

Subd. 7 Licensing of Collectors.

- A. No person shall collect garbage, refuse, rubbish, recyclables, or industrial waste from any person, property, or business located within the City of Delano, unless a license therefor shall first have been obtained from the City.
- B. The Council shall consider any application for a collector's license. If the Council finds that the applicant is responsible, has a good record of operations, is in compliance with applicable legal requirements, and has the proper equipment, facilities, resources and personnel to provide good quality collection service, and that it would be in the public interest to do so, it may direct the Clerk to issue the permit to the applicant.
- C. The applicant shall submit to the Clerk a certificate of insurance containing such terms and in such an amount as shall be determined by the Council.

Subd. 8 Composting. The contractor for residential and apartment garbage, refuse, and rubbish collection shall provide no fewer than four annual collections of composting materials; two collections shall occur in the spring and two in the fall.

Subd. 9. Recycling. In addition to the recycling which may be provided pursuant to City contract, the City encourages collection of recyclable materials at restaurants, hotels, taverns, commercial, industrial, religious, educational and health care facilities.

SECTION 405.01. PROPERTY MAINTENANCE CODE.

Subd. 1. Purpose. The purpose of this Section is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, construction and maintenance of all buildings, property and structures within the City. The provisions contained herein are in addition to other applicable provisions of the code and not in lieu thereof. Any provisions contained herein which are inconsistent or in conflict with any other provision of the code shall supersede such other provisions. This Section shall be referred to as the Delano Property Maintenance Code.

Subd. 2 Scope. The provisions of this Section shall apply to all buildings, structures and property within the City.

Subd. 3. Enforcement.

- A. Authority. The Building Official and the Council are hereby authorized to enforce all of the provisions of this Section.
- B. Right of Entry. The Building Official or an authorized representative may enter, examine and survey all buildings at all reasonable times. In the event the owner or occupant of the building does not consent to entry by the Building Official or an authorized representative of the Building Official, and if there is probable cause to believe that a violation of the Delano Property Maintenance Code exists in the building, then

application may be made for a warrant or Court order allowing for inspection of the building. No person shall refuse entrance or impede the Building Official, chief of the fire department, officer of the peace, or a designated representative, in the performance of emergency duties. In the case of emergency, every such official or officer shall have the right to enter, inspect, examine, survey and perform emergency operations in all buildings without a warrant or court order.

- C. Substandard Buildings. All buildings or portions thereof which are determined to be substandard as defined in this Section constitute a violation of this Section and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures specified in this Section.
- D. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this Section, the Building Official may grant modifications for individual cases, provided that the modification is in conformity with the intent and purpose of this Section, does not differ from the requirements of the Minnesota State Building Code or this Section and that such modification does not reduce the level of any safety protection requirements or structural integrity. The details of any action granting modifications shall be recorded and entered in the files of the building official.
- E. Violations. No person shall construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, rent or let to another, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Section.

Subd. 4. Definitions. For the purpose of this Section, certain terms, phrases, words and their derivatives shall be construed as specified in either this Section or as specified in the Minnesota State Building Code or this Section.

- A. “Apartment House” is any building which is intended or designed to be occupied or which is occupied as the home or residence of four or more families living independently in separate dwelling units and doing their own cooking in the rental building.
- B. “Building Code” is the Minnesota State Building Code adopted by the City.
- C. “Component” is a constituent part of a building.
- D. “Dwelling,” is any building which is not an apartment house, lodging house or a hotel and which contains one or more dwelling units.
- E. “Dwelling unit” is a single unit situated within a building providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
- F. “Efficiency dwelling unit” is a dwelling unit containing only one habitable room and meeting the requirements of the Building Code.

- G. “Family” is an individual or two (2) or more persons related by blood, marriage or adoption, including foster children.
- H. “Guest room” is a habitable space in a hotel or lodging house designed or intended to be used or occupied or which is used for sleeping purposes by guests.
- I. “Habitable space” is a space or room in a rental building for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.
- J. “Hotel” is any rental building or portion thereof containing six or more guest rooms.
- K. “Hot water” is water supplied to plumbing fixtures at a temperature of not less than 110 degrees Fahrenheit.
- L. “Lodging house” is any rental building containing not more than five guest rooms.
- M. “Rental building” is any building or structure or portion thereof used, designed, or intended to be used for human habitation and for which use the owner receives, is entitled to receive or will receive consideration from an occupant or from someone on the occupant’s behalf in the form of money, goods, labor, or otherwise. Consideration does not include compensation received by a family member from another family member living in the same dwelling unit.
- N. “System” is a regularly interacting or interdependent group of items forming a unified whole or a group of devices or artificial objects or an organization forming a network especially for distributing something or serving a common purpose.

