

**LAUDERDALE CITY COUNCIL MEETING AGENDA
TUESDAY, NOVEMBER 15, 2005
CITY HALL, 7:30 P.M.**

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.

1. **ROLL – 7:30 p.m.**

Council members:

Gill-Gerbig _____	Doherty _____
Christensen _____	Giannetti _____
Mayor Dains _____	

FILE

Staff: Bakken-Heck _____

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

3. **APPROVALS – 7:35 p.m.**

- A. Approve minutes for 10/25/05 City Council Meeting
- B. Approve claims totaling \$48,819.08

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.

5. **CONSENT**

- A) Final payment 2002 street project in the amount of \$16,000

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

Moose Giannetti

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.

9. REPORTS – 7:40 p.m.

10. DISCUSSION – 7:41 p.m.

- A) Animal Control Ordinance
- B) Rental Housing License
- C) Appointment to St. Paul Regional Water Board

11. ACTION 8:10 p.m.

- A) Certify results of November 8, 2005 general election
- B) Resolution Adopting the Disaster Mitigation Plan
- C) Resolution Adopting County Emergency Management Plan
- D) Establish timeline and process for filling council vacancy

12. ITEMS REMOVED FROM THE CONSENT AGENDA

13. ADDITIONAL ITEMS

14. SET AGENDA FOR NEXT MEETING

- Fee schedule discussion
- Solid waste ordinance
- Metropolitan Environmental Services I/I surcharge program
- Animal Control Ordinance

15. WORK SESSION – 8:15 p.m.

- A) Ehlers and Associates – Larpentour Avenue Update

16. ADJOURNMENT

LAUDERDALE CITY COUNCIL
MEETING MINUTES
Tuesday, October 25, 2005
7:30 p.m.

Mayor Dains called the meeting to order at 7:33 p.m. and asked the Administrator to call the roll. Council members Karen Gill-Gerbig, Karen Doherty, Moose Giannetti, Clay Christensen and Mayor Dains were present. City Administrator Brian Bakken-Heck and Deputy City Clerk Heather Butkowski were also present.

7:35 Mayor Dains asked for any additions or corrections to the agenda. Administrator Bakken-Heck requested the addition of an item related to a health insurance program for city staff. Council member Giannetti requested addition information on the City Halloween party. There being no further changes to the agenda, Council member Giannetti moved and Gill-Gerbig seconded approval of the agenda and the motion carried with all members voting yes.

7:38 Mayor Dains asked the council if there were any changes to the minutes for the October 11, 2005 city council meeting. There being none, Mayor Dains called for a motion to approve the minutes as recorded. Council member Christensen moved and Council member Gill-Gerbig seconded and the motion carried with all voting yes.

7:40 Mayor Dains invited those who wished to address the council on items not on the agenda to do so.

Joe Sax, representing neighborhood kids, addressed the council and addressed the issue of construction of a skateboard and bicycle park. He stated there is a park in St. Anthony, however; the park does not allow bicycles. Mr. Sax went on to state there is a need for such a park and having a park would draw kids from neighboring cities. He said skateboarders, bikers and even rollerbladers could use the park.

He mentioned a few ways to generate funds to help pay for the park, such as a bake sale, spaghetti dinner, donations, etc. He suggested placing the skate park in the open area near the hockey rink and added that if this location does not work, they would research and find a different spot.

He stated there are two types of parks; wood and concrete. From his research, he stated that wood might be more expensive due to the rising cost of lumber. He was told a concrete park 30' by 80' is estimated to cost \$70,000.

Mr. Sax finished by saying such a facility would be a great asset for the community.

Council member Christensen asked about insurance. Mr. Sax said he researched the web and could not find any information.

Mayor Dains and the council thanked the boys for the excellent presentation. Mayor Dains went on to say that issues involving the park are presented to the park committee and the committee then reports to the council with suggestions and recommendations.

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He invited the boys to the next park committee meeting to discuss the topic with this group.

7:50 Council members and the mayor mentioned the Halloween party to be held on Monday, October 31, 2005 at City Hall and invited all kids to attend the free event. The council and mayor also thanked all the residents who made donations for the event.

7:55 Katrina and Russ, attorney's from Hughes and Costello, presented information on domestic assault to the council. Hughes and Costello is the law firm the City uses for prosecution.

8:15 Administrator Bakken-Heck presented an update on the budget. He indicated revenues are behind projections for the year, but that the city has not received the second half tax settlement. He said expenditures are running below projections and that overall the status of the finances for the city are doing well.

8:20 Action Items.

- A) Open Burning Ordinance. Administrator Bakken-Heck updated the council on the revisions and indicated the revisions bring the ordinance into compliance with the International Fire Code, which the City of Lauderdale adopted. Specifically, the ordinance extends the distance from combustible materials and structures from 10' to 25' and restricts the height of the fire from 3' to 2.'

Council member Gill-Gerbig asked what constitutes combustible material. She queried if this included trees, shrubs and/or bushes. She felt a bit more was needed in the definitions. She moved to table consideration of the ordinance until staff could resolve the issue related to the definitions. The motion died for lack of a second.

Council member Christensen moved adoption of the ordinance on open burning as amended. Council member Giannetti seconded the motion and it carried with Council members Gill-Gerbig, Doherty, Giannetti, Christensen and Mayor Dains all voting yes.

- B) November Meeting Dates. Due to the election on Tuesday, November 8, the council discussed moving the council meeting to alternate dates. Council member Doherty moved and Gill-Gerbig seconded changing the dates for the meetings in November to Tuesday, November 15 and Tuesday, November 29. Motion carried on a roll call vote with Council members Gill-Gerbig, Doherty, Giannetti, Christensen and Mayor Dains all voting yes.

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7:30 p.m.

- C) Amendment to Ehlers Agreement for consulting work on Larpenteur Avenue project. Council member Gill-Gerbig moved and Doherty seconded the motion to approve the agreement amendment with Ehlers and Associates. Motion carried on a roll call vote with members Gill-Gerbig, Doherty, Giannetti, Christensen and Mayor Dains all voting yes.
- D) SCORE Grant. The city is receiving a grant for recycling in the amount of \$4,378. Council member Christensen offered and moved resolution #102505A – A resolution Accepting 2006 SCORE Funding from Ramsey County for the Lauderdale Recycling Program. The resolution was seconded by Council member Giannetti and carried on a roll call vote with Gill-Gerbig, Doherty, Giannetti, Christensen and Mayor Dains all voting yes.

8:35 Administrator Bakken-Heck presented an update to the council on the progress of finding an alternate provider for the city's health insurance program for employees. Bakken-Heck said he and Heather Butkowski met with Mr. Jim Alt and received answers to some questions raised by the council at the previous meeting. Bakken-Heck requested council authorization to complete application with Blue Cross / Blue Shield of Minnesota for employee health coverage. Moved by Christensen to authorize the Administrator to make application for coverage through Blue Cross / Blue Shield, second by Gill-Gerbig and carried with Gill-Gerbig, Doherty, Giannetti, Christensen and Mayor Dains all voting yes.

8:45 The council moved into a work session to discuss the first draft of the Rental Licensing Ordinance and the six month review of the City Administrator.

Bakken-Heck introduced the Rental Licensing Ordinance for council discussion and comment. He stated the provisions for licensing rental property were included in an existing ordinance covering maintenance requirements for multi-family property.

Mayor Dains asked for general comments from the council on the concept of licensing. All council members agreed with the concept and the mayor asked for specific comments on the draft language.

Giannetti asked about the inspection timing and the fee. She wants to make sure the license fee is adequate to cover the cost of administration. Bakken-Heck said that the period of licensing has not been specifically addressed. He stated it could be calendar so that all units come due at the same time, or based on 12 months from the date of issuance thus staggering license expiration. He also said the license fee is not indicated.

Butkowski stated she is gathering information on fees from other cities and will include this in the review. She stated St. Anthony assesses a \$7.00 per unit fee. Staff will check with other cities licensing fees.

LAUDERDALE CITY COUNCIL

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Gill-Gerbig stated the fee needs to be reasonable and provide for covering the costs of administration. She then commented on the process needed to get landlords to improve property if they are not to code and questioned if this type of program could be expanded to include non-rental property in the city. She wondered about making a landlord bring a home up to code before being able to rent it, but not an owner occupied dwelling.

Mayor Dains indicated he would like to hear from a smaller city that has instituted a similar program to find out what they experienced in adopting and implementing such a program.

Resident Marcia Hoffman requested permission to speak on the issue. Ms. Hoffman's main concern centered on the number of unrelated individuals who could reside in a dwelling and she used her neighbors as an example and also stated a provision in the existing City Zoning Ordinance restricting the number of roomers in an R1 zoned area.

The council then discussed the number of calls to a building. Christensen suggested there be a staggered number based on the number of units a building has. He did not feel it equitable that a building with 50 units be held to the same level as a single-family unit used as rental.

Following further discussion, Bakken-Heck summarized his understanding of the areas staff needs to conduct further research. He outlined them as follows:

1. Fee structure for the license.
2. Fine schedule or administrative fee for non-compliance with the ordinance or license provisions.
3. Suggest number of police calls for the building/unit.
4. Acquire information from a small city with licensing provision to get information on their experience.
5. Can the city require landlords to conduct background checks on prospective tenants?
6. What methods can the city use to ensure landlords remove problem tenants?
7. Can the city have a license fee based on the landlords' place of residence (i.e. landlords who reside in Lauderdale have lower fee)?

9:30 Administrator six-month review. Overall, the council felt the Administrator is doing a good job. All stated the Administrator needs to take a bit more time and pay a bit more attention to detail.

There being no further business, the council adjourned at 10:20 p.m. on a motion by Christensen and a second by Gill-Gerbig.

CITY OF LAUDERDALE
Claims for Approval
November 15, 2005 City Council Meeting

Payroll

11/04/05 Payroll:	Direct Deposit # 500036-500040	\$6,053.18
11/04/05 Payroll:	EFT: Federal Withholding & FICA	\$2,513.87
11/04/05 Payroll:	EFT: P.E.R.A	\$1,079.01
11/04/05 Payroll:	EFT: ICMA Retirement Fund	\$1,560.38
11/04/05 Payroll:	Elections Judges Check #s 7847-7855	\$157.00

Vendor Claims

11/15/05 Claims:	Check # 17784-17790, 17792-17811	\$37,455.64
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Subtotal of Claims From Above **\$48,819.08**

Total Claims for Approval	\$48,819.08
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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
500036	000000001	BAKKEN-HECK, BRIAN	22	BI-WEEKLY	\$1,495.31	11/4/2005	Outstanding
500037	000000011	BOWNIK, JAMES	22	BI-WEEKLY	\$1,255.24	11/4/2005	Outstanding
500038	000000007	BUTKOWSKI, HEATHER	22	BI-WEEKLY	\$975.70	11/4/2005	Outstanding
500039	000000002	HINRICHS, DAVID C	22	BI-WEEKLY	\$1,319.83	11/4/2005	Outstanding
500040	000000005	HUGHES, JOSEPH A	22	BI-WEEKLY	\$1,007.10	11/4/2005	Outstanding
007847	000000042	BARLOW, EVELYN	22.1	BI-WEEKLY	\$14.00	11/4/2005	Outstanding
007848	000000038	BOWE, DONNA	22.1	BI-WEEKLY	\$14.00	11/4/2005	Outstanding
007849	000000039	GORDEN, ELEANOR	22.1	BI-WEEKLY	\$14.00	11/4/2005	Outstanding
007850	000000052	JAMES, VIRGINIA	22.1	BI-WEEKLY	\$14.00	11/4/2005	Outstanding
007851	000000032	KVALBEIN, JULIANE	22.1	BI-WEEKLY	\$24.00	11/4/2005	Outstanding
007852	000000034	RUSCHMEYER, GLORIA	22.1	BI-WEEKLY	\$21.00	11/4/2005	Outstanding
007853	000000033	SCHMIDT, MAE	22.1	BI-WEEKLY	\$21.00	11/4/2005	Outstanding
007854	000000043	SVENTEK, MARY JANE	22.1	BI-WEEKLY	\$14.00	11/4/2005	Outstanding
007855	000000035	WISEN, CRYSTAL	22.1	BI-WEEKLY	\$21.00	11/4/2005	Outstanding
007846		VOID	22.1		\$0.00	11/4/2005	Void
					\$6,210.18		

