

# MCFOA

Minnesota Clerks & Financial  
Officers Association

Minnesota Municipal Clerks Institute  
Year Two

Building Permits & Inspections

1

How many of you work in a  
jurisdiction where the  
code is not enforced?

2

How many of you already  
issue permits for/with the  
Department of Building  
Safety?

3

How many of you have  
nothing to do with  
Building Permits?

4

How many of you are  
the  
“public face”  
of the city?

5

The Building Code is  
NOT  
Just for Volunteers

6

## Building Code Basics

- THE CODE
- Zoning Uses vs. Building Uses
- Building Code vs. Fire Code
- Permits
- Reports and Records
- Licensing Requirements
- Top 10 Issues to Contend With

7

## THE CODE

- Why a Building Code?
- How does a code come into existence?
  - History
  - Rules & Statutes
  - MN Statute
  - Series of Rules
  - How Adopted
  - MN Rule 1300

8

## Why a Building Code?

- Audience Participation Time

9

## Why a Building Code?

- How many of you wondered when you came in today whether the building we are in, right now, is safe?
- Ridiculous idea, right?
- Clear demonstration about the effectiveness of Building Code Enforcement

10

## Why a Building Code

- Protect Life, Health & Safety
- Minimum Standard
- D-

11

## Where does the Code Come From?

12

## Building Code Development

- The Building Code is a collection of “rules” that we have learned over the centuries that make our lives safer.

13

## What is the Earliest Record of a Building Code?

14

## Code of Hammurabi (1772 BC)



15

## What is the earliest record of a Code?

- 228: If a builder build a house for a man and complete it, that man shall pay him two shekels of silver per sar (approx. 12 sq. ft.) of house as his wage.

16

### What is the earliest record of a Code?

- 229. If a builder builds a house for someone, and does not construct it properly, and the house which he built falls in and kills its owner, then that builder shall be put to death.

17

### What is the earliest record of a Code?

- 230. If it kills the son of the owner, the son of that builder shall be put to death.

18

### What is the earliest record of a Code?

- 231. If it kills a slave of the owner, then he shall pay, slave for slave, to the owner of the house.

19

### What is the earliest record of a Code?

- 232. If it ruins goods, he shall make compensation for all that has been ruined, and inasmuch as he did not construct properly this house which he built and it fell, he shall re-erect the house from his own means.

20

## What is the earliest record of a Code?

- 233. If a builder builds a house for someone, even though he has not yet completed it; if then the walls seem toppling, the builder must make the walls solid from his own means.

21

## Rules & Statutes

Discussion

22

## MN Statute 326B.101

23

## MN Statute 326B.101

The State Building Code governs the construction, reconstruction, alteration, repair, and use of buildings and other structures to which the code is applicable.

24

MN Statute 326B.106  
Subdivision 1, General Powers

The Commissioner shall, by rule, . . . establish a code of standards for the construction, reconstruction, alteration, and repair of buildings,

25

MN Statute 326B.106  
Subdivision 1, General Powers

governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety,

26

MN Statute 326B.106  
Subdivision 1, General Powers

including design and construction standards regarding heat loss control, illumination, and climate control.

27

MN Statute 326B.106  
Subdivision 1, General Powers

- The code must also:
  - Include duties and responsibilities for code administration,
  - Conform to model building codes (as practicable),
  - Give consideration to existing statewide specialty codes (plumbing, septic, etc.),
  - Be based on the application of scientific principles, approved tests, and professional judgment,
  - Focus on results, not on the means to achieve results,
  - Encourage the use of new methods and materials

28

## Building Official Designation

- A municipality may designate an employee, contractor, or a building official shared with another community.
- <http://www.dli.mn.gov/sites/default/files/pdf/designate-building-official.pdf>

29

Minnesota Department of Labor and Industry  
Construction Codes and Licensing Division  
Business Unit  
441 Lafayette Road North, St. Paul, MN 55155-0341  
Phone: (651) 294-2000 Fax: (651) 294-0749  
www.dli.mn.gov TTY: (651) 297-4168  
PRINT IN INK or TYPE your responses.  
To the Commissioner of Labor and Industry.

**Notice of Designation or Vacancy  
Of Certified Building Official**

According to M.S. §326B.133, Subd. 1, which states:  
Each municipality shall designate a building official to administer the code. A municipality may designate no more than one building official responsible for code administration offered by each certification category established in rule. Two or more municipalities may combine in the designation of a building official for the purpose of administering the provisions of the code within their communities.

and further, according to M.S. §326B.133, Subd. 7, which states in part:  
In the event that a designated building official position is vacant within a municipality, that municipality shall designate a certified building official to fill the vacancy as soon as possible. The commissioner must be notified of any vacancy or designation in writing within 15 days.

The administrative authority of the municipality of \_\_\_\_\_ hereby notifies you, pursuant to M.S. §326B.133, that it has made one of the following designations (A or B selected):

**A.**  
 Municipality has designated \_\_\_\_\_ (NAME (INCLUDE MIDDLE INITIAL)) \_\_\_\_\_ (CERTIFICATION NUMBER) as the municipality's building official, who in the municipality of \_\_\_\_\_ will be known as the \_\_\_\_\_ (TITLE) effective \_\_\_\_\_ (DATE).

