

BUILDINGS AND BUILDING REGULATIONS

Chapter 105

BUILDINGS AND BUILDING REGULATIONS*

*State law reference—Authority to regulate construction of buildings, Minn. Stats. § 412.221, subd. 28; state building code, Minn. Stats. § 16B.59 et seq.

ARTICLE I. IN GENERAL

Sec. 105-1. Building official.

(a) *Office established.* The office of building official is hereby established.

(b) *Authority and duties.* The building official is hereby vested with such authority as may here and elsewhere be conferred upon such office. It shall be the duty of the building official to see that article II of this chapter is enforced through proper legal channels. The building official shall perform all of the statutory duties of a building official as those duties are set forth in Minn. Stats. ch. 16B. The building official shall attend to all aspects of administration of the city's building code, including the issuance of all building permits, the inspection of all manufactured home installations, and such other duties as may be prescribed by the state commission of administration.

(c) *Code compliance.* The building official shall enforce article II of this chapter and all statutes, codes and ordinances relating to building and zoning, and may achieve enforcement through the issuance of notices, warning tickets, or citations in lieu of arrest or detention.

(Code 1987, § 210; Ord. No. 7, 8-17-1987)

Secs. 105-2—105-20. Reserved.

ARTICLE II. STATE BUILDING CODE*

*State law reference—Building Code, Minn. Stats. § 16B.59 et seq.

Sec. 105-21. Adopted by reference.

(a) *Administration.* The application, administration, and enforcement of this article shall be in accordance with Minn. Rules ch. 1300. This article shall be enforced by a state certified building official who is designated by the city to administer this article.

(b) *Permits and fees.* The issuance of permits and the collection of fees shall be as authorized in Minn. Stats. § 16B.62, subd. 1. Permit fees shall be assessed for work governed by this article in accordance with the ordinance adopted by the city. In addition, a surcharge fee shall be collected on all permits issued for work governed by this article in accordance with Minn. Stats. § 16B.70. An investigation fee, in addition to the permit fee, shall be collected whenever any work for which a permit is required by this article has been commenced without first obtaining said permit. The investigation fee shall be equal to the amount of the permit fee required by this article. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this article nor from any penalty prescribed by law. A reinspection fee may be assessed for each reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Reinspection fees may be assessed when the inspection record card is not readily available, approved plans are not readily available, failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the building official. Fee refunds may be authorized by the building official or City Manager (or designated representative) of any fee paid hereunder which was erroneously paid or collected. The building official or City Manager (or designated representative) may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this article. The building official or City Manager (or designated representative)

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shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment. All plan review fees shall be paid by the applicant whether the project is to be completed or not. If a building permit is expired and needs to be renewed, an applicant must pay a fee equal to one-half of the amount required for a new permit for such work, provided that no changes have been made or will be made in the original plans and specifications for such work.

(c) *State building code adopted by reference.* The Minnesota State Building Code, pursuant to Minn. Stats. §§ 16B.59—16B.75, includes all of the referenced amendments, rules and regulations, as such may be amended from time to time, is hereby adopted by reference. The Minnesota State Building Code is hereby incorporated in this section as if fully set out herein.

(Code 1987, § 300.02)

State law reference—Building official, Minn. Stats. § 16B.65.

Sec. 105-22. Building permits; application.

(a) *Plans and specifications.* No building permit application shall be approved unless all property taxes, special assessments, municipal utility fees, including but, not limited to, water and sewer bills, and penalties and interest thereon, have been paid for the property for which the building permit application has been submitted. No building permit application shall be approved unless by such building plans and specifications as the building official may determine to be sufficient to explain the nature, construction, and purpose of the building or structure, or additions or alterations, proposed to be erected or placed; or as the city may require.

(b) *Plat plan.* Each application for a building permit shall also be accompanied by two copies of a certificate of survey of the property or an accurate, scaled drawing of the property including the following:

- (1) Lot dimensions.
- (2) Location and size of existing and proposed buildings.
- (3) Distance of structures from property lines.
- (4) Location of bluffs and shorelines (when applicable).

The city reserves the right to require a certificate of survey for any project which shall be prepared by a licensed surveyor and shall include all information as referenced on the city survey requirements handout as well as any additional information deemed necessary by city staff.