CITY OF LAUDERDALE
***Check Detail Register©**

NOVEMBER 2005

		Check Amt	Invoice	Comment
10100 NORTH STAR CHECKING				
Paid Chk#	017784	11/15/2005	AMERIPRIDE	
E	101-43100-228	MISC REPAIRS MAINT SUPPLIE	\$101.06	paper towels
		Total AMERIPRIDE	\$101.06	
Paid Chk#	017785	11/15/2005	CINTAS	
E	601-49000-425	CLOTHING	\$26.63	470367616 pw uniforms
E	601-49000-425	CLOTHING	\$26.63	470371213 pw uniforms
		Total CINTAS	\$53.26	
Paid Chk#	017786	11/15/2005	CITY OF ST ANTHONY	
E	101-42100-319	POLICE CONTRACT	\$20,601.59	1347 12/05 police services
		Total CITY OF ST ANTHONY	\$20,601.59	
Paid Chk#	017787	11/15/2005	DEPARTMENT OF NATURAL RESOURCE	
E	101-45200-225	LANDSCAPING MATERIALS	\$15.69	039797 park sign
		Total DEPARTMENT OF NATURAL RESOURCE	\$15.69	
Paid Chk#	017788	11/15/2005	EAST HENNEPIN AUTO SERVICE INC	
E	101-43100-212	MOTOR FUELS	\$34.65	10/05 motor fuel
E	601-49000-212	MOTOR FUELS	\$3.85	10/05 motor fuel
		Total EAST HENNEPIN AUTO SERVICE INC	\$38.50	
Paid Chk#	017789	11/15/2005	GLENWOOD INGLEWOOD	
E	101-41200-208	WATER DELIVERY	\$4.79	10/05 water cooler rental
		Total GLENWOOD INGLEWOOD	\$4.79	
Paid Chk#	017790	11/15/2005	HOME DEPOT CRC	
E	101-45200-228	MISC REPAIRS MAINT SUPPLIE	\$28.48	10/05
		Total HOME DEPOT CRC	\$28.48	
Paid Chk#	017792	11/15/2005	HUGHES & COSTELLO	
E	101-42300-355	MISC PRINTING/PROCESS SER	\$130.50	10/05 legal fees
E	101-42300-305	LEGAL FEES	\$850.00	10/05 legal fees
		Total HUGHES & COSTELLO	\$980.50	
Paid Chk#	017793	11/15/2005	KENCOAT	
E	101-45200-201	GENERAL SUPPLIES	\$1,820.00	14814 picnic tables
		Total KENCOAT	\$1,820.00	
Paid Chk#	017794	11/15/2005	KENNEDY & GRAVEN	
E	101-41400-355	MISC PRINTING/PROCESS SER	\$13.48	10/05 legal fees
E	101-41400-305	LEGAL FEES	\$1,456.50	10/05 legal fees
		Total KENNEDY & GRAVEN	\$1,469.98	
Paid Chk#	017795	11/15/2005	LILLIE SUBURBAN NEWS	
E	101-41600-309	DELIVERY	\$639.76	09/05 roseville review deliver
		Total LILLIE SUBURBAN NEWS	\$639.76	

CITY OF LAUDERDALE
***Check Detail Register©**

NOVEMBER 2005

			Check Amt	Invoice	Comment
Paid Chk#	017796	11/15/2005	LMC		
	E 101-41100-308	TRAINING\CONFERENCES	\$300.00	23664	AC 2005 registration
	E 101-41200-308	TRAINING\CONFERENCES	\$53.00	23683	regional mama meeting
		Total LMC	\$353.00		
Paid Chk#	017797	11/15/2005	LMC INSURANCE TRUST		
	E 412-48410-328	STREET REPAIR	\$500.00		insurance claim deductible
		Total LMC INSURANCE TRUST	\$500.00		
Paid Chk#	017798	11/15/2005	MET-COUNCIL ENVIRONMENTAL SER.		
	E 601-49000-387	WATER TREATMENT SERVICE	\$8,262.57	810663	10/05 waste water services
		Total MET-COUNCIL ENVIRONMENTAL SER.	\$8,262.57		
Paid Chk#	017799	11/15/2005	MUNICIPAL/COMMERCIAL SEWER		
	E 601-49000-327	OTHER SERV- SEWER/NPDES I	\$535.00	2331	jet main line near 1550 eustis
		Total MUNICIPAL/COMMERCIAL SEWER	\$535.00		
Paid Chk#	017800	11/15/2005	NAPA AUTO PARTS		
	E 101-43100-213	LUBRICANTS & OTHER FLUIDS	\$16.02		tractor supplies
		Total NAPA AUTO PARTS	\$16.02		
Paid Chk#	017801	11/15/2005	NORTH STAR BANK, PETTY		
	E 101-41500-331	TRAVEL EXPENSE	\$12.70		return result to RCGC
	E 101-41500-442	MISC	\$12.95		breakfast for judges
	R 101-36255	MISC	\$15.91		to balance fund
	E 101-41200-201	GENERAL SUPPLIES	\$15.98		coffee
	E 101-41200-331	TRAVEL EXPENSE	\$49.40		BBH travel exp
	E 101-41500-442	MISC	\$5.00		tip to e.j. Lunch delivery per
	E 101-41200-203	POSTAGE	\$8.62		small stamp/cert letter
	E 201-45600-379	HALLOWEEN EVENT	\$42.42		decorations
	E 201-45600-440	MEETING EXPENSES	\$8.00		SRA meeting
	E 201-45600-379	HALLOWEEN EVENT	\$3.97		food
	E 201-45600-379	HALLOWEEN EVENT	\$1.19		food
		Total NORTH STAR BANK, PETTY	\$176.14		
Paid Chk#	017802	11/15/2005	PARK HARDWARE HANK		
	E 201-45600-379	HALLOWEEN EVENT	\$32.10		bales for halloween/misc suppl
	E 101-43100-228	MISC REPAIRS MAINT SUPPLIE	\$17.79		
		Total PARK HARDWARE HANK	\$49.89		
Paid Chk#	017803	11/15/2005	PARK SERVICE		
	E 101-43100-402	CITY TRUCK REPAIR/MAINTEN	\$191.48		10/05 fuel
	E 601-49000-212	MOTOR FUELS	\$21.28		10/05 fuel
		Total PARK SERVICE	\$212.76		
Paid Chk#	017804	11/15/2005	SAM'S CLUB		
	E 201-45600-379	HALLOWEEN EVENT	\$260.78		2005 Halloween Event Supplies
		Total SAM'S CLUB	\$260.78		

CITY OF LAUDERDALE
***Check Detail Register©**

NOVEMBER 2005

		Check Amt	Invoice	Comment
Paid Chk# 017805 11/15/2005 SPRINT PCS				
E 101-43100-391	TELEPHONE/PAGERS	\$30.76		10/05 pw phone
E 601-49000-391	TELEPHONE/PAGERS	\$30.77		10/05 pw phone
Total SPRINT PCS		\$61.53		
Paid Chk# 017806 11/15/2005 ST PAUL REGIONAL WATER SERVICE				
E 601-49000-382	WATER	\$18.53		3q05 garage water bill
E 101-43100-382	WATER	\$18.53		3q05 city hall water bill
Total ST PAUL REGIONAL WATER SERVICE		\$37.06		
Paid Chk# 017807 11/15/2005 TECHNA GRAPHICS				
E 101-41500-201	GENERAL SUPPLIES	\$101.60		general election ballots
Total TECHNA GRAPHICS		\$101.60		
Paid Chk# 017808 11/15/2005 UNIVERSITY OF MINNESOTA				
E 101-43400-308	TRAINING/CONFERENCES	\$393.50		building official institute
Total UNIVERSITY OF MINNESOTA		\$393.50		
Paid Chk# 017809 11/15/2005 WASTE MANAGEMENT				
E 101-43100-384	REFUSE DISPOSAL	\$68.64	2824359-0500-	10/05 garbage pick up
Total WASTE MANAGEMENT		\$68.64		
Paid Chk# 017810 11/15/2005 XCEL ENERGY, CITY HALL				
E 101-45200-383	GAS UTILITIES	\$21.01		10/05 city hall gas
E 101-45200-381	ELECTRIC	\$36.71		10/05 city hall electric
E 101-43100-383	GAS UTILITIES	\$63.05		10/05 city hall gas
E 101-43100-381	ELECTRIC	\$110.14		10/05 city hall electric
Total XCEL ENERGY, CITY HALL		\$230.91		
Paid Chk# 017811 11/15/2005 XCEL ENERGY, STREET LIGHTING				
E 101-43100-381	ELECTRIC	\$442.63	47184934	10/05 street lights
Total XCEL ENERGY, STREET LIGHTING		\$442.63		
10100 NORTH STAR CHECKING		\$37,455.64		

Fund Summary

	10100 NORTH STAR CHECKING	
101 GENERAL		\$27,681.92
201 COMMUNITY EVENTS		\$348.46
412 '02 ST/UTIL CONSTRUCTION		\$500.00
601 SEWER UTILITIES		\$8,925.26
		<u>\$37,455.64</u>

**LAUDERDALE COUNCIL
ACTION FORM**

<p style="text-align: center;">ACTION REQUESTED</p> Consent _____ Public Hearing _____ Discussion <u> X </u> _____ Action _____ Resolution _____ Work session _____	<p>Meeting Date November 15, 2005</p> <hr/> <p>ITEM NUMBER <u>10-A Animal Control</u></p> <p>STAFF INITIAL <u>BAH</u></p> <p>APPROVED BY ADMINISTRATOR _____</p>
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DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION: The council addressed the issue of amending the Animal Control Ordinance this spring following a ruling by the Hennepin County District Court that declared a section of a similar ordinance in St. Anthony as unconstitutionally vague. In reviewing the ordinance, staff also found other areas where amendments were needed particularly with regard to dangerous dogs. The city attorney reviewed the ordinance and made several suggested changes so it conforms to state statute regarding dangerous dogs.

OPTIONS:

STAFF RECOMMENDATION:

Provide staff with additional comments and refer ordinance to next meeting for adoption.

COUNCIL ACTION:

CHAPTER 3

ANIMAL CONTROL¹

SECTION:

- 5--3---1: Definitions
 5--3---2: Enforcement
 5--3---3: Exemptions
 5-3-4: ~~Certain Domesticated~~-3--4: Non-Domestic and
Farm Animals
 5--3---4--1: Permit Required
 5--3---4--2: Application; Fees
 5--3---4--3: Hearing
 5--3---4--4: Term Of Permit; Renewal
 5--3---4--5: Revocation
 5--3---4--6: Home Occupation
 5--3---4--7: Penalty
 5--3---5: Dogs And Cats
 5--3---5--1: License And Registration; Exceptions
 5--3---5--2: Vaccination Required
 5--3---5--3: Licensing Procedures
 5--3---6: Regulations
 5--3---7: Impoundment
 5--3---8: Rabies Control
 5--3---9: Biting Animals To Be Quarantined
 5--3--10: Potentially Dangerous Animals ~~Dogs~~
 5-3-11: ~~Summary~~ Dangerous Dogs
5-3-12: Destruction of Dangerous Dogs
 5--3-12-13: Penalty +2R+

5--3--1: DEFINITIONS:

As used in this Chapter, except as otherwise provided, the following terms shall have the respective meanings ascribed to them:

~~!DEF! ANIMAL: Any nonhuman mammal, reptile, amphibian, or bird, domestic or nondomestic, including dogs and cats.~~

ANIMAL CONTROL AUTHORITY: means an agency of the state, county, municipality or city, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

ANIMAL, DOMESTIC: Animals kept within the home as pets commonly accepted as domesticated household pets. Unless otherwise

¹ M.S.A. §§ 18.021 et seq., chapters 356 and 47,347, §§ 561.07, 609.227, and 609.605.

defined, such as dogs, cats, household birds, and similar animals. animals shall include dogs, cats, caged birds, gerbils, hamsters, ferrets, mice, rats, guinea pigs, chinchillas, domesticated rabbits, guinea pigs, fish, non-poisonous, or non-venomous and non-constricting reptiles or amphibians.

ANIMAL, NON-DOMESTIC: Those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety and welfare of people. Unless otherwise defined, such animals shall include:

- (1) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding domesticated house cats.
- (2) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding domesticated dogs.
- (3) Any crossbreeds between a domesticated animal and a non-domesticated animal, such as the crossbreed between a wolf and a dog.
- (4) Any member or relative of the rodent family, including any skunk (whether or not descended), raccoon or squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets.
- (5) Any poisonous, venomous, constricting or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
- (6) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subpart, including, but not limited to, bears, deer, monkeys and game fish.

ANIMAL, FARM: Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (pigs, including Vietnamese pot-bellied pigs), goats, bees, llamas, alpacas and other animals associated with a farm, ranch or stable.

AT LARGE: An unattended animal on public property; or an unattended animal on private property without the consent of the property owner.

CAT: Any domesticated feline animal, male or female, whole or

neutered.

