

**ORDINANCE AMENDING CHAPTER 12 OF THE MANKATO CITY CODE
RELATING TO CONSTRUCTION, HOUSING AND BUILDING CODES,
REGULATIONS AND PERMITS**

WHEREAS, city staff have reviewed Chapter 12 of the Mankato City Code relating to Construction, Housing and Building Codes, Regulations and Permits and are recommending several revisions to the ordinance; and

WHEREAS, the recommended revisions reflect changes in Building Code(s), the establishment of a grading manual for Section 12.02 relating to Erosion and Sediment Control, updates to Section 12.05 relating to Fire Codes and the addition of Section 12.07 relating to Public Safety 800MHZ Radio Frequency Coverage.

NOW THEREFORE BE IT ORDAINED by the City Council for the City of Mankato that Mankato City Code Chapter 12 be and hereby is amended as follows:

Sec. 12.01. Building Code.

Subd. 1. Building Code. The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes Chapter ~~16B.59 to 16B.75~~ 326B, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this section. The Minnesota State Building Code is hereby incorporated in this section as if fully set out herein. (Ord. of 4-28-2003)

Subd. 2. Building Code Optional Chapters. The Minnesota State Building Code established pursuant to Minnesota Statutes ~~16B.59 to 16B.75~~ 326B allows the municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code.

The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of this section:

A. Chapter 1335, Flood proofing Regulations, parts 1335.0600 to 1335.1200.

B. Appendix Chapter K (Grading), of the 2001 Supplements to the International Building Code.
(Ord. of 4-28-2003)

Subd. 3. Application, Administration and Enforcement. The application, administration, and enforcement of this section shall be in accordance with Minnesota Rules. (Ord. of 4-28-2003)

Subd. 4. Building Official. A Minnesota certified Building Official shall be appointed by the City Manager, or his/her designee, to administer and enforce this section. (Ord. of 4-28-2003)

Subd. 5. Permits and Fees. Prior to undertaking any activity governed by the Building Code, a permit shall be required from the City of Mankato. It shall be the responsibility of the property owner and the person or persons undertaking the activity to ensure that a permit has been lawfully obtained.

A. Application for a Building Permit shall be made to the Building Official, or designee, upon blank-forms furnished by the Building Official. Applications shall be accompanied by the necessary information and plans as required for review under the Building Code.

B. The person undertaking the work, for which the permit was issued, shall notify the Building Official, or designee, whenever the work has progressed to a point that a required inspection is necessary.

C. Permit fees shall be assessed for work governed by this code in accordance with a resolution of the City Council. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statute.

Subd. 6. Board of Appeals. Pursuant to the ~~Uniform~~ Minnesota State Building Code, a Board of Appeals is hereby established. The City Council authorizes the City Manager, or his/her designee, to appoint members to the Board of Appeals. The members of the Board of Appeals shall hold office at the discretion of the City Manager, or his/her designee.

Subd. 7. Violations and Penalties. A violation of this section is a misdemeanor as set forth in Minnesota Statute.
(Ord. of 1-22-79; Ord. of 1-25-82, Ord. of 4-28-97; Ord. of 4-28-2003)

Editor's Note - An ordinance enacted January 22, 1979, amended former Sections 12.01-12.03 to read as herein set out in Section 12.01. Said former sections pertained to similar subject matter and were derived from Chapter 27 of the Compilation, 8-14-67, and an ordinance enacted January 26, 1970.

Sec. 12.02. Erosion and Sediment Control.

Subd. 1. Purpose and Policy.

A. This ordinance establishes standards and requirements for erosion and sediment control measures to be taken during the development of and alterations to lands within the City of Mankato. The purpose of this ordinance is to protect health, safety and general welfare, property and the environment by establishing regulations for erosion and sediment control related to land disturbing activities as required by federal (United States Environmental Protection Agency, US-EPA) and state (Minnesota Pollution Control Agency, MPCA) law.

The objectives of this ordinance are:

1. To regulate land disturbing activity that allows uncontrolled erosion to occur.
2. To protect and prevent the discharge of sediment into public and/or private lands, public infrastructure, wetlands and waters of the State.

Subd. 2. Definitions.

A. Unless the context specifically indicates otherwise, the following terms as used in this ordinance, shall have the meanings designated.

1. Applicant. Any person or group that applies for a permit to allow land disturbing activities. Applicant also means that person's agents, employees, and others acting under this person's or groups direction. The term "applicant" also refers to the permit holder or holders and the permit holder's agents, employees, and others acting under this person's or group's direction.
2. Best Management Practices (BMP's). Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of waters of the State, including avoidance of impacts, prohibitions of practices, general house keeping practices, pollution prevention and educational practices, operating and maintenance procedures, and other applicable management practices.
3. Builder, Commercial. Any building contractor engaging in work other than work performed under a license from the State of Minnesota as a residential building contractor, remodeler or specialty contractor in the business of contracting or offering to contract to improve residential real estate, all terms as defined by Minnesota Statute.
4. Builder, Residential. Any building contractor engaging in work performed under a license from the State of Minnesota as a residential

building contractor, remodeler or specialty contractor in the business of contracting or offering to contract to improve residential real estate, as defined by Minnesota Statute.

5. Building Construction. The construction of any principle building or accessory structure or modification of a parcel of land or platted lot.

6. City. The City of Mankato, the Mankato City Council, the Public Works Department, Engineering.

7. Developer. Any person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision engaged in a land disturbance activity.

8. Director. The City of Mankato Public Works Director or authorized designee.

9. Final Stabilization. All soil disturbing activities at the site have been completed and all soils must be stabilized by a uniform perennial vegetative cover with a density of seventy (70) percent over the entire previous service area, or other equivalent means necessary to prevent soil failure under erosive conditions and,

a. All drainage ditches, constructed to drain water from the site after construction is complete, must be stabilized to exclude erosion;

b. All temporary synthetic and structural erosion prevention and sediment control BMP's (such as silt fence) must be removed; and

c. The Permittee must clean out all sediment from conveyances and from temporary sedimentation basins that are to be used as permanent water quality management basins. Sediment must be stabilized to prevent it from being washed back into the basin and/or into conveyances or drainage ways discharging off-site or to surface waters. The cleanout of permanent basins must be sufficient to return the basin to design capacity.

10. Grading Manual. City of Mankato Grading Manual, most current version; requirements for grading and drainage design and construction for any land disturbing activities.

