

ORDINANCE NO. ____

CITY OF BURNSVILLE
DAKOTA COUNTY MINNESOTA

AN ORDINANCE AMENDING TITLE 10, CHAPTERS 6 AND 8, TO CREATE A NEW DRINKING WATER PROTECTION OVERLAY DISTRICT AND TO AMEND THE ZONING MAP TO IDENTIFY THE LOCATION OF THE DISTRICT AND AMENDING TITLE 7 *HEALTH AND SANITATION* ESTABLISHING STANDARDS OF PRACTICE FOR THE PROTECTION OF THE DRINKING WATER SUPPLY

CASE FILE NO. DEV14-0010

The City Council of the City of Burnsville ordains as follows:

Section 1: Title 10, Chapter 6, Section 2 of the Burnsville City Code, is hereby amended to add a new Drinking Water Protection Overlay Zoning District as an Environmental Overlay Zone and to define the boundaries of the District as shown on the attached Exhibit A.

Section 2: The zoning map of the City of Burnsville referred to and described in said Title 10, shall not be republished to show the aforesaid rezoning, but the Community Development Director or his/her designee shall appropriately mark the zoning map on file in the City Clerk’s office for the purpose of indicating the rezoning provided for in this ordinance and all of the notations, references and other information shown thereon are hereby incorporated by reference and made a part of this ordinance.

Section 3: Title 10, Chapter 8, Section 1 of the Burnsville City Code, is hereby amended to add the provisions shown with underlined text and delete the provisions shown with a line through the text as follows:

**Chapter 8
ENVIRONMENTAL OVERLAY DISTRICTS**

10-8-1: GENERAL PROVISIONS FOR ALL OVERLAY DISTRICTS:

10-8-2: DEFINITIONS:

10-8-3: LEGISLATIVE FINDINGS AND PURPOSE:

10-8-4: OVERLAY DISTRICT ADMINISTRATION:

10-8-5: WETLANDS OVERLAY DISTRICT STANDARDS:

10-8-6: SOIL EROSION OVERLAY DISTRICT STANDARDS:

10-8-7: RESTRICTIVE SOILS OVERLAY DISTRICT STANDARDS:

10-8-8: CONTROLLING EROSION AND SEDIMENT FROM LAND DISTURBING ACTIVITIES:

10-8-9: WOODLAND PROTECTION STANDARDS:

10-8-10: SHORELAND OVERLAY DISTRICT:

10-8-11: STORM WATER MANAGEMENT OVERLAY DISTRICT STANDARDS:

10-8-12: DRINKING WATER PROTECTION OVERLAY DISTRICT:

10-8-13: OTHER GENERAL CONDITIONS:

10-8-14: TIME OF PERMIT; EXTENSIONS; RENEWALS:

10-8-15: RESPONSIBILITY; EFFECT:

10-8-1: GENERAL PROVISIONS FOR ALL OVERLAY DISTRICTS:

- (A) Purpose And Intent: Overlay districts established by this chapter are created for the purpose of protecting environmentally sensitive areas within designated areas of the city.
- (B) Scope: These districts shall overlay the established zoning districts so that any parcel of land lying in an overlay district shall also lie in one or more of the established zoning districts. Land within an overlay district shall be subject to the requirements established in this title, as well as restrictions and requirements established by other applicable ordinances and regulations of the city. Within each adopted overlay district all uses shall be permitted in accordance with the regulations for the underlying zoning district(s); provided, however, that such uses must satisfy the additional requirements established in this title before development will be allowed.
- (C) Establishment Of Districts: The following overlay districts are hereby established:
1. Wetlands overlay district.
 2. Soil erosion overlay district.
 3. Restrictive soils overlay district.
 4. Woodland overlay district.
 5. Shoreland overlay district. (Ord. 732, 9-21-1998)
 6. Storm water overlay district.
 7. Drinking water protection overlay district.
- (D) District Boundaries: This title shall apply to the wetlands, soil erosion, restrictive soils, and shoreland overlay districts which are specifically delineated on the official environment overlay district maps of the city, which are incorporated herein by reference. For purposes of this title the woodland and storm water management overlay districts shall encompass the entire city. (Ord. 865, 12-2-2002)