DANGEROUS ANIMALDOG: Any animaldog that has committed any of the acts set forth below:

A. Without provocation, inflicted substantial bodily harm on a human being on public or private property; or

B. Killed a domestic animal without provocation while off the owner's property; or

C. Been found to be a potentially dangerous animaldog, and after the owner has been notified that the animaldog is potentially dangerous, the animaldog aggressively bites, attacks, or endangers the safety of humanhumans or domestic animals.

DOG: Any canine animal, male or female, whole or neutered.

GREAT BODILY HARM: Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

PROPER ENCLOSURE: Any structure, except a dwelling, designed to securely enclose and prevent anmeans securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping therefrom and/or designed to provide the animal with shelter and protection from the weatherand providing protection from the elements for the animal. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which a door or window screens are the only obstacles that prevent the animal from exiting.

OWNER: Any person, firm, corporation, organization or department processing, harboring, keeping, having an interest in or having custody or control of an animal.

POTENTIALLY DANGEROUS ANIMALDOG: Any animaldog that has committed any of the acts set forth below:

A. When unprovoked, inflicts bites on a human or domestic animal on public or private property; or

B. When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks or any other public or private property.

other than the dog owner's property, in an apparent attitude of attack; or

C. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

RESTRAINED: On a leash of not more than six feet (6') in length and in the custody of a person of sufficient age to adequately control the animal, in a vehicle, or confined to the owner's property by enclosure or fencing, or absolute voice command.

SUBSTANTIAL BODILY HARM: Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member. (Ord. 12, 7--27--1993) +DEFEND+

5--3--2: ENFORCEMENT:

A. Animal Control Officer; Law Enforcement Agency: The provisions of this Chapter shall be enforced by an Animal Control Officer and/or the members of a law enforcement agency which has a contract for such duties with the City.

B. Interference: No person shall, in any manner, interfere with or hinder an Animal Control or law enforcement officer in the discharge of their duties.

C. Right Of Entry: For the purpose of discharging the duties imposed by this Chapter, any Animal Control Officer and/or law enforcement officer is empowered to enter upon private property. (Ord. 12, 7--27--1993)

5--3--3: EXEMPTIONS:

The following provisions of this Chapter shall not apply in the following circumstances:

A. Unless specified herein, the provisions of this Chapter shall not apply to animals used or confined at hospitals, clinics, or businesses operated by licensed veterinarians.

B. Section 5--3--5--2 relating to vaccination requirements shall not apply to any animal belonging to a nonresident of the City and kept within the City for not longer than thirty (30) days, provided all such animals shall, at all times while in the City, be restrained by the owner.

C. Sections 5--3--10 and 5--3--11 relating to dangerous ~~animals~~dogs and potentially dangerous ~~animals~~dogs shall not apply to dogs under the control of a law enforcement officer.

D. Subsections 5--3--6A and 6C shall not apply to raptors possessed by licensed falconers holding valid State and Federal Falconry Permits so long as the conditions of the permit are being satisfied. (Ord. 12, 7--27--1993)

E. Section 5--3--4 shall not apply to licensed kennels, pet stores, or veterinary clinics. (Ord. 84, 11--19--1985)

~~5-3-4: CERTAIN DOMESTICATED~~ 5-3-4: NON-DOMESTIC AND FARM ANIMALS:

~~5--3--4--1:~~ PERMIT REQUIRED:

It shall be unlawful to keep or maintain ~~roosters, bees or any horse, cow, pony, mule, donkey, pig, goat, sheep, or other large~~ a non-domesticated animal, other than a dog,. It shall also be unlawful to keep or maintain a farm animal without first having obtained a permit therefor. It shall also be unlawful to keep or maintain more than two (2) ~~chickens, ducks, geese, turkeys, pigeons, rabbits, chinchillas, minks, nutrias, or guinea pigs~~ without first having obtained a permit therefor. All of the aforementioned are hereinafter referred to as "animals". (Ord. 84, 11--19--1985)

~~5--3--4--2:~~ APPLICATION; FEE:

A. Application: Any person desiring a permit required by Section 5--3--4--1 shall make application to the City Council.

B. Required Information: The application shall contain the name and address of the applicant, the address of the premises upon which the animal are to be kept, the number, species and, except in the case of bees, the sex of such animal, and a statement regarding any property damage or physical injuries caused by such animal or animals in the past.

C. Additional Information: The City Council may also require submission of such additional information or material as it deems necessary or convenient to administer this Section.

D. Initial And Renewal Permit Fees: The applicant shall pay to the City Administrator such initial permit fee and renewal permit fee as shall be established from time to time by Council resolution.

E. Hearing Date; Notice Of Hearing: Upon submission of the

initial application, the City Administrator shall set a date for a hearing on the application before the City Council and shall notify the owners of all properties located within two hundred feet (200') of the subject premises of the date and time of the hearing. (Ord. 84, 11--19--1985)

5--3--4--3: HEARING:

A. Testimony And Evidence: At the hearing scheduled on the application, the City Council may take such testimony or receive such documents or information as it deems appropriate.

B. Potential Hazard Or Nuisance: No permit shall be issued if the City Council finds that such animal or animals, because of their number, size, proximity to other properties, history of vicious or destructive actions, or inherent characteristics are or are likely to become either a nuisance or a hazard to the public health or safety.

C. Bees: In the case of bees, no permit shall be issued unless the hive or hives are to be located at least three hundred feet (300') from any other property. (Ord. 84, 11--19--1985)

5--3--4--4: TERM OF PERMIT; RENEWAL:

Permits shall be valid until December 31 of the year of issuance and shall be renewed annually. (Ord. 84, 11--19--1985; 1996 Code)

5--3--4--5: REVOCATION:

The City Council may revoke a permit prior to its expiration if it finds that the terms or conditions of the permit have been violated or if the animal or animals have become either a public nuisance or a hazard to the public health or safety. Nothing herein shall be construed to prohibit or constrain any action allowed by law designed to prevent the spread of disease or the imminent damage to persons or property caused by such animal or animals. (Ord. 84, 11--19--1985)

5--3--4--6: HOME OCCUPATION:

Nothing contained in Section 5--3--4 shall be construed as permitting anyone to keep or maintain animals for sale or as a part of a business, unless otherwise licensed or permitted. (Ord. 84, 11--19--1985)

5--3--4--7: PENALTY:

Any person who violates the provisions of Section 5-3-4 shall be guilty of a misdemeanor and shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 84, 11-19-1985; 1996 Code)

5-3-5: DOGS AND CATS:

5-3-5-1: LICENSE AND REGISTRATION; EXCEPTIONS:

All dogs and cats within the City shall be licensed, except the following:

- A. Dogs and cats less than six (6) months of age;
- B. Dogs and cats whose owners are temporary visitors within the City for thirty (30) days or less; and
- C. Dogs being used by law enforcement officers. (Ord. 12, 7-27-1993)

5-3-5-2: VACCINATION REQUIRED:

It shall be unlawful for any dog or cat owner to keep or maintain any dog or cat older than six (6) months of age unless it has been vaccinated with an anti-rabies vaccine by a licensed veterinarian. No license or license renewal shall be issued except upon compliance with this Section. (Ord. 12, 7-27-1993; 1996 Code)

5-3-5-3: LICENSING PROCEDURES:

- A. Application: Except as herein provided, within thirty (30) days after acquiring possession of a dog or cat five (5) months or older, the owner of the dog or cat shall make application for a dog or cat license. The application shall be on forms provided by the City Administrator. The applicant shall also present proof of vaccination to the City Administrator prior to the issuance or renewal of a license.
- B. License Fee: The license fee for each dog or cat must be submitted with the application. The fee will be established by City Council resolution.
- C. Term Of License: A license shall be annually issued for a period of time not to exceed the expiration date of the rabies vaccination.
- D. Issuance: Upon completion of the application form, receipt of the license fee and receipt of the proof of vaccination, the City

Administrator shall cause a dog or cat license to be issued to the applicant for a particular dog or cat.

E. Receipt And Tags: The City Administrator shall cause a license fee receipt to be issued to the applicant along with a metallic tag. The applicant shall cause the tag to be affixed permanently by a metal fastening device to the collar of the licensed dog or cat in such a manner that the tag may be easily observed.

F. Duplicate Tag: If a tag is lost, a duplicate may be issued by the City Administrator upon presentation of a receipt showing payment of the initial license fee and upon payment of an additional fee for each duplicate tag.

G. Change Of Address: An applicant who has obtained a dog or cat license shall notify the City Administrator of applicant's address changes within the corporate limits of the City within ten (10) days of any address change.

H. Counterfeit Tags: No person shall counterfeit or attempt to counterfeit the dog or cat license tags. (Ord. 12, 7--27--1993)

5--3--6: REGULATIONS:

A. Confinement: Except as herein provided, the owner of an animal within the City shall cause such animal to be confined to the individual's property by adequate fencing, leash, or absolute voice command.

B. Female In Estrus: The owner of a female dog or cat in heat shall confine such animal to the owner's property or any veterinary hospital/clinic, in such manner that such female dog or cat cannot come into contact with other animals, except for intentional breeding purposes.

C. Leash Required: The owner of an animal within the City shall cause such animal to be restrained by a leash, chain or a cord of not more than six feet (6') in length and in the custody of a person of sufficient age to adequately control the animal at all times while in a public place including but not limited to school yards, playground, parks or streets.

D. Noise: The owner of any animal within the City shall be responsible for preventing the animal from becoming a nuisance. A nuisance shall be defined as barking, baying, crying, or howling in any manner, which can be heard by any person, including Animal Control or any law enforcement officer, from a location outside of the building or premises where the animal is being kept for an unreasonable length of time. For the purposes of this ordinance, "unreasonable" means repeated noise from the animal over at least a five (5) minute period of time with one (1) minute or less lapse of time between each animal noise during the

five (5) minute period.

E. Feces: Cleaning up litter:

1. The owner of an animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.

2. The owner of an animal shall not permit such animal to be on public property or the private property of another without having in the owner's immediate possession, a device for the removal of feces and a proper receptacle on the property of such animal owner.

F. Care Of Animals: The owner of an animal within the City shall provide said animal with sufficient, wholesome food and water; proper shelter and protection from weather; veterinary care when needed to prevent suffering; and with humane care and treatment.

G. Abuse: No person shall beat, torment, or otherwise abuse an animal or cause or permit an animal fight.

H. Number Allowed: No person shall allow residentially zoned property to be used for maintaining more than two (2) like domestic animals over six (6) months of age.

~~I. Dangerous Animals: The owner shall confine within a building or a secure enclosure, every potentially dangerous animal, and shall not take such animal out of such building or secure enclosure, unless such animal is securely muzzled.~~ J. Guard Dog Warning Signs: A person who uses a dog for security purposes within the City shall post a warning notice at the entrance of the premises. (Ord. 12, 7-27-1993; 1996 Code)

5-3-7: IMPOUNDMENT:

A. Seizure: Subject to the provisions of this Section, animals found in violation of this Chapter may be seized by the Animal Control Officer, impounded in a designated animal shelter, and confined therein in a humane manner for a period of not more than five (5) business days or until claimed by the animal's owner, if allowable, whichever occurs first. Seizure, impoundment and destruction of dogs that have inflicted substantial or great bodily harm on a human being without provocation shall be governed by Section 5-3-12.

1. Entry Of Private Dwellings: Animal Control Officers are not authorized to enter private dwellings for the purpose of seizing animals.

2. Notice Of Seizure: Before seizing an animal from the private property of its owner, the Animal Control Officer shall make a

reasonable attempt, taking into consideration the time of day and nature of the violation, to notify the owner that the animal is being seized because it was observed by the Animal Control Officer to be in violation of the provisions of this Chapter.

3. Written Notice: When an animal is seized from the private property of its owner and the Animal Control Officer has been unable to notify the owner of the reason for seizing the animal, the Animal Control Officer shall leave a written notice affixed to the dwelling unit, in a conspicuous manner, indicating the day and time the animal was seized; the reason for seizing the animal; and the address of the shelter where the animal can be found.

4. Notice Of Impoundment: Immediately upon impounding the animal, reasonable efforts shall be made to notify the owner and inform the owner of the animal's confinement and the procedures for release of the animal to the owner.

B. Redemption: An animal which is not redeemed within five (5) business days after impounding may be disposed of in any manner provided by law. Any animal which is not claimed by the owner or sold, shall be euthanized and disposed of in a sanitary manner by the Animal Control Officer.

C. Title: The title of all animals seized and held at the animal shelter may be transferred to the Humane Society after the legal detention period has expired and the animals have not been claimed by their owners.

D. Impoundment Fees: Any animal, with the exception of a non-domestic animal or a farm animal being maintained without a permit, impounded hereunder may be reclaimed by the owner of such animal within five (5) business days after such impoundment. Before the owner shall be permitted to recover possession of the animal, the owner shall pay the Animal Control Officer all required fees and costs of impoundment. (Ord. 12, 7-27-1993)

5-3-8: RABIES CONTROL:

A. State Law Adopted: The Minnesota Health Laws and Regulations are hereby adopted in cases of rabid animals which have bitten any person or animals suspected of being rabid.

