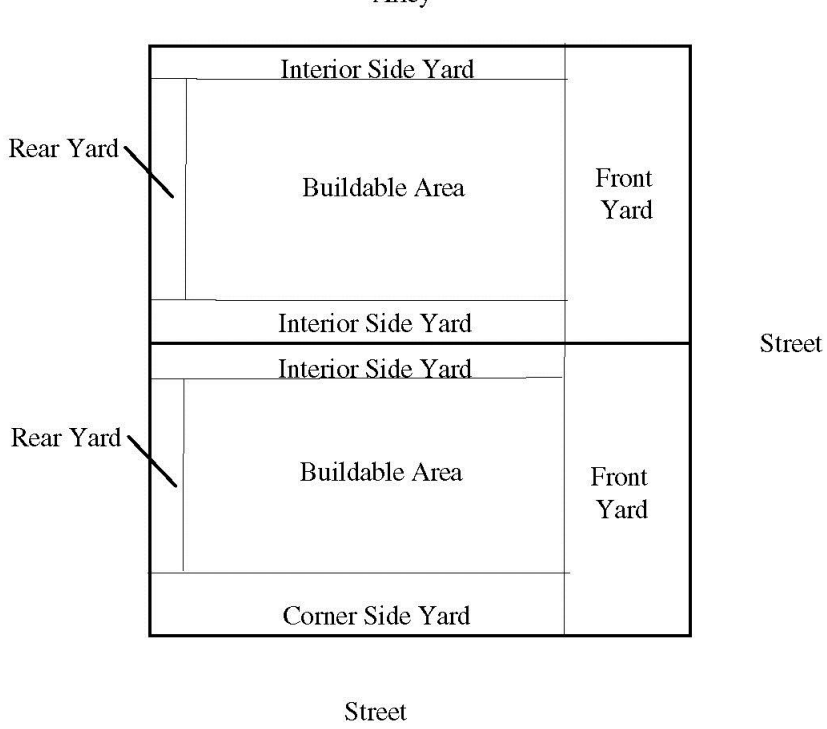
Front yard. A yard located immediately adjacent to and extending along the full length of the front lot line between the side lot lines.

Interior side yard. A yard located immediately adjacent to and extending along another zoning lot or an alley between the front yard and the rear lot line.

Rear yard. A yard located immediately adjacent to and extending along the length of the rear lot line between the side yards.

Side yard. Either a corner side yard or an interior side yard, unless otherwise specified by this zoning ordinance.

Landscaped yard. A front, side or rear yard that is required to be landscaped, as specified in this zoning ordinance.



Zoning administrator. ~~The Director of the Minneapolis City Planning Department or his or her authorized representative.~~ The individual designated by the director of the department of community planning and economic development to serve as the city's zoning administrator or their authorized representative.

Zoning district. An area or areas within the limits of the city within which uniform regulations and requirements govern the use, placement, spacing and size of land and structures.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-223 amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-223
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 525.95 of the above-entitled ordinance be amended to read as follows:

525.95. ~~Director of regulatory services~~ Enforcement officials. The director of regulatory services, planning director, building official, and zoning administrator shall have the following powers and duties in connection with the administration of this zoning ordinance:

(1) To enforce this zoning ordinance by commencement of appropriate administrative and legal remedies, including but not limited to issuance of citation or written orders, or reference to the city attorney for issuance of a formal complaint.

(2) To take such other actions as reasonable and necessary for the enforcement of this zoning ordinance.

Section 2. That Section 525.120 of the above-entitled ordinance be amended to read as follows:

525.120. ~~Planning department~~ Department of community planning and economic development. (a) *Establishment.* The ~~city planning department~~ department of community planning and economic development is established ~~by~~ in Chapter ~~13~~ 415 ~~of the Minneapolis~~

~~City Charter~~ of this Code and shall ~~be~~ serve as the planning ~~agency~~ department for the city, as described in Chapter 13 of the City Charter. The ~~planning~~ department of community planning and economic development shall perform its duties and exercise its powers as provided by law in such a way as the objectives of this zoning ordinance shall be observed.

(b) *Jurisdiction and authority.* The planning director or his or her authorized representative shall have the following powers and duties in connection with the administration of this zoning ordinance:

(1) To review and make recommendations regarding land use applications, as authorized by this zoning ordinance.

(2) To conduct surveys and studies for the purpose of recommending amendments to this zoning ordinance.

(3) To make comprehensive surveys and studies of conditions and trends for the purpose of recommending a comprehensive plan and amendments thereto.

(4) To perform the administrative review of applications for travel demand management plans, transfer of development rights, and floor area ratio premiums.

(5) To perform such duties and functions as directed by the city council and mayor.

Section 3. That Section 525.240 of the above-entitled ordinance be amended to read as follows:

525.240. Compliance with performance standards. Whenever an application is made for issuance or change of a zoning certificate, which may include the production, processing, cleaning, servicing, testing or repair of materials, goods or products, the zoning administrator shall review the application to determine compliance with the applicable regulations of the zoning district and the applicable general performance standards of Chapter 535, Regulations of General Applicability. The zoning administrator may initiate an investigation or study to ensure compliance with the standards when it is believed that proposed processes may violate applicable general performance standards. When a determination of compliance may be reasonably made by the ~~department of inspections~~ Minneapolis Health Department using health department equipment and personnel, the health department may accomplish the study or investigation necessary. When unusual technical complexity or expense would be incurred in securing the sufficient information to conclude the study or investigation, the zoning administrator may require the applicant to provide the evidentiary submission at the applicant's expense, including but not limited to the following:

(1) Plans of the existing or proposed construction and development.

(2) Detailed descriptions of existing or proposed machinery, processes, activities and materials used and the products made.

(3) Plans and specifications for the mechanisms and techniques used or proposed to be used in demonstrating compliance with the applicable regulations of the zoning district and the applicable performance standards.

(4) Measurements or estimates of the amount and rate of emission of any substance or force demonstrating compliance with the performance standards.

Section 4. That Section 525.540 of the above-entitled ordinance be amended to read as follows:

525.540. Complaints regarding violations. The ~~zoning administrator and the director of regulatory services~~ enforcement officials described in section 525.95 of this Code shall have the authority to investigate any complaint alleging a violation of the zoning ordinance or the conditions of any zoning approval and to take such action as is warranted in accordance with the procedures set forth in this chapter.

Section 5. That Section 525.550 of the above-entitled ordinance be amended to read as follows:

525.550. Procedures upon discovery of violations. (a) *Notice of violation*. The ~~zoning administrator or the director of regulatory services~~ city shall provide a written notice to the property owner or to any person responsible for such violation, identifying the property in question, indicating the nature of the violation, and ordering the action necessary to correct it, including a reasonable time period to remedy the violation. The written notice shall advise that the decision or order may be appealed to the board of adjustment in accordance with the provisions of section 525.170. Additional written notices may be provided at the discretion of the enforcement official. Where the violation involves work being done contrary to the provisions of this zoning ordinance, the ~~zoning administrator or director of regulatory services~~ city may order the work stopped. No further work shall be undertaken while a stop-work order is in effect.

(b) *Enforcement without notice*. Whenever the ~~zoning administrator or director of regulatory services~~ city finds that an emergency exists in relation to the enforcement of the provision of the zoning ordinance which requires immediate action to protect the health, safety or welfare of occupants of any structure, or the public, they may seek immediate enforcement without prior written notice, notwithstanding any other provision of this ordinance.

Section 6. That Section 525.580 of the above-entitled ordinance be amended to read as follows:

525.580. Penalties and remedies for violations. Violations of the provisions of this zoning ordinance or the conditions of any zoning approval granted thereunder may be enforced by any one (1), all, or any combination of the following penalties and remedies:

(a) Violations shall be punishable as criminal offenses as stated in section 1.30 of the Minneapolis Code of Ordinances.

(b) Violations may be enforced as administrative offenses pursuant to chapter 2 of the Minneapolis Code of Ordinances.

(c) This zoning ordinance may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

(d) Each day that any violation continues after notification by the ~~zoning administrator or director of regulatory services~~ city that such violation exists shall

be considered a separate offense for purpose of the penalties and remedies specified in this section.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-224 amending Title 20, Chapter 543 of the Minneapolis Code of Ordinances relating to Zoning Code: On-Premise Signs, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-224
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 20, Chapter 543 of the Minneapolis Code of Ordinances relating to Zoning Code: On-Premise Signs.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 543.90 of the above-entitled ordinance be amended to read as follows:

543.90. Sign hangers to be licensed. No person shall install, reconstruct, alter, repair or remove any sign or submit a sign permit application without first having secured a sign hanger's license from the ~~director of regulatory services~~ licensing official.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-225 amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to Zoning Code: Off-Premise Advertising Signs and Billboards, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-225
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to Zoning Code: Off-Premise Advertising Signs and Billboards.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 544.100 of the above-entitled ordinance be amended to read as follows:

544.100. Billboard erectors to be licensed. No person shall install, reconstruct, alter, repair or remove any billboard or submit a sign permit application without first having secured a license from the ~~director of regulatory services~~ licensing official.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-226 amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to Land Subdivision: Land Subdivision Regulations, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-226
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 22, Chapter 598 of the Minneapolis Code of Ordinances relating to Land Subdivision: Land Subdivision Regulations.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 598.60 of the above-entitled ordinance be amended to read as follows:

598.60. Definitions. As used in this chapter, the following words shall mean:

City engineer. The director of the department of public works or their designee.

Minor subdivision. A subdivision of one or more lots or parcels that creates no more than two (2) lots or parcels.

Outlot. Any lot which is created by subdivision which will not be developed for any use other than open space, private or public park or common area within a condominium plat prepared pursuant to Minnesota Statutes, Chapter 515A or a common interest community plat prepared pursuant to Minnesota Statutes, Chapter 515B.

Planning director. The director of the department of community planning and economic development or their designee.

Subdivider. Any person with a legal or equitable interest in land who submits an application to the city for approval of the subdivision of that land.

Subdivision. The separation, including the resubdivision, of an area, parcel or tract of land under single or joint ownership into two (2) or more parcels, tracts, lots or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads or alleys, for residential, commercial, industrial or other use or any combination thereof, except those separations creating cemetery lots or resulting from acquisition by governmental agencies for public improvements or uses. Used as a verb, subdivision is the process of separating land. Used as a noun, a subdivision is the land itself after it has been subdivided.

Subdivision approval. Approval of a subdivider's application for subdivision granted by the city evidenced by the city's signature on a final plat or registered land survey or, in the case of minor subdivisions, evidenced by a resolution of the city recorded in the Office of the Hennepin County Recorder or Registrar of Titles.

Zoning administrator. The individual designated by the director of the department of community planning and economic development to serve as the city's zoning administrator or their authorized representative.

Section 2. That Section 598.140 of the above-entitled ordinance be amended to read as follows:

598.140. Exemptions. The following minor subdivisions shall be exempt from all provisions of this chapter:

(1) Minor subdivisions by the ~~Minneapolis Community Development Agency~~ City of Minneapolis made to convey portions of lots owned by the agency to adjacent property owners for creation of residential side yards.

(2) Minor subdivisions by the City of Minneapolis to convey portions of excess right-of-way owned by the city to adjacent property owners.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-227 amending Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation: Heritage Preservation Regulations, to update provisions to reflect the current organizational structure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-227
By Lilligren
Intro & 1st Reading: 10/18/2013
Ref to: Comm of the Whole
2nd Reading: 12/6/2013

Amending Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation: Heritage Preservation Regulations.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 599.50(b) of the above-entitled ordinance be amended to read as follows:

599.50. Scope of regulations.

(b) *Emergency exception*. Nothing in this chapter shall prevent the emergency alteration or other modification necessary to correct the unsafe or dangerous condition of any structure or other feature, where the ~~director of inspections~~ building official certifies to the planning director that such condition has been declared unsafe or dangerous and the proposed measures have been determined necessary to correct the condition without delay. However, only such work that is necessary to correct the unsafe or dangerous condition may be performed. The extent of such work shall be determined in consultation with the planning director who may recommend to the ~~director of inspections~~ building official that the salvage and preservation of specified building materials, architectural details, ornaments, fixtures and similar items be made a condition of such emergency alteration or modification. The planning director shall report to the commission not less than once per month all emergency alterations or other modifications certified to the planning director in the preceding month, the reasons for such emergency, and the nature and extent of the alteration or modification performed.

Section 2. That Section 599.110 of the above-entitled ordinance be amended to read as follows:

599.110. Definitions. Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this chapter, have the meanings indicated. All words and phrases not defined shall have their common meaning.

Alteration. Any construction, addition, demolition, relocation or material change affecting the exterior of a landmark, property in an historic district or nominated property under interim protection, or the designated or nominated interior of any building, that the planning director has determined is not a minor alteration. Examples may include, but are not limited to, the following:

(1) Destruction of any structure, in whole or in part.

(2) Addition to a structure or moving the location of a structure.

(3) Addition of a structure.

(4) Changes to or replacement of architectural details or visual characteristics such as doors, door frames and openings, windows, window frames and openings, siding, shutters, railings, walls, steps, porches, balconies, or other ornamentation.

(5) Changes to surface materials, color and texture, including painting an unpainted masonry surface such as brick, concrete, stone or stucco, or sandblasting or other abrasive cleaning of a masonry surface.

(6) Changes to or replacement of roofing materials.

(7) Addition or removal of signs and awnings, or changes to or replacement of existing signs and awnings.

(8) Changes to or replacement of landscaping or natural features that are inconsistent with the historic qualities of the property.

(9) Disturbance of archaeological sites or areas.

Building official. The individual designated by the director of the department of community planning and economic development to serve as the city's building official pursuant to Minnesota Statutes, Section 326B.133.

Certificate of appropriateness. A certificate issued by the planning director evidencing the review and authorization by the commission of plans for alteration of a landmark, property in an historic district or nominated property under interim protection.

Certificate of no change. A certificate issued by the planning director evidencing the review and authorization by the planning director of plans for minor alteration of a landmark, property in an historic district or nominated property under interim protection.

City council. The City Council of the City of Minneapolis.

Commission. The Heritage Preservation Commission of the City of Minneapolis.

Cultural resource. An item, fixture, property, collection of properties, or place that is believed to have historical, cultural, architectural, archaeological or engineering integrity and significance.

Demolition. The act of moving or razing a building including the removal or enclosure of sixty (60) percent or more of the structure.

Designation study. A study and report prepared to document the historical, cultural, architectural, archaeological or engineering significance of a property.

Design guidelines. Specific design criteria adopted by the commission for landmarks and historic districts to be used in reviewing applications for certificates of appropriateness and certificates of no change.

Destruction. The removal, damage or enclosure of architectural, mechanical or landscape features, including, but not limited to, the removal of the primary façade(s), character defining façade(s), or the removal of the roof of the structure for the purpose of raising the overall height of the building or roof, that may have an adverse effect on the historical integrity and significance of a property.

~~*Director of inspections*. The Director of the City of Minneapolis Inspections Division or his or her authorized representative.~~

Historic district. All property within a defined area designated as an historic district by the city council because of the historical, cultural, architectural, archaeological or engineering significance of the district, or designated as an historic district by state law.

Historic resource. A property that is believed to have historical, cultural, architectural, archaeological or engineering significance and to meet at least one of the criteria for designation as a landmark or historic district as provided in this chapter.

Historic variance. Departure from the literal requirements of the zoning regulations governing a landmark or property in an historic district where strict adherence would cause undue hardship due to special conditions or circumstances unique to a site.

Integrity. The authenticity of a landmark, historic district, nominated property under interim protection or historic resource evidenced by its location, design, setting, materials, workmanship, feeling or association.

Interim protection. Protection from destruction or alteration given to a nominated property following the commission's decision to commence a designation study.

Landmark. Any property, or any interior of a building, designated as a landmark by the city council because of its historical, cultural, architectural, archaeological or engineering significance.

Minor alteration. An alteration that the planning director has determined does not affect the integrity of a landmark, historic district or nominated property under interim protection. Examples may include, but are not limited to, changes that the planning director has determined are not significant, and changes that reproduce the existing design and that are executed with the same type of materials and methods as existing if available, or with visually similar materials if the original materials are not available.

Nominated property. A property that has been nominated for designation as a landmark or historic district, pursuant to the requirements of this chapter.

Planning director. The ~~D~~director of the ~~Minneapolis City Planning Department or his or her authorized~~ representative department of community planning and economic development or their designee.

Potential Historic District. A collection of property that is believed to have historical, cultural, architectural, archaeological or engineering significance and to meet at least one (1) of the criteria for designation as an historic district as provided in this chapter.

Property. Any land, building, structure or object, surface or subsurface area, natural or landscape feature.

Receiving site. The zoning lot on which transferred floor area is to be developed, pursuant to the requirements of this chapter.

Sending site. The zoning lot containing a landmark or located within an historic district, and from which undeveloped floor area is to be transferred, pursuant to the requirements of this chapter.

Significance. The authenticity of a landmark, historic district, nominated property under interim protection or historic resource evidenced by association with significant events or with periods that exemplify broad patterns of cultural, political, economic or social history;

association with the lives of significant persons or groups; because it contains or is associated with distinctive elements of city or neighborhood identity; embodiment of the distinctive characteristics of an architectural or engineering type or style, or method of construction; its exemplification of a landscape design or development pattern distinguished by innovation, rarity, uniqueness or quality of design or detail; exemplification as a work of master builders, engineers, designers, artists, craftsmen or architects; because it has yielded, or may be likely to yield, information important in prehistory or history.

Structure. Anything constructed or erected with a more or less fixed location on or in the ground or in or over a body of water. A structure shall include, but not be limited to, buildings, fences, walls, signs, canopies, decks, patios, antennae, piers, bridges, docks and any objects or things permanently attached to the structure.

The Secretary of the Interior's Standards. The most recent standards for the treatment of historic properties established by the National Park Service, United States Department of the Interior.

Transfer of development rights. The conveyance of undeveloped floor area from one zoning lot to another zoning lot, pursuant to the requirements of this chapter.

Zoning administrator. The individual designated by the director of the department of community planning and economic development to serve as the city's zoning administrator or their authorized representative.

Section 3. That Section 599.120(b) of the above-entitled ordinance be amended to read as follows:

599.120(b) Heritage preservation commission.

(b) *Jurisdiction and authority*. The commission shall have the following powers and duties in connection with the administration of this chapter:

(1) To interpret and administer the provisions of this chapter.

(2) To adopt and administer rules and regulations relating to the administration of this chapter.

(3) To direct the commencement of designation studies, as authorized by this chapter.

(4) To hear and make recommendations to the city council on the proposed designation of landmarks and historic districts.

(5) To hear and decide applications for certificate of appropriateness.

(6) To hear and decide applications for demolition of historic resources.

(7) To hear and decide appeals from decisions of the planning director, ~~director of inspections~~ building official, or other official, as authorized by this chapter.

(8) To hear and make recommendations to the city council on proposed historic variances.

(9) To hear and make recommendations to the city council on proposed transfers of development rights.

(10) To adopt design guidelines for landmarks and historic districts, and to revise design guidelines as necessary.

(11) To review and make recommendations to the city council on proposed amendments to the zoning code.

(12) To make recommendations to the city council on proposed amendments to this chapter.

(13) To inform and educate the citizens of Minneapolis concerning the historical, cultural, architectural, archaeological or engineering heritage of the city.

(14) To seek and identify incentives to encourage both public and private investments in preserving the city's landmarks, historic districts and historic resources.

(15) To make recommendations to the city council that designated properties or historic resources be acquired by purchase, gift or by eminent domain.

(16) To take such other actions as are reasonable and necessary for the administration and enforcement of this chapter.

Section 4. That Section 599.140 of the above-entitled ordinance be amended to read as follows:

599.140. ~~Director of inspections~~ Building official. The ~~director of inspections~~ building official shall have the power and duty to enforce this chapter by commencement of appropriate administrative and legal remedies, including but not limited to issuance of citation or written orders, or reference to the city attorney for issuance of a formal complaint.

Section 5. That Section 599.180 of the above-entitled ordinance be amended to read as follows:

599.180. Appeals of decisions of the planning director. All findings and decisions of the planning director, ~~director of inspections~~ building official, or other official involved in the administration or the enforcement of these heritage preservation regulations shall be final subject to appeal to the heritage preservation commission, except that appeal of a decision ~~of the director of inspections~~ involving a violation of Title 5 of the Minneapolis Code of Ordinances, Building Code, or Title 12 of the Minneapolis Code of Ordinances, Housing, shall be as provided in the written order. Appeals may be initiated by any affected person by filing the appeal with the planning director on a form approved by the planning director and shall be accompanied by all required supporting information, as specified in section 599.160, and fees as specified in section 599.175. All appeals shall be filed within ten (10) calendar days of the date of the decision. Timely filing of an appeal shall stay all proceedings in the action appealed. No action shall be taken by any person to alter the property in any manner until after a final decision has been made by the heritage preservation commission, unless the planning director certifies to the

commission, with service of a copy to the applicant, that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed. The commission shall hold a public hearing on each complete application for an appeal as provided in section 599.170. All findings and decisions of the commission concerning appeals shall be final, subject to appeal to the city council as specified in section 599.190.

Section 6. That Section 599.360(a) of the above-entitled ordinance be amended to read as follows:

599.360. Certificate of appropriateness conditions and guarantees. (a) *In general*. Following commission approval of an application, the applicant shall receive a signed certificate of appropriateness and approved plans stamped by the planning director. The applicant shall produce such certificate of appropriateness and plans to the ~~inspections~~ department of community planning and economic development before a building permit or demolition permit may be issued. The signed certificate of appropriateness and stamped plans shall be available for inspection on the construction-site together with any ~~inspections department~~ permits.

Section 7. That Section 599.430(a) of the above-entitled ordinance be amended to read as follows:

599.430. Certificate of no change conditions and guarantees. (a) *In general*. After planning director approval, the applicant shall receive a signed certificate of no change and approved plans stamped by the planning director. The applicant shall produce such certificate of no change and plans to the ~~inspections~~ department of community planning and economic development before a building permit may be issued. The signed certificate of no change and stamped plans shall be available for inspection on the construction-site together with any ~~inspections department~~ permits.

Section 8. That Section 599.680 of the above-entitled ordinance be amended to read as follows:

599.680. Complaints regarding violations. The ~~director of inspections~~ building official shall have the authority to investigate any complaint alleging a violation of this chapter or the conditions of any approval granted pursuant to this chapter, and to take such action as is warranted in accordance with the procedures set forth herein and with all other applicable regulations.

Section 9. That Section 599.690 of the above-entitled ordinance be amended to read as follows:

599.690. Procedures upon discovery of violations. (a) *In general*. The ~~director of inspections~~ building official, in consultation with the planning director, shall provide a written notice to the property owner or to any person responsible for such violation, identifying the property in question, indicating the nature of the violation, and ordering the action necessary to correct it, including a reasonable time period to remedy the violation. Where the violation involves work being done contrary to the provisions of this chapter, the ~~director of inspections~~ building official may order the work stopped. No further work shall be undertaken while a stop-work order is in effect.

(b) *Appeals to commission*. Where the violation involves a condition of approval granted pursuant to this chapter, or an unauthorized alteration or minor alteration of a landmark,

property in an historic district, nominated property under interim protection or historic resource, or other provision of this chapter except a violation of Title 5 of the Minneapolis Code of Ordinances, Building Code, or Title 12 of the Minneapolis Code of Ordinances, Housing, the written notice shall advise that the ~~director of inspection's~~ building official's order may be appealed to the commission in accordance with the provisions of section 599.180.

Adopted.

Absent – Reich, Johnson.

Lilligren moved to find under Council Rule V, Section 1 (D) that the regular Council cycle is not adequate, and to consider the following action of the Committee of the Whole from December 5, 2013 relating to the 2014 City Council & Standing Committees Calendar at this meeting. Seconded.

Adopted.

Absent – Reich, Johnson.

Comm of the Whole – Your Committee recommends the following:

a) approval of the 2014 City Council & Standing Committees Calendar, as set forth in Petn No 276875 on file in the Office of the City Clerk.

b) that the City Clerk be directed to post the 2014 Calendar as notice of regular meetings.

c) that the City Clerk be authorized to incorporate updates, corrections, and changes to the 2014 Calendar, as necessary, to accommodate the City Council and its Standing Committees.

Adopted.

Absent – Reich, Johnson.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 2029, 2033 and a portion of 2101 W Broadway to Plymouth Christian Youth Center (PCYC) or an affiliate for $161,650, as part of the Capri Theater expansion.

Further, that the proper City officers be authorized to enter into a redevelopment contract and related documents in accordance with the terms set forth in the Department of Community Planning & Economic Development staff report.

Adopted.

Absent - Reich, Johnson.

Resolution 2013R-522, authorizing sale of land West Broadway Redevelopment Disposition Parcels WB 6-11, WB 6-12 and WB 6-13 (portion) at 2029, 2033 and 2101 (portion) W Broadway, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-522
By Goodman

Authorizing sale of land West Broadway Redevelopment Disposition Parcels WB 6-11, WB 6-12 and WB 6-13 (PORTION) at 2029, 2033 and 2101 (portion) W Broadway.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcels WB 6-11, WB 6-12 and a portion of WB 6-13 in the Willard - Hay neighborhood, from Plymouth Christian Youth Center or an affiliate, hereinafter known as the Redeveloper, the Parcels WB 6-11, WB 6-12 and a portion of WB 6-13 being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTIONS:
WB 6-11; 2029 West Broadway: Lot 2, Block 21, Forest Heights;
WB 6-12; 2033 West Broadway: The SE 30 feet of Lot 3, Block 21, Forest Heights;
WB 6-13; 2101 West Broadway (PORTION): The Northwest 15 feet of Lot 3, all of Lot 4, Block 21, Forest Heights; and

Whereas, the Redeveloper has offered to pay the sum of $161,650, for Parcels WB 6-11, WB 6-12 and WB 6-13 (PORTION) to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcels; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on November 8, 2013, a public hearing on the proposed sale was duly held on November 19, 2013, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the West Broadway Redevelopment plan, as amended, is hereby estimated to be the sum of $161,650 for Parcels WB 6-11, WB 6-12 and WB 6-13 (PORTION).

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed and delivered by the Finance Officer or other appropriate City official of the City.

Adopted.

Absent - Reich, Johnson.

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds on behalf of The Catalyst Five Points, LLC commercial office building project at 2119 W Broadway, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to $1,850,000 in Tax-exempt 501(c)(3) Bank Qualified Bank Direct Minneapolis Community Development Agency Revenue Bonds, Series 2013, for said project.

Your Committee further recommends that the subject matter be forwarded to the MCDA Board of Commissioners.

Adopted.

Absent - Reich, Johnson.

Approved by Mayor Rybak 12/6/2013.

(Published 12/10/2013).

Resolution 2013R-523, giving preliminary and final approval to and authorizing the refinancing of a project on behalf of Catalyst Five Points, LLC, at 2119 W Broadway, and authorizing the issuance of a revenue refunding bond of the Minneapolis Community Development Agency, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-523
By Goodman

Giving preliminary and final approval to and authorizing the refinancing of a project on behalf of Catalyst Five Points, LLC, and authorizing the issuance of a revenue refunding bond of the Minneapolis Community Development Agency.

