

**TITLE III**  
**BUILDINGS**

**CHAPTERS:**

- 3-01. Building Code Adopted.
- 3-02. Dangerous Buildings.
- 3-03. Minimum Housing Standard.
- 3-04. Construction Requirements
- 3-05. Rental Unit Registration and Regulations.
- 3-06. Property Maintenance Standards.

## CHAPTER 3-01

### BUILDING CODE ADOPTED

#### SECTIONS:

- 3-0101. Building Code Adopted.
  - 3-0102. Permits and Fees.
  - 3-0103. Building Permits.
  - 3-0104. Demolition Permits Required.
  - 3-0105. Permits and Special Requirements for Moving Buildings.
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**SEC. 3-0101. BUILDING CODE ADOPTED.** The Minnesota State Building Code, established pursuant to Minnesota Statutes 326B.101 to 326B.16, is hereby adopted as the Building Code for this jurisdiction. The Building Code is hereby adopted as if fully set out herein. One copy of said Code shall be marked "CITY OF BARNESVILLE - OFFICIAL COPY" and kept on file in the office of the City Administrator and open to inspection and use by the public. The Minnesota State Building Code includes Chapters 1300 through 1370 of Minnesota Rules. (Source: Ord. 2017-07)

**SEC. 3-0102. PERMITS AND FEES.** (Source: Ord. 2017-07)

**Subd. 1.** The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes 326B.153, Subd. 1, and Minnesota Rules Part 1300.0160.

**Subd. 2.** Permit fees shall be assessed for work governed by the Building Code in accordance with rates set by consolidated ordinance of the Council and kept on file in the office of the City Administrator and open for inspection by the public. In addition, a surcharge fee shall be collected on all permits issued for work governed by the Building Code in accordance with Minnesota Statutes 326B.148.

**(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)**

**SEC. 3-0103. BUILDING PERMITS.** (Source: Ord. 2017-07)

**Subd. 1. Enforcement.** Permits shall be issued and enforced by a Minnesota certified building official appointed by the City. Within the City, it is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or any part or portion thereof, including, but not limited to, the plumbing, electrical, ventilating, heating or air conditioning systems therein, or cause the same to be done, without the payment of a fee and obtaining a separate building or mechanical permit for each such building, structure or mechanical components from the City.

**Subd. 2. Permit Expiration.** All construction shall be completed within six months from the date of issuance of the building permit or, where construction was begun unlawfully, the date that a building permit should have been issued. The Building Official may extend the time for completion upon written request of the permittee establishing that

circumstances beyond his/her control prevented completion of the work for which the building permit was, or should have been, authorized.

**Subd. 3. Penalty.** Penalty for violation of this Section shall be \$25.00 for each day of violation. Payment of these penalties may be enforced by civil action. Penalty for commencing work prior to the issuance of a permit shall be payment of an investigation fee equal to and in addition to the required permit fees.

**(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)**

**SEC. 3-0104. DEMOLITION PERMITS REQUIRED.** It is unlawful for any person to demolish or cause to be demolished any building or structure without the payment of a fee and obtaining a permit therefor from the City.

**(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)**

**SEC. 3-0105. PERMITS AND SPECIAL REQUIREMENTS FOR MOVING BUILDINGS.**

**Subd. 1. Definitions.** The following terms, as used in this Section, shall have the meanings stated:

1. **"Highway"** means a public thoroughfare for vehicular traffic which is a State trunk highway, County State-aid highway, or County road.

2. **"Street"** means a public thoroughfare for vehicular traffic which is not a State trunk highway, County State-aid highway or County road.

3. **"Moving Permit"** means a document allowing the use of a street or highway for the purpose of moving a building.

4. **"Highway Moving Permit"** means a permit to move a building on a highway for which a fee is charged which does not include route approval, but does include regulation of activities which do not involve the use of the highway; which activities include, but are not limited to, repairs or alterations to a municipal utility required by reason of such movement.

5. **"Street Moving Permit"** means a permit to move a building on a street for which a fee is charged which does include route approval, together with use of the street and activities including, but not limited to, repairs or alterations to a municipal utility required by reason of such movement.

6. **"Combined Moving Permit"** means a permit to move a building on both a street and a highway.

**Subd. 2. Application.** The application for a moving permit shall state the dimensions, weight, and approximate loaded height of the structure or building proposed to be moved, the places from which and to which it is to be moved, the route to be followed, the dates and times of moving and parking, the name and address of the mover, and the municipal utility and public property repairs or alterations that will be required by reason of such movement. In the case of a street moving permit or combined moving permit the application shall also state the size and weight of the structure or building proposed to be moved and the street alterations or repairs that will be required by reason of such movement.

**Subd. 3. Permit and Fee.** The moving permit shall state date or dates of moving, hours, routing, movement and parking. Permits shall be issued only for moving buildings by building movers licensed by the State of Minnesota and the State of North Dakota, except that a permit may be issued to a person moving his/her own building, or a person moving a building which does not exceed 16 feet in width, 20 feet in length, or 14 feet in loaded height. Nor shall a license be required of farmers moving their own farm buildings, nor of persons moving manufactured or modular homes. Moving any building 150 square feet or larger, including a manufactured home, into or from one location to another within the city of Barnesville requires a permit. Fees to be charged shall be separate for each of the following: (1) a moving permit fee to cover use of streets and route approval, and (2) a fee equal to the anticipated amount required to compensate the City for any municipal utility and public property (other than streets) repairs or alterations occasioned by such movement. All permit fees shall be paid in advance of issuance.

**(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)**

**Subd. 4. Building Permit and Code Compliance.** Before any building is moved from one location to another within the City, or from a point of origin without the City to a destination within the City, regardless of the route of movement, it shall be inspected and a building permit shall have been issued for at least the work necessary to bring it into full compliance with the State Building Code.

**Subd. 5. Unlawful Acts.**

**A.** It is unlawful for any person to move a building on any street without a moving permit from the City.

**B.** It is unlawful for any person to move a building on any highway without a highway moving permit.

**C.** It is unlawful to move any building (including a manufactured home) if the point of origin or destination (or both) is within the City, and regardless of the route of movement, without having paid in full all real and personal property taxes, special assessments and municipal utility charges due on the premises of origin and filing written proof of such payment with the City.