**MUNICIPALITY CONTACT INFORMATION**  
(MUNICIPALITY STREET ADDRESS (do not provide a PO Box))  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ FAX \_\_\_\_\_ EMAIL \_\_\_\_\_

**MUNICIPAL BUILDING OFFICIAL CONTACT INFORMATION**  
(BUILDING OFFICIAL STREET ADDRESS (do not provide a PO Box))  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ FAX \_\_\_\_\_ EMAIL \_\_\_\_\_

**OR B.**  
 Municipality has a vacancy in the building official position, effective \_\_\_\_\_ (DATE).

Statutory definitions from M.S. §326B.103, Subd. 6: Designate "the formal designation by a municipality's administrative authority of a certified building official accepting responsibility for code administration."  
Administrative authority "a municipality's governing body or their assigned administrative authority."  
Please have person with administrative (appointing) authority sign. Form must be signed.

SIGNATURE OF ADMINISTRATIVE AUTHORITY: \_\_\_\_\_ (TITLE) \_\_\_\_\_ (DATE)

BU 01 (09)

30

## Building Official Designation

- A municipality may designate an employee, contractor, or a building official shared with another community.
- <http://www.dli.mn.gov/sites/default/files/pdf/designate-building-official.pdf>
- Under MN Statute 326B.133, Subdivision 7, a Municipality shall notify the State within 15 days of a vacancy or designation.

31

## Series of Rules

32



## Chapters of the MN State Building Code

1300	Building Code Administration
1301	Building Official Certification
1302	State Building Code Construction Approvals
1303	MN Provisions of the State Building Code
1305	MN Building Code
1306	Special Fire Protection Systems (optional section)
1307	Elevators and Related Devices
1309	MN Residential Code
1311	MN Conservation Code for Existing Buildings
1315	MN Electrical Code
1322	MN Residential Energy Code
1323	MN Commercial Energy Code
1325	Solar Energy Systems
1335	Floodproofing Regulations
1341	MN Accessibility Code
1346	MN Mechanical Code
1350	Manufactured Homes
1360	Prefabricated Structures
1361	Industrial/Modular Buildings
1370	Storm Shelters (Manufactured Home Parks)
4714	MN Plumbing Code
5230	MN High-Pressure Piping Systems

33

## How Adopted

34

## Code Adoption

- Although the code is the statewide standard for construction, to be enforced, it must be adopted locally, by ordinance.
- A building official must be designated for the municipality.

35

## MN Rule 1300

36

## MN Rule 1300

- Building Code Administration
  - All authority comes from this rule
  - All restrictions come from this rule

37

## Zoning Uses vs. Building Uses

38

## Zoning Uses vs. Building Uses

- Zoning Regulations exist to allow & prohibit Land Uses
- Safeguard the public through regulated and Orderly development of land and land uses.
- Intended to benefit the public as a whole.
- Without bias
- Variances ARE allowed

39

## Zoning Uses vs. Building Uses

- Common Land Uses
  - Agricultural Zones
    - Possible density requirements (1 in 40)
  - Residential Zones
    - Density, lot size, and setback variations
  - Commercial Uses
    - Density, Noise, Hours, Traffic, Smells, Appearance
  - Factory & Industrial Uses
    - Expected to be Loud, Smelly, and/or Ugly all the time

40

## Zoning Uses vs. Building Uses

- Common Restrictions / Requirements
  - Parking (number of and size of spaces)
  - Screening requirements (fences or landscaping)
  - Accessory structures
  - Set-backs from lot lines
  - [Home](#) occupations
  - Signs (location, height, size, illumination)
  - Allowed vs. conditional uses

41

## Building Use & Occupancy Classifications

- A, Assembly
- B, Business
- E, Educational
- F, Factory
- H, Hazard
- I, Institutional
- M, Mercantile
- R, Residential
- S, Storage
- U, Utility / Misc.

42

What other lessons  
does history offer us?

Great City Fires

43

## London Fire (1666)



44

## London Fire (1666)

- Started at a bakery on Pudding Lane shortly after midnight, Sunday, September 2, 1666.
- Firefighting techniques were not very sophisticated at that time.
- Major technique was to create firebreaks by demolition (during the fire).
- The Lord Mayor resisted requested demolition to protect the landlord's properties

45

## London Fire (1666)

- Caused by:
  - Wood Frame Buildings Built Close Together,
- Fire Initially Burned with Little Attention, until it reached a warehouse area with:
  - Animal fat,
  - Oils, Paper, and
  - Alcohol
- Most homes had black powder (5-600 tons was stored in the Tower of London).
- Most buildings were heated with fire.

46

## London Fire (1666)

- Many of the parishes (neighborhoods) had workplaces (illegal, but not enforced).
- Unplanned and makeshift construction.

47

## London Fire (1666)



48

## London Fire (1666)

- The fire generated so much heat, it created it's own weather!
- 15,000 buildings were destroyed,
- 2/3 of the city was burned, and
- 70,000 of the city's 80,000 residents were homeless

49

## Chicago Fire (1871)



50

## Chicago Fire (1871)

- Caused (contributed to) by:
  - Wood Frame Buildings,
  - Previous Drought Conditions,
  - Strong Winds.
- 17,000 buildings destroyed, (1/3 of City)
- 100,000 homeless,
- 60 Insurance Companies Bankrupted

51

## San Francisco Fire (1906)



52

## San Francisco Fire (1906)

- Wood Frame Buildings still an issue,
- The earthquake that preceded the fire:
  - Broke Water Mains, complicating suppression efforts,
  - Broke Gas Mains, adding fuel to the fire.