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended, the City Council of the City of Minneapolis (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, Catalyst Five Points, LLC, a Delaware limited liability company (the "Borrower"), whose sole member is Catalyst Community Partners, a Minnesota nonprofit corporation, has requested the participation of the Agency in refinancing one or more loans (the "Prior Loans"); and

Whereas, the Borrower applied the proceeds of the Prior Loans to the acquisition and renovation of an existing building located at 2119 West Broadway Avenue in the City, which houses approximately 15,718 square feet of office space (the "Project") and currently has two tenants, the Northside Achievement Zone, a Minnesota nonprofit corporation, and the Center for Communication and Development, a Minnesota nonprofit corporation doing business as KMOJ Radio; and

Whereas, the Borrower has proposed to refinance the Project by refinancing the Prior Loans and has requested the assistance of the Agency in undertaking such refinancing; and

Whereas, on the date hereof, the Board of Commissioners of the Agency intends to adopt a resolution (the "Bond Resolution") giving approval to the refinancing of the Project and the issuance of its Revenue Refunding Bond (Catalyst Five Points, LLC Project), Series 2013 (the "Bond"), in the aggregate principal amount not to exceed $1,850,000, the proceeds of which will be loaned to the Borrower for the purposes of refinancing the Project;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the terms of the Bond Resolution are incorporated herein by reference.

Be It Further Resolved that the City Council hereby gives preliminary and final approval to the issuance of the Bond by the Agency in the aggregate principal amount not to exceed $1,850,000.

Be It Further Resolved that the Bond is hereby designated a "Program Bond" and is determined to be within the "Program," as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 1997R-402 of the City adopted December 12, 1997.

Be It Further Resolved that this resolution shall take effect and be in force from and after its approval and publication. Pursuant to Chapter 4, Section 9, of the Charter of the City, only the title of this resolution and a summary of this resolution conforming to Minnesota Statutes, Section 331A.01, subdivision 10, shall be published in the official paper of the City.

Adopted.

Absent - Reich, Johnson.

Approved by Mayor Rybak 12/6/2013.

Comm Dev - Your Committee recommends that the proper City officers be authorized to sign an Acknowledgement of Receptivity to an LCA Funding Award form for projects recommended for Livable Communities Local Housing Incentive Account grant awards from the Metropolitan Council.

Adopted.

Absent - Reich, Johnson.

Comm Dev - Your Committee, having under consideration City financing documents relating to the Diamond Hill Townhomes at 5701 Sander Dr (a/k/a Bossen Terrace Townhomes), now recommends that the proper City officers be authorized to amend and re-subordinate its Multifamily Rental and Cooperative Program loan interests and extend the loan maturity date in accommodation of FHA-insured HUD first mortgage, as described in the Department of Community Planning & Economic Development staff report.

Adopted.

Absent - Reich, Johnson.

Comm Dev - Your Committee recommends passage of the accompanying resolution amending Resolution 2013R-189 entitled, "Approving the addition and deletion of parcels in Housing Replacement Tax Increment Financing District III," passed May 10, 2013, to correct a property identification number for property at 1012 29th Ave N.

Adopted.

Absent - Reich, Johnson.

Resolution 2013R-524, amending Resolution 2013R-189 entitled, "Approving the addition and deletion of parcels in Housing Replacement Tax Increment Financing District III," passed May 10, 2013, correcting a property identification number for property at 1012 29th Ave N, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-524
By Goodman

Amending Resolution 2013R-189 entitled, "Approving the addition and deletion of parcels in Housing Replacement Tax Increment Financing District III," passed May 10, 2013.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by correcting language as follows:

Section 1. Recitals

1.1. Whereas, pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the “City”), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing (“TIF”) districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the “Project Laws”).

1.2. Whereas, Laws of Minnesota 1995, Chapter 264, Article 5, Sections 44 through 47, as amended by Laws of Minnesota 1996, Chapter 471, Article 7; Laws of Minnesota 1997, Chapter 231, Article 10; Laws of Minnesota 2002, Chapter 377, Article 7; Laws of Minnesota 2008, Chapter 154, Article 9; Laws of Minnesota 2008, Chapter 366, Article 5; Laws of Minnesota 2010, Chapter 216, Sections 45 and 46; and Laws of Minnesota First Special

Session 2011, Chapter 7, Article 5, Section 11 (collectively, the "Special Legislation") authorizes the City to establish housing replacement tax increment financing districts.

1.3. Whereas, by Resolution 95R-397 duly adopted December 29, 1995, Resolution 2008R-275 duly adopted July 11, 2008, and Resolution 2011R-491 duly adopted October 7, 2011, the City approved the Special Legislation.

1.4. Whereas, by Resolution 96R-210 duly adopted August 9, 1996, the City approved the Housing Replacement District Plan and created a Housing Replacement TIF District. By Resolution 2003R-386 duly adopted August 22, 2003, the City approved the Housing Replacement District II Plan and created Housing Replacement TIF District II. By Resolution 2009R-602 duly adopted December 18, 2009, the City approved the Housing Replacement District III Plan (collectively with the Housing Replacement District Plan and the Housing Replacement District II Plan, the "Plans") and created Housing Replacement TIF District III (collectively with the Housing Replacement TIF District and Housing Replacement TIF District II, the "Districts").

1.5. Whereas, special legislation (2011 Laws of Minnesota First Special Session, Chapter 7, Article 5, Section 11) authorized the City to designate for inclusion in the Districts up to 200 parcels, on a onetime basis, within the area of the City of Minneapolis designated by the Presidential declaration of major disaster FEMA-1990-DR and the City added parcels to Housing Replacement TIF District III under that authority.

1.6. Whereas, the Special Legislation and the Plans specify the procedures whereby parcels may be added to and deleted from the Districts. Parcels may be added or deleted by a resolution adopted by the City Council.

1.7. Whereas, it is proposed that the City add 69 parcels to Housing Replacement TIF District III.

1.8. Whereas, it is proposed that the City delete 14 parcels from Housing Replacement TIF District III.

Section 2. Findings

2.1. The Council hereby finds, determines and declares that the following 69 parcels are to be added to Housing Replacement TIF District III and that the properties are either vacant land, vacant housing, or substandard housing and will be sold for the development of new or rehabilitated market rate housing:

Property ID No.	**Address**
01-028-24-14-0094	3217 29th Avenue South
01-028-24-22-0021	3009 19th Avenue South
01-028-24-22-0022	3011 19th Avenue South
01-028-24-22-0106	3132 Longfellow Avenue
01-028-24-43-0201	3712 28th Avenue South
02-028-24-32-0126	3532 Chicago Avenue
04-029-24-12-0040	4238 Fremont Avenue North
08-029-24-11-0152	3434 Sheridan Avenue North
08-029-24-41-0110	2934 Queen Avenue North
08-029-24-41-0138	3030 Russell Avenue North

08-029-24-44-0052	2707 Russell Avenue North
09-029-24-12-0087	3450 Humboldt Avenue North
09-029-24-~~13~~41-0103	1012 29th Avenue North
09-029-24-21-0017	3504 James Avenue North
09-029-24-24-0019	3218 Irving Avenue North
09-029-24-32-0074	3022 Morgan Avenue North
09-029-24-32-0075	3026 Morgan Avenue North
09-029-24-34-0043	2720 James Avenue North
09-029-24-34-0051	2611 James Avenue North
09-029-24-34-0058	2618 Knox Avenue North
09-029-24-41-0057	2956 Bryant Avenue North
09-029-24-41-0067	2923 Bryant Avenue North
09-029-24-41-0072	2901 Bryant Avenue North
09-029-24-41-0104	2900 Dupont Avenue North
09-029-24-41-0107	2914 Dupont Avenue North
09-029-24-41-0109	2922 Dupont Avenue North
09-029-24-42-0004	3111 Dupont Avenue North
09-029-24-42-0174	2905 Dupont Avenue North
09-029-24-43-0063	2637 Emerson Avenue North
09-029-24-44-0113	2822 Bryant Avenue North
09-029-24-44-0121	2803 Bryant Avenue North
09-029-24-44-0156	2650 Colfax Avenue North
09-029-24-44-0169	2608 Colfax Avenue North
10-029-24-32-0077	3020 6th Street North
10-029-24-32-0154	423 30th Avenue North
11-028-24-24-0225	4149 10th Avenue South
11-118-21-34-0119	4551 Russell Avenue North
12-028-24-21-0033	3901 22nd Avenue South
12-118-21-12-0032	5217 6th Street North
12-118-21-22-0129	5207 Girard Avenue North
12-118-21-31-0214	4831 Colfax Avenue North
14-029-24-31-0133	421 6th Avenue Northeast
15-029-24-22-0006	2317 3rd Street North
16-029-24-12-0105	2321 Fremont Avenue North
16-029-24-12-0106	2317 Fremont Avenue North
16-029-24-13-0074	2126 Fremont Avenue North
16-029-24-21-0028	2514 James Avenue North
16-029-24-21-0157	2301 Irving Avenue North
16-029-24-24-0114	2046 James Avenue North
16-029-24-42-0012	1811 Girard Avenue North
16-029-24-42-0069	1803 Emerson Avenue North
17-029-24-14-0093	2018 Sheridan Avenue North
17-029-24-14-0095	2026 Sheridan Avenue North
17-029-24-41-0063	1818 Sheridan Avenue North
17-029-24-42-0014	1701 Thomas Avenue North
17-029-24-44-0056	1418 Sheridan Avenue North
17-029-24-44-0178	1526 Thomas Avenue North
19-028-23-11-0163	5549 43rd Avenue South
20-029-24-41-0134	2214 4th Avenue North
21-029-24-32-0091	401 Logan Avenue North
34-029-24-42-0157	2726 Stevens Avenue South

34-029-24-42-0158	2728 Stevens Avenue South
35-029-24-13-0094	2446 15th Avenue South
35-029-24-14-0132	2540 Cedar Avenue North
35-029-24-24-0026	2406 11th Avenue South
35-029-24-24-0085	2542 12th Avenue South
35-029-24-41-0147	2623 17th Avenue South
35-029-24-42-0118	1403 26th Street East
36-029-24-23-0020	1863 E M Stately Street

2.2. That the Council hereby further finds, determines and declares that the following 14 parcels are to be deleted from Housing Replacement TIF District III:

Property ID No.	**Address**
03-028-24-13-0087	3329 Nicollet Avenue
08-029-24-41-0093	2933-35 Penn Avenue North
08-029-24-41-0098	2915 Penn Avenue North
09-029-24-33-0107	2712-14 Penn Avenue North
09-029-24-33-0110	2724 Penn Avenue North
09-029-24-33-0223	2622 Penn Avenue North
09-029-24-33-0224	2624 Penn Avenue North
09-029-24-43-0042	2648 Emerson Avenue North
12-118-21-31-0046	4700 Bryant Avenue North
16-029-24-22-0037	2522 Penn Avenue North
16-029-24-23-0079	2100 Penn Avenue North
17-029-24-11-0154	2413 Penn Avenue North
17-029-24-11-0192	2301 Penn Avenue North
26-029-24-43-0061	1911 14th Avenue South

Section 3. Implementation

3.1. Be It Further Resolved, as provided under Minnesota Statutes, Section 469.178, Subdivision 7, this Council hereby authorizes the advance of revenues from other available development revenues of the City in the principal amount needed to offset any negative fund balances incurred with respect to the Districts as a result of expenditures incurred prior to or in excess of the collection of tax increment revenue. The interest rate paid on such advances shall be equal to the rate of interest those revenues would have generated in their fund. In no event will the rate of interest charged on the advance exceed the statutory maximum set forth at Minnesota Statutes, Section 469.178, Subdivision 7. The term of this advance shall end upon the termination of the Districts, although as revenues are available in the funds for the Districts, the advance shall be offset by such amounts.

Adopted.

Absent - Reich, Johnson.

Comm Dev - Your Committee recommends that a grant of up to $30,000 in Year 34 Community Development Block Grant dollars be authorized for The Cookie Cart to pay for and install bullet proof windows in the Cookie Cart storefront at 1119 W Broadway.

Adopted.

Absent - Reich, Johnson.

Comm Dev - Your Committee recommends that the proper City officers be authorized to negotiate and execute contracts for the Small Business Technical Assistance Program

consistent with the recommendations listed in the Department of Community Planning & Economic Development (CPED) staff report, subject to modifications as approved by the CPED Director.

Adopted.

Absent - Reich, Johnson.

Comm Dev - Your Committee, having under consideration financing for the renovation of property at 1806 15th Ave S, now recommends approval of the following recommendations:

a) A one-time waiver of the Maximum Code Abatement Program funding cap of $20,000 to allow for a loan of up to $150,000 using Fund 01SRF – Residential Finance;

b) A one-time waiver of the Code Abatement Program guidelines to allow the loan to be forgiven after ten years;

c) Execution of a contract with Greater Metropolitan Housing Corporation (GMHC) to provide the lending and project management services necessary for this loan;

d) Authorization for up to $5,000 from Fund 01SRF – Residential Finance to cover administrative costs associated with GMHC's lending and project management services.

Adopted.

Absent - Reich, Johnson.

Comm Dev - Your Committee, having under consideration development rights for property at the intersection of Penn and Plymouth Aves, now recommends approval of a one year extension for the exclusive development rights to Praxis Foods, through Dec 31, 2014, for the Penn/Plymouth properties at 1256 Penn Ave N and 1235-1243 Oliver Ave N.

Adopted.

Absent - Reich, Johnson.

Comm Dev - Your Committee, having under consideration the City-owned surface parking lot adjacent to the African Development Center of Minnesota, now recommends that the proper City officers be authorized to execute a lease with them to maintain and operate this accessory parking lot for its headquarters building at 1927-29 5th St S for a three year term, effective no sooner than January 1, 2014.

Adopted.

Absent - Reich, Johnson.

Comm Dev - Your Committee, having under consideration the DC Group Expansion Project at 1977 W River Rd N, now recommends that the proper City officers be authorized to continue analysis of said project proposal to determine if tax increment financing (TIF) assistance is appropriate and justifiable.

Further, that staff be authorized to negotiate the terms and conditions of a redevelopment contract and prepare redevelopment and TIF plans for the project as needed. All such terms and conditions, plans, and other provisions are subject to future City Council review, discussion, and approval or denial.

Adopted.

Absent - Reich, Johnson.

The COMMUNITY DEVELOMENT and REGULATORY, ENERGY & ENVIRONMENT COMMITTEES submitted the following report:

Comm Dev & RE&E - Your Committee, having under consideration the facilitation of the Property Assessed Clean Energy (PACE) Program for the City of Minneapolis, now recommends:

a) That the proper City officers be authorized to execution the Joint Powers Agreement between the City of Minneapolis and the Port Authority of the City of Saint Paul;

b) Passage of the accompanying resolution designating the Port Authority of the City of Saint Paul to implement and administer the PACE program on behalf of the City of Minneapolis; and

c) That staff be directed to take the necessary actions to implement and administer the PACE of Minnesota financing program for City of Minneapolis projects including the imposition of administrative fees.

Adopted.

Absent - Reich, Johnson.

Resolution 2013R-525, designating the port authority to implement and administer a project assessed clean energy improvement financing on behalf of the City, and providing for the imposition of special assessments as needed in connection with that program, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-525
By Goodman and Glidden

Designating the port authority to implement and administer a project assessed clean energy improvement financing on behalf of the City, and providing for the imposition of special assessments as needed in connection with that program.

Whereas, the Port Authority of the City of Saint Paul (the "Port Authority") has established the Property Assessed Clean Energy Program ("PACEMN") to finance the acquisition and construction or installation of energy efficiency and conservation improvements (the "Improvements"), on properties located throughout the State of Minnesota through the use of special assessments pursuant to the authority granted by Minnesota Statutes, Sections 216C.435 and 216C.436 ("the Act") and Minnesota Statutes, Chapter 429; and

Whereas, the City anticipates receiving one or more applications from owners of property located in the City desiring to participate in and receive financing pursuant to the Act; and

Whereas, in order to finance the Improvements, the City finds that it is beneficial to participate in PACEMN, and to designate the Port Authority as the "implementing entity" pursuant to Minnesota Statutes, Section 216C.435, subd. 6, to implement and administer the program on behalf of the City for purposes of financing the Improvements located within the City; and

Whereas, the City understands that the Port Authority will issue its MN PACE special assessment revenue bond to finance the Improvements, and that the sole security for that bond will be special assessments imposed by the other cities participating in MN PACE; and

Whereas, the parties have agreed to enter into a Joint Powers Agreement to memorialize the agreement;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. That the City shall enter into a Joint Powers Agreement with the St. Paul Port Authority for the purposes described in the Act and hereby authorizes the execution of the Joint Powers Agreement.

2. That the City hereby designates the St. Paul Port Authority as the "implementing entity" under Minnesota Statutes, Section 216C.435, subd. 6, to implement and administer programs described in Minnesota Statutes, Section 216C.436.

3. That in order to facilitate and encourage the financing of the Improvements located within the City, the City covenants to levy assessments for said Improvements on the property so benefitted, in accordance with Minnesota Statutes, Chapter 429 and the Program Documents, as defined in the Joint Powers Agreement, as approved by the Port Authority. The interest rate on the special assessments shall be the interest rate on the Bond, plus 0.5%.

4. After imposition of the special assessments, the City agrees to collect such assessments and remit them to the Port Authority for use in the repayment of the Bond. The City will take all actions permitted by law to recover the assessments, including without limitation, for tax-forfeit parcels, reinstating the outstanding balance of assessments when the property returns to private ownership, in accordance with Minnesota Statutes, Section 429.071, subd. 4.

Adopted.

Absent - Reich, Johnson.

The COMMUNITY DEVELOMENT, REGULATORY, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET COMMITTEES submitted the following report:

Comm Dev, RE&E & W&M/Budget - Your Committee, having under consideration the following recommendations from the Community Planning & Economic Development (CPED) and Health Departments relating to establishment of a Business Health and Safety Improvement Loan Program to make physical improvements required by code or necessary to the efficient operation of the business in partnership with the Metropolitan Consortium of Community Developers:

a) That CPED staff be directed to establish a Business Health and Safety Improvement Loan Program that is consistent with the program summary outlined in the staff report;

b) Passage of the accompanying resolution increasing the appropriation in CPED by $139,750;

c) That the proper City officers be authorized to enter into a contract with the Metropolitan Consortium of Community Developers to manage the Program to Minneapolis businesses, using budgeted dollars in the Health Department Fund 00100-8600156;

now recommends:

Comm Dev - Approval of said recommendations.

RE&E & W&M/Budget- That said recommendations be sent forward without recommendation.

Goodman moved to approve the Community Development recommendation and further, to amend the language contained in the staff report by adding the following language regarding the program administration fee structure and loan interest rate:

"MCCD will be compensated to administer the program solely through retained loan interest payments. Loan interest rates will be capped at 7%." Seconded.
Adopted by unanimous consent.
Absent - Reich, Johnson.

The report, as amended, was adopted.
Absent - Reich, Johnson.

RESOLUTION 2013R-526
By Goodman

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Grants-Other Fund (01600-8900320) by $139,750 and increasing the revenue source (01600-8900320-322502) by $139,750.
Adopted.
Absent - Reich, Johnson.

The COMMUNITY DEVELOPMENT, TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET COMMITTEES submitted the following report:

Comm Dev, T&PW & W&M/Budget - Your Committee, having under consideration direction for the Impound Lot and development strategy for land adjacent to Van White Memorial Blvd, now recommends:

a) That the Departments of Public Works and Finance & Property Services (FPS) be directed to reduce the Impound Lot footprint and prepare recommendations on how to best to facilitate development while aesthetically improving the remaining infrastructure, including building and grounds, and enhancing the overall security and customer experience;

b) That the Departments of Community Planning & Economic Development (CPED) and Public Works be authorized to coordinate a land use and development strategy for City owned parcels adjacent to the newly completed Van White Memorial Blvd; and

c) Passage of the accompanying resolution increasing the appropriation in CPED by $100,000, for consulting services.

Adopted.

Absent - Reich, Johnson.

RESOLUTION 2013R-527
By Goodman, Colvin Roy and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development's Development Fund (01SDA-8900320) $100,000 from available fund balance.

Adopted.

Absent - Reich, Johnson.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET COMMITTEES submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having under consideration the development site located at Bloomington Ave S and the Midtown Greenway (north of 29th St E), now recommends:

a) Passage of the accompanying resolutions -

1) Approving the Greenway Heights Tax Increment Financing (TIF) Plan and the related Modification No. 2 to the Lake and Bloomington Redevelopment Plan and Modification No. 1 to the East Phillips Commons, Phase 1 TIF Plan;

2) Authorizing the issuance of a Limited Revenue Pay-As-You-Go TIF Note not to exceed $441,500 for the Greenway Heights Family Housing Project;

3) Establishing the Community Planning & Economic Development agency Fund 01CGW- Greenway Heights (01CGW-8900900) and approving an initial appropriation of $5,000;

4) Giving final approval to issue up to $6,000,000 in Tax-Exempt Multifamily Housing Revenue Entitlement Bonds;

b) Approving the redevelopment contract business terms described in the CPED staff report; and

c) That the proper City officers be authorized to execute any other necessary documents with the Greenway Partners, LLC or an affiliated entity related to the above recommended actions.

Adopted.

Absent - Reich, Johnson.
Approved by Mayor Rybak 12/6/2013.
(Published 12/10/2013)

Resolution 2013R-528, approving the Greenway Heights Tax Increment Financing Plan, Modification No 2 to the Lake and Bloomington Redevelopment Plan and Modification No 1 to the East Phillips Commons, Phase 1 Tax Increment Finance Plan, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-528
By Goodman and Hodges

Approving the Greenway Heights Tax Increment Financing Plan, Modification No 2 to the Lake and Bloomington Redevelopment Plan and Modification No 1 to the East Phillips Commons, Phase 1 Tax Increment Finance Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the “City”), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing (“TIF”) districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the “Project Laws”).

1.2. By Resolution 2002R-209 duly adopted and approved on June 21, 2002, the Council approved the Lake and Bloomington Redevelopment Plan and the East Phillips Commons, Phase 1 TIF Plan and thereby established the Lake and Bloomington Redevelopment Project and the East Phillips Commons, Phase 1 TIF District. By Resolution 2004R-236 duly adopted and approved on May 28, 2004, the Council approved Modification No 1 to the Lake and Bloomington Redevelopment Plan.

1.3. It has been proposed and the City has caused to be prepared, and this Council has investigated the facts with respect to, the Greenway Heights Tax Increment Financing Plan (the “TIF Plan”), Modification No 2 to the Lake and Bloomington Redevelopment Plan (“Modification No 2”) and Modification No 1 to the East Phillips Commons, Phase 1 TIF Plan (“Modification No 1”) (collectively, the "Plans"). The TIF Plan creates a new housing TIF district (the “TIF District”) within the Lake and Bloomington Redevelopment Project, designates property to be included in the TIF District, states the City’s objectives, describes proposed development activity, and identifies a budget for expenditures. Modification No 2 updates the Land Use Plan, the Future Land Use Map and the description of project proposals. Modification No 1 removes four parcels from the East Phillips Commons, Phase 1 TIF District. These actions are all pursuant to and in accordance with the Project Laws.

1.4. The City has performed all actions required by law to be performed prior to the adoption of the Plans, including, but not limited to, a review of the proposed Plans by the affected neighborhood groups and the City Planning Commission, transmittal of the proposed Plans to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing upon published notice as required by law.

Section 2. Findings and Election

2.1. The Council hereby finds, determines and declares that the objectives and actions authorized by the Plans are all pursuant to and in accordance with the Project Laws.

2.2. The Council further finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the city as a whole. Written comments of the City Planning Commission with respect to the Plans were issued on November 12, 2013, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.3. The Council further finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the redevelopment of the Project Area and TIF District by private enterprise.

2.4. The Council further finds, determines and declares that the land in the Redevelopment Project and TIF District would not be made available for redevelopment without the financial aid and public assistance to be sought.

2.5. The Council further finds, determines and declares that the TIF District is a housing district pursuant to Minnesota Statutes, Section 469.174, Subdivision 11.

2.6. The Council further finds, determines and declares that the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future.

2.7. The Council further finds, determines and declares that the reasons and facts supporting the findings in this resolution are described in the Plans.

2.8. The Council elects the method of computation provided in Minnesota Statutes, Section 469.177, Subdivision 3, Paragraph (a). The Council acknowledges that, by making this election, the entire fiscal disparity contribution required of the City for development occurring within this district will be taken from outside the TIF District.

2.9. The Council hereby finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plans.

Section 3. Approval of the Plans

3.1. Based upon the findings set forth in Section 2 hereof, the Plans presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Plans

4.1. After passage and publication of this Resolution, the officers and staff of the City and the City's consultants and counsel are authorized and directed to proceed with the implementation of the Plans, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, plans, resolutions, documents and contracts necessary for this purpose.

4.2. As provided under Minnesota Statutes, Section 469.178, Subdivision 7, this Council hereby authorizes the advance of revenues from other available development revenues of the City in the principal amount needed to offset any negative fund balances incurred with respect to this TIF District as a result of expenditures incurred prior to or in excess of the collection of tax increment revenue. The interest rate paid on such advances shall be equal to the rate of interest those revenues would have generated in their fund. In no event will the rate of interest charged on the advance exceed the statutory maximum set forth at Minnesota Statutes, Section 469.178, Subdivison 7. The term of this advance shall end upon the termination of the TIF District, although as revenues are available in the fund for the TIF District, the advance shall be offset by such amounts.

Adopted.

Absent - Reich, Johnson.

Approved by Mayor Rybak 12/6/2013.

Resolution 2013R-529, approving the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding $441,500 in connection with the Greenway Heights Family Housing Project (vicinity 2845 Bloomington Ave S), was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-529
By Goodman and Hodges

Approving the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding $441,500 in connection with the Greenway Heights Family Housing Project.

