

203. CITY BUILDING REGULATIONS

203.010. STATE BUILDING CODE ADOPTED. The Minnesota State Building Code, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes chapter 326B.01 through 326B.16, 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 and incorporated in this ordinance as if fully set out herein with the exception of the optional chapters, unless specifically adopted in this ordinance, and shall be known as the Birchwood Building Code.

“AMENDED BY ORDINANCE 2019-04-01; DECEMBER 10, 2019.”

203.015. SELF-PERPETUATING ORDINANCE. Replaced by Sections 203.010, 203.020, 203.030, 203.050, and 203.070.

“AMENDED BY ORDINANCE 2019-04-01; DECEMBER 10, 2019.”

203.020. BUILDING CODE OPTIONAL CHAPTERS. The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of the building code for Birchwood Village:

Chapter 1305 Appendix J of the 2012 International Building Code (Grading).

“AMENDED BY ORDINANCE 2019-04-01; DECEMBER 10, 2019.”

203.030. APPLICATION, ADMINISTRATION AND ENFORCEMENT. The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The City Council shall appoint a Minnesota Certified Building Official who shall attend to all aspects of Building Code administration including enforcement within the extraterritorial limits permitted by Minnesota Statutes, 326B.121. The Birchwood Building Code shall be enforced within the incorporated limits of the City.

“AMENDED BY ORDINANCE 2019-04-01; DECEMBER 10, 2019.”

203.035. EXTERIOR COMPLETION. The exterior finish on all residential dwellings and/or their accessory buildings shall be completed within six months of the date the permit is issued. Refinishing of existing buildings shall be completed within six months of the start of the work. Any owner of a dwelling who does not comply with this section shall have six months from the date of written notification of such to bring the dwelling to compliance. Tarpaper, unfinished plywood,

fiberboard insulation, foam insulation, brown coat or scratch coat of stucco, plastic sheeting and other similar materials not designed to be an exterior finish shall not be considered an acceptable exterior finish. The building official may grant a 90-day extension if there is an unusual hardship, such as bad weather. Further time extensions must be approved by the city council.

“AMENDED BY ORDINANCE 2018-01-01; FEBRUARY 13, 2018.”

203.040. PERMITS.

1. **Required.** An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit.
2. **Work exempt from permit.** Exemptions from permit requirements of the code do not authorize work to be done in any manner in violation of the code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:
 - A. Building:
 - (1) one-story detached accessory structures, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 144 square feet;
 - (2) painting, papering, flooring finishes (non-structural), cabinets, countertops, and similar finish work;
 - (3) prefabricated swimming pools installed entirely above ground accessory to dwelling units constructed to the provisions of the International Residential Code , which do not exceed both 5,000 gallons in capacity and a 24-inch depth;
 - (4) window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support, when constructed under the International Residential Code;
 - (5) movable cases, counters, and partitions not over five feet, nine inches in height;
 - (6) swings and other playground equipment; and

(7) nominal structures.

B. Electrical: all electrical permits must be obtained through the Minnesota Dept. of Labor & Industry.

3. **Emergency repairs.** If equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted to the building official within the next working business day.
4. **Repairs.** Application or notice to the building official is not required for ordinary repairs to structures. The repairs shall not include the opening or removal of any wall, partition, or portion of a wall or partition, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.
5. **Application for permit.** To obtain a permit, the applicant shall file an application in writing on a form furnished by the Department of Building Safety for that purpose. The application shall:
 - A. identify and describe the work to be covered by the permit for which application is made;
 - B. describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work;
 - C. indicate the use and occupancy for which the proposed work is intended;
 - D. indicate the type of construction;
 - E. be accompanied by construction documents and other information as required by the code including soils investigation reports if any;
 - F. state the valuation of the proposed work;
 - G. be signed by the applicant, or the applicant's authorized agent; and
 - H. give other data and information required by the building official.
6. **Action on application.** The building official shall examine or cause to be examined applications for permits and amendments within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject the application and notify the applicant of the reasons. The building official shall

document the reasons for rejecting the application. The applicant may request written documentation of the rejection and the reasons for the rejection. When the building official is satisfied that the proposed work conforms to the requirements of the code and applicable laws and ordinances, the building official shall issue a permit.

