

CHAPTER 8**LAND AND BUILDING REGULATION****805. BUILDING CODE**

Section 805.01. Purpose. This ordinance provides for the application, administration, and enforcement of the Minnesota State Building Code by regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures in the city; provides for the issuance of permits and collection of fees related thereto; provides penalties for violation thereof; and repeals all ordinances and parts of ordinances that conflict therewith. This ordinance shall perpetually include the most current edition of the Minnesota State Building Code with the exception of the optional chapters unless specifically adopted.

Section 805.03. Codes Adopted 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 Commissioner of Labor and Industry, through the Building Codes and Standards Unit, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

Section 805.05. Application, Administration and Enforcement.

Subd. 1. The application, administration, and enforcement of the code shall be in accordance with the Minnesota State Building Code.

Subd. 2. The city building official shall be the building code department of the city. This code shall be enforced by the Minnesota Certified Building Official designated by the city council to administer the code in accordance with Minnesota Statutes, Section 326B.133, subd. 1.

Subd. 3.

- (a) A Board of Appeals is hereby established for the purpose of hearing and rendering a determination regarding conflicting interpretations of the provisions of the State Building Code and regarding conflicting opinions of the suitability of alternate materials and methods of construction. The Board of Appeals shall consist of three persons appointed by the city council for such terms as the council may deem appropriate. The persons appointed to the Board of Appeals shall be qualified by experience and training to pass upon matters pertaining to building construction. The city building official shall be an ex officio member and shall act as secretary to the Board of Appeals.
- (b) Appeals to the Board of Appeals shall be in writing and shall be filed with the city clerk. The city clerk shall notify the appellant in writing at least five days prior to the date of the hearing before the Board of Appeals. The appellant shall have the right to be represented at the hearing and to present evidence relevant to the matter at hand.

Within 15 days of the close of the hearing, the Board of Appeals shall make a determination regarding the matter and shall transmit a written copy of its decision to the city building official and to the state building inspector. The state building inspector may affirm, reverse or condition the decision of the Board of Appeals on any matter.

Section 805.07. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Rules, Chapter 1300. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule most recently adopted by the city council. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statutes, Section 326B.148.

Section 805.09. Violations and Penalties. A violation of the code is a misdemeanor.

Section 805.11. Building Code Optional Chapters.

Subd. 1. The Minnesota State Building Code allows a city to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code.

Subd. 2. The following optional chapters identified in the most current edition of the State Building Code and Minnesota Rules are hereby adopted and incorporated as part of the Medina building code:

- (a) Chapter 1306, Special Fire Protection Systems, as amended from time to time, including the selection of 1306.0020, Subp. 3.
- (b) Chapter 1335, Flood Proofing Regulations, parts 1335.0600 to 1335.1200.

Amendment History of this Section

Previously Amended July 1, 1986 (Ord. 231). Amended 805.07 regarding the Board of Appeals.

Previously Amended June 20, 1995 (Ord. 285). Large-scale revision of Section 805 occurred, most subsections amended.

Adopted January 20, 2004 (Ord. 362). Previous wording of Section 805 was repealed in its entirety and replaced with new language from Ord. 362.

Amended on June 15, 2004 (Ord. 369). Added clause (b) to Subd. 2 of Subsection 805.11.

Amended on September 4, 2007 (Ord.429). Added and deleted language from clause (b) Subd. 2 of Subsection 805.11.

Amended on July 7, 2009 (Ord. 462). Amending 805 of the Code of Ordinance.