(c) *Minimum floor area; residential properties.* Minimum floor area requirements for residential and commercial properties shall be as set forth in chapter 129, pertaining to zoning.

(d) *Plat plan to show location of garage.* Every application for a building permit in the residential or multiple dwelling district shall show on the accompanying plat or survey the location of any existing garage or the location of the garage proposed to be constructed by the subject application. If no garage exists and no garage is proposed in the subject application, or if the existing garage is proposed to be removed or demolished and is not to be replaced in the subject application, then the plat plan shall show the location reserved for the construction of any future garage for which subsequent application for a building permit may be made. When locating the future garage site on the plat plan, the city and the applicant shall ascertain that the site is accessible to a public street or alley and shall make provisions so that the future garage will comply with the dimensional requirements of chapter 129, pertaining to zoning.

(e) *Construction completion.*

- (1) All exterior construction and site grading must be completed in a manner to avoid a public nuisance as defined in section 42-4.
- (2) Construction and grading that has become a public nuisance is subject to abatement under section 42-6.
- (3) All construction activity working hours shall be subject to section 46-141.

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(f) *Commercial plumbing permits.* Prior to installation of a system of plumbing other than for single-family dwellings with independent plumbing service, complete plumbing plans and specifications, together with any additional information that the building official may require, shall be submitted in triplicate and approved by the building official. No construction shall proceed except in accordance with the approved plans. Any alteration or extension of any existing plumbing system shall be subject to these same requirements.

(g) *Electrical permits.*

- (1) *Local electrical inspection program.* In accordance with Minn. Stats. § 326.244, subd. 4, the city hereby establishes a municipal electrical inspection program and transfers electrical permitting authority from the state to the city.
- (2) *Permit requirements and process.* In accordance with Minnesota State Building Code ch. 1315, a completed electrical permit application and electrical plans and specifications, together with any additional information that the building official may require, shall be submitted in triplicate and approved by the building official prior to installation of electrical systems for commercial projects. No construction shall proceed except in accordance with the approved plans. Any alteration or extension of any existing electrical system, when required by the building code, shall be subject to these same requirements.
- (3) *Fees.* Fees for electrical permits in the city shall be as established in section 105-3.

(Code 1987, § 300.10; Ord. No. 105-2000, 2-5-2000; Ord. No. 13-2005, 8-21-2005; Ord. No. 03-2006, 2-26-2006; Ord. No. 18-2006, 10-8-2006; Ord. No. 20-2006, 11-12-2006)

State law reference—Permits and permit fees, Minn. Stats. §§ 16B.665, 16B.70, 16B.71.

Sec. 105-23. Permit required—Plumbing.

No person shall install or make substantial repairs or additions to plumbing, sewage disposal, or sewage connection systems regulated by the Minnesota State Plumbing Code without first securing a permit for such installation, repair or addition. The permit applicant shall provide a written statement, signed by the applicant, that all property taxes, special assessments, municipal utility fees, including, but not limited to, water and sewer bills, and penalties and interest thereon have been paid for the property for which the permit has been submitted. There shall be a minimum fee as established by the city, for the permit for inside plumbing, plus an additional fee for each plumbing fixture; and there shall be a fee as established by the city, for each permit or connection to the public sanitary sewer system.

(Code 1987, § 310.01; Ord. No. 105-2000, 2-5-2000; Ord. No. 01-2001, 2-25-2001)

Sec. 105-24. Same—Mechanical systems.

It is unlawful for any person to perform any work on mechanical systems, including gas piping, of a building regulated by this article without first having obtained a permit and paid the fees as established by the city. The permit applicant shall provide a written statement, signed by the applicant, that all property taxes, special assessments, municipal utility fees, including, but not limited to, water and sewer bills, and penalties and interest thereon have been paid for the property for which the permit has been submitted. The provisions this article shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances within this jurisdiction.

(Code 1987, § 311.00; Ord. No. 25-1989, 5-8-1989; Ord. No. 105-2000, 2-5-2000; Ord. No. 01-2001, 2-25-2001)

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Secs. 105-25—105-51. Reserved.

ARTICLE III. CONTRACTORS

DIVISION 1. GENERALLY

Secs. 105-52—105-75. Reserved.

