

Chapter 2

ADMINISTRATION

ARTICLE I. IN GENERAL3
 Sec. 2-1. Date of city elections.3
 Sec. 2-2. Ward boundaries.3
 Sec. 2-3. Precinct Boundaries.3
 Secs. 2-4--2-35. Reserved.3
ARTICLE II. CITY COUNCIL*3
 Sec. 2-36. Mayor and councilmember salaries.3
 Secs. 2-37--2-55. Reserved.3
ARTICLE III. OFFICERS AND EMPLOYEES*3
 Secs. 2-56--2-75. Reserved.3
 Sec. 2-76. Office created; powers and duties.3
 Secs. 2-77--2-100. Reserved.4
 Sec. 2-101. To report to council.4
 Secs. 2-102--2-110. Reserved.4
 Sec. 2-111. Office created; powers and duties.4
 Secs. 2-112--2-125. Reserved.5
ARTICLE IV. BOARDS, COMMISSIONS AND COMMITTEES*5
 Secs. 2-126--2-130. Reserved.5
 Sec. 2-131. Established.5
 Sec. 2-132. Members generally.5
 Sec. 2-133. Terms of office.6
 Sec. 2-134. Terminations.6
 Sec. 2-135. Vacancies.6
 Sec. 2-136. Officers.6
 Sec. 2-137. Duties and powers.6
 Sec. 2-138. Zoning ordinances: public hearings.7
 Sec. 2-139. Annual work plan.7
 Sec. 2-140. Regular meetings.7
 Sec. 2-141. Special meetings.7
 Sec. 2-142. Quorum.7
 Sec. 2-143. Voting.7
 Sec. 2-144. Proceedings.8
 Sec. 2-145. Rules of procedure.8
 Sec. 2-146. Agendas.8
 Sec. 2-147. Records.8
 Sec. 2-148. Member training.8
 Sec. 2-150. Established; members.8
 Sec. 2-151. Terms of office.8
 Sec. 2-152. Organization.9

AFTON CODE

Sec. 2-153. Program assistance.....9
Sec. 2-154. Designation of heritage preservation sites.9
Sec. 2-155. Owner consent.9
Sec. 2-156. Intra-city communication.....9
Sec. 2-157. Findings and recommendations.9
Sec. 2-158. Council designation, hearings.10
Sec. 2-159. Communication with state historical society.10
Sec. 2-160. Acquisition.....10
Sec. 2-161. Additional powers and duties of the commission.10
Sec. 2-162. Review of permits.....11
Sec. 2-163. Meetings.11
Secs. 2-164, 2-165. Reserved.....11
ARTICLE V. DEPARTMENTS.....11
DIVISION 1. GENERALLY11
Sec. 2-200. Reserved.11
Sec. 2-201. Creation.....11
Sec. 2-202. Powers and duties.12
Sec. 2-203. Inspectors.....12
Sec. 2-204. Conflict of interest.12
Sec. 2-205. Reports and records.12
Sec. 2-206. Right of entry.....12
Sec. 2-207. Stop orders.....12
Sec. 2-208. Occupancy violations.....12
Sec. 2-209. Liability.....12
Sec. 2-210. Cooperation of other officials.13

***Cross references** – Administration of zoning ordinance, § 12-76 et seq.; administration of shoreline management ordinance, § 12-326 et seq.; administration of floodplain regulations, § 12-1191 et seq.; administration of individual sewage treatment systems by state agencies, § 12-2151.

State law reference – Statutory cities, M.S.A. Ch. 412.

ADMINISTRATION

ARTICLE I. IN GENERAL

Sec. 2-1. Date of city elections.

The regular city election shall be held biennially in even years on the same day as the general election for state and national offices.

(Code 1982, § 202.101)

State law reference – City elections, M.S.A. §§ 205.01 et seq., 412.02 et seq.

Sec. 2-2. Ward boundaries.