7. **Time limitation of application.** An application for a permit for any proposed work shall be considered abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.
8. **Validity of permit.** The issuance or granting of a permit or approval of plans, specifications, and computations, shall not be construed to be a permit for any violation of the code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the code or other ordinances of the jurisdiction are not valid. Any permit issued becomes invalid if the work authorized by the permit is suspended or abandoned for more than 180 days. The 180 days commences the first day the work was suspended or abandoned.
9. **Expiration.** Every permit issued expires unless the work authorized by the permit is commenced within 180 days after its issuance. The building official shall grant, in writing, extensions of time, for periods not more than 180 days each if the applicant demonstrates justifiable cause for the extension to the building official.
10. **Suspension or revocation.** The building official may suspend or revoke a permit issued under the code if the permit is issued in error; on the basis of incorrect, inaccurate, or incomplete information; or in violation of any ordinance or regulation or the code.
11. **Information and placement of permit.** The building permit or a copy shall be kept on the site of the work until the completion of the project. Pursuant to Minnesota Statutes, section 15.41, the permit shall specify the name and address of the applicant, and the general contractor, if one exists. All construction permits shall be posted in a conspicuous and accessible place at the premises or site of construction.
12. **Responsibility.** Every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical, or plumbing systems, for which the code is applicable, shall comply with the code. The person, firm, or organization securing the permit is responsible for code compliance for the work being performed.

13. **Signage of construction.** For a building permit, a sign must be posted on the permit site at least five days before construction commences identifying the nature of the construction, the permit holder, a contact name and phone number, and the site address. The sign and the content of the sign must be visible from the street.

14. **Site Standards.** The site must be maintained in a neat and orderly condition. Prior to leaving the construction site at the end of each day, the permit holder must remove empty cans, paper, plastic and other material that is not needed for construction from the site or deposit them in a dumpster. The permit holder must sweep streets and boulevard areas and keep adjacent properties clean from waste, materials or refuse resulting from operations on the site. Inoperable equipment and equipment not being used on the site must be removed within 24 hours after it becomes inoperable or is no longer in use. All materials related to the project must be stockpiled in appropriate areas on-site.

“AMENDED BY ORDINANCE 2019-04-01; DECEMBER 10, 2019.”

203.050. PERMIT FEES. The city is authorized pursuant to Minnesota Statutes, section 326B.151 and 326B.153, and Minnesota Administrative Rules part 1300.0160, to establish fees for the consideration and issuance of building permits under the Birchwood Building Code.

1. **PERMIT FEES.** The City shall establish appropriate permit fees for the various activities conducted under the Birchwood Building Code in accordance with the fee schedule as set forth in Chapter 701. In addition, a surcharge fee shall be collected on all permits issued for work governed by the Birchwood Building Code in accordance with Minnesota statute 326B.148.
2. **VALUATION.** The Chart of Estimated Construction Cost as annually provided by the Minnesota Department of Labor and Industry State Building Codes and Standards Unit shall be used to compute building valuations for the purposes of establishing the appropriate permit fee. Permit valuation shall include total value of all construction work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. Permit fees for prefabricated structures shall be based on a valuation of on-site work only.

“AMENDED BY ORDINANCE 2019-04-01; DECEMBER 10, 2019.”

203.060. PERFORMANCE STANDARDS FOR ALL PERMITTING IN THE CITY. Unless exempted by 203.040 or otherwise advised by the City Administrator or Building Official, the following are required for all activity in the City that requires a building permit to be issued to conduct the activity.

1. **Soils investigation report and shoring plan.** Based upon soil types, topography, the location of adjacent structures and other pertinent information, the building official shall determine if a soils investigation report and/or shoring

plan is necessary. If the building official determines that a soils report is necessary, the applicant shall have a soil report prepared and signed by a licensed professional soil scientist or licensed professional engineer. If the building official determines a shoring plan is necessary, the applicant must provide a detailed plan to ensure that adjacent property will not be damaged by reducing lateral support for driveways, foundations, fences or lawns caused by excavation, demolition or construction activity. The soils report and shoring plan must be approved by the building official. The permit holder must adhere to the approved plan(s).

