



REPORT/RECOMMENDATION

To: MAYOR AND COUNCIL	Agenda Item <u>Item No. VIII E 2</u>
From: Marty Scheerer Fire Chief	<input checked="" type="checkbox"/> Action <input type="checkbox"/> Discussion <input type="checkbox"/> Information
Date: February 21, 2012	
Subject: Ordinance No. 2012-7 Amending Chapter 4 of the Edina City Code Concerning Building, Construction and Signs	

ACTION REQUESTED:

Adopt Ordinance 2012-7. Waive second reading.

INFORMATION/BACKGROUND:

Revisions to Chapter Four are being proposed to correct outdated references and requirements in the City Code. Revised sections of the City Code are attached with new language underlined and deleted language struck through.

- Section 410. Revision adds and deletes references to new, revised or deleted chapters of the Minnesota State Building Code.
- Section 430. Revision changes references from Licensing to Registration.
- Section 435. Revision corrects references to adopted codes and responsible State Departments.
- Section 440. Revision removes references to Safety Regulations which are regulated by Minnesota OSHA.
- Section 470. Revision deleted most of this chapter. The City is required to comply with Minnesota Statute 463.15 to 463.26 which is adopted by reference as part of the City Code. Many parts of Section 470 were the same and/or similar to the Minnesota Statute, making the enforcement of both confusing.

ATTACHMENTS:

- Ordinance 2012-7
- Revised versions of City Code Chapters 410, 430, 435, 440 and 470.

ORDINANCE NO. 2012-07
AN ORDINANCE AMENDING CHAPTER 4
OF THE EDINA CITY CODE CONCERNING BUILDINGS,
CONSTRUCTION AND SIGNS

THE CITY OF EDINA ORDAINS:

Section 1. Subsections 410.01 and 410.02, Subd. 1 of the Edina City Code are amended to provide as follows:

410.01 State Building Code Adopted. There is hereby adopted and incorporated herein by reference, as a section of this Code, the Minnesota State Building Code (the "MSBC") as promulgated by the State Department of Administration pursuant to M.S. 16B.59 through 16B.75. The Minnesota State Building Code includes the following chapters of Minnesota Rules:

1. 1300, Administration of the Minnesota State Building Code;
2. 1301, Building Official Certification;
3. 1302, State Building Code Construction Approvals;
4. 1303, Minnesota Provisions;
5. 1305, Adoption of the 2006 International Building Code;
6. 1307, Elevators and Related Devices.
7. 1309, Adoption of the 2006 International Residential Code;
8. 1311, Adoption of the 2000 Guidelines for the Rehabilitation of Existing Buildings;
9. 1315, Adoption of the 2011 National Electrical Code;
10. 1322, Residential Energy Code;
11. 1323, Commercial Energy Code;
12. 1325, Solar Energy Systems;
13. 1335, Floodproofing Regulations;
14. 1341, Minnesota Accessibility Code;
15. 1346, Adoption of the 2006 International Mechanical/Fuel Gas Codes;
16. 1350, Manufactured Homes;
17. 1360, Prefabricated Structures;
18. 1361, Industrialized/Modular Buildings;
19. 1370, Storm Shelters (Manufactured Home Parks);
20. 4715, Minnesota Plumbing Code

Adoption includes the following, but only the following, listed optional provisions of the MSBC except, however, fees shall be as provided in Section 185. The optional provisions which are hereby adopted are as follows:

- A. Chapter 1306 with 1306.0020, Subp. 2 of the MSBC relating to Special Fire Protection Systems.
- B. Chapter 1335, parts 1335.0600 to 1335.1200 of the MSBC relating to Floodproofing.

410.02, Subd.1 Fees. Permit fees required or authorized by the MSBC shall be in the amounts set forth in Section 185 of this Code.

Section 2. Subsections 430.02 and 430.03, Subds. 1, 2, 3, and 4 of the Edina City Code are amended to provide as follows:

430.02 Registration Required. No person shall perform or receive a permit to perform mechanical work or gas piping work in any building in the City without having first registered with the City as provided in this Section. No person shall perform any plumbing or water conditioning work in any building in the City without first registering with the City a State issued license as provided in this Section.

430.03 Registration Requirements.

Subd. 1 Registration Provisions. The provisions of Section 160 and Section 165 of this Code shall apply to all registrations required by this Section and to the holders of such registrations.

Subd. 2 Registration Application for Mechanical Work. The application for any registration or renewal of a registration for mechanical work required by Subsection 430.02 shall be accompanied by proof that the applicant holds a State Mechanical Bond.

Subd. 3 Registration Application for Gas Piping Work. The application for any registration or the renewal of any registration for gas piping work required by Subsection 430.02 shall be accompanied by proof that the applicant holds a State Mechanical Bond.

Subd. 4 License Registration for Plumbing Work. The registration of a State issued plumbing license shall be accompanied by proof that the registrant holds a then current Master Plumbing License issued by the Department of Labor and Industry.

Section 3. Subsections 435.02, 435.03, 435.04, 435.05, 435.07, Subd. 4 and 435.09 of the Edina City Code are amended to provide as follows:

435.02 International Mechanical/Fuel Gas Code. The International Mechanical/Fuel Gas Code adopted by Section 410 of this Code adopting the Minnesota State Building Code shall be applicable to the pertinent provisions of this Section.

