



DATE: November 16, 2021

CONSENT

AGENDA ITEM: Approve Text Amendments of Lake Elmo's City Code, Chapter 151 Building Regulation

FROM: Dustin Kalis, Fire Chief
John Taylor, Building Official

REVIEWED BY: Kristina Handt, City Administrator

ISSUE BEFORE COUNCIL:

Should the City Council approve the amended City Code as presented by the Fire and Building Departments, based on the discussion and feedback staff received during the November 9, 2021 council workshop?

BACKGROUND:

With the recent additions of a new fire chief, fire inspector and building official, several code amendments have been identified. These amendments align with the current policy direction, code interpretation and code enforcement of both fire and building departments.

In May 2005, the city approved the adoption of Building Code Chapter 1306, Subpart 3 new buildings. With the adoption of this chapter, new buildings constructed after this code adoption were required to have a fire sprinkler system installed, with several exceptions that were dependent on the occupancy classification and gross square footage.

Building Code Chapter 1306 is an optional code section that each municipality may adopt. Chapter 1306 authorizes optional provisions for the installation of on premises fire suppression systems. Per Chapter 1306, if the City adopts the chapter, the chapter must be adopted with the selection of either subpart 2 or 3, without amendment. The complete Chapter 1306 is attached to this staff report.

In July 2016, the building official at the time submitted a consent agenda item with limited information stating city ordinances related to building and fire code have been updated to reflect current state code language and statutes. This amended code language repealed Chapter 1306, Subpart 3 New buildings and the city stopped the enforcement of that building code chapter and also removed the Minnesota State Fire Code enforcement authority from the fire chief and gave the enforcement authority to the building official.

This code amendment will amend the current city code as follows:

- Reinstates the optional building code Chapter 1306, Special Fire Protection Systems.
- Give Minnesota State Fire Code enforcement authority back to the fire chief or the chief's duly authorized representative. This code authority is critical as the fire department conducts inspections, and performs fire alarm and fire sprinkler plan reviews.
- Amend current code language to better align with the fire and building department's current procedures and policies.

PROPOSAL DETAILS/ANALYSIS:

The adoption of this optional building code chapter is a joint request between the Lake Elmo Fire and Building Departments. The adoption and implementation of the State Building Code falls under the responsibility of the Building Department, however this optional section will benefit the Fire Department and the City of Lake Elmo. The potential improvement of fire protection and safety to the occupants, visitors, owners and first responders is the key benefit.

FISCAL IMPACT:

There are no fiscal impacts.

RECOMMENDATION:

Staff is recommending that the City Council, *as part of the Consent Agenda*, approve the ordinance amendments as detailed in attachment A including the adoption of Minnesota State Building Code Chapter 1306.0020 Municipal Option Subpart 3. New buildings. Subpart 3 includes new buildings, additions to existing buildings or buildings in which the occupancy classification has changed. If removed from the consent agenda, the recommended motion for the action is as follows:

“Move to adopt Ordinance 2021-001 as detailed in attachment A along with the adoption of Minnesota State Building Code Chapter 1306.0020 Municipal Option Subpart 3. New buildings and Resolution 2021-123 Authorizing Summary Publication of Ordinance 2021-001.”

ATTACHMENTS:

A: Ordinance Amendments and Resolution

B: Chapter 1306 Minnesota State Building Code

C: Chapter 1306 Example Diagrams

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

ORDINANCE NO. 2021-001

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE BY
AMENDING SECTION 151.041 TO ADD LANGUAGE PERTAINING TO
SPECIAL FIRE PROTECTION SYSTEMS**

The City Council of the City of Lake Elmo ordains that Lake Elmo City Code, Section 151.041, shall be amended by adoption of Ordinance 2021-001, as follows:

SECTION 1. Chapter 151.041 shall be amended as follows:

§ 151.041 FIRE PREVENTION AND PROTECTION.

(A) State fire code adopted. The Minnesota State Fire Code, as adopted by the Commissioner of Labor and Industry pursuant to M.S. Ch. 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 master copy of the most current and enforceable code book will be kept on hand and available for reference at the fire department.** 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.

