

# CHAPTER 5 BUILDING REGULATIONS; FIRE CODE

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## ARTICLE 1. IN GENERAL

**Sec. 5-01.** This ordinance: provides for the application, administration, and enforcement of the Minnesota State Building Code (MSBU) 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 this municipality; 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. This ordinance shall perpetually include the most current edition of the Minnesota State Building code with the exception of the optional appendix chapters. Optional appendix chapters shall not apply unless specifically adopted.

This municipality does ordain as follows:

- (a) **Codes adopted by reference.** The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes chapter 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 the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.
- (b) **Application, Administration and Enforcement.** The application, administration, and enforcement of the code shall be in accordance with the Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 16B.62 subdivision 1, when so established by this ordinance. This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code (Minnesota statute 16B.65) subdivision 1.
- (c) **Permits and Fees.** The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, subdivision 1. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the City Council. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70.
- (d) **Violation and Penalties.** A violation of the code is a misdemeanor (Minnesota statutes 16B.69)
- (e) **Building Code Optional Chapters.** The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 allows the Municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code.

The following optional provisions identified in the most current edition of the State Building Code are hereby readopted and reincorporated as part of the building code for this municipality.

1. Excavation and Grading. Appendix Chapter 33 of the 1997 Uniform Building Code.
2. Chapter 1306 of the MSBC, including Section 1306.0020 - Municipal Option, Subpart 2 (existing and new buildings).

**Sec. 5-02. Definitions.** The Building Official referred to in Section 104.2.1 of the Minnesota State Building Code shall serve as the building inspector and the two titles shall be considered interchangeable. The chief appointing authority referred to in Section 104.2.2 of such code shall be the City Council.

**Sec. 5-03. Building Permits Generally.**

- (a) Before proceeding with the construction, enlargement, alteration, repair, moving, improvement, removal, conversion or demolition of any building or structure, the owner or the owner's agent shall first obtain a permit for such purposes from the Building Official and shall pay the fees prescribed in Article II of this chapter. Such fees shall be paid to the city prior to the issuance of any permit. Should any person begin work of any kind mentioned in Article II of this chapter or for which a permit from the city is required by this article, without first having secured the necessary permit, the person may, when subsequently securing such permit, be required to pay double the permit fee.
- (b) A building permit and permit fee shall not be required for remodeling or alteration work and other construction having a valuation of less than three hundred fifty dollars (\$350.00), framework of any existing building or change the use or occupancy, except as hereinafter set forth.
- (c) Building valuation, for the purpose of establishing building permit fees, shall be as set forth by the valuation data published by the Building Code Division, Department of Administration, State of Minnesota, as may be amended from time to time. Valuation for alterations, repairs or extensions shall be determined by the Building Inspector, based on the estimate of the materials cost and the labor cost to put the construction in place.
- (d) Upon the recommendations of the City Administrator, the City Council shall designate all work for which permits shall be required under the provisions of this article, and shall also establish the permit fee for each type of work so designated.
- (e) No building permit shall be issued nor building construction begun on site not now adjacent to and having access to hard-topped surface road except where provision and guarantee for installation of hard-topped surface road surfacing has been made according to the provisions set out below.
- (f) Swimming Pool Demolition: A demolition permit is required for the removal of all in-ground swimming pools and subject to the following requirements:
  - 1) Pool demolition inspections shall include a pre-back fill and final inspection.
  - 2) All non-concrete material shall be removed from the site and properly disposed of.
  - 3) Concrete shall be crushed to a size to ensure no future soil settling occurs.
  - 4) Backfill shall be properly compacted to re-establish proper grade drainage. (Ord. 864, 12/08/20)

**Sec. 5-04. Expiration of Building Permits.** All building permits shall expire 180 days after the day of issuance, unless the work set forth in the application is commenced within that timeframe. Any permit issued, where work has been commenced but discontinued for one hundred eighty (180) days, shall be deemed to have lapsed. All fees paid under a lapsed permit shall be forfeited to the city. The exterior work of all IRC-1 (Single family dwelling), IRC-2 (Two-family dwelling), IRC-3 (Townhouses) and IRC-4 (Accessory structures) buildings must be completed within 180 days after issuance of the building permit. Building permits for which such exterior work has not been completed within that timeframe become null and void. Any person unable, because of hardship, to satisfy the conditions specified within this section, may apply for an extension of time to the Building Official. The decision of the Building Official may be appealed to the City Council.

**Sec. 5-05. Exterior to be Completed Prior to Occupancy; Completion Time for IRC-1, IRC-2, IRC-3, and IRC-4 Occupancies.** All IRC-1, IRC-2, IRC-3, and IRC-4 occupancies, as defined in the Minnesota State Building Code, shall require the issuance of a Certificate of Occupancy (C.O.) prior to occupancy of the dwelling. The Certificate of Occupancy will be issued subject to the following conditions:

- (a) The exterior of the building shall be completed.
- (b) The base course of asphalt has been installed on the streets providing access to and abutting the lot.
- (c) The permitted work shall be in compliance with the currently adopted Minnesota State Building Code.
- (d) All easements and boulevard areas are sodded and streets adjoining property are cleaned.

