

CHAPTER 9

BUILDING AND CONSTRUCTION LICENSING AND REGULATION

Section 900 - Building and Construction

900.01 Codes Adopted by Reference. The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to 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 in this Code. The Minnesota State Building Code is hereby incorporated in this Code as if fully set out herein. *(Section 900.01 replaced per Ordinance 03-05 dated 4-21-03.)*

900.02. Application, Administration and Enforcement. The application, administration and enforcement of this section shall be in accordance with the Minnesota State Building Code. This section shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 16B.62. Subd. 1., when so established by this section. This section shall be enforced by the Minnesota Certified Building Official(s) designated by the City Council of the City of Blue Earth annually. *(Section 900.02 amended per Ordinance 03-05 dated 4-21-03.)*

900.03. Permits, Inspections, and Fees.
(Section 900.03 amended per Ordinance 04-01 dated 1-20-04.)

Subd. 1. Applicable Rules. The issuance of permits and the collection of fees shall be as authorized by Minnesota Statute 16B.62.

Subd. 2. Fees. Section 900.03 Permits, Inspections, and Fees shall be set from time to time by resolution of the City Council. *(Section 900.03, Subd. 2 amended per Ordinance 11-02 dated 3-7-11.)*

Subd. 3. Refund Policy. Any permits that are voided, the City shall retain any monies paid for costs already incurred, both with plan review and inspections. Any costs not incurred, that portion of the permit fee collected can be refunded.

Subd. 4. Investigation Fee. For any work started without a permit, where a permit is required, shall be required to obtain a building permit and pay the appropriate fee, at which time there will also be assessment of an investigation fee, which shall be equal to the building fee. *(Section 900.03, Subd. 2 amended per Ordinance 08-02 dated 4-7-08.)*

900.035. Violations and Penalties. A violation of the code is a misdemeanor (Minnesota Statute 16B.69.) *(Section 900.035 added per Ordinance 99-15 dated 11-2-99.)*

900.04. Surcharge. In addition to the permit fee required under Subsection 900.03 above, the applicant for a building permit shall pay a surcharge to be remitted to the Minnesota Department of Administration as prescribed by Minnesota Statutes, Section 16B.70. (*Section 900.04 amended per Ordinance 99-08 on 9-21-99.*)

900.05. Powers and Duties of the Building Inspector. In addition to those enumerated in the Administrative Chapter of the City Code, the Building Inspector shall have the following powers and duties:

Subd. 1. Right of Entry. Upon presentation of proper credentials, the Building Inspector or his or her duly authorized representative, may enter at reasonable times any building, structure, or premises in the City to perform any duty imposed upon him or her by this Chapter.

Subd. 2. Stop Orders. Whenever any building work is being done contrary to the provisions of this Chapter the Building Inspector may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Inspector to proceed with the work.

Subd. 3. Occupancy Violations. Whenever any structure is being used contrary to the provisions of this Chapter, the Building Inspector may order such use discontinued and the structure or portion thereof vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within ten (10) days after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this Chapter.

Subd. 4. Liability. The Building Inspector, or any employee charged with the enforcement of this Chapter, acting in good faith and without malice for the City in the discharge of his or her duties, shall not thereby render himself liable personally and he or she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his or her duties. Any suit brought against the Building Inspector or employee because of such act or omission performed by him or her in the enforcement of any provisions of this Chapter, shall be defended by the City Attorney until final determination thereof and any judgment resulting therefrom shall be assumed by the City. This Chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the building department or the City be held as assuming any such liability by reason of the inspection authorized by this Chapter or any permits or certificates issued under this Chapter. (*Section 900.05, Subd. 4 amended per Ordinance 99-08 on 9-21-99.*)

Subd. 5. Modifications. When there are practical difficulties involved in carrying out the provisions of this code, the Building Inspector may grant modifications for individual cases. The Building Inspector shall first find that a special individual reason makes the strict letter of this Chapter impractical and that the modification does not lessen any fire-protection requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded in the files of the Building Inspector at the department offices in City Hall.

