

SUB-ANALYSIS

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CHAPTER 4

CONSTRUCTION AND HOUSING LICENSING, PERMITS AND REGULATION

SECTION 4.01. BUILDING CODE ADOPTED. The Minnesota State Building Code (SBC) is hereby adopted by reference, including the following:

1. **Chapter 1300** - Minnesota Building Code
2. **Chapter 1301** - Building Official Certification
3. **Chapter 1302** - State Building Construction Approvals
4. **Chapter 1305** - Adoption of the Uniform Building Code including Appendix Chapters; a) 3, Division I, Detention and Correctional Facilities b) 12, Division II, Sound Transmission Control c) 15 Reroofing d) 16, Division I, Snowload Design e) 29, Minimum Plumbing Fixtures f) 31, Division II, Membrane Structures.
5. **Chapter 1307** - Elevators and Related Devices
6. **Chapter 1315** - Adoption of the 1996 National Electrical Code
7. **Chapter 1325** - Solar Energy Systems
8. **Chapter 1330** - Fallout Shelters
9. **Chapter 1335** - Floodproofing Regulations
10. **Chapter 1340** - Facilities for the Handicapped
11. **Chapter 1346** - Adoption of the 1997 Uniform Mechanical Code
12. **Chapter 1350** - Manufactured Homes
13. **Chapter 1360** - Prefabricated Buildings
14. **Chapter 1361** - Industrialized/Modular Buildings
15. **Chapter 1370** - Storm Shelters
16. **Chapter 4715** - Minnesota Plumbing Code
17. **Chapters 7670, 7672, 7674, 7676, and 7678** – Minnesota Energy Code

SEC. 4.02. BUILDING PERMITS

Subd. 1. It is unlawful for any person to erect, construct, enlarge, alter, move, improve, remove, convert, or demolish any building or structure, or any part of portion thereof, without first obtaining a building permit from the City Building Official.

Subd. 2. Application. The applicant shall first file an application for a building permit in writing on a form furnished by the City for that purpose. The information on the application shall be pertinent to the proposed work which is to be done. The Building Official may at his/her discretion require any additional information he/she feels necessary before issuing a permit.

Subd. 3. Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the

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work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

SEC. 4.03. PERMIT FEES

Subd. 1. Permit fees for construction shall be established and adopted by resolution of the City Council.

Subd. 2. Surcharge. In addition to the permit fee required by Subdivision 1, the applicant shall pay a surcharge to be remitted to the Minnesota Department of Administration as prescribed by M. S. § 16B.70, as may be amended from time to time.

SEC. 4.04. PERMITS AND SPECIAL REQUIREMENTS FOR MOVING BUILDINGS.

Subd. 1. Application. The application for a moving permit shall state the dimensions, weight, and approximate loaded height of the structure or building proposed to be moved, the places from which and to which it is to be moved, the route to be followed, the dates and times of moving and parking, the name and address of the mover, and the municipal utility and public property repairs or alterations that will be required by reason of such movement. All applications shall be referred to the Public Works and the Police Departments. No such permits shall be issued until route approval has been obtained from such departments.

Subd. 2. Permits and Fee. The moving permit shall state the date or dates of moving, hours, routing, movement or parking. Permits shall be issued only for moving buildings by building movers licensed by the State of Minnesota, except that a permit may be issued to a person moving a building which does not exceed 16 feet in width, 20 feet in length, and 14 feet in loaded height. All permit fees shall be paid in advance of issuance. It is unlawful for any person to move a building on any street without a moving permit from the City.

Subd. 3. Denial of a Permit. Any permit under this Section shall be denied upon a finding of any one of the following:

1. The building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it would constitute a danger to persons or property in the City.
2. The building is structurally unsafe or unfit for the purpose for which moved, if the location to which the building is to be moved is in the City.

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3. If the location to which the building is to be moved is in the City, the building is in substantial variance with either the established or the expected pattern of building development within the neighborhood to which the building is to be moved. Comparative age, bulk, architectural style and quality of construction of both the building to be moved and the buildings existing in the neighborhood shall be considered in determining whether a building is in substantial variance.

SEC. 4.05. SPECIAL REQUIREMENTS FOR INSTALLATION AND REMOVAL OF MANUFACTURED HOMES.

Subd. 1. Any person, making the installation of a manufactured home shall, prior to installing a manufactured home for occupancy by any person or persons, obtain a permit with the provisions of this Chapter and Chapter 11 (Land Use Regulation, Zoning). Any person removing a manufactured home must obtain a permit in accordance with the provisions of this Chapter.

Subd. 2. Anchoring. All manufactured homes must be anchored down in accordance with the standards set forth in the Minnesota Building Code, Chapter 1350.

