

AMENDMENT TO ORDINANCE 2020-05

**AMENDMENT TO EMERGENCY ORDINANCE 2020-05:
AN EMERGENCY ORDINANCE TO CREATE AND ENACT EMERGENCY ORDINANCE NO. 2020-05
OF THE MOORHEAD MUNICIPAL CODE RELATING TO DWELLING UNIT OCCUPANCY FOR
GROUPS OF UNRELATED ADULTS**

BE IT ORDAINED by the City Council of the City of Moorhead as follows:

DWELLING UNIT OCCUPANCY FOR GROUPS OF UNRELATED ADULTS

SECTION 1: PREAMBLE, PURPOSE, AND INTENT:

A. On March 13, 2020, Minnesota Governor Tim Walz issued Emergency Executive Order 20-01, declaring a peacetime emergency due to the presence of Coronavirus Disease 2019 (“COVID-19”).

B. On March 16, 2020, the Mayor of Moorhead, Minnesota (the “City”) issued an official Declaration of Emergency, which was confirmed and continued by the City Council on March 19, 2020, pursuant to Minn. Stat. § 12.29.

C. It is recommended that social distancing be implemented in an effort to slow the spread of COVID-19. Numerous governmental entities, including the State of Minnesota and the City, have cancelled or restricted public gatherings to reduce the spread of COVID-19.

D. Section 3.06 of the City Charter provides, “An emergency ordinance is an ordinance adopted for the immediate preservation of the public peace, health, or safety. The emergency must be defined and declared in a preamble to the ordinance. The preamble must be voted on separately. An emergency ordinance may be introduced and adopted at a regular, special, or adjoining meeting of the council.”

E. In an effort to provide temporary housing for the homeless population that will allow for recommended social distancing, the City deems it necessary for the health, safety, and welfare of its citizens to adopt alternative occupancy limitations for groups of unrelated adults.

F. Section 10-2-2, of the City Code limits the number of unrelated adults that can live together in a Dwelling. The number of unrelated adults that can live together in a Dwelling is limited by restrictions in the definition of “family” in the Moorhead City Code.

G. Section 10-2-2, of the City Code, defines “family” as, “A group of not more than four (4) persons who need not be related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship living together in a dwelling unit.”

H. Section 1.00, subd. 2, of the City Charter further provides that the City shall have all powers which may now or hereafter be possible for a municipal corporation in this state to have and exercise in harmony with the constitutions of this state and of the United States not inconsistent with the specific limitations found in the City Charter. Minn. Stat. § 412.221, subd. 32, authorizes a municipality to enact ordinances for the promotion of health, safety, order, convenience, and the general welfare.

I. This Ordinance temporarily suspends Dwelling Unit Occupancy limitations for groups of unrelated adults pursuant to Section 10-2-2 of the City Code. Square footage requirements in Section 9-2-4 of the City Code will continue to apply. This Ordinance is limited to properties located at 716 8th St. S. and 718 8th St. S., Moorhead, Minnesota 56560 (the "Properties"). See attached for a map of the Properties. This Ordinance establishes guidelines to allow for the temporary suspension of Section 10-2-2 of the City Code without endangering the health of the public and the community at large.

SECTION 2: DEFINITIONS:

Except as may otherwise be provided or clearly implied by context, all terms will be given their commonly accepted definitions. For the purpose of this Ordinance, the following definitions will apply:

CITY: The City of Moorhead, Minnesota.

CITY CHARTER: The Moorhead, Minnesota, charter, which establishes the form of government for the City.

CITY CODE: The Moorhead, Minnesota, City Code.

CITY COUNCIL: The City Council of Moorhead, Minnesota.

CORONAVIRUS DISEASE 2019 ("COVID-19"): An infectious disease caused by a novel coronavirus now called severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), which causes respiratory illness with symptoms such as a cough, fever, and in more severe cases, pneumonia.

DECLARATION OF EMERGENCY: A national security or peacetime emergency declared by the governor under Minn. Stat. § 12.31 or the President of the United States; or a declared state of emergency by the mayor under Minn. Stat. § 12.29.

DWELLING: A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family, and multiple-family dwellings, but not including hotels, motels or boarding houses.

DWELLING UNIT: A residential building or portion thereof intended for occupancy by one or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes or trailers.

DWELLING UNIT OCCUPANCY: Occupancy of a Dwelling unit for the purpose of enforcing provisions of Section 10-2-2 of the Moorhead City Code shall be limited by restrictions as included in the definition of "family" in the Moorhead City Code.

PROPERTIES: The properties located at 716 8th St. S. and 718 8th St. S., Moorhead, Minnesota 56560.

SECTION 3: DWELLING UNIT OCCUPANCY LIMITATIONS FOR GROUPS OF UNRELATED ADULTS:

1. During the Declaration of Emergency, the City shall ensure groups of unrelated adults occupying the Properties take appropriate social distancing measures to slow the spread of COVID-19.
2. Section 10-2-2, of the City Code, which defines “family” as, “A group of not more than four (4) persons who need not be related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship living together in a dwelling unit,” shall be temporarily suspended until July 31, 2021.
3. The City shall follow occupancy standards set forth in Section 9-2-4 of the City Code.
4. The temporary suspension shall be limited to Properties located at 716 8th St. S. and 718 8th St. S., Moorhead, Minnesota 56560.

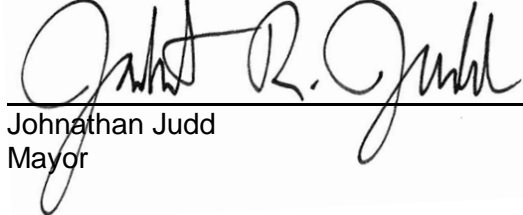
SECTION 4:

This ordinance shall take effect immediately and upon first reading. A copy of this ordinance will be published on the City’s official website and made available to any person requesting a copy of this Emergency Ordinance 2020-05. This Ordinance shall continue in full force and effect and terminate on July 31, 2021, or upon the determination by the City Council that the Ordinance is no longer needed.

This Ordinance shall take effect upon publication in accordance with the Moorhead City Charter.

PASSED: August 24, 2020 by the City Council of the City of Moorhead.

APPROVED BY:



Johnathan Judd
Mayor

ATTEST:



Christina Rust
City Clerk

First Reading: 08/24/2020
E-Post Date:
Publication: N/A

General Location Map – 716 and 718 8th Street South

