

CHAPTER 4

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CHAPTER 4

CONSTRUCTION LICENSING - PERMITS AND REGULATIONS

SECTION 4.01 BUILDING CODE ADOPTED.

Subd. 1. Building Code Adopted. The Minnesota State Building Code, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes chapter 326B, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Building Codes and Standards Unit, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

This ordinance also repeals all ordinances and parts of ordinances 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.

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, 326B.121, Subd. 2(d), when so established by this ordinance.

This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code in accordance with Minnesota Statutes 326B.133, Subdivision 1.

Subd. 3. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Rules Chapter 1300. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statutes 326B.148.

Subd. 4. Violations and Penalties. A violation of the code is a misdemeanor (Minnesota Statutes 326B.082, Subd. 16).

Subd. 5. Building Code Optional Chapters.

- A. Minnesota State Building Code, Chapter 1300 allows the city to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code. The Minnesota Building Code includes the following chapters of Minnesota Rules:

1. Chapter 1300, Administration of the Minnesota State Building Code;
2. Chapter 1301, Building Official Certification;
3. Chapter 1302, State Building Code Construction Approvals;
4. Chapter 1303, Minnesota Provisions;
5. Chapter 1305, Adoption of the 2006 International Building Code;
6. Chapter 1306, Special Fire Protection Systems;
7. Chapter 1307, Elevators and Related Devices;
8. Chapter 1309, Adoption of the 2006 International Residential Guide;
9. Chapter 1311, Adoption of the 2002 Guidelines for the Rehabilitation of Existing Buildings;
10. Chapter 1315, Adoption of the 2006 National Electrical Code;
11. Chapter 1325, Solar Energy Systems;
12. Chapter 1330, Fallout Shelters;
13. Chapter 1335, Floodproofing Regulations;
14. Chapter 1341, Minnesota Accessibility Code;
15. Chapter 1346, Adoption of the Minnesota State Mechanical Code;
16. Chapter 1350, Manufactured Homes;
17. Chapter 1360, Prefabricated Structures;
18. Chapter 1361, Industrialized/Modular Buildings;
19. Chapter 1370, Storm Shelters (Manufactured Home Parks);
20. Chapter 4715, Minnesota Plumbing Code; and
21. Chapters 7670, 7672, 7674 and 7678, Minnesota Energy Code.

B. The following optional provisions identified in the most current edition of the Minnesota State Building Code are hereby adopted and incorporated as part of the building code for the city:

1. Minn. Rules Chapter 1306, Special Fire Sprinkler Regulations, 1306.0020, Subd. 2.
2. Minn. Rules Chapter 1335, Floodproofing Regulations, parts 1335.0600 to 1335.1200.

SECTION 4.02. BUILDING PERMIT REQUIRED. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or any part or portion thereof, including, but not limited to, the plumbing, electrical, ventilating, heating or air conditioning systems therein, or cause the same to be done, without first obtaining a separate building or mechanical permit for each such building, structure or mechanical components from the City.

SECTION 4.03 FIRE CODE ADOPTED.

Subd. 1. Fire Code Adopted. The Minnesota State Fire Code, as adopted pursuant to Minnesota Statutes, section 299F.011, and as modified by Minnesota Rules, Chapter 7511, including all of the amendments, rules and regulations established, adopted and published from time to time is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this Code. The Minnesota State Fire Code is hereby incorporated in this ordinance as if fully set out herein.

This ordinance also repeals all ordinances and parts of ordinances that conflict therewith. This ordinance shall perpetually include the most current edition of the Minnesota State Fire Code with the exception of the optional appendix chapters, optional appendix chapters shall not apply unless specifically adopted.

Subd. 2. Definitions.

- A. Wherever the word "jurisdiction" is used in the Minnesota State Fire Code, it shall mean the City of Lexington.
- B. Whenever the term "this code" is used in the Minnesota State Fire Code or this ordinance, it shall mean the code adopted pursuant to this ordinance.

Subd. 3. Enforcement.

- A. The Chief of the Fire Department is authorized to enforce the provisions of the Minnesota State Fire Code and this ordinance.

- B. The Fire Chief may detail such members of the fire department or other qualified persons as may be necessary to administer and enforce the provisions of this ordinance.

Subd. 4. Penalties. A person who violates the provisions of the Minnesota State Fire Code or this ordinance after being given written notice shall be guilty of a misdemeanor. Each day's violation after notice thereof shall constitute a separate offense.

SECTIONS 4.04 THROUGH 4.09, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.

SECTION 4.10. PERMITS AND SPECIAL REQUIREMENTS FOR MOVING BUILDINGS.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

- A. **“Highway”** - means a public thoroughfare for vehicular traffic which is a State trunk highway, County State-aid highway, or County road.
- B. **“Street”** - means a public thoroughfare for vehicular traffic which is not a State trunk highway, County State-aid highway or County Road.
- C. **“Moving Permit”** - means a document allowing the use of a street of highway for the purpose of moving a building.
- D. **“Highway Moving Permit”** - means a permit to move a building on a highway for which a fee is charged which does not include route approval, but does include regulation of activities which do not involve the use of the highway; which activities include, but are not limited to, repairs or alterations to a municipal utility required by reason of such movement.
- E. **“Street Moving Permit”** - means a permit to move a building on a street for which a fee is charged which does include route approval, together with use of the street and activities including, but not limited to, repairs or alterations to a municipal utility required by reason of such movement.
- F. **“Combined Moving Permit”** - means a permit to move a building on both a street and a highway.

Subd. 2. Application. The application for a moving permit shall state the dimensions, weight, and approximate loaded height of the structure or building proposed to be moved, the places from which and to which it is to be moved, the route to be followed, the dates and times of moving and parking, the name and address of the mover, and municipal utility and public property repairs or alterations

that will be required by reason of such movement. In the case of a street moving permit or combined moving permit the application shall also state the size and weight of the structure or building proposed to be moved and the street alterations or repairs that will be required by reason of such movement. All applications shall be referred to the Public Works Department. All applications for street and combined moving permits shall also be referred to the Police Department and no such permits shall be issued until route approval has been obtained from such Departments.

Subd. 3. Permit and Fee. The moving permit shall state date or dates of moving, hours, routing, movement and parking. Permits shall be issued only for moving buildings by building movers licensed by the State of Minnesota, except that a permit may be issued to a person moving his/her own building, or a person moving a building which does not exceed 12 feet in width, 25 feet in length, or 16 feet in loaded height. Fees to be charged shall be separate for each of the following: (1) a moving permit fee to cover use of streets and route approval, and (2) a fee equal to the anticipated amount required to compensate the City for any municipal utility and public property (other than streets) repairs or alterations occasioned by such movement. All permit fees shall be paid in advance of issuance.

Subd. 4. Building Permit and Code Compliance. Before any building is moved from one location to another within the City, or from a point of origin without the City to a destination within the City, regardless of the route of movement, it shall be inspected and a building permit shall have been issued for at least the work necessary to bring it into full compliance with the State Building Code.

Subd. 5. Unlawful Acts.

- A. It is unlawful for any person to move a building on any street without a moving permit from the City.
- B. It is unlawful to move any building (including a manufactured home) if the point of origin or destination (or both) is within the City, and regardless of the route of movement, without having paid in full all real and personal property taxes, special assessments and municipal utility charges due on the premises of origin and filing written proof of such payment with the City.

(NOTE: Also see Chapter 11 of the City Code for additional provisions.)

SECTIONS 4.11 THROUGH 4.98, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.

SECTION 4.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when such failure is prohibited or declared unlawful by a Code

adopted by reference by this Chapter, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.