53

## What other lessons does history offer us?

Assembly Occupancy Fires

54

## What is an Assembly Occupancy?

- Areas where large numbers of people collect, congregate, or assemble for various purposes.
- Name some places that you think are Assembly Occupancies . . .
- Imagine them in the dark!
- With smoke!
- With a FIRE!

55

## Assembly Occupancy Risks

- Name some risks contemplated by the codes
- Panic, induced by:
  - Fire
  - Power Failure
  - Active Shooter Scenario
- Earthquake, Tornado, Hurricane, other Natural Disasters

56

## What is an Assembly Occupancy?

- A-1 Production and Viewing of performing arts and motion pictures
- Attributes
  - Dark Auditoriums
  - Pathway to safety obstructed by fixed seating
  - Large numbers of people in space

57

## What is an Assembly Occupancy?

- What risks come to mind?
- Risk Factors
  1. Getting large numbers of people
  2. Out of a large space
  3. In the dark
  4. With unclear pathways to escape
  5. To specific exits to the public way

58

## What is an Assembly Occupancy?

- A-2 Drinking and Dining establishments
- Attributes
  - Dark(er) spaces (frequently night time activity)
  - Variable seating arrangements without clear aisles
  - Inebriated patrons
  - Not an area familiar to many

59

## What is an Assembly Occupancy?

- What risks come to mind?
- Risk Factors
  - Impaired judgment of patrons (alcohol)
  - Unclear pathways to exits
  - Unfamiliar surroundings
  - Flames visible by patrons reduces sensitivity to fire concerns (tableside cooking, candles, fireplaces, view of kitchen, etc.)

60

## What is an Assembly Occupancy?

- A-3 Places of Worship, Recreation, or Amusement
- Attributes
  - Large numbers of people present
  - More frequently daytime activities
  - Could be a temporary structure (tent)

61

## What is an Assembly Occupancy?

- What risks come to mind?
- Risk Factors
  - Large numbers of people confined in a building

62

## What is an Assembly Occupancy?

- A-4 Indoor Sporting Event, Spectators Seating
- Attributes
  - Large to [mega](#) large numbers of spectators to evacuate in the event of an emergency

63

## What is an Assembly Occupancy?

- What risks come to mind?
- Risk Factors
  - Lighting [exit](#) paths
  - Minimizing fire risk
  - Smoke control/smoke evacuation
  - Frequent use of pyro techniques

64



## What is an Assembly Occupancy?

- A-5 Participation or viewing outdoor activities
- Attributes
  - No roof (heat from fire escapes without risk)
  - Not always confined spaces (ability to escape)

65

## What is an Assembly Occupancy?

- What risks come to mind?
- Risk Factors
  - When confined, avoiding crush injuries from panic
  - Directing people to the exits
  - Sufficient and appropriate exiting

66

## Assembly Tragedies

67

## Iroquois Theater

- 1903
- Chicago, IL
- Of the 2000 people in the theater,
- At least 602 people killed

68

## Iroquois Theater



69

## Iroquois Theater

- Causes/contributing factors:
  - Skylights intended to vent smoke were bolted shut,
  - Reinforcement of proscenium (arch) exposed,
  - No extinguishers, sprinklers, alarms, telephones, or water connections had been installed,
  - Fire Curtain operator out sick, with no replacement,
  - Iron Gates blocked stairs to separate seating “classes”,
  - Exits hidden, not clear, or not clearly marked,
  - Exits chained shut to prevent unpaid entry,
  - People sitting in aisles (300 over-occupied)

70

## Iroquois Theater

- Lessons
  - Occupant Load Restrictions
  - Panic Hardware
  - Fire Suppression Sprinklers
  - Fire Resistive Wall Finishes & Draperies
  - Non-Combustible Construction
  - Greed
    - Owner rushed construction (before safe completion) to open prior to completion, and oversold capacity.

71

## Coconut Grove Nightclub

- 1942
- Boston, MA
- 492 people killed

72

## Coconut Grove Nightclub



73

## Coconut Grove Nightclub

- Causes/contributing factors:
  - Flammable Decorations,
  - Occupancy below grade,
  - Exits bolted/chained shut to prevent walkouts,
  - Exit doors swung in instead of outward,
  - Revolving door at entrance.

74

## Coconut Grove Nightclub

- Lessons:
  - Restaurants are assembly occupancies,
  - Combustible interior finishes,
  - Revolving doors

75

## Ringling Bros and Barnum & Bailey Circus Tent

- 1944
- Hartford, CT
- At Least 168 people killed – Mostly Children

76

## Circus Tent Fires



77

## Ringling Bros and Barnum & Bailey Circus Tent

- Causes/contributing factors:
  - Cigarette or Arson – Undetermined,
  - Flammable tent material,
  - Coated with 1800 lbs of paraffin wax dissolved in 6000 gallons of gasoline to waterproof the tent
    - Burned like Napalm from the roof
  - Collapsed within 8 minutes trapping hundreds

78

## Ringling Bros and Barnum & Bailey Circus Tent

- Lessons:
  - Non-combustible tent materials required
  - Assuring exits are present
  - Permits & Fire inspection of membrane structures

79

## Beverly Hills Supper Club

- 1977
- Southgate, KY
- 165 people killed

80

## Beverly Hills Supper Club



81

## Beverly Hills Supper Club

- Causes/contributing factors:
  - Up to 3182 people in the club,
  - Overcrowded, people sat in aisles and ramps,
  - Inadequate exits (28 required, 16 present)
  - Dead End Corridors,
  - Lack of smoke partitions and firewalls
  - No Sprinkler or Alarm system
  - Numerous additions to building, confounding exits