- (1) **Appendices.** Appendices A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, and P are hereby adopted by the City of Lake Elmo. Under the direction of the Fire Code official, only particular appendices will be enforced. A published document is updated on an annual basis which includes specific details pertaining to appendices.

(B) State statute adopted. Minnesota State Statute, as adopted by the Commissioner of Labor and Industry, pursuant to M.S. Ch. 1306.0020 Subp. 3. is hereby adopted by reference and incorporated in this section as completely as if set out in full.

~~(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 of 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~~. **Fire Chief**.

(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;~~

~~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~~

~~(2) —~~

(1) Enforcement of the Minnesota State Fire Code and applicable State Statutes.

(2) Enforcement of Fire Department Code Interpretation Policy Data sheets.

(iii) 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 **new and** existing facilities in accordance with **an** established **fire department** 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.~~

(F) Hazardous materials.

(1) A list of all hazardous materials and chemicals stored in structure(s) and on the property shall be submitted to the Fire Department in accordance to SARA Tier II Reporting, including 302 and 312 classifications.

(G) Fire Department Code Interpretation Policy Data Sheets. The Lake Elmo Fire Department regularly publishes and maintains a specific set of interpretation policy data sheets that outline how the fire department understands and enforces particular sections of the Minnesota State Fire Code. Such interpretations are considered ordinance. A copy of each particular interpretation policy data sheet will be provided in any case where it is requested or enforced.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 2021-001 was adopted on this 16th day of November 2021, by a vote of ----- Ayes and ---- Nays.

LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

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

RESOLUTION NO. 2021-123

**RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 2021-001 BY
TITLE AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No 2021-001, an ordinance amending the City Code of Ordinances by amending Chapter 151 related to building regulation; and

WHEREAS, the Ordinance is lengthy; and

WHEREAS, Minnesota Statutes Section 412.191, subdivision 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the Ordinance; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 2021-001 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 2021-001 which adopts changes to Chapter 151 related to building regulation and fire suppression systems.

The full text of Ordinance No. 2021-001 is available for inspection at Lake Elmo city hall during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the Ordinance at City Hall for public inspection and that a copy be placed for public inspection at the Lake Elmo Public Library.

Dated: November 16, 2021.

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

(SEAL)

CHAPTER 1306
DEPARTMENT OF LABOR AND INDUSTRY
SPECIAL FIRE PROTECTION SYSTEMS

- 1306.0010 GENERAL.
- 1306.0020 MUNICIPAL OPTION.
- 1306.0030 REQUIREMENTS.
- 1306.0040 STANDARD.
- 1306.0050 SUBSTITUTE CONSTRUCTION.
- 1306.0060 EXEMPTION.
- 1306.0070 REPORTING.

1306.0010 GENERAL.

This chapter authorizes optional provisions for the installation of on-premises fire suppression systems that may be adopted by a municipality in addition to the State Building Code. If the municipality adopts them, the sprinkler system requirements of this chapter become part of the State Building Code and are applicable throughout the municipality. This chapter, if adopted, must be adopted without amendment.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 326B.101; 326B.106; 326B.13*

History: *27 SR 1479; L 2007 c 140 art 4 s 61; art 13 s 4*

Published Electronically: *July 11, 2007*

1306.0020 MUNICIPAL OPTION.

Subpart 1. **Requirement.** The sprinkler system requirements of this chapter, if adopted, must be adopted with the selection of either subpart 2 or 3, without amendment.

Subp. 2. **Existing and new buildings.** Automatic sprinkler systems for new buildings, buildings increased in total floor area (including the existing building), or buildings in which the occupancy classification has changed, must be installed and maintained in operational condition within the structure. The requirements of this subpart apply to structures that fall within the occupancy classifications established in part 1306.0030, items A to D.

Exception: The floor area of minor additions that do not increase the occupant load does not have to be figured into the square footage for occupancy classifications established in part 1306.0030, items A to D.

Subp. 3. **New buildings.** Automatic sprinkler systems for new buildings, additions to existing buildings, or buildings in which the occupancy classification has changed must be installed and maintained in operational condition within the structure. The requirements of this subpart apply to structures that fall within the occupancy classifications established in part 1306.0030, items A to D.

