

**ORDINANCE NO. 16-102
CITY OF COURTLAND, NICOLLET COUNTY, MINNESOTA**

AN ORDINANCE REGARDING REGISTRATION AND INSPECTION OF COMMERCIAL BUILDINGS.

SECTION I. That Chapter III is hereby amended to add the following:

PART 9. REGISTRATION AND INSPECTION OF COMMERCIAL BUILDINGS.

309.01. Registration and inspection of Commercial Buildings.

Subdivision 1. Purpose and findings.

A. The City Council finds that there is a need for periodic municipal inspection of Commercial Buildings in the City to ensure that such Buildings meet City and State fire laws and codes in order to promote the public health, safety and welfare of the community at large.

B. The City Council finds that performing periodic inspections of such Buildings is an appropriate exercise of authority by the City.

Subd. 2. Definitions. For purposes of this section, the following definitions shall apply:

A. "Commercial Building" is defined as any building subject to the requirements of the building and fire codes approved for an occupancy use other than residential occupancy. For those buildings with mixed occupancy uses, the provisions of this chapter shall apply to the non-residential occupancy portions of such buildings.

Subd. 3. Certificate of registration required.

A. Every Commercial Building must be maintained in compliance with applicable State of Minnesota fire codes, as are now in force and hereafter amended, revised or replaced.

B. The owner of any Commercial Building shall obtain an annual renewable certificate of registration indicating that the building and its associated uses and occupancies are in compliance with all requirements. No Commercial Building, or portion of a building upon the judgment of the Fire Chief or City Building Official, shall continue to be occupied without such valid certificate of registration after a reasonable time.

Subd. 4. Issuance of certificate of registration.

A. The certificate of registration shall be issued after inspection by the Fire Chief or City Building Official, or their designee, reveals that the use and occupancy of the Commercial Building is in conformity with State of Minnesota fire codes, as are now in force and hereafter amended, revised or replaced. The owner and occupants of any Commercial Building shall cooperate in facilitating any inspections required pursuant to this section.

B. The certificate of registration required pursuant to this chapter shall be required prior to the initial occupancy of any Commercial Building and shall be renewed annually thereafter. Applications for registration or renewal shall be made no later than October 1 or if October 1 falls on a non-business day, then the first business day thereafter. Renewal charges shall be set by the City. Forms for registration and renewal shall be prepared by the City. If a registration application or renewal is made after that deadline then the fee shall be accompanied by an additional amount equal to 100% of such fee. The additional amount shall be a penalty for a late application, with the exception of the first year of the adoption of this chapter. For the purposes of the first year that this ordinance is in effect, all property owners must register all Commercial Buildings by February 1, 2017.

C. The certificate of registration shall contain the following information:

1. The building certificate number.
2. The address of the building.
3. The name and address of the owner.
4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building has been inspected for compliance.
6. The name of the building contact or official.

D. The City may refuse to issue or renew registration for any premises on which taxes, assessments or other financial claims of the City are delinquent or unpaid. Delinquent or unpaid taxes, assessments or other financial claims of the City on the premises for which the certificate of registration has been issued may be grounds for revocation.

Subd. 5. Periodic inspection.

A. For every Commercial Building governed by this section, a periodic inspection shall be scheduled by the Fire Chief or City Building Official. All properties shall be inspected by the City at least once every five years. The

City will be inspecting for compliance with the fire code. The City shall have the right to make additional inspections of all properties based on complaints of owners, tenants, neighbors or other individuals.

B. Law enforcement personnel, the City Building Official, the Fire Chief, and their respective designees and representatives are hereby authorized to make inspections reasonably necessary to the enforcement of this section.

C. All persons authorized herein to inspect shall have the authority to enter, with seven days' notice to the certificate of registration holder or property owner, any Commercial Building registered or required to be registered, for the purpose of enforcing this section.

