

ORDINANCE NO. 2009-09, Third Series

AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA AMENDING SECTION XV - LAND USAGE, CHAPTER 150, SECTION 150.01, CHAPTER 155, SECTION 155.21 AND 155.26, AND CHAPTER 157, SECTION 157.08 OF THE HASTINGS CITY CODE PERTAINING TO:

LAND USAGE

BE IT ORDAINED by the City Council of the City of Hastings as follows:

Chapter 150, Section 150.01, *State Building Code Adopted* of the Hastings City Code are hereby modified as follows:

§ 150.01 STATE BUILDING CODE ADOPTED.

(A) *Building Code.* The 2003 Minnesota State Building Code, established pursuant to M.S. §§ 16B.59 through 16B.73, as they may be amended from time to time, 1 copy of which is on file in the office of the City Clerk, is hereby adopted as the building code for the City of Hastings. The code is hereby incorporated in this chapter as completely as if set out in full.

(B) *Administration required.* The following chapters of the 2003 Minnesota State Building Code are adopted without change by the City of Hastings:

- (1) 1300 - Minnesota State Building Code;
- (2) 1301 - Building Official Certification;
- (3) 1302 - Construction Approvals;
- (4) 1303 – Minnesota Provisions of the State Building Code;
- (5) 1303 – Window Fall Prevention Provisions;
- (6) 1305- Adoption of the 2000 International Building Code;
- (7) 1307 – Elevators and Related Devices;
- (8) 1309 - Adoption of 2000 International Residential Code;
- (9) 1311 - Adoption of the Guidelines for the Rehabilitation of Existing Buildings;
- (10) 1315 - Adoption of the ~~2005~~ 2008 National Electrical Code;
- (11) 1322 – Residential Energy Code;
- (12) 1323 – Commercial Energy Code;
- (13) 1325 - Solar Energy Systems;
- (14) 1335 - Floodproofing Regulations;

- (15) 1341 - Minnesota Accessibility Code;
- (16) 1346 - Adoption of the 2000 International Mechanical Code;
- (17) 1350 - Manufactured Homes;
- (18) 1360 - Prefabricated Buildings;
- (19) 1361 - Industrialized/Modular Buildings;
- (20) 1370 - Storm Shelters (Manufactured Home Parks);
- (21) 4715 - 2003 Minnesota Plumbing Code; and
- (22) International Building Code Appendix J (Grading).

~~_____ (18) 7670 - Minnesota Energy Code (1994) (The 1999-2000 Chapter 7676, 7678 new energy code was adopted on 7-20-1998, Chapters 7672, 7674, effective 4-15-2000).~~

BE IT FURTHER ORDAINED AS FOLLOWS:

Chapter 155.21 – AGRICULTURE, Subd. (D) (2) (d) *Uses by special permit\General land grading* of the Hastings City Code are hereby modified as follows:

CHAPTER 155.21, AGRICULTURE; SUBD. D (2) (d):

(d) *General land grading.* This section restricts all excavations, pits, holes, or earthy deposits of any kind to more than 3 feet depth upon any property within the city.

1. It is unlawful for any person to dig and leave open, unfenced, unbarricaded, or uncovered, any pit, quarry, hole, or excavation, including basements, wells, septic tanks, or cesspools; and for any person to deposit earthy material including rock, sand, gravel, organic or other fill material to a depth of over three feet without a permit as required under the ~~Chapter 70 (Excavation and Grading) of the Uniform Building Code-grading chapter of the International Building Code~~ or as may be amended.

BE IT FURTHER ORDAINED AS FOLLOWS:

Chapter 155.26 – Residential Mixed Use, Subd. C – *Uses by special permit* of the Hastings City Code are hereby modified as follows:

§ 155.26 RMU RESIDENTIAL MIXED USE.

(A) *Intent.* The intent of the RMU zone is to encourage the development of higher density multiple-family dwellings and limited commercial activities adjacent to the

downtown area to support the activities in the Downtown Core District, to serve as a transitional district from commercial to lower density residential districts, provide an area for restricted commercial activities and to provide a variety of housing types to satisfy individual preferences and financial capabilities.

