CHAPTER 4

CONSTRUCTION LICENSING, PERMITS AND REGULATION

SECTION 4.01. BUILDING CODE ADOPTED.

Subd. 1. Codes Adopted by Reference.

A. The Minnesota State Building Code, as adopted by the Commissioner of Administration, pursuant to Minnesota Statutes, Chapters 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 Section. The Minnesota State Building Code is hereby incorporated in this Section as if fully set forth herein.

B. The Minnesota State Building Code allows a municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code. No optional chapters are adopted.

Subd. 2. Application, Administration and Enforcement. 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 within the extraterritorial limits permitted by Minnesota Statutes, when so established by this Section. The Council shall be the Building Code enforcement agency of the City. The Building Code shall be enforced by the Minnesota Certified Building Official designated by the City to administer the Building Code.

Subd. 3. Permits and Fees. The issuance of permits and the collection of fees by the City shall be as authorized by Minnesota Statutes. In addition, a State surcharge shall be collected on all permits issued for work governed by the Building Code in accordance with Minnesota Statutes. Permit fees shall be in accordance with the fee schedule adopted by the City from time to time by Resolution.

Subd. 4. Violations & Penalties. A violation of the code is a misdemeanor.

Subd. 5. Building Code Optional Chapters. The Minnesota Building Code, established pursuant to Minnesota Statute 16B.59 to 16B.75 allows a municipality to adopt by reference and enforce certain optional chapters of the most current addition of the Minnesota State Building Code. The following optional provisions identified in the most current addition of the State Building Code are hereby adopted and incorporated as part of the building code for this municipality.

1. None
2.
3.

Source: Ordinance No. 54, 2nd Series
Effective Date: 03-27-2003

SECTION 4.02. BUILDING PERMITS REQUIRED. Unless there is an exception to the building permit requirement set forth in this Chapter or in Chapter 11 entitled "Land Use Regulation (Zoning)", 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 of portion thereof, including, but not limited to, the plumbing, electrical, ventilation, 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 component from the City.

Source: Ordinance No. 154, 2nd Series
Effective Date: 04-07-16

Subd. 2. Void Building Permits. Any building permit issued in violation of the provisions of the City Code, including but not limited to the provisions of Chapter 4 or Chapter 11 of the City Code, whether intentionally, negligently or innocently, shall be void and shall give rise to no rights whatsoever.

Source: Ordinance No. 79, 2nd Series
Effective Date: 12-16-04

SEC. 4.03. PERMIT FEES. Fees for permits under this Chapter, which shall include a State surcharge, shall be determined by the Council and fixed by its resolution, a copy of which shall be in the office of the City Administrator and uniformly enforced.

SEC. 4.04. HAZARDOUS BUILDINGS AND PREMISES - DEMOLITION, CORRECTION AND PERMITS.

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

1. **"Building"** means any structure or part of a structure.

2. **"Hazardous Building or Premises"** means any building or premises which, because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.

Subd. 2. Demolition.

A. Permits. It is unlawful for any person to demolish or cause to be demolished any building without first obtaining a permit therefore from the City. Application for such permit shall be made at least ten (l0) days prior to the proposed commencement of such demolition, together with payment of any required fee or deposit. All applications for demolition permits shall be investigated by the Building Inspector.

B. Fencing. All demolition permits shall be issued on condition that adequate fencing of the entire area is in place. For a determination of what fencing is "adequate", the applicant shall be in communication with the Building Inspector.

C. Time Limit. All demolition shall proceed with dispatch and the time

limit shall be a condition of permit issuance.

D. Public Liability Insurance. Applicants, before a permit is issued, shall provide the City with evidence of public liability insurance coverage on which the City is a named insured. Limits of such insurance shall be at least one hundred thousand dollars ($l00,000.00) per person and three hundred thousand dollars ($300,000.00) per occurrence in the discretion of the Building Inspector depending on the nature and extent of demolition.

Subd. 3. Notice and Abatement Proceedings. The Council may order the owner of any premises to correct or remove the hazardous condition of the building or premises or to raze or remove the building. In all cases of a hazardous condition being reported to the City by third persons, the Council shall order a prompt investigation, pursuant to Minnesota Statutes, Sections 463.l5 through 463.26l.

SEC. 4.05. PERMITS AND SPECIAL REQUIREMENTS FOR MOVING BUILDINGS.

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

1. "Highway" means a public thoroughfare for vehicular traffic which is a State trunk highway, County State-aid highway, or County road.

2. "Street" means a public thoroughfare for vehicular traffic which is not a State trunk highway, County State-aid highway or County road.

3. "Moving Permit" means a document allowing the use of a street or highway for the purpose of moving a building.