Whereas, the City of Minneapolis (the "City"), acting pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, has certain powers, including without limitation the powers set forth in Minnesota Statutes, Sections 469.001 through 469.047, as amended (the "HRA Act") and Minnesota Statutes, Sections 469.174 through 469.179, as amended (the "TIF Act); and

Whereas, in furtherance of the objectives of the HRA Act, the City has undertaken programs for the clearance and reconstruction or rehabilitation of blighted, deteriorated, deteriorating, vacant, unused, underused or inappropriately used, areas of the City, and the development of housing for persons of low and moderate incomes, and in this connection the City is carrying out a housing development project known as the Greenway Heights Family Housing Project (the "Project") pursuant to Modification No. 2 to the Lake and Bloomington Redevelopment Plan approved December 6, 2013 (the "Redevelopment Plan"); and

Whereas, pursuant to the TIF Act and in furtherance of the Redevelopment Plan, the City has approved the Greenway Heights Tax Increment Financing Plan approved December 6, 2013 (the "TIF Plan"); and

Whereas, pursuant to the TIF Plan and the TIF Act, specifically Minnesota Statutes, Section 469.178, subd. 4, the City is authorized to issue its tax increment limited revenue note(s) to finance the public redevelopment costs of the Project; and

Whereas, the City has entered or will enter into a redevelopment contract (the "Redevelopment Contract") with Greenway Partners, LLC, a Minnesota limited liability company (or an affiliated entity) (the "Developer"), pursuant to which the City will provide tax increment financing assistance and the Developer will develop a 42-unit rental housing project with 42 affordable housing units and related site and public improvements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. That it is desirable that the City issue a tax increment limited revenue note (the "Note") in substantially the following form:

FORM OF TIF NOTE

Greenway Heights Family Housing _____
Tax ID #_____

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF MINNEAPOLIS

TAX INCREMENT LIMITED REVENUE NOTE
(Greenway Heights Family Housing Project)

The City of Minneapolis (the "City"), hereby acknowledges itself to be obligated and, for value received, promises to pay to the order of Gateway Commons LLC, a Minnesota limited liability company (or an affiliated entity) (the "Developer"), solely from the source, to the extent, and in the manner hereinafter provided, the principal amount of this Note, being Four Hundred Forty-One Thousand Five Hundred and No/100 Dollars ($441,500.00) or such lesser amount as may equal the certified Public Costs as described in Section _____ of the Contract, with interest at the Note Rate, in the installments specified in this Note, on the Payment Dates.

Capitalized terms not defined elsewhere in this Note shall have the meanings below:

"Available Tax Increment" means the Tax Increment received by the City during the period preceding each Payment Date, less (i) the amount of Tax Increment, if any, which the City must pay to the school district, the county and the state pursuant to *Minnesota Statutes*, Sections 469.177, Subd. 9; 469.176, Subd. 4h; and 469.175, Subd. 1a, as the same may be amended from time to time; and (ii) actual administrative costs of the City in an amount not to exceed 10% of the Tax Increment.

"Certificate of Completion" means a Certificate issued by the City to the Developer pursuant to Section 5.04 of the Contract certifying that Minimum Improvements have been substantially completed.

"Contract" means that certain Redevelopment Contract by and between the City and Greenway Partners, LLC (or an affiliated entity), dated _____, 2013.

"***Declaration of Restrictive Covenants"*** means the Declaration of Restrictive Covenants executed by the Developer in favor of the City dated _____, 20___ that is filed against the Property.

"District" means the Greenway Heights Tax Increment Financing District within the Redevelopment Project.

***"*Improvements"** means 16 two-bedroom rental housing Units, 22 three-bedroom rental housing Units and 4 four-bedroom rental housing Units plus 38 underground parking spaces and related improvements as described in the Contract.

"Maturity Date" means the earlier of (i) February 1 of the year following the final year of Tax Increment collection from the District; and (ii) the date when the principal and interest amount of this Note has been paid in full.

"Minimum Improvements" means new construction of 42 rental housing units, 38 underground parking spaces and related improvements as described in the Contract.

"Note Rate" means _____ and ___/100th percent (_____%) compounded interest per annum calculated on a 360-day-year basis.

"Payment Date" means August 1 of the year of first increment collection from the District and each August 1 and February 1 thereafter until the Maturity Date, provided that in no event will any payment date occur before the City's issuance of the Certificate of Completion under the terms of the Contract.

"Property" means the real property legally described in the attached **Exhibit A**, upon which the Minimum Improvements will be constructed.

"Public Costs" means actual Public Costs as defined in the Contract, not in excess of $441,500 related to the Minimum Improvements and which are approved by the City pursuant to the Contract.

"***Public Costs Certification*"** means a certificate in substantially the form attached to the Contract, by which the City certifies the Public Costs pursuant to the terms of the Contract.

"Redevelopment Project" means Modification No. 2 to the Lake and Bloomington Redevelopment Project, which includes the Property.

"Tax Increment" means that portion of the property taxes generated by the Property and Improvements that is actually remitted to the City as tax increment under the Tax Increment Act.

"Tax Increment Act" means *Minnesota Statutes*, Section 469.174-469.179, as amended, or any successor statutes applicable to the District.

On each Payment Date, the City shall pay the Developer an installment equal to the lesser of (i) the Available Tax Increment or (ii) the amount necessary to pay the accrued unpaid interest and the unpaid principal amount of this Note in full. If, after issuance of the Certificate of Completion the Developer is in default under the Contract or Declaration of Restrictive Covenants, and, after notice by the City to the Developer as provided in Section 9.02 of the Contract, such default has not been cured within the time period provided in the Contract, then the City may suspend payment on this Note until the default is cured or the City's obligations under this Note are terminated. If payments are suspended due to a Default under the Declaration of Restrictive Covenants, the City is not obligated to pay to the Developer the amount of the suspended payments that would otherwise have been paid to the Developer between the date the payment is suspended and the date the default is cured. Otherwise, if the City suspends payments due under this Note, the City shall make the suspended payments to the Developer within ten (10) business days after the Developer's cure of the Default to the City's satisfaction. In no event is the City obligated to pay interest on the amount of the suspended payments between the date the payment is suspended and the last date on which the City is obligated to make the suspended payment to the Developer. To the extent that on any Payment Date there is insufficient Available Tax Increment to make a scheduled payment, such failure to make a scheduled payment shall not constitute a default under this Note. If the Developer or other Improvements' owner fails to pay all or a portion of the property taxes due and owing on the Improvements, then upon such failure to pay, no interest as required by the Note shall accrue on an amount equal to the amount of the Available Tax Increment that would have been paid to the City had such property tax amounts been paid.

Interest shall accrue on the initial principal amount of this Note from the date of issue of the Public Costs Certification. Each payment under this Note, whether a scheduled payment or any other payment, shall be applied first to current interest, then to accrued unpaid interest and then to the unpaid principal amount of this Note.

On the Maturity Date, this Note shall be deemed paid in full and the City shall have no further obligation under this Note even if the aggregate of the Available Tax Increment that has actually been paid to the Developer on the Payment Dates is less than the full principal and interest amount of this Note. The obligation of the City to make any scheduled payment shall terminate if and to the extent that the full principal and interest amount of this Note has been paid in full. This Note may be prepaid in full or in part at any time without penalty.

Each payment on this Note is payable in any coin or currency of the United States of America which on the date of such payment is legal tender for public and private debts and shall be made by wire transfer, check or draft made payable to the Developer and mailed to the Developer at _____, Minneapolis, MN 554___, or such other address as the Developer shall provide in writing to the City's notice address as set forth in the Contract.

The Note is a special and limited obligation and not a general obligation of the City, which has been issued by the City pursuant to and in full conformity with the Constitution and laws of the State of Minnesota, including *Minnesota Statutes*, Section 469.178, subdivision 4, to aid in financing a "project", as therein defined, of the City consisting generally of defraying certain public redevelopment costs incurred by the Developer within and for the benefit of the Project.

THE NOTE IS NOT A DEBT OF THE STATE OF MINNESOTA (THE "STATE"), OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY OF MINNEAPOLIS, MINNESOTA, EXCEPT THAT THE CITY SHALL BE OBLIGATED TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, AND NEITHER THE STATE NOR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY, SHALL BE LIABLE ON THE NOTE, EXCEPT FOR THE CITY'S OBLIGATION TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, NOR SHALL THE NOTE BE PAYABLE OUT OF ANY FUNDS OR PROPERTIES OTHER THAN AVAILABLE TAX INCREMENT AS SET FORTH HEREIN.

This Note shall not be transferred to any person, unless the City has been provided with an opinion of counsel acceptable to the City that such transfer is exempt from registration and official statement delivery requirements of federal and applicable state securities law and an investment letter reasonably acceptable to the City.

This Note shall not be payable from or constitute a charge upon any funds of the City, and the City shall not be subject to any liability hereon or be deemed to have obligated itself to pay hereon from any funds except the Available Tax Increment, and then only to the extent and in the manner herein specified. No Tax Increment generated by the Property or Improvements shall go toward payment of this Note.

The Developer shall never have or be deemed to have the right to compel any exercise of any taxing power of the City or of any other public body, and neither the City nor any person executing or registering this Note shall be liable personally hereon by reason of the issuance of registration thereof or otherwise.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and the laws of the State of Minnesota to be done, to have happened, and to be performed precedent to and in the issuance of this Note have been done, have happened, and have been performed in regular and due form, time, and manner as required by law; that this Note is issued pursuant to the Tax Increment Act; and that this Note together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the City to exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, the City of Minneapolis, by action of its City Council, has caused this Note to be executed by the manual signature of its Finance Officer, and has caused this Note to be dated _____, 201__.

CITY OF MINNEAPOLIS

By _____
Kevin Carpenter
Its Finance Officer

Approved as to form:

_____
Assistant City Attorney

EXHIBIT A TO TIF NOTE
Description of the Property
[Legal Description of the Property to be inserted at Closing]

2. Be It Further Resolved that the form of the Note is hereby approved and shall be executed by the Finance Officer in substantially the form on file, with such changes therein not inconsistent with law as the Finance Officer may approve, which approval shall be conclusively evidenced by the execution thereof.

3. Be It Further Resolved that all actions of the members, employees and staff of the City heretofore taken in furtherance of the issuance of the Note is hereby approved, ratified and confirmed.

4. Be It Further Resolved that the issuance of said Note is hereby approved and the TIF Note is hereby directed to be issued to the Developer (or an affiliated entity) upon the terms and conditions set forth in the Redevelopment Contract.

5. Be It Further Resolved that the Finance Officer is hereby authorized and directed to execute such other documents, agreements and certificates as may be required in connection with the Note.

6. Be It Further Resolved that no provision, covenant or agreement contained in the aforementioned documents, the Note or in any other document related to the Note, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the tax increment revenues which are to be applied to the payment of the Note, as provided therein and in the Redevelopment Contract. The Note shall not constitute a charge, lien or encumbrance, legal or equitable upon any property or funds of the City except that revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Note shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Note or the interest thereon, or to enforce payment hereon against any property of the City. The Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

7. Be It Further Resolved that the Note, when executed and delivered, shall contain a recital that it is issued pursuant to the TIF Act, and such recital shall be conclusive evidence of the validity of the Note and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Note and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this resolution, and precedent to issuance of the Note and precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

8. Be It Further Resolved that this resolution shall be in full force and effect from and after its date of publication.

Adopted.

Absent - Reich, Johnson.

Approved by Mayor Rybak 12/6/2013.

RESOLUTION 2013R-530
By Goodman and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by establishing the Department of Community Planning and Economic Development Greenway Heights Fund (01CGW-8900900) in the amount of $5,000.00.

Adopted.
Absent - Reich, Johnson.
Approved by Mayor Rybak 12/6/2013.
(Published 12/10/2013)

Resolution 2013R-531, authorizing the issuance of bonds, in a principal amount not to exceed $6,000,000 in the form of the Multifamily Housing Revenue Bonds (Greenway Heights Family Housing Project, vicinity 2845 Bloomington Ave S), Series 2013, in one or more series, and approving and authorizing the execution of various documents in connection therewith, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-531
By Goodman and Hodges

Authorizing the issuance of bonds, in a principal amount not to exceed $6,000,000 in the form of the Multifamily Housing Revenue Bonds (Greenway Heights Family Housing Project, vicinity 2845 Bloomington Ave S), Series 2013, in one or more series, and approving and authorizing the execution of various documents in connection therewith.

Resolved by The City Council of The City of Minneapolis:

1. STATUTORY AUTHORIZATION. The City of Minneapolis, (the "City"), is a municipal corporation and home rule city duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota, and is authorized by Minnesota Statutes, Chapter 462C, as amended (the "Housing Act"), to carry out the public purposes described in the Housing Act by issuing revenue bonds or other revenue obligations to finance multifamily housing developments located within the City. In the issuance of the City's revenue bonds and other revenue obligations and in the making of loans to finance multifamily housing developments, the City may exercise, within its corporate limits, any of the powers that the Minnesota Housing Finance Agency may exercise under Minnesota Statutes, Chapter 462A, as amended, without limitation under the provisions of Minnesota Statutes, Chapter 475, as amended.

2. THE BORROWER AND THE PROJECT. Greenway Heights Limited Partnership, a Minnesota limited partnership (the "Borrower"), has requested the participation of the City in the financing of the acquisition, construction and equipping of a new 42-unit multifamily housing

facility, located at 2845 Bloomington Avenue South in the City to be owned by the Borrower (the "Project").

3. THE HOUSING PROGRAM. A Program for a Multifamily Housing Development (the "Housing Program") with respect to the Project and the proposed issuance of revenue obligations to finance the Housing Program and the Project was prepared pursuant to the requirements of Section 462C.03, subdivision la, of the Housing Act, and is on file with the City. The Housing Program was submitted to the Metropolitan Council for its review and comments in accordance with the requirements of the Housing Act.

4. PUBLIC HEARING AND PRELIMINARY RESOLUTION. The Community Development Committee of the Minneapolis City Council, on behalf of the City, held a public hearing on October 8, 2013 with respect to the Housing Program and the proposed issuance of revenue obligations to finance the Project. The public hearing was conducted at least fifteen (15) days after the publication in a newspaper of general circulation in the City of a notice of such public hearing. At a meeting held on October 18, 2013, the City Council of the City adopted Resolution 2013R-430 which approved and adopted the Housing Program and granted preliminary approval to the issuance of revenue obligations of the City in a principal aggregate amount not to exceed $6,000,000 to finance the Project.

5. THE BONDS. The Borrower has requested that the City issue its Multifamily Housing Revenue Bonds (Greenway Heights Family Housing Project), Series 2013, in one or more series, in an aggregate principal amount not to exceed $6,000,000, for the benefit of the Borrower, pursuant to the terms of one or more Trust Indentures, dated on or after December 1, 2013 (the “Indentures”), between the City and a trustee to be selected by the Borrower (the "Trustee"). The Borrower has requested that the City loan the proceeds derived from the sale of the Bonds to the Borrower pursuant to the terms of one or more Loan Agreements, dated on or after December 1, 2013 (the “Loan Agreements”), between the City and the Borrower. The Borrower proposes to apply the proceeds of the loans made pursuant to the terms of the Loan Agreements (the "Loans") to the payment of a portion of the costs of the acquisition, construction, and equipping of the Project and related costs.

6. OBLIGATIONS OF THE CITY. The City acknowledges, finds, determines, and declares that the issuance of the Bonds is authorized by the Housing Act and is consistent with the purposes of the Housing Act and that the issuance of the Bonds, and the other actions of the City under the Indentures, the Loan Agreements, and this resolution constitute a public purpose and are in the interests of the City. In authorizing the issuance of the Bonds for the financing of the Project and related costs, the City’s purpose is and the effect thereof will be to promote the public welfare of the City and its residents by providing multifamily housing developments for low or moderate income residents of the City and otherwise furthering the purposes and policies of the Housing Act. The Bonds will be issued pursuant to the terms of the Indenture and this resolution and the Bonds and the interest on the Bonds: (i) shall be payable solely from the revenues pledged therefor under the Loan Agreements; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City’s interest in the Loan Agreements; and (v) shall not constitute a general or moral obligation of the City.

7. ISSUANCE OF THE BONDS. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the Bonds in the maximum aggregate principal amount not to exceed $6,000,000. The City hereby authorizes the Bonds to be issued as "tax exempt bonds," the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes. The City shall allocate a portion of the annual volume cap within the control of the City to the Bonds pursuant to the terms and conditions of Minnesota Statutes, Chapter 474A, as amended, and Section 146 of the Internal Revenue Code of 1986, as amended (the "Code"). The Bonds, substantially in the forms set forth in the Indentures now on file with the City, are hereby approved with the amendments referenced herein. All of the provisions of the Bonds, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Bonds shall bear interest at the rates, shall be designated, shall be numbered, shall be dated, shall mature, shall be issued in the aggregate principal amount, shall be subject to redemption prior to maturity, shall be in such forms, and shall have such other terms, details, and provisions as are prescribed in the Indentures, in the form now on file with the City, which form is hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Bonds, the stated maturities of the Bonds, the interest rates on the Bonds, and the terms of redemption of the Bonds) as the Finance Officer, in his discretion, shall determine. The execution of the Bonds with the manual or facsimile signature of the Finance Officer and the delivery of the Bonds by the City shall be conclusive evidence of such determination.

The Bonds shall be special limited obligations of the City payable solely from the revenues provided by the Borrower pursuant to the terms of the Loan Agreements and from the revenues and security pledged, assigned, and granted pursuant to the Indentures and any other security documents provided by the Borrower to the Trustee. As provided in the Loan Agreements, the Bonds shall not be payable from nor charged upon any funds other than the revenue pledged to their payment, nor shall the City be subject to any liability thereon, except as otherwise provided in this paragraph. No holder of the Bonds shall ever have the right to compel any exercise by the City of any taxing powers of the City to pay the Bonds or the interest or premium thereon, or to enforce payment thereof against any property of the City except the interests of the City in the Loan Agreements and the revenues and assets thereunder, which will be assigned to the Trustee under the terms of the Indentures. The Bonds shall recite that the Bonds are issued pursuant to the Housing Act, and that the Bonds, including interest and premium, if any, thereon, are payable solely from the revenues and assets pledged to the payment thereof, and the Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitations.

8. THE INDENTURES. The Indentures are hereby approved and the Finance Officer is hereby authorized to execute and deliver the Indentures on behalf of the City. All of the provisions of the Indentures, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Indentures shall be substantially in the form now on file with the City with such necessary and appropriate variations, omissions, and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution and delivery thereof by the Finance Officer shall be conclusive evidence of such determination.

9. THE LOAN AGREEMENTS. The Finance Officer is hereby authorized and directed to execute and deliver the Loan Agreements. The loan repayments to be made by the Borrower under the Loan Agreements are to be fixed so as to produce revenues sufficient to pay the principal of, premium, if any, and interest on the Bonds when due. All of the provisions of the Loan Agreements, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Loan Agreements shall be substantially in the forms on file with the City which are hereby approved, with such omissions and insertions as do not materially change the substance thereof, and as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determinations.

10. SECURITY. The City hereby approves the execution by the Borrower and delivery to the Trustee of: (i) any mortgage or security agreements granting a mortgage lien or security interest with respect to the Project or any portion thereof to the Trustee; (ii) one or more collateral assignments of the contracts between the Borrower and the architect and contractor with respect to the Project; (iii) one or more indemnity agreements; and (iv) other security documents that are intended to ensure timely payment of the Loans and the Bonds. The City hereby approves a disbursing agreement, between the Borrower, the Trustee, and a disbursing agent to be selected by the Borrower, to provide for the disbursement of the proceeds of the Bonds and the Loans. All such security documents, if any are delivered, shall be substantially in the forms authorized by the Borrower.

11. THE REGULATORY AGREEMENT. To ensure continuing compliance with certain rental and occupancy restrictions imposed by the Housing Act and Section 142(d) of the Code, and to ensure continuing compliance with certain restrictions imposed by the City, the Finance Officer is hereby authorized and directed to execute and deliver a Regulatory Agreement, dated on or after December 1, 2013 (the "Regulatory Agreement"), between the City, the Borrower, and the Trustee. The Regulatory Agreement shall be substantially in the form on file with the City which is hereby approved, with such omissions and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determinations. All of the provisions of the Regulatory Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof.

12. OTHER CITY DOCUMENTS. The Finance Officer is hereby authorized to execute and deliver, on behalf of the City, such other documents and certificates as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds, including one or more Purchase Contracts, dated on or after the pricing date of the Bonds, between the City, the Borrower, and Dougherty & Company LLC, as original purchaser of the Bonds, various certificates of the City, an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, with respect to the Bonds, a certificate as to arbitrage and rebate, and similar documents, appropriate amendments to the Housing Program, and all other documents and certificates as the Finance Officer shall deem to be necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds. The City hereby authorizes Kutak Rock LLP, as bond counsel to the City ("Bond Counsel"), to prepare, execute, and deliver its approving legal opinions with respect to the Bonds.

13. DISCLOSURE DOCUMENTS. The City will not participate in the preparation of an official statement or other disclosure documents relating to the offer and sale of the Bonds (the "Disclosure Documents"), and will make no independent investigation with respect to the information contained in the Disclosure Documents, including the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information. The City hereby approves one or more Continuing Disclosure Agreements, dated on or after December 1, 2013 (the "Continuing Disclosure Agreements"), between the Borrower and the Trustee, in the forms now on file with the City.

14. SUBSEQUENT AMENDMENTS. On any date subsequent to the date of issuance of the Bonds, the Finance Officer is hereby authorized to execute and deliver any amendments or supplements to any of the documents referred to in this resolution on behalf of the City if, after review by the City Attorney and Bond Counsel, the Finance Officer determines that the execution and delivery of such amendment or supplement is in the interests of the City. The Finance Officer may impose any terms or conditions on his execution and delivery of any such amendment or supplement as the Finance Officer deems appropriate.

15. LIMITATIONS OF LIABILITY. No covenant, stipulation, obligation, or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation, or agreement of any member of the City Council of the City, or any officer, agent, or employee of the City in that person's individual capacity, and neither the City Council of the City nor any officer or employee executing the Bonds shall be personally liable on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof. No provision, covenant, or agreement contained in the aforementioned documents, the Bonds, or in any other document relating to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to a general or moral obligation of the City or any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Loan Agreements, which are to be applied to the payment of the Bonds, as provided therein.

Except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the City, and any holders of the Bonds issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the City, the Borrower, the Trustee, and registered and beneficial owners from time to time of the Bonds issued under the provisions of this resolution.

16. SEVERABILITY. In case any one or more of the provisions of this resolution, other than the provisions limiting the liability of the City, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Bonds, but this resolution, the aforementioned documents, and the Bonds shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

17. VALIDITY OF THE BONDS. The Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Housing Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

18. ADDITIONAL ACTIONS. The officers of the City, the City Attorney, Bond Counsel, other attorneys, engineers, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, and the Bonds, for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Bonds, the aforementioned documents, and this resolution.

19. DESIGNATION AS PROGRAM BONDS. The Bonds are hereby designated "Program Bonds" and are determined to be within the "Housing Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 1997R-402 of the City adopted December 12, 1997.

20. FEES AND INDEMNIFICATION. The Borrower has agreed to pay the administrative fees of the City in accordance with the policy and procedures of the City. It is hereby determined that any and all costs incurred by the City in connection with the financing of the Project will be paid by the Borrower. It is understood and agreed by the Borrower that the Borrower shall indemnify the City against all liabilities, losses, damages, costs, and expenses (including attorney's fees and expenses incurred by the City) arising with respect to the Project or the Bonds, as provided for and agreed to by and between the Borrower and the City in the Loan Agreements.

21. EFFECTIVE DATE. This resolution shall take effect and be in force from and after its approval and publication. Pursuant to Chapter 4, Section 9, of the Charter of the City, only the title of this resolution and a summary of this resolution conforming to Minnesota Statutes, Section 331A.01, subdivision 10, shall be published in the official paper of the City.

Adopted.

Absent - Reich, Johnson.

Approved by Mayor Rybak 12/6/2013.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Five15 on the Park development (formerly Currie Park Lofts) at 515 15th Ave S, now recommends:

a) Passage of the accompanying resolutions -

1) Approving the Currie Park Redevelopment Plan and the Currie Park Tax Increment Financing (TIF) Plan and Modification No. 8 to the Cedar-Riverside Urban Renewal Plan;

2) Establishing the Department of Community Planning & Economic Development (CPED) Fund 01CCP – Currie Park (01CCP -8900900) and approving an initial appropriation of $5,000;

3) Authorizing the issuance of a Limited "Pay-As-You-Go" Tax Increment Financing Note to Five15 Limited Partnership in a principal amount not to exceed $4,955,600;

4) Giving final approval of up to $30,800,000 in tax exempt multifamily housing entitlement revenue bonds;

b) Approval of the redevelopment contract business terms described in the CPED staff report;

c) That the proper City officers be authorized to execute the redevelopment and other funding agreements with Five15 Limited Partnership, based on the terms contained in the staff report, and all other necessary documents related to the above recommended actions;

d) That the proper City officers be authorized to execute amendments to Hiawatha Land Assembly Funds (HLAF), Livable Communities Demonstration Account (LCDA), Livable Communities Demonstration Account Transit Oriented Development (LCDA-TOD) and Local Housing Incentive Account (LHIA) funding agreements with the Metropolitan Council for this project to reflect the project description and to consent to the assignment of HLAF, LCDA, LCDA-TOD and LHIA funding agreements from Currie Park Developments, LLC to Five15 Limited Partnership, which are both affiliates of the developer.

Adopted.

Absent - Reich, Johnson.

Resolution 2013R-532, approving the Currie Park Redevelopment Plan, Currie Park Tax Increment Financing Plan and Modification No 8 to the Cedar-Riverside Urban Renewal Plan, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-532
By Goodman and Hodges

Approving the Currie Park Redevelopment Plan, Currie Park Tax Increment Financing Plan and Modification No 8 to the Cedar-Riverside Urban Renewal Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing ("TIF") districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.2. By a resolution duly adopted on September 27, 1968, the City Council approved the Cedar-Riverside Urban Renewal Plan, and thereby established the Cedar-Riverside Urban

Renewal Area. Subsequent modifications to the Cedar-Riverside Urban Renewal Plan have been prepared and approved by City Council resolutions.

1.3. It has been proposed and the City has caused to be prepared, and this Council has investigated the facts with respect to, the Currie Park Redevelopment Plan (the "Redevelopment Plan"), the Currie Park Tax Increment Financing Plan (the "TIF Plan"), and Modification No 8 to the Cedar-Riverside Urban Renewal Plan ("Modification No 8") (collectively, the "Plans"). The Redevelopment Plan establishes a new redevelopment project and identifies its boundary, redevelopment objectives and land use provisions (the "Currie Park Redevelopment Project" or "Project Area"). The TIF Plan creates a new housing TIF district (the "TIF District") within the Currie Park Redevelopment Project, designates property to be included in the TIF District, states the City's objectives, describes proposed development activity, and identifies a budget for expenditures. Modification No 8 changes the Cedar-Riverside Urban Renewal Area boundary to remove the property located within the TIF District from the Cedar-Riverside Urban Renewal Area. These actions are all pursuant to and in accordance with the Project Laws.

1.4. The City has performed all actions required by law to be performed prior to the adoption of the Plans, including, but not limited to, a review of the proposed Plans by the affected neighborhood groups and the City Planning Commission, transmittal of the proposed Plans to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing upon published notice as required by law.

Section 2. Findings and Election

2.1. The Council hereby finds, determines and declares that the objectives and actions authorized by the Plans are all pursuant to and in accordance with the Project Laws.

2.2. The Council further finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the city as a whole. Written comments of the City Planning Commission with respect to the Plans were issued on October 28, 2013, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.3. The Council further finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the city as a whole, for the redevelopment of the Project Area and TIF District by private enterprise.

2.4. The Council further finds, determines and declares that the land in the Project Area and TIF District would not be made available for redevelopment without the financial aid and public assistance to be sought.

