

## TITLE 9

### **BUILDING REGULATIONS**

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CHAPTER 1  
**BUILDING CODE**

SECTION:

- 9-1-1: State Building Codes Adopted By Reference
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9-1-1: **STATE BUILDING CODE ADOPTED BY REFERENCE:**

- A. Building Code: The Minnesota State Building Code, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes chapter 326B, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Building Codes and Standards Unit, is hereby adopted by reference with the optional chapters adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.
- B. Optional Chapters Adopted: Minnesota State Building Code, Chapter 1300 allows the Municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code. The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of the building code for this municipality:
  - 1. Chapter 1306 - Special Fire Protection Systems (Option – Subpart 2).

9-1-2: **APPLICATION, ADMINISTRATION AND ENFORCEMENT:**

- A. The application, administration, and enforcement of the code shall be in accordance with the Minnesota State Building Code.
- B. The code enforcement agency of the city is called "the Building Inspections Department".
- C. This code shall be enforced by the Minnesota Certified Building Official

designated by this Municipality to administer the code in accordance with Minnesota Statutes 326B.133, Subdivision 1.

9-1-3: **PERMITS AND FEES:**

- A. The issuance of permits and the collection of fees shall be as authorized in Minnesota Rules Chapter 1300.
- B. Permit fees shall be assessed for work governed by this code in accordance with Section 1-7-3 of this code and as amended by the City Council. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statutes 326B.148.

9-1-4: **ARCHITECTURAL DESIGN (STRUCTURE):**

- A. Elevations Included In Permit Application: The application for a building permit, in addition to other information required by applicable laws or regulations, shall include exterior elevations of the proposed structure and drawings which will adequately and accurately indicate the height, size, design, and appearance of all elevations of the proposed structure and a description of the construction and materials proposed to be used. When the plans for a residence include a sliding door or other access for the addition of a deck, and the deck is not to be finished prior to occupancy of the residence, and there is less than twenty feet (20') of buildable space behind the house, the amount of buildable space shall be indicated on the proposed land survey submitted with the building permit application. (Amd. 2/20/07, Ord.340)
- B. Review Of Information; Decisions:
  - 1. When an application is filed with the city for a building permit for any structure to be built, enlarged, or altered within, or moved into the city, the Building Official shall review such application and accompanying documents to determine whether the exterior architectural design, appearance, or functional plan of such proposed structure, when erected, will be so at variance with, or so similar to the exterior architectural design of any structure already constructed or in the course of construction which is within three hundred feet (300') of the lot upon which the structure is located, or so at variance with the character of the applicable district as established by the zoning ordinance of the city as to cause a substantial depreciation in the property values of the neighborhood. The three hundred foot (300') restriction shall be determined by measurement along the street upon which the structure fronts.
  - 2. If the Building Official finds that the exterior architectural design of the

proposed structure, when erected, may be so at variance with, or so similar to, the exterior architectural design, appearance, or functional plan of structures already constructed or in the course of construction in the neighborhood, no building permit therefore shall be issued, and the Building Official shall, within ten (10) days after receipt of the building permit application and supporting documents, file the same and such opinion in writing, signed by the Building Official, with the secretary of the Board of Design Control, who shall review the determination of the Building Official.

- C. Review And Action By Board Of Design Control: The Andover Review Committee of the city shall be and is hereby appointed as the Board of Design Control. The Board shall review all building permit applications referred to it by the Building Official upon determination that the exterior architectural design of the proposed structure would violate the provisions of this chapter. The Andover Review Committee shall act upon all applications or other matters referred to it within twenty (20) days from the date such application was originally filed with the Building Official. It may approve, conditionally approve or disapprove the exterior design of any proposed building or structure, enlargement or alteration and may modify or request such modifications as it may deem necessary to carry out the purpose and intent of this section.
- D. Appeals: Any person aggrieved by the decision of the Andover Review Committee may take an appeal there from to the City Council. Such appeal shall be taken within five (5) days after the decision of the Andover Review Committee. The City Council shall act upon all applications or other matters referred to it within forty-five (45) days from the date of appeal. (Amended Ord. 205, 3-4-1997)

9-1-5:           **REQUIRED IMPROVEMENTS:**

- A. Required Improvements: As determined by the city code, the general contractor, builder or property owner shall install all required improvements and meet all city codes and standards for required improvements on private property and connected boulevard(s).

Examples of required improvements include but are not limited to: building code requirements; design, construction and landscaping standards, erosion controls, grading, drainage, driveways, parking and other pavements, connections to public utilities, and septic systems.

For the purposes of this section, the term "boulevard" shall mean the area of a public right-of-way extending from the back of the curb, or the edge of a roadway where no curb is installed, to the private property line/s fronting on

right-of- way.)

B. Security Agreement and Surety; Completion Of Required Improvements:

1. If the required improvements are not completed prior to final inspection by the Building Official, the general contractor, builder or property owner shall furnish to the city a security agreement and surety, in the contract form and amount as may be determined by the Building Official, but not to exceed one hundred fifty percent (150%) of the Building Official's estimated cost for such improvements. The required improvements shall be completed within a time period as may be determined by the Building Official and as specified in the security agreement, but not to exceed eight (8) consecutive months. However, required landscaping improvements delayed by winter weather shall be completed before the date of July 1 following the date of the security agreement. Upon completion of required improvements, the party having furnished the security agreement and surety may request to the Building Official release of all or part of the surety provided hereunder. The Building Official shall verify completion of the required improvements and may release all or part of the surety to the party having provided the surety. If the Building Official denies release, the Building Official shall state in writing the reasons for such denial. The party having furnished the request for release of surety may appeal the decision to the City Council by filing with the Building Official a written request for such appeal within ten (10) days after receiving notice of denial from the Building Official. The appeal shall be placed on the agenda of the next regular City Council meeting. The party having furnished the request for release of surety shall be notified of the time and place of such meeting. The Council may affirm or reject the decision of the Building Official.
2. The surety referred to in this chapter may be furnished to the city as cash, money order or cashier's check to be deposited in a city escrow account, an irrevocable letter of credit or other instrument that provides an equal performance guarantee to the City.
3. If the improvements for which a security agreement and surety have been given are not completed within the time period specified in the security agreement, the party having furnished the surety shall upon written demand from the city, forfeit the security agreement and surety to the city. Thereafter, the city may use the proceeds from the surety to:
  - a. pay for reasonable administrative, enforcement and legal costs incurred by the city in its efforts to complete the required improvements;
  - b. pay for reasonable city incurred costs for its direct or contracted installation of the required improvements; and
  - c. reimburse others who may complete the required improvements.

4. After the required improvements have been completed, accepted by the Building Official and paid for, any excess proceeds of the surety shall be returned to the party having furnished the surety.
5. If proof of other surety covering the required improvements is provided by the general contractor, builder or property owner, the above surety will not be required.

9-1-6:           **CONSTRUCTION NEAR WDE SITE:**

- A. No Construction Within Two Hundred Feet Of Site: No enclosed structure, except those permitted in the Closed Landfill Restricted Zoning District, shall be built within two hundred feet (200') of the limit of refuse disposal at the WDE qualified facility as depicted as Line E in Exhibit A attached to Ordinance 205 on file in the office of the City Clerk for public use and inspection (Exhibit A is a drawing of the WDE qualified facility), nor within the qualified landfill facility for any property north of Coon Creek. (AMENDED ORD. 335, 9-19-2006)
- B. Construction Within Two Hundred To Five Hundred Feet Of Site:
  1. Prior To Construction; Soil Gas Monitoring Probe Required:
    - a. For any enclosed structure to be erected within two hundred feet (200') to five hundred feet (500') of the limit of refuse disposal at the WDE qualified facility as depicted in Exhibit A attached to Ordinance 205 on file in the office of the City Clerk for public use and inspection, excluding property north of Coon Creek (the line 500 feet distant from the limit of refuse disposal is depicted as Line F), the property owner shall, prior to construction of the structure, install a soil gas monitoring probe located between the structure and the limit of refuse disposal at the WDE qualified facility. The soil gas-monitoring probe shall be of a design approved by the Commissioner of the Minnesota Pollution Control Agency ("Commissioner") and shall be installed in a location approved by the Commissioner. The soil gas-monitoring probe shall be installed by a water well contractor licensed in the State of Minnesota. Installation of a soil gas- monitoring probe pursuant to this Subsection B1a shall not be required if the Commissioner, in his/her sole discretion, determines that an existing soil gas-monitoring probe located in between the proposed enclosed structure and the limit of refuse disposal at the WDE qualified facility provided adequate monitoring.
    - b. The property owner and his/her successors and assigns shall grant the Commissioner and his/her designates access to the property in order

to conduct sampling of the soil gas-monitoring probe until such time as the Commissioner determines further monitoring is unnecessary.

- c. Within thirty (30) days of the Commissioner's determination that the soil gas-monitoring probe is no longer required, the property owner, at the time determination is made, shall have the soil gas-monitoring probe abandoned in accordance with Minnesota Department of Health water well abandonment requirements, including having a licensed water well contractor perform the abandonment using grout from the bottom up and cutting the monitoring probe riser below the ground surface.

2. Explosive Gas Monitor Installation Requirements: Installation Requirements: If the permanent gas probes located between the refuse limit and the new structures detect methane, then the property owners of all enclosed structures erected within two hundred feet (200') to five hundred feet (500') of the limit of refuse disposal at the WDE qualified facility, excluding property north of Coon Creek, shall be required to install and maintain one continuous explosive gas monitor (equipped with an alarm set to sound at an explosive gas concentration of twenty percent (20%) of the lower explosive limit (LEL) for methane).

C. Extraction Of Ground Water:

1. The extraction of ground water for any purpose, other than by the Commissioner as he/she deems necessary to carry out his/her duties and authorities under the Landfill Cleanup Act, Minnesota Statutes Sections 115B.39 to 115B.445 ("act"), and the landfill cleanup agreement between the county, the WDEPRP group and its members, and the Commissioner ("agreement"), from the upper sand aquifer within a distance of five hundred feet (500') from the limit of refuse disposal at the WDE qualified facility is prohibited. This prohibition shall not apply to the repair or replacement of existing wells, provided there is no material increase in the quantity of ground water extracted from the repaired or replaced well as compared to the existing well, and that the water used for drinking water purposes from the repaired/replaced well complies with all applicable drinking water standards. Any dewatering required for the installation of a public utility or for the repair, reconstruction, or expansion of public roads or highways within the area covered by this prohibition shall be subject to the advance written approval of the Commissioner and, if approved, shall be excluded from this prohibition.
2. The extraction of ground water for any purpose without the prior written approval of the Commissioner, other than by the Commissioner as he/she deems necessary to carry out his/her duties under the act and the agreement from the lower sand aquifer within the area designated by Line

G on Exhibit A attached to Ordinance 205 on file in the office of the City Clerk for public use and inspection, is prohibited. This prohibition shall not apply to the repair or replacement of existing wells; provided that there is no material increase in the quantity of ground water extracted from the repaired and replaced well as compared to the existing well and that the water used for drinking water purposes from the repaired/replaced well complies with all applicable drinking water standards. (Amended Ord. 205, 3-4-1997; amd. 2003 Code)

9-1-7:           **VIOLATION; PENALTY:** A violation of this chapter is a misdemeanor according to Minnesota Statutes Section 16B.69 and Minnesota Rules, Chapter 1300. (Ord. 205B, 5-6-2003; Amended Ord. 458, 4-5-16)



## CHAPTER 2

### **WATER-FED HEAT EXTRACTORS AND AIR CONDITIONING EQUIPMENT**

#### SECTION:

9-2-1: Water – fed Heat Extractors and Air Conditioning Equipment

9-2-2: Violation: Penalty

9-2-1: **WATER-FED HEAT EXTRACTORS AND AIR CONDITIONING EQUIPMENT:** Water- fed Heat Extractors and Air Conditioning Equipment may be installed only in accordance with the city, county, state and federal law.

9-2-2: **VIOLATION; PENALTY:** Violations shall be considered a misdemeanor, and penalties assessed under this chapter shall be as prescribed by law. (Ord. 73, 11-5-1985; Amended Ord. 458, 4-5-16)

## CHAPTER 3

### MINIMUM ELEVATIONS AND STANDARDS FOR BUILDING AND DRIVEWAY CONSTRUCTION

#### SECTION:

- 9-3-1: Scope And Purpose
- 9-3-2: Definitions
- 9-3-3: Elevations And Slopes
- 9-3-4: Driveways
- 9-3-5: Culverts
- 9-3-6: Violation; Penalties

9-3-1: **SCOPE AND PURPOSE:** All buildings and driveways constructed in the city shall meet or exceed the minimum standards established by this chapter. The purpose of the minimum standards imposed by this chapter is to ensure that proper drainage is maintained and to prevent public liabilities from being caused inadvertently. (Ord. 204, 3-4-1997)

9-3-2: **DEFINITIONS:** For the purpose of this chapter, the meanings of certain words and terms shall be as defined in the Minnesota State Building Code as adopted by the city.<sup>1</sup> (Ord. 204, 3-4-1997)

#### 9-3-3: **ELEVATIONS AND SLOPES:**

##### A. Standards:

##### 1. Grading, Drainage and Slopes :

##### a. Grading and Drainage:

- i. Grading for buildings or other improvements to property shall not interrupt or alter the natural drainage course, the drainage plan for a subdivision or the existing drainage facilities in such a way as to damage or endanger by flooding, erosion, nuisance water or any other means. This includes altering surface sheet flow by the

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<sup>1</sup> See Section 9-1-1 of this title.

erection of fences, berms, swales, curbs, retaining walls or any other excavation, fill or structure, if such alteration will affect flow in any existing drainage course or facility without specific approval from the Building Official.<sup>1</sup>

ii. Building sites shall be graded and drained so as to be free of standing water that may constitute a detriment to health and safety.

b. Graded Slopes: Finished yards shall be graded to provide slopes not exceeding 4:1 (25% grade).

c. Front Of Building Grade: The minimum grade at the front of any building constructed on any lot within the city will not be less than one and one-half feet (1 1/2') above the elevation of the street directly in front of the building.

2. Garages And Driveways:

a. The elevation of all garage floors shall be above the grade elevation immediately in front of the vehicular access door. The garage floor shall be a minimum of eighteen inches (18") above the finished centerline street elevation.

b. All driveways shall slope upward from the curb or edge of street. All driveways shall slope downward from the garage toward the curb or edge of street. The slope of all driveways shall not be less than one percent (1%) nor more than eight percent (8%) overall rise. The driveway slope for the first eight feet (8') from the curb to the house shall not exceed a two percent (2%) rise.

3. Basements And Low Floors: Basement or low floor elevation shall be a minimum of three feet (3') above the seasonal high water mark or two feet (2') above the designated or designed 100-year flood elevation, whichever is higher, unless evidence is submitted and certified by a geotechnical engineer hired by the city at the expense of the developer and approval is granted by the City Council that a separation of less than three feet (3') can be achieved and is warranted. (Amended Ord. 375, 12-2-08)

B. Variances: If construction plans are submitted in sufficient detail to demonstrate that proper drainage and erosion control can be maintained at lesser elevations or with steeper slopes the City Building Official may, in his or her discretion, vary the terms of this section.

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<sup>1</sup> (See also: 9-9-11, Title 10, Chapter 6, Title 12 and Chapter 11 Section 5; and 13-1-3; 13-4-2; 13-4-6; 13-5-3; 13-6-6)

- C. Appeals: Any party aggrieved by a decision of the Building Official shall have the right to appeal said decision to the City Council. (Ord. 204, 3-4-1997)

9-3-4: **DRIVEWAYS:**

- A. General Construction Standards: An access drive or driveway shall be provided to every principal building and shall be constructed according to the minimum standards of the city. When said building is one hundred fifty feet (150') or more from a thoroughfare or street, an access drive shall be constructed with a clear cut width of sixteen feet (16') and shall have a built up base twelve feet (12') wide consisting of four inches (4") of class 5 gravel (or equal). Said drive shall also have variable ditches for its entire length.
- B. Surfacing: All subdivisions served by municipal sanitary sewer and/or water shall have hard surfaced driveways constructed per city engineering design standards. All subdivisions not served by municipal sanitary sewer and/or water shall from the street to the property line have hard surfaced driveways, per city engineering design standards. All access driveways shall be surfaced with a sufficient amount of erosion resistance material so that driveway surfaces will remain intact during normal usage and weather conditions. (Ord. 204, 3-4-1997)

9-3-5: **CULVERTS:** For driveways that are constructed across drainage or road ditches or swales, culverts shall be installed under the driveway. The culverts shall be of such size deemed necessary by the Building Official to carry the expected flow rate of storm water, shall not be less than twelve inches (12") in diameter, and shall be corrugated metal or equal. Culverts located within the right-of-way of the County Highway Department shall meet all of its permit requirements. (Ord. 204, 3-4-1997)

9-3-6: **VIOLATION; PENALTIES:** Any person who violates any provision of this chapter shall be guilty of a misdemeanor and shall be subject to applicable fines and imprisonment defined by state law. (Ord. 204, 3-4-1997; Amended Ord. 458, 4-5-16)

CHAPTER 4  
**SWIMMING POOLS, SPAS AND HOT TUBS**

SECTION:

- 9-4-1: Purpose
- 9-4-2: Definitions
- 9-4-3: Permit And Compliance Required
- 9-4-4: Construction Standards
- 9-4-5: Access Barrier Requirements
- 9-4-6: Violation A Misdemeanor

9-4-1:           **PURPOSE:** The purpose of this chapter is to regulate the location of outdoor swimming pools, spas and hot tubs on residentially zoned property and require access barriers to protect the health, safety and general welfare of the public. (Amended Ord. 228, 7-1-1997; Amended Ord. 488, 3-5-19)

9-4-2:           **DEFINITIONS:** For the purpose of this chapter, certain terms, words and phrases are defined as follows:

ABOVEGROUND/  
ONGROUND POOL:            See definition of Swimming Pool.

