

**TITLE XV: LAND USAGE**

Chapter

**150.BUILDING REGULATIONS; CONSTRUCTION**

## Hamburg - Land Usage

## **Building Regulations; Construction**

### **CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION**

#### Section

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#### ***BUILDING CODE***

#### **§ 150.01 APPLICATION, ADMINISTRATION, AND ENFORCEMENT.**

(A) The application, administration, and enforcement of the code shall be in accordance with Minnesota Rule Chapter 1300. The code shall be enforced within the extraterritorial limits permitted by M.S. § 16B.62, Subdivision 1, when so established by this chapter.

(B) The code enforcement agency of the city is called the contracted Building Inspections Department of Paul A. Waldron and Associates.

(C) This code shall be enforced by the Minnesota Certified Building Official designated by the city to administer the code (M.S. § 16B.65, Subdivision 1). ('82 Code, § 4-802) (Ord. 108, passed 10-9-90; Am. Ord. 113, passed 4-20-95; Am. Ord. 116, passed 3-9-99; Am. Ord. 123, passed 10-14-03)

#### **§ 150.02 PERMITS AND FEES.**

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(A) The issuance of permits and the collection of fees shall be as authorized in M.S. § 16B.62, Subdivision 1.

(B) Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the city. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with M.S. § 1613.70.

(C) An investigation fee, in addition to the permit fee, shall be collected whenever any work for which a permit is required by this code has been commenced without first obtaining the permit. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of the investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

(D) A reinspection fee may be assessed for each reinspection when the 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. The fee shall be in accordance with the fee schedule adopted by the jurisdiction.

(E) Fee refunds may be authorized by the Building Official of any fee paid hereunder which was erroneously paid or collected. The Building Official may authorize refunding of not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Building Official 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. ('82 Code, § 4-802) (Ord. 108, passed 10-9-90; Am. Ord. 113, passed 4-20-95; Am. Ord. 116, passed 3-9-99; Am. Ord. 123, passed 10-14-03)

### **§ 150.03 STATE BUILDING CODE ADOPTED.**

The Minnesota State Building Code, established pursuant to M.S. §§ 16B.59 to 16B.75, is hereby adopted as the Building Code for the city. The code is hereby incorporated in this chapter as if fully set out herein.

(A) The Minnesota State Building Code includes the following chapter of Minnesota Rules:

- (1) 1300 - Administration of the Minnesota State Building Code;
- (2) 1301 - Building Official Certification;
- (3) 1302 - State Building Construction Approvals;
- (4) 1303 - Minnesota Provisions;
- (5) 1305 - Adoption of the 2000 International Building Code;
- (6) 1306 - Special Fire Protection Systems;

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- (7) 1307 - Elevators and Related Devices;
- (8) 1309 - Adoption of the 2000 International Residential Code;
- (9) 1311 - Adoption of the 2000 Guidelines for the Rehabilitation of Existing Building;
- (10) 1315 - Adoption of the 2002 National Electrical Code;
- (11) 1325 - Solar Energy Systems;
- (12) 1330 - Fallout Shelters;
- (13) 1335 - Floodproofing Regulations;
- (14) 1341 - Minnesota Accessibility Code;
- (15) 1346 - Adoption of the Minnesota State Mechanical Code;
- (16) 1350 - Manufactured Homes;
- (17) 1360 - Prefabricated Structures;
- (18) 1361 - Industrialized/Modular Buildings;
- (19) 1370 - Storm Shelters (Manufactured Home Parks);
- (20) 4715 - Minnesota Plumbing Code;
- (21) 7670, 7672, 7674, 7676, and 7678, Minnesota Energy Code.

(B) The city may adopt by reference the following optional chapter of Minnesota Rules: Chapter 1335 - Floodproofing Regulations, parts 1335.0600 to 1336.1200.

(C) The city may adopt by reference appendix Chapter K (Grading) of the 2001 Supplements to the International Building Code.

(D) The city chooses to adopt optional Chapter 1306 - Special Fire Protection Systems, Subpart 3 New Buildings, Option 2.

('82 Code, § 4-802) (Ord. 108, passed 10-9-90; Am. Ord. 113, passed 4-20-95; Am. Ord. 116, passed 3-9-99; Am. Ord. 123, passed 10-14-03)

## ***BUILDING PERMITS***

### **§ 150.15 BUILDING PERMIT REQUIRED.**

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No person shall undertake any construction or other work upon any building or structure for which a building permit is required under the State Building Code and optional provisions of it elected by the city without first having obtained a permit to do so.

(‘82 Code, § 4-801) (Ord. 58, passed - -; Am. Ord. passed 7-8-86) Penalty, see § 150.99

### **§ 150.16 PERMIT APPLICATION.**

Applications for a building permit shall be made to the City Clerk-Treasurer or the Planning Commission Chair of the city. The applicant shall give information as may be required by the City Clerk-Treasurer or Planning Commission Chair or the Building Inspector.

(‘82 Code, § 4-803) (Ord. 58, passed - -; Am. Ord. passed 7-8-86)

### **§ 150.17 FEES.**

The building permit fee shall be paid by the applicant to the city in an amount established as follows:

(A) An inspection and plan checking fee as is established by the Uniform Building Code in effect;

(B) A state surcharge fee in the amount fixed by state law; plus

(C) A city review and process fee in the amount of \$1 per \$1,000 of estimated valuation of the construction, with a minimum fee of \$5 and a maximum fee of \$25.

(‘82 Code, § 4-804) (Ord. 58, passed - -)

### **§ 150.18 BUILDING MOVED TO A LOT; PERMIT REQUIRED.**

No person shall move any house, building, or structure onto any vacant lot or move any accessory building onto any vacant portion of any occupied lot until a building permit has been issued therefor. Application for a building permit shall be made to the City Clerk-Treasurer on forms furnished by the city. Each application for a permit shall be accompanied by a plan drawn to scale showing the dimensions of the lot, distances from each lot line, and the size and location of the building or accessory building to be erected. Application for any kind of building permit shall contain other information as may be deemed necessary for the proper enforcement of this subchapter and the State Building Code.

(‘82 Code, § 4-805) (Ord. 58, passed - -; Am. Ord. 90, passed 5-8-79) Penalty, see § 150.99

### **§ 150.19 BUILDING MOVED TO A LOT; REVIEW; REQUIREMENTS.**

Before a building permit shall be issued for any house or other structure to be moved onto a vacant lot, the Planning Commission shall report to the City Council whether the structure will be compatible with the other development in the area. The applicant shall submit photographs taken from two or more angles of the structure to be moved and photographs of the lot on which the structure is to be located together with photographs of adjacent lots and structures. These requirements do not apply to construction sheds, agricultural buildings, or temporary structures to be located on a lot for 18 months

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or less. All buildings to be utilized as dwellings that are moved onto a lot must comply with § 5-104, Section 14(5.1) (a) and (b), of the '82 City Code.

('82 Code, §§ 4-806, 4-807) (Ord. 90, passed 5-8-79; Am. Ord. 105, passed 5-8-84)

#### **§ 150.20 BUILDING PERMIT PROCEDURES.**

(A) Applicant submits building permit application form along with two sets of building plans, plot plan, and/or survey showing the location of the building on the lot with indicated setbacks.

(B) City Clerk-Treasurer reviews application for conformity to all city zoning requirements and makes zoning determination. To determine the proper setback requirements, zoning setback sheet is filled out showing what setbacks are required and accompanies the permit.

(C) The building permit application and materials are given to the Building Official, for his or her review.

(D) The Building Official returns the building permit application with the building plans stamped, State Building Code fees calculated, and a signed inspection card indicating what inspections are needed.

(E) City fees are added to the permit, such as water, sewer, and the like.

(F) The City Clerk-Treasurer signs the building permit authorizing the issuance.

(G) The builder or applicant is phoned that the permit is ready to be picked up, and the amount due is indicated.

(H) The builder or applicant pays fees, and receives the yellow colored carbon copy, one set of stamped building plans, and the inspection record. Note to builder that an address should be posted at the site along with the inspection card and plans.

(I) Inspections during construction may be called for to reserve an appointment time if a 24-hour notice is given; if not, inspections will be performed at the next soonest open appointment. Address, inspection record, and approved plans must be posted at site or no inspection will be performed, and a reinspection fee may be charged.

(J) Prior to occupancy of any building, a final inspection must be performed. When it is necessary to issue a certificate of occupancy, the signed inspection record card is returned to City Hall. The city types the certificate, and when it is signed by the Building Official, it is issued to permit holder.

#### **§ 150.99 PENALTY.**

(A) Any person who violates a provision of this chapter for which no other penalty is specified shall be subject to the penalties as set forth in § 10.99 of this code.

(B) A violation of the Building Code as set forth in §§ 150.01 through 150.03 shall be a

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misdemeanor (M.S. § 16B.69 and Minnesota Rules, Chapter 1300).

('82 Code, § 4-802) (Ord. 108, passed 10-9-90; Am. Ord. 113, passed 4-20-95; Am. Ord. 116, passed 3-9-99; Am. Ord. 123, passed 10-14-03)

(C) For violations of § 150.04 of this code, the penalty described in the Chapter 2 of the Uniform Building Code, 1979 edition, shall be in keeping with M.S. § 609.031.

('82 Code, § 4-808)