4. "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.

5. "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.

6. "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, the name of the insurance carrier and the amount of coverage, and the 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.

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 own building, or a person moving a building which does not exceed sixteen (l6) feet in width, twenty four (24) feet in length, or fourteen (l4) feet in loaded height. Fees to be charged shall be separate for each of the following: (l) 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 for any person to move a building on any highway without a highway moving permit.

C. 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.

SEC. 4.06. UNDERGROUND UTILITY CONSTRUCTION.

Subd. 1. Underground Construction Required. All utility lines hereafter installed, constructed or otherwise placed within the City for electric, telephone, TV cable or other like or similar services to serve residential, commercial and industrial customers in newly platted areas, and which utilize metallic conductors to carry electric current, whether owned, installed or constructed by the supplier, consumer or any party, shall be installed and placed underground, subject only to the exceptions hereinafter stated; however, above-ground placement, construction, modification or replacement of meters, gauges, transformers, street lighting and service connection pedestals shall be allowed. The requirements of this Section shall apply equally outside of the corporate limits of the City coincident with City jurisdiction of platting, subdivision regulation or comprehensive planning as may now or in the future be allowed by law. All companies installing and operating lines such as those described herein shall be referred to as "utility companies" for purposes of this Section.

Subd. 2. Exceptions to Application. The following exceptions to the strict applicability of this Section shall be allowed upon the conditions stated:

A. Transmission Lines. Above-ground placement, construction, modification or replacement of those lines commonly referred to as "high voltage transmission lines" upon which the conductor's normal operating voltage equals or exceeds 23,000 volts (phase to phase) shall be allowed; provided, however, that sixty days prior to commencement of construction of such a project, the City shall be furnished notice of the proposed project and, upon request, the utility company involved shall furnish any relevant information regarding such project to the City. This Section shall not be construed as waiving the requirements of any other ordinance or regulation of the City as the same may apply to any such proposed project.

B. Technical and Economic Feasibility. Above- ground placement, construction, modification or replacement of lines shall be allowed in residential, commercial and industrial areas where the Council, following consideration and recommendation by the Planning Commission, finds that:

1. Underground placement would place an undue financial burden upon the landowner or the utility company or deprive the landowner of the preservation and enjoyment of substantial property rights; or,

2. Underground placement is impractical or not technically feasible due to topographical, subsoil or other existing conditions which adversely affect underground utility placement.

C. Temporary Service. Above-ground placement of temporary service lines shall only be allowed:

1. During the new construction of any project for a period not to exceed twenty-four (24) months;

2. During any emergency to safeguard lives or property within the City;

3. For a period of not more than seven (7) months when soil conditions make excavation impractical.

Subd. 3. Repair and Maintenance of Existing Installations. Nothing in this Section shall be construed to prevent repair, maintenance, replacement or modification of existing overhead utility lines.

Subd. 4. Developer Responsibility. All owners, platters or developers are responsible for complying with the requirements of this Section, and prior to the final approval of any plat or development plan, shall submit to the Planning Commission written instruments from the appropriate utility companies showing that all necessary arrangements with said companies for installation of such utilities have been made.

Subd. 5. Placement. All utility lines shall be placed within appropriate easements or dedicated public ways so as to cause minimum conflict with other underground

services. Whenever feasible, all utilities shall be placed within the same trench.

Source: City Code
Effective Date: 03-15-1992

SEC. 4.07. ADDITIONAL STRUCTURAL REQUIREMENTS.

Subd. 1. Foundations. Any structure designed to be used as a dwelling shall be placed on a permanent foundation constructed of masonry, concrete or treated wood or any alternate material which complies with the Uniform Building Code as adopted by the State of Minnesota. Use of alternate materials must be pre-approved by the Building Official. All dwellings shall have a solid continuous perimeter foundation for the complete circumference of the dwelling, the area of seasonal decks not covered by roofs excepted, and without exception, shall have frost footings in compliance with the Building Code as adopted by the State of Minnesota.

Source: Ordinance No. 53, 2nd Series
Effective Date: 03-27-2003

Subd. 2. Exterior of All Buildings. The exposed exterior of all buildings shall be brick, solid masonry or concrete, or colored steel, wood or masonite siding.

Subd. 3. Exception. This Section shall not apply to manufactured homes in manufactured home parks licensed by the State.

Source: City Code
Effective Date: 03-15-1992

SEC. 4.08. PLACEMENT PERMITS.

Subd. 1. Purpose. The purpose of a placement permit requirement for small sheds, utility buildings and fences, is to insure that City administrative staff and personnel have an opportunity to inform property owners seeking to place small sheds, utility buildings and fences on their property of the City's zoning and setback requirements.

