

PERSONNEL COMMITTEE

08-083-0

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 1-2 OF THE DULUTH CITY CODE, 1959, AS AMENDED; ADDING A DEFINITION FOR THE TERM "BUILDING OFFICIAL" AND AMENDING CHAPTER 10 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ADDING A NEW SECTION 10-1.1 PROVIDING FOR A LIMITED DEFINITION OF THE TERM "BUILDING OFFICIAL."

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Chapter 1, Section 2, of the Duluth City Code, as amended, is amended to read as follows:

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code, and of all ordinances of the city, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council or context clearly requires otherwise:

Building official. Unless otherwise provided in this Code, whenever the words "building official" are used in this Code, they shall mean the person, or the person's designee, having supervisory authority of the administrative division of the city responsible for administering the specified powers or duties.

City. The words "the city" or "this city" shall be construed as if followed by the words "of Duluth."

Code. The words "the code" or "this code" shall mean "The Legislative Code of the city of Duluth, Minnesota, 1959."

Computation of time. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a Sunday or a holiday and then it is also excluded.

Council. Whenever the word "council" is used in this Code, it shall be construed to mean the city council of the city of Duluth.

County. The words "the county" or "this county" shall mean the county of St. Louis.

Day. A day is the period of time between any midnight and the midnight following.

Daytime, nighttime. "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

Gender. The masculine gender includes the feminine and neuter.

In the city. The words "in the city" shall mean and include all territory over which the city now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Month. The word "month" shall mean a calendar month.

Number. The singular number includes the plural, and the plural the singular.

Oath. "Oath" includes an affirmation.

Officers, departments, etc. Officers, departments, boards, commissions and employees referred to in this Code shall mean officers, departments, boards, commissions and employees of the city of Duluth, unless the context clearly indicates otherwise.

Official time. Whenever certain hours are named in this Code, they shall mean Central Standard Time or Daylight Saving Time, as may be in current use in the city.

Or, and. "Or" may be read "and," and "and" may be read "or," if the sense requires it.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

Person. "Person" includes bodies politic and corporate, trustees, receivers, assignees, personal representatives and partnerships and other unincorporated associations.

Personal property. Includes every species of property, except real property, as defined in this Section.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Process. Includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

Property. The word "property" shall include real and personal property.

Real property. Shall include lands, tenements and hereditaments.

Shall, may. "Shall" is mandatory and "may" is permissive.

Signature or subscription by mark. The signature of a person, when required by law, shall be in the handwriting of the person or, if he is unable to write, he may make his mark or his name may be written by pencil or by pen and ink, but shall be by pen and ink when so required by law by some person at his request and in his presence.

State. The words "the state" or "this state" shall be construed to mean the state of Minnesota.

Tenant or occupant. The words "tenant" or "occupant," applied to a building or land, shall include any person holding a written or

an oral lease of, or who occupies the whole or a part of such building or land, either alone or with others.

Tenses. The present tense includes the past and future tenses, and the future includes the present.

Week. A week consists of seven consecutive days.

Writing. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language, unless it is expressly provided otherwise.

Year. The word "year" shall mean a calendar year, except where otherwise provided.

Section 2. That Chapter 10 of the Duluth City Code, as amended, is amended to add a new section 10-1.1 to read as follows:

Sec. 10-1.1. Definition--building official.

Whenever the words "building official" are used in this Chapter, they shall mean a person certified by the state to perform the duties of a building official as provided in Minnesota Statutes Sec.16B.65 or its successor, as it may be amended from time to time, and authorized to perform such duties on behalf of the city.

Section 3. That this ordinance shall take effect 30 days after its passage and publication.

Approved:

Approved for presentation to council:

Department Director

Chief Administrative Officer

Approved as to form:

Approved:

Attorney

Auditor

ADM/ATTY MAL:blj 9/25/2008

STATEMENT OF PURPOSE: This ordinance assists in the implementation of the reorganization of the building safety division. Section 1 of this ordinance creates a general definition for the term "building official" that distinguishes the term from the meaning given the term by state statute for purposes of Building Code administration. The term "building official" is currently used extensively throughout the Code to describe the administrative division of the city given the authority to enforce various ordinances and is not limited to describing the official responsible for the administration of the Building Code as provided by state statute.

Section 2 of the ordinance provides a definition of "building official" for purposes of Building Code administration and other administrative powers and duties provided for in Chapter 10 of the Code.