

CHAPTER IV

BUILDING, HOUSING AND CONSTRUCTION REGULATIONS

Section 400 - Building Code

400.01. State building code. Subdivision 1. Code adopted. The building code of the state of Minnesota, authorized by Minnesota Statutes, sections 16B.59 to 16B.75 as may be amended from time to time, and embodied in the rules of the commissioner of administration as may be amended from time to time, is the building code of the city, and is a part of this code as completely as if fully set forth herein. A copy of the state building code shall be kept available for public use in the office of the city administrator. The Minnesota state building code includes the following chapters of Minnesota Rules: (Amended, Ord. 2005-03, Sec. 1)

- (a) 1300 Minnesota Building Code
- (b) 1301 Building Official Certification
- (c) 1302 State Building Construction Approvals
- (d) 1305 Adoption of the 2000 Edition of the International Building Code
- (e) 1306 Special Fire Protection Systems
- (f) 1307 Elevators and Related Devices
- (g) 1315 Adoption of the 1996 National Electrical Code
- (h) 1325 Solar Energy Systems
- (i) 1330 Fallout Shelters
- (j) 1335 Floodproofing Regulations
- (k) 1340 Facilities for the Handicapped
- (l) 1346 Adoption of the 1991 Uniform Mechanical Code
- (m) 1350 Manufactured Homes
- (n) 1360 Prefabricated Buildings
- (o) 1361 Industrialized/Modular Buildings
- (p) 1370 Storm Shelters (Manufactured Home Parks)
- (q) 4715 Minnesota Plumbing Code
- (r) 7670 Minnesota Energy Code

(Amended Ord. No. 95-01, Sec. 1; Ord. No. 99-01, Sec. 1; Ord. 2005-03, Sec. 1)

Subd. 2. Procedures and administration. As provided by the state building code, the following optional appendix chapters of the 1997 Uniform Building Code are hereby adopted by reference and incorporated as part of the building code for the city:

- (a) None. (Amended, Ord. No. 95-01, Sec. 1; Ord. No. 99-01, Sec. 2)

Subd. 3. Organization and enforcement. The application, administration, and enforcement of the building code shall be in accordance with Minnesota Rule Part 1300.2100 and as modified by chapter 1305, except that the city council or its designee shall act as the local board of appeals. The building code shall be enforced within the incorporated limits of the city and extra territorial limits permitted by law. (Amended, Ord. No. 95-01, Sec. 1)

400.03. Building official. The building inspector is the building official of the city.

400.05. Permits. Subdivision 1. Permits required. Except as specified in subdivision 2 of this subsection, no building or structure regulated by this section shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official. The issuance of permits shall be as authorized in Minnesota Statutes, section 16B-62, subdivision 1, and as provided for in chapter 1 of the 1997 Uniform Building Code and Minnesota Rules, parts 1305.0106 and 1305.0107. (Amended, Ord. No. 99-01, Sec. 3)

Subd. 2. Exempted work. A building permit shall not be required for the following:

- (a) One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed 200 square feet.
- (b) Fences not over seven feet high. Site plan must be submitted to City for approval.
- (c) Oil derricks.
- (d) Movable cases, counters and partitions not over five feet high.
- (e) Retaining walls which are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids.
- (f) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.
- (g) Platforms, walks and driveways not more than 30 inches above grade and not over any basement or story below.
- (h) Painting, papering and similar finish work.
- (i) Temporary motion picture, television and theater stage sets and scenery.

- (j) Window awnings supported by an exterior wall of group R, division 3, and group M occupancies when projecting not more than 54 inches.

- (k) Prefabricated swimming pools accessory to a group R, division 3 occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above exempted items. Exemption from the permit requirements of this section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code.

400.07. Application for permit. Subdivision 1. Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the building department for that purpose. Every such application shall:

- (a) Identify and describe the work to be covered by the permit for which application is made.
- (b) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- (c) Indicate the use or occupancy for which the proposed work is intended.
- (d) Be accompanied by plans, diagrams, computations and specifications and other data as required in subdivision 2 of this subsection.
- (e) State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
- (f) Be signed by the permittee, or an authorized agent.
- (g) Give such other data and information as may be required by the building official.