**Sec. 5-06. Surface Water Management Fund.**

(a) **Definitions:**

- (1) **Owner** means any person, firm or corporation.
- (2) **Fund** means the City of Oakdale Surface Water Management Fund.
- (3) **Development** means platting property under the subdivision ordinance or commercial, industrial and institutional construction activity that increases off-site water run-off.
- (4) **P** means payment required by the owner to the City Surface Water Management Fund.
- (5) **L** means area of land (in acres) required to provide for the storage of excess surface water run-off created by the owner's plat or development.
- (6) **C** means cost basis (per acre) for the acquisition and physical development of storm water retention areas. This amount shall be stated on a per acre basis and shall be determined by and revised by the City Council from time to time by resolution of the Council.
- (7) **D** means depth of water measured in feet that can be accommodated in a proposed retention area. When specific information is not available to the Public Works Director/City Engineer for an accurate determination of such depth, it shall be assumed to be three (3) feet.
- (8) **S** means the volume of storage required, measured in acre-feet, defined as the increased surface water run-off and computed as the difference between the calculated surface water run-off after the development is completed and the calculated surface water run-off from the site at the time of application.

- (9) **A** means the total area of the development site, measured in acres.
- (10) **Q1** means the composite coefficient of run-off (weighted average) for the entire site or development area, based upon the predevelopment land use and the coefficient of run-off as listed in subsection (e) of this section.
- (11) **Q2** means the composite coefficient of run-off (weighted average) for the entire site or development area, based upon the postdevelopment land use and the coefficient of run-off as listed in subsection (e) of this section.

- (b) **Establishment of fund:** There is hereby established and created a fund designated as the "Surface Water Management Fund".
- (c) **Purpose of fund:** The purpose of the fund is to provide for the acquisition and development of storm water retention areas within the City of Oakdale.
- (d) **Applicability of fund:** Any owner platting property or developing commercial, industrial or institutional property which increases off-site water run-off shall, at the option of the city, either provide on-site storage of that run-off or contribute an amount of cash as determined by the city to the City of Oakdale Surface Water Management Fund, or a combination of providing on-site storage and a cash contribution to the city shall be necessary.

When it is the opinion of the City Council that any owner platting property and/or developing commercial, industrial or institutional property, can or should provide total on-site retention of the increase in run-off generated by development, said owner shall provide total on-site retention in a manner satisfactory to the Public Works Director/City Engineer and no cash contribution to the city shall be necessary.

When it is the opinion of the City Council that any owner platting property and/or developing commercial, industrial or institutional property, cannot or should not provide total on-site retention of the additional storm water run-off generated by a development in a manner approved by the Public Works Director/City Engineer, such an owner shall pay to the City of Oakdale an amount based on a formula contained herein and determined by Council resolution.

If partial on-site storage is approved by the City Council, then the on-site storage shall be provided in a manner satisfactory to the Public Works Director/City Engineer. The calculation of "P", the payment required by the owner to the City Surface Water Management Fund, shall therefore be computed by determining "S" as the net increase in the excess surface water run-off after any approved on-site storage is provided.

The amount due shall be paid prior to the issuance of any permit(s) for the development unless an alternative method of payment is approved by the City Council.

- (e) **Computation of required storage:** Surface water run-off for both the pre- and post-development conditions shall be calculated by the Public Works Director/City Engineer on a uniform basis as follows. A composite or weighted coefficient (percentage) of run-off shall be determined for the pre- and post-development conditions. The coefficient of run-off (percentage of rainfall that runs off the site, as a percent of total rain) for various existing or proposed land uses shall be:

**Coefficient of Run-off**

Impervious areas (pavement, roofs, etc.)	0.98
Sod or green areas	0.50
Landscape areas	0.40
Open grass fields (uncut)	0.35
Cultivated agricultural land	0.50
Wooded areas (natural)	0.30

The required storage shall be calculated as:

$$S = A \text{ (in acres)} \times .5 \text{ feet} \times (Q2 - Q1)$$

(The assumed rainfall of .5 feet or 6.0 inches in 24 hours is comparable to a 100-year frequency, 24-hour duration storm based upon U.S. Weather Bureau statistical data compiled in Technical Report No. 40, dated May, 1961).

(f) **Computation of payment:**

$$P = L \text{ (acres)} \times C$$

where  
 $L = S/D$

(g) **Fund Disbursements:** Fund receipts shall only be used for the purpose of acquisition and/or development of storm water retention areas within the city including debt retirement. However, the City Council may declare said funds surplus and expend said funds for water-related management projects, not confined to the City of Oakdale corporate limits, upon a majority vote of the City Council.

(h) **Penalty:** Any person, firm or corporation who shall violate any portion of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than three hundred dollars (\$300.00) or imprisonment of not more than ninety (90) days, or both.

