

## **SECTION 300 - BUILDING CODE**

*(Amended 10-28-03, 10/4/07, 3/27/18)*

### **300.01. PURPOSE**

This ordinance provides for the application, administration, and enforcement of the Minnesota State Building Code by regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures in the City of Tonka Bay; provides for the issuance of permits and collection of fees thereof; provides penalties for violation thereof; 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.

### **300.02. CODES ADOPTED BY REFERENCE**

The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minn. Stat. 16B.59 to 16B.75, one copy of which is in file in the office of the City Clerk, 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 ordinance as the building code for the City of Tonka Bay. The Minnesota State Building Code is hereby incorporated in this ordinance as completely as if set out in full.

### **300.03. 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 Statute 16B.62, Subdivision 1 when so established by this ordinance.

A Minnesota certified Building Official must be appointed by this jurisdiction to administer the Code (Minnesota Statute 16B.65)

### **300.04. PERMITS, INSPECTIONS AND FEES**

The issuance of permits and the collection of fees shall be as authorized in Minnesota statute 16B.62 subdivision 1 and as provided for in the contract between the City of Tonka Bay and its Building Official. Permit fees shall be assessed for work governed by this Code in accordance as adopted by the City of Tonka Bay. 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.

Subd. 1 Time Limits. Notwithstanding continuing or ongoing work, any building permit issued by the City shall expire and by limitation be null and void and shall require issuance of a new permit and payment of a new permit fee if a certificate of occupancy and final completion has not been issued within the following length of time after the date of permit issuance, which new permit and fee shall be necessary to reimburse the City for ongoing and more than normal number and cost of inspection services.

- a. Single family residential dwelling, including new construction, remodeling or additions: 24 months.
- b. Accessory Buildings on single family residential properties: 12 months
- c. All multi-family and non-residential construction: 24 months except when a longer time is authorized by the Council at the time the original permit is issued.

- d. Exterior Work. Notwithstanding continuing or ongoing work nor issuance of new or extended permits, all exterior work shall be expeditiously brought to completion to protect adjoining and nearby properties as follows:
- e. No land shall remain disturbed and exposed without established grass or other ground cover for a period exceeding 12 months or any lesser period as may be specified in the permit.
- f. All exterior construction including siding, roofing, doors, windows and finish shall be completed and present a finished appearance within 12 months of the start of construction.

Subd. 2. Permit Extensions. Any permittee holding an unexpired permit may apply for an extension of time within which he may commence work under that permit when unable to commence work within the time required by this section for good and satisfactory reasons. The City Council may extend the time for action by the permittee for a period not exceeding 120 days, but may extend said time more than 120 days upon good cause shown by said permittee to the City Council. No permit shall be extended more than once. In the event the Council extends the time period as above described, the permittee shall pay a fee in accordance with the Uniform Building Code.

Subd. 3. Applicability. This ordinance shall apply to all outstanding building permits as well as those issued after the effective date hereof.

Subd. 4.

- a. Toilet Facilities Required. No person shall commence or proceed with the erection, construction, alteration, repair, raising, adding to, removal or demolition of any building or structure, unless adequate, suitable, sanitary toilet facilities under the control of such person are provided for the use of any person employed or working upon such building or structure. Such toilet facilities shall be located upon or within a reasonable distance of the lot, premises or site upon which such work is being done. In no case shall the line of travel to any toilet facility exceed 100 feet. If such person proposes to use toilet facilities located on said premises, the owner of the premises shall consent thereto in writing and such sanitary facilities shall thereafter be considered under the control of such person for purposes of this subdivision.
- b. Temporary Toilet Standards. The sewage disposal method shall not endanger the public health or safety. Each toilet shall be of a water flush type and connected to a public sewer or a portable chemical type with a capacity of not less than fifty (50) gallons. Containers of chemical type toilets shall be non-absorptive, non-corrosive materials. Containers shall be completely emptied, thoroughly cleaned and disinfected at least once weekly. The following specifications apply to all temporary toilets:
  - 1) Toilets shall be maintained in a clean, sanitary and functional condition;
  - 2) Each unit shall be properly cleaned on a routine basis;
  - 3) Chemicals, toilet tissue and sanitary seat covers shall be maintained in a supply sufficient for use during an entire day;
  - 4) Any defective or inadequate unit shall be immediately removed from service;
  - 5) Toilet room shall be ventilated to the outside and adequately lighted;
  - 6) Toilets shall be serviced on a regular schedule. Servicing shall include use of a disinfectant for cleaning urinals and seats, removing waste from containers, recharging containers with an odor controlling chemical and installing an adequate supply of toilet tissue and seat covers;