B. Duty Of Physician To Report: It shall be the duty of every physician to report to the City the names and addresses of persons treated for bites inflicted by animals together with other information helpful in rabies control.

C. Duty Of Veterinarian To Report: It shall be the duty of every licensed veterinarian to report to the City his or her diagnosis of any animal observed by him or her as a rabies suspect.

D. Issuance Of Proclamation: Whenever the prevalence of rabies or hydrophobia renders such action necessary to protect the public health, safety and welfare, the Mayor shall issue a proclamation ordering every person owning or in possession of a dog to confine it securely to other premises unless it is muzzled so that it cannot bite. No person shall violate this proclamation. (Ord. 12, 7--27--1993)

5--3--9: BITING ANIMALS TO BE QUARANTINED:

Whenever an animal has bitten a person, or whenever a known or suspected rabid animal is picked up by the Animal Control Officer or law enforcement officer, such animal shall be confined for a minimum of ten (10) days as follows:

A. Confinement At Owner's Residence: Upon proof of a current rabies vaccination, the owner of the animal may, with the consent of the Animal Control Officer, quarantine the animal at the owner's residence provided that such animal shall not be permitted to come in contact with other animals or persons and, provided further that the animal shall be muzzled and on a leash not to exceed four feet (4'), and in control of a competent person when taken from the place of confinement for sanitation purposes.

B. Confinement At Animal Shelter Or Veterinary Clinic: If no proof of a current rabies vaccination is provided, or if the Animal Control Officer does not consent to confinement of the animal to the owner's residence, the animal shall be quarantined at the animal shelter or a licensed veterinary clinic at the expense of the owner.

C. Permission To Remove Required: A quarantined animal shall not be removed from the place of confinement without the written permission of the Animal Control Officer.

D. Confinement Enclosure: A quarantined animal shall be confined in an enclosure constructed of materials suitable to prevent the animal from escaping. All openings to the enclosure shall be locked at all times and the animal shall not be removed from the enclosure unless the animal is muzzled on a leash not exceeding four feet (4') in length and in control of a competent person. (Ord. 12, 7--27--1993)

5--3--10: POTENTIALLY DANGEROUS ANIMALS: DOGS:

A. Additional Fee And Proof Of Insurance: The owner of a potentially dangerous animal dog shall pay an additional annual fee as determined by Council resolution and shall provide the City Administrator annually with proof of liability insurance

which covers damages that may be caused by such animal. dog.

~~B. Dangerous Animals Prohibited: It shall be unlawful for any person to keep or harbor a dangerous animal in the City. (Ord. 12, 7-27-1993)~~ Confinement of Potentially Dangerous Dog: a dog that is determined to be a potentially dangerous dog must be kept in a proper enclosure at all times. If outside, it must be confined to the owners premises and be wearing a muzzle.

5-3-11: SUMMARY Dangerous Dogs:

A. Dangerous Dogs: any person who has a dog that has been classified as a dangerous dog pursuant to this ordinance or pursuant to Minnesota Statute 347.50, subdivision 1 must:

1. Obtain a certificate of registration from the animal control authority. A certificate of registration may be issued when the owner provides sufficient evidence that a) a proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property; b) a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the animal control authority in the sum of at least \$50,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog; c) the owner has paid an annual fee that is established by the City Council in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section; and d) the owner has microchip identification implanted in the dangerous dog as required by Minnesota Statute Section 347.515.

2. Dangerous Dog Designation Review. Beginning six months after a dog is declared a dangerous dog, pursuant to Minnesota Statute Section 347.51, subdivision 3 (a), an owner may request annually that the Animal Control Authority review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the dog's behavior has changed, the Animal Control Authority may rescind the dangerous dog designation.

5-3-12: DESTRUCTION OF DANGEROUS DOGS:

Procedure. The Animal Control Officer, after having determined that a dog has inflicted substantial or great bodily harm on a human being without provocation, shall proceed in the following manner:

1. The Animal Control Officer shall cause one owner of the dog to be notified in writing or in person that the dog is dangerous and may order the dog seized or make such orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten, and shall be given 14 days to appeal this order by requesting an appeal hearing before the City Council for a review of this determination.
 - a. If no appeal is filed by the owner with the City Council, the orders issued will stand or the Animal Control Officer may order the dog destroyed.
 - b. Whenever an Animal Control Officer has reasonable cause to believe that a particular animal represents a clear and immediate danger to the residents of the City because it is infected with rabies or because it is a dangerous animal, if an owner requests a hearing for determination as to the dangerous nature of the dog, the hearing shall be held before the City Council, which shall set a date for hearing not more than three weeks after demand for the hearing. The records of Animal Control shall be admissible for consideration by the City Council without further foundation. After considering all evidence pertaining to the temperament of the dog, the City Council shall make an order as it deems proper. The City Council may order that the Animal Control officer, after making reasonable attempts to impound such animal, may summarily destroy the animal. (Ord. 12, 7-27-1993) take the dog into custody for destruction, if such dog is not currently in custody. If the dog is ordered into custody for destruction, the owner shall immediately make the dog available to the Animal Control Officer.
 - c. No person shall harbor a dog after it has been found by the City to be dangerous and ordered into custody for destruction.

Stopping an Attack. If any law enforcement officer is witness to an attack by a dog upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

(Ord. 12, 7-27-1993)

5--3-12-13: PENALTY:

Any violation of this Chapter is a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

(Ord. 12, 7--27--1993)

Document comparison done by DeltaView on Wednesday, October 26, 2005 12:00:33

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**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

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

Meeting Date November 15, 2005

ITEM NUMBER 10B

STAFF INITIAL HB

APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

At the October 25, 2005 work session, a proposed draft rental ordinance was discussed. The proposed ordinance brought a number of questions to the forefront including how the ordinance would be implemented, whether it was comprehensive, and what would licensure cost rental property owners. Since the council did not have previous experience implementing a rental housing licensure program, it was suggested that we look to other cities for models. This document and its attachments reflect staff research.

OPTIONS: After researching cities ranging in size from 500—70,000 residents within both the metro and non-metro area, staff present a couple of options for each question addressed at the last meeting plus additional recommendations based upon discussions with staff from other cities. Please see Attachment A. Should council members wish to read more about other cities' rental property licensure programs, please see Attachment B for a copy of staff research.

STAFF RECOMMENDATION: Please see attachment A.

COUNCIL ACTION:

Rental Property Licensure Questions Proposed at October 25, 2005 Meeting

How long will a licensure be issued for?

Among the cities researched, licensure was generally for one year.

Staff Recommendation: We recommend licenses be issued annually.

Who will staff the licensure program?

Staffing for a program ranged from one person handling all details of a licensure program including the inspections (Shoreview) to cities that had an administrative person handling renewals and the fire department conducting inspections (St. Anthony & Columbia Heights.) In Plymouth, one administrative person and one building inspector handled over 7,000 rental units. One administrative person plus fire officials allowed for the inspection of properties every 4th year in Fridley and every other year in Columbia Heights. They have approximately 4,000 and 2,300 rental units respectively.

Staff Recommendation: We recommend that university owned housing be exempt from the ordinance. Without the Luther Seminary units, there are 394 known rental units in Lauderdale. With the addition of other rental properties scattered throughout Lauderdale, we can approximate 450 rental units. Based upon the staffing needed in other cities to run a successful rental housing program, we can run the program with current staff.

What will be the license renewal and inspection process?

In almost all cities researched, licenses were renewed annually with inspections occurring every 2-4 years. Larger cities like Fridley and Columbia Heights staggered renewal dates so that there would be less than a hundred renewal applications each month. In Plymouth, renewal notices were sent 90 days before the renewal date to allow for an inspection and the proper filing of renewal paperwork before the new licensure period began.

Staff Recommendation: We recommend inspecting multi-family dwellings of 4 or more units every even year starting in 2006 and every single family or multi-family dwelling of 3 units or less every odd year starting in 2007. The license year would run from June 1 until May 31 of the following year with applications sent out 60-90 days in advance so that all renewal applications and inspections can be completed before the new license year starts. The development of an Internet tracking system will further reduce staffing needs.

What should be fees be set at?

Fees and fee structures varied greatly from city to city. The non-metro cities charged considerably less than metro cities. Licenses ranged from \$15-\$25 a year and up to \$50 for an inspection, if an inspection fee was charged. It seemed they were trying to solve bigger community problems with drugs or family violence versus making the fees pay for the service.

Most cities charged a base fee and then charged per rental unit. For example, Plymouth charges the following:

Single Family Dwelling	\$47.75 per home
Two Family Dwelling	\$43.00 per building plus \$4.75 per rental unit
Three-Four Family Dwelling	\$43.00 per building plus \$4.75 per rental unit
Multifamily Dwelling	\$43.00 per building plus \$4.75 per rental unit

These are approximate figures. The time per inspection is approximately 1 hour (1-4 units) and the cost in administrative labor is approximately ½ hour. At current staff rates, the cost per hour for the building inspector is approximately \$35 and \$12 for a half hour of administrative time. During an inspection year at Plymouth's rates, the renewal fee would just cover the cost of inspection and license renewal. In the second year, any revenue generated could cover additional program expenses ranging from stamps and truck use to additional administrative needs that may arise due to license suspensions and revocations.

Staff Recommendation: As noted above, an annual fee of \$45-\$50 would significantly defray the cost of the rental property licensure program. It is also suggested that owners be charged for any inspections beyond the initial and follow up inspections. Staff further suggests that the ordinance not allow for reimbursements but the council may consider reducing the fees by half for any property owner requesting a license in the second half of a licensure year.

Who will handle revocations, suspensions, and denial of licenses?

Claremont established a rental housing complaint board to handle rental-housing concerns. The board consists of one council member, one officer from the county sheriff's department, and one properly licenses rental property owner. In the other cities, their councils handled rental licensure suspensions, revocations, and denials. Fridley encouraged putting language regarding the denial of renewal based upon failure to pay to make it easier to enforce.

Staff Recommendation: Since Lauderdale is small and recruiting board members is difficult, staff suggests that the council hear all complaints that may result in a suspension, revocation, or licensure denial. The staff also suggests changing the ordinance to read that when a previously revoked, denied, or suspended license is reissued, the property owner is required to pay 150% the annual license fee.

Will the city require background checks?

Columbia Heights and Royalton have an arrangement whereby property owners can get criminal background checks of perspective renters from the local police department. There is a fee but I do not know the costs.

Staff Recommendation: We think this issue requires more research. The city wants landlords to adhere to fair housing practices.

What will define a violation and reasonable number of police calls?

Cities define violations based on existing state and local laws and not by the number of police calls or reports made. Our proposed ordinance is similar in nature to the others reviewed. The only difference may be in timeframe between complaints. Per our proposed ordinance, after a first documented violation, the owner is notified. After the second violation, the owner must report to the council about plans to mitigate the situation. Finally, the third violation opens property owners up to revocations or suspensions.

Staff Recommendation: The police should determine what constitutes a violation. The ordinance should not focus on the total number of police calls but calls that result in citations or arrest.

Will Lauderdale rental property owners be charged a separate rate?

There are no references to other cities establishing a two-tier system for resident and non-resident rental property owners.

Staff Recommendation: We do not recommend a two-tier system as it will add administrative burden and require that other city funds pick up the cost.

Additional staff recommendations

The City of Royalton stipulates that any rental property owner selling a property that is not in compliance with the city ordinance must notify the buying party in writing and the buying party must sign an acknowledgment receipt.

Fridley clearly details on their website the process renters must take to file complaints against landlords and the times and days that inspectors will follow up. Language of this nature should be in the ordinance and publicly available.

**Housing Rental Fees Research
As of November 2005**

This document reflects pertinent rental property licensure information from 10 cities varying in size from 513 to 70,000+. Many codes reflected similar information that I did not reiterate from city to city. I have included unique concepts and the fee schedule for each city, as I was able.

Rothsay (Pop. 513): Contact: Lori Jorgenson

Single Rental Unit	\$15.00
Two Rental Units	\$30.00
Three Rental Units	\$45.00
Four Rental Units	\$60.00
More than 4 Units	\$60.00 + \$10.00 per unit
Following Revocation	150% annual registration fee
Late Fee	5% of total registration fee due for each day of operation without a valid registration
Reinspection Fee	\$40.00

** They have not increased these fees since 1998.

Claremont (Pop. 608): Contact: Elizabeth Sorg (507-528-2137)

The county sheriff's department encouraged the rental property ordinance. Liz said they started by inviting known rental property owners and interested residents to a public meeting. I have a copy of the letter they sent to rental property owners. There was general concern about what the ordinance was going to mean to rental property owners. Ultimately, people were largely for the ordinance and they have seen community improvements including less graffiti by the children of problem renters. She feels that they were getting renters that big cities with rental ordinances, like Rochester, had evicted. They thought they could rent in a small town and no one would say anything.

