

## CHAPTER 17

**VIOLATION AND PENALTY**

## SECTION:

- 10-17-1: Responsibility For Compliance  
10-17-2: Violations; Procedure  
10-17-3: Relief From Personal Responsibility  
10-17-4: Penalty

10-17-1: **RESPONSIBILITY FOR COMPLIANCE:** It shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the erecting, altering, changing or remodeling of any building or structure before beginning or undertaking any such work to see that such work does not conflict with and is not a violation of the terms of this Title; and such architect, builder, contractor or other person doing or performing any such work of erecting, repairing, altering, changing or remodeling and in violation of, or in conflict with the terms of this Title, shall be deemed guilty of a violation hereof in the manner and to the same extent as the owner of the premises or the person for whom such buildings are erected, repaired, altered, changed or remodeled in violation hereof and shall be held accountable for such violation. (Ord. 18, 5-1-1978)

10-17-2: **VIOLATIONS; PROCEDURE:** Any building or structure being erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or sign hereafter erected or maintained, or land use made, or permitted in violation of this Title is hereby declared unlawful. In the event of a violation, or threatened violation of this Title or other official control adopted under Minnesota Statutes sections 394.21 to 394.37, in addition to other remedies, the City Council, or any member thereof, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation, or threatened violations, and it is the duty of the City Attorney to institute such actions. (Ord. 18, 5-1-1978)

10-17-3:     **RELIEF FROM PERSONAL RESPONSIBILITY:** Any claims based upon an act or omission of an officer or employee exercising due care in the execution of any valid or invalid portions of this Title and any claim based upon the performance or the failure to exercise or perform a discretionary function or duty whether or not the discretion is abused, are hereby enumerated as exceptions to Minnesota Statutes section 466.02 and said section does not apply. The City shall defend, save harmless and indemnify any of its officers or employees, whether elective or appointed, against any tort claim or demand whether groundless, or otherwise arising out of an alleged act or omission occurring in the performance of duty in the enforcement and administration of this Title except as provided in Minnesota Statutes section 466.07. (Ord. 18, 5-1-1978)

10-17-4:     **PENALTY:**

- A.     Any person who violates any of the provisions of this Title shall be guilty of a misdemeanor and, upon conviction, be punished by a fine as provided in Section 1-4-1 of this Code.
- B.     Each day that a violation is committed, or permitted to exist, shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Title, and the City may pursue, by appropriate actions or proceedings, any or all additional other remedies. (Ord. 18, 5-1-1978; 1997 Code)