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401.010 **State Building Code Adopted.** The Minnesota State Building Code, established pursuant to Minnesota Statutes 326B.101, *et seq.*, one copy of which is on file with the City Clerk, is hereby adopted and shall be in full force and effect in the City of Willernie.

401.020 **Enforcement.** The City of Willernie and duly appointed representatives thereof shall be authorized and directed to enforce all provisions of the said Building Code.

401.030 **Violations.** It shall be unlawful for any person firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Willernie or cause the same to be done, contrary to or in violation of any of the provisions of said Building Code.

402 PERMITS

402.010 **Fences, Retaining Walls-Obstruction of Road Right of Way.** No retaining wall, fence, structure, or personal property may be built with a height above four (4) feet without a permit issued by the City or its authorized agent. No retaining wall, fence, structure or personal property may be built or placed within ten feet (10 feet) of any roadway, existing or platted, within the City; and no plants, trees, or shrubs shall be planted within ten feet (10 feet) of any roadway, existing or platted, within the City except by permit issued by the City or its authorized agent.

402.020 **Permits.** The City or its agent shall not issue a permit for the purposes described above unless it finds that the proposed wall, fence, structure, personal property,

plat, trees or shrub will not interfere with the City's maintenance of its roadway and utilities or with sight lines for traffic moving within the City. The City may impose a reasonable charge for permits issued under this section in an amount to be determined from time to time by resolution of the City Council.

402.030 Nothing in this section shall be construed to allow any building or structure which would otherwise be prohibited by the Building Code in effect in the City.

402.040 **Exterior Finish.** All residential buildings shall have the exterior finished within one (1) year of the date the permit was issued.

402.050 **Exterior Storage Buildings.** No more than one (1) exterior storage building under 120 square feet and of a type not requiring a permit under the state building code may be constructed, kept, or stored on any contiguous property of one owner within the City of Willernie.

This provision shall not increase the number of exterior storage buildings allowed under any provision of the State Building Code or this Code.

Any exterior storage building shall meet the setback requirements for all other buildings within the City.

Fish houses may be stored outside, but only between February 15, and December 15, of each year. Fish houses stored pursuant to this section shall be less than 120 square feet in size, and shall be allowed only if they are stored no closer to the street than the front of the house.

402.060 **Survey Required.** Before issuance of any building permit for a new residence, the applicant shall provide the City Clerk with a certified survey of the property on which the residence is to be located and showing all setbacks from streets and neighboring property lines and a grading plan.

402.070 **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.

403 FEES

403.010 **Building Permit 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.

403.020 **Valuation.** The City and its authorized representatives 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 Willernie 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.

403.030 **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.

403.040 **Fee Refunds.** The City and its authorized representatives may authorize the refund of any fee paid herein which was erroneously paid or collected. The city 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 City shall not authorize the refund of any fee paid unless a written request for a refund from the original

permittee is submitted to the City Clerk within one hundred eighty (180) days of the date of the fee payment.

404 SWIMMING POOLS

404.010 **Above and Below Ground Pools.** In all districts where single family dwellings, duplexes, multi-family dwellings, and rentals, are permitted uses, the following standards apply:

- (1) A certificate of compliance shall be required for any swimming pool with a capacity of over three thousand (3,000) gallons and /or with a depth of over three and one-half (3 ½) feet of water.
- (2) An application for a certificate of compliance shall include a site plan showing: The type and size of pool, location of pool, location of house, garage, fencing and other improvements on the lot, location of structures on all adjacent lots, location of filter unit, pump and writing indicating the type of such units, location of back-flush and drainage outlets, grading plan, finished elevations and final treatment (decking, landscaping, etc.) around the pool, location of existing overhead and underground wiring, utility easements, trees and similar features, and location of any water heating unit, as well as name of contractor building the pool.
- (3) Pools shall not be located within twenty (20) feet of any septic tank/drainfield nor within six (6) feet of any principal structure or frost footing. Pools shall not be located within any required front or side yard setbacks, and there should be a minimum of ten (10) feet from the property line to the water.
- (4) Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.
- (5) Pools shall not be located within any private or public utility, walkway, drainage or other easement.
- (6) In the case of underground pool, the necessary precautions shall be taken during construction, to:
 - (a) Avoid damage, hazards or inconvenience to adjacent or nearby property.
 - (b) Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust or other infringements upon adjacent property.

- (7) All access for construction shall be over the owner's land and due care shall be taken to avoid damage to public streets and adjacent private or public property.
- 8) To the extent feasible, back-flush water or water from pool drainage shall be directed onto the owner's property or into approved public drainageways. Water shall not drain onto adjacent or nearby private land.
- (9) The filter unit, pump, heating unit and any other noise-making mechanical equipment shall be located at least twenty (20) feet from any adjacent or nearby residential structure and not closer than two (2) feet to a lot line.
- (10) Lighting for the pool shall be directed toward the pool and not toward adjacent property.
- (11) A structure or safety fence of a non-climbable type at least five (5) feet in height shall completely enclose the pool, but shall not be located within any required yard areas.
- (12) Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type. Such water shall be subject to periodic inspection.
- (13) All wiring, installation of heating units, grading, installation of pipes and all other installations and construction shall be subject to inspection.
- (14) Any proposed deviation from these standards and requirements shall require a variance in accordance with normal zoning procedures.

404.020

IN ALL ZONING DISTRICTS

- 1) Required structure or safety fencing shall be completely installed within three (3) weeks following the installation of the pool and before any water is allowed in the pool. Safety fence to be on job after hole is dug.
- (2) Drainage of pools into public streets or other public drainageways shall require written permission of the appropriate local public officials. Backwash to street.