

CHAPTER 4. BUILDING CODE AND CONSTRUCTION LICENSING

Section 400 – RESERVED FOR FUTURE EXPANSION

Section 405 – PERMITS AND REGULATION

405.01 Reserved for Future Expansion

405.02 Reserved for Future Expansion

405.03 Unsafe Buildings

Subd. 1 Definition and Abatement. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment, as specified in the SBC or another provision of the City Code, or any other law. Are for the purpose of this Section, unsafe buildings. All unsafe buildings are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this Section.

Subd. 2 Notice to Owner. The Building Inspector shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building, the Building Inspector shall give to the owner of such building or structure written notice stating the defects. This notice may require the owner or person in charge of the building or premises, within 48 hours, to commence either the required repairs or improvements or demolition and removal of the building or structure of portions thereof, and all such work shall be completed within 90 days from the date of notice, unless otherwise stipulated by the Building Inspector. Proper service of such notice shall be by personal service upon the owner of record, if the owner shall be found within the City. If the owner is not found in the City such service may be made upon said owner by registered mail or certified mail; provided, that if such notice is by registered mail or certified mail, the designated period within which said owner or person in charge is required to comply with the order of the Building Inspector shall begin as of the date of delivery shown upon the return receipt.

Subd. 3 Posting of Signs. The Building Inspector shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER, UNSAFE TO OCCUPY. Building Department, City of Kilkenny." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the Building Inspector and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

Subd. 4 Right to Demolish. In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this Section and may order the Building Inspector to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council, who shall cause the same to be paid and levied as a special assessment against the property.

Subd. 5 Costs. Costs incurred under Subd. 4 shall be paid out of the Treasury. Such costs shall be charged to the owner of the premises involved as a special assessment on the land on which the building or structure is located, and shall be collected in the manner provided for special assessments.

Subd. 6 Unlawful Act. It is unlawful for the owner of any property to suffer or permit an unsafe building to remain.

Subd. 7 Statutes Prevail. If any provisions of this Section are inconsistent with, or less restrictive than Minnesota Statutes, applicable Minnesota Statutes shall govern.

405.04 Underground Utility Construction.

Subd. 1 Underground Construction Required. All utility lines hereafter installed, constructed or otherwise placed within the City for electric, telephone, TV cable or other like or similar services to serve residential, commercial and industrial customers in newly platted areas, and which utilize metallic conductors to carry electric current whether owned, installed or constructed by the supplier, consumer or any party, shall be installed and placed underground, subject only to the exceptions stated in this Section. However, above-ground placement, construction, modification or replacement of meters, gauges, transformers, street lighting and service connection pedestals shall be allowed. The requirements of this Section shall apply equally outside of the corporate limits of the City coincident with City jurisdiction of platting, subdivision regulation or comprehensive planning as may now or in the future be allowed by law. All companies installing and operating lines such as those described in this Section shall be referred to as "utility companies" for purposes of this Section.

Subd. 2 Exceptions to Application. The following exceptions to the strict applicability of this Section shall be allowed upon the conditions stated:

A. **Transmission Lines.** Above-ground placement, construction, modification or replacement of those lines commonly referred to as “high voltage transmission lines” upon which the conductor’s normal operating voltage equals or exceeds 23,000 volts (phase to phase) shall be allowed. Provided, however, that sixty days prior to commencement of construction of such a project, the City shall be furnished notice of the proposed project and, upon request, the utility company involved shall furnish any relevant information regarding such project to the City. This Section shall not be construed as waiving the requirements of any other ordinance or regulation of the City as the same may apply to any such proposed project.

B. **Technical and Economic Feasibility.** Above-ground placement, construction, modification or replacement of lines shall be allowed in residential, commercial and industrial areas where the Council, following consideration and recommendation by the Planning Commission, finds that:

1. Underground placement would place an undue financial burden upon the landowner or the utility company or deprive the landowner of the preservation and enjoyment of substantial property rights; or,
2. Underground placement is impractical or not technically feasible due to topographical, subsoil or other existing conditions which adversely affect underground utility placement.

C. **Temporary Service.** Above-ground placement of temporary service lines shall only be allowed:

1. During the new construction of any project for a period not to exceed twenty-four months;
2. During any emergency to safeguard lives or property within the City;
3. For a period of not more than seven months when soil conditions make excavation impractical.

Subd. 3 Repair and Maintenance of Existing Installations. Nothing in this Section shall be construed to prevent repair, maintenance, replacement or modification of existing overhead utility lines.

Subd. 4 Developer Responsibility. All owners, platters or developers are responsible for complying with the requirements of this Section, and prior to the final approval of any plat or development plan, shall submit to the Planning Commission written instruments from the appropriate utility companies showing that all necessary arrangements with said companies for installation of such utilities have been made.

Subd. 5 Placement

A. All utility lines shall be placed within appropriate easements or dedicated public ways so as to cause minimum conflict with other underground services. Whenever feasible, all utilities shall be placed within the same trench.

