



AGENDA OF THE PLANNING
COMMISSION
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
January 24, 2019
7:00 P.M.

CALL TO ORDER

APPROVE AGENDA

REGULAR AGENDA

- A. Welcome New Commissioners – Andy Sorenson & Mark Foster* (p. 3)
 - 1. Appointee introductions (backgrounds)
 - 2. Commissioner's expectations
 - 3. Q&A
- B. Review/Approve November 26, 2018 Meeting Minutes* (p. 5)
- C. Discuss Amending Permit Requirements (203.040)* (pp. 7-34)
 - 1. Enclosures:
 - a. Staff memo* (p. 7)
 - b. Section 203.040* (p. 8)
 - c. Winters' email* (pp. 9-11)
 - d. Birchwood brochure* (pp. 13-14)
 - e. Mahtomedi* (pp. 15-16)
 - f. White Bear Township* (pp. 17-22)
 - g. MN STAT 1300.0120* (pp. 23-27)
 - h. St. Paul* (pp. 29-34)

ADJOURN

* Denotes items that have supporting documentation provided

MEMORANDUM



Birchwood Village

TO: Birchwood Planning Commission
FROM: Tobin Lay, City Administrator
SUBJECT: Welcome New Commissioners

Dear Commissioners,

Please welcome Andy Sorenson & Mark Foster to the Planning Commission!

During the January City Council meeting, the City Council reviewed letters of interest from Planning Commission candidates and appointed Andy Sorenson & Mark Foster to the Commission.

Andy Sorenson, who has kept the Commission's minutes for the past year in a voluntary capacity, has offered to continue keeping the minutes for the Commission.

Request/Recommendation

Staff recommends Commissioners:

- 1) Give each appointee a few minutes to introduce themselves and their backgrounds.
- 2) Explain to the appointees the Commission's roll in the City and any expectations Commissioners have of them.
- 3) Offer a brief Q&A.

Thanks!

Regards,
Tobin Lay

CITY OF BIRCHWOOD VILLAGE
PLANNING COMMISSION MEETING
November 26, 2018
MINUTES

COMMISSIONERS PRESENT: Chair Doug Danks, Vice Chair John Lund, Jozsef Hegedus, John Winters

Others present: Andy Sorenson, Tobin Lay, Dan Erickson (MN DOT), Steve Thatcher

Chair Doug Danks called the meeting to order at 7:02 pm

APPROVE AGENDA – John Lund motioned to approve the agenda. Jozef Hegedus seconded. Motion passed.

REGULAR AGENDA

- A. Review/approve October 25, 2018 meeting minutes. Commissioner Lund motioned to approve. Jozsef Hegedus seconded. Motion passed.
- B. Lakewood Lane improvements
Discussed options to deice road and/or change road.
Recommended a study session with Dan and Andrew
- C. First reading Ordinance 2018-11-01 amending Conditional Uses (Sec 301)
Motion was made to approve, strike Line F. Chair Doug Danks seconded. Motion passed.
- D. Easement Usage Agreement.
Commissioners on record:
 1. John Winters is against Easement Usage Agreement
 2. Chairman Doug Danks not in favor of using parks to access their properties, use public access, not Birchwood access
 3. Vice Chair John Lund is in favor of Easement Usage Agreement
 4. Jozef Hegedus is in favor of Easement Usage Agreement
 - All four commissioners present agreed to limit access to one specific easement

ADJOURN at 8:25pm. Motion was made by John Lund, seconded by John Winter. All ayes. Motion passed.

MEMORANDUM



Birchwood Village

TO: Birchwood Planning Commission
FROM: Tobin Lay, City Administrator
SUBJECT: Permit Requirements

Dear Commissioners,

During the Oct 25, 2018 Commission meeting, Commissioners tabled the agenda topic regarding Permit Requirements and Commissioners agreed to return in January with suggestions/examples for consideration on this topic.

An excerpt of Section 203.040 is enclosed for your convenience. Also enclosed is an email and supporting materials from Commissioner John Winters on this subject from Last October that has not yet been reviewed.

History

Last Fall, it was brought to my attention that the language of 203.040 is overbroad for what it requires a permit. As written, almost any work would require a permit, even painting. The State building code is not nearly so broad and there are no inspection guidelines for many of the jobs that would fall under the current reading of Birchwood's code.

Councilmember LaFoy requested and City Council Members agreed to have the Commission review 203.040 (enclosed) and make recommendations for appropriate amendments. These amendments should narrow what jobs require a permit while making sure appropriate jobs are covered.

Request/Recommendation

City Council requests Commissioners:

- 1) Review the enclosed materials, discuss, and make recommendations for amendments to Section 203.040 Permit Requirements.

Thanks!

Regards,
Tobin Lay

203.040. PERMITS REQUIRED.

1. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, convert, or demolish any building or structure in the City or cause the same to be done, without first obtaining from the city a separate building permit for each such building or structure.

2. It shall be unlawful for any person, partnership, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy or maintain any building or structure in the City of Birchwood Village or cause the same to be done contrary to, or in violation of any of the provisions of this Code. Any person, partnership, firm or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor, and shall be guilty of a separate offense for each and every day, or portion thereof, during which any violation of the provisions of this Code is committed, continued or permitted.

Tobin Lay

From: John Winters
Sent: Wednesday, October 3, 2018 9:55 PM
To: Danks, Doug; Felt, Randy; Lund, John; Hegedus, Jozsef; Tobin Lay
Subject: When is a permit required?
Attachments: Responsible Building Brochure (inside trifold) Gold color.jpg; Responsible Building Brochure (inside trifold).jpg; Responsible Building Brochure (outside trifold) Gold color.jpg; Responsible Building Brochure (outside trifold).jpg; White Bear Lake.pdf; Mahtomedi.pdf; White Bear Lake Township guidelines.pdf; WBL Township Section 3.pdf; White Bear Lake Township guidelines.pdf; MN 1300-0120 PERMITS.pdf; St. Paul When Is A Permit Required.pdf; St. Paul Code Section 33-03 Permits--When required.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Folks,

This is an email that does not involve a legal matter. It's just information concerning Birchwood.