DIVISION 2. MECHANICAL CONTRACTORS

Sec. 105-76. License, registration, fee and bond.

Each person doing mechanical or gas piping installation, repair, or connection for hire within the city, shall first register with the city and shall pay the following registration fee and shall file with the City Clerk the following bond, insurance, and other requirements:

- (1) *Registration fee.* The annual fee for such registration shall be as established by the city and each registration shall terminate on January 1, next after issuance. Registration shall not be transferable. Where the term of the registration is less than a year, the fee shall be prorated with a minimum as established by the city.
- (2) *Bond.* The applicant for a permit shall provide certification that a bond, as required by Minn. Stats. § 326.40, subd. 2, is in force and on file with the state department of labor and industry.
- (3) *Certificate of insurance.* The applicant for registration shall also file a certificate of insurance or copies of public liability and property damage insurance policies containing a provision that they shall not be cancelled without ten days' written notice to the City Clerk, showing coverage of not less than \$1,000,000.00 for each occurrence and \$2,000,000.00 as an annual aggregate.
- (4) *Status of employees of license holder.* No such registrant shall permit any person other than its bona fide employees to perform such work under such registration.
- (5) *Expiration of registration.* Each such registration as provided hereunder shall expire annually on December 31.

(Code 1987, § 311.05; Ord. No. 25-1989, 5-8-1989; Ord. No. 01-2001, 2-25-2001)

State law reference—State performance bond for mechanical contractors, Minn. Stats. § 326.992.

Sec. 105-77. Revocation.

Any registration or permit granted under this article may be revoked for cause by the City Council.

(Code 1987, § 311.10)

Sec. 105-78. Responsible person.

The building contractor or owner shall notify the building department of the name and address of the mechanical contractor doing work for each residence and such contractor shall be held responsible for observance of this Code. In cases where the building contractor or owner fails to supply the building department with the names and addresses of those doing the mechanical work, the building contractor and/or owner shall be responsible for the proper installation of such work.

(Code 1987, § 311.15)

Secs. 105-79—105-99. Reserved.

DIVISION 3. PLUMBERS*

***State law reference**—Plumbers, Minn. Stats. § 326.37 et seq.

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Sec. 105-100. State license required; registration with city; bond.

Each person other than owner/occupant of a single-family residence doing plumbing or sewage installation, repair, or connection for hire within this city, shall have a current license as master plumber from the state, and shall first apply to the city for the registration with the city for such license, and shall file with the City Clerk the following bond, insurance, and other requirements:

- (1) *Bond.* The applicant for a permit shall provide certification that a bond, as required by Minn. Stats. § 326.40, subd. 2, is in force and on file with the state department of labor and industry.
- (2) *Insurance.* The applicant for a permit shall provide certification that liability insurance, as required by Minn. Stats. § 326.40, subd. 2, is in force and on file with the state department of labor and industry.
- (3) *Registration with city required.* No person shall do any plumbing or sewage installation, repair, or connection work for hire within the city without having first secured the registration of said license and having posted a bond and a certificate of insurance as required herein.
- (4) *Status of employees of license holder.* No such registrant shall permit any person other than its bona fide employees to perform such work under such license and registration.
- (5) *Expiration of registration.* Each such registration as provided hereunder shall expire annually on December 31.

(Code 1987, § 310.05; Ord. No. 01-2001, 2-25-2001)

Sec. 105-101. Responsible person.

The building contractor or owner shall notify the building department of the name and address of the plumber doing the plumbing work and/or sewage disposal work for each residence and such plumber shall be held responsible for observance of this Code. In cases where the building contractor or owner fails to supply the building department with the names and addresses of those doing the plumbing and/or sewage disposal work, the building contractor and/or owner shall be responsible for the proper installation of such work.

(Code 1987, § 310.10)

Secs. 105-102—105-130. Reserved.

ARTICLE IV. INTERNATIONAL PROPERTY MAINTENANCE CODE

Sec. 105-131. Purpose.

