

## **212 Building and Fire Code**

### **212.010 Building Code.**

(A) Adoption of Minnesota State Building Code. The Minnesota State Building Code, as adopted by the Minnesota Commissioner of Administration, pursuant to Minnesota Statutes Chapter 16B.59 to 16B.75 including any optional chapter hereinafter specifically adopted; and including all amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administrator through its Building Codes and Standards Division is hereby adopted by reference and incorporated as if fully set forth herein, and shall be known as the Shoreview Building Code.

(B) Building Code – Optional Chapter. The following optional provision, as identified in the most current addition of the Minnesota State Building Code, is hereby adopted and incorporated as part of the Shoreview Building Code:

1306. Special fire protection system with (Subpart 2) for new construction.

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### **212.020 Building Permits.**

(A) Applications. In addition to information required by the Building Code, permit applications shall include the following information:

(1) Plot Plan and Certificate of Survey. Application shall be accompanied by two (2) copies of a plot plan showing the correct location of the proposed buildings with respect to the lot lines and also the correct location of all other buildings existing or proposed to be constructed on the lot. This plan shall also show the proposed location of water supply, sanitary facilities, existing and proposed grade elevations, and proposed disposal of surface water. In the case of unplatted land, the plot plan shall show that the location of all buildings to be erected shall not obstruct future street extensions or preclude future subdivisions and development of the property. A certificate of survey by a registered land surveyor shall be required for any lot which is to be occupied by a principal building.

(2) An Erosion and Sediment Control Plan, as per Section 209.040(E)(2).

(3) Plans and Site Plans.

(a) Application for permits for single family residences shall be accompanied by two (2) copies of the plans and specifications clearly illustrating and specifying the work to be done, and such plans shall be so complete as to fully illustrate the character of the proposed work.

- (b) Certain Plans Required. Applications for permits for any building or structure (other than single family residences) shall include the following plans:
- (i) Complete details of the proposed site development, including, but not limited to, location of buildings, driveways, parking spaces, dimensions of the parking spaces, dimensions of the lot, lot area and yard dimensions.
  - (ii) Complete landscaping plans including species and size of trees and shrubs proposed.
  - (iii) Complete plans for proposed sidewalks to service parking, recreation and service areas within the proposed development.
  - (iv) Complete plans for proposed storm water drainage systems sufficient to drain and dispose of all surface water accumulations within the area.
  - (v) Complete architectural, structural, electrical and mechanical plans for the proposed buildings.
  - (vi) Complete plans and specifications for exterior walls finishes and surfaces proposed for all principal and accessory buildings.
  - (vii) Complete data as to dwelling units, sizes and ratios of dwelling units to total lot space.
  - (viii) Any additional data requested on forms furnished by the administrative staff.

- (3) Proof of Ownership. Applicants for building permits to construct, enlarge, alter, repair, demolish or move commercial and industrial structures or residential structures containing more than two dwelling units, shall supply proof of ownership for the property for which the permit is requested in a form acceptable to the City Attorney. Proof of ownership shall not be required for building permits to construct, alter, repair, demolish, or move sheds, shelters, unattached garages, driveways, sidewalks or fences.

- (B) Number of Permits. Except as provided herein, only one principal building shall be constructed on each lot within the City:

- (1) PUD. The City Council may approve more than one building permit on a single lot in any zoning district as part of an approved Planned Unit Development.

- (2) Residential District/Preliminary Plat. The City Council may approve more than one building permit for a dwelling unit on a single lot in a Residential District if all of the following criteria have been satisfied by the applicant:
- (a) A preliminary plat has been approved by the City Council and the building permits are requested to allow construction of model homes on lots within the approved preliminary plat before a final plat approval.
  - (b) Each model home will be constructed with a different exterior and/or floor plan.
  - (c) The lots for which the building permits are requested shall have available to them City streets, sanitary sewers, water and storm sewers constructed according to City specifications.
  - (d) The buildings shall be connected to the approved sanitary sewer and water systems before the structures are occupied for any purpose of either a permanent or temporary nature.
  - (e) The applicant shall comply with all landscaping and erosion control measures required by the City Building Inspector which shall be specified on each building permit. The applicant shall deposit cash with the City equal to 1 and 1/2 times the estimated cost of compliance prior to the issuance of building permits and shall agree that the City can utilize the cash deposit for landscaping and erosion control if the applicant fails to comply.
  - (f) The number of building permits authorized pursuant to this section shall be specified by the City Council at the time of preliminary plat approval but shall not exceed an amount equal to 10% of the proposed lots rounded to the next highest whole number, or 4 whichever is less.

(C) Exterior Improvements.

- (1) All exterior improvements of a structure, or portion thereof, to single family dwellings, multiple family dwellings of twelve (12) units or less or any structure accessory to a residential use shall be completed in accordance with City-approved construction plans within one hundred eighty (180) days after the date the City issued the building permit.
- (2) All exterior improvements of a structure, or portion thereof, to multiple family dwellings of more than twelve (12) units or any commercial, industrial, office, institutional or non-residential structure shall be

completed in accordance with City-approved construction plans within one (1) year after the date the City issued the building permit.

