

**CHAPTER 14
BUILDINGS AND STRUCTURES**

SECTION 1

1401.000. ADOPTION OF THE MINNESOTA STATE BUILDING CODE.

1401.001. CODE ADOPTED BY REFERENCE. The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes Chapter 16B.59 to 16B.75, including all of the amendments, rules and regulation established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this Ordinance. The Minnesota State Building Code is hereby incorporated in this Ordinance as if fully set out herein.

1401.002. APPLICATION, ADMINISTRATION AND ENFORCEMENT. The application, administration and enforcement of the code shall be in accordance with Minnesota Rules Chapter 1300. The code shall be enforced within the extraterritorial limits permitted by Minn. Stat. § 16B.62, subd. 1, when so established by this Ordinance.

1401.003. PERMIT AND FEES. The issuance of permits and the collection of fees shall be as authorized in Minn. Stat. § 16B.62, subd. 1.

Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by mutual agreement with the contracted Building Inspection Services and the City of Winsted. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minn. Stat. § 16B.70.

1401.004. VIOLATIONS AND PENALTIES. A violation of this building code is a misdemeanor pursuant to Minnesota Statute § 609.02, subd. 3, currently being "a crime for which a sentence of not more than 90 days or a fine of not more than \$1,000 or both, may be imposed; and as amended from time to time.

(Ord. O-18-06, 8/21/18)

SECTION 2

1402.000. MINIMUM REQUIREMENTS FOR SMOKE DETECTION IN ALL EXISTING APARTMENT BUILDINGS, DUPLEXES, SINGLE FAMILY RENTAL PROPERTY AND LODGING AND ROOMING HOUSES.

1402.001. AUTHORIZATION. This Ordinance is promulgated by the City of Winsted pursuant to Minnesota Statutes 299, The National Fire Protection Association Code 101 and the Uniform Fire Code Appendix 1A.

1402.002. DEFINITIONS. The following terms, for the purposes of this Ordinance, shall have the meanings given in this Section.

- A. Apartment Buildings - Includes buildings containing three or more living units with independent cooking and bathroom facilities, whether designated as apartment house, tenement, garden apartment, or by any other name.
- B. Code Enforcement Office - Means a licensed peace officer, fire chief or building official designated with the power to cite property owners for non-compliance with this Ordinance and/or federal or state mandates.
- C. Duplexes - Includes buildings or structures which are already in existence on the date when this Ordinance becomes effective.
- D. Existing - Includes buildings or structures which are already in existence on the date when this Ordinance becomes effective.
- E. Living Unit - Includes those structures, areas, rooms or combinations of rooms in which a person or persons lives. This does not include common usage areas in multiple living unit buildings such as corridors, lobbies, basements, etc.
- F. Single Family Rental Property - Includes buildings containing one living unit with independent cooking and bathroom facilities, whether designated as a dwelling, house, mobile home or by any other name.

1402.003. DETECTION REQUIREMENTS. Approved single station or multiple station smoke detectors, continuously powered by the building's electrical service, shall be installed in accordance with Section 4, in every living unit within existing apartment buildings, existing duplexes, existing single family rental property and in every sleeping room within existing lodging and rooming houses regardless of the number of stories or number of living units or sleeping units. When activated, the detector(s) shall initiate an alarm that is audible in the sleeping rooms of that living unit or in the sleeping areas of that sleeping room. The living unit or sleeping room detector(s) shall be in addition to any sprinkler system or other detection system that may be installed in the building. (Exception - single station smoke detection is not required where the building is equipped with a total automatic smoke detection system throughout, such as a centralized system.)

- 1402.004. TYPE.** Said detector shall be of a type that consists of a superior quality that uses alternating current power.
- 1402.005. EXISTING PROPERTIES.** Apartments, duplexes, single family rental units, lodging and rooming houses shall be required to install smoke detectors by no later than December 31, 1994. After that date, the Code Enforcement Officer may inspect any property for non-compliance.
- 1402.006. INSTALLATION.** Single station or multiple station smoke detectors shall be installed in accordance with NFPA 74, "Standard For the Installation, Maintenance, And Use of Household Fire Warning Equipment, and Appendix 1A of the Uniform Fire Code." If, due to the configuration of the living unit or sleeping room, two or more smoke detectors are required within the living unit or sleeping room, they shall be arranged so that the activation of any detector causes the operation of an alarm that shall be clearly audible throughout the living unit or sleeping room over background noise with all intervening doors closed. The detector(s) shall sound an alarm only within an individual living unit or sleeping room and shall not activate the building protective signaling and control system, if any.
- 1402.007. PRE-EMPTION.** If any model fire prevention, life safety, or building code or standard recognized in or by the State of Minnesota is or becomes more stringent or restrictive than the requirements of this Ordinance, the requirements of such code or standard shall be added to and/or supersede the requirements of this Ordinance.
- 1402.008. TAMPERING.** Whoever tampers with any smoke detector installed pursuant to this Ordinance so as to render the same inoperable for a period of time longer than is necessary to repair same or for such period of time to disable the detector while the same is making an audible noise due to heat or smoke while someone is in the living unit and cooking, which said cooking causes the detector to go off, is guilty of a petty misdemeanor.
- 1402.009. ENFORCEMENT.** The Code Enforcement Officer shall be directed to cite property owners without smoke detection equipment in accordance with the section penalties.
- 1402.010. PENALTY.** Whenever an act of omission is declared in this code to be a petty misdemeanor, any person violating the provision will, upon conviction, be subject to the penalties specified by state law for a petty misdemeanor.
- 1402.011. SEVERABILITY.** If any provisions or sections of this Ordinance are found invalid by any court of law, such a decision does not invalidate any other provisions of this Ordinance not specifically included in such a decision.