Pursuant to M.S.A. § 205.84, the City Council has considered the results of the 2000 Federal Decennial Census and the distribution of population within the City of Afton as indicated therein for the purpose of redefining the boundaries of city wards so that all wards shall be as equal in population as practicable, and each ward shall be composed of compact, contiguous territory. The boundaries for the four city wards shall be described on the official Ward Boundary/Precinct Boundary map of the City of Afton and a legal description of each ward shall be on file and available in the city offices.

(Code 1982, § 203.101; Ord 1997-53, § 2-2, 4/16/2002)

State law reference – Ward boundaries in statutory cities, M.S.A. § 205.84

Sec. 2-3. Precinct Boundaries.

Each Precinct shall be co-terminus with each respective Ward.

(Ord 1997-53, § 2-3, 4/16/2002)

Secs. 2-4--2-35. Reserved.

ARTICLE II. CITY COUNCIL*

Sec. 2-36. Mayor and councilmember salaries.

The mayor and each councilmember of the city shall be paid a salary which shall be set from time to time in accordance with state statute.

(Code 1982, § 206.101)

Cross reference – Any ordinance regarding salaries or compensation of officers or employees saved from repeal, § 1-9(11).

State law reference – Salaries of governing body, M.S.A. § 415.11.

Secs. 2-37--2-55. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES*

DIVISION 1. GENERALLY

Secs. 2-56--2-75. Reserved.

DIVISION 2. CITY ADMINISTRATOR

Sec. 2-76. Office created; powers and duties.

(a) The office of clerk and treasurer are abolished and replaced with the office of clerk-treasurer to be referred to as "the city administrator." The duties as prescribed under M.S.A. Ch. 412 of the city clerk and treasurer shall be assumed by and consolidated into a newly created position of city administrator.

***State law reference** – Powers of council in statutory cities, M.S.A. §§ 412-191 – 412.231.

†**State law reference** – Officers and employees in statutory cities, M.S.A. §§ 412.101 – 412.151.

AFTON CODE

(b) The city administrator shall serve at the pleasure and discretion of the City Council and report directly to the City Council. All other offices and positions created by the City Council, with the exception of the city attorney, shall report to the City Council through the city administrator.

(c) The city administrator shall be assisted in managing the day-to-day operations of the city by a deputy clerk, office assistant and building official.

(d) The deputy clerk, office assistant, building official and such other employees of the city as may be appointed from time-to-time, shall report directly to the city administrator.

(e) The city administrator shall be responsible for the day-to-day operations of the city, including the management and supervision of the deputy clerk, office assistant, and any other full or part-time employees as may be appointed by the City Council.

(Code 1982, § 209; Res. No. 1997-16, § 7, 6-17-97; Res. No. 1997-18, 6-17-97)

Secs. 2-77--2-100. Reserved.

DIVISION 3. CITY ATTORNEY

Sec. 2-101. To report to council.

The city attorney shall report directly to the City Council.
(Code 1982, § 209)

Secs. 2-102--2-110. Reserved.

DIVISION 4. BUILDING OFFICIAL*

Sec. 2-111. Office created; powers and duties.

(a) The office of the building official is hereby established. The building official is the code enforcement officer and the zoning administrator and enforces the city Code.

(b) The essential functions of the building official shall be as follows:

- (1) Review plans and specifications for all types of buildings, structures, HVAC and plumbing and calculate fees and state surcharges where required. Inspect buildings, structures and property to ensure compliance with such plans and specifications and other state and city codes, environmental health and safety regulations and the zoning regulations in chapter 12, Article II. Conduct foundation, framing, structural, plumbing, heating and air conditioning and other required inspections.
- (2) Administer building permit procedures. Provide information concerning building permit procedures and standards on a daily basis to residents, businesses, developers, architects and others involved in building construction activities.
- (3) Conduct all necessary inspections for zoning permits (special and conditional uses, signs, fences, farm site plans, design review, variances, etc.) and such other permits as may be required by the city Code.
- (4) Enforce codes by receiving and investigating complaints concerning alleged code violations. Meet with property owners or tenants to inform them of specific violations and necessary corrective measures. Prepare reports on such violations for the city administrator, planning commission, City Council and city attorney, as necessary. Assist in the preparation and issuance of violation notices to violators.
- (5) May keep records, blueprints, permits and maps of sewer systems and appurtenances, service lines and pumps; ensure inspection of systems; and issue permits for ISTS.