ACCESS BARRIER:            A fence, wall, building wall, a combination thereof, or equally protective barrier as determined by the City, which completely surrounds the swimming pool and obstructs access to the swimming pool. (Amended Ord. 488, 3-5-19)

HOT TUB:                        See definition of Swimming Pool.

INGROUND POOL:            See definition of Swimming Pool.

SPA:                                See definition of Swimming Pool.

SWIMMING POOL:            Any structure intended for swimming or recreational bathing (noncommercial use) that contains water over twenty-four inches (24") deep. This includes in-ground, aboveground and on-ground swimming pools; hot tubs; portable and non-portable spas; and fixed in place wading pools.

SWIMMING POOL,  
INDOOR:

A swimming pool that is totally contained within a residential structure and surrounded on all four (4) sides by walls of said structure.

SWIMMING POOL,  
OUTDOOR:

Any swimming pool that is not an indoor pool.  
(Amended Ord. 228, 7-1-1997)

9-4-3: **PERMIT AND COMPLIANCE REQUIRED:** No person shall construct, alter or renovate a swimming pool without an approved building permit. Permits are required for swimming pools that exceed 5,000 gallons capacity or two hundred (200) square feet in area. All swimming pools that require a permit shall comply with the access barrier requirements as stated in Section 9-4-5 of this chapter. (Amended Ord. 228, 7-1-1997; Amended Ord. 488, 3-5-19)

9-4-4: **CONSTRUCTION STANDARDS:** All swimming pools are required to meet the following construction standards in addition to all Minnesota State Building Code requirements: (Amended Ord. 228, 7-1-1997; amd. 2003 Code; Amended Ord. 488, 3-5-19)

A. Location:

1. Swimming pools shall not be located beneath utility lines nor over underground utility lines of any type.
2. No person, firm or corporation shall build, situate or install a swimming pool within ten feet (10') of any side or rear lot line, nor within six feet (6') of any principal structure, nor closer to the front lot line than the principal structure, except as herein provided. On residential parcels of land of one acre or more, a swimming pool may be constructed closer to the front lot line than the principal structure, however, the minimum distance it may be from the front line shall be two hundred feet (200').
3. No swimming pool shall be located within twenty feet (20') of any part of an on-site sewer system or area designated as an alternate drain field.

B. Fence Required During Construction: While being constructed, the swimming pool must be provided with a temporary or permanent access barrier. If a portable fence is used as a temporary access barrier, such fence must be not less than four feet (4') in height and meet the access barrier requirements of 9-4-5. (Amended Ord. 228, 7-1-1997; Amended Ord. 488, 3-5-19)

9-4-5: **ACCESS BARRIER REQUIREMENTS:**

A. Outdoor Swimming Pools:

1. All outdoor swimming pools constructed shall be completely enclosed by an access barrier consisting of, fence, wall, combination thereof, or equally protective barrier of the non-climbing type, so as to not be penetrable by toddlers. Such access barrier shall afford no external handholds or footholds and be a minimum of four feet (4') in height. An access barrier must be provided for aboveground pools except where the side wall height is entirely at least four feet (4'), and the only pool access is by removable steps, which must be removed when the swimming pool is unattended. (Amended Ord. 488, 3-5-19)
2. All outdoor points of entry through the access barrier or fence into the swimming pool area shall be equipped with self-closing and self-latching devices. Openings through or below the access barrier shall not allow the passage of a 4-inch diameter sphere. (Amended Ord. 488, 3-5-19)
3. Alternative barrier/s to swimming pool fence may be allowed by the Building Official where determined that the alternative barrier is equally impenetrable and protective of public safety. Plans and specifications for any alternative barrier must be submitted to the Building Official and must substantially demonstrate equal protection of public safety. A retractable pool cover alone is hereby determined to not be equally protective. (Amended Ord. 488, 3-5-19)

Where the swimming pool permit applicant or owner choose to appeal the decision of the Building Official, such appeal must be made in writing by the applicant to the Andover Architectural Review Committee, and further to the City Council as may be determined by the permit applicant. (Amended Ord. 488, 3-5-19)

- B. Outdoor Spas And Hot Tubs: All outdoor spas and hot tubs shall either have an access barrier as described in this section or a latchable cover. The cover shall be constructed of a material not to be penetrable by toddlers and is subject to inspection and approval by the Building Official or designee. (Amended Ord. 228, 7-1-1997; Amended Ord. 488, 3-5-19)

9-4-6: **VIOLATION A MISDEMEANOR:** Any person, firm or corporation violating any provision of this chapter shall be guilty of a misdemeanor as defined by state law. (Amended Ord. 228, 7-1-1997)

## CHAPTER 5

### NUMBERING PROPERTIES AND BUILDINGS

#### SECTION:

- 9-5-1: Purpose
- 9-5-2: Assignment of Numbers
- 9-5-3: Display Of Numbers; Specifications
- 9-5-4: Administration Of Numbering System
- 9-5-5: Violation: Penalty

9-5-1: **PURPOSE:** For the purpose of providing for the health, safety and general welfare of the residents, a uniform system of numbering properties and principal buildings is hereby adopted for use in the city as indicated on certain maps identified as the City of Andover on file at City Hall and in the County Surveyor's office. (Ord. 239, 11-4-1997)

9-5-2: **ASSIGNMENT OF NUMBERS:** All properties and principal buildings within the city shall hereafter be identified by reference to the uniform numbering system adopted herein. Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such building shall bear a separate number. (Ord. 239, 11-4-1997)

9-5-3: **DISPLAY OF NUMBERS; SPECIFICATIONS:** It shall be the duty of the property owner of every house and industrial, commercial or other building, to have proper house or building numbers by affixing such numbers in either metal, glass, plastic, or other durable material approved by the Building Official; the numbers shall be not less than three inches (3") in height, in a contrasting color to the building; said numbers shall either be lighted or made of some reflective material and so placed to be easily seen from the street or placed on the mailbox if the mailbox is located on the street of the property and the house cannot be seen from the street. All auxiliary buildings within a unit having an assigned number, such as garages, barns, and buildings of like nature, are not affected by this chapter. (Ord. 239, 11-4-1997)

9-5-4: **ADMINISTRATION OF NUMBERING SYSTEM:** The Building Official or designee shall be responsible for maintaining the numbering system and shall keep a record of all numbers assigned under this chapter. The Building Official or designee may assign additional numbers in accordance with the official uniform numbering system whenever a property has been subdivided or a new front entrance has been established. The property owner shall be responsible for



obtaining suitable numbers for property identification pursuant to Section 9-5-2 of this chapter. (Ord. 239, 11-4-1997)

9-5-5:           **VIOLATION; PENALTY:** Any person, firm or corporation who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as defined by state law. (Ord. 239, 11-4-1997)

## CHAPTER 6

### MANUFACTURED HOME PARKS; MOBILE HOMES

#### SECTION:

- 9-6-1: Purpose
- 9-6-2: Definitions
- 9-6-3: Manufactured Home Park Standards
- 9-6-4: Covenants And Bylaws
- 9-6-5: Temporary Mobile Homes
- 9-6-6: Exemptions From Provisions
- 9-6-7: Violation; Penalties

9-6-1: **PURPOSE:** The purpose of this chapter is to allow manufactured home parks in permitted zoning districts in the city with appropriate design and site requirements. (Amended Ord. 201, 2-18-1997)

9-6-2: **DEFINITIONS:** The following words and terms shall have the following meanings in this chapter:

**DWELLING UNIT:** A residential building or portion thereof intended for occupancy by a family and it shall include manufactured homes.

**MANUFACTURED HOME:** A dwelling unit, transportable in one or more sections, that is eight feet (8') or more in width or forty feet (40') or more in length, or when erected on site complies with the minimum floor area requirements as stated in the zoning ordinance<sup>1</sup>, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except, that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certificate required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the Minnesota State Building Code.

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<sup>1</sup> See section 12-2-2 of this code, definition of "manufactured home".

MANUFACTURED  
HOME PARK:

Any premises (minimum acreage 20 acres, which is contiguous) that has facilities (public sewer and public water) to accommodate more than one occupied manufactured home on a parcel of land and is properly zoned for such use.

UNIT:

A section of ground in a manufactured home park that meets the minimum lot area per dwelling unit and other minimum requirements as stated in the zoning ordinance and complies with all other requirements as stated in this chapter. No more than one manufactured home shall be placed on any single lot or unit. (Amended Ord. 201, 2-18-1997; amd. 2003 Code)

9-6-3: **MANUFACTURED HOME PARK STANDARDS:** A manufactured home park plan shall show and comply with the platting ordinance which establishes regulations and procedures for the subdivision and platting of land in the city <sup>1</sup> and all other applicable city ordinances. The manufactured home park plan shall also include and comply with the following site requirements and design standards:

A. Minimum Setback Requirements:

1. Minimum distance between manufactured homes is thirty feet (30').
2. Where a manufactured home park abuts a commercial, industrial or residential zoning district, there shall be a setback of at least one hundred feet (100') that shall be landscaped and maintained (landscaping and design to be approved by City Council).

B. Decks And Patios: A concrete patio (4 inch thickness) or deck shall be constructed on the ground not less than five feet (5') from each manufactured home. The patio or deck shall not be less than two hundred (200) square feet in area.

C. Landscaping:

1. At least one tree shall be placed and maintained on each lot (tree type and location to be approved by the city).
2. Each lot shall be sodded and maintained with grass with the exception of areas covered by the home, patios, sidewalks, decks, parking areas

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<sup>1</sup> See title 11 of this code.

and off street parking areas.

D. Access, Parking And Garages:

1. An off street parking area of at least two hundred twenty (220) square feet and a garage (minimum 220 square feet) shall be provided for each manufactured home lot. The parking area shall be asphalt or concrete and meet city construction and design standards<sup>1</sup>.

2. Two (2) or more parking areas (guest/overflow parking) shall be provided in the manufactured home park. One space for each manufactured home lot shall be provided.

3. Each manufactured home shall have driveway access to a street.

E. Screening Of Refuse Containers: All refuse containers that are shared by the residents in the park shall be screened from view of adjacent properties and roads by a wood fence or other material approved by the city.

F. Enclosed Storage Of Boats And Trailers: All boats and trailers located in the park shall be stored within enclosed structures.

G. Parks/Open Space: A minimum of ten percent (10%) of the total manufactured home park shall be devoted to park and recreation and/or open space. (Amended Ord. 201, 2-18-1997)

H. Facility Buildings: Each manufactured home park shall contain one or more enclosed facility buildings with space devoted to office, emergency services shelter (basement), laundry, sanitary and recreational facilities. The building shall be designed to accommodate at least fifteen (15) square feet of space per manufactured home lot, but in no case shall the building be less than two thousand five hundred (2,500) square feet. (Amended Ord. 201, 2-18-1997; amd. 2003 Code)

9-6-4: **COVENANTS AND BYLAWS:** The owner of the manufactured home park shall furnish a copy of covenants, restrictions and bylaws of the manufactured home park to the city. (Amended Ord. 201, 2-18-1997)

9-6-5: **TEMPORARY MOBILE HOMES:** The Building Official may issue a permit for a mobile home to be placed on a single-family residentially zoned lot outside the Metropolitan Urban Service Area only when the principal structure has been damaged by a disaster. The mobile home shall be used for temporary dwelling purposes and shall be removed from the residential lot within one

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<sup>1</sup> See chapter 3 of this title.

hundred eighty (180) days from the date the permit was issued. (Amended Ord. 201, 2-18-1997)

9-6-6:           **EXEMPTIONS FROM PROVISIONS:** The provisions contained in this chapter shall not apply to manufactured homes or travel trailers that are used for office space by construction companies or firms while in the process of working on projects approved by the city. Such units shall not be allowed to be utilized for the purposes of habitation and shall be allowed for a period not to exceed six (6) months. (Amended Ord. 201, 2-18-1997; amd. 2003 Code)

9-6-7:           **VIOLATION; PENALTIES:** Any person who violates any provision of this chapter shall be guilty of a misdemeanor and shall be subject to applicable fines and imprisonment defined by state law. In addition to the penalties imposed by this chapter, the city may exercise, with or separately from such penalties, all and any other legal and equitable remedies then available to the city by this chapter, or by statute, or by other ordinance of the city, or by applicable rules or regulations, to enforce this chapter, including, without limitation, injunction. (Amended Ord. 201, 2-18-1997)

## CHAPTER 7

### COMMERCIAL BUILDING CONSTRUCTION STANDARDS

#### SECTION:

- 9-7-1: Findings And Purpose
- 9-7-2: Submission And Review Of Plans
- 9-7-3: Construction Standards
- 9-7-4: Occupancy Of Uncompleted Building
- 9-7-5: Nonconforming Structures And Uses
- 9-7-6: Violation; Penalty

9-7-1: **FINDINGS AND PURPOSE:** The City Council finds that certain lands within the city are uniquely suited for commercial and industrial development by reason of their proximity to major transportation routes, soil type and quality, adjacent land uses and market value. In order to preserve the general welfare and safety of the general public, to promote economic growth and employment opportunity, to promote orderly commercial and industrial growth and to protect and enhance municipal investment in commercial and industrial park improvements, the city finds it necessary to implement controls within the lands zoned nonresidential. (Ord. 249, 12-1-1998; amd. 2003 Code)

#### 9-7-2: **SUBMISSION AND REVIEW OF PLANS:**

- A. Persons making application for a building permit shall submit building designs along with a commercial building application form to the Community Development Department. All commercial building applications shall be reviewed by the Andover Review Committee. All building designs and site plans shall be colored.
- B. All other exterior building items as noted on the site plan such as, but not limited to, fencing, landscaping, parking, paving, outdoor storage, refuse containers etc., shall be reviewed and approved by the Andover Review Committee. (Ord. 249, 12-1-1998)

#### 9-7-3: **CONSTRUCTION STANDARDS:**

- A. Materials Of Construction:
  - 1. All buildings located within a non-residentially zoned district (NB, LB, SC,

GB, I or GR) shall be of masonry construction, its equivalent or better. Upon approval of the Andover Review Committee, wood frame construction may be considered equivalent to masonry. (Ord. 249, 12-1-1998; amd. 2003 Code)

2. Walls of such buildings facing on streets must be finished with face brick, stone, glass, wood or their aesthetic equivalent. Any building wall facing a residentially zoned district shall not be finished with exposed plain-faced poured concrete or concrete block.
- B. Building Design: The building design shall exhibit architectural control that seeks to be creative and maximize building lines, shades, and angles to maximize architectural uniqueness. (Ord. 249, 12-1-1998)

9-7-4: **BUILDING OCCUPANCY PRIOR TO COMPLETION OF REQUIRED IMPROVEMENTS:** As may be determined by the Building Official, when circumstances do not permit the substantial completion of required improvements for a commercial building project, the general contractor, builder or owner may apply for a Certificate of Occupancy and enter into a security agreement with the city and furnish a surety as provided in Section 9-1-5 of this Title.