435.03 Permit Required. No person shall perform any mechanical work or gas piping work without first obtaining a permit from the City. The application for a permit shall be made to the Building Official on forms provided by the Building Official. The Building Official may require that the application include full plans and specifications for the work, and may further require that such plans and specifications be certified by a mechanical engineer licensed by the State. Such certification, when required, shall state that the work will not violate any provisions of the International Mechanical/Fuel Gas Code or any other provisions of this Code. The Building Official shall grant the permit upon finding that the work will comply with the International Mechanical/Fuel Gas Code and this Code. No change in the work for which a permit has been issued may be made without the written consent of the Building Official.

435.04 Permit Holder Must be Registered; Exception. An applicant for a permit required by this Section must be duly registered in accordance with Section 430 of this Code. Where permitted by State Law, permits may be issued to make repairs, additions, replacements and

alterations to any mechanical work in any single family dwelling structure used exclusively for living purposes or to any building accessory thereto, provided that all such work in connection with it shall be performed only by the person who is the bona fide owner and occupant of such dwelling as the person's residence or a member of such owner-occupant's immediate family. "Immediate family" includes only a parent, spouse, child by birth or adoption, and such child's spouse.

435.05 Refusal of Permit. The Building Official shall refuse to issue any permit for the installation of any mechanical work or gas piping work in any building in which mechanical equipment or gas piping has, in whole or in part, been installed contrary to Code provisions in effect at the time of such installation until such illegally installed system shall have been removed from it or brought into compliance with this Code and the International Mechanical/Fuel Gas Code.

435.07, Subd. 4 Surcharge. In addition to the fees charged pursuant to Subd. 1 of this Subsection, each applicant for a permit shall pay a surcharge to the City in the amount set forth in M.S. 16B.70 to be remitted to the Department of Labor and Industry pursuant to M.S. 16B.70.

435.09 Certification. Upon completion of any mechanical work for which a permit was required, the Building Official may require a certification by a mechanical engineer then currently licensed by the State, to the effect that all such work was done in full compliance with the International Mechanical/Fuel Gas Code and all other applicable provisions of this Code.

Section 4. Subsections 440.03, Subd. 1, 440.04, Subd. 4 and 440.09 of the Edina City Code are amended to provide as follows:

440.03, Subd. 1 Registration Required. An applicant for a permit required by this Section must be duly registered in accordance with Section 430 of this Code. In addition, no individual shall construct, reconstruct, extend, alter or repair any plumbing work or building drainage, or construct cesspools, or construct, reconstruct, or connect any building drainage with cesspools or the City sewage system or the City water system either directly or indirectly unless such individual holds a valid master, journeyman or apprentice plumbing license issued by the Department of Labor and Industry to do such work; provided that a registered apprentice plumber shall be permitted to do plumbing work only under the direct supervision of a journeyman plumber who is present on the work site. No individual shall install water conditioning equipment unless such person holds a valid master or journeyman plumbing license or a water conditioning installer license issued by the Department of Labor and Industry. No individual shall display any sign stating or implying that said person is carrying on the business of plumbing unless said individual holds a valid master plumber's license issued by the State. No owner, lessee or occupant of any premises in the City, nor the representative or agent of any such owner, lessee or occupant, shall knowingly hire or otherwise engage any person to do plumbing work or water conditioning installation work on such premises who does not hold a valid license issued by the State.

440.04, Subd. 4 Surcharge. In addition to the fees charged pursuant to Subd. 1 of this Subsection, each applicant for a permit shall pay a surcharge to the City in the amount set forth in M.S. 16B.70 to be remitted to the Department of Labor and Industry pursuant to M.S. 16B.70.

440.09 Additional Regulations for Plumbing Installation. The following additional regulations shall apply to all plumbing work:

Subd. 1 Minimum Depth. The minimum depth of house water service lines shall be seven feet.

Subd. 2 Manholes. All sewer services being cut into manholes where required shall be inside drops of cast iron with the pipe strapped to the manhole wall and painted with two coats of INERTOL POXITAR paint or equal.

Subd. 3 Laying Lines. All sewer shall be laid with an even pitch without sags or bows. Grades of sewer shall be one inch per eight feet minimum and one inch per two feet maximum. All lines shall be laid on firm ground with back-fill, well compacted.

Subd. 4 Meters. Meters shall be set at least one foot above the floor and not over four feet above it. There must be a gate or ball valve on each side of the meter.

Subd. 5 Water Services Through Buildings. All water services passing through a portion of the building shall be run under the floor or slab to the location of the meter.

Subd. 6 Curb Boxes. Curb boxes must be brought up to grade and must be plumb and operable after backfilling.

Subd. 7 Ditches. All ditches shall be left open until after inspection.

Section 5. Sections 470 of the Edina City Code is amended by deleting Subsections 470.02, 470.03, 470.04, 470.05, 470.06, 470.07, 470.08, 470.09, 470.10, and 470.11 Subd. 1.

Section 6. This ordinance is effective immediately upon passage and publication.

First Reading: February 21, 2012

Second Reading: Waived

Published:

Attest _____
Debra A. Mangen, City Clerk

_____ James B. Hovland, Mayor

Please publish in the Edina Sun Current on:
Send two affidavits of publication.
Bill to Edina City Clerk

Section 410 - Building Code

410.01 State Building Code Adopted. There is hereby adopted and incorporated herein by reference, as a section of this Code, the Minnesota State Building Code (the "MSBC") as promulgated by the State Department of Administration pursuant to M.S. 16B.59 through 16B.75. The Minnesota State Building Code includes the following chapters of Minnesota Rules:

21. 1300, Administration of the Minnesota State Building Code;
22. 1301, Building Official Certification;
23. 1302, State Building Code Construction Approvals;
24. 1303, Minnesota Provisions;
25. 1305, Adoption of the 2006 International Building Code;
26. 1307, Elevators and Related Devices.
27. 1309, Adoption of the 2006 International Residential Code;
28. 1311, Adoption of the 2000 Guidelines for the Rehabilitation of Existing Buildings;
29. 1315, Adoption of the ~~2005~~ 2011 National Electrical Code;
30. 1322, Residential Energy Code;
31. 1323, Commercial Energy Code;
32. 1325, Solar Energy Systems;
- ~~33. 1330, Fallout Shelters;~~
34. 1335, Floodproofing Regulations;
35. 1341, Minnesota Accessibility Code;
36. 1346, Adoption of the 2006 International Mechanical/Fuel Gas Codes ~~Minnesota State Mechanical Code;~~
37. 1350, Manufactured Homes;
38. 1360, Prefabricated Structures;
39. 1361, Industrialized/Modular Buildings;
40. 1370, Storm Shelters (Manufactured Home Parks);
41. 4715, Minnesota Plumbing Code
- ~~42. 7670, 7672, 7674, 7676 and 7678, Minnesota Energy Code~~

Adoption includes the following, but only the following, listed optional provisions of the MSBC except, however that fees shall be as provided in Section 185. The optional provisions which are hereby adopted are as follows:

- C. Chapter 1306 with 1306.0020, Subp. 2 of the MSBC relating to Special Fire Protection Systems.
- D. Chapter 1335, parts 1335.0600 to 1335.1200 of the MSBC relating to Floodproofing.

410.02 Fees and Surcharges.

Subd. 1 **Fees.** Permit fees required or authorized by the MSBC ~~or the IBC~~ shall be in the amounts set forth in Section 185 of this Code.

Subd. 2 **Other Permit Related Fees.** Reinspection fees, inspections outside normal business hours, inspections for which no fee is specifically indicated and fees for additional plan review required by loss, changes, additions or revisions to plans shall be in the amounts set forth in Section 185 of this Code.

Subd. 3 **Investigation Fee.** If work for which a permit is required by the code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for the work. An investigation fee, as authorized by MSBC Chapter 1300.0160 Subp. 8, shall be collected, and is in addition to the required permit fees. The investigation fee shall be equal to the permit fee.

Subd. 4 **Outside Consultant Fees.** Plan review, inspections and/or consultation fees for outside consultants may be collected and shall comprise the actual costs to the City.

Subd. 5 **Surcharge.** In addition to the fees charged pursuant to Subd. 1 of this Subsection, each applicant for a permit shall pay a surcharge to the City in the amount set forth in M.S. 16B.70 to be remitted to the State Department of Administration pursuant to M.S. 16B.70.

Subd. 6 **Additional Surcharge.** In addition to the fees charged pursuant to Subd. 1 and Subd. 5 of this Subsection, each building permit issued for work that requires a licensed residential building contractor, remodeler, or specialty contractor pursuant to, and as defined in M.S. 326.83 and 326.84 (Chapter 306, 1991 Session Laws), shall pay to the City a surcharge as allowed by M.S. 326.86, and in the amount set forth in Section 185 of this Code.

410.03 Organization and Enforcement. The organization of the Building Department of the City, and enforcement of this Section, shall be as established by Chapter 1300 of the Minnesota State Building Code.

410.04 Penalty. Any person who violates or fails to comply with any provision of this Section shall be subject to the penalties provided by Subsection 100.09 of this Code, and shall also be subject to other penalties and remedies available to the City under the MSBC.”

History: Ord 410 8-10-88, Ord 1995-1 3-29-95; Ord 1999-8 4-14-99; Ord 2004-4, 4-29-04; Ord 2007-14, 7-17-07

Reference: M.S. 16B.59 through 16B.73, 16B.70, 326.83, 326.84, 326.86

Cross Reference: Section 185, Subsection 100.09

Section 430 - Regulating Installers of Gas Piping or Gas Burning Systems, Oil Burners, Stokers, Steam or Hot Water Systems, Mechanical Warm Air Heating and Air Conditioning Systems, Refrigeration Systems, Plumbing and Water Conditioning Equipment.

430.01 Definitions. Unless the context clearly indicates otherwise, the following words and phrases have the meanings given in this Subsection.

Gas Piping Work. The construction, reconstruction, installation, alteration, extension, or repair of gas piping or gas burner systems.

Mechanical Work. The construction, reconstruction, installation, repair or alteration of any oil burner, stoker, steam or hot water heating system, mechanical warm air heating and air conditioning system, or refrigeration system.

Person, Applicant, Registrant, Licensee. A business enterprise employing one or more individuals engaged in the work identified by this Section.

Plumbing Work. The construction, reconstruction, alteration, extension, or repair of any plumbing work or building drainage, or connecting plumbing work with the City sanitary sewer system or septic tank or water system or the installation of plumbing fixtures.

Water Conditioning Work. The installation of water softener and conditioning equipment.

430.02 License or Registration Required. No person shall perform or receive a permit to perform mechanical work or gas piping work in any building in the City without having first received a license registered with the City as provided in this Section. No person shall perform any plumbing or water conditioning work in any building in the City without first registering with the City a State issued license as provided in this Section.

430.03 License Registration Requirements.

Subd. 1 **License Registration Provisions.** The provisions of Section 160 and Section 165 of this Code shall apply to all licenses and license registrations required by this Section and to the holders of such registrations. Licenses, except that licenses, license registrations, and renewals shall be granted or denied by the Building Official.

Subd. 2 **License Registration Application for Mechanical Work.** The application for any license registration or renewal of a license registration for mechanical work required by Subsection 430.02 shall be accompanied by proof that the applicant holds a Certificate of Competency issued by a city acceptable to the Building Official or upon obtaining a passing score on a test administered by the Building Official. The Building Official may grant a license limited to the installation of mechanical fireplace systems by persons who are competent in the installation of such systems State Mechanical Bond.