Subd. 2. Small Sheds & Utility Buildings. No owner of any property located within the City limits of the City of Paynesville shall place any shed or utility building of 200 square feet or less without first obtaining a placement permit from the City of Paynesville.

Source: Ordinance No. 152, 2nd Series
Effective Date: 02-18-16

Subd. 3. Fences. No owner of any property located within the City limits of the City of Paynesville shall place a fence on their property without first obtaining a placement permit from the City of Paynesville.

Subd. 4. Application for Placement Permits. An application for a placement permit shall be made upon forms supplied by the City, and strictly in accordance therewith. No structure requiring a placement permit shall be placed upon property located within the City of Paynesville until a placement permit has been obtained.

Subd. 5. Fixing of Fees. The fee required for a placement permit shall be fixed, determined and amended by the City Council and adopted by resolution. Such resolution, containing the effective date thereof, shall be kept on file and opened to inspection in the office of the City Administrator and shall be uniformly enforced.

Source: Ordinance No. 80, 2nd Series
Effective Date: 02-03-05

SECTION 4.09. CARBON MONOXIDE ALARMS REQUIRED.

Subd. 1. Definitions. As used in this section, unless otherwise stated, the following words and terms have the meaning stated:

a) Installed. "Installed" means that an approved carbon monoxide alarm is hardwired into the electrical wiring, directly plugged into an electrical outlet without a switch, or, if the alarm is battery powered, attached to the wall of the dwelling.

b) Single & Multi Family Dwelling. "Single & Multi Family Dwelling" means any building or structure which is wholly or partially used or intended to be used for living or sleeping by human occupants.

c) Dwelling Unit. "Dwelling Unit" means an area meant for living or sleeping by human occupants.

d) Approved Carbon Monoxide Alarm. "Approved Carbon Monoxide Alarm" means a device meant for the purpose of detecting carbon monoxide that is certified by a nationally recognized testing laboratory to conform to the latest underwriters laboratory standards (known as UL2034 Standards).

e) Operational. "Operational" means working and in service.

Subd. 2. General Requirement. Every single family dwelling and every dwelling unit in a multi family dwelling must have an approved and operational carbon monoxide alarm installed within 10 feet of each room lawfully used for sleeping purposes.

Subd. 3. Owner's Duties. The owners of a multi family unit which is required to be equipped with one or more approved carbon monoxide alarms must:

a) Provide and install one approved and operational carbon monoxide alarm within 10 feet of each room lawfully used for sleeping; and

b) Replace any required carbon monoxide alarm when that has been stolen, removed, found missing, or rendered inoperable during a prior occupancy of the building unit and which has not been replaced by the prior occupant prior to the commencement of a new occupancy of the dwelling unit.

Subd. 4. Occupant's Duties. The occupant of each dwelling unit in a multi family dwelling in which an approved and operational carbon monoxide alarm has been provided

and installed by the owner must:

a) Keep and maintain the device in good repair; and

b) Replace any device that is stolen, removed, missing or rendered inoperable during the occupancy of the dwelling unit.

Subd. 5. Battery Removal Prohibited. No person shall remove batteries from, or in any way render inoperable, a required carbon monoxide alarm.

Subd. 6. Exceptions. Certain multi family dwellings.

a) In lieu of the general requirement of an approved and operational carbon monoxide alarm installed within 10 feet of each room lawfully used for sleeping purposes, multi family dwellings may have approved and operational carbon monoxide alarms installed between 15 and 25 feet of carbon monoxide-producing central fixtures and equipment, provided there is a centralized alarm system or other mechanism for responsible parties to hear the alarm at all times.

b) An owner of a multi family dwelling that contains minimal or no sources of carbon monoxide may be exempted from the requirements hereof, provided that such owner certifies to the building inspector that such multi family dwelling poses no foreseeable carbon monoxide risk to the health and safety of the occupants of the dwelling units.

Subd. 7. It is unlawful for an owner of a single or multi family dwelling to cause or allow that dwelling to be occupied at a time when the dwelling unit does not comply with the requirements of this section, and that unlawful act and any other conduct prohibited herein, or the failure to act as mandated herein, is punishable under the provisions of Section 4.99.

Subd. 8. Inspection. The City's Building Code Official/Building Inspector, shall verify compliance on each occasion when inspection work is otherwise required in any single or multi family dwelling, and shall generate reports and document any violations to the City Administrator.

Section 2. City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code, Including Penalty For Violation", and Section 4.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety by reference as though repeated verbatim herein.