9-7-5: **NONCONFORMING STRUCTURES AND USES:** Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

- A. The nonconformity or occupancy is discontinued for a period of more than one year; or
- B. Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

9-7-6: **VIOLATION; PENALTY:** Any person violating any provision of this chapter shall be guilty of a misdemeanor as defined by state law and subject to the penalties therefore. (Ord. 249, 12-1-1998; Amended Ord. 458, 4-5-16)



CHAPTER 8  
**PROPERTY MAINTENANCE STANDARDS**

**ARTICLE A. IN GENERAL**

SECTION:

- 9-8A-1: Purpose and Scope
- 9-8A-2: Definitions
- 9-8A-3: Responsibilities of Owners and Occupants
- 9-8A-4: Minimum Standards for Basic Equipment and Facilities
- 9-8A-5: Stairways, Porches and Balconies
- 9-8A-6: Access to Dwelling Units
- 9-8A-7: Door Locks
- 9-8A-8: Minimum Standards for Light and Ventilation
- 9-8A-9: Minimum Thermal Standards
- 9-8A-10: General Requirements
- 9-8A-11: Construction Standards
- 9-8A-12: Maximum Density, Minimum Space for Rental Units
- 9-8A-13: Enforcement and Inspection Authority
- 9-8A-14: Inspection Access
- 9-8A-15: Unfit for Human Habitation
- 9-8A-16: Secure Unfit and Vacant Dwellings
- 9-8A-17: Hazardous Building Declaration
- 9-8A-18: Compliance Order
- 9-8A-19: Right to Appeal
- 9-8A-20: City Council's Decision
- 9-8A-21: Restriction on Transfer of Ownership
- 9-8A-22: Penalties
- 9-8A-23: Execution of Compliance Orders of Public Authority

9-8A-1: **PURPOSE AND SCOPE**

A. Purpose: The purpose of this Chapter is to protect the health, safety, and the general welfare of the people of the City. These general objectives include, among others, the following:

1. To establish the minimum regulations governing the conditions and maintenance of all property, buildings, and structures within the City;
2. To protect the character and stability of residential areas within the City;
3. To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare, and health of

the people of the City;

4. To provide standards for heating and sanitary equipment and for light and ventilation necessary to protect the health and safety of occupants of buildings;
5. To prevent the overcrowding of dwellings;
6. To provide standards for the maintenance of existing residential buildings and accessory structures and to thus prevent substandard housing and blight;
7. To preserve the value of land and buildings throughout the City.

With respect to disputes between tenants and landlords, and except as otherwise specifically provided by the terms of this ordinance, it is not the intention of the City Council to intrude upon the contractual relationship between the tenant and landlord. The City Council does not intend to intervene as an advocate of either party, nor to involve itself in rent disputes, nor to act as an arbitrator, nor to hear complaints from the tenant or landlord which are not specifically and clearly relevant to the provisions of this Chapter.

B. Scope: The provisions of this code shall apply to all existing residential and non-residential structures and all existing premises. This Chapter shall constitute the minimum standards for premises, structures, and facilities for light, ventilation, life safety, safety from fire, and other hazards and for safe and sanitary maintenance.

9-8A-2: **DEFINITIONS:** The definitions contained in Section 12-2-2 of this Code apply herein. Additionally, the following definitions shall apply in the interpretation and enforcement of this Chapter. In the event of a conflict between the definitions contained in Section 12-2-2 and this Section, the definitions contained in this Section shall control.

**ACCESSORY USE OR STRUCTURES:**

A use or structure subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto which is not used for living or sleeping by human occupants.

**ANDOVER BUILDING CODE:**

The Minnesota State Building Code, International Building Code (IBC) and International Residential Code (IRC) as may be adopted by the City.

BUILDING:	Any structure having a roof which may provide shelter or enclosure for persons, animals, or chattels, and when said structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.
BUILDING OFFICIAL:	The designated agent authorized by the City Council to administer and enforce this chapter.
DWELLING:	A building, or one or more portions thereof, occupied or intended to be occupied for residential purposes, but not including rooms in motels, hotels, nursing homes, boarding houses, trailers, tents, cabins or trailer coaches.
DWELLING UNIT:	A single-family dwelling or unit designed to accommodate one family.
DUPLEX:	A building, as referred to as a multi-family dwelling, designed as a single structure, containing two separate dwelling units, each of which is designed to be occupied as a separate permanent residence for one family on one lot.
FAMILY:	<p>A. An individual or two (2) or more persons related by blood, marriage or adoption living together; or</p> <p>B. A group of not more than five (5) persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, exclusive of usual servants.</p>
GARBAGE:	Animal and vegetable waste resulting from the handling, preparation, cooking, marketing or processing of food, or the non-consumed waste resulting from animals or humans consuming food.
HABITABLE BUILDING:	Any building or part thereof that meets minimum standards for use as a home or place of abode by one or more persons.
HABITABLE ROOM:	A room with 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, workshops, and hobby and recreation areas in parts of the structure below ground level or in attics.

- HEATED WATER:** Water heated to a temperature of not less than one hundred ten degrees Fahrenheit (110°F), or such lesser temperature required by government authority, measured at faucet outlet.
- KITCHEN:** A space which contains a sink with counter working space, space for installing cooking and refrigeration equipment, and space for the storage of cooking utensils.
- LEASE:** A written or oral agreement to rent. For use as a verb, see rent.
- LET:** To lease a premises or any portion thereof.
- MAINTENANCE:** Upkeep of property and equipment in a safe working condition for which it was installed and/or constructed.
- MULTIPLE-FAMILY DWELLING:** A dwelling or portion thereof containing two (2) or more dwelling units.
- OCCUPANT:** Any person (including owner operator) living, sleeping, cooking and eating in a dwelling unit or living and sleeping in a rooming unit.
- OPERATE:** To charge rent for the use of a unit in a rooming unit.
- OPERATOR:** The owner or his/her agent who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.
- OWNER:** Any person, firm or corporation who, alone, jointly, or severally with others, shall be in actual possession of, have charge of, care of, or 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. Any person representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as the owner.

PERMISSIBLE OCCUPANCY:	The maximum number of persons permitted to reside in a dwelling unit or rooming unit.
PERSON:	An individual, firm, partnership, association, corporation, company or joint venture or organization of any kind.
PLUMBING:	All of the following supplied facilities and equipment in a dwelling: gas pipes, gas burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar fixtures and the installation thereof, together with all connections to water, sewer and gas lines.
PREMISES:	A platted lot or part thereof or unplatted parcel of land, and adjacent right-of-way, either occupied or unoccupied by any dwelling or non-dwelling structure, including such building or accessory structure.
PUBLIC HALL:	A hall, corridor or passageway for providing egress from a dwelling unit to a public way and not within the exclusive control of one family.
REFUSE:	Personal leavings, trash, garbage.
RENT:	Consideration paid for the use of premises, including, but not limited to, money, services and property. As a verb, the term "rent" means to receive or allow the use of premises in return for such consideration or any combination thereof. The term "rent" does not include arrangements whereby a relative occupies a dwelling and which arrangement is detailed and sworn to in affidavits filed by each adult occupant of the dwelling and each person who is an owner of the dwelling.
RENTAL DWELLING:	Any dwelling unit(s) let. Single family residential properties occupied by a relative shall not be considered a rental dwelling.
REPAIR:	The construction or renewal of any part of an existing building or its utilities, facilities or equipment for the purpose of its maintenance.

**RODENT HARBORAGE:** A place where rodents commonly live, nest, or establish their habitat.

**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.

**SAFETY:** The condition of being reasonably free from danger and hazards which may cause accidents or diseases.

**SUBSTANDARD DWELLING:** Any dwelling that does not conform to the minimum standards established by City ordinances.

**SUPPLIED:** Paid for, furnished by, provided by or under the control of the owner, operator, or agent of a dwelling.

**WATER CLOSET:** A toilet with a bowl and trap made in one piece, that is connected to the City water and sewer system or other approved water supply and sewer system.

9-8A-3: **RESPONSIBILITIES OF OWNERS AND OCCUPANTS:** No owner or other person shall occupy or let to another person any dwelling, dwelling unit, rooming unit, building, or structure unless it and the premises are fit for human occupancy and comply with all appropriate legal requirements of the State of Minnesota, and the City of Andover as set forth specifically in the following subsections:

- A. **Maintenance of Shared or Public Areas:** Every owner of a dwelling containing two (2) or more dwelling units shall maintain or shall provide for maintenance of the shared public areas of the dwelling and premises thereof.
- B. **Housekeeping of Occupied Areas:** Every occupant of a dwelling, dwelling unit, or rooming unit shall properly housekeep that part of the dwelling, dwelling unit, and premises thereof that he/she occupies and controls.
- C. **Storage and Disposal of Refuse:**
  1. Every occupant of a dwelling, dwelling unit, rooming unit, building or structure shall store and dispose of all his/her refuse and garbage and any other organic waste which might provide food for insects, rodents and/or vermin as required by Title 4 of this Code.

2. Every owner of a multiple-family dwelling shall supply facilities for the storage and/or disposal of refuse and garbage. In the case of single- or two-family dwellings, it shall be the responsibility of the occupant to furnish such facilities as prescribed by City ordinance.

D. Responsibility for Storage and Disposal of Garbage and Refuse: Every owner of a multiple-family dwelling shall supply facilities for the storage and/or disposal of refuse, garbage, and recycling materials. All garbage, waste material, debris, and recyclables shall be kept in an enclosed building or contained in a closed container designed for such purposes.

Owners shall provide for refuse enclosures to screen all containers that are visible from a public street or alley. Such enclosure shall have a concrete floor base. Gates may not be required if properly oriented on the site. The design of such enclosures shall be reviewed and approved by City staff prior to issuing a building permit.

Provisions for storage and disposal of garbage and refuse consistent with this chapter must be provided for multifamily buildings upon obtaining a building permit costing more than \$5,000.00. In the case of single-family dwellings, it shall be the responsibility of the occupant to adequately provide for the storage and disposal of garbage and refuse.

E. Responsibility for the Storm and Screen Doors and Windows: The owner of any dwelling unit shall be responsible for providing, maintain and hanging all screen and storm doors and storm windows whenever the same are required under the provisions of this ordinance.

F. Responsibility for Pest Extermination: Every occupant of a single-family dwelling unit shall be responsible for the extermination of vermin infestations and/or rodents on the premises. Every occupant of a dwelling unit in a building containing more than one dwelling unit shall be responsible for such extermination whenever his/her dwelling unit is the only one infested, except when infestation is caused by the failure of the owner to maintain a dwelling in a reasonably rodent-proof condition; then, extermination shall be the responsibility of the owner. When infestation exists in two or more of the dwelling units in any building or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

G. Rodent Harborage Prohibited in Occupied Areas: No occupant of a dwelling shall accumulate boxes, firewood, lumber, scrap metal, or any

other similar materials in such a manner that may provide rodent harborage in or about any dwelling. Outside stored materials shall be stacked neatly in piles at least four inches off bare soil or ground.

- H. Rodent Harborage Prohibited in Public Areas: No owner or occupant of a dwelling shall accumulate or permit the accumulation of boxes, lumber, scrap metal, or any other similar materials in such a manner that may provide rodent harborage in or about shared or public areas of a dwelling or premises. Materials stored outside by the owner or permitted to be stored by the owner shall be stacked neatly in piles at least four inches above bare soil or ground.
- I. Prevention of Food for Rodents: No owner or occupant of a dwelling unit shall store, place, or allow to accumulate any materials that may serve as food for rodents in a site accessible to rodents.
- J. Maintenance of Plumbing Fixtures and Facilities: The owner of a dwelling unit, rooming unit, building or structure shall maintain all supplied plumbing fixtures and facilities therein in good working order.
- K. Minimum Heating Capability and Maintenance: In every dwelling unit or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a room temperature of at least 68 degrees Fahrenheit shall be maintained from October 15th through April 15th.
- L. Removal of Snow and Ice: The owner of any building or structure shall be responsible for the removal of snow and ice from parking lots, driveways, steps, and walkways on the premises, as well as from abutting sidewalks. The owner of any building or structure shall additionally be responsible for ice control measures. Individual snowfalls of three inches or more or successive snowfall accumulations to a depth of three inches shall be removed from walkways, steps and public sidewalks within 48 hours after cessation of the snowfall. The City's policy to assist in snow removal does not exempt any property owner from meeting these requirements.
- M. Minimum Exterior Lighting. The owner of a rental dwelling or dwellings shall be responsible to provide and maintain effective illumination in all exterior parking areas and walkways.
- N. Maintenance of Driveway and Parking Areas. The owner of a multiple-family dwelling or dwellings shall be responsible to provide and maintain in good condition paved and delineated parking areas and driveways for tenants. Each driveway and parking area on any multiple-family property existing on or before October 21, 1970 shall be



paved with asphalt, concrete, brick, or similar dust-free surface at such time as a building permit may be taken for either remodeling or improvements costing more than \$5,000.00.

9-8A-4: **MINIMUM STANDARDS FOR BASIC EQUIPMENT AND**

**FACILITIES:** No person shall occupy, rent or let to another for occupancy any dwelling or dwelling unit for the purposes of living, sleeping, cooking, and eating therein which does not provide the following:

- A. **Kitchen Sink:** A sink in good working condition and properly connected to an approved water supply system and which provides at all times an adequate amount of heated and unheated running water under pressure and which is connected to an approved sewer system per Andover City Code.
- B. **Food Storage:** Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils, and of food that does not require refrigeration for safekeeping and a counter or table for food preparation. The cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.
- C. **Stove and Refrigerator:** A stove for cooking food and a refrigerator for the safe storage of food at or below forty (40) degrees Fahrenheit, which are properly installed with all necessary connections for safe, sanitary, and efficient operation. Such stove and refrigerator need not be installed when a dwelling unit is not occupied or when the occupant is expected to provide same on occupancy, in which case sufficient space and adequate connections for the installation and operation of the stove and refrigerator must be provided.
- D. **Toilet Facilities:** Within every dwelling unit there shall be a non-habitable room which is equipped with a flush water closet in compliance with the Minnesota State Plumbing Code. Such room shall have an entrance door which affords privacy. Said flush water closet shall be equipped with easily cleanable surfaces, shall be connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and all shall be connected to a sewer system in compliance with Andover City Code.
- E. **Lavatory Sink:** Within every dwelling unit there shall be a lavatory sink. The sink may be in the same room as the flush water closet, but if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition

and shall be properly connected to an approved water system and shall provide at all times an adequate amount of heated and unheated running water under pressure and shall be connected to a sewer system which complies with Andover City Code.

- F. Bathtub or Shower: Within every dwelling unit there shall be a non-habitable room which is equipped with a bathtub or shower in good working condition. Such room shall have an entrance door which affords privacy. Said bathtub or shower may be in the same room as the flush water closet, or in another room, and all shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated water under pressure and shall be connected to a sewer system which complies with Andover City Code.

9-8A-5:       **STAIRWAYS, PORCHES AND BALCONIES:** The owner shall keep every stairway, inside or outside of a building, and every porch or balcony in safe condition and sound repair, including but not limited to the following: stairs and handrails; every porch, balcony, or deck which is 30 inches or more above grade shall have a guardrail; every handrail and guardrail shall be firmly fastened and maintained in good condition; no flight of stairs shall have settled out of its intended position or have pulled away from the supporting or adjacent structures enough to cause hazard; no flight of stairs shall have rotting, loose, or deteriorating support; excepting spiral and winding stairways, the treads and risers of every flight of stairs shall be essentially uniform in width and height; stairways shall be capable of supporting a live load of 100 pounds per square foot of horizontal projection.

9-8A-6:       **ACCESS TO DWELLING UNITS:** Access or egress from each dwelling unit shall be provided without passing through any other dwelling unit.

9-8A-7:       **DOOR LOCKS:** No owner shall let or rent to another for occupancy any dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling units are equipped with safe, functioning locking devices. Rental dwellings shall be furnished with door locks as follows:

- A. Building Access: For the purpose of providing a reasonable amount of safety and general welfare for persons occupying multiple-family dwellings with common areas, an approved security system shall be maintained for each multiple-family building to control access. The security system shall consist of locking building entrance or foyer doors, and locked door leading from hallways into individual dwelling units. Dead-latch type door locks shall be provided with releasable lever knobs (or doorknobs) on the inside of building entrance doors and with locking devices on the outside of the building entrance doors. Building entrance door latches shall be of a type that are permanently locked.

- B. Unit Access: Every door that provides ingress or egress for a dwelling unit within a multiple-family building shall be equipped with an approved lock that has a deadlocking bolt that 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.
- C. Existing Buildings: All multiple-family dwellings in existence prior to April 21, 1992, which were not previously required to have an approved security system. Shall not be subject to the requirements of Subsection A of this section.

9-8A-8: **MINIMUM STANDARDS FOR LIGHT AND VENTILATION:** No person shall occupy as owner, occupant or let to another for occupancy any dwelling or rooming unit which does not comply the following requirements:

- A. Habitable Room Ventilation: Except where there is supplied some other device affording ventilation and approved by the Building Official, every habitable room shall have at least one window facing directly outdoors which can be opened easily.
- B. Electric Service, Outlets, and Fixtures. Every dwelling and rooming unit and all public and common areas shall be supplied with electric service, functioning over-current protection devices, electric outlets, and electric fixtures which are properly installed, which shall be maintained in a safe working condition, and shall be connected to a source of electric power in a manner prescribed by ordinances, rules, and regulations of the City of Andover and by the laws of the State of Minnesota. The minimum capacity of such electric service and the minimum number of electric outlets and fixtures shall be as follows:
  1. A dwelling containing one or two dwelling units shall have at least the equivalent of 100 ampere, three-wire electric service per dwelling unit.
  2. Every habitable room shall contain at least one (1) electrical convenience outlet.
  3. Every water closet compartment, bathroom, kitchen, laundry room, and furnace room shall contain at least one (1) supplied ceiling-type or wall-type electric convenience outlet.
  4. Every public hall and public stairway in every multiple dwelling shall be adequately lighted to provide at least ten (10) foot candles of illumination of all parts thereof at all times by means of properly located

electric light fixtures; provided that such electrical lighting may be omitted from sunrise to sunset where there are windows or skylights opening directly to the outside and where the total window or skylight area is at least one-tenth (1/10) of the combined horizontal area of the floor and stairway of each such public hallway and where such windows or skylight provide adequate natural light to all parts of each public hallway. Every public hall and stairway in dwellings containing two (2) dwelling units shall be supplied with convenient light switches, controlling an adequate lighting system that will provide at least ten (10) foot candles of illumination on all parts thereof, which may be turned on when needed.