## CHAPTER 3-02

### DANGEROUS BUILDINGS

#### SECTIONS:

3-0201. Unsafe Buildings.

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#### SEC. 3-0201. UNSAFE BUILDINGS.

**Subd. 1. Definition and Abatement.** All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment, as specified in the SBC, another provision of the City Code, or any other law, are, for the purpose of this Section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified herein.

**Subd. 2. Powers of Building Inspector.** The Building Inspector or Deputy shall examine every building or structure or portion thereof reported as dangerous or damaged and, if found to be an unsafe building, the Building Inspector shall give the owner of the building written notice stating the defects therein. The notice may require the owner or person in charge of the premises, within forty-eight hours, to commence either the required repairs or improvements or demolition and removal of the building, structure or portions thereof. All such work shall be completed within ninety days from the date of notice unless otherwise stipulated by the Building Inspector. If necessary, the notice shall also require the building, structure, or a portion thereof to be vacated forthwith and not re-occupied until the required repairs and improvements are completed, inspected, and approved by the Building Inspector. Upon certification by the Building Inspector that a building or structure presents an immediate danger to the health and safety of persons in the community, the City may take immediate action to provide for the emergency evacuation and securing of a building, with notice to the owner or person in charge of the premises as set forth in this Chapter.

**Subd. 3. Service of Notice to Owner.** Proper service of the required notice shall be by personal service upon the owner of record, if he/she shall be found within the City. If he/she is not found therein, service may be made upon the owner of record by registered mail or certified mail, provided, that if the notice is by registered mail or certified mail, the designated period within which the owner or person in charge is required to comply with the order of the Building Inspector shall begin as of the date of delivery shown upon the return receipt.

**Subd. 4. Posting of Signs.** The Building Inspector shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER, UNSAFE TO OCCUPY. Building Department, City of Barnesville." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the Building Inspector and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

**Subd. 5. Right to Demolish.** In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or

structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this Section and may order the Building Inspector to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council, who shall cause the same to be paid and levied as a special assessment against the property.

**Subd. 6. Costs.** Costs incurred under Subdivision 4 shall be paid out of the Treasury. Such costs shall be charged to the owner of the premises involved as a special assessment on the land on which the building or structure is located, and shall be collected in the manner provided for special assessments.

**Subd. 7. Unlawful Act.** It is unlawful for the owner of any property to suffer or permit an unsafe building as defined herein to remain thereon.

## CHAPTER 3-03

### MINIMUM HOUSING STANDARDS

#### SECTIONS:

- 3-0301. Minnesota Uniform Fire Code.
- 3-0302. Maintenance of Private Property.

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#### SEC. 3-0301. MINNESOTA UNIFORM FIRE CODE.

**Subd. 1. Adoption.** The 1994 Edition of the Minnesota Uniform Fire Code is hereby adopted as though set forth verbatim herein. One copy of said Code shall be marked "CITY OF BARNESVILLE - OFFICIAL COPY" and kept on file in the office of the City Administrator and open to inspection and use by the public.

**Subd. 2. Storage of Flammable and Explosives Material.** Present installations for the purpose of storage of flammable liquid, liquified petroleum gas and explosives and blasting agents may continue in the Agricultural District. Provided, however, that such installation shall not be expanded nor shall new installations for such purpose be permitted without payment of a fee and obtaining a special permit from the Council. Prior to issuance of any such permit, an application therefor shall be investigated by the Chief of Police and the Chief of the Fire Department, and a hearing held thereon before the Council.

(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)

#### SEC. 3-0302. MAINTENANCE OF PRIVATE PROPERTY.

**Subd. 1.** It is the primary responsibility of any owner or occupant of any lot or parcel of land to maintain any weeds or grass growing thereon at a height of not more than five inches, or obviously neglected; to remove all public health or safety hazards therefrom; to install or repair water service lines upon any property which is improved with commercial or habitable structures; and to treat or remove insect-infested or diseased trees thereon.

**Subd. 2.** If any such owner or occupant fails to assume the primary responsibility described in Subdivision 1 of this Section, and after notice given by the City Administrator has not within seven days (24 hours for weed and grass violations) of such notice complied, the City may cause such work to be done and the expenses thus incurred shall be a lien upon such real estate. The City Administrator shall certify to the County Auditor of Clay County a statement of the amount of the cost incurred by the City. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

## CHAPTER 3-04

### CONSTRUCTION REQUIREMENTS

#### SECTIONS:

- 3-0401. Remote-Type Water Meters Required.
- 3-0402. Minimum Standards for Telecommunications Cabling Systems.

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**SEC. 3-0401. REMOTE-TYPE WATER METERS REQUIRED.** In all new construction using 5/8th inch size water meter, or smaller, remote-type water meters shall be installed by the City and considered property of the City.

**SEC. 3-0402. MINIMUM STANDARDS FOR TELECOMMUNICATIONS CABLING SYSTEMS.**

**Subd. 1. Application of Standards.** The standards set forth in this Section shall apply to:

- A. All new structures;
- B. All building renovations and remodels; and,
- C. Whenever new telecommunications outlets are added in existing structures.

**Subd. 2. Single Living Space Residence.**

**A. Definition.** A single living space residence consists of a separate cooking area, living area, bathroom area and sleeping normally occupied by single or family unit adults and may include individuals classified as non-adults.

**B. Requirements.**

**1.** The residence will be cabled utilizing a minimum of 100 ohm unshielded twisted 4 pair cables meeting Category 6 standards and RG6 coaxial cables.

**2.** At a minimum, one each 100 ohm unshielded twisted 4 pair cable will be extended from a central location to each sleeping area and to a location centrally located to the eating/cooking and living area. The 100 ohm unshielded twisted 4 pair cable will be installed utilizing techniques to avoid excessive pulling tensions, a minimum of one foot of vertical and horizontal separation from all 110 volt power cables, crossing power cables only at 90 degree angles, a minimum of eighteen inches of separation from all fluorescent light fixtures and a minimum of 2 feet of separation from all power panels. The cables will be supported at intervals of 4 feet or less. Supporting attachments must not compress or distort the cable's exterior jacket. The installed static radius of the cables will be no less than 6 inches.

**3.** At a minimum, one each RG6 coaxial cable will be extended from a central location to each sleeping area and to a central location in the living areas.



