

**AN ORDINANCE TO AMEND TITLE IX: GENERAL REGULATIONS; BENSON CITY CODE OF 2003**

The City of Benson does ordain:

Title XI is amended to add the following chapter:

**CHAPTER 98: STRUCTURES IN DISREPAIR**

Section

- 98.01 Findings
- 98.02 Requirements for Structures
- 98.03 Nuisance Declared
- 98.04 Abatement
- 98.05 Citation
- 98.06 Notice

**§ 98.01 FINDINGS**

The City Council finds that there exist in the City structures used for human habitation which are now or may become in the future substandard with respect to structure, equipment or maintenance, and such conditions, together with inadequate provisions for light and air, insufficient protection against fire hazards, lack of proper heating, unsanitary conditions and overcrowding, constitute a danger to public health, safety and welfare of its citizens. Additionally, such conditions, factors or characteristics adversely affect public health and safety and lead to the extension and aggravation of urban blight. It is in the best interest of the public health, safety and welfare of the people of the City to establish and enforce minimum standards for such structures.

**§ 98.02 REQUIREMENTS FOR STRUCTURES**

(A) *Maintenance.* All structures which are intended to be occupied or let to another for occupancy, and all dwellings or apartments existing for the purpose of living therein, whether occupied or vacant, must comply with the requirements of this section.

(B) *Foundations, Exterior Walls and Surfaces, Roofs.* Every foundation, chimney, exterior wall and surface, and roof shall be weathertight, watertight, rodent-proof and insect proof, and shall be kept in a workmanlike state of maintenance and repair.

(1) The foundation elements shall support the building at all points.

(2) Every exterior wall shall be free of holes, breaks, loose or rotten boards or timbers, and any other condition which might admit rodents, rain or dampness to the interior portions of the walls or to the interior space of the dwelling.

(3) The roof shall be tight and have no defects which admit rain or other forms of moisture. Roof drainage shall be such that it prevents rainwater from causing dampness in the walls.

(4) All exterior surfaces shall be of a material manufactured and processed specifically for use in a weather-exposed location, including roofing, exterior painted wood, masonry, exposed redwood and other naturally suitable materials. Exterior walls shall be maintained and kept free from dilapidation, including those conditions caused by extensive cracks, tears or breaks and by extensively deteriorated plaster, stucco, brick, wood or other materials or combinations of materials.

(5) The exposed surface of exterior walls on a building above ground level shall be maintained in good repair so as to provide both sufficient covering and sufficient protection of the surface underneath against its deterioration. Without limiting the generality of this section, an exposed surface of a building shall be deemed not to be in a workmanlike state of maintenance and not to be in good repair if either or both of the following conditions exist:

(a) The painted surface area is blistered, cracked, flaked, scaled or chalked away, and such condition(s) extends over more than twenty-five percent (25%) of the surface area of any plane or wall or other area, including window trim, cornice members, porch railings and other such areas;

(b) More than ten percent (10%) of the pointing of any masonry chimney or more than twenty-five percent (25%) of the pointing of any masonry wall is loose, has fallen out, or otherwise does not exist.

(6) Any exterior surface or plane required to be repaired under the provisions of this section shall be repaired in its entirety to make it weathertight, watertight, and rodent-proof.

(C) *Windows, Exterior Doors, Basement Hatchways.* Every window, exterior door and basement hatchway shall be weather-tight and rodent-proof and shall be kept in working condition and in a workmanlike state of maintenance and repair.

(1) Every window shall be fully supplied with window panes which are without open cracks or holes.

(2) Every window sash shall be in good condition and fit tight within its frame.

(3) Every window other than a fixed window shall be capable of being easily opened and shall be held in an open position by window hardware.

(4) Every exterior door, door hinge and door latch shall be in good condition.

(5) Every exterior door when closed shall fit in a workmanlike condition within its frame.

(6) Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as completely to exclude rain and substantially to exclude wind from entering the structure.

(7) Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the dwelling.

(8) Every door available as an exit shall be capable of being opened from the inside, easily and without the use of a key.

(9) Every entrance door to an apartment or rooming unit within a dwelling shall be equipped with a suitable lock in good working condition to provide security for the occupants.

(D) *Exterior Stairways, Exterior Porches and Decks, Landings, and Floor Levels.* Every inside and outside stairway, every exterior porch and deck, landing and floor level and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in a sound condition and in a reasonably good state of maintenance and repair.

(1) Every flight of stairs and exterior porch and deck, landing and floor level shall be free of holes, grooves and cracks which are large enough to constitute a possible accident hazard. The construction, design and headroom of stairways, exterior porches and decks, landings and floor levels shall conform to the Minnesota State Building Code.

(2) Every stairwell and every flight of stairs which are four or more risers high shall have hand rails not less than thirty inches nor more than thirty-four inches above the nosing of treads and every exterior porch and deck, landing, and floor level which is more than thirty inches above grade shall have hand rails not less than thirty-six inches above the platform. The construction and design of handrail intermediates shall conform to the Minnesota State Building Code.

(3) Every rail and balustrade shall be fastened and maintained in a workmanlike condition. No flight of stairs shall have settled more than one inch out of its intended position or have pulled away from supporting or adjacent structures.

(4) No flight of stairs shall have rotten or deteriorated supports. The treads of every flight of stairs shall be uniform in height. Every stair tread shall be sound and securely fastened in position.

