

**LAUDERDALE CITY COUNCIL MEETING AGENDA
TUESDAY, JANUARY 10, 2006
CITY HALL, 7:30 P.M.**

FILE

The City Council is meeting as a legislative body to conduct the business of the City according to ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL. Unless so ordered by the Mayor, citizen participation is limited to the times indicated and always within the prescribed rules of conduct for public input at meetings.

Prior to the start of the meeting, council members and the mayor will be sworn in to office.

1. ROLL – 7:30 p.m.

Council members:

Gill-Gerbig _____
Christensen _____

Doherty _____
Mayor Dains _____

Staff: Bakken-Heck _____

2. APPROVAL OF THE AGENDA - 7:32 p.m.

3. APPROVALS – 7:35 p.m.

- A. Approve minutes for 12/13 and 11/29 2005 City Council Meetings
- B. Approve claims totaling \$434,838.79

4. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL ON ITEMS NOT ON THE AGENDA – 7:37 p.m.

Any member of the public may speak at this time on any item NOT on the agenda. In consideration of the public attending the meeting for specific items on the agenda, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to four (4) minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue shall be continued under Additional Items at the end of the agenda. Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter any discussion without permission of the presiding officer. Your participation, as prescribed by the Council's ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL, is welcomed and your cooperation is greatly appreciated.

Appoint Council member to fill seat vacated by Moose Giannetti

5. **CONSENT**

- A) Acknowledge Mileage Reimbursement Rate for 2006 @ .405 per mile
- B) Acknowledge Petty Cash Policy

6. **SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS**

- A) Appointment of Council Member

7. **INFORMATIONAL PRESENTATIONS**

8. PUBLIC HEARINGS

Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings, all affected residents will be given an opportunity to speak pursuant to the ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL.

- A) Solid Waste Ordinance
- B) Variance request 1801 Eustis

9. REPORTS

- A) Snow*Commotion, Saturday, January 28, 3:00-6:00 p.m.

10. DISCUSSION

11. ACTION 7:40 p.m.

- A) Resolution adopting 2006 Fee Schedule
- B) Appointments to Boards and Commissions
- C) 2006 Wages and Benefits for Employee's
- D) Adopt 2006 Investment Policy
- E) Resolution approving 2006 investment institutions
- F) Tree Commission

12. ITEMS REMOVED FROM THE CONSENT AGENDA

13. ADDITIONAL ITEMS

14. SET AGENDA FOR NEXT MEETING – 8:00 p.m.

- A) Goal setting session
- B) Comprehensive Plan outline and overview
- C) Nuisance abatement at 1842 Eustis Street
- D) Approval of 2006 Licenses

15. WORK SESSION 8:05 p.m.

- A) Rental Licensing
- B) Council Compensation

16. ADJOURNMENT

LAUDERDALE CITY COUNCIL
MEETING MINUTES

Tuesday, November 29, 2005

7:30 p.m.

Lauderdale City Hall

Mayor Jeffrey Dains called the meeting to order at 7:30 p.m. and asked administrator Bakken-Heck to call the roll.

Present at the meeting: Council members Karen Gill-Gerbig, Karen Doherty, Moose Giannetti, Clay Christensen and Mayor Jeffrey Dains.

Staff present at the meeting: Brian Bakken-Heck, City Administrator, Heather Butkowski, Deputy City Clerk, Jim Bownik, Assistant to the City Administrator

Mayor Dains called for additions or deletions from the agenda. Mayor Dains requested moving the Solid Waste Ordinance item and the Eustis house to the work session agenda, council member Christensen requested addition of who residents should call when they experience a sewer problem to the additional items, administrator Bakken-Heck requested adding Fire Agreement with Falcon Heights to Consent and health insurance as a discussion item. There being no further additions or deletions, Mayor Dains called for a motion to approve the agenda as amended. Motion by council member Gill-Gerbig to adopt the agenda, second by council member Doherty and carried.

Mayor Dains asked if for corrections to the Tuesday, November 15 Council meeting, there being none, the minutes passed on a motion by council member Christensen and a second by council member Doherty.

Mayor Dains asked the council if they had questions regarding the claims as presented. There being none, the claims were approved on a motion by Council member Giannetti and seconded by council member Doherty.

Mayor Dains announced the public comment period of the meeting and invited those who wished to speak to the council to come forward. There being none, the mayor moved to the consent agenda.

CONSENT: Bakken-Heck introduced the fire agreement with Falcon Heights. The agreement is a revised version of the original agreement between the two cities drafted several years ago. The only changes to the agreement include a cost per call increase to cover wage increase for the fire fighters and a cost allocation for capital purchases. The over all agreement keeps costs inline with past years.

LAUDERDALE CITY COUNCIL MEETING MINUTES

Tuesday, November 29, 2005

7:30 p.m.

Lauderdale City Hall

Council member Christensen moved approval of the consent agenda approving the fire agreement between the City of Falcon Heights and the City of Lauderdale. Motion second by council member Doherty and carried.

Mayor Dains introduced Mayor John Zanmiller, West St. Paul, who is currently the suburban appointee to the St. Paul Regional Water Service. Mayor Zanmiller is present to address the council and ask them for his reappointment to the Board for next year. Mayor Zanmiller is also the current Vice President of the Board. Mayor Zanmiller provided an update to the council regarding the activities of the SPRWS and the improvements being made to the water quality and efficiency in distribution. He stated the water service has invested in modernization that resulted in a reduction in the number of staff required to operate the system.

Council member Gill-Gerbig asked about the water services ability to resist privatization. Mayor Zanmiller said this is an important area for him as he believes that water, like fire and police, is an essential public service and needs to be kept as a public service. He reported the SPRWS Board made changes in operations to sidestep then Mayor Colman's attempts to privatize the service.

Mayor Zanmiller informed the council his term expires on December 31, 2005. Mayor Dains stated the council will take up appointment of Mr. Zanmiller at the December 13 council meeting.

DISCUSSION:

Bakken-Heck introduced the Walkable communities program and stated Council member Gill-Gerbig requested the item be brought to the Council for discussion. The program is a grant from the county to cities or others who want to host a workshop on making the community, or part thereof, safe for walkers and bikers.

Following additional discussion, the council directed staff to bring the idea to the Park and Community Involvement Committee (PCIC) for their review and recommendation. The PCIC's next meeting is December 6th. The grant application is due by January 6, 2006.

Bakken-Heck provided the council with information on the Metropolitan Environmental Services Program surcharge for excessive inflow and infiltration to the sanitary sewer system. Beginning in 2007, the city will face a surcharge for excessive peak flow due to grey water entering the sanitary system during storm events. Bakken-Heck said there are

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options available to the city to reduce the amount of infiltration/inflow to the system. He indicated that representatives from the Metropolitan Council indicate the likely cause of this flow is residential sump pumps connected to the sanitary sewer system. Eliminating these connections is a good step in an attempt to control the inflow and infiltration. Bakken Heck stated more information will be provide as will the complete report on the program.

Bakken Heck addressed the proposed 2006 Fee schedule. Mayor Dains asked about two fees, the tobacco/cigarette license fee and the false fire alarm fee. He believed the tobacco and cigarette fee were too low in comparison to the other cities and wanted to know more about the fees the other cities charge and if the inspection/enforcement program is part of the law enforcement contract with St. Anthony. He also wanted to know what the fee for the false alarm is for the fire calls. Bakken Heck stated the cost for the first 45 minutes is \$185.06 and for 46 to 120 minutes is \$370.12. The cost does not include the \$15 administrative fee. Council member Christensen asked if the \$15.00 covered an hour of staff time. Bakken-Heck said something short of an hour and stated a more accurate hourly number is \$25.00.

Following further discussion, the Council requested staff to increase the administrative fee from \$15.00 to \$25, to increase the Zoning Amendment fee to \$250 and to increase the cigarette/tobacco license following review of the contract and discussions with other cities. The council also asked staff to amend the Animal Control Ordinance to allow for a dog or cat license to last for the term of the rabies vaccination.

Bakken Heck updated the council on the proposed rates for health insurance obtained from Blue Cross / Blue Shield of Minnesota. He said the cost for coverage is lower then the county, however; the benefits are not as good. The BC/BS plan has a \$300.00 deductible and several of the benefits are listed at 80% following deductible. Bakken Heck told the council the city will remain with Ramsey County and HealthPartners and staff will continue to research and investigate alternatives over the next year.

The Council suggested the following items for the December 13 Council Meeting:

- 1) City Budget
- 2) Investments – Designating Brokers
- 3) Appointment of SPRWS representative
- 4) Recognition for Council Member Moose Giannetti

LAUDERDALE CITY COUNCIL
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7:30 p.m.
Lauderdale City Hall

WORK SESSION

Mayor Dains requested discussion of the solid waste ordinance and the house on Eustis be completed first.

Mayor Dains asked a question about the composting section and stated he felt the five (5') foot setback from the property line seemed too far and suggested a one (1') foot setback. He also indicated allowing food wastes, such as animal waste, would result in odors and depositing of animal waste be prohibited.

Jim Bownik addressed the ordinance and asked the council about enforcement mechanisms, specifically the levying of administrative penalties for violating the ordinance. Following discussion, the council directed staff to assess a fine on each occurrence with the potential for non-renewal of the license for three or more violations in a calendar year.

Mayor Dains addressed the issue of the house on Eustis Street and suggested moving forward with a process to condemn the structure. Consensus of the council is to condemn the house and directed staff to begin the process.

Bakken Heck referred the rental housing discussion to Heather Butkowski who gathered information in response to the questions raised by the council at the meeting of November 15, 2005. She stated Falcon Heights does not have an ordinance on rental housing licenses at this time but is conducting research in to the possibility of developing one. She stated the City of Roseville is considering an ordinance at their meeting tonight (Tuesday, November 29, 2005). She said they have a couple of interesting components to their ordinance including a panel to hear appeals by the owners of buildings who disagree with the inspector. There is also a provision allowing the city to charge the tenant for inspection costs if it is determined the complaints are frivolous.

The council liked the concepts presented and directed staff to incorporate the concepts in the draft ordinance.

Bakken Heck provided information on the grant the city received from the Metropolitan Council for the livable communities program. He stated the grant application specified the city would prepare a master plan for the Larpenteur avenue corridor from Eustis to Pleasant. The reimbursed expenditures to date are \$16,000. There has been no city match yet and the grant calls for a dollar for dollar match. Bakken Heck suggested the

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Lauderdale City Hall

Council take a step back and refocus on a master plan for the area rather than on a specific project.

Mayor Dains feels the city is not ready for a community open house, but instead should look at the complete comprehensive plan revision process as a means to create a master plan for the area.

Council member Christensen agreed with the Mayor. Following additional discussion, the council directed staff to end the consulting relationship on this project with Ehlers and Associates and submit a final report on the status to the Metropolitan Council.

There being no further business to discuss, council member Gill-Gerbig moved and council member Christensen seconded to adjourn. The meeting adjourned at 9:57 p.m.

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Tuesday, December 13, 2005
7:30 p.m. Lauderdale Council Chambers

Mayor Dains called the meeting to order at 7:40 p.m. and asked Administrator Bakken Heck to call roll.

Bakken Heck called the roll and the following were present: Council Member Gill-Gerbig, Council Member Doherty, Council Member Giannetti, Council Member Christensen and Mayor Dains.

Staff present: Administrator Bakken Heck, Assistant to the Administrator Bownik and Deputy City Clerk Butkowski.

Mayor Dains began the meeting by offering a Resolution commending Council Member Moose Giannetti for her years of service as a member of the City of Lauderdale Park and Community Involvement Committee and City Council. Motion seconded by Gill-Gerbig and carried with all voting yes. Each council member then provided a brief thanks and congratulations to council member Giannetti.

The mayor asked for additions or deletions to the agenda. The mayor added staff recognition to Additional Items. The agenda was approved on a motion by council member Christensen and a second by council member Doherty.

The minutes for the November 29, 2005 council meeting were tabled until the January 6, 2006 meeting on a motion by council member Christensen and a second by council member Doherty.

The mayor asked for question on the claims. Council member Giannetti asked why the sink in the men's room was replaced and not the one in the women's room. Bakken Heck said the fixtures were too old to find parts for and the entire sink needed to be replaced to fix the leaky faucet. Council member Gill-Gerbig moved and council member Giannetti seconded approval of the minutes. The motion carried with all members voting yes.

Jim Bownik, Assistant to the City Administrator, provided the council an update on the upcoming Snow*Commotion celebration. He said the event will take place on Saturday, January 28 from 3-6:00 p.m.

The Mayor introduced the City Budget for consideration. Bakken Heck provide a brief background on the overall budget indicating the council established the levy at the same amount as 2005 and the city received added assistance from the state this year in the form of increased local government aid.

Council member Christensen asked about the Park Improvement fund and why there were no expenditures listed in the budget. Bakken Heck responded that during the budget planning process, the council did not include any specific improvement projects

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7:30 p.m. Lauderdale Council Chambers

for the park. The council wanted to establish an improvement plan/comprehensive plan for the parks first.

Council member Christensen moved approval of Resolution 121305-A Adopting the 2005 Payable 2006 City of Lauderdale Budget. The motion was seconded by council member Doherty and carried on a roll call vote with council members Gill-Gerbig, Doherty, Giannetti, Christensen and mayor Dains all voting yes.

Mayor Dains asked Bakken Heck to comment on the Tax Increment Finance Resolution. Bakken Heck said during the Larpentour Avenue study it was discovered the city's only TIF district would decertify at the end of the year as the bonds the district supported are paid off. The district is not set to expire until 2013. After discussions with Ehlers and Associates, the council chose to keep the district active and to dedicate the increment toward the street and utility improvement bonds.

Council member Gill-Gerbig moved and Giannetti seconded Resolution 121305-B Pledging TIF to the payment of general obligation public improvement bonds. Motion carried on a roll call vote with members Gill-Gerbig, Doherty, Giannetti, Christensen and mayor Dains all voting yes.

The mayor introduced Resolution 121305-C certifying a list of delinquent accounts to Ramsey County for inclusion as a special assessment on the tax rolls.

Resolution 121305-C moved by Gill-Gerbig and second by Christensen. Motion carried on a roll call vote with members Gill-Gerbig, Doherty, Giannetti, Christensen and Mayor Dains all voting yes.

On a motion by Christensen and a second by Doherty, the council passed Resolution 121305-D Appointing John Zannmiller, Mayor of West St. Paul, to the St. Paul Regional Water Services Board. Members Gill-Gerbig, Doherty, Giannetti, Christensen and Mayor Dains all voting yes.

Mayor Dains commended city staff for their hard work this past year and recognized Jim Bownik for his work filling in as the Administrator following the departure of Rick Getchow. To recognize the work of staff, the Mayor requested the council provide staff with a paid day off to be taken by the end of the year.

Bakken Heck noted the items for consideration at the next city council meeting, January 6, 2006.

- A) Appointment of new council member
- B) 2006 fee schedule

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- C) Appointments to boards and committees
- D) Tree commission discussion
- E) Variance request(s)

There being no further regular business, the Mayor moved the meeting to the work session.

The mayor opened discussion on the proposed rental ordinance by asking staff what the intent of the suggested meeting is. Bakken Heck stated staff is suggesting a meeting with affected parties prior to a public hearing on the ordinance to get input and feedback that staff can consider in creating a final draft of the ordinance.

Council member Doherty commented on the potential of having a forum that brings together landlords, police and city staff on a regular basis to discuss issues facing the community. The mayor expressed his interest in the possibility of having an independent board to hear complaints and/or appeals from landlords. He did not think the regular council meeting would be a proper forum for these issues to be aired and discussed.

Council member Christensen questioned limiting the number of unrelated persons who may occupy a rental unit. He was under the impression the city could not restrict this and also addressed the issue of determining if the residents were blood relatives or not.

Council member Doherty asked if the owner of a home who takes a roommate would have to obtain a rental license. It was the consensus of the council that this would not be a circumstance for a rental license.

Staff was directed by council to research the number of unrelated people who may occupy a rental unit, to establish a public meeting at an upcoming council meeting to discuss the ordinance and to review the applicability as it relates to owners having roommates.

Mayor Dains asked for discussion on the Animal Control Ordinance. Bakken Heck started by saying the only addition to the draft ordinance is in the inclusion of the requirement to have a potentially dangerous dog evaluated by a certified animal behaviorist.

Following much discussion on the issue, staff was directed to obtain information on other jurisdictions that may have this as part of their ordinance as well as to find out the cost for such a consultation. The council was also agreeable to making this a voluntary provision rather than a mandatory one.

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Mayor Dains then asked for comments on the proposed garbage ordinance. Council member Christensen addressed the issue of screening compost. He also questioned the five (5') set back from buildings. He recalled requesting the set back be reduced to one (1') foot from the property line, not changing the property line to structure. Bownik indicated the set back may be a requirement of the fire or building code. Mayor Dains also indicated concern with the set back requirement.

Council member Christensen asked if the pick-up time should be 7:00 a.m. instead of the stated 6:30 a.m. and requested it be changed to 7:00 a.m.

Staff was directed to look in to the set back issue for backyard composting and to make the collection time 7:00 a.m.

Bownik addressed the issue of the Walkable Communities Grant. He informed the council the PCIC discussed this program at their meeting on Monday, December 5 and they support and endorse the city's application to the host a workshop. Bownik then discussed the draft of the application and the area included in the proposed application.

The council consensus is to support the application.

There being no further business to before the council, the meeting adjourned at 9:33 p.m. on a motion by Gill-Gerbig and a second by Christensen.