Subd. 3 **License Registration Application for Gas Piping Work.** The application for any license registration or the renewal of any license registration for gas piping work

required by Subsection 430.02 shall be accompanied by proof that the applicant holds a ~~Certificate of Competency issued by a city acceptable to the Building Official or upon obtaining a passing score on a test administered by the Building Official~~ State Mechanical Bond.

Subd. 4 **License Registration for Plumbing Work.** The registration of a State issued plumbing license shall be accompanied by proof that the registrant holds a then current Master Plumbing License issued by the ~~State~~ Department of Labor and Industry Health.

Subd. 5 **License Registration for Water Conditioning Work.** The registration of a State issued Water Conditioner Installer License shall be accompanied by proof that the registrant holds a current Water Conditioning Installer License from the ~~State~~ Department of Health Labor and Industry.

Subd. 6 **Liability Insurance.** Unless prohibited by State Law, the applicant for a ~~license or license~~ registration shall also furnish proof that a policy of public liability insurance has been procured with respect to work to be performed by the applicant during the period of the license for death or personal injury arising therefrom to any person or persons, in amounts not less than \$100,000 for injury to or death of one person and \$300,000 for any one incident, and for damage to property arising from any one incident in the amount of not less than \$50,000.

Subd. 7 **Place of Business.** Every applicant for a ~~license or license~~ registration must maintain a place of business in the State. As used in this Section, place of business shall consist of a bona fide location where record keeping and administrative functions of the business for which the license is issued are transacted.

Subd. 8 **Fee.** All applications for licenses shall be accompanied by a fee in the amount set forth in Section 185 of this Code.

430.04 Unlawful Acts. No licensee shall take out or secure a permit for the construction, installation, alteration, or repair of any systems or equipment covered by this Section where the work is to be done by any person not in the employ of such licensee, nor allow licensee's name to be used by any other person for the purpose either of doing any such work or of obtaining a permit to do so.

History: Ord 429 adopted 3-1-73; amended by Ord 429-A1 11-25-81, Ord 1995-6 8-17-95

Cross Reference: Sections 160, 165, 185

Section 435 - Regulating Mechanical Work and Gas Piping Work

435.01 Definitions. Unless the context clearly indicates otherwise, the following words and phrases have the meanings given in this Subsection.

Gas Piping Work. The construction, reconstruction, installation, repair, alteration or extension of gas piping or gas burner systems.

Mechanical Work. The construction, reconstruction, installation, repair or alteration of any oil burner, stoker, steam or hot water heating system, mechanical warm air heating and air conditioning system, or refrigeration system.

435.02 International Mechanical/Fuel Gas Code. The International Mechanical/Fuel Gas Code adopted by Section 410 of this Code adopting the Minnesota State Building Code shall be applicable to the pertinent provisions of this Section.

435.03 Permit Required. No person shall perform any mechanical work or gas piping work without first obtaining a permit from the City. The application for a permit shall be made to the Building Official on forms provided by the Building Official. The Building Official may require that the application include full plans and specifications for the work, and may further require that such plans and specifications be certified by a mechanical engineer licensed by the State. Such certification, when required, shall state that the work will not violate any provisions of the International Mechanical/Fuel Gas Code or any other provisions of this Code. The Building Official shall grant the permit upon finding that the work will comply with the International Mechanical/Fuel Gas Code and this Code. No change in the work for which a permit has been issued may be made without the written consent of the Building Official.

435.04 Permit Holder Must be Registered Licensed; Exception. An applicant for a permit required by this Section must be duly ~~licensed~~ or registered in accordance with Section 430 of this Code. Where permitted by State Law, permits may be issued to make repairs, additions, replacements and alterations to any mechanical work in any single family dwelling structure used exclusively for living purposes or to any building accessory thereto, provided that all such work in connection with it shall be performed only by the person who is the bona fide owner and occupant of such dwelling as the person's residence or a member of such owner-occupant's immediate family. "Immediate family" includes only a parent, spouse, child by birth or adoption, and such child's spouse.

435.05 Refusal of Permit. The Building Official shall refuse to issue any permit for the installation of any mechanical work or gas piping work in any building in which mechanical equipment or gas piping has, in whole or in part, been installed contrary to Code provisions in effect at the time of such installation until such illegally installed system shall have been removed from it or brought into compliance with this Code and the International Mechanical/Fuel Gas Code.

435.06 Approval of Materials and Appliances. No person shall install any material or appliance which has not been approved by the Building Official. No person shall represent that any material or appliance has been approved by the Building Official for installation who knows that such approval has not been given.

435.07 Fees and Surcharges. The fees and surcharges for a permit required by this Section shall be in the amount set forth in Section 185 of this Code.

Subd. 1 **Other Permit Related Fees.** Re-inspection fees, inspections outside normal business hours, inspections for which no fee is specifically indicated and fees for additional plan review required by loss, changes, additions or revisions to plans shall be in the amounts set forth in Section 185 of this Code.

Subd. 2 **Investigation Fee.** If work for which a permit is required by the code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for the work. An investigation fee, as authorized by MSBC Chapter 1300.0160 Subp. 8, shall be collected, and is in addition to the required permit fees. The investigation fee shall be equal to the permit fee.

Subd. 3 **Outside Consultant Fees.** Plan review, inspections and/or consultation fees for outside consultants may be collected and shall comprise the actual costs to the City.