(Ord. 94-01, 1/4/94; Ord. O-18-06, 8/21/18)

SECTION 3

- 1403.000. PLACEMENT AND INSTALLATION OF MAILBOXES AND PROHIBITING OTHER BOXES.**
- 1403.001. INTENT.** The intent of this Ordinance is to regulate mail box locations and eliminate paper box locations on city streets and to improve the looks of the streets. The intent of the right-of-way is to provide room for snow storage and removal, utilities, sidewalks and other city uses.
- 1403.002. DEFINITION.** Whenever referred to herein, Aboxes@ shall refer to all mail boxes placed for the use of residents of the City.
- 1403.003. PROHIBITION OF PAPER BOXES.** Any paper boxes, such as those used for newspaper or advertising shall be prohibited within the City of Winsted.
- 1403.004. HEIGHT REQUIREMENTS.** Height requirements shall be designated by the Postmaster but no more than 38" to 40" from the bottom of the box to the road.
- 1403.005. SET BACK LOCATION.** Boxes shall be set back in the right-of-way so as to be flush with the back edge of the curb. Said location must place the boxes so they are accessible and shall not extend to the front, street side of the curb.
- 1403.006. LOCATION OF BOXES ON REGULAR STREETS.** All boxes located on regular streets shall be placed on one side (i.e. the side which is determined by the Postmaster.) Boxes may not be placed upon personal property of another without prior written consent of the property owner. Boxes may not be attached to utility poles or street lights.
- 1403.007. CUL-DE-SACS.** Group boxes shall not be located in cul-de-sacs, all boxes for houses in a cul-de-sac shall be grouped at the intersecting street, a minimum of 20 feet from corner.
- 1403.008. INTERSECTIONS.** Boxes shall be a minimum of 25 feet from any intersecting street or corner.
- 1403.009. RESPONSIBILITIES.** Maintenance of the boxes shall be the responsibility of the property owners. Street maintenance, including snow removal, is done with care, in spite of this, property damage does happen. Boxes should be constructed sturdily enough to withstand snow rolling off a plow or wing. Box damage resulting from snow removal is the responsibility of the property owners. Snow removal requirements from and around the boxes, established by the Postmaster, shall apply and be the responsibility of the property owners, not the City, even though the snow may have been placed in the area during removal.
- 1403.010. EXISTING BOXES.** All existing boxes, newspaper or advertising boxes shall be in compliance with this Ordinance within three (3) months of its adoption and passage.

1403.011. NEWSPAPER AND ADVERTISING MATERIALS. Newspapers and advertising materials delivered to individual dwelling units and residential areas of the City of Winsted must be deposited upon the steps or inside the exterior door of each dwelling unit.

1403.012. PENALTY. Any person violating any provision of this Ordinance shall be punished by a fine of not more than \$1,000.00 or imprisonment in the County Jail for not more than ninety (90) days, or both, plus the cost of prosecution in the case.

(Ord. O-18-06, 8/21/18)

SECTION 4

RENTAL DWELLING UNITS

1404.000. STATUTORY AUTHORIZATION AND PURPOSE

- A. Statutory Authorization. This Section is enacted pursuant to Minnesota Statutes § 145A.05, subd. 1 and subd. 7; and Minnesota Statutes § 375.51; or successor statutes.
- B. Purpose. The purpose of this Section is to establish minimum standards for rental dwelling units in the City of Winsted. The general objectives include the following:
1. Protect the character and stability of residential areas;
 2. Correct and prevent housing conditions that adversely affect, or are likely to adversely affect, the life, safety, general welfare and health of the renting public, including the physical, mental and social well-being of persons occupying a rental dwelling unit;
 3. Provide minimum standards for cooking, heating and sanitary equipment necessary to the health and safety of occupants of rental dwelling units;
 4. Provide minimum standards for light necessary to health and safety;
 5. Prevent the overcrowding of dwellings by providing minimum space standards per occupant for each rental dwelling unit;
 6. Provide minimum standards for the maintenance of existing rental residential buildings and to prevent slums and blight;
 7. Preserve the value of land and buildings.
 8. With respect to rental disputes, except as otherwise provided, it is not the intent of the City Council to intrude upon the fair and accepted contractual relationship between tenant and owner. The City Council does not intend to intervene as an advocate for either party, to act as an arbiter or to be receptive to complaints from tenant or owner which are not specifically and clearly relevant to the provisions of this Section. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal sanctions as are available to them without the City Council's intervention. By enacting this Section the City Council does not intend to interfere or permit interference with legal rights to personal privacy.

1404.002. GENERAL PROVISIONS

- A. Jurisdiction. This Section shall be applicable to all rental dwelling units within the legal boundaries of the City of Winsted. Every building and its premises used in whole or in part as a rental dwelling unit, for a single family or person, and every building used in whole or in part as a rental dwelling unit having two or more persons or families living in separate units shall conform to the requirements of this Section, irrespective of when such building may have been constructed, altered or repaired. This Section establishes minimum standards for rental dwelling units and related premises.
- B. Severability. The provisions of this Section shall be severable. In the event any section, paragraph, sentence, clause, phrase or portion of this Section is declared invalid for any reason, the remainder of this Section shall not be affected thereby.
- C. Interpretation and Application. The provisions of this Section shall be considered minimum requirements and shall be liberally construed in favor of the City of Winsted and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

1404.003. DEFINITIONS

- A. Accessory Structure- A subordinate structure on the same lot as the principal dwelling or dwellings, and which is not used nor authorized to be used for living or sleeping by human occupants.
- B. City Council - Shall mean the City of Winsted City Council.
- C. Board of Adjustment- Shall mean the City of Winsted City Council.
- D. Building- Any structure having a roof intended for the shelter, housing or enclosure of any person, animal, goods or materials of any kind or nature.
- E. Building Inspector - Any duly authorized representative charged with the administration and enforcement of this Section.
- F. Dwelling - A building or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including single family dwellings, two-family dwellings and multiple family dwellings, but not including hotels and motels.
- G. 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.
- H. Efficiency Living Unit - A room having cooking facilities and used for combined living, dining and sleeping purposes.
- I. Garbage - The animal or vegetable waste resulting from the handling,

preparation, cooking and consumption of food.