Summary

I researched Birchwood and the surrounding communities of the City of White Bear Lake, the City of Mahtomedi, White Bear Lake Township, the City of Maplewood and the City of St. Paul on ways that their residents can determine if a permit is required for contemplated work on their property.

Basically, they rely heavily on city staff to help the residents. Some have statements on their websites. Some have ordinances.

Our Birchwood brochure is nice and friendly and certainly gets the idea across. If we feel we want something more detailed, St. Paul's website statement is two pages long and quite detailed. See the remarks below.

Birchwood

I could not find anything in Birchwood ordinances about required permits or dollar limits.

Birchwood has a three-fold brochure from before the Birchwood website 10 to 15 years ago which is user friendly and written up like a village would do it. It's attached in two version, an almost white version that is easier to read and a full color version. It needs to be updated because it refers to White Bear Lake as our planning department. Other changes could be made.

City of White Bear Lake and Mahtomedi

Both these cities use the City of White Bear Lake Planning Department and therefore, share the same policy. The overarching policy seems to be:

"No permit is required if the work is cosmetic. Painting a window frame does not need a permit. Installing a window
needs a permit."

I couldn't find anything in their ordinances which could mean, I just missed it. Sam Crosby from the planning department was quite helpful.

Attached are statements from each their websites.

White Bear Lake Township

WBL Township has guidelines in two places on their website and ordinances in two places.

The guidelines have two lists in different places. One has 12 items and the other has 15 items. There is some overlap in the two lists as well as separate items. The shorter lists includes a phone number for questions for the staff. The document is attached as "WBL Township Guidelines".

The four page Section 3 of Ordinance 8 includes rules about permits. The following paragraphs include answers to "When Is A Permit Required?" 3-13, 3-15, 3-17, 3-18, 3-19, 3-25, 3-26(very long),

There is a cost limit that does not require a permit in 3-23, but I couldn't find it. It's a resolution by the Town Board.

City of Maplewood

Maplewood depends on staff to determine if a permit is required. The planner referred me to the "Minnesota Administrative Rules, Section 1300.0120 Permits" which is attached. This document has rules about permits and in Subpart 4 lists many items that do not require a permit. There is no list of what does require a permit.

City of St. Paul

St. Paul website guidance is quite good at two pages long. It does include a cost limit of \$500 for materials and value of labor below which no permit is required. There is a lot of detail. They also put the requirements into their ordinances.

Frequently Asked Questions

What are my rights and responsibilities?

You can use and improve your property as long as you meet the City's standards for building and use of land.

Where do I find these regulations?

The City Code contains the regulations. You can review a copy at the Birchwood City Hall or on the Birchwood web site (<http://birchwood.govoffice.com/>).

What is regulated?

Land disturbance activities are regulated and standards exist for placement, size, and use of structures.

Why is property improvement regulated?

Regulations and standards have been adopted by the City to promote the public health, safety, and welfare, to safeguard lakes and wetlands, and to implement Birchwood's comprehensive plan.

What are my neighbor's rights?

Your neighbor has the right to be notified and to comment if you need a conditional use permit or a variance, and to be notified if you are building a fence.

Where do I start?

1. Develop your plans
2. Apply for permit(s) at the Planning Department*
3. Start your project after obtaining the needed permit approvals

* Service for Birchwood residents is provided by the City of White Bear Lake Planning Department, at
White Bear Lake City Hall
4701 Highway 61
White Bear Lake, MN 55110
Phone: (651) 429-8518
Fax: (651) 429-8503

Use this brochure to:

- **Know your rights and responsibilities as you improve your property**
- **Understand the rights of your neighbors**
- **Help you get the permits you need**

For more information contact the Birchwood Village City Hall

207 Birchwood Avenue
Birchwood, MN 55110
Phone: (651) 426-3403
Fax: (651) 426-7747
E-mail: bwood@spacestar.net
Web: <http://birchwood.govoffice.com/>

**Or call the White Bear Lake
Planning Department***
(651) 429-8518

* Service for Birchwood residents is provided by the City of White Bear Lake.

RESPONSIBLE BUILDING

In The City of Birchwood Village

**Your guide for
improving your
property while
respecting your
neighbors and
observing the
requirements of
the City Building
and Zoning laws**

Responsible Development Starts With Planning!

Planning is necessary for a successful outcome. Take time before you begin any work to be sure you will meet the requirements of the City building and zoning regulations.

Here is a summary.

1. Building regulations

All structures must meet City building regulations. These regulations are found in the Minnesota State Building Code and in Chapter 203 of the Birchwood Code.

2. Land disturbance regulation

Excavation and filling must meet the regulations found in Chapters 302 and 306 of the Birchwood Code.

3. Zoning regulations

All structures must meet the zoning standards found in Chapter 302 of the Birchwood Code. The standards govern:

- Minimum lot size
- Setbacks and location of structures
- Elevation above high water
- Living area minimums
- Structure height
- Impervious surface area
- Storm water runoff

A plan is also an excellent way to let your neighbors know what will be happening. Involve them early in the process, and use the plan to keep the lines of communication open.

Apply For Permit(s).

1. Building Permit

For most projects, you'll need a building permit. With a few exceptions, any work that you or a contractor do to build, repair, or extend structural elements on your property will require a building permit. Separate permits are also required for plumbing work and for electrical work.