Section 4: Title 10, Chapter 8, Section 3 of the Burnsville City Code, is hereby amended to add the provisions shown with underlined text as follows:

10-8-3: LEGISLATIVE FINDINGS AND PURPOSE:

- (A) Wetlands Overlay District: Wetlands and public waters wetlands help maintain water quality, serve to reduce flooding and erosion, act as sources of food and habitat for a variety of fish and wildlife, and are an integral part of the community's natural landscape. Wetlands provide the aesthetic benefits of open space and can be used to provide a natural separation of land uses. It is the intent of this overlay district to establish a policy of sound stewardship through coordination of regulations, which conserve, protect, enhance, and result in the no net loss of these environmentally sensitive resources. In addition, it is the intent of the city to promote the restoration of degraded wetlands. This overlay district is adopted in part to implement the wetland conservation act of 1991 (Minnesota laws 1991, chapter 354, as amended), and the accompanying rules of the Minnesota board of water and soil resources (Minnesota rules chapter 8420, as amended). (Ord. 732, 9-21-1998)
- (B) Soil Erosion Overlay District: There are areas within the city which, due to certain slopes or unstable soils, create ecological problems including siltation and pollution of water bodies and

streams due to excessive erosion and runoff and present threats to the public safety in the form of landslide and mudslide dangers. Therefore, the purpose of this chapter is:

To promote the public safety by minimizing the hazards of certain slopes and unstable soils and promote public health by reducing the siltation and pollution of water bodies and streams, and promote the general welfare by preserving significant features of the natural character of slopes and conditioning development in a manner that minimizes the above enumerated threats to the health, safety and welfare of the citizens of the city. (Ord. 1265, 5-22-2012)

- (C) Restrictive Soils Overlay District: Areas within the city are characterized by certain soil types, slopes and water levels which, without proper corrective action, are unsuitable for development. Inappropriate development in those areas increases soil erosion and sedimentation, the introduction of toxic materials into groundwater, encourages pollution, destroys ecological and natural resources, and requires expenditures of public funds to correct deficiencies thereby acting to the detriment of the health, safety and welfare of the citizens of Burnsville. Therefore, the purpose of this chapter is:

To provide for the regulation of development on restrictive soils in such a way as to minimize the risk of environmental damage and to protect private homeowners and governmental units from incurring high maintenance and capital costs resulting from the necessity to correct deficiencies encountered as a result of development on poorly suited soils.

- (D) Woodland Overlay District: The preservation of trees and woodlands within the city is critical to the health, safety and welfare of the citizens of the city, as well as those of the metropolitan area. Existing and potential development within the city and the metropolitan area has the effect of reducing and in some cases eliminating wooded areas, which, if preserved and maintained, serve important ecological, recreational and aesthetic functions to the benefit of present and future residents of the city. Therefore, the purpose of this chapter is:

To preserve woodlands and trees on individual sites, protect the safety of the residents by preventing wind and water erosion, slope instability and rapid runoff, promote the health of the residents by absorption of air pollutants, contaminants and noise; increasing rainfall infiltration to the water table, provide a diversified environment for many kinds of animals and plants necessary for wildlife maintenance and important to the aesthetic values and recreational requirements of the area and promote energy conservation by shading buildings in the summer and breaking winds in the winter.

- (E) Shoreland Overlay District:

1. Statutory Authorization: This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota statutes, chapter 103F, Minnesota regulations, parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota statutes, chapter 462.

2. Policy: The uncontrolled use of shorelands of Burnsville, Minnesota, affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural

environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Burnsville, hereinafter referred to as "the city".

3. **Jurisdiction:** The shoreland overlay district provisions of this chapter shall apply to the shorelands of the public water bodies as classified in subsection 10-8-10(B) of this chapter. Pursuant to Minnesota regulations, parts 6120.2500 through 6120.3900, no lake, pond, or flowage less than ten (10) acres in size in municipalities needs to be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the city, be exempt from this chapter.