**Sec. 5-07. Plot Plan to Accompany Permit Application.** Every application for a permit to construct any structure shall be accompanied, or include, a plot plan which shows the proposed location of the structure on the lot or parcel for which the building permit is being applied. The plot plan shall specify distance, in feet and inches, of the proposed structure to the lot or property lines. The applicant for permit shall be obligated to locate the proposed structure as indicated on plot plan submitted unless the city Building Official directs that the plot plan be revised, in which case the proposed structure shall be located as per the revised or approved plot plan.

**Sec. 5-08. Lot Survey Required.** Each application for a building permit for a new residential principal structure, or for new or remodeled exterior business or industrial buildings, shall be accompanied by a certified land survey indicating that permanent iron monuments have been set at each lot corner.

- (a) Front and side setback stakes shall be in place at the time of footing form inspection.
- (b) All iron monuments shall be visible when the footings are placed, and at the time of final occupancy inspection of the building.

- (c) A two (2) inch by two (2) inch stake shall be placed near the front of the building excavation indicating the elevation of the curb in front of the lot and the proposed elevation of the top of the building foundation.

**Sec. 5-09. Drainage.** Before a building permit is issued, the owner or contractor shall place a grade stake at the front setback line, showing the elevation of the top of the foundation. The Building Official shall field inspect the elevation before a permit is issued.

- (a) **Drainage plan:** The Building Official shall require a drainage plan at the time of application is made for a building permit unless the lot or parcel is part of an approved grading plan on file with the Building Official, or unless the Building Official can certify by the field inspection of the property and the subsequent issuance of the building permit, that the collection and disposal of storm drainage will not cause erosion, water damage, or flooding on the site or on adjacent properties. The drainage plan, if required, shall include the following information:

- (1) The elevation of the four (4) corners and any intermediate low points along the edge of the building;
- (2) The elevation of the street curb at each lot corner. The highest elevation of the curb or the center of the roadbed shall be the starting point of all elevations in the drainage plan;
- (3) The elevation of the remaining corners of the lot, together with any intervening high or low points;
- (4) The direction of drainage from the building to the edge of the property in all directions, verified by the elevations listed above;
- (5) All wetlands, watercourses, and drainageways entering or leaving as well as located on the property, with notations indicating the final disposition of all waters affected by the building construction; and
- (6) A certification by the individual responsible for the permit application affirming that all conditions stated are in fact true, and will be completed as shown.

The Building Official shall not issue any building permit for a structure where an approved grading plan, or an approved drainage plan, does not exist, unless the Building Official certifies by issuance of the building permit that neither the grading plan nor the drainage plan are necessary. No permanent occupancy certificate shall be issued until all features of the drainage plan, or grading plan, if required, are completed in accordance with the approved drainage plan or grading plan. A temporary occupancy permit may be issued prior to completion of the site grading in conformance to the drainage plan or grading plan, if required, in those cases where weather conditions will not allow final site grading at the time of completion of the structure. The temporary occupancy permit shall not exceed a period of six (6) months from the date of issuance.

- (b) **Drain tile system:** It is deemed in the interest of the public and the residents of Oakdale that drain tile systems shall be installed in new residential buildings and additions, in all portions of residential construction below grade. The Building Official shall determine the need for such installation when slab on grade construction occurs.

- (1) Draintile, a pump basket, a pump with a float-type switching device, an electrical receptacle and a rigid pipe connection to the outside shall be required for any new residential building or addition to a building constructed within the city.
- (2) The system shall be installed as follows:

The building shall have a draintile (4" minimum diameter) placed around the outside or inside perimeter of the foundation. If a concrete block foundation is used in the home, all cores of the bottom course of block shall be drained with plastic hose outlets into the tile system. The draintile shall be lower than the top of the footings and connected to a sump pit or gravity ditch, swale, or storm sewer system. The sump pit shall be located at least ten (10) feet away from the inside floor drain, when feasible.

A discharge pipe shall be installed to the outside wall of the building from any sump pit with rigid pipe being either plastic, copper, or galvanized (1-1/4" inside diameter minimum), with a union for each disconnection for repair or replacement. The discharge pipe shall have a hose bib at the outside of the house wall. Whenever possible, the sump pump will be plumbed into the city storm sewer system. In extremely wet areas, the Building Official shall have the authority to demand more drainage tile under the basement floor.

- (3) When a draintile system is to be installed in an existing structure, which had no system of subsurface water drainage when first constructed, the system shall be installed the same as for new construction.
- (4) If for any reason, emergency or otherwise, the drainage tile or sump pump discharges into the sanitary sewer, there will be a charge for such discharge. The charge rate per 1,000 gallons shall be established by the City Council resolution from time to time. The new charges will take effect April 1, 1985.
- (5) Any person who shall do or commit any act that is forbidden by the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$500.

