

ORDINANCE NO. 56
CITY OF ROYALTON

PROPERTY MAINTENANCE ORDINANCE.

Purpose. The purpose of this Exterior Property Maintenance Ordinance is to protect the public health, safety, morals and general welfare as it pertains to premises and buildings used for residential, commercial and industrial purposes. This protection is hereinafter provided by:

Subd. 1. Establishing minimum standards for maintaining residential, commercial industrial and public environmental quality to preserve and achieve the presentable appearance of existing structures and premises; avoiding blighting effects of the substandard maintenance of structures and premises and the negative impact on the value of surrounding properties; and eliminating hazardous conditions;

Subd. 2. Fixing the responsibilities of owners, operators and occupants of structures and their premises;

Subd. .3 Providing for administration, enforcement, and penalties.

Definitions. For the purpose of this Exterior Property Maintenance Ordinance certain terms or words shall be interpreted as follows:

Subd. 1. Words used in the singular shall include the plural, and the plural the singular;

Subd. 2. Words used in the present tense shall include the future tense;

Subd. 3. Words in the masculine gender shall include the feminine;

Subd. 4. The word “shall” is mandatory and not discretionary;

Subd. 5. The word “may” is permissive;

Subd. 6. The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for;”

Subd. 7. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; and

Subd. 8. The word “dwelling” includes the word “residence.”

Subd. 8. **Accessory structure.** A structure which is subordinate to and incidental to that of the main building on the same lot.

Subd. 9. **Building.** Any permanent or stationary structure having a roof supported by columns or walls.

Subd. 10. **Building code.** The most current edition of the State of Minnesota Building Code, or such other code as may be officially designated by the Morrison County Commissioners for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all buildings and structures.

Subd. 11. **Dwelling unit.** Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, cabin, trailer, or trailer coach or other temporary or transient structure or facility.

Subd. 12. **Exterior property areas.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Subd. 13. **Graded.** The leveling of land to intended height by removing high ground and filling low ground. All fill dirt shall be brought to the same level.

Subd. 14. **Premises.** A tract, lot, plot or parcel of land including all grounds and buildings.

Subd. 15. **Structure.** Anything constructed or erected, which requires location on the ground or attachment to something having location on the ground.

Subd. 16. **Woodland area.** An area in its natural state populated by trees and other forest growth.

Subd. 17. **Workmanlike.** Work done in a skillful and well-executed manner that is in good repair and structurally sound.

Application of exterior property maintenance ordinance. The provisions of the Exterior Property Maintenance Ordinance shall apply to all premises and structures within City which exist now or in the future, with respect to structure, maintenance, proper drainage and sanitary conditions or other similar conditions which otherwise constitute a public nuisance.

Compliance required. Every portion of any premises or structure, shall comply with the provisions of this Exterior Property Maintenance Ordinance, irrespective of when such structure has been constructed, altered or repaired, or premises occupied, except as hereinafter provided.

Conflict of laws. In any case where a provision of this Exterior Property Maintenance Ordinance is found to be in conflict with a provision of any Zoning, Building, Fire, Safety or Health Regulation or other regulation code or resolution, the provision which

established the higher standard for the promotion and protection of the safety and health of the people shall prevail.

Existing remedies. Nothing in this Exterior Property Maintenance Ordinance shall be deemed to abolish, impair or prevent the execution of any existing remedies of the City or its officers or agents relating to the abatement of a nuisance.

Enforcement officials.

Subd. 1. **Enforcement officers.** The City shall assign the duties of administering and enforcing this Ordinance to an Enforcement Officer. The Enforcement Officer may call upon any department, division or contractor of the City for whatever assistance may be necessary in the enforcement of this Ordinance.

Subd. 2. **Liability.** No officer, agent or employee of the City shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Ordinance.

Inspections. An Enforcement Officer is authorized to make inspections of exteriors of structures and premises located within the incorporated area of the City for purposes of enforcing the provisions of this Exterior Property Maintenance Ordinance. For the purpose of making such inspections, and upon showing appropriate identification, an Enforcement Officer is hereby authorized to examine and survey at any reasonable hour all structures and premises.

Warning citation. It is the policy of the City to use fair and reasonable judgment in the administration of its enforcement actions. To this end, a Warning Citation may be issued for the first occurrence of a violation of this Ordinance. The Warning Citation shall be worded so as to sufficiently identify the premises and the nature of the violation. If the premises owner or person being cited fails to correct the violation in the time allotted by an Enforcement Officer, then a Notice of Violation shall be issued. In his discretion, an Enforcement Officer shall have the right to forego issuing a Warning Citation and may proceed to issue a Notice of Violation. The issuance of a Warning Citation shall not be a prerequisite to the issuance of a Notice of Violation. There shall be no right of appeal from the issuance of a Warning Citation.

Notice of violation.

