

**CHAPTER III  
BUILDING AND HOUSING CODES**

**(Note: Formerly 300, 305, 315, 325, 330, 335, 336, 337, 421, 445)**

Section 300:00. Minnesota State Building Code. The Minnesota State Building Code, established pursuant to Minnesota Statutes § 16B.59 through § 16B.75, and § 326.37 through § 326.45 is adopted as the Building Code of the City of St. Cloud. A copy of the Minnesota State Building Code is available for use and inspection by the public in the Office of the City Clerk.

Subd. 1. The Minnesota State Building Code includes the following chapters of Minnesota Rules:

- (a) 1300, Minnesota Building Code Administration;
- (b) 1301, Building Official Certification;
- (c) 1302, State Building Code Construction Approvals;
- (d) 1303, Minnesota Provisions;
- (e) 1305, Adoption of the 2006 International Building Code;
- (f) 1307, Elevators and Related Devices;
- (g) 1309, Adoption of the 2006 International Residential Code;
- (h) 1311, Adoption of the Guidelines for the rehabilitation of Existing Buildings;
- (i) 1315, Adoption of the 2008 National Electrical Code;
- (j) 1322, Adoption of the Residential Energy Code
- (k) 1323, Adoption of Commercial Energy Code
- (l) 1325, Solar Energy Systems;
- (m) 1330, Fallout Shelters;
- (n) 1335, Flood proofing Regulations;
- (o) 1341, Minnesota Accessibility Code;
- (p) 1346, Adoption of the Minnesota State Mechanical Code;
- (q) 1350, Manufactured Homes;
- (r) 1360, Prefabricated Structures;
- (s) 1361, Industrialized/Modular Buildings;
- (t) 1370, Storm Shelters (Manufactured Home Parks);
- (u) 4715, Minnesota Plumbing Code; and

Subd. 2. Organization and Enforcement. The organization of the Building Safety Division of the Community Development Section, application, administration, and enforcement of the Code will be consistent with by Minnesota Rule Chapter 1300. The Code will be enforced within the incorporated limits of the City of St. Cloud and extraterritorial limits permitted by Minnesota Statute § 16B.62. The Administrative Authority will designate a State certified "Building Official" pursuant to Minnesota Statute § 16B.65.

Subd. 3. Fees

- (a) Building Permits, Inspections and Fees. The schedule of fees for building permits, inspections, and collection of fees will be set forth in Section 553 of this Code.

- (b) Plan Check Fees. The plan check fees will be set forth in Section 553 of this Code.
- (c) Surcharge. In addition to the permit fee required, the applicant will pay a surcharge to be remitted to the Minnesota Department of Administration as prescribed by Minnesota Statute § 16B.70.
- (d) Occupancy During Construction or Reconstruction. Building permits issued to construct or reconstruct areas in buildings open to the public will provide safe and proper ingress, egress and occupancy to the public using the facility. The City of St. Cloud Chief Building Official will inspect and determine if continued occupancy or business activity would constitute a health hazard. If a health hazard is determined to exist, the Chief Building Official will inform the permit holder of the hazard and any possible means to mitigate or eliminate hazard. If no means of hazard elimination can be found, continued occupancy or business activity will be discontinued. Failure to comply with this section will result in immediate suspension of the building permit.

Subd. 4. Building Advisory Board.

- (a) Purpose. The Building Advisory Board will be concerned with methods of construction, suitability of alternate materials, and establishment of fee schedules.
- (b) Organization.
  - 1. Membership. The Building Advisory Board will consist of five voting members and one ex-officio member. Appointments to the Board will be made by the Mayor and will represent the following groups:
    - a. A general contractor licensed in the City of St. Cloud whose business is primarily concerned with commercial building construction.
    - b. A general contractor licensed in the City of St. Cloud whose business is primarily concerned with residential building construction.
    - c. A licensed realtor whose business is principally located in the City of St. Cloud.
    - d. A professional architect whose business is principally located in the City of St. Cloud.
    - e. A professional engineer specializing in structural or civil engineering whose business is principally located in the City of St. Cloud.
    - f. The Chief Building Official or designated representative will serve in an ex-officio capacity.
    - g. The mayor has the discretion to remove any member.

2. Terms and Appointment. At the first meeting of each calendar year, the Board will select a Chairperson, Vice Chairperson and a Secretary, each to serve throughout the year and until a successor is chosen. Members will be appointed by the Mayor subject to the approval of the Council. Vacancies will be filled for the remaining term in the same manner as original appointments.
  3. The Chairperson. The Board will meet at the call of the Chairperson with a minimum of one meeting per year. Additionally, the Chairperson will arrange meetings with interested citizens who are seeking assistance from the Board, assign duties to Board members, communicate with officials of the Building Inspection Department, report pertinent information and provide leadership to the board. In the absence, or at the request of the Chairperson, any or all of these duties will be performed by the Vice Chairperson.
  4. The Secretary. The secretary will keep charge of permanent records and proceedings of every meeting of the Board and will read the minutes of those proceedings at each successive meeting at the request of the Chairperson. The Secretary will serve as correspondent of the Board and as Treasurer of any funds in the custody of the Board.
  5. Quorum. For transaction of business at any meeting, three members will constitute a quorum.
  6. Compensation. Members of the Board will serve without compensation.
- (c) Procedure. The Building Advisory Board will act in an advisory and review capacity to and for the Mayor on all proposed new building code changes, and will specifically be concerned with methods of construction, suitability of alternate materials and establishment of fee schedules. The committee's final action on any proposal will be in the form of a recommendation of approval or disapproval directed to the Mayor.

## **BUILDING AND HOUSE MOVERS**

### Subd. 5. Building and House Movers.

#### (a) Definitions.

1. For purposes of this subdivision, "building" means and includes any structure having a roof and walls, and designed, used or proposed to be used for residential, commercial, industrial, storage, institutional, assemblage of persons or animals purposes, or any other lawful purposes generally comparable to the foregoing expressed purposes. A structure of less than 100 square feet will not fall within this definition.

2. "Inspector" means the duly appointed, qualified and acting Building Inspector of the City.

(b) Moving Permit. No building will be moved within the corporate limits of the City unless the licensed building mover has first applied for and received a permit to move the building and paid the required fee for the permit.

(c) Application for Permit. The application for a permit to move a particular building will be in writing, on a form prepared by the Inspector, and filed with the Inspector.

(d) Contents of Application. The application will:

1. Furnish information that will readily enable the inspector to locate the building proposed to be moved.
2. Give a general description of the building, including the nature of the construction materials, its dimensions, including height, the number of rooms, and the purpose for which it is to be used when relocated.
3. If the building is to be relocated in a platted area of the City or within two miles of the City, it will give the lot and block numbers and the name of the subdivision where it is to be located. If it is to be moved into an unplatted area of the City or within two miles of the City, it will give a legal description of the tract or parcel of land on which it is to be relocated.
4. Provide a map that shows where the building will be located on the new site.
5. If the building is to be relocated in a zoned area under a zoning ordinance, it will show the zone classification of the new site.
6. Give the proposed date and hour for the commencement of moving the building.
7. Furnish written plans and specifications for improvements necessary to comply with requirements of the Building Code.
8. Provide a map that shows a proposed route of the moving.
9. Show information that will be required to enable the Parks Director to protect trees in the city as provided in Section 670:55 of this code.
10. Provide additional information as the inspector may require.

(e) Accompanying Documents. The application will be accompanied by the following documents:

1. A receipt of the City Treasurer showing payment of the fee currently prescribed by a resolution of the Council for the permit.
2. Certificates of the County Treasurer and of the County Auditor, of the County wherein the building proposed to be moved is situated, showing that all current and delinquent taxes on the real estate from which the building is proposed to be moved are paid.
3. A certificate of the City Treasurer showing that there are no City charges of any kind, including any special assessments for local improvements, upon or against the real estate from which the building is to be moved remaining unpaid.

4. An application for a building permit for improvements to the building after moving.
5. The tax statements from the County Treasurer for the current year for both the site from which the building is to be moved and to which the building is to be moved.
6. If the proposed route passes along or across any state or county highway or road, the applicant will obtain appropriate permits from the state or county road authorities and will attach a copy of the same to the permit application.

(f) Standards for Issuing a Moving Permit. The Inspector will inspect the building proposed to be moved, to ascertain whether it meets the standards prescribed in this section for the issuance of a moving permit. The Inspector will not issue a permit if he finds that any of the following conditions exist:

1. Shows deterioration, dry rot, or decay to the degree that the building should not be moved because of the risk or hazard of collapse in the moving process.
2. Is to be relocated within the fire limits of the City, unless the building will meet the requirements for the erection of a new building within the limits when moving and renovation are completed.
3. Is to be moved to a zoned area, unless the building will meet and comply with all requirements for the erection of a new building in the zone classification when moving and renovation are completed.
4. The City Engineer or Building Inspector determines that the building is too large or too heavy to be moved over the route proposed, or any other route, without causing substantial damage to the streets, alleys, and public grounds over, along, or across which it is to be moved.
5. The building is so deteriorated, in a state of disrepair or otherwise so structurally unsound as to be unsafe for the use proposed to be made thereof on relocation.
6. The applicant's equipment is inadequate to move the building without endangering persons or property.
7. The building is to be relocated within the fire limits of the City and it does not meet the requirements specified for the erection of a new building within the fire limits.
8. The building is not compatible with the houses in the neighborhood to which the applicant wishes to move the house or building, with respect to height, age, style, condition, or design and as a result thereof would substantially reduce the values of existing structures in the new location.
9. The Inspector, in determining whether the building should be moved, will compare the market value of the building to be moved with the cost of necessary improvements. The market value of the building to be moved will be determined by deducting the value of the lot from the total market value of the building and lot. The records of the County Treasurer and County Assessor will be used to determine values.

In the event of any disagreement between the mover or owner and the Inspector over the suitability of the building to be moved, the Inspector will, for review and recommendation, refer the matter to the Building Advisory Board.