Subd. 4 **Surcharge.** In addition to the fees charged pursuant to Subd. 1 of this Subsection, each applicant for a permit shall pay a surcharge to the City in the amount set forth in M.S. 16B.70 to be remitted to the ~~State Department of Administration~~ Labor and Industry pursuant to M.S. 16B.70.

435.08 Inspections. All equipment and installations installed pursuant to this Section shall be inspected by the Building Official, or a special inspector designated and approved by the Building Official. Inspections shall be made during construction and before enclosure or concealment of any equipment and accessory materials. Final inspection and operating tests shall be made before unconditional occupancy of the building is permitted. Final test reports must be submitted with final inspection.

435.09 Certification. Upon completion of any mechanical work for which a permit was required, the Building Official may require a certification by a mechanical engineer then currently licensed by the State, to the effect that all such work was done in full compliance with the International Mechanical/Fuel Gas Code and all other applicable provisions of this Code.

435.10 Interpretation. In the event the provisions of the Building Code are less restrictive than the provisions of this Section, the provisions of the Building Code shall control.

History: Ord 433 8-10-72, Ord 433-A1 3-1-73, Ord 433-A2 2-13-80, Ord 433-A3 6-17-81; Ord 2004-4, 4-29-04; Ord 2007-14, 07-17-07

Cross Reference: Section 185, 410, 430

Section 440 - Regulating Plumbing and Installation of Water Conditioning Equipment

440.01 Minnesota Plumbing Code. The Minnesota State Plumbing Code, adopted by Section 410 of this Code adopting the Minnesota State Building Code, shall be applicable to pertinent provisions of this Section.

440.02 Permit Required. No person shall construct, reconstruct, extend, alter or repair any plumbing work, or install any plumbing fixture, or connect any plumbing work with a cesspool or the City sewage system or the City water system, or install water conditioning equipment without first obtaining a permit from the City. The application for a permit shall be made to the Building Official on forms provided by the Building Official. The Building Official may require that the application include full plans and specifications for the work. The Building Official shall grant the permit upon finding that the work will comply with the State Plumbing Code and this Code. No change in the work for which the permit has been issued may be made without the written consent of the Building Official.

440.03 License Registration Required for Plumbing or Water Conditioning Work; Exception.

Subd. 1 **License Registration Required.** An applicant for a permit required by this Section must be duly ~~licensed or~~ registered in accordance with Section 430 of this Code. In addition, no individual shall construct, reconstruct, extend, alter or repair any plumbing work or building drainage, or construct cesspools, or construct, reconstruct, or connect any building drainage with cesspools or the City sewage system or the City water system either directly or indirectly unless such individual holds a valid master, journeyman or apprentice plumbing license issued by the ~~State~~ Department of ~~Health~~ Labor and Industry to do such work; provided that a registered apprentice plumber shall be permitted to do plumbing work only under the direct supervision of a journeyman plumber who is present on the work site. No individual shall install water conditioning equipment unless such person holds a valid master or journeyman plumbing license or a water conditioning installer license issued by the ~~State~~ Department of ~~Health~~ Labor and Industry. No individual shall display any sign stating or implying that said person is carrying on the business of plumbing unless said individual holds a valid master plumber's license issued by the State. No owner, lessee or occupant of any premises in the City, nor the representative or agent of any such owner, lessee or occupant, shall knowingly hire or otherwise engage any person to do plumbing work or water conditioning installation work on such premises who does not hold a valid license issued by the State.

Subd. 2 **Exceptions.**

A. Any other provisions of this Section to the contrary notwithstanding and where permitted by State Law, permits may be issued to make repairs, additions, replacements, and alterations to any plumbing or drainage work or install water conditioning equipment in any single family dwelling structure used exclusively for living purposes or any buildings accessory thereto, provided that all such work in connection with it shall be performed only by the person who is the bona fide owner and occupant of such dwelling as the person's residence or a member of such owner-

occupant's immediate family. "Immediate family" includes only a parent, spouse, child by birth or adoption, and such child's spouse.

B. Water service and building sewer lines may be installed by persons who complete the training for and earn a Pipe Layer Card, their assistants and contractors who employ them so long as there is at least one cardholder in each trench where work is proceeding, providing they are duly registered and licensed under Section 430 of this Code.”

C. Water service and building sewer lines may be installed by persons who complete the training for and earn a Pipe Layer Card, their assistants and contractors who employ them so long as there is at least one cardholder in each trench where work is proceeding.

440.04 Fees and Surcharges. Applications for permits pursuant to this Section shall be accompanied by the fee fees set out in Section 185 of this Code.

Subd. 1 **Other Permit Related Fees.** Reinspection fees, inspections outside normal business hours, inspections for which no fee is specifically indicated and fees for additional plan review required by loss, changes, additions or revisions to plans shall be in the amounts set forth in Section 185 of this Code.

Subd. 2 **Investigation Fee.** If work for which a permit is required by the code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for the work. An investigation fee, as authorized by MSBC Chapter 1300.0160 Subp. 8, shall be collected, and is in addition to the required permit fees. The investigation fee shall be equal to the permit fee.

Subd. 3 **Outside Consultant Fees.** Plan review, inspections and/or consultation fees for outside consultants may be collected and shall comprise the actual costs to the City.

Subd. 4 **Surcharge.** In addition to the fees charged pursuant to Subd. 1 of this Subsection, each applicant for a permit shall pay a surcharge to the City in the amount set forth in M.S. 16B.70 to be remitted to the ~~State Department of Administration~~ Labor and Industry pursuant to M.S. 16B.70.”

440.05 Refusal of Permit. The Building Official shall refuse to issue any permit for the installation of any plumbing work or water conditioning installation work in any building in which a plumbing system has, in whole or in part, been installed contrary to City Code provisions in effect at the time of such installation until such illegally installed plumbing shall have been removed from it or brought into compliance with this Code and the Minnesota State Plumbing Code.