CITY OF LAUDERDALE

Claims for Approval

January 10, 2006 City Council Meeting

<u>Payroll</u>		
12/16/05 Payroll:	Check Numbers 7867-7871	\$2,710.56
12/16/05 Payroll:	Direct Deposit # 500051-500055	\$6,131.98
12/16/05 Payroll:	EFT: Federal Withholding & FICA	\$3,263.45
12/16/05 Payroll:	EFT: P.E.R.A	\$1,091.71
12/16/05 Payroll:	EFT: ICMA Retirement Fund	\$1,560.38
12/30/05 Payroll:	Direct Deposit # 500056-500064	\$7,091.06
12/30/05 Payroll:	EFT: Federal Withholding & FICA	\$2,679.97
12/30/05 Payroll:	EFT: P.E.R.A	\$1,096.06
12/30/05 Payroll:	EFT: ICMA Retirement Fund	\$1,080.38
12/30/05 Payroll:	EFT: State Withholding	\$1,420.36
<u>Vendor Claims</u>		
12/22/05 Claims:	Check # 17840-17855	\$27,549.97
1/10/05 Claims:	Check # 17887-17904 (2005 claims)	\$9,278.85
1/10/05 Claims:	Check # 17887-17904 + bond wires (2006 claims)	\$372,594.62

Subtotal of Claims From Above **\$434,838.79**

Total Claims for Approval	\$434,838.79
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CITY OF LAUDERDALE

Paid Register

Check Number	Employee Number	Employee Name	Pay Period	Pay Group Description	Check Amount	Check Date	Status
007870	000000015	GIANNETTI, MOOSE	25.1	BI-WEEKLY	\$464.74	12/16/2005	Outstanding
007871	000000016	GILL-GERBIG, KAREN	25.1	BI-WEEKLY	\$504.09	12/16/2005	Outstanding
007866		VOID	25.1		\$0.00	12/16/2005	Void
007867	000000014	CHRISTENSEN, CLAY	25.1	BI-WEEKLY	\$504.09	12/16/2005	Outstanding
007868	000000010	DAINS, JEFFREY	25.1	BI-WEEKLY	\$733.55	12/16/2005	Outstanding
007869	000000004	DOHERTY, KAREN	25.1	BI-WEEKLY	\$504.09	12/16/2005	Outstanding
					\$2,710.56		

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Payments

Current Period: JANUARY 2006

Batch Name	011006clm05	Payment	Computer Dollar Amt	\$9,278.85	Posted
Refer	1	<u>INFRASTRUCTURE TECHNOLOGIE</u>	<u>Ck# 017895</u>	<u>1/10/2006</u>	
Cash Payment	E 403-48403-327	OTHER SERV- SEWER/ clean catch basins			\$1,295.00
Invoice	0503152				
Transaction Date	1/3/2006	Due 0	NORTH STAR CHE	10100	Total \$1,295.00
Refer	2	<u>HOME DEPOT CRC</u>	<u>Ck# 017894</u>	<u>1/10/2006</u>	
Cash Payment	E 402-48000-521	CITY GARAGE 2 ballasts			\$29.79
Invoice					
Cash Payment	E 101-45200-412	WARMING HOUSE REP misc repairs			\$12.71
Invoice					
Cash Payment	E 101-43100-228	MISC REPAIRS MAINT misc repairs			\$4.41
Invoice					
Transaction Date	1/3/2006	Due 0	NORTH STAR CHE	10100	Total \$46.91
Refer	3	<u>CITY OF ST PAUL</u>	<u>Ck# 017891</u>	<u>1/10/2006</u>	
Cash Payment	E 101-43200-381	ELECTRIC street lighting			\$11.32
Invoice					
Transaction Date	1/3/2006	Due 0	NORTH STAR CHE	10100	Total \$11.32
Refer	4	<u>AFSCME</u>	<u>Ck# 017887</u>	<u>1/10/2006</u>	
Cash Payment	G 101-21709	UNION DUES December 2005 union dues			\$81.54
Invoice					
Transaction Date	1/3/2006	Due 0	NORTH STAR CHE	10100	Total \$81.54
Refer	5	<u>BAKKEN-HECK BRIAN</u>	<u>Ck# 017888</u>	<u>1/10/2006</u>	
Cash Payment	E 101-41500-331	TRAVEL EXPENSE December 2005 mileage			\$17.22
Invoice					
Transaction Date	1/3/2006	Due 0	NORTH STAR CHE	10100	Total \$17.22
Refer	6	<u>CINTAS</u>	<u>Ck# 017889</u>	<u>1/10/2006</u>	
Cash Payment	E 601-49000-425	CLOTHING 470400426			\$26.52
Invoice					
Cash Payment	E 601-49000-425	CLOTHING 470396755			\$26.63
Invoice					
Transaction Date	1/3/2006	Due 0	NORTH STAR CHE	10100	Total \$53.15
Refer	7	<u>KENNEDY & GRAVEN</u>	<u>Ck# 017896</u>	<u>1/10/2006</u>	
Cash Payment	E 101-41400-355	MISC PRINTING/PROC 11/05 legal fees			\$4.68
Invoice					
Cash Payment	E 101-41400-305	LEGAL FEES 11/05 legal fees			\$1,506.50
Invoice					
Transaction Date	1/3/2006	Due 0	NORTH STAR CHE	10100	Total \$1,511.18
Refer	8	<u>XCEL ENERGY, CITY HALL</u>	<u>Ck# 017904</u>	<u>1/10/2006</u>	
Cash Payment	E 101-45200-383	GAS UTILITIES 12/05 electric & gas bill			\$91.05
Invoice					
Cash Payment	E 101-43100-381	ELECTRIC 12/05 electric & gas bill			\$130.92
Invoice					
Cash Payment	E 101-45200-381	ELECTRIC 12/05 electric & gas bill			\$43.64
Invoice					

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Cash Payment Invoice	E 101-43100-383 GAS UTILITIES	12/05 electric & gas bill			\$273.15
Transaction Date	1/3/2006	Due 0	NORTH STAR CHE	10100	Total \$538.76
Refer	9 EHLERS & ASSOCIATES	Ck# 017893	1/10/2006		
Cash Payment Invoice	E 405-48500-327 OTHER SERV- SEWER/	Larpenteur corridor, TIF paperwork			\$160.00
Cash Payment Invoice	E 101-48412-550 OTHER IMPROVEMENT	Larpenteur corridor, TIF paperwork			\$5,147.50
Transaction Date	1/3/2006	Due 0	NORTH STAR CHE	10100	Total \$5,307.50
Refer	10 PARK SERVICE	Ck# 017900	1/10/2006		
Cash Payment Invoice	E 101-43100-212 MOTOR FUELS	12/05 motor fuels			\$241.77
Cash Payment Invoice	E 601-49000-212 MOTOR FUELS	12/05 motor fuels			\$26.86
Transaction Date	1/3/2006	Due 0	NORTH STAR CHE	10100	Total \$268.63
Refer	11 EAST HENNEPIN AUTO SERVICE I	Ck# 017892	1/10/2006		
Cash Payment Invoice	E 101-43100-212 MOTOR FUELS	12/05 motor fuels			\$25.83
Cash Payment Invoice	E 601-49000-212 MOTOR FUELS	12/05 motor fuels			\$2.87
Transaction Date	1/4/2006	Due 0	NORTH STAR CHE	10100	Total \$28.70
Refer	12 RAPIT PRINTING	Ck# 017902	1/10/2006		
Cash Payment Invoice	E 101-41600-355 MISC PRINTING/PROC	receipt pads			\$83.75
Transaction Date	1/5/2006	Due 0	NORTH STAR CHE	10100	Total \$83.75
Refer	13 PARK HARDWARE HANK	Ck# 017899	1/10/2006		
Cash Payment Invoice	E 101-43100-228 MISC REPAIRS MAINT	misc supplies			\$12.25
Transaction Date	1/5/2006	Due 0	NORTH STAR CHE	10100	Total \$12.25
Refer	14 MINNESOTA STATE TREASURER	Ck# 017898	1/10/2006		
Cash Payment Invoice	E 101-43400-443 SURCHARGE REPORT	4q05 permit surcharges			\$22.94
Transaction Date	1/6/2006	Due 0	NORTH STAR CHE	10100	Total \$22.94

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Payments

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Fund Summary		BATCH Total	\$9,278.85
	10100 NORTH STAR CHECKING		
101		\$7,711.18	
402		\$29.79	
403		\$1,295.00	
405		\$160.00	
601		\$82.88	
		<u>\$9,278.85</u>	

Pre-Written Checks	\$9,278.85
Checks to be Generated by the Compute	\$0.00
Total	<u>\$9,278.85</u>

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Payments

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Batch Name	011006claim	Payment	Computer Dollar Amt	\$372,594.62	Posted
Refer	1	<u>US BANK, DEBT SERVICES</u>	<u>Ck# 000022E 1/10/2006</u>		
Cash Payment Invoice	E 302-47200-611	BOND INTEREST	2000 street improvement project bond	\$19,335.00	
Cash Payment Invoice	E 302-47200-601	BOND PRINCIPAL	2000 street improvement project bond	\$85,000.00	
Transaction Date	1/6/2006	Due 0	NORTH STAR CHE 10100	Total	\$104,335.00
Refer	2	<u>US BANK, DEBT SERVICES</u>	<u>Ck# 000023E 1/10/2006</u>		
Cash Payment Invoice	E 303-47300-611	BOND INTEREST	2002 street improvement project	\$22,095.00	
Cash Payment Invoice	E 303-47300-601	BOND PRINCIPAL	2002 street improvement project	\$110,000.00	
Transaction Date	1/6/2006	Due 0	NORTH STAR CHE 10100	Total	\$132,095.00
Refer	3	<u>US BANK, DEBT SERVICES</u>	<u>Ck# 000024E 1/10/2006</u>		
Cash Payment Invoice	E 304-47400-611	BOND INTEREST	2003 street improvement project	\$13,965.00	
Cash Payment Invoice	E 304-47400-601	BOND PRINCIPAL	2003 street improvement project	\$100,000.00	
Transaction Date	1/6/2006	Due 0	NORTH STAR CHE 10100	Total	\$113,965.00
Refer	4	<u>MINNESOTA POLLUTION CONTRO</u>	<u>Ck# 017897 1/10/2006</u>		
Cash Payment Invoice	E 101-43200-308	TRAINING\CONFEREN	Collection System Operators Conf for DH & JH	\$540.00	
Transaction Date	1/6/2006	Due 0	NORTH STAR CHE 10100	Total	\$540.00
Refer	5	<u>RAMSEY COUNTY PUBLIC HEALT</u>	<u>Ck# 017901 1/10/2006</u>		
Cash Payment Invoice	E 201-45600-377	DAY IN THE PARK	2006 temp food license	\$41.67	
Cash Payment Invoice	E 201-45600-375	WINTER EVENT	2006 temp food license	\$41.67	
Cash Payment Invoice	E 201-45600-379	HALLOWEEN EVENT	2006 temp food license	\$41.66	
Transaction Date	1/6/2006	Due 0	NORTH STAR CHE 10100	Total	\$125.00
Refer	6	<u>EHLERS & ASSOCIATES</u>	<u>Ck# 017893 1/10/2006</u>		
Cash Payment Invoice	E 101-41300-308	TRAINING\CONFEREN	HB to attend finance conference	\$195.00	
Transaction Date	1/6/2006	Due 0	NORTH STAR CHE 10100	Total	\$195.00
Refer	7	<u>WASTE MANAGEMENT</u>	<u>Ck# 017903 1/10/2006</u>		
Cash Payment Invoice	E 101-45200-384	REFUSE DISPOSAL	1/06 city hall garbage pick up	\$34.23	
Cash Payment Invoice	E 101-43100-384	REFUSE DISPOSAL	1/06 city hall garbage pick up	\$34.23	
Transaction Date	1/6/2006	Due 0	NORTH STAR CHE 10100	Total	\$68.46
Refer	8	<u>CITY OF ST ANTHONY</u>	<u>Ck# 017890 1/10/2006</u>		
Cash Payment Invoice	E 101-42100-319	POLICE CONTRACT	1/06 police services	\$21,271.16	

CITY OF LAUDERDALE
Payments

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Current Period: JANUARY 2006

Transaction Date	1/6/2006	Due 0	NORTH STAR CHE	10100	Total	\$21,271.16
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Fund Summary	BATCH Total	\$372,594.62
	10100 NORTH STAR CHECKING	
101	\$22,074.62	
201	\$125.00	
302	\$104,335.00	
303	\$132,095.00	
304	\$113,965.00	
	\$372,594.62	

Pre-Written Checks	\$372,594.62
Checks to be Generated by the Compute	\$0.00
Total	\$372,594.62

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Current Period: DECEMBER 2005

Batch Name	122205claim	Computer Dollar Amt	\$27,549.97	Posted
Refer	1 QWEST	Ck# 017880	12/22/2005	
Cash Payment	E 101-45200-391 TELEPHONE/PAGERS	Dec. '05 warming house phone		\$179.47
Invoice				
Transaction Date	12/12/2005	Due 0 NORTH STAR CHE	10100	Total \$179.47
Refer	2 AT & T	Ck# 017862	12/22/2005	
Cash Payment	E 101-41200-391 TELEPHONE/PAGERS	Nov. '05 long distance		\$5.83
Invoice				
Transaction Date	12/12/2005	Due 0 NORTH STAR CHE	10100	Total \$5.83
Refer	4 RAMSEY COUNTY, PROP REC & R	Ck# 017881	12/22/2005	
Cash Payment	G 101-21706 HEALTH INSURANCE	12/05 benefits		\$1,675.24
Invoice				
Transaction Date	12/14/2005	Due 0 NORTH STAR CHE	10100	Total \$1,675.24
Refer	5 OFFICE MAX	Ck# 017878	12/22/2005	
Cash Payment	E 101-41200-201 GENERAL SUPPLIES	digital camera and office supplies		\$70.87
Invoice				
Cash Payment	E 101-41200-538 COMPUTER SOFTWARE	digital camera and office supplies		\$207.13
Invoice				
Transaction Date	12/14/2005	Due 0 NORTH STAR CHE	10100	Total \$278.00
Refer	6 J.P. COOKE COMPANY	Ck# 017873	12/22/2005	
Cash Payment	E 101-41200-201 GENERAL SUPPLIES	dog and cat tags		\$63.89
Invoice				
Transaction Date	12/14/2005	Due 0 NORTH STAR CHE	10100	Total \$63.89
Refer	7 CITY OF ROSEVILLE	Ck# 017868	12/22/2005	
Cash Payment	E 101-43400-306 CONSULTING FEES	12/05 joint powers agreement		\$164.08
Invoice				
Transaction Date	12/14/2005	Due 0 NORTH STAR CHE	10100	Total \$164.08
Refer	8 SPRINT PCS	Ck# 017883	12/22/2005	
Cash Payment	E 101-43100-391 TELEPHONE/PAGERS	11/05 pw cell phone		\$19.53
Invoice				
Cash Payment	E 601-49000-391 TELEPHONE/PAGERS	11/05 pw cell phone		\$19.53
Invoice				
Transaction Date	12/14/2005	Due 0 NORTH STAR CHE	10100	Total \$39.06
Refer	9 XCEL ENERGY, STREET LIGHTING	Ck# 017885	12/22/2005	
Cash Payment	E 101-43100-381 ELECTRIC	11/05 street lights		\$458.03
Invoice				
Transaction Date	12/14/2005	Due 0 NORTH STAR CHE	10100	Total \$458.03
Refer	10 CITY OF FALCON HEIGHTS	Ck# 017867	12/22/2005	
Cash Payment	E 101-42200-321 FIRE CALLS	11/05 fire calls - 1619 Carl St.		\$359.00
Invoice				
Transaction Date	12/14/2005	Due 0 NORTH STAR CHE	10100	Total \$359.00
Refer	11 GOPHER STATE ONE-CALL	Ck# 017872	12/22/2005	
Cash Payment	E 101-43400-386 GOPHER STATE ONE	11/05 calls		\$31.05
Invoice				