Subd. 5. Owner and Occupant Responsibilities and Responsibilities of Others.

- A. Owner.
 - 1. Owners of all buildings shall construct and maintain buildings in accordance with the requirements of the Building Code and this Section.
 - 2. It shall be the responsibility of the owner to restore the exterior and interior surface of the owner’s building to a state of good maintenance and repair.
 - 3. No person shall let to another for occupancy any building or dwelling unit which does not comply with the Minnesota State Fire Code and Building Code, as adopted by the City, this Section, or any other federal, state or local law or regulation.

B. Occupants.

1. Each occupant of a building shall keep in a clean and sanitary condition that part of the dwelling unit and premises thereof which that person occupies or controls.
2. Every occupant of a building shall dispose of garbage, refuse and rubbish in a clean and sanitary manner by placing it in appropriate disposal facilities.
3. No person shall occupy any building or dwelling unit which does not comply with the Minnesota State Fire Code, Building Code, as adopted by the City, this Section or any other federal, state or local law or regulation.

C. Defacement of Property.

1. No person shall willfully or wantonly damage, mutilate or deface any exterior or interior surface of any building by placing thereon any marking, carving or graffiti.

Subd. 6. Components and Systems. The components and systems of buildings shall comply with the Minnesota State Building Code.

Subd. 7. International Property Maintenance Code Adopted.

A. Adoption. The International Property Maintenance Code, 2006 Edition, published by the International Code Council, Inc., is hereby adopted as if set out in full in this Section, with the additions, insertions, deletions and changes as set forth in Subpart B below.

B. Revisions. The following Sections of the International Property Maintenance Code, 2006 addition are revised as follows:

1. Section 101.1: This Subsection is amended to read: **Title.** The regulations set forth in this Code shall be known, cited, and referred to as the Delano Property Maintenance Code.
2. Section 102.3: This Subsection is amended to read: **Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the Minnesota State Building Code and this Code.
3. Section 102.7: This Subsection is amended to read: **Referenced codes and standards.** All references to other codes or standards within this Property Maintenance Code shall mean the applicable provisions of the Delano City Code or Minnesota State Building Code, whichever is the most restrictive requirement permitted under statute or applicable law.
4. Section 103.1: This Subsection shall be deleted in its entirety and substituted with the following: **General.** The Department of Building Inspections is hereby

charged with the administration and enforcement of the Property Maintenance Code. The “Code Official” as that term is used in this Code, is the Director of Building Inspections or the Director’s designee.

5. Section 103.2: Delete this Subsection in its entirety.
6. Section 103.3: Delete this Subsection in its entirety.
7. Section 103.5: This Subsection is amended to read: **Fees/continuing violations**. A fee shall be payable for every inspection required by this Code. A single fee shall be due and payable for the initial inspection and one re-inspection related to the code compliance action.
 - a) Additional Fees. An additional fee as prescribed by Council shall be due and payable for every required re-inspection subsequent to the first re-inspection provided for in this Section.
 - b) Continuing Violation a Separate Misdemeanor. In addition to the additional inspection fee for additional inspections for continuing violations, each period of 10 days after the initial 60 day period of the violation shall constitute a misdemeanor violation of this Code.
8. Section 104.5: **Identification**. This Subsection shall be amended as follows: Insert after “Code Official”: “and employees of the Department of Building Inspections.”
9. Section 106.1: Delete this Subsection and substitute the following: **Unlawful Acts**. An owner, occupant or tenant may not erect, construct, alter, extend, repair, remove, demolition, maintain, fail to maintain, provide, fail to provide, occupy, permit another person to occupy any dwelling unit or structure regulated by this Code or cause the same to be done in violation of any provision of this Code; or fail to obey a lawful order of the Code Official.
10. Section 106.3: Delete this Subsection, rename, and substitute the following:

Enforcement of Penalties. Violation of any provision of this Code is hereby deemed a municipal infraction punishable by a fine not to exceed \$1,000.00. Each day a violation continues is a separate offense. In addition to the foregoing, the City may seek any other remedy available to it by law or equity to abate, restrain or correct the violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code order or direction made pursuant thereto. Any costs incurred in connection with any action taken by the City to abate, restrain or correct the violation on the premises in violation of this Code shall be charged to the owner of the property. Until the expenses are paid by the owner, they will constitute a lien upon the property to be collected in the same manner as other City taxes.

