

**ORDINANCE NO. 69, FOURTH SERIES**

**AN ORDINANCE AMENDING REDWOOD FALLS CITY CODE OF ORDINANCES CHAPTER 11, AND REPEALING ORDINANCE NO. 44, FOURTH SERIES, ADOPTED ON NOVEMBER 7, 2014, AND TITLED “ADOPTION OF A UNIFIED DEVELOPMENT ORDINANCE REPLACING THE ENTIRETY OF CHAPTER 11 AND CHAPTER 12 OF THE CITY CODE OF ORDINANCES.”**

**THE CITY COUNCIL OF REDWOOD FALLS ORDAINS:**

**SECTION 1.** Pursuant to Minn. Stat. § 412.221 which enables cities to provide for the government and good order of the city, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of residence, trade, and commerce, and the promotion of health, safety, order, convenience, and the general welfare by such ordinances not inconsistent with the Constitution and laws of the United States or of this state as it shall deem expedient; to regulate the construction of buildings; to provide for or regulate the disposal of sewage, garbage, and other refuse; to adopt such ordinances as are reasonable and expedient to prevent, control, or extinguish fires; to provide and by ordinance regulate the use of wells, cisterns, reservoirs, waterworks, and other means of water supply. The following is hereby adopted to promote public health, safety, and the general welfare by regulating and governing the conditions and maintenance of all property, buildings, and structures; providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure occupancy and use, and the demolition of such existing structures as herein provided.

**SECTION 2.** That Ordinance No. 44, Fourth Series, adopted on November 7, 2014 is hereby repealed in its entirety.

**SECTION 3.** That Redwood Falls City Code of Ordinances Chapter 11 shall be amended by amending and inserting the following provisions, in their entirety, in lieu thereof:

**~~CHAPTER 11: LAND USE REGULATION (ZONING)~~**

**~~§ 11.01. UNIFIED DEVELOPMENT ORDINANCE.~~**

*~~The Unified Development Ordinance, 2014 Edition, is hereby adopted by reference as though set forth verbatim herein. One copy of the Code shall be marked “City of Redwood Falls—Official Copy” and kept on file in the office of the City Administrator and open to inspection and use by the public.~~*

## CHAPTER 11

### PROPERTY MAINTENANCE CODE OF THE CITY OF REDWOOD FALLS

#### § 11.01 SCOPE AND APPLICATION

Subd. 1. *Title.* These regulations shall be known as the Property Maintenance Code of the City of Redwood Falls, Minnesota, hereinafter referred to as "this code."

Subd. 2. *Scope.* The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

Subd. 3. *Intent.* This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

Subd. 4. *Severability.* If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

#### § 11.02 APPLICABILITY

Subd. 1. *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

Subd. 2. *Maintenance.* Equipment, systems, devices, and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered, or repaired shall be maintained in good working order. No owner, operator, or occupant shall cause any service, facility, equipment, or utility, which is required under this section to be removed from, shut off from, or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the

owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

Subd. 3. *Application of other codes.* Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Minnesota State Building Code & Minnesota State Fire Code. Nothing in this code shall be construed to cancel, modify, or set aside any provisions of this code or Redwood Falls City Ordinance.

Subd. 4. *Existing remedies.* The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure, which is dangerous, unsafe and insanitary.

Subd. 5. *Workmanship.* Repairs, maintenance work, alterations, or installations, which are caused directly or indirectly by the enforcement of this code, shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

Subd. 6. *Historic buildings.* The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings that are designated by State or Federal Governments when such buildings or structures are judged by the code officer to be safe and in the public interest of health, safety, and welfare.

Subd.7. *Referenced codes and standards.* The codes and standards referenced in this code shall mean the applicable provisions of the Redwood Falls City Ordinance, the Minnesota State Building Code, or the Minnesota State Fire Code, whichever is the most restrictive requirement permitted under statute. Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

Subd.8. *Requirements not covered by code.* Requirements necessary for the strength, stability, or proper operation of an existing fixture, structure, or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code officer.

Subd.9. *Application of references.* References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section, or provision of this code.

Subd. 10. *Other laws.* The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

### **§ 11.03 ADMINISTRATION AND ENFORCEMENT**

Subd. 1. *General.* The City Administrator, as the appointing authority, shall designate code officers or designees, who shall administer and enforce the provisions of this ordinance and are hereby authorized to cause inspections on a scheduled basis, or otherwise when reason exists to

believe that a violation of this ordinance has been or is being committed. Except in emergency situations of imminent danger to human life and safety, no code officer will enter private property for the purpose of inspecting or preventing a code violation without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

#### **§ 11.04 DUTIES AND POWERS OF THE CODE OFFICER**

Subd.1. *General.* The code officer or designee is hereby authorized and directed to enforce the provisions of this code. The code officer or designee shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

Subd.2. *Inspections.* The code officer or designee shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code officer is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

Subd.3. *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code officer has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code officer is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code officer shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code officer shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code officer shall have recourse to the remedies provided by law to secure entry.

Subd.4. *Identification.* The code officer shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

Subd.5. *Notices and orders.* The code officer shall issue all necessary notices or orders to ensure compliance with this code.