Subd. 6. Alternate Materials, Alternate Design and Methods of Construction. The provisions of this Chapter are not intended to prevent the use of any material, alternate design or

method of construction not specifically prescribed by this code, provided any alternate has been approved and its use authorized by the Building Inspector. The Building Inspector may approve such alternate, provided the Building Inspector finds that the proposed design is satisfactory and complies with the provisions of this Chapter and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Chapter in stability, strength, effectiveness, fire resistance, durability, safety and sanitation. The Building Inspector shall require that sufficient evidence of proof be submitted to substantiate any claims that may be made regarding the use. The details of any action granting approval of an alternate shall be recorded in the files of the Building Inspector at the department offices in City Hall.

Subd. 7. Tests. Whenever there is insufficient evidence of compliance with any of the provisions of this Chapter or evidence that any material or construction does not conform to the requirements of this Chapter, the Building Inspector may require tests as proof of compliance to be made at no expense to the City. Test methods shall be as specified in the Minnesota State Building Code or by other recognized or accepted test methods for the proposed alternate, the Building Inspector shall determine test procedures. Test methods shall be made by an approved agency. Reports of such tests shall be retained by the Building Inspector at the department offices in City Hall for the period required for the retention of public records.

Subd. 8. Cooperation of Other Officials and Officers. The Building Inspector may request, and shall receive, the assistance and cooperation of other officials of the City so far as required in the discharge of the duties required by this Chapter or other pertinent law or ordinance.

900.06. Unsafe Buildings.

Subd. 1. Definition and Abatement. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment, as specified in the Minnesota State building Code, another provision of the City Code, or any other law, are, for the purpose of this Subsection, unsafe buildings. Parapet walls, cornices, spires, towers, tanks, statuary, or other appendages or structural members which are supported by, attached to, or a part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in this Chapter are also hereby designated as unsafe building appendages. All such unsafe buildings and appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified herein.

Subd. 2. Notice to Owner. The Building Inspector shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building, the Building Inspector shall give to the owner of such building or structure written notice stating the defects therein. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from the date of notice, unless otherwise stipulated by the Building Inspector. If necessary, such notice also shall require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved

by the Building Inspector. Proper service of such notice shall be by personal service upon the owner of record, if he or she shall be found within the City. If he or she is not found therein such service may be made upon said owner by registered mail or certified mail, provided, that if such notice is by registered mail or certified mail, the designated period within which said owner or person in charge is required to comply with the order of the Building Inspector shall begin as of the date of delivery shown upon the return receipt.

Subd. 3. Posting of Signs. The Building Inspector shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER, UNSAFE TO OCCUPY. Building Department, City of Blue Earth." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the Building Inspector and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

Subd. 4. Right to Demolish. In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this Chapter and may seek an order for summary enforcement from the Court for the abatement of a nuisance in the manner specified in Minnesota Statutes Chapter 463 or any successor statute. If such an order is granted, the Council may then order the Building Inspector to proceed with the work specified in such order. A statement of the cost of such work shall be transmitted to the Council, who shall cause the same to be paid and levied as a special assessment against the property. (*Section 900.06, Subd. 4 amended per Ordinance 99-11 dated 10-5-99.*)

Subd. 5. Costs. Costs incurred under subdivision 4 of this Subsection shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and collected in any manner authorized by Minnesota Statutes Chapter 463 or any successor statute. (*Section 900.06, Subd. 5 amended per Ordinance 99-11 dated 10-5-99.*)

Subd. 6. Unlawful Act. It is unlawful for the owner of any property to suffer or permit an unsafe building as defined herein to remain thereon.

Subd. 7. Violations and Penalties. A violation of any part of this Section is a misdemeanor. (*Section 900.07 added per Ordinance 99-08 dated 9-21-99.*)

900.07 Building Code Optional Chapters. The Minnesota State Building Code, established pursuant to Minnesota Statutes 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 Minnesota State Building Code are hereby adopted and incorporated herein as part of this Section.

