

**SUB-ANALYSIS**

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## CHAPTER 4

### CONSTRUCTION LICENSING, PERMITS AND REGULATIONS

#### SECTION 4.01. BUILDING CODE ADOPTED.

**Subd. 1. Codes adopted by reference .** The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes Chapter 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

**Subd. 2 Application, Administration and Enforcement.** The application, administration and enforcement of the Code shall be in accordance with Minnesota State Building Code. The Code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 16B.62, subdivision 1, when so established by this ordinance.

The Code enforcement department of the City is called the Building Department.

This Code shall be enforced by the Building Official who is hereby designated by the City to administer the Code.

**Subd. 3. Permits and Fees.** The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, subdivision 1.

Permit fees shall be assessed for work governed by this Code in accordance with the fee schedules adopted by the City in the City Code and Resolutions. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minnesota Statute 16B.70.

Source: Ordinance No. 309, 2nd Series

Effective Date: 08-18-2004

**SEC. 4.02. FIRE ZONES ESTABLISHED.** (Repealed by Ordinance No. 77, 2nd Series, adopted 9-17-80.)

#### SEC. 4.03. BUILDING PERMITS.

**Subd. 1. Permits Required.** It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building, sign, marquee, non-residential awning, or other structure, or any part or portion thereof, including, but not limited to, the plumbing, electrical, ventilating, heating or air conditioning systems therein, or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the Building Official; provided, however, that except in the case of signs and altering the exterior dimensions

of a building, no building permit shall be required unless the total estimated costs exceed \$1,500.00.

Source: Ordinance No. 98, 2nd Series  
Effective Date: 10-30-82

**Subdivisions 2 through 6, inclusive.** (Repealed by Ordinance No. 168, 2nd Series, adopted 8-21-89.)

**SEC. 4.04. PLANS AND SPECIFICATIONS.** (Repealed by Ordinance No. 77, 2nd Series, adopted 9-17-80.)

**SEC. 4.05. FEES, CHARGES AND BOND REQUIREMENTS.**

**Subd. 1. Basic Fee.** Basic fees for building permits and inspections shall be adopted by resolution of the Council and may be amended from time to time in the same manner. Provided, that a schedule of such fees, together with the effective date or dates thereof, shall be kept on file in the office of the Building

(Jun 25, 2005)

Official, available for distribution upon request therefor, and uniformly enforced as the same become effective. If such fees are based upon a determination of value or size of the project, a determination thereof shall be made by the Building Official. Such fee schedule may provide for a separate plumbing or electrical permit and inspection fee where the work to be done is so confined.

**Subd. 2. Start Without Permit.** Where work for which a permit is required is started or pursued prior to issuance of a permit, the fees shall be doubled, but the payment of such increased fee shall not relieve any persons from fully complying with the requirements of the law in the execution of the work, nor from any penalties prescribed herein.

Source: Ordinance No. 77, 2nd Series  
Effective Date: 10-7-80

**SEC. 4.06. INSPECTIONS.** (Repealed by Ordinance No. 168, 2nd Series, adopted 8-21-89.)

**SEC. 4.07. CERTIFICATE OF OCCUPANCY.** (Repealed by Ordinance No. 168, 2nd Series, adopted 8-21-89.)

**SEC. 4.08. POWER AND DUTIES OF THE BUILDING OFFICIAL.** (Repealed by Ordinance No. 168, 2nd Series, adopted 8-21-89.)

**SEC. 4.09. UNSAFE BUILDINGS.** (Repealed by Ordinance No. 168, 2nd Series, adopted 8-21-89.)

**SEC. 4.10. PERMITS AND SPECIAL REQUIREMENTS FOR MOVING BUILDINGS.**

**Subd. 1. Definitions.** The following terms, as used in this Section, shall have the meanings stated:

1. **"Highway"** means a public thoroughfare for vehicular traffic which is a State trunk highway, County State-aid highway, or County road.

2. **"Street"** means a public thoroughfare for vehicular traffic which is not a State trunk highway, County State-aid highway or County road.

3. **"Moving Permit"** means a document allowing the use of a street or highway for the purpose of moving a building.

4. **"Highway Moving Permit"** means a permit to move a building on a highway for which a fee is charged which does not include route approval, but does include regulation of activities

which do not involve the use of the highway; which activities include, but are not limited to, repairs or alterations to a municipal utility required by reason of such movement.

5. **"Street Moving Permit"** means a permit to move a building on a street for which a fee is charged which does include route approval, together with use of the street and activities including, but not limited to, repairs or alterations to a municipal utility required by reason of such movement.

6. **"Combined Moving Permit"** means a permit to move a building on both a street and a highway.

**Subd. 2. 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. In the case of a street moving permit or combined moving permit the application shall also state the size and weight of the structure or building proposed to be moved and the street alterations or repairs that will be required by reason of such movement. All applications shall be referred to the Engineering, Planning Departments and the Public Utilities Commission. All applications for street and combined moving permits shall also be referred to the Police Department and no such permits shall be issued until route approval has been obtained from such Departments.