~~40~~11. Land Development (Develop). The process whereby improvement to a single lot or to an entire site, occurs in one continuous process or in more than one distinct phase, including but not limited to the following activities, site grading; installation of utilities; construction of public streets; construction or grading of drainage ways; other grading or filling of any area

within the site; grading of building pad areas; utility hookups; construction of buildings; parking lots; driveways; storage areas; private streets; and any other construction or land disturbing activity within the subject property site.

4412. Land Disturbing Activity. Any removal of vegetation, excavating, grading, clearing, filling, stockpiling, hauling, or other earth change related to or associated with construction or reconstruction, which may result in movement of soil particles of earth.

4213. Land Disturbance Permit (LDP). A permit issued by the City for the control of erosion and sediment during land disturbing activities.

4314. Municipal Separate Storm Sewer System (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains) owned or operated by a state city, town, borough, county, parish, district, association, or other public body and designed or used for collecting or conveying stormwater, and not used for collecting or conveying wastewater that discharges to water of the United States.

4415. National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. A permit issued by the US-EPA (or by a State under authority delegated by the US-EPA) that authorizes discharge to water of the United States.

4516. Owner(s). A natural person, partnership, firm, association, public or quasi-public corporation, private corporation, or a combination of, with a legal or equitable interest in the parcel of record.

4617. Parcel of Record. A tract, plot, lot, and/or portion of subdivision or other parcel of land, intended as a unit for the purpose, whether immediate or future, of transfer of ownership, possession or for building development.

4718. Permittee. A land Disturbance Permit holder.

4819. Preliminary Plat. A drawing of the entire subdivision meeting all requirements of the City Subdivision Ordinance.

4920. Public waters. All basins and watercourses that meet the criteria set forth in Minnesota Statutes, Section 103G.005, Subdivision 15 that are identified on Public Water Inventory maps and lists authorized by Minnesota Statute, Section 103G.201.

2021. Sediment. The product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or

has been moved by water, air, or ice, and has come to rest on the earth's surface either above or below water level.

2122. Stabilization. The covering of exposed ground surface by appropriate materials such as mulch, staked sod, riprap, erosion control blanket, mats or other material that prevents erosion from occurring. Applying mulch, hydromulch, tackifier, polyacrylamide or similar erosion prevention practices is not acceptable stabilization in temporary or permanent drainage ditches or areas where concentrated overland flow occurs. Grass seeding is not stabilization.

2223. Stormwater. The precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage. Stormwater does not include construction site dewatering.

2324. Stormwater Pollution Prevention Plan (SWPPP). A plan developed to identify the sources of pollution that affect the quality of stormwater discharge from a site and to describe and ensure the implementation of practices to prevent or reduce pollutants in stormwater discharge.

Subd. 3. Subject Land Use Activities.

A. All land disturbing activities are subject to the conditions of this ordinance.

1. Land disturbance activities less than 5,000 square feet are not required to obtain a LDP, but must comply with the requirements in 12.02 3.A.2.c, d and 3 below. The Director of Public Works or a designee has the authority to waive or add requirements from 12.02 3.A.2 to any land disturbance activities less than 5,000 square feet.

2. Land disturbance activities greater than 5,000 square feet: are required to obtain a LDP and must also comply with these minimum requirements:

a. Property and streets adjacent to the site of a land disturbance shall be protected from sediment deposition. This shall be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land disturbance, by installing perimeter controls such as sediment barriers, filters, dikes or sediment basins, by stockpiling soil in appropriate locations or by a combination of such measures.

b. All storm sewer inlets which are functioning during construction shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.

c. Property and waterways downstream from development sites shall be protected from flooding and erosion due to increases in the volume, velocity and peak water flow rate of storm water runoff. Concentrated storm runoff water leaving a development's site must be discharged directly into a well-defined natural or man-made off-site receiving channel or pipe.

d. A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized forthwith after land disturbing activity is complete.

e. Whenever construction vehicles access public roads, provision shall be made to minimize the transport of sediment by runoff or vehicle tracking onto the paved surface. Where sediment is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day.

f. All temporary and permanent erosion and sediment control practices shall be maintained and repaired to assure the continued performance of their intended function.

g. All temporary erosion and sediment control measures shall be removed within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed.

3. Land disturbing activities that disturb land of greater than or equal to five thousand (5,000) square feet are required to obtain a Land Disturbance Permit (LDP).

a. Residential, Commercial, Multi-family and Industrial Site: All persons planning a land disturbing activity, meeting the requirements of this ordinance, on an existing parcel of record (building site) shall first obtain a NPDES CSW permit (if applicable), then obtain a LDP, from the City prior to obtaining a building permit. A building permit will not be issued without an approved Building Site LDP.

b. Subdivision Development: A subdivision owner/developer/agent planning a land disturbing activity, including but limited to mass grading, site development, roadway and utility installation on an existing parcel of record as shown on the preliminary plat, shall obtain a LDP from the City, if meeting the requirements of this ordinance, for the project phase where work will be performed as specified in the City approved construction plans as part of the approved grading and drainage plan. A subdivision owner/developer/agent may without approved final construction plans and specifications relevant to final plat phasing. Prior to site work or building

construction, each parcel of record (building site) must have its own LDP obtained by the owner or applicant as described in 12.02 3.A.2.

c. Roadway and Utility Installation Construction Plans: All persons wishing to start a land disturbance project on a new or an existing lot of record for the purposes of the construction of any roadway or utilities, shall submit a LDP application to the City at the time of the roadway and utility plan if the project meets the requirements of this ordinance. Each parcel of record within a subdivision must obtain a separate LDP.

4. The LDP does not replace, eliminate or satisfy the need for any other permits required by any other public or private entity.

Subd. 4. Land Use Exemptions.

A. The following activities are exempt from the requirements of this ordinance:

1. Any emergency activity that is immediately necessary for the protection of life, property or natural resources.

Subd. 5. Land Disturbance Permit Exceptions.

A. The following activities require application and issuance of an LDP and are subject to the provisions of this ordinance, but are exempt from the fee requirements:

1. Maintenance work by City employees.

2. Federal, State, County, MS4 and other projects where the City does not have regulatory authority

3. Small utilities working in the right-of-way.

4. Construction projects administered through the City's Department of Engineering.

~~5. Nursery, home gardening and agricultural operations that are confined to private property.~~

Subd. 6. Land Disturbance Permit.

A. Prior to any land disturbing activities on lands subject to this ordinance, the owner or applicant shall be required to obtain a Land Disturbance Permit (LDP).

