

2007-Or-___

AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

By: Ostrow

Amending Title 5, Chapter 108 of the Minneapolis Code of Ordinances relating to the Building Code: Parking Ramps.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 108.20 of the above-entitled ordinance be amended to read as follows:

108.20. Certificate required. No person, firm, corporation, governmental entity or other entity shall own or operate a parking ramp which has been in operation for five (5) years or more, without having first applied for and obtained an operating certificate. Such certificate shall be granted by the director of inspections as provided in this chapter.

Section 2. That Section 108.60 of the above-entitled ordinance be amended to read as follows:

108.60. Affidavit and engineer's report required. ~~Not later than October first of each year~~ Upon application for or renewal of the required operating certificate, the owner or operator of a parking ramp shall file with the director an affidavit stating that the parking ramp has been inspected in accordance with section 108.50 of this chapter by a qualified civil or structural engineer. The owner or operator shall file with the affidavit a copy of the engineer's inspection report. The report shall contain the engineer's findings and shall indicate whether the structure is capable of supporting the loads for which it is used. The report shall contain a statement by the engineer whose field of practice is civil or structural engineering and that he or she carries ~~the insurance coverage required by section 108.80 of this chapter.~~ professional liability insurance in the amount of two hundred fifty thousand dollars (\$250,000.00).

Section 3. That Section 108.70 of the above-entitled ordinance be amended to read as follows:

108.70. Certificate revocation; nonrenewal; penalties. (a) No operating certificate shall be issued or renewed unless the owner or operator of the parking ramp has obtained the annual inspections required by section 108.50 and filed the annual affidavits and reports required by section 108.60.

(b) If the owner or operator of a parking ramp fails to file the annual affidavit and report required by section 108.60, ~~the city council shall after notice and hearing revoke the~~

operating certificate the director of inspections may revoke the certificate. A decision to revoke the certificate may be appealed in writing to the City Council within twenty-one (21) days of mailing of the director's decision.

~~(e) A penalty fee of fifty dollars (\$50.00) shall be assessed to the owner or operator of a parking ramp for the late filing of an annual affidavit and report required by section 108.60 or the late filing of an application for renewal required by section 108.40.~~

Section 4. That Section 108.80 of the above-entitled ordinance be and is hereby repealed:

~~**108.80. Insurance requirement for civil or structural engineer.** A qualified civil or structural engineer, as defined in this chapter, shall maintain professional liability insurance with an insurance company authorized to do business in the State of Minnesota in the sum of two hundred fifty thousand dollars (\$250,000.00). Proof of such insurance coverage shall be filed with the department in the form of a certificate of insurance, which shall be submitted annually with the engineer's report.~~

Section 5. That Section 108.70 of the above-entitled ordinance be amended to read as follows:

108.90. Insurance required for parking ramp operation. No operating certificate shall be granted unless the owner or operator shall carry liability insurance with an insurance company authorized to do business in the State of Minnesota. The liability insurance for the premises and operations of the ramp, which shall include coverage for any injury or loss caused by explosion or collapse, shall be in the sum of at least one million five hundred thousand dollars (\$1,500,000.00).

The owner or operator of an automobile service facility which provides less than one hundred (100) parking spaces in the service facility structure, shall carry liability insurance with an insurance company authorized to do business in the State of Minnesota. The liability insurance for the premises and operation of the ramp, which shall include coverage for any injury or loss caused by explosion or collapse, shall be in the sum of at least one million dollars (\$1,000,000.00).

If the owner takes possession of the keys, and has care, custody and control of a vehicle, then the owner shall also provide garagekeepers legal liability insurance in the sum of at least three thousand five hundred dollars (\$3,500.00) per stall, or two hundred fifty thousand dollars (\$250,000.00) as minimum policy limits. ~~The City of Minneapolis shall be named as an additional insured in said policy for claims made by third parties. This section shall not serve to bar recovery by the city for losses arising out of the use, operation or maintenance of the parking ramp.~~

~~A certificate of insurance on a form provided by the director of inspections, evidencing the above minimum insurance coverages, shall be filed with the director of inspections at the time of making application for certification or renewal of the annual operating certificate. No cancellation of any insurance policy shall be valid except upon thirty (30) days prior written notice to the director of inspections. The required certificates of insurance shall be kept current and valid at the corporate headquarters and copies shall be maintained at each parking ramp~~

office. Such certificates shall be produced immediately upon demand of the director of inspections or the director's designee, or any member of the public. Self-insured government entities shall be exempt from the requirements of this section.

Section 6. That Section 108.100 of the above-entitled ordinance be amended to read as follows:

108.100. Operating certificate to be posted. Every owner or operator of a parking ramp required to obtain an operating certificate shall post said certificate in a conspicuous location in the office or main collection booth of the parking ramp. In the event such notice is not posted, the director or ~~his duly authorized the agent~~ the director's designee may require that all motor vehicles be removed from the parking ramp and that no further parking of vehicles be allowed until the required operating certificate has been obtained and posted.

Section 7. That Section 108.110 of the above-entitled ordinance be amended to read as follows:

108.110. Penalty for failure to obtain or renew operating certificate. Should any person, firm, corporation, governmental entity or other entity operate a parking ramp without first having a valid operating certificate as required by this chapter, the owner or operator shall, when subsequently securing such certificate, be required to pay double the fee provided in section 108.30. The director of inspections or the director's designee may also issue or cause to be issued an administrative citation to the owner or operator for violation of any of the provisions of this chapter.

Section 8. That Section 108.120 of the above-entitled ordinance be and is hereby repealed:

~~**108.120. Compliance schedule.** (a) Parking ramps constructed before November 1, 1959, shall obtain operating certificates on or before November 1, 1985.~~

~~(b) Parking ramps constructed between November 1, 1959, and November 1, 1969, shall obtain operating certificates on or before November 1, 1986.~~

~~(c) Parking ramps constructed on or after November 1, 1969, shall obtain operating certificates on or before November 1, 1987.~~

Section 9. That Section 108.130 of the above-entitled ordinance be and is hereby repealed:

~~**108.130. Governmental agencies.** This chapter shall apply to parking ramps owned or operated by a government or governmental agency; provided, however, that the government or governmental agency owning or operating the parking ramp shall be exempt from the following:~~

~~(1) The requirement that the civil or structural engineer making the inspection carry insurance as required by section 108.80, if said civil or structural engineer is not employed in his profession for compensation by a person or persons other than~~

~~the government or governmental agency which owns or operates the parking ramp; and~~

~~(2) That the owner carry insurance as required by section 108.90.~~