

50. BUILDING CODE  
BUILDING AND FIRE PREVENTION CODES

50.01. Building Code. Subdivision 1. The Minnesota State Building Code is applicable within the city. The following optional appendices, annexes, and supplemental material are adopted and incorporated herein by reference to the same extent as if set out in full herein:

(A) State Building Code, March 31, 2003, edition with grading, appendix chapter K, 2002 Supplements to the International Building Code.

Subd. 2. The Minnesota State Building Code, the provisions of this chapter, and the aforesaid appendices, annexes and supplemental material shall be known and may be cited as the "Building Code."

Subd. 3. For purposes of this Chapter, "Building Official" means the municipal building code official certified under Minnesota Statutes, Sections 16B.65, subd. 2, 3 or a duly authorized representative.

50.02. Re-inspections. Subdivision 1. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is required is not complete or when required corrections are not made. The decision whether to impose a re-inspection fee will be based upon the criteria found in subdivision 2.

Subd. 2. The following criteria will be considered in determining whether to impose a re-inspection fee:

- A. Whether an inspection has been scheduled, is not cancelled and the work to be inspected is clearly not ready for inspection.
- B. Whether, for new house framing inspections, certified truss specifications are not present on the job for the inspection.
- C. Whether owner/builders require several partial inspections when a professional contractor would normally require a single inspection.
- D. Whether the circumstances indicate the inspection was scheduled not because the work would be ready for inspection, but because of a desire to avoid a time delay in obtaining the required inspection.

50.03. Additional Provisions. Subdivision 1. Sidewalks. No permit shall be issued for the construction of a new building on any parcel of property not already served by a sidewalk unless the plans for such building provide for the construction of sidewalks within and along the public street right-of-way adjacent to the building site. Such sidewalks shall be installed at the time of construction or within such reasonable period of time thereafter not exceeding eight months as the city engineer may specify on the permit. Upon application of the owner and recommendation of the city engineer, the building official when issuing a permit may waive the requirements that sidewalks be installed at the time of construction of a new building whenever it is determined either that sidewalks would be impractical to install because of topographic conditions or that because of the present and anticipated development of the area the installation of sidewalks at the time herein required would serve no useful purpose. The recommendation of the city engineer and the granting of a waiver by the building official shall not in any way affect the authority of the council to thereafter undertake a local improvement involving the installation of sidewalks. The requirements of this subdivision that sidewalks be installed when constructing a new building shall not apply to the construction of accessory buildings or the making of additions, alterations or repairs to existing buildings.

Subd. 2. Grading Requirements.

- A. Street Rough Grading. No permit shall be issued for construction of a new building until the rough grading of public streets providing access thereto has been completed, sewer and water construction in connection therewith has been completed and determined to be in-service by the City Engineer, and the rough grading of planned private streets and roadways within the project area has been completed. From and after the commencement of building framing, the public streets and private streets and roadways shall be maintained without obstruction and the rough grading shall consist of at least an all-weather base construction sufficient to provide adequate support at all times for emergency and fire protection vehicles. The City Engineer or Building Official may issue a stop order if the streets and roadways are not maintained as required herein. Additionally, the Building Official may revoke building permits, and may deny the issuance of additional building permits for the subdivision(s) served by such streets and roadways, if the streets and roadways are not maintained as required herein.  
(4204, 8/3/15)
  
- B. Site Grading. No permit shall be issued for construction of a new building until the City Engineer has inspected and approved the site grading. The City Engineer shall approve the site grading when the rough grading of the site is substantially complete and the storm water facilities serving the site are complete and stable, in accordance with the following requirements:

- (1) Rough grading of the site shall be such that the ground elevations at property corners are in conformance with the property corner elevations indicated on the approved plans;
  - (2) Temporary seeding or permanent cover in accordance with the approved plans shall be complete in all site areas that have not been or will not be worked for 45 days or that period indicated in any storm water permit applicable to the site, whichever is less;
  - (3) All drainage easements on the site shall be graded in accordance with the approved plans, and shall have permanent and temporary erosion and sediment control measures in place as indicated on the approved plans;
  - (4) All storm water conveyance facilities located within easements and right of way, through which storm water from the site flows, shall be complete in accordance with the approved plans, and shall have permanent and temporary erosion and sediment control measures in place as indicated on the approved plans; and,
  - (5) All ponds and other storm water facilities to which storm water from the site flows shall be complete in accordance with the approved plans, and shall have permanent and temporary erosion and sediment control measures in place as indicated on the approved plans.
- C. The City Engineer may waive one or more of the requirements listed in Subdivision 2 (B) above when:
- (1) An overall grading plan has been approved for the site;
  - (2) An interim/staged grading plan which depicts the proposed grading and building has been approved. The interim/staged grading plan shall show that the proposed building is compatible with the overall grading plan of the site and shall include interim erosion and sediment control measures acceptable to the City Engineer such that no lands outside of the control of the developer are adversely impacted by drainage, erosion, or sediment from the proposed grading and building; and,

- (3) Sediment control measures indicated on the approved interim/staged plan are in place.