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Payments

Current Period: DECEMBER 2005

Transaction Date	12/14/2005	Due 0	NORTH STAR CHE	10100	Total	\$31.05
Refer	12 SIGN A RAMA				<u>Ck# 017882 12/22/2005</u>	
Cash Payment	E 402-48000-562 TRUCK		lettering for new trucks			\$85.00
Invoice						
Transaction Date	12/14/2005	Due 0	NORTH STAR CHE	10100	Total	\$85.00
Refer	13 POSTMASTER				<u>Ck# 017879 12/22/2005</u>	
Cash Payment	E 101-41600-203 POSTAGE		1q06 newsletter			\$250.00
Invoice						
Transaction Date	12/14/2005	Due 0	NORTH STAR CHE	10100	Total	\$250.00
Refer	14 XCEL ENERGY, PARK & GARAGE				<u>Ck# 017884 12/22/2005</u>	
Cash Payment	E 101-45200-383 GAS UTILITIES		11/05 warming house bill			\$43.63
Invoice						
Cash Payment	E 101-45200-381 ELECTRIC		11/05 warming house bill			\$10.19
Invoice						
Transaction Date	12/14/2005	Due 0	NORTH STAR CHE	10100	Total	\$53.82
Refer	15 BUSINESS FORMS AND ACCOUNT				<u>Ck# 017865 12/22/2005</u>	
Cash Payment	E 101-41300-201 GENERAL SUPPLIES		2005 year end forms			\$68.59
Invoice						
Transaction Date	12/15/2005	Due 0	NORTH STAR CHE	10100	Total	\$68.59
Refer	16 MET-COUNCIL ENVIRONMENTAL				<u>Ck# 017876 12/22/2005</u>	
Cash Payment	E 601-49000-387 WATER TREATMENT S		01/06 waste water services			\$8,488.48
Invoice						
Transaction Date	12/15/2005	Due 0	NORTH STAR CHE	10100	Total	\$8,488.48
Refer	17 ESCHELON TELECOM, INC				<u>Ck# 017870 12/22/2005</u>	
Cash Payment	E 101-41200-391 TELEPHONE/PAGERS		11/05 city hall telephone			\$238.39
Invoice						
Transaction Date	12/15/2005	Due 0	NORTH STAR CHE	10100	Total	\$238.39
Refer	18 BOWNIK, JIM				<u>Ck# 017864 12/22/2005</u>	
Cash Payment	E 101-41500-331 TRAVEL EXPENSE		election meeting in Maplewood			\$9.89
Invoice						
Cash Payment	E 101-41200-331 TRAVEL EXPENSE		8/05-11/05 mileage reimbursement			\$180.88
Invoice						
Transaction Date	12/16/2005	Due 0	NORTH STAR CHE	10100	Total	\$190.77
Refer	19 CINTAS				<u>Ck# 017866 12/22/2005</u>	
Cash Payment	E 601-49000-425 CLOTHING		470393062			\$26.63
Invoice						
Transaction Date	12/16/2005	Due 0	NORTH STAR CHE	10100	Total	\$26.63
Refer	20 DOHERTY, KAREN				<u>Ck# 017869 12/22/2005</u>	
Cash Payment	E 101-41100-331 TRAVEL EXPENSE		lmc conference mileage			\$89.79
Invoice						
Transaction Date	12/20/2005	Due 0	NORTH STAR CHE	10100	Total	\$89.79
Refer	21 NORTH STAR BANK, PETTY				<u>Ck# 017877 12/22/2005</u>	
Cash Payment	E 101-41200-203 POSTAGE		stamps & certified letters			\$9.24
Invoice						

CITY OF LAUDERDALE

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Payments

Current Period: DECEMBER 2005

Cash Payment Invoice	E 201-45600-379 HALLOWEEN EVENT	propane for mini donuts			\$18.00
Cash Payment Invoice	E 101-41200-203 POSTAGE	return toner			\$8.26
Cash Payment Invoice	E 101-41100-440 MEETING EXPENSES	cake and plates for M. Giannetti reception			\$30.33
Cash Payment Invoice	E 101-43100-228 MISC REPAIRS MAINT	vacuum filters			\$36.36
Cash Payment Invoice	E 201-45600-440 MEETING EXPENSES	pizza for park committee meeting			\$20.00
Cash Payment Invoice	E 101-41500-331 TRAVEL EXPENSE	mileage for election meeting			\$4.85
Cash Payment Invoice	E 101-41200-331 TRAVEL EXPENSE	November mileage			\$16.88
Cash Payment Invoice	E 101-41200-355 MISC PRINTING/PROC	Kinko's lamination			\$3.20
Cash Payment Invoice	E 101-41200-203 POSTAGE	stamps and certified letter			\$11.30
Cash Payment Invoice	E 101-41200-203 POSTAGE	certified letter			\$4.42
Cash Payment Invoice	E 101-41200-201 GENERAL SUPPLIES	coffee			\$15.98
Transaction Date	12/20/2005	Due 0	NORTH STAR CHE	10100	Total \$178.82
Refer	22	RAMSEY COUNTY, PROP REC & R		Ck# 017881	12/22/2005
Cash Payment Invoice	E 101-43200-313 SNOW & ICE REMOVAL	11/05 snow removal			\$2,359.02
Transaction Date	12/20/2005	Due 0	NORTH STAR CHE	10100	Total \$2,359.02
Refer	23	EUREKA RECYCLING		Ck# 017871	12/22/2005
Cash Payment Invoice	E 203-50000-389 RECYCLING CONTRAC	11/05 recycling			\$1,494.69
Transaction Date	12/20/2005	Due 0	NORTH STAR CHE	10100	Total \$1,494.69
Refer	24	BONESTROO, ROSENE, ANDERLI		Ck# 017863	12/22/2005
Cash Payment Invoice	E 101-43300-304 ENGINEERING	Summer Street sewer & telcom tower			\$320.00
Cash Payment Invoice	E 412-48410-328 STREET REPAIR	close out 2002 street project			\$9,794.56
Transaction Date	12/20/2005	Due 0	NORTH STAR CHE	10100	Total \$10,114.56
Refer	25	MAMA		Ck# 017875	12/22/2005
Cash Payment Invoice	E 101-41200-308 TRAINING\CONFEREN	October 2005 luncheon			\$18.00
Transaction Date	12/20/2005	Due 0	NORTH STAR CHE	10100	Total \$18.00
Refer	26	LILLIE SUBURBAN NEWS		Ck# 017874	12/22/2005
Cash Payment Invoice	E 101-41600-309 DELIVERY	11/05 Roseville Review			\$639.76
Transaction Date	12/20/2005	Due 0	NORTH STAR CHE	10100	Total \$639.76

CITY OF LAUDERDALE

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Payments

Current Period: DECEMBER 2005

Fund Summary		BATCH Total	\$27,549.97
	10100 NORTH STAR CHECKING		
101		\$7,603.08	
201		\$38.00	
203		\$1,494.69	
402		\$85.00	
412		\$9,794.56	
601		\$8,534.64	
		<hr/>	
		\$27,549.97	

Pre-Written Checks	\$27,549.97
Checks to be Generated by the Compute	\$0.00
Total	<hr/>
	\$27,549.97

**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

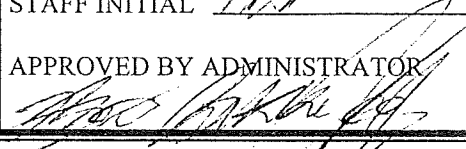
Consent X
Public Hearing
Discussion
Action
Resolution
Work session

Meeting Date: January 10, 2006

ITEM NUMBER Mileage Reimbursement Rate

STAFF INITIAL PJA

APPROVED BY ADMINISTRATOR



DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION: the federal mileage reimbursement rate decreases on January 1, 2006 from \$.485 per mile to .405 per mile.

OPTIONS:

STAFF RECOMMENDATION: reduce the mileage rate to coincide with the federal rate.

COUNCIL ACTION:

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested	
Consent	<u> X </u>
Public Hearing	<u> </u>
Discussion	<u> </u>
Action	<u> </u>
Resolution	<u> </u>
Work Session	<u> </u>

Meeting Date	January 10, 2006
ITEM NUMBER	<u> 5B—Petty Cash Policy </u>
STAFF INITIAL	<u> <i>HS</i> </u>
APPROVED BY ADMINISTRATOR:	YES

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The council adopted the current petty cash policy in 1995. In order to clarify responsibilities and maintain the integrity of the fund, the staff proposes some minor revisions. First, the Deputy City Clerk would be the primary guardian of the funds. Second, the fund would be housed in a locked drawer or cabinet. Finally, all travel claims, including mileage, would not be paid via petty cash but through our claims process.

OPTIONS:

STAFF RECOMMENDATION:

Adopt revised petty cash policy.

COUNCIL ACTION:

CITY OF LAUDERDALE
PETTY CASH FUND POLICY

I. AUTHORITY

Minnesota Statute 412.271, Subd. 5 authorizes the establishment of a petty cash fund.

II. PURPOSE

The purpose of this fund is to pay claims against the City that are impractical to pay in any other manner. The funds will be handled in a strict and transparent manner to prevent theft or fraud.

III. REGULATIONS

This fund will be regulated in the following manner:

- 1) the sum of two hundred dollars (\$200) shall be deposited in the fund and shall be maintained as the fund balance;
- 2) the Deputy City Clerk, under the direction of the City Administrator, shall be the custodian of the fund;
- 3) the fund shall be kept in a secure, locked container;
- 4) the monies shall be disbursed by the custodian only for proper claims against the City which are impractical and inefficient to pay in any other manner;
- 5) all such claims shall be authorized by the City Administrator or designee;
- 6) no claim shall exceed \$50;
- 7) no claim shall be for salary or reimbursement of any personal expense of a City employee including mileage or other travel expenses;
- 8) the custodian of the fund shall regularly submit the claims to the City Council with a request for transfer of monies from the appropriate funds in order to maintain this fund.

VI. PENALTY

Any misuse of this Fund may be subject to disciplinary action according to City personnel policy and/or applicable State Law.

**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

Consent _____
Public Hearing _____
Discussion _____
Action _____ **X** _____
Resolution _____
Work session _____

Meeting Date: January 10, 2006

ITEM NUMBER 6A—Appointment of Council Member

STAFF INITIAL 

APPROVED BY ADMINISTRATOR


DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION: council member Moose Giannetti resigned her seat on the council because she is moving out of Lauderdale. The council advertised for community members to apply to fill the position. The last date to submit letters of interest was December 30, 2005. One member of the community responded to the request.

Letter of interest attached.

OPTIONS:

- 1) Appoint the interested resident to fill the remainder of the term.
- 2) Extend the time for interested persons to apply to fill the seat.

STAFF RECOMMENDATION:

COUNCIL ACTION:

Denise M. Hawkinson
1855 Fulham Street
Lauderdale, MN 55113

November 29, 2005

City of Lauderdale
Jeff Bakken-Heck, City Administrator
1891 Walnut Street
Lauderdale, MN 55113

Jeff Bakken-Heck,

I am interested in filling Lauderdale's vacant city council position for the remainder of 2006-2007, which is being vacated by council member, Moose Giannetti.

I have previously served on Lauderdale's City Council and have always maintained an interest in the city. I have volunteered for many city-sponsored events and take great pride in telling people that I live in Lauderdale! In my mind, being on a city council means serving the public in their best interests and working together with the other members of the council.

My heart is definitely in serving on the city council since this will be my third attempt at this venture in the past six months.

I meet the minimum qualifications; I am over the age of 21, an eligible voter and I have lived in Lauderdale since 1989.

Thank you for considering my interest and I look forward to hearing from you.

Sincerely,


Denise M. Hawkinson

**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

Consent _____
Public Hearing X
Discussion _____
Action _____
Resolution _____
Work session _____

Meeting Date 1/10/06

ITEM NUMBER 8A: Solid Waste Ordinance

STAFF INITIAL JB

APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The following changes have been made to the final version being presented:

- 1) The screening requirement for composting has been deleted in Section 4-2-9A.
- 2) The setback requirement from everything for composting has been deleted in Section 4-2-9A. My research indicated it was not necessary to require a setback. Nuisance letters that were sent for improper composting had to do with loose compost piled against garages and not contained within a proper composting bin.
- 3) The beginning collection time was change to 7 a.m. in Section 4-2-11F.
- 4) The bond requirement language in Section 4-2-11D was changed to allow the city to use the bond to collect fines issued for ordinance violations in addition to the faithful performance by the licensee of work entered into.

OPTIONS :

- 1) Adopt the Ordinance amendment as presented.
- 2) Adopt the Ordinance with additional amendments, as necessary.
- 3) Revisit issue at a future date.

STAFF RECOMMENDATION:

Adopt ORDINANCE NO. 06-01: An Ordinance Amending Section 4-2 of the Code of Ordinances Regarding Garbage and Refuse.

COUNCIL ACTION:

CITY OF LAUDERDALE
ORDINANCE NO. 06-01

An Ordinance Amending Section 4-2 of the Code of Ordinances Regarding Garbage and Refuse

The city council of the city of Lauderdale ordains as follows:

SECTION I. The Lauderdale City Code is amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

CHAPTER 2

GARBAGE AND REFUSE¹

SECTION:

- 4-2--1: Definitions
- 4-2--2: Disposal Of Garbage And Refuse
- 4-2--3: Collection, Supervision And Control
- 4-2--4: Precollection Practices
- 4-2--5: Containers
- 4-2--6: Multiple Residence Units
- 4-2--7: Commercial Establishments
- 4-2--8: Air Pollution Control Regulations
- 4-2--9: ~~Burning~~ Private Composting
- 4-2-10: Vehicles For Hauling Garbage And Refuse
- 4-2-11: Garbage And Refuse Collectors
- 4-2-12: Disposal At ~~Landfill~~ Facility
- ~~4-2-13: Incinerators~~
- ~~4-2-14: 4-2-13: Penalty~~ Fines and Revocation
- 4-2-14: Penalty

4-2-1: DEFINITIONS:

For the purpose of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word shall is always mandatory and not merely directory:

COMMERCIAL ESTABLISHMENT: Any premises where a commercial or industrial enterprise of any kind is carried on, and shall include clubs, churches and establishments of nonprofit organizations where food is prepared or served or goods are sold.

GARBAGE: All putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, service and consumption

1. M.S.A. § 412.221, subd. 22.

of food and shall also include all other animal wastes including containers or wrappers wasted along with such materials, but not including recyclable materials.

INCINERATOR: Any device used for the destruction of refuse, rubbish, or waste materials by fire.

LICENSED PRIVATE GARBAGE AND REFUSE COLLECTOR: Any person holding a valid license from the City for the collection of garbage and refuse.

MIXED MUNICIPAL SOLID WASTE: Shall have the meaning given it in Minnesota Statutes Section 115A.03, Subdivision 21.

OPEN BURNING: Burning of any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through an adequate stack, duct, or chimney.

PUTRESCIBLE: Liable to become putrid.

RUBBISH: All nonputrescible solid wastes, but not including recyclable materials.

RECYCLABLE MATERIALS: Shall have the meaning given it in Minnesota Statute Section 115A.03, Subdivision 25A. Materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastics, metals, automobile oil, and batteries.

~~REFUSE: All wastes which normally result from the operation of a household, except body wastes and garbage, including but not limited to rubbish, tin cans, paper, cardboard, glass jars, bottles, wood, grass clippings, Christmas trees, ashes, sod, dirt, tires, rocks, household construction material, cement, bricks, trees, leaves, hedge or tree trimmings, burning barrels and mesh backyard burners, household appliances and furniture or any other household refuse or materials small enough for one man to handle. The term refuse shall not include construction material or other waste or debris resulting from construction or reconstruction of buildings and other improvements by contractors, or trees in excess of six inches (6") in diameter.~~

REFUSE: Garbage, rubbish and all other putrescible and nonputrescible wastes, except sewage and water-carried trade wastes, but not including recyclable materials.

RESIDENTIAL DWELLING UNIT: Any single building consisting of four (4) or less separate dwelling places units with individual kitchen facilities for each. It also includes any boarding house in a residential district. (Ord. 11, 7-7-1970)

YARD WASTE: Means garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.

4-2-2: DISPOSAL OF GARBAGE AND REFUSE:

A. Disposal Required: Every tenant, lessee, owner, or occupant of every private dwelling, house, multiple residence, store, motel, restaurant, and every other type of property in the City shall dispose of such garbage and refuse as provided in this Chapter.

B. Minimum Disposal Requirements:

1. Residential Dwelling Units: Garbage and refuse shall be disposed of at least once each week from residential dwelling unit properties.

2. Commercial Establishments: Garbage and refuse in outside storage at any commercial establishment shall be disposed of at least once each week and as often as once each day if necessary to protect the public health.

C. Accumulation Prohibited: No person shall accumulate or permit to accumulate any refuse on any property in the City which might constitute a nuisance by reason of appearance, odor, sanitation, possible littering of neighboring properties, littering of the property on which the refuse is accumulated, or a fire hazard. (Ord. 11, 7-7-1970)

4-2-3: COLLECTION, SUPERVISION AND CONTROL:

A. Authority To Regulate: The City Council shall have the authority to make regulations concerning the days of collection, number of licenses in the city, type and location of waste containers and such other matters pertaining to the collection, conveyance, and disposal as they it shall find necessary, and to change and modify the same.

B. Right To Appeal: Any person aggrieved by a regulation of the City Council shall have the right of appeal to the City Council which shall have the authority to confirm, modify, or revoke any such regulation. (Ord. 11, 7-7-1970)

4-2-4: PRECOLLECTION PRACTICES:

A. Preparation Of Garbage Or Refuse: Grass clippings, leaves, and other similar refuse shall be placed in bags or bundles not exceeding three feet (3') in any dimension and securely fastened to avoid spillage. Household appliances and furniture falling within the definition of refuse need not be so packaged.

B. Placement For Pickup: Refuse shall be deposited at one place, at ground level, on each property. Refuse and garbage shall not be deposited on the traveled roadway of any street.

C. Time Of Placement; Removal: Refuse and garbage shall not be deposited next to streets for collection prior to six o'clock

(6:00) P.M. on the day preceding the day of collection, and containers and any garbage or refuse which is not picked up shall be removed from any such location on the day of collection.

D. Containers, Wrapping Or Bagging Required: Except as otherwise provided in subsections A, B and C, all garbage and refuse as accumulated on any premises shall be placed and maintained in containers and shall have drained from it all free liquids before being deposited for collection and shall be wrapped or bagged.

E. Explosive Or Highly Inflammable Flammable Material: No explosive or highly inflammable flammable material shall be so deposited. Such material shall be disposed of as directed by the Fire Inspector at the expense of the owner or possessor thereof.

F. Contagious Disease Refuse: Refuse such as, but not limited to, bedding, wearing apparel, or utensils from residential dwelling units or other units where highly infectious or contagious diseases are present shall not be deposited for regular collection but shall be disposed of as directed by the Health Officer at the expense of the owner or possessor thereof. (Ord. 11, 7-7-1970)

4-2-5: CONTAINERS:

A. Provided By User Licensed Private Garbage and Refuse Collector: Garbage and refuse containers shall be provided by the licensed private garbage and refuse collector ~~owner, tenant, lessee, or occupant of the premises~~ and located in such a manner so as to prevent them from being overturned.