4. **Compliance:** The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this chapter and other applicable regulations. (Ord. 732, 9-21-1998)

- (F) **Stormwater Overlay District:** The management of stormwater runoff from land is critical to the health, safety and welfare of the citizens of the city. Quality and quantity of runoff directly affects the ecological and physical environments including soil erosion, flooding, water pollution and aquatic life. Therefore, the purposes of this title are:

To accommodate anticipated development while controlling the quality and quantity of stormwater runoff and properly managing and protecting surface groundwater resources and thereby implement the water resources management plan and set forth stormwater management performance standards which apply to all land disturbance activities.

Specific purposes are to further the maintenance of safe and healthful conditions; prevent and control the adverse effects of stormwater, prevent and control soil erosion, prevent and control water pollution, protect spawning grounds, fish and aquatic life; control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; prevent conditions that endanger downstream property; and control building sites, placement of structures, areas of impervious surface and promote sound economic growth. (Ord. 865, 12-2-2002)

- ~~(G) **Drinking Water Protection Overlay District:** The purpose and intent of this overlay district is to:~~

1. Acknowledge that certain areas within the City are highly susceptible to drinking water contamination, based on location of wells, surface water supply, and geomorphology;
2. Provide for land uses that are compatible with the protection of the drinking water supply, while providing performance standards for uses that may put the aquifer at risk;
3. Provide performance standards for land uses that have the potential to be detrimental to the drinking water supply.

Section 5: Title 10, Chapter 8, Section 4 of the Burnsville City Code, is hereby amended to add the provisions shown with underlined text and delete the provisions shown with a line through the text as follows:

10-8-4: OVERLAY DISTRICT ADMINISTRATION:

- (A) Administration: Except as hereinafter provided, no one may perform any development in a stormwater, woodlands, wetlands, shoreland, soil erosion, drinking water protection or restrictive soils overlay district or obtain a development permit, without first having demonstrated that the proposed activity will meet or exceed the additional performance standards contained in this title. Any application for a development permit on land which is covered, in whole or in part, by this title shall include a site plan. Other engineering data, such as surveys, soil studies, and other descriptive information, may also be required at the direction of the city. A specific description of the type, amount and location of the development, and a description of the ecological characteristics of the natural features contained on the property, as well as the conservation plan describing actions to be taken to mitigate detrimental effects of development may also be required. When the proposed development includes the construction or alteration of a structure, four (4) sets of plans and one (1) digital plan set shall be submitted with the application. (Ord. 1236, 6-21-2011)
- (B) Exceptions:
1. Emergency Work Necessary To Preserve Life Or Property: A person may commence emergency work necessary to preserve life or property, provided that within ten (10) days following the commencement of that activity, he/she submit a site plan for review along with any other information, requested by the city necessary to determine if the performance standards contained in this title were met. If upon this review it is determined that all of the performance standards were not met, a plan shall be submitted and implemented (following city approval) to restore the natural resources to meet the intent of the performance standards contained in this title.
 2. Repair; Maintenance: Repair or normal maintenance.
- (C) Conditional Use: An applicant of a proposed development whose development does not comply to the letter with one or more of the standards in this chapter, but meets the spirit of the standards, may apply to the city council for a conditional use permit, pursuant to section [10-5-5](#) of this title. The applicant shall demonstrate that the standards of section [10-5-5](#) of this title have been met, and that the proposed development adheres to the purposes of the overlay district standards. The planning commission and city council may attach conditions they deem necessary to protect the overlay district and ensure that the intent and purpose of the overlay district is accomplished.
- (D) Enforcement: The city manager, or his or her designee, is responsible for the administration and enforcement of this chapter. Any violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional and interim uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this chapter can occur regardless of whether or not a permit is required for a regulated activity pursuant to subsection [10-8-10\(A\)](#)1 of this chapter.
- (E) Interpretation: In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- (F) Abrogation And Greater Restrictions: It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter

imposes greater restrictions, the provisions of this chapter shall prevail. All other provisions of this title inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

- (G) Definitions: Unless specifically defined in section 10-4-2 of this title and section 10-8-2 of this chapter, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this chapter its most reasonable application. For the purpose of this chapter, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally. (Ord. 732, 9-21-1998)