(5) Every stair tread shall be strong enough to bear the load required by the Minnesota State Building Code.

(6) Every exterior porch and deck, landing, and floor level shall have sound floor and supports.

(7) All outside stairways, fire escapes and exits shall be maintained unobstructed, and free of ice and snow. All outside stairways that serve as an entrance to an upper story apartment or rooming unit shall have a light located at the head of the stairway capable of lighting the entire stairway. This light may be controlled by 3-way switches, one at the bottom of the stairway, and one at the top, or it may be a sensor light, activated by motion or dusk.

(E) *Discontinuance of Required Services, Facilities, Equipment or Utilities.* No owner or operator shall cause any service, facility, equipment or utility which is required to be supplied under the provisions of this code to be removed, shut off, or discontinued in any structure owned, let or occupied by such person, except for such temporary interruption as may be necessary while actual repairs, replacements, or alterations are in process of being made.

(F). *Responsibility of Owner for Public Areas.* Every owner of a structure containing two or more apartments shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwellings and premises thereof.

(G) *Responsibility for Rubbish and Garbage.* Every occupant of a structure shall dispose of all refuse in a clean and sanitary manner by placing it in garbage disposal facilities or refuse storage containers as prescribed in §51.02 of this Code.

(H) *Extermination.* Every occupant of a single family structure shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of an apartment in a structure containing more than one apartment shall be responsible for such extermination whenever his or her apartment is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the apartments in any dwelling, or in the shared or public parts of any dwelling containing two or more apartments, extermination thereof shall be the responsibility of the owner.

(I) *Non-Dwelling Structures.* Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and every other entranceway of every structure, whether intended for occupancy or not, shall be so maintained as to prevent the structure from becoming a harborage for rodents, vermin and insects and shall be kept in a reasonably good state of maintenance. In addition, every non-dwelling structure located on any dwelling premises shall be maintained in accordance with the provisions of paragraph (B) of this section.

(J) *Fences.* Every fence in such condition as to constitute a public health or safety hazard shall be repaired or removed.

(K) *Grading and Draining of Premises.* All premises shall be graded and maintained so no stagnant water will accumulate or stand on the premises or within any building or structure located on the premises.

(L) *Open Areas.* "Open area" means that part of a lot or property that is not covered by an enclosed building or structure, regardless of whether the view from outside the property is shielded by a fence, vegetation or other structure. The term open area includes, but is not limited to, the yard, open porches, and areas under structures that are not entirely enclosed, such as a carport.

(1) All open areas and parts of premises shall be maintained and kept in a reasonably clean and neat condition. This requirement shall include the removal of dead trees and brush, the removal of inoperable machines, appliances, fixtures and equipment; the removal of lumber piles and building materials not being used in actual construction on the premises unless such premises are being used by a business dealing in or requiring the use of such lumber and materials, and the storage of these materials for business use is allowed or permitted by ordinance; the removal of tin cans, broken glass, broken furniture, mattresses, box springs, boxes, crates, cardboard, tires, and other garbage and debris; and the removal of furniture and other items of the type not designed or intended to be stored outside or in such a manner that they are exposed to weather and climatic conditions.

### **§ 98.03 NUISANCE DECLARED**

(A) *Violations a Public Nuisance.* A person or business entity that creates, maintains or allows to continue a condition in violation of this Chapter shall be deemed to have created a public nuisance as defined in §93.01 of this Code, which is subject to abatement by the City as provided in this Code.

**§ 98.04 ABATEMENT**

(A) *Abatement With or Without Special Assessments.* Any nuisance created by a condition in violation of this chapter may be, subject to the discretion of the City Council, abated with or without special assessments as described in chapter 93 of this Code.

**§ 98.05 CITATION**

(A) *Violations Subject to Citation.* After the Notice required by § 98.06, any person or business entity that allows a nuisance condition in violation of this Chapter to continue past the deadline given in the Notice letter may be issued a citation by the Benson Police Department.

(B) *Issuance of Citation.* The citation shall be issued in person or by mail to the occupant of the property on which the violation exists and to the owner of the property if not owner-occupied. The citation shall state the date, time and nature of the offense, the name of the peace officer issuing the citation, the amount of the penalty, the manner for paying the penalty, and that the violator has the right to contest the citation.

(C) *Continued Violation.* Each day that a violation continues, or is permitted to continue, shall constitute a separate offense in prosecution of such unlawful act.

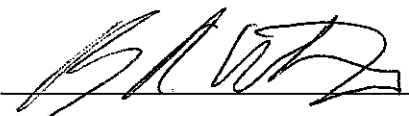
**§ 98.06 NOTICE.**

(A) *Written Notice Required.* Prior to the issuance of a citation as described in § 98.06, notice of the violation shall be given to the occupant of the property on which the violation exists, as well as the owner of the property if not owner-occupied. This notice shall be in the form of a letter either hand delivered or sent via certified mail to the address shown on the real estate tax certificate. This notice shall state the nature of the violation, the steps needed to remedy the violation, and the date by which the violation must be remedied. This date shall be determined by the City Council.

Ord. 1144.15, passed February 2, 2015) Penalty, see § 10.99.

  
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Mayor

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City Clerk

**ATTEST as to form:**  \_\_\_\_\_

**First Reading** \_\_\_\_\_ November 3, 2014

**Second Reading:** \_\_\_\_\_ February 2, 2015

**Publication:** \_\_\_\_\_ February 11, 2015