

ORDINANCE NO. 2020-40

AN ORDINANCE AMENDING CHAPTERS 1, 2, 5, 9, AND 10 OF THE CITY CODE AND ESTABLISHING APPENDIX A AS A FEE SCHEDULE FOR SERVICE RELATED FEES AND CHARGES ESTABLISHED BY ORDINANCE

The City Council of the City of Bloomington, Minnesota does hereby ordain:

Section 1. That Chapter 1, Section 1.19 of the City Code is amended by deleting those words struck through and contained in brackets [] and by adding those words that are underlined, to read as follows:

CHAPTER 1: INTERPRETATION AND ENFORCEMENT OF THE CITY CODE

* * *

ARTICLE II: CIVIL HEARING PROCESS

* * *

§ 1.19 ASSESSMENT OF CIVIL FINES FOR PROPERTY-RELATED VIOLATIONS.

* * *

(d) *Administrative assessment charge.* The administrative assessment charge is set forth in City Code Appendix A [~~is \$50~~].

* * *

Section 2. That Chapter 2, Section 2.85.05, of the City Code is amended by deleting those words struck through and contained in brackets [] and by adding those words that are underlined, to read as follows:

CHAPTER 2: ADMINISTRATION

* * *

ARTICLE V: CITY BOARDS AND COMMISSIONS

* * *

DIVISION G: PLANNING COMMISSION

§ 2.85.05 INTERPRETATION OF ZONING, PLATTING, PLANS, AND SUBDIVISION PROVISIONS.

(a) *Purpose.* To provide a process through which applicants may appeal staff interpretation of provisions in Chapters 9, 19, 21 and 22 of the city code.

(b) *Initiation.* An interpretation appeal may be initiated by any party that disagrees with staff interpretation of provisions in Chapters 9, 19, 21 and 22 of the city code.

(c) *Review.* Interpretation appeals must be reviewed by the Planning Commission and acted upon by the City Council.

(d) *Findings.* Interpretation appeals may only be approved:

(1) When the requested interpretation better matches the spirit and intent of the provision in question; and

(2) When the applicant has provided clear rationale supporting the alternative interpretation.

(e) *Content.* Interpretation appeal applications must include the following information:

(1) An application form and the signed consent of the appealing party.

(2) A [~~\$420~~] fee as set forth in City Code Appendix A.

(3) Written documentation that includes:

(A) A description of the specific provisions that are being appealed;

(B) The interpretation requested by the applicant;

(C) A description of how the applicant's interpretation differs from staff's interpretation;

and

(D) Rationale that supports the applicant's interpretation.

* * *

Section 3. That Chapter 5, Section 5.18, of the City Code is amended by deleting those words struck through and contained in brackets [] and by adding those words that are underlined, to read as follows:

CHAPTER 5: PUBLIC FACILITIES AND PROPERTY

* * *

ARTICLE II: CITY CEMETERY

* * *

§ 5.18 TRANSFER OF LOT/NICHE OWNERSHIP.

(a) Whenever any lot in the City Cemetery has been sold by the city for burial purposes, it shall be inalienable except as hereinafter provided. Any conveyance or alienation or attempted conveyance or alienation of any right, title or interest in or to such lot contrary to the following provisions shall be void.

(b) Lot or columbarium niche owners may transfer their lots or niches in the following ways.

(1) *Sale or conveyance of a lot or niche.* When a lot or niche is sold or conveyed to another person, there must be a written agreement of sale signed and acknowledged by the owner and spouse, if any, and the proposed purchaser. Such agreement shall convey the lot or niche to the cemetery, and must contain a request that the cemetery issue a new conveyance directly to the proposed purchaser. Such agreement shall state the specific purchase price and shall affirm payment of the purchase price has been paid to the owner. The purchase price shall not exceed the price that would be charged by the cemetery in its sale of a similar lot or niche at the time of the transfer. Upon filing of the agreement with the cemetery, a transfer and service charge as set forth in City Code Appendix A [~~of not more than \$15~~], shall be paid to the cemetery, and the cemetery shall then promptly issue a conveyance of the lot or niche to the designated purchaser.

(2) *Sale or conveyance to city.* A lot or niche, if empty, may be resold or reconveyed to the city for the amount listed in City Code Appendix A [~~the original price paid for the lot or niche or for \$50, whichever amount is greater~~]. If the original price is unknown, the resale price shall be the then current sales price for lots.