1. The LDP application shall be submitted to the City.
2. All applications shall be submitted to the Community Development Department. All single family residential land disturbance permits shall be processed within seven (7) calendar days from receipt of a completed application. All non single family residential permits shall be processed within thirty (30) calendar days from receipt of a completed application.
3. The City of Mankato shall in writing:
 - a. Approve the permit application;
 - b. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Ordinance, and issue the permit subject to these conditions; or
 - c. Disapprove the permit applications, indicating the reason(s) and procedure for submitting a revised application and/or submission.
 - d. Failure of the City to act on an original or revised Land Disturbance Permit application within seven (7) calendar days for single family residential permits and thirty (30) calendar days for all other permits upon receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the City, or the City notifies the applicant of errors and/or omissions in the application requiring corrective action on the part of the applicant. Once the LDP is approved, permit coverage will be issued to the Permittee.

Subd. 7. Land Disturbance Permit Fees.

A. Fees for Land Disturbance Permits shall be established by Council Resolution.

1. All Land Disturbance Permit fees shall be submitted to the Community Development Department with the permit application.

Subd. 8. Land Disturbance Permit Submittals.

A. The application for a LDP shall include the following:

1. One full set of site plans and a copy of the SWPPP or portion of the SWPPP that applies to the site, prepared for the MPCA (if applicable) if not included in the full set of site plans. The City reserves the right to approve the SWPPP subject to conditions deemed necessary to meet the purpose of this ordinance, in addition to the MPCA CSW Permit, where applicable. City approval of a SWPPP does not mean City approval. At a

minimum, all conditions of the MPCA NPDES Construction Permit MN R100001 must be met; in some cases the City may apply stricter standards or require temporary and permanent erosion and sediment control measures in addition to those required by other public or private entities.

2. The permittee shall indicate in the SWPPP who is responsible for post construction maintenance of all BMP's.

3. If a SWPPP is not required by the MPCA, the following must accompany the LDP application:

a. Site Information.

1. Delineation of the subject property and the location of existing and proposed buildings, structures and impervious surfaces;

2. Description of the construction or land disturbing activity to be performed on the property and proposed project schedule;

3. Identification of all stormwater drains and drainage ways and or public waters located on and within 30 feet of the subject property's boundaries, and identify if a water body is intended to be used for water quality treatment. Identification by use of best available maps from the City, DNR or County will be sufficient;

4. Identification of all wetland buffer zones; (A previous delineation is acceptable.)

b. If available:

1. Topographic data, including existing (dashed) and proposed (solid) contours at vertical intervals of not more than two feet, except that contour lines shall be no more than 100 feet apart;

2. Temporary benchmarks shall be established within the boundaries of the project area. Descriptions, reference ties and elevations of the benchmarks shall be furnished; and

3. The location and size of all existing sanitary sewer, water or storm sewer, and services on or adjacent to the property.

c. Erosion and Sedimentation Control.

1. Delineation of all areas to be graded or excavated, and the limits of land disturbing activities;

2. Identification of measures to be utilized to control erosion and sedimentation within and from the subject property during the project activity as required herein;

3. Identification of all permanent erosion control measures and a completion schedule.

4. Identification of the location of soil storage or stock pile areas to be utilized;

5. Identification of all measures to be utilized to protect neighboring property, water bodies, and wetland buffer zones; and

6. Identification, use and maintenance plan of BMPs for temporary erosion and sedimentation control as recommended by the MPCA stormwater manual including but no limited to:

a. Perimeter erosion control devices, including but not limited to silt fence, sediment logs, mulch, etc;

b. Stockpile protection;

c. Phased grading;

d. Temporary seeding, mulching, and disc anchoring (with seed and mulch typed);

e. Storm drain inlet protection devices;

f. Appropriately protected construction entrance;

g. Removal of all debris, dirt and soil from impervious ground surfaces, including abutting public or private roadways and sidewalks, in connection with the subject property (street sweeping);

h. Sediment basins and flow diversions; and

i. Any other erosion and sedimentation control device as deemed necessary by the City.

d. Drainage and Grading.

1. Documents as required and necessary for design and construction of any regulated activities. All documents are to be in conformance with the City of Mankato's Grading Manual, most current version.

~~1. Identification of proposed contour grading at vertical intervals of not more than two feet; (if available)~~

~~2. The estimated time required to complete the work, the amount of material to be moved and/or removed from the site;~~

~~3. A map showing the stages or limits of grading together with the existing or proposed finished elevations based on sea level readings;~~

~~4. Identification of proposed building bench elevations and direction of flow of surface water within each lot;~~

~~5. Methods of controlling dust;~~

~~6. Submission of preliminary plans or program for water supply, sewage disposal, drainage and flood control; (if available)~~

~~7. Soil borings, if required by the City Engineer; (if available) and~~

~~8. Drainage and grading design requirements such that no land shall be developed and no use shall be permitted that result in water runoff causing flooding (drainage in excess of the natural drainage anticipated by the City stormwater management plan) or erosion on adjacent property. Runoff shall be properly drained via overland drainage ways or channeled into the storm drain system, watercourse, ponding area or other suitable facility approved by the City.~~

Subd. 9. Land Disturbance Permit Standards.

A. All exposed soil areas must have appropriate permanent or temporary stabilization as soon as possible to limit soil erosion but in no case later than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased. Temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) and the constructed base components of roads, parking lots and similar surfaces are exempt from this requirement but must comply with stockpile requirements.

Subd. 10. Duration of Coverage by Land Disturbance Permit.

A. A LDP shall remain effective until one of the following occurs:

1. Final Stabilization. Final stabilization is achieved, a Notice of Termination (NOT) has been filed with the City, all termination of coverage requirements are met and the City has issued the NOT. A NOT issued by the City does not terminate the MPCA NPDES CSW Permit; a separate NOT must be filed with the MPCA.

2. Change of Coverage. For stormwater discharges from construction projects where the owners changes prior to issuing NOT (e.g. a homebuilder sells a house and lot to the final homebuyer or the entire site changes ownership):

a. The original/current application shall provide a copy of the notice of termination/permit modification form to the new applicant.

b. The original/current applicant shall provide the SWPPP, or equivalent plan, to the new applicant that specifically addresses the remaining construction activity. If the SWPPP or equivalent plan is not relevant, or the new applicant wants to use a new plan, this must be submitted with the notice of termination/permit modification form.

c. The new and current applicants shall work together to submit one completed and signed permit modification form to the City within seven (7) calendar days of assuming operational control of the site, commencing work on their portion of the site, or of the legal transfer, sale, or closing on the property. No new fees will be required.