2.5. The Council further finds, determines and declares that the Currie Park Redevelopment Project is a redevelopment project pursuant to Minnesota Statutes, Section 469.002, Subdivisions 14 and 16 and that the Project Area is a "blighted area" pursuant to Minnesota Statutes, Section 469.002, Subdivision 11.

2.6. The Council further finds, determines and declares that the TIF District is a housing district pursuant to Minnesota Statutes, Section 469.174, Subdivision 11.

2.7. The Council further finds, determines and declares that the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future.

2.8. The Council further finds, determines and declares that the reasons and facts supporting the findings in this resolution are described in the Plans.

2.9. The Council elects the method of computation provided in Minnesota Statutes, Section 469.177, Subdivision 3, Paragraph (a). The Council acknowledges that, by making this election, the entire fiscal disparity contribution required of the City for development occurring within this district will be taken from outside the TIF District.

2.10. The Council hereby finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plans.

Section 3. Approval of the Plans

3.1. Based upon the findings set forth in Section 2 hereof, the Plans presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Plans

4.1. After passage and publication of this Resolution, the officers and staff of the City and the City's consultants and counsel are authorized and directed to proceed with the implementation of the Plans, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, plans, resolutions, documents and contracts necessary for this purpose.

4.2. As provided under Minnesota Statutes, Section 469.178, Subdivision 7, this Council hereby authorizes the advance of revenues from other available development revenues of the City in the principal amount needed to offset any negative fund balances incurred with respect to this TIF District as a result of expenditures incurred prior to or in excess of the collection of tax increment revenue. The interest rate paid on such advances shall be equal to the rate of interest those revenues would have generated in their fund. In no event will the rate of interest charged on the advance exceed the statutory maximum set forth at Minnesota Statutes, Section 469.178, Subdivision 7. The term of this advance shall end upon the termination of the TIF District, although as revenues are available in the fund for the TIF District, the advance shall be offset by such amounts.

Adopted.

Absent - Reich, Johnson.

RESOLUTION 2013R-533
By Goodman and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by establishing the Department of Community Planning and Economic Development Currie Park Fund (01CCP - 8900900) in the amount of $5,000.00.

Adopted.

Absent - Reich, Johnson.

Resolution 2013R-534, authorizing the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding $4,955,600 in connection with the Five15 on the Park Project (fka Currie Park Lofts at 515 15th Ave S), was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-534
By Goodman and Hodges

Authorizing the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding $4,955,600 in connection with the Five15 on the Park Project (fka Currie Park Lofts).

Whereas, the City of Minneapolis (the "City"), acting pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, has certain powers, including without limitation the powers set forth in Minnesota Statutes, Sections 469.001 through 469.047, as amended (the "HRA Act") and Minnesota Statutes, Sections 469.174 through 469.1799, as amended (the "TIF Act"); and

Whereas, in furtherance of the objectives of the HRA Act, the City has undertaken programs for the clearance and reconstruction or rehabilitation of blighted, deteriorated, deteriorating, vacant, unused, underused or inappropriately used, areas of the City, and the development of housing for persons of low and moderate incomes, and in this connection the City intends to carry out a redevelopment project known as the Currie Park Lofts Redevelopment Project (the "Project") pursuant to the Currie Park Lofts Redevelopment Plan to be adopted contemporaneously with this resolution on December 6, 2013 (the "Redevelopment Plan"); and

Whereas, in furtherance of the Redevelopment Plan, the City also intends to approve a housing tax increment financing district pursuant to the Currie Park Tax Increment Financing Plan to be adopted contemporaneously with this resolution on December 6, 2013 (the "TIF Plan"); and

Whereas, pursuant to the TIF Act, and specifically Minnesota Statutes, Section 469.178, subd. 4, the City is authorized to issue its tax increment limited revenue note(s) to finance the public redevelopment costs of the Project; and

Whereas, the City has entered or will enter into a redevelopment contract (the "Redevelopment Contract") with Five15 Limited Partnership, a Minnesota limited partnership which has an affiliate of Fine Associates, LLC. as the general partner (the "Developer"), pursuant to which the Developer will develop a 259-unit multifamily rental housing project with structured parking, commercial space, common areas and related improvements in the Project area and the City will provide tax increment financing assistance consistent with the TIF Plan;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. That it is desirable that the City issue a tax increment limited revenue note (the "Note") in substantially the following form:

[Form of Note]

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF MINNEAPOLIS

TAX INCREMENT LIMITED REVENUE NOTE
(Five15 on the Park Project)

The City of Minneapolis (the "City"), hereby acknowledges itself to be obligated and, for value received, promises to pay to the order of Five15 Limited Partnership, a Minnesota limited partnership, (or its permitted successors or assigns under the Contract, the "Developer"), solely from the source, to the extent, and in the manner hereinafter provided, the principal amount of this Note, being Four Million Nine Hundred Fifty-Five Thousand Six Hundred and No/100 Dollars ($4,955,600.00) or such lesser amount as may equal the certified Public Redevelopment Costs, with interest at the Note Rate, in the installments specified in this Note, on the Payment Dates.

Capitalized terms not defined elsewhere in this Note will have the meanings below:

"Available Tax Increment" means the Tax Increment received by the City during the period preceding each Payment Date, less (i) the amount of Tax Increment, if any, which the City must pay to the school district, the county and the state pursuant to *Minnesota Statutes*, Sections 469.177, Subds. 9, 10, and 11; 469.176, Subd. 4h; and 469.175, Subd. 1a, as the same may be amended from time to time; and (ii) actual administrative costs of the City in an amount not to exceed 10% of the Tax Increment.

"Certificate of Completion" means a certificate issued by the City to the Developer pursuant to Section 5.04 of the Contract upon substantial completion of the Minimum Improvements.

"Contract" means that certain Redevelopment Contract by and between the City and the Developer dated **[insert date]**.

"District" means the Currie Park (Housing) Tax Increment Financing District within the Redevelopment Project.

"Maturity Date" means the earlier of (i) February 1 of the year following the final year of Tax Increment collection from the District; and (ii) the date when the principal and interest amount of this Note has been paid in full.

"Minimum Improvements" means new construction of an approximately 259-unit multifamily rental housing project with structured parking, commercial space, common areas and related improvements as described in the Contract.

"Note Rate" means an interest rate equal to the bond rate, up to 5.5% per annum, compounded semi-annually.

"Payment Date" means August 1 of the year of first increment collection from the District and each August 1 and February 1 thereafter until the Maturity Date; provided, however, that in no event shall any payments commence before the City's issuance of the Public Redevelopment Costs Certification and the Certificate of Completion.

"Property" means the real property legally described in the attached **Exhibit A**, upon which the Minimum Improvements will be constructed.

"Public Redevelopment Costs" means actual Public Redevelopment Costs as defined in the Contract, not in excess of $4,955,600 related to the Minimum Improvements and which are approved by the City pursuant to the Contract.

"***Public Redevelopment Costs Certification*****"** means a certificate in substantially the form attached to the Contract, by which the City certifies the Public Redevelopment Costs pursuant to the terms of the Contract.

"Redevelopment Project" means the Currie Park Redevelopment Project, which includes the Property.

"Tax Increment" means that portion of the property taxes generated by the Property and Minimum Improvements that is actually remitted to the City as tax increment under the Tax Increment Act.

"Tax Increment Act" means *Minnesota Statutes*, Section 469.174-469.1799, as amended, or any successor statutes applicable to the District.

On each Payment Date, the City shall pay the Developer an installment equal to the lesser of (i) the Available Tax Increment or (ii) the amount necessary to pay the accrued unpaid interest and the unpaid principal amount of this Note in full. If an Event of Default by the Developer has occurred under the Contract, then the City may suspend payment on this Note until a) the Event of Default is cured or b) prior to the issuance of the Certificate of Completion, the Contract and the City's obligations under this Note are terminated. If the City suspends payments due under this TIF Note, the City shall make the suspended payments to the Developer within ten (10) business days after the Developer has cured the Event of Default. The City is not obligated to pay interest on the amount of the suspended payments between the date the payment is suspended and the last date on which the City is obligated to make the suspended payment to the Developer. To the extent that on any Payment Date there is insufficient Available Tax Increment to make a scheduled payment, such failure to make a scheduled payment shall not constitute a default under this Note. If the Developer (or other Minimum Improvements' owner) fails to pay all or a portion of the property taxes due and owing on the Minimum Improvements, then upon such failure to pay, no interest as required by the Note shall accrue on an amount equal to the amount of the Available Tax Increment that would have been paid to the City had such property tax amounts been paid.

Interest shall accrue on the initial principal amount of this Note from the date of issue of the Public Redevelopment Costs Certification. Each payment under this Note, whether a

scheduled payment or any other payment, shall be applied first to current interest, then to accrued unpaid interest and then to the unpaid principal amount of this Note.

On the Maturity Date, this Note shall be deemed paid in full and the City shall have no further obligation under this Note even if the aggregate of the Available Tax Increment that has actually been paid to the Developer on the Payment Dates is less than the full principal and interest amount of this Note. The obligation of the City to make any scheduled payment shall terminate if and to the extent that the full principal and interest amount of this Note has been paid in full. This Note may be prepaid in full or in part at any time without penalty.

Each payment on this Note is payable in any coin or currency of the United States of America which on the date of such payment is legal tender for public and private debts and shall be made by wire transfer pursuant to written instructions provided by the Developer or by check or draft made payable to the Developer and mailed to the Developer at 80 South 8th Street, Suite 1916, Minneapolis, MN 55402, or such other address as the Developer shall provide in writing to the City's notice address as set forth in the Contract.

The Note is a special and limited obligation and not a general obligation of the City, which has been issued by the City pursuant to and in full conformity with the Constitution and laws of the State of Minnesota, including *Minnesota Statutes*, Section 469.178, subdivision 4, to aid in financing a "project", as therein defined, of the City consisting generally of defraying certain public redevelopment costs incurred by the Developer within and for the benefit of the Project.

THE NOTE IS NOT A DEBT OF THE STATE OF MINNESOTA (THE "STATE"), OR ANY POLITICAL SUBDIVISION OF THE STATE, INCLUDING THE CITY OF MINNEAPOLIS, MINNESOTA, EXCEPT THAT THE CITY SHALL BE OBLIGATED TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, AND NEITHER THE STATE NOR ANY POLITICAL SUBDIVISION OF THE STATE, INCLUDING THE CITY, SHALL BE LIABLE ON THE NOTE, EXCEPT FOR THE CITY'S OBLIGATION TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, NOR SHALL THE NOTE BE PAYABLE OUT OF ANY FUNDS OR PROPERTIES OTHER THAN AVAILABLE TAX INCREMENT AS SET FORTH HEREIN.

This Note may not be transferred to any person, unless the City has been provided with an opinion of counsel acceptable to the City that such transfer is exempt from registration and official statement delivery requirements of federal and applicable state securities law and an investment letter reasonably acceptable to the City.

This Note will not be payable from or constitute a charge upon any funds of the City, and the City shall not be subject to any liability hereon or be deemed to have obligated itself to pay hereon from any funds except the Available Tax Increment, and then only to the extent and in the manner herein specified.

The Developer will never have or be deemed to have the right to compel any exercise of any taxing power of the City or of any other public body, and neither the City nor any person executing or registering this Note will be liable personally hereon by reason of the issuance of registration thereof or otherwise.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and the laws of the State of Minnesota to be done, to have happened, and to

be performed precedent to and in the issuance of this Note have been done, have happened, and have been performed in regular and due form, time, and manner as required by law; that this Note is issued pursuant to the Tax Increment Act; and that this Note together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the City to exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, the City of Minneapolis, by action of its Mayor and City Council, has caused this Note to be executed by the manual signature of its Finance Officer, and has caused this Note to be dated _____, 2013.

CITY OF MINNEAPOLIS

By _____
Kevin Carpenter
Its Finance Officer

Approved as to form:

_____
Assistant City Attorney

Developer's Federal Tax ID No. 46-0731226

EXHIBIT A TO NOTE
Legal Description of the Property:
Lot 1, Block 1, Five Fifteen Addition

2. Be It Further Resolved that the form of the Note is hereby approved and shall be executed by the Finance Officer in substantially the form on file, with such changes therein not inconsistent with law as the Finance Officer may approve, which approval shall be conclusively evidenced by the execution thereof.

3. Be It Further Resolved that all actions of the members, employees and staff of the City heretofore taken in furtherance of the issuance of the Note are hereby approved, ratified and confirmed.

4. Be It Further Resolved that the sale of said Note to the Developer is hereby approved, and the Note is hereby directed to be sold to the Developer, upon the terms and conditions set forth in the Redevelopment Contract.

5. Be It Further Resolved that the Finance Officer is hereby authorized and directed to execute such other documents, agreements and certificates as may be required in connection with the Note.

6. Be It Further Resolved that no provision, covenant or agreement contained in the aforementioned documents, the Note or in any other document related to the Note, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than

funds and revenues derived from the tax increment revenues which are to be applied to the payment of the Note, as provided therein and in the Redevelopment Contract. The Note shall not constitute a charge, lien or encumbrance, legal or equitable upon any property or funds of the City except that revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Note shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Note or the interest thereon, or to enforce payment hereon against any property of the City. The Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

7. Be It Further Resolved that the Note, when executed and delivered, shall contain a recital that it is issued pursuant to the TIF Act, and such recital shall be conclusive evidence of the validity of the Note and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Note and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this resolution, and precedent to issuance of the Note and precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

8. Be It Further Resolved that this resolution shall be in full force and effect from and after its date of publication.

Adopted.

Absent - Reich, Johnson.

Resolution 2013R-535, authorizing the issuance, sale, and delivery of housing revenue obligations to finance the Five15 on the Park Project (515 15th Ave S); approving the form of and authorizing the execution and delivery of the revenue obligations and related documents; providing for the security, rights, and remedies with respect to the revenue obligations; and granting approval for certain other actions with respect thereto, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-535
By Goodman and Hodges

Authorizing the issuance, sale, and delivery of housing revenue obligations to finance the Five15 on the Park Project; approving the form of and authorizing the execution and delivery of the revenue obligations and related documents; providing for the security, rights, and remedies with respect to the revenue obligations; and granting approval for certain other actions with respect thereto.

Resolved by The City Council of The City of Minneapolis:

1. STATUTORY AUTHORIZATION. The City of Minneapolis, Minnesota (the "City"), is a home rule city and political subdivision duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota, and is authorized by Minnesota Statutes, Chapter 462C, as amended (the "Housing Act"), to carry out the public purposes described in the Housing Act by issuing revenue bonds or other revenue obligations to finance multifamily housing developments located within the City. In the issuance of the City's revenue bonds and other revenue obligations and in the making of loans to finance multifamily housing

developments, the City may exercise, within its corporate limits, any of the powers that the Minnesota Housing Finance Agency may exercise under Minnesota Statutes, Chapter 462A, as amended, without limitation under the provisions of Minnesota Statutes, Chapter 475, as amended.

2. INITIAL PROPOSAL. On January 27, 2012, the Community Development Committee of the City Council of the City conducted a public hearing on a proposal to grant preliminary approval to the issuance of conduit revenue obligations in a principal amount of approximately $27,000,000 to finance a multifamily housing development to be comprised of an approximately 270-unit multifamily rental housing development and facilities functionally related and subordinate thereto to be located at 15th Avenue South, between 4th and 6th Streets South in the City. The multifamily housing development was proposed to be owned by Currie Park Developments, Limited Partnership, a Minnesota limited partnership and an affiliate of Fine Associates, LLC, a Minnesota limited liability company. The public hearing was preceded by the publication of a notice of public hearing in the official newspaper of the City and in a newspaper of general circulation in the City at least fifteen (15) days prior to the date of the public hearing. On or before the date of publication of the public hearing, a housing program prepared in accordance with the requirements of the Housing Act was submitted to the Metropolitan Council for its review and comments. On January 27, 2012, the City Council considered and unanimously adopted Resolution 2012R-019 (the "Preliminary Resolution") granting preliminary approval to the issuance of conduit revenue bonds to finance the proposed multifamily housing development.

3. AMENDMENTS TO FINANCING PLAN. Between the date of approval of the Preliminary Resolution and the date hereof, certain alterations have been made to the financing plan for the multifamily housing development approved by the terms of the Preliminary Resolution. The multifamily housing development is now proposed to consist of the acquisition and construction of an approximately 259-unit multifamily rental housing development and facilities functionally related and subordinate thereto, to be located at 15th Avenue South, at the northeast corner of 15th Avenue South and 6th Street South in the City (the "Project"). The Project will also include approximately 4,996 square feet of commercial space, approximately 243 parking stalls for cars, and approximately 280 parking spaces for bicycles. The owner and operator of the Project is now proposed to be another affiliate of Fine Associates, LLC designated as Five15 Limited Partnership, a Minnesota limited partnership, or an affiliate, other related party, or an assign of such limited partnership (the "Borrower"). The principal amount of conduit revenue obligations proposed to be issued by the City to assist in the financing of the Project is now expected to be an amount not to exceed $30,800,000. As a result of such alterations to the financing plan for the Project and due to the lapse of approximately ten (10) months since the adoption of the Preliminary Resolution, the City and the Borrower have determined to conduct another public hearing with respect to the Project.

4. THE HOUSING PROGRAM. A Program for a Multifamily Housing Development (Five15 on the Park Formerly Known as Currie Park Lofts) (the "Housing Program") with respect to the Project was prepared in accordance with the requirements of Section 462C.03, subdivision 1a, of the Housing Act, and is on file with the City. The Housing Program was submitted to the Metropolitan Council for its review and comments in accordance with the requirements of the Housing Act.

5. PUBLIC HEARING. The Community Development Committee of the Minneapolis City Council, on behalf of the City, held a public hearing on November 19, 2013, with respect to the Housing Program and the proposed issuance of revenue obligations to

finance the Project. The public hearing was conducted at least fifteen (15) days after the publication in the official newspaper of the City (*Finance and Commerce)* and in a newspaper of general circulation in the City (*Star Tribune*) of a notice of such public hearing. The notice of public hearing included the information required by the terms of Section 462C.04, subdivision 2, of the Housing Act, and included the information required by the terms of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code").

6. THE REVENUE OBLIGATIONS. The Borrower has requested that the City issue its revenue obligations (the "Bonds") in a principal amount not to exceed $30,800,000 to finance the Project. The Bonds are proposed to be designated "Housing Revenue Bonds (Five15 on the Park Project), Series 2013" or such other name as the Finance Officer, in consultation with the Borrower and the initial purchaser of the Bonds, shall determine. The Bonds shall be issued under the terms of a Trust Indenture, dated on or after December 1, 2013 (the "Indenture'), between the City and a trustee to be selected by the Borrower (the "Trustee"). The proceeds derived from the sale of the Bonds are to be applied to make a loan to the Borrower (the "Loan") under the terms of a Loan Agreement, dated on or after December 1, 2013 (the "Loan Agreement"), between the City and the Borrower. The Borrower proposes to apply the proceeds of the Loan to the payment of a portion of the costs of the acquisition, construction, and equipping of the Project and related costs, and to any of the following: (i) payment of a portion of the interest on the Bonds; (ii) funding of one or more reserves to secure the timely payment of the debt service on the Bonds; and (iii) payment of a portion of the costs of issuing the Bonds.

7. OBLIGATIONS OF THE CITY. The City acknowledges, finds, determines, and declares that the issuance of the Bonds is authorized by the Housing Act and is consistent with the purposes of the Housing Act and that the issuance of the Bonds, and the other actions of the City under the Indenture, the Loan Agreement, and this resolution constitute a public purpose and are in the interests of the City. In authorizing the issuance of the Bonds for the financing of the Project and related costs, the City's purpose is and the effect thereof will be to promote the public welfare of the City and its residents by providing multifamily housing developments for low or moderate income residents of the City and otherwise furthering the purposes and policies of the Housing Act. The Bonds will be issued under the terms of the Indenture and this resolution and the Bonds and the interest on the Bonds: (i) shall be payable solely from the revenues pledged therefor under the Loan Agreement; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Loan Agreement; and (v) shall not constitute a general or moral obligation of the City.

8. ISSUANCE OF THE BONDS. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the Bonds in the maximum aggregate principal amount not to exceed $30,800,000. The City hereby authorizes the Bonds to be issued as "tax-exempt bonds," the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes. The City shall allocate to the Bonds a portion of the annual volume cap within the control of the City under the terms and conditions of Minnesota Statutes, Chapter 474A, as amended, and Section 146 of the Code. The Bonds, substantially in the forms set forth in the Indenture now on file with the City, are hereby approved with the amendments referenced herein. All of the provisions of the Bonds, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution

and delivery thereof. The Bonds shall bear interest at the rates, shall be designated, shall be numbered, shall be dated, shall mature, shall be issued in the aggregate principal amount, shall be subject to redemption prior to maturity, shall be in such form, and shall have such other terms, details, and provisions as are prescribed in the Indenture, in the form now on file with the City. The form of the Bonds is hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Bonds, the stated maturities of the Bonds, the interest rates on the Bonds, and the terms of redemption of the Bonds) as the Finance Officer, in his discretion, shall determine. The execution of the Bonds with the manual or facsimile signature of the Finance Officer and the delivery of the Bonds by the City shall be conclusive evidence of such determination.

The Bonds shall be special limited obligations of the City payable solely from the revenues provided by the Borrower under the terms of the Loan Agreement and from the revenues and security pledged, assigned, and granted in accordance with the terms of the Indenture and any other security documents provided by the Borrower to the Trustee. As provided in the Loan Agreement, the Bonds shall not be payable from nor charged upon any funds other than the revenue pledged to their payment, nor shall the City be subject to any liability thereon, except as otherwise provided in this paragraph. No holder of the Bonds shall ever have the right to compel any exercise by the City of any taxing powers of the City to pay the Bonds or the interest or premium thereon, or to enforce payment thereof against any property of the City except the interests of the City in the Loan Agreement and the revenues and assets thereunder, which will be assigned to the Trustee under the terms of the Indenture. The Bonds shall recite that the Bonds are issued under the provisions of the Housing Act, and that the Bonds, including interest and premium, if any, thereon, are payable solely from the revenues and assets pledged to the payment thereof, and the Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitations.

9. THE INDENTURE. The Indenture is hereby approved and the Finance Officer is hereby authorized to execute and deliver the Indenture on behalf of the City. All of the provisions of the Indenture, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Indenture shall be substantially in the form now on file with the City with such necessary and appropriate variations, omissions, and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution and delivery thereof by the Finance Officer shall be conclusive evidence of such determination.

10. THE LOAN AGREEMENT. The Loan Agreement is hereby approved and the Finance Officer is hereby authorized and directed to execute and deliver the Loan Agreement on behalf of the City. The loan repayments to be made by the Borrower under the Loan Agreement are to be fixed so as to produce revenues sufficient to pay the principal of, premium, if any, and interest on the Bonds when due. All of the provisions of the Loan Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Loan Agreement shall be substantially in the form on file with the City with such necessary and appropriate variations, omissions, and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution and delivery thereof by the Finance Officer shall be conclusive evidence of such determination.

11. SECURITY. The City hereby approves the execution by the Borrower and delivery to the Trustee of: (i) any mortgage or security agreements granting a mortgage lien or security interest with respect to the Project or any portion thereof to the Trustee; (ii) one or more collateral assignments of the contracts between the Borrower and the architect and contractor with respect to the Project; (iii) one or more indemnity agreements; and (iv) other security documents that are intended to ensure timely payment of the Loan and the Bonds. The City hereby approves the execution and delivery by one or more guarantors of one or more guaranty agreements under the terms of which the obligations of the Borrower under the Loan Agreement are guaranteed by such guarantors. The City hereby approves a disbursing agreement, between the Borrower, the Trustee, and a disbursing agent to be selected by the Borrower, to provide for the disbursement of the proceeds of the Bonds and the Loan. All such security documents, if any are delivered, shall be substantially in the forms authorized by the Borrower.

12. THE REGULATORY AGREEMENT. To ensure continuing compliance with certain rental and occupancy restrictions imposed by the Housing Act and Section 142(d) of the Code, and to ensure continuing compliance with certain restrictions imposed by the City, the Finance Officer is hereby authorized and directed to execute and deliver a Regulatory Agreement, dated on or after December 1, 2013 (the "Regulatory Agreement"), between the City, the Borrower, and the Trustee. The Regulatory Agreement shall be substantially in the form on file with the City which is hereby approved, with such omissions and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determinations. All of the provisions of the Regulatory Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof.

13. OTHER CITY DOCUMENTS. The Finance Officer is hereby authorized to execute and deliver, on behalf of the City, such other documents and certificates as are necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds, including a Purchase Agreement, dated on or after December 1, 2013 (the "Purchase Agreement"), between the City, the Borrower, and the initial purchaser of the Bonds, one or more consents to the assignment of a development agreement, tax increment revenues, and other funds made available to the Borrower and the Project by the City, various certificates of the City, an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, with respect to the Bonds, a certificate as to arbitrage and rebate, and similar documents, appropriate amendments to the Housing Program, and all other documents and certificates as the Finance Officer shall deem to be necessary or appropriate in connection with the issuance, sale, and delivery of the Bonds. The City hereby authorizes Kennedy & Graven, Chartered, as bond counsel to the City ("Bond Counsel"), to prepare, execute, and deliver its approving legal opinions with respect to the Bonds.

14. DISCLOSURE DOCUMENTS. The City will not participate in the preparation of an official statement or other disclosure document, if any is prepared, relating to the offer and sale of the Bonds (the "Disclosure Document"), and will make no independent investigation with respect to the information contained in the Disclosure Document, including the appendices thereto, and the City assumes no responsibility for the sufficiency, accuracy, or completeness of such information. The City will not participate in the preparation of a continuing disclosure agreement or other continuing disclosure document, if any is prepared, relating to the Bonds, the Project, and the Borrower (the "Continuing Disclosure Document"). The City assumes no

responsibility for compliance by the Borrower with its continuing disclosure responsibilities under the Continuing Disclosure Document.

15. SUBSEQUENT AMENDMENTS. On any date subsequent to the date of issuance of the Bonds, the Finance Officer is hereby authorized to execute and deliver any amendments or supplements to any of the documents referred to in this resolution on behalf of the City if, after review by the City Attorney and Bond Counsel, the Finance Officer determines that the execution and delivery of such amendment or supplement is in the interests of the City. The Finance Officer may impose any terms or conditions on the execution and delivery of any such amendment or supplement as the Finance Officer deems appropriate.

16. LIMITATIONS OF LIABILITY. No covenant, stipulation, obligation, or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation, or agreement of any member of the City Council of the City, or any officer, agent, or employee of the City in that person's individual capacity, and neither the City Council of the City nor any officer or employee executing the Bonds shall be personally liable on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof. No provision, covenant, or agreement contained in the aforementioned documents, the Bonds, or in any other document relating to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to a general or moral obligation of the City or any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Loan Agreement, which are to be applied to the payment of the Bonds, as provided therein.

Except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the City, and any holders of the Bonds issued under the provisions of this resolution, any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the City, the Borrower, the Trustee, and registered and beneficial owners from time to time of the Bonds issued under the provisions of this resolution.