***Cross reference** – Buildings and building regulations, § 12-1771 et seq.

ADMINISTRATION

- (6) Work with residents, contractors, architects, developers, the city staff, fire department and other agencies and departments concerning permit applications, work in progress and questions relating to codes and regulations. Assist in revision of plans, reviews by consultants, coordination of consultants and related reviews, permits or inspections.
 - (7) Assist in preparations of the departmental budget and in maintaining budgetary control, maintain records and prepare reports.
 - (8) Establish and maintain all records, pertinent files and necessary reports on all permits, zoning actions, Code violations and other related development activities, including notices, correspondence, minutes and ordinances.
 - (9) Assist the city administrator in the development and maintenance of a GIS system, policy and ordinance revisions and land use planning procedures and controls.
 - (10) Prepare monthly and annual reports on construction activities to regional, state and federal agencies and to the City Council.
 - (11) Keep abreast of new equipment, materials, technologies and construction practices, as well as new or changing codes, regulations and enforcement procedure; and recommend changes in policies and ordinances to the city administrator.
 - (12) Attend City Council and planning commission meetings, as needed, to present recommendations and findings.
 - (13) Perform related work as required.
- (c) The building official shall report directly to the city administrator.
- (d) All other requirements for this position shall be set forth in the job description.
(Res. No. 1997-16, §§ 2, 7, 6-17-97; Res. No. 1997-18, 6-17-97)

Secs. 2-112--2-125. Reserved.

ARTICLE IV. BOARDS, COMMISSIONS AND COMMITTEES*

DIVISION 1. GENERALLY

Secs. 2-126--2-130. Reserved.

DIVISION 2. PLANNING COMMISSION†

Sec. 2-131. Established.

A planning commission for the city is hereby established pursuant to M.S.A. §§462.351-462.364.
(Code 1982, § 204.101)

Sec. 2-132. Members generally.

The members of the planning commission shall be appointed by a majority of the city council. The council shall appoint nine (9) members to the planning commission.

- (a) *Composition.* Each ward shall be continually represented by at least one member residing in such ward, with no more than 3 members from any one ward.
- (b) *Qualifications.* Every member shall be a registered voter in the city, and before entering upon disposition of their duties, each member shall take an oath that they will faithfully perform the duties of office.

AFTON CODE

(c) *Compensation.* All members shall serve without compensation.

(d) *Ex-officio member.* They city council shall appoint one of its members to serve as an ex-officio member of the planning commission. Such council member shall not have a vote in any proceedings, nor hold any office in the commission.

(Code 1982, § 204.102; Ord. 3-2009, 4/21/09)

Sec. 2-133. Terms of office.

The members of the planning commission shall be appointed for overlapping terms of three years, effective February 15 of each year.

(Ord. 1997-57, 1/21/03; Ord. 2006-11, 11/21/06)

Sec. 2-134. Terminations.

Any planning commission member's term shall terminate upon his resignation, or upon his ceasing to reside within the city, or it by reason of his change of residence a ward ceases to be represented, or by four/fifths (4/5) vote of the city council for cause. Cause shall include, but not be limited to, having more than three absences or more than one unexcused absence in any one calendar year. The council may consider exceptional circumstances when applying this rule.

Sec. 2-135. Vacancies.

The city council shall fill any vacancy occurring in the membership of the planning commission by appointment for the unexpired term of such vacancy.

(Ord 1997-50, 8/22/00)

Sec. 2-136. Officers.

The members of the planning commission shall elect a chairperson, a vice-chairperson and a secretary from among its appointed members at the annual meeting each year, for a term of one year. The chairperson shall preside at all meetings of the commission, is present, and shall perform all other duties and functions assigned by the commission or the city council. The vice chairperson shall perform these duties in the absence of the chairperson. If a vacancy occurs in the chairperson's office, the vice-chairperson shall assume the chairperson's duties for the remainder of the year, and a new vice chairperson shall be elected by the commission at a special election to be held at the next regularly scheduled commission meeting, after at least three days written notice to each commission member. The secretary shall take the minutes of the commission meetings.