Subd.6. *Department records.* The code officer shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

## § 11.05 APPROVAL

Subd.1. *Modifications.* Whenever there are practical difficulties involved in carrying out the provisions of this code, the code officer shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the code officer shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life, and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

## § 11.06 VIOLATIONS

Subd. 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 code.

Subd. 2. *Notice of violation.* The code officer shall serve a notice of violation or order in accordance with § 11.07 of this code.

Subd. 3. *Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with § 11.07 of this code shall be subject to criminal prosecution and/or civil penalty subject to the rules and procedures of City Code § 1.03 and § 1.13. A violation of any provision of this section, division, paragraph, or provision of this code shall be determined to be a strict liability offense. Each day's violation after notice thereof shall constitute a separate offense.

A. *Criminal Penalties.* Any person convicted of violating any provision of this section, division, paragraph, or provision of this code is guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case except as otherwise stated in specific provisions hereof. Each day's violation after notice thereof shall constitute a separate offense.

B. *Civil Penalties.* Any violation of this section, division, paragraph, or provision of this code, if not charged as a misdemeanor, shall constitute an administrative offense subject to the rules and procedures of § 1.13 of the City Code. Any violation constituting an administrative offense shall result in the imposition of a civil penalty in an amount as set forth in the City's fine and fee schedule adopted and amended from time to time by the City Council.

Subd. 4. *Repeat violations.* A second violation of a provision of this code by the same person within the same 365-day period, if not charged as a misdemeanor, shall result in the imposition

of a doubled fine, as set forth in the City's fine and fee schedule adopted and amended from time to time by the City Council.

Subd. 5. *Imposition of Penalties and Abatement.* The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business, or utilization of the building, structure or premises. The costs of any and all actions taken by the City to abate said violation(s) may be assessed to the landowner, including legal fees and costs, and said assessment shall be a specific lien against any real estate owned by said landowner.

### **§ 11.07 NOTICES AND ORDERS**

Subd. 1. *Notice to person responsible.* Whenever the code officer determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Subd. 2. and Subd. 3. of this section, to the person responsible for the violation as specified in this code. Notices for condemnation procedures, notice of the time, date, place, and subject of any hearing before the City Council; notice of any City Council order; and notices of motion for summary enforcement hearings shall also comply with Subd. 3. of this section.

Subd. 2. *Form.* Such notice prescribed in Subd.1. Shall be in accordance with all of the following:

- 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 specify the steps to be taken to abate the violation(s).
- D. Include a correction order allowing a reasonable time, not to exceed 30 days, to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
- E. Inform the property owner of the right to appeal.
- F. Include a statement of the right of the City to assess unpaid charges in accordance with § 11.08, Subd. 7 of this code.

Subd. 3. *Method of service.* Such notice shall be deemed to be properly served if a copy thereof is:

- A. Delivered personally on the owner of record or occupant of the premises; or
- B. Sent by certified or registered mail addressed to the last known address of the owner of record or occupant of the premises; or
- C. If the notice is returned showing that the letter was not delivered, or if the premises is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by posting a copy thereof in a conspicuous place on or about the structure affected by such notice.

Subd. 4. *Unauthorized Tampering.* Signs, tags or seals posted or affixed by the code officer shall not be mutilated, destroyed or tampered with, or removed without authorization from the code officer.

Subd. 5. *Penalties.* Penalties for noncompliance with orders and notices shall be as set forth in City Code § 1.03, § 1.13, and § 11.06, Subd.3 of this code.

Subd.6. *Transfer of ownership.* It shall be unlawful for the owner of any dwelling unit or structure who has received a correction order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease, or otherwise dispose of such dwelling unit or structure to another until the provisions of the correction 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 correction order or notice of violation issued by the code officer and shall furnish to the code officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such correction order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such correction order or notice of violation.

## **§ 11.08 ABATEMENT**

Subd. 1. *Procedure.* If the notice of violation, as described in § 11.07, is not complied with within the time specified, the code officer shall report that fact forthwith to the City Administrator. Thereafter, an administrative hearing by the City Hearing Officer shall be set, pursuant to City Code § 1.13, Subd. 4. The owner or occupant shall be provided with at least ten (10) days' notice of the hearing. The hearing notice shall be served on the owner or occupant as provided in § 11.07, Subd. 3. At the hearing, the owner or occupant shall be provided an opportunity to provide testimony, present evidence, and question witnesses. After the hearing, the Hearing Officer may issue Findings of Fact and Abatement Order providing for the City to abate the violation. The abatement order shall be executed as soon as practicable thereafter under the supervision of the code officer. Any abatement order issued by the Hearing Officer may be appealed pursuant to City Code § 1.13, Subd. 5 and § 11.12, Subd. 2, to the City Council. City Council review of the Hearing Officer's abatement order shall follow the same rules and procedures as outlined in City

Code § 1.13, Subd. 5(A) to (C). If the Council upholds the abatement order, an aggrieved party may obtain judicial review of the Council's decision by proceeding under a writ of certiorari in District Court. The writ must be filed within ten (10) days of the Council's decision. If the violation is not abated within the time prescribed by the City Council, the City may take any and all action necessary to abate said violation immediately and may assess to the landowner any and all costs incurred therein, including legal fees and costs, and said assessment shall be a specific lien against any real estate owned by said landowner.