Section 6: Title 10, Chapter 8, Section 12 of the Burnsville City Code, is hereby amended to add the provisions shown with underlined text and delete the provisions shown with a line through the text and to renumber subsequent Sections as follows:

10-8-12: DRINKING WATER PROTECTION OVERLAY DISTRICT: No development shall be allowed or development permit issued unless the council finds that the proposed development complies with the following standards:

- (A) Scope. The Drinking Water Protection Overlay District is hereby established, and incorporated as part of the official zoning map. The Drinking Water Protection Overlay District, as delineated on the zoning map, is adapted from the Wellhead Protection Area identified in Part One of the 06-18-2013 Wellhead Protection Plan Update, and analysis of the capture zone for the Kraemer Quarry.
- (B) All land uses shall be permitted, accessory, interim or conditional to the extent that they are allowed in the base zoning district.
- (C) Compliance Required. The provisions of this section shall apply upon the application of a land use clearance including development application, permit, at the time there is a change in use or occupancy, new development, full redevelopment, and all redevelopment that results in disturbance of one-half (1/2) acre or more or the addition of five thousand (5,000) square feet of impervious surface.
- (D) Exceptions. The provisions of this section shall not apply to the application of a building permit for interior work, remodeling, tenant finishes, replacement of siding, windows and openings, HVAC equipment, roofing or signs,
- (E) Performance Standards. No development shall be allowed or development permit issued until the owner and/or tenant demonstrates to the satisfaction of the City Engineer, or designee, that the proposed site, use, operation or development meets the following performance standards:
1. All parking areas and outside storage areas shall be paved with asphalt or concrete, with stormwater management systems in accordance with adopted standards.
 2. All floor drains shall be connected to the sanitary sewer system, with the addition of a flammable waste trap, and where allowed by Metropolitan Council.
 3. Structures and/or mechanisms for containment or grit traps are used for contaminant spillage;

4. All vehicle and equipment washing or pressure washing/steam washing shall be conducted on a designated wash pad that is connected to the sanitary sewer system;
 5. A grading and drainage plan is submitted and approved by City Engineer that directs site run-off into the stormwater management system and/or directs stormwater runoff away from natural waterbodies, wetlands, floodplains, and reservoirs;
 6. Stormwater catchment basins shall be lined.
 7. Evidence shall be provided of required state and/or federal permits for Regulated Substances, if applicable.
- (F) Procedures for review and approval. All projects requiring review in the Drinking Water Overlay District will be subject to review by the City Engineer to determine compliance with the performance standards of Title 10-18-12(C).
- (G) City Code Title 7-2-24 shall also apply to all sites, operations and uses in the Drinking Water Protection Overlay District.

10-8-13: OTHER GENERAL CONDITIONS:

Any permit required in this chapter may be issued subject to compliance with reasonable conditions which are specifically set forth in the permit and are necessary to ensure compliance with the requirements contained in this title. Such conditions may, in addition to other conditions, limit the size, kind or character of the proposed work, require the construction of other structures, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, require alteration of the site design to ensure buffering, require the provision of a cash security or letter of credit, or require the conveyance to the city or another public entity of certain lands or interest therein. The dimensional requirements of the underlying zoning district(s) may be modified in furtherance of the purposes of this chapter by expressed conditions contained in the permit. (Ord. 1196, 4-6-2010)

10-8-14: TIME OF PERMIT; EXTENSIONS; RENEWALS:

- (A) Compliance: The city, its agents, employees, and officers may inspect the work authorized under any permit required in this chapter, including periodic and final inspections, to determine compliance with the requirements and conditions of the permit and this chapter.
- (B) Notice Of Completion: A permittee shall notify the city manager or designee in writing when they have finished the work. No work shall be deemed to have been completed until approved in writing by the city manager or designee following such written notification.
- (C) Inspection: The city manager may cause inspections of the work to be made periodically during the course thereof by himself or a member of the engineering staff and shall cause a final inspection to be made following the completion of the work. The permittee shall assist the director in making inspections. (Ord. 865, 12-2-2002)

10-8-15: RESPONSIBILITY; EFFECT:

