

CHAPTER 8 BUILDING AND HOUSING

Section 800 - Uniform Building Code

800.01 State Building Code Adopted. The Minnesota State Building Code, established pursuant to Minnesota Statutes §§ 16B.59 through 16B.75 and published in Minnesota Rules Chapters 1300 through 1370 and incorporating the Minnesota Plumbing Code, the Minnesota Energy Code, the National Electric Code and Chapters 4715 and 7670 respectively of Minnesota Rules, are adopted by reference as the building code for the City and are incorporated into this Chapter as if set out here in full.

Subd. 1 Mandatory Enforcement Provisions.

The City shall administer all mandatory provisions of the Minnesota State Building Code as amended.

Subd. 2 Optional Enforcement Provisions Adopted.

A. The optional provisions of the Minnesota State Building Code as provided in Chapter 1300.2900 are hereby adopted by the City without change and shall be enforced and administered by the City as a part of the State Building Code.

B. The Appendix Chapters of the Uniform Building Code (UBC), representing optional provisions of the Minnesota State Building Code as provided in Chapter 1305.0020 of Minnesota Rules, are hereby adopted by the City and shall be enforced and administered by the City without change except as otherwise provided.

C. The City may adopt revised fee schedules and bonding requirements under the UBC Appendix as a part of the State Building Code for the City.

800.02 Application, Administration, and Enforcement. The application, administration, and enforcement of the Minnesota State Building Code in the City shall be in accordance with Minnesota Statutes Chapter 16B and Minnesota Rules Chapters 1300 and 1305.

Subd. 1 Building Official. The City Council, pursuant to Minnesota Statutes 16B.65, shall appoint a Building Official who shall attend to all aspects of Building Code administration. The Building Official shall enforce the provisions of this Chapter and shall have the authority and power to issue citations or sign complaints for violations of this Chapter.

800.03 Permits, Inspections. Permits shall be issued, inspections conducted, and fees collected as provided for in Minnesota Statutes § 16B.62, Chapter 1 of the 1994 UBC as amended, and Minnesota Rules 1305.0106 and 1305.017.

800.04 Fees and Surcharge.

Subd. 1 Fee Schedule. The Fee Schedule shall be established by Resolution of the Council.

Subd. 2 Surcharge. In addition to the fees required under Subd. 1 above, the applicant for a building permit shall pay a surcharge to be remitted to the Minnesota Department of Administration as prescribed by Minnesota Statutes § 16B.70.

Section 810 - Fire Prevention

810.01 Scope. The provisions of this Subdivision are in addition to requirements imposed elsewhere in this Code. In the event of inconsistent provision, the strictest shall control.

810.02 State Fire Code.

Subd. 1 Adoption. The Minnesota State Fire Code, as amended, is adopted by reference and incorporated herein if set out here in full.

Subd. 2 Modification. The Chief of the Fire Department, with the approval of the Council, shall have power to modify any of the provisions of the State Fire Code but only to enact more stringent requirements as authorized by Minnesota Statutes § 299F.011. The particulars of any modification shall upon adoption by the Council shall be entered upon the records of the Fire Department.

810.03 Enforcement. The Chief of the Fire Department of the City or the Chief's authorized representative shall enforce the provisions of this Chapter. The Chief shall have the authority and power to issue citations or prepare and sign complaints for violations of the Minnesota Uniform Fire Code or this Chapter. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary.

810.04 Storage of Flammable or Combustible Liquids.

Subd. 1 Above Ground Storage. The limits referred to in the Minnesota Uniform Fire Code in which storage of flammable or combustible liquids in outside, above-ground tanks is prohibited, shall be established as follows: All residential districts in any R category.

Subd. 2 Bulk Plants. The limits referred to in the Minnesota Uniform Fire Code in which new bulk plants for flammable or combustible liquids are prohibited, are established as follows: All districts except those zoned Limited Industry and General Industry.

810.05 Bulk Storage of Liquefied Petroleum Gases and Explosives or Blasting Agents. The limits referred to in the Minnesota Uniform Fire Code in which bulk storage of liquefied petroleum gas is restricted, shall be established as follows: All districts except those zoned General Industry.

810.06 Appeals. Whenever the Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provision of the Code do not apply or that the true intent and meaning of the Code is misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the City Council within thirty (30) days from the date of the decision.

810.07 New Materials, Processes or Occupancies Which May Require Permits. The Building Inspector, Chairman of the Planning & Zoning Commission and the Chief of the Fire Department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the Code.

810.08 Penalties.

Subd. 1 General. In addition to other penalties provided by this Code, the imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All persons shall be required to correct or remedy the violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 820 - Housing Requirements

820.01 Purpose. The purpose of this Section is to provide a system by which the owners of all principal buildings located in the City are required to post the address number assigned to their principal building in specified locations in accordance with this Section, and to promote the public health, safety and general welfare and to further the implementation of the emergency services.

820.02 Address Numbers.

Subd. 1 Requirements. Address numbers shall be displayed on houses or principal buildings in numerals not less than four (4") inches high and of contrasting color to the background.