Subd. 2. *Emergency procedure; summary enforcement.* In cases of emergency, where delay in abatement required to complete the procedure and notice requirements, as set forth in § 11.07 and Subd. 1. of this Section, will permit a continuing violation to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the violation. To proceed with summary enforcement, the code officer or other designated official shall determine that a violation of this Code exists or is being maintained on premises in the City and that delay in abatement will unreasonably endanger public health, safety, or welfare. The code officer or designated official shall attempt to notify in writing the occupant or owner of the premises of the nature of the violation and the City's intention to seek summary enforcement and the time and place of the City Council meeting to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a violation of this code and whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in § 11.07 and Subd. 1 of this Section, and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

Subd. 3. *Immediate abatement.* Nothing in this section shall prevent the City, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

Subd. 4. *Judicial remedy.* Nothing in this section shall prevent the City from seeking a judicial remedy when no other adequate administrative remedy exists.

Subd. 5. *Personal liability.* The owner of the premises on which a violation of this code has been abated by the City, or a person who has caused a violation on property not owned by that person, shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk or other city official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk.

Subd. 6. *Assessment.* After notice and hearing as provided in Minn. Stat. § 429.061, as it may be amended from time to time, if the violation of this code is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on



private property or outside the traveled portion of streets, unsound or insect-infected trees, installation or repair of water service lines, or required inspection relating to a municipal housing maintenance code violation, the City Clerk shall, on or before September 1 next following abatement of the violation, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case.

## **§ 11.09 UNSAFE STRUCTURES AND EQUIPMENT**

Subd.1. *General.* When a structure or equipment is found by the code officer to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

- A. *Unsafe structures.* An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- B. *Unsafe equipment.* Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure, which is in such disrepair or condition that such equipment is a hazard to life, health, property, or safety of the public or occupants of the premises or structure.
- C. *Structure unfit for human occupancy.* A structure is unfit for human occupancy whenever the code officer finds that such structure is unsafe, unlawful, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- D. *Unlawful structure.* An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

E. *Dangerous structure or premises.* For the purpose of this code, any structure or premises that have any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit, or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit, or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism, or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants or criminals or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire resistance rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code officer to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

Subd. 2. *Closing of vacant structures.*

- A. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code officer is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code officer shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.
- B. Any vacant structure open at windows or doors, if unguarded, shall be deemed to be a hazard to the health, safety, and welfare of the public and shall be made safe and secure immediately by boarding the openings. Boarding must be done with sound materials, which are securely fastened to the structure and painted with a color consistent with the adjacent surfaces.
- C. Any vacant structure, which has had window or door openings closed by boarding, shall not be reoccupied until such openings have been secured by proper windows or doors.
- D. Authority to disconnect service utilities. The code officer shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in § 11.09 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code officer shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or

service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

Subd.3. *Notice.* Whenever the code officer has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with § 11.07. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in § 11.07.

Subd. 4. *Placarding.*

- A. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code officer shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
- B. *Placard removal.* The code officer shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code officer shall be subject to the penalties provided by this code.

Subd. 5. *Prohibited occupancy.* Any occupied structure condemned and placarded by the code officer shall be vacated as ordered by the code officer. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

Subd. 6. *Abatement methods.* The owner, operator, or occupant of a building, premises, or equipment deemed unsafe by the code officer shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or by other approved corrective action.

Subd. 7. *Record.* The code officer shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

## **§ 11.10 EMERGENCY MEASURES**

Subd. 1. *Imminent Danger.* When, in the opinion of the code officer, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure

because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code officer is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code officer shall cause to be posted at each entrance to such structure a notice reading as follows: "*This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code officer.*" It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

Subd. 2. *Temporary safeguards.* Notwithstanding other provisions of this code, whenever, in the opinion of the code officer, there is imminent danger due to an unsafe condition, the code officer shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code officer deems necessary to meet such emergency.

Subd. 3. *Closing streets.* When necessary for public safety, the code officer shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

Subd. 4. *Emergency repairs.* For the purposes of this section, the code officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

Subd. 5. *Costs of emergency repairs.* Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs pursuant to Minn. Stat. § 429.061, as it may be amended from time to time.

Subd. 6. *Hearing.* Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person thereafter, may request and be afforded a hearing pursuant to § 11.12 of this code.

## **§ 11.11 HAZARDOUS BUILDING OR PROPERTY**

Subd. 1. *General.* Any premises upon which is located any structure, which in the code officer's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary, abandoned, a fire hazard, a hazard to public safety or health, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure shall be considered a hazardous building or hazardous property as defined in Minn. Stat. § 463.15, as it may be amended from time to time.

Subd. 2. *Hearing.* In addressing any hazardous building or hazardous condition as defined in this section, the City Council may issue any Order necessary to secure, abate, or remove the hazard and follow all procedures pursuant to Minn. Stat. § 463.15 to 463.261 to enforce the Order. Prior to issuing such an Order, the owner of record or owner's agent must be afforded the opportunity to be heard by the City Council. After hearing any evidence presented, the City Council may issue Findings of Fact and Order as provided in Minn. Stat. § 463.15 to 463.261, as it may be amended from time to time.

Subd. 3. *Notice.* The owner of record or owner's agent shall be notified of any hearing required by this Section pursuant to § 11.07 of this code.

