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Chapter 5: Construction Licensing, Permits and Regulation

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CHAPTER 5 CONSTRUCTION LICENSING, PERMITS AND REGULATION

SEC. 5.01. CODES ADOPTED BY REFERENCE.

The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes Chapter 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division 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 fully set out herein.

SEC. 5.02. APPLICATION, ADMINISTRATION AND ENFORCEMENT.

The application, administration and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes 16B.62, Subdivision 1, when so established by this ordinance.

The code enforcement agency of this municipality is called the Department of Building Safety, City of Claremont.

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.

SEC. 5.03. 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 adopted by the municipality in Claremont. 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.

SEC. 5.04. VIOLATIONS AND PENALTIES.

A violation of the code is a misdemeanor (Minnesota Statutes 16B.69).

SEC. 5.05. BUILDING CODE OPTIONAL CHAPTERS.

The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 allows the municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code.

SEC. 5.01. – 5.05. WAS AMENDED AND ADOPTED BY THE CITY COUNCIL ON JUNE 10, 2003.

(Sections 5.06 through 5.09, inclusive, reserved for future expansion)

SEC. 5.10. MOVING OF BUILDINGS.

Subd. 1. Permit and License Required.

A. No person shall act as a building mover, as that phrase is defined in Minnesota Statute § 221.81, Subd. 1(a), on the public streets under the control of the City of Claremont unless such person shall be licensed to do so by the Minnesota Commissioner of Transportation and has obtained a permit as required by this Section. A person moving his own building need not be

B. Exceptions.

1. A person moving his own building need not be licensed to do so by the Minnesota Commissioner of Transportation but must satisfy all other requirements of this Section, including obtaining a moving permit.
2. No permit is required for the moving of a structure that is not more than 10 feet wide, 12 feet long, and which is not more than 15 feet high when situated on a truck or moving carriage.
3. This Section shall not apply to the Minnesota Department of Transportation.

Subd. 2. Application Required.

A. No building shall be moved unless and until that person has made written application to the City Council for a moving permit and the Council has issued a moving permit to that person.

B. The written application shall include all information and shall meet all requirements of this Section. The City Council may, in its discretion, reject any application which does not contain all information or meet all of the requirements as set forth in this Section. The application shall at a minimum include the following:

1. Evidence that all real estate taxes and special assessments against the building and land from which it is to be removed are paid in full if located within the City of Claremont.
2. A written statement, bill of sale or other written evidence that the applicant is entitled to ownership of the building and to move the building.
3. Written evidence of arrangements with all public utility companies whose wires, lamps, or poles are required to be moved or removed.

4. The address and legal description of the land from which the building is to be removed, if within the City of Claremont.
5. The address and legal description of the land to which the building is proposed to be moved.
6. The route, including identification of streets or roads, over which the building is to be moved.
7. The distance which the building is to be moved.
8. The width, length, and height of the building to be moved.
9. The weight of the building to be moved.
10. If the building is to be located within the City after its movement, a survey by a licensed surveyor of the land to which the building is to be moved, including the location of the building in relation to the boundaries of the land and any public easements or right-of-ways.
11. Any permit fees, deposits, or other payments as required by this Section.
12. The date and approximate time that the building is to be moved.
13. Any such other information as the City may require for the determination of the approval of the moving permit.

Subd. 3. Payments Required. The following payments shall be made at the time of the application for a moving permit:

A. A permit fee in accordance with the following schedule:

Principal Building	\$100.00
Accessory Building	\$ 50.00
Moving through, within or out of the City	\$ 25.00

B. A surety bond, letter of credit or cash deposit of not less than \$25,000.00 to ensure the following:

1. To ensure completion of the following work:
 - a. Proper shut off of any/all utilities as may be specified by the utility service provider; and
 - b. Filling all excavations to grade, removing all rubbish, and leaving the premises in a safe and sanitary condition.
2. To ensure that the building so moved into the City shall be brought into conformance with applicable building code requirements.

3. To compensate the City for any municipal utility and public property repairs or alterations occasioned by such movement. These costs may include the estimated cost of labor, overhead, and materials which may be expended by the City to facilitate the temporary removal and replacement, relocation, or damage to, or destruction of, public property or facilities occasioned by the building moved.