B. All utility companies shall submit annually to the Building Inspector current maps revealing locations of underground installations, whether such installations were installed prior to the effective date of this Section or hereafter.

CITY OF KILKENNY - CITY CODE

CHAPTER 407 - PUBLIC SAFETY

Designated Predatory Offender Residency Restrictions

An ordinance to serve the city's compelling interest to promote, protect, and improve the health and public safety of Kilkenny, MN residents by creating certain areas around locations where children regularly congregate in concentrated numbers by prohibiting certain predatory offenders from establishing temporary or permanent residence in these areas; and by prohibiting certain predatory offenders from establishing temporary or permanent residence within close proximity to one another.

Section 1: Designated Predatory Offender Residency Restrictions

(a) Purpose. The Kilkenny City Council intends to serve the city's compelling interest to promote, protect and improve the health, safety, and welfare of Kilkenny citizens under this Section. It is the express intent of the City Council to further that interest by: creating areas around locations where children regularly congregate in concentrated numbers within which certain predatory offenders are prohibited from establishing temporary or permanent residence; and, by mitigating the concentration of certain predatory offenders, as recommended by

Minnesota Statutes § 244.052, Subd. 4a, by prohibiting certain predatory offenders from establishing temporary or permanent residence within close proximity to one another.

(b) Findings. The City Council finds that repeat predatory offenders present a real threat to the public safety and especially to that of children. Certain predatory offenders are likely to use physical violence and present a high risk to repeat their offenses, and most such predatory offenders have committed many more offenses and have many more victims than are ever reported and prosecuted. This makes dealing with the danger posed to the public safety and especially that of children by those certain predatory offenders extremely important.

Section 2: Definitions. For purposes of this section the following definitions will apply unless the context or intent clearly requires a different meaning:

- a. **Designated predatory offender.** Any person who is required to register as a predatory offender under Minnesota Statutes § 243.166, as may be amended from time to time, and who has been categorized as a Level III predatory offender under Minnesota Statutes §244.052, Subd. 3, a successor statute, or a similar statute from another state.

- b. **Permanent residence.** A place where a person abides, lodges, or resides for 14 or more consecutive days.

- c. **Temporary residence.** A place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

- d. **School.** A public or nonpublic preschool, elementary or secondary school.

- e. **Licensed child care center.** A child care center currently licensed by the Le Sueur County, Minnesota, public health and human services department.

- f. **Public park/playground.** Means any city-owned, or privately owned but open to the public area, designed, equipped, and set aside for children's play and includes in that area such facilities as play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation and related structures.

Section 3: Prohibited Acts.

- A. **Prohibited location of residence.** It is unlawful for any designated predatory offender to establish a permanent residence or temporary residence within 2,000 feet of any of the following:

1. Public or private school;
2. Licensed child care center;
3. Public park/playground;
4. Place of worship which provides regular educational programs;
5. Designated public school bus stop;
6. Designated public trails;
7. Public or private Gymnasiums;
8. Libraries;
9. Public beaches;
11. Sporting facilities (i.e. baseball fields, football fields, hockey rinks, soccer fields, etc.) where children are known to congregate;
12. The permanent or temporary residence of any other designated predatory offender.

(B) Measurement of distance. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of the properties listed at Section 3.

Section 4: Exceptions. This section does not apply under the following circumstances:

- (a) The designated predatory offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes §§ 243.166 and 243.167, or a successor statute, prior to _____;

(b) The designated predatory offender was a minor when he/she committed the offense and was not convicted as an adult;

(c) The designated predatory offender is a minor;

(d) The designated predatory offender has been granted a risk level reduction by the End of Confinement Review Committee, pursuant to Minnesota Statutes § 244.052, Subd. 3(i).

(e) The school, licensed child care center or public playground within 2,000 feet of the person's permanent residence was opened after the designated predatory offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes §§ 243.166 and 243.167, or a successor statute;

f. The residence is also the primary residence of the designated predatory offender's parents, grandparents, siblings or spouse, and was their residence prior to _____;

f. The residence is a property purchased, leased, or contracted with and licensed by the Minnesota Department of Corrections prior to _____.

Section 5: Property Owners Prohibited from Renting Real Property to Designated Predatory Offenders in the Exclusion Zones.

a. It shall be unlawful for any property owner to rent or lease real estate to any designated predatory offender if the property is in the prohibited zone established in Section 3. If a property owner discovers or is informed that a tenant is a designated offender after a rental agreement is signed, a property owner shall commence eviction proceedings against the designated offender and take action to ensure that the designated offender is not residing in the exclusion zone.

- b. A property owners violation of this prohibition shall be punishable as set forth in Section 6.

Section 6: Penalty. Any person who violates this section shall be punished according to the laws of the State of Minnesota. A violation of this Section shall constitute a misdemeanor. Each day a person maintains a temporary or permanent residence in violation of this ordinance constitutes a separate violation.

Section 7: Severability. The provisions of this Section are severable and if any provision of this Section or application of any provision of this Section due to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Section shall not be affected thereby.