- J. Habitable Space - Space in a structure for living, sleeping, eating or cooking, bathrooms, toilet rooms, furnace rooms, unfurnished basements (i.e., those without required ventilation, electric outlets and exit facilities), pantries, closets, corridors, stairways, storage spaces, workshops, hobby and recreation areas in parts of the structure below ground level or in attics and any similar areas are not considered habitable space.
- K. Heated Water - Water heated to a temperature between 120 and 130 degrees Fahrenheit measured at the faucet outlet.
- L. Kitchen - A space which contains a sink with counter working space, adequate space for installing cooking and refrigeration equipment and adequate space for the storage of cooking utensils.
- M. Multiple Family Dwelling - A dwelling, or portion thereof, containing four or more dwelling units.
- N. Occupant - Any person living or sleeping in a building or having possession of a space within a building.
- O. Operator - Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
- P. 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. Any such person representing the actual owner shall be bound to comply with the provisions of this Section to the same extent as the owner.
- Q. Permissible Occupancy - The maximum number of persons permitted to reside in a dwelling unit or rooming unit.
- R. Person - An individual, firm, partnership, association or corporation; the term may extend and be applied to bodies corporate and politic and to partnerships and other unincorporated associations.
- S. Premises - A lot or parcel of land, including any structures thereon.
- T. Public Hall - A hall, corridor or passageway for providing egress from a dwelling unit to a public way and not within the exclusive control of one family.
- U. Rental Dwelling or Dwelling Unit - A dwelling or dwelling unit let for rent or

lease.

V. Rodent Harborage - Any place where rodents can live, nest or seek shelter.

W. 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.

X. Rubbish - Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and other similar materials.

Y. Structure - That which is built or constructed or a portion thereof.

Z. Tenant - A person, whether or not the legal owner of record, occupying a building, or portion thereof, as a unit.

AA. Toilet Room - A room containing a water closet or urinal but not a bathtub or shower.

1404.004. RESPONSIBILITIES

A. Permit Required. No owner or other person shall occupy or rent to another person any dwelling, dwelling unit or rooming unit unless it and the premises are clean, sanitary, fit for human occupancy and comply with all applicable legal requirements of the State, County and City, including the following requirements.

No owner or other person shall occupy or rent to another person any dwelling or dwelling unit unless they have first obtained a permit from the City of Winsted. A separate permit is required for each dwelling unit to be used as a rental housing unit. Permits are valid for five (5) years from their date of issuance. Permits may be revoked for failure to adhere to this Section 4 requirements for rental housing. Permits shall be good for a period of five (5) years. Permit fees shall be established annually by resolution of the City Council.

Transfer of Ownership. In the event of a transfer of ownership of rental property, the transferor of the property shall notify the city within 30 days of the change of ownership. The transferee will need to provide the city with information including name, address, and telephone number. If the rental license for the property is current and valid, the permit may be transferred for the existing term once the required information has been provided and the transfer fee (set in the city's fee schedule) has been paid.

B. Shared or Public Areas. Every owner of a dwelling containing two or more

dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises.

- C. Occupied Areas. Every occupant of a dwelling, dwelling unit or rooming unit shall maintain in a clean and sanitary condition that part or those parts of the unit and premises that the occupant occupies and controls.
- D. Garbage and Rubbish Storage and Disposal. Every occupant of a rental dwelling, dwelling unit or rooming unit shall store and dispose of all garbage and rubbish in a clean, sanitary and safe manner as provided by law. Every owner of a rental dwelling, dwelling unit or rooming unit shall supply facilities for the sanitary and safe storage and/or disposal of garbage and rubbish. That cost may be part of the occupant's expense as provided by agreement of the parties.
- E. Storm and Screen Doors and Windows. The owner of a rental dwelling unit shall be responsible for maintaining in good repair all screens, storm doors and storm windows when required under the provisions of this Section, except where there is written agreement otherwise between the owner and occupant and except for the intentional or neglectful action of the occupant.
- F. Pest Extermination. Every occupant of a rental dwelling unit shall be responsible for the extermination of vermin infestations and/or rodents on the premises. Every occupant of a dwelling unit in a rental dwelling containing more than one dwelling unit shall be responsible for such extermination whenever occupant's dwelling unit is the only one infested. Whenever infestation is caused by the failure of the owner to maintain a rental dwelling in a reasonable rodent-proof or reasonable vermin-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any rental dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.
- G. Rodent Harborages and Food. No owner or occupant of a rental dwelling unit shall accumulate or be allowed to accumulate boxes, lumber, wood, scrap metal or any other similar materials in such a manner that may provide a rodent harborage in or about any rental dwelling unit. Stored materials shall be stacked neatly in piles at least ten (10) feet away from any dwelling unit and one (1) foot above the ground. No owner or occupant of a rental dwelling unit shall store, place or be allowed to accumulate any materials that may serve as food for rodents in a site accessible to rodents.
- H. Fixtures and Facilities. Every occupant of a rental dwelling unit shall keep all supplied fixtures and facilities in a safe, clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- I. Snow and Ice Removal. The owner of a multiple family dwelling shall be

responsible for the removal of snow and ice from the parking lots, driveways, steps and walkways on the premises within a reasonable amount of time to provide access for fire and medical personnel.

- J. Minimum Exterior Lighting. The owner of a multiple family rental dwelling shall be responsible for providing and maintaining effective illumination in all exterior parking lots and walkways.
- K. Driving and Parking Areas. The owner of a multiple family rental dwelling unit shall be responsible for providing and maintaining in good condition parking areas and driveways for tenants.
- L. Yards. The owner of a multiple family rental dwelling shall be responsible for providing and maintaining premises in a safe and sanitary manner.

1404.005. MINIMUM STANDARDS. No person shall rent to another for occupancy any dwelling unit, for the purpose of living, sleeping, cooking or eating which does not comply with the following requirements.

