

ORDINANCE NO. 92

AN ORDINANCE PROVIDING FOR FIRE LIMITS AND REGULATIONS GOVERNING THE CONSTRUCTION, ALTERATION, EQUIPMENT, OR REMOVAL OF BUILDINGS OR STRUCTURES, AND ADOPTING A FIRE PREVENTION CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION.

Be it ordained by the Village Council of the Village of Carlton, Minnesota:

Sec. I

Adoption of Building Code. There is hereby adopted by the Village Council of the Village of Carlton, Minnesota, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, and adopting a fire prevention code prescribing regulations governing conditions hazardous to life and property from fire or explosion, including permits and penalties, that certain building code known as the National Building Code, recommended by the National Board of Fire Underwriters of New York, being particularly the 1955 Edition thereof and the whole thereof, and all supplementary and subsequent Editions thereof, and the Fire Prevention Code of the National Board of Fire Underwriters, 1956 Edition and all subsequent and supplemental Editions thereof, including the 1956 abbreviated Edition thereof, of which not less than three (3) copies have been and now are filed in the office of the Clerk of the Village of Carlton, Minnesota, and the same are hereby adopted and incorporated as fully, as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and other structures therein contained within the corporate limits of the Village of Carlton, Minnesota.

Sec. II

Definitions. (a) Wherever the word "municipality" is used in said code, it shall be held to mean the Village of Carlton, Minnesota. (b) Wherever the term "Corporation Counsel" is used in said code, it shall be held to mean the Attorney for the Village of Carlton, Minnesota.

Sec. ~~III~~

Fire Limits Established. The fire limits of the ^{City} Village of Carlton, Minnesota, are hereby established as follows:

See # 1244

Commencing at the intersection of the Easterly ^{City} Village limit line and the Southerly boundary line of State Aid Road No. 1; thence running in a Northwesterly direction along and upon the Southerly right of way line of State Aid Road No. 1 to the Northeast corner of Lot 1, Webbeking Division; thence running in a Southwesterly direction along the North line of Lot 1 to the Northwesterly corner of said Lot 1; thence running in a Northwesterly line across State Aid Road No. 3 to the Northeast corner of Lot 1, Block 1, South Terrace Division; thence running in a Westerly direction along the North line of Block 1, South Terrace Division, to the Northwest corner of Lot 1, Block 8, South Terrace Division; thence running in a Northerly direction to the Northeast corner of the Northeast Quarter of the Southeast quarter of Section 12, Township 48, Range 17; thence running due West to the Westerly boundary line of the limits of the ^{City} Village of Carlton; thence running Northerly along the Westerly boundary line of the limits of the ^{City} Village of Carlton to the Northwest corner of the Northwest Quarter of the Southeast Quarter of Section 1, Township 48, Range 17; (thence running Easterly to the Northeast corner of the Northwest Quarter of the Southeast Quarter of Section 1, Township 48, Range 17,) thence running Northerly to the Northwest corner of the South One-half of the Southeast Quarter of the Northeast Quarter of Section 1, Twonship 48, Range 17; thence running Easterly along the Northerly boundary line of the Village of Carlton to the Easterly right of way line of the Northern Pacific Railway; thence running Southerly and Westerly along the Easterly right of way line of said railroad to the Southwest corner of Block 15, Original Plat of the Village; thence running Easterly along the Southerly lines of Block 15 and 14, Original Plat, to the Southeast corner of Lot 5, Block 14, Original Plat, thence running Northerly along the East line of Lot 5, Block 14, and continuing Northerly along the Easterly line of Block 3, Bradley's Addition and continuing Northerly across Cedar Street and running on the center of the alley bisecting Block 7, 4 and 2 of Woodland Park Aiddition, Village of Carlton, to Spruce Street; thence running Westerly along the Southerly line of Spruce Street to Second Street; thence running Northerly on the Easterly line of Second Street as platted to the Northerly corporate

limit line of the ^{City}Village of Carlton; thence running Easterly along the Northerly limit line to a point immediately North of the Northeast corner of Lot 1, Block 3, Woodland Park Addition; thence running Southerly to the said Northeast corner of Lot 1, Block 3, Woodland Park Addition and continuing Southerly along the Easterly lines of said Block 3 and Block 5 and 8, Woodland Park Addition to the Southwest corner of the Northeast Quarter of the Southwest Quarter of Section 6, Township 48, Range 16; (thence running Easterly to the Southeast corner of said Northeast Quarter of Southwest Quarter of Section 6, Township 48, Range 16;) thence running Southerly along the West line of the Southwest Quarter of the Southeast Quarter, of Section 6, Township 48, Range 16, to the Northerly line of School Street; thence running Westerly along the North line of School Street to its intersection with Fourth Street; thence running Southerly on Fourth Street to the Northerly right of way line of the Northern Pacific Railway; thence running Easterly along the Northerly right of way line of the Northern Pacific Railway to its intersection with the Easterly ^{City}Village limit line; thence running Southerly and South-easterly along the ^{City}Village limit line to the point of beginning.

Sec. IV. Establishment of Office of Building Official.

- (a) The office of building official is hereby created and the executive in charge shall be known as the building official.
- (b) The building official shall be appointed by the ^{City}Village Council. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.
- (c) During temporary absence or disability of the building official the appointing authority shall designate an acting building official.

