



MAYOR AND COUNCIL COMMUNICATION

DATE: 07/19/2016

CONSENT

ITEM #: 8

AGENDA ITEM: Amending the Lake Elmo City Code of Ordinances Related to Building and Fire Code Regulations

SUBMITTED BY: Mike Bent, Building Official

THROUGH: Mike Bent, Building Official

REVIEWED BY: Sarah Sonsalla, City Attorney

SUMMARY AND ACTION REQUESTED: As part of its Consent Agenda, the City Council is asked to accept and approve the Ordinance to Amend Building Regulations.

No specific motion is needed, as this is recommended to be part of the overall approval of the *Consent Agenda*.

STAFF REPORT: The City Code of Ordinances related to Building and Fire Code Regulations have been updated to reflect current state code language and statutes.

RECOMMENDATION: Based on the aforementioned, staff recommends the City Council accept amending the Lake Elmo City Code of Ordinances Related to Building and Fire Code Regulations.

ATTACHMENTS:

1. Amended Building Regulations

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 08-147

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES RELATED TO BUILDING AND
FIRE CODE REGULATIONS**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Section 115.001 of the City Code by deleting the existing language and replacing it with the following:

§ 115.001 STATE BUILDING CODE ADOPTION BY REFERENCE.

The Minnesota State Building Code, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes Chapter 326B, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through its Building Codes and Standards Unit, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this Section. The Minnesota State Building Code is hereby incorporated in this Section as if fully set out herein and shall be known as the “Lake Elmo Building Code”.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Section 115.002 of the City Code by deleting the existing language and replacing it with the following:

§ 151.002 APPLICATION, ADMINISTRATION, AND ENFORCEMENT.

The application, administration, and enforcement of the Building Code shall be in accordance with Minnesota State Building Code. The Building Code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes Section 326B.121, subdivision 2(d).

The code enforcement agency of the City is called the “Lake Elmo Building Department.” The Building Code shall be enforced by the City Building Official, as the Building Official is designated by the City to administer the code in accordance with Minnesota Statutes 326B.133, subdivision 1.

SECTION 3. The City Council of the City of Lake Elmo hereby amends Section 115.003 of the City Code by deleting the existing language and replacing it with the following:

§ 151.03 PERMITS, INSPECTIONS, AND FEES.

(A) The issuance of permits, conducting of inspections and the collection of fees shall be as authorized in Minnesota Rules Chapter 1300. Permit fees shall be assessed for work governed by this Section in accordance with the city’s fee schedule. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Section in accordance with Minnesota Statutes 326B.148, subdivision 1.

(B) No permit as required by the Building Code shall be issued, until the fees prescribed have been paid, nor shall an amendment to a permit be approved until the additional fees, if any, due to an increase in the estimated cost of the building or structure have been paid.

(C) Plan review fees shall be 65 percent of the building permit fee. Investigation fees for work

started without a permit shall be equal to the permit fee.

(D) Plan review fees for similar plans shall be 25 percent of the normal building permit fee.

(E) The plan checking fee shall be paid by the applicant to the city.

(F) Permits shall be required for moving structures within, out, or through the city. Structure moving permit fees shall be as established by the city's fee schedule.

(G) An escrow administration fee in an amount established the city's fee schedule shall be paid before a permit is issued for all permits requiring escrow in accordance with Section 151.022 of this Code.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Section 151.015 of the City Code by deleting the ~~stricken~~ language and adding the underlined language as follows:

§ 151.015 GENERALLY.

(A) *Permits required.* No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in the city or cause these actions to be done without first obtaining a separate building permit for each building or structure as required by the State Building Code as adopted by this chapter.

(B) *Fees established.*

(1) Fees shall be as provided by City Council ordinance, as amended from time to time, and shall be attached as Appendix A of the code.

(2) (a) The Building Official shall utilize the chart of estimated construction costs as annually provided by the Minnesota Department of ~~Administration~~ Labor and Industry, State Building Codes and Standards Division Building Codes and Standards Unit, to compute building valuations for the purposes of establishing the permit fees of the city.

(b) Specific fees are set forth from time to time by resolution of the City Council.

(C) *Double fee.* If any construction is undertaken in the absence of a permit required by this code to be issued as a prerequisite to building construction, the permit fee shall be double the stated amount.

(D) *Building demolition fees.* All building or structures prepared for demolition within the city require a demolition permit.