17. SEVERABILITY. In case any one or more of the provisions of this resolution, other than the provisions limiting the liability of the City, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Bonds, but this resolution, the aforementioned documents, and the Bonds shall be construed and endorsed as if such illegal or invalid provisions had not been contained herein or therein.

18. VALIDITY OF THE BONDS. The Bonds, when executed and delivered, shall contain a recital that they are issued under the provisions of the Housing Act, and such recital shall be conclusive evidence of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds, and to the execution of

the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

19. ADDITIONAL ACTIONS. The officers of the City, the City Attorney, Bond Counsel, other attorneys, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, and the Bonds, for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Bonds, the aforementioned documents, and this resolution.

20. DESIGNATION AS PROGRAM BONDS. The Bonds are hereby designated "Program Bonds" and are determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 1997R-402 of the City adopted December 12, 1997.

21. FEES AND INDEMNIFICATION. The Borrower has agreed to pay the administrative fees of the City in accordance with the policy and procedures of the City. It is hereby determined that any and all costs incurred by the City in connection with the financing of the Project will be paid by the Borrower. It is understood and agreed by the Borrower that the Borrower shall indemnify the City against all liabilities, losses, damages, costs, and expenses (including attorney's fees and expenses incurred by the City) arising with respect to the Project or the Bonds, as provided for and agreed to by and between the Borrower and the City in the Loan Agreement.

22. EFFECTIVE DATE. This resolution shall take effect and be in force from and after its approval and publication. Under the terms of Chapter 4, Section 9, of the Charter of the City, only the title of this resolution and a summary of this resolution conforming to Minnesota Statutes, Section 331A.01, subdivision 10, shall be published in the official paper of the City.

Adopted.

Absent - Reich, Johnson.

Comm Dev & W&M/Budget – Your Committee, having under consideration receipt of a Minnesota Department of Employment and Economic Development (DEED) grant award, now recommends that the proper City officers be authorized to accept and appropriate the award of $198,850 for the 807 Broadway project, and to execute grant, sub-recipient and/or disbursement and related documents and agreements for this grant.

Your Committee further recommends passage of the accompanying resolution increasing the Department of Community Planning & Economic Development appropriation to reflect the receipt of said grant funds.

Adopted.

Absent - Reich, Johnson.

RESOLUTION 2013R-536
By Goodman and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Agency in the Grants Other Fund (01600-8900320) by $198,850 and increasing the revenue source (01600-8900320-321504) by $198,850.

Adopted.

Absent - Reich, Johnson.

Comm Dev & W&M/Budget - Your Committee, having under consideration the appropriation of HOME Program Income in the amount of $1,152,516.62, now recommends passage of the accompanying resolution increasing the appropriation in the Department of Community Planning and Economic Development's Affordable Family Housing Development Fund by $198,464.85 and increasing the Single Family Fund appropriation by $954,051.78.

Adopted.

Absent - Reich, Johnson.

RESOLUTION 2013R-537
By Goodman and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Increasing the appropriation in the Department of Community Planning and Economic Development (CPED) HOME Residential Finance Fund (01500-8900220) by $198,464.85;

b) Increasing the appropriating in the CPED HOME Residential and Real Estate Development Fund appropriation by $954,051.78.

Adopted.

Absent - Reich, Johnson.

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the carryforward of $45,968,905 of 2013 Tax Exempt Multi-family Housing Entitlement Revenue Bonds for Multifamily Housing programs.

Adopted.

Absent - Reich, Johnson.

Resolution 2013R-538, authorizing carryforward of unused private activity bond volume cap, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-538
By Goodman and Hodges

Authorizing carryforward of unused private activity bond volume cap.

Whereas, the City of Minneapolis, Minnesota (the "City") is an "entitlement issuer" within the meaning of Minnesota Statutes, Section 474A.02, subd. 7; and

Whereas, the City's entitlement allocation of private activity bond volume cap for 2013 under Minnesota Statutes, Chapter 474A.03, subd. 2a is $45,968,905; and

Whereas, the City does not expect to issue any private activity bonds allocable to its 2013 entitlement allocation on or prior to December 31, 2013; and

Whereas, the City may, under § 146(f) of the Internal Revenue Code of 1986, as amended, and under Minnesota Statutes, Chapter 474A, "carryforward" all or a portion of the City's unused entitlement allocation; and

Whereas, it is in the best interest of the public health, safety and welfare that the City carryforward for qualified carryforward purposes its 2013 entitlement allocation remaining unused on December 31, 2013;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City hereby elects to carryforward its entire 2013 entitlement allocation remaining unused on December 31, 2013, for qualified residential rental bonds.

Be It Further Resolved that the Director of the Department of Community Planning and Economic Development is hereby authorized and directed to execute and cause to be filed with the Internal Revenue Service a Form 8328 specifying the amount of 2013 entitlement allocation to be carried forward as described above. The Form 8328 shall be filed with the Internal Revenue Service on or before February 15, 2014. The Director is further authorized to notify the Minnesota Department of Finance of such carryforward at such time and as required by Minnesota Statutes, Chapter 474A.

Adopted.

Absent - Reich, Johnson.

Comm Dev & W&M/Budget - Your Committee, having under consideration response to a Request for Proposal for market analysis, preliminary engineering studies and research and analysis for future Upper Harbor Terminal redevelopment, now recommends that the proper City officers be directed and authorized to enter into a contract with HKGI, Hoisington Koegler Group, Inc., in an amount not to exceed $200,000 for work on the Upper Harbor Terminal.

Further, passage of the accompanying resolution increasing the appropriation in the Department of Community Planning and Economic Development by $50,000, for this contract.

Adopted.

Absent - Reich, Johnson.

Approved by Mayor Rybak 12/6/2013.

(Published 12/10/2013)

RESOLUTION 2013R-539
By Goodman and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development River Terminal Fund (07ERT-8900320) by $50,000.

Adopted.

Absent - Reich, Johnson.

Approved by Mayor Rybak 12/6/2013.

(Published 12/10/2013)

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH Committee submitted the following reports:

PSC&H - Your Committee, having under consideration the subject matter of sex trafficking and exploitation of youth and young adults, now recommends passage of the accompanying resolution adopting a City pledge to combat sexual exploitation and trafficking of juveniles and establishing the Minneapolis Coordinating Committee to Prevent Juvenile Sex Trafficking.

Adopted.

Absent - Reich, Johnson.

Resolution 2013R-540, relating to the City Pledge to combat commercial sexual exploitation and trafficking of juveniles and establishing Minneapolis Coordinating Committee to Prevent Juvenile Sex Trafficking, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-540
By Glidden and Samuels

City Pledge to combat commercial sexual exploitation and trafficking of juveniles and establishing Minneapolis Coordinating Committee to Prevent Juvenile Sex Trafficking.

Whereas, the commercial sexual exploitation and trafficking of youth and young adults is a significant issue throughout the United States with Minneapolis being no exception; and

Whereas, a November 2010 study estimated that each month in Minnesota at least 213 girls are sold for sex an average of five times per day through the Internet and escort services (not including hotel, street or gang activity or statistics on boys); and

Whereas, research shows that the average age of entry into prostitution/sex trafficking is 12 to 14 years old; and

Whereas, over 50% of juvenile victims of commercial sexual exploitation and sex trafficking victims are classified as runaway youth living on the street; and

Whereas, the Goals and Strategic Directions adopted by the City of Minneapolis include focus on a safe place to call home and healthy lives, with teens who are "on course," "in school" and "connected" in a city where homelessness is eliminated; and

Whereas, in 2011, Minnesota enacted the Safe Harbor for Sexually Exploited Youth Act which legally recognized prostituted children as the victims of sexual exploitation and called for creation of a framework to develop services for sexually exploited youth through the child welfare system. In 2013, Minnesota enacted the No Wrong Door law, creating a model for providing services for youth victims of commercial sexual exploitation and providing funding for law enforcement training; and

Whereas, on a national level, the prostituting and trafficking of youth is receiving increased attention with passage of the Trafficking Victims Protection Act and the introduction of a national safe harbor law by members of the Minnesota federal delegation; and

Whereas, the City of Minneapolis has already been a leader on this issue through the work of the Minneapolis Police Department and other departments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis pledges that Minneapolis will be a safe place to call home for all of its youth and further pledges:

- to prevent sexual exploitation and trafficking of youth and young adults;
- to rescue and connect youth victims with appropriate services;
- to pursue regulatory and legislative reform in support of this pledge; and
- to actively pursue and build criminal cases against individuals who engage in trafficking or otherwise solicit or sexually exploit youth and young adults.

Be It Further Resolved that there is established the Minneapolis Coordinating Committee to Prevent Juvenile Sex Trafficking to:

1. Coordinate and support the activities of various City departments in furthering the goals of this pledge.
2. Coordinate City efforts with and engage other governmental, non-profit and community partners.
3. Develop Results Minneapolis measures to gauge the City's progress in realizing the goals of this pledge.

Be It Further Resolved that the membership of the Committee will include representatives from the Minneapolis Police Department, Health Department, Department of Community Planning and Economic Development – Business Licensing, City-County Homeless Initiative, Intergovernmental Relations, the City Attorney's Office, City Coordinator's Office and such other representatives as may be appropriate, with the Committee being co-chaired, at least initially, by the Deputy Chief of Police – Investigations and City Attorney.

Be It Further Resolved that the Committee will provide progress reports to the City Council on an annual basis or more frequently as circumstances may warrant.

Adopted.

Absent - Reich, Johnson.

PSC&H - Your Committee recommends confirmation of Mayoral appointments and approval of City Council appointments to the Homegrown Minneapolis Food Council, for terms beginning January 2014 and expiring December, 2015, as follows:

Mayoral Appointments:
Sammie Rivera (replacing Kurt Schreck)
Omari Chatman (replacing Rebecca Reed)
Hashep Seka (replacing Deborah Ramos)
Pakou Hang (replacing Tracy Singleton)
Beth Dooley (reappointment)
Rhys Williams (reappointment)
Mustafa Sundiata (reappointment)
Co-Chair (none)

City Council Appointments:
DeVon Nolan (replacing Neil Oxendale)
Andrew Dahl (replacing Sara Nelson-Pallmeyer)
Zoe Holloman (replacing Eric Larsen)
Alison Rotel (reappointment)
Russ Henry (reappointment)
Kris Igo (reappointment)
Aaron Reser (reappointment)
Adopted.
Absent - Reich, Johnson.

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH AND WAYS & MEANS/BUDGET Committees submitted the following reports:

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a Joint Powers Contract Agreement with the Minnesota Department of Public Safety – Division of Homeland Security and Emergency Management for the Minneapolis Police Department to provide bomb disposal services to other jurisdictions with the state as needed for a two year period, to be reimbursed at a rate of $175.00 per hour, for an amount up to $54,000. Further, passage of the accompanying resolution appropriating said funds to the Police Department.

Adopted.
Absent - Reich, Johnson.

RESOLUTION 2013R-541
By Samuels and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the General Fund (00100-4002720) by $54,000 and increasing the revenue source (00100-4002720) by $54,000.

Adopted.

Absent - Reich, Johnson.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract agreement with the Minneapolis Public Housing Authority in the amount of $108,825 for the Police Department to provide services of a sergeant for the Minneapolis Public Housing Authority Housing Choice Program for a one year period. Further, passage of the accompanying resolution appropriating said funds to the Police Department.

Adopted.

Absent - Reich, Johnson.

RESOLUTION 2013R-542
By Samuels and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Special Revenue Fund (01210-4003100) by $108,825 and increasing the revenue source (01210-4003100-345501) by $108,825.

Adopted.

Absent - Reich, Johnson.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract amendment with Hennepin County for the Police Department to provide Detox Van services for 2014, for an estimated cost of $204,882, to operate through the Police Special Revenue Fund (01210-4004100-345501).

Adopted.

Absent - Reich, Johnson.

Approved by Mayor Rybak 12/6/2013.

(Published 12/10/2013)

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept redistribution funding under the Round 6 training reimbursement program from the Minnesota Board of Firefighter Training and Education in the amount of $32,640, for training conducted between 7/1/2013-6/30/2014. Further, passage of the accompanying resolution appropriating said funds to the Fire Department.

Adopted.

Absent - Reich, Johnson.

RESOLUTION 2013R-543
By Samuels and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants-Other Fund (01600-2800700) by $32,640, and increasing the revenue source (01600-2800700-321513) by $32,640.

Adopted.

Absent - Reich, Johnson.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept grant funds from the Minnesota Department of Public Safety, Office of Justice Programs in the amount of $60,000, and to execute an agreement with them in the same amount for youth violence prevention and intervention activities over a two year period. Further, passage of the accompanying resolution appropriating said funds to the Health Department.

Adopted.

Absent - Reich, Johnson.

RESOLUTION 2013R-544
By Samuels and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Health Department Agency in the Grants-Other Fund (01600-8600111) by $60,000 and increasing the revenue source (01600-8600111-321509) by $60,000.

Adopted.

Absent - Reich, Johnson.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept grant funds from the State of Minnesota Department of Health in the amount of $2,000, and to execute an agreement with them in the same amount for preparation to apply for national public health accreditation. Further, passage of the accompanying resolution appropriating said funds to the Health Department.

Adopted.

Absent - Reich, Johnson.

RESOLUTION 2013R-545
By Samuels and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Health Department Agency in the Federal Grants Fund (01300-8600130) by $2,000 and increasing the revenue source (01300-8600130-321007) by $2,000.

Adopted.

Absent - Reich, Johnson.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept the 2013 Emergency Management Performance Grant from the Department of Homeland Security in the amount of $30,000, for the period 1/1/2013-12/31/2013. Further, passage of the accompanying resolution appropriating said funds to the Office of Emergency Management.

Adopted.

Absent - Reich, Johnson.

RESOLUTION 2013R-546
By Samuels and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Emergency Management Agency in the Grants Federal Fund (01300-8440100) by $30,000 and increasing the revenue source by $30,000.

Adopted.

Absent - Reich, Johnson.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into a Joint Powers Agreement with the counties of Ramsey, Washington, Hennepin, Dakota, Scott, Carver and Anoka, and the cities of Bloomington, Richfield and Edina, to collaborate on a comprehensive and metro-wide public health survey, and to pay to Ramsey County, acting as the fiscal agent for the Agreement, the City's portion of survey expenses not to exceed $63,000, from Health Department Fund (00100-8600130).

Adopted.

Absent - Reich, Johnson.

The REGULATORY, ENERGY & ENVIRONMENT Committee submitted the following reports:

RE&E - Your Committee, to whom was referred an ordinance amending Title 13 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations, adding a new Chapter 286 entitled Massage and Bodywork Establishments, licensing and regulating massage and bodywork establishments, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends that the License Fee Schedule be amended to add the following license fees:

License Type	**Fee**
Massage and Bodywork Establishment, Commercial	$140
Massage and Bodywork Establishment, Home-based and/or Single Operator	$50

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-228 amending Title 13 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations adding a new Chapter 286 licensing and regulating massage and bodywork establishments, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-228
By Glidden
Intro & 1st Reading: 10/4/2013
Ref to: RE&E
2nd Reading: 12/6/2013

Amending Title 13 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations adding a new Chapter 286 entitled "Massage and Bodywork Establishments".

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 286 to read as follows:

CHAPTER 286. MASSAGE AND BODYWORK ESTABLISHMENTS

286.10. Definitions. As used in this chapter, the following terms shall mean:

Massage and bodywork means, for the purposes of this ordinance, any method of applying pressure on, or friction against, or rubbing, stroking, kneading, tapping or rolling of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, appliance or device with or without such supplemental aids as rubbing (isopropyl) alcohol, liniment, antiseptic oil, powder, cream, lotion, ointment or other similar preparation. The practice of massage and bodywork shall not include and is distinct from the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry. This includes, but is not limited to many manual therapies, such as massage therapy, Asian bodywork therapies, or movement therapies. While these are recognized as separate disciplines, all are subject to the massage and bodywork establishment license ordinance.

Massage and bodywork establishment means any privately owned place wherein massage and bodywork is offered or provided to members of the public.

Massage and bodywork table means any padded table designed specifically for massage and bodywork in a recumbent position, which may be adjustable and is not intended for sleeping.

286.20. License required. No person shall engage in the business of operating a massage and bodywork establishment without being licensed under this chapter.

286.30. Exceptions. Persons duly licensed or registered to practice medicine, surgery, osteopathy, chiropractic, dentistry, physical therapy or podiatry, registered nurses and nurses who work under the direction of such persons, are hereby expressly excluded from the requirements of this chapter, provided the massage and bodywork is administered in the regular course of a prescribed or authorized medical treatment and not provided as part of a separate and distinct massage and bodywork business, shall be exempt from obtaining a license under this chapter.

286.40. Fee. The annual license fee shall be as established in the license fee schedule.

286.50. When licenses expire. Licenses issued under this chapter shall expire on January first of each year.

286.60. License requirements. (a) *Application.* The application for a license shall be made only upon forms furnished by the licensing official and when completed by the applicant, shall be filed with the licensing official, and a record of the same made therein and shall contain the following information:

(1) A description and location of the premises to be licensed. A scaled *diagram of the premises and furnishings shall be attached to the* application.

(2) Names and addresses of the business owner, the manager or operator and, if a corporation, all the names and addresses of the officers of such corporation, and any other person or corporation which may have a financial interest in the premises to be licensed.

(3) A description of any crime or other offense, including the time, place, date and disposition, for which any of the persons required to be named in subsection (a)(2) have been arrested and convicted.

(4) A report detailing the costs required to open the business and the financial documentation supporting the costs and the availability of sufficient funds to meet such costs.

(5) The applicant shall report any disciplinary action recorded by the Office of Unlicensed Complementary and Alternative Health Care Practice in the Minnesota Department of Health, Health Occupations Program and/or from other similar state agencies.

(6) A detailed description of the services offered and detailed business operation plan.

(7) The business, occupation and employment and residential history of each of the persons named in subsection (a)(2) for the ten (10) years immediately preceding the date of application.

(8) The previous experience of the persons named in subsection (a)(2) in a massage and bodywork establishment or similar business.

(9) A statement as to whether the persons named in subsection (a)(2) have had any license denied, revoked or suspended, the reason therefor, and the business activity or occupation of the individual subsequent to such suspension, revocation or denial.

(b) *Submission of plans and specifications.* Health plan review required. No person shall begin to construct, extensively remodel, or alter a massage and bodywork establishment until the city has reviewed and approved the plans and specifications required by this subsection. This subsection shall not apply to massage and bodywork establishments in residential homes or to single operators.

(1) The massage and bodywork establishment shall be constructed and finished in conformance with the approved plans. The city may inspect the massage and bodywork establishment as frequently as deemed necessary during construction to ensure that construction occurs in conformance with this chapter. The city shall conduct a final inspection prior to the start of operations and issuance of an approved license. If work has commenced prior to approval of plans when required, the city may issue orders to halt the construction, extensive remodeling, expansion, or alteration, or may issue orders, including demolition or removal, if reasonably necessary to determine compliance with the standards of this chapter.

(2) All persons who hereafter construct, remodel or convert buildings or facilities for use as a massage and bodywork establishment shall conform and comply in their construction, erection or alteration with the requirements of this chapter. The plans will be reviewed and retained by the city. A building permit shall not be issued for any such construction, remodeling or alteration until such permit shall have the approval of the city.

(c) *Construction and maintenance requirements.* The following requirements shall apply to the construction and maintenance of all massage and bodywork establishments:

(1) All massage and bodywork establishments shall have a restroom made available in compliance with the Minnesota State Building Code.

(2) All massage and bodywork establishments and restrooms used in connection therewith shall be constructed of materials which are impervious to moisture, bacteria, mold or fungus growth. The floor-to-wall and joints shall be constructed to provide a sanitary cove with a minimum radius of one (1) inch. Floor carpeting is allowed in rooms without showers, tubs or water-emitting devices, as long as it is maintained in satisfactory condition.

(3) Floors, walls and equipment in massage and bodywork establishments and restrooms used in connection therewith must be kept in a state of good repair and sanitary at all times. Linens and other materials shall be stored at least six (6) inches off the floor. Sanitary towels, wash cloths, cleaning agents and toilet tissue must be made available for each customer. There shall be separate storage containers for dirty and clean linens.

(4) All massage and bodywork rooms shall be clearly marked by signs.

(5) Facilities for bathing, dressing, locker, toilet, massage and bodywork shall be provided in such a way as to ensure privacy for female and male patrons.

(6) The premises shall have adequate equipment for disinfecting and sanitizing nondisposable instruments and materials used in administering massage and bodywork. Such nondisposable instruments and materials shall be disinfected after use on each patron.

(d) *Location restrictions.* No massage and bodywork establishment shall be located or operated in any location not authorized by this Code or within or as an adjunct to any adult

entertainment establishment or center or any establishment licensed or required to be licensed for the sale of any form of beverage alcohol, unless the beverage alcohol establishment is located within a hotel.

(e) *Application review.* Such application shall be reviewed by such departments of the city as shall be deemed necessary by the licensing official. Plan review is not required by the health division for massage and bodywork establishments in residential homes, but the requirements must be met.

286.70. Business hours. No customer or patron shall be allowed to enter the licensed premises after 10:00 p.m. and before 6:00 a.m. daily. No customer or patron shall be allowed to remain upon the licensed premises after 10:30 p.m. and before 6:00 a.m. daily.

286.80. Inspection by city officers and identification of employees. (a) During any hours in which any person is present on the licensed premises, all massage and bodywork establishments shall be open to inspection by city health, fire, zoning, building and license inspectors, police officers and any other appropriate city official. Upon demand by any city officer, any person engaged in providing services in any licensed premises shall identify himself/herself giving his/her true legal name and his/her correct address.

(b) Employment records, including copies of documents used to determine the employee, agent or contractor is eighteen (18) years of age or older, for each employee employed by a licensed massage and bodywork establishment shall be kept at the licensed premises and available for immediate review upon request of a city officer. Documents that are acceptable forms of identification can be found in Minnesota Rules Part 7410.0100.

286.90. Violations, penalty. Every person who commits or attempts to commit, conspires to commit, or aids or abets in the commission of any act constituting a violation of this chapter, whether individually or in connection with one (1) or more other persons or as principal agent or accessory, may be penalized in accord with this section, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any of the provisions of this chapter may likewise be penalized in accord with this section. Violations of the provisions of this chapter may be enforced by any one (1), all, or any combination of the following penalties and remedies:

(1) Violations may be punishable as criminal offenses as stated in section 1.30 of the Minneapolis Code of Ordinances.

(2) Violations may be enforced as administrative offenses pursuant to chapter 2 of the Minneapolis Code of Ordinances.

(3) Violations of this chapter or of any other applicable provision of this Code may constitute just cause for the imposition of adverse license action, including but not limited to license suspension or revocation.

(4) This chapter may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court or venue of competent jurisdiction.

286.100. Unlawful acts. It shall be unlawful for:

(1) Any person to engage in, conduct or carry on a massage and bodywork establishment without a valid license issued pursuant to this chapter.

(2) Any person in a massage and bodywork establishment to place his or her hands upon, or to touch with any part of his or her body, or to fondle in any manner, the genital area of any other person, or breasts of any female person, whether or not the area is clothed.

(3) Any person in a massage and bodywork establishment to expose her female breasts, his or her genital area or any portion thereof to any other person, or to expose the genital area or any portion thereof of any other person.

(4) Any person, while in the presence of any other person in a massage and bodywork establishment, to fail to conceal with a fully opaque covering the genital area of his or her body or her female breasts.

(5) Any person to employ or suffer to be employed any person under the age of eighteen (18) years of age to work in any massage and bodywork establishment as an employee, agent or independent contractor.

(6) Any person under the age of eighteen (18) to patronize any massage and bodywork establishment unless such person carries, at the time of such patronage, a written order directing the treatment to be given and signed by a regularly licensed physician, health care practitioner or such person's parent or guardian. If consent is given by a parent or guardian, such consent must be signed in the presence of the massage and bodywork establishment operator.

(7) Any person owning, operating or managing a massage and bodywork establishment knowingly to cause, allow, suffer or permit in or about such massage and bodywork establishment any agent, employee, independent contractor or any other person under his or her control or supervision to perform or allow such acts prohibited in subsections (2) through (6) of this section. Additionally, any person owning, operating or managing a massage and bodywork establishment shall comply with all business license management responsibilities pursuant to section 259.250 of this Code, including, but not limited to, subsection (3) of section 259.250 which provides that such a person or licensee is directly and vicariously responsible for any violations on the premises by any employees, independent contractors, other persons hired by the licensee, or otherwise under the supervision or management of the licensee.

286.110. Adverse license action; grounds. It shall be grounds for denial, revocation, nonrenewal, suspension or any other appropriate adverse license sanction if:

(1) The applicant or licensee is not complying with or has a history of violations of the laws and ordinances that apply to public health, safety and morals.

(2) The licensee is convicted of any violation, reasonably related to the licensed activity and/or occurring on the licensed premise, of any city ordinance or federal or state statute.

(3) The licensee is found to be in control or possession of any alcoholic beverages or narcotic drugs and controlled substances on the premises for which they are licensed to operate, possession of which is illegal as defined by applicable statute, rule or ordinance.

(4) The licensee has evidenced in the past willful disregard for health codes and regulations.

(5) The applicant fails to provide all the information and certificates required by this chapter.

(6) The licensee refuses to permit any authorized police officers or city official to inspect the premises or the operations.

(7) The licensee is found to be violating provisions of this chapter.

286.120. Severability. If any provision of this chapter is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

Adopted.
Absent – Reich, Johnson.

RE&E - Your Committee recommends passage of the accompanying resolution granting Licenses to the following businesses:

a) Day Block Brewing Company, 1105 Washington Ave S (New Business - Brewery and Brewpub);
b) Nomad World Pub, 501 Cedar Ave S (Upgrade);
c) Coup D'Etat, 2923 Girard Ave S (New Business);
d) Hammer & Sickle, 1300 Lagoon Ave (New Business); and
e) Dilla's Ethiopian Restaurant, 1813 Riverside Ave (Upgrade).

Adopted.
Absent – Reich, Johnson.
Approved by Mayor Rybak 12/6/2013.
(Published 12/10/2013)

Resolution 2013R-547, granting licenses to Day Block Brewing Company, 1105 Washington Ave S; Nomad Word Pub, 501 Cedar Ave S; Coup D'Etat, 2923 Girard Ave S; Hammer & Sickle, 1300 Lagoon Ave; and Dilla's Ethiopian Restaurant, 1813 Riverside Ave, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-547
By Glidden

Granting Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Off-Sale Malt Liquor, to expire October 1, 2014

Day Block Brewing Company LLC, dba Day Block Brewing Company, 1105 Washington Ave S (New Business - Brewery)

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2014

Smith Entertainment Inc, dba Nomad World Pub, 501 Cedar Ave S (Upgrade from Class C-1 License)

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2014

Day Block Brewing Company LLC, dba Day Block Brewing Company, 1105 Washington Ave S (New Business - Brewpub)

Coup D'Etat LLC, dba Coup D'Etat, 2923 Girard Ave S (New Business)

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2014

H&S LLC, dba Hammer & Sickle, 1300 Lagoon Ave (New Business)

Dilla's Bar & Restaurant Inc, dba Dilla's Ethiopian Restaurant, 1813 Riverside Ave (Upgrade from On-Sale Wine Class E with Strong Beer License).

