

## Chapter 900 Building and Land Use Regulation

### 901 Building Code

#### 901.01 BUILDING CODE.

An ordinance adopting the Minnesota State Building Code. This ordinance provides for the application, administration, and enforcement of the Minnesota State Building Code by regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures in this municipality; provides for the issuance of permits and collection of fees thereof; provides penalties for violation thereof; repeals all ordinances and parts of ordinance that conflict therewith. This Ordinance shall perpetually include the most current edition of the Minnesota State Building Code with the exception of the optional appendix chapters. Optional appendix chapters shall not apply unless specifically adopted.-

#### 901.02 CODES ADOPTED BY REFERENCE.

The Minnesota State Building Code as adopted by the Commissioner of the Administration pursuant to the Minnesota Statutes chapter 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

#### 901.03 APPLICATION, ADMINISTRATION AND ENFORCEMENT.

**Subd. 1.** The application, administration, and enforcement of the code shall be in accordance with the Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes 16B.62, Subdivision 1, when so established by this ordinance.

**Subd. 2.** The Code Enforcement agency of this municipality is called the Building Official.

**Subd. 3.** This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code (Minnesota statute 16B.65)

#### 901.04 PERMITS AND FEES.

**Subd. 1. Permits.** The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes 16B.62, subdivision 1.

**Subd. 2. Permit Fees.** Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by this municipality and amended from time to time. In addition, a surcharge fee shall be collected on all permits issued for work governed

by this code in accordance with Minnesota statute 16B.70.

**Subd. 3. Additional Costs.** Beyond the typical costs associated with permit review and inspection by the contract building inspection firm, the permit fee does not include the cost of any outside expenses the Municipality may incur related to the review, inspection or enforcement of the permit, such as those for soil test, planning, legal or engineering consultants. The owner or agent shall make payment for all such expenses when billed therefore by the municipality.

**Subd. 4. Work without permit.** Should any person begin work of any kind such as hereinafter set forth or for which a permit from the Municipality is required by the Building Code without having first secured the necessary permit from the Municipality for so doing, that person shall be subject to a special investigation and fees.

**Subd 5. Building and Construction Valuation.** Building valuation, for the purpose of establishing building permit fees, shall be as adopted by the City Council resolution and may be amended from time to time. Valuation for alterations, repairs, or extensions shall be determined by the Building Inspector based on the Building Inspector's estimate of the materials, cost and the labor cost to put the construction in place.

**Subd. 6. Deposit.** No application for Building Permit shall be considered by the City of Dayton until such time as the applicant has made a deposit with the City in an amount requested by the City, equal to \$50 for an addition or modification to an existing structure, \$300 for a new single family residential house, or sixty five percent (65%) of the Permit Fee for said application, but not less than \$25.00. The amount of the Permit fee shall be determined based on the estimated value of the project described in the application. The deposit shall be held by the City pending the determination on the application.

**Subd 7. Approval, Notice, and Building Permit Fee.** Once the application has been approved by the City of Dayton, the City shall notify the Applicant that he has thirty (30) days from the date of the Notice to claim the Building Permit and to pay the total Building Permit Fee due to the City. The amount of the Deposit shall be credited toward the total cost of the Building Permit. If the applicant does not claim his Building Permit or pay the total Building Permit Fee due to the City within said thirty (30) days, the Deposit shall be retained by the City. In the event the Application is not approved by the City, the Deposit shall be retained by the City to the extent necessary to cover costs associated with plan review.

**Subd.8. Expiration and Extensions of Permits.** Expiration of permits shall be in accordance with the Minnesota State Building Code unless otherwise specified. If the work for which a permit was issued does not commence within 180 days or if the work is suspended or abandoned for a period of 180 days, the permit shall be considered void and invalid. The Building Official may grant, in writing, extensions for periods of not more than 180 days each. The extension shall be requested in writing prior to the expiration of the permit and justifiable cause demonstrated. The decision of the Building Official may be appealed to the City Council.

#### **901.05 BUILDING CODE OPTIONAL CHAPTERS.**

**Subd. 1.** The Minnesota State Building Code, established pursuant to Minnesota

Statutes 16.B.59 to 16B.75 allows the Municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code.

**Subd. 2.** 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 this municipality.

- a. Chapter 1335, Floodproofing regulations, parts 1335.0600 to 1335.1200.

#### **901.06 FIRE ZONES**

Subd. 1 **Fire Zone Three.** The entire City shall constitute Fire Zone Three.

Subd. 2 **Definition.** When reference is made in the Minnesota State Building Code to a Fire Zone, it means the fire zone of the same number as delineated by this section.

#### **901.07 LANDSCAPING.**

**Subd. 1. Required Residential Landscaping.** Each applicant for a new residential dwelling permit shall:

- a. At their expense, within one (1) year of the date of issuance of said permit, and in accordance with the Minnesota Department of Transportation 1998 Standards and Specifications, Sections 2571 and 2575, plant at least:
  1. 600 square yards of either:
    - (a) sod with four (4) inches of topsoil, or
    - (b) lawn seed and mulch with four (4) inches of top soil, in the front yard immediately adjacent to the house on the lot, and
  2. two trees, of not less than two (2) inches in diameter on each lot, in the front yard, but not within any public right of way or other easements.
- b. Place an amount to be determined by Resolution of the City Council in escrow with the City Clerk to be returned upon demonstration of the compliance with this Section. In the event an applicant fails to comply with this Section within one (1) year of issuance of a building permit, the City, after notifying the applicant of such intent, shall undertake the planting as described above, and deduct the costs thereof, including administration costs, from the escrow deposit.

#### **901.08 DRIVEWAY.**

**Subd. 1. All Driveways.** All driveways shall conform to the requirements of Section 1001.12, Subd. 4 (11) regarding access driveways, including but not limited to requirements regarding quantity, timing, materials, and permits.

**Subd. 2. Driveways over 150 feet long.** All ~~dwellings~~ lots with a proposed primary structure setback in excess of 150 feet shall provide an access driveway in compliance with this Code, and said driveway shall be installed, inspected and approved prior to the first inspection done under the Building Permit issued under this section.

#### **901.09 PLUMBING PERMITS.**

**Subd. 1. Permit Required.** No person shall construct, extend, alter or repair any plumbing work (except that governed by the Dayton On-Site-Treatment Code) within the City, unless it is in compliance with the Minnesota State Building Code, adopted herein, and after application for the issuance of a building permit.

**Subd. 2. Application.** Application for a plumbing permit shall be made on forms provided by the City.

**Subd. 3 Fees.** The fees for plumbing permits shall be set by council resolution and amended from time to time. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70.

#### **901.10 HEATING, VENTILATION AND AIR-CONDITIONING PERMITS.**

**Subd. 1. Permit Required.** No person, firm or corporation shall construct, extend, alter or repair any heating, ventilation or air conditioning system within the city unless in compliance with the relevant parts of the Minnesota State Building Code adopted herein and after application for an issuance of a heating ventilation or air-conditioning permit.

**Subd. 2. Application.** Application for a heating, ventilation or air-conditioning permit shall be made on forms provided by the City.

**Subd. 3. Fees.** The fees for heating, ventilation or air conditioning permits shall be set by Council resolution. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70.

#### **901.11 FENCE PERMITS**

**Subd. 1. Permits required.** Fence Permits are required prior to the erection of any fence within the City of Dayton.

**Subd. 2. Fees.** The fees for fence permits shall be set by Council resolution. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70.

#### **901.12 SIDING OR WINDOW REPLACEMENT PERMITS**

**Subd. 1. Permits required.** Siding or window replacement permits are required prior to the replacement of siding or windows within the City of Dayton.

**Subd. 2. Fees.** The fees for siding or window replacement permits shall be set by Council resolution. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70.

#### **901.12 ROOFING PERMITS**

**Subd. 1. Permits required.** Roofing permits are required prior to the reroofing of any buildings within the City of Dayton when shingles or roofing materials are being torn off and replaced. Roofing permits are not required prior to addition of a new layer of shingles.

**Subd. 2. Fees.** The fees for reroofing permits shall be set by Council resolution. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70.

#### **901.13 STOP WORK ORDERS.**

Whenever any building work is being done contrary to the provisions of the Building Code, the Building Official may order the work stopped by notice, in writing, posted at the work site and/or served on any persons engaged in doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Inspector to proceed with the work.

#### **901.14 CERTIFICATE OF OCCUPANCY.**

**Subd 1.** Upon satisfactory completion of work on a new Residential or Commercial building and upon final approval by the Building Official, a Certificate of Occupancy shall be granted.

- a. The exterior of any building shall be completed prior to occupancy of that building, and prior to issuance of Certificate of Occupancy.

#### **901.15 VIOLATIONS AND PENALTIES.**

**Subd. 1.** It is unlawful for any person firm or corporation to erect, construct, extend, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the city except in an agricultural building as defined in Minnesota Statutes Section 16.84, Subd. 6, or cause the same to be done contrary to or in violation of any provision of this chapter or the codes adopted by reference in this ordinance.

**Subd. 2.** Any person(s), firm or corporation, which shall violate any provision of this Chapter and/or the Minnesota State Building Code, shall be guilty of a misdemeanor.

**Subd. 3.** Each day any such violation shall continue shall constitute a separate offense, unless otherwise specifically provided.

(Ord 2003-14 repeals and replaces Ord 98-10)