- (g) Hearing. At the hearing, the City and the applicant or owner may produce any competent evidence in respect of the ground or grounds upon which the denial was based. Upon the conclusion of the hearing, or at any time thereafter within 15 days, the Council will take the action in respect of said denial as it deems proper under the evidence produced.
- (h) Alternate Route; Property Damage. If the route over which the applicant proposes to move the building is found by the City Engineer to be so inadequate that the building cannot be moved over it without causing substantial damage to the streets and alleys, traffic signals or street lights, or if the Chief of Police finds that the use of the route would be hazardous to the traffic thereon, or the Parks Director finds that the moving of the building over the proposed route would substantially damage the trees along the route, the City Engineer, the Chief of Police, and the Parks Director will specify another route, if one can be found over which the building may be moved without substantial damage to the streets and alleys, without creating dangerous traffic hazards, and without substantial damage to trees. If no route can be found, no permit will be issued.
- (i) Duties of the Permit Holder. When a moving permit is issued, the permit holder is required to fulfill the following duties:
1. Move the building only over the route approved or designated in the permit.
  2. Notify the inspector in writing of any change in the date or hour proposed for the commencing of the moving of the building.
  3. Promptly notify the inspector in writing of any injury or damage to persons or property, private or public, incurred in the moving of the building.
  4. Cause adequate warnings to be given to the public of the presence of the building in the street or alley, and, without limiting the foregoing prescribed duty, will cause at least three (3) lighted flashers to be displayed at night on the front and rear ends of the building in the direction it is being moved along the street or alley, one to be approximately in the center of said respective ends, and one on each side of said center flare, near the outer edge of the building. He will also keep and maintain, day and night, proper barricades at each end of the block in which the building is then present, which barricades will be so lighted at night so as to adequately warn the public of their presence in the street.
  5. The permit holder will not permit the building to stand in one place on a state trunk highway or county highway for more than the time allotted under the State or County permits, on a municipal state aid street for more than four hours, or on any other street or alley for more than 24 hours, unless the inspector for good cause shown, will have granted an extension of said period.
  6. Notify the Fire Department when the building is left standing in any street or alley and identify the location.
  7. Leave the site from which the building is moved in a clean, safe, and sanitary condition. If the applicant fails to do so, the City may do whatever is needed to render the site clean, safe, and sanitary, and the permit holder will pay to the City all expenses so incurred.
  8. Exercise due, proper and reasonable care, at all times during the process of moving the building, to prevent and avoid injury to persons or damage to property, private

or public.

9. Before the building is moved from its original site, obtain a Utility Disconnect Permit from the Plumbing Inspector and shut off the water and sewer lines that serve the premises. Water service lines are to be shut off at the corporation on the City water main. Sewer service lines are to be capped at the City sewer main in a manner that will prevent infiltration into the City sewer system. The abandonment of water and sewer service lines must be inspected and approved by the City Plumbing Inspector. Remove and return to the City any meters on the premises belonging to it and notify the gas, electric and telephone companies to discontinue their service, if any, to the premises, which notice will be given at the time as will give the companies reasonable time to remove any of their equipment from the premises.
10. Make arrangements with all public utility companies to temporarily remove any lines, wires, and cables along the route which will be necessary to permit the passage of the building along the same.
11. Make arrangements with the Director of Public Works to temporarily remove or protect any City-owned or maintained traffic signals, street light poles, mast arms, signs, wires or cables along the route as necessary to permit the passage of the building and make payment to the City for all expenses so incurred.
12. Make arrangements with the Parks Director to trim or protect any boulevard trees or other publicly owned trees along the route as necessary to permit the passage of the building, and make payment to the City for all expenses so incurred.

(j) Enforcement of Ordinance. The Inspector will be responsible for the enforcement of the provisions of this subdivision.

(k) Violations. If an applicant, licensee, or permit holder commits any of the following acts, he/she is guilty of a misdemeanor:

1. Willfully provides false or misleading information in the application.
2. Moves a building without obtaining a permit to move the building, as required by this subdivision.
3. Moves the building over any state trunk highway, county road, street, alley or public ground not approved or designated as a route therefore.
4. Moves the building without complying with the requirements of this subdivision.
5. Leaves the building standing on a state trunk highway, county road, public street or alley in violation of this subdivision.

## COMMERCIAL CONTRACTORS

Subd. 6. Commercial Contractors. A commercial contractor will be any building contractor engaging in work other than work performed under a license from the State of Minnesota as a residential building contractor, remodelor or specialty contractor in the business of contracting or offering to contract to improve residential real estate, all terms as defined by Minnesota Statute, Chapter 326.83.

- (a) Licenses Required. No person, firm or corporation will engage in a business of commercial contracting in the City of St. Cloud without first securing an annual license on application made to the Building Official showing qualifications, which application will then be reviewed by the Building Official, and if approved, the Chief Building Official will issue the annual license. The licenses will expire on December 31 of each year.
- (b) Classification and License Fees. Commercial contractors, upon making application for licenses as required, will declare which class of license they elect, subject to the following scale and will pay the required fee charges:
- Class "A". Commercial contractors whose annual gross and total building operations exceed a sum of \$50,000.
- Class "B". Commercial contractors whose annual gross and total building operations exceed a sum of \$25,000 and not more than \$50,000.
- Class "C". Commercial contractors whose annual gross and total building operations are less than \$25,000.
- (c) Adjustments. After a Class "B" or Class "C" license has been issued, and it is established that a commercial contractor's gross and total building operations in any year will exceed the limits provided for in the license, as set forth in Subd. 6 (b) above, the licensee will at once pay the difference in license fees, which action will automatically revoke the former license, and a new license in the higher class will be issued to the licensee.
- (c) Records. For the purpose of enforcing this provision, the Building Official will keep an account of the work done by each contractor, which account will be open to inspection at all times.
- (d) License and Permit Requirements
1. It is declared to be illegal to agree to contract for, or engage in commercial construction or commercial reconstruction or repair of any project coming within the scope and intent of this section without having a license.
  2. No person engaged in the construction, reconstruction, repair or demolition of any building or structure, will obstruct or encroach upon any street, alley, sidewalk or public grounds of the City, wholly or in part, without first having obtained a permit to do so, obtained in the manner prescribed for obtaining a license as a commercial contractor, except that no additional bond need be given.



(e) Bond and Insurance Requirements

1. Every Commercial Contractor, before being granted a license, will file with the Building Official a bond, executed by the contractor, as principal, and by a corporate surety duly authorized under the laws of the State of Minnesota to execute the bond, as surety, in the sum of \$25,000. The bond shall be payable to and for the benefit of the City and the consumer and will be subject to approval by the City Attorney. The bond shall serve the following purposes:
  - a. To keep and save the City from, and indemnified against, all claims of every kind which may arise, directly or indirectly, out of the performance of any work done by the commercial contractor within the City, including all costs and expenses incurred in defending any actions that may be brought against it;
  - b. To ensure compliance with all ordinances, rules or regulations of the City applicable to the work;
  - c. To ensure performance of the work in conformity with all the plans and specifications, if any;
  - d. And to ensure the repair all damage to any public property caused in the performance the work.
2. In addition to the surety bond, the applicant for a license will furnish a general policy of liability and property damage insurance, including products and completed operation coverage which will have minimum limits of coverage of \$100,000 for injuries to or death of one person and not less than \$500,000 on account of one accident and not less than \$250,000 for property damage.
3. The bond will be effective for the period of January 1 through December 31 of the license year. The bonds and insurance will further provide that no cancellation of said bond for any cause may be made by the principal or the surety or insurance company, for any cause, without first giving ten days notice to the City, in writing, of the intention to cancel. The notice will be addressed to the Building Official by registered mail, or will be delivered to the Building Official personally.
4. A license issued under this ordinance will become invalid at any time when the person to whom it was issued ceases to maintain, in full force and effect, the bond and insurance required by this ordinance.

**PLUMBING CODE**

Section 300:10. Plumbing Code.

Subd. 1. Definitions. All technical terminology and abbreviations used in this ordinance will have the meanings ascribed in the "Minnesota Plumbing Code", but if not defined therein, will have the normal meanings ascribed in the plumbing trade.

- (a) "Inspector" means that person designated by the City Council to inspect plumbing systems and to enforce compliance with the provisions of the ordinance.
- (c) "Plumber" means any person doing any work on a plumbing system subject to the provisions of this ordinance.
- (d) "Engage in Business" means entering into agreement or contract with another person for the installation of a plumbing system, or any portion of a plumbing system, or for the doing of any work on any plumbing system such as are subject to the provisions of this ordinance.
- (e) "Plumbing Code" means the Minnesota Plumbing Code, including the appendices and amendments as adopted by reference by the City of St. Cloud in Section 300 of the Building Code.
- (f) "Sewer and Water Contractor" means any person that installs or repairs building sewer and/or water service piping to new or existing properties and has the required State issued pipe layers card for all workers.

Subd. 2. Licenses for Plumbing Contractors.

- (a) Any person desiring to engage in business within the City, will first obtain a Master Plumbing Contractor License, a Sewer and Water Contractor License, or a Sewer Cleaning Contractor License from the Chief Building Official.
- (b) A Master Plumbing Contractor License will entitle the license holder to engage in the business of installing, altering, repairing, and servicing any plumbing system within the City without limits as to requirements of the system or scope of work.
- (c) A Sewer Cleaning Contractor License will entitle the license holder only to engage in the business of cleaning out existing sewer systems when such cleaning operations can be conducted by obtaining access to the sewer through existing clean outs, vents, drains or manholes.
- (d) The license fee for Master Plumbing Contractor and for Sewer Cleaning Contractor will be set forth in Section 500 of this Code.

Subd. 3. Application Procedures and Requirements for Obtaining Licenses.

- (a) Any person desiring to obtain a license will make written application to the Chief Building Official for such license, stating the name and date of birth of the person desiring such license, place of business, and stating the type of license for which the applicant is applying. If the applicant is an individual person, such application will also state that he is not less than 21 years of age.

(b) Upon the presentation to the Chief Building Official of an application for Master Plumbing Contractor and a valid and current Master Plumber License issued by the State of Minnesota in accordance with the provisions of the Minnesota Plumbing Code, the Chief Building Official will issue the license to the applicant upon the applicant (a) filing with the Chief Building Official the bond and insurance policies and (b) paying the license fee.

(c) Master Plumbing Contractor Licenses will be issued in the following manner:

1. Only to an individual that holds a valid State Master Plumber License.
2. To a partnership or association of individual persons, only if such partnership or association of individual persons has a member holding a valid State Master Plumber License. In this event, the license will be issued in the name of the individual holding the certificate and in the name of the partnership or association of persons.
3. To a corporation, only if such corporation has an executive or administrative officer holding a valid State Master Plumber License. In this event, the license will be issued in the name of the individual holding the license and in the name of the corporation.
4. When a Master Plumbing Contractor qualifies to receive a license by virtue of a member or an officer holding a State Master Plumber License, such member or officer will be in active charge of the work of installation, with authority and power to direct such work, all to the end that when the job is completed it will comply to all technical requirements of this ordinance. In all cases, the person holding the permit for the particular job will be primarily responsible for such compliance.
5. Upon the presentation to the Chief Building Official of an application for Sewer Cleaning Contractor's License, the Chief Building Official will issue the license to the applicant upon the applicant (a) filing with him the bond and insurance policies and (b) paying the license fee.

Subd. 4. Expiration of Licenses. Any license will expire on the 31st day of December of the year for which it was issued.

Subd. 5. Use of Licenses.

- (a) No person licensed under this ordinance who holds a permit for a particular job, will sublet or assign any work contemplated by such permit to any person not licensed under this ordinance and such attempted subletting or assignment will be void.
- (b) In the event the person holding such permit sublets any portion of the work to be done under the permit to any other person holding a Master Plumbing Contractor's License, the person holding the permit will remain responsible for the completion of all work under said permit in accordance with the provisions of this ordinance. Both the permit holder and the

person so doing the work will both be subject to prosecution for the violation of any provision of this ordinance.

Subd. 6. Suspension and Invalidation of Licenses.

