

CITY OF ROLLA

ORDINANCE 502

BE IT ORDAINED by the City Council of the City of Rolla, North Dakota, that Rolla Municipal Code Chapter 15.06 SUBSTANDARD BUILDINGS OR STRUCTURES be created as follows:

Chapter 15.06 SUBSTANDARD BUILDINGS OR STRUCTURES

15.06.010 Designation of nuisance control officer.

The city council designates the City Auditor and/or the City Manager whom shall exercise the powers set forth in this chapter. References hereinafter to the City Auditor, City Manager, nuisance control officer, and public officer are references to the same individual given the power to administer this ordinance.

15.06.020 Definition of substandard buildings or structures.

All buildings and structures which have any of the following shall be deemed "substandard buildings or structures":

- A. Those whose interior walls or other vertical structural members lean, list or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- B. Those which, exclusive of the foundation, show thirty-three percent or more damage or deterioration of the supporting member or members, or fifty percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- D. Those which have been damaged by fire, wind or other causes to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the city.
- E. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease so as to work injury to the health, morals, safety or general welfare of those living therein.
- F. Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of communication.

G. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

H. Those which because of their condition are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this city.

15.06.030 Standards for repair, vacation, or demolition.

The following standards shall be followed in determining repair, vacation, or demolition:

A. If the substandard building or structure can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter it shall be ordered repaired.

B. If the substandard building or structure is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

C. If the substandard building or structure is fifty percent or more damaged or decayed or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article it shall be demolished. In all cases where a substandard building or structure is a fire hazard existing or erected in violation of the terms of this article or any ordinance of the city or statute of the state of North Dakota, it shall be demolished. The term "fifty percent or more damaged or decayed or deteriorated from its original value," as used in this section, shall mean that the reasonable value of all services, labor and materials necessary to restore the structure to building code standards exceeds fifty percent of the current value of the structure. The term "original value" as used in this section, shall mean the best available information utilizing the current true and full value as shown in the assessment records, and appraisal of less than one year old or an average of the two. "Original value" should also reflect the pre-damaged or neglect, condition or value of the structure.

D. The City Auditor or City Manager will notify the owner of the building or structure determined to be substandard whether the building is to be repaired, vacated, or demolished. The notice will include a reasonable deadline for the owner to comply with said notice.

15.06.040 Procedure.

If a notice issued is not complied with by the deadline in the notice, the City Auditor or City Manager shall proceed as follows:

A. A petition can be filed with the city of Rolla by the City Auditor or City Manager or by at least five residents of the city of Rolla charging that any dwelling is unfit for human habitation. If a preliminary investigation discloses a basis for the charges outlined in the petition, the City Auditor or City Manager shall issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in the dwelling, including persons in possession, a complaint

stating the charges in that respect. The complaint must contain a notice that a hearing will be held before the Rolla City Council at the next City Council meeting; that the owner, mortgagee, and parties in interest must be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time designated in the complaint; and that the rules of evidence are not controlling in hearings before the City Council.

B. If, after the notice and hearing the Rolla City Council determines that the dwelling under consideration is unfit for human habitation, they shall state in writing the findings of fact in support of the determination and shall issue and cause to be served upon the owner of the dwelling an order which:

1. If the repair, alteration, or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, the owner, within the time specified in the order, shall repair, alter, or improve the dwelling to render it fit for human habitation, or vacate and close the dwelling so it is not used for human habitation; or

2. If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, the owner, within the time specified in the order, shall remove or demolish the dwelling. Nothing in this ordinance shall prevent or impair a non-profit corporation's ability to participate in the North Dakota Brownfields State Program.

C. If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling, the Rolla City Council may cause the dwelling to be repaired, altered, or improved, or to be vacated and closed.

D. If the owner fails to comply with an order to remove or demolish the dwelling, the Rolla City Council may cause the dwelling to be removed or demolished.