82

## Beverly Hills Supper Club

- Lessons:
  - Building additions require permits
  - Occupancy Load Certificates required in "A" Occupancies

83

City of Mound Building Inspection Department Maximum Occupant Load Certificate		
Room/space description: <u>Entire Building</u>	For use by: <u>Dakota Junction</u> <small>Tenant/Occupant</small>	
Issued to: <u>Dakota Trail Inc.</u> <small>Building Owner/Agent</small>	For Use At: <u>2281 Commerce Boulevard</u> <small>Address</small>	<u>Mound, MN</u> <small>City State</small>
<b>Special Conditions:</b> Occupant Load is limited to 49 persons to qualify as a "B" occupancy.		
Issued by: <u>Scott Qualle, Building Official</u>	<u>September 27, 2013</u> <small>Issue Date</small>	
<p><b>Posting of Occupant Load.</b> Every room or space classified as an assembly occupancy or otherwise required by the building official shall have the maximum occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. The owner or authorized agent is responsible to place this certificate under glass and maintain it.</p> <p><b>Over Occupancy.</b> Over occupancy or admittance of occupants beyond the approved occupant load of a room or space is prohibited. The Building Official, Fire Chief, or designee, upon notification and/or discovery of over occupancy conditions and/or hazardous conditions, is authorized to cease operations and/or functions causing such conditions until such violations are abated.</p>		
<p>The Maximum Number of Persons Permitted in this area is:</p> <h1 style="color: red; margin: 0;">49</h1>		
<small>This Certificate issued under the authority of Section 1004.3 of the Minnesota State Building/Fire Codes.</small>	<b>IN CASE OF FIRE OR EMERGENCY, CALL 911</b>	<small>It is unlawful to remove or deface this notice.</small>

84

## Station Night Club



85

## Station Night Club

- 2003
- West Warwick, RI
- 100 people killed

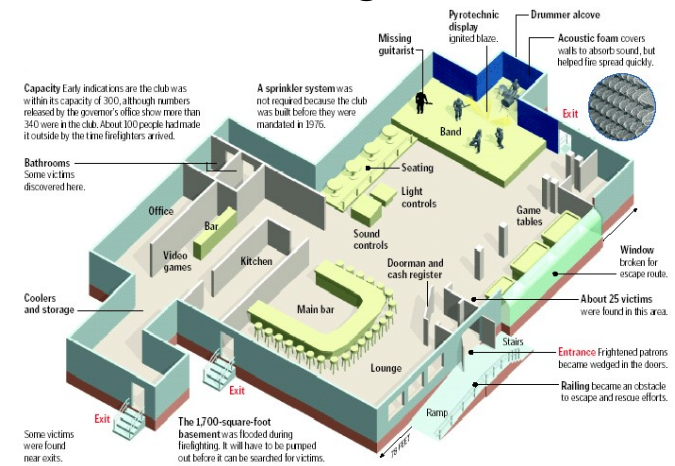
86

## Station Night Club

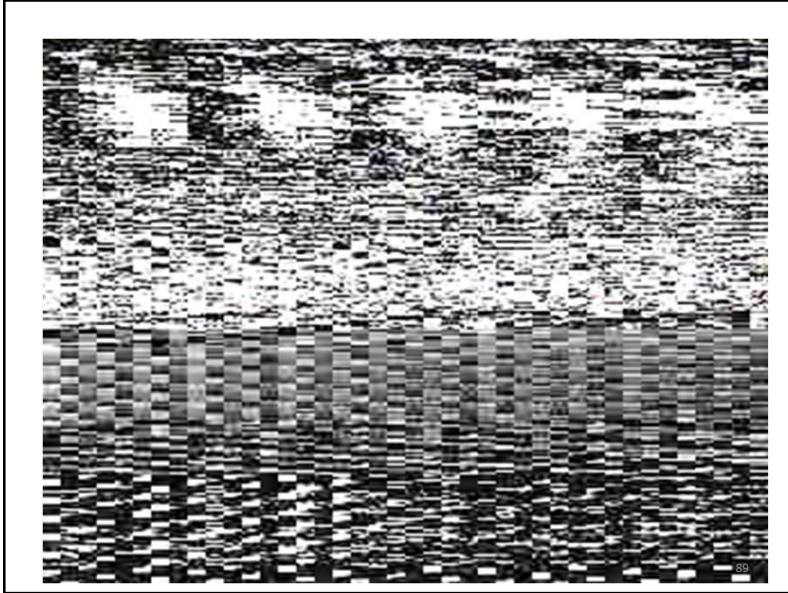
- Causes/contributing factors:
  - Building Owners place flammable foam on walls,
  - Band Manager introduced gerbs w/o permit,
  - Exits obstructed,
  - Stampede in narrow exit corridor
  - Exit door size reduction from corridor (chokepoint)

87

## Station Night Club



88



## Building Code vs. Fire Code

90

## The Building Code

applies to

Buildings

Undergoing

Changes

91

## Building Code

- The Building Code is the standard that applies **statewide** for the construction, reconstruction, alteration, or repair of buildings and other structures of the type governed by this code. (MN Rule 1300.0030 Subpart 2A)
- The State Building Code does NOT apply to agricultural buildings. (MN Rule 1300.0030 Subpart 2A)

92

## Building Code

- The MN State Building Code may **NOT** be altered, amended, lessened, or made more stringent.