(a) When a Master Plumbing Contractor has qualified to receive a license only by reason of a member or an officer holding a State Master Plumber License, then if the member or officer ceases to hold their status as a member or officer, the license is suspended, all work in progress under any existing permit will be suspended, and no additional permits will be issued until the contractor has a valid State Master Plumber license.

Subd. 7. Bond and Insurance Requirements.

(a) Every Master Plumbing Contractor and Sewer Cleaning Contractor, before being granted a license, will file with the Building Official a bond, executed by the contractor, as principal, and by a corporate surety duly authorized under the laws of the State of Minnesota to execute the bond, as surety. Master Plumbing Contractors shall provide a bond in the sum of \$10,000 and Sewer Cleaning Contractors shall provide a bond in the amount of \$5,000. The bond shall be payable to and for the benefit of the City and the consumer and will be subject to approval by the City Attorney. The bond shall serve the following purposes:

1. To keep and save the City from, and indemnified against, all claims of every kind which may arise, directly or indirectly, out of the performance of any work done by the commercial contractor within the City, including all costs and expenses incurred in defending any actions that may be brought against it.
  2. To ensure compliance with all ordinances, rules or regulations of the City applicable to the work.
  3. To ensure performance of the work in conformity with all the plans and specifications, if any.
  4. To ensure that any damage to public property is properly repaired.
- (b) In addition to the surety bond, the applicant for a license will furnish a general policy of liability and property damage insurance, including products and completed operation coverage which will have minimum limits of coverage of \$100,000 for injuries to or death of one person and not less than \$500,000 on account of one accident and not less than \$250,000 for property damage.
- (c) The bond will be effective for the period of January 1 through December 31 of the license year. The bonds and insurance will further provide that no cancellation of said bond for any cause may be made by the principal or the surety or insurance company, for any cause, without first giving ten days notice to the City, in writing, of the intention to cancel. The notice will be addressed to the Building Official by registered

mail, or will be delivered to the Building Official personally.

- (d) A license issued under this ordinance will become invalid at any time when the person to whom it was issued ceases to maintain, in full force and effect, the bond and insurance required by this ordinance.

Subd. 10. Registration of Journeyman Plumbers and Plumbers' Apprentices.

- (a) Any journeyman plumber or plumber's apprentice working on any plumbing system within the City will register their names with the Plumbing Inspector. Possession of a State Journeyman's License will be accepted as prima facie evidence of a journeyman's eligibility for registration. Proof of registration with the Minnesota Department of Health will be accepted as prima facie evidence of an apprentice's eligibility for registration.
- (b) The fee for registration as either a journeyman or as an apprentice will be set forth in Section 551 of this Code. Upon receipt of the proper credentials and of the fee, the Plumbing Inspector will issue a certificate of registration to the registrant.
- (c) No person other than an individual holding a State Master Plumber's License and licensed as a Master Plumbing Contractor in accordance with the provisions of this ordinance will do any work on any plumbing system unless the licensee is registered as above described.

Subd. 11. Plumbing Code Board.

- (a) The "Plumbing Code Board" consists of six members. One member of the Board will be the Chief Plumbing Inspector who will serve ex-officio, without voting privileges. The Director of Health and the Director of Public Utilities will be ex-officio members of the Board with full voting privileges. The other three members of the Board will be appointed by the Mayor of the City subject to the approval of each appointee by the City Council. One of these appointees will be a person holding a Master Plumbing Contractor License as provided by this ordinance. Another appointee will be a registered Journeyman Plumber, as provided by this ordinance. The third appointee will be any person chosen without pre-qualification by this ordinance. All members will be appointed for terms of three years, except that an appointee to fill a vacancy will serve the remaining term of the member in respect to whom the vacancy occurred.
- (b) The appointed members of the Board will not be subject to the Civil Service Rules of the City, and will serve without compensation, but will be paid for all expenses reasonably incurred by them in the performance of their duties as members of the Board.
- (c) The Board will organize within 30 days after its approval by the City Council and will elect a Chairperson. The Plumbing Inspector will serve as Secretary, and keep minutes of the proceedings of the Board.
- (d) Regular meetings of the Board will be held on the second Wednesday in January and on the second Wednesday in July of each year.

- (e) Special meetings of the Board will be called by the Secretary, upon the written request of the Chairperson, or upon the written request of two or more members of the Board. Such request will state the time, place and purpose of such meeting. The time so stated will be such that the Secretary can give, by mail, all members at least five days notice of such date, unless all members agree to meet upon shorter notice.
- (f) The primary duty of the Board will be to review this ordinance and to recommend to the City Council any additions or changes which it deems desirable and proper to ensure adequate control and safety of plumbing systems and plumbing work in the City.

Subd. 12. Appeals.

- (a) In the event any person wishes to dispute any interpretation of the technical provisions of this ordinance by the Plumbing Inspector or any order of the Plumbing Inspector, they will file a written appeal within 45 days of the ruling or order with the Plumbing Inspector, stating the exact nature of the item being disputed, and giving the applicable section and subsection of the code and other information which the person considers to be relative to the issue.
- (b) Upon receipt of such written appeal, the Plumbing Inspector will call a meeting of the Plumbing Code Board within fifteen 15 days, and will notify the appellant of the time and location when such meeting will be held.
- (c) At the meeting, the Board will hear and consider all relative information presented and as soon as practicable, the Board will issue a written statement of its findings, one copy to be filed with the City Clerk and one copy to be sent to the appellant.

Subd. 13. Permits and Licenses Generally.

- (a) It will be unlawful for any person to install, alter or repair any plumbing system that is subject to regulation by the provisions of this ordinance, without first making written application to and obtaining a permit from the City Health and Inspection Department. Providing, however, that no permit will be required for minor repair work such as the repair of leaks in pipes, traps and faucets and the opening of exposed waste and supply pipes. However, where waste pipes and supply pipes are replaced or where fixtures are to be changed, a permit will be required and the City notified to inspect the work before it is covered up.

(b) Unless otherwise exempted, separate electrical, building and mechanical permits will be required for the above-exempted items.

(c) Exemption from the permit requirement of this code will not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

(d) Suspension and Revocation of Licenses.

1. Upon notice to the Plumbing Code Board that a person holding a license has been convicted of a violation of this ordinance. The Plumbing Code Board may suspend license for the period of time as the Council may deem proper under the circumstances, or the Council may revoke the license and order that no new license be granted for a period not to exceed six months from the date that the action is ordered by the Council.

2. Before the Plumbing Code Board will revoke any license, the licensee will be entitled to a hearing by the City Council upon ten days written notice by regular mail addressed to the licensee at their place of business or by serving notice upon the licensee in the manner prescribed by statute for serving summons.

Subd. 14. Permits to be Issued to Licensed Contractors Only. No permit for the construction, alteration or repair of any plumbing system will be issued to any person unless he has a valid Master Plumbing Contractor License as provided by this ordinance.

(a) Homeowner Exempted. Notwithstanding any other provision of this code of ordinances to the contrary, and where permitted by state law, permits may be issued to make repairs, additions, replacements, and alterations of any plumbing system of any single-family dwelling structure used exclusively for living purposes or any accessory buildings provided there is no change in the required capacity of the systems involved and that all the work in connection with the structures will be performed only by the person who is the bona fide owner and occupant of such dwelling as his residence or a member of said owner-occupant's immediate family. "Immediate family" includes only a parent, children by birth or adoption, or said children's spouse.

Subd. 15. Plans and Specifications Required.

(a) When application is made for a permit to install a plumbing system that serves the public or serves more than four families, or any plumbing system that will affect the public health in any manner, plans and specifications, together with additional information that the Plumbing Inspector may reasonably require in order to evaluate the adequacy of the proposed system, will be submitted to the Plumbing Inspector in duplicate. The appraisal of the Plumbing Inspector will reflect the degree to which the plans and specifications affect the public health and conform to the requirements of this ordinance, and no permit will be issued until the plans and specifications are found to conform to the requirements of this ordinance. Upon approval of the plans and specifications, the Plumbing Inspector

will indicate approval and will return one approved set to the applicant and retain the other for the City's records.

- (b) Where plans and specifications are required to be submitted, no construction will proceed except in accordance with approved plans and specifications.
- (c) Any material alteration or extension of an existing system will also be subject to the provisions of this section.

Subd. 16. Permit Fees. The Plumbing Inspector will, before issuing any permit for the installation of any plumbing system, require the applicant to pay the permit fees as set forth in Section 551 of this Code.

Subd. 17. Issuance of Permit. Upon approval of the application and receipt of the permit fee, the Plumbing Inspector will issue a permit to the Master Plumbing Contractor, stating the name of the owner, agent, or occupant of the premises where the work is to be done, the address and/or legal description of the premises, the description of the work to be done and the name of the permit holder.

Subd. 18. Display of Permit. It will be the duty of the permit holder to keep the permit on the premises where the work is being performed until the work is completed, tested and accepted by the Plumbing Inspector, and to display the permit in a conspicuous place on the premises.

Subd. 19. Term of Permit.

- (a) All work to be performed under a permit will be completed within six months from the date of issuance of the permit, or within a longer period of time as the Plumbing Inspector may specify on the permit. Upon the expiration of the time period, if the contractor has not already requested final inspection, the Plumbing Inspector will inspect the work. If the work is not completed, the Plumbing Inspector will notify the contractor to complete the work within 15 days or the inspector may extend the time period if the cause of delay is beyond the control of the contractor. Thereafter, no additional work will be done on the plumbing system unless and until a new permit has been applied for and issued. In the event any changes have been made to this ordinance, prior to the issuance of the second permit, the permit will be deemed to be issued subject to compliance with the ordinance as revised.
- (b) If upon expiration of the term of the permit, the Plumbing Inspector finds the work to be in violation of the provisions of this ordinance, the contractor will be ordered to correct the deficiencies. If the deficiencies are not completed within 15 days, the contractor will be required to obtain a new permit as provided above. In addition, the contractor will be subject to the penal provisions of this ordinance.

Subd. 20. Supervision of Plumbing Systems. The Plumbing Inspector will have general supervision over all plumbing systems in the City. The Plumbing Inspector will have authority to inspect and re-inspect all such plumbing systems to the extent required to protect the public health.



Subd. 21. Inspector May Enter Buildings. The Plumbing Inspector is vested with full authority to enter any building or premises in the discharge of his duties for the purpose of enforcing compliance with the provisions of this ordinance.

Subd. 22. Condemning of Defective Plumbing Systems.

- (a) Any plumbing system which at any time becomes so defective as to endanger the public health or be detrimental to the public water supply system or the public sewer system, will be condemned by the Plumbing Inspector. When in the Plumbing Inspector's opinion it is necessary to prevent such endangering of the public health or detrimental effects to the public water supply or public sewer system, the Inspector is authorized to disconnect the system from the public supply and/or to order discontinuance of the plumbing system. Upon the condemnation, the person or persons owning the plumbing system will immediately take such steps as are necessary to eliminate dangers to the public health or to the public water supply or sewer system. The taking of such steps will not abrogate the right of the owner to utilize the appeal procedures provided for in this ordinance.
- (a) When any plumbing system has been condemned and has been disconnected or discontinued by order of the Plumbing Inspector, no person will in any manner reconnect or reactivate the plumbing system until it has been put in safe condition and a certificate of acceptance has been issued by the Inspector.

