

**CHAPTER IV
BUILDING AND CONSTRUCTION REGULATIONS**

Section 400 - Building Code

400.01. Scope of Chapter. The purpose of this chapter is to provide minimum standards to safeguard life and limb, property and public welfare by regulating and controlling the design, construction, quality of materials, location and maintenance of buildings and structures in the city and the equipment regulated herein.

400.03, Adoption of the Minnesota State Building Code. Subdivision 1. Application, Administration and Enforcement. The application, administration, and enforcement of the code shall be in accordance with Minnesota Rule Chapter 1300. The code enforcement agency of this municipality is called the Inspections Division. This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code (Minnesota statute 16B.65) subdivision 1.

Subd.2. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, subdivision 1. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule that is part of 1997 Minnesota State Building Code. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70.

Subd.3. Violations and Penalties. A violation of the code is a misdemeanor (Minnesota statute 16B.69).

Subd.4. Building Code. The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 is hereby adopted as the building code for the City of Hopkins. The code is hereby incorporated in this ordinance as if fully set out herein.

A. The Minnesota State Building Code includes the following chapters of Minnesota Rules:

- a) 1300, Administration of the Minnesota State Building Code;
- b) 1301, Building Official Certification;
- c) 1302, State Building Code Construction Approvals;
- d) 1303, Minnesota Provisions;
- e) 1305, Adoption of the 2006 International Building Code;
- f) 1306, Special Fire Protection Systems;
- g) 1307, Elevators and Related Devices.
- h) 1309, Adoption of the 2006 International Residential Code;
- i) 1311, Adoption of the 2000 Guidelines for the Rehabilitation of Existing Buildings;
- j) 1315, Adoption of the 2005 National Electrical Code;
- k) 1325, Solar Energy Systems;
- l) 1330, Fallout Shelters;
- m) 1335, Floodproofing Regulations;
- n) 1341, Minnesota Accessibility Code;
- o) 1346, Adoption of the Minnesota State Mechanical Code;
- p) 1350, Manufactured Homes;
- q) 1360, Prefabricated Structures;

- r) 1361, Industrialized/Modular Buildings;
- s) 1370, Storm Shelters (Manufactured Home Parks);
- t) 4715, Minnesota Plumbing Code
- u) 7670, 7672, 7674, 7676 and 7678, Minnesota Energy Code (Section 400.03 amended by Ord 2003-901)
- v) The fee schedule as set forth in the 1997 edition of the Uniform Building Code.

B. The following optional chapters of Minnesota Rules are adopted and incorporated as part of the Building Code:

1. Chapter 1306, Special Fire Protection Systems, 1306.0020 Municipal Option Designation Subpart 2

400.05. Plumbing. Subdivision 1. Administrative authority. For purposes of this chapter, the term "Administrative Authority" as used in the Minnesota Plumbing Code herein adopted means the Building Official

Subd. 2. Permits required. It is unlawful for any person to perform any plumbing work regulated by the Minnesota Plumbing Code without first having obtained a permit for each separate building or structure and paid the fees as set by City Council resolution. Permits required by this section may be issued only to persons duly licensed by the State of Minnesota or, for plumbing work in existing single family residential dwellings, to the owner of such existing single family residential dwelling when occupied by the owner.

Exception: Permits are not required in the case of repairs not affecting sanitation, such as mending of leaks in faucets, valves, water supply, or sewer pipes, repairing broken fixtures or tanks, thawing frozen pipes, the flushing or clearing of any building sewer or drain or other work which, at the discretion of the Building Official, does not warrant the issuance of a permit.

Subd. 3. Application. To obtain a permit, the applicant shall first file an application in writing on a form furnished by the City for that purpose. Every application shall:

- a) Identify and describe the work to be covered by the permit for which application is made;
- b) Describe the land upon 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 other data as required by this Section;
- e) Be signed by the permittee or his authorized agent, who may be required to submit evidence to indicate such authority;
- (f) Give such other data and information as may be required by the City; and;
- (g) Be accompanied by a fee as set by City Council resolution.

Subd. 4. Investigation Fees; Work Without a Permit. If a person begins any plumbing or utility work for which a permit is required by this Chapter and has not obtained a permit from the Building Official for 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 whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this section if a permit were to be issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the Minnesota Plumbing Code, nor from any penalty prescribed by law. (Section 400.05 Amended by Ord 2000-838, March 15, 2000)

Subd. 5. Plans and Specifications. Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for a permit. Plans must also be submitted to the Minnesota Department of Health for review when required by State law or by agreement with the City. The City may require plans, computations, and specifications to be prepared by and the plumbing designed by an engineer licensed by the State to practice as such or by a licensed master plumber when permitted by State law.

Exception: The Building Official may waive the submission of plans, calculations, or other data if he finds that the nature of the work applied for is such that review of plans is not necessary to obtain compliance with the Minnesota Plumbing Code.

Plans and specifications shall be drawn to scale upon substantial paper 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 the Minnesota Plumbing Code and relevant laws, ordinances, rules and regulations.

Subd. 6. Permit Issuance. The Building Official shall review the application, plans and specifications and other data filed by an applicant for a permit. Such plans may be reviewed by other departments of the City to verify compliance with applicable laws under their jurisdiction. If the Building Official finds that the work described in the application for a permit and the plans, specifications and other data filed therewith conform to the requirements of the Minnesota Plumbing Code and other pertinent laws and ordinances, and that the fees specified in subdivision 2 of this section have been paid, he shall issue a permit therefor to the applicant.

When the Building Official issues a permit where plans are required, he shall approve the plans and specifications in writing. Such approved plans and specifications shall not be changed, modified or altered without authorization from the Building Official and all work shall be done in accordance with the approved plans. Plans shall be retained by the Building Official as provided in State law.

The Building Official may issue a permit for the construction of a part of a plumbing system before the entire plans and specifications for the whole system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the Minnesota Plumbing Code. The holder of such permit may proceed at his risk without assurance that the permit for the entire building, structure or plumbing system will be granted.

The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or approval of, any violation of any of the provisions of the Minnesota Plumbing Code or of any other ordinance of the City. No permit presuming to give authority to violate or cancel the provisions of the Minnesota Plumbing Code shall be valid.

The issuance of a permit based upon plans, specifications or 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 the Minnesota Plumbing Code or other ordinances of the City.

Subd. 7. Expiration. Every permit issued by the City under the provisions of this section shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be recommenced, a new permit shall first be obtained to do so, and the fee therefor shall be one-half (1/2) 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.

Any permittee holding an unexpired permit may apply for an extension of he time within which he may commence work under that permit when he 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 one hundred eighty (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 shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Subd. 9. Permit Fees. The fee for each permit shall be as set forth by City Council resolution.

Subd. 10. Fee Refunds. The Building Official may authorize the refunding of any fee paid hereunder, which was erroneously paid or collected. The Building Official may authorize the refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment. (Section 400.05 Amended by Ord 2001-856, July 2001)

400.07. Mechanical. Subdivision 1. Permits required. It is unlawful for any person to perform any work on mechanical systems of a building regulated by this code without first having obtained a permit and paid the fees set by City Council resolution. Permits required by this section may be issued only to persons duly licensed as Mechanical Contractors by the City of Hopkins, if a license is required.

Exception: Permits may be issued for mechanical work in existing single family residential dwellings to the owner of such existing single family residential dwelling when occupied by the owner.

400.11. General requirements. Subdivision 1. False statements. No person may make any false statements in connection with the securing of a permit from the Building Official.

Subd. 2. Violations and Penalties. Any person who makes a false or untrue statement in an application for any permit authorized by this section or who shall deceive, or attempt to deceive, any authorized inspector or employee of the city by any statement or answer made in connection with such application, and any person firm or corporation who shall not comply with the requirements of this ordinance shall be guilty of a penal offense.

Subd. 3. Inspections. Persons licensed under the provisions of this section are subject to police and public surveillance and inspection. The issuance of any permit or license authorizes and empowers all proper officials of the city to enter upon the premises for the purposes of ascertaining the manner in which compliance with this section is achieved.

Subd. 4. Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of the work for which inspection is called is not complete or when required corrections have not been made. This provision 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 code, but as controlling the practice of calling for inspections before the job is ready for inspection or reinspection. Re inspection fees may be assessed when 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. To obtain reinspection, the applicant shall file an application therefor in writing upon a form furnished for that purpose and pay the reinspection fee as set forth in Chapter X. 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. 5. Other permits. If any other type of permit is required for a building or structure besides a construction permit required by this section and the State Building code, such as an off-street parking permit or a conditional use permit, the building permit may not be issued until the building official is satisfied that other required permits (i) have already been issued, (ii) will be issued at the same time, or (iii) have been authorized and will be issued.

Subd. 6. Separate Offense. Each day in which any unlicensed or unpermitted or condemned installation under this subsection is permitted to exist constitutes a separate violation.

400.13. Permit fees: other provisions. It is the intent of this section that the fees authorized by chapter X are to supplement and supersede corresponding fee requirements in any code or ordinance adopted by reference in this section except as provided in subsection 400.03, subdivision 4.

(Section 400 was amended in its entirety by Ord. No. 91-699)