Adopted.

Absent – Reich, Johnson.

Approved by Mayor Rybak 12/6/2013.

RE&E - Your Committee, having under consideration the Rental Dwelling License for the property located at 2700 14th Ave S, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Regulatory Services to approve the reinstatement of said license to be held by Manuel and Rosa Lema.

Adopted.

Absent – Reich, Johnson.

RE&E - Your Committee recommends passage of the accompanying resolution approving a Stipulated Agreement and Conditions relating to the Rental Dwelling License held by Wenrich Property & Development LLC - Wendy Sullivan for the property located at 2416 4th St N.

Adopted.

Absent – Reich, Johnson.

Resolution 2013R-548, approving a Stipulated Agreement and Conditions relating to the Rental Dwelling License held by Wenrich Property & Development LLC - Wendy Sullivan for the property located at 2416 4th St N, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-548
By Glidden

Approving a Stipulated Agreement and Conditions relating to the Rental Dwelling License held by Wenrich Property & Development LLC - Wendy Sullivan for the property located at 2416 4th St N.

Whereas, an Administrative Hearing was held before Administrative Hearing Officer Fabian Hoffner on October 11, 2013 regarding the Rental Dwelling License for the above-mentioned property and the licensees did appear at the hearing; and

Whereas, after reviewing facts presented by the Department of Regulatory Services, Hearing Officer Hoffner issued Findings of Fact, Conclusions of Law and Recommendation that the Rental Dwelling License for the property located at 2416 4th St N held by Wendy Sullivan be revoked; and

Whereas, pursuant to negotiations between the City of Minneapolis and the licensee, the parties agreed to a Stipulated Agreement in order to allow the licensee to retain the Rental Dwelling License for said property;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Wenrich Property & Development LLC - Wendy Sullivan be allowed to retain the Rental Dwelling License for the property located at 2416 4th St N subject to the following Stipulated Agreement and Conditions, as on file in the office of the City Clerk (Petn No 276895):

1. The Licensee, Wendy Sullivan, admits that the property located at 2416 4th St N was in violation of the licensing standards set out in Section 244.1910 of the Minneapolis Code of Ordinances as found by Administrative Hearing Officer Fabian Hoffner.

2. The Licensee agrees to keep the rental license current on the property as long as the property is occupied by someone other than the owner.

3. The Licensee agrees to submit a successful Management Plan to the Minneapolis Police Department c/o Luther Krueger, Crime Prevention Analyst, 350 S 5th St, Room 100, Minneapolis, MN 55415, within 30 days of signing the Stipulated Agreement.

4. The Licensee agrees to enter into a contract with a lawn and garbage disposal company for a period of one year.

5. The Licensee agrees to attend a Rental Property Owner's Workshop within three months of signing the Stipulated Agreement.

6. The Respondent, Wendy Sullivan, hereby agrees to no same or similar code violations at the property as cited in this case for a period of one year.

Adopted.

Absent – Reich, Johnson.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted.

Absent – Reich, Johnson.

Resolution 2013R-549, granting applications for Liquor, Wine and Beer Licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-549
By Glidden

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 276894):

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2014

The McCalum Group Inc, dba Three Sons Signature Cuisine, 2322 Blaisdell Ave (Corporate Stock Purchase)

On-Sale Liquor Class E with Sunday Sales, to expire December 2, 2013

Salea Inc, dba CC Club, 2600 Lyndale Ave S (Temporary Expansion, 80th Anniversary Party, 8:00 p.m. to close)

On-Sale Liquor Class E with Sunday Sales, to expire December 7, 2013

Salea Inc, dba CC Club, 2600 Lyndale Ave S (80th Anniversary Party December 6-7, 2013, 8:00 p.m. to 12:30 a.m.)

Temporary Wine, to Expire November 9, 2013

Marnita's Table Inc, dba Marnita's Table, 3450 Irving Ave S (Fundraiser, 7:00 p.m. to 10:00 p.m.).

Adopted.

Absent – Reich, Johnson.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted.

Absent – Reich, Johnson.

Resolution 2013R-550, granting applications for Business Licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-550
By Glidden

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the office of the City Clerk under date of December 6, 2013 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 276894):

Amusement Devices; Christmas Tree; Fire Extinguisher Servicing - Class A; Food Caterers; Food Confectionery; Farm - Produce Permits; Food Manufacturer; Food Restaurant; Short-Term Food Permit; Seasonal Short-Term Food Permit; Gas Fitter Class A; Bulk Gas & Oil Storage; Heating, Air Conditioning and Ventilating Class B; Hotel/Motel; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory; Parking Lot Commercial Class B; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Second Hand Goods Class B; Sign Hanger; Steam & Hot Water Systems Installer; Suntanning Facility; Swimming Pool - Public; Taxicab Vehicle - Fuel Efficient; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Combined Trades; Wrecker of Buildings Class B; and Tobacco Dealer.

Adopted.

Absent – Reich, Johnson.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted.

Absent – Reich, Johnson.

Resolution 2013R-551, granting applications for Gambling Licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-551
By Glidden

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for Gambling Licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances
(Petn No 276894):

Gambling Class B

Eagles Aerie #34, dba Eagles Aerie #34, 2507 E 25th St (Knight Cap Bar, 1500 4th St NE)

Gambling Exempt

Minneapolis Chamber of Commerce, dba Minneapolis Chamber of Commerce, 81 S 9th St (Raffle November 21, 2013, Aveda Institute)

St Lawrence Catholic Church, dba St Lawrence Catholic Church, 1203 5th St SE (Raffle December 8, 2013)

BestPrep, dba BestPrep, 7100 Northland Cir N, Brooklyn Park (Raffle January 25, 2014, International Market Square)

St Lawrence Catholic Church, dba New Brighton Education Foundation, 3303 33rd Ave, St Anthony (Raffle February 8, 2014, Jax Cafe)

Ave Maria Academy, dba Ave Maria Academy, 6950 W Fish Lake Rd, Maple Grove (Raffle March 1, 2014, International Market Square)

The Blake School, dba The Blake School, 110 Blake Rd S, Hopkins (Raffle March 1, 2014, The Depot).

Adopted.

Absent – Reich, Johnson.

RE&E - Your Committee recommends approval of the following Mayoral appointments to the Community Environmental Advisory Committee (CEAC) to fill existing vacancies with terms to expire December 31, 2014:

- James Nash, Ward 2 (home), Technical Expert
- Sam Grant, Ward 5 (work), Technical Expert

Your Committee further recommends that the residency requirement be waived for Sam Grant per Section 14.180 of the Minneapolis Code of Ordinances based on the knowledge and expertise he will provide to the committee.

Further, that outgoing CEAC members Kevin Bengtson and Sarah Sponheim be thanked for their participation and dedication.

Adopted.

Absent – Reich, Johnson.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee recommends approval of the following contract amendments to provide water service to the Metropolitan Airports Commission, the City of Edina, the Joint Water Commission, the City of Hilltop, and the City of Columbia Heights:

a) Contract C-26824 with the Metropolitan Airports Commission for the purpose of providing a new methodology for applying the inside city rate increases to the Metropolitan Airports Commission; to define how costs for a future groundwater supply will be applied in a future cost of service study; and to define the volumes of water used for future cost of service studies to be defined as a three year average rather than a single year volume.

b) Contract C-26961 with the City of Edina for the purpose of providing a new methodology for applying the inside city rate increases to the City of Edina; to define how costs for a future groundwater supply will be applied in a future cost of service study; and to define the volumes of water used for future cost of service studies to be defined as a three year average rather than a single year volume.

c) Contract C-22438 with the Joint Water Commission for the purpose of providing a new methodology for applying the inside city rate increases to the Joint Water Commission; to define how costs for a future groundwater supply will be applied in a future cost of service study; to define the volumes of water used for future cost of service studies to be defined as a three year average rather than a single year volume; and to clarify language regarding the delivery schedule and "off peak" and "on peak" language as it pertains to electrical charges for pumping.

d) Contract C-26849 with the City of Hilltop for the purpose of providing a new methodology for applying the inside city rate increases to the City of Hilltop; to define how costs for a future groundwater supply will be applied in a future cost of service study; and to define the volumes of water used for future cost of service studies to be defined as a three year average rather than a single year volume.

e) Contract C-20603 with the City Columbia Heights for the purpose of providing a new methodology for applying the inside city rate increases to the City of Columbia Heights; to define how costs for a future groundwater supply will be applied in a future cost of service study; and to define the volumes of water used for future cost of service studies to be defined as a three year average rather than a single year volume.

Adopted.

Absent – Reich, Johnson.

T&PW - Your Committee recommends adoption of the proposed "*Standard Supplemental Specifications for Construction of Public Infrastructure in the City of Minneapolis: Water*", as set forth in Petn No 276898.

Adopted.

Absent – Reich, Johnson.

T&PW - Your Committee, having under consideration Flood Area 5.2 — 37th Ave N Greenway Project, now recommends that the proper City officers be authorized to execute Amendment No 1 to Contract No C-29000 with S.M. Hentges & Sons, Inc. increasing the contract by $54,504.27, for a revised contract total of $2,685,690.28, to allow for construction contingencies provided as part of the original project budget. No additional appropriation required.

Adopted.

Absent – Reich, Johnson.

T&PW - Your Committee, having under consideration the cleaning and CIPP lining of a segment of a 16" cast iron drain pipe at the Columbia Heights Membrane Plant, now recommends that the proper City officers be authorized to execute Amendment No 1 to Contract C-37072 with IPR Northeast LLC, increasing the contract by $47,171.05 and extending the time period to completion. Funds are available in 07400-9010950-CWTR23 and no additional appropriation is required.

Adopted.

Absent – Reich, Johnson.

T&PW - Your Committee, having under consideration the Bike Walk Ambassador Program, now recommends that the proper City officers be authorized to amend Contract C-25183 (MnDOT Agreement 92071) by extending the contract from December 31, 2013 to December 31, 2014 to allow remaining funds to be spent in the Spring/Summer of 2014 and then be properly closed out.

Adopted.

Absent – Reich, Johnson.

T&PW - Your Committee, having under consideration the Safe Routes to School Non-Infrastructure Grant Agreement, now recommends that the proper City officers be authorized to execute an agreement with the Minnesota Department of Transportation (MnDOT) for the renewal of the Safe Routes to School grant.

Your Committee further recommends passage of the accompanying resolution requesting MnDOT to act as the City's agent to accept the federal grant.

Adopted.

Absent – Reich, Johnson.

Resolution 2013R-552, authorizing execution of a Cooperative Agreement with the Minnesota Department of Transportation (MnDOT) prescribing the terms and conditions of federal aid participation for the project described as Safe Routes Programming, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-552
By Colvin Roy

Authorizing execution of a Cooperative Agreement with the Minnesota Department of Transportation (MnDOT) prescribing the terms and conditions of federal aid participation for the project described as Safe Routes Programming.

Whereas, the City of Minneapolis was previously awarded federally reimbursable funds to develop and deploy a Safe Routes to School plan at five schools; and

Whereas, the City of Minneapolis entered into contract C-25905 with MnDOT in 2006, thereby allowing MnDOT to be the City's agent in accepting these funds; and

Whereas, the aforementioned contract between the City of Minneapolis and MnDOT expired after a period of two years; and

Whereas, $5,667.42 in preliminary engineering funds associated with this contract remain unspent; and

Whereas, MnDOT authorized a new agreement in July 2013 that would allow the City to resume use of these funds if executed;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City officers are hereby authorized and directed, for and on behalf of the City of Minneapolis, to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation for the project described as Safe Routes Programming (04252).

Adopted.

Absent – Reich, Johnson.

T&PW - Your Committee recommends that the proper City officers be authorized to amend Contract C-36795 (OP 7750) with Tiller Corporation, dba Commercial Asphalt Company, increasing the contract by $300,000, for a revised contract total of $6,083,925 to cover the cost of additional bituminous material required to complete 2013 construction projects and maintenance activities. No additional appropriation required.

Adopted.

Absent – Reich, Johnson.

T&PW - Your Committee, having under consideration the Penn Ave Reconstruction Project Phase I, from MN-62 to 100 feet north of 54th St W, now recommends that the proper City officers be authorized to execute Amendment No 1 to Contract No C-36634 with Meyer Contracting, Inc., increasing the contract by $350,000, for a revised contract total of $1,301,633.35, to allow for construction contingencies provided as part of the original project budget. No additional appropriation required.

Adopted.

Absent – Reich, Johnson.

T&PW - Your Committee, having under consideration Bridge No 9, a converted railroad bridge carrying pedestrian and bicycle traffic over the Mississippi River and W River Pkwy between the University of Minnesota East and West Bank campuses in Minneapolis, now recommends that the proper City officers be authorized to negotiate and execute a Temporary Construction Agreement with the University of Minnesota for Bridge No 9 Pier 3 repairs.

Adopted.

Absent – Reich, Johnson.

T&PW - Your Committee, having under consideration the Franklin Ave LRT Station Area Streetscape Project from Bloomington Ave S to 21st Ave S, now recommends that the proper City officers be authorized to execute Amendment No 1 to Contract No C-35036 with Thomas and Sons Construction, Inc. increasing the contract by $46,267.72, for a revised contract total of $1,108,177.80, to allow for payment for additional work performed as part of the federal project. Funds are available in the project budget and no additional appropriation required.

Adopted.

Absent – Reich, Johnson.

T&PW - Your Committee recommends that the proper City officers be authorized to execute an amendment to Standard Agreement Contract C-36821 with Urban Works, Inc., increasing the original contract amount by $50,000, for a revised contract total of $100,000 and extending the contract end date from February 28, 2014 to April 30, 2014 due to greater than anticipated need for Urban Works professional services to support Public Works in the management of the City's Special Service Districts. No additional appropriation required.

Adopted.

Absent – Reich, Johnson.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the request of the Upper Mississippi Academy, a Minnesota nonprofit and charter school, to construct temporary modular structures on certain vacant, real property located at Fort, now recommends that the proper City officers be authorized to execute an agreement between the City of Minneapolis, Upper Mississippi Academy, and the Northern Star Council of the Boy Scouts of America to allow for temporary Sewer Availability Charges (SAC) for the City's sanitary sewer service for the charter school.

Adopted.

Absent – Reich, Johnson.

T&PW & W&M/Budget - Your Committee, having under consideration the amended Street Lighting Policy eliminating special assessments as a funding source for the installation of street lighting as a part of street reconstruction projects along Pedestrian Priority Corridors and staff having been directed to return to Council with proper adjustments to apply the policy to projects approved under the previous policy, now recommends passage of the following resolutions:

a) Amending Resolution 2011R-280 to cancel assessments for payable 2014 and subsequent years and refunding special assessment principal and interest collected from 2013 real estate property tax statements for the Riverside Ave Street Lighting Phase I Project;

b) Amending Resolution 2011R-143 to cancel street lighting special assessments for the University Ave SE Central Corridor Adjacent Street Lighting Project;

c) Amending Resolution 2011R-146 to cancel street lighting special assessments for the Washington Ave SE Central Corridor Adjacent Street Lighting Project;

d) Amending Resolution 2011R-185 to cancel street lighting special assessments for the Lyndale Ave S (Minnehaha Pkwy to 56th St W) Street Lighting Project;

e) Amending Resolution 2012R-043 to cancel street lighting special assessments for the Nicollet Ave (Lake St to 36th St) Street Lighting Project; and

f) Amending Resolution 2012R-130 to cancel street lighting special assessments for the Riverside Ave Phase 2 (Cedar Ave to 23rd Ave S) Street Lighting Project.

Your Committee further recommends that the proper City officers be directed to return to the Transportation & Public Works Committee to reconcile funding for the above projects at project close-out.

Adopted.

Absent – Reich, Johnson.

Approved by Mayor Rybak 12/9/2013.

(Published 12/11/2013).

Resolution 2013R-553, amending Resolution 2011R-280 cancelling assessments for payable 2014 and subsequent years and refunding special assessment principal and interest collected from 2013 real estate property tax statements for the Riverside Ave Street Lighting Phase I Project, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-553
By Colvin Roy and Hodges

RIVERSIDE AVE STREET LIGHTING PHASE I PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 6746

Amending Resolution 2011R-280 entitled, "Ordering the work to proceed and adopting the special assessments for the Riverside Ave Street Lighting Phase I Project", passed May 27, 2011.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to read as follows:

Whereas, a public hearing was held on May 17, 2011 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2011R-181 passed April 15, 2011, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in Resolution 2011R-181 passed April 15, 2011.

Be It Further Resolved that the proposed special assessments in the total amount of $272,800, reduced to $258,705.16 in the final levy of assessments passed November 16, 2012, as on file in the office of the City Clerk are hereby cancelled for taxes payable in 2014 and subsequent years as set forth below ~~adopted and assessed against the benefited properties~~ and the Hennepin County Auditor is directed to cancel the assessments.

~~Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than $150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2013 real estate tax statements.~~

~~Be It Further Resolved that the number of installments by which the special assessments of $150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments on the 2013 real estate tax statements.~~

Be It Further Resolved that the proper City officers be authorized to issue refunds to the property owners/taxpayers for the special assessment principal and interest installments that were collected with 2013 real estate tax statements in the total amount of $19,726.16 for the parcels identified by Property ID Nos set forth below:

PROPERTY ID	ASSESSED AMOUNT	REFUND AMOUNT
25-029-24-31-0006	20,006.19	1,525.46
25-029-24-31-0051	15,823.92	1,206.57
25-029-24-31-0069	7,571.17	577.29
25-029-24-34-0091	34,037.22	2,595.34
25-029-24-34-0092	809.08	61.69
25-029-24-34-0094	2,030.98	154.85
25-029-24-34-0097	15,043.65	1,147.08
25-029-24-34-0098	34,493.58	2,630.13
25-029-24-42-0074	5,234.67	399.14
25-029-24-43-0043	42,076.26	3,208.31
25-029-24-43-0068	1,861.59	141.94
25-029-24-43-0069	2,613.41	199.27
25-029-24-43-0071	5,064.42	386.16
25-029-24-43-0072	6,573.03	501.19
25-029-24-43-0077	1,839.99	140.29
25-029-24-43-0078	2,249.69	171.53
25-029-24-43-0079	1,304.58	99.47
25-029-24-43-0104	314.53	23.98
25-029-24-43-0105	405.84	30.94
25-029-24-43-0133	7,526.65	573.90
25-029-24-43-0200	728.62	55.56
25-029-24-43-0201	728.62	55.56
25-029-24-43-0202	728.62	55.56
25-029-24-43-0203	728.62	55.56
25-029-24-43-0204	728.62	55.56
25-029-24-43-0213	2,589.53	197.45
25-029-24-44-0005	40,426.36	3,082.50
25-029-24-44-0061	5,165.72	393.88
TOTAL	**258,705.16**	**19,726.16**

Adopted.
Absent – Reich, Johnson.
Approved by Mayor Rybak 12/9/2013.

Resolution 2013R-554, amending Resolution 2011R-143 cancelling street lighting special assessments for the University Ave SE Central Corridor Adjacent Street Lighting Project, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-554
By Colvin Roy and Hodges

UNIVERSITY AVE SE CENTRAL CORRIDOR ADJACENT STREET LIGHTING PROJECT SPECIAL IMPROVEMENT OF EXISTING STREET NO 2280

Amending Resolution 2011R-143 entitled "Ordering the work to proceed and adopting the special assessments for the ~~Washington~~ University Ave SE Central Corridor Adjacent Street Lighting Project", passed April 1, 2011.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to read as follows:

Whereas, a public hearing was held on March 22, 2011, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2011R-040 passed January 28, 2011, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2011R-040 passed January 28, 2011.

~~Be It Further Resolved that the proposed special assessments in the amount of $265,000 for the University Ave SE Central Corridor Adjacent Street Lighting Project, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.~~

~~Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than $150 may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as assessment bonds are sold for, with collection of the special assessments to begin on the 2013 real estate tax statements.~~

~~Be It Further Resolved that the number of installments by which the special assessments of $150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as assessment bonds are sold for, with collection of the special assessments on the 2013 real estate tax statements.~~

Be It Further Resolved that the proposed special assessments for the University Ave SE Central Corridor Street Lighting Project, as on file in the office of the City Clerk, are hereby cancelled for taxes payable in 2014 and subsequent years.

Adopted.
Absent – Reich, Johnson.
Approved by Mayor Rybak 12/9/2013.

Resolution 2013R-555, amending Resolution 2011R-146 cancelling street lighting special assessments for the Washington Ave SE Central Corridor Adjacent Street Lighting Project, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-555
By Colvin Roy and Hodges

WASHINGTON AVE SE CENTRAL CORRIDOR ADJACENT
STREET LIGHTING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2279

Amending Resolution 2011R-146 entitled "Ordering the work to proceed and adopting the special assessments for the Washington Ave SE Central Corridor Adjacent Street Lighting Project", passed April 1, 2011.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to read as follows:

Whereas, a public hearing was held on March 22, 2011, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2011R-041 passed January 28, 2011, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2011R-041 passed January 28, 2011.

~~Be It Further Resolved that the proposed special assessments in the amount of $220,023.96 for the Washington Ave SE Central Corridor Adjacent Street Lighting Project, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the~~ benefited properties.

~~Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than $150 may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as assessment bonds are sold for, with collection of the special assessments to begin on the 2013 real estate tax statements.~~

~~Be It Further Resolved that the number of installments by which the special assessments of $150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as assessment bonds are sold for, with collection of the special assessments on the 2013 real estate tax statements.~~

Be It Further Resolved that the proposed special assessments for the Washington Ave SE Central Corridor Street Lighting Project, as on file in the office of the City Clerk, are hereby cancelled for taxes payable in 2014 and subsequent years.

Adopted.

Absent – Reich, Johnson.

Approved by Mayor Rybak 12/9/2013.

Resolution 2013R-556, amending Resolution 2011R-185 cancelling street lighting special assessments for the Lyndale Ave S (Minnehaha Pkwy to 56th St W) Street Lighting Project, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-556
By Colvin Roy and Hodges

LYNDALE AVE S (MINNEHAHA PKWY TO 56TH ST W)
STREET LIGHTING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 6729L

Amending Resolution 2011R-185 entitled "Ordering the work to proceed and adopting the special assessments for the Lyndale Ave S (Minnehaha Pkwy to 56th St W) Street Lighting Project", passed April 15, 2011.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to read as follows:

Whereas, a public hearing was held on April 5, 2011 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2011R-107 passed March 10, 2011, to consider the proposed special assessments, as on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in Resolution 2011R-107 passed March 10, 2011.

~~Be It Further Resolved that the proposed special assessments in the total amount of $197,800, as on file in the office of the City Clerk, are hereby adopted and assessed against the benefited properties.~~

~~Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than $150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2014 real estate tax statements.~~

~~Be It Further Resolved that the number of installments by which the special assessments of $150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments on the 2014 real estate tax statements.~~

Be It Further Resolved that the proposed special assessments for the Lyndale Ave S (Minnehaha Pkwy to 56th St W) Street Lighting Project, as on file in the office of the City Clerk, are hereby cancelled for taxes payable in 2014 and subsequent years.

Adopted.

Absent – Reich, Johnson.

Approved by Mayor Rybak 12/9/2013.

Resolution 2013R-557, amending Resolution 2012R-043 cancelling street lighting special assessments for the Nicollet Ave (Lake St to 36th St) Street Lighting Project, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-557
By Colvin Roy and Hodges

NICOLLET AVE (LAKE ST TO 36TH ST) STREET LIGHTING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 6713L

Amending Resolution 2012R-043 entitled "Ordering the work to proceed and adopting the special assessments for the Nicollet Ave (Lake St to 36th St) Street Lighting Project", passed January 27, 2012.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to read as follows:

Whereas, a public hearing was held on January 17, 2012 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2011R-649, passed December 9, 2011, to consider the proposed special assessments on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2011R-649, passed December 9, 2011.

~~Be It Further Resolved that the proposed special assessments in the total amount of $324,000, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.~~

~~Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than $150 may be paid shall be fixed at twenty (20)~~

~~and that the interest be charged at the same rate as assessment bonds are sold for, with collection of the special assessments to begin on the 2014 real estate tax statements.~~

~~Be It Further Resolved that the number of installments by which the special assessments of $150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments to begin on the 2014 real estate tax statements.~~

Be It Further Resolved that the proposed special assessments for the Nicollet Ave (Lake St to 36th St) Street Lighting Project, as on file in the office of the City Clerk, are hereby cancelled for taxes payable in 2014 and subsequent years.

Adopted.

Absent – Reich, Johnson.

Approved by Mayor Rybak 12/9/2013.

Resolution 2013R-558, amending Resolution 2012R-130 cancelling street lighting special assessments for the Riverside Ave, Phase 2 (Cedar Ave to 23rd Ave S) Street Lighting Project, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-558
By Colvin Roy and Hodges

RIVERSIDE AVE PHASE 2 (CEDAR AVE TO 23RD AVE S)
STREET LIGHTING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 6746L

Amending Resolution 2012R-130 entitled "Ordering the work to proceed and adopting the special assessments for the Riverside Ave, Phase 2 (Cedar Ave to 23rd Ave S) Street Lighting Project", passed March 8, 2012.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to read as follows:

Whereas, a public hearing was held on February 28, 2012 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2012R-037 passed January 27, 2012, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in Resolution 2012R-037 passed January 27, 2012.

~~Be It Further Resolved that the proposed special assessments in the total amount of $160,380.67, as on file in the office of the City Clerk, are hereby adopted and assessed against the benefited properties.~~

~~Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than $150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2014 real estate tax statements.~~

~~Be It Further Resolved that the number of installments by which the special assessments of $150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments on the 2014 real estate tax statements.~~

Be It Further Resolved that the proposed special assessments for the Riverside Ave, Phase 2 (Cedar Ave to 23rd Ave S) Street Lighting Project, as on file in the office of the City Clerk, are hereby cancelled for taxes payable in 2014 and subsequent years.

Adopted.
Absent – Reich, Johnson.
Approved by Mayor Rybak 12/9/2013.

T&PW & W&M/Budget - Your Committee, having under consideration the 22nd St E (Cedar Ave S to Minnehaha Ave S) Street Lighting Project, now recommends passage of the accompanying resolution amending Resolution 2011R-426 to reduce the special assessments to $38,418.04 for payable 2014 and subsequent years and authorizing the refund of special assessment overpayment of principal and interest for Property ID 36-029-24-22-0071 in the amount of $85.49 due to grant funds covering a higher amount than anticipated of the street lighting costs.

