

1003 Building Code

1003.01 Minnesota State Building Code.

Subd. 1. Codes Adopted by Reference. The Minnesota State Building code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes Chapter 16B.59 to 16B.75, including all of the amendments, rules and regulations established adopted and published from time to time by the Minnesota Commission of Administration, through the Building Codes and Standards Division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

Subd. 2. Application, Administration and Enforcement. The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced with the extraterritorial limits permitted by Minnesota Statutes, 16B.62, subdivision 1, when so established by this ordinance.

The code enforcement agency of this municipality is called the City of Rockford.

This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code (Minnesota Statutes 16B.65) subdivision 1.

Subd. 3. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, subdivision 1.

Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality per annual resolution of fees. In addition a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statute 16B.70.

Subd. 4. Violations and Penalties. A violation of the code is a misdemeanor (Minnesota Statute 16B.69). (Amended by Ord. No. 03-08, October 28, 2003)

Subd. 5. Building Code Optional Chapters. The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 allows the Municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code. Amended by Ordinance 03-08 (October 28, 2003)

1004. Planning Commission

1004.01 Planning Commission Established and Membership. A Planning Commission for the City is hereby continued. The Planning Commission shall consist of five members who shall be reviewed and recommended by the Planning Commission then appointed by the mayor with council approval for three year terms commencing January 1st. Terms shall be staggered so that no more than one-half of the members' terms expire at one time. Both the original and successive appointee shall hold their respective offices until their successors are appointed and qualified. Vacancies during the terms shall be filled in the same manner as the original appointments are made for the unexpired portion of the term vacated. Every appointed member shall, before entering upon the discharge the duties of his office. (Amended by ordinance 86-14, passed October 28, 1986.)

1004.02 Meetings, Officers, Procedures. The commission shall establish regular meeting dates and shall hold at least one regular meeting each month. Special meetings may be called by any two members of the commission upon three days written notice to all members. The commission shall establish such rules of procedure as may be deemed necessary. The commission shall select a chairperson and vice-chairperson at the first meeting in January, from its membership, who shall serve for terms of one year upon selection. The commission may select a secretary from its membership or authorize the City Staff secretary attending the commission meetings to act as the commission secretary. Official minutes of each meeting shall be kept by the designated member and filed in the office of the clerk/treasurer one week after the meeting. (Amended by Ordinance 95-04, passed April 11, 1995.)

1004.03 Removal. Any commission member may be removed prior to the end of the term only by a two-thirds vote of the council. Three consecutive absences by any member shall require council review and action for dismissal or continuance. (Amended by Ordinance 86-14, passed October 28, 1986.)

1004.04 Duties. The commission shall have such duties as assigned in this code, by statute, and any other ordinances of the City.

²⁶ 1004.05 Meetings. Meetings shall be held at least one per month, two per month during the months of April through October, as called by the chairman, or as set by the council. Fifty-one percent shall constitute a quorum. Minutes of each meeting shall be kept and provided to the council.

1004.06 Compensation. Commissioners shall be paid the last week in December in an amount established by Council resolution annually. (Amended by Ordinance -2-12, passed August 27, 2002.)

1004.07 Quorum. A majority of the entire commission shall be a quorum to transact business, and less than a quorum may recess a meeting to a future date. In the event of vacancies, the "entire commission" shall be temporarily reduced to include only those members legally entitled to participate, and the quorum shall be a majority of the temporarily reduced "entire commission". (Amended by Ordinance 96-06, passed August 19, 1996.)

1005 Moratorium on Multiple Unit Housing

1005.01 Definitions. For purposes of this chapter, the terms listed below shall have the meanings assigned:

Subd. 1. Multiple Unit Housing. A housing subdivision, planned unit development, apartment building, condominium, or other housing arrangement allowed in R2 and, R3 Zoning Districts.

Subd. 2. Corporation by Reference. The definitions set forth in the City Code of Ordinances, Section 1001.04, Subdivision 2, are incorporated into this chapter by reference.

1005.02 Prohibition of Development. The development and building of multiple unit housing within the City is prohibited for a period of one year from the effective date of this chapter.