- A. Kitchen Facilities. Every rental dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall have adequate circulation and which shall be equipped with the following:
 - 1. A kitchen sink in working condition and properly connected to an approved water supply system and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to an approved sanitary sewer system.
 - 2. Cabinets and/or shelves for the storage of eating, drinking and cooking equipment and utensils and for food that does not require refrigeration; and a counter or table for food preparation. Cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the rental dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.
 - 3. A stove or similar device for cooking food and a refrigerator or similar device for the safe storage of food, which are properly installed with all necessary connections for safe, sanitary and efficient operation. Provided that such stove, refrigerator or similar device need not be installed when a rental dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, in which case sufficient space and adequate connections for the installation and operation of said stove, refrigerator or similar device must be provided.
- B. Toilet Facilities. There shall be a non-habitable room that is equipped with a flush water closet in working condition. In a rental dwelling unit, such room shall have an entrance door that affords privacy. A flush water closet shall be

equipped with easily cleanable surfaces, shall be connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly and shall be connected to an approved sanitary sewer system.

- C. Lavatory Sink. Within every rental dwelling unit, there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet. If located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in working condition, shall be properly connected to an approved water supply system, shall provide at all times an adequate amount of heated and unheated running water under pressure and shall be connected to an approved sanitary sewer system.
- D. Bathtub or Shower. Within every rental dwelling unit, there shall be a nonhabitable room that is equipped with a bathtub or shower in working condition. In a rental dwelling unit, such room shall have an entrance door that affords privacy. Said bathtub or shower may be in the same room as the flush water closet or in another room, shall be properly connected to an approved water supply system, shall provide proper ventilation (i.e. fan or operable window), shall provide at all times an adequate amount of heated and unheated water under pressure, and shall be connected to an approved sanitary sewer system.
- E. Stairways, Porches and Balconies. Every stairway, porch or balcony shall be kept in safe condition and of sound repair, free of deterioration. No flight of stairs shall have rotting, loose or deteriorating supports. Stairways shall be capable of supporting a live load of 100 pounds per square foot of horizontal projection. Decks shall be able to support 40 pounds per square foot live load and 10 pounds per square foot dead load.
- F. Access to Rental Dwelling Units. Access to or egress from each rental dwelling unit shall be provided without passing through any other dwelling unit.
- G. Door Locks. No owner shall occupy nor let to another for occupancy any dwelling unit unless all exterior doors of the rental dwelling unit are equipped with safe, functioning locking devices. Multiple family dwellings shall also be furnished with door locks as follows: Every door that is designed to provide ingress or egress for a dwelling unit within a multiple family rental dwelling shall be equipped with an approved locking device, provided, however, that such door shall be operable from the inside without the use of a key or any special knowledge or effort.
- H. Light. No person shall rent to another for occupancy any dwelling unit for the purposes of living therein which does not comply with the following requirements:

- I. Electrical Equipment. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws, including the Minnesota State Electrical Code. All electrical equipment shall be of an approved type. Every habitable room shall contain at least two (2) supplied electric convenience outlets or one such convenience outlet and one supplied electric fixture. Every toilet room, bathroom, furnace room, laundry room and public hallway shall contain at least one supplied electric light fixture.
- J. Windows. Every habitable space shall have at least one window facing directly outdoors that can be opened easily, one of which must provide egress.
- K. Emergency Escape Openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grills, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.
- L. Heating. No person shall rent to another for occupancy any dwelling or dwelling unit, for the purposes of living therein, which does not have heating facilities which are properly installed, which are not maintained in safe working condition and which are not capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms in every dwelling unit located therein. Gas or electric appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this Section. Portable heating equipment employing flame and the use of liquid fuel do not meet the requirements of this Section and are prohibited. No owner or occupant shall install, operate or use a space heater employing a flame that is not vented outside the structure in an approved manner.
- M. Maximum Occupancy. Every dwelling unit shall contain at least 200 square feet of floor space for the first occupant and at least 100 additional square feet of floor space for every additional occupant. The floor space shall be calculated on the basis of total habitable room area, inside measurements. No floor space shall be included in the determination of habitable room area over which the ceiling is less than seven (7) feet above the floor.
- N. Water Supply. Each rental dwelling unit shall be supplied with drinking water which meets all local, state and federal drinking water standards.
- O. Handrails and Guardrails. 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 high or more than 42 inches high 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 30 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Exception: Guards shall not be required where exempted by the adopted building code.

1404.006. REQUIREMENTS. No person shall rent to another for occupancy a dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- A. Foundations, Exterior Walls and Roofs. The foundation, exterior walls and exterior roof shall be substantially water tight, protected against mold, vermin and rodents and shall be kept in sound condition and repair. The foundation element shall adequately support the building at all points. Every exterior wall shall be free of visible mold, deterioration, holes, breaks, loose or rotting timbers and any other condition which might admit rain or dampness to the interior portion of the walls or to the interior spaces of the dwelling. The roof shall be tight and have no defects that admit rain. Roof drainage shall be adequate to prevent rainwater from dampness in the walls. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment.
- B. Windows, Doors and Screens. Every window, exterior door and hatchway shall be substantially tight and shall be kept in sound condition and repair. Every window, other than a fixed window or storm window, shall be capable of being easily opened. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain, wind, vermin and rodents from entering the building.
- C. Floors, Interior Walls and Ceilings. Every floor, interior wall and ceiling shall be adequately protected against the passage and harborage of vermin and rodents, free of visible mold growth, and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding or rotted flooring materials. Every interior wall and ceiling shall be free of holes, large cracks, loose plaster, visible mold growth or flaking lead paint and shall be maintained in a tight weatherproof condition. Toxic paint and materials with a lasting toxic effect shall not be used. Every toilet room and bathroom floor surface shall be capable of being easily maintained in a clean and sanitary condition.
- D. Rodent Proof. Every dwelling and accessory structure and the premises upon which they are located shall be maintained in a rodent-free and rodent-proof

condition. All openings in exterior walls, foundations, basements, ground or first floors and roofs that have a ½ inch diameter or larger opening shall be rodent-proofed in an approved manner.