1st Offense	\$100
2nd Offense	\$200
3rd Offense	\$300

- (c) **Site grading:** Site grading shall provide a minimum of a two (2) percent slope away from any foundation to the lowest point of the street curb at a forty-foot setback. Where drainage cannot feasibly be routed to the street, it shall be directed away from the foundation to:

- (1) Allow drainage of surface water away from other buildings or structures;
- (2) Minimize earth settlement problems;
- (3) Avoid concentrating run-off into neighboring properties; and
- (4) Minimize erosion.

If the Building Official is not assured that all of the above conditions will be met by the site grading, then the Building Official shall require submittal of a drainage plan by the applicant in accordance with Section 5-9(a).

Prior to framing of the structure, the contractor shall install the erosion control measures, including:

- (1) Silt fence around the perimeter of the site, except for a twenty (20) foot driveway opening.
- (2) Installation of a Class 5 driveway base from the street to the structure to serve as a staging area and parking area for the workers.

The Building Official has the authority to shut down the construction site until the site is in compliance with these requirements.

Upon completion of the project and stabilization of all graded areas, all temporary erosion control facilities (silt fences, hay bales, etc.) shall be removed from the site.

- (d) **Rules and regulations.** The City Council, by resolution, shall have the authority to make rules and regulations concerning soil erosion controls, escrow deposits, and any other matter concerning erosion control and site grading which is not in conflict with this chapter.

**Sec. 5-10. Right of Appeal.** In the event an applicant appeals a determination of the Building Official, the applicant shall do so in the following manner. The appeal shall state in writing the action being appealed and the specific grounds upon which the appeal is made. The appeal shall then be filed with the City Administrator for review and action by the City Council, in consultation with the Public Works Director/City Engineer.

## **ARTICLE II. PERMIT FEE SCHEDULE**

**Sec. 5-11. Permit Fees.** All building permit fees, plan review fees, and related inspection fees shall be determined by the City Council, excluding the Minnesota State surcharge.

**Sec. 5-12. Fee Refunds.** The Building Official may authorize refunding of any fee paid hereunder that 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 the code.

The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid when an applicant for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

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.

**Sec. 5-13. Repealed.**

**Sec. 5-14. Repealed.**

**Sec. 5-15. Concrete and Blacktop Sidewalks, Driveways and Parking Lots.** For concrete and blacktop sidewalks, driveways, and parking lots, the permit fee shall be determined by the City Council.



**Sec. 5-16. Wrecking of Buildings or Structures.** For tearing down and wrecking any building or structure or part thereof, the permit fee shall be determined by the City Council.

**Sec. 5-17. Raising and Shoring Building or Structure.** For raising or shoring any building or structure, the permit fee shall be determined by the City Council.

**Sec. 5-18. Moving of Buildings or Structures.** For moving buildings or structures from one location to another, the permit fee shall be determined by the City Council.

**Sec. 5-19. Installation of Gas and Oil Burner Equipment.** For the installation of gas and oil burner equipment, except hot water heaters, the permit fee shall be determined by the City Council.

**Sec. 5-20. Alteration, Repair or Extension of Gas and Oil Burner Equipment.** For any installation, repair or extension of existing gas and oil burner equipment, the fee shall be determined by the City Council.

**Sec. 5-21. Gas and Oil Piping.** For the installation of the necessary gas and oil piping and for the repair or alteration to existing gas and oil piping to furnish gas and oil for heat, light or power to a building or structure, the permit fee shall be determined by the City Council.

**Sec. 5-22. Plumbing Work.**

- (a) **Installation generally.** For the installation of plumbing work, the permit fees shall be determined by the City Council.
- (b) **Installation of garbage grinder or dishwasher.** For the installation of a garbage grinder or dishwasher (connected to piping system, not portable) the permit fee shall be determined by the City Council.
- (c) **Alteration, repairs or extension.** For any alteration, repair or extension to an existing plumbing system, not specified in the above subsections, the fees shall be determined by the City Council.
- (d) **Other plumbing work.** Other plumbing fees shall be determined by the City Council.

**Sec. 5-23. Installation of Refrigeration Equipment.** For the installation of refrigeration equipment, the permit fee shall be determined by the City Council.

**Sec. 5-24. Alteration, Repair or Extension of Refrigeration Equipment.** For the alteration, repair or extension of existing refrigeration equipment, the permit fee shall be determined by the City Council.

**Sec. 5-25. Steam Fitting Work.**

- (a) For the installation or extension of steam or hot water heating systems or steam process or power systems, the permit fee shall be determined by the City Council.
- (b) For any alteration, repairs or additions to an existing steam or hot water system or for any new installation where the work is of such a nature that the permit fee cannot be determined from Subsection (a) above, the permit fee shall be determined by the City Council.