### **§ 11.12 MEANS OF CONTEST AND APPEAL**

Subd. 1. *Contest.* Any person, who receives an administrative citation, notice, or order issued under this code by a code officer, excluding any decision, notice, or Order made pursuant to § 11.11, shall have the right to contest the citation, notice, or order at an Administrative Hearing with a Hearing Officer pursuant to City Code § 1.13, Subd. 4. The person responsible for the violation must make a written request to City Hall for a hearing within seven days after issuance of the citation, notice, or order. Payment of any associated administrative fine constitutes admission of the violation.

Subd. 2. *Appeal.* Decisions of a Hearing Officer at an Administrative Hearing may be appealed to the City Council pursuant to § 1.13, Subd. 5. of the City Code. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Subd. 3. *Stays of enforcement.* Contests and Appeals of notices and/or orders (other than Imminent Danger, Emergency Measures or Emergency Procedures including Immediate Abatement and Summary Enforcement, and Hazardous Building Notices and Orders) shall stay the enforcement of the notice and/or order until the contest or appeal is heard by a Hearing Officer and/or the City Council.

### **§ 11.13 DEFINITIONS**

Subd. 1. *Scope.* Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

Subd. 2. *Interchangeability.* Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

Subd. 3. *Terms defined in other codes.* Where terms are not defined in this code and are defined in the City of Redwood Falls City Ordinance, Minnesota State Building Code, or Minnesota State Fire Code, such terms shall have the meanings ascribed to them as stated in those codes.

Subd. 4. *Terms not defined.* Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Subd. 5. *Parts.* Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

Subd. 6. *Accessory vehicle.* Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including, but not limited to, all-terrain vehicles, motorcycles, trailers, snowmobiles, watercraft and camper-semitrailers, as those terms are defined in Minn. Stat. § 169.011, as amended from time to time.

Subd. 7. *Anchored.* Secured in a manner that provides positive connection.

Subd. 8. *Approved.* Approved by the code officer.

Subd. 9. *Basement.* That portion of a building, which is partly or completely below grade.

Subd. 10. *Bathroom.* A room containing plumbing fixtures including a bathtub or shower.

Subd. 11. *Bedroom.* Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

Subd. 12. *Code officer.* The City of Redwood Falls code officer or officers shall be appointed by the city administrator; authority of the jurisdiction. Said appointee is charged with the administration and enforcement of this code, or any duly authorized representative. The Code officer may be any peace officer or other designated city official.

Subd. 13. *Commercial premises.* Any premises where a commercial, industrial, or governmental enterprise of any kind is carried on where food is prepared or served from a central kitchen, including restaurants, clubs, churches, schools, and health care facilities; or any premises where a commercial, industrial, or governmental enterprise of any kind is carried on where food is not prepared or served.

Subd. 14. *Condemn.* To adjudge unfit for occupancy.

Subd. 15. *Detached.* When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

Subd. 16. *Deterioration.* To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

Subd. 17. *Dwelling unit*. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Subd. 18. *Easement*. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above a said lot or lots.

Subd. 19. *Equipment support*. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

Subd. 20. *Exterior property*. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Subd. 21. *Front yard area*. All that area between the front property line and a line drawn along the front face or faces of the principal structure on the property and extended to the side property lines. The front side of the property will be determined as specified in the Unified Development Ordinance.

Subd. 22. *Garbage*. All organic material, including animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food, and spoiled, decayed, or waste food from any source.

Subd. 23. *Guard*. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

Subd. 24. *Habitable space*. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Subd. 25. *Imminent danger*. A condition, which could cause serious or life-threatening injury or death at any time.

Subd. 26. *Impervious surface*. A hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Surfaces consisting of patio blocks, paver bricks or Class 5 gravel material, pervious and porous concrete products, or made of packed or oiled earthen materials or other surfaces which cause a majority of surface and storm water to run-off the surface rather than being absorbed into the natural soils underneath, are considered impervious surfaces. Any flexible covering or surface, regardless of its ability to impede the natural infiltration of surface and storm water, shall not constitute an impervious surface unless the flexible covering or surface is a component of a stabilized permanent surface.

Subd. 27. *Infestation*. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.



Subd. 28. *Junk*. All unregistered, unlicensed or inoperable (including, but not limited to, the lack of component parts) motor vehicles, motorized vehicles or equipment, bicycles, boats, outboard motors or trailers, or parts or components thereof; inoperable (including, but not limited to, the lack of component parts) agricultural implements or parts or components thereof, machines and mechanical equipment of all kinds or parts or components thereof and by-products or waste from manufacturing operations of all kinds; used lumber or waste resulting from building construction, renovation, remodeling or demolition; or felled trees and tree branches that are not immediately processed into lumber, wood for fuel, fence components or other such ultimate use.

Subd. 29. *Junk vehicle*. A motor vehicle which cannot be driven upon public streets for at least three of the following reasons: (1) is extensively damaged, the damage including, but not limited to, any of the following; a broken window or windshield or missing wheels, tires, motor or transmission; (2) is apparently inoperable; (3) has a fair market value equal only to the value of the scrap in it; or (4) does not have current registration.

Subd. 30. *Labeled*. Equipment, materials, or products to which have been affixed a label, seal, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

Subd. 31. *Let for occupancy or let*. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Subd. 32. *Neglect*. The lack of proper maintenance for a building or structure.

Subd. 33. *Occupancy*. The purpose for which a building or portion thereof is utilized or occupied.

