

## Chapter 4-6B

### COMMERCIAL/INDUSTRIAL PROPERTY MAINTENANCE

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#### **4-6B-1: FINDINGS AND PURPOSE STATEMENT:**

The City Council finds that it is in the best interest of the City to protect the public health, safety, and general welfare of its citizens. To this end, the City believes that by adoption of these commercial/industrial property maintenance regulations, it will further the following objectives:

- A. To preserve the value of commercial and industrial property within the City;
- B. To protect the character and stability of commercial and industrial areas of the City;
- C. To provide for minimum standards of maintenance for commercial/industrial properties within the City and ensure compliance;
- D. Provide a mechanism to conditions upon commercial/industrial property which do not comply with the standards of maintenance established herein.
- E. Assist in identification and correction of dangerous or life threatening conditions that may be identified within the City.
- F. Provide a mechanism to mitigate potential public health issues identified within the City.

#### **4-6B-2: DEFINITIONS:**

All terms not defined herein shall have the meaning assigned to them in Section 10-2-2 of this Title. If a conflict arises as to the definition of any term between this Chapter and Section 10-2-2 of this Title, the definition in Section 10-2-2 of this Title shall control. As used herein, the following words shall have the following meanings:

**ACCESSORY STRUCTURE:** Shall have the meaning stated in this Title. Accessory buildings or structures shall include, but are not limited to: decks, porches, detached garages, and sheds.

**BUILDING:** Shall have the meaning stated in this Title. Buildings shall include, but are not limited to: dwellings, offices, warehouses, and stores and shall include all buildings containing commercial or industrial uses, regardless of zoning district, with the exception of legal home occupations on residentially zoned property.

FENCE: Any structure, wall, or gate erected as a permanent dividing marker, partition, visual or physical barrier, or enclosure, excluding any permitted temporary fence as regulated in the zoning regulations of this Code, within a parcel of land regardless if the parcel is platted or unplatted.

PROPERTY: Developed or undeveloped land, parcel or platted lot, including any building structures, and accessory structures thereon and shall include all land, parcels, or lots containing commercial or industrial uses, regardless of zoning district, with the exception of legal home occupations on residentially zoned property.

STRUCTURE: Shall have the meaning stated in this Title.

WEEDS: All grasses, annual or perennial plants and vegetation, other than trees or shrubs. This term shall not include cultivated lawns, flowers and gardens.

**4-6B-3: BUILDING AND STRUCTURE APPEARANCE AND SAFETY REQUIREMENTS:**

A. Building Material Condition: Any building or structure is a public nuisance if its exterior does not comply with the following requirements:

1. All exterior property shall be maintained in a clean, safe, and sanitary condition.
2. No part of any exterior building surface shall have significant deterioration including, but not limited to, holes, breaks, gaps, or loose or rotting materials. All exterior surfaces of the structure including, but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in a good and safe condition. Exterior wood surfaces on the structures, other than decay resistant woods, stucco or other materials that do not normally require protection from the elements shall be protected from the elements and decay by staining, painting or other protective covering or treatment or other appropriate method acceptable to the City. With regard to broken windows, repair shall require replacement of all broken glass, or in the alternative, remodeling of the exterior by removing the window and its frame and replacing such window with exterior siding to match and blend in with the surrounding siding.

B. Premise Identification: All buildings shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals. Numbers shall be a minimum of four (4) inches in height or larger as necessary to ensure visibility.

C. Architectural Elements: All architectural elements including, but not limited to, cornices, belt 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.

**4-6B-4: MAINTENANCE REQUIREMENTS FOR VACANT BUILDINGS:**

A. Maintenance:

1. Any vacant building or structure in the City that is found by an authorized employee or agent of the City to be dangerous to public safety or health by reason of the following is hereby declared to be a public nuisance and a hazardous structure or condition:
  - a. Damaged by fire, storm, or vandalism;
  - b. Defective chimneys or stovepipes;
  - c. Dilapidated condition or decay; or
  - d. Any other defect endangering the public safety or health.

2. Any vacant structure which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, presents environmental health risks or which lacks provisions for safe illumination, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare of the public, may be declared unfit for human habitation or unsafe to the public by the City.
3. Whenever any vacant building has been declared unfit for human habitation or unsafe to the public, the City may proceed to declare the building a hazardous building or hazardous property and may seek to correct or remove the hazardous condition as authorized by Minnesota law.

B. Security Measures. Vacant buildings violating the terms of Paragraph 4-6B-4 A. shall be secured in accordance with Minnesota State Statutes 463.251 and applicable Building Code requirements.

1. Windows and doors shall be covered to prevent entry within a frame, and with covering materials, that are designed to complement or match those of the existing building.
2. Any part of the building, such as walls or roof, which is damaged in such a way as to allow possible entry, shall be repaired with materials that match the materials used for that part elsewhere on the building, and in a manner which masks the visible impression of vacancy.