1005.03 Extensions. The prohibition established by Section 1005.02 may be extended by resolution of the City Council for a period not to exceed six months for such resolution. The City Council shall not extend the prohibition for more than a total of 18 months.

1005.04 Grandfather Clause. This ordinance shall not be construed to prohibit the building or development of any multiple unit housing project for which preliminary approval has been granted prior to the effective date of this ordinance.

1005.05 Rescinding. The prohibition established by Section 1005.02 may be rescinded by the City Council at any time by resolution.

(Amended by Ordinance 97-14, passed July 28, 1997)

1006 Fire Code

1006.01 Minnesota State Fire Code. The Minnesota State Fire Code as in effect, and any amendments duly enacted or adopted hereafter, is hereby adopted. (Chapter 1006 added by Ordinance 86-8 passed June 9, 1986.)

1007 Land Alteration

1007.01

Subd. 1. Intent. The intent of this ordinance is to ensure that alteration to the topography of the land is planned and controlled:

- (1) to conform to and complement the City's drainage plan;
- (2) to prevent overburdening any part of the City's existing drainage system;
- (3) to protect adjacent land and property from physical harm, additional water runoff, unsightly conditions, dust and debris;
- (4) to prevent pollution caused by soil erosion and sedimentation;
- (5) to ensure that altered land does not become a health or safety hazard, or stand in violation of the ordinance;
- (6) to establish minimum uniform limitations and requirements to ensure property planning and control of items one through five above for all land within the City.

Subd. 2. Definitions. Under this ordinance, land alterations so defined as changing the topography of the land so as to alter the grade by depositing, excavation, or re-grading ten (10) or more cubic yards of dirt, soil, sand, clay, rock or other earth materials. Land alterations shall not include the excavation, removal, moving or storage of earth materials necessary for the construction of some pending structure, for which a building permit has been issued, and which is to be erected immediately following the excavation, removal, moving or storage of such materials. Land alteration shall not include the depositing, excavation or moving of earth materials for construction of roads, sewer lines, storm sewers, water mains, or surface water drainage.

Subd. 3. Annual Permit Required. Land alteration in all districts shall be allowed only by annual permit issued by the City. Land alteration in flood plains shall be in accordance with the flood plain ordinance.

The permit application shall be obtained from the City Clerk. The fee for the permit shall be as set forth in Chapter 212.02 (24). (Amended by Ordinance 87-10, Passed September 22, 1987.)

Persons, partnerships, companies or corporations now conducting land alteration as defined by the ordinance, and for which this ordinance requires a permit may continue such operations, but within 60 days of the effective date of this Ordinance shall make application for a permit and shall include a finished grading plan and land restoration plan. Failure to do so shall be a violation of this ordinance; however, on request, and for

reasonable cause, the City Council may extend the time for the initial application to ninety (90) days. If application is not made within the required time, all land alteration operations shall be terminated.

The City Council may terminate land alteration permit for violation of this ordinance or a condition of the permit. or for other cause. To terminate a permit, the City Council shall give notice of the violation or other cause for the termination along with an order that the condition be remedied. If the condition has not been remedied to satisfaction within a two week period, the City Council shall determine whether the permit should be terminated. No land alteration shall take place after the permit is terminated.

Subd. 4. General Provisions. Approval of the land alteration shall be granted by the City Administrator with the right to appeal to the City Council only after:

- (1) A finished grading plan; and
- (2) A land restoration plan have been approved by the City Administrator according to the requirements of this ordinance and are attached as part of the permit application, and the required fee has been paid.

The finished grading plan and the land restoration plan shall complement the City's drainage plans and shall not overburden any part of the existing City drainage system. Land alteration shall not adversely effect adjacent land or property and shall as much as possible retain. gently rolling topography in substantial conformity with the immediately surrounding land. The plans shall be prepared in accordance with requirements set by the City Engineer and/or the City Administrator under authority of this ordinance.

A finished grading plan shall consist of not less than a written description of:

- (1) The maximum number of cubic yards of material to be deposited, excavated or re-graded;
- (2) The start and finish dates for land alteration;
- (3) Any change in water runoff and drainage caused by the land alteration; and
- (4) The measures will be used to:
 - (a) Prevent pollution caused by soil erosion and sedimentation.
 - (b) Ensure that altered land does not become a health or safety hazard.
 - (c) Protect adjacent property.