**Sec. 5-26. Warm Air Heating and Ventilation.**

- (a) **Gravity warm air heating system.** For the installation, alteration, repair or replacement of a gravity warm air heating system, the permit fee shall be determined by the City Council.
- (b) **Mechanical warm air heating system.** For the installation of mechanical warm air heating systems, the permit fee shall be determined by the City Council.
- (c) **Fan systems.** For the installation of a single or multiple fan system, where each fan has a capacity of less than 250 CFM, the permit fee shall be determined by the City Council.
- (d) **Ventilation, dust collection, air drying, etc., systems.** For the installation of ventilating systems, other than systems covered in Subsection (c) above, dust collecting systems, air-drying systems, air conveying systems, etc., the permit fee shall be determined by the City Council.
- (e) **Alterations, repairs and extensions.** For the alteration, repair or extension of an existing warm air heating and ventilating system or for the installation of a new system where the work is of such a nature that the permit fee cannot be determined from the above subsections, the permit fee shall be determined by the City Council.

**Sec. 5-27. Wall and Roof Signs.** For the erection of a sign placed flat on a building or structure or on the roof of a building or structure, the permit fee shall be determined by the City Council.

**Sec. 5-28. Projecting and Freestanding Signs.** For the erection of a sign projecting out from the face of a building or structure and for any freestanding sign, the permit fee shall be determined by the City Council.

**Sec. 5-29. Billboards.** For the erection of any billboard not exceeding six hundred (600) square feet in area, the permit fee shall be determined by the City Council. Double-faced billboards shall be considered as independent billboards.

**Sec. 5-30. Domestic Portable Incinerators.** For the installation of each domestic portable incinerator, the permit fee shall be determined by the City Council.

**Sec. 5-31. Commercial or Industrial Incinerators.** For the installation of each commercial or industrial incinerator, the permit fee shall be determined by the City Council.

**Sec. 5-32. Standpipe Installation.** For the installation of standpipes, the permit fee shall be determined by the City Council.

**Sec. 5-33. Installation of Sprinkler Equipment.** For the installation of sprinkler equipment, the permit fee shall be determined by the City Council.

**Sec. 5-34. Alteration, Repair or Extension of Standpipe or Sprinkler System.** For the alteration, repair or extension of standpipe or sprinkler systems where the work is of such nature that the permit fee cannot be determined from this section, the permit fee shall be determined by the City Council.

**Sec. 5-35. City Sewer Availability Charge.** A city Sewer Availability Charge (S.A.C.) will be paid upon issuance of a building permit. The fee per unit shall be determined by the City Council.

**Sec. 5-36. Fire Inspection Surcharge.** Any permits issued by the Building Inspection Department for which a flat fee is paid, shall be subject to a fire inspection surcharge. Additionally, a fire inspection surcharge shall be collected on all commercial plumbing, mechanical, and electrical permits. Fire inspection surcharge fees shall be determined by the City Council.

### ARTICLE III. FIRE CODE

**Sec. 5-37. Minnesota State Fire Code (MSFC).** The MSFC, one copy of which has been marked as the official copy and which is on file in the office of the City Clerk, is hereby adopted as the fire code for the city for the purpose of prescribing regulations governing conditions hazardous to life and property. Every provision contained in this Code, except as modified or amended by this ordinance, is hereby adopted and made a part of this ordinance as if fully set forth herein.

**Sec. 5-38. Enforcement.** The Fire Chief of the city, or the Fire Chief's duly authorized representatives, shall enforce the provisions of this ordinance. The Fire Chief may appoint a Fire Marshal and fire inspectors to assist the Fire Chief in the enforcement of the code. The Fire Marshal and fire inspectors shall either be the Fire Chief of the Oakdale Fire Department, or shall be appointed from amongst qualified Fire Department personnel. Nothing in this section shall prevent the city from appointing persons as fire inspectors from outside of the Oakdale Department if qualified applicants cannot be found within.

**Sec. 5-39. Definitions.**

- Wherever the term "Jurisdiction" is used in the MSFC, it shall be held to mean the City of Oakdale.
- Wherever the term "Corporation Counsel" is used in the MSFC, it shall be held to mean the attorney for the City of Oakdale.
- "IFC", as used in the MSFC and in this article, means the most current edition of the International Fire Code, as amended and adopted by the State of Minnesota.

**Sec. 5-40. Establishment of Limits of Districts in which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks is to be Prohibited.**

- (1) The limits in which storage of flammable or combustible liquids in outside, aboveground tanks is prohibited, are hereby established as follows:

Residence One District, Residence Two District, Residence Three District, Residence Four District, Residence Five District, Residence Six District, Neighborhood Commercial District and Community Commercial District.

- (2) The limits in which bulk new plants for flammable or combustible liquids are prohibited, are hereby established as follows:

Residence One District, Residence Two District, Residence Three District, Residence Four District, Residence Five District, Residence Six District, Neighborhood Commercial District and Community Commercial District.

**Sec. 5-41. Establishment of Limits in which Bulk Storage of Liquefied Petroleum Gases is Restricted.** The limits in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: Residence One District, Residence Two District, Residence Three District,

Residence Four District, Residence Five District, Residence Six District, Neighborhood Commercial District, Community Commercial District, Industrial Office District and General Industry District.