- (A) Responsibility: Neither the issuance of a permit nor compliance with the conditions thereof, nor compliance with the provisions of this title shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose liability on the city or its officers or employees for injury or damage to persons or property. A permit issued pursuant to this title shall not relieve the permittee of the responsibility of complying with any other requirements established by law, regulation or ordinance.
- (B) Intercommunity Review: Where any proposed development or action abuts an adjacent municipality, that municipality shall be notified of the proposed development or action and given the opportunity to review and comment on the proposal. Such notification shall be mailed to the city clerk of the abutting municipality. (Ord. 865, 12-2-2002)

Section 7: Title 7, Chapter 2, Section 1 of the Burnsville City Code is amended to add the provisions shown with underlined text as follows:

Chapter 2**WATER AND SEWER****7-2-1: APPLICATIONS, PERMITS AND FEES:****7-2-2: METERS:****7-2-3: PRIVATE WATER SYSTEMS:****7-2-4: IMPLIED CONSENT TO RULES, REGULATIONS AND RATES:****7-2-5: METER READINGS:****7-2-6: BILLING REGULATIONS:****7-2-7: FAULTY METERS:****7-2-8: LEAK IN SERVICE LINE:****7-2-9: PUBLIC WATER SYSTEM CONNECTION REQUIREMENTS:****7-2-10: WATER METER REGULATIONS:****7-2-11: UNLAWFUL TO TAMPER WITH METER:****7-2-12: LIABILITY FOR REPAIRS:****7-2-13: INSTALLATION OF CONNECTIONS:****7-2-14: CITY NOT LIABLE:****7-2-15: STORMWATER NOT PERMITTED IN SANITARY SEWER SYSTEM:****7-2-16: EXCAVATION WORK AND TESTING OF METERS:****7-2-17: WATER USE RESTRICTIONS; PENALTIES:****7-2-18: RIGHT TO ENTER LAND:****7-2-19: PRIVATE WATER NOT PERMITTED IN SYSTEM:****7-2-20: PUBLIC SEWER SYSTEM CONNECTION REQUIREMENTS:****7-2-21: PROHIBITED DISCHARGE INTO SEWERS:****7-2-22: INDUSTRIAL WASTE, USER CHARGE:****7-2-23: STORM DRAINAGE UTILITY:****7-2-23-1: ESTABLISHMENT OF STORM DRAINAGE UTILITY:****7-2-23-2: FINDINGS, DETERMINATIONS AND PURPOSE:****7-2-23-3: PAYMENTS AND STORM DRAINAGE UTILITY FUND:****7-2-23-4: ESTABLISHMENT OF CHARGES:****7-2-23-5: PAYMENT OF CHARGES AND COLLECTIONS:**

7-2-24: PROTECTION OF DRINKING WATER SUPPLY:

Section 8: Title 7, Chapter 2, Section 1 of the Burnsville City Code is amended to add a new Section 24 with the provisions shown with underlined text as follows:

7-2-24: PROTECTION OF DRINKING WATER SUPPLY:

(A) The purpose and intent of this Section is to:

1. Acknowledge that certain areas within the City are highly susceptible to drinking water contamination, based on location of wells, surface water supply, and geomorphology;
2. Minimize spills, leaks, and other discharges of regulated substances into drinking water supplies;
3. Minimize interruptions to business expansion and development by regulating sites and uses that have the potential to contaminate the drinking water supply.

(B) Applicability. This Section shall apply to any operation, use or site located in the Drinking Water Protection Overlay District (as defined in the adopted Wellhead Protection Plan, illustrated on the Official Zoning Map and further regulated in Title 10, Chapter 8 of this Code), and having, storing, or using any Regulated Substances, as defined in this Section.

(C) Definition for Regulated Substances: For the purposes of this section, Regulated Substances shall be defined as:

1. Substances for which there is a material safety data sheet (MSDS) or Substance Data Sheet (SDS), as established by the United States Occupational Safety and Health Administration, and the MSDS or SDS cites possible hazards to the water supply;
2. Substances which contain chlorinated solvents: tetrachloroethene (also known as tetrachloroethylene and perchloroethylene), trichloroethene, dichloroethene (including isomers), and vinyl chloride. These substances are commonly used in dry cleaning, as parts washer in repair shops, and in furniture and paint stripping;
3. Hazardous materials of any quantity, as defined by the Minnesota State Statute 116.06, the federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA), or the federal Resource Conservation and Recovery Act (RCRA);
4. Radiological materials;
5. Biohazards and medical waste.