**Subd. 3. Permit and Fee.** The moving permit shall state date or dates of moving, hours, routing, movement and parking. Permits shall be issued only for moving buildings by building movers licensed by the State of Minnesota. Fees to be charged shall be separate for each of the following: (1) a moving permit fee to cover use of streets and route approval, and (2) a fee equal to the anticipated amount required to compensate the City for any municipal utility and public property (other than streets) repairs or alterations occasioned by such movement. All permit fees shall be paid in advance of issuance.

**Subd. 4. Building Permit and Code Compliance.** Before any building is moved from one location to another within the City, or from a point of origin without the City to a destination within the City, regardless of the route of movement, it shall be inspected and a building permit shall have been issued for at least the work necessary to bring it into full compliance with the State Building Code.

**Subd. 5. Unlawful Acts.**

A. It is unlawful for any person to move a building on any street without a moving permit from the City.

B. It is unlawful for any person to move a building on any highway without a highway moving permit from the City.

C. It is unlawful to move any building (including a manufactured home) if the point of origin or destination (or both) is within the City, and regardless of the route of movement, without having paid in full all real and personal property taxes, special assessments and municipal utility charges due on the premises of origin and filing written proof of such payment with the City.

Source: Ordinance No. 143, 2nd Series  
Effective Date: 5-20-86

(Sections 4.11 through 4.14, inclusive, reserved for future expansion.)

(Pages 125 through 129 reserved)

**SEC. 4.15. ON-SITE SEWAGE DISPOSAL SYSTEMS.** The St. Louis County On-Site Sewage Disposal Regulations are hereby adopted by reference as though repeated verbatim herein. No building permit shall be issued on premises served by an on-site sewerage disposal system unless such system complies with the Regulations adopted by reference herein. No on-site sewage disposal system shall be repaired unless it complies in all details with the Regulations adopted by reference herein.

Source: Ordinance No. 116, 2nd Series  
Effective Date: 7-31-84

(Sections 4.16 through 4.19, inclusive, reserved for future expansion.)

(Pages 131 through 135 reserved)

**SEC. 4.20. GAS CODE ADOPTED.** (Repealed by Ordinance No. 62, 2nd Series, adopted 9-5-79)

(Sections 4.21 through 4.29, inclusive, reserved for future expansion.)



**SECTION 4.30. HOUSING CODE ADOPTED BY REFERENCE.** The residential section of the Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes Chapter 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

Source: Ordinance No. 357, 2nd Series  
Effective Date: 8-13-2009

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

(Pages 138 through 142 reserved)

**SEC. 4.40. FIRE HYDRANTS REQUIRED.** Notwithstanding any other provision of this Chapter, no building permit shall be issued unless there is installed or in existence, a fire hydrant for the protection of the proposed structure. It will be in the discretion of the Chief of the Fire Department to determine spacing of fire hydrants based upon concentration of buildings and population, or any proposed use thereof which is extra-hazardous. Any such determination by the Chief of the Fire Department shall be subject to review by the Council.

Source: Ordinance No. 29, 2nd Series  
Effective Date: 6-15-77

**SEC. 4.41. TOTAL SPRINKLER SYSTEMS REQUIRED.** In all newly constructed buildings after the effective date of this Section, in any zone classification where the height of the structure is six or more stories, a total sprinkler system shall be required. Such systems shall be of a standard and have devices to assure coverage equal to or greater than systems now in use which have proven effective and are generally accepted in the building design industry.

Source: Ordinance No. 77, 2nd Series  
Effective Date: 10-7-80

**SEC. 4.42. ADOPTION OF STATUTE REQUIRING SMOKE DETECTOR DEVICES.** Minnesota Statutes, Section 299F.362, which relates to the required installation of smoke detectors is hereby adopted by reference as though repeated verbatim herein.

Source: Ordinance No. 178, 2nd Series  
Effective Date: 4-20-90

(Sections 4.43 through 4.49, inclusive, reserved for future expansion.)

(Pages 144 through 148 reserved)

**SEC. 4.50. UTILITY CONSTRUCTION TO BE UNDERGROUND.**

**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 hereinafter stated; however, aboveground 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 herein 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.** Aboveground 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 (60) 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 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.** Aboveground 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 (24) months;

2. During any emergency to safeguard lives or property within the City;

3. For a period of not more than seven (7) 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 adoption of this Chapter or hereafter.

Source: City Code  
Effective Date: 9-1-75

**Subd. 6. Applicability.** This Section shall be applicable to the Urban Service District only.

Source: Ordinance No. 83, 2nd Series  
Effective Date: 5-23-81

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

(Pages 152 through 156 reserved)

**SEC. 4.99. VIOLATION A MISDEMEANOR.** Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when such failure is prohibited or declared unlawful by a Code adopted by reference by this Chapter, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: City Code  
Effective Date: 9-1-75