4. At a minimum, one each RG6 coaxial cable will be extended from the cabling central location to a point on the outside of an exterior wall designated by the local cable TV service provider. The cable will be extended through the exterior finished wall and a minimum of 6 feet of cable, coiled and exposed, to be utilized by the local cable TV service provider for interconnection purposes.

5. At a minimum, one each 100 ohm unshielded twisted 4 pair cable will be extended from the cabling central location to a point on the outside of an exterior wall designated by the local telephone service provider. The cable will be extended through the exterior finished wall and a minimum of 6 feet of cable, coiled and exposed, to be utilized by the local telephone service provider for interconnection purposes.

### **C. Terminations.**

1. At the cabling central location 100 ohm unshielded twisted 4 pair will be terminated on a 110 type terminal strip mounted on a standoff bracket.

(a) A maximum of ½ inch of each twisted pair will be exposed from the outer cable jacket, with untwisting of the individual twisted pairs kept to less than one twist.

(b) Termination pattern will utilize the T568A wiring scheme for wiring pin/pair assignments.

(c) All cable runs will be separately terminated and clearly labeled for easy identification on the central termination strip.

(d) All cable runs will be secured utilizing Velcro support straps where required.

2. The cable termination in the out areas (sleeping, eating and living) utilized for voice/telephone will be terminated on RJ11 type jacks and on Category 6 rated, RJ45 jacks utilizing the T568A wiring scheme for wiring pin/pair assignments when utilized for computer/data terminations.

(a) A maximum of ½ inch of each twisted pair will be exposed from the outer cable jacket, with untwisting of the individual twisted pairs kept to less than one twist.

(b) A maximum of 12 inches of excess cable will be coiled and stored in the outlet box after the RJ11 or RJ45 jacks are terminated.

3. All RG6 coaxial cable ends, not terminated on wall outlet face plates, will be terminated utilizing crimp Type F male connectors.

(a) Screw-on type connectors are not permitted.

(b) Outlets will be terminated on a faceplate equipped with a Type F male coupling.

**D. Ground Wires.** The following applies if the MGN is not readily accessible outside of the exterior wall within 8 feet of the designated point of interconnection by the local telephone and cable TV service providers.

1. Install a 14 gauge ground wire between the MGN where it attaches to the building water supply pipe to a point on the outside of an exterior wall designated by the local telephone service provider.

(a) The ground wire will be extended through the exterior finished wall and a minimum of 6 feet of ground wire, coiled and exposed, to be utilized by the local telephone service provider.

### **Subd. 3. Twinhome/Duplex Single Living Space Residence.**

**A. Definition.** Two single living space residence units sharing a common wall. The design of the structure may position the units in a side by side or an over/under configuration. The units may share a heating system or each may have individual heating systems.

#### **B. Requirements.**

1. Each residence will be cabled utilizing a minimum of 100 ohm unshielded twisted 4 pair cables meeting Category 6 standards and RG6 coaxial cables.

2. At a minimum, one each 100 ohm unshielded twisted 4 pair cable will be extended from a central location to each sleeping area and to a location centrally located to the eating/cooking and living area. The 100 ohm unshielded twisted 4 pair cable will be installed utilizing techniques to avoid excessive pulling tensions, a minimum of one foot of vertical and horizontal separation from all 110 volt power cables, crossing power cables only at 90 degree angles, a minimum of eighteen inches of separation from all fluorescent light fixtures and a minimum of 2 feet of separation from all power panels. The cables will be supported at intervals of 4 feet or less. Supporting attachments must not compress or distort the cable's exterior jacket. The installed static radius of the cables will be no less than 6 inches.

3. At a minimum, one each RG6 coaxial cable will be extended from a central location to each sleeping area and to a central location in the living areas.

4. At a minimum, one each RG6 coaxial cable will be extended from the cabling central location to a point on the outside of an exterior wall designated by the local cable TV service provider. The cable will be extended through the exterior finished wall and a minimum of 6 feet of cable, coiled and exposed, to be utilized by the local cable TV service provider for interconnection purposes.

5. At a minimum, one each 100 ohm unshielded twisted 4 pair cable will be extended from the cabling central location to a point on the outside of an exterior wall designated by the local telephone service provider. The cable will be extended through the exterior finished wall and a minimum of 6 feet of cable, coiled and exposed, to be utilized by the local telephone service provider for interconnection purposes.

#### **C. Terminations.**

1. At the cabling central location 100 ohm unshielded twisted 4 pair will be terminated on a 110 type terminal strip mounted on a stand off bracket.

(a) A maximum of ½ inch of each twisted pair will be exposed from the outer cable jacket, with untwisting of the individual twisted pairs kept to less than one twist.

(b) Termination pattern will utilize the T568A wiring scheme for wiring pin/pair assignments.

(c) All cable runs will be separately terminated and clearly labeled for easy identification on the central termination strip.

(d) All cable runs will be secured utilizing Velcro support straps where required.

2. The cable termination in the out areas (sleeping, eating and living) utilized for voice/telephone will be terminated on RJ11 type jacks and on Category 6 rated, RJ45 jacks utilizing the T568A wiring scheme for wiring pin/pair assignments when utilized for computer/data terminations.

(a) A maximum of 1/2 inch of each twisted pair will be exposed from the outer cable jacket, with untwisting of the individual twisted pairs kept to less than one twist.

(b) A maximum of 12 inches of excess cable will be coiled and stored in the outlet box after the RJ11 or RJ45 jacks are terminated.

3. All RG6 coaxial cable ends, not terminated on wall outlet face plates, will be terminated utilizing crimp Type F male connectors.

(a) Screw-on type connectors are not permitted.

(b) Outlets will be terminated on a faceplate equipped with a Type F male coupling.

**D. Ground Wires.** The following applies if the MGN is not readily accessible outside of the exterior wall within 8 feet of the designated point of interconnection by the local telephone and cable TV service providers.

1. Install a 14 gauge ground wire between the MGN where it attaches to the building water supply pipe to a point on the outside of an exterior wall designated by the local telephone service provider.

(a) The ground wire will be extended through the exterior finished wall and a minimum of 6 feet of ground wire, coiled and exposed, to be utilized by the local telephone service provider.

#### **Subd. 4. Multiple Single Living Space Residence.**

**A. Definition.** More than two single living space residence units which share one or more common walls with one ownership entity. All single living units are located under the building roof and within the building parameter walls. This building usually has a central heating source and common utility room.

