

## CHAPTER 4: BUILDING CODE

### Section 400 – MINNESOTA STATE BUILDING CODE ADOPTED

400.01 Codes adopted by reference. 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.

400.02 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.

The code enforcement agency of this municipality is called the City of Heidelberg Building Inspector. 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. 1 Following receipt of authority from applicable townships located adjacent to the City, the City shall have authority to administer and enforce the Building Code to the contiguous unincorporated territory not more than two miles distant from its corporate limits in any direction if the code is not already administered and enforced in the territory.

400.03 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 as a Resolution. 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. The City Clerk may require all delinquent property tax payments and special assessments are paid before issuing a building permit under this section.

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

### Section 405 – PERMITS AND REGULATION

405.01 Permit Fees. Fees for permits under this Chapter, which may include a surcharge, shall be determined by the Council and fixed by its resolution, a copy of which shall be in the office of the City Clerk and uniformly enforced.

405.02 Land Use Permits Required. It is unlawful for any person to erect, construct, enlarge, move, or convert any building or structure in the City, except and agricultural building as defined by Minnesota law, or any part or portion thereof including, but not

limited to, the plumbing, electrical, ventilating, heating or air conditioning systems, or cause the same to be done, without first obtaining a separate land use permit for each such building, structure or mechanical components from the City.

#### 405.03 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 SBC or another provision of the City Code, or any other law, are for the purpose of this Section, unsafe buildings. All unsafe buildings are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this Section.

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. This notice may require the owner or person in charge of the building or premises, within 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 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 the owner shall be found within the City. If the owner is not found in the City, 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 of each building a notice to read: "DO NOT ENTER, UNSAFE TO OCCUPY. Building Department, City of Heidelberg." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed within written premises 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 Section and may order the Building Inspector to proceed with the

work specified in such notice. A statement of the cost of such work shall be transmitted to the Counsel, who shall cause the same to be paid and levied as a special assessment against the property.

Subd.5 Costs. Costs incurred under Subd. 4 shall be paid out of the Treasury. Such costs shall be charged to the owner of the premises involved as a special assessment on the land on which the building or structure is located and shall be collected in the manner provided for special assessments.

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

Subd. 7 Statutes Prevail. If any provisions of this Section are inconsistent with, or less restrictive than Minnesota Statutes, applicable Minnesota Statutes shall govern.

#### 405.04 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 planted 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 in placed underground, subject only to the exceptions stated in this Section. 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 line such as those described in this Section shall be referred to as” utility companies” for the 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 conductors normal operating voltage equals or exceeds 23,000 volts (phase to phase) shall be allowed. Provided, however, that sixty (60) days prior to the 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 revel in 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 Counsel, following consideration and recommendations 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 in:

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 Repairs 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 plant or development plan, shall submit to the Planning Commission written instruments from the appropriate utility companies showing that all necessary arrangements with said companies from installation of such utilities have been made.

Subd. 5 Placement.

A. 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.

B. All utility companies shall submit annually to the Building Inspector current maps revealing locations of underground installations, whether such installations are installed prior to the effective date of this Section or hereafter.