2. Conditional Use Permit

For a few types of projects, you may need a conditional use permit:

- Grading/filling/excavating near lakes and wetlands where slope is toward lake or wetland.
- Grading/filling/excavating greater than 400 sq. ft. or 50 cu. yds.
- Swimming pools
- Tennis courts
- Solar energy systems
- Home occupations

3. Zoning Permit

You'll need only a Zoning Permit for projects involving these types of structures:

- Retaining walls
- Fences (also need to notify neighbors)
- Small accessory buildings
- New or enlarged sidewalks, patios, or driveways
- Low, unattached decks or platforms
- Small land disturbance activities
- Stairs or lifts to the lake

Apply for permits at the City of White Bear Lake Planning Department.*

4701 Highway 61

White Bear Lake, MN 55110

Phone: (651) 429-8518 Fax: (651) 429-8503

* Service for Birchwood residents is provided by the City of White Bear Lake.

Obtain Permit Approval

1. Building Permit – A building official will review your plans to make sure that they meet the Minnesota Building Code and the Birchwood zoning standards. The building official will inform you if your plan does not meet these standards, and will work with you on alternatives. If the plan meets the standards, the planning department will issue a permit and will also determine a schedule for inspection of the work being done. The fee for this service varies depending on the valuation of the work being done.

2. Conditional Use Permit – The building official will forward your application to the City of Birchwood. The Birchwood Planning Commission will hold a public hearing and make a recommendation. The City Council will then make a decision on approving a Conditional Use Permit. The fee for this service is \$160.

3. Zoning Permit – A building official will review your plan to make sure it meets the Birchwood zoning regulations. The building official will inform you if your plan does not meet zoning standards, and will work with you on alternatives. If the plan meets zoning standards, the planning department will issue a zoning permit. There is no fee for this service.

If your project does not meet Birchwood zoning standards, you may apply to the City for a variance. You can get help starting this process from the planning department or the Birchwood City Hall.

When is a permit required?**City of White Bear Lake and Mahtomedi****When is a permit required?**

Permits are required for New Buildings, Additions, Residential Alterations or Renovations (decks, garage, basement finishes, kitchen expansion, roofs, pools etc.), Building or Interior Demolition, Electrical, Plumbing and HVAC/Mechanical. If you are wondering if your project requires a permit, contact the Building Department at (651) 429-8518.

What projects do NOT require a permit?

Cosmetic updates do not require permitting, such as painting, carpet flooring, tile flooring, cabinet replacement, storm doors, gutters or trim.

Mahtomedi

Building Permit

Building permits are required for new construction and most remodeling projects. Some of the most commonly obtained permits are for roofing, siding, decks, pools, and sheds. Allow at least five to seven business days from the date the permit and all required information is received by the Building Official for approval on residential and commercial permits. Separate permits are needed for mechanical, plumbing and electrical. Homeowners can do their own work. However, if a contractor is performing the work, they must be either State or City licensed. Building permits for new construction require two sets of plans, a certificate of survey, and energy calculations. For remodeling, decks, or other work, two sets of plans are required.

White Bear Township

What types of projects require a building permit?

Building Permits are required for new construction and most home improvement projects, including:

- * Windows
- * Siding
- * Roofing
- * Electrical Work
- * Plumbing
- * Mechanical
- * Additions
- * Decks
- * Fences
- * Driveways
- * Accessory Buildings
- * Bathroom or kitchen remodels

For more information visit our Building Department page or contact our Building Department at 651-747-2750.

Building & Inspections

The Building and Inspections Department issues all building and zoning permits for the Township. This department provides for the health, safety and welfare of Township residents by providing inspection services to ensure that all residential, commercial, and industrial buildings are in compliance with the Uniform Building Code and Township Ordinances.

Building Permits

Building permits are required for the construction of a new dwelling and for various modifications to existing structures as outlined below. The [Building Permit Application Form \(PDF\)](#) can be obtained online or at the Townships Administration Building during normal business hours. Separate permits are required for [electrical](#), [plumbing](#), [mechanical](#), [fire suppression](#), [fire alarm systems](#), [sewer and water](#). Subcontractors must be state licensed or be contractor licensed with the Township before work begins.

Call Mike Johnson, Building Inspector and Code Enforcement Officer at 651-747-2750 for other requirements and information. Call 651-747-2750 to schedule the required inspections. Call at least one day prior to the day the inspection is desired.

Existing Structures

Existing structures require a building permit for any of the following:

- Accessory buildings
- Any structural change
- Any work with a valuation of \$250 or more

- Driveways, fences
- Heating and air conditioning
- Plumbing and electrical work
- Re-roofing and re-siding
- Swimming pools and decks

New Dwellings

New Dwellings require two sets of plans, energy calculations, a Certificate of Survey, placement of the house on the survey with all corner stakes visible, and the house staked out on the lot. The Township engineer must establish proper elevations before a permit is issued. [Separate Permits](#) are also required for:

- Electrical
- Plumbing
- Mechanical
- Water meter / spacer
- Outside sewer and water line
- Fire suppression
- Fire alarm systems

Public Right-of-Way

Work proposed to be done within the public right-of-way, including sidewalks, driveways, tree planting, etc, also requires a permit and application review by the [Township Engineer](#).

SECTION 3. PERMITS REQUIRED.

3-1.(a). Any person, firm or corporation who shall commence work of any kind for which a permit is required under the provision of this building code without having first received the necessary permit therefore shall, when subsequently securing such permit, be required to pay administrative fees as established, provided by this building code for such permit.

3-2. Applications for permits shall be made in writing upon printed blanks or forms furnished by the municipality.

3-3. Application for permit shall be accompanied by two 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.

3-4. Each application for a building permit for new construction shall show the correct legal description of the property. Where the property is not platted, the application shall be accompanied by a certificate of survey signed by a registered surveyor. All property corner survey stakes must be visible.