- 2. Erosion control plans.** For a building permit, the applicant must submit stormwater and erosion control plans prepared and signed by a licensed professional engineer. The plans must be approved by the city engineer and the permit holder must adhere to the approved plans. The stormwater management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system. The erosion control plan must document how proper erosion and sediment control will be maintained on a continual basis to contain on-site erosion and protect on- and off-site vegetation. Permit holder must protect all storm drain inlets with sediment capture devices at all time during the project when soil disturbing activities may result in sediment laden stormwater runoff entering the inlet. The permit holder is responsible for preventing or minimizing the potential for unsafe conditions, flooding, or siltation problems. Devices must be regularly cleaned out and emergency overflow must be an integral part of the device to reduce the flooding potential. Devices must be placed to prevent the creation of driving hazards or obstructions.

3. Permit standards.

- A. The permit holder must comply with the state building code, state statutes and this Code.
- B. Deliveries of equipment and material to the site, work crews on site and construction and demolition activity are prohibited except between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturday. Work is prohibited on Sundays and holidays.
- C. The permit holder must repair any damage to public property, streets, and sidewalks. If damage occurs to the foregoing, it must be repaired within three working days after the damage occurs, unless the permit holder has received written permission from the building official to delay repairs to a later specified date.
- D. The permit holder must maintain a five-foot parking setback from driveways and a 30-foot parking setback from intersections. When parking on a street, a vehicle must be completely located on the street surface, parallel to and within 12 inches of the curb. Vehicles in violation of these

requirements may be towed in accordance with Minn. Stats. § 168B.035. On-street parking of equipment other than licensed motor vehicles is prohibited. Stopping, standing or parking a vehicle is prohibited, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

- (1) On a boulevard between the sidewalk and roadway;
 - (2) Within five feet of the intersection of any public or private driveway or alley with any street or highway;
 - (3) Where the vehicle will block a fire escape or the exit from any building;
 - (4) Where temporary signs prohibit parking.
 - (i) Parking is allowed on local streets if a 12-foot wide area is open for the traveled portion of the road. Off-street and off-site parking for on-site workers is required to the extent practicable.
 - (ii) City Parks and Open Spaces shall not be used for parking vehicles or staging materials or equipment.
 - (iii) Police officers, community service officers, and City Staff shall be responsible for enforcing the parking requirements and parking regulations of this section.
- E. The permit holder must install and maintain a rock entrance pad or its equivalent at each location where vehicles enter or exit the construction site, at locations approved by the building official.
- F. Dust control is the responsibility of the permit holder. As weather permits, materials subject to demolition shall be thoroughly dampened with water so as to prevent dust. The permit holder must eliminate dust problems immediately upon receiving notice from the building official that there is a dust problem.
- G. No building material, temporary sanitary facilities, dumpster or equipment may be placed within street right-of-way, or on a sidewalk. Motor vehicles may not be parked or stopped on a sidewalk. Public sidewalks must be left open and unobstructed at all times.
- H. Prior to commencing demolition, protective fencing approved by the building official must be installed around boulevard trees and trees that will not be removed.

“AMENDED BY ORDINANCE 2019-04-01; DECEMBER 10, 2019.”

203.070. VIOLATIONS AND PENALTIES. A violation of this code is a misdemeanor.

“AMENDED BY ORDINANCE 2019-04-01; DECEMBER 10, 2019.”

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

“AMENDED BY ORDINANCE 2004-5; APRIL 13, 2004.”

“AMENDED BY ORDINANCE 2012-02; APRIL 10, 2012.”

“AMENDED BY ORDINANCE 2018-01-01; FEBRUARY 13, 2018.”

“AMENDED BY ORDINANCE 2019-04-01; DECEMBER 10, 2019.”