That a certain document, one copy of which is on file in the office of the City Clerk, being marked and designated as the 2000 edition of the International Property Maintenance Code, as published by the International Code Council, Inc., be and is hereby adopted as the property maintenance code of the city; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed as follows:

- (1) The following sections are hereby revised:
 - a. Section 101.1, insert: City of Mound.
 - b. Section 103.6, insert: Not applicable.
 - c. Section 303.14, insert: May 1 to September 1.
 - d. Section 602.3, insert: October 1 to May 1.
 - e. Section 602.4, insert: October 1 to May 1.

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- (2) The following sections of the International Property Maintenance Code are hereby deleted in their entirety:
 - a. Section 302.4, Weeds.
 - b. Section 302.8, Motor Vehicles.

(Code 1987, § 319.05)

State law reference—Adoption by reference, Minn. Stats. § 471.62.

Sec. 105-132. Removal of snow and ice.

The owner/occupant of any rental dwelling shall be responsible for the removal of snow and ice from parking lots and/or driveways, steps and walkways on the premises. Individual snowfalls of three inches or more or successive snowfalls accumulating to a depth of three inches shall be removed from walkways and steps within 48 hours after cessation of the snowfall.

(Code 1987, § 319.10)

Sec. 105-133. Egress requirements.

Every sleeping room below the fourth story shall have at least one operable window or exterior door approved for emergency escape or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

- (1) All egress or rescue windows from sleeping rooms shall have a total glazed area of at least five square feet. The smallest net clear opening for each such window shall be 20 inches in width by 24 inches in height.
- (2) Where windows are provided as a means of escape or rescue, they shall have a finished sill height not more than 48 inches above the floor.
- (3) Any such window replaced or newly installed shall be done in accordance with article II of this chapter and in the codes adopted therein.

(Code 1987, § 319.15; Ord. No. 03-2003, 6-8-2003)

Secs. 105-134—105-164. Reserved.

ARTICLE V. BUILDING MOVING*

***State law reference**—Building movers, Minn. Stats. § 221.81.

DIVISION 1. GENERALLY

Sec. 105-165. Conformity of building or structure to building code required.

Whether or not a permit is required, no building or structure shall be moved to a location within this city unless it conforms to the building, plumbing, heating, electrical and other construction regulations of this city relating to new structures. In addition to conformity with the applicable codes, as minimum requirements, all plumbing for such building or structure shall be by a licensed master plumber, and residential buildings shall have a 100-ampere electrical service. If construction, alterations, or repair work on such building or structure will be necessary to make it conform to such regulations, permits for such work shall be obtained before such building or structure is moved, which permits shall make provision for the doing of such work within 90 days after such building or structure is located in this city. Failure to make such building or structure conform to such construction regulations within such 90-day period shall constitute a violation of this section, and each day that such violation is continued after such 90-day period shall constitute a separate offense. No such permit shall be granted except upon order of the City Council after favorable recommendation upon the application by the city Planning Commission. The City Council shall hold a public hearing together with advertised notice of hearing before granting or denying such permit. Notice of the public hearing shall be published in the official newspaper at least ten days prior to

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the hearing. Notice of the hearing shall also be mailed to owners of property located within 350 feet of the outer boundaries of the land to which the building is proposed to be moved. The processing of the application shall be treated the same as an application for a conditional use permit under section 129-38 and shall pay the same fee as is required by the city to process a conditional use permit. No such building or structure shall be moved to a location within the city unless it will conform to the zoning regulations of the city, will conform to the front yard and other setbacks of lot requirements, and will be a building or structure of the same general character and appearance as other buildings or structures in the vicinity. The City Council shall determine whether or not such building or structure will be permitted at the proposed location.

(Code 1987, § 300.25, subd. 3; Ord. No. 37-1989, 1-2-1990; Ord. No. 01-2001, 2-25-2001)

Secs. 105-166—105-183. Reserved.

DIVISION 2. PERMIT

Sec. 105-184. Required.

It shall be unlawful for any person to move any building or structure into the city from any place outside the city, or wholly within the city from one lot or parcel to another, or from the city to a point outside the city without first making application to the building official and securing a permit therefor as hereinafter provided. Upon making application for a permit to move such building, there shall be paid a fee as established by the city for garages and small out buildings without living quarters and for all other buildings or structures. Said fee shall be refunded if the permit is refused.