5. A convenient switch or equivalent device for turning on a light in each dwelling unit shall be located near the point of entrance to such unit.

9-8A-9: **MINIMAL THERMAL STANDARDS:**

- A. No person shall occupy as owner or let to another for occupancy any dwelling or rooming unit, for the purpose of living therein which does not have heating facilities which are properly installed and maintained in a safe and working condition and which are capable of safely heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a room temperature of at least 68 degrees Fahrenheit to be maintained from October 15th through April 15th.
- B. Gas or electric appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this section.
- C. Portable heating equipment employing flame and the use of liquid fuel does not meet the requirement of this section and is prohibited.
- D. No owner or occupant shall install, operate, or use a space heater employing a flame that is not vented outside the structure in an approved manner.

9-8A-10: **GENERAL REQUIREMENTS:** No person shall occupy as owner, occupant or let to another for occupancy any dwelling or rooming unit for the purpose of living therein which does not comply with the following requirements:

- A. Foundations, Exterior Walls, and Roofs: The foundation, exterior walls, and exterior roof shall be substantially water tight and protected against vermin and rodents and shall be kept in sound condition and repair. The foundation element shall adequately support the building at

all points. Every exterior wall shall be free of structural deterioration or any other condition which might admit rain or dampness to the interior portion of the walls or to the interior spaces of the dwelling. The roof shall be tight and have no defects which admit rain and roof drainage and shall be adequate to prevent rain water from causing dampness in the walls. All exterior surfaces, other than decay resistant materials, shall be protected from the elements and decay by paint or other protective covering or treatment. If the exterior surface is unpainted or lacks protective coating or is determined by the Building Official to be deteriorated, the surface shall have a protective covering applied. If the exterior surface of the pointing of any brick, block, or stone wall is loose or has fallen out, the surface shall be repaired.

- B. Windows, Doors, and Screens: Every window, exterior door, and hatchway shall be substantially tight and shall be kept in repair. Every window, other than a fixed window or storm window, shall be capable of being easily opened. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain, vermin and rodents from entering the building.
- C. Floors, Interior Walls, and Ceilings: Every floor, interior wall, and ceiling shall be protected against the passage and harborage of vermin and rodents and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding, or rotting flooring materials. Every interior wall and ceiling shall be maintained in a tight waterproof condition. Toxic paints or materials with a lasting toxic effect shall not be used. Every toilet room and bathroom floor surface shall be capable of being easily maintained.
- D. Rodent Proof: Buildings found to be rodent infested shall be made rodent resistant. All opening in the exterior walls, foundations, basements, ground, or first floors, and roofs which have 1/4" diameter or larger openings shall be rodent proofed in an approved manner. Interior floors or basements, cellars, and other areas in contact with the soil shall be paved with concrete or other rodent-impervious material.
- E. Fence Maintenance: All fences supplied by the owner on the premises and all fences erected by an occupant on the premises shall consist of metal, wood, masonry, or other decay-resistant material. Fences shall be maintained in good condition. Materials, other than decay resistant varieties, shall be protected against decay by use of paint or other preservatives.
- F. Accessory Structure Maintenance: Accessory structures shall be structurally sound and be maintained in good repair. The exterior of

such structures shall be made weather resistant through the use of decay-resistant materials such as paint or other preservatives.

- G. Safe Building Elements: Every foundation, roof, floor exterior and interior wall, ceiling, inside and outside stair, porch and balcony, and appurtenance thereto shall be safe to use and capable of supporting normal structural loads.
- H. Facilities to Function: All equipment or utilities required under City ordinances and every chimney and flue shall function effectively in a safe and working condition.
- I. Grading and Drainage: Every yard, court, or passageway on the premises on which a dwelling stands shall be graded and drained so as to be free of standing water that constitutes a detriment to health and safety.
- J. Yard Cover: Every yard of a premises on which a dwelling stands shall be maintained to prevent dust and erosion.

9-8A-11: **CONSTRUCTION STANDARDS:** All new construction and repair/renovation of existing structures within the City shall conform to the Minnesota State Building Code as the building code for the City.

9-8A-12: **MAXIMUM DENSITY, MINIMUM SPACE, FOR RENTAL UNITS:** No person shall permit or let to be occupied any rental dwelling or rooming unit for the purpose of living therein which does not comply with the following requirements:

- A. Permissible Occupancy of Dwelling Unit. The maximum permissible occupancy of any rental dwelling or rooming unit shall be determined as follows:
  - 1. For the first occupant, 150 square feet of habitable floor space and for every additional occupant thereof, at least 100 square feet of habitable room floor space.
  - 2. In no event shall the total number of occupants exceed two times the number of habitable rooms, less kitchen, in the dwelling or rooming unit.
- B. One Family Per Dwelling Unit. Not more than one family, except for temporary guests, shall occupy a dwelling unit.

9-8A-13: **ENFORCEMENT AND INSPECTION AUTHORITY:**

- A. The Building Official or his/her designee shall administer and enforce the provisions of this Chapter. Inspections shall be conducted during reasonable hours and the City Administrator or his/her designee shall present evidence of his/her official capacity to the owner or occupant in charge of the property.
- B. The identities of individuals who register complaints with the City concerning violations of State law or local ordinance concerning the use of real property shall be classified as confidential data pursuant to Minnesota Statutes, Section 13.03, Subd. 3., which states that such data is not public and is not accessible to the individual subject of the data. All other code violation records pertaining to a particular parcel of real property and the buildings, improvements, and dwelling units located on that property that are kept by the City shall be public data unless collected as part of an active civil investigation or legal action pursuant to Minnesota Statutes Section 13.99, or collected as part of an active criminal investigation pursuant to Minnesota Statutes Section 13.82, Subd. 7.

9-8A-14: **INSPECTION ACCESS:** If any owner, occupant, or other person in charge of a dwelling, dwelling unit, rooming unit, multiple dwelling or building fails or refuses to permit free access and entry to the structure or premises under his/her control, or any part thereof for purpose of an inspection authorized by this chapter, the City Administrator or his/her designee may petition the court for an order for such inspection.

9-8A-15: **UNFIT FOR HUMAN HABITATION:**

- A. Any dwelling, dwelling unit, rooming unit, building or portion thereof which is damaged, decayed, dilapidated, moldy, unsanitary, unsafe, vermin or rodent infested, or which lacks provision for basic illumination, ventilation, or sanitation facilities, or has been used for the clandestine manufacture of illegal substances, to the extent that the conditions of the dwelling, dwelling unit, rooming unit, building or portion thereof poses a hazard to the health, safety, or welfare of the occupants or to the public may be declared unfit for human habitation. Whenever any dwelling, dwelling unit, rooming unit, or building has been declared unfit, the City Administrator or his/her designee shall order the same vacated within a reasonable time and shall post a placard on the same indicating that it is unfit for human habitation, and any operating license previously issued for such dwelling shall be revoked.
- B. It shall be unlawful for such dwelling, dwelling unit, or rooming unit, or portion thereof, to be used for human habitation until the defective conditions have been corrected and written approval has been issued

by the Building Official or his/her designee. No person other than the Building Official or his/her designee shall deface or remove the declaration placard from any such dwelling unit.

9-8A-16: **SECURE UNFIT AND VACANT DWELLINGS:** The owner of any dwelling, dwelling unit, rooming unit or building which has been declared unfit for human habitation or which is otherwise vacant for a period of sixty (60) days or more shall immediately make the same safe and secure so that it is not hazardous to the health, safety, and welfare of the public and does not constitute a public nuisance. Any vacant dwelling open at doors, windows, or wall opening, if unguarded, shall be deemed to be a hazard to the health, safety, and welfare of the public and is a public nuisance within the meaning of this ordinance.

9-8A-17: **HAZARDOUS BUILDING DECLARATION:** In the event that a dwelling, dwelling unit, rooming unit or building has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and may be removed, razed, or corrected pursuant to the provisions of Minnesota Statutes.

9-8A-18: **COMPLIANCE ORDER:** Whenever the City Administrator or his/her designee determines that any dwelling, dwelling unit, or rooming unit, or portion thereof, is in violation of this or any other ordinance, he/she may issue a Compliance Order according to the City of Andover Code Violation Procedure.

9-8A-19: **RIGHT TO APPEAL:** Any person who believes that a compliance order issued under this chapter is based upon erroneous interpretation of this chapter, or upon a misstatement or mistake of fact, such person may appeal the Compliance Order to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, and must be accompanied by a filing fee as determined by the City Council and be submitted to the City Administrator within ten (10) business days after service of the Compliance Order. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from unless such stay would cause imminent peril to life, health, or property.

9-8A-20: **CITY COUNCIL'S DECISION:** Upon at least five (5) business days' notice to the appellant of the time and place for hearing the appeal and within thirty (30) days after appeal is filed, the City Council shall hold a hearing thereon at which the City Council shall dismiss, modify or affirm the order in whole or in part.

9-8A-21: **RESTRICTION ON TRANSFER OF OWNERSHIP:** It shall be unlawful for the owner of any dwelling, dwelling unit, rooming unit, or building upon whom a pending Compliance Order has been served to sell, transfer, mortgage, or lease, or otherwise dispose thereof to another person until the provisions of the Compliance Order have been complied with, unless such owner shall furnish to grantee, lessee, or mortgagee a true copy of any notice of violation or Compliance Order and shall obtain and possess a receipt of acknowledgment. Anyone with an interest in the



dwelling, dwelling unit, rooming unit, or building who has received notice of the existence of a Compliance Order shall be bound by same without further service of notice upon him/her and shall be liable for all penalties and procedures provided by this ordinance.

9-8A-22:     **PENALTIES:** Any person who fails to comply with a Compliance Order after a right of appeal has expired and any person who fails to comply with a modified Compliance Order within the time set therein, upon conviction thereof, shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in Minnesota Statutes.

9-8A-23:     **EXECUTION OF COMPLIANCE ORDERS OF PUBLIC AUTHORITY:** Upon failure to comply with a Compliance Order within the time set therein, and no appeal having been taken, or upon failure to comply with a modified Compliance Order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council may by resolution cause the cited deficiency to be remedied as set forth in the Compliance Order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, for any of the reasons set forth in Minnesota Statutes, and specifically for the removal and elimination of public health or safety hazards from private property, but the assessment shall be payable in a single installment. It is the intent of this section to authorize the City to utilize Minnesota Statutes to promote the public's health, safety, and general welfare.

## CHAPTER 8

### PROPERTY MAINTENANCE STANDARDS

#### ARTICLE B. RENTAL LICENSING

Section:

- 9-8B-1: Purpose and Intent
- 9-8B-2: Definitions
- 9-8B-3: License Required
- 9-8B-4: Application for Licensing
- 9-8B-5: Agent Required
- 9-8B-6: Initial License Issuance
- 9-8B-7: Renewal of License
- 9-8B-8: Transfer of License
- 9-8B-9: Inspections of Dwellings
- 9-8B-10: License Suspension, Revocation, Denial and Non-Renewal
- 9-8B-11: Display of License
- 9-8B-12: Fees
- 9-8B-13: Conditions of License Issuance
- 9-8B-14: Disorderly Conduct and Nuisance Police Calls for Service
- 9-8B-15: Trash Removal for Rental Properties
- 9-8B-16: No Retaliation
- 9-8B-17: Summary Action
- 9-8B-18: Severability Clause
- 9-8B-19: Violations and Penalties

9-8B-1: **PURPOSE AND INTENT:** The operation of rental residential properties is a business enterprise that gives rise to certain opportunities. Operators are responsible to take reasonable steps, as may be necessary, to assure that the citizens of the City who occupy such units, and those residing near such units, may pursue the quiet enjoyment of the normal activities of life in surroundings that are: (1) Safe, secure and sanitary; (2) Free from crimes and criminal activity, noise, nuisances or annoyances; and (3) Free from reasonable fears about safety of persons and security of property.

Further, it is the intent of this Article to regulate and provide for the inspections of rental housing to assure that such housing does not become a nuisance or blight to the neighborhood and does not create a disincentive to investment in the community.

This Article establishes standards that are applicable to all rental dwellings in the City. It does not apply to the portion of a rental dwelling that is occupied by a personal owner or relatives of the personal owner.

Finally, the City Council finds that repeated police calls to certain rental dwellings in the City occupied by persons with criminal histories have taxed law enforcement resources. The City Council also finds that persons residing in rental dwellings who engage in disorderly conduct or cause nuisance conditions create a hostile environment for others living in close proximity, thereby threatening the public safety. In order to preserve and protect the City's neighborhoods and to promote public safety, the City Council enacts a Crime Free Rental Program into the City Code. Any licenses issued by the City of Andover prior to the adoption of this Ordinance shall comply with the requirements listed herein at the time of next license renewal and shall still comply with the terms in which the licensed was originally issued until renewal occurs.

9-8B-2:       **DEFINITIONS:** The following definitions, and those contained in Article I will be used in interpreting and enforcing this Article.

Agent:                               A person designated by the Owner of a rental property to act on behalf of the Owner.

City:                                   The City of Andover, Minnesota.

Disorderly Conduct:               For the purposes of this section, disorderly conduct may include, but is not limited to the following:

1. Drug related illegal activity.
2. Acts of violence or threats of violence including but not limited to, discharge of firearms, intimidation or any other act that otherwise jeopardizes the health, safety, or welfare of the owner, manager, agent, other tenants, tenant's family members, guests or neighboring property owners.
3. Creating, or allowing to continue, any hazardous or physically offensive condition which serves no legitimate purpose.
4. Repeated unfounded calls to police.
5. Violation of M.S. § 609.72 (Disorderly conduct), as it may be amended from time to time.
6. Violation of M.S. §§ 609.66, subd.1a, 609.67 or 624.713 (Unlawful use or possession of a firearm or weapon), as they may be amended from time to time.

7. Violation of M.S. § 609.50 (Obstructing legal process), as it may be amended from time to time.
8. Violation of M.S. § 609.74 and 609.745 (Public nuisance), as they may be amended from time to time.
9. Violation of M.S. § 145A.02, subd. 17 (Public health nuisance), as it may be amended from time to time.
10. Violation of M.S. § 609.321, 609.322, and 609.324, (Solicitation, inducement, and promotion of prostitution, housing individuals engaged in prostitution) as they may be amended from time to time.
11. Violation of M.S. § 609.282, 609.283, 609.284, (Labor and sex trafficking crimes), as they may be amended from time to time.
12. Violation of M.S. § 609.33, relating to 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.
13. Violation of M.S. § 609.713, (Threats of violence), as they may be amended from time to time.
14. Violation of M.S. § 609.715, (Unlawful Assembly), as it may be amended from time to time.
15. Violation of M.S. § 609.71, (Riot), as it may be amended from time to time.
16. Violation of Title 5, Chapter 1 of the Andover City Code pertaining to restrictions on animals.
17. Violation of Title 5, Chapter 6 of the Andover City Code (Noise Control).
18. Violation of Title 5, Chapter 4 of the Andover City Code (Weapons).
19. The unlawful sale of liquor.

Drug Related  
Illegal Activity:

Means the illegal possession or constructive possession, manufacture, sale, distribution, purchase, use or

possession with intent to manufacture, sell, or distribute a controlled substance as defined in the Controlled Substance Act [21 U.S.C. 802], or possession of drug paraphernalia per Minnesota Statutes.

**Immediate Family:** Direct descendants, parents, grandparents, sibling or any such person of traditional or blended family.

**Licensee:** A person, firm or corporation that obtains a rental license from the City. For the purposes of this Article, "Licensee" and "Property Owner" may be considered one-in-the-same, and the terms "Licensee" and "Property Owner" may be used interchangeably when it makes sense to do so.

**Major Life/Safety Issues:** Hazardous conditions that pose a risk to the life and safety of occupants including, but not limited to, faulty or malfunctioning smoke detectors, handrails, guardrails and egress.

**Multi-Family Rental License:** A rental license established for any rental dwelling with two (2) or more dwelling units subject to interior and exterior inspections.

**Nuisance call:** Any instance where law enforcement officers are called to a property in response to a valid complaint related to disorderly conduct.

**Operate:** To charge a rental fee for the use of a dwelling unit within a rental dwelling.

**Rental Lease:** A written contract between an owner, agent, or manager and a tenant(s), whereby the tenant makes rent payments or other form of compensation in order to occupy the rental dwelling. The rental lease also includes language that relates to the obligations of both parties to the contract and has the same meaning as a rental agreement.