- E. Safe Building Elements. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch and balcony, and every appurtenance shall be safe to use and capable of supporting normal loads.
- F. Facilities to Function. Every supplied facility, piece of equipment or utility required by this Section and every chimney and flue shall be installed and maintained and shall function effectively in a safe, sound and working condition.
- G. Discontinuance of Service of Facilities. No owner 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 rental dwelling unit, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.
- H. Fire and Carbon Monoxide Protection. All rental dwelling units shall have working fire/smoke alarms in all bedrooms and corridors leading to bedrooms. All rental dwelling units shall have a working fire extinguisher inside the unit. Additionally, all rental dwelling units shall be supplied with a functioning carbon monoxide detector, unless granted a waiver from the State of Minnesota.
- I. Clandestine Drug Labs. Prior to offering a rental dwelling unit for rent or for sale, the owner of a rental dwelling unit that has been found to contain a clandestine drug lab shall, at their expense, contract with appropriate environmental hazard testing and cleaning firms that are determined by the Minnesota Department of Health to be competent for conducting a detailed on-site assessment to determine sample and testing needs, clean up and mitigation operations, follow up testing and determination that the property risks are sufficiently reduced to allow protection of the public and human occupancy of the rental dwelling unit.

1404.007. INSPECTION AUTHORITY. The City Building Inspector shall be the Building Inspector who shall administer and enforce the provisions of this Section. The Building Inspector is authorized to cause inspections every five (5)-years or on a complaint basis for rental dwelling units, or otherwise when reason exists to believe that a violation of this Section has been or is being committed. Re-inspection is also required upon a change of ownership in the property. Inspections shall be conducted during daylight hours and the Building Inspector shall present evidence of official capacity to the occupant or owner in charge of a respective dwelling unit.

- A. Inspection Access. When an owner, occupant or other person in charge of a

rental dwelling unit refuses to permit free access and entry to the structure or premises under their control for inspection pursuant to this Section, the City of Winsted may seek a court order authorizing inspection.

- B. Vacation of Building. Any rental dwelling unit which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent-infested, or which lacks provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or the public, may be declared unfit for human habitation by the Building Inspector who shall then order the same vacated within a reasonable timeframe and shall post a placard on the rental dwelling unit indicating that it is unfit for human habitation.
- C. Reoccupation. It shall be unlawful for a rental dwelling unit to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Building Inspector. It shall be unlawful for any person to deface or remove the declaration placard from any such rental dwelling unit.
- D. Secure Units and Vacated Dwellings. The owner of any rental dwelling unit which has been declared unfit for human habitation, or which is otherwise vacant for a period of 60 days or more, shall make the premises safe and secure so that it is not hazardous to the health, safety or welfare of the public and a public nuisance within the meaning of this Section.
- E. Hazardous Building Declaration. In the event that a rental dwelling unit has been declared unfit for human habitation and the owner has not remedied the defects within the prescribed time, the dwelling may be declared a public health nuisance and treated consistent with the provisions of Minnesota Statutes, Section 145A.04; or successor statutes.
- F. Malicious Complaints. The Building Inspector may charge back to the complainant the costs of investigating complaints made on any rental dwelling unit if it is determined that the complaint is invalid.

1404.008. COMPLIANCE ORDER

- A. Issuance. Whenever the Building Inspector determines that any rental dwelling unit, or the premises surrounding any rental dwelling, fails to meet the provisions of this Section, a Compliance Order may be issued setting forth the violations and ordering the owner, occupant, operator or agent to correct such violation. This Compliance Order shall: be in writing, describe the location and nature of the violations of this Section and establish a reasonable timeframe for the correction of such violation and notify of appeal recourse. Be served upon the owner and occupant. Such notice shall be deemed to be properly served upon such owner and occupant, if a copy of the Order is:
 - 1. served personally; or

2. sent by registered mail to last known address; or
 3. upon failure to place notice through (1) and (2) as set out in this Section, posted at a conspicuous place in or about the dwelling that is affected by the order.
- B. Right of Appeal. When it is alleged by any person to whom a Compliance Order is directed that such Compliance Order is based upon an erroneous interpretation of this Section, such person may appeal the Compliance Order to the City Council within thirty (30) days of the receipt of a Compliance Order.
- C. Reinspection. The Building Inspector shall re-inspect the property to determine if the owner has complied with the Compliance Order. If compliance has not been completed upon reinspection, the owner or occupant shall be assessed a reinspection fee, in an amount determined by the City Council for that reinspection and each subsequent reinspection for compliance. Failure to pay the reinspection fee shall constitute a failure to comply with this Section.
- D. Execution of Compliance Orders. Upon the failure to comply with a Compliance Order within the time set and no appeal having been taken, or upon failure to comply with a modified Compliance Order within the time set, any criminal penalty notwithstanding, the City Council may cause the cited deficiency to be remedied as set forth in the Compliance Order. If the cost of cleanup is not paid, the City Council may certify to the County Auditor-Treasurer by November 30th all unpaid, outstanding costs of cleanup, including staff costs of operating machinery and materials needed to complete a cleanup and a description of the lands against which the costs arose. It shall be the duty of the County Auditor-Treasurer, upon order of the City Council, to extent the assessments with interest not to exceed the interest rate provided for in Minnesota Statutes § 279.03, subd. 1; or successor statutes, upon the tax roles of the county for the taxes of the year in which the assessment is filed. For each year ending November 30, the assessment with interest shall be carried into the tax becoming due and payable in January of the following year, and shall be enforced and collected of real and/or personal property taxes in accordance with the provisions of the laws of the State of Minnesota. The assessment, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the State of Minnesota. This action shall not preclude the City Council from seeking civil or criminal penalties from persons responsible.

