

ORDINANCE #84 - 1990

AN ORDINANCE PROVIDING PROCEDURES FOR DEALING WITH HAZARDOUS AND UNSAFE STRUCTURES IN THE CITY OF ROSE CREEK.

THE CITY COUNCIL OF THE CITY OF ROSE CREEK DOES ORDAIN :

SECTION 1. Definitions

For purposes of this Ordinance and the words and phrases in this section shall have the meanings given to them herein;

- a.) "Building" includes any structures or part of a structure, including without limitation, residential structures, commercial structures, agricultural outbuildings (e.g. barns) and structures supporting signs.
- b.) "Building Inspector" shall mean a State certified building inspector appointed by the City Council of the City of Rose Creek as the Building Official of the City of Rose Creek.
- c.) "Hazardous Building" or "Hazardous property" means any building or property which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment constitutes a fire hazard or a hazard to public safety or health.
- d.) Owner, owner of record, and lien holder of record. "Owner," "owner of record," and "lien holder of record" means a person having a right or interest in property described in subdivision 3 and evidence of which is filed and recorded in the office of the county in which the property is situated.

SECTION 2. Statutory Authorization

The regulation promulgated by this Ordinance are authorized by Section 203 of the Uniform Building Code of 1979 as Certified by MCAR Section 1.0111 and Chapter 412 of the Minnesota Statutes.

SECTION 3. General Provisions

When the existence of a hazardous building or hazardous property comes to the attention of the Building Inspector, the Building Inspector shall make an inspection of such building or property.

Following such inspection the Building Inspector shall make an appropriate order to the elimination of the hazard created by such building or property. Such order shall be in writing; recite the grounds upon which the Building Inspector concluded it was a hazardous building, or property; specify the actions required to be taken to eliminate the hazard and provide a reasonable time for compliance with the order (which shall be no more than thirty (30) days from the date of such order).

Such order shall be mailed to the owner of the hazardous building or hazardous property by certified or registered mail.

Following the expiration of the time specified in the order for compliance the Building Inspector shall reinspect the building or property to determine whether the hazard has been eliminated. The Building Inspector shall then communicate such information to the City Council in writing.

SECTION 4. Failure to Comply with Order

Should the order of the Building Inspector not be complied with, within the time allowed, the City Council shall determine whether to proceed in accordance with the provisions of Minnesota Statutes Sections 463.15 et seq., to prosecute the owner of the hazardous property or hazardous building for violating the provisions of this Ordinance, to proceed in any other manner authorized by law or to proceed in any combination of the foregoing.

SECTION 5. Limitation on Liability

The City of Rose Creek, the Building Inspector and/or any employee charged with the enforcement of the ordinance, shall not be liable for any damage that may occur to persons or property as a result to any act required of the Building Inspector or any employee of the City of Rose Creek or by reason of any act or omission of the Building Inspector or any such employee.

SECTION 6. Severability

In the event any clause or provision hereof shall be determined to be illegal or unconstitutional such determination shall not effect the validity of any other provisions of this Ordinance.

SECTION 7. Violations and Penalties

Any persons who fails to comply with an order of the Building Inspector within the time allowed made pursuant to this Ordinance shall be guilty of a misdemeanor. Each day or portion thereof during which such violation continues shall constitute a separate offense.

SECTION 8. Effective Date

This Ordinance shall be effective immediately after its adoption and publication once in the legal newspaper of the City of Rose Creek.



Fred Lickteig, Mayor

ATTEST:



Janet Nelsen, City Clerk