#### **B. Requirements.**

1. The residence will be cabled utilizing a minimum of 100 ohm unshielded twisted 4 pair cables meeting Category 6 standards and RG6 coaxial cables.

2. At a minimum, one each 100 ohm unshielded twisted 4 pair cable will be extended from a central location to each sleeping area and to a location centrally located to the eating/cooking and living area. The 100 ohm unshielded twisted 4 pair cable will be installed utilizing techniques to avoid excessive pulling tensions, a minimum of one foot of vertical and horizontal separation from all 110 volt power cables, crossing power cables only at 90 degree angles, a minimum of eighteen inches of separation from all fluorescent light fixtures and a minimum of 2 feet of separation from all power panels. The cables will be supported at intervals of 4 feet or less. Supporting attachments must not compress or distort the cable's exterior jacket. The installed static radius of the cables will be no less than 6 inches.

3. At a minimum, one each RG6 coaxial cable will be extended from a central location to each sleeping area and to a central location in the living areas.

4. At a minimum, one each RG6 coaxial cable will be extended from the cabling central location to a point within the building that is approved by the local cable TV service provider. The area must have a dedicated 110 volt ac power circuit, secured, an adequate lighting source, kept free of clutter and not utilized for storage. A minimum of 8 feet of cable, coiled and exposed, to be utilized by the local cable TV service provider for interconnection purposes.

5. At a minimum, one each 100 ohm unshielded twisted 4 pair cable will be extended from the cabling central location to a point within the building that is approved by the local telephone service provider. The area must have a dedicated 110 volt ac power circuit, secured, an adequate lighting source, kept free of clutter and not utilized for storage. A minimum of 8 feet of cable, coiled and exposed, to be utilized by the local telephone service provider for interconnection purposes.

### **C. Terminations.**

1. At the cabling central location 100 ohm unshielded twisted 4 pair will be terminated on a 110 type terminal strip mounted on a stand off bracket.

(a) A maximum of ½ inch of each twisted pair will be exposed from the outer cable jacket, with untwisting of the individual twisted pairs kept to less than one twist.

(b) Termination pattern will utilize the T568A wiring scheme for wiring pin/pair assignments.

(c) All cable runs will be separately terminated and clearly labeled for easy identification on the central termination strip.

(d) All cable runs will be secured utilizing Velcro support straps where required.

2. The cable termination in the out areas (sleeping, eating and living) utilized for voice/telephone will be terminated on RJ11 type jacks and on Category 6 rated, RJ45 jacks utilizing the T568A wiring scheme for wiring pin/pair assignments when utilized for computer/data terminations.

(a) A maximum of ½ inch of each twisted pair will be exposed from the outer cable jacket, with untwisting of the individual twisted pairs kept to less than one twist.

(b) A maximum of 12 inches of excess cable will be coiled and stored in the outlet box after the RJ11 or RJ45 jacks are terminated.

3. All RG6 coaxial cable ends, not terminated on wall outlet face plates, will be terminated utilizing crimp Type F male connectors.

(a) Screw-on type connectors are not permitted.

(b) Outlets will be terminated on a faceplate equipped with a Type F male coupling.

**D. Ground Wires.** The following applies if the MGN is not readily accessible outside of the exterior wall within 8 feet of the designated point of interconnection by the local telephone and cable TV service providers.

1. Install a 14 gauge ground wire between the MGN where it attaches to the building water supply pipe to a point on the outside of an exterior wall designated by the local telephone service provider.

(a) The ground wire will be extended through the exterior finished wall and a minimum of 6 feet of ground wire, coiled and exposed, to be utilized by the local telephone service provider.

#### **Subd. 5. Commercial Buildings.**

**A. Definition.** A building designed to be utilized for commercial/business purposes. The primary utilization may be for office space, manufacturing or retail.

#### **B. Requirements.**

1. A commercial building will be cabled utilizing a minimum of 100 ohm unshielded twisted 4 pair cables meeting Category 6 standards and RG6 coaxial cables.

2. At a minimum, two each 100 ohm unshielded twisted 4 pair cable will be extended from a central location to each proposed desk outlet location. The 100 ohm unshielded twisted 4 pair cable will be installed utilizing techniques to avoid excessive pulling tensions, a minimum of one foot of vertical and horizontal separation from all 110 volt power cables, crossing power cables only at 90 degree angles, a minimum of eighteen inches of separation from all fluorescent light fixtures and a minimum of 2 feet of separation from all power panels. The cables will be supported at intervals of 4 feet or less. Supporting attachments must not compress or distort the cable's exterior jacket. The installed static radius of the cables will be no less than 6 inches.

3. At a minimum, one each 100 ohm unshielded twisted 4 pair cable will be extended from the cabling central location to a point within the building that is approved by the local telephone service provider. The area must have a dedicated 110 volt ac power circuit, secured, an adequate lighting source, kept free of clutter and not utilized for storage. A minimum of 8 feet of cable, coiled and exposed, to be utilized by the local telephone service provider for interconnection purposes.

### **C. Terminations.**

**1.** When a commercial building is equipped with two desk outlets or less, the 100 ohm unshielded twisted 4 pair cabling at the central location will be terminated on a 110 type terminal strip mounted on a stand off bracket.

**(a)** When a commercial building is equipped with more than two desk outlets, the 100 ohm unshielded twisted 4 pair cabling at the central location will be terminated on a patch panel equipped with RJ45 connectors and T568A wiring scheme for wiring pin/pair assignments.

**(b)** A maximum of ½ inch of each twisted pair will be exposed from the outer cable jacket with untwisting of the individual twisted pairs kept to less than one twist.

**(c)** The patch panel will be equipped with a minimum of 20% spare RJ45 jacks.

**2.** The cable terminations at the desk locations will be on Category 6 rated, RJ45 jacks utilizing the T568A wiring scheme for wiring pin/pair assignments.

**(a)** A maximum of 12 inches of excess cable will be coiled and stored in the outlet box on which the RJ45 jack is terminated.

**(b)** A maximum of ½ inch of each twisted pair will be exposed from the outer cable jacket with untwisting of the individual twisted pairs kept to less than one twist.