~~(E) *Surcharge.* In addition to the permit fees required, the applicant shall pay a surcharge to be remitted to the Minnesota Department of Administration as prescribed by M.S. § 16B.70, as it may be amended from time to time.~~

SECTION 5. The City Council of the City of Lake Elmo hereby amends Section 151.017, paragraph (G) of the City Code by deleting the ~~stricken~~ language and adding the underlined language as follows:

§ 151.017 EXCAVATION AND GRADING PERMITS.

(G) *Submission requirements.* All grading and excavation permit applications shall be accompanied by the following information:

- (1) The legal description of the property;
- (2) The required fee as set forth in the city's fee schedule ~~by Chapter 70 of the Uniform Building Code~~, as it may be amended from time to time;
- (3) Evidence of ownership or an interest in the property;
- (4) Existing and proposed final grades utilizing 2 foot contour intervals;
- (5) A survey showing the location and elevation of all roads, utilities, and structures which may be impacted by the proposal;
- (6) A tree survey showing all trees having a caliper of 6 inches or greater and a tree preservation plan;
- (7) A landscaping and site restoration plan;
- (8) A development concept plan indicating how the recontoured parcel may be developed in a manner consistent with this chapter and the Comprehensive Plan;
- (9) A drainage plan which includes any engineering work for stormwater retention which may be necessary;
- (10) An erosion control plan indicating the type and location of erosion measures to be used;
- (11) A traffic analysis showing how the materials will be removed from or delivered to the site;
- (12) Two copies of all available soil borings together with boring location maps and any other soil information pertinent to improvements;
- (13) The other information as may be required by the city;
- (14) Schedule of building construction phasing on permit site;
- (15) Hours of operation; and
- (16) Duration of activity.

SECTION 6. The City Council of the City of Lake Elmo hereby amends Section 151.020 of the City Code by deleting the ~~stricken~~ language and adding the underlined language as follows:

§ 151.020 EXTERIOR FINISH.

~~All residential buildings shall have the exterior finished within 1 year of the date of the permit was issued.~~ The exterior of all structures must be finished within six months from the date of commencement of construction of the structure. The Building Official may extend the completion date for large scale projects or demonstrated hardship.

SECTION 7. The City Council of the City of Lake Elmo hereby amends the City Code by repealing Section 151.021, Expiration, in its entirety.

SECTION 8. The City Council of the City of Lake Elmo hereby amends Section 151.025 of the City Code by deleting the ~~stricken~~ language and adding the underlined language as follows:

§ 151.025 INCOMPATIBLE STRUCTURES.

(A) *Referral by ~~Inspector and Clerk~~ Building Official and City Administrator.* Whenever an application is filed with the city for a building permit for any structure to be built, enlarged, or altered within, or moved in or into the city, and the ~~Building Inspector~~ Building Official finds that the application, plans, and specifications, and the plot plan submitted (the application papers) comply with the code of the city except that the application papers provide for a structure, the exterior design, appearance, and functional plan which the ~~Building Inspector and the Clerk~~ Building Official and City Administrator feel may be so at variance or so similar with the exterior design, appearance, and functional plan of structures in the neighborhood and same zoning district of the proposed structure as to cause a material depreciation generally to property in the neighborhood, then the ~~Building Inspector~~ Building Official shall within 10 days after the receipt of the application papers, file the papers and the opinion in writing, signed by the ~~Building Inspector and the Clerk~~ Building Official and City Administrator, with the Planning Commission.

(B) *Call of hearing.* Within 10 days after the receipt of the application papers and opinions, the ~~Clerk~~ City Administrator shall give notice to each member of Planning Commission and to the public by publication in the official paper and to any other persons the ~~Clerk~~ City Administrator deems advisable, of a hearing to be held by the Planning Commission with respect to the application. The notice shall state the purpose of the hearing and the location of the structure. Notice to the applicant shall be by registered mail at least 3 days in advance of the hearing, provided appearance at the hearing shall constitute a waiver of any defect in the notice of the hearing. The hearing on the application shall be held not less than 1 week nor more than 2 weeks after receipt of the application by the city.

(C) *Hearing and findings.* Before or during the hearing, each member of the Planning Commission may view the premises upon which the structure is located or to be located, and at the hearing the Commission shall examine the application papers and hear the applicant. It may also hear any citizens of the neighborhood and other individuals who request to be heard. Within 48 hours of the close of the hearing, the Commission shall, pursuant to a majority vote of all the members of the Commission, file written findings of the fact. It shall determine whether the exterior design, appearance, and functional plan of the structure is or is not at a variance or so similar with the exterior design, appearance, and functional plan of structures constructed or in the course of construction in the neighborhood of the proposed structures, (in the same zoning district) as to cause material depreciation generally to property in the neighborhood. The Commission shall further make a recommendation that the application be accordingly granted or denied. The finding, determination, and recommendation shall be in writing, signed on behalf of the Planning Commission by its Chair. The ~~Clerk~~ City Administrator shall file a certified copy of the finding, determination, and recommendation with the Building Official and shall mail a copy to the applicant. The application papers, the written opinions, and the findings, determinations, and recommendations of the Planning Commission shall immediately be presented by the ~~Clerk~~ City Administrator to the Council at its next regular meeting. Further action with respect to the application shall be held in abeyance pending order and direction of the Council. In that case, no permit with respect to the application shall be issued except upon order and direction of the Council.