They have a rental property board to deal with suspended and revoked licenses. One council member, police officer, and property owner comprise the board.

Less than 4 Rental Units	\$15.00
4-8 Rental Units	\$20.00
9+ Rental Units	\$25.00
Initial inspection	No charge
Follow-up inspection	No charge
Subsequent inspections	\$30.00

Royalton (Pop. 868): Contact: Carol Madsen (320-584-5900)

The property owners are entitled to background checks through the Royalton PD for a fee. The property is restricted from sale, lease, or transfer if there are violations. A sale may be made if the future owner receives a "true copy of any notice of violation or compliance order and possesses a receipt of acknowledgement." Two or more violations within six months results in rental license revocation or suspension.

New Richland (Pop. 1,167): Contact: Corrine Schuller (507-465-3514)

Licenses are good for three years unless the property changes owners or a complaint is filed.

If there are disorderly renters:

First offense – owner notified and directed to take steps to mitigate the problem.

Second offense – owner reports to city in writing on steps being taken to mitigate future problems.

Third offense – rental license may be suspended or revoked.

First violation of the above – petty misdemeanor.

Second violation of the above – misdemeanor.

Annual License Fee:	\$25.00 One Building;
	\$20.00 Additional Buildings (owned by same landlord)
Inspection Fee:	\$50.00 1st Inspection (each for 1 - 4 units)
	\$25.00 1st Inspection (each for 5 or more units)
	\$25.00 All re-inspections (each)
Reinstatement Fee:	\$50.00

From August 1st to March 31st licenses cost 50% of the regular fee but inspection fees remain the same.

Pine City (Pop. 3,143): Contact: Lisa at 320-629-2575. Enacted rental property licensure program 3 years ago. Is sending information.

St. Anthony (Pop. 8,012): Contact: 612-782-3301. St. Anthony only licenses apartment buildings. The licensure period runs from June to June and the fee is \$7.00 per unit. This includes the inspection and is the cheapest by far. Applications are forwarded to the fire department and they are responsible for the inspections. Once the inspection is completed, the city council approves all applications.

Columbia Heights (Pop. 18,698): Contact: Joel in the fire department (763-706-3656). Joel is full time and manages the inspections. All of their 6 full time fire persons perform inspections. They process approximately 60-70 applications each month between March & November. The first ordinance went into effect in 1989 – under the fire department code. They license about

2,300 units total. Joel noted that a number of people are moving and holding their property as a rental investment and this is causing problems. He said they are naïve and rent to the first people that can pay the deposit. He said their police department offers background checks but he does not know what they charge.

Single Family/ Duplex Fees:	\$90/year
Multi-Family Units:	Will send pricing
Re-inspection Fee:	\$100/inspection

According to Joel, landlords not in compliance wouldn't take care of problems until forced by city deadlines. They have since shortened the timeframe in which violations must be corrected and decreased the number of inspections. Before they used to do upwards of 5 inspections before they would have a revocation hearing. Now they give landlords 30 days to fix problems or a revocation hearing is set.

Shoreview (Pop. 26,475): Contact: Sarah in Community Development (651-490-4687)
She sends out notices the last week in October and their licensure period runs from January 1 – December 31. Each property is inspected once every three years. Sarah schedules the appointments and performs the property inspections with the owners. Typical violations include: leaky faucets, disabled smoke detectors, and mold in bathrooms. If there are violations, she does a second inspection. Third and subsequent inspections are billed at \$50/inspection. This is covered in section 714 of their ordinance (can be found on-line).

<i>Single Family/ Duplex Fees:</i>	<i>Multi-Family Units</i>
\$50 initial	Base \$100
\$50 renewal	Each unit \$7.50
\$30 transfers	\$5.00/unit deduction for crime prevention course

Fridley (Pop. 27,480): Contact: Ashley Otten (763-572-3616)

Ashley was full of great information.

From Website: "The Rental Housing Division mandates existence of rental property licensing and maintenance program, which corrects substandard conditions, and maintains a standard for rental property. The City of Fridley believes in providing for public health, safety, and welfare of its citizens.

Chapter 220 applies to all buildings, which are rented in whole or part as a dwelling for persons other than the property owner's family as defined therein. It includes accessory-structures such as garages and storage buildings, and appurtenances such as sidewalks, parking lots, and retaining walls, which are on the lot where the rental property is located. This chapter does not apply to Minnesota Department of Health licensed rest homes, convalescent care facilities, and nursing homes, nor to hotels and motels licensed by the City under Chapter 26."

The City of Fridley has approximately 4,000 licensed rental units. The addresses are divided into districts (grid #'s) and on a 4-year cycle. Approximately 1000 units are inspected annually.

Year One (2003, 2007)	Grids 1, 9, 16, 18
Year Two (2004, 2008)	Grids 3, 4, 5, 7, 10, 11
Year Three (2005, 2009)	Grids 8, 14, 66
Year Four (2006, 2010)	Grids 2, 13, 15, 55

Fees: First and second inspection included in the fee.

One Unit	\$41.25
Two Units	\$82.50
Three Units	\$123.75
Four Units	\$165.00
Five Units +	\$165.00 for the first 4 plus \$8.50/each additional
Transfer	\$25.00
3 rd inspection+	\$150.00

Process:

- Since inspections are more difficult during the first quarter (January – March) of each year, they inspect common areas during this time (every 4th year according to cycle).
- Instead of processing all the rental licenses at the beginning of each year, they stagger them so that a quarter gets billed in each quarter.
- From April through June all the inspections are done. The inspectors do 3-5 a day and they have 5 inspectors.
- They do complaint inspections from Monday – Wednesday.
- They do training on Thursdays and Fridays are open for catch-up.

Legal Language: They originally were able to suspend (temporary) or revoke (permanent) a license if the property did not meet code, but they were not able to deny an applicant for failure to pay fines or previous years fees. They have been working with their city attorney to change this and he recommended the denial clause.

Complaint Procedure

1. The tenant must notify the owner/manager in writing about the issues
2. Date and sign the notification
3. Give a specific date and time for items to be repaired (reasonable amount of time)
4. Keep a copy for your records
5. If the corrections are not completed by deadline, contact the Rental Housing Division of the City of Fridley Fire Department to make a formal complaint and schedule an inspection.

Complaint Procedure For Emergency Repairs

For the following items notify both the owner/manager and the Rental Housing Division:

- Missing or inoperable smoke detector
- Inoperable fire alarm system
- Severe water leak

- Infestation of insects or rodents
- Loss of electrical power
- Loss of Natural Gas
- Unsanitary situations
- Unsafe structure
- Heating system failure
- Blocked fire exits
- Inoperable locking mechanism
- Unsecured doors and windows
- Overheating appliances or other possible fire condition
- Immediate hazards from open flames, i.e. BBQ grills, illegal recreational fire

Plymouth (Pop. 70,238): Contact: Janice in the housing department (763-509-5407).

From website: "Rental Licensing: To help maintain the integrity of Plymouth's rental housing, the City inspects rental housing. The City inspects apartment buildings on an annual basis, and all other residential housing biennially, under its rental dwelling licensing code. For more information, call or e-mail the contact information listed below.

Chapter 405 of the Plymouth City Code addresses housing maintenance. In addition to the section of the City Code, rental property owners and managers must also comply with the 2000 Edition of the International Property Maintenance Code. (Chapter 405 adopted the international code by reference.) While the City cannot put the International Property Maintenance Code online, City officials have received copyright authorization to photocopy it. Individuals may purchase the Code for \$15 plus tax. To order a copy, call the Building Division at the phone number listed below."

Licenses are renewed annually and inspections for duplexes, condos, town homes, and single-family dwelling are every other year after the initial inspection. For apartments, 15% of the units and the corridors are inspected each year. They have one administrative person and one inspector doing the inspections for 7,403 units.

Single Family Dwelling	\$47.75 per dwelling building
Two Family Dwelling	\$43.00 per dwelling unit plus \$4.75 per rental unit
Condominium Dwelling	\$43.00 per dwelling unit plus \$4.75 per rental unit
Three-Four Family Dwelling	\$43.00 per complex plus \$4.75 per rental unit
Multifamily Dwelling	\$43.00 per complex plus \$4.75 per rental unit

CHAPTER 3

RENTAL HOUSING LICENSING AND MAINTENANCE CODE¹

SECTION:

- 9-3--1: Title
- 9-3--2: Purpose
- 9-3--3: Applicability; Scope
- 9-3--4: Definitions
- 9-3--5: Interpretation; Enforcement
- 9-3--6: Enforcement Officer
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- 9-3-14: Installation; Maintenance
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- 9-3-15: Lighting
- 9-3-16: Security
- 9-3-17: Appeal
- 9-3-18: Violation; Penalty !2R!

1. M.S.A. § 471.62.

9-3-1: TITLE:

This Chapter shall be known as the LAUDERDALE RENTAL HOUSING LICENSING AND MAINTENANCE CODE and may be cited as such. (Ord. 85, 9-29-1986)

9-3-2: PURPOSE:

The purpose of this Chapter is to provide minimum standards to safeguard life and limb, health, property and the public welfare by regulating and controlling the use, occupancy and maintenance of all ~~multiple family residential~~ rental structures within the City. (Ord. 85, 9-29-1986)

9-3-3: APPLICABILITY; SCOPE:

Every portion of a building or premises used or intended to be used for ~~multiple family residential~~ rental purposes (except rest homes, convalescent homes, licensed group homes, ~~nursing~~ homes, hotels and motels) shall comply with the provisions of this Chapter, regardless of when such building was constructed, altered or repaired. (Ord. 85, 9-29-1986)

9-3-4: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

~~!DEF!~~ BUILDING OFFICIAL: ~~The Building Inspector or a designated agent authorized by the City Council to administer and enforce~~ officer or other designated authority charged with the administration and enforcement of this Chapter.

COMMON AREAS: Those portions of a ~~multiple family residential~~ rental building or premises which are not rented or leased to individual tenants on a regular basis.

DWELLING: a building or portion thereof designed predominantly for residential occupation of a continued nature and includes 1-family (single family) dwellings, 2-family dwelling (duplex), apartment buildings, and rooming units. (amend 10/05)

DWELLING UNIT: A single residential accommodation which is arranged, designed, used or intended for use exclusively as a domicile for one family. Where a private garage is structurally attached, it shall be considered as part of the building in which the dwelling unit is located.

FAMILY: Any of the following definitions shall apply:

- A. An individual or any number of persons related by blood, marriage, or adoption, together with domestic servants or temporary gratuitous guests, maintaining a common household in a single dwelling unit;
- B. Persons living in a State-licensed residential facility serving six (6) or fewer persons and the authorized person or persons in charge thereof, together with domestic servants or temporary gratuitous guests, all maintaining a common household in a single dwelling unit; or
- C. A group of not more than three (3) persons not related by blood, marriage or adoption maintaining a common household in a single dwelling unit.

HABITABLE ROOM: A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements (those without required ventilation, required electric outlets and required exit facilities), pantries, utility rooms of less than fifty (50) square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas in parts of the structure below ground level or in attics.

HOUSEHOLD: All persons residing within a single dwelling unit whose relationship includes a substantial amount of social interaction, including the sharing of housekeeping responsibilities or expenses or the taking of meals together.

MULTIPLE FAMILY DWELLING OR STRUCTURE: A dwelling or portion thereof containing three (3) or more dwelling units.

NOXIOUS WEEDS: Those plants which are defined as noxious by the Minnesota Department of Agriculture.

OCCUPANT: any person, including the owner or operator, living, sleeping, cooking or eating within a dwelling unit. (amend 10/05)

OWNER: any person, firm or corporation who, alone, jointly or severally with others, shall be in actual possession or, have charge, care of control of any dwelling, dwelling unit or rooming unit within the city as owner, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder. Also, any person, firm or corporation who has the right to determine who occupies a rental structure or a person,

firm or corporation who shall have the power to rent or let premises to another for purposes of this code. (amend 10/05)

RENTAL DWELLING: any dwelling, dwelling or rooming unit let for rent or lease including an apartment building. (amend 10/05)

ROOMING UNIT: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes. (Ord. 85, 9-29-1986) !DEFEND!