93

## Building Code

- The Building Code applies to the design, construction, addition, alteration, moving, replacement, demolition, repair, equipment, installation, use and occupancy, location, maintenance, and inspection of any building, structure, or building service equipment in a municipality. (MRC 1300.0040 Subp. 1)
- The **legal** occupancy of any structure existing on the date of adoption of the code shall be permitted to continue without change. (MRC 1300.0220 Subp. 2)

94

## The Fire Code applies to The Use and Occupancy Of Existing Buildings

95

## Fire Code

- The MN State Fire Code **can** be amended to make the code more restrictive.
- It is enforced by State Fire Marshal's office or municipal fire inspectors.
- Its purpose is to allow fire code officials to inspect existing buildings to verify compliance with the life safety requirements of the Fire Code.

96



## Fire Code

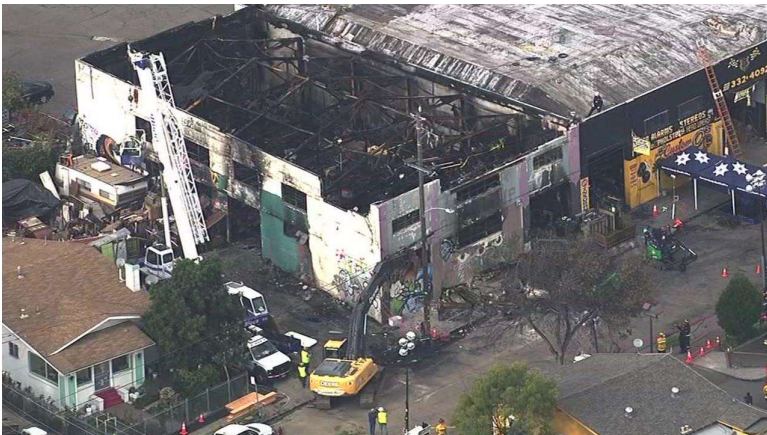
- When building owners change things in a building, the Fire Inspector may be the ONLY person to know about the changes.

97

## Fire Code Examples

- Ghost Ship Fire – Oakland, CA, December 2016
  - 36 Victims
  - Warehouse building
  - Illegally converted to a residence and used as an assembly occupancy.
  - The Fire Chief states that “There was no legal requirement for her department to inspect the Ghost Ship because it was not considered a residence or an active business.”

98



Source: New York Times

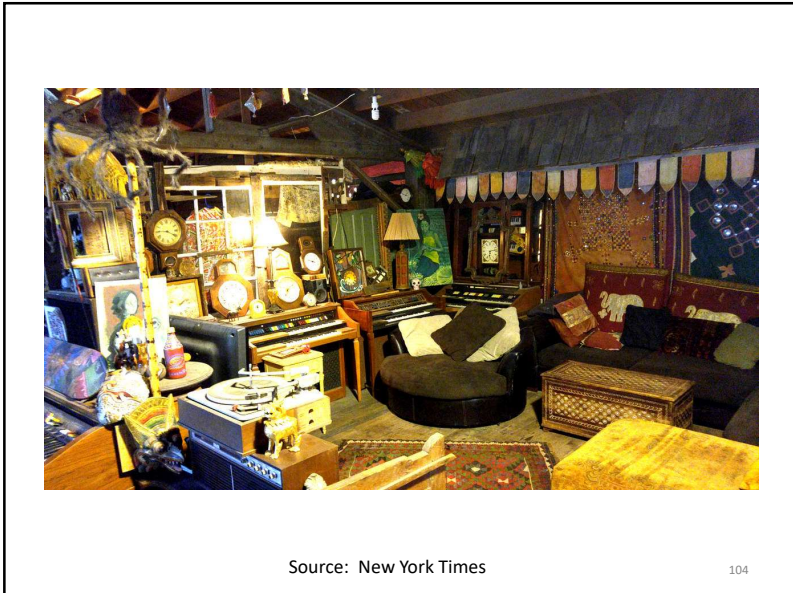
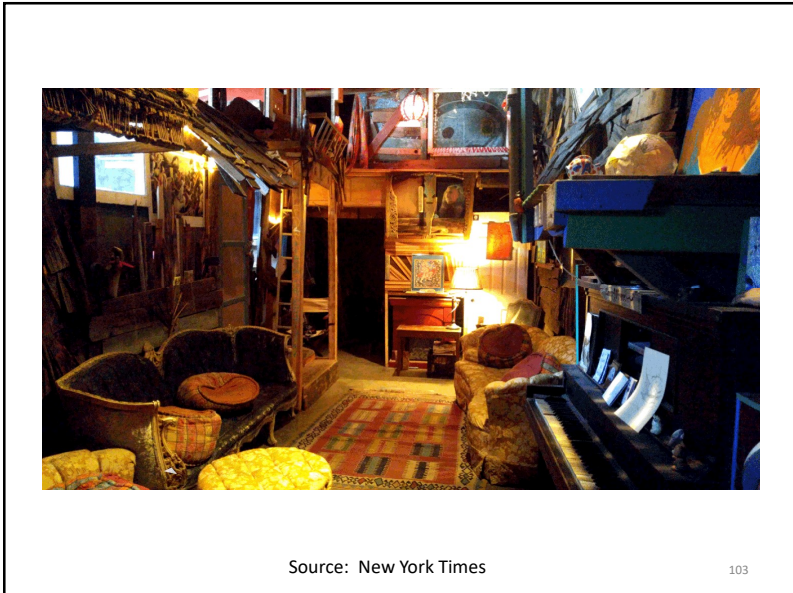
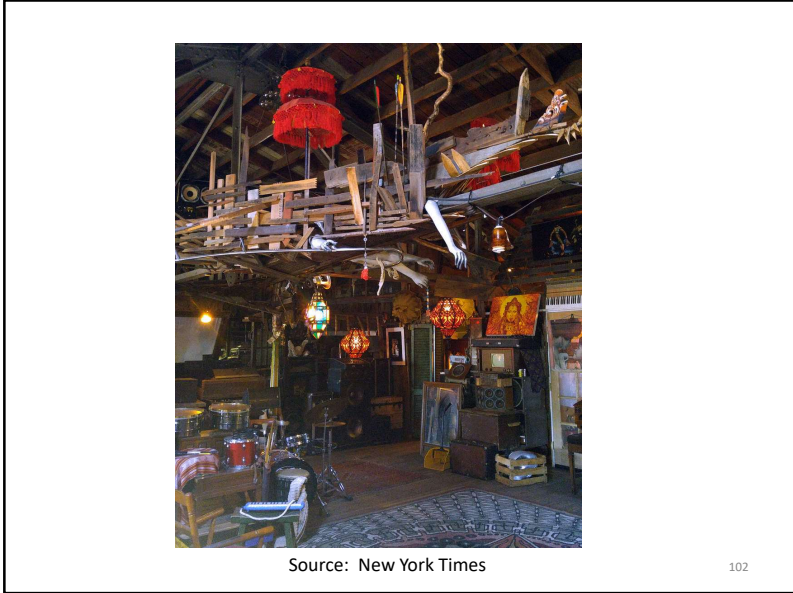
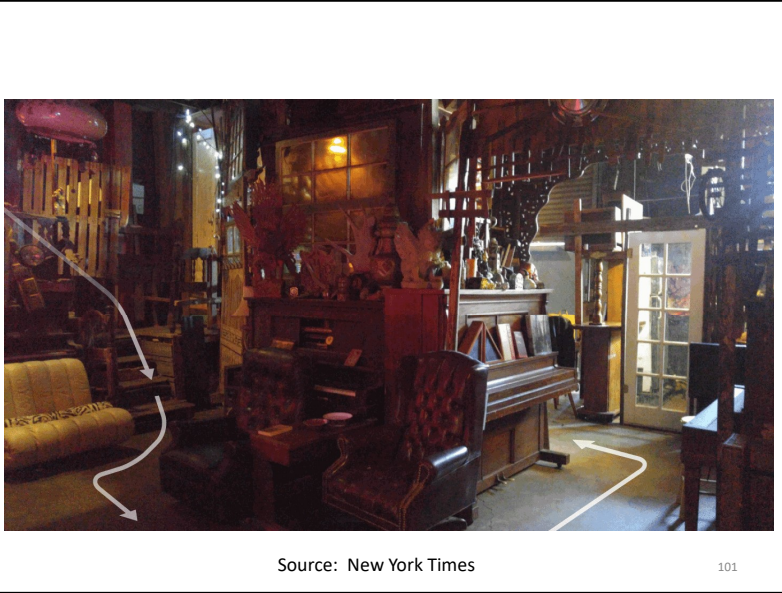
99