440.06 Work on Condemned Plumbing. Whenever any plumbing has been condemned by the Sanitarian or authorized assistant, a copy of the notice sent by the Sanitarian to the agent, occupant, or person in charge or control of the premises where such plumbing has been condemned shall be filed with the Building Official by said Sanitarian, and all repairs, alterations and installations made on such condemned plumbing shall be made and done in accordance with this Section. The plumber hired to perform such work shall secure a permit for such work as

required by this Section and shall make such tests of the completed work as may be required by the Building Official.

440.07 Permit Required to Install Hot Water Heaters. No person shall install or reinstall any hot water heater or a hot water storage tank in connection with a heating element connected to any water system, without first having obtained a permit from the Building Official.

440.08 When Permit Not Required. Permits will not be required for repairing leaks in water pipes or for repairs of faucets or valves.

440.09 Additional Regulations for Plumbing Installation. The following additional regulations shall apply to all plumbing work:

Subd. 1 **Minimum Depth.** The minimum depth of house water service lines shall be seven feet.

Subd. 2 **Manholes.** All sewer services being cut into manholes where required shall be inside drops of cast iron with the pipe strapped to the manhole wall and painted with two coats of INERTOL POXITAR paint or equal.

Subd. 3 **Laying Lines.** All sewer shall be laid with an even pitch without sags or bows. Grades of sewer shall be one inch per eight feet minimum and one inch per two feet maximum. All lines shall be laid on firm ground with back-fill, well compacted.

Subd. 4 **Meters.** Meters shall be set at least one foot above the floor and not over four feet above it. There must be a gate or ball valve on each side of the meter.

Subd. 5 **Water Services Through Buildings.** All water services passing through a portion of the building shall be run under the floor or slab to the location of the meter.

Subd. 6 **Curb Boxes.** Curb boxes must be brought up to grade and must be plumb and operable after backfilling.

Subd. 7 **Ditches.** All ditches shall be left open until after inspection.

~~Subd. 8 **Safety Regulations.** The following safety regulations are applicable whenever the plumbing work requires the digging of ditches or holes more than four feet deep:~~

~~A. There must be at least two workers on each job at all times when work is in progress;~~

~~B. All hand dug holes must be protected from collapse from the top to bottom as they are dug;~~

~~C. All machine dug holes or ditches with perpendicular side walls must be shored or braced from top to bottom for their entire length. Metal box frames with 3/4" plywood sides or 3/4" plywood with metal jack spreaders spaced every three feet on center horizontally and vertically are acceptable as shoring. All frames or shoring must be left in the excavation until after inspection;~~

~~D. Unshored holes and ditches are acceptable only if the sides are sloped one foot out for every one and one half feet in depth. A seven foot ditch must be 11'4" across the top, an eight foot ditch must be 12'8" across the top, and a nine foot ditch must be 14 feet across the top, assuming a two foot width across the bottom;~~

~~E. All materials shall be kept back at least two feet from the edge of the ditch. All rocks or large frozen pieces must be piled far enough back to prevent their rolling back into the ditch; F. Where it is necessary to tunnel or undermine a slab or a curb or gutter to make a connection, the slab or curb and gutter must be shored with 4 x 4 timbers. A 4 x 4 header must be placed under the slab or curb and gutter and supported by two 4 x 4 timbers resting on solid ground. Shores shall be placed at no more than three foot intervals. When digging next to foundations the proper safety precautions shall be observed, including bracing and shoring of walls to prevent cave-in;~~

~~G. All excavations must be covered or barricaded when work is not in progress. All excavations on streets or sidewalk ways must be undertaken in full compliance with Section 420 of this Code; and~~

~~H. Because of the numerous underground services installed in the City by the public utilities, the location of gas lines, telephone lines and electric lines must be ascertained by the person in charge of the work before digging is started.~~

440.10 Approval of Materials, Appliances, and Fixtures. No person shall install any materials, appliances or fixtures which have not been approved by the Building Official.

440.11 Inspection. All work for which a permit is required by this Section shall be subject to inspection by the Building Official or the deputy, who shall be permitted access for purposes of inspection at all reasonable times by the owner or occupant of the premises where the work is to be or is being done, and by the person doing the work.

440.12 Procedure in Case of Violation. In case of any violation, the Building Official may serve upon the person who performed the work, or upon the owner or occupant of the premises where the work was done, a written notice describing the location and nature of the violation and the steps to be undertaken to remedy the violation, and ordering that such steps be taken within a reasonable period from the date of such service, which shall be not less than five days nor more than 90 days. Failure by any party so served to remedy the violation within the period specified shall be deemed a violation of this Section.

History: Ord 431 codified 1970; Ord 431-A1 2-18-76; Ord 431-A2 11-3-76; Ord 432-A1 1-16-80; Ord 431-A3 5-13-81; Ord 431-A4 12-2-81; Ord 1999-8 4-19-99; Ord 2000-7 7-5-00; Ord 2004-4, 4-29-04

Cross Reference: Sections 185, 410, 420, 430

Section 470 - Dangerous or Substandard Buildings

470.01 Dangerous or Substandard Buildings Declared a Nuisance. Any structure or building, or portion of a structure or building, in which there exists any of the conditions listed in Subsection 470.02 is a dangerous or substandard building, and is hereby declared to be a public nuisance.