- 7) Waste shall be disposed of or discharged through the sanitary sewer systems in accordance with applicable regulations;
- 8) Waste containers shall be fabricated from impervious materials. Containers shall be water tight and capable of containing the chemical waste in a sanitary manner.
- 9) Removal of waste shall be handled in a clean and sanitary manner by means of vacuum hose and received by a leak proof tank truck. All valves on the tank shall be leak proof.

Subd. 5. Building Permits. *(added 10/4/07)*

- a. Permit Required. No person, firm, or corporation shall erect, alter, construct, enlarge, repair, move, improve, convert, demolish, equip, use, occupy, or maintain any building, structure, or portion thereof, within the City of Tonka Bay until proper permits have been issued by the City.
- b. Conformance Required. No building permit or other permit pertaining to the use of land or buildings shall be issued unless such building is designed and arranged to conform to the provisions of the Zoning Chapter.
- c. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until approval of the requirements set forth in Section 370 of the Building Code. The Erosion and Sediment Control (ESC) Plans and Stormwater Management Plans (SWMP) shall be consistent with NPDES permit requirements, and the filing or approval requirements of other regulatory bodies.

Subd. 6. Survey Requirements. *(added 10/4/07)*

- a. Initial Survey. Every application for building permit (excluding interior remodels, re-roofs, re-siding and general maintenance) shall be accompanied by a certified survey at a scale and in quantities deemed necessary by the City of Tonka Bay unless waived in accordance with the City's survey exemption policy. Because the survey will be used to determine an application's conformance with City Code, it shall be the responsibility of the applicant to ensure information provided on the survey corresponds to submitted building plans (including existing and proposed topography). An issued building permit shall only authorize those land alterations identified on the associated survey. Surveys shall include all information as deemed necessary by the City to provide for the enforcement of city code.
- b. Foundation Survey. Applications for new structures shall require that an as-built foundation survey be submitted by a time specified by the City (general prior to completing a foundation inspection) unless waived in accordance with the City's survey exemption policy. The as-built foundation survey shall certify both the final setbacks of the structure being built, and the elevations at which the new structure exists. Failure to provide the foundation survey is in direct violation of this ordinance and expenditures incurred beyond the construction of the foundation will not be considered in determining the actions required to bring the building back into conformance if not built to approved plans.
- c. As-Built Survey. Applications for new structures shall require that an as-built grading survey be submitted upon completion of work unless waived in accordance with the City's survey exemption policy. The as-built grading survey shall certify the final topography of the site, verify the drainage patterns existing upon completion of work,

and the distance from average ground level to the highest roof peak. Any additional information needed by the city to ensure compliance with code can also be required. The city reserves the right to withhold the certificate of occupancy for dwelling units until final grading addresses all problems that may be detrimental to adjacent properties.

Subd. 7. Unauthorized Work. *(added 10/4/07)* Work done without the authorization of a permit and/or found to be out of conformance with approved plans shall be immediately halted and subject to penalties outlined in Section 300.07. Structures being built out of conformance shall be brought into conformance.

**300.05. VIOLATIONS AND PENALTIES**

A violation of the code is a misdemeanor (Minnesota Statutes 16B.69).

**300.06. 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. The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of the building code for this municipality:

- a. Chapter 1306, Special Fire Protection Systems, Existing and New Buildings, Subparts 2 (1306.0020).