**4-6B-5: LANDSCAPING AND GROUNDS MAINTENANCE:**

- A. Vegetation, Trimming and Replacement (Trees and Shrubs): The owner and any respective agents responsible by contract or law for property maintenance shall be jointly and severally responsible for the planting, trimming and maintenance of all site trees and shrubs in a condition presenting a healthy, neat and orderly appearance which is free from refuse and debris. Plants and ground cover which are required by an approved site or landscape plan and which have died shall be replaced as soon as seasonal or weather conditions allow.
- B. Weeds: All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited and removed.
- C. Grass Mowing and Irrigation: All grass shall be maintained at a height not exceeding eight (8) inches. All exterior property areas devoted to grass shall be maintained and irrigated (watered) as necessary to ensure vegetative health. The City acknowledges that the legitimate maintenance of natural landscapes using drought-tolerant and native species may justify an exemption from this provision.
- D. Sidewalks and Driveways: All sidewalks, walkways, stairs, driveways, parking spaces, other hardscaped surfaces such as patios, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- E. Parking Lots: Unless otherwise approved by the City, every lot or area used for public or private parking shall be maintained in accordance with the following requirements:
  1. Pavement. Off-street parking areas shall be paved and maintained so as to eliminate dust or mud and shall be graded and drained to dispose of surface water.
  2. Striping. Designated parking spaces shall be indicated and maintained on the surface of off-street parking areas with paint or other striping material approved by the City.
  3. Curbing. Curb barriers (around the perimeter or within off-street parking areas) shall be maintained to so as not to exhibit any significant deterioration.
- F. Fencing: Any fence is a public nuisance if it does not comply with the following requirements:

1. The fence shall be firmly fastened and anchored in order that it is not leaning or otherwise in any stage of collapse.
  2. The fence shall be maintained in sound and good repair and free from deterioration, loose or rotting pieces, or holes, breaks, or gaps not otherwise intended in the original design of the fence. The fence shall be free from any defects or condition which makes the fence hazardous.
  3. All exterior wood surfaces of any fence, other than decay resistant woods, shall be protected from the elements by paint or other protective surface covering or treatment, which shall be maintained in good repair to provide the intended protection from the elements.
  4. No fence section shall have peeling, cracked, chipped or otherwise deteriorated surface finish, including but not limited to: paint or other protective covering or treatment, on more than twenty (20) percent of any one linear ten-foot section of the fence.
- G. Grounds Adjacent to Residential Areas: All grounds adjacent to residential uses shall be maintained in a clean, safe and sanitary condition. Landscaping and screening in adjacent areas shall be maintained such that residential properties are not negatively impacted by lighting, odors, air pollution, noise, dust and other similar features produced by the commercial or industrial use.

**4-6B-6: ACCESSORY USES, BUILDINGS AND STRUCTURES:**

- A. Building Materials Condition: The exterior of all accessory structures, including but not limited to, fences and walls shall be maintained in structurally sound condition and in good repair.
- B. Architectural Elements: All architectural elements accessory to the principal building shall be maintained in a structurally sound condition and in good repair (as similarly required of the principal building). Architectural elements include, but are not limited to, cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features.
- C. Storage and Screening: Except as specifically allowed within the applicable zoning district or as a listed exception, all materials and equipment shall be stored indoors. When allowed, materials and equipment stored outdoors shall be screened from eye level view of abutting residential zoning districts in accordance with the City's zoning regulations and maintained as follows:
1. Maintenance of required screening (plantings, berm and/or fence) shall be the joint and several responsibility of the individual property owner, its respective agents responsible by contract or law for such maintenance, and/or, where applicable, the property owners' association.
  2. All fence repairs shall be consistent with the original fence design in regard to location and appearance.
  3. Wherever landscaping and/or fencing improvements have been made pursuant to City approval as a part of zoning, subdivision, or site plan review process, replacement of landscape materials or plantings shall be consistent with the original screen (buffer yard) design.
  4. All repair or plant replacement shall be done within forty-five (45) days of written notification from the Zoning Administrator, weather permitting.
- D. Signage: All signs shall be maintained in a safe, presentable and good structural condition at all times. Maintenance shall include painting, repainting, cleaning, replacement or repair of defective parts, replacement of missing letters and other necessary acts. Any sign which the City finds is in a dangerous or defective condition shall be removed or repaired by the owner of the sign or the owner of the premises on which the sign is located.

- E. Exterior Lighting: All light fixtures shall be maintained in good repair. Lights for illuminating parking areas, loading areas or yards for safety and security purposes shall be maintained in such a manner that the maximum illumination levels established within the City's zoning regulations are not exceeded.

