

## **ORDINANCE NO. 420**

### **AN ORDINANCE ESTABLISHING THE OFFICE OF BUILDING INSPECTOR, PROVIDING FOR THE DUTIES AND COMPENSATION OF THE BUILDING INSPECTOR, PROVIDING PROCEDURES FOR THE APPLICATION FOR BUILDING PERMITS, AND PROVIDING FOR BUILDING PERMIT FEES, AND AMENDING ORDINANCES INCONSISTENT THEREWITH AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.**

The Town Board of the Township of Empire, Dakota County, Minnesota ordains as follows:

#### **SECTION 1. TERM OF OFFICE**

There is hereby established in the Township of Empire the office of Building Inspector who shall be appointed by a majority vote of the Town Board and shall serve at the pleasure of the Town Board.

#### **SECTION 2. DUTIES**

The duties of the Building Inspector shall be as follows:

- a. He shall inspect all construction in Empire Township for which a building permit is issued.
- b. Upon such inspection as provided for above, the inspector shall determine if all ordinances and other applicable laws including the Minnesota State Building Code have been complied with; he shall determine that the building is constructed as specified in the application for building permit; he shall determine if all conditions set forth in the building permit are complied with; he shall determine if the contractor is keeping the construction site in a neat, orderly and sanitary condition.
  - (1) If the building inspector finds a violation by the contractor in any matter referred to in b. above, he shall have the authority to order the construction stopped until such time as the contractor is in compliance with the provisions of b. above.
  - (2) The contractor, whose work has been stopped pursuant to the provisions of (1) above, shall have the right to appeal the decision of the building inspector to the Town Board of Empire Township at its next regularly scheduled meeting. In the event, the contractor is not satisfied with the decision of the Town Board of Empire Township, the contractor, then, after the decision by the Town Board, shall have the right to appeal the matter by an original action commenced in the District Court in and for Dakota County, Minnesota.
  - (3) In the event that the contractor does not comply with the order of the building inspector issued pursuant to section (1) above, the building inspector, on behalf of the Township, shall have the right to apply with the district Court for Dakota

County for injunctive relief. This remedy shall be in addition to any remedies or penalties as otherwise provided by law.

- c. For all new construction the inspector shall make inspections at the following times, and at such other times as the inspector with the permission of the Town Board may deem necessary.
  - (1) Inspection of location of forms for footing, preceding pouring of concrete.
  - (2) Inspection upon completion of the ruffing in stage.
  - (3) Check size and location of septic tank and cesspool before septic tank or cesspool is covered.
  - (4) Final inspection of building upon completion.

The above inspections must be made by the inspector within 48 hours after notification by the owner, contract purchaser, general agent, contractor, tenant, or lessee of said property.

- d. For other than new construction, the inspector shall make those inspections as the Town Board may direct.
- e. The inspector shall perform such other inspections relating to construction, repair, or condition of structures or real property within the Township as the Town Board may from time to time direct.

### **SECTION 3. COMPENSATION**

The inspector shall be paid \$8.00 for each authorized inspection made by him. The inspection fee shall include the inspector's travel expense and he shall not be paid in addition therefore. The inspector shall present his bill for fees due at the regular meeting of the Town Board on the second Tuesday of each month.

### **SECTION 4. BUILDING PERMIT PROCEDURES**

- a. An application for building permit shall be obtained from the Town Clerk. Once completed, the applicant shall file three copies of the application with the Clerk and shall pay the Clerk the fees due under the provisions of this ordinance.
- b. Upon receipt of the completed application for building permit, the Clerk shall forward one copy to the Planning Commission which shall act on it at its next regularly scheduled meeting. The chairman of the Planning Commission shall, immediately following the Planning Commission meeting, forward the Planning Commission copy to the Clerk with the recommendations of the Planning Commission noted thereon.
- c. Upon receiving the report of the Planning Commission, the Clerk shall place the matter on the agenda for the next regularly scheduled meeting of the Town Board, and at such

meeting, the Town Board shall consider the application and either grant or deny the permit.