E. The amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the nuisance control officer constitutes a lien against the real property upon which the cost was incurred and the lien, including an allowance of the nuisance control officer's costs and necessary attorney's fees, may be foreclosed in judicial proceedings in the manner provided by law for loans secured by liens on real property. If the dwelling is removed or demolished by the nuisance control officer, the nuisance control officer shall sell the materials of the dwelling and credit the proceeds of the sale against the cost of the removal or demolition. Any balance remaining must be paid to the parties entitled to it as determined by proper judicial proceedings instituted by the nuisance control officer after deducting the costs of the judicial proceedings, including necessary attorney's fees incurred in those proceedings by the public officer, as determined by the court.

15.06.050 Determination.

The City Auditor or City Manager may determine that a dwelling is unfit for human habitation if the nuisance control officer finds that conditions exist in the dwelling which are dangerous or injurious to the health, safety, or morals of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the city of Rolla, or which have a blighting influence on properties in the area. Those conditions may include defects in the dwelling increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness; overcrowding; inadequate ingress and egress; inadequate drainage; or any violation of health, fire, building, or zoning regulations, or any other laws or regulations relating to the use of land and the use and occupancy of building and improvements. The nuisance control officer shall also consider the factors set out in Sections 15.06.020 and 15.06.030 in making the nuisance control officer's determination.

Complaints issued pursuant to this chapter must be served upon persons either personally or by registered or certified mail, but if the location of those persons is unknown and cannot be ascertained in the exercise of reasonable diligence, and the City Auditor or City Manager shall make an affidavit to that effect, then the serving of the complaint or order upon those persons may be made by publishing the complaint or order once each week for two consecutive weeks in a newspaper printed and published in the city of Rolla. A copy of the complaint or order must be posted in a conspicuous place on the premises affected by the complaint or order.

15.06.060 Injunctive relief.

Any person affected by an order issued by the Rolla City Council may petition the district court, in accordance with the procedure provided in N.D.C.C. Section 28-34-01, for an injunction restraining the Rolla City Council from carrying out the provisions of the order, and the court may, upon that petition, issue a temporary injunction restraining the Rolla City Council, pending the final disposition of the cause. Hearings must be held by the court on the petitions within twenty days, or as soon thereafter as possible, and must be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and enter a final order or decree in the proceeding. In the proceeding, the findings of the Rolla City Council as to facts, if supported by evidence, are conclusive. The court may assess costs

15.06.080 Powers of the nuisance control officer.

This chapter authorizes the City Auditor or City Manager to exercise those powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to other authority granted in this chapter:

- A. To investigate the dwelling conditions in the municipality in order to determine which dwellings are unfit for human habitation, or substandard buildings or structures;

- B. To administer oaths and affirmations, examine witnesses, and receive evidence;
- C. To enter any premises for the purpose of making examination, provided that entry must be made in a manner that causes the least possible inconvenience to the persons in possession, and to obtain an order for this purpose from a Court of competent jurisdiction in the event entry is denied or resisted;
- D. To appoint and fix the duties of such officers, agents, and employees as deemed necessary to carry out the purposes of the chapter; and
- E. To delegate any of the public officer's functions and powers under this chapter to such officers, agents, and employees as the City Auditor or City Manager may designate.

15.06.100 Nonexclusive provisions.

The ordinance codified in this chapter may not be construed to abrogate or impair the powers of any court or the City of Rolla to enforce any ordinances, laws, statutes, or regulations, nor to prevent or punish violations thereof; and the powers conferred by the ordinance codified in this chapter are in addition and supplemental to the powers conferred by any other ordinance, law, statute, or regulation.

The ordinance codified in this chapter may not be construed to impair or limit in any way the power of the city of Rolla to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

The city of Rolla may adopt additional ordinances prescribing minimum standards for the use and occupancy of dwellings throughout the city of Rolla and to prevent the use or occupancy of any dwelling which is injurious to the public health, safety, morals, or welfare.

15.06.110 Exclusions

Chapter 15.14 and Chapter 15.15 shall not apply to this Chapter.

First Reading: August 20, 2025
Second Reading: September 17, 2025
Adopted: September 17, 2025
Effective Date: September 17, 2025

Attest:

Kevin Juntunen, Mayor

Tara McDougall, City Auditor