1. None.

(*Section 900.07 added per Ordinance 03-05 dated 4-21-03.*)

Section 910 - Miscellaneous Building Regulations.

910.01. Uniform Housing Code Adopted. The Uniform Housing Code, 1976 Edition, published by the International Conference of Building Officials, is hereby adopted by reference as though set forth verbatim herein. Three copies of said Code shall be marked CITY OF BLUE EARTH - OFFICIAL COPY and kept on file in the office of the Clerk-Administrator and open to inspection and use by the public. (*Section 910.01 amended per Ordinance 99-08 on 9-21-99.*)

910.02. Toilet Installation Required. It is the duty of every owner or occupant of any property within the City, having a dwelling house or business building situated thereon, which property abuts a street in which there is installed City water and sewer mains, to install a toilet in such dwelling or business building and make connection thereof with such water and sewer mains. When a toilet connected with the City water and sewer system has been installed in any residence or business building on any parcel of land, any outside toilet, cesspool or septic tank on that parcel is declared a nuisance and shall be filled or removed by the owner within ten (10) days after the connection to the water and sewer system has been made. Whenever the non-compliance of the owner or occupant of such property is reported to the City, the police department shall forthwith make such investigation as is necessary and proper and report the findings to the Council. If the Council finds that the lack of toilet facilities is an unhealthful and unsanitary condition, the Clerk-Administrator shall serve written notice upon said owner or occupant requiring the installation of toilet facilities upon the premises described in said notice, and connection thereof with the sewer and water mains, all of which shall be done within thirty (30) days after service of such written notice. Whenever any owner or occupant shall default in compliance with such written notice the Council may by resolution direct that a toilet be installed and connection made with the sewer and water mains and that the actual cost of such installation be paid in the first instance out of the General Revenue Fund, and assessed against the property so benefited. After such installation and connection is completed by order of the Council, the City shall serve a written notice of intention to make an assessment therefor. If such assessment is not paid within ten (10) days the City shall certify the amount thereof to the County Auditor in the same manner as with other special assessments, provided that the Council may by resolution provide that the assessment be spread over a term of three (3) years upon written request by the owner of the property.

910.03 Remote-Type Water Meters Required. In all new construction using one-inch size water meter, or smaller, remote-type water meters shall be installed at the expense of the owner.

910.04. Open Pits, Basements and Other Excavations. It is unlawful for any person owning or in control of real estate to have any pit, basement, well, septic tank, cesspool or other excavation on said premises open and without protection for the public.

910.05. Mobile Home Foundation Requirements. All mobile homes located within the City of Blue Earth that are not located in an area zoned as a mobile home park shall be placed on foundations consisting of continuous solid walls which extend below the frost line. (*Section 910.05 added per Ordinance 99-10 dated 10-5-99.*)

Section 920 - Fire Regulations

920.01. Adoption of the Minnesota Uniform Fire Code. The Minnesota Uniform Fire Code is hereby adopted as though set forth verbatim herein. Three copies of said Fire Code shall be marked CITY OF BLUE EARTH - OFFICIAL COPY and kept on file in the office of the Clerk-Administrator and open for inspection and use by the public. (*Section 920.01 amended per Ordinance 99-08 on 9-21-99.*)

920.02. Fire Zones Established. Fire Zones One, Two and Three are hereby established and shall encompass the parts of the City under those respective designations, as follows:

Subd. 1. Fire Zone One. Fire Zone One shall consist of all areas designated Commercial in any zoning provision now or hereafter established.

Subd. 2. Fire Zone Two. Fire Zone Two shall consist of all areas designated as Industrial or Limited Industrial in any zoning provision now or hereafter established.

Subd. 3. Fire Zone Three. Fire Zone Three shall consist of all areas not described in the foregoing Subdivisions 1 and 2.