Subd. 34. *Occupant*. Any individual living or sleeping in a building, or having possession of a space within a building.

Subd. 35. *Outside*. To be outside of an enclosed storage facility and visible from any other property.

Subd. 36. *Owner*. Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Subd. 37. *Person*. Any individual or natural person, firm, co-partnership, association, corporation, or any other group acting as a unit.

Subd. 38. *Pest elimination.* The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food or water; by other approved pest elimination methods.

Subd. 39. *Premises.* A lot, plot or parcel of land, easement or public way, including any structures thereon.

Subd. 40. *Public way.* Any street alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Subd. 41. *Rear yard area.* All that area between the rear property line and a line drawn along the rear face or faces of the principal structure on the property and extended to the side property lines.

Subd. 42. *Refuse.* Includes the definitions of Rubbish and Garbage.

Subd. 43. *Repeat violator.* A person, firm, corporation, association or agent thereof who has received an abatement or correction order involving the same property within the previous 365-day period to the current violation.

Subd. 44. *Residential premises.* Any building consisting of any number of dwelling units, each with individual kitchen facilities, and, in the case of multiple dwelling units in the building, each unit shall be considered "residential premises."

Subd. 45. *Residentially zoned lot.* A parcel of land, whether platted or not, that is zoned either R-1, R-2, R-3, R-4, R-R, R-M, R-B or PUD under this Code as amended from time to time.

Subd. 46. *Rooming house.* A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two family dwelling.

Subd. 47. *Rooming unit.* Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Subd. 48. *Rubbish.* Combustible, noncombustible, and inorganic waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper or paper products, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings and weeds, tin cans, bottles, metals, mineral matter, glass, crockery and dust and other similar materials. The term shall also include furniture, household furnishings, appliances, parts, or components thereof, and human or household waste of all kinds not included in any other portion of this definition or the definition of garbage.

Subd. 49. *Setback lines.* Those lines as defined in building codes, deed restrictions, and zoning regulations that delineate how close to the edges of the property a structure may be built.

Subd. 50. *Sleeping unit.* A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Subd. 51. *Strict liability offense*. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act, which was prohibited, or failed to do an act, which the defendant was legally required to do.

Subd. 52. *Structure*. That which is built or constructed or a portion thereof.

Subd. 53. *Tenant*. A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

Subd. 54. *Toilet room*. A room containing a water closet or urinal but not a bathtub or shower.

Subd. 55. *Ultimate deformation*. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

Subd. 56. *Vehicle*. A motor vehicle or trailer as defined in Minn. Stat. § 169.011, as amended from time to time, including pioneer, classic collector and street rod vehicles, snowmobiles and all-terrain vehicles as defined in Minn. Stat. § 84.92(8), as amended from time to time, but excluding home maintenance equipment (such as riding lawn mowers or snow blowers), electric personal assistive mobility devices or a vehicle moved solely by human power.

Subd. 57. *Ventilation*. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Subd. 58. *Workmanlike*. A standard by which a contractor in the industry of ordinary skill, competency, and standing in a particular trade or business would perform work.

Subd. 59. *Yard*. An open space on the same lot with a structure.

## **§ 11.14 GENERAL REQUIREMENTS**

Subd. 1. *Scope*. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment, and exterior property.

Subd. 2. *Responsibility*. The owner of the premises, as shown by the records in the office of the County Auditor, or the taxpayer of record as shown by the records of the County Treasurer, shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit, or housekeeping unit are responsible for keeping in a clean, sanitary, and safe condition that part of the dwelling unit, rooming unit, housekeeping unit, or premises, which they occupy and control.

Subd. 3. *Vacant structures and land*. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

## § 11.15 EXTERIOR PROPERTY AREAS

Subd. 1. *Sanitation.* All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property, which such occupant occupies or controls in a clean and sanitary condition.

Subd. 2. *Grading and drainage.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon, with the exception of approved retention areas and reservoirs.

Subd. 3. *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

Subd. 4. *Weeds.* All premises and public or private exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

A. *Notification.* If any owner, as shown by the records in the office of the County Auditor, or the taxpayer of record as shown by the records of the County Treasurer, fails to assume the primary responsibility described in this Subdivision, the City may send notice of violation by mail advising the owner that compliance with Subd. 4. is required within 48 hours of receipt of the notice. The notice shall at a minimum advise the owner of the particular maintenance obligation not being performed, the time period in which the owner must perform the necessary maintenance, and that the failure to do so could result in the City causing the maintenance to be done with the expenses associated therewith becoming an assessment against the property. Upon failure of the owner to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with City Code § 1.03, § 1.13, and § 11.06 of this code.

B. *Abatement.* Upon failure by the owner or agent to comply with the notice of violation within the 48-hour period, the City may cause the work to be done upon expiration of the appropriate period and the expenses thus incurred shall be a lien upon the real estate. The City Administrator shall certify to the County Auditor a statement of the amount of the cost incurred by the City. The amount, together with interest, shall be entered as a special assessment against the lot or parcel of land and be collected in the same manner as real estate taxes. If the owner of the property is unknown, the owner and owner's address is deemed to be that of the property's taxpayer's name and address as that information is maintained by the County Auditor's address.

