

# **Title XV Land Usage**

## **Chapter 153: Building Regulations; Construction**

### **Division 01 General Provisions**

---

#### **Part 1 Administration**

##### **153.01.11 Duties of the Building Official**

- A) The Building Official or his/her designee shall administer, interpret, and enforce the provisions of this Chapter and shall perform the following duties:
- 1) Determine that all building permits comply with the terms of this Chapter; and
  - 2) Issue Certificates of Occupancy for any use, structure, or building after the determination above.

---

#### **Part 2 Contractors; Licensing**

##### **151.01.11 License Required**

- A. It is deemed in the interest of the public and the residents of the City that any person, firm or corporation who engages in the business of building construction or related work, as defined herein, shall first secure a license therefor as provided herein. No City license or bond shall be required to do business in the City for a plumber licensed by the State Commissioner of Health under the provisions of Minn. Stat. §§ 326B.41 to 326B.49, as they may be amended from time to time, or a residential building contractor, residential remodeler, or other person required to be licensed by the State Commissioner of Commerce under the provisions of Minn. Stat. §§ 326B.801 to 326B.89, as they may be amended from time to time. No residential building contractor, residential remodeler, or other person who is required to be licensed by the state under the provisions of Minn. Stat. §§ 326B.801 to 326B.89, as they may be amended from time to time, and no person employing a contractor, who is required to be licensed, shall be issued a building, zoning or land use permit unless that contractor is licensed. Any person applying for a permit who is required to have a state license but who does not have a state license shall be reported to the State Commissioner of Commerce who may begin an action against the person.
- B. Applications for the license shall be made to the City Administrator. The licensee shall provide proof of insurance commensurate with state statute requirements.
- C. The license fee shall be identified in the fee schedule. Each license shall expire on the first day of January after the same is issued and shall not be prorated.
- D. Licenses Required
1. Licenses shall be obtained by every person engaged in the following business or work in accordance with the applicable ordinances of the City except those exempted from City licensing in Item A above:
    - a. General contractors, including those involved in erection, alteration or repair of buildings;
    - b. Masonry, cement work, cement block work, block laying or brick work;
    - c. Heating and ventilation;
    - d. Roofing;
    - e. Plastering, stucco work and sheet rock taping;
    - f. Excavation, including excavations for footings, basements and grading of lots;
    - g. Wrecking of buildings;
    - h. Landscaping; and

- i. Signs, including the erection and hanging of same.
- 2. Nothing herein shall be construed as preventing any qualified licensee from performing the work by an employee under his or her supervision and control or from a property owner from performing his or her own work providing all provisions of the State Building Code are adhered to.
- 3. A license granted to a general contractor shall include the right to perform all of the work included in his or her general contract. The license shall include any or all persons performing the work which is classified and listed in Item D above, provided that each person performing the work is in the regular employ of the general contractor and qualified under state law and the provisions of this Code to perform the work. In these cases, the general contractor shall be responsible for all of the work so performed. Subcontractors on any work shall be required to comply with the sections of this Code pertaining to license, bond, qualifications and the like, for his or her particular type of work.
- E. Public utilities, including electrical, gas, telephone, and cable communications, shall not be required to obtain licenses for work upon or in connection with their own property, except as may be provided by other sections of this Code.
- F. This Section shall not be construed to affect the responsibility or liability for any party owning, operating or installing the above described work for damages to persons or property caused by any defect therein nor shall the City be held as assuming any liability by persons, firms or corporations engaged in the work.

---

## **Part 2      Adoption of State Law**

### **151.01.21 Application, Administration, and Enforcement**

The Minnesota State Building Code, established pursuant to Minn. Stat. §§ 326B.101 to 326B.16, as it may be amended from time to time, is hereby adopted as the Building Code for the City. The application, administration, and enforcement of the Code shall be in accordance with Minn. Rules Chapter 1300. The Code shall be enforced within the extraterritorial limits permitted by Minn. Stat. § 326B.121, subd. 2(d). The code enforcement agency of this municipality is called the City. This Code shall be enforced by the Minnesota Certified Building Official designated by the City to administer the Code (Minn. Stat. § 326B.133, subd. 1).

### **151.01.22 Permits and Fees**

The issuance of permits and the collection of fees shall be as authorized in Minn. Stat. Ch. 326B. Permit fees shall be assessed for work governed by this Code in accordance with the most current fee schedule adopted by the City in accordance with law. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minn. Stat. § 326B.148.

### **151.01.23 Violations and Penalties**

A violation of the Building Code is a misdemeanor (Minn. Stat. § 326B.082 and Minnesota Rules, Chapter 1300).

### **151.01.24 Building Code**

- A. The Minnesota State Building Code is hereby incorporated in this Ordinance.
- B. Chapters Not Adopted

The following optional chapters of the Minnesota Building Code are not adopted:

- 1. Minnesota Rules Chapter 1306, Special Fire Protection Systems; and
- 2. Grading, IBC Appendix Chapter J.