Subd. 23. Disturbing Plumbing System. No person will disturb, alter or change any plumbing system in such a manner as to render any portion of the system inoperative, defective or not in accordance with the provisions of this ordinance.

Subd. 24. Inspections Required. No plumbing system will be put to use until inspected and approved by the Plumbing Inspector.

- (a) When any plumbing system is found to have been installed without a proper permit or not in accordance with the provisions of this ordinance, the Plumbing Inspector is authorized to shut off the water supply, plug the building drain, or by other means prevent utilization of the system until a proper permit has been secured from the Inspector and the plumbing system has been re-inspected and approved.
- (b) Requests for inspections will be submitted to the Plumbing Inspector by the Master Plumbing Contractor, and inspections will be conducted in accordance with the provisions of the Minnesota Plumbing Code.

## **WATER SPRINKLING SYSTEMS**

Subd. 25. Water Sprinkling Systems.

- (a) “Water Sprinkling Systems” defined. For purposes of this ordinance, water sprinkling systems will be defined as follows: any automatic or manually operated water system which provides for the irrigation of lawns, landscaping, gardens or yards on any commercial, residential or industrial property within the City. A water sprinkling

system will include any automatically timed or manually started surface or underground system connected to any City water utility or private water supply.

- (b) Permits Required. No person will begin work on the installation, alteration or repair of any back flow prevention device on any sprinkling system within the City until proper application has been made and approved by the Plumbing Inspector and a permit has been issued. A permit will not be required for sprinkling systems which have river water as the sole source of supply.
- (c) Permits for the Installation and Operation of Back Flow Prevention to be Issued to Licensed Contractors Only. Permits for the installation and operation of back flow prevention device will be issued only to an individual with a valid Master Plumbing Contractor License as provided by this ordinance, provided, however, anyone not so licensed may be issued a permit to do plumbing work which complies with the provisions of the minimum standard prescribed by the State Board of Health on premises or that part of premises owned and actually occupied by the owner as the owner's residence. Resident owners may designate any individual to install sprinkling hoses and pipes.
- (d) Plan and Specifications Required. At the time application is made to install, alter or repair any sprinkling system, plans and specifications together with such additional information that the Plumbing Inspector may require will be submitted to the Plumbing Inspector. Plans and specifications for the proposed work must be filed with the Plumbing Inspector before the permit is granted, and during the progress of the work, if major changes are instituted which are not shown on the initial plan, specifications or permit application. No permit will be issued until the plans and specifications are found to conform with the Minnesota Plumbing Code, Section 4715.2000 through Section 4715.2160 which require back flow prevention devices for all sprinkling systems installed on any public or private water supply system within the City of St. Cloud.
- (e) Permit Fees. The Plumbing Inspector will, before issuing any permit for the installation, alteration or repair of any sprinkling system, require payment by the applicant for the permit of a fee in the amount set forth in Section 551 of the Code of Ordinances.
- (f) Issuance of Permit. Upon approval of the application and receipt of the permit fee, the Plumbing Inspector will issue a permit stating the name of the owner, agent or occupant of the premises where the work is to be done, the address and/or legal description of the premises, the description of the work to be done and the name of the permit holder.
- (g) Display of Permit. It will be the duty of the permit holder to keep the permit on the premises where the work is being performed until the work is completed, tested and accepted by the Plumbing Inspector, and to display the permit in a conspicuous place on the premises.
- (h) Term of Permit.
  1. All work to be performed under a permit will be completed within six months from the date of issuance of the permit, or within such longer period of time as the Plumbing Inspector may specify on the permit. Upon the expiration of said period if the contractor has not already requested final inspection, the Plumbing Inspector will inspect the work. If the Plumbing Inspector finds that the work is not completed, he will notify the contractor to complete the work within 15 days or he may extend the period if the cause of delay is beyond the

control of the contractor. Thereafter no additional work will be done on the sprinkling system unless and until a new permit has been applied for and issued. In the event any changes have been made to this ordinance prior to the issuance of the second permit, said permit will be deemed to be issued subject to compliance with the ordinance as revised.

2. If upon expiration of the term of the permit the Plumbing Inspector finds the work to be in violation of the provisions of this ordinance, he will order the contractor to correct the deficiencies. If the deficiencies are not completed within 15 days, the contractor will be required to obtain a new permit as provided above. In addition the contractor will be subject to the penal provisions of this ordinance.
- (i) Inspector May Enter Building. The Plumbing Inspector is vested with full authority to enter any building or premises in discharge of his duties for the purpose of enforcing the provisions of this ordinance.
  - (j) Inspections Required.
    1. No water sprinkling systems will be put to use until inspected and approved by the Plumbing Inspector.
    2. When any water sprinkling system is found to have been installed without a proper permit or not in accordance with the provisions of this ordinance, the plumbing inspector is authorized to shut off, disconnect or by any other means prevent utilization of the water sprinkling system until a proper permit has been secured and the system has been re-inspected and approved.

## **WATER CONDITIONING INSTALLATIONS**

### **Subd. 26. Water Conditioning Installations.**

- (a) Permits Required. No person, firm or corporation will install water conditioning equipment other than the exchange of portable equipment in the City of St. Cloud until application has been approved by the plumbing inspector and a permit has been issued.
- (b) Permits to be Issued to Licensed Contractors Only. Permits will be issued only to persons licensed as Water Conditioning Contractors by the Minnesota State Board of Health or as Master Plumbers by the City of St. Cloud. Any person not so licensed may obtain a permit to perform water conditioning work which complies with the provisions of the minimum standards prescribed by the State Board of Health on the premises or that part of the premises owned and actually occupied by him as his residence.
- (c) Purpose of Permit. Permits will be issued only for the purpose of connecting water softening and water filtering equipment to private residence water distribution systems, provided that the connections so made comply with the minimum standards prescribed by the Minnesota State Board of Health.
- (d) Permit Fees. The Plumbing Inspector will, before issuing any permit for the installation of

any water conditioning equipment, require payment by the applicant for the permit of a fee in the amount set forth in Section 551 of the Code of Ordinances.

- (e) Issuance of Permit. Upon approval of the application and the receipt of the permit fee, the Plumbing Inspector will issue a permit stating the name of the owner, agent or occupant of the premises where the work is to be done, the address and/or legal description of the premises, the description of the work to be done, and the name of the permit holder.
- (f) Display Permit. It will be the duty of the permit holder to keep the permit on the premises where the work is being performed until the work is completed, tested, and accepted by the Plumbing Inspector, and to display the permit in a conspicuous place on the premises.
- (g) Term of Permit.
  1. All work performed under a permit will be completed within 90 days from the date of issuance of the permit or within such period of time as the Plumbing Inspector may specify on the permit. Upon the expiration of said period, if the installer has not already requested final inspection, the Plumbing Inspector will inspect the work. If the Plumbing Inspector finds that the work is not complete, the Plumbing Inspector will notify the installer to complete the work within five days or the Plumbing Inspector may extend the completion period if the cause of delay is beyond the control of the permit holder. Thereafter, no additional work will be done unless and until a new permit has been applied for and issued. In the event any changes have been made to this ordinance prior to the issuance of the second permit, the permit will be deemed to be issued subject to compliance with the ordinances as revised.
  2. If, upon expiration of the term of the permit, the Plumbing Inspector finds the work to be in violation of the provisions of this ordinance, he/she will order the installer to correct the deficiencies. If the deficiencies are not completed within five days, the installer will be required to obtain a new permit as provided above. In addition, the installer will be subject to the penal provisions of this ordinance.
- (h) Inspector May Enter Building. The Plumbing Inspector is vested with full authority to enter any building or premises in discharge of his duties for the purpose of enforcing the provisions of this ordinance.
- (i) Inspections Required.
  3. No water conditioning system will be put to use until inspected and approved by the Plumbing Inspector.
  4. When any water conditioning system is found to have been installed without a proper permit or not in accordance with the provisions of this ordinance, the plumbing inspector is authorized to shut off, disconnect or by any other means prevent utilization of the water conditioning system until a proper permit has been secured and the system has been reinspected and approved.

## MECHANICAL CODE

### Section 300:20. Mechanical Code.

#### Subd. 1. Definitions.

- (a) "Inspector" means those persons designated by the City Council to inspect equipment and devices and to enforce compliance with the provisions of the State of Minnesota Mechanical Code.
- (b) "Installer" means any person doing any work on any equipment subject to the provisions of this ordinance.
- (c) "Master Installer" means the installer who holds a permit for a particular job.
- (d) "Mechanical Contractor" means a person engaged in the business of doing any work on equipment subject to the provisions of this ordinance.
- (e) "Code" means the Minnesota Mechanical Code, including the appendices and amendments as adopted by the reference by the City of St. Cloud in Section 300:00, Building Code.
- (f) "Engage in Business" means entering into agreement or contract with another person for the furnishing or installation of materials, apparatus or equipment or for the doing of any work on any equipment, such as are subject to the provisions of the code.
- (g) "Equipment" means any equipment as defined in the code.
- (h) "Process Piping" is piping or tubing which conveys gas, liquid, or fluidized solids and which is used directly in research, laboratory, or production processes.
- (i) "Board" is the Board of Examiners for Mechanical Installers as described in provisions of this ordinance.

Subd. 2. Contractor's License Required. No person will engage in or carry on the business of erecting, installing, constructing, altering, repairing, relocating, adding to the use of or servicing equipment as defined in the Minnesota Mechanical Code in the City of St. Cloud, without first having secured a Contractor's License from the City authorizing them to do so. All work to be performed and all material to be installed under a permit issued by this ordinance will meet the requirements as set forth in the Code. The licensed mechanical contractor shall hold sole responsibility for all work performed by themselves or their employees on mechanical systems they work on.

#### Subd. 3. Board of Examiners for Heating Installers.

- (a) The "Board of Examiners for Heating Installers" will consist of six members. One member of the Board will be the Heating Inspector who will serve ex-officio, without voting privileges. The other members of the Board will be appointed by the Mayor subject to the approval of the City Council. In the appointment of the Board, care will be taken that at least two of the members of the Board will have technical knowledge, training and experience in each of the following fields: Master A Installations, so as to qualify them to pass on the fitness of applicants for Certificates of Competency. No action of the Board will be held invalid because there were not such members when the action was taken. No more than one member of the Board will be an officer or an employee of a public utility company. The member of the Board will not be subject to the Civil Service Rules of the

City.

- (b) All successor members will be appointed to fill a vacancy will serve the remaining term of the member irrespective of when the vacancy occurred.
- (c) All members will serve without compensation, but will be paid for all expenses reasonably incurred by them in the performance of their duties as members of the Board. The Heating Inspector will serve as its Secretary and will keep records of all applications, examinations, the issuance of Certificates of Competency and renewals, minutes of the proceedings and other activities of the Board.
- (d) Regular meetings of the Board will be held on the second Tuesday in June and the Fourth Tuesday in January.
- (e) The Mayor has the discretion to remove any member of the Board

Subd. 4. Special meetings of the Board will be called by the Secretary upon the written request of the Chairperson or the Secretary, or upon the written request of any two or more members of the Board. The written request will state the time, place and purpose of such meeting. The time so stated will be such that the Secretary can give, by mail, the respective members at least three days notice of such date.