**Rental License:** A permit granted by the City that grants the property owner the right to rent.

**Rental Dwelling:** Any dwelling or dwelling unit used for residential occupancy by one or more persons who are not the owner or a member of the owner's immediate family.

“Rental dwelling” does not include the exemptions contained in Section 9-8B-3 of this Article.

Single Family  
Rental license:

A rental license established for any rental dwelling with less than two (2) dwelling units which is subject to exterior inspections only, with the exception of interior inspections in the event of emergency or life-threatening situations as determined by the Building Official, Fire Chief, and/or their designated representative.

Tenant(s):

A person or persons who rent a rental dwelling.

Valid complaint:

A violation that is visible at the time of inspection or proven by credible, substantial evidence to the satisfaction of the City.

Meaning of  
certain words:

Wherever the terms “dwelling,” “dwelling unit,” “premises,” and “structure,” are used in this Article, they shall be construed as though they were followed by the words “or any part thereof”.

9-8B-3: **LICENSE REQUIRED:**

- A. License: No person, firm or corporation shall operate a rental dwelling unit without first having obtained a license to do so from the City as provided for in this Article. Each license shall be issued for a two (2) year term and expire two (2) years from the issuance.
- B. Types of Licenses Required: There shall be two (2) types of licenses: multi-family and single-family.
- C. Exemptions from Rental Licensing:
  - 1. Rental property which is listed as a Nursing Home, Assisted Living, or Boarding Care home by the State of Minnesota Department of Health shall be exempt from the license required under this Article. This exception shall not apply if no services are provided to the occupants, or the services are incidental to, or independent of, the landlord/occupant relationship.
  - 2. State licensed residential facilities that do not provide overnight residential services.

3. A single-family dwelling or a dwelling unit occupied by the Property Owner for a minimum of six (6) consecutive months per calendar year.
4. A residential property owned by a 'snowbird' where the property is rented to another person for a period of less than 120 consecutive days while the Owner is residing out of the State of Minnesota. The Property Owner must occupy the property during the remainder of the year.
5. A single-family residential property that has been sold on a contract for deed or has been sold as "rent to own" so long as the purchaser occupies the property and the sale document used to memorialize the sale is in the form of a uniform conveyancing blank or is recorded with the Anoka County Recorder's office and a copy is provided to the City upon request.
6. A single-family residential property that is occupied by the Owner and two or less occupants where the Owner and the occupants share all living space within the dwelling.
7. Single family residential property that is owned by a member of the armed services who is on active duty and the property is rented to another person during the time of active duty. The Owner must provide the City with a copy of the Owner's military orders and must occupy the property when not on active duty as the Owner's primary residence.
8. Hotels, motels or medical facilities as defined by Andover City Code.

9-8B-4: **APPLICATION FOR LICENSE:**

- A. The rental Property Owner or the Owner's designated agent shall submit a written application for a rental license on forms prescribed by the City.
- B. Prior to issuance or renewal of a rental license, the following information shall be submitted:
  1. Name, address, email address, and phone number of the Property Owner.
  2. Name, address, email address, and phone number of the Property Manager if different from the property owner.

3. Name, address, email address, and phone number of the designated agent if applicable.
4. The street address and/or property identification number of the property.
5. Number of units offered for rent.
6. A blank copy of any written lease to be used for occupants including the following lease addendums:
  - a. Crime Free/Drug Free Addendum.
  - b. Lead Free informational materials for pre-1978 properties, including all information as may be required by Federal law.

9-8B-5: **AGENT REQUIRED:** Any Property Owner who does not live in the state shall appoint, on the license application, an agent residing within the State of Minnesota upon whom the City may serve notices pertaining to the licensed dwelling unit(s).

9-8B-6: **INITIAL LICENSE ISSUANCE:** No license shall be issued under this Ordinance unless the rental dwelling and its premises conform to the Ordinances of the City and laws of the State. An inspection of the dwelling unit may be conducted prior to issuance of an initial rental license.

9-8B-7: **RENEWAL OF LICENSE:**

- A. All renewed rental licenses shall be valid for a period of up to two (2) years.
- B. All rental license renewal applications and required fees shall be submitted to the City on a biannual basis and prior to the issuance of a rental license.
- C. Information on the rental license application must be updated to reflect current conditions at time of renewal.
- D. No license shall be renewed under this Ordinance unless the rental dwelling and its premises conform to the Ordinances of the City and laws of the State. An inspection of the dwelling unit may be conducted prior to issuance of a renewed rental license.



9-8B-8: **TRANSFER OF LICENSE:** A rental license is nontransferable and shall automatically terminate within thirty (30) days of closing on the sale of the licensed building unless, within thirty (30) days of said closing, the new Owner applies for and is granted a new rental license for said building in accordance with this Article.

9-8B-9: **INSPECTIONS OF DWELLINGS:**

- A. New licenses: Upon receipt of a properly executed new application for licensing and receipt of the appropriate fee, the City Administrator or his/her designee shall conduct an initial inspection of the premises to assure compliance with the City Code.
- B. License renewal: Any rental dwelling may be re-inspected after a renewal application is filed to determine compliance.
- C. Additional Inspections: The City shall inspect every rental unit at least once every two (2) years. The City may inspect any rental unit if it falls within one or more the following criteria:
  - 1. The unit has been abandoned by the Owner or the Owner of such unit cannot be found.
  - 2. Water, gas, or electric services to such unit has been discontinued as a result of nonpayment.
  - 3. The unit is on a parcel of land that is on the County's delinquent tax list.
  - 4. The City has probable cause to believe that there exists within such unit one or more violations of the requirements of the Andover City Code.
  - 5. The property owner of the rental unit has, within the preceding six (6) months, renewed a license after suspension or revocation.
  - 6. The unit is the subject of a pending notice of the City's intent to suspend or revoke the rental license.
  - 7. An occupant or neighboring Property Owner files a valid complaint with the City relative to the condition of the unit or premises.
  - 8. The unit has not been inspected in the preceding two (2) years.

9. Upon receipt of an initial or renewal license application.
- D. Access for Inspections:
1. The City Administrator or his/her designee shall be authorized to make or cause to be made inspections to determine the condition of dwellings, multiple dwellings, dwelling units, rooming houses, rooming units, and premises in order to safeguard the health, safety, morals, and welfare of the public.
  2. The City Administrator, or his/her designee, shall be authorized to enter any dwelling, multiple dwelling, dwelling unit, rooming house, rooming unit, or premises at any reasonable time for the purpose of performing his/her duties under this Article.
  3. The owner, operator, or occupant of every dwelling, multiple dwelling, dwelling unit, rooming house, rooming unit, and premises, or the person in charge thereof, shall give the City Administrator, or his/her designee, free access to such dwelling, multiple dwelling, dwelling unit, rooming house, rooming unit and premises on which it is located at all reasonable times for the purpose of such inspection, examination and survey.
- E. Interior Inspections: An inspection of the interior and exterior of the property shall be required for all multi-family rental properties. An inspection of the exterior only of the property shall be required for all single-family rental properties. In emergency and/or life-threatening situations as deemed necessary by the Building Official, Fire Chief, and/or designated representative, inspections may be conducted on single-family rental properties to include the interior and exterior portions of the rental dwelling and without permission from the property owner after reasonable attempts to contact the owner have failed.
- F. Refusal of Access for Inspection: If the owner, operator, person in charge, or occupant shall refuse to consent to the inspection, an administrative search warrant may be obtained where there is probable cause to believe a violation exists within the particular structure or property.
- G. Emergency Conditions: No administrative search warrant is needed where an emergency condition exists which endangers persons or property and insufficient time is available to obtain the warrant and protect such endangered persons or property.

- H. Subject to Occupant's Right to Privacy: Entry under this Section is subject to Minnesota Statutes, Sections 504B.211 (Residential Tenant's Right to Privacy) as amended.
- I. Costs of Obtaining Warrant: If the City finds it necessary to obtain an administrative search warrant to enter the property for inspection due to the Property Owner, operator, or person in charge, or occupant's lack of cooperation, said person or persons may also be charged with all costs of obtaining the warrant, including court costs and attorney's fees.

**9-8B-10: LICENSE SUSPENSION, REVOCATION, DENIAL AND NON-RENEWAL:**

- A. Process for consideration of license suspension, revocation, denial or non-renewal:
  - 1. No action will be taken by the City Council to revoke, suspend, deny, or not renew a rental license without a public hearing and written notice of that hearing being sent to the property owner and affected occupants a minimum of ten (10) days prior to the hearing.
  - 2. The Council shall give due regard to the frequency and seriousness of the violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply.
  - 3. The Council shall issue a decision to revoke, suspend, deny or not renew a rental license only upon written findings.
  - 4. Upon a decision to revoke, suspend, deny or not renew a license, no new application for the same facility will be accepted for a period of time specified in the Council's written decision, not exceeding one (1) year. Such new applications shall be accompanied by a reinstatement fee as required by this Article.
  - 5. The Council may suspend, revoke, deny or not renew a license for part or all of a facility.
  - 6. A written decision to revoke, suspend, deny or not renew a license or application for part of a facility shall specify the part or parts of the facility to which it applies. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the facility may be re-let or occupied.

- a. Revocation, suspension, denial or non-renewal of a license shall not excuse the owner from compliance with all terms of this Article for as long as any units in the facility are occupied.
- b. Failure to comply with all terms of this Article during the term of revocation, suspension, denial or non-renewal is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of non-renewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation, denial or non-renewal specified in the City Council's written decision.

B. Suspension:

- 1. The City Council may suspend a rental license under any of the following circumstances:
  - a. Failure to correct deficiencies noted in Compliance Orders within the time specified in the notice.
  - b. Failure to pay any license, inspection or reinstatement fee required by this Article.
  - c. Any other violation of the Andover City Code.
  - d. Any specific provisions of the City ordinances that include suspension as a remedy (i.e. nuisance calls, etc.).
- 2. Additional standards related to suspension of a rental license:
  - a. A reinstatement fee as established by the City Council shall be paid prior to reinstatement of a rental license that has been suspended.
  - b. In addition to the reinstatement fee, the City may issue a citation for the applicable violations.
  - c. While under suspension, the Property Owner cannot lease the affected unit and/or facility to a new occupant.
  - d. The suspension shall be for a period of up to six (6) months unless otherwise regulated by this Article.

C. Revocation:

1. The City Council may revoke a rental license under the following circumstances:
  - a. When a Property Owner has not complied with reinstatement criteria.
  - b. When it is found that a Property Owner has given false statements on any application or other information or report required by this Article to be given by the applicant or licensee.
  - c. When it has been determined through an inspection that major life/safety issues exist on the property.
  - d. When the Property Owner or designated agent has been convicted of a crime related to the type of business licensed and failure to show, by competent evidence, rehabilitation and present fitness to perform the duties of the business.
  - e. Operating or allowing the rental property to be used in such a manner as to constitute a breach of the peace, a menace to health, safety and welfare of the public or a disturbance of the peace or comfort of the residents of the City, upon recommendation by the County Sheriff.
  - f. Failure to schedule and/or allow rental or building inspections of the licensed premises, for the purpose of ensuring compliance with rental licensing requirements, City Code requirements, State building codes, or other applicable State or Federal law.
  - g. Real estate or personal property taxes on the business have become delinquent and the Property Owner and the applicant are the same person or entity or have any common ownership where they are a different person or entity.
  - h. Failure to actively pursue the eviction of occupants who have violated the provisions of the Crime Free Lease Addendum.

- i. Any specific provisions of the City Ordinances that include revocation as a remedy (i.e. nuisance calls, etc.)
- j. Other good cause as determined by the City Council.

2. Additional standards related to revocation of a rental license:

- a. A reinstatement fee as established by the City Council shall be paid prior to reinstatement of a rental license that has been revoked.
- b. In addition to the reinstatement fee, the City may issue a citation for the applicable violations.
- c. While under revocation, the Property Owner cannot extend the lease of an existing occupant and cannot lease the affected unit to a new occupant.
- d. The revocation shall be for a period of up to one (1) year.

9-8B-11: **DISPLAY OF LICENSE:** Licenses issued under this Article must be conspicuously posted in a public corridor or front entrance of rental dwellings with four or more units. All rental Property Owners must produce a copy of the rental license upon demand of a prospective occupant or City official.

9-8B-12: **FEES:**

- A. License Fees: Fees Established and Due Date: Rental license fees and reinstatement fees shall be set by the City Council and shall be due with submission of a new or renewal application.
- B. Reinspection Fees: An initial inspection shall be required at the time of application, the cost of which shall be included in the license application fee. A reinspection to verify compliance will be conducted at no charge. A fee, as set by the City Council, may be charged for any subsequent reinspection necessitated by receipt of a valid complaint or as a result of a previous unsatisfactory inspection.

9-8B-13: **CONDITIONS OF LICENSE ISSUANCE:**

- A. Compliance with Chapter: The City shall issue a rental dwelling license if the building and the application are found to be in compliance with the provisions of this chapter.
- B. Conformance to Laws: No rental dwelling license shall be issued or renewed unless the rental dwelling and its premises conform to the

Andover City Code; and the laws of the State of Minnesota; and all applicable fees have been paid.

9-8B-14: **DISORDERLY CONDUCT AND NUISANCE POLICE CALLS FOR SERVICE:** During the term of the rental license, and any re-licensure, whereby nuisance calls related to the property occur in any consecutive twelve (12) month period following the first nuisance call, the following shall apply:

- A. **First Nuisance Call:** Upon determination by the City that a dwelling unit was used in a disorderly manner, as described in this section, the City shall give notice to the licensee of the violation and direct the licensee to take steps to prevent further violations. The disorderly manner shall be as defined in this section.
- B. **Second Instance:** If a second instance of disorderly use of the dwelling unit occurs within three (3) months of an incident for which a notice was given as specified in this Section, the City shall notify the licensee to submit a written report of the actions taken, and proposed to be taken by the licensee to prevent further disorderly use of the dwelling unit. This written report shall be submitted to the City within five (5) days of receipt of the notice/report of disorderly use of the dwelling unit and shall detail all actions taken by the licensee in response to all notices of disorderly use of the dwelling unit within the preceding three (3) months.
- C. **Third Instance:** If a third instance of disorderly use of the dwelling unit occurs within three (3) months after a second instance of disorderly use for which a notice was given to the licensee pursuant to Subsections of this section, the rental dwelling license for the rental dwelling 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, who shall give the licensee written notice of a hearing before the City Council to consider such denial, revocation, suspension or nonrenewal. Such written notice shall specify all violations of this section, and shall state the date, time, place and purpose of the hearing. The hearing shall be held no less than ten (10) days and no more than thirty (30) days from the date of such notice.
- D. **Action Of The City Council:** Following the hearing, the City Council may deny, revoke, suspend or decline to renew the license for all or any part or parts of the rental dwelling or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this section.

- E. Council Action Not Exclusive: Enforcement actions provided in this section shall not be exclusive, and the City Council may take any action with respect to a licensee, a tenant, or the licensed rental dwelling as is authorized by this chapter, other sections of the Andover City Code Ordinance, or state law.
- F. Eviction Proceedings: No adverse license action shall be imposed where the instance of disorderly use of the dwelling unit occurs during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's dwelling unit. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, any 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 to prevent further instances of disorderly use.
- G. Evidence of Disorderly Manner: A determination that the rental dwelling unit has been used in a disorderly manner as described in this section shall be made upon substantial evidence to support such determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such criminal charge operate as a bar to adverse license action under this section.
- H. Serving Notice: All notices given by the City under this section shall be personally served on the licensee, sent by certified mail to licensee's last known address or, if neither method of service effects notice, by posting on a conspicuous place on the licensed rental dwelling.
- I. An action to deny, revoke, suspend, or not renew a license based upon violation 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 nuisance calls.

**9-8B-15: TRASH REMOVAL FOR RENTAL PROPERTIES:**

- A. Rental properties must have regularly scheduled recycling and trash pick-up.
- B. If the trash and/or recycling has not been removed within seven (7) days of the normally scheduled pick-up, the trash may be removed under emergency abatement procedures.



- C. If the lack of trash and/or recycling service becomes a recurring problem, refuse service will be authorized by the City and will be assessed as a lien on the subject property.

9-8B-16: **NO RETALIATION:** No Licensee shall evict, threaten to evict, or take any other punitive action against any occupant who, by reason of good faith, calls City officials related to public safety or property maintenance concerns. This Section shall not prohibit the eviction of occupants from a rental dwelling for unlawful conduct of an occupant or invitee for violations of any rules, regulations, or lease terms other than a prohibition against contacting City officials.

9-8B-17: **SUMMARY ACTION:** When the conduct of any Licensee or their agent, representative, employee or lessee or the condition of their dwelling is detrimental to the public health, safety and general welfare as to constitute a nuisance, fire hazard, or other unsafe or dangerous condition and thus give rise to an emergency, the City shall have the authority to summarily condemn or post for no occupancy such area of the rental dwelling.