In addition, the City Administrator may require that the finished grading plan also include:

- (1) A certified survey by a registered surveyor.
- (2) Topographic data, including contours at vertical intervals specified by the City Engineer or City Administrator and/or
- (3) A written description of types of land materials to be deposited or excavated, conditions for the general maintenance of the site, controls for vehicular ingress and egress, conditions for control of materials disbursed from wind or during hauling materials to or from the site, or any other conditions deemed necessary to ensure conformance with the intent of this ordinance.

The land restoration plan shall be designed to prevent soil erosion by wind and water, sedimentation, gulying, and other detrimental effects as determined by the City Administrator and/or City Engineer.

A land restoration plan shall consist of not less than a written description of:

- (1) The vegetation and ground cover to be used in restoring disturbed land.
- (2) Land restoration start and finish dates.
- (3) How the land restoration plan will prevent soil erosion by wind and water, sedimentation, and gulying.

In addition, the City Administrator may require a landscape plan showing the locations and types of vegetation and ground covers to be used on the site which shall conform to the requirements set by the City Administrator and other sections of the ordinance; and/or any other written or descriptive materials to ensure conformance with the intent of this ordinance and all other City regulations.

(Section 1007 Added by Ordinance 86-15, passed November 25, 1986)

1008 Park Dedication

1008.01

Subd. 1. Intent. The City Council recognizes that the health, safety and welfare of all people depends greatly on the quality and character of their environment. Thus, preserving and enhancing the quality and importance in the planning and development of the City.

Dedicating a portion of land to the City for parks, playgrounds, and public open spaces at the time of residential, commercial and industrial development is an essential means to provide and maintain the high quality environment today's citizens demand and to ensure that it will continue to exist for future residents.

Furthermore, the City Council recognizes that new residential, commercial and industrial developments contribute to increased demands for parks, playgrounds and public open spaces by new residents, workers and visitors and that these demands are directly related to the density and intensity of development which is permitted in any district. Therefore, it is the policy of the City that the following standards and guidelines for the dedication of land for parks, playgrounds, and public open spaces, or cash contributions in lieu of such dedication, shall be directly related to the density and intensity of each subdivision and development which occurs within the City.

Subd. 2. Standards for Accepting Dedication of Land for Public Purposes.

- (1) Land proposed to be dedicated for public purposes shall meet identified needs contained in the City's Comprehensive Park and Trail Corridor Plans.
- (2) To be eligible for park dedication credit, no less than 100% of the land dedicated shall be located outside of drainways, flood plains or ponding areas after the site has been developed unless specific purposes for land proposed to be dedicated for public purposes shall be identified in the City Comprehensive Plan for Parks and Trails Corridor Plan. (Amended by Ordinance 88-8, passed June 28, 1988.)
- (3) In those cases where subdividers and developers of land provide significant amenities, such as, but not limited to, swimming pools, tennis courts, handball courts, ball fields, etc., within the development for the benefit of those residing or working therein, and where, in the judgment of the City Administrator, such amenities significantly reduce the demands for public recreational facilities, he may recommend to the City Council that the required amount of land to be dedicated for park, playground, public open space (or cash contributions in lieu of such dedication) be reduced by an amount not to exceed 20%.

- (4) The City may permit easements to be dedicated for trail corridors which are identified in the City's Trail Corridor Plan thereby allowing the developer to include the land area in the determination of setbacks and building density on the site; however, park dedication credit shall not be given in such cases to the easement.
- (5) Exceptions to these provisions shall be reviewed and recommended by the Park and Recreation Commission.