(Code 1987, § 300.25, subd. 1; Ord. No. 37-1989, 1-2-1990; Ord. No. 01-2001, 2-25-2001)

Sec. 105-185. Exception to permit requirement.

No moving permit shall be required for the moving of any building or structure smaller than 120 square feet.

(Code 1987, § 300.25, subd. 2; Ord. No. 37-1989, 1-2-1990; Ord. No. 01-2001, 2-25-2001)

Sec. 105-186. Application; insurance; inspection; conditions; bond.

(a) In the application required by this section, the applicant shall furnish the building official with such information as he may require concerning the size, location, method of construction, type of building or structure, proposed location, the equipment proposed to be used in the moving, the proposed route, the proposed length of time that the building will be upon the city streets, the days and hours when such move is to be made, the financial responsibility of the applicant, and the insurance protection carried by the applicant.

(b) The application shall be accompanied by a proposed route and timetable of the move approved by the city Chief of Police, city engineer, and the gas, electric, and telephone utility companies as, at such time, are doing business within the city. The application shall also be accompanied by a copy of an insurance policy insuring against liability for personal injury or death occurring in the course of such move with limits of liability not less than \$200,000.00 for each individual and \$600,000.00 for each occurrence and against liability for property damage with limits of liability not less than \$50,000.00 for each occurrence or such higher limits as are required by the city. The application shall be accompanied by a plat of the proposed location showing the proposed location with reference to the property lines and buildings in the vicinity.

(c) The applicant shall give access to said building or structure to the building official for the purpose of inspection and shall permit the building official to inspect the equipment to be used in such move.

(d) No such application for a moving permit shall be granted by the City Council without the filing of, and the order granting issuance of a moving permit shall be conditioned upon, the posting by applicant of a security bond, cash bond, or letter of assurance by the mortgage of an executed construction mortgage conditioned upon and guaranteeing that the structure will be installed and brought in conformity

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to the building code within 90 days of the issuance of the permit. The penalty of the bond shall be an amount equal to 50 percent of the estimated cost of bringing the structure into conformity with all codes.

(e) No such application for a moving permit shall be granted by the City Council unless such building or structure can be moved with reasonable safety to persons or property within the city. The building official may impose such conditions as are necessary to ensure compliance with the ordinances of this city and to ensure the public's safety.

(Code 1987, § 300.25, subd. 4)

Sec. 105-187. Application, referral to Chief of Police.

After examination of said application, annexes, and all facts relative thereto, if the building official shall be satisfied that the ordinances of this city will not be violated by such moving and the public safety will not be jeopardized thereby, he shall refer the application to the Chief of Police of this city.

(Code 1987, § 300.25, subd. 5; Ord. No. 37-1989, 1-2-1990; Ord. No. 01-2001, 2-25-2001)

Sec. 105-188. Imposition of additional requirements by Chief of Police and city engineer.

The Chief of Police and the city engineer of this city shall examine such application and the facts relative thereto to determine the advisability of any proposed use of the city streets from the viewpoint of traffic and public safety on the days and hours when the proposed moving would be taking place. They may impose such conditions with respect to the days and hours of moving, or the route to be followed within the city and traffic or safety devices to be used as they shall determine to be necessary to ensure traffic and public safety.

(Code 1987, § 300.25, subd. 6; Ord. No. 37-1989, 1-2-1990; Ord. No. 01-2001, 2-25-2001)

Sec. 105-189. Bond.

Upon the approval of the application for such permit, but before the issuance thereof, the applicant shall post a cash bond with the city in the sum of \$1,000.00 to indemnify the city for any damage to city streets caused by such travel thereon. Such bond shall be refundable immediately after completion of said move and inspection of the streets involved by the city superintendent of streets with report of no damage.

(Code 1987, § 300.25, subd. 7; Ord. No. 37-1989, 1-2-1990; Ord. No. 01-2001, 2-25-2001)

Secs. 105-190—105-216. Reserved.

ARTICLE VI. BUILDING NUMBERS

Sec. 105-217. Street numbering.

Effective February 1, 1966, the street numbering system as set forth in the street numbering map on file in the office of the village clerk made a part hereof as if fully set forth in this article be and hereby is adopted as the official street address numbers within the city.

(Code 1987, app. E, § 21.50)

Secs. 105-218—105-242. Reserved.