11. Section 106.4: Delete this Subsection in its entirety.
12. Section 106.5: Delete this Subsection in its entirety.
13. Section 107.1: Delete this Subsection, rename and substitute the following:

Notice of Violation. When a Code Official or his/her designee has grounds to believe that this Code has been violated, the Code Official or his/her designee shall serve upon the person responsible a written notice of the violation.

14. Section 107.4: Delete this Section in its entirety.
15. Section 109.5: Delete this Subsection and replace with the following:

Costs of Emergency Repairs. Any cost incurred by the City in connection with the emergency repairs performed pursuant to this Section shall be charged to the owner of the property where the unsafe structure is located. Until the expenses are paid by owner, they will constitute a lien on the property to be collected in the same manner as other City taxes.

16. Section 111: Delete this Section in its entirety and substitute with the following:

Appeals. A person directly aggrieved by a notice of violation issued under this Code is entitled to a full hearing before the City Administrator upon serving a written request therefore upon the City Administrator within 30 days of receipt of a notice of violation.

a) **Request for hearing and hearing.** The written request shall include documents and written arguments serving as a basis for the applicant's position. At such hearing the applicant may present any evidence he deems pertinent to the appeal, but the City shall not be required to keep a verbatim record of the proceedings. If a request for hearing is timely received by the City Administrator, the City Administrator or City Administrator's designee shall set a hearing date within 14 days from the date of the applicant's request. At such hearing the applicant may present any evidence he deems pertinent to the appeal. The City Administrator or the City Administrator's designee shall issue a written decision, setting forth the reasons therefore within a reasonable period, in no case later than 10 days from the date of the hearing. The decision of the City Administrator or the City Administrator's designee shall be mailed to the applicant at the address provided in the request for the hearing.

b) **Penalties.** Any person who fails to comply with the correction or compliance order after the right of appeal has expired, and any person who fails to comply with the modified correction or compliance order within the time set forth therein, and any person who violated any provisions of this Property Maintenance Code by doing any act or admitting to doing any act which constitutes a breach of any Section shall be guilty of a misdemeanor.

c) **Alternative Sanctions.** In the case of commercial facilities which require licensing and multiple dwellings which require registration, said licensing or registration may be revoked or renewal withheld until compliance with this Property Maintenance Code.

d) **Execution of Correction or Compliance Order by Public Authority.** Upon failure to comply with the correction or compliance order within the time set forth therein and no appeal having been taken, or upon failure to comply with a modified correction or compliance order within the time set forth therein, the criminal penalty established herein notwithstanding, the Council may by resolution cause the cited deficiency to be remedied as set forth in the correction or compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in a manner provided by Minnesota Statutes.

17. **Section 202. General Definitions.** This Section is amended by adding the following definitions:

a) *Insanitary* as applied to a structure means failure to maintain healthy conditions and liable to be a danger or hazard to health of persons occupying or frequenting it, or to the public if such danger arises from the methods or materials of construction or from equipment installed therein for the purposes of lighting, heating, ventilation, or plumbing or from existing conditions liable to cause rat infestation, vermin infestation, accumulation of trash and debris in the building, yards or accessory structure on the premises or from mold, causing conditions (same as unsanitary).

b) *Occupied.* Occupied for dwelling units means occupied areas will include those areas designated and utilized as habitable space as well and non-habitable spaces which are easily accessible and normally utilized by the occupants. For non-residential facilities, occupied areas will include all areas utilized in the operation in whatever use occupies the building.

18. Section 302.4: Weeds. Insert “10 inches”.

19. Section 302: Exterior Property Areas. This section is amended by adding Sections 302.10, 302.11 and 302.12 to read:

a) **Section 302.10: Removal of Snow and Ice.** The owner of a multiple family residential or commercial building shall be responsible for the removal of snow and ice from private parking lots, driveways, steps and walkways on the premises within 48 hours of the cessation of snow fall causing the accumulation. Snow and ice removal from public sidewalks shall be in accordance with City Code Section 716.01(D).

