

City Code

Chapter 7

Buildings

- Article 1. General Conditions, §§ 7-1--7-15**
- Article 2. Permits, Inspections and Fees, §§ 7-16--7-30**
- Article 3. Contractor's Licenses, §§ 7-31--7-53**
- Article 4. Utility Excavations, §§ 7-54--7-71**
- Article 5. Building Site Requirements, §§ 7-72--7-109**
 - Division 1. General, §§ 7-72--7-91*
 - Division 2. Drainage and Grading, §§ 7-92--7-98*
 - Division 3. Erosion Cleanup, §§ 7-99--7-109*
- Article 6. Building Security and Locks, §§ 7-110--7-125**
- Article 7. Underground Utilities, §§ 7-126--7-140**
- Article 8. Water and Waterways, §§ 7-141--7-146**
- Article 9. Fire Protection Certificate, §§ 7-151--7-157**

Article 1. General Conditions

Sec. 7-1. Adoption of Building Code.

The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes, Sections 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 Code as if fully set out herein. (Ord. 707, 4-22-03)

Sec. 7-2. Optional Appendices to the Building Code.

The application, administration, and enforcement of the Building Code shall be in accordance with the Minnesota State Building Code.

The Building Code shall be enforced by the Minnesota Certified Building Official designated by the Manager to administer the code. . (Ord. 707, 4-22-03)

Sec. 7-3. Conflicts.

The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, subdivision 1. Permit fees shall be assessed for work governed by the Building Code in accordance with the fee schedule adopted by the City Council. In addition, a surcharge fee shall be collected on all permits issued for work governed by the Building Code in accordance with Minnesota Statutes, Section 16B.70. . (Ord. 707, 4-22-03)

Sec. 7-4. Organization and Enforcement.

A violation of the Building Code is a misdemeanor. (Ord. 707, 4-22-03)

Sec. 7-5. Building Code Optional Chapters.

The Minnesota State Building Code, established pursuant to Minnesota Statutes, Sections 16B.59 to 16B.75 allows the City to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code. 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.

- (1) Minnesota Rules, Chapter 1306.
- (2) Special Fire Protection Systems Subpart 2, Existing and new buildings.
- (3) Requirements E.1.
- (4) Appendix K (grading appendix). (Ord. 707, 4-22-03)

Secs. 7-6--7-15. Reserved.

Article 2. Permits, Inspections, and Fees

Sec. 7-16. Permits, Inspections and Fees.

The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, Section 16B.62, Subdivision 1 and as provided for in Chapter 1 of the 1997 Uniform Building Code and Minnesota Rules parts 1305.0106 and 1305.0107.

Permit fees shall be assessed for work governed by this Chapter in accordance with Section 7-18. In addition, a surcharge shall be collected on all permits for work governed by this Chapter in accordance with Minnesota Statutes, Section 16B.70. (Ord. No. 479, 3-24-81; Ord. No. 548, 4-28-87; Ord. No. 559, 12-8-87; Ord. No. 611, 3-28-95; Ord. No. 647, 11-10-98; Code of 2001)

Sec. 7-17. Reserved.

Editor's note - Ord No. 611, Section 4 incorporated the content of this section into Section 7-16. (Ord. No. 479, 3-24-81; Ord. No. 548, 4-28-87; Ord. No. 559, 12-8-87; Code of 2001)

Sec. 7-18. Permit Fees.

Permit fees shall be set by resolution. (Ord. No. 479, 3-24-81; Ord. No. 506, 5-24-83; Ord. No. 548, 4-28-87; Ord. No. 559, 12-8-87; Code of 1988; Code of 2001)

Secs. 7-19--7-30. Reserved.

Article 3. Contractor's Licenses

Sec. 7-31. Required.

A contractor's license shall be obtained before any person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure unless such person, firm or corporation has been licensed by the State of Minnesota as a residential remodeler, residential building contractor or other specialty contractor. (Ord. No. 479, 3-24-81; Ord. No. 547, 3-10-87; Code of 1988; Code of 2001)(Ord. No. 723, 2-8-05)

Sec. 7-32. Applicant's Qualifications.

Each applicant for a contractor's license shall demonstrate to the satisfaction of the City:

- (1) The applicant's competence by reason of education, special training, experience; and
- (2) That the applicant is equipped to perform the work for which a license is requested in accordance with all State laws, City Code, and ordinances. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-33. Application.

Application for a license shall be on a form as prescribed by the City. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-34. Fees.

The license fees shall be specified by resolution. (Ord. No. 479, 3-24-81; Ord. No. 498, 8-24-82; Code of 1988; Code of 2001)

Sec. 7-35. Insurance.

(1) A certificate of insurance shall be on file with the City before a contractor's license shall become effective. The insurance shall remain in full force and effect during the term of the license and shall contain a provision that the policy cannot be cancelled without ten days written notice to the City. A license shall terminate immediately upon cancellation or expiration of the insurance.

(2) The insurance shall provide at least \$300,000 for injuries per person for an amount of not less than \$500,000 per accident and property damage in the amount of at least \$300,000 per occurrence with an annual aggregate of \$500,000. Worker's compensation insurance shall be as prescribed by Minnesota Statutes. (Ord. No. 479, 3-24-81; Ord. No. 547, 3-10-87; Code of 1988; Ord. No. 664, 1-11-00; Code of 2001)

Sec. 7-36. Reserved.

Sec. 7-37. License Period.

A license shall be valid for no longer than one year. All licenses shall expire on March 31st. (Ord. No. 479, 3-24-81; Ord. No. 547, 3-10-87; Code of 1988; Code of 2001)

Sec. 7-38. Fee Not Pro-Rated.

A license fee shall not be pro-rated. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-39. Employees and Subcontractors.

A license granted to a general contractor shall provide the right to perform all of the work included in the general contract. The general contractor's license shall include any or all of the persons performing the work provided that each such person is in the regular employ of the licensed contractor and qualified under State law and the provisions of this Chapter. In these cases, the general contractor shall be responsible for all of the work so performed. Subcontractors on any work shall be required to comply with the sections of this Code pertaining to license, bond, qualifications, etc., for their particular type of work. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-40. Suspension and Revocation.

The City Council shall have the power to suspend or revoke a license when the work of the licensee is found to be improper or defective or so unsafe as to jeopardize life or property. A hearing must be held that provides the licensee an opportunity to be heard on the matter. Notice of the hearing must be provided to the licensee at least twenty days before the date of the hearing. The license shall automatically be suspended or revoked five days after the date of the hearing if the licensee shall fail or refuses to appear at the hearing. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-41. Suspension.

A license may be suspended for a period of not less than thirty days nor more than one year. The length of the suspension shall be determined by the City Council. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-42. Revocation and Reinstatement.

The City Council shall revoke a license when the licensee has been convicted by a court for violating this Code a second time. The licensee shall not make application for a new license for a period of one year. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Secs. 7-43--7-53. Reserved.

Article 4. Utility Excavations

Sec. 7-54. Permit Required.

A permit shall be obtained from the City before any work is performed that includes cutting a curb or excavation on or under any street or curbing. The City shall verify the location of the water main and sanitary sewer connections before any excavation or grading shall be permitted. The permit shall specify:

(1) The location, width, length, and depth of the excavation.

(2) Conditions and specifications of public facility restoration. The restoration of public facilities shall be at least to the same condition as prior to commencement of the work. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-55. Deposit Required.

A deposit shall accompany the application when the plans and specifications indicate that the proposed work includes connection to sanitary sewer, water main, a curb cut, or any other disruption that may cause damage to public facilities. The deposit shall be a guarantee that all restoration work will be completed and public facilities left in an undamaged condition. The amount of the deposit shall be specified by resolution. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-56. Exemption from Deposit.

A deposit shall not be required from a public utility corporation franchised to do business within the City. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-57. Reserved.

Sec. 7-58. Inspections.

The City shall be notified and review the conditions of construction before any backfilling is undertaken at an approved excavation site. During and after restoration, the City shall inspect the work to assure compliance with Section 7-54. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-59. Deposit Returned.

The deposit required by Section 7-55 shall be refunded when the City has determined that restoration has been completed in compliance with Section 7-54. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-60. Deposit Forfeited.

If restoration is not satisfactory to the City the amount of the deposit refunded shall be reduced by the cost to the City for completing the restoration. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Secs. 7-61--7-71. Reserved.

Article 5. Building Site Requirements

Division 1. General Conditions

Sec. 7-72. Compliance with the Zoning Code.

In addition to the provisions of this Article, all building site requirements of the City's Zoning Code and Engineering Design Standards shall be followed before a building permit may be issued. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001; Ord. 380)

Sec. 7-73. Intent.

(1) This Article shall not discourage the design of future subdivisions that take advantage of new ideas nor prevent the placing of building corners in their relationship with property lines in any other manner than that which is specifically stated therein.

(2) The City Council shall permit the development of an area in such a way as to comply with any agreements made between the City and the developer at the time a new plat is approved and recorded. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-74. Statutory Authorization.

This Section is adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B and 462; Minnesota Rules, Parts 6120.2500-6120.3900, 7050.0210, and Minnesota Rules Chapters 8410 and 8420. (Ord. 830)

Sec. 7-75. Application Requirements.

Unless otherwise exempted by this Article, an application for stormwater management approval shall include the following as a condition for its consideration:

(1) A Stormwater Management Plan, and

(2) A Maintenance Agreement

The Stormwater Management Plan shall be prepared to meet the requirements of Section 7-76 of this Article; the Maintenance Agreement shall be prepared to meet the requirements of Section 7-88 of this Article. In lieu of preparation of a Stormwater Management Plan, minor land disturbing projects may install a raingarden or similar stormwater treatment practice, with approval from the City. (Ord. 830)

Sec. 7-76. Stormwater Management Plan.

Every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities must conform to the Construction Site Stormwater Runoff Control standards set forth in Sections 7-99 thru 7-104 of this Article and the Engineering Design Standards.

A Stormwater Management Plan meeting the requirements of the Engineering Design Standards is required for any of the following land disturbing activities:

- (1) Subdivision of an area exceeding one acre. This includes subdivision for single-family residential, multi-unit residential, commercial, industrial, or institutional development.
- (2) Any project that creates or reconstructs 10,000 square feet or more of impervious surface. This threshold is cumulative of all impervious surface created or reconstructed through multiple phases or connected actions of a single complete project.

In lieu of preparation of a Stormwater Management Plan, all land disturbing activities, as defined in the Engineering Design Standards, within the city that will result in more than 100 cubic yards of cut or fill are only required to develop an erosion and sediment control plan addressing the requirements set forth in the design standards and are encourage to incorporate permanent stormwater management.

A plan is not required for single-family residential construction on an individual lot of record. If the lot is within a development previously approved by the City, the construction must conform to the previous approval.

Any construction activity that disturbs one or more acres is also required to obtain a separate NPDES Construction Site Permit. A copy of this permit and erosion and sediment control plan shall be submitted to the City Engineer. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until the City Engineer has approved this plan. (Ord. 830)

Sec. 7-77. Performance Criteria for Stormwater Management.

Unless determined by the City to be exempt, all site designs shall establish Stormwater Management Practices to control the peak flow rates, volumes, and pollutants of stormwater discharge associated with specified design storms and runoff volumes, as detailed in the Engineering Design Standards. (Ord. 830)

Sec. 7-78. Variance.

Upon application by a property owner, the City Council may vary any provision of this Article, in harmony with its general purpose and intent, where there are practical difficulties or peculiar hardships that impede carrying out the strict letter of the provisions of this Article so that the public health, safety, and general welfare may be secured and substantial justice done. The procedure to be used for the processing of such variance applications shall be the same as provided for in the City's Zoning Code (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-79. Street Access.

An applicant for a building permit must satisfy the City that the property to be occupied by the building shall have access to:

- (1) A public street or way, or
- (2) A private way protected by a permanent easement that shall be of width and construction suitable to traffic requirements of the neighborhood in which the property is located. This shall not be construed to include alleys or service ways. Special permission of the City Council shall be required where a private easement is to be used for access. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-80. Utilities and Streets Required.

No building permit shall be issued for any new construction unless and until:

- (1) All underground utilities are installed in the public street adjacent to the parcel of land to be improved; and
- (2) The rough grading of the adjacent street has been completed to the extent that the City believes adequate street access to the parcel is available. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-81. Trailer Prohibitions.

The following actions shall not be considered as conforming with the City's Building Code in any respect and will therefore be prohibited:

- (1) Removal of wheels from any trailer.
- (2) Remodeling a trailer through the construction of a foundation or enclosure of the space between the base of the trailer and the ground.
- (3) Construction of additions to a trailer to provide extra floor space. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-82. Prohibited Items.

The placing of old railroad coaches, streetcars, buses, construction trailers, etc., on any property in the City, improved or unimproved, will not be permitted. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-83. Driveways.

Driveways in a residential area shall conform with the following side yard requirements:

- (1) The edge of the driveway nearest to the side lot line shall be five feet from the lot line.
- (2) Special permission or agreement with the adjacent property owner shall be required to have the driveway nearer to the lot line. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-84. Sewer and Water Connections.

When new buildings are constructed on property that can be served by either a sanitary sewer, public water supply, or both, the applicant for the building permit shall be required to agree to connect to these utilities except when waived in accordance with Section 7-95. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-85. Inspection.

- (1) Notification. The City Engineer shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved
- (2) Procedure. The Applicant is responsible for regular inspections and record keeping needed to document compliance with the permit requirements. The Applicant must inspect the construction project as detailed in the Engineering Design Standards. The City may conduct inspections as needed to ensure that both Erosion and Sediment Control and Stormwater measures are properly installed and maintained prior to construction, during construction, and at the completion of the project. The Applicant shall notify the City a minimum of seventy-two (72) hours prior to the following required City inspections:
 - A. Initial Inspection - when all erosion and sediment control BMPs, as outlined in the Engineering Design Standards, are installed. This inspection must be completed before a building Permit can be issued.
 - B. Project Complete Inspection – when the project is complete including, but not limited to, final Grading, installation of all Stormwater Management Facilities, and Final Stabilization measures are complete.

(3) Reporting. The Applicant shall submit reports to the City Engineer under the following circumstances and shall submit recommendations for corrective measures, if appropriate, with such reports:

A. There are delays of more than seven (7) days in obtaining materials, machinery, services or manpower necessary to the implementation of the Stormwater Management Plan as scheduled.

B. There are delays of seven (7) days in land disturbing or filling activities or soil storage.

C. The work is not being done in conformance with the approved plans and Permit. Any changes to the approved plan must be submitted to the City Engineer for review and approval before work can commence. (Ord. 830)

Sec. 7-86. Site Maintenance.

All Site Maintenance activities shall be performed to the requirements within the Engineering Design Standards. No development, utility or street construction will be allowed and no Building Permits will be issued unless the development is in full compliance with the requirements of this Article. (Ord. 830)

Sec. 7-87. Final Stabilization.

The Permittee(s) must ensure Final Stabilization of the site after the completion of construction activities and prior to the termination of the permit. Final Stabilization is not complete until all of the requirements within the Engineering Design Standards are complete that are intended to prevent discharge of pollutants associated with stormwater discharges from the project. (Ord. 830)

Sec. 7-88. Maintenance Agreement.

The Responsible Party shall enter into a Maintenance Agreement with the City that documents all responsibilities for operation and maintenance of all Stormwater Treatment Practices. Such responsibility shall be documented in a maintenance plan and executed through a Maintenance Agreement. The Maintenance Agreement shall be executed and recorded against the parcel. The stormwater Maintenance Agreement shall be in a form approved by the City shall describe the inspection and maintenance obligations of this section and shall, at a minimum:

(1) Designate the Responsible Party, which shall be permanently responsible for maintenance of the structural or nonstructural measures.

(2) Pass responsibility for such maintenance to successors in title.

- (3) Grant the City and its representatives the right of entry for the purposes of inspecting all Stormwater Treatment Practices.
- (4) Allow the City the right to repair and maintain the facility, if necessary maintenance is not performed after proper and reasonable notice to the Responsible Party.
- (5) Include a maintenance plan that contains, but is not limited to the following:
 - A. Identification of all Stormwater Treatment Practices.
 - B. A schedule for regular inspection, monitoring, and maintenance for each practice. Monitoring shall verify whether the practice is functioning as designed and may include, but is not limited to quality, temperature, and quantity of runoff.
 - C. Identification of the Responsible Party for conducting the inspection, monitoring, and maintenance for each practice.
- (6) Identify a schedule and format for reporting compliance with the Maintenance Plan to the City.
- (7) Records of Installation and Maintenance Activities. The Responsible Party shall make records of the installation and of all maintenance and repairs of the stormwater treatment practices, and shall retain the records for at least three (3) years. These records shall be made available to the City during inspection of the Stormwater Treatment Practice and at other reasonable times upon request.
- (8) Failure to Maintain Practices. If a Responsible Party fails or refuses to meet the requirements of the Maintenance Agreement, the City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the Stormwater Treatment Practice in proper working condition. In the event that the Stormwater Treatment Practice becomes a danger to public safety or public health, the City shall notify the Responsible Party in writing. Upon receipt of that notice, the Responsible Party shall have thirty days to perform maintenance and repair of the facility in an approved manner. After proper notice, the City may perform the owner(s) of the stormwater treatment practice for the cost of repair work and any penalties; and the cost of the work shall be assessed against the property and collected along with ordinary taxes by the City (Ord. 830)

Sec. 7-89. Enforcement.

Any person, firm or corporation violating any provision of this Article shall be fined in an amount determined by legal proceeding for each offence, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(1) Notice of Violation. When the City determines that an activity is not being carried out in accordance with the requirements of this Article, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

- A. The name and address of the owner of Applicant,
- B. The address, when available, or a description of the land upon which the violation is occurring,
- C. A statement specifying the nature of the violation,
- D. A description of the remedial measures necessary to bring the development activity into compliance with this Article and a time schedule for the completion of such remedial action,
- E. At statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed, and
- F. A statement that the determination of violation may be appealed to the City by filing a written notice of appeal within 15 days of services notice of violation.

(2) Stop Work Orders. Persons receiving a notice of violation will be required to halt all construction activities. This Stop Work Order will be in effect until the City confirms that the Land Disturbance Activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this Article.

(3) Civil and Criminal Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this Article shall be guilty of a misdemeanor and subject to prosecution. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.

- (4) Restoration of Lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which may, after notice and opportunity for hearing, be specially assessed against the property and collected along with the ordinary taxes by the City. (Ord. 830)

Secs. 7-90. Dumpsters

No dumpster used for construction or demolition activities may be located within the City without a permit. Dumpsters that are located in commercial or industrial zoning districts and are used in conjunction with a legal construction business are exempt from this section. A permit shall be granted for a period of 60 calendar days. The permit holder may request in writing to extend the permit for an additional 60 calendar days. All dumpsters covered under this section shall comply with the following requirements: 1) be located on a driveway or other approved hard surface, and 2) be promptly removed once full. Upon issuance of a permit, no more than one dumpster at a time may be kept on a property. The City Council may set fees for such permits by resolution. (Ord. 782)

Sec. 7-91. Reserved.

Division 2. Drainage and Grading

Sec. 7-92. Investigation.

After a building permit has been applied for and prior to issuing the permit, the City shall thoroughly investigate the existing drainage features of the property. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-93. Obstruction of Natural Drainage.

No building permit shall be issued for construction of a building on which construction or necessary grading thereto shall obstruct any natural drainage waterway. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-94. Conflict of Grades.

No building permit shall be issued in any case where the relative elevations of the proposed building grade and the established road grade shall conflict in such manner as to cause damage through drainage conditions. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-95. Properly Drained Lands.

No building permit shall be issued for the construction of a building upon ground that cannot be properly drained. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-96. Protection of Existing Drainage.

Where application is made for a building permit and subsequent investigation shows that the property to be occupied is adjacent to a portion of a public road or street containing any of the following waterways, the applicant shall agree in writing to protect these waterways in such a way that they shall not be affected by the proposed building construction or grading work:

(1) Drainage culvert,

(2) Catch basin,

(3) Sewer,

(4) Special ditch, or

(5) Any other artificial drainage structure used for the purpose of draining the property and/or neighboring property. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-97. Order to Regrade.

The City may order the applicant to regrade property if:

- (1) The existing grade does not conform to any provision of this Chapter;
- (2) The grade indicated in the preliminary plat has not been followed; or
- (3) The grade poses a drainage problem to neighboring properties. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-98. Minimum Elevation Above Adjacent Waterway.

No building permit shall be issued for land adjacent to a lake, pond, creek, County ditch, or other waterway unless the elevation of the lowest interior floor level, including any basement or cellar floor, is at least three feet above the level of the adjacent body of water during a regional flood. The level of flood shall be established by the City. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Division 3. Erosion Cleanup

Sec. 7-99. Erosion Control.

The applicant for a building or other construction related permit shall take all reasonable steps to prevent or minimize damage to private or public property caused by erosion from the construction site. When erosion occurs despite such efforts, the permit holder shall promptly act to clean up and restore the damaged property to its original condition. (Ord. No. 561, 12-8-87; Code of 1988; Code of 2001)

Erosion control and prevention measures for construction sites shall meet standards from State Agencies regulating stormwater runoff as well as the conditions set forth in the Engineering Design Guidelines' Construction Site Stormwater Runoff Control section.

(Ord 732 8-23-2005; Ord. 830)

Sec. 7-100. Deposit Required.

All persons obtaining a building or other construction related permit shall post a deposit with the City to ensure that sufficient funds are available for the City to clean up erosion damage in the event the work is not performed by the permit holder. The deposit shall be in the amount determined by resolution. This requirement shall apply to all permits for new construction and for projects involving the exposure of more than 25 square feet of earth. (Ord. No. 561, 12-8-87; Code of 1988; Code of 2001)

Sec. 7-101. Inspection.

The permit holder shall promptly remove dirt and other debris originating on the construction site from adjacent streets, storm sewers, and other public facilities. Such dirt and debris is hereby declared a nuisance. The deposit required in Section 7-100 shall be returned upon completion of the project if the permit holder performs this work to the satisfaction of the City.

If the work is not performed to the satisfaction of the City, the permit holder shall be ordered to perform the necessary work within a specified time period. The City may cause the work to be done if the permit holder does not comply with this request. The amount of deposit refunded shall be reduced by the cost of the work done by the City. The property owner shall be billed if the deposit proves insufficient to cover these costs. The City may assess these costs against the property in accordance with Minnesota Statutes, Chapter 429 if the bill is not paid. (Ord. No. 561, 12-8-87; Code of 1988; Code of 2001)

Sec. 7-102. Indemnification of Easement.

As conditions of granting the permit:

(1) The permit holder shall provide the City or its agent a temporary easement over the site for the purpose of restoring erosion damage, and

(2) The permit holder shall indemnify the City or its agent from property damage which occurs on the site or other property if the City is required to cause the cleanup work to be performed. (Ord. No. 561, 12-8-87; Code of 1988; Code of 2001)

Section 7-103 Exceptions

Activities listed below shall be considered excepted by the standards in this chapter

1. Project approval received by either Rice Creek Watershed District, MPCA, DNR, or US Army Corps of Engineers
2. Building permits approved prior to the adoption of this ordinance
Any emergency work to protect life, limb, or property

(Ord 732 8-23-2005)

Section 7-104 Construction Site Waste

All waste and unused building materials shall be properly disposed of off site and not allowed to be carried by runoff into a receiving water body or storm sewer system. Dumpsters and other containment areas must be serviced regularly and all wind-blown litter shall be picked up within 24 hours.

(Ord 732 8-23-2005)

Secs. 7-105-7-109. Reserved.

Article 6. Building Security and Locks

Sec. 7-110. Purpose.

The purpose of this Article is to require security devices in certain buildings used for multiple dwellings and hotels and motels as safety, burglary, and theft prevention measures. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-111. Definition.

When used in this Article, the term “dead-bolt lock” shall be defined as a locking bolt that, when in the locked position, can only be moved positively by turning a knob, key, sliding bolt, or mechanism activated by working a combination or key. This definition shall exclude a lock bolt moved by a skeleton-type key. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-112. Enforcement.

The City is authorized and directed to administer and enforce the provisions of this Article and shall disapprove locking devices that do not meet the requirements of this Article. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-113. Multiple Dwellings.

All multiple dwellings shall provide dead-bolt locks on all entrance doors of each dwelling unit. At least one of these locks must be capable of being locked from the exterior. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-114. Hotels and Motels.

All hotels, motels, and apartment hotels shall provide dead-bolt locks on all entrance doors of each room or dwelling unit. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-115. Responsibility for Security.

The owner, operator, and agent in charge of buildings covered by this Article shall be responsible for compliance with the terms and provisions herein. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Secs. 7-116--7-125. Reserved.

Article 7. Underground Utilities

Sec. 7-126. Purpose.

The City Council finds that in order to promote and preserve the general welfare and assure the orderly development of the City, all existing overhead distribution systems of electrical and communication utilities and public streets shall be replaced in an orderly manner by installation of underground facilities along with the undergrounding of all attached facilities used for providing service to properties adjoining the public streets. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-127. Annual Review.

The City shall cause an annual review of the utilities to be completed. Such review shall assess the progress made toward accomplishing the purposes of this Article. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-128. Underground Services Required.

In addition to any other requirements of this Code, the following shall be applicable to the installation of electric and communication distribution systems of all utilities, excluding high-voltage circuits and transmission lines of 15,000 volts or more:

(1) Every extension of any distribution line, circuit, and system, and any new service lateral which provides permanent electric power service, communication service, or other associated utility services shall be installed underground for:

- A. Any new building where the service lateral is street fed.
- B. Any new subdivision.
- C. Any new development or industrial park containing new commercial or industrial buildings.

(2) Any permanent replacement, relocation, reconstruction or new construction of any distribution line, circuit, service lateral, or system of a utility shall be installed underground when for or made in connection with:

- A. Any street, freeway, highway, or sidewalk project.
- B. Any urban renewal project, providing the renewal plan involves the clearance of at least 3/4 of the existing buildings within the renewal area.
- C. Any industrial or residential platting, development, or redevelopment project.

(3) All overhead distribution lines, circuits, and systems of a utility located within main highways and streets, excluding alleys, shall be placed underground by the year 2000. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-129. Notice.

The requirements of Section 7-128 (2) and (3) are not applicable unless at least two years' prior written notice has been given the utility by the City. The notice is necessary to allow sufficient lead time for proper ordering of materials, scheduling, and budgeting of the project. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-130. Waiver.

After study and recommendation by the Planning Commission, the City Council may waive adherence with Section 7-128 in any of the following cases:

- (1) The placing of utilities underground would not be compatible with the planned development.
- (2) Unusual topography, soil, or other physical conditions make underground installation unfeasible from an engineering viewpoint or the cost impractical.
- (3) The placing of utilities would not be compatible with the long-range plans and timetable of the utility's undergrounding program or would result in an undue financial burden for the utility or its customers due to the particular time that the project arises or unusual design factors of the particular project. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-131. Replacement and Repair.

Whenever any portion of the distribution system and transmission lines of any utility in the City is now located underground, such portion shall remain underground. Any replacement, relocation, reconstruction, repair, or extension of these systems and lines shall be installed underground. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-132. Manner of Installation.

The conditions of this Section shall apply to the installation of underground utilities.

- (1) Underground facilities shall be located in the designated space within highways and streets as approved by the City. The City and the constructing utility shall agree to a time schedule for each underground project. All excavations for the purpose of placing these facilities underground shall be made in accordance with specifications approved by the City. Periodic inspections of excavations and backfilling procedures will be conducted by the City to ensure adherence and compliance with the specifications and time schedule.
- (2) The top of all ducts and cable system structures shall be located at a minimum depth as specified in the National Electric Safety Code to protect the system from injury by traffic.
- (3) All utilities shall keep current records and plats on all underground facilities they own or operate beneath public streets. These plats are to be available to all utilities and the City upon request.
- (4) In the repair, addition, or change of any underground facilities within highways and streets, no person or company shall be permitted to interfere with the underground facilities of any other person or company except as shall be necessary to make repairs, additions, or changes. All repairs, additions, or changes shall be made in accordance with specifications approved by the City. The City shall be notified before work is commenced on the underground facilities. The City may waive such conditions for emergency street opening and for repair. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-133. Conversion by Customers.

The conditions of this Section shall apply to the conversion of services.

(1) Whenever Sections 7-128 through 7-131 require an electric utility to replace overhead facilities with underground facilities, all customers of the utility receiving service from the overhead lines to be removed must take appropriate action to rewire their existing service to accept underground electricity from the utility prior to the removal of overhead lines.

(2) Upon notice from the City that an overhead line must be replaced pursuant to Sections 7-128 through 7-131, the electric utility shall notify affected customers at least sixty days prior to the proposed starting date of construction. The notice shall advise the customer of the following:

- A. The utility is required by this Article to replace overhead facilities supplying electricity to their property;
- B. The approximate date the overhead facilities will be removed;
- C. If continued service is desired, the customer must execute the utility's applicable underground agreement form when requested and, convert or adapt their electrical service to accept the new underground electricity. The cost of converting or adapting the service shall be at the customer's expense.

Failure by the utility to provide this notice to every affected customer or any alleged deficiency of the notice, shall not be deemed a breach of this Article or create any liability on the part of the utility to its customers, or in any manner affect the requirement that the electrical facilities be installed underground.

(3) After any particular segment of an electric utility's facilities are installed underground, the City shall determine the date by which the replaced overhead facilities shall be removed by the utility. The date of removal shall be six months after the utility completes the installation of its replacement underground facilities or such earlier date as the City determines is a reasonable period of time for the customer to convert or adapt the electric service to accept the new underground electricity. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Secs. 7-134--7-140. Reserved.

Article 8. Water and Waterways

Sec. 7-141. Definition.

When used in this Article, the terms “water” or “waterways” shall be defined as all public water as defined by Minnesota Statutes, Section 105G.005, Subdivision 1, and shall also include all bodies of water, natural or artificial, including ponds, streams, lakes, swamps and ditches which are a part of or contribute to the collection, runoff, or storage of water within the City or directly or indirectly affect the collection, transportation, storage or disposal of the storm and surface water systems in the City. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-142. Permit Required.

No person shall cause or permit any water or waterways to be created, dammed, altered, filled, dredged or eliminated, or cause the water level elevation to be artificially altered without first securing a permit from the City. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-143. Application for Permit.

An application for a permit shall be made on a form prescribed by the City. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-144. Scope of Proposed Work.

The application shall be accompanied with a complete and detailed description of the proposed work together with complete plans and a topographical survey map clearly illustrating the proposed work and its effect upon existing water and water-handling facilities. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-145. Fees.

The permit fee shall be established by resolution. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Sec. 7-146. Procedure.

The City Council may grant or deny any application at its discretion. A public hearing on the application may be held after published notice at least one week in advance of the hearing. (Ord. No. 479, 3-24-81; Code of 1988; Code of 2001)

Article 9. Fire Protection Certificate

Sec. 7-151. Certificate Required.

It shall be unlawful to occupy or use any building or structure, or part of any building or structure, for any of the following uses without securing and maintaining a current fire protection certificate:

- (1) Commercial uses;
- (2) Industrial uses;
- (3) Churches;
- (4) Schools and educational institutions;
- (5) Any building containing three or more building units. (Ord. No. 683; 2-7-01)

Sec. 7-152. Issuance of a Fire Protection Certificate.

Issuance of a certificate of occupancy for a building or structure shall be deemed issuance of a fire protection certificate as well. All buildings and structures occupied or used for commercial or industrial uses as of January 1, 2001 shall be deemed for purposes of this Article to have current fire protection certificates. In multi-tenant or multi-occupant buildings or structures, other than residential structures, a separate certificate is required for each tenant or occupant. (Ord. No. 683; 2-7-01)

Sec. 7-153. Access to Building.

- (1) The owners or persons in control of any building or structure, or part thereof, for which a fire protection certificate is required, shall give access to all parts of the premises to the City during business hours for inspection.
- (2) Inspections will be conducted no more often than twice each calendar year unless the City is conducting a reinspection to determine whether previously discovered violations have been remedied or has reasonable cause to believe that a fire hazard or violation of any code requirements that may pose a fire hazard exists or is occurring on the premises. (Ord. No. 683; 2-7-01)

Sec. 7-154. Fees.

- (1) A fee shall be charged for each inspection.
- (2) The fee shall be due and payable within thirty days of the date of mailing of an invoice to the owner or occupant of the building or structure or part thereof.
- (3) The City may provide for other means of collection of fees including the collection of unpaid fees with the utility billing.
- (4) Any fees required by this Article shall be established by resolution. (Ord. No. 683; 2-7-01)

Sec. 7-155. Compliance Orders.

(1) If the City discovers any violation of the City Code or any codes adopted herein by reference that constitute or may pose a fire hazard, notice shall be given to the owner or occupant of the premises by United States mail at the last known address of such person and by posting the notice in at least one conspicuous place upon the premises in which the violation is occurring.

(2) The notice shall describe the violation and specify a number of days to correct the violation. (Ord. No. 683; 2-7-01)

Sec. 7-156. Term of Certificate.

A fire protection certificate shall continue in effect until terminated in accordance with Section 7-157. (Ord. No. 683; 2-7-01)

Sec. 7-157. Termination.

(1) A fire protection certificate may be terminated on any of the following grounds:

- A. Failure to allow inspection as required by Section 7-153.
- B. Failure to pay the fee required by Section 7-154.
- C. Failure to comply with orders to correct violations as required by Section 7-155.

(2) The City Council may terminate a fire protection certificate after giving the owner or occupant at least seven calendar days notice of a hearing. The notice shall state the grounds for the proposed termination and the date, time, and place of the hearing.

(3) When terminating a fire protection certificate, the City Council shall state the terms and conditions that must be met for reinstatement of the certificate.

(4) Termination of a fire protection certificate and enforcement of this Article shall not be the exclusive remedy for failure to comply with requirements of the City Code and may be pursued in addition to all other remedies provided for in the Code. (Ord. No. 683; 2-7-01)