

**CHAPTER 18; BUILDING AND BUILDING INSPECTIONS**

**ARTICLE III. Housing Standards**

**DIVISION 2. Administration and Enforcement**

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\*Cross reference--Administration, ch. 2.  
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**Subdivision II. Compliance Orders**

**Section 18-101. Compliance order.**

Whenever the building official determines that any dwelling, dwelling unit, or rooming unit, or portion thereof, is in violation of this article or any other ordinance, he may issue a compliance order setting forth the violations of this article or other ordinance and ordering the owner, occupant, operator, or agent to correct such violations. The compliance order shall:

- (a) Be in writing;
- (b) Describe the location and nature of the violations of this article;
- (c) Establish a reasonable time frame, not to exceed 30 days, to correct such violation;
- (d) Notify the owner of his appeal recourse; and
- (e) Be served upon the owner, operator, or occupant, personally, by sending a copy by certified mail to his last known address, or by posting a copy at the main entrance to the building and publishing it four times in a legal newspaper in the county.

**Section 18-102. Appeals.**

- (a) When it is alleged by any person to whom a compliance order is directed that such compliance order is based upon erroneous interpretation of this article, or upon a misstatement or mistake of fact, such person may appeal the compliance order to the city council. Such appeals must be in writing, must specify the grounds for the appeal, and must be accompanied by a filing fee as determined by council resolution with the building official within five business days after service of the compliance order. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from unless such stay would cause imminent peril to life, health, or property.
- (b) Upon at least five business days' notice to the appellant of the time and place for hearing the appeal and within 30 days after appeal is filed, the city council shall hold a hearing thereon at which the city council shall modify or affirm the order in whole or in part.

**Section 18-103. Restrictions or transfer of ownership.**

It shall be unlawful for the owner of any dwelling, dwelling unit, or rooming unit upon whom a pending compliance order has been served to sell, transfer, mortgage, or lease, or otherwise dispose thereof to another person until the provisions of the compliance order have been complied with, unless such owner shall furnish to grantee, lessee, or mortgagee a true copy of any notice of violation or compliance order and shall obtain and possess a receipt of acknowledgment. Anyone with an interest in the dwelling, dwelling unit, or rooming unit who has received notice of the

existence of a compliance order shall be bound by compliance order without further service of notice upon him and shall be liable for all penalties and procedures provided by this article.

**Section 18-104. Execution of compliance orders by public authority.**

Upon failure to comply with a compliance order within the time set therein, and no appeal having been taken, or upon failure to comply with a modified compliance order within the time set therein, the criminal penalty established hereunder notwithstanding, the city council may by resolution cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minn. Stats. ch. 429, for any of the reasons set forth in Minn. Stats. § 429.101, subd. 1, and specifically for the removal and elimination of public health or safety hazards from private property, but the assessment shall be payable in a single installment. It is the intent of this section to authorize the city to utilize Minn. Stats. § 429.101 to promote the public's health, safety, and general welfare.

**Section 18-105. Penalties.**

Any person who fails to comply with a compliance order after a right of appeal has expired and any person who fails to comply with a modified compliance order within the time set therein, upon conviction thereof, shall be guilty of a misdemeanor.

**Sections 18-106--18-120. Reserved.**