**D. Ground Wires.** The following applies if the MGN is not readily accessible outside of the exterior wall within 8 feet of the designated point of interconnection by the local telephone and cable TV service providers.

**1.** Install a 14 gauge ground wire between the MGN where it attaches to the building water supply pipe to a point on the outside of an exterior wall designated by the local telephone service provider.

**(a)** The ground wire will be extended through the exterior finished wall and a minimum of 6 feet of ground wire, coiled and exposed, to be utilized by the local telephone service provider.

## CHAPTER 3-05

### RENTAL UNIT REGISTRATION AND REGULATIONS

#### SECTIONS:

3-0501. Rental Unit Registration and Regulations.

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#### SEC. 3-0501. RENTAL UNIT REGISTRATION AND REGULATIONS.

##### Subd. 1. Purpose and Intent.

**A.** It is the purpose of this Section to protect the public health, safety and welfare of the community at large and the residents of rental dwellings in the City.

**B.** It is the intent of this Section that a permanent mode of protecting and regulating the living conditions of citizens of the City be established; and that uniform standards be established and applicable for all rental dwellings in the city.

**Subd. 2. Definitions.** The following terms, as used in this Section, shall have the meanings stated:

**A. "Rental Unit"** means any room or group of rooms located within a dwelling and forming a single habitable unit.

**B. "Dwelling"** means any building, including a manufactured home (mobile home) as defined in MS 327.31 Subd. 6, which is intended to be used for living or sleeping by human occupants.

**C. "Rental"** means the leasing of a rental unit to a non-owner for a fixed or non-fixed period of time, and shall include "lease to buy, contract for deed, installment sales, purchases", and other similar arrangements whereby nonpayment of a periodic payment means the occupants may be evicted without the necessity of either a statutory mortgage foreclosure procedure, a statutory termination of contract for deed procedure, or a statutory repossession procedure.

**Subd. 3. Registration Requirements.** It is unlawful for any person to hereafter occupy, allow to be occupied or let to another person for occupancy any rental unit within the City for which a rental unit registration has not been issued by the City Clerk. An application for registration shall be made upon forms furnished by the City for such purpose and shall specifically require the following minimum information:

**A.** Name, address, phone number and FAX number (if owner has one) of the property owner.

**B.** Name, address, phone number and FAX number (if manager has one) of the designated local property manager. There must be an owner or local property manager residing within a 60 mile radius of the City.

**C.** The street address of the rental property.

**D.** The number and types of units within the rental property (dwelling units or sleeping rooms).

**E.** The maximum number of occupants permitted for each dwelling unit or sleeping room.

**F.** The name, phone number, FAX number and address of the person authorized to make or order made repairs or services for the property if in violation of State codes or City Code provisions, if the person is different than the owner or local manager.

**Subd. 4. Exemptions.** This Section shall not apply to campus dormitory and campus residence units, hospital units, nursing home units, retirement home units, or other similar units which are otherwise licensed by the State of Minnesota or the City.

**Subd. 5. Manner of Registration Renewal.** Registration shall be required for each calendar year and be issued prior to January 1 of each year. The City shall be required annually to mail renewal forms to the property owner or designated local manager on or before October 1 of each year, and such renewal forms may be returned by mail, at the property owner or designated local manager's risk, to the City Clerk.

**Subd. 6. Transfer of Property.** Every new owner of a rental unit (whether as fee owner or contract purchaser) shall be required to furnish to the City Clerk the new owner's name, address and phone number, and the name, address and phone number of the owner's designated local manager before taking possession of the rental property upon closing of the transaction. No registration fee shall be required of the new owner during the year in which possession takes place, provided that the previous owner has paid all registration fees and has complied with all requirements of this Section and any violations of health, zoning, fire or safety codes of the City. If any change in the type of occupancy as originally registered is contemplated by the new owner, a new registration application will be required.

**Subd. 7. Posting of Registration.** Each registration holder must post the annual registration issued by the City in a conspicuous spot near the front entrance to the rental unit, a public corridor, hallway, or lobby of the rental dwelling for which it is issued.

**Subd. 8. Fees.** The fees for registration, a registration renewal, a late fee, and inspection fees shall be in the amount set by consolidated ordinance of the Council and amended from time to time.

**(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)**

**Subd. 9. Maintenance of Records.** All records, files and documents pertaining to the Rental Registration and Rental Unit Inspection Program shall be maintained by the City Clerk and made available to the public as allowed or required by State law or City Code provisions.

**Subd. 10. Maintenance Standards.** Every rental unit shall be maintained in accordance with the building standards of the City and of the State of Minnesota, and in a manner so as not to create a nuisance pursuant to the City Code.



**Subd. 11. Inspections and Investigations.**

**A.** Fire Department personnel, police officers, the City Clerk and the City Building Code Officials are hereby authorized to make inspections reasonably necessary to the enforcement of this Section.

**B.** All persons authorized herein to inspect shall have the authority to enter, at all reasonable times, any rental dwelling or rental unit which is registered pursuant to the provisions of this Section.

**C.** Persons inspecting any rental dwelling or rental unit as provided herein shall notify the registration holder of all violations, if any, by written notice. Said notice shall direct that compliance be made immediately and that the property will be reinspected in not less than fifteen (15) days, unless extended by the compliance official based on good cause.

**D.** A registration holder may appeal a compliance order by filing a written appeal with the City Clerk within ten (10) days of the date of the compliance order. The City Clerk shall schedule a hearing within ten (10) days of the filing of the notice of appeal. Enforcement of the compliance order shall be stayed pending the decision of the City Clerk on the appeal.

**E.** The fees charged for inspections and reinspection of rental property as relating to this Section shall be determined by the Council.

**(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)**

**Subd. 12. Conduct on Registered Premises.** It shall be the responsibility of the licensee to see that persons occupying the licensed premises conduct themselves in such a manner as not to cause the premises to be disorderly.

**A.** For purposes of this Section, a premises is disorderly at which any of the following activities occur:

**1.** Conduct which constitutes a violation of the Public Nuisance provisions of the City Code.

**2.** Conduct which constitutes a violation of the City Code and State Statute relating to noisy parties and other unnecessary and loud noises.

**3.** Conduct which constitutes a violation of laws relating to the possession of controlled substances, as defined in State Statute, Section 152.07 et. seq.

