

ORDINANCE NO. 175

AN ORDINANCE REGULATING THE DEMOLITION AND DISPOSAL OF STRUCTURES
THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE
PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAIN AS FOLLOWS:

The City of Arlington specifically adopts the rules contained in Chapter 33 of the State of Minnesota Uniform Building Code, and any amendments or replacements thereof, to regulate demolition and excavation projects. In addition to said code, the city adopts the following rules:

1. **Damaged Structure Repair.** Any structure that is damaged by fire, windstorm or any other cause shall be promptly repaired by the property owner in compliance with the state building code. Upon request by the city served on the property owner in writing personally or by U.S. Mail to the property owner's last known address, the property owner shall submit a plan of repair, to include a time frame for accomplishing said repair, to the city administrator. If the city determines that the plan of repair and time table for repair are not adequate to meet the public health, safety and welfare and the maintenance of property values in the City of Arlington, the city reserves the right to require the property owner to comply with a plan of repair and time frame for repair as set by the City Council. If the property owner does not agree with the city guidelines, the property owner shall have the right to appeal said guidelines to the City Council at the next regularly scheduled city council meeting that is held at least 14 days after the property owner receives the city guidelines notification in writing, served on the property owner either personally or by U.S. Mail addressed to the property owner's last known address. The City Council shall decide said appeal no later than the next regularly scheduled council meeting following the meeting at which the property owner has submitted the appeal.
2. **Demolition of Structures.** The City Council, with the advice of the City Building Inspector, may, in its discretion, declare a building in need of demolition, either because of substantial damage from fire, windstorm or other cause, or because the building has deteriorated through neglect and failure to repair to extent that it is no longer salvageable. In such case, the city shall notify the property owner that the property must be demolished. The same notice procedure and appeal procedure shall be in effect as set out in Section 1 above. Demolition must be accomplished no later than 30 days after the city has notified the property owner that the building must be demolished, or if the property owner has appealed such order, no later than 30 days after the City Council has voted to uphold said order following appeal. In appropriate cases, due to weather conditions, unavailability of demolition contractors, or other reasonable cause, the City Council may, in its discretion, grant the property owner an extension of time to accomplish said demolition.
3. **Foundations and Excavations Removal.** The City Council, with the advice from the City Building Inspector, in conjunction with demolition of existing structure, or in conjunction with the abandonment of a construction project, may require the removal of portions or all of a foundation and basement slab, and the filling and compaction of the excavation or basement area. The same notice and appeal procedures as set out in paragraph 1 above shall

apply to this paragraph. The same time frame for completion of the work as set out in paragraph 2 above shall apply to this paragraph.

4. Any person or entity conducting demolition of a structure shall arrange, prior to any such demolition, to have the appropriate utility suppliers disconnect and cap off all utility lines to the building, in such a manner as to safeguard all persons, property and the utility systems themselves from any injury or damage that would be caused were such utilities not properly disconnected and capped. If a structure is being only partially demolished or repaired, and it is desired to leave certain utilities functioning or connected to the building, the city building inspector and city engineer must approve such continued utility connections to the building in writing, and any required safeguards they require must be implemented, prior to the beginning of any demolishment or repair.
5. Hazardous Materials. All property owners undertaking damage repairs or demolition of a structure or structures under the terms of this ordinance shall comply with all government regulations regarding the inspection, detection and removal of hazardous materials.
6. Enforcement. If a property is found to be in violation of this ordinance, the city may, in its discretion, conduct any demolition, foundation removal and excavation fill it deems necessary, and assess the cost of such action against the subject real estate, or obtain a money judgment for such cost against the property owner, or both.
7. Penalty. Any violation of this ordinance by the property owner or any other person or entity shall be considered a misdemeanor; punishable by the fines and penalties established under state law for misdemeanors in effect on the date the violation occurs. Each day that a violation is allowed to exist shall be considered a separate misdemeanor violation, to be punished by a separate fine or penalty for each such day.

This Ordinance shall become effective immediately upon publication.

For the City of Arlington

/s/ David Czech

By David Czech

It's Mayor

/s/ Lisa J. Tesch

By Lisa J. Tesch

It's Interim City Administrator

First Reading: April 21, 2003

Second Reading: May 5, 2003

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