9-3-5: INTERPRETATION; ENFORCEMENT:

The City Council shall interpret and enforce the provisions of this Chapter in accord with the procedures outlined in Section 9-3-17. Appeal of any decision or interpretation of this Chapter made by the Building Official shall be to the City Council in accordance with the provisions of Section 9-3-17 of this Chapter. Copies of all rules and regulations adopted by the City Council regarding housing maintenance shall be delivered to the Building Official and shall be made available for public inspection by the City Administrator. (Ord. 85, 9-29-1986)

9-3-6: ENFORCEMENT OFFICER:

A. Building Official: The Building Official or other designated agent authorized by the City Council is hereby authorized and directed to enforce all provisions of this Chapter, subject to review by the City Council. For such purposes, he or she shall have the powers of a law enforcement officer.

B. Compliance Tags: The Building Official is hereby empowered to issue compliance tags for the repair or razing of buildings which do not comply with the provisions of this Chapter.

C. Right Of Entry:

1. Inspections: Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Building Official may enter such building or premises at any reasonable time to inspect the same or to perform any duty imposed upon him or her by this Chapter.

2. Occupied Building Or Premises: If such building or premises is occupied, the Building Official shall first present proper credentials and request entry.

3. Unoccupied Building Or Premises: If such building or premises is unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

4. Refusal To Allow Entry: If such entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

5. Inspection Warrant: When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail, after proper request is made as herein provided, to promptly permit entry by the Building Official for the purpose of inspection and examination pursuant to this Chapter. (Ord. 85, 9-29-1986)

9-3-7: RESPONSIBILITY OF OWNER:

A. Every owner of a dwelling, dwelling unit or rooming unit, shall remain liable for violations of duties imposed upon him or her by this Chapter even though an obligation is also imposed on the occupants of the building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Chapter.

B. Every owner, or agent, in addition to being responsible for maintaining the building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he or she occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a multiple family dwelling.

C. Access By Owner: Every occupant of a dwelling unit or rooming unit shall give the owner or managing agent access to any part of such dwelling unit, rooming unit, or premises, at reasonable times for the purpose of effecting such inspection and maintenance, making such repairs, or making such alterations as are necessary to comply with the provisions of this Chapter. (Ord. 85, 9-29-1986)

D. The owner or authorized agent shall ensure the dwelling, dwelling unit or rooming unit possesses the appropriate license and all fees are paid before the dwelling, dwelling unit or rooming unit is rented or leased. (amend 10/05)

9-3-8: RESPONSIBILITY OF OCCUPANT:

A. Cleanliness: Every occupant of a ~~multiple family rental~~ dwelling shall keep in a clean and sanitary condition that part of the building which he or she occupies, controls or uses.

B. Disposal Of Rubbish: Every occupant of a ~~multiple family rental~~ dwelling unit shall dispose of all his or her rubbish in a clean and sanitary manner.

C. Plumbing Fixtures:

1. Furnished Fixtures: Every occupant of a ~~multiple family rental~~ dwelling shall keep the supplied plumbing fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.

2. Fixtures Furnished By Occupant: Every plumbing fixture furnished by the occupant shall be properly installed and shall be maintained in good working condition, shall be clean and sanitary, and free from defects, leaks or obstructions.

D. Noise: Every occupant of a ~~multiple family rental~~ dwelling shall refrain from, and shall prevent his or her guests from making excessive noise which disturbs the peace and quiet of other occupants in the building and other persons residing in the neighborhood. (Ord. 85, 9-29-1986)

9-3-9: SUBSTANDARD BUILDING DECLARED NUISANCE:

All buildings or portions thereof which are not in compliance with the minimum standards of this Chapter (Sections 9-3-10 through 9-3-16) are hereby declared to be substandard and public nuisances, and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section 9-3-17 of this Chapter. (Ord. 85, 9-29-1986)

9-3-10-1: GENERAL LICENSING PROVISIONS:

- A. License Required: no person shall rent a dwelling unit to another for occupancy unless the owner obtains a license issued by the City for the dwelling unit.
- B. License Application: the owner of a dwelling unit shall submit an application for a rental license on forms and in the format provided by the City of Lauderdale. A person who received a rental license shall give notice, in writing, to the City within five (5) business days of any changes to the information contained in the license application.
- C. License fees: the fee for a rental license shall be determined from time to time by the City Council by resolution and be maintained at the City of Lauderdale City Hall. The required fees shall be submitted along

- with the application for a new or renewal license. Applications for renewal license submitted after the license term expiration are subject to a penalty fee.
- D. License Term. All rental licenses shall expire one calendar year from date the license was issued by the City except as otherwise provided herein or in cases of suspension or revocation.
- E. License Issuance. The City shall issue a rental license for a rental dwelling if the licensed location is in compliance with the provisions of this Chapter, the real estate taxes are paid and current and the municipal utilities are paid and current.
- F. Posting of License. Rental dwellings shall post a copy of the license in a conspicuous place such as a public corridor, hallway or lobby of the building in which the dwelling unit is located. The license shall be framed with a glass covering.
- G. Renewal of License. A licensee may continue to rent a dwelling unit after the expiration date of the rental license provided the Owner or the Agent has filed with the City on or before the expiration date, the appropriate renewal license application and license fee. Allowing the licensee to continue to rent does not obligate the City to renew the license if the licensee application is not complete or there are compliance issues.
- H. Transfer of License. The license of a single family rental dwelling or rooming unit is not transferable. All other licensed rental dwellings may transfer license upon sale and closure of sale of the rental dwelling. The new owner shall provide to the City a transfer of ownership application and related fee. Failure to submit the transfer application and fee shall result in proceedings to terminate the license.
- I. Resident Agent Required. Owners of rental dwellings with more than five (5) individual rental units shall appoint an agent who resides within the rental dwelling to be responsible for the maintenance and up keep of the dwelling and units within and to handle licensing issues with the City. Owners of rental dwelling units of less than five (5) units who do not reside in the seven county metropolitan area shall appoint an agent responsible for the maintenance and up keep of the building and respond to licensing issues. (amend 10/05)

9-3-10-2: CONDITIONS OF LICENSE: dwelling unit rental licenses shall be issued subject to the following conditions:

- (A) The rental dwelling unit and grounds meet the minimum requirements contained in this Chapter.
- (B) The rental dwelling and the premises conform to all applicable ordinances of the city, including

Chapter 5 and any applicable state and federal laws.

(C) The owner or its agent shall keep or cause to be kept, a current register of occupancy for each dwelling unit which shall be available for viewing or copying by officials of the City as requested. Said register shall provide, at a minimum, the following information:

1. Address of the rental dwelling
2. Number of bedrooms or rental units in the dwelling
3. Number of adults and children (under 18) currently occupying the dwelling unit.

9-3-10-3: CONDUCT ON LICENSED PREMISES

1. It shall be the responsibility of the licensee or its authorized agent to take appropriate action following conduct by occupant(s) or guests of the occupant(s), which is in violation of any of the following statutes or ordinances. Violation of the below may result in the City of Lauderdale initiating licensing action.

- A. MN Stat. §609.75 through §609.76 as may be amended from time to time, relating to gambling;
- B. MN Stat. §609.321 through §609.324 as may be amended from time to time, which prohibit prostitution and acts related thereto;
- C. MN Stat. §152.01 through §152.027 and §152.027, subdivisions 1 and 2 as may be amended from time to time, which prohibit unlawful sale or possession of controlled substances;
- D. MN Stat. §340A.401 as may be amended from time to time, which regulates the unlawful sale of alcoholic beverages;
- E. MN Stat. §609.33 as may be amended from time to time which prohibits owning, leasing, operating, managing, maintaining or conducting a disorderly house, or inviting or attempting to invite others to visit or remain in a disorderly house;
- F. MN Stat. §97B.021, §97B.045, §609.66 through §609.67 and §624.712 through §624.716 as may be amended from time to time which prohibit the unlawful possession, transportation, sale or use of a weapon;
- G. MN Stat. §609.72 as may be amended from time to time which prohibits disorderly conduct;

- H. City of Lauderdale City Code, Chapter 5-7 relating to recreational fires;
 - I. City of Lauderdale City Code Chapter 5-8 relating to clandestine drug labs; and
 - J. City of Lauderdale City Code Chapter 4-1.
 - K. The licensed rental dwelling receives 'X' or more police calls for service in a six month period.
2. The City of Lauderdale's contracted law enforcement agency is charged with authority and responsibility for the enforcement of this section.
 3. Upon determination by law enforcement officials that a licensed premises or dwelling is in violation of section 1 above, the law enforcement department shall notify the City of Lauderdale and the City shall cause to be sent to the licensee or authorized agent notification of the violation and direct the licensee or authorized agent to take steps to prevent further violations. A copy of said notice shall be sent to the occupant in violation of Section 1.
 4. Upon a second violation within twelve (12) months of section 1 involving an occupant(s) or guest(s) of the occupant(s) of a dwelling unit, the notice provided under Section 3 of this Chapter shall require the licensee or authorized agent to submit to the city a written report of the action taken to prevent further violations on the premises. The written report shall be submitted to the city within five (5) business days of the request and shall detail all actions taken by the licensee in response to all notices regarding violations to section 1 within the preceding twelve (12) months. If the licensee fails to comply with the requirements of this section, the rental dwelling license for the dwelling may be denied, suspended, revoked or not renewed. An action to deny, revoke, suspend or not renew a license under this section shall be initiated by the City Council at the request of the City Administrator in the manner described in Section 9-3-18.
 5. If a third or subsequent violation of section 1 involving a guest or an occupant of a dwelling unit occurs within twelve (12) months after any two (2) previous instances for which notices pursuant to this section were sent to the licensee regarding the same dwelling unit, the rental dwelling license may be denied, revoked, suspended or not renewed. An

action to deny, revoke, suspend or not renew a license under this section shall be initiated by the City Council at the request of the City Administrator in the manner described in Section 9-11-8.

6. No adverse license action shall be imposed if the violations to section 1 occurred during the pendency of eviction proceedings or within thirty (30) days of notice given by the licensee to an occupant to vacate the premises, where the violation was related to conduct by that occupant, other occupants, or the occupant's guests. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, an action to deny, revoke, suspend or not renew a license based upon violations of this section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further violations to section 1.

9-3-10-4: MINIMUM RENTAL DWELLING STANDARDS: every dwelling to be used or considered for rental in the City of Lauderdale must, prior to issuance of any license, comply with the requirements outlined in 9-3-11 through 9-3-17.

9-3-~~10~~11: EXTERIOR PROPERTY AREAS:

9-3-~~10~~11-1: SANITATION:

All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. (Ord. 85, 9-29-1986)

9-3-~~10~~11-2: GRADING AND DRAINAGE:

All premises shall be graded and maintained to prevent the accumulation of stagnant water on the premises or within any building or structure located thereon. (Ord. 85, 9-29-1986)

9-3-~~10~~11-3: NOXIOUS WEEDS; CUTTING GRASS:

All exterior property areas shall be kept free from weeds or plants which are noxious or detrimental to the public health. All exterior property areas which are planted with grass shall be mowed regularly to prevent excessive growth. Grass which is allowed to grow above the height of eight inches (8") may be cut

by the City and the cost thereof assessed against the owner of the property. (Ord. 85, 9-29-1986)

9-3-~~10~~11-4: INSECT AND RODENT HARBORAGE:

Every owner of a multiple family structure shall be responsible for the extermination of insects, rodents, vermin, or other pests in all exterior and common areas of the premises. (Ord. 85, 9-29-1986)

9-3-~~10~~11-5: ACCESSORY STRUCTURES:

All accessory structures including detached garages shall be structurally sound and maintained in good repair and appearance. The exterior of such structures shall be made weather resistant by the use of decay-resistant materials or by the application of paint or other preservatives. (Ord. 85, 9-29-1986)

9-3-~~10~~11-6: SNOW AND ICE REMOVAL:

The owner of a multiple family dwelling shall be responsible for the removal of snow and ice from parking lots, driveways, steps and walkways on the premises.

A. Two Inch Snowfalls: Individual snowfalls of two inches (2") or more, or successive snowfalls accumulating to a depth of two inches (2"), shall be removed from parking lots and driveways within twenty four (24) hours after cessation of the snowfall.

