

ORDINANCE NO. 2022 - 41

AN ORDINANCE TO ALIGN PUBLIC POOL PLAN REVIEW AND LODGING ESTABLISHMENT VARIANCE PROCEDURES WITH STATE REQUIREMENTS, THEREBY AMENDING CHAPTER 14 AND APPENDIX A OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 14 of the City Code is hereby amended by deleting those words within brackets and ~~stricken through~~ and adding those words that are underlined, to read as follows:

CHAPTER 14: LICENSES AND PERMITS

* * *

ARTICLE V. FOOD ESTABLISHMENT, LODGING ESTABLISHMENT AND PUBLIC POOL REGULATIONS

DIVISION A: GENERAL PROVISIONS

* * *

§ 14.443 FINDINGS AND PURPOSE.

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(d) Minnesota Rules parts 4717.0150 through 4717.397~~5~~0, except 4717.0450, and M.S. Chapter 144.1222;

* * *

§ 14.453 VARIANCES.

(a) *Administrative variance request.*

(1) Relief from the strict compliance with the requirements of § 14.452 and those parts of Minnesota Rules Chapter~~part~~ 4626 for food establishments and Chapter 4625 for lodging establishments hereof may be granted in the form of a variance. Variance requests from the requirements of Minnesota Rules Chapter 4626 for food establishments will not be considered from the~~ese~~ requirements specifically listed in Minnesota Rules part 4626.1690, subpart A(1) through (4). Variance requests from the requirements of Minnesota Rules Chapter 4625 for lodging establishments will only be considered to the extent allowed by Minnesota Rules, part 4625.2355. The variance application must be from the party to whom the requirement applies and must be in writing and submitted to the Health Authority, including, at a minimum, the following information:

* * *

§ 14.455 PLAN REVIEW.

* * *

(c) *Plan review fees.* Fees for plan review by the Health Authority of new or remodeled food establishments~~[-]~~ and lodging establishments~~[-and public pools]~~ shall be those set by the city in City Code Appendix A. If work has commenced prior to approval of construction or remodeling plans, additional fees may be assessed.

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(f) *Additional criteria for public pools.*

(1) Plans for public pools must be submitted (1) and approved as specified in Minnesota Rules part 4717.0450. All building, electrical, plumbing and HVAC plans must be submitted as required in Chapter 15.~~These public pool remodeling projects not requiring submission of plans to the State Department of Health must be submitted to the Health Authority for review and approval prior to commencing construction or equipment replacement.~~

~~— (2) The plans and specifications for those public pools reviewed by the Health Authority must include:~~

~~— (A) A survey showing proper setbacks, easements, pool placement, equipment placement, fence location, deck location, impervious surface coverage of the lot, and location of overhead electrical wires;~~

~~— (B) The proposed equipment types, manufacturers, model numbers, dimensions, performance capabilities and installation specifications; and~~

~~— (C) Fencing plan including type, material, height, gate location and latching mechanism.]~~

Section 2. That Appendix A indicated in Section 14.03 of Chapter 14 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and 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.

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Chapter 14: Licenses and Permits			
CODE SECTION	CROSS- REF	DESCRIPTION	FEE
	§ 14.443	Public Pools	
* * *			
		[(E) Plan review, 50% or more remodel, replacing equipment, fencing, decking or remodeling areas not specifically requiring plan review by the state	Equal to annual license
		(F) Plan Review, less than 50% remodel	Equal to 1/2 annual license
		(G) Expedited plan review	Equal to double the plan review fee]

Passed and adopted this 29th day of August 2022.

/s/ Tim Busse
Mayor

ATTEST:

/s/ Matt Brillhart
Secretary to the Council

APPROVED:

/s/ Melissa J. Manderschied
City Attorney