Sec. V Qualifications of Building Official. To be eligible to appointment, the candidate for the position shall have had (experience as an architect, structural engineer, building inspector, fire department chief, or superintendent of building construction.) (He shall be in good health, physically capable of making the necessary examinations and inspections.) (He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction, alterations, removal, and demolition)

GENERAL HEALTH BOARD COMPTON

Sec. VI Duties of Building Official.

- (a) The building official shall devote such time as is necessary to perform the duties of his office. He shall receive applications required by this code, issued permits and furnish the prescribed certificates. He shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the building code and fire prevention code. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the building code and fire prevention code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.
- (b) Inspections required under the provisions of the building code and fire prevention code shall be made by the building official or his duly appointed assistant. The building official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the building code or fire prevention code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.

INSPECTIONS BY OTHERS CERTIFICATES

(c) The building official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He shall retain on file copies of required plans and all documents relating to building work so long as any part of the building or structure to which they relate may be in existence.

RECORDS

(d) All such records shall be open to public inspection for good and sufficient reason at the stated office hours, but shall not be removed from the office of the building official without his written consent.

PUBLIC INSPECTION OF RECORDS

(e) The building official shall make written reports to his immediate superior once each month, or oftener if requested, including statements of permits and certificates issued, and orders promulgated.

REPORTS

Sec. VII Cooperation of Other Officials. The building official may request and shall receive so far as may be necessary, in the discharge of his duties, the assistance and cooperation of other officials of the municipality.

Sec. VIII Right of Entry. The building official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

Sec. IX Fees.

(a) No permit as required by the building code shall be issued until the fee prescribed in this ordinance shall have been paid. Nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid.

FEE PAID

(b) No fee shall be required for a permit when the estimated cost shall not exceed \$200.00. When the estimated cost shall exceed \$200.00, but shall be less than \$500.00, the fee for a permit for the construction or alteration of a building or structure shall be \$3.00. When the estimated cost for the construction or alteration of a building or structure shall be in excess of \$500.00, but less than \$1,000.00, the fee shall be \$5.00. When the estimated cost of construction or alteration of a building or structure shall be in excess of \$1,000.00, the fee for permit shall be \$5.00, plus \$1.00 per thousand over \$1,000.00, upto \$20,000.00, plus 50¢ per thousand dollars of estimated cost in excess of \$20,000.00.

SEE FEE SCHEDULE

(c) For a permit for the removal of a building or structure from one lot to another, the fee shall be at the rate of \$1.00 per thousand dollars of the estimated value of the building or structure in its completed condition after removal.

REMOVAL LOT-TO-LOT

(d) For a permit for the removal of a building or structure to a new location within the same lot, the fee shall be at the rate of 50¢ per thousand dollars of the estimated cost of moving, of new foundations and of work necessary to put the building or structure in usable condition in its new location.

REMOVAL LOCATION-WITHIN LOT

(e) For a permit for the demolition of a building or structure the fee shall be at the rate of 50¢ for each foot in the height of such building or structure.

DEMOLITION

(f) In case of abandonment or discontinuance, the cost of work performed under a permit may be estimated, an adjustment of the fee made and the portion of the fee for incompleted work returned to the permit holder provided that no refund of a prescribed minimum fee shall be made. If such discontinuance is due to revocation of permit, a similar adjustment and return may be made; provided that no refund shall be made until all penalties incurred or imposed by due authority have been collected. After such a refund has been made no work shall be resumed until a new application has been made and a new permit has been issued.

ABANDONMENT

ESTIMATED COST

(g) The term "estimated cost" as used in this section, means the reasonable value of all services, labor, materials, and use of scaffolding and other appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy; provided that the cost of excavation or grading, and of painting, decorating or other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure, is not deemed a part of such estimated cost.

Sec. X Modifications. The building official shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Building Official thereon shall be entered upon the records of the ~~Village~~^{CITY} and a signed copy shall be furnished the applicant.

Sec. XI Appeals. Whenever the building official shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the codes do not apply or that the true intent and meaning of the codes have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the building official to the ~~Village~~^{CITY} Council within 30 days from the date of the decision of the appeal.

Sec. XII Penalties. ^{a)} Any person who shall violate any of the provision of the codes hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the ~~Village~~^{CITY} Council or by a Court of competent jurisdiction, within the time fixed therein, shall severally for each and every such violation and non-compliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$50.00, nor more than \$100.00, or by imprisonment for not less than 30 days nor more than 90 days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

b. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Sec. XIII Saving Clause. Nothing in this ordinance or in the codes thereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Sec. XIV Validity. The invalidity of any section or provision of this ordinance or of the codes thereby adopted shall not invalidate other sections or provisions thereof.

Sec. XV Inconsistent Ordinances Repealed. Ordinances or parts thereof in force at the time that this ordinance shall take effect and inconsistent herewith, are hereby repealed.

Sec. XVI Date of Effect. This ordinance shall take effect sixty (60) days after its publication and approval as required by law.

Passed this 7th day of March, 1961, A.D.

Donald Reed, Mayor

Attest: K. E. Thoreson, Clerk