9-8B-18: **SEVERABILITY CLAUSE:** If any section, subsection, sentence, clause or phrase of this Article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article.

9-8B-19: **VIOLATIONS AND PENALTIES:** Any person violating any provision of this Article is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in Minnesota Statutes.

## CHAPTER 8

### PROPERTY MAINTENANCE STANDARDS

#### ARTICLE C. SOBER HOUSING LICENSING

##### Sections:

- 9-8C-1: Purpose and Intent
- 9-8C-2: Definitions
- 9-8C-3: License Required
- 9-8C-4: Application for License
- 9-8C-5: Inspections of Dwellings
- 9-8C-6: Agent Required
- 9-8C-7: Length and Renewal of License
- 9-8C-8: Transfer of License
- 9-8C-9: License Suspension, Revocation, Denial and Non-Renewal
- 9-8C-10: Display of License
- 9-8C-11: Fees
- 9-8C-12: No Retaliation
- 9-8C-13: Summary Action
- 9-8C-14: Severability Clause
- 9-8C-15: Violations and Penalties
- 9-8C-16: Reasonable Accommodations

9-8C-1: **PURPOSE AND INTENT:** It is the purpose of this Article to assure that sober housing in the City of Andover is habitable, safe, and sanitary and is so operated and maintained as not to detract from the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community.

It is the intent of this Article to establish uniform standards that are applicable to all sober house dwellings in the City.

To the extent not otherwise inconsistent with this Article, Title 9, Chapter 8, Article II of the City of Andover City Code shall be applicable to sober houses. Any inconsistencies between Article II and this Article shall be resolved in favor of this Article.

9-8C-2: **DEFINITIONS:** The definitions contained in Article I, of this Chapter apply herein. Additionally, the following definitions shall apply in the interpretation and enforcement of this Article.

Agent: A person designated by the owner of a sober house to act on behalf of the owner.

Multiple Dwelling:	A building or portion thereof containing two or more dwelling units.
Rooming House:	A residence unit or any part thereof containing one or more rooming units in which space is let by the owner operator to two or more persons.
Sober House:	A dwelling unit occupied by a group of not more than five (5) unrelated individuals, unless a reasonable accommodation allowing more than 5 unrelated individuals to occupy a dwelling unit is granted, all of whom are in recovery from chemical dependency and considered disabled under the Federal Fair Housing Act Amendments of 1988 wherein the dwelling unit provides a non-institutional residential environment in which the occupants willingly subject themselves to rules and conditions intended to encourage and sustain their recovery. The residents of a sober house are similar to a family unit and share kitchen and bathroom facilities and other common areas of the unit. Sober houses are financially self-supporting. This definition does not include facilities that receive operating revenue from governmental sources or those that provide on-site supportive services to residents, including but not limited to the following: mental health services; clinical rehabilitation services, social services; legal services; medical, dental, nutritional, and other health care services; financial management services; legal services; vocational services; and other similar supportive services.

9-8C-3:       **LICENSE REQUIRED:** No person, firm or corporation shall allow the use of a sober house in the City until a license has been applied for and issued by the City of Andover. Any sober houses existing prior to the adoption of this Article must also follow and abide by the requirements set forth in this Article. A license is not required for those entities that are licensed by State or County government agencies affording the same safeguards and protections as set forth in this Article.

9-8C-4:       **APPLICATION FOR LICENSE:** Applications for a sober house license shall be made in writing to the City by the owner of the sober house dwelling unit(s) or his/her designated agent. Prior to issuance or renewal of a sober house license, the owner shall submit a completed application to the Planning Department, pay an application fee as determined by City Council, and comply with all inspection requirements.

- A. The following persons shall be authorized to sign and submit a sober house license application:
1. If the owner is a natural person, by the owner thereof.
  2. If the owner is a corporation, by an officer thereof.
  3. If the owner is a partnership, by a partner thereof.
- B. Before any license required by this Article shall be issued or renewed, the owner shall submit the following information on forms provided by the City:
1. Name, address and phone number of the property owner.
  2. Name, address and phone number of the property manager if different from the property owner.
  3. Name, address and phone number of the designated agent (if applicable).
  4. The street address and property identification number of the property.
  5. Description of the number of units and number of bedrooms in each unit.
  6. An acknowledgement that the owner or designated agent has received a copy of this ordinance.
  7. A management plan for the facility found to be acceptable by the City to ensure the legitimacy of the sober house.
  8. A floor plan showing dimensions and locations of bedrooms, common areas, kitchen, bathrooms, exits and any other rooms requested by the City.
  9. A Crime Free/Drug Free Lease Addendum signed by and applicable to all occupants of the Sober House.

9-8C-5: **INSPECTIONS OF DWELLINGS:** Upon receipt of a properly executed application for licensing and receipt of the appropriate fee, the City Administrator or his/her designee shall complete an initial inspection of the premises to determine whether the property is in compliance with this Chapter. Any sober house dwelling may be re-inspected after a renewal application or transfer of license is filed to determine compliance. The City Administrator or his/her designee shall further have

the right to re-inspect the premises at any time it is deemed necessary to assure compliance with this Chapter.

- A. The City Administrator or his/her designee shall be authorized to make or cause to be made inspections to determine the condition of dwellings, multiple dwellings, dwelling units, rooming houses, rooming units, and premises in order to safeguard the health, safety, morals, and welfare of the public. The City Administrator, or his/her designee, shall be authorized to enter any dwelling, multiple dwelling, dwelling unit, rooming house, rooming unit, or premises at any reasonable time for the purpose of performing his/her duties under this Article. The owner, operator, or occupant of every dwelling, multiple dwelling, dwelling unit, rooming house, rooming unit, and premises, or the person in charge thereof, shall give the City Administrator or his/her designee free access to such dwelling, multiple dwelling, dwelling unit, rooming house, rooming unit and premises on which it is located at all reasonable times for the purpose of such inspection, examination and survey.
- B. If the owner, operator, person in charge, or occupant shall refuse to consent to the inspection, a search warrant may be obtained. If the City finds it necessary to obtain an administrative search warrant to enter the property for inspection due to the owner, operator, person in charge or occupant's lack of cooperation, said person or persons may also be charged with all costs of obtaining the warrant including court costs and attorney's fees.
- C. No warrant is needed where an emergency condition exists which endangers persons or property and insufficient time is available to obtain a warrant and protect such endangered persons or property.
- D. Entry under this Section is subject to Minnesota Statutes, Section 504B.211 (Residential tenant's right to privacy) as amended.

9-8C-6: **AGENT REQUIRED:** Any property owner who does not live in the state shall appoint, on the license application, an agent residing within the State of Minnesota upon which agent the City may serve notices pertaining to the administration of this Article or any provisions of the City Code pertaining to such dwelling unit.

9-8C-7: **LENGTH AND RENEWAL OF LICENSE:** The license period shall commence upon issuance of the license. A sober house license shall be issued for a period of one (1) year.

9-8C-8: **TRANSFER OF LICENSE:** A sober house license is transferable to any person who has actually acquired legal ownership of a licensed building for the

unexpired portion of the term for which it was issued or reissued; provided, that the application to transfer such registration is filed with the City within thirty (30) days of closing and the transferee is not disqualified from holding a license due to prior revocation, suspension, or denial of a sober house license. The sober house license shall terminate upon failure to apply for its transfer within thirty (30) days of closing.

**9-8C-9: LICENSE SUSPENSION, REVOCATION, DENIAL AND NON-RENEWAL:**

- A. The City Council may revoke, suspend, deny or decline to renew any sober house license issued under this Article upon any of the following grounds:
  - 1. False statements on any application or other information or report required by this Article to be given by the applicant or licensee.
  - 2. Failure to pay any license or reinstatement fee required by this Article.
  - 3. Failure to correct deficiencies noted in notices of violation in the time specified in the notice.
  - 4. Any other violation of the property maintenance, zoning, environmental, and utility chapters of City Code.
- B. No action will be taken by the City Council to revoke, suspend, deny, or decline renewal of a sober house license without a public hearing and written notice of that hearing being sent to the property owner, agent, and affected tenants a minimum of ten days prior to the hearing.
- C. The City Council shall give due regard to the frequency and seriousness of the violations, the ease with which such violations could have been cured or avoided, and good faith efforts to comply and shall issue a decision to revoke, suspend, deny, or decline renewal of a license only upon written findings.
- D. The City Council may revoke, suspend, deny or decline renewal of a license for part or all of a facility.
- E. Upon a decision to revoke, suspend, deny or decline renewal of a license, no new application for the same facility will be accepted for a period of time as specified in the City Council's written decision, which time shall not exceed one year. All new applications shall be accompanied by a reinstatement fee as required by this Article.

- F. A written decision to revoke, suspend, deny or decline renewal of a license or application shall specify the part or parts of the facility to which it applies. Thereafter, and until a license is reissued or reinstated, no units becoming vacant in such part or parts of the facility may be re-let or occupied. Revocation, suspension, denial or non-renewal of a license shall not excuse the owner from compliance with all terms of this Article for as long as any units in the facility are occupied. Failure to comply with all terms of this Article during the term of revocation, suspension, denial or non-renewal is a misdemeanor and grounds for an extension of the term of such revocation, suspension, or non-renewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation, denial or non-renewal specified in the City Council's written decision or in paragraph E of this Section.

9-8C-10: **DISPLAY OF LICENSE:** Licenses issued under this Article must be displayed on the premises of sober house dwellings. All property owners must produce a copy of the sober house license upon demand of a prospective tenant or City official.

9-8C-11: **FEES:** Sober house license fees and reinstatement fees are to be determined by the City Council.

9-8C-12: **NO RETALIATION:** No licensee shall evict, threaten to evict, or take any other punitive action against any tenant who, by reason of good faith, calls City officials related to public safety or property maintenance concerns. This Section shall not prohibit the eviction of tenants from a sober house dwelling for unlawful conduct of a tenant or invitee for violations of any rules, regulations, or lease terms other than a prohibition against contacting City officials.

9-8C-13: **SUMMARY ACTION:** When the conduct of any license holder or their agent, representative, employee or lessee or the condition of their dwelling is detrimental to the public health, safety and general welfare as to constitute a nuisance, fire hazard, or other unsafe or dangerous condition and thus give rise to an emergency, the City shall have the authority to summarily condemn or post for no occupancy such area of the rental dwelling.

9-8C-14: **SEVERABILITY CLAUSE:** If any section, subsection, sentence, clause or phrase of this Article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article.

9-8C-15: **VIOLATIONS AND PENALTIES:** Any person violating any provision of this Article is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in Minnesota Statutes.

9-8C-16: **REASONABLE ACCOMMODATIONS:** It is the policy of the City, pursuant to the Federal Fair Housing Amendments Act of 1988, to provide reasonable accommodations in the application of its zoning regulations for persons with disabilities seeking fair and equal access to housing. Reasonable accommodation means providing an individual with a disability or developers of housing for an individual with a disability flexibility in the application of land use and zoning regulations or policies, including the modification or waiver of certain requirements, when it is necessary to eliminate barriers to housing opportunities. The purpose of this subdivision is to establish a process for making and acting upon requests to reasonable accommodation.

- A. Any person who requests reasonable accommodation in the form of modification in the application of a zoning regulation which may act as a barrier to fair housing opportunities due to the disability of existing or proposed residents may do so on an application form provided by the City. "Person" includes any individual with a disability, his or her representative or a developer or provider of housing for an individual, with a disability. The application shall include a detailed explanation of why the modification is reasonably necessary to make the specific housing available to the person(s), including information establishing that the applicant is disabled under applicable laws, as well as other information required by the City to make the determination. If the project for which the request is being made also requires an additional land use review or approval, the applicant shall file the request concurrently with the land use review.
- B. The City shall review the request and make a recommendation to the City Council. The request shall be evaluated under the following factors:
  1. Whether there is a qualifying disability;
  2. Whether the request is needed to allow a disabled person equal opportunity to use and enjoy a dwelling or to live in a particular neighborhood as a person without disabilities;
  3. Whether the request is reasonable, considering the potential impact on surrounding uses, the extent to which the accommodation meets the stated need, and other alternatives that may meet that need;
  4. Whether the request would constitute a fundamental alternation of the City's regulations, policies, or procedures;
  5. Whether the request would impose an undue financial or administrative burden on the City; and



6. Any other factor that may have a bearing on request, as determined by the City
- C. The City Council shall consider the request following receipt of the recommendation of the City staff. Notice of the meeting at which the City Council will evaluate the request shall be mailed at least 10 days before the meeting to the owner of all properties located within 350 feet of the property subject to the request.
  - D. An approved request is granted only to an individual and does not run with the land unless the City determines that the accommodation is physically integrated into the residential structure and cannot easily be removed or altered or the accommodation is to be used by another individual with a disability.
  - E. No sober house granted a reasonable accommodation shall be located within 1,320 feet of another sober house that has been granted a reasonable accommodation, as measured from the property lines closest to one another.

CHAPTER 9  
**RESIDENTIAL LANDSCAPING REQUIREMENTS**

SECTION:

- 9-9-1: Purpose
- 9-9-2: Definition
- 9-9-3: Trees, Topsoil And Seeding Or Sod Requirements
- 9-9-4: Retroactive Clause
- 9-9-5: Enforcement Official
- 9-9-6: Penalty

9-9-1: **PURPOSE:** The purpose of this chapter is to provide protection to all natural terrain features of a residential site which, if preserved as required herein, will add to the attractiveness and stability of the site. Standards set forth in this chapter will increase the desirability of residences, encourage investment or occupation in the city, optimize use and value of land and improvements, increase the stability and value of the property, and add to the conditions affecting the health and welfare of the city. (Amended Ord. 111A, 8-5-2002)

9-9-2: **DEFINITION:** For the purpose of this chapter, "organic/black topsoil" shall be defined as soil/dirt that has sufficient amounts of organic material to establish a suitable foundation for vegetative growth. The topsoil should contain no more than thirty five percent (35%) sand content. (Amended Ord. 111A, 8-5-2002)

9-9-3: **TREES, TOPSOIL AND SEEDING OR SOD REQUIRED<sup>1</sup>:**

A. Trees:

1. Protection of Existing Trees: Under the city Tree Preservation Policy and throughout the city, where a tree protection plan has been established, general contractors, builders and owners must protect existing trees.
2. Tree Planting Required: On all lots of record, for new construction it shall be the responsibility of the general contractor, builder or owner to plant in the front yard a minimum of two (2) trees or one tree per fifty feet (50') of lot width as measured at the front property line, whichever is greater, up to a maximum of four (4) trees. Said trees shall be alive and

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<sup>1</sup> See also section 9-1-5 of this title and subsections 11-3-3O and 11-4-8A3 and B3 of this code.

disease free, planted per city tree planting specifications, at least one and three-fourths inches (1 3/4") in diameter and six feet (6') in height as measured from ground level after the trees are planted. Said trees shall be properly planted between the months of April and October, and tree species and/or type shall be on the list determined by the city.

3. Tree Survival: The trees shall not be accepted as meeting the tree planting requirements of this section until verified by the city that the planted trees survive one full "winter season", which for the purpose of this chapter is the period October 31 through May 31.
4. Exemptions: The requirements in this subsection shall not apply if the minimum number of trees prescribed by this subsection are existing, healthy and preserved in the front yard of the property and the trees meet or exceed the requirements listed above.

B. Topsoil, Seed or Sod:

1. General Requirements: On all lots of record, for new construction all disturbed yard areas and boulevards must be restored with topsoil and either seeded or sodded:

a. R-4 and Urban Districts:

- i. Topsoil: Topsoil shall be organic/black soil spread so as to provide at least four inches (4") over the entire yard area.
- ii. Sod and Seed: Sod must be installed in the boulevard/s and extend to the rear wall of the principal residence on the lot. All other lot areas shall be sodded or sown with lawn grass seed at a rate of not less than four (4) pounds to each one thousand (1,000) square feet of land area. The seed shall consist of a maximum of ten percent (10%) rye grass by weight and a minimum of ninety percent (90%) of permanent bluegrass and/or fescue grass by weight.

b. R-1 and Rural Districts:

- i. All disturbed lot areas shall be sodded or sown with lawn grass seed at a rate of not less than four (4) pounds to each one thousand (1,000) square feet of land area. The seed shall consist of a maximum of ten percent (10%) rye grass by weight and a minimum of ninety percent (90%) of permanent bluegrass and/or fescue grass by weight.

- C. Wetlands: Wetlands shall be exempt from the sodding and seeding requirements as determined by the city, Department of Natural Resources, watersheds, or conservation district. The spreading of soil and seeding or sodding of the front and side yard lawn shall be completed within six (6) months after the issuance of the Certificate of Occupancy. (Amended Ord. 111A, 8-5-2002)

9-9-4: **RETROACTIVE CLAUSE:** The residential landscaping requirements of this Chapter may be subject to Section 9-1-5 surety requirements.