SECTION 9. The City Council of the City of Lake Elmo hereby amends the City Code by repealing Section 151.026, Suspension or Revocation, in its entirety.

SECTION 10. The City Council of the City of Lake Elmo hereby amends Section 151.027, paragraph (B) of the City Code by deleting the ~~stricken~~ language and adding the underlined language as follows:

§ 151.027 CONSTRUCTION SITE EROSION CONTROL.

(B) *Site grading.*

(1) *Submission requirements.* All applications for a building permit shall include a plot or site plan detailing the proposed finished grades of the site at all building corners and all lot corners. All grades proposed shall be consistent with the approved grading plan for the subdivision in which the building site is located.

(2) *As built grades certification.* ~~No certificate of occupancy shall be issued~~ Amounts collected by the city and held in escrow as security to ensure completion of construction projects for any structure until the for any activity which requires a permit shall be held until the builder or the property owner ~~have~~ has provided the city with a certificate of a registered surveyor or civil engineer attesting to the “as built” grades of all building corners and site corners; and, the certificate shows all the grades to be consistent with the plot or site plan attached to the building permit application.

SECTION 11. The City Council of the City of Lake Elmo hereby amends the City Code by repealing Section 151.040, Fire Detection System Required, in its entirety.

SECTION 12. The City Council of the City of Lake Elmo hereby amends Section 151.041 of the City Code by deleting the ~~stricken~~ language and adding the underlined language as follows:

§ 151.041 FIRE PREVENTION AND PROTECTION AND SAFETY DEVICES.

~~(A) Generally. Building owners shall comply with the following regulations on or before 1-1-2002 for existing commercial structures, and prior to the issuance of a certificate of occupancy for new commercial structures.~~

~~(1) Floor plans. A building floor plan shall be provided to the Lake Elmo Fire Chief. The floor plan shall satisfy the following requirements:~~

~~(a) It shall illustrate, to scale, each floor and basement area;~~

~~(b) It shall illustrate locations for the electrical main panel and shut offs, gas utility locations and shut offs, water main shut offs, sprinkler system valves, and main shut offs;~~

~~(c) It shall illustrate the locations of all smoke detectors, fire alarms, fire alarm pulls, fire extinguishers, alarm indicator panels, and main alarm panels;~~

~~(d) It shall illustrate the location of stairwells, emergency exits, interior doorways, attic access, firewall locations, firewall attic access, and roof access; and~~

~~(e) Any other information as deemed necessary and reasonable by the Lake Elmo Fire Chief.~~

~~(2) Hazardous material list. The Lake Elmo Fire Chief shall be provided a list of all hazardous materials/chemicals stored in the commercial structure and/or on the commercial property, a drawing to scale which provides the quantities of the materials/chemicals, and a material data sheet for each hazardous material/chemical. Hazardous material lists shall be updated annually and when shipments of new or seasonal chemicals/materials are received.~~

~~(3) Standpipes. All commercial buildings in excess of 1 story shall install Fire Department standpipe connections in stairwells with connections to the standpipe located on each floor landing area. A standpipe shall satisfy the following requirements:~~

~~(a) It shall be constructed of a minimum of 3 inch piping with a 2 and ½ inch outlet for the Fire Department.~~

~~(b) It shall have a minimum flow capacity of 250 gallons per minute.~~

~~(c) It shall have connection threads that are consistent with the standards contained in the "National Standard Hose Threads" regulation.~~

~~(4) Exit signs. All commercial structures with sleeping quarters shall install lighted exit signs above and on the side of doors at floor level on the door handle side of the frame.~~

~~(5) Smoke detectors. Smoke detectors shall be required in all commercial structures. Smoke detectors shall be connected to the fire alarm system for proper notification of the Fire Department when an alarm occurs.~~

~~(6) Annunciator panel. The annunciator panel for heat, smoke, and fire alarm shall clearly show the location of the particular alarm or alarms that have tripped.~~