Sec. 2-137. Duties and powers.

The planning commission shall be the planning agency of the city and shall have the powers and duties given such agencies generally by M.S.A. §§ 462.351—462.364, together with the following:

(a) The commission shall exercise the duties and powers conferred upon it by any ordinance of the city now existing or hereafter enacted.

(b) It shall be the duty of the commission to study and make its recommendation to the city council concerning the following:

- (1) A comprehensive plan for the land use of the city;
- (2) All applications for special use permits, rezoning, variances, other zoning permits and other related matters;
- (3) Proposed plat; minor subdivisions, parks and open spaces plans;

***Cross references** – Board of adjustment, § 12-1194; board of adjustment and appeals, § 12-2082,

†**Cross reference** – Land use, Ch. 12.

ADMINISTRATION

(4) Laying out of streets and public ways and other related matters;

(c) The commission shall undertake studies and recommend actions on such planning matters as the city council may from time to time refer to the commission.

(d) The commission shall have the power to hold a public hearing upon any application for a special use permit, rezoning or amendment to the zoning ordinance, upon ten days public notice.

(e) The commission shall have the power to form and appoint committees to carry out its duties and powers, including, but not limited to committees for zoning, parks, open spaces, natural resources and capital improvements.

(Code 1982, § 204.107)

Sec. 2-138. Zoning ordinances: public hearings.

No zoning ordinance or amendment thereto, shall be adopted by the city council until a public hearing has been held thereon by the planning commission upon notice as provided in M.S.A. § 462.357, subd.3 and 4. The record of the public hearing by the planning commission shall include the name of every person speaking for or against the proposal and a summary of the testimony of each witness.

Sec. 2-139. Annual work plan.

The planning commission shall meet with the City council at their annual meeting in January to develop an annual work plan, including a list of projects, points of interaction on projects, programs and goals for the year. (Res. 1996-48, §210.108, 12-17-96; Res. 1997-16, §3, 6-17-97)

Sec. 2-140. Regular meetings.

- (a) The planning commission shall hold at least one regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its regulations, transactions, and findings, which shall be a public record. Expenditures of the commission shall be within amounts appropriated for the purpose by the city council.
- (b) No action shall be taken in the absence of a quorum except to adjourn the meeting to a subsequent date. A regular meeting may be canceled or rescheduled by the commission at a prior meeting or if there are no scheduled agenda items, ten days prior to the meeting.
- (c) All action taken by the commission shall be by the affirmative vote of a majority of the members present.

Sec. 2-141. Special meetings.

Special meeting of the planning commission shall be held in the city hall at a time and designated or at a public place at the time designated and shall be called by the chairperson. Upon the written request of at least three members, the chairperson shall be required to call a special meeting to be held within seven days of the request. Written notice thereof shall be given to all members not less than three days in advance of the meeting.

Sec. 2-142. Quorum.

A quorum of the planning commission shall consist of a simple majority.

Sec. 2-143. Voting.

Each member of the planning commission attending any meeting shall be entitled to cast one vote. Voting shall be by voice vote. If any member shall have a personal interest of any kind in the matter then before the commission, he shall disclose this interest and be disqualified from voting upon the matter, and the secretary shall record in the minutes that no vote was cast by such member.

Sec. 2-144. Proceedings.

At any regular meeting of the planning commission, the following shall be the regular order of business:

- (1) Roll call.
- (2) Minutes of the preceding meeting.
- (3) Approval of agenda.
- (4) Public hearings as scheduled on the agenda.
- (5) Other business.
- (6) Adjournment.

Sec. 2-145. Rules of procedure.

All meetings of the planning commission shall be conducted in accordance with the Revised Robert's Rules of Order.

Sec. 2-146. Agendas.

