



AGENDA OF THE PLANNING  
COMMISSION  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
May 23, 2019  
7:00 P.M.

**CALL TO ORDER**

**APPROVE AGENDA**

**REGULAR AGENDA**

- A. Review/Approve April 25, 2019 Meeting Minutes\* (p. 3)
- B. Review Draft Ordinance 2019-04-01 Amending Permit Requirements (203.040)\* (pp. 5-8)

**ADJOURN**

\* Denotes items that have supporting documentation provided



CITY OF BIRCHWOOD VILLAGE  
PLANNING COMMISSION MEETING  
April 25, 2019  
MINUTES

COMMISSIONERS PRESENT: John Lund, Jozsef Hegedus, Andy Sorenson, Mark Foster

Chair John Lund called the meeting to order at 7:01 pm

APPROVE AGENDA – John Lund motioned to approve the agenda. Mark Foster seconded. All ayes. Motion passed.

REGULAR AGENDA

- A. Review/Approve March 28, 2019 meeting minutes. John Lund seconded All ayes. Motion passed.
- B. Discuss Request to Change Hall Avenue Addresses. John Lund recommended change to 708 will become 723 Birchwood Avenue, 710 will become 725 Birchwood Avenue, 712 will become 727 Birchwood Avenue. Andy Sorenson motioned, Mark Foster seconded. All ayes. Motion passed.
- C. Discuss Amending Permit Requirements. John Lund recommended striking current 203.040, replace with new Section 203.040-1300.0120 permits-subp.4. Strike 2-3-6-7. Mark Foster motioned, Andy Sorenson seconded. All ayes. Motion passed.

ADJOURN at 7:27pm. Motion was made by John Lund, seconded by Andy Sorenson. All ayes. Motion passed.



**ORDINANCE 2019-04-01**

**CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING PERMIT REQUIREMENTS  
AND STANDARDS IN CITY BUILDING CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 203 (Zoning Code: City Building Regulations) of the Municipal Code of the City of Birchwood Village is hereby amended as follows:

**SECTION 203. CITY BUILDING REGULATIONS**

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203.040. PERMITS ~~REQUIRED~~.

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.

2. **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 144 square feet;

(2) fences (zoning permit is required);

(3) retaining walls that are not over four 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;

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

(5) sidewalks and driveways (zoning permit is required);

(6) painting, papering, flooring finishes (non-structural), cabinets, countertops, and similar finish work;

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

(8) 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 and a 24-inch depth;

(9) window awnings supported by an exterior wall that do not project more than 54 inches 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;

(10) movable cases, counters, and partitions not over five feet, nine inches in height; and

(11) swings and other playground equipment-;

(12) nominal structures.

B. Electrical: all electrical permits must be obtained through the Minnesota Dept. of Labor & Industry.

3. **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.

4. **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.

5. **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.

6. **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.

7. **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.

8. **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.

9. **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.

10. **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.

11. **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.

12. **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.

~~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.~~

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EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

Adopted by the City of Birchwood Village City Council this 9<sup>th</sup> day of July, 2019

Attest:

\_\_\_\_\_  
Mary Wingfield  
Mayor

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Tobin Lay  
City Administrator-Clerk