~~(7) Effective date. Division (A) shall be effective the day following its publication or on the day following the publication of an Ordinance Summary approved by the Lake Elmo City Council.~~

~~(B) Lock boxes.~~

~~(1) Lock boxes shall be required on all new commercial structures in Lake Elmo.~~

~~(2) The lock box shall be mounted in an easily accessible location near the main entrance of the structure or as otherwise approved in writing by the Lake Elmo Fire Chief.~~

~~(3) The lock box shall contain all keys necessary to gain access to the commercial structure as well as access to interior areas of the structure.~~

~~(4) The Lake Elmo Fire Chief shall be contacted when access to a lock box is requested by the property owner in order to change keys for various building locks.~~

~~(A) State fire code adopted. The Minnesota State Fire Code, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes Chapter 299F.011, including all of the amendments,~~

rules and regulations established, and appendix chapters as outlined below, adopted and published from time to time by the Minnesota Commissioner of Public Safety, through its fire marshal division is hereby adopted by reference and incorporated in this section as completely as if set out in full. A person desiring a permit as required by the Minnesota State Fire Code shall submit an application to the Fire Code Official along with any fee required by the city fee schedule.

(B) Appendix chapters adopted. The following appendix chapters as identified in the Minnesota State Fire Code are hereby adopted and incorporated:

(1) Appendix C: Fire Hydrant Locations and Distribution;

(2) Appendix D: Fire Apparatus Access Roads;

(3) Appendix H: Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions;

(4) Appendix I: Fire Protection Systems – Noncompliant Conditions;

(5) Appendix K: Fires or Barbeques on Balconies or Patios; and

(6) Appendix L: Emergency Responder Radio Coverage

(C) Use of the terms in the Fire Code. Wherever the word “jurisdiction” is used in the Minnesota State Fire Code, it shall mean the City of Lake Elmo. Where the term “fire code official” is used in the Minnesota State Fire Code, it shall mean the city’s Building Official.

(D) Duties and responsibilities of the Fire Code Official. The Fire Code Official or his or her authorized representative shall have the following duties and responsibilities:

(1) Enforcement of the provisions of this Section;

(2) May order the establishment of fire lanes on public or private property as may be necessary in order to ensure that the travel of fire equipment is not be impeded or interfered with, and that access to fire hydrants and buildings is not blocked off. When a fire lane has been ordered to be established, it shall be marked by a sign bearing the words “No Parking — Fire Lane” or a similar message. If the sign is in private property, it shall be erected and maintained by the property owner at the property owner’s expense. Such sign must be installed within 30 days after notification by the Fire Code Official that a fire lane must be established. Thereafter, no person shall park a vehicle or otherwise occupy or obstruct the fire lane; and

(3) Keeping on file with the city all statutes and regulations applicable to this section.

(E) Fire Inspections. In order to ensure the health, safety, and public welfare, the city will inspect existing facilities in accordance with established policy. A fire service fee will be charged in accordance with the city’s fee schedule for new construction, additions and alterations where a building permit is required.

(F) Lock boxes. Lock boxes are required on all new commercial structures in the city. They shall meet the following requirements:

(1) The lock box must be mounted in an easily accessible location near the main entrance of the structure or as otherwise approved in writing by the Fire Chief;

(2) The lock box must contain all keys necessary to gain access to the commercial structure as well as access to interior areas of the structure; and

(3) The Fire Chief must be contacted when access to a lock box is requested by the property owner in order to change keys for various building locks.

(G) Hazardous material list. With respect to commercial properties, the property owner must provide the Fire Chief with the following information related to hazardous materials and chemicals on the property. This information must be updated annually and when shipments of new or seasonal hazardous materials or chemicals are received on the property

(1) A list of all hazardous materials and chemicals stored in the structure(s) and on the property;

(2) A drawing to scale which provides the quantities of the materials and chemicals; and

(3) A material data sheet for each hazardous material or chemical.

SECTION 13. The City Council of the City of Lake Elmo hereby amends Section 151.085, paragraph (M) of the City Code by deleting the ~~stricken~~ language as follows and relettering the remaining paragraphs in Section 151.085:

§ 151.085 SWIMMING POOLS; GENERALLY.

~~(M) — *Safety equipment.* Every swimming pool shall be equipped with 1 or more throwing ring buoys not more than 15 inches in diameter and having 50 feet (or the diagonal measurement of pool— whichever is larger) of 3/16 inch nylon line (or equivalent) attached.~~

SECTION 14. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 15. Adoption Date. This Ordinance No. ____ was adopted on this ____ day of _____, 2016, by a vote of __ Ayes and __ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance _____ was published on the _____ day of _____, 2016.