**4.** Conduct which constitutes a violation of the City Code relating to disorderly conduct or creating a breach of the peace, or violation of laws relating to disorderly conduct as defined in State Statute, Section 609.72.

**5.** Conduct which constitutes a violation of the City Code relating to minor possessing or consuming alcohol relating to providing alcohol to minors, or violation of State Statute, Sections 340A.701 and 304.702 relating to sale of intoxicating liquor.

**6.** Conduct which constitutes a violation of the City Code relating to prostitution and indecent exposure, or a violation of laws relating to prostitution or acts related to prostitution as defined in State Statute, Sections 609.321 - 609.324.

**7.** Conduct which constitutes a violation of the City Code relating to weapons, or laws relating to unlawful use or possession of a firearm as defined in the State Statute, Section 609.66 on the registered premises.

**8.** Conduct which constitutes a violation of the City Code relating to assaults, including domestic assaults, as defined in State Statute, Section 609.224.

**9.** Conduct which constitutes a violation of laws relating to contributing to the need for protection or services or delinquency of a minor, as defined in State Statute, Section 260.315.

**10.** Conduct which constitutes a violation of any other Federal law, State law, or City Code provision which would be likely to threaten, annoy or harass other tenants or other neighbors to the residential rental unit.

**B.** The City Clerk shall be responsible for administration of this Section. The authority to take any action authorized under this Section may be delegated by the City Clerk to an authorized person or persons.

**C.** Upon determination by the City Clerk or his/her designee that a rental unit registered premises was used in a disorderly manner, as described in the City Code, the City Clerk or his/her designee, shall give notice to the registration holder and the renters of the rental unit affected, of the violation and direct the registration holder to take steps to prevent further violations. This Section does not apply to the property owner who has "taken action to prevent disorderly use of the premises" as described herein.

**D.** If another instance of disorderly use of the rental unit registered premises occurs within three (3) months of an incident for which a notice as described above was given, the City Clerk, or his/her designee, shall notify the registration holder and the renters of the affected unit of the violation and shall request the registration holder to take action. This action will be submitted to the City Clerk, or his/her designee person, in writing, within five (5) days of receipt of the notice of disorderly use of the premises, and shall detail all the actions taken by the registration holder in response to all notices of disorderly use of the premises within the preceding three (3) months.

**E.** If another instance of disorderly use of the rental unit registered premises occurs within three (3) months after any two (2) previous instances of disorderly use for which notices were given to the registration holder, and the renters of the affected unit, pursuant to this Section, and the rental property owner has not "taken action to prevent disorderly use of the premises", the rental dwelling license for the premises may be denied, revoked, suspended or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the City Clerk who shall give to the licensee written notice of a hearing before the Council to consider such denial, revocation, suspension or non-renewal. Such written notice shall specify all violations of this section, and shall state the date, time, place, and purpose of the hearing. The hearing shall be held no less than thirty (30) days after giving such notice.

**F.** Following the hearing, the Council may deny, revoke, suspend or decline to renew the license for all or any part or parts of the licensed premises or may grant a license upon such terms and conditions as it deems necessary to accomplish the purposes of this section.

**G.** No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the licensee to a tenant to vacate

the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, an action to deny, revoke, suspend, or not renew a license based upon violation of this Section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate action which will prevent further instances of disorderly use.

**H.** A determination that the registered premises have been used in a disorderly manner as described in this Subdivision shall be made upon a fair preponderance of the evidence to support such a determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly use, but the incident must have resulted in the police being called to the rental unit registered premises and a police report being prepared.

**I.** For purposes of this Section, disorderly use of the rental unit registered premises shall mean disorderly use in the particular rental unit by the renters, occupants or guests or conduct by the tenants which constitutes disorderly use anywhere on the property of the apartment building, or home, or mobile home park in which the rental unit is situated.

**J.** For the purpose of this Section, participation and compliance by the rental property owner with the provisions of the "Barnesville City Rental Property Owners Partnership Program" shall meet the requirements for the rental owner "taking action to prevent further disorderly use of the premises".

**Subd. 13. Failure to Grant Registration, Revocation, Suspension or Failure to Renew Registration.**

**A.** The City reserves the right not to register a unit unless the rental unit or units for which registration is sought complies with the requirements of this Section.

**B.** Any registration issued under this Section is subject to the right, which is hereby expressly reserved by the City, to suspend, revoke, or fail to renew the same should the registration holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain the rental dwellings contrary to the provisions of this Section or any other City Code provision or any special permit issued by the City, or the laws of the State of Minnesota. Provided, however, registration shall not be suspended, revoked, or failed to be renewed if the registration holder complies with a compliance order, or orders, in a timely manner.

**C.** The City Clerk shall notify, in writing, the applicant that his/her registration has been denied, or the registration holder that his/her registration is being suspended, removed or non-renewed. The suspension, revocation or non-renewal shall occur thirty-five (35) days after the date of the order, or at such later date as set out in the order. The notice shall be served by mailing a copy of the order to the property owner, and the designated local property manager, if any, as indicated in the records on file in the City Clerk's office.

**D.** If the order is appealed to the Council, the registration holder shall receive at least seven (7) days written notice of the hearing date before the Council and, at the hearing, the registration holder, the local managing agent, and/or an attorney representing the registration holder may present evidence. After the hearing, the Council may uphold the decision of the City Clerk, reverse the decision of the City Clerk, or enter a different order with different conditions if the Council deems it necessary to protect the public health, sanitation,

safety or general welfare of the community at large or the residents of rental units in the City. The Council shall issue written findings of fact and its order within twenty (20) days of the hearing.

**E.** The decision of the Council may be appealed by the registration holder by filing an appeal or an appropriate writ with the Clay County District Court within fifteen (15) days of the date of the order of the Council.

**Subd. 14. Summary Action.**

**A.** When the conduct of any registration holder or their agent, representative, employee or lessee, or the condition of their rental dwelling or rental unit is detrimental to the public health, sanitation, safety or general welfare of the community at large, or residents of the rental units so as to constitute a nuisance, fire hazard, or other unsafe or dangerous condition and, thus, give rise to an emergency, the City Clerk shall have the authority to summarily condemn or close off individual rental units or such areas of the rental dwelling as necessary. Notice of summary condemnation shall be posted at the units or areas affected and shall indicate the units or areas affected. No person shall remove the posted notice, other than the Fire Marshal, City Clerk, or their designated representative. Any person aggrieved by the decision or the action of the City Clerk or Fire Marshal set out herein may appeal the decision. The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action; however, the date of the hearing may be expedited with the consent of the registration holder.