- b) Section 302.11: **Illumination.** The owner of a multiple occupancy building shall be responsible for providing and maintaining all illumination in all exterior parking lots and walkways with provisions to control glare affecting surrounding properties.
- c) Section 302.12: **Landscaping in yards and setbacks.** The owner of any building shall be responsible for providing and maintaining landscaping in all yards and/or setbacks and all areas not designed for buildings, circulation, parking or storage on the premises.
20. Section 304.30: Delete this Subsection and replace it with the following:
- Premises Identification.** Premises Identification shall be in accordance with Section 410.01 of the City Code.
21. Section 304.13: This Subsection is amended by adding Section 303.13.3 which shall read as follows: **Storm windows.** All openable windows with a single layer of glass must be provided with tight fitting storm windows. Storm windows may be temporarily removed to allow for installation of screens during periods of warm weather.
22. Section 304.15: This Subsection is amended by adding Section 303.15.1 which shall read as follows: **Multi-family dwelling security system.** For the purpose of providing a reasonable amount of safety and general welfare for persons occupying multi-family an approved security system shall be maintained for each multi-family building to control access. The security system shall consist of locked building entrance or foyer doors and mock doors leading from hallways into individual dwelling units. Lead-latch type door locks shall be provided with levered knobs (or door knobs) on the inside building entrance doors and with key cylinders on the outside of building entrance doors. Building entrance door latches shall be of the type that are permanently locked from the outside and permanently unlocked on the inside.
23. Section 304.18: This Subsection is deleted and replaced with the following: **Building Security.** Doors, windows or hatchways for dwelling units or room units shall be provided with devices that design to provide security for the occupants of the property within.
24. Section 304.18.1: This Subsection is deleted and replaced with the following: **Doors.** Doors providing access to a dwelling unit or rooming unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by turning a knob or key and shall have a lock throw of not less than 1" (one inch). For purposes of this Section a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt lock shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this Section

shall be designed and installed in such a manner so as to be operable inside of the dwelling unit or rooming unit without the use of a key, tool, combination thereof or any special knowledge or effort.

25. Section 304.18.2: This Subsection is deleted and replaced with the following: **Windows**. Operable windows located in whole or in part within in 6' above ground level or a walking surface below that provides access to a dwelling unit or rooming unit that is rented, leased or let shall be equipped with a window sash locking device.
26. Section 304.18.3: This Subsection is deleted and replaced with the following: **Basement hatchways**. Basement hatchways that provide access to a dwelling unit or rooming unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.
27. Section 306: **Handrails and guardrails**. This Subsection shall be amended to read as follows:

Section 306.1: General. Every interior and exterior flight of stairs having more than 4 riser shall have a handrail on each 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" above the ground or grate below shall have guards. Handrails shall not be less than 30" high or more than 42" high measured vertically across the nosing of the thread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30" high above the floor of the landing, balcony, porch, deck, ramp or other walking surface. Exceptions: Guards shall not be required where exempted by the Minnesota State Building Code.
28. Section 402: **Light**. This Section is amended by adding Subsection 402.4 which shall read as follows: **Convenience switches**. A convenient switch or equivalent device for turning on a light in each dwelling unit shall be located near the points of entrance to such unit.
29. Section 505.1: **General**. Delete the reference to the "International Plumbing Code" and replace with "Minnesota State Building Code."
30. Section 602.2: **Residential occupancy**. Delete the reference to Appendix D of the "International Plumbing Code" and replace with the "Minnesota State Building Code." Also delete 65 degrees Fahrenheit (18 degree Celsius) and replace with 68 degrees Fahrenheit (20 degrees Celsius).
31. Section 602.3: **Heat supply**. Insert "September 1 to June 1" and delete 65 degrees Fahrenheit (18 degrees Celsius) and replace with 68 degrees Fahrenheit (20 degree Celsius). Delete the reference to Appendix D of the "International Plumbing Code" and replace with the "Minnesota State Building Code."
32. Section 602.4: **Occupiable work spaces**. Insert "September 1 to June 1."

