

CHAPTER 4 – BUILDING CODE

4.01 BUILDING CODE ADOPTED BY REFERENCE.

The Minnesota State Building Code (“Building Code”), as adopted by the Commissioner of Administration pursuant to Minnesota Statutes Sections 326B.101 through 326B.194, including all of the amendments and the related rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division, are hereby adopted by reference and incorporated in this Chapter as if fully set out herein. This Chapter shall perpetually include the most current edition of the Minnesota State Building Code with the exception of the Optional Appendix Chapters, which shall not apply unless specifically adopted.

4.02 APPLICATION, ADMINISTRATION AND ENFORCEMENT.

The application, administration and enforcement of the Building Code shall be in accordance with the requirements of the Minnesota State Building Code and its Rules. The Building Code shall be enforced within the extraterritorial areas permitted by Minnesota Statutes Section 326B.121, subdivision 2. The provisions of this Chapter and the Minnesota State Building Code shall be administered by the Building Official, who shall be designated by the City Council, and those qualified individuals to whom the Building Official delegates his or her authority.

4.03 PERMITS AND FEES.

The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes Section 326B.121, subdivision 2, and per Minnesota Rules Part 1300.0160.

1. Permit Fees. Permit fees shall be assessed for work governed by the Building Code in accordance with the City’s Fee Schedule.
2. Plan Review. Plan review fees shall be as required by the State of Minnesota. The plan review fee for dwellings, apartment houses and their accessory structures shall be fifty percent (50%) of the relevant building permit fee. The plan review fee for commercial building permits shall be sixty-five percent (65%) of the building permit fee. The plan review fee for submitted documents approved as similar plans under Minnesota Rules Part 1300.0160, subp. 6 shall not exceed twenty-five percent (25%) of the building permit fee.
3. State Surcharge Fees. In addition to the permit fee, all municipal permits issued for work under the Building Code are subject to a state surcharge as established by Minnesota State Statutes Section 326B.148.

4. Valuation. The Building Official shall utilize the Building Valuation Data Chart published annually by the Minnesota Department of Administration State Building Codes and Standards Division to compute building valuations for the purpose of establishing the City of Mahtomedi permit fees. Permit valuation shall include the total value of all construction work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Permit fees for manufactured (mobile) homes and prefabricated structures shall be based on the valuation of on-site work only.
5. Mechanical Permit Fees. Mechanical permit procedures and fees are established as follows:
 - A. Mechanical permits shall include plumbing, heating, electrical and fire suppression.
 - B. It shall be unlawful for any person to perform work subject to the Building Code for which a permit is required without first obtaining the permit from the City.
 - C. Building Permits shall be issued by the City only to persons licensed by the City of Mahtomedi or by the State of Minnesota as required and registered as such with the City or to persons making application to do any such work wholly within a residence owned and occupied by the applicant to whom the permit is to be issued and who shall be charged the permit fees as adopted by the City Council in the Fee Schedule.
6. Investigation Fee. Whenever any work for which a permit is required by the Building Code is commenced and the required permit(s) were not obtained prior to the commencement of such work, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected for the investigation equal to the amount of the required permit fee.
7. Fee Refunds. The Building Official may authorize the refund of any fee paid herein which was erroneously paid or collected. The Building Official may authorize the refund of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with the Building Code. When plan review services have been provided, the plan review fee portion of the permit fee shall not be refunded. The Building Official shall not authorize the refund of any fee paid unless a written request for a refund from the original permittee is submitted to the Building Official within one hundred eighty (180) days of the date of the fee payment.

8. Expiration of Permits. A building permit shall become null and void if authorized work is not started within one hundred and eighty (180) days after the date of issuance of the permit, or if work is suspended or abandoned for one hundred eighty (180) days or more after work is started.

4.04 ADOPTION OF OPTIONAL PROVISIONS OF THE BUILDING CODE.

The following optional provisions identified in the most current edition of the Minnesota State Building Code are hereby adopted and incorporated as part of the Building Code:

1. Chapter 1306, Special Fire Protection Systems; apply to new buildings under 1306.0020 subp. 3; apply to Group R-1, R-2, and R-3 occupancies under 1306.0030(E) option 1.
2. Chapter 1305, Appendix chapter J of the 2006 International Building Code.

4.05 VIOLATIONS AND PENALTIES.

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy or maintain any building or structure in the City of Mahtomedi or cause the same to be done contrary to, or in violation of any of the provisions of the Building Code. Pursuant to Minnesota State Statutes Section 326B.082, subdivision 16, any person who violates any of the provisions of the Building Code shall be guilty of a misdemeanor, and shall be guilty of a separate offense for each and every day, or portion thereof, during which any violation of the provisions of the Building Code is committed, continued or permitted.

4.06 SCHEDULE OF PERMIT FEES.

The applicant for a permit for building, plumbing, heating, electrical, or fire suppression systems shall pay the required fees as established and described in the City of Mahtomedi Fee Schedule.

4.07 CITY ELECTRICAL INSPECTIONS PROGRAM

1. Authority to Inspect. The City of Mahtomedi derives its authority to provide for inspection of electrical installations pursuant to Minnesota Statutes § 326B.36, subd. 6, and the City of Mahtomedi desires and intends to provide for all electrical inspections within the City limits.
2. Mahtomedi Electrical Code. The Mahtomedi Electrical Code shall constitute the Minnesota Electrical Act, as adopted by the Commissioner

of Labor and Industry pursuant to Minnesota Statutes, §§ 326B.31 to 326B.399, and said Minnesota Electrical Act is hereby incorporated by reference as if fully set out herein; and, the Mahtomedi Electrical Code shall also include the National Electrical Code incorporated by reference into the Minnesota State Building Code pursuant to Minnesota Rule 1315.0020, and said National Electrical Code is hereby incorporated by reference as if fully set out herein. Any periodic amendments or updates to the Minnesota Electrical Act and to the National Electrical Code shall be automatically adopted and incorporated into the Mahtomedi Electrical Code by reference as if set out herein.

3. Compliance. All electrical inspections performed pursuant to this Section 4.07 shall comply with the Mahtomedi Electrical Code which is comprised of the Minnesota Electrical Act and the National Electrical Code as incorporated by reference above. An electrical inspector(s) designated by the City shall be a State licensed Class A journeyman electrician (as defined under Minnesota Statutes, § 326B.31, subd. 8), or a State licensed Class A master electrician (as defined under Minnesota Statutes, §326B.31, subd. 9) and shall be responsible for enforcing the provisions of the Mahtomedi Electrical Code.
4. Electrical Permit. An electrical permit is required for each installation, alteration, addition, or repair of electrical work for light, heat and power within the limits of the City. Permits for the installation of electrical work in new structures shall only be issued to electrical contractors duly licensed by the State. Permits for the installation, alteration, addition or repair of electrical work in existing structures shall only be issued to electrical contractors duly licensed by the State or to resident owners of property where the work is to be done. No permit shall be required for electrical installations of equipment owned, leased, operated or maintained by a public service corporation which is used by said corporation in the performance of its function as a utility, except that such electrical installation shall conform to the minimum standards of the National Electrical Safety Code. Before commencing any installation of any electrical work regulated by the Mahtomedi Electrical Code, a permit therefore shall be secured from the City.
5. Electrical Inspection Fee Schedule. Minnesota Statutes, § 326B.37 sets forth the State's electrical inspection and handling fee calculations and schedule. The Mahtomedi Electrical Code City hereby incorporates the §326B.37 electrical inspection and handling fee calculation methodology and amounts by reference as if fully set out herein. Said fees shall be payable to the City. Note: The handling fee pursuant to § 326B.37, subd. 13, has been repealed by the State legislature effective January 1, 2012. Any periodic amendments to Minnesota Statutes, § 326B.37 shall be

automatically adopted and incorporated into the Mahtomedi Electrical Code by reference as if set out herein.

6. Notice and Appeal. All notices and orders issued pursuant to the Mahtomedi Electrical Code shall be in conformance in Minnesota Statutes, § 326B.36, subd. 4.
7. Violations and Penalties. A violation of the Mahtomedi Electrical Code is a misdemeanor in conformance with the Minnesota Electrical Act's penalty set forth in Minnesota Statutes, § 326B.082, subd. 16.