* * *

Section 4. That Chapter 9, Sections 9.09 and 9.11, of the City Code are amended by deleting those words struck through and contained in brackets [] and by adding those words that are underlined, to read as follows:

CHAPTER 9: HOUSING OPPORTUNITY AND PRESERVATION

* * *

ARTICLE II: DEVELOPER OPTIONS

* * *

§ 9.09 PAYMENT IN LIEU OF AFFORDABLE UNITS.

(a) Based on research conducted in support of this section and pursuant to §§ 9.01 through 9.03, a verified payment in lieu rate is hereby established as set forth in City Code Appendix A [~~\$9.60~~] per square foot and is calculated based on the leasable market rate unit square footage of the interior unit only, and not the total building square footage. For sale unit in lieu payment is calculated based upon the livable square footage only.

* * *

§ 9.11 PURCHASE AND REHABILITATION OF NATURALLY OCCURRING AFFORDABLE HOUSING (NOAH).

* * *

(c) A qualified developer, with the consent of each party with a legally recognized interest, seeking to acquire a NOAH property with at least 20 dwelling units in the city in order to preserve the property as having at least 20% of the units affordable to households at or below 60% of AMI for ten years may apply to the city for assistance, at a per unit rate listed in City Code Appendix A [~~up to \$10 per unit (but no more than \$1,000 total)~~] in order to submit its first year application to the State of Minnesota for a property tax reduction certification, commonly known as 4d classification. The requirements of a qualified developer are set forth in the opportunity housing guidelines.

* * *

Section 5. That Chapter 10, Sections 10.17 and 10.40, of the City Code are amended by deleting those words struck through and contained in brackets [] and by adding those words that are underlined, to read as follows:

CHAPTER 10: ENVIRONMENTAL CONTROL

ARTICLE II: SOLID WASTE AND REFUSE

§ 10.17 DELINQUENT ACCOUNTS.

(d) *Administrative Assessment Charge.* The administrative assessment charge as set forth in City Code Appendix A [~~is \$50~~].

ARTICLE VI: WEEDS AND BRUSH

§ 10.40 ASSESSMENT.

(b) The administrative assessment charge as set forth in City Code Appendix A [~~is \$50~~].

(c) An inspection charge, as set forth in City Code Appendix A, [~~of \$100~~] shall be due upon the mailing of the city invoice to the property owner.

Section 6. That the City Code is amended to add an “Appendix A – Fee Schedule” by adding those words that are underlined to read as follows:

APPENDIX A - FEE SCHEDULE

This appendix contains the various fees adopted by Ordinance in the listed sections of the City Code.

| <u>CODE SECTION</u> | <u>DESCRIPTION</u> | <u>FEE</u> |
|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------|
| <u>CHAPTER 1: INTERPRETATION AND ENFORCEMENT OF THE CITY CODE</u> | | |
| § 1.19(d) | <u>Administrative assessment charge for assessment of civil fines for property-related violations.</u> | <u>\$50.00</u> |
| <u>CHAPTER 2: ADMINISTRATION</u> | | |

§ 2.85.05(e)(2) Application fee for interpretation appeal. \$420.00

CHAPTER 5: PUBLIC FACILITIES AND PROPERTY

§ 5.18 (b)(1) Transfer service charge for sale or conveyance of a lot or niche. \$15.00

§ 5.18 (b)(2) Sale or conveyance of lot or niche to City. \$50.00 or original price paid, whichever is greater

CHAPTER 9: HOUSING OPPORTUNITY AND PRESERVATION

§ 9.09(a) Verified payment in lieu rate of affordable units. \$9.60 per square foot

§ 9.11(c) Affordable Housing Assistance for Developers. \$10.00 per unit (but no more than \$1,000 total)

CHAPTER 10: ENVIRONMENTAL CONTROL

§ 10.17(d) Delinquent accounts administrative assessment charge. \$50.00

§ 10.40(b) Administrative assessment charge for assessment of weeds and brush. \$50.00

§ 10.40(c) Inspection charge for weeds and brush. \$100.00

Section 7. Effective date. This Ordinance shall be effective upon publication.

Passed and adopted this 23rd day of November, 2020.

/s/ Tim Busse
Mayor

ATTEST:

/s/ Denise M. Christenson
Secretary to the Council

APPROVED:

/s/ Melissa J. Manderschied
City Attorney