## Building Code Vs. Fire Code

- Ghost Ship Fire – Oakland, CA
  - “The building had few real interior walls, but working and sleeping lofts were partitioned using window sashes, pallets, and furniture . . .”

Source: New York Times

100



# Permits

105

# Permits

- What is a permit?
- Who can “pull” a permit?
- When do I need a permit?
- Permit Fees
- Finalizing permits

106

# What is a Permit?

PERMISSION

107

# Who can “pull” a Permit?

108

## MN Rules Chapter 1300.0120 - Permits Subpart 1 - Required

- An **Owner** or their Authorized **Agent** who intends to:
  - Construct,
  - Alter,
  - Enlarge,
  - Repair,
  - Move,
  - Demolish, or
  - Change the Occupancy
 Of a building or structure, or

109

## MN Rules Chapter 1300.0120 - Permits Subpart 1 - Required

- Erect,
- Install,
- Enlarge,
- Alter,
- Repair,
- Remove,
- Convert, or
- Replace any
- Gas,
- Mechanical,
- Electrical,
- Plumbing system,
- or other equipment regulated by the code

110

## MN Rules Chapter 1300.0120 - Permits Subpart 1 - Required

- An Owner or their Authorized Agent who intends to Construct . . .  
or cause such work to be done, shall **first** make application to the B/O and obtain the required permit.

111

## Permit Fees

112

## Permit Fees

- What are the typical fees associated with a Building Permit?

113

## Permit Fees

- Permit Fee, (MN Rule 1300.0160, Subpart 1)
- Plan Review Fee, (MN Rule 1300.0160, Subpart 1)
- State Surcharge, (MN Rule 1300.0160, Subpart 1, MN Statute 326B.148)
- License Look-up Fee, (MN Statute 326B.815 Subdivision 2)
- Lead Look-up Fee, (MN Statute 326B.106 Subdivision 13)
- Special Investigation Fee, (MN Rule 1300.0160, Subpart 8)
- A bunch of possible Municipality Fees (SAC, WAC, Connection Fees, Meter Charges, Park Dedication Fees . . .)