B. Sanitary Condition: Such containers shall be kept in a clean and sanitary condition and kept free from any substance which will attract or breed flies, mosquitoes, or other insects.

C. Size and Type: No garbage or refuse container shall exceed ~~thirty two (32)~~ ninety (90) gallons in capacity or have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof. Containers shall be made of metal, or other suitable material, which is rodent, fire, and waterproof and which will not easily corrode and is equipped with suitable handles and tight-fitting covers and shall be kept tightly covered when there is garbage therein.

D. Nonconforming Containers: Containers not complying with the requirements of this Chapter shall be promptly replaced upon notice.

~~E. Garbage Containers: Garbage containers shall be made of metal, or other suitable material, which is rodent, fire, and waterproof and which will not easily corrode and is equipped with suitable handles and tight fitting covers and shall be kept tightly covered when there is garbage therein.~~

~~F. Refuse Containers: Refuse containers shall be of a kind suitable for collection purposes, and shall be of such size and weight that they can be handled by one man and kept tightly covered when there is refuse therein.~~

G. E. Storage Of Containers: Garbage cans and other garbage and refuse containers shall be so located as to be out of the public view, insofar as possible, except on the day of pickup. (Ord. 11, 7-7-1970)

4-2-6: MULTIPLE RESIDENCE UNITS:

A. Pickup Service Or Commercial Incinerator Required: Multiple residence units having more than four (4) family units shall either be equipped with refuse containers and refuse pickup service as provided in this Chapter or be equipped with a commercial incinerator complying with the requirements of the Minnesota Pollution Control Agency and licensed by the City as provided in this Chapter.

B. Containers: Refuse containers provided as an alternative to or in addition to such incineration shall be at least one cubic yard in capacity, shall be conveniently located in relationship to the residence units for which they are provided, shall be watertight and rodentproof with self-closing lids and shall be kept in an enclosing structure concealing them from public view. ~~Such structure shall have a raised concrete floor and shall be surrounded by a concrete barrier curb.~~ Such structure shall be kept in a state of good repair at all times. ~~The refuse containers shall be located so that their contents are inaccessible to at least three feet (3') above the base of the enclosing structure.~~

C. Daily Pickup: ~~The owner or operator of such multiple residence property shall provide for garbage pickup from such containers each day.~~ Refuse, debris, garbage and other waste materials shall not be permitted to be accumulated in or near the enclosing enclosed structures (except in the containers). There shall be daily cleanup in and around each such enclosing enclosed structure. (Ord. 11, 7-7-1970)

4-2-7: COMMERCIAL ESTABLISHMENTS:

The owner or occupant of any commercial establishment or any other property which produces a volume of garbage or refuse or both, which requires garbage and refuse pickup more frequently than once each week, shall also comply with the provisions of Section 4-2-6 of this Chapter. (Ord. 11, 7-7-1970)

4-2-8: MINNESOTA AIR POLLUTION CONTROL AGENCY REGULATIONS ADOPTED:

A. Regulation Adopted: Pursuant to Minnesota Statute Section 471.62, subject to specific modifications and additions contained herein, the City hereby adopts by reference Minnesota Rules Chapter 7009 (Ambient Air Quality Standards), as amended.

~~A. Standards Adopted: Pursuant to Minnesota Statutes, section 471.62, Air Pollution Controls and Regulations and Ambient Air Quality Standards 1-15, inclusive, of the Minnesota Pollution Control Agency are hereby adopted by reference.~~

~~B. Copies On File: The City Administrator shall mark and keep on file in his office three (3) copies of said regulations, marked "official copies," for use and examination by the public and shall furnish a copy of this Chapter and said regulations at cost to any person upon request. The effective date of such regulations, however, shall be the effective date of the Ordinance codified in this Chapter. (Ord. 11, 7-7-1970)~~

~~4-2-9: BURNING:~~

~~A. Permit Required: No person shall willfully burn or set fire to any grass, weeds, or other natural ground cover, or any building, fixture or appurtenance of real property unless a permit therefor has been secured from the Fire Inspector.~~

~~B. Containment: No person shall negligently or carelessly set on fire or cause to be set on fire any woods, prairie, grass or other combustible material, whether on his own land or not, by means whereof the property of another will be endangered, and no person shall willfully allow any fire on his own land, or land occupied by him, to extend beyond the limits thereof.~~

~~C. Conditions Of Permit: If a permit is required by the terms of this Chapter for any burning, the Fire Inspector may condition the granting of such permit in such a manner as he shall deem appropriate.~~

~~D. Allowable Conditions: Permits shall be issued only under such circumstances as may be allowed by the Air Pollution Regulations adopted in this Chapter and as may be allowed by the other ordinances of the City.~~

~~E. Violation: A violation of such conditions shall be a violation of this Chapter. (Ord. 11, 7-7-1970)~~

4-2-9: PRIVATE COMPOSTING

The private composting of yard wastes and vegetable matter is permitted if the following conditions are met:

A. The compost pile shall be located in the rear yard of a lot and out of the public view, insofar as possible.

B. The compost pile shall be managed so as to prevent the scattering of yard wastes or other material.

C. The compost pile shall be managed in a manner to prevent odor, harborage of animals, and the stockpiling of material which does not readily decompose within a calendar year including but not limited to refuse, fibrous materials, and prunings.

D. Only the yard waste and vegetable matter which are produced on the premises can be composted on the premises.

4-2-10: VEHICLES FOR HAULING GARBAGE AND REFUSE:

A. Cover Required: All persons hauling or conveying garbage or refuse over the streets of the City shall use a vehicle provided with a tight cover and so operated and maintained as to prevent offensive odors escaping therefrom and garbage or refuse from being blown, dropped or spilled from the vehicle.

B. Cleanliness: Any such vehicles shall be kept clean and as free from offensive odors as possible.

C. Standing On Streets: Any such vehicle customarily used for the hauling of garbage or refuse shall not be allowed to stand in any street, alley, or other place longer than is reasonably necessary to collect garbage and refuse.

D. Disinfection: Any vehicle customarily used for such purposes shall be kept in a clean and sanitary condition. ~~and shall be thoroughly disinfected at least once each week unless the same has not been used since the last disinfection thereof. (Ord. 11, 7-7-1970)~~

4-2-11: GARBAGE AND REFUSE COLLECTORS:

A. License Required: No person shall engage in the business of garbage or refuse collection in the City unless he or she shall first ~~pay~~ pays the license fee as prescribed ~~from time to time~~ by resolution of the City Council and ~~secure~~ secures a license from the City to do so in accordance with the provisions of this Section. A license shall be valid for a period of one (1) year beginning February 1 and ending January 31. All licenses shall be subject to the review and approval of the City Council.

B. Application: Any person desiring a license shall make application to the City Administrator. The application shall accurately state:

1. The name of the owner or the licensee;
2. The proposed charges for the hauling;

3. A description of the kind of services to be rendered;
4. A description of each motor vehicle to be used for hauling, including the license number thereof; and
5. The manner and kind of service proposed to customers and the schedule of pickups.

C. Insurance:

1. Policy Of Insurance: No license shall be issued until the applicant files with the City Administrator a current certificate of insurance covering all vehicles to be used by the applicant in his the business.

2. Minimum Limits: The minimum limits of coverage ~~for such insurance are:~~ shall sufficiently cover the city's maximum liability as provided by Minnesota Statutes Chapter 466, as amended.

a. ~~Each person injured, at least one hundred thousand dollars (\$100,000.00);~~

b. ~~Each accident, at least three hundred thousand dollars (\$300,000.00);~~

c. ~~Property damage at least twenty five thousand dollars (\$25,000.00).~~

3. Notice Of Termination: Such insurance shall be kept in force during the term of the license and shall provide for notification of the City prior to termination or cancellation.

4. Revocation Of License: Any license issued shall automatically be revoked at the time of termination or cancellation of such insurance unless and until other insurance is provided as required by this subsection.

D. Bond: Before a license is granted, the applicant shall furnish to the City and deposit with the City Administrator a certified bond in the sum of one thousand dollars (\$1,000.00) ~~for each vehicle licensed,~~ to be used for fines imposed by the City for violations of this Ordinance as well as the faithful performance by the licensee for all work entered into. ~~or contracted for by said licensee and conditioned upon compliance with all the provisions and requirements of this Chapter and all applicable sanitary rules and regulations.~~

E. License Fee: The annual license fee is for the first vehicle and for each additional vehicle in the business of garbage and refuse hauling within the City.

F. Days and Hours of Collection: Residential garbage or refuse collection shall only occur on Mondays ~~No person engaged in hauling refuse or garbage for hire within the City shall do so~~

~~after eight thirty o'clock (8:30) P.M. or before~~ between the hours of six thirty o'clock (6:30) seven (7:00) A.M. of any day and eight thirty (8:30) P.M. There shall be no garbage or refuse pickup from residential dwelling units on Sundays. When Monday is designated a legal holiday, residential garbage or refuse collection shall occur on the Tuesday immediately following the holiday.

G. Inspection¹: Each vehicle for which a license is applied for or which is licensed shall be subject to inspection by the City at all reasonable times.

H. Vehicles²:

1. Name Of Licensee: Any such vehicle, while it is used by the licensee in the City, shall have the name of the licensee clearly printed on both sides of the vehicle.

2. License To Be Kept In Vehicle: The license for the vehicle shall be kept in the vehicle at all times while it is being so used.

I. No Vested Right: No person licensed pursuant to this Section shall gain a vested right in said license. The City may, upon finding that public necessity requires, determine to establish another means of refuse collection.

J. Obligation Of Licensed Collectors: A licensed garbage and refuse collector shall pick up any garbage and refuse of his customers which has been deposited for collection in the manner provided by this Chapter. (Ord. 11, 7-7-1970; 1996 Code)

4-2-12: DISPOSAL AT ~~LANDFILL~~ FACILITY:

~~No person shall dispose of garbage~~ Garbage or refuse shall be disposed of upon any property in the City except at an approved landfill site. An approved landfill site is a site for disposal of refuse operated in accordance with the rules and regulations of the Minnesota Pollution Control Agency. waste facility permitted by the Minnesota Pollution Control Agency. (Ord. 11, 7-7-1970)

~~4-2-13 INCINERATORS:~~

~~A. Compliance Required: No person shall operate an incinerator within the City for the burning of garbage or refuse unless such incinerator complies with the requirements of the Minnesota Pollution Control Agency.~~

1. See also subsection 2-4-2B2 of this Code.
2. See also Section 4-2-10 of this Chapter.

~~B. License Required; Exceptions: No incinerator, except an incinerator for a residential dwelling unit, shall be operated within the City unless the operation of such incinerator has been licensed by the City as provided in this Section.~~

~~C. Application: Application for a license shall be made to the City Administrator. The application shall state the name and address of the owner of the property on which the incinerator is located, a description of the type of incinerator, and, except in renewal applications, a plan showing that the incinerator will comply with applicable rules and regulations.~~

~~D. License Fee: The application shall be accompanied by the annual license fee in such sum as determined from time to time by resolution of the City Council.~~

~~E. Approval/Denial Of Application:~~

~~1. Issuance By Building Inspector: Applications for incinerator licenses may be granted by the City Building Inspector if he ascertains that the incinerator meets the requirements of the Minnesota Pollution Control Agency and the ordinances of the City.~~

~~2. Referral To City Council: The Building Inspector may, however, refer any such application to the City Council. In the event of such referral to the City Council, the Council may grant or deny the application.~~

~~3. Grounds For Denial: It shall be grounds for denial of the application that applicant, or other persons occupying the premises at which the incinerator is or would be located, have not complied with regulations of the City relating to health, safety, building or zoning or any regulations applicable to such incinerator. (Ord. 11, 7 7 1970; 1996 Code)~~

~~4-2-14: PENALTY:~~

~~Any person violating any of the provisions of this Chapter shall be subject to the penalties provided for in Section 1 4 1 of this Code. (Ord. 11, 7 7 1970)~~

4-2-13: FINES AND REVOCATION:

A. FINES FOR ORDINANCE VIOLATIONS BY LICENSEES:

Fines for ordinance violations by licensees shall consist of two hundred fifty dollars (\$250) per occurrence and shall be payable within 30 days of written notification by the City.

These penalties are presumed to be appropriate for every case, however, the Council may deviate in an individual case where it finds that there exists substantial reasons making it more

appropriate to deviate.

Non-renewal of the Municipal Garbage Hauler License may be considered for any licensee that has had three or more violations occur over a period of three hundred and sixty-five (365) days.

For purposes of this Section, a licensee's violations are accumulated over a period of three hundred and sixty-five (365) consecutive days and shall exonerate after this time. Violations by a licensee shall also expire in the event of change of ownership unless specified otherwise by the City Council.

B. REVOCATION FOR ORDINANCE VIOLATIONS BY LICENSEES:

A garbage or refuse collector's license may be revoked by the City upon occurrence of any of the following:

1. The licensee fails to comply with the provisions of this ordinance or other city ordinances, or is in violation of county ordinances, and/or state or federal laws, rules or regulations;
or

2. The City determines that the licensee's performance of refuse collection, hauling or disposal is unsatisfactory based on complaints received about the licensee.

4-2-14 PENALTY:

Any person violating any of the provisions of this Chapter shall be subject to the penalties provided for in Section 1-4-1 of this Code. (Ord. 11, 7-7-1970)

Nothing in this section shall be construed to limit the City's other available legal remedies for any violation of the law, which may constitute a violation of the ordinance including criminal, civil, injunctive or others.

SECTION II. This ordinance shall be effective upon its adoption and publication.

Adopted by the Lauderdale City Council this 10th day of January, 2006.

Jeffrey Dains, Mayor

ATTEST:

Brian Bakken-Heck, City Administrator

Published in the Roseville Review this ____ day of _____, 2006.

**LAUDERDALE COUNCIL
ACTION FORM**

<p style="text-align: center;">ACTION REQUESTED</p> <p>Consent _____</p> <p>Public Hearing <u> X </u></p> <p>Discussion _____</p> <p>Action _____</p> <p>Resolution _____</p> <p>Work session _____</p>	<p>Meeting Date _____</p> <p>ITEM NUMBER 8B: Variance Request for 1801 Eustis St.</p> <p>STAFF INITIAL JB _____</p> <p>APPROVED BY ADMINISTRATOR</p>
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DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION: Donald and Kevin Bumgardner, owners of 1801 Eustis Street, have applied for a variance to the setback requirements to rebuild an existing addition on the back of the property and replace the flat roof with a pitched roof. The building is nonconforming with the current zoning regulations for setback requirements in the R-1 District. According to a survey of the property, the building appears to be situated right on the side property line (Spring Street side), and about 3.5 feet from the front property line (Eustis Street).

Essentially, the applicants are seeking a 5 foot variance to the side yard setback requirements (to go from 5 feet to 0 feet) and a 26.5 foot variance to the front yard setback requirements (to go from 30 feet to 3.5 feet). The variance is being requested to make improvements to those portions of the building that encroach within the setback areas.

State Statute 462.357 Subd. 1e regulates nonconforming structures. The key to whether the building can be changed in such a manner is whether or not the building is being expanded. The reconstruction of the addition would not involve an expansion, but changing the pitch of the roof would be.

Besides being able to improve the building, the variance would give the structure legal conformance with the setback regulations. The building is now considered legally nonconforming.

OPTIONS:

- 1) Approve the variance request as presented.
- 2) Approve the variance request with conditions, as necessary.
- 3) Deny the request, but state the council's rationale for denying the variance request.

STAFF RECOMMENDATION:

- 1) Approve the variance request as presented.

COUNCIL ACTION:

City of Lauderdale

1891 Walnut Street • Lauderdale • Minnesota 55113
Phone: 651.631.0300 Fax: 651.631.2066

ZONING APPLICATION

Type of Request	Amount
<input checked="" type="checkbox"/> Variance	\$ 75
<input type="checkbox"/> Zoning Amendment	\$100
<input type="checkbox"/> Conditional Use	\$165
<input type="checkbox"/> PUD	N/A
<input type="checkbox"/> Other	

Name of Applicant(s) Donald Bumgardner + Kevin Bumgardner, brothers
Address 2104 Fairway Dr NE
City Columbia Heights State MN Zip 55421
Address of Property 1801 Eustis
(if different than above)
Day Phone (612) 386 8773 Evening Phone (612) ~~369~~ 369 0311 Fax (612) 721 4109

Please describe why you are applying for this application We would like to re-construct an existing addition but improve its integrity with a proper foundation. We would also like to improve the energy efficiency and structural building as a whole by replacing the existing flat roof with a pitch roof which requires a variance due to the buildings location on the lot.

Kevin Bumgardner
Applicant's Signature

11/29/05
Date

For Office Use Only

Date of Application 11/11/05 Amount Paid \$75.00 Receipt Number 7926
PIN # 17.29.23.35.0042

Recommendation of Planning Commission (approve / deny) Meeting Date _____
Date of Public Hearing _____
City Council Action Taken (approved / denied) Meeting Date _____
Conditions? _____

Supplemental Variance Application Information

Application Number: _____

Background: The subject site is 40 ft. x 126.77 ft. and consists of a two-story single family house plus a detached two-car garage. The applicant is proposing to reconstruct an existing addition on the west side of the building. The building currently has a 0 ft. south side yard setback and a variance is necessary for the addition reconstruction to also maintain a 0 ft. south side yard setback.

The existing addition is 11.64 ft. long and 24 ft. wide (.3 ft less than the width of the home) poured on a slab foundation. The reconstructed addition will be 14 ft. long and 24.3 ft. wide on a code compliant block foundation. The width was increase 4 inches to match the existing structure. Two feet were added in length to enclose existing exterior stairs while improving the interior stairs to be less steep with a more reasonable riser height. The materials proposed for the new addition are wood lap siding which is consistent with the existing material of the existing building.