Source: Ordinance No. 102, 2nd Series
Effective Date: 6-05-2008

SECTION 4.11. REGULATION OF BIO-FUEL BURNERS.

Subd. 1. Purpose. The City Council of the City of Paynesville recognizes that smoke generated by outdoor solid fuel (bio-fuel) heating devices may have an impact on individual health and may also affect the health of the public in general when they are involuntarily exposed to the presence of smoke, and that breathing smoke is a significant health hazard, particularly to children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory functions. It is also recognized that bio-fuel burners are

designed and intended to be a primary heat source and, therefore, burn, and emit smoke on a continual basis. Furthermore, significant fire safety risks are involved with units that are not properly installed or do not have proper safety equipment such as spark arresters; or are installed in close proximity to other buildings. The combination of these issues has the potential to create a nuisance which the City of Paynesville seeks to prevent. The purpose of this Ordinance is to protect the public health, safety, comfort and general welfare of the citizens of the City of Paynesville against hazards related to bio-fuel burners and to regulate a potential public nuisance.

Subd. 2. Definitions. a) Bio-fuel Burner. A device, structure or apparatus which supplies direct or indirect heat from the burning of solid fuel including, but not limited to, wood, corn, bio-mass pellets, and other solid bio-fuels, to a building. Traditional wood burning stoves and fireplaces are exempt from this Ordinance.

b) Stacks or Chimneys. Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a bio-fuel burner.

Subd. 3. Prohibition. Outdoor bio-fuel burners are prohibited and shall not be installed or operated within the City of Paynesville.

Subd. 4. Pre-Existing Outdoor Bio-Fuel Burners. All existing bio-fuel burners installed within the City limits of the City of Paynesville at the time of the adoption of this Ordinance are required to meet emission standards currently required by the Environmental Protection Agency, which are hereby adopted by reference, together with any amendments or modifications made to them in the future. Pre-existing bio-fuel burners shall be subject to the use regulations set forth in Section 4.11, Subd. 6, of this Ordinance. No pre-existing bio-fuel burners shall hereafter be extended, enlarged or expanded. At such time as the useful life of the non-conforming bio-fuel unit has elapsed so that the unit needs to be repaired to function properly, the unit cannot be replaced and must be abandoned, not used and removed from the property immediately.

Subd. 5. Permit Required. The City of Paynesville requires any person to obtain a building permit for any bio-fuel burner to be installed within a building after the date of this Ordinance becomes effective.

Subd. 6. Use Regulations. All permitted bio-fuel burners shall be subject to the following use regulations:

a) Stacks. i) The minimum stack height for any bio-fuel burner shall meet or exceed the manufacturer's guidelines. The stack height shall be a minimum of 25 feet above ground level, but shall also extend at least as high as the height of the highest roof of any occupied structure within 500 feet.

ii) Any existing non-complying stacks shall be removed, replaced or modified within a period of 180 days from the receipt of a notice generated by the building official.

iii) All stacks or chimneys must be constructed to withstand high winds or other related elements and according to the specifications of the manufacturer of the

bio-fuel burner.

iv) All stacks or chimneys must be of masonary or insulated metal with a minimum six (6) inch flue.

b) Use Period. Bio-fuel may be used from September 1st to May 31st of each year.

c) Allowed Fuels. Only the following materials may be burned in a bio-fuel burner: bio-mass pellets, corn, firewood, clean un-treated lumber or other wood product prepared or cut to length appropriate for burning.

d) Waste Incineration Prohibited. No bio-fuel burner may be utilized in any manner as a waste incinerator.

e) Smoke & Fumes. Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities, or any use of bio-fuel burners to burn solid fuels other than those solid fuels for which the bio-fuel burner was designed, is declared to be a public nuisance.

f) Fuel Storage. Outdoor fuel storage is limited to eight (8) cords of wood. Other fuel sources are similarly limited to a volume not to exceed eight (8) cords of wood and shall meet the setback for buildings within the zoning of the property under the provisions of Chapter 11 of the City Code of the City of Paynesville. Fuel may not be stored in a trailer, gravity box or similar mobile container or vehicle. Any structure constructed to contain or store bio-fuel must be constructed in accordance with the applicable zoning regulations.

Subd. 7. Minimum Lot Size. No person may install, use or operate a bio-fuel burner on a lot less than one (1) acre in size.

Section 2. City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code, Including Penalty For Violation", and Section 4.99 entitled "Violation a Misdemeanor or Petty Misdemeanor" are hereby adopted in their entirety by reference as though repeated verbatim herein.

Source: Ordinance No. 151, 2nd Series
Effective Date: 10-22-2015

SEC. 4.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he 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.

Source: City Code
Effective Date: 03-15-1992