1404.009. EMERGENCY ORDERS. Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the public's health, it may, without notice or hearings, issue an order reciting the existence of an emergency and require that such action be taken as deemed necessary to meet the emergency. Notwithstanding the other provisions of this Section, such order shall be effective immediately. Any person to whom an emergency order is directed shall comply therewith immediately.

1404.010. **PENALTIES.** Any person, firm or corporation who violates any of the provisions of this Section, or who fails, neglects or refuses to comply with the provisions of this Section, including violations of conditions, safeguards Compliance Orders or Emergency Orders, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$1,000.00 or by imprisonment not to exceed 90 days, or both. Each day that a violation exists shall constitute a separate offense.

In the event of a violation or threatened violation of this Section, the Building Inspector may, in addition to other remedies, initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct or abate such violations or threatened violations. It shall be the duty of the City of Winsted Attorney to commence such action.

1404.011. **EXEMPTION.** The City, in its discretion, may exempt any entity or person required to otherwise undergo inspection or licensing provisions herein as long as the City is provided with evidence of a recent similar inspection that is satisfactory to the City.

1404.012. **EFFECTIVE DATE.** This Chapter 14 shall be in full force and effect after its passage and publication as provided by law. Application for a rental housing permit must be received by the City of Winsted within 120 days of adoption of this Chapter 14.

(Ord. 08-03, 02/19/08; Ord. 12-09; 11/20/12; Ord. 14-04, 8/19/14; Ord. O-18-06, 8/21/18)

SECTION 5

1405.000. DOCKS ON WINSTED LAKE

1405.001. PERMIT REQUIRED. No person shall construct, install or maintain a dock, wharf, or similar structure on public property or upon public waters abutting public property without first obtaining a permit from the City of Winsted.

1405.002. TERM. Permits shall be issued on an annual basis and shall expire on November 31st of each year.

1405.003. INSPECTION. All docks shall be subject to an annual inspection by the City of Winsted. If a dock does not meet the minimum requirements as listed in this ordinance, it shall be immediately brought into compliance by the permit holder or the permit shall be revoked.

1405.004. FEE. Application fees for dock permits shall be set annually by the Winsted City Council.

1405.005. APPLICATION. An application for a permit must include the following:

1. Name, Address and Telephone number of the dock owner.
2. Signature upon application binding the applicant to defend, indemnify and hold the City of Winsted harmless for claims arising out of the existence of the dock.
3. Provide proof of liability insurance as required in this ordinance.

1405.006. RESTRICTED PLACEMENT. No private docks will be allowed on public property or allowed to be accessed through public property, except for the following location:

Property owners along Kingsley Street, from McLeod Avenue to Sherman Avenue, may place a dock along Winsted Lake, accessing said dock from the east right-of-way of Kingsley Street by submitting an application for a dock permit. Docks must be positioned directly across from the applicant's property on the west side of Kingsley Street.

1405.007. REQUIREMENTS.

The following requirements must be provided and in place prior to the issuance of a dock permit:

1. The permit holder must provide and install warning signs in English and Universal symbols indicating “NO SWIMMING” and “NO DIVING”. Additionally, the permit holder must provide and install a warning sign in English and universal symbols indicating “Private Property” or “No Trespassing”;
2. The permit holder must at all times during the period of the permit maintain liability insurance naming the City of Winsted as an additional insured in a minimum amount of \$1,000,000 (per Minnesota State Statute). The permit holder must immediately notify the City of Winsted if this insurance is cancelled or lapses for any reason;
3. The permit holder must defend, indemnify and hold the City of Winsted harmless for claims arising out of the existence of the dock;
4. Docks must be structurally secure, being free of rotting, decaying or severely distressed materials;
5. Permit holders are required to sufficiently maintain the lake bank from Kingsley Street to their access;
6. No permanent or temporary structures may be located along the lake bank (examples include, but are not limited to boat houses, fish houses, etc...); and
7. The permit holder must have their permit affixed to their dock at all times.

1405.008. WINSTED LAKE AND WATERSHED ASSOCIATION (WLWA). Nothing in this ordinance shall prohibit the WLWA from placing a dock in any location in the areas permitted as long all requirements under this ordinance are followed.

1405.009. GRANDFATHER CLAUSE. The Current property owner of 261 Sherman Avenue West placed a dock in Winsted Lake on public property along Kingsley Avenue, in 2007. The owner of this property is allowed to apply for a permit like other Kingsley property owners may apply herein.

1405.010 REMOVAL. In the event that any permit holder or non-permit holder is in violation of this ordinance, the City of Winsted shall have the right to remove a dock or other personal property from the lake or public right-of-way after providing seven (7) days notice to the owner.

The City of Winsted shall be entitled to remove the dock and have all removal and storage costs reimbursed by the offending party. Costs may be either assessed to the violating property owner or in some cases the City of Winsted may bring a cause of action against the violating party.

1405.011. ENACTMENT. Property owners seeking to place a dock must make application for a permit within sixty (60) days of the adoption of this ordinance by the City Council.

1405.012. DURATION AND EFFECT. This ordinance does not provide anyone with any rights, other than those stated herein, on an annual basis. Each dock permit must be renewed by a separate application in each calendar year that terminates (as indicated above) on November 31 of each said year. The City of Winsted has unlimited discretion and right, to not allow the installation of docks on the public property hereinabove stated at any time hereafter, except that if such decision to not allow docks is made during a calendar year prior to November 30, the City shall give the permittee 60 days prior written notice to remove its dock.

(Ord. 08-04, 05/06/08; Ord. O-18-06, 8/21/18)

SECTION 6

1406.000. LANDSCAPING REQUIREMENTS AND STANDARDS.

1406.001. INTENT. The intent of this Section is to regulate the minimum landscaping requirements for parcels of land located in various zones in the City of Winsted.