33. Section 604.2: Service. Delete the reference to the “ICC Electrical Code” and replace with “Minnesota State Building Code.”
34. Section 702: Means of egress. Delete references to the “International Building Code” and replace with the “Minnesota Building Code.”
35. Section 704. Fire Protection Systems. Delete all references to the “International Fire Code” and replace with “Minnesota State Fire Code.”
36. Chapter 8. Referenced Standards. This Chapter shall be amended to read: “all references to other code standards within this Code shall mean the applicable provision of the Delano City Code or Minnesota State Building Code, whichever has the most restrictive requirement permitted by law.

Subd. 8. Sanitation.

- A. Hotels. Where private water closets, lavatories and baths are not provided in a hotel, there shall be provided on each floor at least one water closet and lavatory and one bath accessible from a public hallway for each sex. Additional water closets, lavatories and baths shall be provided on each floor for each sex at the rate of one for every additional 10 guests, or fractional number thereof in excess of 10. Such facilities shall be clearly marked for “Men” or “Women.”
- B. Plumbing Fixtures. Plumbing Fixtures in all buildings shall be connected to the City sanitary sewer system. All plumbing fixtures shall be connected to the City water system and provided with hot and cold running water necessary for their normal operation. Said plumbing fixtures shall be made of an approved nonabsorbent material that meets all health, safety and the Minnesota State building code.

Subd. 9. Substandard Buildings.

- A. General. Any rental building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions in this Subdivision 9, B through J, to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard rental building in violation of this Section and a “hazardous building condition” as that term is defined in Minnesota Statutes Chapter 463.
- B. Inadequate Light and Ventilation. Inadequate light and ventilation shall include but not be limited to the following:
 1. Lack of required ventilating equipment or improper operation or maintenance of the same.
 2. Lack of required minimum amounts of natural light and ventilation or improper operation or maintenance of the same.

3. Lack of required electrical lighting or improper operation or maintenance of the same.
- C. Inadequate Sanitation. Inadequate sanitation shall include but not be limited to the following:
1. Lack of required water closet, lavatory, bathtub or shower or improper operation or maintenance of the same.
 2. Lack of or improper operation or maintenance of the same.
 3. Lack of required hot and cold running water to plumbing fixtures or improper operation or maintenance of the same.
 4. Lack of required adequate heating facilities or improper operation or maintenance of the same.
 5. Dampness of habitable space.
 6. Infestation of insects, vermin or rodents.
 7. General dilapidation or improper maintenance of a rental building.
 8. Lack of connection to required sewage disposal system or improper operation or maintenance of the same.
 9. Lack of adequate garbage and rubbish storage and removal facilities as determined by the building official.
- D. Structural Hazards. Structural hazards shall include but not be limited to the following:
1. Deteriorated or inadequate foundations.
 2. Defective or deteriorated flooring or floor supports.
 3. Flooring or floor supports of insufficient size to carry imposed loads with safety.
 4. Members of wall, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
 5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
 6. Members of ceilings, roofs, ceiling, and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
 7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
 8. Fireplaces or chimneys which list, bulge or settle, due to defective material or deterioration.
 9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- E. Hazardous Electrical Wiring. Electrical wiring hazards include but shall not be limited to the following: Electrical wiring which was installed in violation of laws in effect at the time of installation, not installed in accordance with generally accepted construction practices in areas where no laws were in effect, has not been maintained in good condition, or is not being used in a safe manner.

- F. Hazardous Plumbing. Hazardous plumbing includes but shall not be limited to the following: Plumbing which was installed in violation of laws in effect at the time of installation, not installed in accordance with generally accepted construction practices in areas where no laws were in effect, has not been maintained in good condition, is not free of cross-connections or siphonage between fixtures, or is not being used in a safe manner.
- G. Hazardous Mechanical Equipment. Hazardous mechanical equipment includes but shall not be limited to the following: Mechanical equipment which does not comply with the mechanical requirements of this Section, installed in violation of laws in effect at the time of installation, not installed in accordance with generally accepted construction practices in areas where no laws were in effect, or has not been maintained in good condition or is not being used in a safe manner.

