

CHAPTER 8: ZONING REGULATIONS

ORDINANCE 82 BUILDING CODE..... 82-1
Section 82.01: BUILDING CODE 82-1
Section 82.02: Is hereby repealed as of June 4th, 2003 and is deliberately left open..... 82-1
Section 82.03: DEPARTMENT..... 82-1
Section 82.04: ENFORCEMENT..... 82-1
Section 82.05: PERMITS, INSPECTIONS AND FEES 82-1
Section 82.06: SURCHARGE 82-2
Section 82.07: PERMIT FEES 82-2
Section 82.08: VIOLATIONS AND PENALTIES 82-2
Section 82.09: ELECTRICAL INSPECTIONS 82-2
Section 82.10: PLUMBING INSPECTIONS 82-3

CHAPTER 8: ZONING REGULATIONS

ORDINANCE 82 BUILDING CODE

Section 82.01: BUILDING CODE. The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference with the exception of optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code, a copy of which is on file in the office of the City Clerk Administrator, is hereby incorporated in this ordinance as if fully set out herein. The 2003 optional chapters 1306 governing special fire protection systems and 1135 governing flood proofing regulations are not adopted by reference

Section 82.02: REQUIRED FIRE ACCESS EQUIPMENT. Every commercial or industrial building or multi-family residential dwelling containing 4 or more units within the City of Albany shall be equipped with a Knox Box approved by the Fire Chief. The cost of the Knox Box shall be the responsibility of the property owner. The cost shall be determined by the Council and established in Appendix A.

Updated 82.01 & 82.02 on 6/4/03
Updated 82.02 on 4/18/08

Section 82.03: DEPARTMENT. The Planning and Zoning Commission constitutes the Building Department, the Building Official Department, and the Building Code Department. The Council shall constitute the Administrative Authority where those terms are used in the Minnesota State Building Code and the appendices adopted by reference in this Section.

Section 82.04: ENFORCEMENT. The enforcement of the Building Code shall be in accordance with Minnesota Rule 1300.0110 and as modified by Minnesota Rules, Chapter 1305. The provisions of this Section are to be enforced by a person, persons or agency appointed by the Council who must be a state certified "Building Official".

Updated 82.04 on 9/2007

Section 82.05: PERMITS, INSPECTIONS AND FEES. Permits, inspections and collection of fees are as provided in Minnesota Statutes, Chapter 16B, as amended, and Minnesota Rule 1300.0160. Fees for all permit applications, including, but not limited to, electrical, mechanical, and plumbing permits, and plan check fees are determined by the Council and established in Appendix A.

Updated 82.05 on 9/2007

CHAPTER 8: ZONING REGULATIONS

Section 82.06: SURCHARGE. In addition to the permit fee required by section 82.05 of this Ordinance, the applicant must pay a surcharge to be remitted to the Minnesota Department of Administration as prescribed by Minnesota Statutes, Section 16B.70.

Updated 82.06 on 9/2007

Section 82.07: PERMIT FEES. It is unlawful for a person to perform work subject to the Building Code for which a permit is required without having obtained a permit and paid the fees established in Appendix A. The Building Official must establish a system for the issuance of required permits in accordance with the Building Code and this Ordinance.

Section 82.08: VIOLATIONS AND PENALTIES. It is unlawful for a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done contrary to or in violation of any provision of the building permit, the Albany City Code, or the Building Code embodied in this Section. Every day during which a violation of the Building Code is committed, continued or permitted constitutes a separate offense. Any person, firm or corporation found guilty of violating any provision of this Ordinance shall be deemed guilty of a petty misdemeanor. Penalties shall be determined by the City Council and established in Appendix A.

Updated 82.08 on 1/4/06

Section 82.09: ELECTRICAL INSPECTIONS. The purpose of this amendment is to establish an electrical inspections program in the City of Albany that is administered and enforced by the City. The City shall conduct inspections under this Section when the Minnesota Department of Labor and Industry is under shutdown or is otherwise unable to conduct such inspections.

Subd. 1: Authority to inspect. The City of Albany hereby provides for the inspection of all electrical installations, pursuant to Minn. Stat. § 326B.36, subd. 6.

Subd. 2: Adopted by reference. The Minnesota Electrical Act, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes Chapter 326B, Sections 326B.31 to 326B.399 is adopted herein by reference. The Minnesota Electrical Act is hereby incorporated into this ordinance as if fully set out herein. The Minnesota State Building Code incorporates by reference the National Electrical Code pursuant to Minn. R. 1315.0020. All such codes incorporated herein by reference constitute the electrical code of the City of Albany.

Subd. 3: Compliance. All electrical installations shall comply with the requirements of the electrical code of the City of Albany and this ordinance.

Subd. 4: Permits and fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes 326B.37. Any inspection or handling fees will be payable to the City of Albany.

CHAPTER 8: ZONING REGULATIONS

Subd. 5: Notice and Appeal. All notices of violations and orders issued under this ordinance shall be in conformance with Minn. Stat. § 326B.36, subd. 4.

Subd. 6: Violations and Penalties. A violation of the Minnesota Electrical Act is a misdemeanor (M.S. 326B.082, subd. 16).”

Section 82.09 Added 7/2011

Section 82.10: PLUMBING INSPECTIONS. The purpose of this amendment is to establish a program for plumbing permits, approval of plans and specifications, and to authorize inspections required by the plumbing code in the City of Albany that is administered and enforced by the City. The City shall conduct inspections under this Section when the Minnesota Department of Labor and Industry is under shutdown or is otherwise unable to conduct such inspections.

Subd. 1: Authority to Inspect. The City of Albany hereby provides for plumbing permits, approval of plumbing plans and specifications, and inspections of plumbing, pursuant to Minn. Stat. § 326B.44.

Subd. 2: Adopted by Reference. Minnesota Statutes Chapter 326B, Sections 326B.41 to 326B.49 and Minnesota Rules Chapter 4715 (“Plumbing Code”) are hereby incorporated into this ordinance as if fully set out herein. All such codes incorporated herein by reference are adopted pursuant to Minn. Stat. § 471.62 as the plumbing code of the City of Albany.

Subd. 3: Compliance. All plumbing systems, plans and specifications shall comply with the requirements of the plumbing code of the City of Albany and this ordinance.

Subd. 4: Insurance. Pursuant to Minn. Stat. § 326B.44, no person who engages in the business of plumbing in the City of Albany need post a bond or maintain public liability insurance as a prerequisite for engaging in the business of plumbing, except the bond to the state and insurance required under Minn. Stat. § 326B.46 and except any performance bond and insurance required under a contract with the person for the performance of plumbing work for the City.

Subd. 5: Permits and Fees. Any inspection or permit fees will be payable to the City of Albany as established in Appendix A.

Subd. 6: Violations and penalties. A violation of the plumbing code of the City of Albany is a misdemeanor and will be reported to the state department of labor and industry. (M.S. 326B.082, subd. 16).”

Section 82.10 Added 7/2011