114

## How Are Permit Fees Calculated?

- If plan review is performed, a plan review fee is required (MN Rule 1300.0160 Subpart 1)
- Fees Established by a Municipality must be adopted by legal means (MN Rule 1300.0160 Subpart 2)
- Fees must be fair, reasonable, and proportionate to the actual cost of the service performed (MN Rule 1300.0160 Subpart 2)
- Valuation-Based (MN Rule 1300.0160, Subpart 4)
  - Exception for some permits

115

## Finalizing Permits

116

## Finalizing Permits

- What are the two ways a permit can be closed?
  - Receiving a final inspection
  - Expiration by limitation
    - Permits expire within 180 days of issuance if the work is not commenced, or once started, is suspended, or abandoned for a period of 180 days. (MN Rule 1300.0120, Subpart 10)

117

## Finalizing Permits

- So, you're buying a home.
- You get the required disclosure from the seller that states that permits were pulled for all improvements (an addition).
- But what if the only inspection was for the footings, and none of the subsequent work was inspected or approved?

118

## Reports and Records

119

## Reporting Requirements

120

## Reports

- Surcharge Report
- Municipal Construction and Development Fee Revenue and Expenses Annual Report
- Met Council Report (if applicable)
- There may be others (US Census Bureau, MN State Fire Marshal's office, etc.)

121

## Surcharge Report

Purpose of the Surcharge  
Purpose of the Report

122

## Surcharge Report

<https://secure.doli.state.mn.us/mnbpsurcharge/>

123

## MN Statute 326B.148

- Cities must collect and report on surcharges
- Cities over 20,000 population
  - Must report every month by the 15<sup>th</sup> following
  - Allowed to retain the greater of \$25 or 2% of fees
- Cities under 20,000 population
  - Must report quarterly by the 15<sup>th</sup> following
  - Allowed to retain the greater of 4% or \$25 of fees

124



## Municipal Construction and Development Fee Revenue and Expenses Annual Report

<https://secure.doli.state.mn.us/municipal/main.aspx>

125

## MN Statute 326B.145

- Each municipality shall annually report by June 30 to the department, in a format prescribed by the department, all construction and development-related fees collected by the municipality from developers, builders, and subcontractors if the cumulative fees collected exceeded \$5,000 in the reporting year. The report must include:

126

## MN Statute 326B.145

1. The number and valuation of units for which fees were paid;
2. The amount of building permit fees, plan review fees, administrative fees, engineering fees, infrastructure fees, and other construction and development-related fees; and
3. The expenses associated with the municipal activities for which fees were collected.

A municipality that fails to report to the department in accordance with this section is subject to the remedies provided by section 326B.082.

127

## Municipal Construction and Development Fee Revenue and Expenses Annual Report

Purpose of the Report

128



## METC Annual Survey of Building Permits

<https://bldgpermitsurvey.metc.state.mn.us>

7 County Metro Area Only

129

## Records

130

## Records

- List all the documents that might be located within a property jacket for a property owner.

131

## Records

- Forms required in the building permit process
  - Application
  - Permits
  - Inspection/Correction Notices
  - Requests for alternates
  - Requests to modify or deviate from the code
  - Certificates of Occupancy

132

## Records

- How are your property files arranged currently?
  - Physical, or
  - Electronic

133

## Records

- How many of you are scanning documents into programs like laserfiche or other OCR file management systems?
- How about building plans?

134

## Records

- How many are sorted by property address?
  - Property Identification Number (PID)?
  - How many don't have a filing system for your residents?

135

## Records

- Requests for permit application extensions
- Requests for permit extensions
- Results of tests ordered by the building official
- Requests for temporary certificates of occupancy

136

## Records

- Why are all these documents important?
  - Historical record for future activities
    - Purchase of a property,
    - Additions or modifications to a property,
    - Warranty Disputes,
    - Litigation with Builders,
    - Litigation with Sellers.
  - Continuity
  - Institutional Knowledge

## Record Retention

## MN Rules Chapter 1300.0110

### Subpart 8 Department Records

The building official is responsible for official records of the department, including:

- |                        |                           |
|------------------------|---------------------------|
| 1. Permit Applications | 6. Plan Reviews           |
| 2. Plans               | 7. Permits                |
| 3. Specifications      | 8. Certificates           |
| 4. Surveys             | 9. Reports of Inspections |
| 5. Plot Plans          | 10. Notices & Orders      |

GENERAL RECORDS RETENTION SCHEDULE FOR MINNESOTA CITIES

SECTION	CODE	TITLE & DESCRIPTION	RETENTION PERIOD	CLASSIFICATION	STATUTE
BUILDING INSPECTIONS	BUI 00100	BUILDING INSPECTION RECORD Includes grading, demolition, signs.	1	Public	
BUILDING INSPECTIONS	BUI 00200	BUILDING PLANS, COMMERCIAL, INDUSTRIAL Includes architectural, design specifications, structural & utility plans.	15, or until superseded with complete set.	Public/Private-Non-public	MS 13.37, Subd. 1b, MS 541.051.
BUILDING INSPECTIONS	BUI 00300	BUILDING PLANS, RESIDENTIAL Includes architectural, design specifications, structural & utility plans.	1 after completion of project.	Public/Private-Non-public	MS 13.37, Subd. 1b.
BUILDING INSPECTIONS	BUI 00400	CERTIFICATE OF OCCUPANCY	Permanent	Public	
BUILDING INSPECTIONS	BUI 00410	CERTIFICATE OF SURVEY Survey of property.	Permanent	Public	
BUILDING INSPECTIONS	BUI 00500	CODE COMPLIANCE INSPECTION Point of conveyance.	Until new ownership	Public	
BUILDING INSPECTIONS	BUI 00600	ELECTRICAL INSPECTION RECORD	Permanent	Public	
BUILDING INSPECTIONS	BUI 00700	FIRE INSPECTION RECORD-ANNUAL Multiple dwelling/commercial.	5 (Per MN State Fire Code 104.6)	Public	
BUILDING INSPECTIONS	BUI 00800	HEATING/ VENTILATION INSPECTION RECORD Includes heating, a/c, ventilating, fireplace.	Permanent	Public	
BUILDING INSPECTIONS	BUI 00900	HOUSING INSPECTION RECORD Change of ownership, point of sale.	6	Public	
BUILDING INSPECTIONS	BUI 01000	INSPECTION NOTICES TO HOMEOWNER, VIOLATOR, ETC. Includes inspection request correction notice, violation notice, referral form, grading site access, special inspections by third party, zoning complaints.	1 after correction unless unusual circumstances occur (i.e. environment)	Public	
BUILDING INSPECTIONS	BUI 01100	INSPECTOR REPORTS Daily, monthly, quarterly.	2	Public	