Subd. 4. Requirements of Building Mover. The building mover shall:

- A. Move the building over only those streets which are designated for such use in the moving permit.
- B. Notify the City in writing of any desired change to the date or times of moving the building from that indicated in the application and moving permit and conduct moving operations only on the date and at the times designated in the application or approved in writing by the City and notify the police department at least 24 hours prior to commencing movement of the building.
- C. Notify the City in writing of any damage caused to property belonging to the City within 24 hours after the damage or injury has occurred.
- D. Cause warning lights or signals to be displayed during all times on each side of the building, while situated on a public street, in such manner as to warn the public of an obstruction, and at all times erect and maintain barricades across such streets as may be necessary and in such manner as to protect the public from damage or injury by reason of the presence, movement or removal of the building.
- E. Comply with the State Building Code, the provisions of the Claremont City Code and all other laws.
- F. Pay for the expense of any traffic officer who accompanies the movement of the building to protect the public from injury.

Subd. 5. Requirements of Building Owner. The building owner shall:

- A. Remove all rubbish materials and fill all excavations to existing grades at the original building site, if within the City of Claremont, so that the premises are left in a safe, neat and sanitary condition. All foundation structures shall be removed to a depth of 18 inches below the finish grade of the earth.
- B. Cause and sewer and/or lines to be plugged, shut off, or removed if the original site is within the City, in such manner as may be required by the City.
- C. If the building is relocated within the City of Claremont, complete, within 90 days after removal, all remodeling, additions or repairs as indicated in the application, and any document filed in support thereof, or in any building permit issued in connection therewith.

D. Take all reasonable precautions to secure the building and to reduce danger to any member of the public until the building is set on its foundation and any remodeling, additions, or repairs, described in the application, have been completed, including but not limited to:

1. Locking all doors and windows;
2. Providing sufficient support or bracing so as to stabilize the building to prevent it or any part thereof from sliding, slipping, falling, or moving.

Subd. 6. Liability to City. The holder of holders of a permit shall be liable jointly and severably for any expenses, damages, or costs paid or incurred by the City as a result of the issuance of a permit or the taking or failure to take any action required of the holder or holders of the permit or the City hereunder.

Subd. 7. Refund of Amounts on Deposit. Upon completion of the moving of the building pursuant to a permit, the amount which the applicant has deposited in conjunction with the filing of the application shall be returned to him, less all amounts which any holder of a permit shall become liable to the City and which the City may retain under any provision of this Section. The permit fee paid upon filing of the application shall not be returned whether the application is approved or denied and is non-refundable.

Subd. 8. Additional Terms. Any permit granted under the terms of this Section may have attached thereto written conditions which shall be strictly adhered to by the permittee.

Subd. 9. Denial of Permit. Any permit under this Section may be denied upon a finding of anyone of the following:

- A. The applicant has not complied with any requirement of this Section;
- B. Persons or property in the City of Claremont would be endangered by moving the building, because of shape, size, route, or for any other reason;
- C. The building is in such state of deterioration or disrepair or is otherwise so structurally unsafe that it would constitute a danger to persons or property in the City;
- D. The building is structurally unsafe or unfit for the purpose for which moved, if the location to which the building is to be moved is in the City of Claremont;
- E. The equipment for moving the building is unsafe and persons or property would be in danger by its use;

- F. The building or its use would not be in compliance with zoning, building codes, or other provisions of the Claremont City Code, if the location to which the building is to be moved is within the City of Claremont; or
- G. If the location to which the building is to be moved is within the City of Claremont, the building is in substantial variance with either the established or the expected pattern of building development within the neighborhood to which the building is to be moved. Comparative age, bulk, architectural style and quality of construction of both the building to be moved and the buildings existing in the neighborhood shall be considered in determining whether a building is in substantial variance. If the building to be moved is more than 10 years older than the oldest building situated on the lands abutting the land to which the building is to be moved, such facts shall be evidence that the building to be moved is in substantial variance.

Subd. 10. Obstruction Prohibited. No building in the process of removal or moving shall be allowed to stand still in or on any public street or public ground in the City of Claremont for more than 8 hours without written consent of the City of Claremont, nor shall it be allowed unnecessarily to obstruct any railway or telephone, telecommunications, telegraph or electric line, for any time whatsoever, without consent from an authorized agent.

Subd. 11. Verification of Code Compliance. Before movement of any building within the City of Claremont, either from one location to another within the City, or from a point of origin without the City to a destination within the City, it shall be inspected by the Claremont Building Inspector and a building permit shall have been issued for at least the work necessary to bring the building into full compliance with the State Building Code and all other State or local requirements, including all requirements of the Claremont City Code.