**Sec. 5-42. Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents is Prohibited.** The limits in which the storage of explosives and blasting agents is prohibited, are hereby established as follows: Residence One District, Residence Two District, Residence Three District, Residence Four District, Residence Five District, Residence Six District, Neighborhood Commercial District, Community Commercial District, Industrial Office District and General Industry District.

**Sec. 5-43. Repealed.**

**Sec. 5-44. Violation.**

- (a) Any person who shall violate any of the provisions of this code or standards hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city or by a court of competent jurisdiction, within the time affixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 or by imprisonment for not less than 30 days nor more than 90 days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

#### **ARTICLE IV. ELECTRICAL**

**Sec. 5-45. Adoption of the National Electric Code.** There is hereby adopted by the City Council of the City of Oakdale, for the purpose of establishing rules and regulations for the construction, installation, alteration, maintenance and repair of electrical systems in and for buildings of all classes and other structures and facilities requiring electrical services including licenses, permits and penalties, that certain code known as the National Electrical Code, currently regulated by the State of Minnesota, is hereby adopted. One copy has been marked as an official copy and filed for use in examination by the public in the offices of the City Clerk of the City of Oakdale, and the same is hereby adopted and incorporated as fully and to the same extent as is set forth in full herein. All references therein and in this Ordinance to the Electrical Inspector shall be interpreted as synonymous references to the Office of the Building Official.

**Sec. 5-46. Electrical Inspector; Qualifications and Appointment.** There is hereby created the office of Electrical Inspector. The person chosen to fill the office of Electrical Inspector shall be of good moral character, shall be possessed of such executive ability as is requisite for the performance of the duties and shall have a thorough knowledge of the standards, materials and methods used in the installation of electrical equipment. The person chosen shall be well versed

in approved methods of construction for safety to persons and property, the Statutes of the State of Minnesota relating to electrical work and any orders, rules and regulations issued by authority thereof, and the National Electrical Code, as approved by the National American Standards Institute. The Electrical Inspector shall have two (2) years experience as an electrical inspector and four (4) years experience in the installation of electrical equipment.

The Electrical Inspector shall be appointed by the City Council. The Electrical Inspector shall receive as compensation a sum equal to eighty percent (80%) of electrical permit fees. When a double fee is charged, the Electrical Inspector shall receive said percentage payments on only the normal permit fee. It shall be the duty of the Electrical Inspector to enforce provisions of this ordinance and to keep complete records of all permits.

The Electrical Inspector shall have the right to enter any building or premises in the discharge of these duties or for the purpose of making any inspection, reinspection or test, as provided by this ordinance. When any equipment is found by the Electrical Inspector to be dangerous to persons or property because it is defective or defectively installed, the person, firm or corporation responsible for the installation shall be notified to make any changes or repairs required in the judgment of the Electrical Inspector. Said Electrical Inspector shall have the authority to disconnect or order discontinuation of any equipment found to be defective or installed contrary to this ordinance.

**Sec. 5-47. Electrical Permits.** No installation or connection of any electrical light fixtures, motors, heating devices, or any apparatus requiring the use of electric current, nor any alteration or addition in the wiring of any existing building shall be made nor shall any building be wired for the placing of any of the above, nor shall any installation or connection of any of the above, nor alterations in the wiring be made of any building after inspector without first securing a permit therefore.

Permits shall be granted only to properly licensed electrical contractors who are registered and bonded by the State of Minnesota, except that such permit may be granted to a bonafide owner of residential property, who intends to conduct such work on said property and who occupies or intends to occupy said property, and further who demonstrates to the satisfaction of the Electrical Inspector that the applicant has sufficient knowledge to perform the required work.

**Sec. 5-48. Permit Fees.** The City Council shall determine a uniform fee for issuance of electrical permits. Such fee must accompany the application for the permit. The City Council shall also determine a uniform fee for a second reinspection or for inspections called for prior to the permit readiness, or when no permit has been obtained.

**Sec. 5-49. Penalties.** Any person who shall commence work of any kind for which a permit is required under the provisions of this Code without having first received the necessary permit therefore, shall, when subsequently receiving such permit, be required to pay double the fees provided in this Code. Further, shall be subject to all the penal provisions of this Code and the State Electrical Act.

**Sec. 5-50. Electrical.** Minnesota Statutes, Chapter 326.01 and 326.241 through 326.246 hereby adopted by reference together with all amendments thereto.

## ARTICLE V. STREET NAMES AND PROPERTY NUMBERS

**Sec. 5-51. Uniform System Adopted.** A uniform system of naming streets and numbering properties and principal buildings, as shown in the manual of procedures identified by the title *Uniform Street Naming and Property Numbering System*, which is filed in the county courthouse, is hereby adopted for use in the city. This map and all explanatory matter thereon is hereby adopted and made a part of this article.

