

CHAPTER 94: BUILDING AND FIRE CODES

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SECTION 94.01 CODES ADOPTED BY REFERENCE.

The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes Section 326B.101 through 326B.16, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

SECTION 94.02 APPLICATION, ADMINISTRATION AND ENFORCEMENT.

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 Statutes Section 326B.121, Subd. 2, when so established by this ordinance.

The code enforcement agency of this municipality is called Metro West Inspection Services.

This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code as permitted by Minnesota Statutes Section 326B.133, Subd. 1.

SECTION 94.03 COMPLETION OF EXTERIOR WORK

All exterior work authorized by a building permit issued in accordance with this Ordinance shall be completed within 180 days following issuance of the building permit.

SECTION 94.04 PERMITS AND FEES.

The issuance of permits and the collection of fees shall be as authorized in the Minnesota Statutes Section 326B.153.

Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality in section 30.12 Fees and Charges. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statutes Section 326B.148.

SECTION 94.04 VIOLATIONS AND PENALTIES.

A violation of the code is a misdemeanor. (Minnesota Statutes Section 326B.082, Subd. 16.)

SECTION 94.05 BUILDING CODES OPTIONAL CHAPTERS.

The Minnesota State Building Code, established pursuant to Minnesota Statutes Sections 326B.101 through 326B.16 allows the municipality to adopt by reference and enforce certain optional chapter of the most current edition of the Minnesota State Building Code.

SECTION 94.06 EFFECTIVE DATE OF ORDINANCE.

The effective date of this ordinance shall be October 4, 2010.

SECTION 94.07 BUILDING CODES.

(A) The purpose of this section is to provide for safety, health and public welfare, through structural strength and stability, means of egress, adequate light and ventilation and protection to life and property from fire and hazards incident to the design, construction, alteration, removal or demolition of buildings and structures.

(B) The provisions of this section apply to the construction, alteration, equipment, use and occupancy, location and maintenance of buildings and structures and to appurtenances such as vaults, areaways and street encroachments, hereafter erected and, where expressly stated, existing on land or over water and to buildings and structures and equipment for the operations thereof hereafter moved or demolished in the municipality. The provisions of this section based on occupancy also apply to existing buildings and structures or portions thereof converted from one occupancy classification to another.

(C) Nothing in this section shall be construed to prevent the enforcement of other laws which prescribe more restrictive limitations.

(D) The Minnesota State Building Code, established under Minn. Statute Sections 326B.101 through 326B.16, one copy of which is on file in the office of the Clerk, referred to in this Code as the "SBC," is hereby confirmed as the Building Code of the City. Every provision contained in this Code, except the fee schedule for building permits, is hereby adopted and made a part of this Section as if fully set forth herein and supersedes any inconsistent provisions in this Chapter. The fee schedule for building permits shall be that one adopted by the City under its Ordinance Establishing Fees and Charges, as the same may be amended from time to time.

(E) The following chapters of the SBC will be administered by the City:

- (1) Chapter 1300, Minnesota Building Code

- (2) Chapter 1301, Building Official Certification
- (3) Chapter 1302, State Building Construction Approval
- (4) Chapter 1305, Uniform Building Code including Appendix

Chapters:

- (a) 3, Division I, Detention and Correctional Facilities
- (b) 12, Division II, Sound Transmission Control
- (c) 15, Reroofing
- (d) 16, Division I, Snowload Design
- (e) 29, Minimum Plumbing Fixtures
- (f) 31, Division II, Membrane Structures
- (5) Chapter 1307, Elevators and Related Devices
- (6) Chapter 1315, Electrical Code
- (7) Chapter 1325, Solar Energy Systems
- (8) Chapter 1330, Fallout Shelters
- (9) Chapter 1335, Floodproofing Regulations
- (10) Chapter 1340, Facilities for the Handicapped
- (11) Chapter 1346, Mechanical Code
- (12) Chapter 1350, Manufactured Homes
- (13) Chapter 1360, Prefabricated Buildings
- (14) Chapter 1361, Industrialized/Modular Buildings
- (15) Chapter 1370, Storm Shelters (Manufactured Home Parks)
- (16) Chapter 4715, Minnesota Plumbing Code
- (17) Chapter 7670, Minnesota Energy Code

(F) The application, administration and enforcement of the code shall be in accordance with Minnesota rule part 1300.2100 as modified by chapter 1305.

(G) The City's code enforcement agency will be the Building Official.

SECTION 94.02 FIRE CODE.

(A) The State Fire Code, Minn. Rules Chap. 7511.0101 through 7511.8570, as amended one copy of which is on file for reference and inspection in the office of the City Clerk is hereby adopted and incorporated by references as the Fire Code for the City for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, or explosion. Every provision contained in this Code, except as modified or amended by this section, is hereby adopted and made a part of this section as if fully set forth herein.

(B) The Chief of the Fire Department serving the City, or his representative authorized by him, shall enforce the provisions of this section.

(C) The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary. The Chief of the Fire Department may recommend the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the Fire Department and appointments made after examination shall be for an indefinite term, with removal only for cause.

(D) Unless the context otherwise indicates, the following terms shall have the meanings stated:

Apartment Buildings. Includes buildings containing three or more living units with independent cooking and bathroom facilities, whether designated as apartment house, tenement, garden apartment, or by any other name.

Code Enforcement Officer. Means a licensed peace officer, fire chief or building official designated with the power to cite property owners for non-compliance with this ordinance and/or federal or state mandates.

Corporation Counsel. The Attorney for the City of Annandale.

Duplexes. Includes buildings containing two living units with independent cooking and bathroom facilities.

Existing. Includes buildings or structures which are already in existence on the date when this ordinance becomes effective.

Jurisdiction. The City of Annandale.

Living Unit. Includes those structures, areas, rooms, or combinations of rooms in which a person or multiple living unit buildings such as corridors, lobbies, basements, etc.

Lodging and Rooming Houses. Includes buildings in which separate sleeping rooms are rented providing sleeping accommodations for a total of 16 or fewer persons on either a transient or permanent basis, with or without meals but without separate cooking facilities for individual occupants. This does not include sleeping rooms rented to members of the owners family.

Single Family Rental Property. Includes buildings containing one living unit with independent cooking and bathroom facilities, whether designated as a dwelling, house, mobile home or by any other name.

(E) The limits referred to in the State Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are hereby establish as follows: The entire area located within the City, except by special permit from the Council and Fire Marshal in Planned Industrial I-1).

(F) The limits referred to in the State Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: The entire area located within the City, except by special permit from the council and Fire Marshall in Planned Industrial (I-1).

(G) The limits referred to in the State Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: The entire area located within the City, except where storage facilities are established before August 4, 1980. Previously established facilities shall not be enlarged.

(H) The limits referred to in the State Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: The entire area located in the City.

(I) Whenever the Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Council within 30 days from the date of the decision.

(J) The Building Inspector, Zoning Administrator and the Chief shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the Code. The Chief shall post such list in a conspicuous place in this Office, and distribute copies thereof to interested persons.

(K) Any Building altered or erected in violation of this Chapter may be condemned and removed or made to conform thereto.

(L) Any person who shall violate any of the provisions of this Chapter or amendments hereby adopted or fails to comply therewith or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed of specifications or plans submitted and approved statement thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Council or by a court of competent jurisdiction, within the time fixed herein, shall be in violation of this Section. The application of the penalty for violation shall not be held to prevent the removal of prohibited conditions.

(M) Approved single station or multiple station smoke detectors, continuously powered by the building's electrical service, shall be installed in accordance with this ordinance in every living unit within existing apartment buildings, existing duplexes, existing single family rental property and in every sleeping room within existing lodging and rooming houses regardless of the number of stories or number of living units or sleeping units. When activated, the detector(s) shall initiate an alarm that is audible in the sleeping rooms of that living unit or in the sleeping areas of that sleeping room. The living unit or sleeping room detector(s) shall be in addition to any sprinkler system or other detection system that may be installed in the building.

(N) Single station or multiple station smoke detectors shall be installed in accordance with NFPA 74, "Standard For The Installation, Maintenance, And Use of Household Fire Warning Equipment, and Appendix 1A of the Uniform Fire Code." If, due to the configuration of the living unit or sleeping room, two or more smoke detectors are required within the living unit or sleeping room, they shall be arranged so that the activation of any detector causes the operation of an alarm that shall be clearly audible throughout the living unit or sleeping room over background noise with all intervening doors closed. The detector(s) shall sound an alarm only within an individual living unit or sleeping room and shall not activate the building protective signaling and control system, if any.

(O) Single station smoke detection is not required where the building is equipped with a total automatic smoke detection system throughout.

(P) If any model fire prevention, life safety, or building code or standard recognized in or by the State of Minnesota is or becomes more stringent or restrictive than the

requirements of this ordinance, the requirements of such code or standard shall be added to and/or supersede the requirements of this ordinance.

(Q) The Code Enforcement Officer shall be directed to cite property owners without smoke detection equipment in accordance with this section.

(R) Whenever an act or omission is declared in this Code to be a petty misdemeanor, any person violating the provision will, upon conviction, be subject to the penalties specified by state law for a petty misdemeanor.