9-9-5: **ENFORCEMENT OFFICIAL:** The Code Enforcement Officer of the City of Andover shall enforce this chapter. (Amended Ord. 111A, 8-5-2002)

9-9-6: **PENALTY:** A violation of this chapter shall constitute a misdemeanor as defined by state law as amended. (Amended Ord. 111A, 8-5-2002; Amended Ord. 458, 4-5-16)

CHAPTER 10  
**MOVING BUILDINGS**

SECTION:

- 9-10-1: Purpose And Objectives
- 9-10-2: Definitions
- 9-10-3: Required Licenses, Permits And Regulations
- 9-10-4: Violation; Penalties

9-10-1:       **PURPOSE AND OBJECTIVES:** The purposes and objectives of this chapter are to provide for protection from damage that results from the moving of buildings over public road rights-of-way and to minimize the adverse impact on surrounding properties after a building has been moved to such property. (Ord. 200, 2-18-1997)

9-10-2:       **DEFINITIONS:**

**ACCESSORY**

**BUILDING:**           A structure or a portion of a structure subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

**BUILDING:**           Any structure having a roof (roof area to exceed 120 square feet) that may provide shelter or enclosure of persons, animals or chattels.

**BUILDING**

**MOVER:**             A person, corporation, or other entity who raises, supports off the foundation, and moves buildings on and over public streets and highways.

**DWELLING UNIT:**   A residential building or portion thereof that is used exclusively for human habitation but not including hotels or motels.

**ROAD**

**AUTHORITY:**       The Commissioner, as to trunk highways; the County Board, as to county state aid highways and county highways; the Town Board, as to town roads; and the Andover City Council when city streets are specifically mentioned. (Ord. 200, 2-18-1997; amd. 2003 Code)

9-10-3:       **REQUIRED LICENSES, PERMITS AND REGULATIONS:**

A. Building Mover: The following pertain to information that is required by the city from the building mover:

1. State License Required: No person may operate as a building mover in the city unless licensed by the State as a building mover.

2. Building Permit Required: If a building or dwelling unit is to be placed on a parcel of land in the city, the building mover will be required to obtain a building permit before the building or dwelling unit is moved across any public street and/or highway. The Building Official may refuse to issue a permit if:

a. The building is too large to move and may endanger property or persons in the city.

b. The building is in such a state of deterioration or disrepair or is otherwise structurally unsafe that it could not be moved without endangering property or persons in the city.

c. The building mover's equipment is unsafe.

d. Any other life/safety reasons as determined by the Building Official.

3. Required Information: The building mover shall provide the city the following:

a. Information in regard to the date and time the building will be moved over public streets and/or highways.

b. A map showing a list of designated streets over which the building shall be moved to assure safety to persons and property in the city and to minimize congestion and hazards on public streets.

4. Removal To Another Parcel Of Land: The dwelling unit along with all other accessory buildings (attached or detached) which shall be removed from the residential parcel of land in the city if the dwelling unit is moved to another parcel of land, unless the city receives in writing from the property owner that a dwelling unit will be constructed or placed on that parcel within one year from the date the building permit was issued to move the dwelling unit from that parcel.

5. Restoration Of Removal Site: All rubbish and materials shall be removed from the building or dwelling unit removal site, and all excavations to existing grade shall be completed. The premises shall be

left in a safe and sanitary condition.

6. Damages Reported: The building mover shall notify the Building Official of any and all damages done to property that resulted from the moving of a building within twenty-four (24) hours after such damage occurred. The building mover shall be liable for any damages and expenses incurred.

B. Building Owner: The following pertain to information that is required by the city from the owners of the building or dwelling unit to be moved:

1. Conditional Use Permit Required: A Conditional Use Permit is required prior to the moving of any dwelling unit onto a residentially zoned lot in the city. The dwelling unit shall meet the minimum requirements for floor area per dwelling unit as stated in the zoning ordinance. The Conditional Use Permit will be reviewed by the City Council to determine if the building is compatible with other development in the area and will not depreciate surrounding property values.

2. Photographs Of Building: The owner of the moved dwelling unit shall submit along with the conditional use permit photographs taken from two (2) or more angles of the dwelling unit to be moved and photographs of the lot on which the dwelling unit is to be located. Photographs of all dwelling units and lots abutting the lot where the dwelling unit is to be located shall also be submitted. (Ord. 200, 2-18-1997)

3. Time Limit To Move And Comply: The owner of the moved building or dwelling unit will have one hundred eighty (180) days from the date the permit was issued to move the building or dwelling unit to the desired location and comply with all applicable city ordinances, the State Building Code and state laws that involve the moving of buildings or dwelling units over public rights-of-way and the placement of such buildings or dwelling units on parcels of land in the city. (Ord. 200, 2-18-1997; amd. 2003 Code)

9-10-4: **VIOLATION; PENALTIES:** Any person who violates any provision of this chapter shall be guilty of a misdemeanor and shall be subject to applicable fines and imprisonment defined by state law. In addition to the penalties imposed by this chapter, the city may exercise, with or separately from such penalties, all and any other legal and equitable remedies then available to the city by this chapter, or by statute, or by other ordinances of the city, or by applicable rules or regulations, to enforce this chapter, including, without limitation, injunction. (Ord. 200, 2-18-1997)

CHAPTER 11  
**ANTENNAS AND TOWERS**

SECTION:

- 9-11- 1: Purpose
- 9-11- 2: Definitions
- 9-11- 3: Permit And Lease Agreement Required
- 9-11- 4: Height Requirements
- 9-11- 5: Zoning District Regulations
- 9-11- 6: Co-location Requirements
- 9-11- 7: Design Requirements
- 9-11- 8: Setbacks
- 9-11- 9: General Requirements
- 9-11-10: Ground Mounted Equipment
- 9-11-11: Nonconforming Antennas And Towers
- 9-11-12: Interference With Public Safety Telecommunications Prohibited
- 9-11-13: Damaged Or Destroyed Antennas And Towers
- 9-11-14: Abandoned Antennas And Towers
- 9-11-15: Variances
- 9-11-16: Violation; Penalties

9-11-1:       **PURPOSE:** In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the City Council finds that these regulations are necessary in order to:

- A.       Facilitate the provision of commercial wireless telecommunication services to the residents and businesses of the city;
- B.       Minimize adverse effects of towers through careful design and siting standards in order to lessen the aesthetic impact on surrounding properties;
- C.       Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
- D.       Maximize the use of existing and approved towers and buildings to accommodate new commercial wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.  
(Ord. 270, 12-5-2000)

9-11-2:       **DEFINITIONS:** The following words and terms shall have the following meanings when used in this chapter:



- ANTENNA:** That portion of any equipment located on the exterior or outside of any structure and used for transmitting or receiving radio, telephone and television signals. "Antenna", as defined in this chapter (unless otherwise noted), pertains to all of the following antennas:
- Antenna, Public Utility Microwave:** A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point to point UHF or VHF radio waves in wireless telephone communications, and including the supporting structure thereof.
- Antenna, Radio And Television, Broadcasting Transmitting:** A wire, set of wires, metal or carbon fiber rod or other electromagnetic element used to transmit public or commercial broadcast radio or television programming, and including the support structure thereof.
- Antenna, Radio And Television Receiving:** A wire, set of wires, metal or carbon fiber elements, other than satellite dish antennas, used to receive radio, television, or electromagnetic waves, and including the supporting structure thereof.
- Antenna, Satellite Dish:** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, commercial satellite earth stations, TVROs (television, receive only), and satellite microwave antennas, but does not include personal TVRO satellite reception receivers.
- Antenna, Short Wave Radio Transmitting And Receiving:** A wire, set of wires or a device, consisting of a metal, carbon fiber, or other electromagnetically conductive element, used for the transmission and reception of radio waves used for short wave radio communications, and including the

supporting structure thereof.

Antenna,

Telecommunications: A device consisting of a metal, carbon fiber, or other electromagnetically conductive rod or element, usually arranged in a circular array on a single supporting pole or other structure, and is used for the transmission and reception of radio waves in digital, analog or other wireless or personal communication services (i.e., cellular, paging, internet, etc.).

CO-LOCATION: The placement of wireless telecommunication antennas by two (2) or more service providers on a tower, building or structure.

COMMERCIAL  
WIRELESS  
TELECOMMUNICATION

SERVICES: Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

FEDERAL  
COMMUNICATIONS

COMMISSION: The federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

GUYED TOWER: A tower that is supported, in whole or in part, by wires and ground anchors.

LATTICE OR  
SELF-SUPPORTED

TOWER: A tower erected on the ground that consists of metal crossed strips or bars to support antennas and related equipment.

MAST: That portion of the outside antenna system to which the antenna is attached, and the support of extension is required to elevate the antenna to a height deemed necessary for adequate operation.

- PRIVATE PROPERTY:** Land that is not "public property" as defined in this section.
- PUBLIC PROPERTY:** Land owned or operated by a government entity.
- PUBLIC UTILITY:** Persons, corporations, or governments supplying gas, electric, transportation, water, or landline telephone services to the general public. For the purposes of this chapter, wireless telecommunication service facilities shall not be considered public utility uses and are defined separately.
- SERVICE PROVIDER:** Any individual or entity that provides wireless telecommunication services.
- SMALL WIRELESS FACILITY:** A wireless facility that meets both of the following qualifications:
- (i) each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and
  - (ii) all other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than 28 cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment. (Ordinance 478, 2-5-18)
- TOWER:** Any pole, monopole, spire, or structure (excluding structures required for the transmission of electric energy), or any combination, to which any antenna could be attached, or which is designed for any antenna to be attached, and all supporting lines, cables, wires and braces. (Amd. Ord. 364, 2-19-08)
- TOWER, MULTI-USER:** A tower to which is attached the antennas of more

than one commercial wireless telecommunication service provider or governmental entity.

**TOWER,**

**SINGLE USER:** A tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required in this chapter. (Ord. 270, 12-5-2000)

9-11-3: **PERMIT AND LEASE AGREEMENT REQUIRED:** All towers and antennas over thirty five feet (35') from ground level shall require a conditional use permit and building permit approvals from the City. All towers and antennas on City-owned public property shall require a lease agreement with the City. Any changes to a tower or antenna shall require an amended conditional use permit. (Ord. 364, 2-19-2008)

9-11-4: **HEIGHT REQUIREMENTS:**

- A. In Commercial and Industrial zoning districts, towers and antennas may not exceed 150 feet in height.
- B. In residentially zoned districts, towers and antennas may not exceed 120 feet in height.
- C. Antennas (including the mast) may be mounted on a building or structure provided that the antennas do not extend over fifteen feet (15') above the highest portion of the roof of the building or structure. (Ord. 364, 2-19-2008)

9-11-5: **ZONING DISTRICT REGULATIONS:**

A. Residential Zoning Districts:

1. Towers supporting antennas and conforming to all applicable provisions of this chapter may be allowed only in the following residentially zoned locations: (Ord. 270, 12-5-2000; amd. 2003 Code)

- a. Religious institution sites, when camouflaged; (Amended Ord. 481, 4/3/18)
- b. Public land, including City water towers, schools, and publicly-purchased parks when the City Council determines that the tower will not adversely affect the use of the park or neighboring properties; (Ord. 364, 2-19-2008)
- c. Utility and transmission structures located in public rights-of-way;

when attached thereto; and

d. Utility and transmission structures located outside of public rights-of-way, exclusively to serve the structures. (Ord. 364, 2-19-2008)

1. Only one tower or monopole shall exist on any one residentially zoned parcel of land.
2. Small Wireless Facilities require a Conditional Use Permit and shall conform to all applicable provisions of City Code pertaining to Public Right-of-way Management (Ordinance 478, 2-5-18).

B. Commercial And Industrial Districts:

1. Towers supporting antennas and conforming to all applicable provisions of this chapter may be allowed only in the following commercially and industrially zoned locations:

a. Industrial (I) zoned parcels of land when the appearance is consistent with the surrounding area and is compatible with the use;

b. Commercially zoned parcels (Shopping Center SC and General Business GB) parcels of land when the appearance is consistent with the surrounding area and is compatible with the use; and

c. Utility and transmission structures located in public rights-of-way when attached thereto.

d. Utility and transmission structures located outside of public rights-of-way exclusively to serve these structures. (Ord. 364, 2-19-2008)

4. Only one tower shall exist on any one industrially or commercially zoned parcel of land. (Ord. 270, 12-5-2000)
5. Small Wireless Facilities shall conform to all applicable provisions of City Code pertaining to Public Right-of-Way Management (Ordinance 478, 2-5-18).

9-11-6: **COLOCATION REQUIREMENTS:** All telecommunication towers erected, constructed, or located within the city shall comply with the following requirements:

- A. A proposal for a new telecommunication service tower shall not be approved unless the City Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing approved tower or building due to one or more of the following reasons:
1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed structural engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer, and the interference cannot be prevented at a reasonable cost.
  3. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
  4. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
- B. Towers must be designed to allow for future arrangement of antennas upon the tower and to accept antennas mounted at varying heights. A tower one hundred feet (100') or more in height shall accommodate at least three (3) additional users. (Ord. 270, 12-5-2000) (Ord. 364, 2-19-2008)

9-11-7: **DESIGN REQUIREMENTS:** Telecommunication service towers shall be of a monopole design unless the City Council determines an alternative design would better blend into the surrounding environment. Lattice towers are prohibited. (Ord. 270, 12-5-2000)

9-11-8: **SETBACKS:** Towers shall conform with each of the following minimum setback requirements:

- A. Towers and ground mounted equipment shall meet the building setbacks of the underlying zoning district as stated in the zoning ordinance.

- B. Towers shall be set back from all structures and all property lines at a distance equal to the height of the tower (plus an additional 10 feet), unless a qualified professional structural engineer certifies in writing that the collapse of the tower will occur within a lesser distance under all foreseeable circumstances.
- C. A tower's setback may be reduced or its location in relation to a public street or neighboring property varied, at the sole discretion of the City Council. The Council's decision must be based on legitimate findings such as, but not limited to:
  - a. Aesthetic concerns
  - b. Safety concerns
  - c. City staff review (Ord. 364, 2-19-2008)

9-11-9: **GENERAL REQUIREMENTS:** All towers and antennas for which a permit is required shall comply with the following requirements:

- A. **Lighting:** Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
- B. **Signs And Advertising:** The use of any portion of a tower for signs is prohibited. Warning or equipment signs are exempt from this provision.
- C. **Supplemental Information:** Applications for towers shall include the following supplemental information:
  - 1. A report from a qualified and licensed professional engineer that:
    - a. Describes the tower height and design including a cross section and elevation;
    - b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
    - c. Describes the tower's capacity, including the number and type of antennas that it can accommodate;
    - d. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
    - e. Includes an engineer's stamp and registration number;

f. A coverage map showing what portions of the city will be served by the user, along with future coverage plans and potential construction sites to provide similar service elsewhere in the city;

g. A report indicating that the request meets technical emission standards set by the FCC; and

h. Includes other information necessary to evaluate the request.

2. For all telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

3. Before the issuance of a building permit, the following information shall be submitted to the city:

a. Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration; and

b. A report from a qualified and licensed professional engineer that demonstrates the tower's compliance with the aforementioned structural and electrical standards. (Ord. 270, 12-5-2000)

9-11-10: **GROUND MOUNTED EQUIPMENT:**

A. Ground mounted equipment shall be stored within a closed, secure building. All buildings accessory to a tower or antenna shall be architecturally designed to blend in with the surrounding environment. (Ord. 364, 2-19-2008)

B. Screening shall be provided in compliance with Chapter 12-13-5. (Ord. 364, 2-19-2008)

9-11-11: **NONCONFORMING ANTENNAS AND TOWERS:** Antennas and towers in existence prior to the adoption of this chapter that do not conform to or comply with the provisions of this chapter may continue in use for the purpose now used and as now existing but may not be structurally altered without complying with this chapter. (Ord. 270, 12-5-2000; amd. 2003 Code)

9-11-12: **INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS PROHIBITED:** No new or existing telecommunications services shall interfere with public safety telecommunications. (Ord. 270, 12-5-2000)



9-11-13: **DAMAGED OR DESTROYED ANTENNAS AND TOWERS:** If an antenna or tower is damaged or destroyed due to any reason or cause whatsoever, the same may be repaired or restored to its former use, location and physical dimensions upon obtaining a building permit. The repair or restoration must comply with this chapter. Provided, however, that if the cost of repairing such damaged or destroyed antenna or tower would be fifty percent (50%) or more of the cost of purchasing and erecting a new antenna or tower of like kind and quality, as estimated by the Building Official, and to the former use, physical dimensions and location, then the antenna or tower may not be repaired or restored except in full compliance with the requirements of this chapter. (Ord. 270, 12-5-2000; amd. 2003 Code)

9-11-14: **ABANDONED ANTENNAS AND TOWERS:** Any antenna or tower that is not used for one year shall be deemed abandoned. Within ninety- (90) days of notice by the city, the antenna or tower and all other associated equipment must be removed from the property. If the antenna or tower and equipment are not removed from the property within the time period as stated herein, a public nuisance may be declared, and the city may order that the public nuisance be abated in a manner consistent with ordinances and policies of the city. (Ord. 270, 12-5-2000; amd. 2003 Code)

9-11-15: **VARIANCES:** Variances from the provisions of this chapter shall be processed and granted or denied in the same manner and based on the same criteria as stated in the city zoning ordinance<sup>1</sup>. (Ord. 270, 12-5-2000)

9-11-16: **VIOLATION; PENALTIES:** Any person who shall violate any provision of this chapter shall be charged with a misdemeanor and upon conviction thereof, shall be subject to applicable fines and imprisonment as defined by state law. In addition to the penalties imposed by this chapter, the city may exercise, with or separately from such penalties, all and any other legal and equitable remedies then available to the city by this chapter, or by statute, or by other ordinances of the city, or by applicable rules or regulations, to enforce this chapter, including, without limitation, injunction. (Ord. 270, 12-5-2000)

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<sup>1</sup> See section 12-15-7 of this code.