Subd. 5. Duties of the Board. Such Board will pass upon the qualifications and fitness of all applicants for Certificates of Competency, both Master and Journeyman. The Board will subject each applicant for a Certificate of Competency to such examination, both written and oral, and to such investigation as it deems necessary to determine whether the applicant possesses sufficient knowledge, skill, training, and experience as to enable the applicant to properly carry on the business, or to work at the trade of installing, altering, repairing or servicing combustion equipment. In the performance of this duty, the Board may engage such legal and technical assistance as it deems necessary.

Subd. 6. Certificates of Competency for Installers.

- (a) For the purpose of controlling the quality and workmanship in the installation, alteration, repair and servicing of equipment within the limits of the City, and by so doing to safeguard life, limb, and property, there are created "Certificates of Competency" for Installers.
- (b) No person will do any work on any mechanical system unless that person holds the appropriate Certificate of Competency with the exception of those individuals who are Apprentices or Learners and who comply with Subd. 6(e). Nor will any mechanical permits be issued except to Master Class A or B Installers as defined.

- (c) The Class A Master Mechanical Installer's Certificate of Competency shows that the holder has been examined by the "Board of Examiners for Mechanical Installers" and found qualified to properly plan, lay out, and supervise the installation, alteration, repair and servicing of any mechanical equipment within the City, without limits as to B.T.U. input capacity of the system.

The Class B Master Gas Installer's Certificate of Competency shows that the holder has been examined by the "Board of Examiners for Heating Installers" and found qualified to properly plan, lay out, and supervise the installation, alteration, repair and servicing of any gas combustion equipment within the City which has an input capacity of less than 1,000,000 B.T.U. per hour which uses one type of fuel only.

- (d) The Class B Master Mechanical Installer's Certificate of Competency shows that the holder has been examined by the "Board of Examiners for Mechanical Installers" and found qualified to properly plan, lay out, and supervise the installation, alteration, repair, and servicing of oil combustion equipment within the City which has an input capacity of less than 1,000,000 B.T.U. per hour.
- (e) The Journeyman Mechanical Installer's Certificate of Competency will be required of any person, not holding any of the above described Installer's Certificates of Competency, desiring to work at the occupation of installing, altering, repairing and servicing of mechanical equipment of all types. The Journeyman Gas Installer's Certificate of Competency shows that the holder has been examined by the "Board of Examiners for Mechanical Installers" and found qualified to install, alter, repair or service mechanical combustion equipment within the City, provided work is done under the supervision and control of a person holding the appropriate type of Master Mechanical Installer's Certificate.
- (f) Master Appliance Certificate of Competency shows that the holder has been examined by the "Board of Examiners for Mechanical Installers" and found qualified to properly plan, lay out, and supervise the installation, alteration, repair and servicing of gas burning domestic appliances, and with the exception of fuel gas or fuel oil incinerators, appliances used for space heating purposes and ventilation equipment, and that the holder has been found qualified to install not more than five feet of fuel piping in connection with any installation.
- (g) Apprentices or learners. Any person not holding a Certificate of Competency that is working at the occupation of installing, altering, repairing or servicing of mechanical equipment of any type, and must: (1) register with the City of St. Cloud as an apprentice, and (2) work under the direct and immediate supervision of a Master or Journeyman Certificate of Competency holder. For purposes of this section direct and immediate supervision is meant to be on the work site at all times while work is being completed.

Subd. 7. Exemptions for Certain Plumbing Work. Notwithstanding any other provisions of this ordinance, a person who has in his possession a current plumbing license, either Master or Journeyman, may do piping without benefit of any other Certificate of Competency as set forth in the subdivisions which follow:

- (a) In the case of gas installations from the meter or source of supply to the shutoff valve of the gas burning equipment, also the gas regulator vent if such is required. In the case of oil burner installation from the fuel tank to the fuel burning equipment, also the fuel tank vent and filler pipe.
- (b) Provided further, that such work be done under the direction of a Class A or B Installer who holds a permit for such installation.

Subd. 8. Method of Obtaining Original Certificates of Competency.

- (a) Each person desiring a Certificate of Competency, whether for Master or Journeyman, will file a formal application with the Secretary of the Board of Examiners for Heating Installers, in which application the applicant will provide the following information:
  - 1. Name, address, and date of birth;
  - 2. Time and place of schools attended and studies completed;
  - 3. A chronological record of his employment together with complete information as to duties and type of work performed;
  - 4. The classification of Certificate of Competency for which he is applying.
- (b) Application for Certificates; Examination Fees. Each person desiring a Certificate of Competency such as provided, whether for Master or Journeyman, will file with such Examining Board at least 60 days prior to the date of examination, in order to allow the Board ample time to investigate the applicant's record and qualifications, an application for the certificate and notice of intent to take the required examination, and upon so filing such notice of intent to take examination, will pay to the City an examination fee in the amount duly established by the City Council from time to time. Each examination fee will be in addition to the fee to be paid by an applicant for a Certificate of Competency in the original issuance or the annual renewal thereof, in the amount duly established by the Council from time to time.

Subd. 9. Renewal of License Applications. The Board will annually review all Certificates of Competency and all Mechanical Contractor license applications. The Board may recommend to the City Council that a Certificate of Competency or Mechanical Contractor License be suspended or revoked if two or more violations of the following sections of this ordinance have occurred within the previous licensing year:

- (a) Subd. 2. Contractor's License Required.
- (b) Subd. 14. Uses of Licenses.
- (c) Subd. 16. Permits Required.

Subd. 10. Application Procedures and Requirements for Obtaining a Mechanical Contractor License.

- (a) Any individual person, corporation, partnership or association of individual persons desiring to engage in business as herein defined, within the City, will first obtain a Mechanical Contractor's License for doing so from the City.



- (b) A person desiring to obtain a Mechanical Contractor's License will make written application to the City for such license, stating the name of the individual person, corporation, partnership, or association of individual persons desiring such license and his, its or their place of business.
- (c) Upon the presentation to the City of the foregoing application and upon approval, the City will issue to the applicant the Mechanical Contractor's License to the applicant:
- (d) Filing with him the bond and insurance policy, or showing proof of State bond and insurance as described in Subd. 11; and
- (e) Paying the required license fee.
- (f) When a Mechanical Contractor qualifies to receive a permit only by reason of a member, an officer, or an employee holding a Certificate of Competency, such member, officer, or employee will be in active charge of work of installation, with authority and power to direct such work, all to the end that when the job is completed, it will comply with such technical requirements as required by this ordinance. In all cases, however, the person holding the permit for the particular job will be primarily responsible for such compliance.
- (g) Place of Business. Every licensee must maintain a place of business in the State of Minnesota. A place of business will consist of a bona fide location where the business for which the license is issued is transacted. A change of location of the place of business shall be recorded with the City within 10 days.

Subd. 11. Bond and Insurance Requirements

- (a) Every Mechanical Contractor, before being granted a license, will file with the Building Official a bond, executed by the contractor, as principal, and by a corporate surety duly authorized under the laws of the State of Minnesota to execute the bond, as surety, in the sum of \$25,000. The bond shall be payable to and for the benefit of the City and the consumer and will be subject to approval by the City Attorney. The bond shall serve the following purposes:
  - 1. To keep and save the City from, and indemnified against, all claims of every kind which may arise, directly or indirectly, out of the performance of any work done by the commercial contractor within the City, including all costs and expenses incurred in defending any actions that may be brought against it;
  - 2. To ensure compliance with all ordinances, rules or regulations of the City applicable to the work;
  - 3. To ensure performance of the work in conformity with all the plans and specifications, if any;
  - 4. And to ensure the repair all damage to any public property caused in the performance the work.
- (b) In addition to the surety bond, the applicant for a license will furnish a general policy of

liability and property damage insurance, including products and completed operation coverage which will have minimum limits of coverage of \$100,000 for injuries to or death of one person and not less than \$500,000 on account of one accident and not less than \$250,000 for property damage. The bond will be effective for the period of January 1 through December 31 of the license year. The bonds and insurance will further provide that no cancellation of said bond for any cause may be made by the principal or the surety or insurance company, for any cause, without first giving ten days notice to the City, in writing, of the intention to cancel. The notice will be addressed to the Building Official by registered mail, or will be delivered to the Building Official personally.

- (c) A license issued under this ordinance will become invalid at any time when the person to whom it was issued ceases to maintain, in full force and effect, the bond and insurance required by this ordinance.

Subd. 12. License Fees. The annual license fee will be in an amount duly established by the City Council.

Subd. 13. Expiration of Licenses. Any such license will expire on the 31st of December of the year for which it was issued.

Subd. 14. Uses of Licenses.

- (a) Any ductwork on sheet metal work to be used in any heating or ventilating system or any steam or hot water radiation to be installed with any system which requires a permit under this ordinance will be done only by a licensed contractor and/or persons in his employ and provided with proper supervision.
- (b) A Ventilation Contractor's License may be issued to do the radiation, ductwork or duct cleaning for any mechanical system within the City to a person not holding a Certificate of Competency, provided such license is approved by the Board of Examiners for Mechanical Installers. This license will not allow the holder to set clean, service or install gas piping for fuel burning equipment or install flues, chimneys or other fuel venting equipment.
- (c) No person licensed under this ordinance, who holds a permit for a particular job, will sublet or assign any work contemplated to any person not licensed under this ordinance and any attempted sublet to any person not licensed under this ordinance will be void.
- (d) A Ventilation Contractor desiring a permit for an installation which has fuel burning equipment must have a Class A or B Certificate of Competency or will sublet the combustion equipment to a Class A or B license holder. In this event, the Class A or B license holder will be responsible for the fuel burning equipment only. The Ventilation Contractor will be responsible for the balance of the system.

Subd. 15. Homeowner Exempted. Notwithstanding any other provision of this code of ordinances to the contrary, and where permitted by state law, permits may be issued to make repairs, additions, replacements, and alterations of any steam or hot water boiler, warm air furnace, air conditioning or ventilating equipment of any single-family dwelling structure used exclusively for living purposes or any accessory buildings provided there is no change in the required capacity of the systems involved

and that all related work will be performed only by the person who is the bona fide owner and occupant of the dwelling as his residence or a member of said owner-occupant's immediate family as herein defined. "Immediate family" includes only a parent, children by birth or adoption, brother or sister, brother or sister-in-law or said children's spouse. The intent of this section is that any work done by a non-occupant is not done for financial remuneration.