The city administrator shall cause all items to be considered at any regular meeting to be placed on a written agenda ten days before the regular meeting. The city administrator shall advise the chairperson of any matters the commission must consider by council directive, ordinance or statute and shall have prepared and mailed a written agenda of all meetings to all commission members, the city council and the public, no less than five days before each meeting.

Sec. 2-147. Records.

Each formal action of the planning commission shall be embodied in full upon the minute book as a formal motion or resolution after an affirmative vote as provided in this division. The minutes of each meeting shall be provided to each member, the City council and the public no more than seven days after the date of each meeting. The recommendations and findings of the commission shall be presented to the City council at the next regularly scheduled City council meeting. The record of meetings, actions and recommendations shall be transmitted to the City Administrator for keeping and distribution.

Sec. 2-148. Member training.

The planning commission members shall be encouraged to avail themselves of training courses offered by the city, the state and other government and public training agencies and the city council shall budget for the reimbursement of expenses incurred in training each year.
(Ord 1997-50, 8/22/00)

DIVISION 3. HERITAGE PRESERVATION COMMISSION*

Sec. 2-150. Established; members.

There is hereby created and established a city heritage preservation commission which shall consist of no more than nine (9), but no fewer than five (5) members. One (1) shall be appointed directly by the Afton Historical Society and the other members shall be appointed by the City Council. Any member appointed to serve on the preservation commission shall have a demonstrated interest and/or expertise in historic preservation. At least two members must be professional in a field related to preservation (architecture, history, planning, design, construction, law, and so forth).
(Code 1982, § 308.000(3)1; Res. No. 1997-16, § 3, 6-17-97; Ord. 1997-51, 1/16/01; Ord. 2005-4, 4/19/05; Ord. 12-2010, 12/21/10)

Sec. 2-151. Terms of office.

All appointments to the commission shall be made for a term of three years. Members may be reappointed for consecutive terms. Members shall serve without compensation and continue to hold office until their successors have been appointed and qualified.

ADMINISTRATION

(Code 1982, § 308.000(3)2; Res. No. 1997-16, § 3, 6-17-97; Ord. 12/2010, 12/21/10)

Sec. 2-152. Organization.

The commission, when formed, shall elect from its members such officers as it may deem necessary. The commission shall have the power to designate and appoint from its members various committees. The commission shall make such bylaws as it may deem advisable and necessary for the conduct of its affairs, for the purpose of carrying out the intent of this Article, which are not inconsistent with the laws of the city and the state. The commission shall make an annual report, containing a statement of its activities and plans to the City Council. The Heritage Preservation Commission shall also function as the design and review committee, of which the duties of the committee are specified in section 12-142 (g).
(Ord. 2006-02, 6/6/06)

Sec. 2-153. Program assistance.

To accomplish the intent and purpose of this Article the city shall provide the commission with staff support to perform the duties prescribed under this Article.

Sec. 2-154. Designation of heritage preservation sites.

(a) *Reports.* The City Council, upon request of the commission, may direct the city staff or commission to prepare studies which catalog buildings, land, areas, districts, or other objects to be considered for designation as a heritage preservation site.

(b) *Criteria.* The commission shall recommend to the City Council areas, buildings, districts or objects to be designated heritage preservation sites. In considering the designation of heritage preservation sites the commission shall apply the following stated criteria and other applicable criteria that may be established by the secretary of the interior from time to time:

- (1) Its character, interest or value as part of the development, heritage or cultural characteristics of the city, state, or the United States.
- (2) Its location as a site, or contributing element in proximity to a site of a significant historic event or process.
- (3) Its embodiment of distinguishing characteristics of architectural style, period, form or treatment.
- (4) Its identification with a person or persons who significantly contributed to the culture and development of the city.
- (5) Its embodiment of elements of architectural design, detail, materials, or craftsmanship which represents distinctive architectural innovation.
- (6) Its unique location or singular physical characteristics representing an established and familiar aspect of view, vista, site, area, or district in the city.