D. Upon failure to permit or comply with a request for an inspection, the City may give notice to the registered property owner or certificate of registration holder, by first class mail, informing the registered property owner or certificate of registration holder of the missed inspection and of the provisions of this section, and listing an alternative date for an inspection. Failure to permit an inspection on this alternative date, or failure to comply with this second request for an inspection may also result in a revocation of the certificate of registration.

E. Written notice of any found violation shall be given to the registered property owner or certificate of registration holder by first class mail. Said notice may contain a compliance order listing the required actions or repairs to be taken and stating that compliance shall be made within a reasonable time. The notice may advise that the property may be re-inspected at a time to be determined by the City. Failure to comply with a compliance order may result in a revocation of the certificate of registration.

F. The Fire Chief or City Building Official shall take the necessary action to secure compliance, so that no immediate hazard to health or safety of the occupants or public is allowed to continue.

Subd. 6. Reason for Action

A. The Council may revoke, suspend, deny or decline to renew any certificate of registration issued under this chapter upon any of the following grounds:

1. False statements on any application or other information or report required by this chapter to be given by the applicant or certificate of registration holder.

2. Failure to pay any fee required by this chapter.

3. Failure to correct deficiencies noted in a compliance order in the time specified in the order.
4. Failure to permit an inspection or comply with a request for inspection after receiving a second notice as provided in this chapter.
5. Any other violation of this chapter.

B. A decision to revoke, suspend, deny or not renew a certificate of registration shall be preceded by a written notice sent by first class mail to the applicant or registration holder of the alleged grounds therefor and the applicant or registration holder will be given instructions on how to request a hearing before the City Council to contest the decision to revoke, suspend, deny, or not renew a certificate of registration. Such request for a hearing must be received by the City within ten days of the mailing of the notice. Upon receipt of a request for a hearing, any action to revoke or suspend a certificate of registration shall be stayed pending such hearing except in cases of emergency.

Subd. 7. Other relief.

A. Nothing in this chapter prevents the City from taking enforcement action under any of its fire, housing, building, zoning, health, safety or other codes, ordinances and State laws for violations thereof, or to seek injunctive relief for violations of any ordinance, code, or law. Nothing contained in this chapter prevents the City from seeking injunctive relief against a property owner or registration holder who fails to comply with the terms and conditions of this chapter or to obtain an order closing such property until violations of this chapter have been remedied. Nothing in this section relieves the property owner or registration holder from complying with any applicable law, State of Minnesota maintenance standards, State of Minnesota health codes, and State of Minnesota fire codes, as are now in force and hereafter amended, revised or replaced, and in compliance with all other standards, ordinances, laws, and regulations governing use, occupancy, construction, and maintenance of property and conduct of persons in or on that property.

Subd. 8. Written notices.

A. Notices from the City required by this chapter shall be effective if personally delivered or if mailed to the addressee by first class mail to the registered property owner, the certificate of registration holder, or to the address shown for the recipient of the notice in the City file pertaining to the Commercial Building involved in the notice.

Subd. 9. Fees.

A. The fees for inspections and registrations will be set by resolution of the City Council or in an ordinance adopting the City's fee schedule. Failure to pay required fees may result in the City assessing such amounts to the property.

B. Reinspection fees as set by the City may be charged for any required reinspection finding noncompliance conducted after the due date for compliance with a duly-issued order.

Subd. 10. Applicable laws.

A. Commercial Building owners are subject to all of the ordinances, laws, and regulations of the City and State of Minnesota, and this chapter shall not be construed or interpreted to supersede or limit any other applicable ordinance, law, or regulation.

Subd. 11. Severability clause.

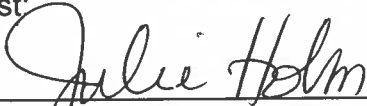
A. If any subdivision, paragraph, sentence, clause or phrase of this section is for any reason held to be invalid, such decision shall not affect validity of the remaining portions of this section.

SECTION II. That this ordinance shall take effect and shall be in force 30 days from and after its adoption, approval, and publication.

Adopted by the City Council of the City of Courtland this 6th day of October, 2016.



Mayor

Attest:


City Clerk

