

ORDINANCE NO. ____
CITY OF CHAMPLIN
COUNTY OF HENNEPIN
STATE OF MINNESOTA

**ORDINANCE AMENDING ARTICLE II OF BUILDING AND BUILDING
REGULATIONS - STATE BUILDING CODE OF THE CHAMPLIN CITY CODE**

ARTICLE II. STATE BUILDING CODE

Sec. 106-23. 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 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 article. The Minnesota State Building Code is hereby incorporated in this article as if fully set out herein.

(Ord. No. 586, § 4, 2-9-2004; Ord. No. 646, § 4, 8-27-2007; Ord. No. 691, 7-13-2009; Ord. No. 714, §§ 1—6, 8-8-2011 ; Ord. No. 759, 12-14-2015)

Editor's note(s)—Ord. No. 759, adopted Dec. 14, 2015, changed the title of § 106-23 from "Adopted" to read as set out herein.

State law reference(s)—Adoption by reference, Minn. Stats. § 471.62.

Sec. 106-24. Application, administration and enforcement.

(a) The application, administration, and enforcement of the state building code shall be in accordance with the Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minn. Stats. § 326B.121, subd. 2(d), when so established by this article.

(b) The code enforcement agency of the state building code is the city.

(c) The state building code shall be enforced by the state certified building official designated by the city to administer the code in accordance with Minn. Stats. 326B.133, Subdivision 1.

(Ord. No. 586, § 1, 2-9-2004; Ord. No. 759, 12-14-2015)

Sec. 106-25. 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 the state building code in accordance with the fee schedule as set forth in chapter 22. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minn. Stats. § 326B.148.

(Ord. No. 586, § 2, 2-9-2004; Ord. No. 759, 12-14-2015)

Sec. 106-26. Violations and penalties.

A violation of the state building code is a misdemeanor (Minn. Stats. 326B.082, Subd. 16).

(Ord. No. 759, 12-14-2015)

Sec. 106-27. Building Code optional chapters.

Minnesota State Building Code, Chapter 1300 allows the municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code. Chapter 1306, section 1306.0020, subp. 3. is hereby adopted and incorporated as part of the building code.

(Ord. No. 759, 12-14-2015)

Sec. 106-28. Land survey; information required.

Building permit applications for principal structures shall be accompanied by a certified land survey prepared by a land surveyor licensed in the state. The land survey shall contain all of the following information:

- (1) Indication of the permanent iron monuments at each lot corner. Permanent iron monuments shall also be placed on each side lot setback line. In the event the distance of the sideline is greater than the required front yard setback, stakes shall be placed on the front building line;
- (2) All existing and proposed buildings with dimensions of each building and reference dimensions from the lot lines to the nearest point of each building;
- (3) Existing and proposed elevations to sea level datum of grade at each property corner and within five feet of the foundation on all sides of proposed buildings;
- (4) The proposed elevations to sea level datum of the top of the foundation, garage floor and the lowest most floor;
- (5) The proposed slope or grade of ground for a distance of not less than 25 feet in front of and in back of the foundation;
- (6) The elevation to sea level of the sanitary sewer at the point of connection to said sewer;
- (7) All existing utilities, easements, drainage ways, waterways and swamp land on or within the property;
- (8) The location of all proposed decks, porches, stairways, cantilevers, fireplaces, bay and bow windows;
- (9) The location of all proposed driveways, curb cuts, and retaining walls, including proposed driveway slope and height of retaining wall;
- (10) Indication, with arrows, of the direction of the proposed surface drainage in accordance with the citywide stormwater drainage plans and/or grading plans approved by the city engineer for the specific development or subdivision;
- (11) Indication by contour lines, for properties which abut lakes, ponds, rivers and streams, of the ordinary high-water elevation (OHW), the 100-year flood zone (if applicable) and the distance to the nearest point of the proposed building;
- (12) A tree inventory indicating size, species, location, and condition of all significant trees (six-inch DBH or greater) and clumps of nonsignificant trees within the site

limits. The identification of trees to be protected, preserved, or undisturbed and to be removed; and

(13) The benchmark or datum used.

(Code 1977, § 14-205; Ord. No. 759, 12-14-2015 ; Ord. No. 794 , 2-12-2018)

Editor's note(s)—Ord. No. 759, adopted Dec. 14, 2015, renumbered §§ 106-26—106-31 as §§ 106-28—106-33 to read as set out herein.

Sec. 106-29. Insurance requirement.

(a) Prior to the issuance of any permit required by this article, the applicant shall furnish the city with a certificate of insurance evidencing insurance against damages to property, or injury or death to persons. Said policy or policies shall indemnify and hold harmless the property owner upon whose premises the applicant may work, the city, and all of its officers and personnel against any claim, demand for damages, action or causes of action arising out of or by reason of the doing of work or activities relating or incidental thereto and from any costs, disbursements or expenses of defending the same. Such certificate shall be for a general liability or all perils policy in the minimum amount of at least \$1,000,000.00. The policy of insurance required hereunder shall provide that the city be notified immediately of any termination or modification of such insurance. Should the insurance coverage required in this section be inadequate in amount, then the licensee shall himself indemnify and save harmless said property owner, the city and all of its officers and personnel.

(b) The following are exceptions to the requirements set forth in subsection (a) of this section:

(1) A homeowner procuring a permit for the property that they own and occupy; or

(2) A person, firm or corporation possessing a valid state contractors license.

(Code 1977, § 14-206; Ord. No. 759, 12-14-2015)

Editor's note(s)—See editor's note following § 106-28.

Sec. 106-30. Bonding requirement.

(a) Prior to the issuance of any permit required by the article, the applicant shall deposit with the city a performance bond in the amount of five percent of the building's established value or \$5,000.00, whichever is greater.

(b) The bond shall be in favor of the city, and conditioned upon the satisfactory observation of all requirements of this Code. Such bond may be continuous in form with cumulative liability and shall be canceled only after ten days written notice to the city.

(c) The following are exceptions to the requirements set forth in subsections (a) and (b) of this section:

(1) A homeowner procuring a permit for the property that they own and occupy; or

(2) A person, firm or corporation possessing a valid state contractors license.

(Code 1977, § 14-207; Ord. No. 735, 2-10-2014 Ord. No. 759, 12-14-2015)

Editor's note(s)—See editor's note following § 106-28.

Sec. 106-31. As-Built Surveys.

As-built surveys are required to be submitted to the building official upon completion of the final grade to confirm compliance. The city may require the property owner to

deposit cash, a letter of credit or proof of escrow with another governmental agency in order to guarantee the provisions of this section, per the fee set forth in chapter 22.

Sec. 106-3132. Certificate of occupancy.

No building or structure of Groups R, Division 3, R Division 4, and U Division 1, shall be used or occupied until the building official has issued a certificate of occupancy.

(Code 1977, § 14-208; Ord. No. 759, 12-14-2015)

Editor's note(s)—See editor's note following § 106-28.

Sec. 106-3233. Safety inspection.

A permit charge as set forth in chapter 22 for a safety inspection shall be made of all antennas constructed in the city over 35 feet from ground level. The term "antenna" is defined in section 126-440. The purpose of the inspection is to determine the safety and location of the structure with a special concern for neighboring properties.

(Code 1977, § 14-209; Ord. No. 759, 12-14-2015)

Editor's note(s)—See editor's note following § 106-28.

Sec. 106-3334. Violation of lawful written order of building department.

The building official, and his regularly authorized assistants are hereby given authority to order and compel compliance with the regulations and provisions of the building code, or any other law or ordinance, the enforcement of which comes within the authority of the building official, and in writing to order any condition remedied in such manner as to secure compliance. The owner, agent, occupant or person in charge or control of the building, structure or premises involved shall, when so ordered by the building official or his regularly authorized assistants, as above provided, comply with such written order or orders within the time and in the manner directed. Failure to comply with such written order of the building official or his authorized assistants shall constitute a violation of the building code.

(Code 1977, § 14-210; Ord. No. 759, 12-14-2015)

Editor's note(s)—See editor's note following § 106-28.

Secs. 106-3435—106-51. Reserved.

Additions: Add

Deletions: ~~Delete~~

This ordinance shall become effective following its passage and publication as required by law.