3-5. Application for a building permit for new construction shall be accompanied by two (2) copies of the plot plan showing the correct location of the proposed building with respect to the lot lines and also the correct location of all other buildings existing or proposed to be constructed on the lot.

3-6. No permit shall be issued until the following items have been complied with

3-6.1. The inspector shall examine all plans and specifications.

3-6.2. Determination that the grading plan has been complied with.

3-6.3. The establishment of the first floor elevation shall be determined by the Town Engineer with the costs borne by the applicant.

3-7. If an examination of the application, plans and specifications indicate that the provisions of this code and the zoning plan are complied with, the Inspector shall issue a permit therefore.

3-8. One set of plans and specifications shall be returned to the applicant and shall be kept at the place where the work is being done.

3-9. One set of plans and specifications shall remain with the Inspector.

3-10. One copy of the plot plan shall be returned to the applicant and shall be kept at the place where the work is being done.

3-11. One copy of the plot plan shall remain with the Inspector.

3-12. One copy of the plot plan shall be filed in the office of the Clerk of the municipality within thirty (30) days of the issuance of any permit by the Inspector.

3-13. Permits shall be required for the moving of any building or electrical transformer. This shall include buildings or electrical transformers being moved into or out of a municipality as well as buildings or electrical transformers being moved from one location to another within the municipality. These permits shall be issued to responsible movers only after approval of the Town Board.

3-14. Repealed.

3-15. A permit shall be required for any work such as sidewalk construction, curb or gutter construction, driveways, tree planting, installation of lawn irrigation systems, drainage, or any sub-surface investigation conducted by proposed bidders or anyone else conducting a 27 sub-surface investigation, which is proposed to be done within the public right-of-way or public easements. A letter indemnifying the Township of any responsibility of damage to any property placed in those easements or right of-ways must be signed by the property owner before such permit can be issued. These permits shall be issued by the Town after application for the work has been reviewed by the Engineer for the Town.

3-16. Repealed by Ordinance No. 8, Subdivision 8-3.

3-17. No alterations or additions in existing plumbing, including the installation of water softeners, automatic dish washers, automatic washing machines, garbage disposals, or any other fixtures wherein it is necessary to cut into existing water pipes or drains by means of a saw, pipe cutter, drill, or any other means, in any building shall be made nor any plumbing be placed in any building, nor shall any sewage disposal system be constructed without first securing a permit therefore, except minor repair work. Application for permits shall be filed with the Plumbing Inspector or Clerk of the Township.

3-18. A permit will be required to begin the installation, alteration or repair (except such minor repair not involving the removal of the burner from its application) of any gas burner or gas burning equipment.

3-19. Except for minor repair work, a permit will be required to begin the installation, alteration, addition to or repair of heating systems, gas appliances, gas piping, furnaces, boilers, incinerators, air conditioning and refrigeration work and ventilating systems.

3-20. Repealed by Ordinance No. 33, Subdivision 3-1. 3-21. Repealed by Ordinance No. 34, Sections 5 and 6.

3-22. Repealed by Ordinance No. 34, Section 5.

3-23. No permit shall be required when the value of such work and material used shall not exceed an amount established by Town Board resolution.

3-24. Permits shall be required for the installation of any device, appliance, machine, heating device or apparatus requiring the use of manufactured gas, natural gas or liquid petroleum gas. These permits will be issued to licensed installers only.

3-25. A permit shall be required for the excavation, grading or surfacing for any building, structure, plot or area of ground occupied by a building or in preparation for the construction of a building. This permit shall 28 include all backfilling and finishing. All grading and landscaping shall be done so that fire hydrants will have the "Break-Off" level with the ground. Fire hydrant extensions necessary to satisfy this amendment will be installed by the Town with the installation costs borne by the property owner. Applications for permit shall be filed with the Clerk of the Town.

3-26. The business of soil processing and storage, removing sand, gravel, clay, stone or other natural deposits for the purpose of utilizing these materials is hereby declared a business necessary to regulate

for the general health, welfare, and safety of the citizens of the Town of White Bear, and no person, firm or corporation shall hereafter engage in such business without first obtaining a permit from the Town Board to do so. Any person, firm or corporation desiring to engage in the business of soil processing and storage, removing sand, gravel, clay, stone or other natural deposits for the purpose of utilizing such materials, shall file an application in duplicate with the Town Clerk, in writing, and in such application shall give a complete description of the location of the property on which he proposes to operate, state the elevation relative to adjacent streets at which the excavated area is proposed to be leveled after operations are completed, and, if known, the use to be made of such property following the removal of such materials. The applicant shall also state in his application whether he requests a permit for the removal of material only, or whether the installation of equipment for processing such materials is intended, such as washing machinery, screens, tipples, bunkers, crushing plant, etc. A separate permit shall be obtained for each location where any of the aforesaid materials are to be removed. Each application for a permit shall be accompanied by a fee. In addition, the applicant shall pay for all engineering and legal expenses incurred by the Town to process and consider the application. The applicant shall tender with his fee a cash deposit to guarantee payment of said expenses, and the Clerk shall refund any portion of the deposit in excess of said expenses or bill the applicant for any expenses in excess of the deposit. Upon receipt of an application under this Subdivision together with the permit fee and expense deposit, the Clerk shall forward the duplicate application to the Town Engineer. The Town Engineer shall investigate the property upon which the proposed excavation is to be made and shall prepare a technical report for the Planning Commission and the Town Board. The Engineer's report shall, among other things, indicate the affect upon adjoining properties and any other data, information or advice, directly or indirectly related to these factors. If in the course of the investigation and study, the Town Engineer deems it necessary to obtain such services of a recognized engineering laboratory, he shall obtain such services after first 29 notifying the applicant, and the applicant shall be responsible for the expense of such laboratory services. The application, together with the Engineer's report, shall be submitted to the Planning Commission following completion of the Engineer's investigation, for examination and report of its opinion whether such excavation should be permitted at the place specified, and whether it will interfere with future street extensions or the development of the district for buildings or other purposes. The Planning Commission shall submit its report together with the application and the Engineer's report to the Town Board, who shall grant or deny the permit, and if granted, the Board shall specify the nature and extent of the excavation or removal and prescribe conditions for carrying on such work. All the conditions prescribed by the Town Board shall include provisions for treatment of the premises after excavating is completed, which shall be prepared in proper legal form by the Town Attorney and shall be made part of the permit. All persons, firms or corporations to whom a permit is granted under the terms of this Ordinance, shall furnish bond in the amount and duration as prescribed by the Town Board and is to be approved as to form and execution and as to surety by the Town Board, conditioned for the full and faithful performance of all the terms and requirements of this Ordinance and the permit. All operations in this section (3-26), for which a permit has been issued, shall only be allowed to operate between the hours of 7 a.m. and 7 p.m. on weekdays, 8 a.m. to 4 p.m. on Saturdays and not on Sundays. The Code Enforcement Officer shall approve any area used for such soil processing and storage so as to prevent the blowing or washing of soil onto neighboring properties.