**B.** The decision of the City Clerk set forth in Subdivision A, above, shall not be voided by the filing of such appeal. Only after the hearing by the City Council has been held will the decision or action of the City Clerk be affected.

**Subd. 15. Applicable Laws.** Registration holders shall be subject to all of the provisions of the City Code and State of Minnesota relating to rental dwellings, and this Section shall not be construed or interpreted to supersede or limit any other such applicable City Code provisions or law.

**Subd. 16. Violations, Injunctive Relief.** Nothing in this Section shall prevent the City from taking affirmative action under any of its fire, housing, zoning or other health safety codes for violations thereof to seek either injunctive relief or criminal prosecution for such violations in accordance with the terms and conditions of the particular City Code provision under which the City would proceed against the property owner, designated property manager or occupant of any residential rental dwelling unit covered by this registration and inspection section. Nothing contained in this Section shall prevent the City from seeking injunctive relief against a property owner or designated property manager who fails to comply with the terms and conditions of this Section to obtain an order closing such rental units until violations of this particular Section have been remedied by the property owner or designated property manager.

**Subd. 17. Severability Clause.** If any section, subsection, sentence, clause, or phrase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section.

## CHAPTER 3-06

### PROPERTY MAINTENANCE STANDARDS

#### SECTIONS:

3-0601.	Purpose.
3-0602.	Applicability.
3-0603.	Duties and Powers of the Code Official.
3-0604.	Definitions.
3-0605.	Maintenance of Exterior Structures.
3-0606.	Securing Vacant Buildings.
3-0607.	Vacant Building Registration.
3-0608.	Vacant Building Fees.
3-0609.	Notices and Orders.
3-0610.	Penalty for Violations.

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**SEC. 3-0601. PURPOSE.** It is hereby determined that property that is not properly maintained in a clean, safe, secure and sanitary condition tends to result in blighted and deteriorated neighborhoods and is contrary to the public peace, health, safety and general welfare of the community. The provisions of this Chapter shall govern the minimum conditions and responsibilities of the property owner for maintenance of structures and exterior property.

#### **SEC. 3-0602. APPLICABILITY.**

**Subd. 1. General.** The provisions of this Chapter shall apply to all property within the City limits of Barnesville and constitute minimum requirements and standards for premises and structures; the responsibility of owners, and for the administration, enforcement and penalties.

**Subd. 2. Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. An owner or manager shall not 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 Code

**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 City Building Code. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Barnesville Zoning Code.

**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 unsanitary.

**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 installation instructions.

**Subd. 6. 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 the Code.

### **SEC. 3-0603. DUTIES AND POWERS OF THE CODE OFFICIAL**

**Subd. 1. Appointment.** The City Council shall appoint a Code Official to administer this Chapter.

**Subd. 2. Designees.** The Code Official shall have the authority to appoint designees to carry out the inspections and to enforce the provisions of this chapter. Whenever Code Official is stated in this chapter, it includes all designees of the Code Official.

**Subd. 3. Liability.** The Code Official, officer or employee charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and the Code Official, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions by reason of any act or omission in the performance of official duties in connection therewith.

**Subd. 4. Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be set by the Barnesville City Council through approval and adoption of a fee schedule. The most current adopted fee schedule shall be used.

**Subd. 4. Rule-Making Authority.** The Code Official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this Code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety.

**Subd. 5. Inspections.** The Code Official 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 Official 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. 6. Right of Entry.** With permission, the Code Official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Official is authorized to pursue recourse as provided by law.

**Subd. 7. Identification.** The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

**Subd. 8. Notices and Orders.** The Code Official shall issue all necessary notices or orders to ensure compliance with this Code.

**Subd. 9. Department Records.** The Code Official 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 pursuant to the document retention policy of the City.

**Subd. 10. Coordination of Inspections.** Whenever the enforcement of this Code or another code or ordinance, the responsibility of more than one Code Official of the jurisdiction is involved, it shall be the duty of the Code Officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the Code Official having jurisdiction.

**Subd. 11. Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Code Official shall have the authority to grant modifications for individual cases, provided the Code Official 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 City files.

#### **SEC. 3-0604. DEFINITIONS.**

**Subd. 1. Terms Defined in Other Codes.** Where terms are not defined in this Code and are defined in the City's Building Code, Fire Code or Barnesville Zoning Code, such terms shall have the meanings ascribed to them as in those codes.

##### **Subd. 2. General Definitions.**

**A. "Approved"** - approved by the Code Official.

**B. "Basement"** - that portion of a building which is partly or completely below grade.

**C. "Code Official"** - the official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

**D. "Dwelling unit"** - a single unit providing complete, independent living facilities for one or more persons, including permanent provisions living, sleeping, eating, cooking and sanitation.

**E. "Exterior Property"** - the open space on the premises and on adjoining property under the control of owners or managers of such premises.

**F. "Occupancy"** - the purpose for which a building or portion thereof is utilized or occupied.

**G.. "Occupant"** - any individual living or sleeping in a building, or having possession of a space within a building.

**H. "Openable area"** - that part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to outdoors.

**I. "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.

**J. "Person"** An individual, corporation, partnership or any other group acting as a unit.

**K. "Premises"** - a lot, plot or parcel of land, easement or public way, including any structures thereon.

**L. "Structure"** - that which is built or constructed or a portion thereof.

**M. "Ventilation"** - the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**N. "Workmanlike"** - executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

### **SEC. 3-0605. MAINTENANCE OF EXTERIOR STRUCTURES.**

**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. Permanent Protective Treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other permanent protective covering or treatment consisting of siding (including steel, vinyl, wood, stone, brick, or industry recognized permanent siding product). Paint which is peeling, or blistering to an extent of more than twenty-five (25) percent of the area, shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained weather resistant and water tight. Source: Ord. 2015-11, Sec. 1

**Subd. 3. Street Numbers.** Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public way.

**Subd. 4. Structural Members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

**Subd. 5. Foundation Walls.** All 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.

**Subd. 6. Exterior Walls.** All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained, weatherproof, and properly surface coated with paint and a permanent protective treatment as set forth in this section, where required to prevent deterioration. Source: Ord. 2015-11, Sec. 1



**Subd. 7. 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. All gutters and downspouts shall be present and functional on every structure such that full and complete drainage away from the building occurs.