Regulated Substances shall not, however, include:

1. Substances, such as gasoline or oil, in operable vehicles, equipment or boats so long as used solely for the operation of the vehicle, equipment or boat, but not the tanker portion of a tank truck;

2. Pressurized gases such as chlorine, propane, hydrogen, and nitrogen when in a chemical storage tank;
 3. Refrigerants contained within equipment and used for on-site air cooling or in household appliances;
 4. Substances contained within electrical lighting or electrical utility transformers/switches;
 5. Prepackaged substances such as salt used in water softeners, fertilizers, pesticides, herbicides and cleaning agents that are packaged for personal or household use in quantities of up to 55 gallons for liquids or 440 pounds for dry weight or less.
- (D) The following operational standards apply to all sites, operations and uses possessing Regulated Substances and located within the Drinking Water Protection Overlay District:
1. All above or underground tanks are subject to bi-annual City inspection;
 2. Regulated Substances are properly secured and stored;
 3. Commercial application of Regulated Substances shall meet requirements of Title 3, Chapter 26 of this Code;
 4. Provisions are in place for secondary containment of Regulated Substances;
 5. An Emergency Spill Response Plan available on site when Regulated Substances are kept.
- (E) Procedures. In order to meet the purpose and intent of this section, the following procedures will be completed by the City Public Works Director or designee.
1. An annual information flier will be provided to all property owners and businesses subject to this section.
 2. A bi-annual inspection (every two years) of all properties, operations and sites to ensure proper procedures for the storage, handling, and usage of Regulated Substances are met;
 3. A targeted informational effort to property owners and tenants located on property determined to be especially vulnerable to contamination or with regulated substances.
- (F) Violations:
1. Unlawful Acts: It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this chapter.
 2. Notice Of Violation: The City Engineer or designee shall serve a notice of violation or order in accordance with section 7-2-24(G) of this Section or as required by state statute.
 3. Prosecution Of Violation: If the notice of violation is not complied with, the City Engineer or designee shall institute the appropriate proceeding at law or in equity to restrain,

correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Section or of the order or direction made pursuant thereto.

4. Violation Penalties: Any person who shall violate a provision of this Section, or fail to comply therewith, or with any of the requirements thereof is guilty of a misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

5. Abatement Of Violation: The imposition of the penalties herein prescribed shall not preclude the city attorney from instituting appropriate action to restrain, correct or abate a violation, or to prevent legal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

6. Fees And Charges: The property and the owner of record shall be responsible for any city costs in enforcing the provisions of this Section including re-inspection fees, civil fines, or other fees, charges or penalties that are imposed as permitted by law.

(G) Notice To Owner Or To Person Or Persons Responsible: Whenever the City Engineer or designee determines that there has been a violation of this Section or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefor in the manner prescribed in subsections 1 and 2 of this section. Property owners are responsible for their property regardless of occupancy.

1. Notices shall:

- a. Be in writing;
- b. Include a description of the real estate sufficient for identification;
- c. Include a statement of the violation or violations and why the notice is being issued; and
- d. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Section.

2. Method Of Service: Such notice shall be deemed to be properly served if a copy thereof is:

- a. Delivered personally; or
- b. Sent by certified or first class mail addressed to the owner at the last known address; or
- c. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

3. Transfer Of Ownership: It shall be unlawful for the owner who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of property until the provisions of the compliance order or notice of violation

have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the City Engineer or designee and shall furnish to the City Engineer or designee a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections required by such compliance order or notice of violation.

Section 9: This ordinance shall be effective immediately upon its passage and publication according to law.

PASSED AND DULY ADOPTED THIS _____ day of _____, 2015, by the City Council of the City of Burnsville.

CITY OF BURNSVILLE

By: _____
Elizabeth B. Kautz, Mayor

ATTEST:

By: _____
Macheal Collins, City Clerk