***Cross reference** – Heritage preservation, § 12-1526 et seq

Sec. 2-155. Owner consent.

No heritage preservation site shall be designated by the heritage preservation commission without the consent of the property owner.

Sec. 2-156. Intra-city communication.

The heritage preservation commission shall establish and maintain communications with the planning commission and others interested in or affected by a heritage preservation site designation.

(Code 1982, § 308.000(6); Res. No. 1997-16, § 3, 6-17-97)

Sec. 2-157. Findings and recommendations.

The heritage preservation commission shall determine if a proposed heritage preservation site is eligible for preservation as determined by the criteria specified by this Article and applicable secretary of the interior standards, and current procedure as recommended by the state historic preservation office and if the heritage preservation commission recommends to the City Council that the site be recommended for heritage preservation site designation.

(Code 1982, § 308.000(7); Res. No. 1997-16, § 3, 6-17-97)

Sec. 2-158. Council designation, hearings.

The City Council, upon the request of the heritage preservation commission, may by resolution designate a heritage preservation site. Prior to such designation the City Council shall hold a public hearing, notice of which shall have been published in a newspaper of general circulation at least ten days prior to the date of the hearing, and mailed notice of the hearing sent to the owner of property which is proposed to be designated a heritage preservation site and to all owners of property lying immediately adjacent to the proposed heritage preservation site.

(Code 1982, § 308.000(8); Res. No. 1997-16, § 3, 6-17-97)

Sec. 2-159. Communication with state historical society.

Prior to designating a proposed heritage preservation site, the commission shall forward information concerning the proposed designation to the state historical society for comment within 60 days. The decision of the heritage preservation commission and City Council shall be sent to the state historical society in accordance with M.S.A. § 471.193, subd. 5.

(Code 1982, § 308.000(9); Res. No. 1997-16, § 3, 6-17-97)

Sec. 2-160. Acquisition.

The heritage preservation commission may recommend to the City Council that certain property eligible for designation as a heritage preservation site be acquired by gift, by negotiation, or other legal means.

(Code 1982, § 308.000(10); Res. No. 1997-16, § 3, 6-17-97)

Sec. 2-161. Additional powers and duties of the commission.

The commission shall have the following powers and duties in addition to those otherwise specified in this Article:

- (1) The commission shall conduct a continuing survey of all areas, places, buildings, structures, or objects in the city which the commission, on the basis of information available or presented to it, has reason to believe are significant to cultural, social, economic, political, or architectural history of the city.
- (2) Following designation of a heritage preservation site, the commission shall act as a resource and in an advisory capacity to owners of such properties regarding preservation, restoration and rehabilitation activities. Commission activity in this regard shall include participation in the planning and implementation of activities within the downtown historic district and designated adjacent properties and other local heritage preservation sites.
- (3) The commission shall work for the continuing education of the citizens of the city with respect to the civic and architectural heritage of the city. It shall keep current and public a register of all properties which have been designated heritage preservation sites, along with the plans and programs that pertain to them.
- (4) With prior approval of the City Council, the commission may have authority to accept gifts and contributions to be made to the city and to assist the city staff in the preparation of applications for grant funds to be made by the city for the purpose of heritage preservation. Any contributions or gifts will be expended in the manner provided through the fiscal policy of the city.
- (5) The commission shall on a continuing basis collect and review all records and studies, to be entered into the historical museum as a permanent record of city history and development.
- (6) At the discretion of the commission, public hearings may be initiated to solicit public input regarding proposed activities to a heritage preservation site.

(Code 1982, § 308.000(11); Res. No. 1997-16, § 3, 6-17-97)

ADMINISTRATION

Sec. 2-162. Review of permits.

The commission shall review all activities which are proposed for a heritage preservation site within the city. The commission shall review activities in accordance with this Article and bylaws as adopted by the commission.