d. No building permit shall be required in the case of minor repairs. For the purpose of this section, a minor repair is one which:

- (1) Does not exceed in total cost the amount of \$100.00; and
- (2) Does not alter the foundation of the building or structure to be repaired; and
- (3) Does not increase the altitude of the building or structure to be repaired.

e. For all structures erected in connection with a commercial agricultural use as that term is defined in Section 4.11 of Empire Township Ordinance No. 410, a building permit shall be required but no fee shall be due as set forth in Section 6 of this ordinance. This exemption from building permit fees does not apply to a private residential dwelling.

## **SECTION 5. CONTENTS OF BUILDING PERMIT APPLICATION**

An application for building permit shall contain the following:

- a. The date the application is filed with the Clerk.
- b. The name, address and telephone number of the owner.
- c. A detailed statement of the building or structure to be constructed, repaired, or remodeled.
- d. A legal description of the property upon which the structure is to be constructed along with number of square feet contained therein.
- e. The width, length, and square footage of the structure.
- f. Attached to the application, shall be a detailed sketch showing the boundary lines of the property upon which the structure is to be located, the size of the structure, and the front yard, rear yard, left side yard and right side yard setbacks for the boundary lines.
- g. A set of blueprints or diagrammatic sketches and specifications shall be attached to the building permit application.
- h. All information required by the Empire Township Ordinance No. 310 relating to sewage disposal shall be complied with and all information required under the terms of that ordinance shall be furnished and shall accompany the application for building permit.
- i. The type of well, in all cases where there is no central water supply.
- j. Estimated date of commencement and estimated date of completion.
- k. Estimated cost of the structure.

1. The name and address of the general contractor and the plumbing contractor.

## **SECTION 6. BUILDING PERMIT FEES**

The application for building permit shall be accompanied by the following permit fees. Provided, however, that the fee required under c, d, e, and f below shall only be imposed for new construction and specifically not for repair, remodeling, alteration or addition to current structures. Provided, further, that the fee required under c, d, e and f below shall not be imposed where the building to be constructed is not in an area serviced by municipal water and sewer or is not likely to be within the next ten years.

- a. The building permit fee as established by the Uniform Building Code in use in the State of Minnesota and
- b. A fee for reviewing the plans in the amount of 50% of the building permit fee established by the Uniform Building Code in the State of Minnesota, and
- c. A Sewer Availability Charge in the amount established by the Metropolitan Waste Control Commission, and
- d. A Water Hookup charge in an amount which shall be set by resolution of the Town Board from time to time, and
- e. A Sewer Hookup charge in an amount which shall be set by resolution of the Town Board from time to time.
- f. A Storm Sewer and Surface Water Management fee which shall be set by resolution by the Town Board from time to time, and
- g. A Sewer and Water Inspection fee in an amount which shall be set by resolution by the Town Board from time to time.

## **SECTION 7. CONFLICTS WITH OTHER ORDINANCES, SEPARABILITY**

All ordinances or portions of ordinances in conflict herewith are hereby repealed. Should any section of this ordinance be held unconstitutional or void, the remaining provisions shall nevertheless remain in full force and effect.

## **SECTION 8. PENALTY**

- a. For any and every violation of the provisions of this ordinance or of the rules and regulations adopted thereunder, the owners, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, shall be guilty of a

misdemeanor and upon conviction thereof, be punished by a fine of not more than One Hundred (\$100.00) dollars or imprisonment in the county jail for not exceeding ninety (90) days.

- b. Each thirty (30) days of occupancy of any building constructed or erected in violation of the provisions of this ordinance or of the rules and regulations adopted thereunder shall constitute a separate misdemeanor punishable as such.

Passed by the Empire Town Board this \_\_\_\_\_ day of \_\_\_\_\_, 1977.