Subd. 3. Skirting. All manufactured homes located in manufactured home parks must be skirted within thirty (30) days from the time of installation. Skirting shall be made of weather resistant material and not more combustible than three-eighths (3/8) inch exterior grade plywood. Untreated wood shall not be nearer than six (6) inches to any earth, unless separated by three (3) inches of metal or concrete; provided however, when metal skirting is used, supporting members of untreated lumber shall be separated from the ground by not less than two (2) inches. A minimum of eighteen (18) inches by twenty-four (24) inches access must be provided. Ventilation openings shall be provided for each twenty-five (25) linear feet of skirting. Each ventilation opening shall have a minimum net area of thirty-six (36) square inches and shall be located within two (2) feet of the external corners of the home and shall have a corrosion resistant louver or mesh cover. Manufactured in any area other than a manufactured home park shall follow the guidelines in Chapter 11, Section 11.43.

Subd. 4. Utilities. All water and sewer connections shall be inspected to ensure proper installation. Sewer and water connections must be inspected to ensure they are properly capped at the time a manufactured home is removed.

Subd. 5. Fees and Charges. Inspection fees may be established by resolution of the Council.

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Subd. 6. Unlawful Act. It is unlawful for any person to remove or install a manufactured home without a permit as required by the terms of this Section and/or Section 11.43, Chapter 11.

Source: City Code
Effective Date: 09-15-2005

(Sections 4.06 through 4.29, inclusive, reserved for future expansion)

(Pages 5 through 15 reserved)

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SEC. 4.30. SPECIAL REQUIREMENTS IN NEW CONSTRUCTION.

Subd. 1. Private Sewage Disposal Systems. All building for which permits are issued after adoption of this Section shall be connected to the City sewerage disposal system unless to do so would require the installation of a lift station. Provided, however, that where, in the opinion of the Council, after published notice and hearing, such installation would be unduly burdensome, the installation of a private sewerage disposal system may be permitted if it complies in all respects with suggested standards published by the State of Minnesota.

Subd. 2. Roof and Surface Water, Sump Pumps and Other Natural Precipitation. No water from the roof, surface, sump pump, or other natural precipitation shall be discharged into the sanitary sewerage system from a building which a permit is issued after adoption of this Section.

Source: City Code
Effective Date: 09-15-2005

(Sections 4.31 through 4.39, inclusive, reserved for future expansion)

(Pages 17 through 21 reserved)

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SEC. 4.40. CONSTRUCTION IN OR UPON HERITAGE PRESERVATION SITES.

Subd. 1. Definition. The term “Heritage Preservation Site”, as used in this Section, means any area, place, building, object, district, or structure which has been duly designated as such pursuant to the provisions of the City Code.

Subd. 2. Permits. Unless specifically permitted by this Section, and notwithstanding any other provision of this Chapter, no construction in a Heritage Preservation Site shall be commenced by the City or any other person without a special permit after consideration by the Heritage Preservation Commission. “Construction” for the purpose of this Section, shall include building, moving a building or structure, moving soil or changing the natural terrain, demolition of a building or structure, remodeling or repairing, including painting, a building or structure that will change the exterior appearance. Provided, that the Building Official may approve the repair and issue the permit where there exists immediate danger of injury to persons or property, in which case he/she shall forthwith notify the Heritage Preservation Commission of the fact and circumstances constituting the danger and issuance of the permit.

Subd. 3. Application and Plans. The application shall be accompanied by detailed plans of the proposed work. The application shall be reviewed for its conformity with the overall preservation plan (if any) for the district, site or structure as well as, conformity to the Secretary of the Interiors Standards for Rehabilitation described as follows:

1. Every reasonable effort shall be made to provide a compatible use for a property which required minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

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6. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.
9. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations to structures shall be done in the future, the essential form and integrity of the structure would be unimpaired.
10. If the Commission finds that to issue a permit would adversely affect the site, structure or district, it shall hold a public hearing upon ten (10) days published notice and similar mailed notice to the applicant within ten (10) days after the hearing the Commission shall issue its written findings and inform the Building Official as to whether or not the permit shall be issued.

Subd. 4. Time Limitation. Within thirty (30) days after filing an application, plans, and meeting all the requirements of this Section, the Heritage Preservation Commission shall have 1) approved the issuance of the permit, or 2) disapproved issuance and given notice of hearing thereon. If the Commission has failed to take such action, the Building Official shall forthwith issue such permit if, in all other respects, the application is in compliance with applicable law.

Source: City Code
Effective Date: 09-15-2005

(Sections 4.41 through 4.49, inclusive, reserved for future expansion)

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SEC. 4.50. STATE PLUMBER'S LICENSE REQUIRED.

It is unlawful for any person to engage in or work at the business of a master plumber or journeyman plumber, upon premises not owned by he/she, unless such person holds a valid and current license from the Minnesota State Board of Health.

Source: City Code
Effective Date: 09-15-2005

(Sections 4.51 through 4.98, inclusive, reserved for future expansion)

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SEC. 4.99. VIOLATION A MISDEMEANOR.

Subd. 1. Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

Subd. 2. Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

Subd. 3. In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

Subd. 4. The failure of any officer or employee of the City to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.

Source: City Code
Effective Date: 09-15-2005

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