~~470.02—Conditions Rendering Building Dangerous or Substandard.~~

~~Subd. 1—Structural Hazards.~~

~~A. Any stress in any material, element, member or portion thereof, due to all dead and live loads, which is greater than the working stresses deemed reasonable and safe by the Building Official.~~

~~B. Damage to any portion of a building by earthquake, wind, fire, flood, or by any other cause, in such a manner that the structural ability or strength thereof is appreciably less than the minimum requirements set forth in existing codes for a new building or structure of similar size, construction, location and purpose.~~

~~C. Likelihood of any portion or member or appurtenance of a building to fall, or become dislodged or detached, or to collapse, and thereby cause bodily injury or property damage.~~

~~D. Settling of any building or portion thereof to such an extent that walls or other structural portions have been displaced or distorted and rendered structurally unstable or dangerous, or that the basic function of such element has been impaired.~~

~~E. The building or structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or structure or portion thereof, or other cause, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way.~~

~~F. The building or structure, or any portion thereof, is for any reason whatsoever manifestly unsafe for the purpose for which it is used or intended to be used.~~

~~G. The exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity of that wall or structural member does not fall inside the middle third of the base.~~

~~H. The building or structure, exclusive of the foundation, shows 33 percent or more of damage or deterioration to the member or members, or 50 percent of damage or deterioration of a non-supporting enclosing or outside wall covering.~~

~~I. The building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated, from any cause whatsoever,~~

~~as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals, or as to enable persons to resort thereto for the purpose of committing nuisances or unlawful acts.~~

~~J. Any building or structure which has been constructed or now exists or is maintained in violation of an specific requirement or prohibition, applicable to such building or structure, of the building code provisions of the City or of any law or ordinance of this State or City relating to the location, use and physical condition of buildings or structures.~~

~~K. Any building or structure which, whether or not erected in accordance with all applicable laws and this Code, because of dilapidation, deterioration, damage, or other cause is so weakened or defective as to have in any non support part, member or portion less than 50 percent, or in a supporting member less than 66 percent, of the strength or fire resistive qualities or characteristics or weather-resistive qualities or characteristics required by law or ordinance in the case of a newly constructed building or structure of similar size, purpose and location.~~

~~Subd. 2 — **Hazardous Wiring.** All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.~~

~~Subd. 3 — **Hazardous Plumbing.** All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in operating condition and which is free of cross connections and siphonage between fixtures.~~

~~Subd. 4 — **Hazardous Mechanical Equipment.** All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in safe condition.~~

~~Subd. 5 — **Faulty Weather Protection.**~~

~~A. Deteriorated, crumbling or loose plaster.~~

~~B. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.~~

~~C. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.~~

~~D. Broken, rotted, split, or buckled exterior walls or roof coverings.~~

~~Subd. 6 — **Inadequate Fire Protection.** All buildings which are not provided with the fire-resistive construction required by Section 410 of this Code except those buildings which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity has been adequately maintained or improved.~~

470.03 — Inspections and Orders; Appeals.

~~Subd. 1 — **Inspection Responsibilities of Official.** — Whenever it shall come to the attention of the Building Official or any member of the Bureau of Fire Prevention (hereinafter together referred to as the "Official"), by written complaint of any person or agency, or otherwise, that a building or structure is a dangerous or substandard building, the Official shall cause a preliminary examination to be made of the building or structure and premises. In the execution of the inspection, the Official shall avail to the services of such other agencies, employees, departments and officers of the City as the Official deems necessary. Upon completion of the inspection, if it then appears that the building or structure is a dangerous or substandard building, the Official shall issue a written order to the owner or occupant requiring repair, removal, demolition or compliance. If no appeal is filed within ten days of the order, the order shall be deemed final.~~

~~Subd. 2 — **Appeal of Order.** Any person who deems to be aggrieved by any such order may appeal the order of the Official to the City Council by filing a written appeal with the Clerk within ten days of such order. Such appeal shall fully state the order appealed from, the date thereof, and the facts of the matter. Upon such an appeal being filed, the Official also shall make a written report, supplemented by written reports from the other agencies, employees, departments and officials called upon by the Official in the execution of the inspection, and submit the reports to the Council.~~

~~**470.04 — Council to Call Hearing.** The Council shall examine the report of the Official, and if there is probable cause to believe that the building or structure is a dangerous or substandard building, shall have the matter set for hearing.~~

~~470.05 — **Notice of Hearing.** The Council shall hear the appeal not later than 30 days after the date the appeal is filed. Notice of the hearing shall be given in a form prescribed by the Council. It shall set forth the street address and legal description sufficient for identification of the premises upon which the building or structure is located. It shall contain a brief statement of the conditions mentioned in the report of the Official which show probable cause to believe that the building or structure is a nuisance within the meaning of this Section. It shall also state the date, hour and place of the hearing and shall order all interested parties who desire to be heard in the matter to appear before the Council to show cause why the building or structure should not be ordered repaired, vacated and repaired, removed, or demolished.~~

~~470.06 — **Service of Notice.**~~

~~Subd. 1 — **Person to Whom Notice is Served.** One copy of the notice shall be served upon the person, if any, in real or apparent charge and control of the premises involved; the record owner, the holder of any mortgage, trust, deed or other lien or encumbrance of record; the owner or holder of any lease of record; and the record holder of any other estate or interest in or to the building or structure or and upon which it is located.~~

~~Subd. 2 — **Posting of Notice.** One copy of the notice shall be posted in a conspicuous place upon the building or structure or premises involved.~~

~~Subd. 3 — **Date of Serving and Posting Notice.** The notice of hearing shall be posted and served at least ten days prior to the date set for the hearing.~~