**4-6B-7: ACCUMULATIONS AND HAZARDOUS MATERIAL:**

- A. Accumulations: Hazardous substances, ~~and~~ dangerous materials, pollutants, or contaminants, as those terms are defined by Federal, State, and local laws, shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.
- B. Hazardous Material: Hazardous substances, refuse, pollutants and contaminants, as those terms are defined by Federal, State, and local laws, shall not be accumulated or stored unless storage complies with the applicable requirements of all laws, rules and ordinances pertaining to the activity, including, but not limited to, the City's Building Code and Fire Prevention Code, including, but not limited to, Title 4 and Title 7 of the City Code, and any other applicable regulation.

**4-6B-8: RUBBISH, GARBAGE AND TRASH:**

- A. Accumulation and/or Storage of Rubbish and Garbage: All exterior property areas shall be free from any unreasonable accumulation of rubbish and garbage.
- B. Disposal of Rubbish: Every occupant of a structure shall reasonably store and dispose of all rubbish and garbage in a clean and sanitary manner in accordance with all laws, including, but not limited to, Title 4, Chapter 2 of the City Code.
- C. Screening: Garbage and recycling containers shall be either: a) stored inside a building such that they are not visible from adjacent public streets or adjoining properties; or b) stored outside but fully screened from view of adjacent public streets or adjoining properties by landscaping or fencing materials.
- D. Collection: Discarded materials and equipment shall not be left outside for collection and disposal for more than seventy two (72) hours. Materials and equipment not awaiting collection and disposal shall not be placed outside.

**4-6B-9: STORM DRAINAGE:**

- A. Public Nuisance: Stormwater runoff and drainage of roofs and other hard surfaced areas on property shall not be allowed to occur in a manner that creates a public nuisance, and shall comply with the requirements of the City Code, Title 4.
- B. Site Grading: Except in the case of approved retention areas and reservoirs, all premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**4-6B-10: ABATEMENT AND ENFORCEMENT PROCEDURES:**

- A. Enforcement Officials: The City Council shall enforce the provisions of this Chapter and may by resolution delegate to various officers or agencies power to enforce particular provisions of this Chapter, including the power to inspect private property.
- B. Notice to Abate: Whenever, in the judgment of City Council or the officer charged with enforcement of this Chapter, it is determined that a violation hereof is being maintained or exists within the City, such officer shall notify in writing the person committing or maintaining such violation and the owner of the property and

require them to remedy such violation and to remove such conditions or remedy such defects. Such written notice shall be delivered to the person committing or maintaining violation and the owner of the property or may be delivered by mail. If the property is not occupied and the address of the owner is unknown, service on the owner may be accomplished in the manner specified for service in Rule 4 in the Minnesota Rules of Civil Procedure, except in the case of an emergency and then in such case, service shall be accomplished after posting such notice for twenty four (24) hours. Such notice shall require the owner or occupant of the property, or both, to take corrective steps within a time as defined by the officer charged with enforcement to remedy such violations, such steps and time to be designated in the notice, but the maximum time to remedy a violation after service of such notice shall not exceed one hundred twenty (120) days. In the case of severe financial or physical hardship, the Council may grant an extension to the time limit. Said violation shall be corrected "immediately" in the case of imminent danger to the public health, safety, or welfare. Service of notice may be proven by filing an affidavit of service in the office of the City Clerk setting forth the manner and time thereof.

- C. Report of Failure to Abate: When notice so given is not complied with, such noncompliance shall be reported forthwith to the city for such action as may be necessary and deemed advisable to abate and enjoin further continuation of such nuisance, including referring the matter to the City's prosecuting attorney to pursue a judicial remedy on behalf of the City. A violation of this Chapter shall be subject to a penalty as provided in section \_\_\_ of this Code.
- D. Abatement by City: In the event the City chooses to abate said violation, the City shall adopt a resolution setting forth the specific details of the corrective matters to be taken. A copy of the resolution shall be sent to the property owner by certified mail and if the violation is not abated within ten (10) days of the mailing of said resolution, the City shall take all actions necessary to abate said violation, keeping accurate records of the cost of the same.
- E. Costs to Owner: The Finance Director shall prepare a bill and mail it to the owner of the property for the costs incurred by the City, including, but not limited to, administrative costs, attorney fees and costs and the costs of any outside contractor engaged by the city to correct such violation, and thereupon the amount shall be immediately due and payable to the City (the "bill").
- F. Special Assessment: If the bill is not paid to the City within twenty (20) days after the mailing of the bill, the City Clerk shall extend the costs of abating the violation as a special ~~tax~~ assessment against the property upon which the violation was located, and such special ~~tax~~ assessment shall, at the time of certifying taxes to the County Auditor, be certified for collection as other special taxes and assessments are certified and collected. The City Council may specify an additional penalty for such special ~~tax~~ assessment collections.
- G. This Section provides an alternative means of enforcement of the terms of this ordinance, and nothing in this Section shall be construed in such a way as to limit or restrict the City's right to pursue available remedies under other law, including civil or criminal proceedings, as may be applicable.