## Chapter 12

### Wind Energy Conversion Systems

#### SECTION

- 9-12-1: Purpose and Intent
- 9-12-2: Definitions
- 9-12-3: General Standards
- 9-12-4: Residential WECS
- 9-12-5: Commercial WECS
- 9-12-6: Roof Mounted Residential WECS
- 9-12-7: Exceptions to the Requirements of this Chapter

9-12-1: **PURPOSE AND INTENT:** The purpose of this chapter is to promote the safe, effective and efficient use of alternative energy sources and systems as the technology becomes available. The purpose of this chapter is also to establish predictable and balanced regulations for the establishment of commercial, residential, and roof mounted WECS. (Amended Ord. 397, 8/17/10)

9-12-2: **DEFINITIONS:** The following words and terms shall have following meanings when used in this chapter:

#### WIND ENERGY

CONVERSION SYSTEM (WECS): Any device which converts wind energy to a form of usable electrical energy. Windmills used for agricultural pumping water and decorative windmills less than thirty five (35) feet in height shall be excluded from this definition. (Amended Ord. 397, 08/17/10)

COMMERCIAL WECS: Means a WECS of forty (40) kilowatts or more in total name plate generating capacity.

RESIDENTIAL WECS: Means a WECS of less than forty (40) kilowatts in total name plate generating capacity.

ROOF MOUNTED WECS: Means a WECS mounted on top of a building, as set forth in Section 9-9-3.

WECS HEIGHT: The height of the tower/pole plus the rotor radius.

9-12-3: **GENERAL STANDARDS:** The following general standards are requirements of the three types of Wind Energy Conversion Systems (WECS): (Amended Ord. 397, 08/17/10)

- 1) No more than one Wind Energy Conversion System (WECS) shall be permitted per lot.
- 2) Conditional use and building permits are required for all WECS. (Amended Ord. 397, 08/17/10)
- 3) SETBACKS: WECS shall be set back a minimum of 1.5 times the height of the WECS from:
  - a) the nearest habitable structure;
  - b) the nearest public right-of-way;
  - c) the nearest property line;
  - d) recreational fields.

In addition no portion of the WECS, including the full arc area created by any blades, shall extend over any aboveground power line or drainage and utility easement. (Amended Ord. 397, 08/17/10)

- 4) The WECS shall be equipped with both a manual and an automatic braking device capable of stopping operation in high winds. (Amended Ord. 397, 08/17/10)
- 5) No WECS shall have affixed or attached lights, reflectors, flashers or other illumination, except as may be required by the Federal Aviation Administration. (Amended Ord. 397, 08/17/10)
- 6) The WECS shall not cause electrical, radio frequency, television, or other communication signal interference.
- 7) All obsolete and unused towers and equipment shall be removed within twelve (12) months of cessation of operation, unless the City Council grants an exemption or an extension. (Amended Ord. 397, 08/17/10)
- 8) No "wind farms" are allowed. (Amended Ord. 397, 08/17/10)
- 9) Noise. All WECS shall comply with all local, state and federal standards for noise. (Amended Ord. 397, 08/17/10)
- 10) All WECS shall comply with all applicable local, state and federal regulations and standards. (Amended Ord. 397, 08/17/10)
- 11) No WECS shall be located in front yards of lots consisting of 2.5 acres or less. (Amended Ord. 397, 08/17/10)

12) No existing WECS shall be physically altered unless it is being removed from the property or through standard maintenance that does not expand the arc area or the height of the structure. (Amended Ord. 397, 08/17/10)

13) Violation; Revocation of Permit: Violation of any provision of this chapter is grounds for revocation of a conditional use permit for a WECS and/or removal of a WECS.

9-12-4: **RESIDENTIAL WECS:**

A. LOCATION: Residential WECS shall be allowed as a conditional use on parcels of land meeting the setback requirements listed in Section 9-13-3 and in accordance with the permit and regulations established in this chapter.

B. DESIGN REQUIREMENTS:

Blade arcs shall have a minimum of thirty (30) feet of clearance over any accessory structure or tree within the full arc area. (Amended Ord. 397, 08/17/10)

1) The WECS, including the blades, shall be grounded and shielded. (Amended Ord. 397, 08/17/10)

2) The WECS shall not include a tower-climbing apparatus within twelve (12) feet of the ground.

3) The WECS shall display a sign at the base of the tower, containing the following information:

- a) A warning of high voltage,
- b) An emergency telephone number,
- c) The emergency shutdown procedures,
- d) Additional information which may be required on the basis of individual applications as safety needs dictate or as identified in the conditional use permit. (Amended Ord. 397, 08/17/10)

C. INSURANCE REQUIREMENTS: The applicant for the conditional use permit shall deposit with the City Clerk a policy of liability insurance for personal injury or property damage in the sum of at least \$300,000. The policy shall contain a clause obligating the company issuing to give at least thirty (30) days written notice to the City before cancellation thereof. The conditional use and building permits are automatically revoked upon the lapse or termination of said policy. (Amended Ord. 397, 08/17/10)

9-12-5: **COMMERCIAL WECS:**

A. *LOCATION:* Commercial WECS shall be allowed as a conditional use on parcels of land with a minimum of at least five (5) acres in size and in accordance with the permit and regulations established in this chapter.

B. *DESIGN REQUIREMENTS:*

- 1) Blade arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any accessory structure or tree within the full arc area created by blades used in the system.
- 2) The WECS, including the blades, shall be grounded and shielded in conformance with the National Electrical Code. (Amended Ord. 397, 08/17/10)
- 3) The WECS shall not include a tower-climbing apparatus within twelve (12) feet of the ground.
- 4) The WECS shall display a sign posted at the base of the tower containing the following information:
  - a) A warning of high voltage,
  - b) An emergency telephone number,
  - c) The emergency shutdown procedures,
  - d) Additional signs may be required as safety needs dictate or as identified in the conditional use permit. (Amended Ord. 397, 08/17/10)

C. *INSURANCE REQUIREMENTS:* The applicant for the conditional use permit shall deposit with the City Clerk a policy of liability insurance indemnifying the applicant from liability for personal injury or property damage in the sum of at least \$500,000. The policy shall contain a clause obligating the company issuing the same to give at least thirty (30) days written notice to the City before cancellation thereof. The conditional use and building permits are automatically revoked upon the lapse or termination of said policy. (Amended Ord. 397, 08/17/10)

9-12-6: **ROOF MOUNTED RESIDENTIAL WECS:**

A. *LOCATION:* A WECS sited on top of a building shall be allowed as a conditional use in accordance with the permit and regulations established in this chapter. (Amended Ord. 397, 08/17/10)

B. *DESIGN REQUIREMENTS:*

- 1) The WECS must be less than ten (10) kilowatts generating capacity. The WECS shall not extend higher than fifteen feet (15') above the maximum height allowed for the structure. (Amended Ord. 397, 08/17/10)
  
- 2) Certification of compliance by a state professional engineer is required.

C. **INSURANCE REQUIREMENTS:** The applicant shall deposit with the City Clerk a policy of liability insurance indemnifying the applicant from liability for personal injury or property damage in the sum of at least \$300,000. The policy shall contain a clause obligating the company issuing the same to give at least thirty (30) days written notice to the City before cancellation thereof. The conditional use and building permits are automatically revoked upon the lapse or termination of said policy. (Amended Ord. 397, 08/17/10)

9-12-7: **EXCEPTIONS:** Exceptions to the requirements of this chapter shall include windmills used for agricultural purposes Said such exceptions shall be allowed provided that they meet the following: (Amended Ord. 397, 08/17/10)

- 1) Windmill is not detrimental to the public health, safety and welfare of the neighboring property owners and occupants.
  
- 2) Windmill does not constitute a Public Nuisance as outlined in Title 4: Public Health and Safety, of the City Code. (Ord. 390 3-16-10)

## Chapter 13

### Electrical Code

#### SECTION

- 9-13-1: Minnesota State Electrical Act Adopted
- 9-13-2: Application, Administration and Enforcement
- 9-13-3: Permits, Inspections and Fees
- 9-13-4: Violations and Penalties

9-13-1: **MINNESOTA STATE ELECTRICAL ACT ADOPTED:** The Minnesota Electrical Act, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes Chapter 326B, Sections 326B.31 to 326B.399, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Department of Labor and Industry is hereby adopted by reference with the exception of Minnesota Statute, Section 326B.37, Inspection Fee Schedule. The Minnesota Electrical Act is hereby incorporated into this ordinance as if fully set out herein, with the exception of Minnesota Statute, Section 326B.37, Inspection Fee Schedule. (Ord. 411, 7-6-11)

9-13-2: **APPLICATION, ADMINISTRATION AND ENFORCEMENT:** The application, administration, and enforcement of the code shall be in accordance with the Minnesota Electrical Act. The code shall be enforced in accordance with Minnesota Statutes, Sections 326B.081 through 326B.085, within incorporated limits of the city and the extraterritorial limits permitted by law. The building inspections division of the City of Andover shall administer the Minnesota Electrical Act and shall be the enforcing agency. The code shall be enforced by the City of Andover's certified building official, designated by the city to administer the code. (Ord. 411, 7-6-11)

9-13-3 **PERMITS, INSPECTIONS AND FEES:** The issuance of permits and the collection of fees shall be authorized in Minnesota Statutes, 326B.36, except that the application shall be submitted directly to the City of Andover. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by city ordinance annually, or as the city council may deem necessary. In addition, a surcharge fee shall be collected on all permits for work governed by this code in accordance with Minnesota Statute 16B.70. Any handling or inspection fees will be payable to the City of Andover. (Ord. 411, 7-6-11)

9-13-4 **VIOLATIONS AND PENALTIES:** A violation of this chapter, including provisions of the Minnesota Electrical Act adopted herein, will constitute a misdemeanor. (Ord. 411, 7-6-11)

## CHAPTER 14

### SOLAR ENERGY SYSTEMS

#### SECTION

9-14-1	Purpose and Intent
9-14-2	Definitions
9-14-3	Accessory Use
9-14-4	Exemptions
9-14-5	System Standards

9-14-1: **PURPOSE AND INTENT:** It is the goal of the city council for Andover to become a more sustainable community by encouraging activities that conserve energy and result in less/no pollution output such as alternative energy sources. In accordance with that goal, the city finds that it is in the public interest to encourage alternative energy systems that have a positive impact on energy production and conservation while not having an adverse impact on the community. Therefore, the purposes of this section include:

1. To promote rather than restrict development of alternative energy sources by removing regulatory barriers and creating a clear regulatory path for approving alternative energy systems.
2. To create a livable community where development incorporates sustainable design elements such as resource and energy conservation and use of renewable energy.
3. To protect and enhance air quality, limit the effects of climate change and decrease use of fossil fuels.
4. To encourage alternative energy development in locations where the technology is viable and environmental, economic and social impacts can be mitigated.

9-14-2: **DEFINITIONS:** The following words, terms and phrases shall have the following meanings when used in this chapter:

**ALTERNATIVE ENERGY SYSTEM:** An energy transfer or generating system such as ground source heat pump, wind or solar energy system.

**SOLAR COLLECTOR:** A device, structure or a part of a device or structure for which the primary purpose is to capture sunlight and transform it into thermal, mechanical, chemical, or electrical energy.



**SOLAR ENERGY:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**SOLAR ENERGY SYSTEM:** A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

**SOLAR ENERGY SYSTEM, ACTIVE:** A solar energy system whose primary purpose is to harvest energy by transferring solar energy into another form of energy or transferring heat from a solar collector to another medium using mechanical, electrical, or chemical means.

**SOLAR ENERGY SYSTEM, BUILDING INTEGRATED:** A solar energy system that is an integral part of a principal or accessory building, replacing or substituting for an architectural or structural component of the building. Building integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within or substitute for roofing materials, windows, skylights, awnings and shade devices.

**SOLAR ENERGY SYSTEM, GROUND MOUNTED:** A freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

**SOLAR ENERGY SYSTEM, PASSIVE:** A system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

**SOLAR ENERGY SYSTEM, ROOF MOUNTED:** A solar energy system mounted directly or abutting the roof of a principal or accessory building.

**SOLAR HOT WATER SYSTEM (Also THERMAL SYSTEM):** A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

9-14-3:       **ACCESSORY USE:**

- 1) Ground mounted solar energy systems shall be allowed in the R-1, Single Family Rural District as a permitted accessory use in accordance with the standards in this section.
- 2) Roof mounted solar energy systems shall be allowed as a permitted accessory use in all zoning districts in accordance with the standards in this section.

9-14-4:       **EXEMPTIONS:** Passive or building integrated solar energy systems are exempt from the requirements of this section and shall be regulated as any other building element.

9-14-5:       **SYSTEM STANDARDS:**

1) Electrical:

a) All utilities shall be installed underground except the electrical lines for roof mounted units.

b) An exterior utility disconnect switch shall be installed at the electric meter serving the property.

c) Solar energy systems shall be grounded to protect against natural lightning strikes in conformance with the national electrical code as adopted by the city.

d) No solar energy system shall be interconnected with a local electrical utility until the utility has reviewed and provided written approval for the interconnection. The interconnection of the solar energy system with the utility shall comply with the City Code and Minnesota State Building Code.

e) All solar energy systems shall meet the standards of the Minnesota State Building Code.

2) Aesthetics: All solar energy systems shall be designed to blend into the architecture of the building to the extent possible without negatively impacting the performance of the system and to minimize glare towards vehicular traffic and adjacent properties.

3) Glare: The panels of ground mounted solar energy systems shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways. Prior to the issuance of a permit for a ground mounted solar energy system, the permit applicant must provide an analysis demonstrating that the ground mounted system will not impact aesthetics of adjacent properties.

4) Location:

a) Roof mounting:

1) The solar energy system shall comply with the maximum height requirements of the applicable zoning district. Roof mounted solar collectors shall be flush mounted on pitched roofs unless the roof pitch is determined to be inadequate for optimum performance of the

solar energy system in which case the pitch of the solar collector may exceed the pitch of the roof up to 5% but in no case shall be higher than ten inches above the roof. Solar collectors on flat roofs may be bracket mounted. Commercial/Industrial collectors located on flat roofs shall be placed on the roof to limit the visibility from public right-of-ways and residential properties and meet the screening requirements of the City Code.

2) The solar energy system shall not extend beyond the perimeter of the exterior walls of the building on which it is mounted.

b) Ground mounting:

1) The solar energy system shall not be located in the front yard as defined by City Code Section 12-2-2. (Amended Ord. 502, 3/2/20)

2) All components of the solar energy system shall be set back a minimum of thirty feet (30') from interior side lot lines and rear lot lines, and shall otherwise be set back as required by City Code Section 12-6-5 for accessory structures. (Amended Ord. 502, 3/2/20)

3) The solar energy system shall not exceed fifteen feet (15') in height.

4) The solar energy system shall be limited to a maximum ground coverage area based on parcel/lot area (Amended Ord. 502, 3/2/20):

i. Lots Less Than 3 Acres – On parcels less than three (3) acres, the maximum ground mounted solar electric ground coverage area must not exceed four hundred (400) square feet. (Amended Ord. 502, 3/2/20)

ii. Lots 3 Acres and Larger – On parcels three (3) acres and larger, the maximum ground mounted solar electric ground coverage area must neither exceed the foundation area of the residence (not including the attached garage), nor one thousand two hundred (1,200) square feet, whichever is less. (Amended Ord. 502, 3/2/20)

5) Solar energy systems shall not encroach upon drainage and utility easements.

5) Screening: Solar energy systems shall be screened in accordance with the requirements of Section 12-13-5 of the City Code to the extent possible without affecting their function.

- 6) Certification: The solar energy system shall be listed and labeled by an approved third party testing agency and comply with the requirements of the Minnesota State Building Code. (Amended Ord. 502, 3/2/20)
- 7) Abandonment: If the solar energy system remains damaged, nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including transmission equipment.
- 8) Building Permit: Permits as required by the Minnesota State Building Code shall be obtained for any solar energy system prior to installation.