The change of coverage becomes effective five (5) calendar days from receipt of the completed form unless the permittee is contacted by the City during the five (5) day period and notified of an incomplete form. The permit modification portion of the NOT/permit modification form acts as the permit application for the new applicant and a NOT for the current applicant only for the portion of the site which was sold.

d. Late submittals of either LDP transfers will not be rejected; however, the City reserves the right to take enforcement for any unpermitted discharges or permit noncompliance for the new registered party that has assumed control of the site.

e. For stormwater discharges from construction activities where the applicant changes, the new applicant can implement the original SWPPP created for the project or develop and implement their own SWPPP.

f. The new permittee shall ensure either directly through coordination with the old permittee that their SWPPP meets all terms and conditions of this ordinance and that their activities do not render ineffective another party's erosion prevention and sediment control BMP's.

3. Time Requirement Reached. The LDP becomes void if work does not begin within 180 days of permit approval or is suspended at any time for over 180 days. Extensions may be granted up requests received at least 15 days prior to permit becoming void. If a permit becomes void, the permit application process will begin anew.

Subd. 11. Termination of Coverage.

A. A permittee wishing to terminate the LDP must complete Final Stabilization of the Parcel of Record and submit a Notice of Termination (NOT) request. Requests for NOT are made by completing the NOT/permit modification form supplied with the permit; or using other proper NOT communication (phone call, email) and submitting it to Public Works Department or designee as provided with the notice of coverage.

Compliance with the LDP is required until a NOT is submitted and approved by the City. The NOT becomes effective fifteen (15) calendar days after the postmarked date of the completed NOT form or other proper notification, unless the permittee is contacted by the City during the fifteen (15) day period and notified that the NOT request is incomplete or that the request has been denied.

Subd. 12. Inspections.

A. The City shall have the right to enter and inspect a property to determine compliance with this ordinance.

1. Self Inspections. The permittee or their designee must make regular inspections of the entire site at least once every seven (7) days during active construction and within twenty-four (24) hours after a rainfall event greater than 0.5 inches in 24 hours, to ensure compliance with this ordinance. Records of these inspections shall be made available to the City upon request.

2. City Inspections. The Public Works Director and/or their designee shall make inspections and either approve that portion of work or notify the permittee where work is non-compliant. The LDP fee shall cover the cost of routine inspections. Additional inspections due to non-compliance will be billed to the affected property owner at 2.5 times the base hourly salary of the inspector.

Subd. 13. Violations and Enforcement.

A. In the event of non-compliance, the City may suspend construction and any issued permits. Only corrective action work to bring the site back to compliance will be permitted, and no other construction on the site shall be allowed until authorized by the City.

B. The City shall use the following procedure to notify property owners of violations and corrective measures.

1. Residential, Commercial, Multi-family and Industrial Site. In the event a building site permittee is in violation of the LDP or the SWPPP, the City may issue a stop work order suspend or revoke the LDP or building permits for the site. The City shall serve the permittee and/or other responsible persons, in writing a Notice of Violation.

2. Land Disturbing Activities in the Public Right-of-Ways. The City shall notify the responsible party of the violation and require that construction activities be terminated to allow the responsible party to remove conditions or remedy any defects. The notice shall require the responsible party to take reasonable steps within twenty-four (24) hours to abate and correct the violation.

3. Stop Work Orders. The City Manager or their designee may issue stop work orders for any violation of this ordinance.

4. Public Nuisance. A violation of this section is declared to be a public nuisance and which may be abated according to the provisions for Section 9.77.

Subd. 14. Penalties.

A. Criminal Penalties. Any person violating any of the provisions of this ordinance, including falsifying information, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$1,000, or by imprisonment not to exceed 90 days, or both.

(Ord. of 4-13-2009)

Sec. 12.03. Time Limits for Construction Authorized by a Building Permit.

Subd. 1. When a building permit is issued for the construction of a new structure or for the exterior alteration of an existing structure, all exterior work authorized by the building permit shall be completed within eighteen (18) months of the date the building permit was issued, and all exterior surfaces of the building addressed by the building permit shall comply with the Uniform

Building International Residential Code and Uniform Housing or the International Property Maintenance Code as adopted in this chapter.

Subd. 2. The Building Official may grant an extension, not to exceed 12 months, to the time limit contained in subdivision 1; provided the Building Official's findings for the extension are related to a unique circumstance and the activities authorized by the building permit have been engaged in a timely manner. A unique circumstance may include, but is not limited to, product shortages, inclement weather, labor disputes, project complexity and size, governmental actions, and financial difficulties.

Subd. 3. The enforcement of this section is authorized per Section 9.001, Subdivision 5 of the Mankato City Code. Appeals from the decision of the Building Official regarding the issuance of extensions shall be heard by the Board of Adjustments and Appeals per the procedures established in Section 10.99 of the Mankato City Code. (Ord. of 4-28-97) (Ord. of 10-23-95)

Sec. 12.04. Structure Moving Permit.

Subd. 1. Definition. The term "structure" as used in this section, shall mean any house, barn, garage, commercial building or other structure, any portion of which extends to a height of twelve (12) feet or more above the street level when being moved or placed upon a public street, and which has a width of twelve (12) feet or more.

Subd. 2. Permit Required. It is unlawful for any person to move, transport, convey, place or leave standing any structure over, across or along any public street within the City without first having obtained a permit therefore from the City.

Subd. 3. Permit Fee. The fee for a moving permit for a specific structure shall be established by resolution of the City Council. (Ord. of 10-13-2003)

Subd. 4. Application for Permit. Each application for a permit required by this section shall be made at the office of the City Building Inspector upon such form as the Building Inspector may prescribe. Each application shall state:

- A. The location of the structure to be moved prior to such move;
- B. The location to which the structure is to be moved;
- C. The size, height, estimated weight and general description of the structure to be moved;

D. The street or streets over which the structure is to be moved;
and

E. The proposed date and hours of moving.

Subd. 5. Regulations.

A. Insurance. No permit required by this section shall be granted until the applicant has obtained and filed in the office of the Building Inspector evidence of a policy of insurance, issued by an insurance company authorized to do business in the State of Minnesota, in such amount as may be required by the Building Inspector, naming the City as an original or additional named insured party providing coverage for all damages and costs which the City may incur or for which the City may become liable as a result of the moving authorized by such permit, including any damage resulting to any street, boulevard, sidewalk, tree or utility.

B. Utility Facilities. It shall be the responsibility of the applicant to obtain permission from the owner of any utility for any activity affecting such utility, and the granting of the permit for which this section provides shall not relieve the applicant of such responsibility.