1406.002. LANDSCAPING REQUIRED. In all zoning districts, the lot area remaining after providing for buildings, parking areas, driveways, loading areas, sidewalks or other structures must be planned and maintained in grass, shrubs, trees, other acceptable vegetation and/or landscaping materials, suitable for the type of use of the property.

1406.003. RESIDENTIAL. Any new residential construction which requires a building permit shall require the applicant to submit cash, certified check or credit escrow payment acceptable to the city in the sum of \$1,500 to secure installation of the required landscaping.

1406.004. R2, RM, COMMERCIAL AND INDUSTRIAL ZONES. Any applicant for a building permit in these other zones of the city shall submit cash, certified check, or credit escrow payment in the amount of 125% of the estimated landscaping cost as determined by the city, for the site to secure installation of the required landscaping.

1406.005. REFUNDING OF ESCROW. The escrow shall be returned in full to the applicant upon the building or zoning official certifying that the landscaping improvements have been made and fully established on the property. Escrow funds will be forfeited to the City of Winsted in the event the required landscaping is not completed prior to twelve (12) months after the date the certificate of occupancy is issued.

1406.006. EFFECT. This ordinance shall be in full force and effect and override any other portions of the Municipal Code to the contrary.

(Ord. 09-09, 10/6/09; Ord. O-18-06, 8/21/18)

SECTION 7

1407.000. MINIMUM STRUCTURAL CODE. Buildings used in whole or in part as a home or residence of a single family or person and every building used in whole or in part as a home or residence of two or more persons or families living in separate apartments and all premises, either residential or non-residential, shall conform to the requirements of this subdivision.

1407.001. DECLARATION OF POLICY. The governing body declares the purpose of this code is to protect, preserve, and promote the physical health of the people by establishing standards that are applicable to all dwellings, structures and premises now in existence or hereafter constructed or developed. This policy.

- A. Establishes minimum standards for safety from fire, for the use and location and amount of space for human occupancy, and safe and sanitary maintenance.
- B. Establishes standards concerning unsightly and blighted buildings and premises, both residential and non-residential structures.
- C. Determines the responsibilities of owners, operators and occupants.
- D. Provides for the administration and enforcement thereof.

1407.002. DUTY OF OCCUPANT OR OWNER OF OCCUPIED OR UNOCCUPIED BUILDING AND ITS PREMISES OR VACANT PREMISES.

- A. It shall be the duty of the owner of every occupied or unoccupied dwelling, building and premises or vacant premise, including all yards, lawns and courts to keep such property clean and free from any accumulation of filth, rubbish, garbage, or any similar matter.
- B. It shall be the duty of each occupant of a dwelling unit to keep in clean condition the portion of the property which he or she occupies and of which he or she has exclusive control, to comply with the rules and regulations, to place all garbage and refuse in proper containers. Where care of the premise is not the responsibility of the occupant then the owner is responsible for violations of this ordinance applicable to the premise.
- C. If receptacles are not provided by the owner, then the occupant shall provide receptacles as may be necessary to contain all garbage and trash.
- D. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his or her dwelling unit is the unit primarily infested.

- E. Notwithstanding the foregoing provisions of this Section, whenever infestation is caused by failure of the owner to maintain a dwelling in a vermin proof or reasonable insect proof condition, extermination shall be the responsibility of the owner and operator.
- F. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

1407.003. REGULATIONS FOR THE USE AND OCCUPANCY OF DWELLINGS. No person shall occupy as owner occupant or rent to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements. The following requirements are hereby declared essential to the health and safety of the occupants of such dwelling or dwelling unit.

- A. The basement or cellar of any dwelling shall be reasonably dry and ventilated and shall be kept free from rubbish accumulation.
- B. Every dwelling unit shall contain within a room which affords privacy to a person in the room, a bathtub or shower in good working condition and properly connected to an approved water and sewer system.
- C. Drainage. All courts, yards or other areas on the premises of any dwelling shall be so graded and drained that there is no pooling of the water thereon. In addition, no property owner shall undertake any activities for diverting or channeling stormwater onto neighboring property.
- D. Entrances. For each dwelling unit there shall be a normally used separate access, either to a hallway, stairway, or street, which is safe and in good repair. A secondary exit to the ground shall be available in case of fire through windows, porch roofs, ladders or any combination that is free of hazard or egress.
- E. Floor Area. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant and at least 100 additional square feet of floor space for every additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area, inside measurements. No floor space shall be included in determining habitable room area over which the ceiling is less than seven (7) feet above the floor.

1407.004. MAINTENANCE AND REPAIR. Every dwelling and every part thereof shall be maintained in good repair by the owner or agent and be fit for human habitation. The roof shall be maintained so as not to leak and all rainwater shall be drained therefrom so as not to cause dampness in the walls or ceilings. All floors, stairways, doors, porches, windows, skylights, chimneys, toilets, sinks, walls, and ceilings shall be kept in good repair and usable condition.

1407.005. DESIGNATION OF UNFIT DWELLINGS. The designation of dwellings or dwelling units as unfit for human habitation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

- A. The public officer may determine that any dwelling unit is unfit for human use or habitation if he, she or they find that conditions exist in the structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents of the neighborhood, or which shall have a blighting influence on properties in the area.
- B. Such conditions may include the following without limitation:
 - 1. Defects that increase the hazards of fire, accident, or other calamities;
 - 2. Lack of adequate ventilation, light, cleanliness, or sanitary facilities;
 - 3. Dilapidation;
 - 4. Disrepair;
 - 5. Structural defects;
 - 6. Overcrowding;
 - 7. Inadequate ingress and egress;
 - 8. Unsightly appearance that constitute a blight to the adjoining property, the neighborhood, or the City; and
 - 9. Air pollution.
- C. Placarding (order to vacate). Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the public officer shall be vacated within a reasonable time as so ordered.
- D. Notice of Violation. Procedures as outlined in Section 1501.004.8 are applicable hereto.
- E. Compliance Required Before Re-occupancy. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the public officer.
 - 1. The public officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

2. It shall be unlawful for anyone to rent, lease, occupy or permit the occupancy, whether for a consideration or not, of any dwelling so posted and any violation of this provision shall constitute a misdemeanor within the meaning of this ordinance.
3. It shall be unlawful for any person to deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except the public officer as herein provided, and any violation of this provision shall constitute a misdemeanor within the meaning of this ordinance.

