

CHAPTER 1 GENERAL PROVISIONS

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ORDINANCE 110 INCORPORATION OF STATE LAW

Section 110.01: ADOPTION BY REFERENCE. Statutes or administrative rules or regulations of the State, and codes and ordinances adopted by reference in this Code, are adopted under authority of Minn. Stat., Section 471.62. One copy of any item adopted, unless more copies are required by law, shall be kept by the Clerk for review by the public.

Section 110.02: OFFICIAL STATUTES, CODES, REGULATIONS AND ORDINANCES. References in this Code to Minnesota Statutes are to Minnesota Statutes 2013 and as hereinafter amended, unless otherwise provided in this Code. Reference in this Code to rules and regulations of state agencies, codes and ordinances of other municipalities are to those documents in effect on July 1, 2013, and as hereinafter amended, unless otherwise provided.

Section 110.03: RELATION TO STATE LAW. The provisions of this Code are to be construed as the fullest exercise of the police, regulatory, and other powers granted to the City and its officers by State law, unless otherwise provided. When this Code imposes a more stringent standard or rule of conduct than imposed by State law, it is intended that the provisions of this Code prevail over the State law, rule or regulation, to the extent permitted by law.

Section 110.04: MINNESOTA STATE BUILDING CODE. An ordinance adopting the Minnesota State Building Code, and as hereinafter amended. This ordinance provides for the application, administration, and enforcement of the Minnesota State Building Code by regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures in the City of Kimball, provides for the issuance of permits, and collection of fees thereof; provides penalties for violation thereof; repeals all ordinances and parts of ordinances that conflict therewith.

Section 110.05: APPLICATION, ADMINISTRATION, AND ENFORCEMENT. The application, administration, and enforcement of the code shall be in accordance with Minnesota Rule Chapter 1300. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 326B.121, when so established by this ordinance.

The code enforcement agency of this municipality is the City of Kimball and its contracted Building Inspections Department.

This code shall be enforced by the Minnesota Certified Building Official designated by the City of Kimball to administer the code (Minnesota Statute 326B).

Section 110.06: PERMITS AND FEES. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 326B.

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Permit fees shall be assessed for work governed by this code in accordance with the attached fee schedule adopted by the municipality in Kimball. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statute 326B.148.

An investigation fee, in addition to the permit fee, shall be collected whenever any work for which a permit is required by this code has been commenced without first obtaining said permit. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

A re-inspection fee may be assessed for each re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Re-inspection fees may be assessed when the inspection record card is not readily available, approved plans are not readily available, failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the building official. The fee shall be in accordance with the fee schedule adopted by this jurisdiction.

Fee refunds may be authorized by the Building Official of any fee paid hereunder which was erroneously paid or collected. The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment. All plan review fees shall be paid by the applicant whether the project is to be completed or not.

Section 110.07: VIOLATIONS AND PENALTIES. A violation of the code is a misdemeanor (Minnesota Statute 326B.082) and Minnesota Rules, Chapter 1300.

Section 110.08: BUILDING CODE. The Minnesota State Building Code, established pursuant to Minnesota Statutes 326B is hereby adopted as the building code for the City of Kimball. The code is hereby incorporated in this ordinance as if fully set out herein.

The Minnesota State Building Code includes the following Chapter of Minnesota Rules:

1. 1300 – Administration of the Minnesota State Building Code;
2. 1301 – Building Official Certification;
3. 1302 – State Building Construction Approvals;
4. 1303 – Minnesota Provisions;
5. 1305 – Adoption of the 2000 International Building Code;
6. 1306 – Special Fire Protection Systems;
7. 1307 – Elevators and Related Devices;
8. 1309 – Adoption of the 2000 International Residential Code;
9. 1311 – Adoption of the 2000 Guidelines for the Rehabilitation of Existing Building;
10. 1315 – Adoption of the 2002 National Electrical Code;

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11. 1325 – Solar Energy Systems;
12. 1330 – Fallout Shelters;
13. 1335 – Flood Proofing Regulations;
14. 1341 – Minnesota Accessibility Code;
15. 1346 – Adoption of the Minnesota State Mechanical Code;
16. 1350 – Manufactured Homes;
17. 1360 – Prefabricated Structures;
18. 1361 – Industrialized/Modular Buildings;
19. 1370 – Storm Shelters (Manufactured Home Parks);
20. 4715 – Minnesota Plumbing Code;
21. 7670, 7672, 7674, 7676, 7678, Minnesota Energy Code

Section 110.09: BUILDING PERMIT FEE. As set forth in the Schedule of Fees.