- (1) To initiate review by the commission, the owner or designated representative of a heritage preservation site shall prepare and submit plans to the city detailing all proposed activities. Upon receipt of such plans and refundable fee in accordance with the bylaws established by the commission, the proposed activities shall be considered by the commission.
- (2) Following review of the proposed activities and detailed plans and application of the design review guidelines, the commission shall forward its recommendation and certificate of approval to the building official as necessary and other persons interested or affected by the proposal at the discretion of the commission. The building official shall deny any building permit application for work proposed on a heritage preservation site which has not been first considered by the commission or is inconsistent with recommendations made by the commission.
- (3) If the owner or designated representative of a heritage preservation site objects to the recommendations made by the commission, an appeal may be made to the City Council. In considering an appeal, the City Council will review all information generated relative to the proposed project and thereafter issue a decision by resolution of the City Council.

(Code 1982, § 308.000(12); Res. No. 1997-16, § 3, 6-17-97)

Sec. 2-163. Meetings.

All meetings of the commission shall be scheduled and conducted in compliance with the Minnesota Open Meeting Law and bylaws as established by the commission.

(Code 1982, § 308.000(13)2; Res. No. 1997-16, § 3, 6-17-97)

Secs. 2-164, 2-165. Reserved.

DIVISION 3. PARK, RECREATION AND OPEN SPACE COMMISSION

(Ord. 2-2005, 5/15/05; Ord. 11-2010, 12/21/10)

DIVISION 4. NATURAL RESOURCES COMMISSION

(Ord. 2-2005, 5/15/05; Ord. 11-2010, 12/21/10)

DIVISION 6. PUBLIC WORKS COMMISSION

(Ord. 12-2006, 10/17/06; Ord. 5-2008, 2/19/08)

ARTICLE V. DEPARTMENTS

DIVISION 1. GENERALLY

Sec. 2-200. Reserved.

DIVISION 2. BUILDING DEPARTMENT*

Sec. 2-201. Creation.

There is hereby established in the city the building department which shall be under the jurisdiction of the building official designated by the City Council.

(Code 1982, § 205.101)

AFTON CODE

Sec. 2-202. Powers and duties.

The building official is hereby authorized and directed to enforce all the provisions of the Minnesota State Building Code.

(Code 1982, § 205.102)

Sec. 2-203. Inspectors.

In accordance with the procedure and with the approval of the City Council, the building official may appoint such number of inspectors and other employees as shall be authorized from time to time.

(Code 1982, § 205.103)

Sec. 2-204. Conflict of interest.

Neither the building official nor any inspector shall have any financial interest in any concern engaged in a business relationship with the city nor engage in any business relationship with the city within his respective field.

(Code 1982, § 205.104)

Sec. 2-205. Reports and records.

The building official shall submit a report to the City Council not less than once a year, covering the work of the department during the preceding period. The building official shall keep a permanent, accurate account of all fees and other moneys collected and received, the names of the persons upon whose account the same were paid, the date and the amount thereof, together with the location of the building or premises to which they relate.

(Code 1982, § 205.105)

Sec. 2-206. Right of entry.

Upon presentation of proper credentials the building official or his duly authorized representative may enter at reasonable times any building, structure, or premises in the city to perform any duty imposed upon him by this Code. No person shall interfere with the building official or his duly authorized representatives in the execution of their duties.

(Code 1982, § 205.106)

Sec. 2-207. Stop orders.

Whenever any building work is being done contrary to the provisions of this Code, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work.

(Code 1982, § 205.107)

Sec. 2-208. Occupancy violations.

Whenever any structure is being used contrary to the provisions of this Code, the building official may order such use discontinued and the structure or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within ten days after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this Code; provided, however, that regarding an unsafe building, section 502 of the state building code shall apply.

(Code 1982, § 205.108)

Sec. 2-209. Liability.

The building official or any employee charged with the enforcement of this Code, acting in good faith and without malice for the city in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the building official or employer, because of such act or omission performed by him in the enforcement of any provisions of this Code, shall be defended by the city until final termination of the proceedings.

ADMINISTRATION

(Code 1982, § 205.109)

Sec. 2-210. 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 the other officials of the city.

(Code 1982, § 205.110)

***Cross reference – Buildings and building regulations, § 12-1801 et seq.**