Supplemental Variance Application Answers:

1) A) The existing addition currently contains a staircase, a bathroom, one-half of a kitchen, and the plumbing for the upstairs bathroom. Settling of the addition's slab has led to structural problems including a sagging roofline, tilted stair steps, and a bowed exterior wall in excess of 6 inches. For the permanence of this portion of the structure, it is best served to be reconstructed on a code compliant foundation.

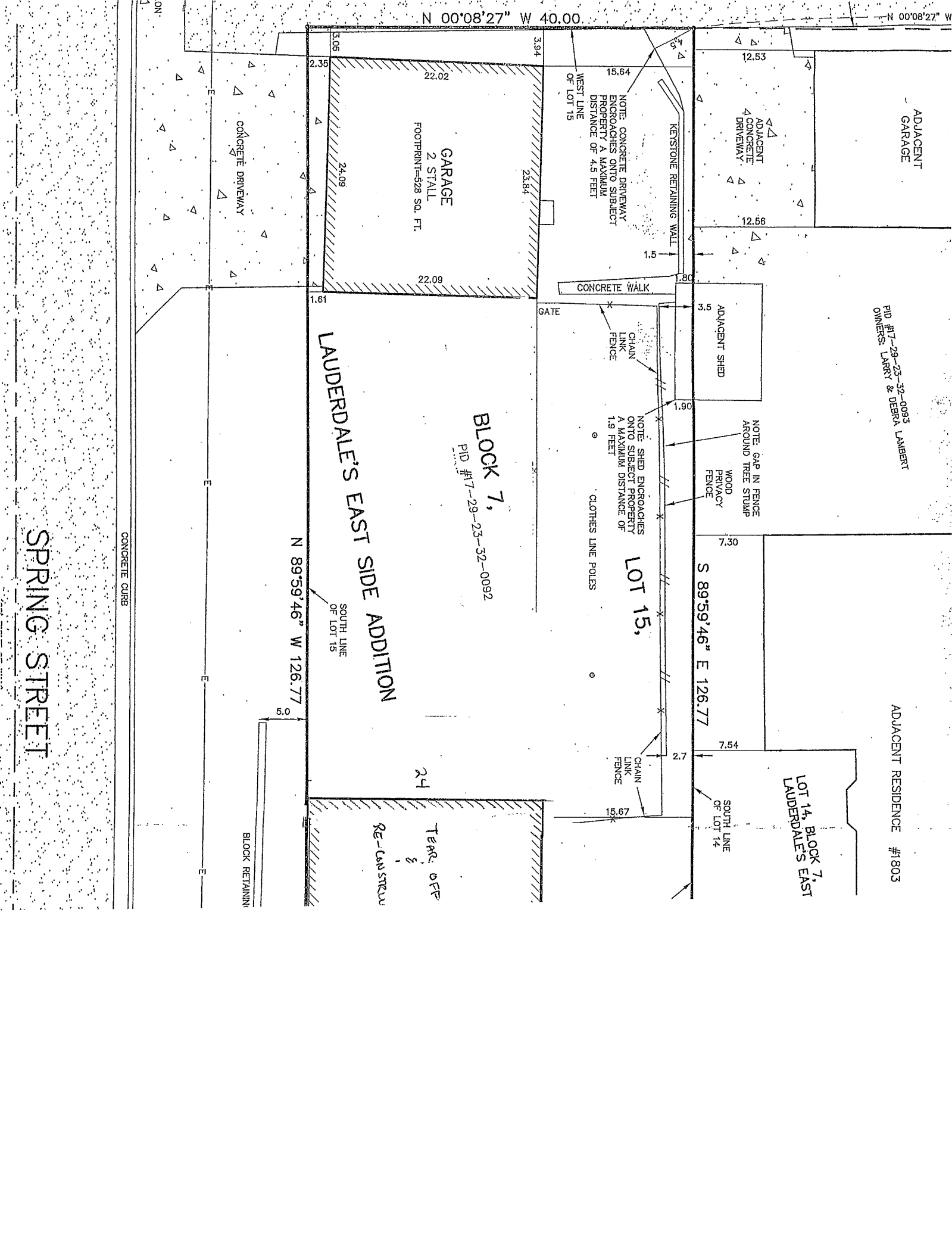
Maintaining the addition on its current floating slab foundation does not have the structural integrity for permanence and is adding stress to the main structure which rests on a block foundation. Not replacing this portion of the home would cause undue hardship in reasonable use, loss of functional performance as well as a negative marketable value.

1) B) The circumstances upon which the setback variance is requested are unique to the parcel of property and have not been created by the applicant. The current building is located with a 0 ft. south side yard setback. Any modification to the south side of the building will require a variance. The location of the building was not a circumstance created by the applicant and predates the setback requirements as adopted on 3/10/1998.

This building was originally constructed to be a "neighborhood storefront" and thus abuts the south property line. When the property was rezoned to R1, it forced the structures to be "non-conforming." It would seem reasonable that any permit request for improvements that do not increase its non-conforming issues of this structure should be approvable by the City Staff as it relates to their responsibilities without having to bother the City Council.

1) C) Granting the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the area or be injurious to the use or enjoyment of other property in the vicinity. The proposed reconstruction of this portion of the home will match the setback of the main portion of the home and thus have no changed impact to its current or future environment. The reconstruction of this portion of the home is reasonable and will improve the overall appearance of the building. The building is located on a corner and thus is a highly visible structure.

Granting the variance would likely have no impact on the congestion of area streets, increase fire safety or be detrimental to the public welfare or endanger the public safety.



N 00°08'27" W 40.00

N 00°08'27" W

ADJACENT GARAGE

ADJACENT CONCRETE DRIVEWAY

KEYSTONE RETAINING WALL

NOTE CONCRETE DRIVEWAY ENROACHES ONTO SUBJECT PROPERTY A MAXIMUM DISTANCE OF 4.5 FEET

GARAGE 2 STALL FOOTPRINT=628 SQ. FT.

CONCRETE DRIVEWAY

PID #17-29-23-32-0093 OWNERS: LARRY & DEBRA LAMBERT

ADJACENT RESIDENCE #1803

NOTE GAP IN FENCE AROUND TREE STUMP

WOOD PRIVACY FENCE

NOTE SHED ENROACHES ONTO SUBJECT PROPERTY A MAXIMUM DISTANCE OF 1.9 FEET

CLOTHES LINE POLES

BLOCK 7, PID #17-29-23-32-0092

LAUDERDALE'S EAST SIDE ADDITION

LOT 15,

S 89°59'46" E 126.77

LOT 14, BLOCK 7, LAUDERDALE'S EAST

N 89°59'46" W 126.77

SOUTH LINE OF LOT 15

SPRING STREET

CONCRETE CURB

SOUTH LINE OF LOT 14

24

TEAR OFF RE-CAN STREU

BLOCK RETAINING

5.0

7.54

2.7

CHAIN LINK FENCE

GATE

CONCRETE WALK

7.50

12.56

12.53

23.84

3.94

22.02

22.09

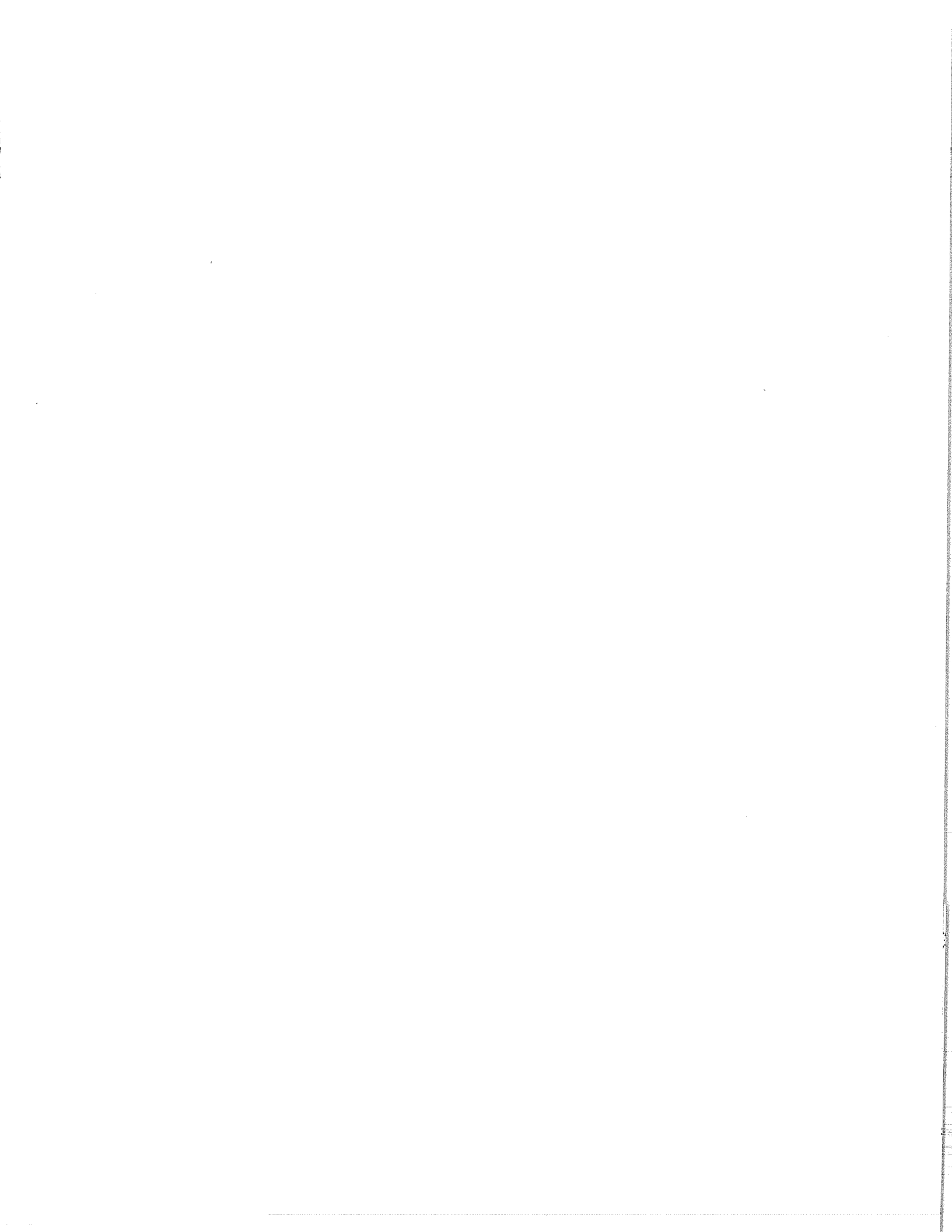
1.61

24.09

5.06

2.35

1 ON



Minnesota Statutes 2005, Table of Chapters

Table of contents for Chapter 462

462.357 Official controls: zoning ordinance.

Subdivision 1. **Authority for zoning.** For the purpose of promoting the public health, safety, morals, and general welfare, a municipality may by ordinance regulate on the earth's surface, in the air space above the surface, and in subsurface areas, the location, height, width, bulk, type of foundation, number of stories, size of buildings and other structures, the percentage of lot which may be occupied, the size of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, conservation of shorelands, as defined in sections 103F.201 to 103F.221, access to direct sunlight for solar energy systems as defined in section 216C.06, flood control or other purposes, and may establish standards and procedures regulating such uses. To accomplish these purposes, official controls may include provision for purchase of development rights by the governing body in the form of conservation easements under chapter 84C in areas where the governing body considers preservation desirable and the transfer of development rights from those areas to areas the governing body considers more appropriate for development. No regulation may prohibit earth sheltered construction as defined in section 216C.06, subdivision 14, relocated residential buildings, or manufactured homes built in conformance with sections 327.31 to 327.35 that comply with all other zoning ordinances promulgated pursuant to this section. The regulations may divide the surface, above surface, and subsurface areas of the municipality into districts or zones of suitable numbers, shape, and area. The regulations shall be uniform for each class or kind of buildings, structures, or land and for each class or kind of use throughout such district, but the regulations in one district may differ from those in other districts. The ordinance embodying these regulations shall be known as the zoning ordinance and shall consist of text and maps. A city may by ordinance extend the application of its zoning regulations to unincorporated territory located within two miles of its limits in any direction, but not in a county or town which has adopted zoning regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the zoning of land on its side of a line equidistant between the two noncontiguous municipalities unless a town or county in the affected area has adopted zoning regulations. Any city may thereafter enforce such regulations in the area to the same extent as if such property were situated within its corporate limits, until the county or town board adopts a comprehensive zoning regulation which includes the area.

Subd. 1a. **Certain zoning ordinances.** A municipality must not enact, amend, or enforce a zoning ordinance that has the effect of altering the existing density, lot-size

requirements, or manufactured home setback requirements in any manufactured home park constructed before January 1, 1995, if the manufactured home park, when constructed, complied with the then existing density, lot-size and setback requirements.

Subd. 1b. **Conditional uses.** A manufactured home park, as defined in section 327.14, subdivision 3, is a conditional use in a zoning district that allows the construction or placement of a building used or intended to be used by two or more families.

Subd. 1c. **Amortization prohibited.** Except as otherwise provided in this subdivision, a municipality must not enact, amend, or enforce an ordinance providing for the elimination or termination of a use by amortization which use was lawful at the time of its inception. This subdivision does not apply to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.

Subd. 1d. **Nuisance.** Subdivision 1c does not prohibit a municipality from enforcing an ordinance providing for the prevention or abatement of nuisances, as defined in section 561.01, or eliminating a use determined to be a public nuisance, as defined in section 617.81, subdivision 2, paragraph (a), clauses (1) to (9), without payment of compensation.

Subd. 1e. **Nonconformities.** (a) Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(1) the nonconformity or occupancy is discontinued for a period of more than one year; or

(2) any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

(b) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. A municipality may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not prohibit a municipality from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.

(c) Notwithstanding paragraph (a), a municipality shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

Subd. 1f. **Substandard structures.** Notwithstanding subdivision 1e, Minnesota Rules, parts 6105.0351 to 6105.0550, may allow for the continuation and improvement of substandard structures, as defined in Minnesota Rules, part 6105.0354, subpart 30, in the Lower Saint Croix National Scenic Riverway.

Subd. 1g. **Feedlot zoning controls.** (a) A municipality proposing to adopt a new feedlot zoning control or to amend an existing feedlot zoning control must notify the Pollution Control Agency and commissioner of agriculture at the beginning of the process, no later than the date notice is given of the first hearing proposing to adopt or amend a zoning control purporting to address feedlots.

(b) Prior to final approval of a feedlot zoning control, the governing body of a municipality may submit a copy of the proposed zoning control to the Pollution Control Agency and to the commissioner of agriculture and request review, comment, and recommendations on the environmental and agricultural effects from specific provisions in the ordinance.

(c) The agencies' response to the municipality may include:

(1) any recommendations for improvements in the ordinance; and

(2) the legal, social, economic, or scientific justification for each recommendation under clause (1).

(d) At the request of the municipality's governing body, the municipality must prepare a report on the economic effects from specific provisions in the ordinance. Economic analysis must state whether the ordinance will affect the local economy and describe the kinds of businesses affected and the projected impact the proposal will have on those businesses. To assist the municipality, the commissioner of agriculture, in cooperation with the Department of Employment and Economic Development, must develop a template for measuring local economic effects and make it available to the municipality. The report must be submitted to the commissioners of employment and economic development and agriculture along with the proposed ordinance.

(e) A local ordinance that contains a setback for new feedlots from existing residences must also provide for a new residence setback from existing feedlots located in areas zoned agricultural at the same distances and conditions specified in the setback for new feedlots, unless the new residence is built to replace an existing residence. A municipality may grant a variance from this requirement under section 462.358, subdivision 6.

Subd. 2. **General requirements.** (a) At any time after the adoption of a land use plan for the municipality, the planning agency, for the purpose of carrying out the policies and goals of the land use plan, may prepare a proposed zoning ordinance and submit it to the governing body with its recommendations for adoption.

(b) Subject to the requirements of subdivisions 3, 4, and 5, the governing body may adopt and amend a zoning ordinance by a majority vote of all its members. The adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds majority vote of all members of the governing body.

(c) The land use plan must provide guidelines for the timing and sequence of the adoption of official controls to ensure planned, orderly, and staged development and redevelopment consistent with the land use plan.

Subd. 3. **Public hearings.** No zoning ordinance or amendment thereto shall be adopted until a public hearing has been held thereon by the planning agency or by the governing body. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the municipality at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. 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 subdivision has been made.

Subd. 4. **Amendments.** An amendment to a zoning ordinance may be initiated by the governing body, the planning agency, or by petition of affected property owners as defined in the zoning ordinance. An amendment not initiated by the planning agency shall be referred to the planning agency, if there is one, for study and report and may not be acted upon by the governing body until it has received the recommendation of the planning agency on the proposed amendment or until 60 days have elapsed from the date of reference of the amendment without a report by the planning agency.

