

Request for City Council Committee Action from the Department of Regulatory Services

Date: March 21, 2011

To: Council Member Elizabeth Glidden, Chair – Regulatory, Energy & Environment Committee

Subject: Ordinance amending Title 5, Chapter 95 of the Minneapolis Code of Ordinances relating to *Building Code: Projections and Encroachments*, adding new language related to areaways, requiring compliance with the building code, and setting inspection schedules

Recommendation: Approval of the ordinance amendment

Previous Directives: None

Department Information

Prepared by:

Approved by:

Rocco Forté, Director of Emergency Preparedness & Regulatory Services

Patrick Higgins, Building Official

Presenters in Committee:

Financial Impact

- No financial impact

Community Impact

- City Goals

Supporting Information

Revisions to Minneapolis Code of Ordinances Chapter 95

Staff Report – March 15, 2011

Purpose

This report will explain the reasons for requesting revisions to the Minneapolis Code of Ordinances (MCO) Chapter 95 – Projections and Encroachments.

Background

MCO Sections 95.12 and 95.90 (e) regulate areaways. An areaway is part of a building that is below grade level and extends beyond the normal foundation of the building into a right-of-way, normally under a sidewalk. The sidewalk is the structural cover for the areaway. Areaways are usually used for equipment that services the building. Many years ago they were used for making deliveries into the basement of buildings.

Maintaining areaways in a structurally sound condition is a matter of public safety. If allowed to deteriorate an areaway could become a safety issue for the general public as well as any entity that performs work with heavy equipment on sidewalks. This would include such things as stabilizer arms for vehicles like fire trucks.

Current ordinance language requires notification of the owner's responsibilities with respect to maintenance and inspection of areaways.

Related Information

The majority of the requirements of MCO Chapter 95 are the responsibility of the city engineer and the Public Works Department. The revisions being proposed do not impact any of their responsibilities. Public works was notified of the intent to propose the revisions and no comments or concerns were communicated by them.

Subject for Committee Consideration

The revision being proposed to MCO Section 95.12 is a clarification of compliance with the building code and the timing of permit issuance. The revisions being proposed to MCO Section 95.90 (e) are regarding the notification of owners of buildings with areaways about maintenance requirements and periodic inspection of them.

In MCO Section 95.12, the current ordinance stipulates when a building permit can be issued with respect to the issuance of an encroachment permit.

Proposed revision. The revision to MCO Section 95.12 would change the title of the section and add a statement regarding compliance with the building code along with maintaining the stipulation that a building permit cannot be issued until an encroachment permit has been issued.

In MCO Section 95.90 (e), the current ordinance requires notification within one-hundred twenty (120) days of the adoption of the ordinance with future notifications being done when a periodic inspection was performed. It is not known if the initial notification to the owners was ever performed but since the one-hundred twenty day period has long since expired it is no longer useful. Changes in ownership also mean that some have not been notified.

The source for notifications was intended to be a list of encroachment permits. Such a list has not been well maintained so its usefulness is limited in its current form. The list will be used as much as possible.

Proposed revision. The revision to MCO Section 95.90 (e) regarding notification is proposed as notifying owners whenever an areaway is encountered during the course of other construction inspections. Areaways are encountered fairly frequently while performing other inspections. An order would be written at this time which would inform the owner of the ordinance requirements. The installation of new areaways is rare but notification of the ordinance requirements will be done during the permit and inspections process for the installation of any new areaways.

Also in MCO 95.90 (e), the current ordinance requires periodic inspection of areaways through a shared responsibility by the city and the building owners.

For the inspection by the city, the ordinance allows that the services of a licensed engineer hired by the owner can be required. This would most often be the case as city inspectors are not engineers and conditions frequently require a professional engineer's evaluation.

Proposed revision. The revision to MCO Section 95.90 (e) regarding inspection by the city is to require the owner to hire a licensed engineer to perform all of the periodic inspections and submit a report to the city for review and record-keeping. City inspectors would no longer perform these periodic inspections but would perform inspections to ensure any repairs stipulated by the engineer's report would be completed.

Legal Authority

1. Minnesota State Building Code, Minnesota Rules Section 1300.0040

Summary

Two goals will hopefully be achieved with these revisions. First, owners will be notified about their responsibilities. Secondly, an accurate and comprehensive list of areaways and owner information will be created and maintained.

Thank you for your consideration of this request.