Faulty Weather Protection includes but shall not be limited to the following:

1. Deteriorated, crumbling or loose plaster.
 2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
 3. Defective or insufficient weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
 4. Broken, rotted, split or buckled exterior wall coverings or roof coverings.
- H. Faulty Materials of Construction includes but shall not be limited to all materials of construction except those which are specifically allowed or approved under applicable laws and which have been adequately maintained in good and safe condition.
- I. Hazardous or Unsanitary Premises includes but shall not be limited to premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborage, stagnant water, combustible materials and similar materials or other conditions exist.
- J. Improper Occupancy includes but shall not be limited to all buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies or which are not being adequately maintained for such purposes.

Subd. 10. Notices and Orders of Building Official.

- A. Notice. Whenever the Building Official determines that a building is a substandard building, or that any other violation exists under this Section, or that there are reasonable grounds to believe that a violation exists, notice shall be given to the person or persons responsible therefore or to the occupant or owner of the premises. Such notice shall:
1. Be in writing;

2. Include a description of the real estate sufficient for identification;
 3. Describe the conditions found to constitute the violation;
 4. Specify the remedial action required;
 5. Require that any permits necessary to effectuate remedial action be secured and the work physically commenced within 20 days and completed within such time as the building official shall determine is reasonable under the circumstances;
 6. State that a motion for summary enforcement of the order will be made to the District Court unless, within 20 days, work is physically commenced or an answer is filed as provided for in Minnesota Statute § 463.18.
- B. Emergency Orders. Whenever the Building Official finds that an emergency exists in relation to the enforcement of the provisions of this Section which requires immediate action to protect the health, safety or welfare of occupants of any building, the Building Official or the Building Official's designee may enter the premises in accordance with Section 405.01, Subd. 3 and may issue an order reciting the existence of such emergency and requiring that such action be taken as deemed necessary to meet the emergency, notwithstanding any other provision of this Section. When any such emergency shall be declared to exist the Building Official immediately shall report the same in writing to the Council. Every notice of emergency shall include the following language:
- “If you do not comply with this Order by the above date, the City may remedy the violation and assess the costs to you or, if applicable, allow the occupants to make the repairs and deduct the expense from the occupant's rent.”
- Subd. 11. Appeal.**
- A. Right to Appeal. Any person entitled to service under this Section may appeal from any notice and order served by the Building Official. The appeal shall constitute an answer to the notice and order as provided for in Minnesota Statute § 463.18.
- B. Procedure. Appeal shall be made to the Building Official within 15 days after the notice and order is served. The appeal shall be made in writing and contain a brief statement of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
- C. Scheduling and Noticing of Appeal Hearing. As soon as practicable after receiving the written appeal, the Building Official shall fix a date, time and place for hearing of the appeal by the Council. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the Council either by causing a copy of such notice to be delivered to the appellant personally or by mailing copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.

- D. Effect of Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions of this Section shall constitute a waiver of the right to an administrative hearing and administrative adjudication of the notice and order or to any portion thereof.

Subd. 12. Enforcement of the Order of the Building Official or the Council.

- A. Compliance. After any order of the Building Official or Council made pursuant to this Section shall have become final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.
- B. Failure to Obey Order. If, after any order of the Building Official or Council made pursuant to this Section has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may (1) cause such person to be prosecuted under subsection 1 of this Subdivision or (2) commence an appropriate action in District Court.

SECTION 406.01. ANIMAL REGULATIONS AND LICENSES.

Subd. 1. Definitions. As used in this Section, the following words and terms shall have the meanings stated:

- A. “Dog” means both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.
- B. “Owner” means any person owning, keeping or harboring a dog.
- C. “Tag” means a license tag required hereunder to be procured by every owner of each dog.
- D. “At large” means off the premises of the owner and not under the custody and control of the owner or other person, either by lease, cord, chain, or otherwise restrained or confined.

Subd. 2. License Required. All dogs over the age of 6 months kept, harbored, or maintained by their owners in the City, shall be licensed and registered with the City. Dog licenses shall be issued by the Clerk upon payment of the license fee. The owner shall state, at the time application is made for the license, the owner’s name and address and the name, breed, color, and sex of each dog owned or kept by the owner.

Subd. 3. Tag and Collar.

- A. Upon presentment of the required certification and payment of the license fee, the Clerk shall provide and furnish to the owner of each licensed dog a metallic tag. Every owner shall provide each dog with a collar to which the license tag must be affixed and shall see that the collar and tag are worn constantly. In case a dog tag is lost or destroyed, a