Adopted.
Absent – Reich, Johnson.
Approved by Mayor Rybak 12/6/2013.
(Published 12/10/2013)

Resolution 2013R-559, amending Resolution 2011R-426 reducing special assessments for payable 2014 and subsequent years and authorizing the refund of special assessment overpayment of principal and interest relating to the 22nd St E Street Lighting Project, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-559
By Colvin Roy and Hodges

22ND ST E STREET LIGHTING PROJECT
(CEDAR AVE S TO MINNEHAHA AVE S)
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2998L

Amending Resolution 2011R-426 entitled, "Ordering the work to proceed and adopting the special assessments for the 22nd St E Street Lighting Project (Cedar Ave S to Minnehaha Ave S)", passed August 19, 2011.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to read as follows:

Whereas, a public hearing was held on August 9, 2011 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinance to consider the proposed improvements as designated in Resolution 2011R-353, passed July 1, 2011, to consider the proposed special assessments on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2011R-353, passed July 1, 2011.

Be It Further Resolved that the proposed special assessments in the total amount of $130,000, as on file in the office of the City Clerk, ~~be and hereby are~~ reduced by a Federal Transportation Improvements for Planned Economic Development Districts (TIPEDD) Grant and a Metropolitan Council Livable Community Demonstration Account LCDA) Grant to $46,480.24, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than $150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as assessment bonds are sold for, with collection of the special assessments to begin on the 2012 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of $150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments to begin on the 2012 real estate tax statements.

Be It Further Resolved that special assessment principal and interest installments already collected on the prior year's real estate tax statements further reduce the special assessments to $38,418.04 and that the Hennepin County Auditor be directed to begin collection of the reduced amounts, as set forth below, on the 2014 real estate tax statements for the remaining term of the assessment (19 years):

Property ID	Assessment Reduced to
36-029-24-22-0020	3,968.87
36-029-24-22-0021	2,252.32
36-029-24-22-0022	1,781.08
36-029-24-22-0023	10,253.91
36-029-24-22-0045	2,803.90
36-029-24-22-0051	3,527.12
36-029-24-22-0052	2,220.93
36-029-24-22-0053	1,562.64

36-029-24-22-0054	175.25
36-029-24-22-0101	2,439.26
36-029-24-22-0105	7,432.76

Be It Further Resolved that the proper City officers be authorized to refund to the property owner the amount of $85.49 for property identified by PID No 36-029-24-22-0071 for overpayment of the assessment due to the reduction.

Adopted.
Absent – Reich, Johnson.
Approved by Mayor Rybak 12/6/2013.

T&PW & W&M/Budget - Your Committee, having under consideration the reconstruction of the St. Anthony Parkway Bridge over the Northtown Yard, now recommends passage of the accompanying resolution authorizing acquisition of real estate for road and bridge purposes and authorizing use of eminent domain proceedings.

Adopted.
Absent – Reich, Johnson.

Resolution 2013R-560, approving acquisition of real estate for road and bridge purposes and authorizing use of eminent domain proceedings, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-560
By Colvin Roy and Hodges

Approving acquisition of real estate for road and bridge purposes and authorizing use of eminent domain proceedings.

Whereas, on November 25, 1892, the City Council of the City of Minneapolis ("City Council") passed an ordinance (approved November 26, 1892) entitled "Granting to the Saint Paul and Northern Pacific Railway Company the right to construct, operate and maintain lines of railway over, along and across certain streets, avenues and public ways in the City of Minneapolis", which granted said railway company, its successors and assigns, the right to construct, operate and maintain a single or double track railway line over and along Thirty-first Avenue Northeast from Main Street, west to and on a tract of unplatted land abutting on the Mississippi River, across California Street, across Grand Street, across Randolph Street, and across Marshall Street; and

Whereas, in said Ordinance, the City Council required the lines and tracks of railway to conform to the grade of Thirty-first Avenue Northeast and cross streets, and reserved the right to require the Railway Company: (a) to plank between the rails of track, and between the rails of each track and between the different tracks, and adjacent to and outside the tracks; (b) to pave the crossings of streets and avenues; (c) to keep the streets and avenues free of standing

railroad cars; (d) to construct and maintain suitable culverts across any of the streets or avenues; and (e) in operating the railroad upon and across streets and avenues to conform to all lawful and reasonable regulations established by the City Council; and

Whereas, in said Ordinance, the City Council reserved the right at any time to declare the ordinance null and void, or to amend, change or repeal the ordinance, and to revoke the grant contained in the ordinance; and

Whereas, on August 26, 1910, the City Council passed a resolution granting permission to the Northern Pacific Railway Company to cross 33rd Avenue Northeast with additional tracks, upon building a bridge to carry street traffic over said tracks and providing for certain improvements to be made by the railway company in return for certain vacations of stub ends of streets in Main and California Streets and 34th Avenue Northeast and certain alleys in Bloomquist and Houghton's Addition, and for deeding by said railway company of a street 73 feet in width located in Block L of Columbia Heights Addition to Minneapolis connecting Main Street with said 33rd Avenue Northeast; and

Whereas, on August 26, 1910, the City Council also adopted a resolution as per the latter resolution, vacating 34th Avenue Northeast from Main Street to the Northern Pacific Railway right of way; California Street from 33rd Avenue Northeast to the north line of Bloomquist and Houghton's Addition; Grand Street from 34th Avenue Northeast to the north line of said Addition; also alleys in Blocks 12 and 4 of said Addition, and a portion of Main Street Northeast; and

Whereas, on August 26, 1910, the City Council also adopted a resolution requiring the Northern Pacific Railway to immediately commence and with all diligence carry to completion a bridge and approaches upon 33rd Avenue Northeast carrying the street traffic over and across all its railway tracks on 33rd Avenue Northeast, said bridge and approaches to be constructed in accordance with plans on file in the office of the City Engineer of the City of Minneapolis, said resolution to take effect upon the filing of written acceptance by the Northern Pacific Railway Company in the office of the City Clerk of the City of Minneapolis, which resolution was approved August 30, 1910; and

Whereas, on October 15, 1919, the City Council adopted a resolution turning over to the Board of Park Commissioners of the City of Minneapolis 33rd Avenue Northeast from Marshall Street to 5th Street, and 31st Avenue Northeast from Polk Street to Johnson Street for parkway purposes, and to be made a part of St. Anthony Boulevard, which resolution was approved October 15, 1919; and

Whereas, the Northern Pacific Railway Company thereafter constructed a bridge in St. Anthony Boulevard (now known as "St. Anthony Parkway Bridge") over its railroad tracks, which bridge is now deficient and in need of replacement and/or reconstruction; and

Whereas, BNSF Railway Company ("BNSF"), successor to the Northern Pacific Railway Company, does not have authority pursuant to the previous City Council resolution to reconstruct the St. Anthony Parkway Bridge; and

Whereas, the Director of Public Works of the City of Minneapolis has recommended that the City of Minneapolis proceed with reconstruction of the St. Anthony Parkway Bridge and with acquisition of such right of way and easements as are necessary to complete such improvements ("the Project"); and

Whereas, despite their best efforts, the Director of Public Works and his agents have not been able to reach agreement with BNSF and other affected property owners upon terms and conditions under which the City of Minneapolis may acquire such right of way and easements as are necessary to complete the Project; and

Whereas, the schedule for construction and financing of the Project necessitate acquiring such right of way and easements prior to issuance of the reports of damages by court-appointed commissioners;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That:

1. At such point as the Director of Public Works determines that he is unable to obtain fee title and temporary easements encumbering Parcels 2, 7, 9, 10 and 17, as described on Exhibit A attached hereto and incorporated herein (collectively, the "Properties"), for bridge and roadway purposes, upon terms acceptable to the City, the City Attorney and outside counsel retained by the City are hereby authorized and directed to initiate and complete eminent domain proceedings to acquire such right of way and easements, and to use the quick take provisions of Minn. Stat. § 117.042 to acquire title and possession of such right of way and easements prior to the filing of court-appointed commissioners' reports of damages caused by the various takings.

2. With the assistance of independent real estate appraisers and legal counsel retained on behalf of the City, the Director of Public Works is hereby authorized to determine the amounts of the City's offers of compensation to the owners of the various Properties prior to the filing of eminent domain proceedings, and to determine the approved appraisal of damage amounts to be paid or deposited by the City pursuant to Minn. Stat. § 117.042.

3. Acquisition of such right of way and easements for the Project is hereby determined to be necessary and convenient and for a public purpose.

Adopted.

Absent – Reich, Johnson.

EXHIBIT A

Parcel Two

Description of the Property Before the Taking:

PARCEL 1:
A parcel of land comprising parts of Lots 6 and 7, Auditor's Subdivision No. 35, Hennepin County, Minnesota, described as follows: Beginning at a point in the north line of St. Anthony Boulevard, formerly 33rd Avenue Northeast, distant 580 feet easterly measured along the north line of said St. Anthony Boulevard, from the west line of said Lot 7; thence from said point of beginning Northerly parallel with the west line of said Lots 7 and 6 a distance of 373.8 feet to a point; thence Easterly along a line running parallel with the north line of said St. Anthony Boulevard to the intersection with Line A (described below); thence continuing along said Line A to the north line of St. Anthony Boulevard; thence west along the north line of said St. Anthony Boulevard to the point of beginning.

LINE A is described as follows: Beginning at a point in the north line of St. Anthony Boulevard (formerly 33rd Avenue Northeast) in the City of Minneapolis, Hennepin County, Minnesota, distant 250 feet East measured along said north line of said St. Anthony Boulevard from the west line of said Lot 7; thence North along a line which is parallel to the west line of said Lots 7 and 6 a distance of 493.8 feet, being the point of beginning of said Line A; thence East along a line which is parallel to said north line of St. Anthony Boulevard a distance of 233.4 feet to a point; thence Southeasterly along a curved line to the right a distance of 342.9 feet, said curve having a radius of 319.62 feet and said radius of said curve at its most Westerly terminus being at right angles with the straight line last above described; thence continuing Southeasterly in a straight line at right angles with the radius of said curve at its most Southerly terminus and parallel with said northeasterly line of said Lot 6 to the northline of said St. Anthony Boulevard and there terminating.

PARCEL 2:
All that part of Lot 6, Auditor's Subdivision No. 35, Hennepin County, Minnesota, bounded and described as follows: Commencing at a point in the north line of St. Anthony Boulevard, formerly 33rd Avenue Northeast, distant 250 feet East, measured along the north line of said St. Anthony Boulevard, from the west line of Lot 7, in said Auditor's Subdivision No. 35; thence northerly along a line parallel with the west line of said Lots 7 and 6 a distance of 373.8 feet to the actual point of beginning of the tract of land herein described; thence continuing Northerly along the last mentioned parallel line a distance of 120 feet; thence Easterly along a line parallel with said north line of St. Anthony Boulevard for a distance of 233.4 feet; thence Southeasterly along a tangential curve to the right having a radius of 319.62 feet to a point of intersection with a line running parallel with said north line of St. Anthony Boulevard through the point of beginning; thence Westerly along the last mentioned parallel line to the point of beginning.

PARCEL 3:
All that part of Lots 6 and 7, Auditor's Subdivision No. 35, Hennepin County, Minnesota, described as follows: Beginning at a point in the north line of St. Anthony Boulevard (formerly 33rd Avenue Northeast) distant 250 feet

Easterly, measured along the north line of said St. Anthony Boulevard from the west line of said Lot 7; thence from said point of beginning Northerly parallel with the west line of said Lots 7 and 6 a distance of 373.8 feet to a point; thence Easterly along a line running parallel with the north line of said St. Anthony Boulevard a distance of 330 feet to a point; thence Southerly along a line running parallel with the west line of said Lots 6 and 7 a distance of 373.8 feet to a point in the north line of said St. Anthony Boulevard thence Westerly along the north line of said St. Anthony Boulevard a distance of 330 feet to the point of beginning.

ALSO DESCRIBED AS:

That part of Lots 6 and 7, AUDITOR'S SUBDIVISION NO. 35, Hennepin County, Minnesota described as follows:

Beginning at a point on the north line of St. Anthony Parkway, formerly St. Anthony Boulevard, distant 250.00 feet East of the west line of said Lots 7 and 6, as measured along said north line; thence northerly, parallel with said west line, a distance of 493.80 feet; thence easterly, parallel with said north line, a distance of 233.40 feet; thence Southeasterly along a tangential curve concave to the southwest having a radius of 319.62 feet and a central angle of 61 degrees 28 minutes 08 seconds for a distance of 342.90 feet; thence Southeasterly tangent to said curve for a distance of 372.25 feet to the intersection with said north line of St. Anthony Parkway; thence westerly, along said north line, a distance of 695.31 feet to the point of beginning.

Containing 270,390 square feet (6.21) acres)
P.I.D. No. 03-029-24-14-0009

Property Address: 81 St. Anthony Parkway, Minneapolis, MN 55418

Description of the Taking from the Above Property:

A temporary easement for construction purposes over, under and across those parts of Lots 6 and 7, Auditor's Subdivision No. 35, Hennepin Co., Minn., according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the north right-of-way line of St. Anthony Parkway; lying southwesterly of the westerly right-of-way line of the Canadian Pacific Railroad; and lying easterly and southerly of a line described as follows:

Beginning at a point on said north right-of-way line of St. Anthony Parkway, distant 863.31 feet east of the west line of said Lots 6 and 7, as measured along said north right-of-way line; thence northerly, at a right angle to said north right-of-way line, a distance of 100.00 feet; thence easterly, at a right angle to the last described line, to the intersection with said westerly right-of-way line of Canadian Pacific Railroad, and there terminating.

Said temporary easement shall expire on _____.

Containing 5,482 square feet

Apparent Fee Owner: G & G Real Estate, LLC, a limited liability company under the laws of Minnesota

Parcel Seven

Description of the Property Before the Taking:

That part of Block "L" bounded and described as follows: Beginning at a point 48 feet East of a point 209 feet North of Southwest corner of Block "L"; thence Southeasterly to a point on South line of Block "L", 405 feet East from Southwest corner of Block "L"; thence East to Southeast corner of said Block; thence North to South line of Minneapolis, St. Paul & Sault Ste. Marie Railroad Company right of way as created by the Deed recorded in the office of the Register of Deeds of said County in Book 1043 of Deeds on page 189; thence Westerly along said right of way line to West line of said Block; thence South along West line of said Block to a point 269 feet North from Southwest corner thereof; thence Southeasterly to beginning, Columbia Heights Addition to Minneapolis, Hennepin County, Minnesota including that part of the adjoining vacated Westerly Half of 2 1/2 Street Northeast lying between the extensions across it of the South line of Minneapolis, St. Paul & Sault Ste. Marie Railroad Company right of way and the South line of said Block "L".

According to the map or plat thereof on file in the Office of the Registrar of Titles, Hennepin County, Minnesota (Certificate of Title No. 1123111).

Containing 277,913 square feet (6.38) acres)

P.I.D. No. 02-029-24-23-0034

Property Address: 211 St. Anthony Parkway, Minneapolis, MN

Description of the Takings from the Above Property:

Taking in Fee Simple

All that part of the hereinafter described Parcel A, lying southwesterly and westerly of a line described as follows:

> Commencing at the southwest corner of the Northwest Quarter of Section 2, Township 29, Range 24, Hennepin County, Minnesota; thence on an assumed bearing of North 89 degrees 53 minutes 47 seconds East along the south line of said Northwest Quarter, a distance of 357.99 feet to the point of beginning of the line to be described; thence North 00 degrees 06 minutes 13 seconds West a distance of 4.71 feet; thence northwesterly a distance of 288.27 feet along a tangential curve, concave to the southwest, having a radius of 290.00 feet and a central angle of 56 degrees 57 minutes 11 seconds; thence North 57 degrees 03 minutes 24 seconds West, tangent to said curve, a distance of 80.83 feet; thence northwesterly a distance of 259.55 feet along a tangential curve, concave to the northeast, having a radius of 260.00 feet and a central angle of 57 degrees 11 minutes 45 seconds; thence North 00 degrees 08 minutes 21 seconds East a distance of 100.00 feet and there terminating.

Parcel A:
That part of Block "L" bounded and described as follows: Beginning at a point 48 feet East of a point 209 feet North of Southwest corner of Block "L"; thence Southeasterly to a point on South line of Block "L", 405 feet East from Southwest corner of Block "L"; thence East to Southeast corner of said Block; thence North to South line of Minneapolis, St. Paul & Sault Ste. Marie Railroad Company right of way as created by the Deed recorded in the office of the Registrar of Deeds of said County in Book 1043 of Deeds on page 189; thence Westerly along said right of way line to West line of said Block; thence South along West line of said Block to a point 269 feet North from Southwest corner thereof; thence Southeasterly to beginning, Columbia Heights Addition to Minneapolis, Hennepin County, Minnesota including that part of the adjoining vacated Westerly Half of 2 1/2 Street Northeast lying between the extensions across it of the South line of Minneapolis, St. Paul & Sault Ste. Marie Railroad Company right of way and the South line of said Block "L".

Containing 27,476 square feet (0.63 acres)

Description of Temporary Easement To Be Acquired:

A temporary easement for construction purposes over, under and across that part of the hereinafter described Parcel A, lying northeasterly and easterly of the hereinafter described Line A, and lying westerly and southerly of the hereinafter described Line B.

Parcel A:
That part of Block "L" bounded and described as follows: Beginning at a point 48 feet East of a point 209 feet North of Southwest corner of Block "L"; thence Southeasterly to a point on South line of Block "L", 405 feet East from Southwest corner of Block "L"; thence East to Southeast corner of said Block; thence North to South line of Minneapolis, St. Paul & Sault Ste. Marie Railroad Company right of way as created by the Deed recorded in the office of the Registrar of Deeds of said County in Book 1043 of Deeds on page 189; thence Westerly along said right of way line to West line of said Block; thence South along West line of said Block to a point 269 feet North from Southwest corner thereof; thence Southeasterly to beginning, Columbia Heights Addition to Minneapolis, Hennepin County, Minnesota including that part of the adjoining vacated Westerly Half of 2 1/2 Street Northeast lying between the extensions across it of the

South line of Minneapolis, St. Paul & Sault Ste. Marie Railroad Company right of way and the South line of said Block "L".

Line A:
Commencing at the southwest corner of the Northwest Quarter of Section 2, Township 29, Range 24, Hennepin County, Minnesota; thence on an assumed bearing of North 89 degrees 53 minutes 47 seconds East along the south line of said Northwest Quarter, a distance of 357.99 feet to the point of beginning of the line to be described; thence North 00 degrees 06 minutes 13 seconds West a distance of 4.71 feet; thence northwesterly a distance of 288.27 feet along a tangential curve, concave to the southwest, having a radius of 290.00 feet and a central angle of 56 degrees 57 minutes 11 seconds; thence North 57 degrees 03 minutes 24 seconds West, tangent to said curve, a distance of 80.83 feet; thence northwesterly a distance of 259.55 feet along a tangential curve, concave to the northeast, having a radius of 260.00 feet and a central angle of 57 degrees 11 minutes 45 seconds; thence North 00 degrees 08 minutes 21 seconds East a distance of 100.00 feet and there terminating.

Line B:
Commencing at the southwest corner of the Northwest Quarter of Section 2, Township 29, Range 24, Hennepin County, Minnesota; thence on an assumed bearing of North 89 degrees 53 minutes 47 seconds East along the south line of said Northwest Quarter, a distance of 281.82 feet to the point of beginning of the line to be described; thence North 00 degrees 08 minutes 21 seconds East a distance of 223.89 feet; thence North 89 degrees 51 minutes 39 seconds West a distance of 25.00 feet; thence North 00 degrees 08 minutes 21 seconds East a distance of 350.00 feet and there terminating.

Said temporary easement shall expire on _____.

Containing 54,329 square feet (1.25 ac.)

Apparent Fee Owner: EllisSPE22329, LLC, a Minnesota liability company

Parcel Nine

Description of the Property Before the Taking:

Lot 1, Block 1, Act Addition

According to the plat thereof on file and of record in the Office of the Registrar or Titles, Hennepin County, Minnesota

Certificate of Title No. 1300852

Containing 256,693 square feet (5.89 acres)

P.I.D. No. 03-029-24-41-0035

Property Address: 3236 California Street N.E., Minneapolis, MN 55418

Description of the Takings from the Above Property:

Taking in Fee Simple:

All that part of Lot 1, Block 1, Act Addition, according to the recorded plat thereof, Hennepin County, Minnesota, lying easterly and northeasterly of the following described line and its extensions:

Commencing at the northeast corner of said Lot 1; thence on an assumed bearing of South 89 degrees 43 minutes 13 seconds West along the most northerly line of said Lot 1, a distance of 110.00 feet to the point of beginning of the line to be described; thence South 00 degrees 16 minutes 47 seconds East a distance of 111.20 feet; thence South 25 degrees 57 minutes 35 seconds East to the east line of said Lot 1, and there terminating.

Containing 23,747 square feet

Description of Temporary Easement To Be Acquired:

A temporary easement for construction purposes over, under and across that part of Lot 1, Block 1, Act Addition, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Commencing at the northeast corner of said Lot 1; thence on an assumed bearing of South 89 degrees 43 minutes 13 seconds West along the most northerly line of said Lot 1, a distance of 110.00 feet to the point of beginning of the easement to be described; thence South 00 degrees 16 minutes 47 seconds East a distance of 111.20 feet; thence South 25 degrees 57 minutes 35 seconds East to the east line of said Lot 1; thence southerly along said east line, a distance of 86.55 feet; thence North 89 degrees 30 minutes 44 seconds West a distance of 79.57 feet; thence North 38 degrees 56 minutes 22 seconds West a distance of 20.00 feet; thence North 00 degrees 16 minutes 47 seconds West a distance of 246.76 feet; thence South 89 degrees 43 minutes 13 seconds West a distance of 15.00 feet; thence North 00 degrees 16 minutes 47 seconds West a distance of 105.00 feet; thence South 89 degrees 43 minutes 13 seconds West a distance of 33.00 feet; thence North 00 degrees 16 minutes 47 seconds West to said most northerly line of Lot 1; thence easterly along said most northerly line to the point of beginning.

Said temporary easement will begin on _____ and will expire on _____.

Containing 19,537 square feet (.44 ac.)

Apparent Fee Owner: Gust Kempf, Jr., as Trustee of the Gust Kempf, Jr. Revocable Trust Under Agreement dated December 4, 2008

Parcel 10

Description of the Property Before the Taking:

That part of Lot 7, Auditor's Subdivision No. 35, Hennepin Co., Minn., according to the recorded plat thereof, Hennepin County, Minnesota, lying easterly of the easterly right-of-way line of California Street NE as opened by the City of Minneapolis; lying northwesterly and westerly of the westerly right-of-way line of the spur tracks of the Canadian Pacific Railroad; and lying southerly of the following described line and its extensions:

Beginning at the intersection of the south right-of-way line of St. Anthony Parkway as opened by the City of Minneapolis with the easterly line of said Lot 7; thence southwesterly in a straight line which if extended would strike a point distant 40.00 feet south from said south right-of-way line of St. Anthony Parkway and distant 335.00 feet west from the east line of the Northeast Quarter of the Southeast Quarter of Section 3, Township 29, Range 24, said Hennepin County, and there terminating.

According to the map or plat thereof, Hennepin County, Minnesota

Containing 90,147 square feet (2.07 acres)

P.I.D. No. 03-029-24-41-0002

Property Address: 3147 California Street N.E., Minneapolis, MN

Description of Temporary Easements to be Acquired:

A temporary easement for construction purposes over, under and across that part of the herein described Parcel A, lying northerly of the herein described Line A and its westerly extension:

And

A temporary easement for ingress and egress purposes over, under and across that part of the herein described Parcel A, lying southerly of the herein described Line A and its westerly extension and lying northerly of the herein described Line B and its westerly extension:

PARCEL A:
That part of Lot 7, Auditor's Subdivision No. 35, Hennepin Co., Minn., according to the recorded plat thereof, Hennepin County, Minnesota, lying easterly of the easterly right-of-way line of California Street NE as opened by the City of Minneapolis; lying northwesterly and westerly of the westerly right-of-way line of the spur tracks of the Canadian Pacific Railroad; and lying southerly of the following described line and its extensions:

Beginning at the intersection of the south right-of-way line of St. Anthony Parkway as opened by the City of Minneapolis with the easterly line of said Lot 7; thence southwesterly in a straight line which if extended would strike a point distant 40.00 feet south from said south right-of-way line of St. Anthony Parkway and distant 335.00 feet west from the east line of the Northeast Quarter of the Southeast Quarter of Section 3, Township 29, Range 24, said Hennepin County, and there terminating.

LINE A:
Commencing at the northeast corner of the Northeast Quarter of the Southeast Quarter of Section 3, Township 29, Range 24, Hennepin County, Minnesota; thence on an assumed bearing of South 00 degrees 51 minutes 19 seconds West along the east line of said Northeast Quarter of the Southeast Quarter, a distance of 173.96 feet to the point of beginning of the line to be described; thence North 89 degrees 10 minutes 44 seconds West to the easterly right-of-way line of California Street NE as opened by the City of Minneapolis, and said line there terminating.

LINE B:
Commencing at the northeast corner of the Northeast Quarter of the Southeast Quarter of Section 3, Township 29, Range 24, Hennepin County, Minnesota; thence on an assumed bearing of South 00 degrees 51 minutes 19 seconds West along the east line of said Northeast Quarter of the Southeast Quarter, a distance of 537.05 feet to the point of beginning of the line to be described; thence North 89 degrees 10 minutes 44 seconds West to the easterly right-of-way line of California Street NE as opened by the City of Minneapolis, and said line there terminating.

Said temporary easements shall expire on _____.

Containing 37,745 square feet (.87 ac.)

Apparent Fee Owner: Ellis Properties, LLP

Parcel 17

Legal Description of the Property Before the Taking:

The Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 2, Township 29, Range 24, Hennepin County, Minnesota, Except the north 40.0 feet thereof.

Containing 397,979 square feet (9.14 acres)

P.I.D. No. 02-029-24-32-0001

Property Address: 3260-2 1/2 Street N.E., Minneapolis, MN

Description of Temporary Easement To Be Acquired From the Above Property:

A temporary easement for construction purposes over, under and across that part of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 2, Township 29, Range 24, Hennepin County, Minnesota, EXCEPT the north 40.00 feet and the east 30.00 feet thereof, within a parcel of land described as follows:

> Beginning at the northeast corner of said Northwest Quarter of the Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of South 89 degrees 53 minutes 47 seconds West along the north line of said Northwest Quarter of the Northwest Quarter of the Southwest Quarter, a distance of 33.00 feet; thence South 65 degrees 04 minutes 20 seconds West a distance of 207.00 feet; thence South 51 degrees 25 minutes 13 seconds East a distance of 122.00 feet; thence North 78 degrees 58 minutes 39 seconds East a distance of 18.00 feet; thence South 46 degrees 31 minutes 17 seconds East a distance of 75.00 feet; thence South 30 degrees 06 minutes 10 seconds East to said east line of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter; thence northerly along said east line to the point of beginning.

Said temporary easement shall expire on _____.
Containing 19,934 square feet
Apparent Fee Owner: BNSF Railway Company

T&PW & W&M/Budget - Your Committee, having under consideration the Request for Proposals (RFP) for design services for the Hennepin/Lyndale Ave Reconstruction Project, now recommends that the proper City officers be authorized to:

a) Execute a contract with Kimley-Horn and Associates, Inc. in the amount of $908,455 for engineering design services work; and

b) Negotiate with property owners for the acquisition of right-of-way and temporary construction easements for the project.