(3) In all cases, the compliance deadline shall be upheld unless a written extension is submitted and approved by the Building Official. An extension may only be granted in the event that a natural disaster or a calamitous event occurs which unavoidably delays the completion of the building project. The decision of the Building Official may be appealed to the Planning Commission, who acts as the Board of Adjustments and Appeals.

(D) Planning Commission and Council Review. Building permits for multiple family, commercial or industrial structures may not be issued until site and building plans have been reviewed by the City's Planning Commission and Council.

(E) Other Improvements. A building permit shall be required for the structures exempt from Minnesota State Building Code requirements but regulated within this Development Ordinance including but not limited to, decks and platforms less than 30 inches above adjacent grade and not attached to a structure with frost footings; driveways; fences; patios; sheds less than 200 square feet in size; sidewalks and swimming pools.

(F) Building Permit Fees. Building permit fees for general construction; driveways and sidewalks; structures and buildings; moving of a building or dwelling into, out of, or from one location to another within the City; wrecking or demolishing of a building; and fences shall be as prescribed from time to time by City Council resolution on file with the City Manager.

(G) Plan Review Fee. When the Building Inspector determines that the review of plans and specifications for a particular construction or structure is necessary, a plan review fee shall be paid to the City in addition to any other building permit fee; provided that, plan review fees shall not be charged for the construction of single and double family residential dwellings unless the estimated value of such construction exceeds \$15,000. Plan review fees shall be as prescribed, from time to time, by City Council resolution on file with the City Manager.

## **212.030 Fire Code**

(A) Adoption of Codes and Standards. The Minnesota State Fire Code as adopted by the Minnesota Commissioner of Public Safety pursuant to Minnesota Statute 299F.011 and as defined by Minnesota Rules Section 7510.3290 through 7510.3480 shall be applicable within the City of Shoreview subject to the following modifications:

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- (B) More Restrictive Standards Apply. If there is a conflict between the standards contained in the Minnesota State Fire Code, the Minnesota State Building Code, and/or the Shoreview Municipal Code, the provisions of the more restrictive regulation shall be applicable and prevail.
- (C) Balcony-Patio Cooking Devices. The Minnesota State Fire Code, Article 11, shall be amended by adding Section 11.117 to read as follows:
- (1) No person shall use a cooking device of any kind, which utilizes an open flame in combination with charcoal or a similar combustible material to generate a flame or heat, on any balcony or patio which is attached to or within fifteen (15) feet of any building in which there are two or more dwelling units on more than one level, unless each dwelling unit has its own private means of ingress and egress, or unless the decking, railing, overhang, and wall or walls abutting and adjacent to the balcony or patio are constructed of noncombustible material.
- (D) Open Flame Prohibited. In any structure containing 3 or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, or on any ground floor patio within 15 feet of the structure, provided that, listed electric gas fired barbecue grills that are permanently mounted and wired or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches on all sides, unless listed for lesser clearances, may be installed on balconies and patios when approved by the fire chief.
- (E) Fuel Storage Prohibited. No person shall store or use any fuel, barbeque, torch, or other similar heating or lighting chemical or device in the locations designated in Section 212.030(D).
- (F) Fireworks.
- (1) Permit Required.
- (a) Commercial Fireworks. No person shall use or display commercial fireworks without a permit, as provided in Section 707.020(A).
- (b) Consumer Fireworks. No person shall sell or store consumer fireworks without a license, as provided in Section 707.020(B).
- (G) Codes and Standards on File. One copy of each code or standard referred to in Section 212.030(A-E) shall be marked "Official Copy" and shall be kept on file in the office of the Shoreview Building Inspector for use and examination by the public.
- (H) Enforcement.

- (1) The Fire Chief shall enforce the provisions of the Shoreview Fire Code.
  - (2) The Fire Chief may designate members of the Fire Department as Inspectors.
- (I) Appeals. Whenever the Fire Chief shall disapprove or refuse to grant a permit, or issue an order or notice as provided in the Shoreview Fire Code, or when it is claimed that the Shoreview Fire Code has been wrongly applied or interpreted, the aggrieved person may appeal the decision of the Fire Chief as follows:
- (1) The aggrieved person must first request the Fire Chief to reconsider the Fire Chief's decision. The request to reconsider must be made within ten days from the date of the Fire Chief's initial decision.
  - (2) The person aggrieved by the final decision of the Fire Chief may file a written appeal with the City Manager. The appeal to the City Manager must be made within thirty days from the date of the final action of the Fire Chief.
  - (3) The person aggrieved by the decision of the City Manager may file a written appeal with the City Council. The appeal to the City Council must be made within thirty days from the date of the decision of the City Manager.
  - (4) The person aggrieved by the decision of the City Council may appeal to the State Fire Marshal in accordance with Minnesota Statute Section 299F.011, Subdivision 5.
- (J) Penalty. Any person violating any provisions of the Shoreview Uniform Fire Code or any order made pursuant thereto, shall be guilty of a misdemeanor. Each days' violation after notice thereof shall constitute a separate offense.
- (K) Severability. If any section, subsection, sentence, clause or phrase in the Shoreview Fire Code is held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Shoreview Fire Code.