C. *Repeat Violations.* In the event that the City does remove the weeds or grass because of the failure of the owner or tenant to do so, the City shall notify the owner or tenant that the City shall not give any further additional notices to the owner or tenant, but may thereafter remove the weeds or grass after they have grown to a height in excess of six inches or may remove without further notice and charge the owner or tenant back for the removal.

D. *Exception.* Land that is enrolled in a conservation reserve program under 7 C.F.R. § 1410, as those regulations may be amended from time to time, or Minn. Stat. § 103F.515, as it may be amended from time to time, land that is subject to a conservation easement created pursuant to Minn. Stat. Chapter 84C, as it may be amended from time to time, or property that is zoned "A-O," Agricultural-Open Space, shall be exempt from the weed and grass height restrictions of this Subdivision. However, a person owning or occupying any such land shall control or eradicate all noxious weeds on the land at a time and in a manner prescribed by applicable noxious weed control laws.

Subd. 5. *Insect and rodent infestations.* It shall be the responsibility of the owner to control or eliminate any infestation of insects, rodents or other pests in all exterior areas and accessory structures on the premises. Properties in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health.

Subd. 6. *Exhaust vents.* Pipes, ducts, conductors, fans, or blowers shall not discharge gasses, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

Subd. 7. *Accessory structures.* All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair. Wood material, other than decay resistance varieties, must be protected against decay by use of paint or other preservations.

Subd. 8. *Open pits, basements, and other excavations.* No person owning or in control of real estate shall have any pit, basement, well, septic tank, cesspool, swimming pools, or other excavations on the premises open and without protection for the public except drainage ditches or storm water ponds.

- A. If the excavation is open for 72 hours or less, it shall be protected by use of flares or lights at night and railing or other temporary protection during the day.
- B. If it shall be permanently installed, it shall be protected with a chain link fence of at least 48 inches high, night and day.

Subd. 9. *Defacement of property.* No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

## **§ 11.16 ABANDONED AND JUNK VEHICLES**

Subd. 1. *Storage of Junk Vehicles Prohibited.* No person shall keep, store, park, or permit any other person to keep, store or park any abandoned vehicle or junk vehicle upon any privately owned property in the City.

Subd. 2. *Abandoning a Motor Vehicle Prohibited.* No person shall abandon a motor vehicle on any public or private property without the consent of the person in control of such property. For

the purpose of this Section, an “abandoned vehicle” is as defined in Minn. Stat. § 168B.011, as amended from time to time.

Subd. 3. *Exceptions.* It is not a violation of this section when:

- A. The vehicle or part is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
- B. A vehicle or part thereof is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer, which property is fenced according to applicable City Code.

Subd. 4. *Abatement Action.*

- A. Upon determination that a vehicle is a junk vehicle on private property, the code officer shall issue notice and correction order as provided in § 11.07 of this code, to the property owner as shown by the records of the County Assessor and to the last registered and legal owner of the vehicle, unless the vehicle is in such condition that identification numbers or license numbers of the vehicle are not available to determine ownership. If the notice and correction order is not complied with within the time specified, the matter shall be presented to the City Hearing Officer for abatement pursuant to § 11.08 of this code. An abatement order issued by the Hearing Officer for a violation of this section shall order the removal of the vehicle within seven days of the issuance thereof. An abatement order issued for a violation of this section shall identify the property by street address and by legal description, and shall describe the vehicle or parts thereof, which violate this section.
- B. Upon failure of the property owner or last registered owner of record to remove the vehicle within the time provided in the abatement order, the code officer shall have the vehicle removed from the property under the direction of any police officer of the City by means of towing or otherwise as authorized by state law, and provided that notice that the vehicle has been impounded shall be given in compliance with M.S. § 168B.06, as it may be amended from time to time, and any other applicable statute.
- C. Any motor vehicle removed from private property shall be impounded and disposed of in accordance with Minnesota Statutes Chapter 168B, as amended from time to time. Any other personal property removed from private property, which in the opinion of the supervising peace officer, has more than nominal fair market value, shall be photographed and inventoried, and written notice of the property removed shall be posted on the property. The record owner of the real property may reclaim the property within 30 days of removal, only after payment of the City’s cost of removal and storage fees, which shall be the same as the vehicle impound fee per day. If any property remains unclaimed after 30 days, it may be sold or disposed of by the City without further notice.

- D. Before the owner or his or her agent shall be permitted to remove a vehicle from the possession of the City, he or she shall furnish satisfactory evidence to the City of his or her identify and ownership of the vehicle and pay the expenses of towing and storage.
- E. If the owner or any lien holder does not reclaim an impounded vehicle within the period provided by law, the City shall provide for the sale of the vehicle.
- F. The proceeds of the sale of an abandoned or junk vehicle shall be placed in the general fund of the city and treated as required by state law.

Subd. 5. *Disposal Costs.* The City's reasonable cost for enforcement and the costs of disposal hereunder shall become a charge against the property owner. As soon as the work has been completed and the cost determined, the City Clerk or other official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk. If the amount is not paid, it shall be recovered by obtaining a judgment against the owner of the real estate on which the junk vehicle was located or, in the alternative, may be levied and collected as a special assessment on the property.

Subd. 6. *Hearing.* The property owner or registered owner of the vehicle shall be granted an opportunity to be heard pursuant to § 11.08 of this code, on the question of the abatement and removal of the vehicle or part thereof. The owner of the property on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing and deny responsibility for the presence of the vehicle on the land with his or her reasons for denial. If it is determined that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced in its presence, then the costs of administration or removal of the vehicle shall not be assessed against or otherwise collected from the property owner.