GENERAL RECORDS RETENTION SCHEDULE FOR MINNESOTA CITIES					
SECTION	CODE	TITLE & DESCRIPTION	RETENTION PERIOD	CLASSIFICATION	STATUTE
BUILDING INSPECTIONS	BUI 01200	PLUMBING INSPECTION RECORD	Permanent	Public	
BUILDING INSPECTIONS	BUI 01210	RENTAL INSPECTION RECORDS	Until superseded	Public	
BUILDING INSPECTIONS	BUI 01220	SEWER AVAILABILITY REPORT And supplemental documentation submitted to Met Council.	2	Public	
BUILDING INSPECTIONS	BUI 01300	SIGN INSPECTION RECORD	Permanent	Public	
BUILDING INSPECTIONS	BUI 01310	SURCHARGE REPORT Supporting documents - submitted to State.	6	Public	

Revised: July 2013 Page 13 of 68

## Licensing Requirements

142

## What Professions are Licensed

- Accountants, Lawyers, & Financial Profession
- Real Estate & Insurance Profession
- Banks and Financial Institutions,
- Hair Stylists & Barbers,
- Medical Professionals, Educators
- Law Enforcement
- Contractors (Building, Electrical, & Plumbing)
- Building Officials

143

## Licensing Requirements

- Does a homeowner need to be licensed?
- How about a landlord?
- A house flipper / investor
- Building Contractor
- Plumbing
- Electrical

144

## Why License Contractors

- State takes an interest to protect the public when there might be concerns with a licensee:
  - Engaging in fraud or misrepresentation
  - Set minimum standards for safety
  - Protect the public
  - When there is an unequal relationship between the public and those regulated.

145

## Why License Contractors

- Disparate Knowledge
- Financial Incentive
- Shark vs. Minnow

146

## Requirements for License Verification

- MN Statute 326B.815 Subdivision 2 states that prior to the issuance of any building OR land use/zoning permit for construction that would require a licensed contractor, the license **MUST** be verified and is current.

147

## Lead Certification

148

## MN Statute 326B.805

### Subdivision 1a, Pre-1978 Structures

- A licensee performing renovation on a residential structure constructed prior to [1978](#) MUST comply with MN Statute 326B.106, subdivision 14.
- MN Statute 326B.106, Subdivision 14
  - A residential building contractor, residential remodeler, manufactured home installer, or residential roofer licensed under section 326B.805 performing **renovation** as defined by Code of Federal Regulations, title 40, section 745.83,

149

## Code of Federal Regulations Title 40

### Section 745.83, Definitions

- **Renovation** means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by this part (40 CFR 745.223). The term renovation includes (but is not limited to): the removal or modification of painted surfaces or painted components (e.g., modification of painted doors, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of large structures (e.g., walls, ceiling, large surface replastering, major re-plumbing); and window replacement.

150

## Code of Federal Regulations Title 40

### Section 745.83, Definitions

- **A Renovation IS NOT “Minor Repair and Maintenance Activities”**
- They are activities that disrupt 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities where none of the work practices prohibited or restricted by §745.85(a)(3) are used and where the work does not involve window replacement or demolition of painted surface areas.

151

## MN Statute 326B.106

### Subdivision 14, Pre-1978 Structures

- A residential building contractor, residential remodeler, manufactured home installer, or residential roofer licensed under section 326B.805 performing renovation as defined by Code of Federal Regulations, title 40, section 745.83, **on a residential structure constructed prior to 1978 must be certified** in accordance with Code of Federal Regulations, title 40, section 745.89,

152

## Code of Federal Regulations Title 40

### Section 745.89, Firm Certification

- Firms that perform renovations for [compensation](#) must apply to EPA for certification to perform renovations or dust sampling. To apply, a firm must submit to EPA a completed "Application for Firms," signed by an authorized agent of the firm, and pay at least the correct amount of fees.

153

## Compensation

- Receipt of rent payments, or any other form of payment for services is considered compensation under the EPA's RRP rule.
- Renovation activities performed by [landlords](#), or their employees, is covered by the rule.

154

## Top 10 Questions

1. What do I need a permit for?
2. Why are my fees so high?
3. Why do I need a permit to work on my home?
4. You said I didn't need a permit for this!
5. Why does it take so long to issue my permit?

155

## Top 10 Questions

6. I don't want to let the inspector into my house to check my smoke detectors.
7. What about work the seller did without permits before I bought my home?
8. I'm just removing NLB walls?
9. Scope Creep!
10. My neighbor just did a project and their permit was much less than mine is?

156



Thank You!