Exception: The floor area of minor additions that do not increase the occupant load does not have to be figured into the square footage for occupancy classifications established in part 1306.0030, items A to D.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 326B.101; 326B.106; 326B.13*

History: *27 SR 1479; 32 SR 6; L 2007 c 140 art 4 s 61; art 13 s 4*

Published Electronically: *July 11, 2007*

1306.0030 REQUIREMENTS.

For purposes of this chapter, area separation, fire barriers, or fire walls do not establish separate buildings. Gross square footage (gsf) means the floor area as defined in the International Building Code. The floor area requirements established in items A to D are based on the gross square footage of the entire building and establish thresholds for these requirements. The following occupancy groups must comply with sprinkler requirements of this chapter, unless specified otherwise:

A. Group A-1, A-2, A-3, and A-4 occupancies;

Exception: air inflated structures, and open picnic shelters.

B. Group B, F, M, and S occupancies with 2,000 or more gross square feet of floor area or with three or more stories in height;

Exception: S-2 open parking garages, aircraft hangars, salt storage sheds, and group "M" detached canopies.

C. Group E occupancies with 2,000 or more gross square feet of floor area or with two or more stories in height;

D. Group E day care occupancies with an occupant load of 30 or more.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 326B.101; 326B.106; 326B.13*

History: *27 SR 1479; 32 SR 6; L 2007 c 140 art 4 s 61; art 13 s 4*

Published Electronically: *July 11, 2007*

1306.0040 STANDARD.

Automatic sprinkler systems must comply with the applicable standard referenced in the State Building Code. If a public water supply is not available, the building official and fire chief shall approve the use of an alternate on-site source of water if the alternate source provides protection that is comparable to that provided by a public water supply. If an adequate alternate water supply sufficient for hose stream requirements is provided or available, the building official and fire chief may permit the water supply requirements for the hose stream demands to be modified.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 326B.101; 326B.106; 326B.13*

History: *27 SR 1479; L 2007 c 140 art 4 s 61; art 13 s 4*

Published Electronically: *July 11, 2007*

1306.0050 SUBSTITUTE CONSTRUCTION.

The installation of an automatic sprinkler system, as required by this chapter, would still allow the substitution of one-hour fire-resistive construction as permitted by the International Building Code, Table 601, footnote d.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 326B.101; 326B.106; 326B.13*

History: *27 SR 1479; L 2007 c 140 art 4 s 61; art 13 s 4*

Published Electronically: *July 11, 2007*

1306.0060 EXEMPTION.

The building official, with the concurrence of the fire official, may waive the requirements of this chapter if the application of water has been demonstrated to constitute a serious life, fire, or environmental hazard, or if the building does not have an adequate water supply and the building is surrounded by public ways or yards more than 60 feet wide on all sides.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 326B.101; 326B.106; 326B.13*

History: *27 SR 1479; L 2007 c 140 art 4 s 61; art 13 s 4*

Published Electronically: *July 11, 2007*

1306.0070 REPORTING.

A municipality must submit a copy of the ordinance adopting this chapter to the Department of Labor and Industry, Construction Codes and Licensing Division. The ordinance does not go into effect until:

- A. a signed electronic, faxed, or paper copy of the ordinance has been received by the division;
and
- B. the ordinance has been approved by the division.

An ordinance is deemed automatically approved by the division if the municipality has not been informed that the ordinance has not been approved within ten working days of the division's receipt of the ordinance.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 326B.101; 326B.106; 326B.13*