3-27. All persons, firms or corporations to whom a permit is given, shall observe the following requirements:

3-27.1. Shall conform to the plan set forth in the application.

3-27.2. Shall furnish to the Town Board at such time as the Board may desire, cross-sections of the excavation to indicate the condition in relating to the depth specified.

3-27.3. Shall, upon failure to furnish said cross-sections, pay the cost to the Town of making such surveys and cross-sections as may be required to acquaint the Board as to existing conditions, and the acceptance of the permit shall be considered an agreement to pay 30 such cost and to permit the Town to enter upon the premises for the purpose of making such surveys and cross-sections.

3-28. The provisions of this Ordinance shall apply equally to persons, firms or corporations now engaged in the business of removing the materials herein described, who continue such business after the effective date of this Ordinance, and a period of sixty (60) days after such effective date is hereby granted such persons in which to make application and obtain the necessary permit to continue such business.

3-29. Repealed by amendment to Ordinance No. 8.

3-30. OCCUPANCY PERMIT. No building or structure hereafter erected, structurally altered or moved shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Code Enforcement Officer of the Town of White Bear stating that the building or structure complies with all pertinent provisions of the Town Zoning Ordinance and the State Building Code.

3-31. Before issuance of a certificate of occupancy, the Code Enforcement Officer shall verify that the property in question is in compliance with Section 5-36 – Erosion Control Practice, or that the entire yard be either seeded or sodded.

3-32. STREET MAINTENANCE DEPOSIT.

3-32.1. Where work is done on private property contiguous to any street, any damage caused within the street right-of-way by reason of said work shall be promptly repaired by the person obtaining the building permit, and all foreign debris deposited on the street right-of-way by reason of said work shall be promptly removed.

3-32.2. To insure compliance with the above, every person desiring a residential building permit shall pay a fee per residential unit, as set forth in Ordinance No. 54 (Fees & Charges), prior to receiving a building permit; and every person desiring a commercial/industrial building permit shall pay a fee for each 2,000 square feet of building, including expansion or addition to existing buildings, as set forth in Ordinance No. 54 (Fees & Charges) before a building permit is issued.

3-32.3. If the person obtaining the building permit complies with the requirements in paragraph A above, the amount set forth in paragraph B shall be refunded to them. Any costs incurred by the Town in restoring streets in the Town to their original condition before construction shall be subtracted from the above fee. 31

3-32.4. If the above fees do not cover all the costs incurred by the Town in restoring the streets, the Town will bill the additional amount to the person who received the building permit and the addition amount shall be payable by that person within 30 days from such billing date.

1300.0120 PERMITS.

Subpart 1. **Required.** An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit.

Subp. 2. **Annual permit.** In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the building official may issue an annual permit upon application for the permit to any person, firm, or corporation regularly employing one or more qualified trade persons in the building, structure, or on the premises owned or operated by the applicant for the permit.

Subp. 3. **Annual permit records.** The person to whom an annual permit is issued shall keep a detailed record of alterations made under the annual permit. The building official shall have access to the records at all times or the records shall be filed with the building official as designated.

Subp. 4. **Work exempt from permit.** Exemptions from permit requirements of the code do not authorize work to be done in any manner in violation of the code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

A. Building:

(1) one-story detached accessory structures, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 200 square feet (60,960 mm²);

(2) fences not over seven feet (2,134 mm) high;

(3) oil derricks;

(4) retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids;

(5) water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1;

(6) sidewalks and driveways that are not part of an accessible route;

(7) decks and platforms not more than 30 inches (762 mm) above adjacent grade and not attached to a structure with frost footings and which is not part of an accessible route;

(8) painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work;

(9) temporary motion picture, television, and theater stage sets and scenery;

(10) prefabricated swimming pools installed entirely above ground accessory to dwelling units constructed to the provisions of the International Residential Code or R-3 occupancies constructed to the provisions of the International Building Code, which do not exceed both 5,000 gallons in capacity (18,925 L) and a 24-inch (610 mm) depth;

(11) window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support, when constructed under the International Residential Code or Group R-3 and Group U occupancies constructed to the provisions of the International Building Code;

(12) movable cases, counters, and partitions not over five feet, nine inches (1,753 mm) in height; and

(13) swings and other playground equipment.

Unless otherwise exempted, plumbing, electrical, and mechanical permits are required for subitems (1) to (13).

B. Gas:

(1) portable heating, cooking, or clothes drying appliances;

(2) replacement of any minor part that does not alter approval of equipment or make the equipment unsafe; and

(3) portable fuel cell appliances that are not connected to a fixed piping system and are interconnected to a power grid.