B. One Inch Snowfalls: Individual snowfalls of one inch (1") or more, or successive snowfalls accumulating to a depth of one inch (1"), shall be removed from steps and walkways within sixteen (16) hours after cessation of the snowfall. (Ord. 85, 9-29-1986)

9-3-~~11~~12: EXTERIOR OF STRUCTURES:

9-3-~~11~~12-1: FOUNDATIONS, WALLS AND ROOFS:

Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in good repair and appearance, including the following:

A. Foundation Elements: The foundation elements shall adequately support the building at all points;

B. Exterior Wall: Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose

stucco or brick, and any other condition which might admit rodents, rain or dampness to the interior portions of the walls;

C. Roof: The roof shall be tight and have no defects which admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls;

D. Wood Surfaces: All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment. If twenty five percent (25%) or more of the exterior surface is unpainted or determined by the Building Official to be paint blistered, the surface shall be painted; and

E. Brick, Block Or Stone: If twenty five percent (25%) or more of the exterior surface of the pointing of any brick, block or stone wall is loose or has fallen out, the surface shall be repaired. (Ord. 85, 9-29-1986)

9-3-~~11~~12-2: STAIRS, PORCHES AND RAILINGS:

Every outside stair, porch and appurtenance attached thereto shall be constructed to be safe to use and capable of supporting the load determined in the Building Code, and shall be kept in sound condition and good repair, including the following:

A. Stairs: Every flight of stairs which is more than four (4) risers high shall have handrails which are to be so located as determined by the Building Code;

B. Porch: Every porch which is more than eighteen inches (18") above grade shall have rails capable of restraining the horizontal pressure determined by the provisions of the Building Code; and

C. Rails And Balustrades: Every rail and balustrade shall be firmly fastened and shall be maintained in good condition. (Ord. 85, 9-29-1986)

9-3-~~11~~12-3: WINDOWS, DOORS AND HATCHWAYS:

Every window, exterior door, and basement hatchway shall fit tightly and shall be kept in sound condition and repair, including the following:

A. Windows:

1. Panes; Screens: Every window shall be fully supplied with window panes which are without open cracks or holes and windows which can be opened shall be supplied with tight fitting screens;

2. Sash: Every window sash shall be in good condition and fit tightly within its frame;

3. Easily Opened: Every window, other than a fixed window, shall be capable of being easily opened and held in an open or closed position by window hardware;

B. Exterior Doors:

1. Condition: Every exterior door, door hinge, and door latch shall be in good condition;

2. Fit: Every exterior door, when closed, shall fit tightly within its frame;

C. Rodents, Rain And Wind: Every window, door, and frame shall be constructed and maintained to exclude rodents, rain, and substantially to exclude wind from entering the dwelling;

D. Basement Hatchway: Every basement hatchway shall be constructed and maintained to prevent the entrance of rodents, rain, and surface drainage water into the dwelling or structure; and

E. Exit Doors: Every door available as an exit shall be capable of being opened easily and without the use of a key from the inside. (Ord. 85, 9-29-1986)

9-3-~~11~~12-4: CHIMNEYS:

Every chimney and flue shall be maintained to function in a safe and efficient manner. (Ord. 85, 9-29-1986)

9-3-~~12~~13: INTERIOR OF STRUCTURES:

9-3-~~12~~13-1: MOISTURE:

All cellars, basements and crawl spaces shall be maintained reasonably free from dampness. (Ord. 85, 9-29-1986)

9-3-~~12~~13-2: STRUCTURAL MEMBERS:

The supporting members of every building shall be structurally sound and shall be capable of bearing imposed loads in accordance with the provisions of the Building Code. (Ord. 85, 9-29-1986)

9-3-~~12~~13-3: INTERIOR STAIRS AND RAILINGS:

All interior stairs shall be maintained in sound condition and good repair, including the following:

A. Treads And Risers: All treads and risers that evidence excessive wear or which are broken, warped or loose shall be replaced promptly. Every inside stair shall be constructed and maintained to be safe to use and capable of supporting the load determined by the provisions of the Building Code;

B. Stairwells: Every stairwell and every flight of stairs, which is more than four (4) risers high, shall have handrails or railings located in accordance with the provisions of the Building Code; and

C. Handrails: Every handrail or railing shall be firmly fastened and maintained in good condition. Properly balustraded railings capable of bearing normally imposed loads as determined by the Building Code shall be placed in the open portions of the stairs, balconies, landings, and stairwells. (Ord. 85, 9-29-1986)

9-3-~~12~~13-4: BATHROOM FLOORS:

Every toilet room floor surface and bathroom floor surface shall be constructed and maintained to be substantially impervious to water and to permit such floor to be easily kept in a clean and sanitary condition. (Ord. 85, 9-29-1986)

9-3-~~12~~13-5: SANITATION:

The interior of each dwelling unit and the common areas within each multiple family dwelling shall be maintained in a clean and sanitary condition, free from accumulation of rubbish or garbage. (Ord. 85, 9-29-1986)

9-3-~~12~~13-6: INSECT AND RODENT HARBORAGE:

A. Responsibility Of Owner: Every owner of a multiple family structure shall be responsible for the extermination of insects, rodents, vermin, or other pests wherever infestation exists in more than one dwelling unit, or in the shared or public parts of the structure;

B. Responsibility Of Occupant: The occupant of each unit within a multiple family dwelling shall be responsible for extermination within the unit whenever his or her dwelling unit is the only one infested; and

C. Failure To Maintain; Owner Responsibility: Notwithstanding the foregoing provisions of this Section, whenever infestation of pests is caused or permitted by failure of the owner to maintain any multiple family structure in a pestproof condition, extermination of such pests shall be the responsibility of the owner. (Ord. 85, 9-29-1986)

9-3-~~12~~13-7: INTERIOR WALLS, FLOORS, CEILINGS AND WOODWORK:

All interior walls, floors, ceilings and associated woodwork or trim must be maintained in sound condition and good repair. (Ord. 85, 9-29-1986)

9-3-~~13~~14: BASIC FACILITIES:

9-3-~~13~~14-1: WATER AND SEWER SYSTEM:

Every kitchen sink, lavatory basin, bathtub, or shower and water closet required under the provisions of this Chapter or any other code shall be properly connected to either a public water and sewer system or to an approved private water and public sewer system and shall be supplied with hot and cold running water, except that water closets need have only cold running water. (Ord. 85, 9-29-1986; 1996 Code)

9-3-~~13~~14-2: WATER HEATING FACILITIES:

Every dwelling unit shall have supplied water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines and which are capable of heating and delivering water to such a temperature to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, and laundry facilities or other similar units at a temperature of not less than one hundred fifteen degrees Fahrenheit (115°F) at any time needed. (Ord. 85, 9-29-1986; 1996 Code)

9-3-~~13~~14-3: HEATING FACILITIES:

Every multiple family dwelling shall have heating facilities which are properly installed, safely maintained in good working condition, and which are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein to a temperature of at least seventy degrees Fahrenheit (70°F) at three feet (3') above the floor with an outside temperature of minus twenty degrees Fahrenheit (-20°F). (Ord. 85, 9-29-1986)

9-3-~~1314~~-4: MINIMUM HEATING REQUIREMENT:

In every dwelling unit where the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least sixty eight degrees Fahrenheit (68°F) shall be maintained at a distance of three feet (3') above the floor and three feet (3') from exterior walls in all habitable rooms from September 1 through June 15. (Ord. 85, 9-29-1986)

9-3-~~1415~~: INSTALLATION; MAINTENANCE:

9-3-~~1415~~-1: PLUMBING FIXTURES:

Every water line, plumbing fixture and drain shall be properly installed, connected and maintained in working order, be capable of performing the function for which it was designed and be kept free from obstructions, leaks and defects. (Ord. 85, 9-29-1986)

9-3-~~1415~~-2: PLUMBING SYSTEMS:

Every stack, waste and sewer line shall be installed and maintained to function properly and kept free from obstructions, leaks and defects to prevent structural deterioration or a health hazard. (Ord. 85, 9-29-1986)

9-3-~~1415~~-3: HEATING EQUIPMENT:

Every space heating, cooking and water heating device located in a dwelling or multiple family dwelling shall be properly installed, connected, maintained and capable of performing the function for which it was designed. (Ord. 85, 9-29-1986)

9-3-~~1415~~-4: ELECTRICAL SERVICE, OUTLETS AND FIXTURES:

A. Electrical Service: All multiple family structures and dwelling units shall be supplied with electrical service that is adequate to safely meet the electrical needs of the structure and dwelling units in accordance with the provisions of the National Electric Code as revised by ordinance.

B. Electrical Outlets And Fixtures: Every electrical outlet and fixture shall be installed, maintained and connected to the source of electrical power in accordance with the provisions of the National Electric Code as revised by ordinance. (Ord. 85, 9-29-1986)

9-3-~~14~~15-5: ALL FACILITIES AND EQUIPMENT:

All required equipment and all building space and parts in every multiple family structure shall be constructed and maintained to properly and safely perform their intended function. All housing facilities shall be maintained in a clean and sanitary condition so as not to breed insects and rodents or produce dangerous or offensive gases or odors. (Ord. 85, 9-29-1986)

9-3-~~15~~16: LIGHTING:

A. Nonhabitable Work Space: Every laundry, furnace room, and similar nonhabitable work space shall have a minimum of one electric light fixture available at all times.

B. Hallways And Stairways: Every hallway and inside stairway shall be adequately lighted at all times with an illumination of at least five (5) lumens per square foot in the darkest portion of the normally traveled stairs and passageways. (Ord. 85, 9-29-1986)

9-3-~~16~~17: SECURITY:

A. Security Systems: All multiple family structures shall have an approved security system. The security system shall consist of locked building entrance or foyer doors, and locked doors leading from hallways into individual dwelling units. Deadbolt type door locks shall be provided with lever knobs or doorknobs on the inside of building entrance doors and with key cylinders on the outside of building entrance doors. Building entrance door latches shall be of a type that are permanently locked from the outside and permanently unlocked from the inside.

B. Door Locks: Every door that is designed to provide ingress or egress to an individual dwelling unit within a multiple family structure shall be equipped with an approved lock that has a deadlocking bolt which cannot be retracted by end pressure; provided, however, that such door shall be openable from the inside without the use of a key or any special knowledge or effort. (Ord. 85, 9-29-1986)

9-3-18: LICENSE SUSPENSION OR REVOCATION:

A) A rental dwelling unit license is subject to suspension or revocation by the City Council for violations specified herein. Prior to suspension or revocation of a rental dwelling license, the owner or authorized agent shall be notified in writing at least five (5) business

days in advance of the City Council's consideration of such action.

The notice shall include, at a minimum, the following information:

1. The address where the violation occurred;
2. A description of the violation(s);
3. The notifications as provided in Section 9-11-7 provided to the owner along with the owner's responses to such notifications; and
4. Other information as the City determines necessary to support the proposed action.

B) The City Council shall cause a public hearing to be held regarding the licensing action at a regular City Council meeting at which time the owner and/or its authorized agent may address the Council to provide evidence and other information as to why the license should not be suspended or revoked.

C) If the City Council finds cause and evidence to suspend or revoke a rental dwelling license, the Council shall pass a resolution stating such. Upon suspension or revocation of the rental dwelling license, the owner or its authorized agent shall not permit any new occupancy for vacant or thereafter vacated dwelling units until the rental dwelling license is reinstated. The procedure and process for obtaining a license following suspension or revocation shall be the same as for obtaining an initial license.

D) Whenever any dwelling or dwelling unit has not obtained the required license, or has been denied a license or has had its rental dwelling license suspended or revoked or is deemed unfit for human habitation, the owner or its authorized agent shall post the dwelling with a placard to prevent further occupancy. (amend 10/05)

9-3-1719: APPEAL:

A. Request For Informal Hearing:

1. Required Information: Any person who receives a compliance tag from the Building Official to repair or raze a structure may request a hearing before the City Council by filing with the City Administrator a written request containing the following:

a. The name and address of the party and the address of the subject property;

- b. A brief statement of the legal interest in the subject building or land of each party;
- c. A brief statement in ordinary and concise language of the order or action protested, together with any material facts claimed to support the contentions of that party;
- d. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the order or action should be reversed, modified, or otherwise set aside;
- e. The signatures of all parties submitting the request for a hearing and their official mailing addresses; and
- f. The verification (by declaration under penalty of perjury) of at least one party as to the truth of the matters stated in the hearing request.

2. Time Restriction: The hearing request shall be filed within thirty (30) days from the date of the service of the compliance tag of the Building Official; provided, however, that if the building or structure is in such condition as to make it, in the opinion of the Building Official, an imminent danger to the life, limb, property, health, or safety of the public or adjacent property, and is ordered vacated, such hearing request shall be filed within ten (10) days from the date of the service of the compliance tag of the Building Official.

B. Process Of Request: Upon receipt of any request for a hearing filed pursuant to this Section, the City Administrator shall notify the Building Official and shall schedule the matter for a regular meeting of the City Council not less than ten (10) days nor more than sixty (60) days from the date the hearing request was filed with the City Administrator.

C. Scheduling And Notice Of Hearing: Notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each party by the City Administrator either by causing a copy of such notice to be delivered to the party personally or by mailing a copy thereof, postage prepaid, addressed to the party at his or her address shown on the written request for hearing.

