

Ordinance No. \_\_\_\_\_

**AN ORDINANCE REGULATING THE  
EXTERIOR CONDITIONS OF  
COMMERCIAL/INDUSTRIAL/INSTITUTIONAL STRUCTURES**

The City of Willmar does ordain as follows:

Section 1. Purpose. The purpose of this ordinance is to protect, preserve, and promote neighborhood aesthetics and the public health, safety and the general welfare of the people of the city, to prevent exterior building conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health of persons occupying buildings within the city, to provide for the administration and enforcement thereof.

Section 2. Discrimination and privacy. This ordinance shall be enforced in a non-discriminatory manner and exclusively for the purpose of promoting public, as opposed to private, welfare. Except as may be specifically provided herein or incidental to the enforcement thereof, this article is not intended to interfere with personal privacy or with private legal rights and liabilities, including without limitation landlord/tenant and lessor/lessee relationships, and in enacting and enforcing this article, the city neither expressly nor by implication assumes any obligations or liabilities respecting such private rights or disputes, including those which involve or arise out of the non-conformity of any premises in the city to the provisions of this section.

Section 3. Applicability. Every building and its premises used in whole or in part as whether occupied or not, or as an accessory shall conform to the requirements of this article, irrespective of when such building may have been or may be constructed, altered, or repaired.

Section 301.1 Scope. The provisions of this ordinance shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

Section 301. 2. Responsibility of owners. The owner(s) of buildings shall be responsible for the maintenance of that structure and for meeting the provisions of the building maintenance regulations. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this ordinance.

Section 301.3. Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Section 4. Exterior Property Areas. *Foundations, exterior walls, roofs, doors, and windows*. The foundation, exterior walls, and exterior roof, shall be water tight, rodent proof, and shall be kept in sound condition and repair. The foundation shall adequately support the

building at all points. Exterior walls shall be maintained and kept free from dilapidation by cracks, tears, or breaks from deteriorated plaster, stucco, brick, wood, or other material that is extensive and gives evidence of long neglect.

401.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

Section 401.2. Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

*Exception: Approved retention areas and reservoirs.*

401.3. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

401.4. Exhaust vents. Pipes, ducts, conductors, fan or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate waste directly upon abutting or adjacent public or private property or that of another tenant.

401.5. Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained as structurally sound and in good repair.

401.6. Gutters and Downspouts. Existing gutter, leaders and downspouts shall be maintained in good working condition as to provide drainage of storm water. In no case shall storm water be channeled into the sanitary sewer system.

Section 5. Exterior Structure. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

501.1 Unsafe Conditions. The following conditions shall be determined to be unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
2. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
3. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
4. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks or breaks and loose or rotting materials, are not properly

anchored or are not capable of supporting all nominal loads and resisting all load effects;

5. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
6. Roofing or roofing components that have defects that admit rain, roof surface with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
7. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
8. Overhead extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes, and exhaust ducts not properly anchored or that are anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
9. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, that are not structurally sound, not properly anchored or that are anchored with connection not capable of supporting all nominal loads and resisting all load effects; or
10. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

*Exceptions:*

*1. When substantiated otherwise by an approved method.*

*2. Demolition of unsafe condition shall be permitted when approved by the code official.*

501.2. Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained as weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

501.3. Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting imposed dead and live loads.

501.4. Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

501.5. Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

501.6. Roof and drainage. The roof and flashing shall be sound, tight and not have defect that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

501.7. Decorative features. All cornices, belt courses, corbels, terra cotta trim; wall facing and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

501.8. Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

501.9. Stairway, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

501.10. Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

501.11. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good conditions.

501.12. Windows, skylights and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

501.12.1. Glazing. All glazing materials shall be maintained free from cracks and holes.

501.12.2. Operable windows. Every window, other than a fixed window, shall be easily operable and capable of being held in positions by window hardware.

501.13. Insect screens. During the period from May 1 to October 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation area, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have self-closing device in good working condition.

*Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.*

501.14. Doors. All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances shall tightly secure the door.

501.15. Basement hatchway. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

501.16. Guards for basement windows. Every basement window that is operable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

501.17. Building security. Doors, windows or hatchways shall be provided with devices designed to provide security for the occupant and property within.

501.18. Doors. Doors providing access to a unit that is rented, leased, or let shall be equipped with a deadbolt lock designed to be readily operable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

501.19. Windows. Operable windows located in whole or in part within 6 feet above ground level or a walking surface below that provides access to a unit that is rented, leased or let shall be equipped with a window sash locking device.

501.20. Basement hatchways. Basement hatchways that provide access to a unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

501.21. Gates. All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gate.

Section 6. Enforcement and inspection. The Zoning Administrator shall administer and enforce the provisions of this ordinance and is hereby authorized to cause inspections of property when reasons exist to believe that a violation of the ordinance exists, has been, or is being committed.

Section 7. Compliance order. Whenever the Zoning Administrator determines that any building or structure, or the premises surrounding any of these, fails to meet the provisions of this ordinance, the zoning administrator shall issue a compliance order setting forth the violations of the ordinance ordering the owner, occupant, operator, or agent to correct such violation. This compliance order shall be in writing, describe the location and nature of the violations of this ordinance, and establish a time for the correction of such violations.

Section 8. Appeals. There is hereby created a two-tiered appeals process. All appeals decisions and findings shall be made part of the public record.

1. *Step 1.* Any person aggrieved by a notice of the Zoning Administrator issued in connection with an alleged violation of this ordinance or any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition, may apply to the Zoning Administrator for an administrative conference with the Director of Planning and Development Services for reconsideration of such notice or order provided such application is made within fourteen (14) days after the date the notice or order was issued. Upon conclusion of an administrative conference for reconsideration of a notice or order, the Zoning Administrator shall prepare a summary of the conference and shall state the decision reached. Such summary and statement shall become a part of public record.
2. *Step 2.* If the appeal is not settled in step 1 of the process, any person aggrieved by a notice of the Zoning Administrator issued in connection with any alleged violation of this article, or of any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition, may apply to the Community Development Committee of the City Council for reconsideration of such notice or order provided such application is made within fourteen (14) days after the date of the decision reached in step 1.
3. The Community Development Committee of the City Council, upon receipt of an appeal, shall set a time and place for a hearing and shall advise the applicant in writing by mail, of such time and place, at least seven (7) days prior to the date of the hearing. At such a hearing the appellant shall be given an opportunity to be heard and to show cause why such notice or order should be modified, extended, withdrawn, or a variance granted.
4. The Community Development Committee shall recommend to the City Council that the Council sustain, modify, or withdraw the notice or order. In recommending an extension or variance of any notice or order, the Committee shall observe the following conditions:

A. The Community Development Committee may recommend an extension of time for the compliance of any order or notice for not more than twelve (12) months subject to appropriate conditions and provided that the Committee/City Council makes specific findings of fact based on evidence related to the following:

1. That there are practical difficulties or unnecessary hardships in carrying out the strict letter of any notice or order; and
2. That such an extension is in harmony with the general purpose and intent of this ordinance in securing the public health, safety, and general welfare.

B. The Community Development Committee may recommend a variance in a specific case and from a specific provision of this ordinance subject to appropriate conditions and provided the Committee/City Council make specific findings of fact based on evidence related to the following:

1. That there are practical difficulties or unnecessary hardships in carrying out the strict letter of any notice or order.
2. That the effect of the application of the provisions would be arbitrary in the specific case.
3. That an extension for compliance would not constitute an appropriate remedy for these practical difficulties or unnecessary hardships.
4. That such variance is in harmony with the general purpose and intent of this ordinance in securing the public health, safety, and general welfare.

Section 9. Effective Date. This Ordinance shall take effect and be in full force and effect from and after its adoption and publication.

Section 10. Violations and Penalties. Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, be guilty of a misdemeanor and shall be punished as provided for in the laws of the State of Minnesota. Each day that a violation is permitted to exist shall constitute a separate offense.