C. Mechanical:

(1) portable heating appliances;

(2) portable ventilation appliances and equipment;

(3) portable cooling units;

(4) steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code;

(5) replacement of any part that does not alter approval of equipment or make the equipment unsafe;

(6) portable evaporative coolers;

(7) self-contained refrigeration systems containing ten pounds (4.5 kg) or less of refrigerant or that are actuated by motors of one horsepower (0.75 kW) or less; and

(8) portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

D. **Electrical:** a municipality must not require an electrical permit if the work falls under the jurisdiction of the commissioner or if the work is exempt from inspection under Minnesota Statutes, section 326B.36, subdivision 7. This exemption does not exempt the work from other State Building Code requirements relating to electrical equipment.

Subp. 5. **Emergency repairs.** If equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted to the building official within the next working business day.

Subp. 6. **Repairs.** Application or notice to the building official is not required for ordinary repairs to structures. The repairs shall not include the opening or removal of any wall, partition, or portion of a wall or partition, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

Subp. 7. **Application for permit.** To obtain a permit, the applicant shall file an application in writing on a form furnished by the Department of Building Safety for that purpose. The application shall:

A. identify and describe the work to be covered by the permit for which application is made;

B. describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work;

C. indicate the use and occupancy for which the proposed work is intended;

D. indicate the type of construction;

E. be accompanied by construction documents and other information as required by the code;

F. state the valuation of the proposed work;

G. be signed by the applicant, or the applicant's authorized agent; and

H. give other data and information required by the building official.

Subp. 8. **Action on application.** The building official shall examine or cause to be examined applications for permits and amendments within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject the application and notify the applicant of the reasons. The building official shall document the reasons for rejecting the application. The applicant may request written documentation of the rejection and the reasons for the rejection. When the building official is satisfied that the proposed work conforms to the requirements of the code and applicable laws and ordinances, the building official shall issue a permit.

Subp. 9. **Time limitation of application.** An application for a permit for any proposed work shall be considered abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Subp. 10. **Validity of permit.** The issuance or granting of a permit or approval of plans, specifications, and computations, shall not be construed to be a permit for any violation of the code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the code or other ordinances of the jurisdiction are not valid. Any permit issued becomes invalid if the work authorized by the permit is suspended or abandoned for more than 180 days. The 180 days commences the first day the work was suspended or abandoned.

Subp. 11. **Expiration.** Every permit issued expires unless the work authorized by the permit is commenced within 180 days after its issuance. The building official shall grant, in writing, extensions of time, for periods not more than 180 days each if the applicant demonstrates justifiable cause for the extension to the building official.

Subp. 12. **Suspension or revocation.** The building official may suspend or revoke a permit issued under the code if the permit is issued in error; on the basis of incorrect, inaccurate, or incomplete information; or in violation of any ordinance or regulation or the code.

Subp. 13. **Information and placement of permit.** The building permit or a copy shall be kept on the site of the work until the completion of the project. Pursuant to Minnesota Statutes, section 15.41, the permit shall specify the name and address of the applicant, and the general contractor, if one exists. All construction permits shall be posted in a conspicuous and accessible place at the premises or site of construction.

Subp. 14. **Responsibility.** Every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical, or plumbing systems, for which the code is applicable, shall comply with the code. The person, firm, or organization securing the permit is responsible for code compliance for the work being performed.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 326B.02; 326B.101; 326B.106; 326B.13*

History: *27 SR 1471; 32 SR 5; L 2007 c 140 art 4 s 61; art 13 s 4; 39 SR 91*

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CITY OF SAINT PAUL
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When is a Permit Required?

A general building permit is required for all structural revisions to residences, garages, carports, decks and similar structures or buildings, except as noted below. Non-structural revisions or remodelings that do not constitute normal maintenance require a building permit if the value, including both labor value and the cost of materials, exceeds \$500.00.

If your residence is in a Historic Preservation Area, a permit is required for exterior work or repairs such as tuckpointing, siding, window replacement, patching a roof, etc., regardless of the value.

Other work which requires a permit:

- Detached accessory structures, such as tool or garden sheds, if they are larger than 200 square feet. Any such structure in the Heritage Preservation District or a designated historic site, regardless of size will need a permit and approval by the Historical Preservation Commission. Accessory structures under 120 square feet and not in a historic area do not require a permit but must comply with all provisions of the City's Zoning Ordinance for setbacks and lot coverage. Building permit information on garages and sheds is available at our office above or on our website. (See information below)
- Decks require a permit. Exception: Except in historic areas or designated historic sites, a deck or platform not attached to a structure with frost footings and not more than 30 inches above grade does not require a permit. However, decks or platforms greater than 24 inches above grade must meet the zoning setbacks and lot coverage requirements.
- Retaining walls supporting more than 4 feet of earth behind them. (In historic districts or sites, all retaining walls require a permit.)
- All fence installations. Check with our office or our website for requirements. (See information below)
- In-ground and above ground swimming pools with a capacity greater than 5000 gallons. NOTE: All permanent pools, regardless of size, require a permit in historic districts or designated historic sites. The City's zoning ordinance regulates the location of pools and hot tubs from property lines. (See information below)
- Most work on electrical, plumbing, piping, sheet metal or heating and air conditioning systems.
- Grading or filling a property. A permit is not required for minor earth work associated with gardens or landscaping planters that do not affect drainage patterns.