~~Subd. 4 — **Notice Sent by Certified Mail.** The notice of hearing shall be served upon all persons entitled thereto either personally or by certified mail. Service by certified mail shall be effective on the date of mailing if a copy of such notice is so mailed, postage prepaid, return receipt requested, to each such person at the address of such person as it appears on the last equalized assessment roll of the County or as known to the Clerk. If no such address so appears or is known to the Clerk, then a copy of the notice shall be addressed to such person at the address of the building or structure involved in the proceedings. The failure of any owner or other person to receive such notice shall not affect in any manner the validity of any of the proceedings taken.~~

~~Subd. 5 — **Affidavit of Notice Served.** The officer or employee upon serving the notice as provided herein shall file an affidavit thereof with the Clerk certifying to the time and manner in which such notice was served. The officer or employee shall also file therewith any receipt which may have been returned to the officer or employee in acknowledgment of the receipt of such notice by certified mail.~~

~~470.07 — **Hearing.**~~

~~Subd. 1 — **Hearing and Considering Evidence.** The Council shall, at such hearing, hear and consider any evidence offered by the person or persons having any estate or interest in such building or structure pertaining to the matter set forth in the report of the Official.~~

~~Subd. 2 — **Conclusion of Hearing.** After hearing the oral and written views of all interested persons, the Council shall make its decision at the same meeting or at a specified future meeting.~~

~~**470.08 — Order to Repair, Vacate and Repair, Remove or Demolish.** If the Council finds that the building or structure involved is a dangerous or substandard building within the terms of this Section, then it shall issue an order:~~

~~A. That the building or structure must be repaired, or vacated and repaired, or removed or demolished.~~

~~B. That the occupant, lessee, or other person in possession must vacate the building, or that the occupant, lessee, or other person may remain in possession while repairs are being made.~~

~~C. That any mortgage, beneficiary under deed of trust, or any other person having an interest or estate in said building may, at their own risk, repair, vacate and repair, remove or demolish said building or structure according to existing law and code provisions.~~

~~**470.09 — Order to be Served.** Copies of the order to repair, or vacate and repair, or remove or demolish shall be served upon the individuals and in the manner as prescribed in Subsection 470.06. A copy of the order shall also be posted in a conspicuous place upon the building or structure as prescribed in said Subsection.~~

~~**470.10 — Standards for Repair, Vacation and Repair, Removal or Demolition.** The following standards shall be followed in substance and spirit by ordering the repair, vacation and repair, removal or demolition of any building or structure. Any order to remove or demolish, rendered pursuant to this Section, shall not indicate an alternative permission to repair; however, an order to repair may be satisfied by removal or demolition.~~

~~Subd. 1 — **Repairing Building.** If the dangerous or substandard building can reasonably and economically be repaired so that it will no longer exist in violation of the provisions of this Section, it shall be ordered repaired. For the purposes of this Section, the term "repair" shall include any improvements necessary to make such building comply with the applicable provisions of this Code.~~

~~Subd. 2 — **Vacating Building.** If the dangerous or substandard building is in such condition as to make it dangerous to the health, moral, safety, or general welfare of its occupants, it shall be ordered to be vacated.~~

~~Subd. 3 — **Damaged Buildings.** In any case where a dangerous building is 50 percent or more damaged, decayed, or deteriorated, it shall be ordered to be removed or demolished.~~

~~Subd. 4 — **Unrepairable Buildings.** In all cases where a dangerous or substandard building cannot be repaired, with reasonable economy, so that it will no longer exist in violation of the terms of this Section, it shall be ordered to be vacated and removed or demolished.~~

~~Subd. 5 — **Fire Hazardous Buildings.** In all cases where a dangerous or substandard building is a fire hazard, whether existing or erected in violation of the provisions of this Code, or State Law, and cannot reasonably and economically be repaired pursuant to Subsection 470.08, it shall be ordered demolished.~~

~~Subd. 6 — **Particulars of Order.** The order shall set forth the street address of the building or structure and a legal description of the premises sufficient for identification. It shall contain a statement of the particulars which render the building or structure a dangerous or substandard building, and a statement of the things required to be done. The order shall state the time within which the work required must be commenced, the time being not earlier than ten days and no later than 30 days after the issuance of the order, and the order shall further specify a reasonable time within which the work shall be completed. The time for completion may, by action of the Council, be extended for just causes and such authority for extended time shall be given in writing by the Council upon written application of any interested party or parties.~~

~~**470.11 — Penalty for Disregarding, Defacing or Destroying Order; Council May Order Work.**~~

~~Subd. 1 **Penalty.**~~

~~A. The owner or other person having charge and control of the building or structure cited in the order who shall fail to comply with any order to repair, or vacate and repair, or remove or demolish said building or structure shall be subject to the penalties as provided by Subsection 100.09 of this Code.~~

~~B. The occupant or lessee in possession cited in the order who shall fail to comply with any order to vacate said building or structure in accordance with any order given as provided for in this Section shall be subject to the penalties provided by Subsection 100.09 of this Code.~~

~~C. **Defacing or Destroying Order.** Any person who removes or defaces or destroys a notice or order posted as required in this Section shall be subject to the penalties provided by Subsection 100.09 of this Code.~~

470.02-Subd. 2 Council May Order Repair or Removal. The Council may order the repair or removal of the building or structure cited in the order in accordance with M.S. 463.15 to 463.26 where such statutory provisions apply, which statutes are hereby adopted and incorporated into this Section by reference and made a part of this Section.

History: Ord 471 codified 1970; Ord 471-A1 8-8-74, Ord 471-A2 2-27-75, Ord 471-A3 1-16-80, Ord 471-A4 8-5-81

Reference: M.S. 463.15 to 463.26

Cross Reference: Section 725; Subsection 100.09