All erosion and sediment control measures indicated on the interim/staged grading plan shall remain functional until site grading and storm water facility requirements listed in Subdivision 2 (B) above have been completed.

- D. Building permits. Building permits issued following the City Engineer's approval shall have attached to them a notation indicating that permittee's work on the property is subject to the provisions of the grading plan covering that property, including the appropriate temporary erosion control measures.
- E. Grading violations. No person, firm, partnership or corporation shall perform any grading work without first receiving a grading permit as the same may be required by the Building Code or any other provision of local ordinance. No person, firm, partnership or corporation, whether the permittee under a grading permit or otherwise, shall perform grading work in any manner that is inconsistent with the conditions of a grading permit applicable to that site. Additionally, no person, firm, partnership or corporation shall, after initiation of a grading project, discontinue such project except with the permission of the City Engineer and subject to those reasonable conditions that may be imposed by the City Engineer to prevent unsafe conditions, drainage, erosion, and sediment problems on adjacent public and private property. For the purpose of this ordinance, a grading project shall be considered discontinued if no grading work has been accomplished for 60 days excluding the period from November 15 to April 15 (inclusive), and the project is not complete in accordance with the approved plans.
- F. Stop Orders. The City Engineer may issue stop orders to stop persons performing grading work in violation of this section, and correction orders to gain compliance with the provisions of this section. Correction orders shall identify the work to be performed and shall provide a reasonable time in which to perform the work. Any violation of this section, any failure to stop work as required by the provisions of a stop order issued by the City Engineer, and any failure to take corrective action as required by a correction order, is a misdemeanor. Violations of this section shall also be considered a public nuisance and the City Attorney is authorized to initiate any legal or equitable action in the District Court to abate such public nuisance.

Subd. 3. Permit to Use Public Right-of-Way. A revocable permit may be issued authorizing an existing building being remodeled to project into an adjoining public street right-of-way, subject to the following conditions: The encroachment may not project more than four inches beyond either the existing building face or the building face on adjoining lots, whichever is less, provided that successive projections of a building into the public right-of-way shall not be permitted. Such permit shall be conditioned upon the recording in the office of the county recorder of a covenant running with the land in a form approved by the director of building and safety which shall provide, among other things, that the permit is subject to revocation by the city whenever it is deemed necessary to do so in the public interest and upon such revocation the projections shall be removed at the expense of the property owner.

50.04. Permit Fees. Subdivision 1. Building Permit Fees.

THE DETERMINATION OF VALUATION SHALL BE IN ACCORDANCE WITH MINNESOTA RULES SECTION 1300.0160 AND NOT LESS THAN THE MINIMUM THRESHOLD VALUE PER SQUARE FOOT LISTED IN THE STANDARD BUILDING VALUATION DATA PUBLISHED BY THE STATE OF MINNESOTA BUILDING CODE DIVISION FOR NEW BUILDINGS

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$25.00
\$501.00 to \$2,000.00	\$25.00 for the first \$500.00 plus \$2.00 for each additional \$100 or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$55.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$262.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$424.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$649.50 for the first \$100,000 plus \$3.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.

\$500,001.00 to \$1,000,000.00	\$2,049.50 for the first \$500,000 plus \$3.00 for each additional \$1,000.00 or fraction thereof to and including \$1,000,000.00.
\$1,000,001.00 and up	\$3,549.50 for the first 1,000,000 plus \$2.00 for each additional \$1,000.00 or fraction thereof.

Subd. 2. Building Plan Review Fees.

- A. For structures permitted under the International Residential Code (IRC) the plan review fee will be 35% of the building permit fee.
- B. For all other structures, the plan review fee will be 65% of the building permit fee.
- C. The origination fee to establish a master plan for repetitive use is the full normal plan review fee. The origination fee does not include the issuance of a permit. The plan review fee for similar plans based on an approved master plan is 15% of the building permit fee for IRC structures and 25% of the building permit fee for all other structures.

Subd. 3. Permit Fees for Plumbing, Electrical and Heating, Ventilating and Air Conditioning.

- A. Permit fees for plumbing, electrical, heating, ventilating and air conditioning work will be computed on the basis of the value of the proposed work. The person making application for a permit shall be responsible for correctly reporting the estimated value of the work. The Building Official may establish minimum values.
- B. An application fee of \$25.00 will be assessed for all electrical, mechanical and plumbing permit applications separate and in addition to any permit fees.

