

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-65

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
REQUIRING A SECURITY ESCROW FOR CONSTRUCTION IN LAKE ELMO, MINNESOTA.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV:
Land Usage; Chapter 153: Building Regulations, by removing the following
language:

§153.022 BOND OR CASH DEPOSIT TO PROTECT PERMANENT STREETS OR CURBS

On any new construction for property abutting a permanent street, a bond or cash
deposit shall be required to protect against damage to the permanent street, curb, or
other public property or improvement occurring by reason of construction. Fees for
the bond/deposit are set forth from time to time by resolution of the Council.

(1997 Code, § 505.08) Penalty, see § 10.99

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV:
Land Usage; Chapter 153: Building Regulation, by adding the following language:

§153.022 SECURITY ESCROW FOR CONSTRUCTION

- A. *Security Escrow.* A security escrow in an amount established by the city's Fee
Schedule or Building Official shall be paid before a building permit is issued for
the construction of all new structures and other significant construction related
projects at the discretion of the city. The security shall be returned to the
applicant upon the successful completion of the following:
 1. Compliance with the State Building Code;
 2. Compliance with the City of Lake Elmo City Code; and
 3. Compliance with specified requirements as determined by the Building
Official.
- B. *Purpose.* The security may be used at any time for the remediation of
construction related damage or debris on and around the site and other
violations of the City Code, including, but not limited to, erosion control,

street maintenance, and landscaping. If the security items are not completed within six months of start of construction, excluding the time between November 1 and April 1, or upon the builder filing bankruptcy, or if the job is abandoned for 30 days or more, the city may enter the lot, perform the work, and apply the security toward the cost, plus administrative fees.

- C. *Action against the financial security.* The city shall use the security to finance remedial work undertaken by the city, or a private contractor under contract to the city including a fee to the city for processing equal to 10% of the any contractor(s) invoice for materials and services, to reimburse the city for all costs incurred in the process of remedial work including, but not limited to, staff time, engineering fees and attorney's fees.
- D. *Maintenance of financial security.* If at any time the financial security is drawn upon, the applicant may be required to submit additional security to restore the security to the full amount as originally established. Restoring the full security is a requirement prior to resuming work on the site

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-65 was adopted on this fifteenth day of January 2013, by a vote of 4 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 08-65 was published on the 30th day of January, 2013.