Subd. 12. Insurance Required. All licensed movers shall provide with their application for a moving permit a Certificate of Insurance from a company licensed to do business in the State of Minnesota providing coverage in the following amounts.

- a. **GENERAL LIABILITY:** Public Liability including premises, products and complete operations.

Bodily Injury Liability	\$1,000,000 each person \$3,000,000 each occurrence
Property Damage Liability	\$3,000,000 each occurrence
Bodily Injury and Property And Damage Combined	\$3,000,000 single limit
- b. **COMPREHENSIVE:** Automobile Liability Insurance, including owned, non-owned and hired vehicles.

Bodily Injury Liability	\$1,000,000 each person
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	\$3,000,000 each occurrence
Property Damage Liability	\$3,000,000 each occurrence
In lieu of (1) and (2) Bodily Injury and Property Damage Combined	\$3,000,000 single limit

Such certificate shall verify that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of its actions as a building mover. Such certificate shall also indicate the registrant's insurance is the primary coverage, shall name the City as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages.

SEC 5.10. WAS AMENDED AND ADOPTED BY THE CITY COUNCIL ON MARCH 8, 2005.

(Sections 5.11 through 5.14, inclusive, reserved for future expansion.)

SEC. 5.15. SPECIAL REQUIREMENTS IN NEW CONSTRUCTION.

Subd. 1 Private Sewage Disposal Systems. All buildings for which permits are issued after the adoption of this Section shall be connected to the City sewerage disposal system unless to do so would require the installation of a lift station.

Subd. 2 Roof and Surface Water, Sump Pumps and Other Natural Precipitation. No water from the roof, surface, sump pump, or other natural precipitation shall be discharged into the sanitary sewerage system from a building for which a permit is issued after the adoption of this Section.

Subd. 3 Remote-Type Water Meters. All buildings for which permits are issued after the adoption of this Section shall have remote-type water meters.

(Sections 5.16 through 5.19, inclusive, reserved for future expansion.)

SEC. 5.20. INFORMATION REQUIRED WITH APPLICATION FOR BUILDING PERMIT.

- A. All persons seeking to improve property within the City of Claremont shall submit along with their application for a building permit information on the location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments and any other information which may be necessary or which is requested by the City to ensure conformance with all provisions of the Claremont City Code.
- B. Any person desiring to improve unplatted property or platted property with a legal descriptions which contains other than whole lots shall submit with their application for a building permit a survey of said premises performed and certified by a licensed surveyor.

SEC. 5.20. WAS ADOPTED BY THE CITY COUNCIL ON NOVEMBER 9, 2004.

(Sections 5.21 through 5.98, inclusive, reserved for future expansion.)

SEC. 5.99. VIOLATION OF CHAPTER 5.

Every person who violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, shall be subject to the following penalties:

Subd. 1. Misdemeanor. Any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable in accordance with Minnesota law.

Subd.2. Fines.

- A. The City may provide to the violator written notice of violation and notice of the time, date, place and subject of a hearing before the City Council. At the hearing the Council shall provide to the owner an opportunity to be heard. If the City Council determines a violation has occurred, it shall set a deadline for the violator to correct the violation. Upon the expiration of the deadline set by the Council for correcting the violation, each day that a violation is permitted to exist shall constitute a separate offense, subject to a fine of \$100.00 for each day that the violation continues.
- B. In the event that the City successfully brings a civil action to enforce any provision of this Chapter, the violator shall be personally liable to the City for the costs of the civil action, including administrative costs and reasonable attorney's fees. If the costs have not been paid in full by the owner within thirty (30) days of entry of judgment, all amounts owed may be assessed against any property owned by the violator within the City of Claremont. The Council may then certify the charges to the County Auditor to collect them along with current taxes the following year or in annual installments, not exceeding ten installments, as the Council may determine in each case.

Subd. 3. Injunction. The City may also seek and shall have available to it the remedy of obtaining a temporary restraining order or a temporary or permanent injunction to correct the violation.

Subd. 4. If any section, subsection, sentence or clause or phrase of this subdivision is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this subdivision. The City Council hereby declares that it would have passed this subdivision irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 5.99. WAS AMENDED AND ADOPTED BY THE CITY COUNCIL ON DECEMBER 14, 2004.