Subd. 16. Permits Required. It will be unlawful for any person to install, alter or repair any heating or ventilating system such as is subject to regulation by the provisions of this ordinance, without first making written application to, and obtaining, a permit from the City Health and Inspection Department, or to fail or neglect to comply with the provisions of this ordinance and of the permit so issued. However, no permit will be required for the following:

- (a) In the case of service work or repairs to any heating and ventilating system where such service work or repairs will involve minor work and no change in type of fuel to be used, or in the existing combustion or temperature control equipment type and which will not add to the capacity or B.T.U. input of such systems. A replacement heat exchanger is considered minor work.
- (b) Unless otherwise exempted, separate building, electrical and plumbing permits will be required for the above-exempted items.
- (c) Exemption from the permit requirement of this code will not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Exemption from a permit requirement specifically does not exempt any person from proper license requirements.

Subd. 17. License Required to Obtain Permit. No permit for the construction, installation, alteration or repair of any heating system will be issued by the City Health and Inspection Department to any person, unless they are duly licensed by the City as required by this ordinance to do such work.

Subd. 18. Time of Permit. Each installation will be completed within 90 days unless otherwise stated from the date of permit. Upon the expiration of said period, if the installer has not already requested final inspection, the heating inspector will inspect the installation. If the Inspector finds (a) that the work of installation is not completed, the Inspector will notify the permit holder to complete the work within 15 days, or (b) if he finds that it does not comply with the provisions of this ordinance, the Inspector will notify him in writing, specifying in what respects it does not comply, and direct him to correct the deficiencies within 15 days. Upon the expiration of the 15 days, the Inspector will again inspect the installation, and if the Inspector finds that the work is not completed or that it does not comply with the ordinance, the installer will not be eligible to receive a permit for any new installation until the work is completed in conformity with the ordinance and for a period of six months thereafter; provided, however, that the inspector may, for just cause shown, extend the period of 15 days for such further period as he deems proper, but the cause must be for something beyond the control of the permit holder.

Subd. 19. Permit Will be Obtained Before Work is Started. Should any person begin work of any kind on any heating or ventilating systems for which a permit is required by this ordinance without first having secured the necessary permit, the person will upon subsequently securing the permit for such work, be required to pay double the fees herein provided for such permit, and additionally will be subject to all penal provisions of this ordinance.

Subd. 20. Application of Ordinance. When any installation is made in such a manner that the same could be used for heating or ventilating a building, it will be deemed that the installation is to be used for such purposes, and a permit will be required and inspections made as provided.

Subd. 21. Report Test Results and Request Inspection. When all work to be performed under a permit is completed and all tests required by the code have been made by the installer, the results of such tests will be submitted to the Inspector for his review, and an inspection of the work will be requested by the person holding the permit.

Subd. 22. Inspector May Enter Building. The inspector or authorized assistant, if any, are authorized to enter any building or upon any premises in the City in the performance of their duties, to inspect or re-inspect existing or new heating or ventilating systems. The inspector is further authorized to order and compel, so far as it may be necessary, elimination or prevention of unsafe conditions, the repair, alteration or reconstruction of a heating or ventilating system in order to conform with the provisions of this ordinance and to prohibit the use of any material which is in violation of the provisions of this ordinance.

Subd. 23. Test Data Required.

- (a) When the installer has submitted the test results as required by the code and has submitted a request for inspection, then the Inspector will make an inspection as may be reasonably necessary to determine whether the materials furnished and the work performed in installing, altering, repairing, or servicing of any heating or ventilating system conforms with the requirements of this ordinance.
- (b) The Inspector is authorized to make such tests as may be necessary to determine the validity of the test results reported by the installer. If the test results reported by the installer are verified by the Inspector, the cost of such testing will be borne by the City. However, if substantial variation is found between the test results reported by the Master Installer and the test results determined by the Inspector, and the results found by the Inspector do not fall within the tolerance required by this ordinance, the Master Installer will pay to the City the cost of performing the tests, plus an additional 100%, and the Master Installer will take such action as may be necessary to correct the heating or ventilating system so as to meet the requirements of this ordinance.

Subd. 24. Inspection Procedures. It will be the duty of the Inspector or an authorized assistant, to enforce or cause to be enforced the provisions of this ordinance and to supervise all necessary tests and make all necessary inspections of heating or ventilating systems that have been installed, altered or repaired. The Inspector will require such tests to be made as may be necessary to determine the tightness of any portion of a gas system and will require the immediate removal of any material of

construction found to have been installed as to conceal or cover up, before its inspection and approval by the inspector, any newly installed portion of any gas system.

Subd. 25. Work Not To Be Covered Up. In any new building, and in any new addition to an older building, immediately upon the completion of those portions of the heating and ventilating system which are to be concealed or covered up, the person holding the permit will notify the inspector that those portions of the installation are ready for inspection.

Subd. 26. Permit Fee Required. The Inspector will, before issuing any permit for the construction, installation, alteration, or repair of any heating system, require payment by the applicant for the permit of a fee in the amount set forth in Section 534 of the Code of Ordinances.

Subd. 27. Duplicate Permit Exempted or Required.

- (a) No additional permits are required for replacement only of domestic-type gas storage hot water heaters for which a permit has been issued under Section 335:00 et seq adopting the State Plumbing Code.
- (b) For the installation of combustion equipment in connection with pollution control equipment, the permit and fee will be set forth as in Section 560:10, "Gas Oil or Dual Fuel Burners".

Subd. 28. Suspension and Revocation of Licenses. Upon notice to the City Council that a person holding a Mechanical Contractor's License has been convicted of a violation of this ordinance, the City Council may suspend the Mechanical Contractor's License for a period of time and order that no new license be granted for a period not to exceed six months from the date that the action is ordered by the Council. The City Council will give ten days written notice by regular mail addressed to their place of business or by serving the notice personally upon them in the manner prescribed by statute for serving summons.

**History:** Ord. 2375 9-24-07.

## **ELECTRICAL CODE**

300:30. Electrical Code

Subd. 1. Definitions.

- (a) "Inspector" means the Chief Building Official, or his/her assign authorized as an Electrical Inspector by the St. Cloud City Council.
- (b) "Electrical Code" means the State Electrical Code, including the appendices and amendments as adopted by reference by the City of St. Cloud in Section 300, the Building Code.

Subd. 2. Enforcement.

- (a) Supervision of Electrical Systems. The Chief Electrical Inspector and Electrical Inspectors shall regulate, determine and have general supervision over all electrical

apparatus and machinery, and the placing and attaching of electric light and power, telephone, telegraph and all other electric wires of any other nature, now or hereafter placed, in or in any manner directly attached to, any building, or any tent or other temporary structure. They shall inspect and re-inspect all such electrical apparatus, machinery and wires so as to prevent fires, accidents or injuries to persons or property, and shall cause all electrical apparatus, machinery and wires to be so constructed, placed, supported and guarded as not to cause fire or accident or endanger life or property. Any and all electrical apparatus, machinery and wires now existing or to be constructed and placed shall be subject to such supervision and inspection.

- (b) Electrical Inspectors. The Electrical Inspectors, are vested with full authority to enter any building or premises and any manhole or subway at any reasonable time in the discharge of their duties, and to enforce compliance with the terms of this ordinance.
- (c) Inspections Required. No electrical work or wiring for which a permit is issued or required shall be considered complete until inspected and approved by the Inspector.
- (d) Improper Installation. And when such electrical work or wiring is found to have been installed without a proper permit and not in accordance with the provisions of the Electrical Code, the Electrical Inspectors are authorized and empowered to remove the fuses, cut the wires, or otherwise render the system inoperative until such permit has been secured, and the work or wiring is re-inspected and approved.
- (e) Requests for Inspection. The electrical contractor shall file a request for inspection with the Electrical Inspectors before any electrical work performed is covered up or concealed and shall file a request for final approval within 48 hours after the completion of any electrical work done by said electrical contractor.
- (f) Installations to be Complete. The electric work or wiring performed under permits must be complete before it is approved or any certificate of acceptance is granted.
- (g) Remodeling, Occupancy, Moved Building, Etc. When a building is altered by substantial remodeling, a change in the type of occupancy, an increase in the number of dwelling units, by moving the building, or by extensive fire repairs, the wiring system shall also be remodeled to conform to the provisions of the Electrical Code. Permanent service connection will not be released to the local utility on moved buildings until wiring is completed and passes inspection, unless a separate temporary permit is filed, in which case temporary service will be released after inspection of service installation.
- (h) Temporary Permits. The Electrical Inspectors may, in their discretion, issue a temporary permit for a period not to exceed 90 days for the temporary use of electric wiring that is not in full compliance with the requirements of the Electrical Code. The temporary permit shall state the methods and materials to be employed and the date upon which the temporary permit shall expire and the wiring be removed.
- (i) Unauthorized Concealment. No person having charge of the construction, alteration or repair of any building, nor any other person, shall cover or conceal or cause to be so covered or concealed, any wiring for which a permit has been issued or required, before wiring has been inspected and approved, without having officially notified the Electrical Inspectors at least 48 hours previously.
- (j) Disturbing Wiring, Etc. No unauthorized person shall cut, disturb, alter, change or cause to be cut, disturbed, altered or changed any electric wire cutout, fuse, apparatus, machinery or material in such a manner as to render it inoperative, defective or not in accordance with the provisions of the Electrical Code.

- (k) Condemning Defective Wires, Etc. Any and all generators, motors, wires or other machinery apparatus, or material used for electrical purposes which may at any time become so defective as to be likely, in the opinion of the Inspector, to cause potential fires or accidents, or to endanger persons or property, shall be condemned by the Inspector. When, in the Inspector's opinion, it is deemed necessary, in order to prevent such accident or danger, the Inspector is authorized to disconnect such wires or apparatus or to cause the same to be disconnected, from service. Upon condemnation, the person or persons owning or using the same shall immediately cause the same to be put in safe condition.
- (l) Reconnecting Condemned Wiring, Etc. In case of person or persons owning or using any electrical wires, generators, motors, or any other electrical apparatus or material of any other nature, which have been condemned by the Inspector shall fail to have the same put in safe condition and accepted by the Inspector within 48 hours after the same have been condemned, or within such other reasonable length of time as shall be prescribed by the Inspector, then the Inspector shall remove the fuses, cut the wires, or by other means completely disconnect or cause to be disconnected, the condemned wires, apparatus, or material from the source of electrical energy.
- (m) Acceptance Before Reconnection. When any electric wires, generators, motors, or electrical apparatus or material of any nature have been in any manner disconnected or rendered inoperative by the Inspector, as set forth in the foregoing sections, no person shall in any manner reconnect the same or cause the same to be reconnected to any source of electrical energy, or use the same as a part of any electrical system, until they have been put in safe condition and a certificate of acceptance has been issued by the Inspector.

