

**CITY OF GEM LAKE**  
**Ordinance No. 78B**

AN ORDINANCE REPEALING CITY OF GEM LAKE ORDINANCE NO. 78 AND PROVIDING FOR: ADOPTION OF THE MINNESOTA STATE BUILDING CODE; THE APPLICATION, ADMINISTRATION AND ENFORCEMENT OF THE MINNESOTA STATE BUILDING CODE; THE ISSUANCE OF PERMITS AND THE SETTING AND COLLECTION OF FEES THEREFOR; PROVIDING PENALTIES FOR VIOLATION THEREOF.

The City Council of the City of Gem Lake does ordain as follows:

**Section 1 – Building Code**

1.1 Adoption of Minnesota State Building Code. The Minnesota State Building Code, as adopted by the Minnesota Commissioner of Administration, pursuant to Minnesota Statutes §§16B.59 to 16B.75 including any optional chapter hereinafter specifically adopted; and including all amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administrator through its Building Codes and Standards Division is hereby adopted by reference and incorporated as if fully set forth herein, and shall be known as the Gem Lake Building Code.

1.2 Building Code – Optional Provisions. The following optional provisions, as identified in the most current addition of the Minnesota State Building Code, are hereby adopted and incorporated as part of the Gem Lake Building Code:

1.2.1 Chapter 1306, Special Fire Protection Systems, electing Minn. R. 1306.0020 Subpart 2, applying the code to new and existing buildings;

1.2.2 Grading, appendix chapter K, 2001 Supplements to International Building Code; and

1.2.3 Chapter 1335, Floodproofing Regulations, parts 1335.0600 to 1335.1200.

**Section 2 – Application, Administration and Enforcement**

2.1 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.

2.2 The City shall appoint a Certified Building Official to administer the Gem Lake Building Code.

2.3 The City shall appoint an Electrical Inspector pursuant to Minn. Stat. § 326.244, subd. 4, who shall inspect electrical installations within the City.

### **Section 3 – Permits and Fees**

3.1 It shall be unlawful for any person to perform work subject to the Building Code for which a permit is required without first obtaining a permit for that work from the City. The City shall only issue permits to persons licensed by the State of Minnesota to perform such work, or to a person applying to perform work wholly within the residence owned and occupied by the person. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statute § 16B.62, subdivision 1, and as per the Minnesota State Building Code, Minn. R. 1300.1060 regarding fees.

3.1.1 Permit fees. Permit fees shall be assessed for work governed by this Code in accordance with the fee schedule prescribed by separate ordinance of the City Council, a copy of the most current version of which shall be available at the office of the City Clerk.

3.1.2 Plan review. Plan review fees shall be as required by the State of Minnesota, or when submittal documents are required under this Ordinance or any other City Ordinance. The plan review fee shall be 65 percent of the building permit fee. Submitted documents approved as similar plans under Minn. R. 1300.0160 Subp. 6 plan review fees shall not exceed 25% of the building permit fee. Plan review fees are separate from and in addition to the permit fees. In addition to information required by the Building Code, permit applications shall include the following information:

3.1.2.1 Construction Plans. All data required by section 18.2.1 of the Gem Lake Zoning Ordinance.

3.1.2.2 Proof of Ownership. Applicants for building permits to construct, enlarge, alter, repair, demolish or move commercial and industrial structures or residential structures containing more than two dwelling units, shall supply proof of ownership of the property for which the permit is requested consisting of an Abstract of Title, certified currently, or a Registered Property Abstract, together with any unrecorded documents whereby the applicant acquires a legal or equitable ownership interest. Provided that proof of ownership shall not be required for building permits to construct, alter, repair, demolish, or move sheds, shelters, unattached garages, driveways, sidewalks or fences.

3.1.3 State Surcharge Fees. All municipal permits issued for work under the code are subject to the State surcharge fee imposed in Minn. Stat. § 16B.70, which shall be computed in accordance with that statute.

3.1.4 Valuation. The building official shall utilize the Chart of Estimated Construction Cost as annually provided by the Minnesota Department of Administration State Building Codes and Standards Division to compute building valuations for the purposes of establishing the City of Gem Lake permit fee schedules. Permit valuation shall include 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 a valuation of on site work only.

3.1.5 Other Fees. The building official may charge separate and additional fees, in accordance with the fee schedule prescribed by ordinance of the City Council, for inspections conducted outside of normal business hours, reinspection, and other inspections or work outside of those normally required by the Building Code for which no other fee is specified. If the City requires the use of outside consultants for engineering, planning, legal, or similar services, the cost of such services shall be charged to the applicant, including administrative and overhead costs.

3.1.6 Investigation Fee. Whenever any work for which a permit is required by the code has been commenced without first obtaining said permit, 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 permit fee required by this code.

3.1.7 Fee Refunds. The building official may authorize refunding of any fee paid herein which was erroneously paid or collected. The building official may authorize 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 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 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.

3.2 Permit or application expiration. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. All work authorized by building permit shall be initiated in accordance with City-approved construction plans

within one (1) year after the date the City issued the building permit. Once initiated, work authorized by the building permit shall continue to completion without any delay or cessation of 60 days or greater. In all cases, the compliance deadlines shall be upheld unless a written extension is submitted and approved by the Building Official. An extension may only be granted in the event that a natural disaster or a calamitous event occurs which unavoidably delays the completion of the building project. The decision of the Building Official may be appealed to the Planning Commission, who acts as the Board of Adjustments and Appeals. In order to renew action on an application or permit after its expiration, the applicant shall resubmit plans and pay a new plan review fee.

#### **Section 4 – Violations and Penalties**

4.1 A violation of the Gem Lake Building Code is a misdemeanor. Each day in which a violation exists shall constitute a separate offense.

#### **Section 5 – Separability**

5.1 Should any section, subdivision, clause or other provisions of this Ordinance, or the Minnesota State Building Code, be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

#### **Section 6 – Repealer**

6.1 Ordinance No. 78 of the City of Gem Lake is hereby repealed in its entirety.

#### **Section 7 – Licenses and Bonds**

7-1. Before any person, firm or corporation shall engage in the business of doing or performing any of the various types of work listed in this section, they must show proof of being licensed and bonded by the State of Minnesota. Such people or entities who are performing work which is not required to be licensed by the State of Minnesota, but listed in this section, must obtain a license from the City of Gem Lake before engaging in their type of business. Contractors may be required to obtain a surety bond for work in the City as a condition of obtaining a City license. Any bond requirement, and the amount of said bond, shall be stated in the City's fee schedule, which shall be adopted by the City Council by ordinance from time to time.

7-2. The requirements of this section apply to the following types of work:

1. Cement work, cement block work, cement block laying or brick work;
2. General construction including erection, alteration or repair of buildings;

3. The moving or wrecking of buildings;
4. Plastering, outside stucco work or lathing;
5. Electrical wiring;
6. Plumbing including installation of outside sewage disposal plants;
7. Heating;
8. Gas installation, including heating, appliance devices or machinery;
9. Well drilling;
10. Roofing;
11. Sign and billboard erecting;
12. Excavators (including for basements, foundations, grading of lots);
13. Driveway contractors; and
14. Outside sewer and water installers.

7-3. Licenses shall be obtained from the Clerk of the City. Applications for licenses shall be filed with the Clerk on the forms furnished by the City. The fee for each license shall be as established from time to time by City Council Resolution.

7-4. All licenses shall expire on January 1<sup>st</sup> following the date of issuance unless revoked or forfeited prior to this date. If a license granted hereunder is not renewed previous to its expiration then all rights granted by such license shall cease and any work performed after the expiration of the license shall be in violation of this code.

7-5. Persons, firms, or corporations renewing their licenses after the expiration date shall be charged the full annual license fee. No pro-rated license fee shall be allowed of renewals.

7-6. A license granted to a contractor shall include the right to perform all of the work for which he is licensed. Sub-contractors on any work shall be required to comply with the sections of this code pertaining to license, bond, qualifications, etc. for his particular type of work.

7-7. Each applicant for a license shall satisfy the governing body that he is competent by reason of education, special training and experience. Applicants shall also demonstrate that they are equipped to perform the work for which a license is requested in accordance with all state laws, City Ordinances and this Building Code. Each applicant for a heating license shall further satisfy the governing body that he already had a valid license or competency card from another municipality in the St. Paul-Minneapolis Metropolitan Area.

7-8. The governing body shall have the power to suspend or revoke the license of any person, partnership, firm or corporation, licensed under the regulations of this code. Adverse action shall be based upon findings that the licensee's work was improper, defective, or so unsafe as to jeopardize life or property. A licensee must be given twenty (20) days notice and granted the opportunity to be heard

before such action is taken. If and when such notice is sent to the legal address of the licensee and he fails or refuses to appear at the said hearing, his license will be automatically suspended or revoked five (5) days after the date of the hearing.

7-9. When a license is suspended, the period of suspension shall be not less than thirty (30) days nor more than one (1) year, such period being determined by the governing body.

7-10. When any person, partnership, firm or corporation holding a license as provided herein has been convicted for the second time by a court of competent jurisdiction for violation of any of the provisions of this code, the governing body shall revoke the license of the person, partnership, firm or corporation so convicted. Such person, partnership, firm or corporation may not make application for a new license for a period of one (1) year.

7-11. No license granted under the terms stated herein shall become effective until the licensee shall have filed with and approved by the Clerk of the City a policy of public liability insurance naming the City of Gem Lake as an additional insured which shall remain and be in force and effect during the entire term of said license and which shall contain a provision that it shall not be canceled without ten (10) days written notice to the City Clerk. Public liability insurance shall not be less than an amount established by City Council Resolution.

7-12. Each applicant for a permit to move a building or electrical transformer over any street or public right-of-way must satisfy the Building Inspector that he is provided with sufficient and adequate insurance to protect the municipality and the public from any and all damages which may result, either directly or indirectly, from the moving of said building or electrical transformer.

7-13. A certificate of competency must be submitted by gas installers to qualify for gas line installation.

7-14. All licenses heretofore issued and now in force and effect shall continue for one year from the date of issuance. These licenses, may, upon expiration, be renewed in accordance with the provisions of 7-4 of this Ordinance.

7-15. Persons installing sewer and water services outside buildings on private property do not have to be licensed plumbers. They shall be classified as pipe layers and be licensed as outside sewer installers. A surety bond shall be furnished, conditioned that the City and the person contracting to have the work done by the license holder will be saved harmless from any loss or damage by reason of inadequate or improper work performed by the holder of said license under the provisions of this Ordinance.

## Section 8 – Adoption & Enactment

8.1 Adopted by a unanimous vote of the City Council of Gem Lake on the 21<sup>st</sup> day of December, 2006.

8.2 This Ordinance No. 78B shall take effect and be in force after its adoption by the City Council and publication in the City’s official Legal Publication.

CITY OF GEM LAKE

ATTEST

**Paul R. Emeott**

Paul R. Emeott, Mayor

Dated: 21 December 2006

**Frederic C. Magnuson**

Frederic C. Magnuson, City Clerk

Dated: 21 December 2006

Published in the White Bear Press on the 24th day of January, 2007

### CITY OF GEM LAKE ORDINANCE NO. 78B LEGEND

The State Building Code was originally adopted by the City Council in Ordinance Number 10 on March 17, 1964. The Council has since repealed Ordinance 10 and replaced it with, most recently, Ordinance No. 78 Providing for Adoption of the Minnesota State Building Code on May 21, 2001. Since that time, the City Council has made amendments to the Ordinance in keeping with changes in State law and the wishes of the community. The following table indicates the original ordinance and the said amendments.

<b>ORDINANCE</b>	<b>DESCRIPTION</b>	<b>ENACTMENT</b>
10	An Ordinance Adopting the Building Code by Reference	03/17/1964
24	An Ordinance Adopting the Uniform Building Code, repealing Ordinance No. 10	08/17/1971
78	An Ordinance Repealing Ordinance No. 24 and Providing For: Adoption of the Minnesota State Building Code; the Application, Administration and Enforcement of same; the Issuance of Permits and the Setting and Collection of Fees Therefor; and Providing Penalties for Violation Thereof.	05/21/2001
78B	An Ordinance Repealing Ordinance No. 78 and Providing for Adoption of the Minnesota State Building Code, the Application, Administration and Enforcement of same; the Issuance of Permits and the Setting and Collection of Fees Therefor; and Providing Penalties for Violation Thereof.	12/21/2006
87	An Ordinance Amending Ordinance No. 78B to Require City Licenses for Certain Home Construction Contractors, incorporated as a new Section 7 in the Ordinance	10/21/2008