### **Sec. 5-52. Conformity to System.**

- (a) All properties or parcels of land within the city shall hereafter be identified by reference to the uniform numbering system adopted herein. The names of all streets in the city shall be as designated by the Uniform Street Naming System.
- (b) Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.
- (c) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located.

### **Sec. 5-53. Administration.**

- (a) The Building Official shall be responsible for maintaining the numbering system. In the performance of this responsibility, the Building Official shall be guided by the provisions of this article.
- (b) The Building Official shall keep a record of all numbers assigned under this article.
- (c) The Building Official shall assign to any property owner in the city upon request, a number for each principal building or separate front entrance to such building. In doing so, the Building Official shall assign only the numbers assigned to such building under the provisions of this article, provided, however, that the Building Official may assign additional numerals in accord with the official numbering system whenever a property has been subdivided, a new front entrance opened or undue hardship has been worked on any property owner.

**Sec. 5-54. When Numbers Assigned to New Buildings.** Principal buildings hereafter constructed shall be assigned a street number when the building permit is issued.

**Sec. 5-55. Duty to Number Buildings; Manner of Numbering.** It shall be the duty of the owner, agent, lessor or occupant of every house, manufactured home or other building except barns, garages and other buildings that are part of the same property with a numbered house or building, to place on every such manufactured home or building its proper street number in conformity with the following:

- (a) Numbers shall be posted above, on or beside the principal entrance to the building.
- (b) Numbers shall be posted in a manner as to be visible from the street on which the property is located.
- (c) Premises which are located so that they are not visible from the abutting street shall have an additional set of numbers located on a post, sign or other device, which is clearly visible

from such street and which clearly designates the premises numbered. Mailboxes may be used for such numbers only if such mailbox is located on the premises to be designated and only if it is the only mailbox on such premises.

- (d) Numbers must have a minimum height of four (4) inches and a minimum width of one and one-half (1 1/2) inches. The color must contrast with the color of the background to which the numbers are attached and must be a reflective material.
- (e) One address sign shall be required per single-family residential building and for each dwelling unit in multiple-family buildings and for each commercial and industrial use main building.
- (f) Manufactured homes that are so situated that the end of such manufactured home faces the abutting street shall be numbered as follows:
  - (1) The numbers must be affixed on the end of the trailer facing the abutting street.
  - (2) Such numbers must be affixed to the manufactured home between six (6) and eight (8) feet above the ground and must be no more than three (3) inches from the left side of the manufactured home as such manufactured home is viewed from the abutting road.
  - (3) Manufactured homes which are so situated that the side of such manufactured home faces the abutting street shall be numbered as in (a) above.
- (g) In cases where a principal building is occupied by more than business for family dwelling unit, each separate front entrance of such building shall bear a number, as assigned by the Building Inspector.

**Sec. 5-56. Deadline for Numbering.** Buildings constructed in the city shall comply with this article within thirty (30) days of substantial completion of construction. Manufactured homes hereafter brought into such city shall comply with this article within thirty (30) days of the date of such manufactured home is so transported into the city.

**Sec. 5-57. Retention of Existing Street Names.** Street names in existence prior to February 23, 1971, may be retained subject to change by the City Council.

**Sec. 5-58. Developers to Furnish Street Signs.**

- (a) It shall be the obligation of all builders, developers, and subdividers to furnish and install all street signs within the subdivision or area that is being developed. Said installation shall be made in conformity with the street system existing within the city.
- (b) It shall also be the obligation of such builders, developers, and subdividers to furnish street signs on any connecting street or road not within such subdivision.
- (c) The street sign shall be of the type that is designated by the City Administrator and shall be installed at such points as are designated by said Administrator or designee.

**Sec. 5-59. Variations.** Variations from the strict application of provisions of this article may be granted where there are practical difficulties or unnecessary hardships in effecting strict compliance. Such hardships or difficulties must have to do with the characteristics of the property and not of the property owner. Variations may be granted in writing by the Building Official or other persons designated by resolution of the City Council.

## ARTICLE VI. PUBLIC SAFETY 800 MHZ RADIO FREQUENCY COVERAGE

**Sec. 5-60. Intent and Purpose:** To protect the public health, safety and general welfare of the community and its people through the establishment of minimum standards and regulations governing acceptable levels of Public Safety radio transmission within and about structures as described under this section. This article shall provide Public Safety and Emergency Personnel the means to communicate with each other within buildings and structures, and to communicate from within the structure to personnel and locations outside the building and structure, through 800 MHz Radio devices. A breakdown in communications among emergency providers and personnel creates a serious risk of harm to and poses a serious threat to the safety and welfare of emergency personnel, the citizens of Oakdale and the public in general.