### Subd. 3. Permits and Licenses.

- (a) Permits Required. It shall be unlawful for any person to install, alter or repair any electrical installation, work or wiring without first making written application to, and obtaining a permit from the City, or to fail or neglect to comply with the provisions of this ordinance and of the permit so issued. Provided, however, that no permit shall be required for the following:
1. Installations operated and maintained by public utilities in the exercise of their utility function.
  2. Minor repair work which shall mean the adjustment or repair and replacement of worn or defective parts of electrical fixtures, switches and receptacles, provided that such minor repairs are made in compliance with accepted standards of construction for safety to life and property, and do not require replacement of wiring to them.
- Unless otherwise exempted, separate building, plumbing and mechanical permits will be required for the above-exempted items.
- Exemption from the permit requirement of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.
- (b) Exceptions for Public Utilities. No permit shall be required for installations operated and maintained by public utilities in the exercise of their utility function or for minor repair work which shall mean the adjustment or repair and replacement of worn or defective parts of electrical fixtures, switches and receptacles, provided that such minor repairs are made in compliance with accepted standards of construction for safety to life

and property, and do not require replacement of wiring to them.

- (c) Life of Permit. If authorized work under a permit is not commenced within 12 months after the issuance of the permit, or if after partial completion the work is discontinued for a period of one year, the permit shall become void and no work shall be done until a new permit is secured.
- (d) Permits to Licensee Only. No permit for the erection, construction, alteration or change of any electrical work or wiring shall be issued to any person unless he has a valid and subsisting bonded Class "A" Master and Contractor Electrician's License issued by the Minnesota State Board of Electricity. No holder of any such license shall allow his name to be used by any other party for the purpose of doing work or obtaining a permit.
- (e) Homeowner Exempted. Notwithstanding any other provision of this code of ordinances to the contrary, and where permitted by state law, permits may be issued to make repairs, additions, replacements, and alterations of the electrical system of any single-family dwelling structure used exclusively for living purposes or any accessory buildings, provided there is no change in the required capacity of the systems involved and that all such work shall be performed only by the person who is the bona fide owner and occupant of such dwelling as his residence.

#### Subd. 4. Electrical Permit Fees.

- (a) Fee Procedure. The fees established as set forth in Section 550 of this Code, shall be collected by the Chief Electrical Inspector before the issuance of any permits for which fees are required. Every person, at the time of applying for any permit for which a fee is required, except in the case of street permits, shall make a statement in writing, upon blanks and forms to be furnished by the Inspector for that purpose. The statement shall contain a declaration that the facts and representations therein made are true and correct, which statement shall be subscribed to by the person or persons, or officer or agent of the corporation applying for said permit. The statement form shall contain information as to the location, nature, extent and cost of the proposed structure, work installation or other purpose, as well as all other information which the Chief Electrical Inspector shall have the right to require under the St. Cloud Electrical Code. Upon such statement being filed as above required and upon the payment to the Inspector by the application for said permit of the required fee for said permit, said Inspector shall issue such permit.
- (b) Minimum Fee. Minimum fee for each separate inspection of an installation, replacement, alteration, or repair limited to one inspection only shall be set forth in Section 550 of this Code.
- (c) Investigation Fees. Should any person begin work of any kind for which a permit is required by the St. Cloud Code, without having secured the necessary permit, either previous to or during the day of commencement of such work, or on the next succeeding business day where such work is commenced on a Saturday or on a Sunday or a holiday, when subsequently securing such permit, the investigation fee shall be equal to the amount of the fee required in Section 540 of this Code. The payment of the investigation fee does not exempt any person from compliance with all other provisions of the ordinance or statutes nor from any penalty prescribed by law.
- (d) False Statements. No person shall make any false statements in connection with the securing of any permit from the Inspector.
- (e) Services. Services, change of services, temporary services, additions, alterations, or repairs of either primary or secondary services shall be computed separately.



## **RENTAL DWELLING LICENSING**

### Section 300:40. Rental Dwelling Licensing

#### Subd. 1. Definitions.

- (a) Dwelling Unit. A "dwelling unit" consists of one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, will always be included for each dwelling unit.
- (b) Person. The term "person" will mean any natural person, his the person's heirs, executors, administrators, or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.
- (c) Rental Property. A dwelling unit, rooming house or sleeping room occupied by a person or persons in the status of resident.
- (d) Rooming House. A building or structure providing a room or rooms intended for living and sleeping to persons in the status of resident. This term will include boarding houses, lodging houses, fraternity houses and sorority houses, but does not include hotels or motels licensed under the provisions of Section 441 of the Ordinance Code of the City of St. Cloud, or hospitals approved by the State of Minnesota.
- (e) Sleeping Room. A room or enclosed floor space in a rooming house or dwelling unit, as defined in this ordinance, used or intended to be used primarily for sleeping purposes.
- (f) Resident. One who has their place of abode a dwelling unit, rooming house or sleeping room furnished that person for payment of a rental charge to another.
- (g) Rental Charge. Any compensation, either monetary or "in lieu of" payments, such as but not limited to utilities, upkeep or repair.

#### Subd. 2. License Required.

- (a) Requirement. No person will occupy, allow to be occupied, or let to another for occupancy any rental property in the City of St. Cloud without first having obtained a rental dwelling license for such rental property from the City. The payment of fees set forth in this Code will be a prerequisite to this required licensing. There will be two types of licenses: regular and provisional. The application for a license must be made and filed on a form furnished by the City for such purpose and must set forth the following information:
  - (1) Name, residence address and phone number of the owner of the dwelling. In cases where the owner of the dwelling lives outside of Stearns, Benton, or Sherburne counties and more than 45 miles from the City of St. Cloud, the owner must also provide the name, residence address and phone number of an agent authorized by the owner to accept service of process and to receive and give receipt for notices.
  - (2) If applicant is a corporation, the state of incorporation. Corporations must list principal officers together with their residence address and phone number.
  - (3) If applicant is a partnership, the names and addresses of all partners.
  - (4) Name, address and phone number of any agent actively managing said rental property.

- (5) Street address of the rental property.
- (6) Number and kind of units within the rental property (dwelling units or sleeping rooms).
- (7) Name, phone number, and address of the person authorized to make or order made repairs and/or service to the building, to provide required services necessary to protect the health, safety and welfare of the occupants or is able to contact the person so authorized.
- (8) Maximum number of people permitted per dwelling unit or sleeping room.
- (9) Certification that the applicant has received the fair housing materials provided by the City of St. Cloud and that the applicant has given those materials and discussed that information with the property owner and resident manager and caretaker of each building.
- (10) Verification that the applicant or designee has completed a rental training program approved by the Chief of Police for the City of St. Cloud. Crime Free Multi-Housing Phase 1 certification will also satisfy this requirement regardless of where the Crime Free Multi-Housing Phase 1 certification was obtained. New applicants shall provide the verification of certification within six months of application. Owner occupied rental dwelling units are exempt from this requirement.

(b) Manner of Licensing. The license application must be made by the owner if such owner is a natural person; if the owner is a corporation, by an officer thereof, if a partnership, by one of the partners; and if an unincorporated association, by the manager, or managing officer thereof.

(c) Preliminary Inspection. No rental dwelling will be issued a license by the City unless it complies with provisions of the ordinances of the City of St. Cloud and statutes of the State of Minnesota which pertain to such properties.

(d) Rental History. The Health Director will consider the applicant's rental property management history before making a decision to issue a rental license. An applicant that has an ownership interest or management role in other rental properties that are in a suspended, revoked, or provisional license status will be ineligible for additional rental licenses. An applicant who is denied a rental license will receive written notice of the denial and reasons for the denial and may request a hearing before the City Council pursuant to Subdivision 10(c) of this Chapter.

(e) License Expiration. Each license issued pursuant to this section will expire on midnight on the 14th of January in the year following the year in which the license was issued. All rental property required to be licensed pursuant to the provisions of this article, will be licensed prior to occupancy or the letting to another for occupancy of any unit therein, and thereafter all licenses of such rental property will be applied for not later than the 15th of January of each year.

(f) Transfers. Every new owner of a rental property (whether as fee owner, contract purchaser, lessee subletting the entire dwelling, or otherwise entitled to possession) will apply for transfer of the license before taking possession. No fee will be required of the

new owner in the year of the purchase provided the previous owner has paid the license fee, and further provided the new owner does not change the type of occupancy as originally registered. The Department of Health and Inspections will conduct an inspection of the property within 30 (thirty) days of a rental license transfer. A license will be revoked if this inspection is not scheduled.

- (g) License Fee. The fee for each dwelling unit or sleeping room will be paid on or before the 15th day of January of each year. Fees will be set forth in Section 555 of this Code. If the fee required hereunder is paid after January 15 a penalty will be imposed as set forth in Section 500 of this Code.

Subd. 3. Provisional Licenses.

- (a) Rental properties that have generated more than three violations of ordinances or State Statute as specified below, in any 12 month period are eligible only for provisional licenses.

- (1) Section 244 – Refuse and Garbage Collection and Disposal
- (2) Section 300:41 – International Property Maintenance Code of St. Cloud
- (3) Section 355 – Ordinance No. 634, as amended, The Zoning Ordinance
- (4) Section 300:40 – Rental Dwelling License
- (5) Section 1000 – Nuisances Generally defined, enumerated and made unlawful
- (6) Section 1005 – Public Nuisances Affecting Health and Safety
- (7) Section 1040 – Animal Control Ordinance
- (8) Section 1050 – Noise Control Regulations
- (9) Minnesota Statute §617.81 Subdivision 2, Public Nuisance

- (b) The initial period of time used to determine whether a provisional license is required is the 12 month period before the commencement of the license term (January 14).

- (c) Provisional licenses will only be issued for facilities having a manager or managers that have completed a rental training program approved by the Chief of Police for the City of St. Cloud. Managers must be resident managers or on site managers who are on site or available 24 hours a day.

- (d) The applicant for a provisional license must submit a mitigation plan for the license period. The mitigation plan will describe steps proposed by the applicant to reduce the number of violations described in this subdivision to a level that qualifies for a regular license. The mitigation plan may include such steps as: changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, and security personnel.

- (e) The application with a proposed mitigation plan will be presented to the Health Director. The Health Director will approve, disapprove, or approve with conditions the application and the mitigation plan. If the Health Director disapproves an application and mitigation plan or approves it with conditions, it will state its reasons for doing so in writing.

(f) The licensee must comply with the mitigation plan as approved or modified by the Health Director. No later than the tenth day after each calendar month, the licensee must mail or deliver to the Health Director a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

(g) Provisional License Application Fee. An application for a provisional license must be accompanied by a provisional license application fee. Fees will be set forth in Section 555 of this Code. An application will not be processed or considered by the City Council until the application fee is paid.

#### Subd. 4. Manager Certification.

(a) To qualify for a provisional license, the applicant must provide and maintain at least one resident manager or on site managers who are on site or available 24 hours a day and who are certified under this section.

(b) Persons may be certified as resident or on site managers who successfully complete a rental training program approved by the Chief of Police for the City of St. Cloud.

(c) Licenses may be granted to applicants who are not currently providing a certified resident or on site manager, and licenses may continue in effect on the departure of a certified resident manager, on condition that a resident manager or on site manager register for and complete the training program as promptly as is reasonably possible but not more than 120 days.

Subd. 5. Posting. Every licensee of a rental property must post the current license, containing the information required by Subd. 2 with the exception of telephone numbers and certification that the applicant has received the fair housing materials provided by the City of St. Cloud and that the applicant has given and discussed that information with the property owner and resident manager and caretaker of each building. This item must be conspicuously posted, in a frame with transparent cover, by the licensee in a public corridor, hallway or front entrance of the rental property for which it is issued.