Subd. 5. **Amendment; certain cities of the first class.** The provisions of this subdivision apply to the adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial of a property located in a city of the first class, except a city of the first class in which a different process is provided through the operation of the city's home rule charter. In a city to which this subdivision applies, amendments to a zoning ordinance shall be made in conformance with this section but only after there shall have been filed in the office of the city clerk a written consent of the owners of two-thirds of the several descriptions of real estate situate within 100 feet of the total contiguous descriptions of real estate held by the same owner or any party purchasing any such contiguous property within one year

preceding the request, and after the affirmative vote in favor thereof by a majority of the members of the governing body of any such city. The governing body of such city may, by a two-thirds vote of its members, after hearing, adopt a new zoning ordinance without such written consent whenever the planning commission or planning board of such city shall have made a survey of the whole area of the city or of an area of not less than 40 acres, within which the new ordinance or the amendments or alterations of the existing ordinance would take effect when adopted, and shall have considered whether the number of descriptions of real estate affected by such changes and alterations renders the obtaining of such written consent impractical, and such planning commission or planning board shall report in writing as to whether in its opinion the proposals of the governing body in any case are reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use, and shall have conducted a public hearing on such proposed ordinance, changes or alterations, of which hearing published notice shall have been given in a daily newspaper of general circulation at least once each week for three successive weeks prior to such hearing, which notice shall state the time, place and purpose of such hearing, and shall have reported to the governing body of the city its findings and recommendations in writing.

Subd. 6. **Appeals and adjustments.** Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. "Undue hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not permitted under the ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary

use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

Subd. 6a. **Normal residential surroundings for handicapped.** It is the policy of this state that handicapped persons and children should not be excluded by municipal zoning ordinances or other land use regulations from the benefits of normal residential surroundings. For purposes of subdivisions 6a through 9, "person" has the meaning given in section 245A.02, subdivision 11.

Subd. 7. **Permitted single family use.** A state licensed residential facility or a housing with services establishment registered under chapter 144D serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children shall be considered a permitted single family residential use of property for the purposes of zoning, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

Subd. 8. **Permitted multifamily use.** Except as otherwise provided in subdivision 7 or in any town, municipal or county zoning regulation as authorized by this subdivision, a state licensed residential facility serving from 7 through 16 persons or a licensed day care facility serving from 13 through 16 persons shall be considered a permitted multifamily residential use of property for purposes of zoning. A township, municipal or county zoning authority may require a conditional use or special use permit in order to assure proper maintenance and operation of a facility, provided that no conditions shall be imposed on the facility which are more restrictive than those imposed on other conditional uses or special uses of residential property in the same zones, unless the additional conditions are necessary to protect the health and safety of the residents of the residential facility. Nothing herein shall be construed to exclude or prohibit residential or day care facilities from single family zones if otherwise permitted by a local zoning regulation.

HIST: 1965 c 670 s 7; 1969 c 259 s 1; 1973 c 123 art 5 s 7; 1973 c 379 s 4; 1973 c 539 s 1; 1973 c 559 s 1,2; 1975 c 60 s 2; 1978 c 786 s 14,15; Ex1979 c 2 s 42,43; 1981 c 356 s 248; 1982 c 490 s 2; 1982 c 507 s 22; 1984 c 617 s 6-8; 1985 c 62 s 3; 1985 c 194 s 23; 1986 c 444; 1987 c 333 s 22; 1989 c 82 s 2; 1990 c 391 art 8 s 47; 1990 c 568 art 2 s 66,67; 1994 c 473 s 3; 1995 c 224 s 95; 1997 c 113 s 20; 1997 c 200 art 4 s 5; 1997 c 202 art 4 s 11; 1997 c 216 s 138; 1999 c 96 s 3,4; 1999 c 211 s 1; 2001 c 174 s 1; 2001 c 207 s 13,14; 2002 c 366 s 6; 2004 c 258 s 2; 1Sp2005 c 1 art 1 s 92; art 2 s 146

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**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

Consent _____
Public Hearing _____
Discussion _____
Action _____ **X** _____
Resolution _____
Work session _____

Meeting Date: January 10, 2006

ITEM NUMBER 11A—2006 Fee Schedule

STAFF INITIAL *PLV*

APPROVED BY ADMINISTRATOR

[Signature]

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION: the council reviewed the draft fee schedule and requested staff to look into the tobacco license fee. Staff reviewed the police contract with St. Anthony and did not find any reference to tobacco enforcement as a separate function. Upon discussion with officers, this is part of their duties and part of the contractual obligation. Staff suggests that if the council wishes to increase the fee for the tobacco license, it do so over a period of a few years and not increase it all in one year.

OPTIONS:

- 1) Adopt the fee schedule as proposed
- 2) Adjust the amounts in the fee schedule
- 3) Adopt the fee schedule without any changes

STAFF RECOMMENDATION: adopt the fee schedule as proposed.

COUNCIL ACTION:

RESOLUTION NO. 011006B

THE CITY OF LAUDERDALE
COUNTY OF RAMSEY
STATE OF MINNESOTA

RESOLUTION ESTABLISHING 2006 LICENSE, ADMINISTRATIVE
SERVICES, PERMIT, AND PENALTY FEES

WHEREAS, the City Council of the City of Lauderdale recognizes the need to review the fees charged by the City for licenses, permits, administrative services and penalties on an annual basis; and

WHEREAS, any changes to these fees must be set by resolution, pursuant to City of Lauderdale City Code;

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Lauderdale, Minnesota that the fees for licenses, permits, administrative services and penalties that are attached to this resolution be approved.

CITY OF LAUDERDALE)
COUNTY OF RAMSEY) ss
STATE OF MINNESOTA)

I, Brian Bakken Heck, being duly qualified and City Administrator for the City of Lauderdale, Ramsey County, Minnesota, do hereby certify that the attached and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Lauderdale on January 10, 2006 as the same appears in the minutes of said meeting on file and of record in City Offices.

Dated this 10th day of January, 2006.

(ATTEST)

Jeffrey Dains, Mayor

(SEAL)

Brian W. Bakken Heck

2006 Proposed License and Fee Schedule

Note: other cities include Falcon Heights, St. Anthony
Arden Hills, Little Canada and Shoreview

License / Fee Description	2005 Amount	2006 Amount	Avg other cities	
3.2 Off-sale license	\$ 60.00	\$ 65.00	\$ 85.50	
3.2 On-sale license	\$ 250.00	\$ 250.00	\$ 281.25	
3.2 Temp On-Sale	\$ 30.00	\$ 30.00	\$ 17.50	
Tobacco / Cigarettes	\$ 40.00	\$ 50.00	\$ 267.00	
Animal (dog/cat) license	\$ 10.00	\$ 10.00	\$ 10.00	
Potentially Dangerous Dog	\$ -	\$ 50.00	\$ -	
Dangerous Dog	\$ -	\$ 150.00	\$ -	
Kennel License	\$ 50.00	\$ 50.00	\$ 16.00	
Tree Service License	\$ 35.00	\$ 40.00	\$ 50.00	
Mechanical License	\$ 35.00	\$ 35.00	\$ 35.00	
Refuse Hauling / Truck	\$ 65.00	\$ 65.00	\$ -	
Gas Station / 1st pump	\$ 20.00	\$ 25.00	\$ 65.00	
Gas Station / 2 + pumps	\$ 10.00	\$ 10.00	\$ 8.50	
Agenda (cost per page)	\$ 0.25	\$ 0.15	\$ 14.00	per year
Council minutes (per page)	\$ 0.25	\$ 0.15	\$ 50.50	per year
Copy of meeting tape	\$ 50.00	\$ 50.00	\$ -	
Copies per page	\$ 0.10	\$ 0.15	\$ 0.22	cost to cover copier, supplies and staff time
Fax per page	\$ 0.50	\$ 0.50	\$ -	
Assessment Search / per address	\$ 20.00	\$ 20.00	\$ 20.00	
File affidavit for office	\$ 5.00	\$ 5.00	\$ -	
NSF Check	\$ 25.00	\$ 25.00	\$ -	
Notary service resident	\$ -	\$ -	\$ -	
Notary service non-resident	\$ 3.00	\$ 3.00	\$ -	
Recycling Container replacement	\$ 12.00	\$ 12.00	\$ 5.85	Covers cost of new container and administrative fee
False alarm 1st in calendar year	cost + \$25	cost + \$25	\$ -	
False alarm 2nd in calendar year	cost + \$25	cost + \$25	\$ 92.00	
False alarm 3rd in calendar year	cost + \$25	cost + \$25	\$ 175.00	
False security alarm 1st in calendar year	\$ 85.00	\$ 85.00	\$ -	
False security alarm 2nd in calendar year	\$ 85.00	\$ 90.00	\$ -	
False security alarm 3rd in calendar year	\$ 85.00	\$ 95.00	\$ -	
Fire prevention inspection	\$25/hr + \$25	\$25/hr + \$25	\$ 150.00	
Gambling less than five events	\$ 10.00	\$ 15.00	\$ -	
Gambling more than five events	\$ 300.00	\$ 300.00	\$ -	
Right of Way excavation	\$ 50.00	\$ 50.00	\$ 125.00	
Right of Way obstruction	\$ 25.00	\$ 25.00	\$50 +.05 per lineal foot	
Variance Application	\$ 75.00	\$ 75.00	\$ 125.00	
Conditional use permit	\$ 165.00	\$ 165.00	\$ 198.00	
Zoning Amendment	\$ 100.00	\$ 125.00	\$ 342.00	
Service Available Charge (SAC) Met Council	\$ 1,450.00	\$ 1,550.00	Set by Met Council	
Facility rental Resident	\$ 40.00	\$ 40.00	\$65 3 hrs	
Facility rental non-resident	\$ 100.00	\$ 100.00	\$65 3 hrs	
Damage deposit resident	\$ 75.00	\$ 75.00	\$ 150.00	
Damage deposit non-resident	\$ 100.00	\$ 100.00	\$ 150.00	
Set up charge	\$ 50.00	\$ 50.00	\$ 35.00	
History Book	\$ 25.00	\$ 25.00		
Video	\$ 8.00	\$ 8.00		
T-Shirt	\$ 10.00	\$ 10.00		
Certifying past due bills to the county	\$25.00 + 8%	\$25.00 + 8%		

**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

Consent _____
Public Hearing _____
Discussion _____
Action X _____
Resolution _____
Work session _____

Meeting Date: January 10, 2006

ITEM NUMBER 11B—Appointments Boards and Comm.

STAFF INITIAL *BS*

APPROVED BY ADMINISTRATOR
 [Signature]

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION: annually the council appoints members to represent the city on various boards and committees. Attached is the list of boards and committees with the current representatives and alternates.

OPTIONS:

STAFF RECOMMENDATION: appoint members to fill positions on boards and committees.

COUNCIL ACTION:

APPOINTMENT ORGANIZATION	2003 APPOINTMENTS	2004 APPOINTMENTS	2005 APPOINTMENTS
--------------------------	-------------------	-------------------	-------------------

PRIMARY LEGAL NEWSPAPER ROSEVILLE REVIEW ROSEVILLE REVIEW ROSEVILLE REVIEW

SECONDARY LEGAL NEWSPAPER ST. PAUL PIONEER PRESS LAUDERDALE NEWSLETTER ST. PAUL PIONEER PRESS LAUDERDALE NEWSLETTER ST. PAUL PIONEER PRESS LAUDERDALE NEWSLETTER

OFFICIAL DEPOSITORY NORTH STAR BANK NORTH STAR BANK NORTH STAR BANK

ACTING MAYOR JEFF MCCLOSKEY KAREN GILL-GERBIG MOOSE GIANNETTI

PARK/CIC STAFF - JAMES BOWNIK
ALT.- RICK GETSCHOW
COUNCIL - GIANNETTI
ALT.- GILL-GERBIG STAFF - KEVIN WALSH
ALT.- JAMES BOWNIK
COUNCIL - GIANNETTI
ALT.- GILL-GERBIG STAFF - KEVIN WALSH
ALT.- JAMES BOWNIK
COUNCIL - GIANNETTI
ALT.- GILL-GERBIG

NORTH SUBURBAN COMMUNICATIONS COMMISSION (NSCC) COUNCIL-MAYOR
ALTERNATE-MCCLOSKEY COUNCIL-MAYOR
ALTERNATE-MCCLOSKEY COUNCIL-MAYOR
ALTERNATE-MCCLOSKEY

PLANNING COMMISSION STAFF - BOWNIK
COUNCIL - CHRISTENSEN
ALT- MAYOR STAFF - BOWNIK
COUNCIL - CHRISTENSEN
ALT- MAYOR STAFF - BOWNIK
COUNCIL - CHRISTENSEN
ALT- MAYOR

RAMSEY COUNTY LEAGUE OF LOCAL GOVERNMENTS (RCLLG)

STAFF - GETTSCHOW
COUNCIL - MAYOR
ALT. - CHRISTENSEN

STAFF - GETTSCHOW
COUNCIL - MAYOR
ALT. - CHRISTENSEN

STAFF - CITY ADM
COUNCIL - MAYOR
ALT. - CHRISTENSEN

MISSISSIPPI WATERSHED MANAGEMENT ORGANIZATION (MWMO)

COUNCIL - GILL-GERBIG
ALT. - RICK GETTSCHOW

COUNCIL - GILL-GERBIG
ALT. - RICK GETTSCHOW

COUNCIL - GILL-GERBIG

RICE CREEK WATERSHED

BRAA

BRAA

BRAA

SRA

RICK GETTSCHOW
ALT. - CLAY CHRISTENSEN

RICK GETTSCHOW
ALT. - CLAY CHRISTENSEN

CITY ADM.
ALT. - CLAY CHRISTENSEN

LMC

RICK GETTSCHOW

RICK GETTSCHOW

CITY ADM.

QUARTERLY POLICE MEETINGS

RICK GETTSCHOW
MAYOR

RICK GETTSCHOW
MAYOR

CITY ADM.
MAYOR

CITY ENGINEER

BONESTROO, ROSENE, ANDERLIK

BONESTROO, ROSENE, ANDERLIK

BONESTROO, ROSENE, ANDERLIK

CITY ATTORNEY

KENNEDY AND GRAVEN -
RON BATTY

KENNEDY AND GRAVEN -
RON BATTY

KENNEDY AND GRAVEN -
RON BATTY

TREE COMMISSION

STAFF- SHANNON GOYETTE
COUNCIL - GILL-GERBIG
ALT. - MAYOR

STAFF- RICK GETTSCHOW
COUNCIL - GILL-GERBIG
ALT. - MAYOR

STAFF- JIM BOWNIK
COUNCIL - GILL-GERBIG
ALT. - MAYOR

**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

Consent _____
Public Hearing _____
Discussion _____
Action X
Resolution _____
Work session _____

Meeting Date: January 10, 2006

ITEM NUMBER 11C—Wages and Benefits

STAFF INITIAL GPH

APPROVED BY ADMINISTRATOR


DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION: at the start of each year, staff are awarded compensation increases based on the collective bargaining agreement and a merit increase based on performance the prior year. This year, the collective bargaining agreement calls for a 2% increase on the salary schedule. In addition, I am recommending a merit increase for all staff of 2%. This is in line with the stated contractual agreement and policy governing compensation administration. Further, payments to deferred compensation will increase from \$240 to \$265 per month and contributions to health and dental coverage will go from \$500 to \$525 per month.

OPTIONS:

STAFF RECOMMENDATION: adopt proposed wages and benefits as recommended.

COUNCIL ACTION:

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

Consent _____
Public Hearing _____
Discussion _____
Action _____ **X** _____
Resolution _____
Work Session _____

Meeting Date January 10, 2006

ITEM NUMBER 11-D 2006 Investment Policy

STAFF INITIAL *HLB*

APPROVED BY ADMINISTRATOR YES

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Within the first quarter of the year, the City Council reviews the City's Investment Policy in order to keep the Investment Policy current and applicable to the City's needs. Following the investment policy is the 2005 Year End Investment Report for your review.

OPTIONS:

Two changes are proposed in the investment policy. First, in section 6.9, change the allocation of interest to monthly instead of quarterly. Second, in section 6.12, remove the language requiring an independent auditor review the investment report quarterly. This has not been done consistently and with the rigid requirements for investing public funds, it does not seem necessary.

STAFF RECOMMENDATION:

Adopt the 2006 Investment Policy with recommended changes.

COUNCIL ACTION:

Motion to approve the 2006 Lauderdale Investment Policy.

City of Lauderdale

2006 Investment Policy

1.0 Policy:

It is the policy of the City of Lauderdale to invest public funds in a manner which will provide the highest investment return with the maximum security - while meeting the daily cash flow demands of the City in accordance with all state and local statutes governing the investment of public funds.

2.0 Definitions:

Investment Designee - the investment designee is an employee of the City designated by the City Administrator to perform the investment function within the provisions set forth in this policy and in Minnesota State Statutes.

3.0 Scope:

This investment policy applies to all financial assets of Lauderdale. These funds are accounted for in the City's Comprehensive Annual Financial Report and include:

101	General Fund
201-203	Special Revenue Funds
301-304	Debt Service Funds
401-413	Capital Improvement Funds
601	Sewer Fund

4.0 Objectives:

- 1. Liquidity:** The City Administrator or investment designee shall assure that funds are constantly available to meet immediate payment requirements including payroll, accounts payable and debt service.
- 2. Safety:** Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required. Speculation is prohibited.
- 3. Return:** The investment portfolio shall be designated to attain a market average rate of return throughout budgetary and economic cycles, taking into account investment risk constraints and the cash flow characteristics of the portfolio.

5.0 Prudence:

All investment transactions shall be made with a degree of judgment and care. The standard of prudence, meaning not for speculation and with consideration of the probable safety of the capital as well as the probable investment return derived from assets, will be applied in all investment transactions.