D. Decision Of City Council: At the hearing the City Council shall hear the evidence and arguments of the parties and the Building Official and may reverse, modify, or affirm, in whole or in part, the compliance tag. The City Council may also issue a formal order to the party or parties. This order shall comply with the provisions of Minnesota Statutes section 463.17, and the matter shall thereafter be governed by the provisions of Minnesota Statutes sections 463.15 through 463.261, inclusive, which are hereby incorporated into this Chapter.

E. Failure To Request Hearing: Failure of any party to request a hearing in accordance with the provisions of this Section shall constitute a waiver of his or her right to a hearing. The Council may then issue a formal order which complies with Minnesota Statutes section 463.17, and the matter shall thereafter be governed by the procedure set forth in Minnesota Statutes sections 463.15 through 463.261, inclusive. (Ord. 85, 9-29-1986)

9-3-1820: VIOLATION; PENALTY:

It shall be unlawful for any person to rent or let to another for the purpose of living therein any dwelling unit which does not comply with the provisions of this Chapter. Any person who violates, fails to comply with or assists, directs or permits the violation of any provision of this Chapter shall be guilty of a misdemeanor. (Ord. 85, 9-29-1986)

**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

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

Meeting Date: November 15, 2005

ITEM NUMBER 10-C Regional Water Board

STAFF INITIAL BBH

APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION: It is Lauderdale's turn to appoint a person to sit on the St. Paul Regional Water Board. I have been contacted by John Pontrelli, who is currently on the board and a member of the North St. Paul city council. He is requesting the City of Lauderdale reappoint him to the board as one of the suburban representatives. The other suburban representative is the former mayor of Maplewood.

OPTIONS:

- 1) Consider the reappointment of Mr. Pontrelli
- 2) Consider the appointment of someone else

STAFF RECOMMENDATION: because Mr. Pontrelli indicated a willingness to serve on this board again on behalf of the suburban communities and considering he has been on the board for a few years and understands several of the issues pending, staff recommends the reappointment of Mr. Pontrelli to this Board. The appointment should be considered at the first meeting in January when the Council makes the other appointments to board and committees.

COUNCIL ACTION:

**LAUDERDALE COUNCIL
ACTION FORM**

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

Meeting Date	_____
ITEM NUMBER	<u> 11A - Elections </u>
STAFF INITIAL	<u> JB </u>
APPROVED BY ADMINISTRATOR	_____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:
Elections were held at City Hall on September 8, 2005 in order to elect a mayor and two city council members. According to Minnesota Statute 205.185, the governing body of a city shall act as the canvassing board, canvas the returns, and declare the results of the election within seven (7) days of an election.

OPTIONS:

STAFF RECOMMENDATION: Adopt Resolution No. 111505A.

COUNCIL ACTION: Adopt Resolution No. 111505A
A RESOLUTION CERTIFYING THE ELECTION RETURNS OF NOVEMBER 8, 2005
GENERAL MUNICIPAL ELECTION.

RESOLUTION NO. 111505 A

**CITY OF LAUDERDALE
COUNTY OF RAMSEY
STATE OF MINNESOTA**

**RESOLUTION CERTIFYING THE ELECTION RETURNS
OF NOVEMBER 8, 2005 GENERAL MUNICIPAL ELECTION**

WHEREAS, the City of Lauderdale election judges have tabulated the votes in Precinct I for Mayor for a term of two years and two Council members for a term of four years effective January 1, 2006, with the following results:

MAYOR	VOTES
Jeffrey E. Dains	276
COUNCIL MEMBERS	
Clay Christensen	252
Karen Doherty	181
Denise Hawkinson	147

NOW THEREFORE, BE IT RESOLVED by the Canvassing Board that Jeffrey E. Dains is duly declared elected to the Office of Mayor for a term of two years beginning January 1, 2006, and that Clay Christensen and Karen Doherty are duly declared elected to the office of City Council for a term of four years beginning January 1, 2006.

BE IT ALSO RESOLVED, that the City Clerk be directed to certify such election returns to the Ramsey County Auditor.

I CERTIFY THAT the above resolution was adopted by the City Council of Lauderdale on this 15th day of November, 2005.

(ATTEST)

Jeffrey E. Dains, Mayor

(SEAL)

Brian Bakken-Heck, City Administrator

**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

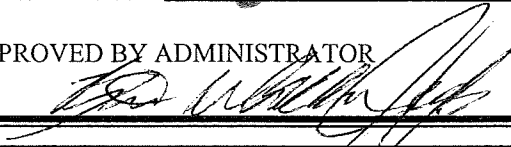
Consent _____
 Public Hearing _____
 Discussion _____
 Action _____
 Resolution _____ **X** _____
 Work session _____

Meeting Date 11/15/05 _____

ITEM NUMBER 11-8 Disaster Mit. Plan

STAFF INITIAL JB

APPROVED BY ADMINISTRATOR



DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION: The Disaster Mitigation Act of 2000 (DMA) requires counties and communities to have a Mitigation Plan to receive disaster funds whether from a tornado, flood or terrorist event. The Act “reinforces the importance of mitigation planning in both pre and post-disaster situations, and emphasizes planning for disasters before they occur.”

On September 28, 2004, the council adopted a resolution to participate in a hazard mitigation planning process. The county has completed its planning process and has adopted a plan. Lauderdale, as well as other cities in Ramsey County, can adopt the County’s plan by reference, thereby ensuring that Lauderdale is utilizing the same plan as other communities in the county. This will save staff time and resources that would otherwise be unnecessarily expended on the development of our own plan.

Due to the length of the document (194 pages), copies of the plan have not been enclosed. However, if you would like to view the plan, or would like a copy of the plan, we have it in electronic form. The public version of the plan can also be viewed on the County’s website at <http://www.co.ramsey.mn.us/emergencyservice/index.asp>.

OPTIONS:

STAFF RECOMMENDATION: Adopt Resolution No. 111505 **JB**

COUNCIL ACTION: Adopt Resolution No. 111505 **JB**
 A RESOLUTION TO PARTICIPATE IN THE COUNTYWIDE ALL-HAZARD MITIGATION PLAN .

RESOLUTION NO. 111505B
CITY OF LAUDERDALE
COUNTY OF RAMSEY, STATE OF MINNESOTA
RESOLUTION TO PARTICIPATE IN THE COUNTYWIDE ALL-HAZARD
MITIGATION PLAN

WHEREAS, the County of Ramsey Division of Emergency Management and Homeland Security has participated in the all-hazard mitigation planning process as established under the Disaster Mitigation Act of 2000, Pub. L. No. 106-390; and

WHEREAS, the Act requires all counties and municipalities to develop, adopt and maintain all-hazard mitigation plans either independently or on a countywide, multi-jurisdictional basis; and

WHEREAS, such plans must be well integrated and coordinated to account for the fact that hazards in one jurisdiction impact on other nearby jurisdictions; and

WHEREAS, the Act establishes a framework for the development of an all-hazard mitigation plan; and

WHEREAS, the Act as part of the planning process requires public involvement and local coordination among neighboring local units of government and businesses; and

WHEREAS, the plan must include a mitigation strategy including priorities, goals and strategies and an action plan identifying specific mitigation projects and timeframes; and

WHEREAS, the plan must include an implementation and maintenance process including plan updates, integration of the plan into other planning documents and how the County will maintain public participation and coordination; and

WHEREAS, Ramsey County Division of Emergency Management and Homeland Security has indicated its willingness to coordinate these efforts should the municipality so desire; and

WHEREAS, the plan will be shared with all municipalities, the County Board of Commissioners and the State of Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management for coordination; and

WHEREAS, adoption of the all-hazard mitigation plan will make the municipalities and the County eligible to receive Hazard Mitigation Grant Program (HMGP) project grants and Pre-Disaster Mitigation (PDM) Grant Program grants; and

WHEREAS, this Countywide All-Hazard Mitigation Plan has been approved by the Federal Emergency Management Agency (FEMA) and by the State of Minnesota Department of Public Safety, Division of Homeland Security and Emergency

Management for Ramsey County and for any jurisdiction with Ramsey County that chooses to adopt this plan as their municipal All-Hazard Mitigation Plan; and

WHEREAS, this resolution does not preclude any municipality from preparing its own plan in the future should it desire to do so; Therefore Be It

RESOLVED, that the City of Lauderdale supports the countywide All-Hazard Mitigation Plan development effort, and, be it further

RESOLVED, that the City of Lauderdale hereby adopts this countywide All-Hazard Mitigation Plan as the All-Hazard Mitigation Plan for the city, and, be it further

RESOLVED, that the City of Lauderdale requests that the Ramsey County Division of Emergency Management and Homeland Security coordinate the All-Hazard Mitigation Plan development and maintenance efforts for the City of Lauderdale in the future.

Adopted this 15th day of November, 2005.

Signed _____ (Seal):
Jeffrey E. Dains, Mayor

Attest: _____
Brian Bakken-Heck, City Administrator

**LAUDERDALE COUNCIL
ACTION FORM**

ACTION REQUESTED

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

Meeting Date 11/15/05

ITEM NUMBER 11-~~6~~ City EMS Plan

STAFF INITIAL [Signature]

APPROVED BY ADMINISTRATOR
 [Signature]

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION: Lauderdale adopted an Emergency Operations Plan (EOP) in 1999. Due to world events the plan has become obsolete. Ramsey County has spent considerable time and effort the last few years creating a county-wide EOP, which the county adopted this summer.

Lauderdale, as well as other cities in Ramsey County, can adopt the County's plan by reference, thereby ensuring that Lauderdale is utilizing the same plan as other communities in the county. This will save staff time and resources that would otherwise be unnecessarily expended on the development of our own plan.

Due to the length of the document (140 pages), copies of the plan have not been enclosed. However, if you would like to view the plan, or would like a copy of the plan, we have it in electronic form. The public version of the plan can also be viewed on the County's website at <http://www.co.ramsey.mn.us/emergencyservice/index.asp>.

OPTIONS:

STAFF RECOMMENDATION: Adopt Resolution No. 111505 ~~B~~ **C**

COUNCIL ACTION: Adopt Resolution No. 111505 ~~B~~ **C**
A RESOLUTION TO PARTICIPATE IN THE COUNTYWIDE EMERGENCY OPERATIONS PLAN

**RESOLUTION NO. 111505C
CITY OF LAUDERDALE
COUNTY OF RAMSEY, STATE OF MINNESOTA
RESOLUTION TO PARTICIPATE IN THE COUNTYWIDE EMERGENCY
OPERATIONS PLAN**

WHEREAS, Chapter 12 of Minnesota Statutes and the Robert T. Stafford Act, and the Superfund Amendments and Reauthorization Act of 1986 require all counties and incorporated municipalities to develop and adopt plans for preparing for, responding to, recovering from, and mitigating the effects of emergencies and disasters; and

WHEREAS, such plans are required to address all hazards and must meet no fewer than 64 specific planning items; and

WHEREAS, such plans must be well integrated and coordinated to account for the fact that emergencies in one jurisdiction impact on other nearby jurisdictions; and

WHEREAS, the plan must include an implementation and maintenance process including plan updates, integration of the plan into other planning documents and how the County will activate and coordinate activities with the affected jurisdictions; and

WHEREAS, Ramsey County Division of Emergency Management and Homeland Security has indicated its willingness to coordinate these efforts should the municipality so desire; and

WHEREAS, the plan will be shared with all municipalities, the County Board of Commissioners and the State of Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management for coordination; and

WHEREAS, the above reasons make it desirable for the county to utilize common planning and response elements designed to integrate our emergency preparedness, response, recovery, and mitigation efforts; and

WHEREAS, such indication is a requirement of the National Incident Management System (NIMS) and the National Response Plan which is the template for all jurisdictions in the United States; and

WHEREAS, adoption of the all-hazard Emergency Operations Plan will make the municipalities and the County eligible to receive Emergency Management Performance Grant (EMGP) grants; and

WHEREAS, this Countywide Emergency Operations Plan has been certified as meeting or exceeding all standards for emergency planning by the State of Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management for

Ramsey County and for any jurisdiction within Ramsey County that chooses to adopt this plan as their municipal Emergency Operations Plan; and

WHEREAS, this resolution does not preclude the City of Lauderdale from preparing its own plan in the future should it desire to do so; now, Therefore Be It

RESOLVED, that the City of Lauderdale supports the county-wide all-hazard Emergency Operations Plan development effort, and, be it further

RESOLVED, that the City of Lauderdale hereby adopts this Countywide Emergency Operations Plan as the Emergency Operations Plan for the city, and, be it further

RESOLVED, that the City of Lauderdale requests that the Ramsey County Division of Emergency Management and Homeland Security coordinate all-hazard Emergency Operations Plan development and maintenance efforts for the City of Lauderdale in the future.

Adopted this 15th day of November, 2005.

Signed _____ (Seal):
Jeffrey E. Dains, Mayor

Attest: _____
Brian Bakken-Heck, City Administrator