Subd. 3. Residential Dedication Requirements. A person who desires to subdivide property for purposes of urban development shall, as a prerequisite to approval of lot division or final plat, dedicate to the public for use as a park, playground, or open space, a percentage of the land being platted or developed as hereinafter specified. In the alternative, the subdivider shall at the option of the City, pay to the City a sum of money based upon the fair market value of the undeveloped land in lieu of dedicating property, which the City shall use in the acquisition, development or maintenance of public parks, playgrounds or debt retirement in connection with the public space. Any such cash payment received shall be placed in a separate fund maintained by the City and used only for those purposes. In establishing the percentage of land to be dedicated, or the cash value to be donated, the City Council shall take into account the open space, park, recreational or common areas or facilities which the subdivider proposes to reserve for the subdivision. These parks, playground and open space areas shall be independent of and distinct from the areas dedicated to the public for use as streets or for utility easements, sewers, water facilities, storm water drainage, holding ponds, run-off improvements, trails or other similar utilities or improvements.

The City may choose to accept an equivalent amount in cash from the applicant for part or all of the portion required to be dedicated to such public uses or purposes based on the fair market value of the land no later than at the time of final approval. Any cash payments received shall be placed in a special fund by the City and used only for the purposes for which the money was obtained. In establishing the reasonable portion to be dedicated, the regulations may consider the open space park, recreational or common areas and facilities which the applicant proposes to reserve for the subdivision. The City reasonably determines that it will seek to acquire that portion of land for the purposes stated as a result of approval of the subdivision.

The City of Rockford finds that parks, playgrounds, green areas and open spaces improve the value of property in the City, provides amenities and outlets for citizens, preserves natural environment, and in many ways improves the health, safety, welfare and morale of the citizens of the City of Rockford. In order to facilitate such improvements, the City of Rockford finds that park land, playground areas, green and open spaces are necessary in all new developments, lot divisions, subdivisions of land within the City. In order to provide uniform benefit to all residents of said areas, the City of Rockford requires subdivider and developers of land to dedicate land to the City or at the City's option, to make a cash donation for the City to acquire land and park equipment and for other related purposes.

The City requires that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for public use as street, roads, sewers, electric, gas and water facilities, storm water drainage and holding areas or ponds and similar utilities and improvements.

The form of contribution (cash or land, or any combination thereof) shall be decided by the City Council upon recommendation of the Park and Recreation Commission and based upon need and conformance with the City's Comprehensive Plan.

The amount of land/cash shall be determined as follows:

TYPE OF USE: SUBDIVISION (Land dedication = 10% of gross land area)

Cash Dedication:

Single family:	\$1,724.00
Townhouse:	\$1,724.00 per unit
Apartment:	\$1,724.00 per unit plus \$50.00 per bedroom above the first bedroom

(Amended by Ordinance 05-13, passed October 25, 2005)

TYPE OF USE: NEW CONSTRUCTION/PREVIOUSLY PLATTED

Cash Dedication:

Single family:	\$1,724.00
Two family:	\$1,724.00 per unit
Townhouse:	\$1,724.00 per unit
Apartment:	\$1,724.00 per unit plus \$50.00 per bedroom above the first bedroom

(Amended by Ordinance 04-10, passed July 13, 2004)

(Amended by Ordinance 05-13, passed October 25, 2005)

Subd. 4. Required Improvements. Developers shall be responsible for making certain improvements to their developments for park, playground, and public open space purposes:

- (1) Developers must provide finished grading and ground cover for all park, playground, and public open spaces within their development contract or site plan approval responsibilities.
- (2) Developers must construct and pave all proposed trails concurrently with the roads in their development; i.e., grading with site grading and paving with street or parking lot paving. City staff may recommend deviation from this policy in the case of individual hardship in terms of the timing of

installation of such trail facilities when they are identified in the City's Trail Corridor Plan.

- (3) Developers will not receive park dedication credit for trails which are not identified in the City's Trail Corridor Plan, or for connecting these trails to any existing or proposed trails which are identified in the City's Trail Corridor Plan.
- (4) Developers will not receive park dedication credit if sidewalks are constructed in the street right-of-way in lieu of trails within the development.

Subd. 5. Commercial and Industrial Dedication Requirements. A commercial subdivision of property shall be required to pay a park dedication fee of \$250 per acre.

Subd. 6. Definitions.

Sidewalk. A sidewalk is defined as a public walkway constructed within the street right of way.

(Section 1008 added by Ordinance 87-6, passed July 28, 1987; Amended by Ordinance 96-04, passed July 8, 1996.) (Amended by Ordinance 97-09, passed April 28, 1997.)