6.0 Cash Management Procedures:

Cash management is essential to a good investment program. The City Administrator has responsibility to organize and establish procedures for effective cash management, based on the following guidelines:

1. Cash flow projections will be prepared at the beginning of each budget year.
2. At a minimum the checking account balance of the City shall always be kept at the amount necessary to cover outstanding checks.
3. All investments will be made with the intent they will be held to maturity.
4. At least three bids will be sought for each security purchased.
5. Each morning a cash balance will be prepared based on cash received the previous day, warrants paid the previous day, and sizable checks or wire transfers which present investment opportunity.
6. Each morning, the investment records will be reviewed and updated as investments mature or are purchased.
7. Each month the investment records will be balanced to the financial records.
8. Each month, the investment designee shall submit an investment report to the City Administrator.
9. Interest Earnings will be allocated to the various City funds monthly (see section 9).
10. The General Fund will be allocated a management fee equal to five percent of the investment earnings.
11. Within 30 days of the end of each quarter, the City Administrator or investment designee shall submit an investment report to the City Council that summarizes recent market conditions, economic developments, and anticipated investment conditions. The report shall summarize the investment strategies employed in the most recent quarter, and describe the portfolio in terms of investment securities, maturities, risk characteristics, and other features. The report shall explain the quarter's total investment return and compare the return with budgetary expectations. The report will include an appendix that discloses all transactions during the past quarter.

12. Each quarterly report shall indicate areas of policy concern and suggested or planned revision of investment strategies.

13. Within 40 days of the end of the fiscal year, the City Administrator or investment designee shall present a comprehensive annual report to the City Council on the investment program and investment activity. The annual report shall include 12 months and separate quarterly comparisons of return and shall suggest policies and improvements that might be made in the investment program.

7.0 Authorized and Suitable Investments: - See Appendix A for Complete Definitions

1. It is the policy of the City of Lauderdale that available funds be invested at the best rates obtainable at the time of investment in conformance with the legal and administrative guideline outlined herein. U.S. Treasury Obligations and Federal Agency Securities will be given preference when the yields are equal to or greater than alternative investments.

2. The City of Lauderdale shall exclude mortgage derivative products that are “high risk” per Minnesota Statute 118A.04. Documentation of compliance (the results of three separate independent statutory (Impact) tests all indicating that the security is not “High Risk”) will be kept on file for auditing and review purposes.

3. The investments of the City of Lauderdale will be made in accordance with Minnesota statutes and be further restricted to the following:

a. United States Treasury Obligations

b. Federal Agencies Securities

c. Repurchase Agreements (Repo's) - Repo transactions are restricted to:

1. A primary reporting dealer in U.S. government securities who reports to the Federal Reserve Bank of New York, or

2. National or state banks in the U.S. which is a member of the Federal Reserve system and whose combined capital and surplus equals or exceeds \$10,000,000.

3. A securities broker-dealer having its primary executive office in Minnesota and licensed pursuant to Chapter 80A, or an affiliate of it, registered by the SEC and maintaining a combined capital and surplus of \$40,000,000 or more, exclusive of subordinated debt.

4. The City of Lauderdale shall receive a confirmation/safekeeping receipt with a complete description of the collateral on the Repo.

d. Certificates of Deposit

1. All Certificates of Deposit purchased by the City of Lauderdale are secured by FDIC Insurance. Amounts in excess of \$100,000 (maximum insured) shall be secured in accordance with Minnesota Statutes.

e. Bankers Acceptances

1. Banker's Acceptances shall be restricted to the 50 largest banks in the United States (as measured by deposits). Investments in banker's acceptances shall not be made if news leads offer concerns over the financial condition of these banks.

2. The broker, dealer, or bank shall verify that the banker's acceptance is eligible for purchase by the Federal Reserve System.

f. Commercial Paper

1. Commercial Paper shall be restricted to issues that mature in 270 days or less with a rating of A-1 (Moody's), P-1 (Standard & Poors), or F-1 (Fitch) among at least two of these three rating agencies.

g. Money Market Funds

1. The fund shall consist of United States Treasury obligations and federal agency issues and be consistent with the City of Lauderdale's objective of preservation of capital.

3. Safekeeping - Investments may be held with:

1. Any Federal Reserve bank.
2. Any bank authorized under the laws of the United States or any State to exercise corporate trust powers, including but not limited to the bank from which the investment is purchased.
3. A primary reporting dealer in United States government securities whom reports to the Federal Reserve Bank of New York.
4. A securities broker-dealer as described in section 7.2, subpart c: 3.

The City's ownership of all securities in which the fund is invested shall be evidenced by a written acknowledgment identifying the securities by name of issue, maturing date, interest rate, and serial number or other distinguishing mark.

8.0 Diversification:

The City Administrator or investment designee shall diversify use of investment instruments to avoid incurring unreasonable risks inherent in over-investing in specific investments, individual financial institutions, or maturities. Diversification strategies shall be determined and revised periodically by the City Council for all funds.

1. **Institutions** - Diversity between financial institutions used.
 - a. No more than 60% of the investment portfolio, or \$2,000,000 (whichever is less) shall be invested with any one investment company.
 - b. No funds may be invested in any one investment company in excess of the amount insured by it.
2. **Maturities** - Diversity in length of maturities.
 - a. Investments shall be made to assure that funds are constantly available to meet immediate payment requirements including payroll, accounts payable, debt service, and planned projects.
 - b. No investments shall be made with a term over 10 years unless with prior approval from the City Council.
3. **Investments** - The City should maintain a diversity of investments.
 - a. With the exception of U.S. Treasury securities, authorized pools, and Federal Agencies (backed by the full faith and credit of the U.S. Government) - no more than 50% of the entity's total investment portfolio may be invested any one of the following: Repurchase Agreements, Certificates of Deposit, Banker's Acceptances, or Commercial Paper.

9.0 Pooling of Investments:

For the purposes of making the maximum amount of funds available for investment, the cash for all City funds is pooled in an investment account. Interest earnings are allocated among the various funds based upon their average cash balance.

10.0 Authorized Financial Dealers & Institutions:

1. At the beginning of each year, the City Council approves depositories and investment firms.
2. All dealers and institutions must qualify as set out in Section 7.3, subpart c.
3. A current annual statement shall be kept on file for each bank, broker, or dealer with whom business is done.

4. All dealers and institutions must have at least \$500,000 of Securities Investor Protection Corporation (SIPC) insurance.
5. Before engaging in investment transactions with the City of Lauderdale, the supervising officer at the securities broker/dealer shall submit a certification of "Notification to Broker and Certification by Broker Pursuant To Minnesota Statute 118A.04". Said certification will state that the broker/dealer has reviewed the investment policies and objectives, as well as applicable state law, and agrees to disclose potential conflicts or risk to public funds that might arise out of business transactions between the securities broker/dealer firm and the City of Lauderdale. All financial institutions shall agree to undertake reasonable efforts to preclude imprudent transactions involving the City of Lauderdale's funds.

11.0 Ethics and Conflicts of Interest:

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the City Administrator and City Council any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions over \$50,000 that could be related to the performance of this jurisdiction's portfolio. Employees and officers shall subordinate their personal investment transactions to those of this jurisdiction, particularly with regard to timing of purchases and sales.

12.0 Annual Review:

In order to keep this policy current and applicable to the City's needs, it will be the practice of the City Council to review and approve the investment policy within the first quarter of each year.

Appendix A

Eligible Instruments For City Investment

“All investments must comply with the City’s investment policy and Minnesota Statutes”

1. United States Treasury Obligations constitute the largest segment of the market for fixed income securities. In general, treasury securities are the safest and most marketable securities and yield the lowest return for a given maturity of all instruments.

U.S. Treasury Bills carry the full faith and credit guarantee of the U.S. Government are issued at a discount from par and mature in one year or less. (\$10,000 minimum).

U.S. Treasury Notes & Bonds are also guaranteed by the U.S. Government, and have a semi-annual interest coupon and original maturities 2 to 30 years. Maturities under four years (\$5,000 minimum): 4 years or longer (\$1,000 minimum).

U.S. Treasury STRIPS and Treasury Receipts are zero coupon securities, with maturities ranging from 6 months to 30 years. (\$1,000 minimum).

2. Federal Agency Securities are obligations of various agencies and corporations chartered by the federal government and guaranteed by the agency issuing the security.

FHLB - Federal Home Loan Bank borrows funds in the securities markets in order to provide savings and loans with an adequate flow of funds for the home mortgage market. Maturities range from 1 to 30 years. (\$10,000 minimum).

FNMA - Federal National Mortgage Association (Fannie Mae) is the largest single holder of residential mortgages, and finances its purchases through sales of debentures ranging from 1 to 30 years. (\$10,000 minimum).

FFCB - Federal Farm Credit Consolidated Bonds are joint obligations of the 37 Farm Credit Banks (12 Federal Land Banks, 12 Federal Intermediate Credit Banks and 13 Banks for Cooperatives). They come to market each month with 3 month, 6 month, and 1 year maturities - and occasionally a longer maturity. (\$5,000 minimum).

FHLMC - Federal Home Loan Mortgage Corporation (Freddie Mac) increases the availability of mortgage credit by maintaining an active, nation-wide secondary market for mortgages. Maturities range from 1 to 30 years. (\$10,000 minimum).

SLMA - Student Loan Marketing Association (Sallie Mae) provides liquidity for lenders engaged in the Federal Guaranteed Student Loan Program. Sallie Mae offers fixed rate and floating rate securities with maturities from 6 months to 30 years. (\$10,000 minimum).

GNMA - Government National Mortgage Association Notes (Ginnie Mae) is the only U.S Treasury Guarantee Backed Agency. They issue mortgage securities and pay back both interest and principle. They offer 6 month to 30 year maturities. (\$25,000 minimum).

REFCORP Strips - Resolution Funding Corporation provides financing for the Resolution Trust Corporation, which was created to help the government in the sale and disposition of failed thrifts and their assets. Refcorp Strips and zero coupon securities rang in maturity from 6 months to 30 years. (\$1,000 minimum).

TVA - Tennessee Valley Authority issues primarily long-term securities for the power creation arm of the TVA.

Agency Discount Notes are issued by the Federal Farm Credit, Federal Home Loan, Fannie Mae, Freddie Mac, and Sallie Mae. These are issued at a discount and have maturities ranging from 1 to 360 days. (\$100,000 minimum).

3. Repurchase Agreements (Repo's) provide for the sale of short-term securities by a securities dealer to investors, such as cities, with an agreement to repurchase the securities at a specified future date. The investor receives a given yield while holding the security and the repurchase price is guaranteed in advance. The length of the holding period is tailored to the investor - usually of very short duration. Rates are related to Treasury Bills, federal funds, and loans to government security dealers by commercial banks.

4. Certificate of Deposits (CD's) are the deposit of funds at a commercial bank for a specified period of time and at a specified rate of interest. Yields on Certificates of Deposit tend to be higher than on Treasury Bills of comparable maturity.

5. Commercial Paper is an unsecured promissory note with a fixed maturity of no more than 270 days. Commercial Paper is normally sold at a discount from face value.

6. Banker's Acceptances are short-term, non-interest-bearing notes sold at discount and redeemed at face value. It is secured by the goods which it finances - the bank accepts the draft, and the issuers promise to pay. These notes trade at a rate equal to, or slightly higher than Certificates of Deposit - depending on market supply and demand.

7. Money Market Funds are short term, high quality investments sold by large banks. These instruments include Treasury Bills and notes, Certificates of Deposits, Commercial Paper, Banker's Acceptances, and Federal Agency Securities.

8. State of Minnesota & it's Agencies - Bonds that are issued by the State of Minnesota or any of its agencies. The bonds are backed by the full faith of the State of Minnesota or collateralized with mortgages.

**City of Lauderdale
2005 Year End Investment Report
Prepared for the City Council
January 10, 2006**

The following report details recent, current, and projected investment holdings for the City of Lauderdale. An increase in short term interest rates has changed the investment outlook for cities and promises a better return on investment than that seen in the previous three years. It is the goal of this report to review the city's current positions and show the types of holdings staff plan to obtain in the next year. The plan adheres to sound institutional investment policies but remains flexible to meet the needs of the city.

Previous Trends & Holdings

Below is a 6-year recap of the city's investments. The numbers tell the story of the decline in interest rates from 2002-2004. The city was invested in a mix of government agency securities and certificates of deposits (CDs) at the turn of the century when they offered 5-6% returns. When those securities were called, they were replaced almost exclusively with CDs. CDs offered the best yield and were the primary investment option along with the 4M money market funds. By the end of 2004, CDs of less than 24 months comprised 46% of investment dollars with 54% remaining in money market accounts.

Table 1: Year End Investment, Interest, and Averages

	2000	2001	2002	2003	2004	2005
Investment	\$3,168,663	\$2,472,521	\$2,199,238	\$2,247,100	\$2,330,449	\$2,371,343
Interest	\$171,362	\$136,119	\$37,067	\$24,867	\$23,349	\$63,975
Average	5.58%	5.59%	2.79%	1.70%	1.76%	3.71%

* Checking interest is not reflected in these numbers. We currently receive \$1,200-\$1,500 a month in interest from NorthStar Bank.

Current Trends & Holdings

As short-term interest rates improved in 2005, so did the city's interest revenue. By year-end, the average holding was 3.71% or up almost 2% over the end of 2004. This will continue to improve as lower yielding CDs are replaced with higher yielding investments. The city accrued approximately \$63,975 in 2005 with roughly the same amount invested over last year. Currently, CDs from 12-24 months offer yields approaching 5% with 12-36 month agency coupons offering similar yields. In December, two agency purchases (FannieMae and Federal Home Loan Bank) were added to diversify the portfolio. The city is also holding approximately \$1.4 million in money market funds comprised of the 4M Fund, 4M Plus Fund, and Smith Barney's Institutional

Money Market Fund. Smith Barney's money market fund was recently added to diversify the money market portfolio and because their institutional money market fund offers better rates and liquidity than either of the 4M Fund accounts.

The following tables break down the city's investments by broker, type, and holding period.

Table 2: Investments by Broker as of 12/31/2005

Purchasing Agent	Amount	Percentage
Smith Barney	\$401,305.76	15%
US Bank	\$0.00	0%
RBC Dain Rauscher	\$100,291.67	4%
Northland	\$290,694.48	11%
MJSK	\$762,831.38	28%
League of MN Cities	\$1,176,219.21	43%
Total	\$2,731,342.50	100%

Table 3: Investments by Type as of 12/31/2005

Type	Amount	Percentage
Fed Agency	\$200,291.67	7%
Commercial Paper	\$0.00	0%
Treasury	\$0.00	0%
Certificates of Deposit	\$1,053,517.56	39%
Money Market	\$1,477,533.27	54%
Total	\$2,731,342.50	100%

Table 4: Investments by Holding Period as of 12/31/2005

Holding Period	Amount	Percentage
Up to 2 years	\$1,153,809.23	42%
2 to 3 years	\$100,000.00	4%
3 years & over	\$0.00	0%
No time limit	\$1,477,533.27	54%
Total	\$2,731,342.50	100%

With the exception of one 27-month federal agency purchase, the city's holdings are two years or less. This is done for two reasons. First, the investment curve beyond two years is very flat. Recent quotes have shown that the city may only expect an additional .10% return on investments purchased in the 3-4 year range. As the Federal Reserve Board is still tweaking short-term interest rates, it seems prudent to keep the money in 12-24 month investments that offer only slightly less yield.

The second reason to hold 12-24 month investments is because the comprehensive plan is in the early stages of revision. Staff does not want to tie up money needed for projects to be laid out in the comprehensive plan. The comprehensive plan is due to the Metropolitan Council by the

middle of 2008, at which time the city will know its capital expenditures for the next decade and may choose to take advantage of longer term (2+ year) investments if they offer better rates.

Investments in 2006

As the economy changes and alternatives to CDs offer better yields, the staff plans to diversify the city's portfolio into more federal agency and Treasury holdings to take advantage of rising interest rates and the security that comes with a diverse portfolio. Even though CD rates currently yield slightly more than federal agency offerings and around three-quarters of a percent more than the Treasury, staff plans to purchase the agency and Treasury offerings for the sake of diversity. As a note, Treasury and federal agency securities generally offer less yield than a CD as the investor assumes less risk.

The staff plans to hold at least \$1 million in liquid money market accounts with the rest generally invested in 12-24 month securities unless the market situation changes. At that time, staff would revise the city's investment strategy.

The staff proposes an investment strategy comparable to the following:

Table 5: Proposed Investments by Percentage

Money Market Funds	40-50%
Certificates of Deposit	20-30%
Federal Agency Securities	10-30%
Treasury Bills, Notes, & Bonds	10-20%
Commercial Paper	Interim holding
Checking	See below

Money Market Funds: With this strategy, the largest holding would remain money market accounts that total no less than \$1 million. This guarantees the city has enough accessible money to meet obligations. And, at the current 4% interest rate, the money market funds offer an attractive return.

Certificates of Deposit: CDs would remain another important investment source. New CDs would be held for 1-2 years.

Federal Agency Securities: Securities from such institutions as the Federal Home Loan Bank, Federal National Mortgage Association, and Federal Home Loan Mortgage Corporation would be added in greater number to the portfolio in 2006. The goal is to find agency offerings with attractive rates and limited call back options to guarantee yield and decrease the time staff devote to portfolio management.

Treasury Bills, Notes, and Bonds: Currently, Treasury offerings yield about 4.3% for two-year and 4.27% for three-year investments. In this case, the curve is more than flat; it is inverted.

Brokers say that most cities purchase agency securities from them to get the better yield but hold some money in the Treasury for diversity and risk aversion.

Commercial Paper: Commercial paper is not a primary part of this investment strategy. Commercial paper is a tool that staff may use in the short term (under 30 days) as we wait for an agency or Treasury offering to open. The 4M Fund has a significant commercial paper holding which we benefit from.

Checking: The interest rate on the city's checking account is tied to the Federal Reserve. Our most recent rate was approximately 3.5%. NorthStar expects this will go up another .25% and then hold for the upcoming year. Our contract is negotiated periodically and we want to be sure to retain this attractive feature.