920.03. Fire Key Lock Box System Required.

Subd. 1. Where Required. The following structures shall be equipped with a key lock box at or near the main entrance or such other location required by the Fire Chief:

A. Commercial or industrial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency;

B. Multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living units;

C. Governmental structures and nursing care facilities.

Subd. 2. New Structures. All newly constructed structures subject to this Subsection shall have the key lock box installed and operational prior to the issuance of an occupancy permit.

Subd. 3. Type and Location. The Fire Chief or authorized representative shall designate the type and location of the key lock box system to be implemented within the City and shall have the authority to require all structures to use the designate system.

Subd. 4. Access. The owner or operator of a structure required to have a key lock box shall, at all times, keep a key in the lock box that will allow for access to the structure. The Fire Chief shall be authorized to implement rules and regulations for the use of the lock box systems.

Subd. 5. Penalty. Any person who owns or operates a structure subject to this Subsection and fails to install and maintain a fire key lock box system shall be guilty of a misdemeanor.

920.04. Residence and Business Address Numbering.

Subd. 1. Intent and Purpose. The purpose of this section is to provide for the uniform displaying of addresses for residences and businesses within the City of Blue Earth. The goal is

to enable emergency vehicles, utility trucks, and postal and delivery trucks to easily find the correct address while providing services.

Subd. 2. Applicability. It is a violation of the City Code for any person or business to fail to display to the public the address of their occupied premises as required in this Section. Violations of this Section are unlawful and punishable as misdemeanors.

Subd. 3. Compliance. Residence and Business addresses shall be displayed in a manner viewable from a distance of 150 feet or more. Each address shall be posted next to a doorway or garage entrance to the structure and viewable from the street. Addresses shall be displayed numerically in numbers at least 4” in height and be of a contrasting color with the background they are attached to. *(Section 920.04 added per Ordinance 04-20 dated 11-15-04.)*

Subsection 920.05 – External Solid Fuel-Fired Heating Devices.

Subd. 1. Purpose. This Subsection is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Blue Earth by regulating the air pollution and fire hazards of external solid fuel-fired heating devices.

Subd. 2. Applicability. This subsection applies to all outdoor fire boilers within the City of Blue Earth.

2.1 This subsection does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.

2.2 This subsection does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human habitation.

2.3 This subsection does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

2.4 This subsection does not apply to campfires; a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.

Subd. 3. Definitions.

3.1 “External solid fuel-fired heating device” means a device designed for external solid fuel combustion so that usable heat is derived for the interior of a building and includes solid fuel-fired stoves, solid fuel-fired cooking stoves, and combination fuel furnaces or boilers which burn solid fuel. Solid fuel-fired heating devices do not include natural gas-fired fireplace logs or wood burning fireplaces or wood stoves in the interior of a dwelling.

3.2 “Stacks or chimneys” means any vertical structure incorporated into a building and enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device, especially the part of such a structure extending above a roof.

3.3 “Person” means an individual, partnership, corporation, company or other association.

Subd. 4. Requirements. No external solid fuel-fired heating devices designed and intended and/or used, for the purpose of heating the principal structure or another accessory structure on the premises are allowed to be installed within the City of Blue Earth.

Subd. 5. Non-conforming use.

5.1 At such time as the useful life of a non-conforming wood-burning unit or solid fuel-fired heating device has elapsed or would need to be repaired to function properly, the unit can not be replaced and must be abandoned, not used, and removed from the property immediately.

5.2 No pre-existing, non-conforming wood-burning unit or solid fuel-fired heating device shall hereafter be extended, enlarged or expanded.

5.3 The lawful use of any existing wood-burning unit or solid fuel-fired heating device existing at the time of the effective date of this ordinance may be continued, although such use may not conform to the provisions of this ordinance.

Subd. 6. Enforcement. The City Building Official, Zoning Administrator, or other designated officials shall enforce the provisions of this ordinance.

Subd. 7. Penalty. Any person convicted of violating a provision of this ordinance is guilty of a misdemeanor. (*Section 920.05 added per Ordinance 10-02 dated 2-16-10.*)