Adopted.

Absent – Reich, Johnson.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute a Cooperative Funding Agreement with the Metropolitan Council and Hennepin County Regional Railroad Authority for a West Broadway Transit Alternatives Study in an amount not to exceed $205,000, contingent upon 2014 budget funding. Funding is included in the Mayor's Recommended 2014 Budget.

Adopted.

Absent – Reich, Johnson.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and enter into a Master Funding Agreement with the Metropolitan Council to conduct environmental review and pre-project development activities for the Nicollet-Central Modern Streetcar, for an amount not to exceed $150,000, contingent upon approval of appropriation in the Mayor's Recommended 2014 budget.

Adopted.

Absent – Reich, Johnson.

T&PW & W&M/Budget - Your Committee, having under consideration the Bluff St Trail Project, now recommends:

a) That the proper City officers be authorized to negotiate and execute a Construction Cooperative Agreement with Hennepin County to accept the County's cost participation for the project (CBIK025) in the amount of $300,000;

b) That the proper City officers be authorized to accept a federal Non-Motorized Transportation Pilot Program (NTP) grant in the amount of $859,000 and to execute the necessary agreement with the Minnesota Department of Transportation for the federal grant;

c) Passage of the accompanying resolution adjusting the capital appropriation and revenue budgets as necessary to utilize remaining TLC funding for the Bluff St Trail Project and to accomplish three other bicycle and pedestrian projects using City funds and other sources as set forth in Petn No 276900;

d) Passage of the accompanying resolution requesting concurrence of the Board of Estimate and Taxation in the reallocation of unissued Net Debt bonds; and

e) That the City express its intent to reimburse from bond proceeds costs from this date forward up to 125% of the revised project appropriation per the City's adopted financial policy.

Adopted.

Absent – Reich, Johnson.

Resolution 2013R-561, adjusting the capital appropriation and revenue budgets as necessary to utilize remaining TLC funding for the Bluff St Trail Project and to accomplish three other bicycle and pedestrian projects using City funds and other sources, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-561
By Colvin Roy and Hodges

Amending the 2013 Capital Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended to adjust capital expense and revenue appropriations as follows:

a) Increasing the Federal Grant appropriation and revenue budget (321012) by $859,000 in 04100-9010943-CBIK025;

b) Increasing the Hennepin Co Grant appropriation and revenue budget (322002) by $300,000 in 04100-9010943-CBIK025;

c) Decreasing the State Grant appropriation and revenue budget (321510) by $1,200,000 in 04100-9010943-CBIK025;

d) Decreasing the Net Debt Bond appropriation and revenue budget by $715,000 in 04100-9010943-CBIK025; and

e) Increasing the Net Debt Bond appropriation and revenue budget (384601) by $35,000 in 04100-9010937-CPV059; $315,000 in 04100-9010937-CPV061; $220,000 in 04100-9010937-CBIK025 and $145,000 in 04100-9010937-CPV091;

to accomplish three other bicycle and pedestrian projects as follows:

1) Gateway Park Bicycle Connection from Hennepin Ave to 2nd Ave S and restripe 2nd St N from 1st to 3rd Ave N at $220,000;

2) Hennepin Ave on-street bicycle lanes extended from 11th St to Lyndale Ave at $350,000; and

3) Osseo/44th/Penn Ave N pedestrian and bicycle related intersection area improvements at $145,000.

Be it Further Resolved, the City expresses its intent to reimburse from bond proceeds costs from this date forward up to 125% of the revised project appropriations.

Adopted.

Absent – Reich, Johnson.

Resolution 2013R-562, requesting concurrence of the Board of Estimate and Taxation in the reallocation of unissued net debt bonds, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-562
By Colvin Roy and Hodges

Requesting concurrence of the Board of Estimate and Taxation in the reallocation of unissued net debt bonds for 04100-9010943-CBIK025.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to concur with the reallocation of unissued Net Debt Bonds, as set forth in Resolution 2013R-561, adopted December 6, 2013, as follows:

Reallocate unissued net debt bonds of $495,000 from 04100-9010943-CBIK025; with $315,000 to 04100-9010937-CPV061; $35,000 to 04100-9010937-CPV059; and $145,000 to 04100-9010937-CPV091.
Adopted.
Absent – Reich, Johnson.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7863 from Veit and Company, Inc., for an estimated expenditure of $696,611.00, to furnish and deliver all labor, materials, and incidentals necessary to complete the Bluff Street Trail Project.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service in accordance with City specifications.
Adopted.
Absent – Reich, Johnson.

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends approval of the initial authorization to submit all current and ongoing bills relating to no-fault claimant Kokou Micosse directly to the City Finance Officer for payment following review and signature by the City Attorney's designee pursuant to Minneapolis City Ordinance Chapter 16, Article XIII Section 16.1100-16.1120, governing "No Fault Claims."
Adopted.
Absent – Reich, Johnson.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with TEGRA Group Inc., as the initial consultant for the Target Center Renovation Project.

The value of this contract is expected to be $2.6 million and will be paid out of the project costs.
Adopted.
Absent – Reich, Johnson.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept the low responsive bid received on OP 7866 from Premier Restaurant Equipment Company, for an estimated expenditure of $156,907, to furnish and deliver refurbished portable concession equipment to the Minneapolis Convention Center. No additional appropriation required.

Adopted.

Absent – Reich, Johnson.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a Joint Powers Agreement with the State of Minnesota, to be effective until June 30, 2014, regarding the implementation of the Entertainment Facilities (Target Center and Xcel Arena) Coordination Study and Report.

Further, passage of the accompanying resolution appropriating $25,000 to the Target Center (Arena Reserve Special Revenue) fund from the available fund balance to pay for the city's share of the cost of the study and report.

Adopted.

Absent – Reich, Johnson.

RESOLUTION 2013R-563
By Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of the City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Target Center (Arena Reserve Special Revenue) fund (01260-8700100-507000) by $25,000.00 from the available fund balance.

Adopted.

Absent – Reich, Johnson.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute amendments to the City of Minneapolis Health Reimbursement Arrangement Plan and City of Minneapolis Amended and Restated Health Reimbursement Arrangement Trust Agreement to comply with federal health care reform legislation. No additional appropriation required.

Adopted.

Absent – Reich, Johnson.

Approved by Mayor Rybak 12/6/2013.

(Published 12/10/2013)

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a two-year contract with CenturyLink for telecommunications services (voice and data) to achieve global scale as a managed hosting and cloud services provider. Said contract will run through December 31, 2015, in a not-to-exceed amount of $2,000,000, and shall include the option of two additional two-year extensions, with customized liability terms and conditions. No additional appropriation is required.

Adopted.

Absent – Reich, Johnson.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for IT Senior Project Management Services for the PeopleSoft Financials Upgrade Project.

Hodges moved that the report be deleted from the agenda. Seconded.

Adopted.

Absent – Reich, Johnson.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend contract C-37373 with Pillsbury Winthrop Shaw Pittman LLP for the following:

a) Add legal services relating to the upcoming IT managed services RFP and subsequent negotiation and contract drafting process; and

b) Increase contract amount by $276,150 for a new not-to-exceed contract amount of $1,431,150.

c) Funding is contemplated as part of the $500,000 in additional Managed Services RFP funding that is being sought as part of the 2014 Budget adoption process.

Adopted.

Absent – Reich, Johnson.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a grant award from United Against Illegal Guns, in the amount of $60,000, to provide funds to hire a Mayors Against Illegal Guns coalition "Regional Coordinator" for 2013.

Further, passage of the accompanying resolution appropriating $60,000 to the Mayor's Office.

Adopted.

Absent – Reich, Johnson.

RESOLUTION 2013R-564
By Hodges

Amending The 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Mayor's Department in the Grants-Other Fund (01600-3750100) by $60,000 and increasing the revenue source (01600-3750100-372001) by $60,000.

Adopted.

Absent – Reich, Johnson.

W&M/Budget - Your Committee that the proper City officers be authorized to accept a grant award from The Minneapolis Foundation, in an amount up to $25,000, to advance strategic direction of Minneapolis public school education and outreach efforts.

Further, passage of the accompanying Resolution appropriating $25,000 to the Mayor's Office.

Adopted.

Absent – Reich, Johnson.

RESOLUTION 2013R-565
By Hodges

Amending The 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Mayor's Department in the Grants-Other Fund (01600-3750100) by an amount up to $25,000 and increasing the revenue source (01600-3750100-372001) by $25,000.

Adopted.

Absent – Reich, Johnson.

W&M/Budget – Your Committee, having under consideration the 2008 hiring freeze, now recommends passage of the accompanying resolution rescinding Resolution No. 2008R-585 entitled, "Adopting city policy regarding the implementation of a hiring, promotion, and reclassification freeze," passed December 12, 2008.

Adopted.

Absent – Reich, Johnson.

Resolution 2013R-566, rescinding Resolution No. 2008R-585 entitled, "Adopting City policy regarding the implementation of a hiring, promotion, and reclassification freeze", passed December 12, 2008, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-566
By Hodges

Rescinding Resolution No. 2008R-585 entitled, "Adopting City policy regarding the implementation of a hiring, promotion, and reclassification freeze," passed December 12, 2008.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be and is hereby rescinded, as follows:

~~1. Effective immediately an employment hiring freeze will be in place for all City departments. This freeze shall be in effect until further notice;~~

~~2. This employment hiring freeze shall be implemented in a phased approach, beginning with all external hires, unless exempted by the Human Resources Director, Chief Financial Officer, and/or City Coordinator;~~

~~3. Effective within the next 60 days of approval, the employment hiring freeze will be extended to include promotions, transfers, and classification studies, including maintenance studies;~~

~~4. The City Council directs the City Coordinator, Human Resources Director and the Chief Finance Officer to establish and implement administrative procedures for departments seeking to fill critical positions.~~

Adopted.

Absent – Reich, Johnson.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute contracts with the following three vendors to provide services to implement the Enterprise Land Management System:

1) Sierra Systems Group, Inc.
   a) Term through 2016 and a not-to-exceed amount of $3,950,000; and
   b) Customize indemnification terms.

2) Infor Public Sector, Inc.
   a) Term through 2020 and a not-to-exceed amount of $2,275,323;
   b) Customize indemnification terms;
   c) Include three one-year options to extend the contract; and
   d) Execute escrow agreement.

3) Avolve Software Corporation
   a) Contract term through 2020;
   b) Not-to-exceed amount of $618,488;
   c) Customize indemnification terms;
   d) Three, one-year options to extend contract; and
   e) Execute escrow agreement.

Adopted.

Absent – Reich, Johnson.

W&M/Budget - Your Committee recommends passage of the following resolution amending the 2013 Appropriation Resolution to increase the 2013 General Fund appropriation in the City Coordinator's Department by $483,000 funded by the receipt of $222,000 in PILOT payments from MPHA in 2013 and the remaining $261,000 funded by General Fund reserves accumulated through prior years' unbudgeted receipts of the MPHA annual PILOT payments.

Adopted.

Absent – Reich, Johnson.

Resolution 2013R-567, amending the 2013 General Appropriation Resolution to allow for repayment of Minneapolis Public Housing Authority Payment in Lieu of Taxes, passed December 12, 2008, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

RESOLUTION 2013R-567
By Hodges

Amending the 2013 General Appropriation Resolution to increase the 2013 General Fund appropriation to allow for repayment of Minneapolis Public Housing Authority Payment in Lieu of Taxes.

Whereas, the Minneapolis Public Housing Authority (MPHA) annually submits Payment in Lieu of Taxes (PILOT) equal to 5% of net rent proceeds to Hennepin County pursuant to Section 469.040 of the Minnesota Municipal Housing and Redevelopment Act, and

Whereas, the County distributes the PILOT payment proportionally to relevant taxing jurisdictions, and

Whereas, the total PILOT payment for 2013 was $482,727.74, and

Whereas, the City of Minneapolis received is pro-rata share of $221,800.01, and

Whereas, the City will refund the entire PILOT amount for 2013.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the 2013 General Appropriation Resolution be amended as follows:

- Increase the General Fund appropriation for 2013 in the City Coordinator's Department by $483,000;
- Increase the 2013 General Fund revenue by $222,000 in PILOT rent and $261,000 General Fund fund balance reserves.

Adopted.
Absent – Reich, Johnson.

W&M/Budget - Your Committee recommends passage of the following resolution amending the 2013 Appropriation Resolution to facilitate paying off a portion of existing internal loan for the City's Compass and Time & Labor financial and payroll systems and adjust departmental budget for expenditure overages.

Adopted.
Absent – Reich, Johnson.

Resolution 2013R-568, amending the 2013 General Appropriation Resolution to facilitate paying off a portion of existing internal loan for the City's Compass and Time & Labor financial and payroll systems and adjusting expenditure overages, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

RESOLUTION 2013R-568
By Hodges

Amending the 2013 General Appropriation Resolution to facilitate paying off a portion of existing internal loan for the City's Compass and Time & Labor financial and payroll systems and adjust departmental budgets for projected expenditure overages.

Whereas, the 2013 City Council Approved and Adopted Budget includes a budget contingency appropriation of $3.9 million in the General Fund, and

Whereas, the budget contingency funds are appropriate and available to utilize for projected operating budget expenditure overages in the same budget year, and

Whereas, operating expenditures in the Minneapolis Police and Minneapolis Fire Departments are projecting budget overages due mainly to vehicle maintenance costs of $390,000 and $200,000, respectively, and

Whereas, operating expenditures in the City Coordinator Department are projected over budget by $565,000, and

Whereas, an obligation for funding of the City's existing financial and payroll accounting system remains of $2.7 million and has historically been funded by the City Coordinator-Finance and Property Services Department, and

Whereas, General Fund budget contingency resources are available to fund these items.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the 2013 General Appropriation Resolution be amended as follows:

- Increase Minneapolis Police Department 2013 General Fund Appropriation by $400,000;
- Increase Minneapolis Fire Department 2013 General Fund Appropriation by $205,000;
- Increase City Coordinator Department 2013 General Fund Appropriation by $400,000;
- Increase City Coordinator – Finance and Property Services 2013 General Fund Appropriation by $2,750,000; and
- Decrease 2013 General Fund Contingency Appropriation by $3,755,000.

Adopted.
Absent – Reich, Johnson.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, recognizing board and care home facilities, nursing home facilities, and assisted living facilities as allowed uses in additional commercial zoning districts, recommends that the following ordinances be given their second reading for amendment and passage:

a) Chapter 520 relating to Zoning Code: Introductory Provisions.
b) Chapter 548 relating to Zoning Code: Commercial Districts.
Adopted.
Absent – Reich, Johnson.

Ordinance 2013-Or-229 amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions, to recognize board and care home facilities, nursing home facilities, and assisted living facilities as allowed uses in additional commercial zoning districts, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-229
By Goodman
Intro & 1st Reading: 8/16/2013
Ref to: Z&P
2nd Reading: 12/6/2013

Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 520.160 of the above-entitled ordinance be amended to read as follows:

520.160. Definitions.

Assisted living. A facility ~~licensed by~~ registered with the Minnesota Department of Health (DOH) where individualized home care aide services or home management services are provided to residents either by the management or by providers under contract with the management.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-230 amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to Zoning Code: Commercial Districts, to recognize board and care home facilities, nursing home facilities, and assisted living facilities as allowed uses in additional commercial zoning districts, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-230
By Goodman
Intro & 1st Reading: 8/16/2013
Ref to: Z&P
2nd Reading: 12/6/2013

Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to Zoning Code: Commercial Districts.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Table 548.1 of the above-entitled ordinance be amended to read as follows:

Table 548-1 Principal Uses in the Commercial Districts

	C1	***C2***	***C3A***	***C3S***	***C4***	***Specific Development***

Use						*Standards*
COMMERCIAL USES						
Congregate Living						
Board and care home/Nursing home/Assisted living	C	C	C	C	C	✓

Section 2. That Table 548.4, of the above-entitled ordinance be amended to read as follows:

Table 548-4 Residential Lot Dimension Requirements in the C1 District

Use	*Minimum Lot Area (Square Feet)*	*Minimum Lot Width (Feet)*
RESIDENTIAL USES		
Congregate Living		
Board and care home/Nursing home/Assisted living	20,000	80

Section 3. That Table 548.6, of the above-entitled ordinance be amended to read as follows:

Table 548-6 Residential Lot Dimension Requirements in the C3A District

Use	*Minimum Lot Area (Square Feet)*	*Minimum Lot Width (Feet)*
RESIDENTIAL USES		
Congregate Living		
Board and care home/Nursing home/Assisted living	20,000	80

Section 4. That Table 548.7 of the above-entitled ordinance be amended to read as follows:

Table 548-7 Residential Lot Dimension Requirements in the C3S District

Use	*Minimum Lot Area (Square Feet)*	*Minimum Lot Width (Feet)*
RESIDENTIAL USES		
Congregate Living		
Board and care home/Nursing home/Assisted living	20,000	80

Adopted.

Absent – Reich, Johnson.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Dean Rose, Rose Development, LLC, (BZZ-6259) to rezone the following:

a) The properties located at 2413 and 2419 Penn Avenue North from the OR2, High Density Office Residence District, to the C3A, Community Activity Center District;

b) The properties located at 2423, 2425, 2503, 2507, and 2511 Penn Avenue North and a portion of 2512 Queen Avenue North from the R5, Multiple-family District to the C3A, Community Activity Center District, to allow the construction of a mixed-use building with 103 dwelling units and approximately 17,000 square feet of ground floor commercial space, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-231 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally, to rezone the properties located at 2413 and 2419 Penn Ave N, and 2423, 2425, 2503, 2507, and 2511 Penn Ave N to the C3A Community Activity Center District, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-231
By Schiff
1st & 2nd Reading: 12/6/2013

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That portion of Lots 4, 5, 6, 7, 8, 9, 10 and 11 Block 1, Wenz Addition to Minneapolis, Hennepin County, Minnesota and That part of Lot 19, Block 1, Wenz Addition to Minneapolis, Hennepin County, Minnesota which lies southerly, southeasterly and southwesterly of the following described line: Commencing at the northeast corner of said Lot 19; thence on an assumed bearing of South 02 degrees 54 minutes 08 seconds West, along the easterly line of said Lot 19, 52.36 feet to the point of beginning of the line to be described; thence North 87 degrees 15 minutes 31 seconds West 21.11 feet; thence South 44 degrees 38 minutes 13 seconds West 10.20 feet; thence North 51 degrees 05 minutes 35 seconds West 7.05 feet; thence South 45 degrees 06 minutes 17 seconds West 2.60 feet to the southerly line of said Lot 19 and said line there terminating. Together with that portion of the vacated ALLEY as dedicated in said Block 1 accruing thereto (2413, 2419, 2423, 2425, 2503, 2507, and 2511

Penn Avenue North and a portion of 2512 Queen Avenue North – Plate #7) to the C3A Community Activity Center District.

Adopted.

Absent – Reich, Johnson.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application by Dean Rose with Rose Development LLC, to vacate the entire 12-foot wide alley located within Block 1, Wenz Addition to Minneapolis, (Vac #1610), for the purpose of constructing a new mixed-use building with 103 dwelling units and approximately 17,000 square feet of ground floor commercial space, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said alley.

Adopted.

Absent – Reich, Johnson.

Resolution 2013R-569, petition to vacate all of the 12-foot wide alley located within Block 1, Wenz Addition to Minneapolis (Vacation 1610), was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-569
By Glidden

Petition to vacate all of the 12-foot wide alley located within Block 1, Wenz Addition to Minneapolis (Vacation 1610).

Resolved by The City Council of The City of Minneapolis:

All of the 12-foot wide alley located within Block 1, Wenz Addition to Minneapolis is hereby vacated except that such vacation shall not affect the existing authority of Xcel Energy and CenturyLink, their successors and assigns, to enter upon that portion of the aforedescribed alley which is described in regard to each of said corporations as follows, to wit:

Xcel Energy, subject to an easement over the entire area to be vacated.

CenturyLink, subject to an easement over the entire area to be vacated.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted.

Absent – Reich, Johnson.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition by Steve Minn with Lupe Development Partners, LLC, on behalf of the Church of St. Anne – St. Joseph Hien (BZZ-6260), to rezone the properties located at 2215, 2219, and 2223 26th Avenue North and 2527 Penn Avenue North from the R4, Multiple-family District, to the R5, Multiple-family District, to allow for the expansion of an existing parking lot serving an institutional/public use, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted.

Absent – Reich, Johnson.

Ordinance 2013-Or-232 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally, to rezone the properties located at 2215, 2219, and 2223 26th Ave N and 2527 Penn Ave N to the R5, Multiple-family District, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-232
By Goodman
1st & 2nd Reading: 12/6/2013

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That portion of the East 34 feet of Lot 24 and East 42 67/100 feet of Lots 25 and 26, Block 1, Wenz Addition to Minneapolis, Hennepin County, Minnesota; East 36 67/100 feet of West 85 33/100 feet of Lots 25 and 26, Block 1, Wenz Addition to Minneapolis, Hennepin County, Minnesota; West 48 66/100 feet of Lots 25 and 26, Block 1, Wenz Addition to Minneapolis, Hennepin County, Minnesota; and Lots 1, 2, and 3, Block 1, Wenz Addition to Minneapolis, Hennepin County, Minnesota (2215, 2219, and 2223 26th Avenue North and 2527 Penn Avenue North – Plate #7) to the R5 Multiple-family District.

Adopted.

Absent – Reich, Johnson.

Z&P - Your Committee, having under consideration an appeal filed by Tyrone Terrill, dba Seed, Inc., from the decision of the Planning Commission denying the following applications to allow a parking lot in the R4-Multiple-Family District, located at 1401, 1407, 1413, 1419, and 1427 8th Avenue North:

a) Conditional Use Permit to construct an additional 98-space surface parking lot;

b) Variance to increase the maximum allowed parking requirements; and

c) Site Plan Review to allow a 98-space surface parking lot;

now recommends that said appeal be denied and that the related findings prepared by the Community Planning & Economic Development staff be adopted.

Samuels moved to substitute the following report for the above report. Seconded.
Adopted by unanimous consent.
Absent – Reich, Johnson.

Z&P – Your Committee, having under consideration an appeal filed by Tyrone Terrill, dba Seed, Inc., from the decision of the Planning Commission denying the following applications to allow a parking lot in the R4-Multiple-Family District, located at 1401, 1407, 1413, 1419, and 1427 8th Avenue North:

a) Conditional Use Permit to construct an additional 98-space surface parking lot;

b) Variance to increase the maximum allowed parking requirements; and

c) Site Plan Review to allow a 98-space surface parking lot;

now recommends that said appeal be granted and that the findings of fact contained in the Community Planning & Economic Development (CPED) staff report, recommending approval, be adopted.

Adopted. Yeas, 8; Nays, 3 as follows:
Yeas – Schiff, Colvin Roy, Quincy, Glidden, Hodges, Samuels, Hofstede, Lilligren.
Nays – Tuthill, Goodman, Gordon.
Absent – Reich, Johnson.

Z&P - Your Committee, having under consideration the appeal filed by Plymouth & Second, LLC, from the decision of the Planning Commission denying the following applications to develop a shopping center with a fast food restaurant and accessory surface parking lot located at 129 Plymouth Avenue North:

a) Conditional Use Permit to allow a shopping center,

b) Conditional Use Permit to allow a fast food restaurant,

c) Conditional Use Permit to allow an accessory parking lot located within the DP Downtown Parking Overlay District,

d) Variance to exceed 20 surface parking spaces within the DP Downtown Parking Overlay District, and

e) Site Plan Review for a new principal non-residential building,

now recommends, notwithstanding staff recommendation, that said appeal be granted for all five applications with the following conditions:

1. Burnished concrete block shall be used in lieu of rockface concrete block on all elevations except the back of the building.

2. The trash enclosure shall be made out of burnished concrete block.

3. There shall be no areas of the building over 25 feet in length and blank.

4. There shall be lights located near every building entrance.

5. There shall be at least 15 percent windows along the east wall of the building.

6. Planters cannot be placed so as to narrow the sidewalk to less than four feet.

7. All landscaping requirements shall be met on site per Chapter 530, Site Plan Review.

8. Wood mulch shall be used in all landscape areas.

9. There shall be no more than 21 surface parking spaces on the site.

10. There shall be no more than 173 square feet of signage on the Second Street North side of the building unless a variance is applied for.

11. No signage shall be located on the south side of the building unless a variance is applied for.

12. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development.

13. All site improvements shall be completed by December 6, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

14. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

Adopted.

Absent – Reich, Johnson.

RESOLUTIONS

Resolution 2013R-570, honoring International Human Rights Day, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-570
By Glidden, Reich, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Schiff, Tuthill, Quincy, Colvin-Roy, Hodges

Honoring International Human Rights Day.

Whereas, on December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights; and

Whereas, the Universal Declaration of Human Rights guarantees the rights of all people and encompasses a broad spectrum of economic, social, cultural, political and civil rights; and

Whereas, the International Covenant on Civil and Political Rights (ICCCPR) the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms are all international documents impacting the rights of individuals; and

Whereas, the Human Rights Treaties were ratified by the United States Congress as "part of the supreme law of the land" under the United States Constitution and are recognized as such in the 1998 Executive Order 13107; and

Whereas, December 10th, 2013 continues to be recognized as Human Rights Day worldwide, and activities and celebrations mark the significance of the Universal Declaration of Human Rights;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council does hereby recognize December 10th, 2013, as **INTERNATIONAL HUMAN RIGHTS DAY** in the City of Minneapolis and encourage all citizens to familiarize themselves with the Universal Declaration of Human Rights and apply the human rights framework to issues in the United States, the State of Minnesota, the City of Minneapolis, and our community, and recognize and support human rights in our daily lives.

Adopted.

Absent – Reich, Johnson.

MOTIONS

Hodges moved that the regular payrolls for all City employees under City Council jurisdiction for the month of January, 2014, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted.

Absent – Reich, Johnson.

UNFINISHED BUSINESS

Pursuant to notice on November 12, 2013, Quincy, on behalf of Johnson, moved to introduce the subject matter of an ordinance amending Title 16, Chapter 417 of the Minneapolis Code of Ordinances relating to Planning and Development: Port Authority, which was given its first reading and referred to the Community Development Committee. Seconded.

Adopted upon a voice vote.

Absent – Reich, Johnson.

NEW BUSINESS

Goodman gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code (changing regulations pertaining to roof signs):

a) Chapter 520 relating to Introductory Provisions.

b) Chapter 543 relating to On-Premise Signs.

Lilligren moved to adjourn to December 11, 2013, at 6:05 p.m. for the purpose of conducting a public hearing and adopting the 2014 budget, and to conduct any other business deemed necessary at that time, and that such meeting be and is hereby declared to be an adjourned session of the regular meeting of December 6, 2013. Seconded.

Adopted upon a voice vote.

Absent – Reich, Johnson.

Casey Joe Carl,
City Clerk

Official Posting: 12/13/2013
Corrections: 2/19/2014; 5/8/2014