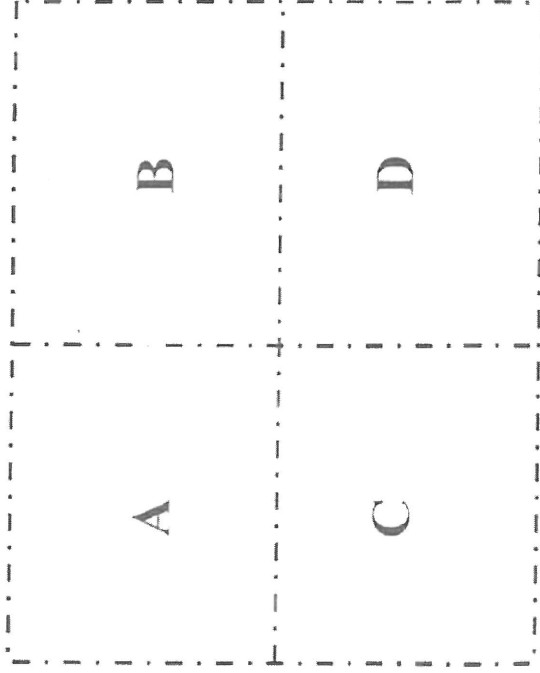
History: *27 SR 1479; 32 SR 6; L 2007 c 140 art 4 s 61; art 13 s 4*

Published Electronically: *July 11, 2007*

1306.0100 [Repealed, 27 SR 1479]

Published Electronically: *July 11, 2007*

1306

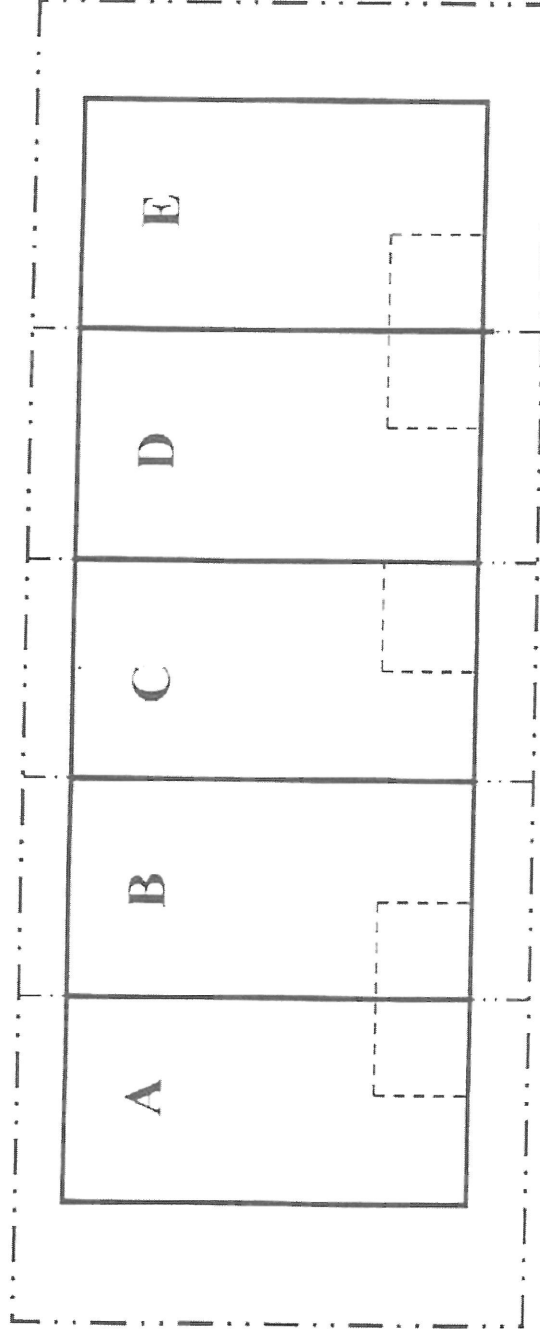


This city block is divided by property lines, the four existing buildings have different owners.

If building “A” changes its use and meets the thresholds in 1306, building “A” would be required to be sprinklered, buildings “B”, “C”, and “D” would not.

If building “A” were demolished and a new structure built meeting the thresholds of 1306, only building “A” would be required to be sprinklered, buildings “B”, “C”, and “D” would not.

1306



Proposed IRC attached townhouses with 2000 square feet of floor area, including garages in each unit.

1306.0030 E(1) (new buildings) would require sprinkling each unit because the total square footage exceeds 8500 square feet.