1407.006. DESIGNATION OF BLIGHTED BUILDINGS AND PREMISES (RESIDENTIAL AND NONRESIDENTIAL). The designation of unsightly and blighted premises and elimination thereof shall be carried out in compliance with the following requirements.

- A. The Public Officer may determine that if the appearance of a premise is not commensurate with the character of other properties in the neighborhood or otherwise constitutes a blight to the adjoining property or the neighborhood or the City for such reasons as, but not limited to:
 1. Dead trees or other unsightly natural growth;
 2. Unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof; vermin infestation, or inadequate drainage;
 3. Violation of any other law or regulations relating to the use of land and the use and occupancy of the buildings and improvements; and
- B. Notice of Violation. Procedures as outlined in Section 1501.014.8.

1407.007. INSPECTION OF BUILDINGS AND STRUCTURES, AND PREMISES.

- A. For the purpose of determining compliance with the provisions of this ordinance, the public officer or his or her authorized representative is hereby authorized to make inspections to determine the condition, use, and occupancy of dwellings, dwelling units, rooming units, and the premises upon which the same are located. This requirement is applicable to existing dwellings or buildings.
- B. The Public Officer is not limited by the conditions in the above paragraph where new construction or vacant premises are involved and may make such inspections at any appropriate time.
- C. The owner, operator, and occupant of every dwelling, dwelling unit, and rooming unit shall give the public officer, or his or her authorized representative, during reasonable hours, free access to such dwelling, dwelling unit, and rooming unit, and its premises, for the purpose of such inspection, examination and survey after identification by proper credentials.

D. Every occupant of a dwelling shall give the owner thereof, or his or her authorized agent or employee, access to any part of such dwelling, or its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this ordinance or with any rule or regulation adopted and promulgated, or any order issued pursuant to the provisions of this ordinance.

1407.008. NOTICE OF VIOLATIONS; PROCEDURES.

A. Informal Discussion. Whenever the public officer or his or her authorized representative determines that there has been a violation of any provision of this ordinance, the public officer will arrange to meet with the alleged violator for an informal discussion of violations, and whether repair and correction is justified.

B. Formal Hearing. If a satisfactory solution to the violations, either by correction, demolition or removal, is not forthcoming, then a legal notice of a formal hearing will be issued according to the following procedures:

1. Shall be in writing;
2. Shall list the violations alleged to exist or to have been committed;
3. Shall provide a reasonable time, but not less than 60 days in any event for the correction of the violations particularized;
4. Shall be addressed to and served upon the owner of the property, the operator of the dwelling, and the occupant of the dwelling unit or the rooming unit concerned, if the occupant is or may be responsible for violation;
5. If one or more persons whom the notice is addressed cannot be found or served after diligent effort to do so, service may be made upon such person or persons by posting a notice in a conspicuous place in or about the dwelling affected by the notice, in which event the public officer or his or her authorized representative shall include in the record a statement as to why such posting was necessary; and
6. Delivery shall be by personal service or by registered or certified mail, return receipt requested, and delivered to addressee only. If service is made by registered or certified mail, the public officer or his or her authorized representative shall include in the record a verified statement giving details regarding the mailing.

1407.009. PUBLIC OFFICER AUTHORITY. For the purpose of protecting the City against unsightly or blighted premises, also the health, welfare, and safety of the inhabitants of dwellings or dwelling units, the public officer referred heretofore is hereby authorized, with the consent and prior knowledge of the governing body, to enforce provisions of this ordinance, and of other laws which regulate or set standards affecting buildings and premises.

1407.010. GOVERNING BODY AUTHORITY. The governing body is hereby authorized:

- A. To informally review all alleged violations as provided in Section 1501.014.D.8. prior to notification prescribed in the same section;
- B. To take action as prescribed in Section 1501.014.D.8.;
- C. To hear appeals where there is opposition to any order, requirement, decision or determination by the public officer in enforcement of this ordinance, as outlined in Section 1501.014.D.11.
- D. Discretionary authority may be exercised in specific cases where variance from the terms of the ordinance as:
 - 1. Will not adversely affect the public health, safety or welfare of inhabitants of the City;
 - 2. Is in harmony with the spirit of this ordinance; and
 - 3. Where literal enforcement of the ordinance's provisions will result in unnecessary hardship.

1407.011. GOVERNING BODY, APPEALS.

- A. Any person, firm, or corporation considering themselves aggrieved by the decision of the public officer and who desires to present a formal protest to the governing body shall in writing, request a hearing before the governing body within 10 days after receiving notice of the decision from the public officer, as provided in Section 1501.014.D.8. Such protest and request for a hearing shall be filed with the office of the City Administrator or designee.
- B. Upon receipt of a protest and request for a hearing, the City Administrator or designee shall notify in writing the governing body for such appeal.
- C. The governing body shall, within 30 days of receipt of protest and request for a hearing, determine a date for the hearing.
- D. Notice of the date for the hearing shall be sent to the appellant at least 10 days before the hearing.
- E. Except where an immediate hazard exists, the filing of a protest and request for a hearing before the governing body shall operate as a stay of the enforcement of the public officer's order until such time as the governing body has reached a decision on the matter.

1407.012. VIOLATIONS AND PENALTIES. A violation of this Section 7 of Chapter 14 is a misdemeanor as defined in Minnesota Statute § 609, subd. 3, wherein a fine of

\$1,000 and 90 days in jail, or both, may be imposed.

(Ord. O-18-06, 8/21/18)