

ORDINANCE NO. 2007 -

AN ORDINANCE REVISING THE MAXIMUM AMOUNT OF TIME ALLOWED FOR COMPLETION OF EXTERIOR CONSTRUCTION PROJECTS AND FOR STORAGE OF CONSTRUCTION RELATED MATERIALS AND EQUIPMENT OUTDOORS, REVISING THE ASSOCIATED PENALTIES FOR VIOLATION AND FURTHER DEFINING THE TERMS "EXTERIOR CONSTRUCTION AND FINISHES" AND "COMPLETION OF WORK", THEREBY AMENDING CHAPTERS 12 AND 15 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 12 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 12

PUBLIC PEACE AND SAFETY

ARTICLE II. PROHIBITED CONDUCT

Division A. Public Nuisances

SEC. 12.03. PROPERTY CONDITIONS CONSTITUTING A PUBLIC NUISANCE.

The following property conditions are declared to be nuisances affecting public peace, welfare and safety:

- (14) ~~[A structure or portion of a structure located in a residential zoning district, if the exterior is not completed in accordance with City approved construction plans within 180 days after the date that the City building permit was issued.]~~ Uncompleted exterior construction and finishes (including but not limited to structures, additions, accessory structures, siding, fascia work, windows, roofing, driveways, sidewalks, decks, patios, pools and retaining walls) on a single family or two-family site beyond one year after issuance of a permit or commencement of the construction project, whichever occurs first. A construction project is considered to commence when the first exterior evidence of the project is visible (for example, delivery of materials or removal of soil cover). In the case of demonstrated hardship due to sources beyond the control of the property owner (including but not limited to extreme weather conditions; reasonably unforeseen material, equipment or labor shortages; vandalism; or theft), the time allowed for exterior construction and finishes may be extended at the sole discretion of the Manager of Building and Inspection upon written appeal filed as soon as the need for an extension becomes known.
- (15) ~~[Construction materials, including piles of dirt, sand, or sod, left in the open on property more than 60 days after construction has been completed or a certificate of occupancy has been issued, whichever occurred first.]~~ Construction materials and equipment (including but not limited to piles of dirt, rock, landscaping materials, sod, scaffolding, forms, dumpsters, portable toilets, debris and construction trailers) left in the open:
- (A) on a single family or two-family residential site beyond one year after issuance of a permit or commencement of the construction project, whichever occurs first. A construction project is considered to commence when the first exterior evidence of the project is visible (for example, delivery of materials or removal of soil cover).
 - (B) on a multi-family residential site or on a non-residential site beyond 180 days after issuance of the first temporary or permanent certificate of occupancy.
- In the case of demonstrated hardship due to sources beyond the control of the property owner (including but not limited to extreme weather conditions; reasonably unforeseen material, equipment or labor shortages; vandalism; or theft), the time allowed for exterior construction and finishes may be extended at

the sole discretion of the Manager of Building and Inspection upon written appeal filed as soon as the need for an extension becomes known.

Section 2. That Chapter 15 of the City Code is hereby amended by deleting those words that are contained in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 15

BUILDINGS AND STRUCTURES

ARTICLE IX. LICENSES AND PERMITS

Division B. Licenses and Permits; General

SEC. 15.201. COMPLETION OF WORK.

- (a) Any person altering, repairing, ~~[or]~~ remodeling, or adding to the exterior portion of a single-family dwelling or two-family dwelling, including an attached or detached garage or accessory structure, shall complete ~~[such]~~ all exterior work within one year from the date of issuance of the building permit. Completion of work includes completing the structure and exterior finishes (including but not limited to siding, windows, roofing, driveways, retaining walls, decks and patios). In the case of demonstrated hardship due to sources beyond the control of the property owner (including but not limited to extreme weather conditions; reasonably unforeseen material, equipment or labor shortages; vandalism; or theft), the time allowed for exterior construction and finishes may be extended at the sole discretion of the Manager of Building and Inspection upon written appeal filed as soon as the need for an extension becomes known. [The Issuing Authority may extend the time for completion upon written request of the permittee establishing that circumstances beyond the control of the permittee prevented completion of the work for which the building permit was authorized. This Ordinance shall apply to any person altering, repairing or remodeling exterior portions of a single family dwelling or a two family dwelling for which a building permit has been outstanding for more than one year.]
- ~~[(b) Any person who shall violate sub-section (a) shall pay a penalty of \$25.00 for each day of violation. Payment of these penalties may be enforced by civil action.]~~

SEC. 15.203. VIOLATIONS AND PENALTY.

~~[The continued violation of any provisions of this Article shall constitute a separate offense under this Article for each and every day such violation shall continue.]~~ A violation of this Article or the making of any false statement in connection with the securing of any permit from the Issuing Authority shall be a misdemeanor under Minnesota law. The continued violation of any provisions of this Article shall constitute a separate offense under this Article for each and every day such violation shall continue. Civil penalties shall be subject to assessment pursuant to Section 12.15 of the City Charter and Section 1.19 of this City Code. However, nothing in this Article shall be construed to limit the City's other available legal remedies for any violation of the law, including without limitation, criminal, civil and injunctive actions.

SEC. 15.204. ~~[PENALTY] RESERVED.~~

~~[Any person who shall violate any provision of this Article, except Section 15.201, or who shall make any false statement in connection with the securing of any permit from the Issuing Authority, shall be guilty of a misdemeanor.]~~

Passed and adopted this _____ day of _____, 2007.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney