

CHAPTER 10. BUILDING CODE

Part 1. General Provisions

1001.01 **BUILDING CODE ADOPTION (07-2004) (04-2005) (7-2007)**

Subd. 1 Codes adopted by reference. The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to the Minnesota Statutes chapter 16B.59 through 16B.75, including all 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.

Subd. 2 Application, Administration and Enforcement. The application, administration and enforcement of the code shall be in accordance with 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. The City Council is the administrative Authority for the City over the Building Code and any appendices adopted.

The code enforcement agency of this municipality is called the City of Shafer Building Inspections Department.

This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code pursuant to Minnesota statute 16B.65, subdivision 1.

Subd. 3 Permits and Fees. 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 this code in accordance with the fee schedule in chapter 12 of the City of Shafer City Code. 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.

If work for which a permit is required by the code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for the work. An investigation fee is hereby established as set forth in

the current city fee schedule. The investigative fee shall be collected and is in addition to the required permit fees, but may not exceed the permit fee.

Subd. 4 Violations and Penalties. A violation of the code is a misdemeanor pursuant to Minnesota statutes 16B.69.

Subd. 5 Building Code Optional Chapters. The Minnesota State Building Code, established pursuant to Minnesota statutes 16B.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. No optional provisions have been adopted by the City of Shafer at this time.

1001.02 **CULVERTS IN DEVELOPMENTS WITH RURAL SECTION**

No building permit shall be issued for any parcel served by a roadway with a rural ditch section until the applicant installs or is served by a driveway culvert of a type and in a manner such as to avoid obstruction of water flow, as determined by the City Engineer, or until the City Engineer determines that no culvert is necessary.

1001.03 **COMPLETION TIME**

The work under any building permit issued shall be completed according to the approved plans and specifications within one year following issuance of said permit, or the permit shall become null and void. A new permit shall be obtained before such work may be commenced again, and the fee therefore shall be one-half the amount required for a new permit for such work, excluding plan review fee, provided no changes have been made or will be made in the original plans and specifications for such work.

1001.04 **APPLICATION AND VALIDITY**

All Sections of this Code that are in conflict with this Chapter and which are less restrictive than the provisions of the State Building Code shall not be controlling; if the Code Section or other applicable codes are more restrictive the more restrictive provisions shall apply.

1001.05 **POLE CONSTRUCTION BUILDINGS**

Pole construction buildings may be erected within the City of Shafer only upon the application for and issuance of a Conditional Use Permit therefore by the City Council in accordance with Section 905.05 of the Shafer City Code.

1001.06 **INCOMPATIBLE STRUCTURES**

Subd. 1. Referral by Inspector and Clerk. Whenever an application is filed with the City for a building permit for any structure to be built, enlarged, or altered within, or moved in or into the city, and the Building Inspector finds that the application, plans, and specifications, and the plot plan submitted (the application papers) comply with the Code of the City, the building permit shall be issued. If the exterior design, appearance, and functional plan are such that the Building Inspector or the Clerk feel it is at variance or so similar with the exterior design, appearance, and functional plan of structures in the neighborhood and same zoning district of the proposed structure as to cause a material depreciation generally to property in the neighborhood, then the Building Inspector shall within 10 days after the receipt of the application papers, file the papers and such opinion in writing, signed by the Building Inspector and the Clerk, with the Planning Commission.

Subd. 2. Call of Hearing. Within seven days after the receipt of such application papers and opinions, the Clerk shall give notice to each member of the Planning Commission and to the public by publication in the official paper, and to any other persons the Clerk deems advisable, of a hearing to be held by the Planning Commission with respect to such application. The notice shall state the purpose of the hearing and the location of the structure. Notice to the applicant shall be by registered mail at least three days in advance of such hearing, provided appearance at the hearing shall constitute a waiver of any defect in the notice thereof. The hearing on such application shall be held not less than one week nor more than two weeks after receipt of such application by the City.

Subd. 3. Hearing and Findings. Before or during the hearing, each member of the Planning Commission may view the premises upon which the structure is located or to be located, and at the hearing the Commission shall examine the application papers and hear the applicant. It may also hear any citizens of the neighborhood and other individuals who request to be heard. Within 48 hours of the close of the hearing, the Commission shall, pursuant to a majority vote of all the members of the Commission, file written findings of the fact. It shall determine whether the exterior design, appearance, and functional plan of such structure is or is not at a variance or so similar with the exterior design, appearance, and functional plan of structures constructed or in the course of

construction in the neighborhood of said proposed structures, (in the same zoning district) as to cause material depreciation generally to property in said neighborhood. The Commission shall further make a recommendation that the application be accordingly granted or denied. Such finding, determination, and recommendation shall be in writing, signed on behalf of the Planning Commission by its Chairman. The Clerk shall file a certified copy thereof with the building official and shall mail a copy to the applicant. The application papers, the written opinions, and the findings, determinations, and recommendations of the Planning Commission shall thereupon be presented by the Clerk to the Council at its next regular meeting. Further action with respect to such application shall be held in abeyance pending order and direction of the Council. In such case, no permit with respect to the application shall be issued except upon order and direction of the City Council.

1001.07 **PROTECTION OF ADJOINING PROPERTY**

Any person making or causing an excavation to be made shall protect the excavation so that the soil of adjoining property will not cave in or settle or shall be liable for the expense of underpinning or extending the foundation on adjoining property where his excavation necessitates such work.

1001.08 **CERTIFICATE OF SURVEY REQUIRED** (Sept 2018)

Subd. 1. Certificate of Survey Required. A certificate of survey shall be required with all building permit applications for new construction and building permits that enlarge or alter the footprint of an existing structure. A certificate of survey shall be required for all planning applications, including plats, land divisions, land consolidations, conditional use permits, variances, site plans, and zoning amendments.

Subd. 2. Application, Administration, and Enforcement. The certificate of survey shall locate all existing permanent structures on the property with regard to size and location including buildings, driveways, utilities, septic sites, and wells. In addition, the survey shall include the size and locations of proposed structures, topographical information, floodplain, wetlands, and any recorded easements. A city-provided Certificate of Survey Requirements checklist must be completed, signed and returned to the city hall prior to issuance of a building permit.

Subd. 3. Certificate of Survey Review Fee. An applicant must pay to the city the Certificate of Survey Review Fee specified in the city fee schedule, City Code Chapter 12, as that ordinance may be amended from time to time.

Part 2. Numbering of Homes and Business Places

1002.01 DISPLAY

The current address of all homes and other buildings occupied for living purposes and business buildings shall be displayed on the exterior of said home or business facing the street adjacent to said home or business building in compliance with this ordinance.

1002.02 SIZE OF NUMBERS

Each number of the address attached to the home or business shall be three inches or greater in size. The number shall be of a color that contrasts to the color of the building to which it is attached. The number of the address shall be in Arabic numbers. Roman numerals, numbers in writing or in other forms are insufficient and if used, Arabic numerals shall also be displayed in accordance with this ordinance.

1003.03 LOCATION

All numbers attached to a home or business place shall display the address of said home or business place and shall be located in a position near the front door of said building so it may be seen from the street or road clearly at night with a spotlight or a porch light attached to the building.