1306

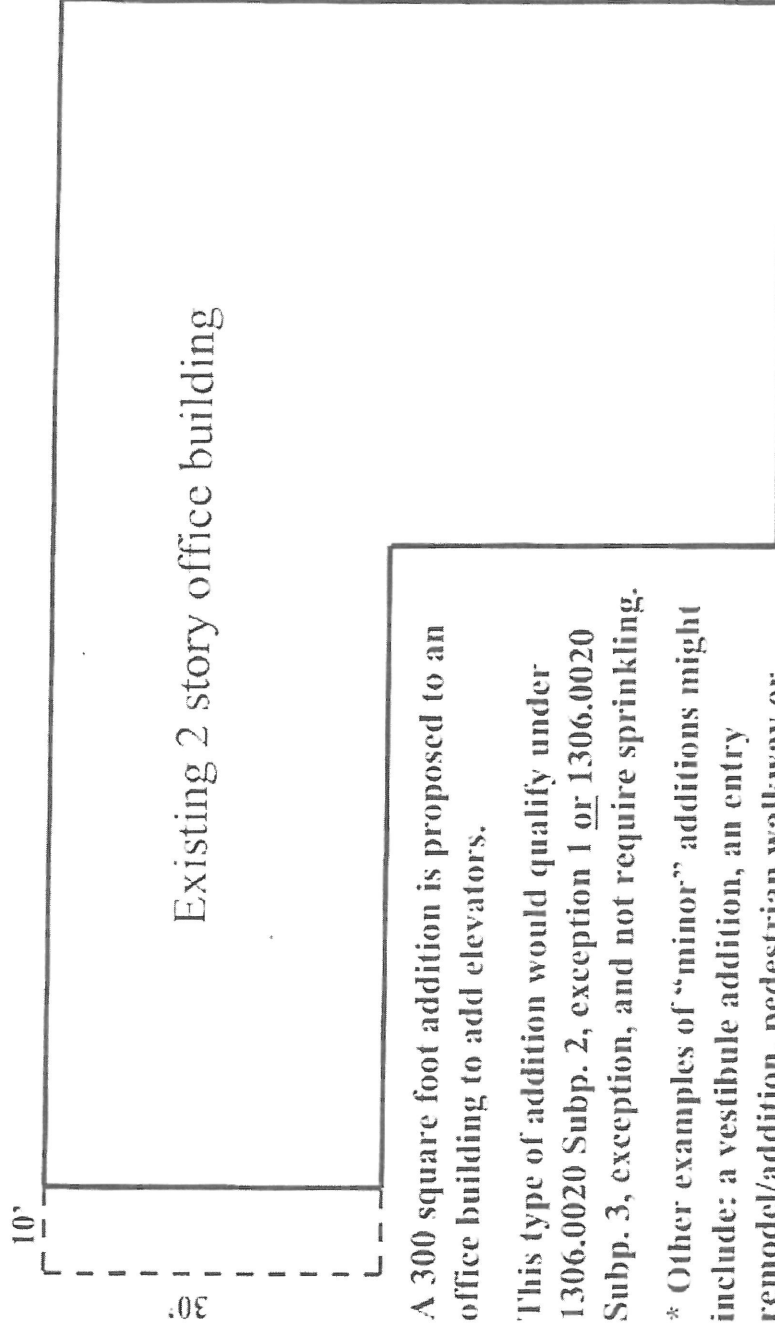
Proposed classroom/office addition
12,000 sq. ft.

Existing church
15,000 sq. ft.

If 1306.0020 Subp. 2 (existing and new) is adopted, both the proposed and existing building would be required to be sprinklered.

If 1306.0020 Subp. 3 (new buildings only) is adopted, only the proposed building would be required to be sprinklered.

1306



This type of addition would qualify under 1306.0020 Subp. 2, exception 1 or 1306.0020 Subp. 3, exception, and not require sprinkling.

* Other examples of "minor" additions might include: a vestibule addition, an entry remodel/addition, pedestrian walkway or skyway, a small entry canopy, HVAC or boiler room addition ...

1306

A	B	C	D	E
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Existing strip mall

Spaces "D & E" are retail spaces (M occupancies) which are remodeled into an A-3 restaurant.

If 1306.0020, Subp. 2 (existing and new buildings) is adopted, the entire building would be required to be sprinklered.

If 1306.0020, Subp. 3 (new buildings) is adopted, only the remodeled space would be required to be sprinklered.