Subd. 2 Clearly Visible. Numbers shall be clearly visible from the nearest street.

Subd. 3 Posted Sign. In those cases where the principal building is obscured from the view from the street address by accessory buildings, trees, shrubbery or other visual obstruction, the number shall be displayed from a permanent mounting on the property, clearly visible from the street, displayed prominently in numerals not less than four (4") inches high and of contrasting color to the background.

Subd. 4 Mailboxes. Those wishing to display their physical address in conjunction with their mailing address on their mailbox must display the physical address above the mailing address, in numerals not less than two (2") inches high, of a light reflective material and of contrasting color to the background.

Section 830 - Trailer Coaches

830.01 Purpose. In the exercise of its police power and to promote the general welfare of the people and for the protection of property rights in the City, it shall be unlawful to park and use a trailer coach within the City limits where the trailer coach is to be used as a residence or office in any area except as provided in this Section.

830.02 Definition. For the purpose of this Section, a trailer coach shall mean any vehicle used or so originally constructed as to permit its being used as a conveyance upon the public streets or highways and shall include self-propelled or non-self-propelled vehicles as designed, constructed, reconstructed or added to by means of an enclosed addition or room in such a manner as shall permit the occupancy thereof as a dwelling, sleeping place or office for one or more persons, having no foundation other than wheels, jacks, skirting or blocks, and that do not meet the standards of a regular house or building. A trailer coach shall be deemed and considered to be used as a residence or office if the trailer coach shall be continuously occupied by one or more persons for such purposes for a period exceeding seven days.

830.03 Location. Nothing contained in this Chapter shall prohibit the parking or using of the trailer coaches for a residence or office in an established Trailer Court.

830.04 Temporary Use. The City Council may grant permission for the temporary use of trailer coaches as offices upon application made to it and for good cause shown where the -trailer coach is to be used as an office in connection with the construction of permanent building or buildings within the City.

830.05 Violation and Penalty. The Police Department of the City shall be empowered to cause the trailer coach in violation of this Section to be towed or hauled from the premises. In addition to other penalties provided by this Code, any person who is found to be in violation of this section shall be required to pay the cost of removal of the trailer coach.

Section 840 - Unfair or Discriminatory Housing Practices

840.01 Declarations of Fair Housing Policy. Discrimination with regard to housing on the basis of race, sex, creed, religion, marital status, and disability adversely affects the health, welfare, peace and safety of the community. Persons subject to such discrimination suffer depressed living conditions and create conditions which endanger the public peace and order. The public policy of the City shall be to foster equal opportunity for all to obtain decent, safe and sanitary housing without regard to their race, creed, color, national origin, marital status, disability status or sex and strictly in accord with their individual merits as human beings. It shall also be the policy of the City to protect all persons from all unfounded charges of discrimination.

840.02 Prohibited Acts in Regard to Housing. It shall be unlawful to discriminate against any person referred to in this Section as provided by Minnesota Statutes or Federal law.

840.03 Exceptions. The provision of this Section shall not apply to:

- A. The rental of a portion of a dwelling containing accommodations for two (2) families, one of which is occupied by the owner; or

B. The rental by an owner or occupier of a one-family accommodation in which the owner resides, of a room or rooms, in accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance or disability. Nothing in this Section shall be construed to require any person or group of persons selling, renting or leasing property to modify the property in any way or exercise a higher degree of care for a person having a disability than for a person who does not have a disability. Nor shall this Section be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of the lease, agreement or contract.

840.04 General Enforcement Procedures. Upon complaint or upon its own motion, the City shall promptly investigate any violations of this Section. If after investigation, it shall have reason to believe a violation has occurred, it may refer the matter to the City Attorney for criminal prosecution, initiate civil enforcement procedures as in this Chapter, or enter into a settlement agreement which, when approved by the City, shall have the same force as a City order.

840.05 Civil Enforcement Procedure. Civil enforcement procedures shall be prosecuted by the City before the Council in the following manner:

A. The City shall serve upon respondent by certified mail a signed complaint which shall set forth a clear and concise statement of the facts constituting the violation, set a time and place for hearing, and advise the respondent of his or her right to file an answer, to appear in person or by an attorney, and to examine witnesses.

B. The hearing shall not be less than twenty (20) days after service of the complaint.

At any time prior to the hearing the respondent may file an answer. Facts not denied by answer shall be deemed admitted. If the answer sets out new matter, it shall be deemed denied by the City.

C. The complaint or answer may be amended at any given time prior to the hearing with the consent of the opposing party.

D. Hearings shall be before the Council.

E. The City may obtain subpoenas from the District Court to compel the attendance of witnesses and the production of documents at any hearing.

F. If, after the hearing, the Council concludes that a violation has occurred, it shall prepare an order which may contain any provision deemed desirable to do justice to the complainant or to prevent further violations. It may include provisions which require the respondent to rent, sell, or lease particular housing to the complainant or to do any other thing that may be just. The respondent may appeal the findings and order to the District Court within ten days (10) after mailing of the findings and order.