

SUB-ANALYSIS

Title

Section		Title
CHAPTER 4		CONSTRUCTION LICENSING, PERMITS AND REGULATION
4.01	Building Code	
	Subd. 1	Codes Adopted by Reference
	Subd. 2	Application, Administration and Enforcement
	Subd. 3	Permits and Fees
	Subd. 4	Violations and Penalties
4.02	Building Permits Required	
4.03	Permits and Fees (Repealed, Ord. 97, 1-20-09)	
4.04	Permits and Special Requirements for Moving Buildings	
	Subd. 1	Definitions
	Subd. 2	Application
	Subd. 3	Permit and Fee
	Subd. 4	Building Permit and Code Compliance
	Subd. 5	Unlawful Acts
4.05	Underground Utility Construction	
	Subd. 1	Underground Construction Required
	Subd. 2	Exceptions to Application
	Subd. 3	Repair and Maintenance of Existing Installations
	Subd. 4	Developer Responsibility
	Subd. 5	Placement
4.06	Contiguous Territory	
4.07-4.09	Reserved	
4.10	Sign Regulations (See Codifier's Note)	
4.11-4.19	Reserved	
4.20	Additional Structural Requirements	
	Subd. 1	Foundations
	Subd. 2	Exterior of All Buildings
	Subd. 3	Exception
4.21-4.98	Reserved	
4.99	Violation a Misdemeanor	

CHAPTER 4 CONSTRUCTION LICENSING, SIGNS, PERMITS AND REGULATION

SECTION 4.01. BUILDING CODE. (Ord. 95-6; Repealed, Ord. 97, Second Series, 1-20-09; Added, Ord. 97, Second Series, 1-20-09)

Subd. 1. Codes Adopted by Reference. The Minnesota State Building Code, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes, Chapter 326B, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Building Codes and Standards Unit is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this Section. The Minnesota State Building Code is hereby incorporated in this Section 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, Section 326B.121, when so established by this Section. This Code shall be enforced by the Minnesota Certified Building Official designated by the City to administer the code pursuant to Minnesota Statutes, Section 326B.133, Subdivision 1.

Subd. 3. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Rules, Chapter 1300, Permit fees shall be assessed for work governed by this Code in accordance with the fee schedule adopted by the City. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minnesota Statutes, Section 326B.148.

Subd. 4. Violations and Penalties. A violation of the Code is a misdemeanor pursuant to Minnesota Statutes, Section 326B.082, Subdivision 16.

SEC. 4.02. BUILDING PERMITS REQUIRED. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or 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 or mechanical permit for each such building, structure or mechanical components from the City. (7-1-90)

SEC. 4.03. PERMITS AND FEES. (Ord. 95-6, 4-27-95; Repealed, Ord. 97, Second Series, 1-20-09)

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

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

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

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

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

D. "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.

E. "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.

F. "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.

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, except that a permit may be issued to a person moving their own building, or a person moving a building which does not exceed 16 feet in width, 24 feet in length, or 14 feet in loaded height. Provided, that any person moving their own building under the foregoing provision shall be responsible for all damages to property, public or private. 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.

SEC. 4.05. UNDERGROUND UTILITY CONSTRUCTION.

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, above-ground 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. Above-ground 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 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 shall be 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. Above-ground placement of temporary service lines shall only be allowed:

1. During the new construction of any project for a period not to exceed 24 months;

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

3. For a period of not more than seven 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 effective date of this Section or hereafter. (7-1-90)

SEC. 4.06. CONTIGUOUS TERRITORY. The City hereby extends its enforcement of the State Building Code to contiguous unincorporated territory two miles distant from the corporate limits of the City in all directions. (Ord. 95-6, 4-27-95)

(Sections 4.07 through 4.09, inclusive, reserved for future expansion.)

SEC. 4.10. SIGN REGULATIONS. (CODIFIER'S NOTE: Sign Regulations now found in Chapter 11 of the City Code, Section 11.71.)

(Sections 4.11 through 4.19, inclusive, reserved for future expansion.)

SEC. 4.20. ADDITIONAL STRUCTURAL REQUIREMENTS.

Subd. 1. Foundations. Any structure designed to be used as a dwelling shall be placed on a foundation constructed of masonry, concrete or treated wood. All footings supporting the foundation shall be constructed of solid masonry or concrete, except a treated wood foundation shall be on a treated wood footing, placed at a minimum depth of three feet six inches below the finished grade. Provided, that this Subdivision shall not apply to a building constructed on a reinforced concrete slab if such slab forms the ground floor of the dwelling. (7-1-90)

Subd. 2. Exterior of All Buildings. The exposed exterior of all buildings shall be brick, solid masonry or concrete, or colored steel, wood or masonite siding.

Subd. 3. Exception. This Section shall not apply to manufactured homes in manufactured home parks licensed by the State.

(Sections 4.21 through 4.98, inclusive, reserved for future Expansion.)

SEC. 4.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when they perform an act thereby prohibited or declared unlawful, or fail to act when such failure is thereby prohibited or declared unlawful, or perform an act prohibited or declared unlawful or fail 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. (7-1-90)