Exemptions from permit:

- One-story detached accessory structures, used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet. **(All accessory structures in the Historic Preservation Area require a permit.)**
- Decks and platforms not more than 30" above adjacent grade and not attached to a structure with frost footings and which is not part of an accessible route. Decks greater than 24" above grade must meet zoning setbacks. **(All decks in the Historic Preservation Area require a permit.)**
- Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids. **(All retaining walls in the Historic Preservation Area require a permit.)**

- Prefabricated swimming pools accessory to dwelling units constructed to the provisions of the International Residential Code or R-3 occupancies constructed to the provisions of the International Building Code, which are 24” or less in depth, do not exceed 5,000 gallons and are installed entirely above ground. **(The city’s zoning ordinance regulates the location of pools and hot tubs from property lines.)**
- Sidewalks and driveways that are not part of an accessible route.
- Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work. **(All exterior work in the Historic Preservation Area requires a permit.)**
- Minor earth work associated with gardens or landscaping that do not affect drainage patterns.

Zoning Section: For information about Zoning Code setbacks, lot coverage, land usage, call: 651-266-9008

Plan Review Section: For information on Building Code construction requirements, call: 651-266-9007

Heritage Preservation Comm. Staff: For information on historic districts or sites, design guidelines, call: 651-266-9078

Visit our Website! www.stpaul.gov/dsj On our home page; click on Building Plan Review from the list on the right hand side and you will be able to access many informational handouts and forms.

The statements above are intended as general circumstances when permits are necessary. You are advised to contact our office in specific cases to determine if a permit is required. Permits may be issued to the homesteader of the property for single and two family residential construction or to a contractor licensed by the City of Saint Paul. State of Minnesota contractor's licenses do not exempt contractors from city licenses requirements.

Rev 10/21/2016

Sec. 33.03. - Permits—When required.

(a) *Building and general construction.* No person shall construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure without first obtaining a building permit from the building official. Permits for building or general construction are not required for repairs for maintenance only or for minor alterations provided they are not required under the state building code, this chapter or other pertinent provisions of the Saint Paul Legislative Code, and provided the cost of such repairs and minor alterations does not exceed the present market value of five hundred dollars (\$500.00).

(b) *Plumbing.* No person shall install, remove, alter, repair, or replace or cause to be installed, removed, altered, repaired or replaced any plumbing, gas or drainage piping work, standpipe system, sprinkler system, or any fixture or water heating or treating equipment in a building or premises without first obtaining a permit to do such work from the building official. A separate permit shall be obtained for each building or structure.

(c) *Mechanical.* No person shall install, alter, reconstruct, or repair any heating, ventilating, cooling, refrigeration equipment or process piping and/or equipment without first obtaining a permit to do such work from the building official. A separate permit shall be obtained for the equipment installed in each building or structure.

(d) *Electrical.* No person shall perform any new electrical installation in any construction, remodeling, replacement or repair, except minor repair work as defined by the state board of electricity, without first obtaining a permit to do such work from the building official. A separate permit shall be obtained for each building or structure.

(e) *Work to be done by permittee only:*

(1) A permittee issued a permit pursuant to this chapter shall be responsible for all work done under said permit.

(2) Business required to be licensed pursuant to [chapter 369](#) of the Legislative Code: No one other than the permittee or an employee under the direct supervision and control of the permittee or a qualified subcontractor licensed pursuant to [chapter 369](#) of the Legislative Code shall work or cause any work to be done under said permit.

(f) *Work done on dangerous structures, nuisance buildings and vacant buildings.*

(1) No persons shall be issued a permit pursuant to this chapter, excluding a demolition permit, for any building determined to be a dangerous structure under chapter 43 or nuisance building under chapter 45 of the Saint Paul Legislative Code, or a vacant building as defined under section 43.02(7)(c), (d), (e) or (f) without first filing for and receiving a certificate of code compliance inspection under [section 33.06](#) or filing for and receiving a certificate of occupancy inspection under this chapter. Any application for a permit issued under this chapter, with the exception of a demolition permit, for work to be done on a building determined to be a dangerous structure or nuisance building must be accompanied by a deposit of five thousand dollars (\$5,000.00). Such monies shall be deposited with the department of safety and inspections to be held at an interest rate to be established by that department until such time as the monies are refunded to the permittee or forfeited to the city under the provisions of this section. In lieu of the five thousand

dollar (\$5,000.00) deposit, a performance bond in the same amount running in favor of the city may be submitted with the application for the permit.

(2) Except as otherwise specified in this section, a certificate of compliance under [section 33.06](#) or a certificate of occupancy under [section 33.05](#) must be obtained within six (6) months from the date of the original certificate of compliance or certificate of occupancy inspection. One (1) six-month time extension beyond the initial six-month time limitation may be requested by the owner and will be considered by the building official if it can be shown that the code compliance work is proceeding expeditiously and is more than fifty (50) percent complete or if unforeseen conditions have had significant schedule impact on the completion of work.

The provisions for completion of rehabilitation within six (6) months and the six-month extension apply only to property not presently subject to any orders issued to the property pursuant to chapter 43 or 45 of the Saint Paul Legislative Code by the department of safety and inspections, the department of fire and safety services or the city council. Notwithstanding the time limitation established under this section, the city council reserves the right to shorten the time period for completion of the rehabilitation through any order or resolution issued pursuant to chapter 43 and sections [45.10](#) and [45.11](#) of this Code.

In the event the building is restored to habitable condition and a certificate of compliance and/or certificate of occupancy is obtained within the time limits set out herein, the five thousand dollars (\$5,000.00) is eligible to be refunded with interest by the department of safety and inspections.

(3) If a certificate of compliance or certificate of occupancy is not issued within the time period authorized pursuant to this section, all monies deposited may be forfeited without refund to the city and the city may proceed with a substantial abatement action under the provisions of chapter 45 of this Code.