C. Designated Time and Route. Any move accomplished pursuant to a permit for which this section 12.04 provides shall be made only during such times and on or across such streets as may be designated by the Building Inspector at or prior to the issuance of such permit. Any such designation shall be made on the basis of the capacity of such streets with respect to physical and traffic characteristics of such streets to accommodate such a move. (Ord. No. 146, 8-11-58; Ord. of 2-26-79)

Sec. 12.05. Fire Code.

Subd. 1. Fire Code Adopted. The Minnesota Uniform Fire Code, is hereby adopted by reference as though set forth verbatim herein, except such portions as are amended or notified. Once copy of the Uniform Fire Code shall be marked as the official copy and shall remain on file in the ~~office of the City Clerk~~ Department of Public Safety. (Ord. 9-13-93; Ord. of 3-24/2008)

Subd. 2. Enforcement. The Director of Public Safety, or such agent or representative as may be designated by the Director of Public Safety, shall enforce the provisions of this section.

The Mankato Department of Public Safety shall, administer and enforce this code and all laws of the State pertaining to:

A. The prevention of fires.

B. The suppression or extinguishing of dangerous or hazardous fires.

C. The storage, use and handling of explosive, flammable, combustible, toxic, corrosive and other hazardous gaseous, solid and liquid materials.

D. The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment.

E. The maintenance and regulation of fire escapes.

F. The maintenance of fire protection and elimination of fire hazards on land and in buildings, structures, and other property, including those under construction.

G. The means and adequacy of each exit in the event of fire.

H. The investigation of the cause, origin, and circumstances of fire.
(Ord. of 3-24-2008)

Subd. 3. Definitions.

A. Jurisdiction. The term "jurisdiction", as used in the Minnesota State Fire Code shall mean the City of Mankato.

~~B. State Fire Marshal. The term "state fire marshal", as used in the Minnesota State Fire Code shall include the Director of Public Safety.~~

~~C B.~~ Chief. The term "chief", as used in the Minnesota State Fire Code, means and includes the State Fire Marshal and the Director of Public Safety.
(Ord. 3-24-2008)

Subd. 4. Above Ground Liquid Storage Limits.

A. The storage of flammable or combustible liquids in outside above ground tanks is prohibited within the City limits, except in such areas as ~~are zoned M-2~~ pursuant to the provisions of Chapter 10 of the City Code.

B. The temporary storage of flammable or combustible liquids in tanks no larger than 125 ~~lbs~~ gallons is permitted in the City limits. The installation requires a permit. There must be at least five (5) feet of clearance to

any property line and the tank must be properly secured and valves protected according to the Minnesota State Fire Code. (Ord. of 3-24-2008)

C. The construction of any new bulk plant for the storage of flammable or combustible liquids is prohibited within the City limits, except in such areas ~~as are zoned M-2~~ pursuant to the provisions of Chapter 10 of the City Code.

Subd. 5. Liquefied Petroleum Gas Storage Limits. The bulk storage of liquefied petroleum gas is prohibited within the City limits, except in such areas as are zoned M-2 pursuant to the provisions of Chapter 10 of the City Code.

Subd. 6. Explosive and Blasting Agent Storage Limits. The storage of explosives and blasting agents is prohibited within the City limits, except with Section 5.47 of the City Code.

****NOTE:** The entire Subd. 7. Fire Code Amendments and Modifications has been removed and is replaced with the following: (Ord. of 3-24-2008)

Subd. 7. Fires or Barbecues on Balconies or Patios.

A. Open Flame Prohibited. In any structure containing three or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, or on any ground floor patio within 15 feet of the structure.

B. Fuel Storage Prohibited. No person shall store or use any fuel, barbecue torch, or other similar heating or lighting chemical or device in the locations designated in Section 1.1.

1. Exception: Listed electrical or gas-fired barbecue grills that are permanently mounted and wired or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches on all sides, unless listed for lesser clearances, may be installed on balconies and patios when approved by the Fire Chief.

Subd. 78. Notices and Orders. Any order or notice authorized or required by this Code shall be given or served upon the owner, operator, occupant or other person responsible for the condition or violation either by oral notification, person service, or by delivering the same to and leaving it with some person of suitable age and discretion upon the premises; or, if no such person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such

person by mail to his last known address. Orders or notices given orally shall be confirmed by service in writing as herein provided. (Ord. 3-24-2008)

~~Subd. 8. Designated Fire Lanes.~~

~~A. The designation of fire lanes on private and public property shall be made by the City Manager for the purpose of allowing access to buildings for Fire Division equipment and personnel. Designation of fire lanes shall be made in writing and shall be reviewed every five years or more frequently as needs and conditions change.~~

~~B. The Mankato Department of Public Safety — Fire Division shall establish procedures and standards to be used in the designation of fire lanes by the City Manager and shall maintain a permanent record of designated fire lanes.~~

~~C. Parking of motor vehicles in, or otherwise obstructing, fire lanes, or any fire appliance or device necessary to the safe or proper operation of Fire Division Equipment shall be prohibited at all times. Enforcement of this paragraph is the responsibility of the Mankato Department of Public Safety and all fire lanes designated pursuant to this section on public or private property are subject to enforcement.~~

~~Subd. 9. Report Discovery of Fire.~~ ~~In the event of the discovery of fire, smoke, or flammable or toxic gases on any property, the owner or occupant shall immediately report such condition to the local fire department.~~

Subd. 408. Fireworks.

A. Definitions. Fireworks are defined as “Any composition or device for the purpose of producing a visible or audible effect for entertainment purposes by combustion, deflagration, or detonation.”

B. Permit Required.

1. Commercial Fireworks. No person shall use or display commercial fireworks without a permit. Permits are obtained through the City Clerk Department of Public Safety. This applies to indoor and outdoor fireworks.

C. Indoor Fireworks. All ~~indoor~~ fireworks proximate pyrotechnics displays must receive a permit from the Mankato Fire Marshal's Office in accordance with Minnesota State Statute 624.22, as it may be amended from time to time. Applications for permits must be made at least 15 days in advance of the date of the performance. Application forms are available ~~from on~~ the City of Mankato's website or from the City Clerk Department of Public Safety. Applications received less than 15 days in advance of the

performance have a significantly reduced chance of being approved and/or may cause additional costs for the operator. Proximate pyrotechnics displays shall be compliant with NFPA 1123, Code for fireworks display and NFPA 1126, Standard for the use of pyrotechnics before a proximate audience.

The application materials must include the following information:

1. The name and qualifications of the fireworks operator(s) who must be certified by the Minnesota State Fire Marshal. It is acceptable if someone from out of state is operating with an out of state license as long as there is also someone present who is licensed by Minnesota.

