

ORDINANCE NO. O2022-008

**AN ORDINANCE OF THE CITY OF SHAKOPEE AENDING TITLE XI OF THE CITY CODE BY
ADDING CHAPTER 82 ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE
CODE.**

THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, ORDAINS:

Section 1. Title IX of the Shakopee City Code amended by adding Chapter 92 to read as follows:

92.01 ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

- A. The 2021 International Property Maintenance Code as promulgated by the International Code Council, Inc., is adopted by reference and incorporated into the city code in whole as if it was set out in full, subject to the amendments contained in this chapter.
- B. Where there is any conflict between the provisions of the International Property Maintenance Code and any other applicable code or ordinance enforced by the city, other than the Minnesota State Building Code or Minnesota State Fire Code, the more restrictive provision shall apply. Where there is a conflict the state code shall apply. Where the conflict involves definitions and neither is necessarily more restrictive than the other, the definition set forth in the code or ordinance which more particularly addresses the subject at hand shall apply.

92.02 AMENDMENTS TO INTERNATIONAL PROPERTY MAINTENANCE CODE.

- A. All references to the International Building Code will be references to the Minnesota State Building Code as adopted under Shakopee City Code 111.01.
- B. All references to the International Fire Code will be references to the Minnesota State Fire Code as adopted under Shakopee City Code 130.07.
- B. The following amendments are made to the 2021 International Property Maintenance Code. Those sections are deleted in their entirety and replaced as follows:

Section 101.1. Title. These regulations shall be known as the Property Maintenance Code of the City of Shakopee, hereinafter referred to as “this code.”

Section 102.3. Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the Minnesota State Building Code as adopted under Shakopee City Code 111.01. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Minnesota State Building Code or chapters 150 or 151 of the Shakopee City Code.

Section 102.8. Referenced codes and standards. The codes and standards referenced in this code shall be those referenced in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference.

Section 103.1. Designation of Department. This code will be implemented, administered, and enforced by the Department of Planning and Development under its Building Department and the official in charge thereof shall be known as the code official.

Section 103.2. Appointment. The Code Official shall be appointed by the Director of the Department of Planning and Development.

Section 104.1. Fees. The fees for activities and services performed in carrying out responsibilities under this code shall be in amounts set forth by the City Council by ordinance.

107.1. General. Individuals who wish to appeal of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, will be heard by the Board of Adjustment and Appeals. Such appeal must be made within fifteen (15) days of the issuance of the order or determination and the hearing will be held at the next regularly scheduled board meeting that is at least fifteen (15) days after the request for hearing is received. Appeals from the decision of the Board of Adjustment and Appeals can be made to the City Council in writing within 10 days of the date of the decision of the Board of Adjustment and Appeals. The City Council will consider such request within 90 days.

107.2. Limitations of authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent or better form of construction is proposed.

107.03, 107.04 Not adopted.

Section 108. Not adopted.

Section 109.4. Violation, penalties. The code official may enforce this code using any enforcement provision applicable to a violation of this code including the criminal prosecution or administrative enforcement against a person responsible for the violation. Each day a violation continues after due notice has been served may be deemed a separate offense.

Section 109.5. 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, after due notice to the owner, may by resolution cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy is a lien against the subject real estate. Such a lien may be levied and collected as a special assessment in the manner provided by M.S. Chapter 429. It may be levied for any of the reasons set forth in M.S. § 429.101, Subd. 1, and specifically for the removal or elimination of public health or safety hazards from private property. However, the assessment must be payable in a single installment. It is the intent of this section to authorize the city to utilize all of the provisions of M.S. § 429.101 to promote the public health, safety and general welfare.

Section 110.4. Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$300.00 and not more than \$10000.

Section 111. Not adopted.

Section 201.3. Terms defined in other codes. The exception does not apply.

Section 202. General definitions.

CODE OFFICIAL. The official charged with the administration and enforcement of this code, or any duly authorized representative. For the purpose of administration and enforcement of this code, the Building Official shall be the **CODE OFFICIAL**.

Section 301.3. Vacant structures and Land. 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, not cause a nuisance condition as defined in Shakopee City Code Section 111.08, or adversely affect the public health or safety.

Section 302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 109.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Section 302.8. Motor vehicles. Not adopted.

Section 302.9. Defacement of property. Not adopted.

Section 303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 18 inches (610 mm) in depth and having a surface area of 100 square feet shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Section 304.3. Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall: contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of six inches high with a minimum stroke width of one-half inch.

Section 304.14. Insect screens. During the period from May 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, 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 not less than 16 mesh per inch. Every swinging door shall also have a self-closing device in good working condition.

Section 304.19. Gates. In accordance with the Minnesota State Building Code, gates required to be self-closing and self-latching shall be maintained such that, when released, they will positively close and latch.

Section 403.4. Process ventilation. In accordance with the Minnesota State Building Code and the Minnesota State Fire Code, where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at its source. Air shall be exhausted to the exterior and not be re-circulated to any space.

Section 403.5. Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems, and shall be exhausted in accordance with the manufacturer's instructions and the Minnesota State Mechanical Code.

Section 504.1. General. All plumbing fixtures shall be properly installed and maintained in working order. They shall be kept free from obstructions, leaks and defects, capable of performing the functions for which they were designed. In accordance with the Minnesota State Plumbing Code (MSPC), all plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

Section 505.1. General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or an approved private water system. In accordance with the MSPC, all kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with cold and hot or tempered running water.

Section 602.1. Facilities required. Heating facilities shall be provided in structures as required by this section and the Minnesota State Building Code.

Section 602.2. Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

Section 602.3. Heat supply. During the period from September 15 to May 15, every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68° F in all habitable rooms, bathrooms, and toilet rooms.

EXCEPTION: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required, provided that the heating system is operating at its full design capacity.

Section 602.4. Occupiable work spaces. When occupied during the period from September 15 to May 15, indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 68° F.

Section 603.5. Combustion air. In accordance with the Minnesota State Mechanical Code, a supply of air shall be provided for complete fuel combustion and for ventilation of the space containing the fuel-burning equipment.

Section 604.1. Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section, Section 605 of the IPMC, and the MSBC.

Section 604.2. Service. In accordance with the Minnesota State Building Code, the size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities. Dwelling units shall be served by a three-wire, 120/240-volt, single-phase electrical service with a rating of not less than 60 amperes.

Section 800. General references. Whenever this code refers to the International Codes, such references shall be deemed to be to the comparable applicable code as adopted by the state. Whenever this code refers to the International Zoning Code, such references shall be deemed to be the City of Shakopee Code Chapters 150 and 151.

Section 2. Publication by Summary. The city council determines that publication of the title and the approved summary of this ordinance would clearly inform the public of the intent and effect of the ordinance and therefore directs that only the title of the ordinance and the approved summary be published.

Section 3. Effective Date. This Ordinance shall be in force and effect on August 1, 2022 following adoption and publication in the official newspaper of the City in accordance with applicable law. The City may publish a summary of this Ordinance.

Adopted in _____ session of the City Council of the City of Shakopee, Minnesota, held this _____ day of _____, 2022

Mayor of the City of Shakopee

ATTEST:

City Clerk