### **Sec. 5-61. Definitions:**

- **800 MHz Radio.** For the purposes of this section, the term “800 MHz Radio” shall be defined as a trunked radio system and components thereof, capable of operation in both the 700 Mhz and 800 Mhz frequency spectrum and designed primarily for public safety and emergency response radio communication.
- **Bi-Directional Amplifier.** BDA system consists of one or more amplifiers located inside a confined environment and is connected to an internal and external antenna network.
- **BER- Bit Error Rate.** The percentage of data bits received that have errors relative to the total number of bits received in a transmission, usually expressed as ten to a negative power.
- **dBm- Decibels per milliwatt.** A standard unit for measuring levels of power in relation to a 1 milliwatt reference signal.
- **Signal booster.** A device, typically located at a fixed location that automatically receives, amplifies, and retransmits on a one-way or two-way basis, the signals received from base, fixed, mobile, and portable stations, with no change in frequency or authorized bandwidth.
- **Signal strength.** Measures the performance of a bi-directional amplifier based on one input signal adequate to obtain a maximum continuous operating output level.

**Sec. 5-62. Adequate Radio Coverage:** Except as otherwise provided, no person shall erect, construct, alter, refit, change use of, or provide an addition of more than 20% of the floor area to, or cause the same to be done, to any building or structure or any part thereof, which fails to support adequate radio coverage for emergency personnel and public safety personnel in accordance to the 800 MHz Trunked Regional Public Safety Radio System. For the purposes of this section, parking garages, parking ramps, stair shafts, elevators and stairwells are included in the definition of “building”. Also, for purposes of this section, “adequate radio coverage” shall constitute a radio signal received:

- (a) of 93 dBm minimum signal strength and no more than 1% BER, as measured at 30 to 36 inches above the floor over 90% of the area of each floor of the building, structure and other critical areas as determined by the Fire Chief or the Fire Chief’s designee; and
- (b) within a frequency range determined by the Fire Chief or the Fire Chief’s designee;
- (c) and with a reliability factor of not less than 90%.

**Sec. 5-63. Amplification Systems.** Buildings which, unaided, cannot support the required level of radio coverage required by Subsection 5-62 shall, at the property owner’s expense, be equipped with an APCO P-25 compliant and FCC approved bi-directional 800 MHz signal enhancement system(s) as needed. If any part of the installed system or systems contains an electrically



powered component, the system(s) shall be capable of operating on an independent battery and/or generator system for a continuous period of at least 12 hours without external power input. The battery system shall automatically charge in the presence of an external power input.

- (a) **Exempt Buildings.** The requirements of Subsection 5.62 shall not apply to:
- (1) Any building, which achieves the level of radio coverage required under Subsection 5-61;
  - (2) Any dwelling unit or accessory building in either the R-1 or R-2 District.
  - (3) Any building with less than 25,000 square feet in gross floor area.
  - (4) Any building of wood frame construction; provided that such building contains no metal construction or any below grade levels including below grade parking areas.

**Sec. 5-64. Testing Procedures.** Prior to occupancy and upon installation and activation of bi-directional 800 MHz signal enhancement system(s) as required under Section 5-62, it shall be the building owner's responsibility to have such systems tested to ensure that the requirements enumerated under Section 5-62 are met. Testing procedures shall conform to practices adopted and on-file with the Fire Chief. The following testing procedures shall apply to each building or structure required by Subsection 5.62 to utilize a bi-directional amplifier or other such Radio Signal Booster System [FCC Rules as of 11-29-2001] in order to achieve the "adequate radio coverage" standard described under Subsection 5-62:

- (a) **Annual Tests.** When a bi-directional amplifier or other such radio signal booster system is required, the building owner shall arrange for testing of all active components of the system, including but not limited to, amplifiers, power supplies and backup batteries, a minimum of once every 12 months. All test results shall be submitted to the Fire Chief within 30 days of the test date.
- (1) Amplifiers shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance.
  - (2) Backup batteries and power supplies shall be tested under load for a period of one hour to verify capacity for proper operation during an actual power outage. If, within the one-hour test period, the battery exhibits symptoms of failure, the test shall be extended for additional one-hour periods until the testing technician confirms the integrity of the battery.
  - (3) All other active components shall be checked to determine that they are operating within the manufacturer's specifications for the intended purpose. All deficiencies found shall be corrected and testing repeated.
- (b) **2 Five-Year Tests.** In addition to annual testing, the building owner shall perform a comprehensive radio coverage test a minimum of once every five (5) years to ensure that the radio system continues to meet the requirements of the original acceptance test. All test results shall be submitted to the Fire Chief within 30 days of the test date.
- (c) **Qualifications of Testing Personnel.** All tests shall be conducted, documented, and signed by a person in possession of a current FCC technician license, or a current technician certification issued by APCO, NABER, or the PCIA. All test records shall be retained on the inspected premises by the building owner and a copy submitted to the City of Oakdale's Fire Chief.

- (d) **Field Testing.** Fire and police personnel, after providing reasonable notice to the owner or the owner's representative, shall have the right to enter onto the property and into the structure solely to conduct testing in order to ascertain whether or not the required level of radio coverage is present.