**Subd. 8. Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**Subd. 9. Overhang Extensions.** All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When 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. All soffit and fascia areas shall be unreasonably weather-tight, watertight and rodent-proof; and shall be kept in a workmanlike state of maintenance and repair.

**Subd. 10. Stair and Walking Surfaces.** Every stair, ramp, balcony, porch, deck or other walking surface shall be kept in a proper state of repair and maintained free from hazardous conditions.

**Subd. 11. 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.

**Subd. 12. Chimneys and Towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. 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.

**Subd. 13. 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. 14. Window, Skylight and Door Frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**Subd. 15. Insect Screens.** During the appropriate season, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens.

**Subd. 16. Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

**Subd. 17. Basement Hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

### **SEC. 3-0606. SECURING VACANT BUILDINGS.**

**Subd. 1. General.** If any building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured and the building could be made safe by securing the building, the Code Official, may order the building secured and shall cause notice of the order to be served upon the owner of the premises. Such notice may be served personally or by mail. Service by mail is complete upon mailing a copy of the order to the owner at the last known address. If the owner fails to comply with the order within fifteen (15) days after the order is served, the Code Official shall cause the building to be boarded up or otherwise properly secured.

**Subd. 2. Emergency.** When it is determined by the Code Official or the Chief of Police, or the Fire Chief that an emergency exists with respect to the health or safety of persons in the community, and immediate boarding and securing of a building is required, and where danger will exist to children, transients or others in the absence of an immediate boarding or securing of the building, the director of inspections or the chief of police, or the fire chief may waive all requirements herein and immediately board or otherwise secure the building, provided that:

**A.** The conditions showing the existence of an emergency are documented in writing by the Code Official or the chief of police or the fire chief or their designees.

**B.** Notice be mailed immediately by the department invoking this section to the address of the owner and taxpayer, and, if recorded on the assessors rolls, the address of the mortgage holder, of the date of boarding or otherwise securing and the reasons therefor.

**Subd. 3. Securing a Building.** After a vacant or unoccupied building has been boarded or otherwise secured under this section, should the owner fail to maintain the building in a secured condition until such time as it has been repaired and re-occupied, the Code Official shall re-secure any openings into the building whenever it again becomes open to trespass, without further notice to the owner.

An administrative fee of \$75.00 and all other costs incurred by the City for boarding or otherwise securing a building under this section, including, but not limited to, the actual costs for boarding, inspecting, posting and monitoring the building, shall be charged as a special assessment against the real estate upon which the structure is located and shall be a lien upon such real estate.

### **SEC. 3-0607. VACANT BUILDING REGISTRATION.**

**Subd. 1. Definition.** The owner of a building shall register the building with the Code Official within five (5) days after it becomes a vacant building. In this section a "vacant building" is one that is:

**A.** Condemned;

**B.** Unoccupied and unsecured for five (5) days or more;

**C.** Unoccupied and secured by means other than those normally used in the design of the building for thirty (30) days or more;

**D.** Unoccupied and has multiple building standards, fire or building code violations existing for thirty (30) days or more;

**E.** Unoccupied for a period of time over 365 days and during which time an order has been issued to correct a nuisance condition.

**Subd. 2. Registration.** The registration shall be submitted on forms provided by the Code Official and shall include the following information supplied by the owner:

**A.** A description of the premises;

**B.** The names and addresses of the owner or owners;

**C.** The names and addresses of all known lien holders and all other parties with an ownership interest in the building;

**D.** The period of time the building is expected to remain vacant and a plan and timetable for returning the building to appropriate occupancy or for demolition of the building.

**Subd. 3. Laws and Codes.** The owner shall comply with all applicable laws and codes. The owner shall notify the Code Official of any changes in information supplied as part of the vacant building registration within thirty (30) days of the change. if the plan or timetable for the vacant building is revised in any way, the revision must meet the approval of the Code Official. The Code Official may require the water to be shut off in a vacant building in order to avoid the possibility of damages from broken water lines, freezing of water lines or vandalism.

**Subd. 4. Safety.** The owner and the subsequent owners shall keep the building secured and safe and the building and grounds properly maintained until the rehabilitation or demolition has been completed.

**Subd. 5. New Owners.** The new owner(s) shall register or re-register the vacant building with the Code Official within thirty (30) days of any transfer of an ownership interest in a vacant building. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the director of inspections.

### **SEC. 3-0608. VACANT BUILDING FEES.**

**Subd. 1. Annual Fee.** The owner of a vacant building shall pay an annual fee of \$400.00. The fee is imposed to defray the administrative costs for registering and processing the vacant building registration form and for the costs of the City in monitoring the vacant building site.

The first annual fee shall be paid no later than thirty (30) days after the building becomes vacant. Subsequent annual fees shall be due on the anniversary date of initial vacancy. The fees shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.

Unpaid fees shall be charged as a special assessment against the real estate upon which the structure is located and shall be a lien upon such real estate. Upon transfer of ownership, the new owner(s) shall be responsible for all unpaid and subsequent annual fees.

## **SEC. 3-0609. NOTICES AND ORDERS.**

**Subd. 1. Notice to Person Responsible.** Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given to the person responsible in the manner prescribed .

**Subd. 2. Form.** Such notice 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.
- D. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions 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;
- B. Sent by certified or first-class mail addressed to the last known address of the person responsible; or
- C. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

**Subd. 4. Transfer of Ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance 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 compliance 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 compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## **SEC. 3-0610. PENALTY FOR 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 Official shall serve a notice of violation or order in accordance with Section 3-0609.

**Subd. 3. Prosecution of Violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 3-0609 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of

violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the City shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**Subd. 4. Violation of Penalties.** Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, may be prosecuted within the limits provided by state or City Code. Violation shall be deemed a misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Alternatively, the Code Official may proceed with administrative citations and civil penalties as provided in Barnesville City Code.

**Subd. 5. Abatement of Violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the City 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.

**Subd. 6. Application for Appeal.** Any person directly affected by a decision of the Code Official or a notice or order issued under this Code shall have the right to appeal to the City Council, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. 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.