Subd. 2. Plans and specifications. Plans, engineering calculations, diagrams and other data shall be submitted in two or more sets with each application for a permit. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such. (Amended, Ord. No. 99-01, Sec. 4)

Subd. 3. Information on plans and specifications. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this section and this code.

Subd. 4. Exception. The building official may waive the submission of plans, calculations, etc., if the building official finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this section.

Subd. 5. Expiration of plan review. 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. The building official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

400.09. Permit issuance. Subdivision 1. Issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the building official. Such plans may be reviewed by other departments of the city to verify compliance with any applicable laws. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this section and other pertinent laws and ordinances, and that the fees specified in subsection 400.11 have been paid, the building official shall issue a permit therefor to the applicant.

Subd. 2. Stamp of approval. When the building official issues the permit where plans are required, the building inspector shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorizations from the building official, and all work shall be done in accordance with the approved plans.

Subd. 3. Staged construction. The building official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this section. The holder of such permit shall proceed at holder's own risk without assurance that the permit for the entire building or structure will be granted.

Subd. 4. Retention of plans. One set of approved plans, specifications and computations shall be retained by the building official for a period of not less than 90 days from date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

Subd. 5. Validity of permit. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this section. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid.

Subd. 6. Correction of errors. The issuance of a permit based upon plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this section or code.

Subd. 7. Expiration. Every permit issued by the building official under the provisions of this section expires by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee must pay a new full permit fee.

Subd. 8. Extension. Any permittee holding an unexpired permit may apply for an extension of the time within which permittee may commence work under that permit when permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit may be extended more than once.

Subd. 9. Suspension or revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this section whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any of the provisions of this code.

400.11.Fees. Subdivision 1. General. Fees must be assessed in accordance with the provisions of chapter X of this code.

Subd. 2. Permit fees. The fee for each permit shall be established by resolution of the city council and are as set forth in appendix II. The determination of value or valuation under any of the provisions of this section shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

Subd. 3. Plan review fees. When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be 65% of the building permit fee as shown in appendix II.

Subd. 4. Additional plan review fee. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in appendix II.

Subd. 5. Investigation fees: work without a permit. Whenever any work for which a permit is required by this section 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 whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in appendix II. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this section nor from any penalty prescribed by law.

Subd. 6. Reinspection fee.

- (a) A reinspection fee may be assessed for each inspection or reinspection authorized under subsection 400.13 when such portion of work for which inspection is called is not complete or when corrections called for are not made.
- (b) This subdivision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this section, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.
- (c) Reinspection fees may be assessed when the permit card is not properly posted on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.
- (d) To obtain a reinspection, the applicant shall file an application therefor in writing upon a form furnished for that purpose and pay the reinspection fee in accordance with appendix II.
- (e) In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

Subd. 7. Surcharge. In addition to the permit fee required by subdivision 2, the applicant shall pay a surcharge in the amount fixed by law. The amount required by law shall be remitted by the city quarterly (or monthly) to the Minnesota department of administration.

Subd. 8. Fee refunds.

- (a) The building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
- (b) The building official may authorize the 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 section.
- (c) The building official may authorize the refunding of not more than 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

- (d) The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

400.13.Inspections. Subdivision 1. General. All construction or work for which a permit is required shall be subject to inspection by the building official. A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans. It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Subd. 2. Inspection requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official. It shall be the duty of the person requesting any inspections required by this section to provide access to and means for proper inspection of such work.

Subd. 3. Inspection record card. Work requiring a permit shall not be commenced until the permit holder or holder's agent shall have posted an inspection record card in a conspicuous place on the premises and in such position as to allow the building official conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained in such position by the permit holder until final approval has been granted by the building official.

Subd. 4. Approval required. Work must not be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the approval of the building official. Such approval shall be given only after an inspection has been made on each successive step in the construction as indicated by each of the inspections required in subdivision 5. Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official.

Subd. 5. Required inspections. Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official. The building official, upon notification from the permit holder or holder's agent, shall make the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or holder's agent wherein the same fails to comply with this section:

- (a) Foundation inspection. To be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with U.B.C. standard no. 26-13, the concrete need not be on the job. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.
- (b) Concrete slab or under-floor inspection. To be made after all in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the subfloor.
- (c) Frame inspection. To be made after the roof, all framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes and ducts are approved.
- (d) Lath and/or gypsum board inspection. To be made after all lathing and gypsum board, interior and exterior, is in place but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.
- (e) Final inspection. To be made after finish grading and the building is completed and ready for occupancy. There shall be a final inspection and approval on all buildings and structures when completed and ready for occupancy or use.

Subd. 6. Other inspections. In addition to the called inspections specified above, the building official may make or require other inspections of any construction work to ascertain compliance with the provisions of this section and other laws which are enforced by the code enforcement agency.

400.15. Certificate of occupancy. Subdivision 1. Use or occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein.

Subd. 2. Change in use. Changes in the character or use of a building shall not be made except as specified in section 502 of the uniform building code.

Subd. 3. Certificate issued. After final inspection when it is found that the building or structure complies with the provisions of this section and other laws which are enforced by the building department, the building official shall issue a certificate of occupancy which shall contain the following:

- (a) The building permit number.
- (b) The address of the building.
- (c) The name and address of the owner.
- (d) A description of that portion of the building for which the certificate is issued.
- (e) A statement that the described portion of the building complies with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified.
- (f) The name of the building official.

Subd. 4. Temporary certificate. If the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, the building official may issue a temporary certificate of occupancy for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

Subd. 5. Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

Subd. 6. Revocation. The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this section whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any of the provisions of this code.

400.17. Penalties. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done contrary to or in violation of any provision of the building code embodied in this section. A violation of the code is a misdemeanor. Every day during which a violation of the building code is committed, continued or permitted, constitutes a separate offense. (Amended, Ord. No. 99-01, Sec. 5)

Section 405 - Driveways

405.01.Permit required. No person shall construct or reconstruct or make any substantial alteration of any curb cut, driveway or other alteration upon any city right-of-way without first obtaining a permit from the director of public works as provided in this section.

405.03.Application for permit. Application for a driveway permit hereunder shall be made in writing to the director of public works on a form prescribed by the director of public works which includes, but is not limited to the information set forth in this subsection:

- (a) Applicant information. The name and address of the owner of the property to be served by the driveway, or other person authorizing the driveway and the contractor doing the construction;
- (b) Plans. The location of the construction area together with drawings or plans showing the details of the proposed construction, including the provisions for drainage, and the elevation of the driveway in relation to the city street;
- (c) Sight distances. Sight distances on the city street; and
- (d) Other information. Any other information required by the director of public works.

405.05.Standards for issuance of permit. The director of public works shall issue a driveway permit hereunder upon finding:

- (a) That adequate provision has been made for the drainage of surface waters;
- (b) That construction of the driveway as proposed will not interfere with road grading, snow removal, or other maintenance and road construction needs of the city;
- (c) That adequate sight distances have been provided;
- (d) That the use of the proposed driveway will not unreasonably interfere with public travel nor impair the use and enjoyment of other property;

- (e) That all driveway entrances, measured at the center line of the driveway, shall be placed no less than 30 feet from side lot lines and 100 feet from adjacent driveway locations where, in the judgment of the director of public works, such distances are necessary to facilitate drainage, grading, snow removal, weed control, maintenance or other road construction and maintenance needs of the city; and
- (f) That all culverts and other materials and equipment installed in driveways meet city specifications as established by the director of public works.

405.07. Technical assistance. The director of public works, in connection with review of an application, may request the assistance of the city engineer, building inspector, city attorney, or other persons as may be required to process the application.

405.09. Application fee. At the time of submitting an application for driveway permit, the applicant shall pay to the city clerk-treasurer, a filing fee in an amount set by resolution of the city council, and as set forth in appendix II hereof, together with the actual cost of technical assistance provided by the city.

Section 410 - Radio
and TV Antennae and Supporting Towers

410.01.Definitions. Subdivision 1. General. The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise.

Subd. 2. "Antenna" means that portion of any equipment located on the exterior or outside of any structure, used for transmitting or receiving radio or television waves.

Subd. 3. "Tower" means any mast, pole, spire or structure, or any combination thereof, to which an antenna is attached, and all supporting lines, cables, guy wires, and braces.

410.03.Tower height. It shall be unlawful for any person to erect, construct in place, replace, or repair any antenna or tower exceeding a height of 130 feet in the city.

410.05.Permits required. Subdivision 1. Conditional use permit. Any antenna, tower, or combination of towers and antennae which exceeds 60 feet in height shall require a conditional use permit.

Subd. 2. Building permit. All antennae or combination of antennae and towers erected, constructed, replaced or repaired shall require a building permit.

Subd. 3. Exceptions. Conditional use permits are not required for:

- (a) Any antenna or combination of antennae and towers rigidly attached to the roof of another structure provided the combination of structure, antenna, and tower does not exceed a total height of 60 feet above ground level.
- (b) Antennae and towers used by the city for city purposes.

Subd. 4. Application. The applicant shall provide, at the time of application, sufficient information to indicate that construction, installation, and maintenance of the antenna and tower will not create a safety hazard or damage to the property of other persons.

410.07.Construction and setback requirements. Subdivision 1. General. All antennae and towers erected, constructed or located in the city shall comply with the following restrictions.

Subd. 2. Construction requirements. All metal towers shall be constructed of steel, aluminum, or other approved corrosive-resistant non-combustible materials. Aluminum members should be anodized or painted or both; steel members shall be galvanized or painted or both, to avoid corrosion. Towers constructed of wood shall be impregnated with rot-resistant substances.

- (a) Tower foundations (bases) shall be designed in accordance with accepted engineering practices to withstand a minimum of two times the calculated wind uplift. Uplift may be calculated by multiplying the net projected antenna square footage by the wind factor of 30 pounds per square foot (psf.).
- (b) Towers should be securely based to existing structures or guyed or both to resist lateral wind loads of a minimum 30 pounds per square foot (psf.) on the net area of the tower plus the projected area of the antenna.
- (c) When unguyed, self-supporting tower designs are to be installed, the foundation design must include resistance to lateral wind on the tower plus antenna.

Subd. 3. Setback requirements. All antennae and towers shall have setbacks equal to or greater than the height of the antennae and towers.

Subd. 4. Use of public easements prohibited. No part of any antenna or tower nor any lines, cables, guy lines, braces, or other accessories shall at any time extend across or over any part of a right-of-way, public street, highway, sidewalk, or property line.

410.09. Tower safety. Subdivision 1. General. Any tower or antenna shall be located such that if the tower or antenna collapses from its base there would be a ten-foot minimum clearance to any overhead electrical utility power line.

Subd. 2. Ground; compliance with electrical code. Antennae and towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations, and standards.

Subd. 3. Wrapping. Every ground-based tower shall be wrapped in hardware cloth or like material to a height of six feet above ground level to prevent climbing of the tower by unauthorized persons.

Subd. 4. Liability of owner. The owner of such a structure shall assume complete liability in case of personal or property damage.

410.11.Conditional use permit. Subdivision 1. General. A conditional use permit may be granted only if it is determined that the location and size of the use and type of operation involved is not injurious to the public health, safety, or general welfare and shall not injure or adversely affect the adjacent area or property value.

Subd. 2. Interference. Problems resulting from any harmful interference must be promptly resolved by the radio operator and the party or parties affected. Unresolved interference problems shall constitute grounds for revoking or amending the conditional use permit.

Subd. 3. Renewal. A permit granted under the provisions of this section shall not require periodic renewal or review.

Subd. 4. Fees. Applicants for a conditional use permit shall pay a fee set by resolution of the city council. The applicant shall, in addition to such fees, sign an agreement, on forms provided by the city, to pay the cost of all engineering, planning, legal and inspection expenses incurred by the city in processing the application.

410.13.Variances. Variances from the provisions of this section may be granted pursuant to standards and procedures set forth in the zoning code of the city.

410.15.Existing antennae and towers. Radio and television transmitting and receiving antennae and towers installed prior to may be maintained and operated in their present location but may not be replaced or structurally altered without complying in all respects with this section. This provision shall not apply to those existing towers and antennae deemed to be unsafe, dangerous, or causing interference problems unresolved by the parties involved.

Section 415 - Swimming Pools

415.01. General provisions. Private swimming pools are regulated by this section and are defined as follows: Any enclosure, designed or intended or used for the containment of water, whether constructed below ground level or above ground level, having a surface area exceeding 100 square feet and a depth exceeding 18 inches which is designed, intended or used for swimming, wading, or other recreational use by the owner or tenant of the property upon which the pool is constructed, or by their family or invited guests without payment of a fee.

415.03. Permit required. No swimming pool shall be constructed or established and no such pool construction shall be commenced in the city without first obtaining a permit from the building inspector.

415.05. Application for permit. Subdivision 1. Fee. Applications for a swimming pool permit shall be made to the city upon forms provided by the building inspector. A fee, determined by the value of the pool, shall be submitted with the application to cover the costs of inspection. Fees are established by resolution of the city council.

Subd. 2. Contents. The application for the permit shall include without limitation, the following:

- (a) Complete plans and specifications for the construction of the pool;
- (b) A site plan showing the location of structures on the lot, including the house, garage, fences, trees, overhead or underground wiring, utility easements, septic system, and other significant improvements or features;
- (c) The proposed location of pumps, motors, electrical power source if applicable, flushing and drainage outlets, and other operational features; and
- (d) Location and specifications of protective fencing or automatic pool cover. (Amended, Ord. 2008-04, Sec. 1)

415.07. Safety requirements. The safety features, including electrical wiring, fencing and automatic pool cover as set forth in this section shall apply to all swimming pools in the city and all private swimming pools shall comply with this section after July 8, 2008. (Amended, Ord. 2008-04, Sec. 1)

419.09. Construction requirements. Subdivision 1. General. Private swimming pools shall be constructed so as to avoid hazard or damage to the occupants of the subject property or the occupants of adjacent property and shall meet the minimum requirements set forth in subdivision 2.

Subd. 2. Minimum requirements.

- (a) No pool shall be located within ten feet (measured horizontally) from any underground or overhead utility line of any kind.
- (b) No pool may be located within any public or private utility easement, ingress or egress easement, drainage way, marsh, or other location in which it will represent a threat to the natural environment.
- (c) In areas zoned or used for single family residential purposes, pools are prohibited in the front yard and shall not be located within ten feet of any lot line, nor within ten feet of any principal structure, accessory building or frost footing. No mechanical equipment shall be located closer than ten feet to any lot line.
- (d) In areas zoned or used for multiple family residential purposes, pools are prohibited in the front yard and shall not be located within 30 feet of any lot line, nor within 30 feet of any side lot line, nor within 30 feet of any principal structure, accessory building or frost footing. No technical equipment may be located closer than 30 feet to any lot line.

415.11. Safety fence or automatic pool cover required. Subdivision 1. Fence. A safety fence at least four feet high shall completely enclose the pool. Safety fences shall be constructed so as to inhibit the entry or climbing thereof by any person. All openings or points of entry into the pool area shall be equipped with gates or doors. All gates and doors shall have a latch which is no less than four feet above the ground level and which shall be so constructed and so placed as to be inaccessible to small children. All gates and doors shall be locked when the pool is not in use or is unattended by an adult with demonstrated swimming ability. Any opening between the bottom of the fence and the ground level shall not exceed three inches. The wall of any pool constructed above ground level, regardless of the height thereof, shall not qualify as a safety fence. (Amended, Ord. 2002-01, Sec. 1; Ord. 2004-10, Sec. 1; Ord. 2008-04)

Subd. 2. Automatic cover. As an alternative to a safety fence, an automatic pool cover may be utilized if it meets the standards of F1346-91 of ASTM, as such standards may be modified, superseded or replaced by ASTM. (Added, Ord. 2008-04, Sec. 1)

415.13. Miscellaneous requirements. Subdivision 1. Conduct. The conduct of persons and the operation of pools is the responsibility of the owner or the tenant thereof and such conduct of persons and operation of the pool shall be done in such a manner so as to avoid any nuisance or breach of the peace.

Subd. 2. Drainage. All back flushing water or pool drainage water shall be directed on to the property of the owner or onto approved drainage ways. Drainage onto public streets or other public drainage ways requires a permit from the zoning administrator.

Subd. 3. Lighting. Any outdoor lighting of the pool may not spill or shine upon adjacent properties.

Subd. 4. Electrical code. Electrical installations shall meet state requirements.

Subd. 5. Filling. The filling of pools from fire hydrants or other public facilities is prohibited without prior approval of the director of public works.

415.15. Penalties. It is unlawful to make, cause to be made, or continue to make any loud noise which annoys, disturbs or injures the comfort or repose or breaches the peace of the person in lawful possession of adjoining properties.

Section 420 - Construction Waste and Clean Fill
(Repealed, Ord. 2003-03)

Section 425 – Electrical Code
(Added, Ord. 2011-05)

425.01. State electrical code. Subdivision 1. Authority to inspect. The city of Independence is hereby authorized to inspect all electrical installations pursuant to Minnesota Statutes, section 326B.36, subdivision 6.

Subd. 2. Adopted by reference. The Minnesota Electrical Act as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes, sections 326B.31 to 326B.399 is hereby adopted by reference and incorporated as if fully set out herein pursuant to Minnesota Statutes, section 471.62. The Minnesota State Building Code incorporates by reference the National Electrical Code pursuant to Minnesota Rules 1315.0020. All such codes incorporated herein by reference constitute the electrical code of the city of Independence.

Subd. 3. Compliance. All electrical installations shall comply with the requirements of this section 425.

Subd. 4. Permits and fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, section 326B.37. Any permit, inspection or handling fees will be payable to the city of Independence. In addition, a state surcharge fee of \$.50 shall be collected on all permits issued for work governed by this section 425 in accordance with Minnesota Statutes, section 326B.148.

Subd. 5. Notice and Appeal. All notices of violations and orders shall be in conformance with Minnesota Statutes, section 326B.36, subdivision 4.

Subd. 6. Violations and penalties. A violation of the Minnesota Electrical Act and this section 425 is a misdemeanor.

Section 430 – Plumbing Code
(Added, Ord. 2011-05)

430.01. Plumbing code. Subdivision 1. Authority to inspect. The city of Independence is hereby authorized to issue plumbing permits, approve plumbing plans and specifications, and inspect plumbing pursuant to Minnesota Statutes, section 326B.44.

Subd. 2. Adopted by reference. The Minnesota Plumbing Code, Minnesota Statutes, sections 326B.41 to 326B.49 and Minnesota Rules, chapter 4715, is hereby adopted by reference and incorporated as if fully set out herein pursuant to Minnesota Statutes, section 471.62. All such codes incorporated herein by reference constitute the plumbing code of the city of Independence.

Subd. 3. Compliance. All plumbing systems, plans and specifications shall comply with the requirements of this section 430.

Subd. 4. Permits and fees. The issuance of permits and the collection of fees shall be consistent with Minnesota Statutes, section 326B.49. Any permit or inspection fees will be payable to the city of Independence.

Subd. 5. Insurance. Pursuant to Minnesota Statutes, section 326B.44, no person who engages in the business of plumbing in the city need post a bond or maintain public liability insurance as a prerequisite for engaging in the business of plumbing, except the bond to the state and insurance required under Minnesota Statutes, section 326B.46 and except any performance bond and insurance required under a contract with the person for the performance of plumbing work for the city.

Subd. 6. Violations and penalties. A violation of the Minnesota Plumbing Code and this section 430 is a misdemeanor.