C. Fees for permits shall be as follows:

Total value of Work	Permit Fee
\$1.00 to \$500.00	No Permit Fee
\$501.00 to \$1,000	\$10.00
\$1,001 and up	\$10.00 for each \$1,000.00 of fraction thereof

Subd. 4. If the final cost of the proposed work to the owner cannot be determined at the time of application, an initial permit for a reasonable estimated cost shall be issued. Upon final determination of the cost to the owner, the permit fee shall be corrected to reflect the actual cost and an additional fee shall be paid or a refund made.

Subd. 5. Other Inspections and Fees.

- A. Inspections outside of normal business hours (minimum charge of two hours): \$45.00 per hour.
- B. Re-inspections: \$45.00 per hour.
- C. Inspections for which no fee is specifically indicated: \$45.00 per hour.
- D. Additional plan review required by changes, additions or revisions to plans: \$45.00 per hour.
- E. Footing/foundation permits for one and two-family dwellings within ten business days of application: \$100.00. (There is no charge if initial plan review is not completed within ten business days of application.)

Subd. 6. Fee Refunds. The Building Official must authorize refunding of any fee that was erroneously paid or collected, or if none of the work authorized by the permit has been performed. The Building Official may not authorize refunding of any permit fee paid except upon written application filed by the original permittee not later than 180 days after the date of permit issuance. Plan review fees, IRC footing permit fees and application fees may not be refunded.

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Subd. 7. Grading Permit Fees.

Cubic Yards	Permit Fee
50 or less	\$25.00
51 to 100	\$40.00
101 to 1,000	\$40.00 for the first 100 cubic yards plus \$18.00 for each additional 100 cubic yards or fraction thereof
1,001 to 10,000	\$202.00 for the first 1,000 cubic yards plus \$15.00 for each additional 1,000 cubic yards or fraction thereof
10,001 to 100,000	\$337.00 for the first 10,000 cubic yards plus \$70.00 for each additional 10,000 cubic yards or fraction thereof
100,000 or more	\$967.00 for the first 100,000 cubic yards plus \$40.00 for each additional 10,000 cubic yards or fraction thereof

Subd. 8. Grading Plan Review Fees.

Cubic Yards	Plan Review Fee
50 or less	No Charge
51 to 100	\$25.00
101 to 1,000	\$40.00
1,001 to 10,000	\$50.00
10,001 to 100,000	\$50.00 for the first 10,000 cubic yards plus \$25.00 for each additional 10,000 cubic yards or fraction thereof
100,000 to 200,000	\$275.00 for the first 100,000 cubic yards plus \$15.00 for each additional 10,000 cubic yards or fraction thereof
200,000 or more	\$410.00 for the first 200,000 cubic yards plus \$10.00 for each additional 10,000 cubic yards or fraction thereof

Subd. 9. Other Grading Inspections and Fees.

- A. Inspections outside of normal business hours: \$55.00 per hour.
- B. Re-inspections: \$55.00 per hour.



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- C. Inspections for which no fee is specifically indicated (minimum charge of one-half hour): \$55.00 per hour.
- D. Additional plan review required by changes, additions or revisions to plans: \$55.00 per hour.

(233, 5/9/17; 599, 4/7/42; 736, 5/17/50; 783, 6/2/62; 824, 1/5/53; 867, 6/7/54; 954, 5/6/57; 965, 6/3/57; 988, 5/19/58; 1087, 8/1/60; 1113, 8/7/61; 1121, 12/4/61; 1135, 3/5/62; 1205, 5/7/63; 1334, 12/6/65; 1395, 4/3/67; 1398, 5/15/67; 1440/ 3/4/68; 1444, 3/4/68; 1455, 7/1/68; 1471, 12/2/68; 1500, 6/23/69; 1530, 12/22/69; 1543, 2/2/70; 1545, 4/6/70; 1584, 5/3/71; 1590, 5/3/71; 1592, 5/17/71; 1607, 8/2/71; 1625, 11/15/71; 1645, 3/20/72; 1690, 2/6/73; 1731, 10/2/73; 1793, 1/6/75; 1809, 6/16/75; 1830, 2/2/76; 1912, 9/6/77; 2029, 3/19/79; 2042, 5/21/79; 2046, 5/7/79; 2155, 11/29/80; 2315, 7/19/83; 2342, 12/6/83; 2625, 04/03/89; 2764; 9/17/91; 2782, 11/19/91; 2994, 6/20/95; 3212, 12/7/98; 3246, 5/18/99; 3563, 5/19/03; 3581, 8/4/03; 4204, 8/3/15)