Subd. 6. Language Required on License. Each license must include the following language in conspicuous type "If you believe that you have been treated unfairly regarding housing opportunities contact: The City of St. Cloud Human Rights Office – 320-650-3133."

#### Subd. 7. Enforcement.

(a) In order to compel the compliance with the licensing requirements, the Health Director or designated staff will have the authority to enter any building, at reasonable times and upon five days written notice to the property owner(s), to determine if said building is operated as a rental property as defined in Subd. 1 or to enforce the International Property Maintenance Code of St. Cloud, or both. The Health Director or designated staff will have the authority to enter any building at any time by the request of the St. Cloud Police Department or the St. Cloud Fire Department to enforce any provisions of this ordinance.

(b) Rental Dwelling licensees and their employees or agents who are found to be in violation of fair housing audits will be required to attend a minimum of two hours of fair

housing training as approved by the City of St. Cloud Human Rights Office. The names and addresses of persons found in violation of fair housing laws will be provided to the St. Cloud City Council during a regularly scheduled meeting.

Subd. 8. Background Checks. The St. Cloud City Council has determined that the preservation of city neighborhoods is essential to the public health, safety and welfare of its citizens. Rental properties provide housing for approximately 50% of the citizens of St. Cloud. Rental housing is the most densely populated of the city's neighborhoods. Consequently, persons residing in rental properties and engaging in criminal activity and disorderly conduct create a hostile environment for law-abiding residents of rental properties and adjacent neighborhoods. Therefore, it is strongly encouraged that landlords and property managers conduct reference checks and criminal history checks for prospective residents of rental property. Criminal history checks may be conducted using the processes established by the Minnesota Bureau of Criminal Apprehension Minnesota Justice Information Services.

Subd. 9. Applicable Laws. Licensees will be subject to all of the ordinances of the City of St. Cloud and the State of Minnesota relating to dwellings; and this ordinance will not be construed or interpreted to supersede any other such applicable ordinance or law.

Subd. 10. License Suspension, Revocation, Denial and Non-Renewal

(a) The Council may revoke, suspend, deny or decline to renew any license issued under this section upon any of the following grounds:

- (1) false statements on any application or other information or report required by this Section to be given by the applicant or licensee.
- (2) failure to pay any application, penalty, reinspection or reinstatement fee required by this Section and City Council resolution.
- (3) failure to correct deficiencies noted in notices of violation in the time specified in the notice.
- (4) failure to comply with the provisions of an approved mitigation plan in the case of provisional licenses.
- (5) Failure to allow an authorized inspection of a rental dwelling pursuant to Subdivision 7 of this Section.

(6) any other violation of this Section.

(b) Regular licenses will be revoked, if at mid term, or not renewed, if at the end of a term, upon a finding that the premises are only eligible for a provisional license.

(c) A decision to revoke, suspend, deny or not renew a license will be preceded by written notice to the applicant or licensee of the alleged grounds therefore and the applicant or licensee will be given an opportunity for a hearing before the City Council before final action to revoke, suspend, deny or not renew a license. The Council will give due regard to the frequency and seriousness of violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply and will issue a decision to deny, not renew, suspend or revoke a license only upon written findings.

(d) The Council may suspend or revoke a license or not renew a license for part or all of a facility.

(e) Upon a decision to revoke, deny or not renew a license, no new application for

the same facility will be accepted for a period of time specified in the Council's written decision, not exceeding one year. Such new applications must be accompanied by a reinstatement fee, in addition to all other fees required by this section.

(f) A written decision to revoke, suspend, deny or not renew a license or application will specify the part or parts of the facility to which it applies. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the facility may be relet or occupied. Revocation, suspension or non-renewal of a license will not excuse the owner from compliance with all terms of this section for as long as any units in the facility are occupied. Failure to comply with all terms of this section during the term of revocation, suspension or non-renewal is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of non-renewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation or non-renewal specified in the City Council's written decision or the provisions of paragraph (e) of this subdivision.

Subd. 11. Penalty. Any person, firm, corporation, or partnership who will violate any of the provisions of this ordinance will be guilty of a misdemeanor. Each violation of this ordinance will constitute a separate offense.

Subd. 12. No Retaliation. No licensee will evict, threaten to evict or take any other punitive action against any tenant by reason of good faith calls made by such tenant to enforcement agencies relating to criminal activity, suspected criminal activity, suspicious occurrences or public safety concerns. This section will not prohibit the eviction of tenants from a dwelling unit for unlawful conduct of a tenant or invitee or violation of any rules, regulations or lease terms other than a prohibition against contacting enforcement agencies.

**History:** Ord. 2338 2-26-07 repealed the Uniform Housing Code, Section 300:40 Subd. 1-see International Property Maintenance Code (IPMC), Section 300:41; Ord. 2339 2-26-07 amended and enacted new Rental Dwelling Licensing provisions, renumbered as Section 300:40; Amended by Ord. 2413 12-01-08; Ord. 2434 7-27-09; Ord. 2498 6-6-11

**Section 300:41 - International Property Maintenance Code**

(Shown for reference and information only and not included as a part of this Ordinance Code.  
This Section is available online and at the Health and Inspections Department.)

## **FIRE CODE**

300:50. Fire Code. The 2007 *Minnesota State Fire Code*, which adopts the 2006 *International Fire Code* including Appendix Chapters B,C,D,H, and I, is adopted as the Fire Code for the City of St. Cloud, Minnesota, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, except such portions as are modified or amended by this ordinance:

APPENDIX B – FIRE-FLOW REQUIREMENTS FOR BUILDINGS.

APPENDIX C – FIRE HYDRANT LOCATIONS AND DISTRIBUTION.

APPENDIX D – FIRE APPARATUS ACCESS ROADS.

APPENDIX H – OPEN FLAME AND FUEL STORAGE PROHIBITED ON  
BALCONIES OR PATIOS

APPENDIX I - SPECIAL LOCKING ARRANGEMENTS FOR GROUP I  
OCCUPANCIES

Subd. 1. Enforcement.

- (a) The Chief of the Fire Department serving the City of St. Cloud, Minnesota, or authorized representative will enforce the provisions of this ordinance.
- (b) The Chief of the Fire Department may detail members of the Fire Department as inspectors as necessary. The Chief of the Fire Department may recommend the employment of technical inspectors, who, when such authorization is made, will be selected in accordance with the applicable employment policies of the City of St. Cloud.

Subd. 2. Definitions.

- (a) “Jurisdiction” means the City of St. Cloud.

Subd. 3. Open Burning. An operational permit is required for the kindling or maintaining of an open fire or fire on any public street, alley, road, or other public or private ground. The permit holder must adhere to all permit instructions and stipulations.

Subd. 4. Prohibited open burning. Open burning that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous will be prohibited. The Fire Chief or his designee is authorized to order the extinguishment by the permit holder or the fire department of open burning when it creates or adds to a hazardous or objectionable situation. Open burning of debris piles, leaves, yard waste and burning in barrels is prohibited.



Exception: Permitted burning within areas zoned Agricultural.

Subd. 5. Open-flame Cooking Devices. Charcoal burners and other open-flame cooking devices will not be operated on combustible balconies or within 15 feet of combustible construction.

Exception: One and two family dwellings.

Subd. 6. Liquefied-petroleum-gas-fueled cooking devices. LP gas burners will not be located on combustible balconies or within 15 feet of combustible construction.

Exception: One and two family dwellings.

Subd. 7. Recreational fires. Recreational fires will not be conducted within 25 feet of a structure or combustible material unless the fire is contained in an approved device or method, such as a fireplace, charcoal grill, etc. located at least 15 feet from any buildings, fences or structures.

Subd. 8. Stop Work Order. Any person who will continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, will be guilty of a misdemeanor.

Subd. 9. Amendments to the 2007 Minnesota State Fire Code and 2006 International Fire Code.

(a) Section 314.9, 2007 Minnesota State Fire Code. Solid Fuel Burning Appliances in Exhibit Halls and Assembly Occupancies. Use of solid fuel burning appliances for display purposes will not be allowed in assembly occupancies other than cooking fuel as described in NFPA 101, 2000 Edition, Section 12.7.1.4. Solid fuel burning appliances may be defined as any appliance that uses decomposition of cellulose material, hydrocarbon solids, animal fat or proteins to produce heat or leaves an ash residue. This would include plant products or materials, wood, coal, mesquite, etc.

(b) Section 314.10, 2007 Minnesota State Fire Code. Compressed flammable gas cylinders and flammable or combustible liquids used for display purposes will be prohibited within exhibit hall and assembly occupancies.

(c) Amendments to Chapter 5 – Fire Service Features

1. Section 503.4, 2007 Minnesota State Fire Code – Obstruction of fire apparatus access roads is amended to add the following language:

Parking of motor vehicles in, or otherwise obstructing fire lanes will be prohibited at all times. Any vehicle so parked is the act of a registered owner as well as the act of the person actually parking the vehicle. For purposes of this section, registered owner is defined to include motor vehicle leasing agencies and corporate owners. It will be a defense to any violation if the registered owner shows that on the date of the offense, title has been transferred to

another.

- (d) Section 506.1 2007 Minnesota State Fire Code, **Key Boxes Where Required** is amended to add the following language: An approved DAMA® brand emergency key-box shall be permanently installed adjacent to the main entrance of the structure at eye level unless approved otherwise by the fire official.
- (e) Section 907.9.1 2007 Minnesota State Fire Code **Zoning indicator panel** is amended to add the following language: The fire alarm panel or annunciator shall be located at the main entrance of the structure unless approved otherwise by the fire official.
- (f) Section 907.15 2007 Minnesota State Fire Code **Monitoring** is amended to add the following language: Fire alarms requiring electronic monitoring shall be monitored by an alarm service listed for Central Station Service unless approved otherwise by the fire official.
- (g) Section 912.2 Minnesota State Fire Code **Fire Department Connection Locations** is amended to add the following language: The fire department connection shall be located adjacent to the main entrance of the structure unless approved otherwise by the fire official.
- (h) Section 3308.2.2 Minnesota State Fire Code **Proximate audience displays** is amended to add the following language: Indoor displays of fireworks, pyrotechnics and open flame performances to proximate audiences is prohibited within the city.
- (i) Section 3406.2.4.4 Minnesota State Fire Code **Locations where above ground tanks are prohibited** is amended to add the following language: new installations of fuel and storage tanks for flammable and combustible liquids and gases are prohibited from building rooftops and floors other than the lowest floor of buildings, unless approved otherwise by the fire official.
- (j) Amendments to Appendix D, 2007 Minnesota State Fire Code – Fire Apparatus Access Roads
  - 1. Figure D103.1 – DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND is amended as follows:

A Cul-de-sac will have the minimum diameter of 90 feet with posted no parking lane or will have a minimum diameter of 120 feet where parking is provided.

**History:** Ord. 2370 9-13-07.