ARTICLE VII. HAZARDOUS OR SUBSTANDARD BUILDINGS

Sec. 105-243. Adoption of state provisions by reference.

The provisions of Minn. Stats. §§ 463.15—463.251 relating to the definition of terms, abatement, and recovery of city costs in connection with vacant buildings, hazardous buildings, and open excavations, are adopted and made a part of this article as if set out in full.

(Code 1987, § 1005.01)

Sec. 105-244. Securing vacant buildings.

The City Manager, or the City Manager's designee, for emergency purposes, may secure a vacant or unoccupied building that presents an immediate danger to the health and safety of persons in the

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community as provided in Minn. Stats. § 463.251. The cost of securing the building may be charged against the real estate as provided in Minn. Stats. § 463.21.

(Ord. No. 05-2008, § 1005.04, 4-22-2008)

Secs. 105-245—105-260. Reserved.

ARTICLE VIII. GRADING, SOIL EROSION, AND SEDIMENTATION CONTROL

Sec. 105-261. Purpose; permits; procedures; exceptions.

(a) *Purpose.* The city requires the preparation and implementation of erosion control plans for land disturbing activities, in order to limit erosion from wind and water; reduce flow volumes and velocities of stormwater moving off-site; reduce sedimentation into water bodies; and protect soil stability during and after site disturbance. These measures should reflect the following principles:

- (1) Minimize, in area and duration, exposed soil and unstable soil conditions.
- (2) Minimize disturbance of natural soil cover and vegetation.
- (3) Protect receiving water bodies, wetlands and storm sewer inlets.
- (4) Retain sediments from disturbed properties on site.
- (5) Minimize off-site sediment transport on trucks and equipment.
- (6) Minimize work in and adjacent to water bodies and wetlands.
- (7) Maintain stable slopes.
- (8) Avoid steep slopes and the need for high cuts and fills.
- (9) Minimize disturbance to the surrounding soils, root systems and trunks of trees adjacent to site activity that are intended to be left standing.
- (10) Minimize the compaction of site soils.

(b) *Permit requirement.* Unless specifically excepted by this section, land-disturbing activity shall require a permit incorporating an erosion control plan approved by the city and shall be conducted in accordance with that plan.

(c) *Exceptions.* The following land-disturbing activity shall not be subject to the requirements of this section:

- (1) Activity that:
 - a. Disturbs an area of less than 5,000 square feet; and
 - b. Involves the grading, excavating, filling, or storing on site of less than 50 cubic yards of soil or earth material.
 - (2) Routine agricultural activity.
 - (3) Emergency activity immediately necessary to protect life or prevent substantial physical harm to person or property.
 - (4) Activity otherwise subject to this section, where the city has entered into a written agreement with an agency where the activity takes place providing that the city will not exercise erosion control permitting authority within the city under the circumstances in question.
- (d) *Grading and erosion control plan.*
- (1) A satisfactory erosion control and grading plan consistent with the city, the surface water management plan (app. J and other sections as applicable) and the Minnesota Pollution Control Agency's Best Management Practices Handbook, Protecting Water Quality in Urban Areas, as amended, must be approved by the city engineer before a building permit is issued for construction, if the

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construction will result in disturbing the soil. To guarantee compliance with the plan, a cash escrow as established by the city, shall be furnished the city before a building permit is issued. The maximum escrow required of an individual builder or subdivider, regardless of the number of building permits that have been issued to the builder or subdivider, is \$10,000.00. The city may use the escrow to reimburse the city for any labor or material costs it incurs in securing compliance with the plan or in implementing the plan. The city shall endeavor to give notice to the owner or developer before proceeding, but such notice shall not be required in an emergency as determined by the city.