(B) *Uses permitted.*

- (1) Multiple-family dwellings;
- (2) Library, public and private schools, and similar uses of a public service nature;
- (3) Accessory uses incidental to the foregoing principal uses including, but not limited to, garages, and recreational facilities;
- (4) Home occupations in accordance with § 155.07;
- (5) Planned residential developments in accordance with § 155.07; and (Ord. 477, passed 10-21-2002)
- (6) Commercial activities are permitted but limited to the first floor of the building, and shall not exceed 50% of the entire structure.

(C) *Uses by special permit.*

- (1) Multiple-family dwellings greater than 40 feet in height as measured by the ~~Uniform Building Code~~ International Building Code; and
- (2) Neighborhood commercial subject to the requirements of § 155.07. (Am. Ord. 501, passed 8-18-2003)

(D) *Building and site design.* Approvals granted through building permit, site plan, special use permit, or planned residential development shall require conformance with the Original Hastings Design Guidelines as adopted by the City Council. (Prior Code, § 10.16) (Am. Ord. 497, passed 7-7-2003) Penalty, see § 10.99

BE IT FURTHER ORDAINED AS FOLLOWS:

Chapter 157 – Structure Maintenance Code for Rental Residence Properties, Subd 157.04 – *Definitions* of the Hastings City Code are hereby modified as follows:

CHAPTER 157, SECTION CHAPTER 157.04 DEFINITIONS

§ 157.04 DEFINITIONS.

- (A) *General.* For purposes of this chapter the terms defined in this section have the following meanings given them.

Immediate Family means close relatives by birth or marriage including siblings, parents, children, in-laws, and any financial dependents.

BE IT FURTHER ORDAINED AS FOLLOWS:

Chapter 157 – Structure Maintenance Code for Rental Residence Properties, Subd 157.08 – *Licensing of Rental Units* of the Hastings City Code are hereby modified as follows:

CHAPTER 157, SECTION 157.08 LICENSING OF RENTAL UNITS

(A) *General rule.* Owners of rental dwelling units shall be required to obtain a license. The license is issued for 2 years and expires on the anniversary date of issuance ~~every year and expires on July 31 of each year~~. An application for license renewal must be filed at least 90 days prior to license expiration date. ~~License renewal notices will be sent via U.S. Mail 60 days prior to the expiration date. Penalties for late payment will be added as outlined in Section 110.19 of the Hastings City Code. Site inspections are performed initially, then every two years from then on.~~ Exempt: Rental dwelling units housing immediate family members.

(B) *Application.* This section is intended to provide standards for licensed rental housing and to allow resolution of complaints regarding licensed rental housing. All rental dwellings shall conform to the requirements of this section, without regard to when it was constructed, altered or repaired. This section establishes minimum standards for maintaining rental dwellings and their accessory structures and related premises.

(C) *License fees.* Owners of rental dwellings shall pay a bi-annual ~~an annual license fee~~. License fees are due 60 days prior to the license expiration date. ~~License fees are due by July 31 of each year.~~ License fees are due upon occupancy of new rental newly rented dwelling units. License fees are set by ordinance adopted from time to time by the Hastings City Council.

Moved by Councilmember Schultz, seconded by Councilmember Slavik to be approved.

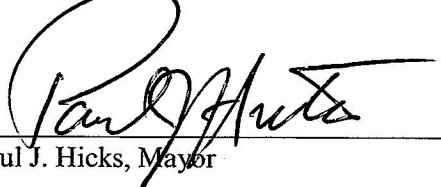
Adopted by the Hastings City Council on this 8th day of September, 2009, by the following vote:

Ayes: Mayor Hicks, Councilmembers Alongi, Balsanek, Nelson, Hollenbeck, Elling Schultz, and Slavik

Nays: None

Absent: None

CITY OF HASTINGS



Paul J. Hicks, Mayor

ATTEST:



Melanie Mesko Lee, City Clerk

I hereby certify that the above is a true and correct copy of the Ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the ____ day of _____, 2009, as disclosed by the records of the City of Hastings on file and of record in the office.



Melanie Mesko Lee,
City Clerk/Assistant City Administrator