Subd. 1. **Content.** Whenever an Enforcement Officer determines that there is a violation of the provisions of this Ordinance, he may give notice of such violation to the person or persons responsible therefore and order compliance, as hereinafter provided. Such notice and order shall:

- a. Be in writing;
- b. Include a description of the real estate sufficient for identification;
- c. Include a statement of the reason or reasons why it is being issued;

- d. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the property into compliance with the provisions of this Ordinance; and
- e. State the right of the violator to file an appeal of the notice with the Maintenance Ordinance Appeals Board within ten (10) days of receipt of the notice.

Subd. 2. **Service.** A Notice of Violation shall be deemed to be properly served if one (1) or more of the following methods are used:

a. By personal delivery to an owner or occupant of the premises or by leaving the notice at the premises with a person of suitable age and discretion; or

b. By Certified Mail deposited in the United States Post Office addressed to an owner or occupant of the premises at his/their last known address, with return receipt requested. If a Certified Mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a Certificate of Mailing which shall be filed by an Enforcement Officer. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or

c. By posting a copy of the notice form in a conspicuous place on the premises found in violation and publishing a legal notice in a newspaper of general circulation in the Township. The legal notice shall identify the owners of the premises, the last address, if known, of the owners, the parcel identification, the location and nature of the violation. Service is complete upon said posting and publication.

Exterior property maintenance Ordinance appeals.

Subd. 1. **Appeals Board.** To implement the purposes and requirements of this Exterior Property Maintenance Ordinance, there is hereby created the Exterior Property Maintenance Ordinance Appeals Board, hereinafter referred to as the Board. For the purposes of this Ordinance, the Board of Appeals shall be the City Council and function as the Exterior Property Maintenance Ordinance Appeals Board.

Subd. 2. **Procedure.** Said Board may adopt rules of procedure not inconsistent with this Ordinance. No member of the Board shall take part in any hearing or determination in which he or she has a personal or financial interest. Three (3) members of the Board in attendance at any meeting shall constitute a quorum.

Subd. 3. **Authority.** The Board shall hear all appeals relative to the enforcement of this Ordinance, and by a concurring vote of the majority of those members hearing the appeal may reverse or affirm, wholly or partly, or may modify the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the inspector.

Subd. 4. **Hearings.** Any person affected by any Notice of Violation which has been issued in connection with the enforcement of any provision of this Exterior Property Maintenance Ordinance, may request and shall be granted a hearing on the matter before the Exterior Property Maintenance Ordinance Appeals Board provided that such person shall file in the office of an Enforcement Officer an appeal on forms provided by the City. The appeal shall be filed within ten (10) days after the date of the notice and order, revocation or denial of permit. Upon receipt of such an appeal, the Appeals Board shall set a time and place for hearing before the Appeals Board and shall give the appellant written notice thereof by first class mail postmarked at least ten (10) days prior to such hearing. The hearing shall be held at the next regular City Council meeting. At such hearing, the appellant shall be given an opportunity to be heard and to show cause why any item appearing on such notice and order should be modified, or withdrawn. The failure of the appellant or his representative to appear and state his case at such hearing shall have the same effect as if no appeal was filed.

Subd. 5. **Findings.** Prior to sustaining any Notice of Violation and compliance order, the Appeals Board shall make the following findings:

- a. The violator was served with a Notice of Violation
- b. The Notice of Violation that was served stated the specific nature of the violation; corrective action needed to be taken to abate the violation; and a specific time period for abatement of the violation.
- c. Within the time period stipulated in the Notice of Violation, the violator failed to comply with the Notice of Violation by not abating the violation, and/or not bringing the use into compliance with the Ordinance.
- d. Upon expiration of the date indicated for compliance in the Notice of Violation, the premises or structure was being maintained in violation of specific provisions of the Maintenance Ordinance and/or conditions imposed by the Appeals Board as a prerequisite to the modification of a previous compliance order.
- e. Determination that a violation exists on the property.

Subd. 6. **Authority of appeals board.** Within thirty (30) days of the close of the public hearing, the Appeals Board shall render a decision sustaining, modifying, or withdrawing any item appearing on the notice and order. The petitioner shall be notified in writing of such action.

Civil remedies. If the recipient of a Notice of Violation fails to comply with said Notice of Violation within the stated period of time, the Council may institute an action for injunction, mandamus, or abatement or any other appropriate action or proceeding to enjoin, correct or abate such violation.

Violation penalties.

Subd. 1. No person shall violate any provision or fail to conform to any of the requirements of this Property Maintenance Ordinance or fail to comply with any order made there under.

Subd. 2. Whoever violates any section of this Ordinance shall be guilty of a petty misdemeanor and be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Subd. 3. The application of the penalty provided hereof shall not be held to prevent the enforced removal of prohibited conditions.

Abandonment of construction project. Any building or structure for which a Building Permit has been issued, and except for circumstances beyond the property owner's control (e.g., labor strikes, inclement weather, etc.), all construction work shall be diligently pursued to completion. Any construction project upon which no substantial work has been undertaken for a period of twelve (12) months, shall be deemed abandoned. Upon any construction project being deemed abandoned, all buildings or structures not completed to the degree such buildings or structures have been indicated on the plans submitted in support of a Building Permit, shall have all building materials and construction equipment removed from the site.