(4) If the city council determines that it is in the public interest to grant additional time to complete the rehabilitation of the building(s) to habitable condition, it may, by resolution, grant an additional six (6) months for the property to be restored to habitable condition. One (1) six-month time extension beyond this time limitation may be requested by the owner and will be considered by the building official if it can be shown that the code compliance work is proceeding expeditiously and is more than fifty (50) percent complete or if unforeseen conditions have had significant schedule impact on the completion of work.

If the initial five thousand dollars (\$5,000.00) deposit or performance bond has been forfeited for lack of progress, the city council reserves the right to increase the amount of the required deposit or performance bond to continue work on the dangerous structure, nuisance or vacant building to ten thousand dollars (\$10,000.00); the purpose of said bond shall be to off-set potential city expenses associated with abating nuisance conditions.

(5) No building subject to the restrictions of this section shall be used for occupancy until such time as the certificate of compliance and/or certificate of occupancy relating to that building has been issued. Rehabilitation undertaken by the department of planning and economic development shall be exempt from the requirement for a cash deposit.

(6) In order to maintain and improve decent, safe and sanitary residential housing and for the purpose of protecting the health, welfare and safety of the public, no person shall sell, purchase, give or transact a change in title or property ownership of any building, dwelling or dwelling unit, structure, or any portion thereof, which is intended for residential occupancy and has been

designated as a dangerous structure under Leg. Code § 43.02(1), a vacant building under Leg. Code § 43.02(7), (c), (d), (e) or (f), or a nuisance building under Leg. Code § 45.03, without first obtaining the appropriate certificate of occupancy or compliance from the building official required under this chapter or fire certificate of occupancy from the fire marshal required under Leg. Code Chap. 40.

Transfer of ownership in certain vacant buildings classified under Leg. Code § 43.02(7.1) as a Category I or a Category II building may be exempt from the provisions of this section provided that the prospective buyer of a Category I building:

- a. Pays all outstanding vacant building fees;
- b. Submits for approval a complete vacant building registration form;
- c. Obtains a truth in sale of housing report meeting the requirements of Leg. Code Chap. 180.

And further provided that the prospective buyer of a Category II building:

- d. Complies with all the requirements under subsections a - c under this subdivision for Category I buildings; and
- e. Either posts a performance bond in the amount estimated as necessary to cover the estimated costs of repairs or deposits with the department of safety and inspections that sum of money necessary to cover the estimated costs of repairs. This bond or cash deposit shall be in addition to any other bond or deposit required under subdivision (f) of this section.
- f. Submits for approval a schedule for completion of the repairs.
- g. Obtains a vacant building rehabilitation permit.

Transfer of ownership in Category I, II, or III buildings and structures shall be exempt from the provisions of this section where the acquisition of such buildings or structures is transacted by the Housing and Redevelopment Authority for the City of Saint Paul (the "HRA") or by a person acting in conjunction with and for the convenience of the HRA.

(g) *Grading.* No person shall perform any filling or excavating activity on a property unless such activity is in accordance with the provisions of Appendix E (Grading) of the 2007 Minnesota State Building Code, as amended from time to time, and the requirements herein.

- (1) Unless grading activity is included in a general building permit, a grading permit shall be required for the placement, removal or movement of more than fifty (50) cubic yards of fill.
- (2) Only clean fill may be deposited as fill material on the property.
- (3) Grading activities in excess of ten thousand (10,000) square feet require site plan review in accordance with [section 61.402\(a\)](#) of the Saint Paul Legislative Code.
- (4) The property owner and/or permittee shall be responsible for the grading on site.
- (5) Erosion and sediment control installation shall be established as set forth in the Minnesota Pollution Control Agency's Manual for Protecting Water Quality in Urban Areas. The property owner and/or permittee shall be responsible for maintaining any required erosion and sediment control installations. This maintenance requirement shall also include sediment laden runoff onto adjacent properties or public ways.
- (6) All soil stockpiles greater than ten (10) cubic yards shall be located at least twenty-five (25) feet from a road, drainage channel or storm water inlet. If left for more than seven (7) days, the stockpile shall be stabilized with mulch, vegetation, tarps or other means.

(h) *Posting.* The building or general construction permit shall be posted on the premises in a conspicuous location such that the information on the permit can be read from the outside of the premises.

(l) *High pressure piping.* No person shall construct or install a high pressure piping system without obtaining a permit from the department of safety and inspections. Such permit shall be issued and all constructions or installations shall be in compliance with Minnesota Rules, parts 5230.0250 to 5230.6200, as amended. Permits shall only be issued to persons holding a high pressure piping business license issued by the state.

(Code 1956, § 25.03; Ord. No. 16854, 11-19-81; Ord. No. 17250 § 2, 6-13-85; Ord. No. 17587, § 1, 9-13-88; Ord. No. 17681, § 1, 10-3-89; Ord. No. 17866, § 1, 8-13-91; Ord. No. 17867, § 3, 8-13-91; C.F. No. 92-662, § 1, 8-6-92; C.F. No. 97-761, § 1, 7-9-97; C.F. No. 97-1423, § 3, 12-22-97; C.F. No. 97-1407, § 1, 12-10-97; C.F. No. 99-227, § 1, 4-14-99; C.F. No. 99-751, § 1, 9-1-99; C.F. No. 03-33, § 1, 2-12-03; C.F. No. 03-887, § 2, 11-5-03; C.F. No. 04-175, § 1, 3-3-04; C.F. No. 05-294, § 2, 4-27-05; C.F. No. 05-1095, § 1, 12-28-05; C.F. No. 06-1132, § 1, 1-24-07; C.F. No. 07-149, § 4, 3-28-07; C.F. No. 08-212, § 2, 3-26-08; C.F. No. 07-1194, § 1, 7-9-08; C.F. No. 08-1080, § 3, 10-22-08; C.F. No. 09-96, § 1, 2-11-09; C.F. No. 09-983, § 1, 10-28-09)