

## CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

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### **GENERAL PROVISIONS**

#### **§ 150.01 BUILDING CODES ADOPTED BY REFERENCE.**

(A) The Minnesota State Building Code, as adopted by the Minnesota Commissioner of Labor and Industry, pursuant to M.S. Ch. 32B and any successor chapter, as amended from time to time, including the 2007 State Building Code, and including all future editions of the State Building Code and all of the amendments, rules and regulations established, adopted and published from time to time by the State

## Windom - Land Usage

Commissioner of Labor and Industry, through the Construction Codes and Licensing Division or successor agency, are hereby adopted by reference, with the exception of the optional chapters unless specifically adopted by ordinance. The 2007 State Building Code and all future editions of the State Building Code are hereby incorporated in this section as if fully set out herein. This section shall perpetually include the most current edition of the State Building Code with the exception of the optional appendix chapters, unless the chapters are specifically adopted by ordinance.

(B) The application, administration and enforcement of the code shall be in accordance with the State Building Code. The code shall be enforced within the extraterritorial limits permitted by M.S. § 326B.121, Subd. 2, as amended from time to time, when so established by this section. The code enforcement agency of the municipality is called the "Building and Zoning Office". This Code shall be enforced by the state-certified Building Official designated by the municipality to administer the code (M.S. § 326B.121, Subd. 2, as amended from time to time.)

(C) (1) The issuance of permits and the collection of fees shall be as authorized in M.S. § 326B.153, as amended from time to time. Permit fees shall be assessed for work governed by this Code in accordance with the fee schedule adopted by the municipality in Res. 2001-34, effective 1-1-2002.

(2) In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with M.S. § 326B.148, as amended from time to time.  
(Ord. 129, 2nd Series, passed 7-31-2007)

### § 150.02 BUILDING PERMITS REQUIRED.

Within the city, or within the contiguous unincorporated territory two miles in all directions from the corporate limits of the city, it is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure, or any part or portion thereof, including, but not limited to, the plumbing, electrical, ventilating, heating or air conditioning systems therein, or cause the same to be done, without first obtaining a separate building or mechanical permit for each building, structure or mechanical components from the city.

(Prior Code, § 4.03) (Ord. 92, 2nd Series, eff. 7-13-1995) Penalty, see § 150.99

### § 150.03 PERMIT FEES.

Fees for permits under this chapter, which may include a surcharge, as authorized in M.S. §§ 326B.153 and 326B.148, as amended from time to time, and as provided for in the Minnesota State Building Code, shall be determined by the Council and fixed by its resolution, a copy of which shall be in the office of the City Administrator and uniformly enforced.

(Prior Code, § 4.04) (Ord. 92, 2nd Series, eff. 7-13-1995)

*MOVING BUILDINGS*

**§ 150.15 DEFINITION.**

*STREET* or *STREETS*, as used in this subchapter, means all streets and highways in the city which are not state trunk highways, county state-aid highways or county roads.  
(Prior Code, § 4.05)

**§ 150.16 PERMIT REQUIRED AND APPLICATION.**

(A) It is unlawful for any person to move a building on any street without a moving permit from the city.

(B) The application for a moving permit shall state the approximate size and weight of the structure or building proposed to be moved, together with the places from and to which it is proposed to move the same, and proposed route to be followed, proposed dates and times of moving and parking, and the name and address of the proposed mover. The application shall also state any municipal utility, street and public property repairs or alterations that will be required by reason of the movement.  
(Prior Code, § 4.05) Penalty, see § 150.99

**§ 150.17 PERMIT AND FEE.**

(A) The moving permit shall state date or dates of moving, hours, routing, movement and parking. Permits shall be issued only for moving buildings by building movers licensed by the state; except that, a permit may be issued to a person moving his or her own building, or a person moving a building which does not exceed 12 feet in width, 25 feet in length or 16 feet in loaded height. Fees to be charged shall be separate for each of the following:

(1) A moving permit fee to cover use of streets and route approval; and

(2) A fee equal to the anticipated amount required to compensate the city for any municipal utility and public property (other than streets) repairs or alterations occasioned by the movement.

(B) The latter shall be paid in advance.  
(Prior Code, § 4.05)

**§ 150.18 BUILDING PERMIT AND CODE COMPLIANCE.**

(A) Before any building is moved from one location to another within the city, or from a point of origin without the city to a destination within the city, regardless of the route of movement, it shall be

inspected and a building permit shall have been issued for at least the work necessary to bring it into full compliance with the State Building Code.

(B) It is unlawful for any person to move a building without a permit required by the terms of this subchapter.

(Prior Code, § 4.05) Penalty, see § 150.99

### ***UNSAFE BUILDINGS***

#### **§ 150.30 DEFINITION AND ABATEMENT.**

All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard or abandonment, as specified in the SBC, another provision of the city code, or any other law, are, for the purpose of this subchapter, unsafe buildings. All unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified herein.

(Prior Code, § 4.06)

#### **§ 150.31 NOTICE TO OWNER.**

(A) The Building Inspector shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if it is found to be an unsafe building, the Building Inspector shall give to the owner of the building or structure written notice stating the defects therein. This notice may require the owner or person in charge of the building or premises, within 48 hours, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all work shall be completed within 90 days from the date of notice, unless otherwise stipulated by the Building Inspector.

(B) If necessary, the notice also shall require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the Building Inspector. Proper service of the notice shall be by personal service upon the owner of record, if he or she shall be found within the city. If he or she is not found therein, the service shall be made upon the owner by registered mail or certified mail; provided that, if the notice is by registered mail or certified mail, the designated period within which the owner or person in charge is required to comply with the order of the Building Inspector shall begin as of the date of delivery shown upon the return receipt.

(Prior Code, § 4.06)

**§ 150.32 POSTING OF SIGNS.**

The Building Inspector shall cause to be posted at each entrance to the building a notice to read: "DO NOT ENTER, UNSAFE TO OCCUPY. Building Department, City of Windom". The notice shall remain posted until the required repairs, demolition or removal are completed. The notice shall not be removed without written permission of the Building Inspector and no person shall enter the building, except for the purpose of making the required repairs or of demolishing the building.

(Prior Code, § 4.06) Penalty, see § 150.99

**§ 150.33 RIGHT TO DEMOLISH.**

In case the owner shall fail, neglect or refuse to comply with the notice to repair, rehabilitate or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this subchapter and may order the Building Inspector to proceed with the work specified in the notice. A statement of the cost of the work shall be transmitted to the Council, who shall cause the same to be paid and levied as a special assessment against the property.

(Prior Code, § 4.06)

**§ 150.34 COSTS.**

Costs incurred under § 150.33 shall be paid out of the Treasury. The costs shall be charged to the owner of the premises involved as a special assessment on the land on which the building or structure is located and shall be collected in the manner provided for special assessments.

(Prior Code, § 4.06)

**§ 150.35 UNLAWFUL ACT.**

It is unlawful for the owner of any property to suffer or permit an unsafe building, as defined herein, to remain thereon.

(Prior Code, § 4.06) Penalty, see § 150.99

**§ 150.99 PENALTY.**

(A) A violation of the Code, adopted under § 150.01, is a misdemeanor, as per M.S. Ch. 326B, as amended from time to time.

(B) Every person violates a section, division, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when the failure is thereby

prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when the failure is prohibited or declared unlawful by a code adopted by reference by this chapter and, upon conviction thereof, shall be punished as for a misdemeanor, except as otherwise stated in specific provisions hereof.

(Prior Code, § 4.99)

(Ord. 129, 2nd Series, passed 7-31-2007)