Application of maintenance standards. The following standards are applicable to all residential structures, dwelling units, residential portions of mixed-use structures and all dwelling units located in commercial structures.

Structural soundness and maintenance of dwellings. All structures shall be maintained as follows:

Subd. 1. **Foundations.** Foundations shall support the structure at all points and shall be free of all holes and cracks as to prevent the entrance of rodents, water or dampness to the interior of the structure or lessen the capability of the foundation to support the building.

Subd. 2. **Exterior walls and surfaces.** Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition as to prevent the entrance of rodents, rain or dampness to the interior of the building.

Subd. 3. **Windows.** Windows shall be fully supplied with window glass which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, be capable of being easily opened and held in position by hardware, and maintained so as to exclude adverse weather elements from entering the structure.

Subd. 4. **Exterior doors.** Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and waterproof and be provided with door hinges and door latches which are in good working condition.

Subd. 5. **Roof.** Roof members, covering and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rainwater from causing dampness in the interior portion of the structure.

Subd. 6. **Gutters.** Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.

Subd. 7. **Chimneys.** Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.

Subd. 8. **Porches/decks.** Every porch or deck shall be so constructed and maintained so as to be free of missing, defective, rotting or deteriorated foundations, supports, floors, other members, and steps thereto, kept in sound condition and in good repair.

Subd. 9. **Structural member.** Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.

Subd. 10. **Exterior surfaces.** Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective coverings. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering.

Subd. 11. **Basement.** Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage into the building.

Subd. 12. **Decorative features.** All cornices, entablatures, bell 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.

Paint and coating materials. All new paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from general use by authorized Federal, State, County, or Local Regulatory Agencies for health and safety reasons.

Exterior premises. All premises shall be properly maintained as follows:

Subd. 1. **Exterior space.** The exterior open space shall be maintained or so improved so as to provide for:

- a. The immediate diversion of water away from structures and proper drainage of the premises;
- b. Grass, plantings or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, premises use or adjacent premises and structures;
- c. Yard-walks, parking areas, and driveways of a concrete, asphalt, pavers, existing gravel or similar surfaces which are of sound construction and properly maintained;
- d. Exterior steps which are of sound construction and properly maintained free of hazardous conditions.

Subd. 2. **Maintenance.** The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, signs, windows, doors, awnings and all surfaces thereof, shall be maintained and shall be painted or protected where necessary for the purpose of preservation. All canopies, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration.

Subd. 3. **Fences and walls.** All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that fences, retaining walls, or similar structures shall always be in the state of good repair. If any fence, retaining wall, or similar structure is found not to be in the state of good repair, it shall be removed, replaced, or repaired as required. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals so as to retard deterioration.

Subd. 4. **Yards.** All yards, courts, and lots shall be graded and kept free noxious weeds, debris and other materials which may cause a fire, health, or safety hazard.

Subd. 5. **Hazards.** Hazards and unsanitary conditions shall be eliminated.

Subd. 6. **Drainage.** All portions of all premises shall be so graded, seeded, sod, or otherwise landscaped, that there is no pooling of water or recurrent entrance of water into any part of any structure except when such pooling or retention of water is part of a plan approved by the City Engineer. All condensate and water cooling water shall be appropriately discharged into an approved drainage system.

Subd. 7. **Drainage swales.** Swales are to be maintained by the owners of the premises on which they are located, and at no time will anyone plant shrubs and/or trees, or discharge, empty, or place any material, fill or waste into any swale so as to divert or impede drainage flow. Swales should be mowed as part of the yard. In meadow situations the swales should be mowed less frequently in order to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving understory growth to retard runoff and prevent erosion.

Subd. 8. **Boarded Structures.** Exteriors may not be left boarded up unless it is for a temporary construction project. Temporary will refer to three (3) months or less. Anything remaining boarded up beyond three (3) months will be considered a violation of this ordinance.

Vegetation.

Subd. 1. **Maintenance of plantings.** All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

Subd. 2. **Woodland areas.** All undeveloped/unimproved areas shall be treated as agricultural operations and in accordance with the City's zoning ordinance shall not be subject to cutting of grass over eight (8) inches in height.

1305.20. Stairways.

Subd. 1. **Exterior stairways.** All exterior stairways on all residential premises shall be in accordance with the following provisions:

- a. Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
- b. Stairways shall be maintained free of rotted or deteriorated supports;
- c. Stairways shall have treads of uniform width and risers of uniform height;
- d. Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a hazardous condition, an Enforcement Officer may require their installation in accordance with the provisions of the State Building Code.

Accessory structures.

Subd. 1. **Accessory structures.** All structures accessory to the dwellings, including detached garages, shall be maintained structurally sound, neatly maintained, and in good repair or shall be razed to grade level and debris removed from the premises.

This Ordinance shall be effective immediately upon its passage and publication.

DATED: _____

CLERK

MAYOR