Subd. 7. *Repeat Violations.* If a person is a repeat violator as defined in § 11.13, Subd. 43., the City may issue a repeat violator abatement order and citation. A repeat violator abatement order shall be issued and served in the same manner and form as provided in this section for an abatement order, but will not include a description of the corrective action necessary to eliminate the violation or a date by which the corrective action must be completed. The repeat violator citation will notify the person receiving the citation that due to the repeat nature of his or her violations, a hearing shall be held by the City Council on the question of repeat violations of this section. The notice shall notify the property owner or registered owner of the vehicle of the time, date and place of the hearing. The property owner or registered owner of the vehicle may appear in person at the hearing or present a written statement in time for consideration at the hearing. If it is determined that the property owner or registered owner of the vehicle has previously violated this section within the preceding 365 days, the Council may issue an abatement order authorizing the summary abatement of any future nuisances.

## **§ 11.17 VEHICLE PARKING ON RESIDENTIAL PROPERTY.**

Subd. 1. *Primary Parking on Impervious Surface.* Any primary parking area of a residential property with direct access to a public street or alley way shall be on an impervious surface.

Parking or storage of motor vehicles and accessory vehicles shall only be permitted when on an impervious surface. All such vehicles shall be licensed, registered, and operable.

Subd. 2. *Non-Impervious Surface.* Parking or storage on a residential property of up to one motor vehicle or two accessory vehicles on the side or rear yard is permitted on a non-impervious surface. All such vehicles shall be licensed, registered, and operable.

Subd. 3. *Parking within Setback Lines.* The owner or occupant of a residential premise that is located on property zoned residential shall not park nor store any motor vehicle or accessory vehicles within the setback line applicable to the particular parcel unless on an impervious surface. The provisions of this subdivision shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Subd. 4. *Notice.* Any owner or occupant who fails to abide by this subdivision, and who after being given notice by the City has not within seven (7) days of the notice complied, shall be found in violation and subject to the penalties found in § 11.06, Subd. 3 of this code.

## **§ 11.18 SWIMMING POOLS, SPAS AND HOT TUBS**

Subd. 1. *Swimming pools.* Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

Subd. 2. *Location.* All private swimming pools capable of holding water at a depth more than 24 inches, and any related paved areas and structures, shall not be located in a front yard and must be set back at least five feet from any property line.

Subd. 3. *Enclosures.* All private swimming pools capable of holding water at a depth more than 24 inches shall have an enclosure subject to the following standards:

- A. The pool, or the rear yard, or the entire property shall be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in vertical or horizontal direction, except for doors and gates. A dwelling or accessory building may be used as part of such enclosure.
- B. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device placed no less than 45 inches from grade. All doors used to access such areas through a dwelling or accessory structure shall be made lockable and shall remain locked when the pool is not in use.
- C. Any required fencing shall be of durable wood, chain linked, masonry, or metal, and shall be of a type not readily climbed by children.
- D. An above-ground pool with a wall greater than four (4) feet in height does not require a fence if the wall cannot be readily climbed by children and all points of access are



controlled to prevent access by children, including the securing or removal of all ladders and/or stairs whenever the pool is not in use.

Subd. 4. *Spas and hot tubs.* Spas or hot tubs with a safety cover that is affixed with a permanent label shown to comply with ASTM F 1346 shall be exempt from the enclosure requirements of this section.

## **§ 11.19 EXTERIOR STRUCTURE**

Subd. 1. *General.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare.

Subd. 2. *Unsafe Conditions.* Any structural member or building component regulated by this ordinance that is deemed to be incapable of supporting all nominal loads or load effects due to deterioration, damage, neglect, inadequate anchorage, or other similar means shall be determined to be unsafe and shall be repaired, replaced, removed, or razed in accordance with the provisions of Minnesota State Building Code and city ordinance.

Subd. 3. The owner of any premises shall comply with the following requirements.

- A. *Structural members.* Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- B. *Foundation walls.* Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
- C. *Exterior walls.* Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- D. *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
- E. *Overhang extensions.* Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

- F. *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- G. *Chimneys and towers.* Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- H. *Window, skylight and doors.* Every window, skylight, door, and frame shall be kept in sound condition, good repair and weather tight.
- I. *Basement hatchways.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

Subd. 3. *Premises identification.* To ensure proper identification by emergency and other City staff, buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches in height with ½-inch stroke.

## **§ 11.20 INTERIOR STRUCTURE**

Subd. 1. *General.* The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure, which they occupy or control, in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

- A. *Unsafe conditions.* The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Minnesota State Building Code or the Minnesota State Existing Building Code as required for existing buildings;
  - 1. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
  - 2. Structures or components thereof that have reached their limit state;
  - 3. Structural members are incapable of supporting nominal loads and load effects;
  - 4. Stairs, landings, balconies, and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored, or are anchored with

connections not capable of supporting all nominal loads and resisting all load effects;

5. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Subd. 2. *Structural members.* All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

Subd. 3. *Interior surfaces.* All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

Subd. 4. *Stairs and walking surfaces.* Every stair, ramp, landing, balcony, porch, deck, or other walking surface shall be maintained in sound condition and good repair.