2. Date, time and location of the production.

3. Proof of bond or certificate of insurance. An amount of at least ~~\$4,000,000~~ 5,000,000 is required. The insurance bond or certificate will list the City of Mankato as an additional insured.

4. A diagram of the facility at which the display will be held. The diagram (scale or dimensions included) must show the point at which the fireworks/pyrotechnics special effects are to be discharged, the location of ground pieces, overhead pieces, possible overhead obstruction, the location of the shooter, and the lines behind which the audience will be restrained. These diagrams must also include the fallout radius for each pyrotechnic device used during the display.

5. An effects list describing the maximum rated height and diameter of each effect.

~~56.~~ Names and ages of all assistants that will be participating in the display. The primary operator must be at least 21 years of age. All assistants shall be at least 18 years of age.

~~6. A copy of both sprinkler and alarm systems inspections made within the last 12 months.~~

7. Storage of the fireworks shall be a secured locked room and contained in a magazine designed for fireworks.

8. The fee for the permit is ~~\$50.00~~ \$100.00 and must be submitted with the application. An inspection of the building shall be completed before the date of the performance to make sure that the alarms and sprinklers have been inspected.

9. Indoor fireworks are not allowed in any building that is not completely protected by a sprinkler system.

10. In the event the fire alarm system must be turned off because of smoke generation during a permitted fireworks display, a fire watch of 1 or more firefighters, will be required depending on the size of the building.

11. When the application is deemed and is accepted, a thorough investigation of the operator and an all-inclusive inspection of the facility will be conducted prior to the performance, show or event taking place. This will include an inspection of the entire building including areas where the show may not be directly taking place (i.e. kitchen, exterior building elements, etc.) Any correction orders issued by the Inspectors as a result of the required inspection, whether or not they are directly related to the fireworks display or location, must be corrected within the time period indicated.

D. Outdoor Fireworks. The provisions of paragraph C also apply to outdoor fireworks displays, except for the provisions referring to the building inspections and fire suppression systems.

Subd. 449. Board of Appeals. A Board of Appeals shall be established pursuant to the provisions of Section 1010 of the Minnesota State Fire Code.

Subd. 4210. Prohibition. It is unlawful for any person to violate any provision of Minnesota State Fire Code or this Section of the Mankato City Code, as amended herein, or to fail to comply therewith, or to violate or fail to comply with any valid order thereunder, or to erect or build any structure in violation or not in compliance with specifications or plans submitted and approved thereunder. Except as otherwise specifically provided herein, each day on which a prohibited condition exists shall constitute a separate offense.

Subd. 4311. Violation. Any person or occupancy who, violates any portion of the Minnesota State Fire Code or this section of the Mankato City Code, shall be guilty of a misdemeanor.
(Ord. of 3-24-2008)

Sec. 12.06. Minnesota Electrical Act.

Subd. 1. Authority to Inspect. The City of Mankato hereby provides for the inspection of all electrical installations, pursuant to Minn. Stat. §326B.36, Subd. 6.

Subd. 2. Adopted by Reference. The Minnesota Electrical Act, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes Chapter 326B, Sections 326B.31 to 326B.399. The Minnesota Electrical Act is hereby incorporated into this ordinance as if fully set out herein. The Minnesota State Building Code incorporates by reference the National Electrical

Code pursuant to Minn. R. 1315.0020. All such codes incorporated herein by reference constitute the electrical code of the City of Mankato.

Subd. 3. Compliance. All electrical installations shall comply with the requirements of the electrical code of the City of Mankato and this ordinance.

Subd. 4. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes 326B.37. Any inspection or handling fees will be payable to the City of Mankato or designee as authorized by the City Manager.

Subd. 5. Notice and Appeal. All notices of violations and orders issued under this ordinance shall be in conformance with Minn. Stat. §326B.36, Subd. 4.

Subd. 6. Violations and Penalties. A violation of the Minnesota Electrical Act is a misdemeanor (M.S. 326B.082, Subd. 16).

Subd. 7. Administration. The City Manager is hereby authorized to enter into contracts and/or intergovernmental agreements in order to effectuate this ordinance.

Subd. 8. Sunset. This ordinance shall be revoked without further action of the City Council once the Department of Labor and Industry is funded for the 2011 fiscal year by legislative enactment of a state budget. (Ord. of 7-18-2011)

Sec. 12.07. Public Safety 800 MHZ Radio Frequency Coverage.

Subd. 1. Intent and Purpose. To protect the public health, safety and general welfare of the community and its people through the establishment of minimum standards and regulations governing acceptable levels of Public Safety radio transmission within and about structures. This agreement shall provide Public Safety and Emergency Personnel the means to communicate with each other within buildings and structures, and to communicate from within the structure to personnel and locations outside the building and structure, through 800 MHz Radio devices. A breakdown in communications among emergency providers and personnel creates a serious risk of harm to and poses a serious threat to the safety and welfare of emergency personnel, the citizens of Mankato and the public in general.

Subd. 2. Definitions.

A. 800 MHz Radio. For the purposes of this section, the term "800 MHz Radio" shall be defined as a trunked radio system and components thereof, capable of operation in both the 700 Mhz and 800 Mhz frequency

spectrum and designed primarily for public safety and emergency response radio communication.

B. Bi-Directional Amplifier. BDA system consists of one or more amplifiers located inside a confined environment and is connected to an internal and external antenna network.

C. BER- Bit Error Rate. The percentage of data bits received that have errors relative to the total number of bits received in a transmission, usually expressed as ten to a negative power.

D. dBm- Decibels per milliwatt. A standard unit for measuring levels of power in relation to a 1 milliwatt reference signal.

E. Signal booster. A device, typically located at a fixed location that automatically receives, amplifies, and retransmits on a one-way or two-way basis, the signals received from base, fixed, mobile, and portable stations, with no change in frequency or authorized bandwidth.

F. Signal strength. Measures the performance of a bi-directional amplifier based on one input signal adequate to obtain a maximum continuous operating output level.