- (2) For subdivisions, the grading and erosion control plan must be consistent with the approved grading plan for the plat. Areas where the finished slope will be steeper than three units horizontal to one vertical shall be specifically noted. Also, location of erosion control devices shall be clearly labeled.
- (3) Every effort shall be made to minimize disturbance of existing ground cover. No grading or filling shall be permitted within 40 feet of the ordinary high-water mark of a water body unless specifically approved by the city. To minimize the erosion potential of exposed areas, restoration of ground cover shall be provided within five days after completion of the grading operation. All grading must be completed in a manner to avoid a public nuisance as defined in section 42-4, pertaining to public nuisances affecting peace and safety. Construction and grading that has become a public nuisance is subject to abatement as contained in section 42-6, pertaining to abatement.
- (4) Every effort shall be made during the building permit application process to determine the full extent of erosion control required. However, the city engineer may require additional controls to correct specific site related problems as normal inspections are performed.
- (5) All erosion control noted on the approved plan shall be installed prior to the initiation of any site grading. Noncompliance with the grading and erosion control plan shall constitute grounds for an order from the city engineer to halt all construction.
- (6) All construction activity that results in disturbance of the ground shall comply with the Minnesota Pollution Control Agency's Best Management Practices Handbook, Protecting Water Quality in Urban Areas, as amended.

(Code 1987, § 375.10; Ord. No. 07-2002, § 375.10, 7-7-2002; Ord. No. 12-2005, 8-7-2005; Ord. No. 05-2006, 2-26-2006)

Sec. 105-262. Requirement for stormwater management.

(a) Purpose.

- (1) Require stormwater facilities to be included in land development projects where practicable and effective.
- (2) Manage stormwater and snowmelt runoff on a regional or subwatershed basis throughout the city to:
 - a. Promote effective water quality treatment, where feasible, prior to discharge to surface water bodies and wetlands;
 - b. Limit developed peak rates of runoff into major surface water bodies to less than or equal to existing peak rates; and
 - c. Promote infiltration of both precipitation and runoff.

(b) Applicability of permit requirements. As provided herein, before creating any impervious surface or changing the contours of a parcel of land in a way that affects the direction, peak rate or water

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quality of storm flows from the parcel, a developer of land for residential, commercial, industrial, institutional, or public roadway, sidewalk or trail uses shall submit a stormwater management plan and secure a permit. The plan shall incorporate provisions of the city's surface water management plan and the best management practices (BMPs) as found in the Minnesota Pollution Control Agency's Best Management Practices Handbook, Protecting Water Quality in Urban Areas, as amended, rate control and water quality control, as applicable. The applicability of the stormwater management requirements set forth in this section to a given development or redevelopment is set forth in subsections (b)(1) through (5) of this section.

- (1) *Single-family homes.* A permit is not required for the construction or reconstruction of a single-family home or its residential appurtenances.
- (2) *Single-family, developed or redeveloped subdivision.* A permit is not required from the city for construction on less than two acres with a density of two units or less per acre. A permit is required for residential development or redevelopment of subdivisions with a density of two units or less per acre on sites of two acres or more, as follows:
 - a. For development or redevelopment of subdivisions of two acres or more but less than eight acres, the best management practices provisions set forth in subsection (c) of this section are required.
 - b. For development or redevelopment of subdivisions of eight acres or more but less than 20 acres, the best management practices provisions set forth in subsection (c) of this section and the water quantity control provisions set forth in subsection (d) of this section are required.
 - c. For development or redevelopment of subdivisions of 20 acres or more, the best management practices provisions set forth in subsection (c) of this section, the water quantity control provisions set forth in subsection (d) of this section, and the water quality provisions set forth in subsection (d) of this section are required.
- (3) *Medium density residential land development.* A permit is not required for the development or redevelopment on a site of less than two acres of residential subdivisions with single-family units at a density of more than two units per acre or a multiunit residential development or redevelopment, at a density of less than eight units per acre. A permit is required for development or redevelopment on a site of two acres or more of residential subdivisions with a density of more than two units per acre or multiunit residential development or redevelopment at a density of less than eight units per acre, as follows:
 - a. For development or redevelopment of two acres or more but less than five acres, the best management practices provisions set forth in subsection (c) of this section are required.
 - b. For development or redevelopment of five acres or more but less than eight acres, the best management practices provisions set forth in subsection (c) of this section and the water quantity control provisions set forth in subsection (d) of this section are required.
 - c. For development or redevelopment of eight acres or more, the best management practices provisions set forth in subsection (c) of this section, the water quantity control provisions set forth in subsection (d) of this section, and the water quality provisions set forth in subsection (d) of this section are required.
- (4) Commercial, industrial, or institutional development or redevelopment; mixed use; high density residential development or redevelopment. A permit is required for commercial, industrial, institutional or mixed use development or

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redevelopment, or for multiunit residential development or redevelopment at a density greater than or equal to eight units per acre, as follows:

- a. For all development or redevelopment, the best management practices provisions set forth in subsection (c) of this section are required.
 - b. For development or redevelopment activities on sites of one-half acre or more but less than eight acres, the best management practices provisions set forth in subsection (c) of this section and the water quantity control provisions set forth in subsection (d) of this section are required.
 - c. For development or redevelopment activities on sites of eight acres or more, the best management practices provisions set forth in subsection (c) of this section, the water quantity control provisions set forth in subsection (d) of this section, and the water quality provisions set forth in subsection (d) of this section are required.
- (5) *Roads, streets, highways, sidewalks and trails.* A permit is not required for the maintenance or improvement of a public or private road, street, highway, sidewalk, trail or other linear way not otherwise regulated under subsections (b)(1) through (4) of this section, if the project does not result in a net increase in impervious surface. A permit is required for a public or private road, street, highway, sidewalk, trail or other linear way that results in a net increase in impervious surface area, as follows:
- a. For projects that result in a net increase in impervious surface of less than one acre, the best management practices in subsection (c) of this section will be required;
 - b. For projects that result in a net increase in impervious surface of one acre or more, but the total project area is less than five acres, the best management practices provisions set forth in subsection (c) of this section and the water quantity control provisions set forth in subsection (d) of this section are required to treat the increase;
 - c. For projects that result in a net increase in impervious surface of one acre or more and the total project area is five acres or more, the best management practices provisions set forth in subsection (c) of this section, the water quantity control provisions set forth in subsection (d) of this section, and the water quality provisions set forth in subsection (d) of this section are required to treat the increase;
 - d. Sidewalks and trails that do not exceed ten feet in width and are bordered by a pervious buffer of at least five feet on each side do not require a permit and are not included in any calculation of net increase in impervious surface when part of a road or street project. The interruption of pervious buffer by streets, driveways or other impervious surfaces crossing a sidewalk or trail does not invalidate this exception provided that these impervious surfaces do not exceed 25 percent of the area of the required pervious buffer.
- (6) *Surety.* A performance bond or other surety in a form satisfactory to the city is required for all activity, including clearing, grading, and excavation, that results in the disturbance of five or more acres of land.
- (7) *Common scheme of development.* In determining stormwater management requirements under this section, development or redevelopment on adjacent sites under common or related ownership shall be considered in the aggregate. The requirements applicable to a development or redevelopment under this section shall be determined with respect to all development that has occurred on the site,

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or on adjacent sites under common or related ownership, since the date of the ordinance from which this article took effect.

- (8) *Additional development or redevelopment on developed sites.* When the impervious area on a site is increased by 50 percent or more, the requirements imposed by this article will be determined with respect to the site in a predevelopment condition. When the impervious area on a site is increased by less than 50 percent, the requirements imposed by this article will be determined with respect to only the additional impervious surface and site alteration proposed.

(c) *Best management practice requirements.* BMPs consist of site design, structural and nonstructural practices. BMPs must be incorporated in all projects requiring a permit under this section to limit creation of impervious surface, maintain or enhance on-site infiltration and peak flow control and limit pollutant generation on and discharge from the site. BMPs must be consistent with specifications of the MPCA manual Protecting Water Quality in Urban Areas (revised July 1991) and its future revisions. The city, in its discretion, may allow a BMP not addressed in the MPCA manual on a demonstration of its effectiveness or if its application will generate new and useful data or information regarding its effectiveness. All applications for which compliance only with BMPs is required shall delineate buildings and structures showing that door and window openings are a minimum of two feet above the 100-year high-water elevation.

(d) *Incorporation of surface water management plan.* Stormwater management and erosion control plan standards stormwater management plans shall incorporate provisions of the city's surface water management plan (app. J and other sections as applicable) and the Minnesota Pollution Control Agency's Best Management Practices Handbook, Protecting Water Quality in Urban Areas, as amended.

(Code 1987, § 375.20; Ord. No. 07-2002, § 375.20, 7-7-2002)

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