Subd.5. *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Subd. 6. *Interior doors.* Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

## **§ 11.21 HANDRAILS AND GUARDRAILS**

Subd. 1. *General.* Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches in height or more than 42 inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 36 inches in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Subd. 2. *Exceptions.* Guards shall not be required where exempted by the adopted building code.

## **§11.22 RUBBISH, JUNK, AND GARBAGE**

Subd. 1. *Accumulation of rubbish or garbage.* All exterior property and premises and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Subd. 2. *Junk Storage.* Junk shall not be parked or stored on any premises unless it is housed within a completely enclosed building or on a duly licensed junk dealer premises.

Subd. 3. *Disposal of rubbish.* Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

- A. *Rubbish storage facilities.* The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
- B. *Refrigerators.* Refrigerators and similar equipment not in operation shall not be discarded, abandoned, or stored on premises, in an exposed manner accessible to children, without first removing the doors, lids, hinges, or latches.

Subd. 4. *Disposal of garbage and refuse collection.*

- A. *Mandatory Disposal Service.* Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage container. Each occupant of residential or commercial (of either type) premises shall subscribe for, receive and pay for (at going rates for the class of service) the refuse collection services of a garbage and refuse hauler licensed by the City.
- B. *Collection.* No person shall obstruct a licensed garbage and refuse hauler in the performance of its duties.
- C. *Special Assessment.* If any person fails or refuses to comply with Paragraph (A) above, the City may, upon 15-days' notice in writing mailed to the owner of the premises at the address appearing on the tax rolls of the county, and as an additional and not alternate to any other remedy provided herein, subscribe and pay for the services of such hauler and certify all costs to the County Auditor to be spread upon the tax rolls as a special assessment on the subject premises as provided in Minn. Stat. § 429.101.

**§ 11.23 PEST ELIMINATION**

Subd. 1. *Infestation.* All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

Subd. 2. *Owner.* The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

Subd. 3. *Single occupant.* The occupant of a one family dwelling or of a single tenant nonresidential structure shall be responsible for pest elimination on the premises.

Subd. 4. *Multiple occupancy.* The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

Subd. 5. *Occupant*. The occupant of any structure shall be responsible for the continued rodent and pest free condition of the structure.

Subd. 6. *Exception*: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

## § 11.24 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

Subd. 1. *Scope*. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

Subd. 2. *Responsibility*. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner occupant or permit another person to occupy any structure or premises, which does not comply with the requirements of this chapter.

Subd. 3. *Required facilities*

- A. *Dwelling units*. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.
- B. *Rooming houses*. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

Subd. 4. *Plumbing systems and fixtures*

- A. *General*. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
- B. *Plumbing system hazards*. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure because of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code officer shall require the defects to be corrected to eliminate the hazard.

Subd. 5. *Water system*

- A. *General*. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected either to a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs

and showers shall be supplied with hot or tempered and cold running water in accordance with the Minnesota Plumbing Code.

- B. *Supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

Subd. 6. *Sanitary drainage system*

- A. *General.* All plumbing fixtures shall be properly connected either to a public sewer system or to an approved private sewage disposal system.
- B. *Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

**§ 11.25 STORM DRAINAGE**

Subd. 1. *General.* Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

**§ 11.26 MECHANICAL AND ELECTRICAL REQUIREMENTS**

Subd. 1. *General*

- A. *Scope.* The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.
- B. *Responsibility.* The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner occupant or permit another person to occupy any premises, which does not comply with the requirements of this chapter.

Subd. 2. *Heating facilities*

- A. *Residential occupancies.* Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in the Minnesota Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel burning space heaters be used, as a means to provide required heating.
- B. *Heat supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15<sup>th</sup> to April 15<sup>th</sup> to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

- C. *Room temperature measurement.* The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

Subd. 3. *Mechanical equipment*

- A. *Mechanical appliances.* All mechanical appliances, fireplaces, solid fuel burning appliances, cooking appliances, and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
- B. *Removal of combustion products.* All fuel burning equipment and appliances shall be connected to an approved chimney or vent.
- C. *Clearances.* All required clearances to combustible materials shall be maintained.
- D. *Safety controls.* All safety controls for fuel burning equipment shall be maintained in effective operation.

Subd. 4. *Electrical facilities*

- A. *Facilities required.* Every occupied building shall be provided with an electrical system in compliance with the requirements of this ordinance and the National Electrical Code, as currently adopted by the State of Minnesota.
- B. *Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure because of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code officer shall require the defects to be corrected to eliminate the hazard.


**SECTION 4.** That any and all ordinances or parts of ordinances in conflict herewith are hereby repealed.


**SECTION 5. Effective Date.** This Ordinance becomes effective from and after its passage.

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**PASSED AND ADOPTED** by the City Council of the City of Redwood Falls, Minnesota this 6th day of April, 2021.


ATTEST:

  
\_\_\_\_\_  
Keith Muetzel  
City Administrator

  
\_\_\_\_\_  
Tom Quackenbush  
Mayor

(City Seal)

Subscribed and sworn to before me this  
6th day of April 2021.

  
\_\_\_\_\_  
Notary Public

**Introduction:** 03/16/2021  
**Posting:** 03/19/2021  
**Adopted:** 04/06/2021  
**Approval Published:** 04/12/2021