Subd. 3. Adequate Radio Coverage. Except as otherwise provided, no person shall erect, construct, alter, refit, change use of, or provide an addition of more than 20% of the floor area to, or cause the same to be done, to any building or structure or any part thereof, which fails to support adequate radio coverage for emergency personnel and public safety personnel in accordance to the 800 MHz Trunked Regional Public Safety Radio System. For the purposes of this section, parking garages, parking ramps, stair shafts, elevators and stairwells are included in the definition of "building". Also, for purposes of this section, "adequate radio coverage" shall constitute a radio signal received:

A. of 93 dBm minimum signal strength and no more than 1% BER, as measured at 30 to 36 inches above the floor over 90% of the area of each floor of the building, structure and other critical areas as determined by the Fire Chief or the Fire Chief's designee; and

B. within a frequency range determined by the Fire Chief or the Fire Chief's designee;

C. and with a reliability factor of not less than 90%.

Subd. 4. Amplification Systems. Buildings which, unaided, cannot support the required level of radio coverage required shall, at the property owner's expense, be equipped with an APCO P-25 compliant and FCC approved

bi-directional 800 MHz signal enhancement system(s) as needed. If any part of the installed system or systems contains an electrically powered component, the system(s) shall be capable of operating on an independent battery and/or generator system for a continuous period of at least 12 hours without external power input. The battery system shall automatically charge in the presence of an external power input.

A. Exempt Buildings. The requirements shall not apply to:

1. Any building, which achieves the level of radio coverage required under Subsection 5- 61;

2. Any dwelling unit or accessory building in either the R-1 or R-2 District.

3. Any building with less than 25,000 square feet in gross floor area.

4. Any building of wood frame construction; provided that such building contains no metal construction or any below grade levels including below grade parking areas.

5. Existing buildings upon adoption of this ordinance; unless they erect, construct, alter refit, change use of, or provide an addition of more than 20% of the floor area to the existing building.

Subd. 5. Testing Procedures. Prior to occupancy and upon installation and activation of bidirectional 800 MHz signal enhancement system(s) as required, it shall be the building owner's responsibility to have such systems tested to ensure that the requirements are met. Testing procedures shall conform to practices adopted and on-file with the Fire Chief. The following testing procedures shall apply to each building or structure required to utilize a bi-directional amplifier or other such Radio Signal Booster System [FCC Rules as of 11-29-2001] in order to achieve the "adequate radio coverage" standard described:

A. Annual Tests. When a bi-directional amplifier or other such radio signal booster system is required, the building owner shall arrange for testing of all active components of the system, including but not limited to, amplifiers, power supplies and backup batteries, a minimum of once every 12 months. All test results shall be submitted to the Fire Chief within 30 days of the test date.

1. Amplifiers shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance.

2. Backup batteries and power supplies shall be tested under load for a period of one hour to verify capacity for proper operation during an actual power outage. If, within the one hour test period, the battery exhibits symptoms of failure, the test shall be extended for additional one-hour periods until the testing technician confirms the integrity of the battery.

3. All other active components shall be checked to determine that they are operating within the manufacturer's specifications for the intended purpose. All deficiencies found shall be corrected and testing repeated.

B. 2 Five-Year Tests. In addition to annual testing, the building owner shall perform a comprehensive radio coverage test a minimum of once every five (5) years to ensure that the radio system continues to meet the requirements of the original acceptance test. All test results shall be submitted to the Fire Chief within 30 days of the test date.

C. Qualifications of Testing Personnel. All tests shall be conducted, documented, and signed by a person in possession of a current FCC technician license, or a current technician certification issued by ETA. All test records shall be retained on the inspected premises by the building owner and a copy submitted to the City of Mankato's Fire Chief.

D. Field Testing. Fire and police personnel, after providing reasonable notice to the owner or the owner's representative, shall have the right to enter onto the property and into the structure solely to conduct testing in order to ascertain whether or not the required level of radio coverage is present.

~~12.07~~12.08-12.49 Reserved.

Sec. 12.50. Plumbing Permit Required.

Subd. 1. Permits and Fees. Prior to undertaking any activity governed by the Minnesota Plumbing Code, a Plumbing Permit shall be required from the City of Mankato. It shall be the responsibility of the property owner and the person or persons undertaking the activity to ensure that a permit has been lawfully obtained.

A. Applications for a Plumbing Permit shall be made to the Building Official, or designee, upon blank forms furnished by the Building Official. Applications shall be accompanied by the necessary information and plans as required for review under the Minnesota Plumbing Code.

B. No permit shall be issued to anyone except a licensed master plumber who has obtained such license from the Minnesota Department of Health, except as provided in the Minnesota Plumbing Code.

C. No permit shall be required for minor repair work. The term "minor repair work" means the repairs of leaks in pipes, traps and faucets, opening of clogged waste and supply pipes inside the walls of buildings, provided, that where any change is made in waste pipes or fixtures, inspection is required and a permit must be obtained.

D. The person undertaking the work, for which the permit was issued, shall notify the Building Official, or designee, whenever the work has progressed to a point that a required inspection is necessary.

E. Any plumbing work effecting or involving any municipal utility, as defined in Chapter 3 of the Mankato City Code, shall comply with the standards and ordinances established for said utility.

F. Permit fees shall be assessed for work governed by this code in accordance with a resolution of the City Council. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statute.

Subd. 2. Violations and Penalties. A violation of this section is a misdemeanor as set forth in Minnesota Statute.
(Ord. of 4-28-97)

Sec. 12.51. Reserved.

(Ord. of 4-28-97)

Sec. 12.52-12.69. Reserved.

Sec. 12.70. Reserved.

Editor's Note - An ordinance enacted March 9, 1987, deleted subdivisions 3, 4, 5, and 6 of Section 12.70. Said subdivisions pertained to signs and were derived in part from an ordinance of September 11, 1972, section 2; an ordinance of September 23, 1974; and an ordinance of April 9, 1979. Entire section repealed by ordinance on April 28, 1997.

Sec. 12.71. Fences.

Subd. 1. No fence, more than thirty (30) inches in height shall be erected unless a fence permit has first been obtained from the Building Official, or designee.

Subd. 2. No fence, wall, shrubbery or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-

of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection. Structures permitted under Section 10.43, 10.44 and 10.48 may encroach into the required sight triangle as defined by Section 12.71, Subdivision 5 provided that the structure location does not unduly restrict vehicular or pedestrian sight distances. (Ord. of 2-23-2009)

Subd. 3. Fences must be maintained so as not to endanger life or property and any fence which through lack of repair, type of construction or otherwise that imperils health, life or property, or the well-being of a neighborhood shall be deemed a nuisance.

Subd. 4. All fences shall comply with the provisions of Section 10.88, Subdivision 11, of the Mankato City Code. (Ord. of 4-28-97)

Subd. 5. Public Nuisance. A violation of this Section is declared to be a public nuisance which may be abated according to the provisions of Section 9.77. (Ord. of 2-23-2009)

Secs. 12.72-12.79. Reserved.