2007 and Beyond

Once the comprehensive plan is complete and capital expenditures planned, we will be able to evaluate if any funds should be invested for longer periods. By then the market may reward longer-term investment with higher yields. In the current market environment, with a flat yield curve beyond two years, 3+ year investments do not make sense for Lauderdale.

Conclusion

Staff will continue to provide the council with quarterly investment reports that reflect holdings, interest earned, and market updates. As always, staff are available to answer questions and provide the council with research related to the city's investments. Staff anticipates a good investment year and the ability to take advantage of rising interest rates and hopefully an improving economy.

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

Consent _____
Public Hearing _____
Discussion _____
Action _____ X _____
Resolution _____
Work Session _____

Meeting Date January 10, 2006

ITEM NUMBER 11-E 2006 Depositories

STAFF INITIAL JS

APPROVED BY ADMINISTRATOR YES

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

At the beginning of the year, the City Council approves banking and investment institutions for the new year. I have attached the proposed 2006 depositories and investment institutions. Within each company, we work with their fixed income or institutional money managers. They are a great help and are fully aware of the investment limitations of public funds.

OPTIONS:

STAFF RECOMMENDATION:

COUNCIL ACTION:

Motion to approve Resolution No. 011006D, Resolution Designating Official Depositories and Investment Institutions.

**RESOLUTION DESIGNATING
OFFICIAL DEPOSITORIES & INVESTMENT INSTITUTIONS
RESOLUTION NO. 011006E**

WHEREAS, Minnesota Statutes Section 118A sets forth the procedures for the deposit of Public Funds and it is necessary for the Lauderdale City Council to annually designate depositories and investment institutions for City funds; and

WHEREAS, Northstar Bank of Roseville, RBC Dain Rauscher of Minneapolis, Miller Johnson Steichen Kinnard of Minneapolis, Northland Securities of Minneapolis, Smith Barney/Citigroup of St. Paul, Piper Jaffrey/US Bancorp Investments of Minneapolis, and Ameriprise Financial Services of Edina are depositories and/or investment institutions.

NOW THEREFORE BE IT RESOLVED, that the City of Lauderdale City Council does hereby designate Northstar Bank of Roseville, RBC Dain Rauscher of Minneapolis, Miller Johnson Steichen Kinnard of Minneapolis, Northland Securities of Minneapolis, Smith Barney/Citigroup of St. Paul, Piper Jaffrey/US Bancorp Investments of Minneapolis, and Ameriprise Financial Services of Edina as the City's official depositories and/or investment institutions for 2006.

BE IT FURTHER RESOLVED, that the 4M Fund is designated as an additional investment institutions for 2006; and

BE IT FURTHER RESOLVED, that checks of the City of Lauderdale drawn from the official depositories or investment institutions shall be signed by the following officers or the mayor pro tem in the absence of either the Mayor or the City Administrator:

Jeffrey Dains, Mayor

Brian Bakken-Heck, City Administrator

BE IT FURTHER RESOLVED, that the City Administrator and Deputy City Clerk shall have authority to wire transfer funds from an official depository or investment institution to another for the purpose of investing City funds, and

BE IT FURTHER RESOLVED, that the City Administrator of the City of Lauderdale is hereby designated as the approval authority for the acceptance and release of all collateral to be held by the City in conjunction with City Funds on deposit with authorized institutions.

Adopted this 10th day of January 2006, by the Council of the City of Lauderdale.

(ATTEST)

Jeff Dains, Mayor

(SEAL)

Brian Bakken-Heck, City Administrator

**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

Consent _____
 Public Hearing _____
 Discussion _____
 Action _____ X _____
 Resolution _____
 Work session _____

Meeting Date 1/10/06

ITEM NUMBER _____ 11E: Tree Commission _____

STAFF INITIAL _____ JB _____

APPROVED BY ADMINISTRATOR _____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION: In 2004, the city received three applications for appointment to the Tree Commission. The three applicants were appointed in January 2005 with the intention they would begin meeting to discuss previous goals such as a tree replacement policy, a tree inventory, a cost sharing fund, related ordinances, and disease issues. The commission has not met due to staff turnover and because one member relocated to another city. The ordinance states that the commission will consist of 3 to 7 members.

OPTIONS:

- 1) Verify whether or not the other two previously-appointed members are still interested and, if so, recruit at least one additional member for a total of at least 3 tree commission members for 2006.
- 2) Do not recruit members for the tree commission and revisit the issue if applications are received by interested persons.
- 3) If it is determined that membership interest is not high enough and/or a tree commission in Lauderdale is not needed, amend the city code to eliminate the tree commission section.
- 4) If it is determined that membership interest is not high enough and/or a tree commission in Lauderdale is not needed, leave the ordinance in place without an active commission.

STAFF RECOMMENDATION:

- 1) Discuss whether the previously stated goals are still a priority and what do about commission membership and the ordinance.
- 2) Provide staff with feedback and direction.

COUNCIL ACTION:

**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

Consent _____
Public Hearing _____
Discussion _____
Action _____
Resolution _____
Work session X

Meeting Date: January 10, 2006

ITEM NUMBER 15A — Rental Ordinance Dissussion

STAFF INITIAL *BT*

APPROVED BY ADMINISTRATOR
 [Signature]

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION: the council has been discussing this issue for the past several months. Staff has come across an alternative to the current proposal we feel is better suited to our needs then the current discussion. This alternative involves adopting the International Housing Maintenance Code, repealing the current rental housing maintenance code and adopting a separate rental licensing provision that works in concert with the International Housing Maintenance Code.

OPTIONS:

- A) Continue on the present course regarding maintenance and licensing
- B) Change directions to include the IHMC and separate licensing provisions.

STAFF RECOMMENDATION: staff recommends altering directions and proceed with adoption of the IHMC and separate rental licensing provision.

COUNCIL ACTION:

A Member of the International Code Family™



INTERNATIONAL
PROPERTY
MAINTENANCE
CODE®

2003

PREFACE

Introduction

Internationally, code officials recognize the need for a modern, up-to-date property maintenance code governing the maintenance of existing buildings. The *International Property Maintenance Code*, in this 2003 edition, is designed to meet this need through model code regulations that contain clear and specific property maintenance requirements with required property improvement provisions.

This 2003 edition is fully compatible with all the *International Codes* ("I-Codes") published by the International Code Council (ICC), including the *International Building Code*, *ICC Electrical Code*, *International Energy Conservation Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *ICC Performance Code*, *International Plumbing Code*, *International Private Sewage Disposal Code*, *International Residential Code*, *International Urban-Wildland Interface Code* and *International Zoning Code*.

The *International Property Maintenance Code* provisions provide many benefits, among which is the model code development process that offers an international forum for code officials and other interested parties to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

Development

The first edition of the *International Property Maintenance Code* (1998) was the culmination of an effort initiated in 1996 by a development committee appointed by ICC and consisting of the representatives of the three statutory members of the International Code Council: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI). The committee drafted a comprehensive set of regulations for existing buildings that was consistent with the existing model property maintenance codes at the time. This 2003 edition presents the code as originally issued, with changes approved through the ICC Code Development Process through 2002. A new edition such as this is promulgated every three years.

With the development and publication of the family of *International Codes* in 2000, the continued development and maintenance of the model codes individually promulgated by BOCA ("BOCA National Codes"), ICBO ("Uniform Codes") and SBCCI ("Standard Codes") was discontinued. This 2003 *International Property Maintenance Code*, as well as its predecessor—the 2000 edition, is intended to be the successor property maintenance code to those codes previously developed by BOCA, ICBO and SBCCI.

The development of a single set of comprehensive and coordinated family of *International Codes* was a significant milestone in the development of regulations for the built environment. The timing of this publication mirrors a milestone in the change in structure of the model codes, namely, the pending Consolidation of BOCA, ICBO and SBCCI into the ICC. The activities and services previously provided by the individual model code organizations will be the responsibility of the Consolidated ICC.

This code is founded on principles intended to establish provisions consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, productions or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

Adoption

The *International Property Maintenance Code* is available for adoption and use by jurisdictions internationally. Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings establishing the jurisdiction's laws. At the time of adoption, jurisdictions should insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction. These locations are shown in bracketed words in small capital letters in the code and in the sample ordinance. The sample adoption ordinance on page v addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

Maintenance

The *International Property Maintenance Code* is kept up to date through the review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The contents of this work are subject to change both through the Code Development Cycles and the governmental body that enacts the code into law. For more information regarding the code development process, contact the Code and Standard Development Department of the International Code Council.

While the development procedure of the *International Property Maintenance Code* assures the highest degree of care, ICC and the founding members of ICC—BOCA, ICBO, SBCCI—their members and those participating in the development of this code do not accept any liability resulting from compliance or noncompliance with the provisions because ICC and its founding members do not have the power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority.

Letter Designations in Front of Section Numbers

In each code development cycle, proposed changes to this code are considered at the Code Development Hearing by the International Property Maintenance Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed change. Proposed changes to a code section whose number begins with a letter in brackets are considered by a different code development committee. For instance, proposed changes to code sections which have the letter [F] in front (e.g., [F] 704.1), are considered by the International Fire Code Development Committee at the Code Development Hearing. Where this designation is applicable to the entire content of a main section of the code, the designation appears at the main section number and title and is not repeated at every subsection in that section.

The content of sections in this code which begin with a letter designation are maintained by another code development committee in accordance with the following: [F] = International Fire Code Development Committee; and [P] = International Plumbing Code Development Committee.

Marginal Markings

Solid vertical lines in the margins within the body of the code indicate a technical change from the requirements of the 2000 edition. Deletion indicators (➡) are provided in the margin where a paragraph or item has been deleted.

ORDINANCE

The *International Codes* are designed and promulgated to be adopted by reference by ordinance. Jurisdictions wishing to adopt the 2003 *International Property Maintenance Code* as an enforceable regulation governing existing structures and premises should ensure that certain factual information is included in the adopting ordinance at the time adoption is being considered by the appropriate governmental body. The following sample adoption ordinance addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

SAMPLE ORDINANCE FOR ADOPTION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE* ORDINANCE NO. _____

An ordinance of the [JURISDICTION] adopting the 2003 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the [JURISDICTION]; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. _____ of the [JURISDICTION] and all other ordinances and parts of the ordinances in conflict therewith.

The [GOVERNING BODY] of the [JURISDICTION] does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the [TITLE OF JURISDICTION'S KEEPER OF RECORDS] of [NAME OF JURISDICTION], being marked and designated as the *International Property Maintenance Code*, 2003 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the [JURISDICTION], in the State of [STATE NAME] for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the [JURISDICTION] are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: [NAME OF JURISDICTION]

Section 103.5. Insert: [APPROPRIATE SCHEDULE]

Section 304.14. Insert: [DATES IN TWO LOCATIONS]

Section 602.3. Insert: [DATES IN TWO LOCATIONS]

Section 602.4. Insert: [DATES IN TWO LOCATIONS]

Section 3. That Ordinance No. _____ of [JURISDICTION] entitled [FILL IN HERE THE COMPLETE TITLE OF THE ORDINANCE OR ORDINANCES IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION] and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The [GOVERNING BODY] hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the [JURISDICTION'S KEEPER OF RECORDS] is hereby ordered and directed to cause this ordinance to be published. (An additional provision may be required to direct the number of times the ordinance is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect [TIME PERIOD] from and after the date of its final passage and adoption.

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CHAPTER 1

ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Property Maintenance Code* of [NAME OF JURISDICTION], hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the *International Existing Building Code*.

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

SECTION 102 APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be

responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Existing Building Code*. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

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

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

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

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

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

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a

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deputy code official, other related technical officers, inspectors and other employees.

103.4 Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]

SECTION 104

DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official shall enforce the provisions of this code.

104.2 Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

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

104.4 Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

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

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

104.7 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

104.8 Coordination of inspections. Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

SECTION 105 APPROVAL

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

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

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

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

105.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

SECTION 106 VIOLATIONS

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

106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

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

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

SECTION 107 NOTICES AND ORDERS

107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.

2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

107.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

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

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

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

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

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

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

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

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

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

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

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

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and

any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

SECTION 109 EMERGENCY MEASURES

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

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

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

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

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

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

SECTION 110 DEMOLITION

110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out

of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

110.2 Notices and orders. All notices and orders shall comply with Section 107.

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

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

SECTION 111 MEANS OF APPEAL

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 Membership of board. The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

111.2.1 Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

111.2.2 Chairman. The board shall annually select one of its members to serve as chairman.

111.2.3 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

111.2.4 Secretary. The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

111.2.5 Compensation of members. Compensation of members shall be determined by law.

111.3 Notice of meeting. The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

111.4 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

111.4.1 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

111.5 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

111.6 Board decision. The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

111.6.1 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

111.6.2 Administration. The code official shall take immediate action in accordance with the decision of the board.

111.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

111.8 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

CHAPTER 2

DEFINITIONS

SECTION 201 GENERAL

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

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

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Fire Code*, *International Zoning Code*, *International Plumbing Code*, *International Mechanical Code*, *International Existing Building Code* or the *ICC Electrical Code*, such terms shall have the meanings ascribed to them as in those codes.

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

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

SECTION 202 GENERAL DEFINITIONS

APPROVED. Approved by the code official.

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

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

BEDROOM. Any room or space used or intended to be used for sleeping purposes.

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

CONDEMN. To adjudge unfit for occupancy.

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

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

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

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

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

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

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

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

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

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

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

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

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

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

DEFINITIONS

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

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

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

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

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

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

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

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

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

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

STRUCTURE. That which is built or constructed or a portion thereof.

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

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

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

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

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

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

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

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

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

SECTION 302 EXTERIOR PROPERTY AREAS

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

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the

property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

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

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

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

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure

shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

SECTION 304 EXTERIOR STRUCTURE

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

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

[F] 304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

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

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

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

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

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

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be

maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

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

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

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

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

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

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

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

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

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

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

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

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

304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than 1-inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.

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

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

SECTION 305 INTERIOR STRUCTURE

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

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

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

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

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

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

SECTION 306 HANDRAILS AND GUARDRAILS

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

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

SECTION 307 RUBBISH AND GARBAGE

307.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

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

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

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

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

307.3.1 Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

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

SECTION 308 EXTERMINATION

308.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

GENERAL REQUIREMENTS

308.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

308.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

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

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

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

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401 GENERAL

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

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

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *International Building Code* shall be permitted.

SECTION 402 LIGHT

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

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

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

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of

sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403 VENTILATION

403.1 Habitable spaces. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

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

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

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

Exception: Where specifically approved in writing by the code official.

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

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

SECTION 404 OCCUPANCY LIMITATIONS

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

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less

than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

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

404.4 Bedroom requirements. Every bedroom shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Area for sleeping purposes. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m²) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m²) of floor area for each occupant thereof.

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

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

**TABLE 404.5
MINIMUM AREA REQUIREMENTS**

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room ^{a,b}	No requirements	120	150
Dining room ^{a,b}	No requirements	80	100
Bedrooms	Shall comply with Section 404.4		

For SI: 1 square foot = 0.093 m².

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

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

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

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

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

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

[P] SECTION 502 REQUIRED FACILITIES

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

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

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

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

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

[P] SECTION 503 TOILET ROOMS

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

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

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

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

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

[P] SECTION 504 PLUMBING SYSTEMS AND FIXTURES

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

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

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

SECTION 505 WATER SYSTEM

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

[P] 505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

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

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

**[P] SECTION 506
SANITARY DRAINAGE SYSTEM**

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

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

**[P] SECTION 507
STORM DRAINAGE**

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

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

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

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

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

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from

[DATE] to [DATE] to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

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

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

SECTION 603 MECHANICAL EQUIPMENT

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

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

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

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

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional fa-

MECHANICAL AND ELECTRICAL REQUIREMENTS

cilities in accordance with the ICC *Electrical Code*. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

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

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Lighting fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

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

SECTION 607 DUCT SYSTEMS

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

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

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

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

[F] SECTION 702 MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *International Fire Code*.

702.2 Aisles. The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

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

[F] SECTION 703 FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition.

Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

[F] SECTION 704 FIRE PROTECTION SYSTEMS

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

704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

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

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the

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alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

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

CHAPTER 8

REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

ICC International Code Council
 5203 Leesburg Pike, Suite 600
 Falls Church, VA 22041

Standard reference number	Title	Referenced in code section number
ICC EC—03	ICC Electrical Code™ — Administrative Provisions	201.3, 604.2
IBC—03	International Building Code®	201.3, 401.3, 702.3
IEBC—03	International Existing Building Code™	101.3, 102.3, 201.3
IFC—03	International Fire Code®	201.3, 702.1, 702.2, 704.1, 704.2
IMC—03	International Mechanical Code®	201.3
IPC—03	International Plumbing Code®	201.3, 505.1, 602.2, 602.3
IZC—03	International Zoning Code®	102.3, 201.3

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**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

Consent _____
Public Hearing _____
Discussion _____
Action _____
Resolution _____
Work session X

Meeting Date: January 10, 2006

ITEM NUMBER 15B—Council Compensation

STAFF INITIAL *[Signature]*

APPROVED BY ADMINISTRATOR *[Signature]*

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION: the council receives compensation for serving on a quarterly basis with payroll checks issued in the third month of the quarter. Staff would like to explore alternatives to the current practice. Some possibilities include direct deposit, payment each pay period, pay in the first month of the quarter, etc. In all cases, staff strongly recommends each council member receive payment via direct deposit.

OPTIONS:

STAFF RECOMMENDATION: 1) council member on direct deposit; 2) provide staff with direction on how the schedule of compensation.

COUNCIL ACTION: