

## Section 5: Building Permits

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**5.01 Required.** An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by code, or cause any such work to be done, shall first make application to the building official and obtain the required permit.

**5.02 Annual Permit.** In lieu of an individual permit for each alteration to an already approved building or electrical, gas, mechanical, or plumbing installation, the building official may issue an annual permit, upon application for the permit, to any person, firm, or corporation regularly employing one or more qualified trade persons in the building, structure, or on the premises owned or operated by the applicant for the permit.

**5.03 Annual Permit Records.** The person to whom an annual permit is issued shall keep a detailed record of alterations made under the annual permit. The building official shall have access to the records at all times or the records shall be filed with the building official as designated.

**5.04 Work Exempt from Permit.** Exemptions from permit requirements of the code do not authorize work to be done in any manner in violation of the code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

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- Subd. 1.** Building:
- A. One-story detached accessory structures, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet;
  - B. Fences not over 6 feet high;
  - C. Oil derricks;
  - D. Retaining walls that 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 Class I, II, III-A liquids;
  - E. 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 2 to 1;
  - F. Sidewalks and driveways that are not part of an accessible route;
  - G. Decks and platforms not more than 30 inches above adjacent grade and not attached to a structure with frost footings and which is not part of an accessible route;
  - H. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work;
  - I. Temporary motion picture, television, and theater stage sets and scenery;
  - J. Prefabricated swimming pools accessory to dwelling units constructed to the provisions of the International Residential Code or R-3 occupancies constructed to the provisions of the International Building Code, which are 24 inches or less in depth, do not exceed 5,000 gallons and are installed entirely above ground;
  - K. Window awnings supported by an exterior wall of Group R-3, and Group U occupancies;
  - L. Movable cases, counters, and partitions not over 5 feet, 9 inches in height; and
  - M. Agricultural buildings as defined in Minnesota Statutes, Section

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16B.60, Subdivision 5, as may be amended.

Unless otherwise exempted, plumbing, electrical, and mechanical permits are required for items A through M.

### **Subd. 2.** Gas:

- A. Portable heating, cooking, or clothes drying appliances; and
- B. Replacement of any minor part that does not alter approval of equipment or make the equipment unsafe.

### **Subd. 3.** Mechanical:

- A. Portable heating appliances;
- B. Portable ventilation appliances and equipment;
- C. Portable cooling units;
- D. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code;
- E. Replacement of any part that does not alter approval of equipment or make the equipment unsafe;
- F. Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less.
- G. Plumbing: the clearing of stoppages, provided the work does not involve or require the replacement or rearrangement of valves, pipes, or fixtures.
- H. Electrical: an electrical permit is not required if work is inspected by the State Board of Electricity or is exempt from inspection under Minnesota Statutes, Section 326.244, as may be amended. Obtaining a permit from the Board of Electricity does not exempt the work from other Minnesota State Building Code requirements relating to electrical equipment, its location, or its performance.

**5.05 Emergency Repairs.** If equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted to the building official within the next working business day.

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**5.06 Repairs.** Application or notice to the building official is not required for ordinary repairs to structures. The repairs shall not include the cutting away of any wall, partition, or portion of a wall or partition, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

### **5.07 Application for Permit.**

**Subd. 1.** To obtain a permit, the applicant shall file an application in writing on a form furnished by the Department of Building Safety for that purpose. Completed building permit forms and a fee as may be established by resolution of the City Council shall be submitted to the Zoning Administrator. The 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 definitively locate the proposed building or work;
- C. Indicate the use and occupancy for which the proposed work is intended;
- D. Indicate the type of construction;
- E. Be accompanied by construction documents and other information as required by the code;
- F. State the valuation of the proposed work;
- G. Be signed by the applicant, or the applicant's authorized agent; and
- H. Give other data and information required by the building official.

**Subd. 2.** Applications for building permits shall be accompanied by the following exhibits unless waived by the Planning Commission.

- A. Boundary survey of an area including the property in question and 100 feet beyond its outer boundaries showing existing utilities, lot

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boundaries and dimensions, buildings, easements, foliage, topography, and waterways if pertinent. Soil tests may be included if pertinent.

- B. Preliminary building and site development plan showing building's location, dimensional parking and loading arrangement, vehicular and pedestrian access and egress, surface drainage plan, landscaping, utility plan, screening, size and location of all signs, building floor plans of all floors, elevations of all sides of buildings, sections and outline material specifications as appropriate.
- C. Property must be staked.

### 5.08 Action on Application.

**Subd. 1.** The building official shall examine or cause to be examined applications for permits and amendments within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject the application and notify the applicant, in writing, stating the reasons for the rejection. If the building official is satisfied that the proposed work conforms to the requirements of the code and applicable laws and ordinances, the building official shall issue a permit.

**Subd. 2.** If the proposed development involves a conditional use permit, interim use permit, variance, or zoning amendment, the application, together with a building permit, shall be submitted either to the Planning Commission or Board of Zoning Appeals for review and appropriate action according to the procedures set forth in Sections #10 (Conditional Use Permit), #11 (Interim Use Permit), #12 (Variance), and #13 (Zoning Amendment).

**5.09 Time Limitation of Application.** An application for a permit for any proposed work shall be considered abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**5.10 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 any violation of the code or of any other ordinance of the City. Permits presuming to give authority to violate or cancel the provisions of the code or other ordinances of

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the City are not valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official may also prevent occupancy or use of a structure that violates the code or any other ordinance of the City.

- 5.11 Expiration.** Every permit issued shall become invalid unless the work authorized by the permit is commenced within 180 days after its issuance, or if the work authorized by the permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official may grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.
- 5.12 Suspension or Revocation.** The building official may suspend or revoke a permit issued under the code if the permit is issued in error, on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance, regulation, or the code.
- 5.13 Placement of Permit.** The building permit or a copy shall be kept on the site of the work until the completion of the project.
- 5.14 Responsibility.** Every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical, or plumbing systems, for which the code is applicable, shall comply with the code.