Sec. 12.80. Housing Code Adopted. The Uniform Housing Code, published by the International Conference of Building Officials, is hereby adopted by reference as though set forth verbatim herein, except as hereinafter set forth:

Subd. 1. Sections Not Adopted. Sections 203, 1201, 1202, 1203, 1204, 1301, 1302, 1303, 1304, and 1305 are expressly not adopted.

Subd. 2. Section 1101 Modified. Section 1101 is modified to read as follows:

Section 1101.

(a) Commencement of proceedings. Whenever possible, a building inspection shall be initiated within three (3) business days of receipt of any complaint alleging a particular building to be substandard. Whenever the City Manager or designee has inspected or caused to be inspected any building and has found and determined that such building is a substandard building, he shall commence proceedings to cause the repair, rehabilitation, vacation, or demolition of the building. (Ord. of 8-12-96)

(b) Notice and order. The City Manager or designee shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.

2. A statement that the City Manager or designee has found the building to be substandard which a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 202 of this code. (Ord. of 8-12-96)

3. A statement of the action required to be taken as determined by the City Manager or designee. (Ord. of 8-12-96)

(i) If the City Manager or designee has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefore and the work physically commenced within such time (not to exceed thirty (30) days from the date of the order) and completed within such time as the City Manager or designee shall determine is reasonable under all of the circumstances. (Ord. of 8-12-96)

(ii) If the City Manager or designee has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the City Manager or designee to be reasonable. (Ord. of 8-12-96)

(iii) If the City Manager or designee has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the City Manager or designee shall determine reasonable (not to exceed sixty (60) days from the date of the order); that all required permits be secured therefore within sixty (60) days from the date of the order; and that the demolition be completed within such time as the City Manager or designee shall determine is reasonable. (Ord. of 8-12-96)

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the City Manager or designee:

(i) Will order the building vacated and posted to prevent further occupancy until the work is completed; and

(ii) May proceed to cause the work to be done and charge the costs thereof against the property or its owner.

5. Statements advising:

That any person having any record title or legal interest in the building may appeal from the notice and order or any action of the City Manager

or designee as provided in Subdivision 3 of Section 12.80 of the Mankato City Code. (Ord. 8-12-96)

Subd. 3. Section 201 Modified. Section 201.1 is modified to read as follows:

Section 201.1

Authority. The City Manager or designee is hereby authorized and directed to enforce all of the provisions of this code. For such purposes, the City Manager or designee shall have the powers of enforcement. The City Manager or designee shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code. (Ord. of 8-12-96)

Subd. 4. Appeals.

A. Any person aggrieved by any notice or order of the City Manager or designee issued under Section 12.80 may file a petition for review of such notice or order, detailing his/her reasons for contesting the notice or order. The petition for review shall be filed with the ~~City Clerk~~ City Manager's office within 10 days after the notice or order for which review is sought has been served on the person requesting review. The petition for review shall contain the name of the petitioner, the petitioner's address, location of the property subject to the notice or order, and disclose petitioner's interest in the property, along with the identity and address of all owners and lessees of the property.

Such petition for review must be filed on such form(s) as provided by the City of Mankato.

Petitions for review may request one or more of the following actions:

1. Variance. A variance shall be requested when the petitioner seeks an appeal from an order which is written for a violation of the Zoning Ordinances of the City of Mankato.

2. Modification. A request for modification shall be made when the petitioner seeks an appeal asking for a deviation from the requirements of this code and any other code applicable to residential structures within the city.

B. Upon receipt of the petition, the City Manager, or designee, shall set a date for a hearing and give the petitioner at least five days prior written notice of the date, time and place of the hearing. By mutual

agreement between the City Manager or designee, the five-day prior notice may be waived.

C. At the hearing, the petitioner shall be given an opportunity to show cause why the notice or order should be modified or withdrawn. The petitioner may be represented by counsel of petitioner's choosing at petitioner's expense.

D. The hearing shall be conducted by the City Manager or designee, provided that the person conducting the hearing was not directly involved in the writing of the notice or order or in the interpretation of the code. In the event that the person conducting the hearing was directly involved in the writing of the notice or order or in the interpretation of the code, the City Manager shall conduct the hearing.

E. The person conducting the hearing shall make written findings of fact and conclusions based upon the applicable code provisions. The person conducting the hearings may affirm, reverse or modify the notice or order in conformity with the applicable code sections. Modification may be granted where there is practical difficulty and undue hardship connected with the performance of any requirement of the Uniform Housing Code, or the Mankato Housing Code, the modification creates no hazard to safety and deviates from the code only insofar as is absolutely necessary to allow the use of the premises.

F. Information regarding this appeal process shall be contained on the written notice or order.
(Ord. of 8-12-96; Ord. of 6-29-98)

Subd. 5. Waiver. Persons seeking a waiver of any provision of the Uniform Housing Code in order to obtain a permit or license shall proceed in the same manner as an aggrieved person in subdivision 4. Any waiver shall be granted only upon findings of fact demonstrating that compliance with the Uniform Housing Code or the Mankato Housing Code requirements would cause practical difficulty and undue hardship and that granting a waiver is unnecessary, would not create a hazard to health or safety and is in harmony with the general purposes of the Uniform Housing Code or the Mankato Housing Code. (Ord. of 8-12-96; Ord. of 6-29-98)

Subd. 6. Filing. All decisions rendered pursuant to subdivision 4 shall be filed with the ~~City Clerk~~ City Manager's office. (Ord. of 8-12-96; Ord. of 6-29-98)

Subd. 7. Appeal to Council. Any decision rendered pursuant to subdivision 4 may be appealed to the City Council. A petitioner seeking a decision must file a written notice of appeal with the ~~City Clerk~~ City Manager's office within ten (10) days after the decision has been mailed to the petitioner.


The matter will thereupon be placed on the Council agenda as soon as is practical. The Council shall then review the findings of fact and conclusions to determine whether they were correct. Upon a determination by the Council that the findings and conclusions were incorrect, the Council may modify, reverse, or affirm the decision of the City Manager, or his designee, upon the same standard as set forth in subdivision 4. (Ord. of 3-10-75; Ord. of 9-28-81; Ord. of 8-12-96; Ord. of 6-29-98)

Sec. 12.81. Reserved.

Editor's Note - An ordinance adopted May 12, 1975 amended this code by repealing former Section 12.81 relative to living space regulations.

This Ordinance shall, in accordance with the provisions of Section 2.14 and 5.06 of the Mankato City Charter, become effective thirty (30) days after publication of notice of its adoption.

Adopted this 23rd day of March 2015.



Eric T. Anderson
Mayor

Attest: 
Renae Kopischke
Executive Secretary