

ORDINANCE NO. 8

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ORDINANCE NO. 8

AN ORDINANCE REGULATING ALL MATTERS PERTAINING, RELATING OR INCIDENTAL TO THE CONSTRUCTION, BUILDING, ALTERATION, REPAIR, INSTALLATION, PERFORMANCE, MAINTENANCE AND INSPECTION OF ALL BUILDINGS, WALKS, STRUCTURES, DRIVEWAYS, SIGNS AND BILLBOARDS, SEWAGE DISPOSAL SYSTEMS, WELL DRILLING AND WATER SUPPLY SYSTEMS, ELECTRIC WIRING, HEATING PLANTS, GAS BURNERS AND EQUIPMENT, INCINERATORS, PLUMBING, PLASTERING, EXCAVATIONS, LOT GRADING, CEMENT AND BRICK LAYING, ROOFING, WRECKING AND MOVING OF BUILDINGS, ERECTED, CONSTRUCTED, BUILT, ALTERED, REPAIRED, INSTALLED, PERFORMED AND MAINTAINED IN THE TOWN OF WHITE BEAR, AND PROVIDING FOR LICENSES, PERMITS, BONDS AND FEES FOR THE PURPOSE OF PROTECTION OF PROPERTY AGAINST FIRE AND FOR SECURING HEALTHFUL, SAFE AND SANITARY CONDITIONS AND ENVIRONMENT FOR THE OCCUPANTS OF BUILDINGS USED FOR HUMAN HABITATION OR OTHERWISE, AND PROVIDED FOR PENALTIES FOR VIOLATION THEREOF, AND REPEALING A BUILDING CODE APPROVED AND ADOPTED BY THE BOARD OF WHITE BEAR TOWNSHIP SEPTEMBER 25, 1944, AND SUBSEQUENT REVISION ON MARCH 1, 1949

THE TOWN BOARD OF THE TOWN OF WHITE BEAR ORDAINS:

SECTION 1. GENERAL.

1-1. The following provision shall constitute and be known as the "Building Code of the Town of White Bear, Ramsey County, Minnesota."

1-2. Permits heretofore issued for construction already undertaken but not completed shall remain in full force and effect.

1-3. The term "municipality" as used in this Code shall mean the Town of White Bear and the term "governing body" shall mean the Board of Supervisors of the Town of White Bear.

1-4. The governing body shall appoint a Building Inspector.

1-5. The Building Inspector may be removed at the pleasure of the governing body.

1-6. **Repealed.** By Ordinance No. 8, Subdivision 1-54.

1-7. The Building Inspector shall devote as much time as is necessary for the proper performance of his official duties. He shall receive applications required by this code, issue permits and supervise or perform all office work incidental to his position. He shall examine the premises for which permits have been requested prior to the issuance of such permit and shall satisfy himself that the said premises can be used for the purpose for which a permit is requested in accordance with all of the provisions of this code, the Zoning Ordinance and all other rules, regulations or ordinances. He shall make necessary inspection to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all laws relating to the construction, alteration, moving, demolition, raising or lowering, use and occupancy, location and maintenance of buildings and structures, except as may be otherwise provided for in other ordinances or regulatory measures. He shall, when requested by proper authority, or when the interests of the municipality so requires, make investigations in connection with matters referred to in this code and render reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.

1-8. Repealed. By Ordinance No. 8, Subdivision 8-2.

1-9. Repealed. By Ordinance No. 8, Subdivision 8-2

1-10. Repealed. By Ordinance No. 8, Subdivision 8-2.

1-11. Repealed. By Ordinance No. 8, Subdivision 8-2.

PLUMBING

1-12. The governing body may appoint a Plumbing Inspector.

1-13. Repealed. By amendment to Ordinance No. 8.

1-14. The Plumbing Inspector shall not engage in the business of installation or maintenance of any plumbing or sewage disposal systems either directly or indirectly in this municipality and he shall have no interest in any concern engaged in such business in this municipality.

1-15. The Plumbing Inspector shall make a thorough inspection of the installation in buildings of all plumbing and fixtures and also all sewage disposal systems now installed or that may hereafter be installed within this municipality, and when the installation of any such plumbing or disposal systems or material used is found to be in a dangerous or unsafe condition, he shall notify the person, firm or corporation owning, using, operating or

installing the same to place such defective plumbing or sewer installations in a safe condition and he shall immediately place a notice in a conspicuous place upon such dangerous or unsafe construction stating that the workmanship, design or material is unsafe and that it shall not be used until it is put in a safe condition and thereafter it shall be unlawful to use said installation or materials until it has been placed in a safe condition and has been inspected and approved by said Inspector.

HEATING

1-16. The governing body may appoint a Heating Inspector.

1-17. Repealed. By amendment to Ordinance No. 8.

1-18. The Heating Inspector shall not engage in the business of the installation or maintenance of heating equipment either directly or indirectly in this municipality and he shall have no interest in any concern engaged in such business in this municipality.

1-19. It shall be the duty of the Heating Inspector to enforce the provisions of this code. He shall inspect all of the work covered in that part of this code relative to or incidental with the installation of heating equipment of any kind.

1-20. Any Inspector appointed by the governing body of the municipality shall receive as compensation for his services such fees or salary as the governing body by resolution shall provide.

1-21. Any Inspector shall have the right during reasonable hours to enter any building in the discharge of his duties, or for the purpose of making any inspection which he might deem necessary in the performance of his particular duties.

1-22. Any person or persons who shall interfere with the Inspectors in the execution of their duties, as defined by this code, shall upon conviction thereof, be subject to the penalties provided herein.

1-23. The Inspectors shall, when necessary, call upon the police authorities of the municipality for assistance in enforcing any of the provisions of this code.

1-24. The Inspector shall have authority to recommend the employment by the governing body of such technical or expert consultants as might become necessary to insure proper construction and public safety.

1-25. In the absence of any appointed Inspector, the governing body shall appoint a substitute or temporary Inspector who shall assume all of the duties and responsibilities of the Inspector or Inspectors mentioned in this code.

1-26. Within the text of this code, references are made to specific State, Federal, City, Trade and Professional publications or standards relating to building construction, incorporating such publications or parts thereof in the body of this code. (Authority for the adoption of regulations by reference is given in the "Minnesota Statutes 1945" – 471.62). Provisions of these publications, or parts thereof, adopted by reference shall be as much a part of this code as though they had been set out in full herein.

1-27. It shall be the duty of the Inspector to stop the construction, repair, alteration, renewal or demolishing of any building or structure when any work done thereon is carried on in violation of this code or in a reckless, careless, unsafe or improper manner.

1-28. It shall be the duty of the Police Authority, when called upon by an Inspector, to perform such duties as may be necessary to enforce the provisions of this code.

1-29. When any work shall have been stopped by an Inspector for any reason whatsoever, it shall not again be resumed until the Inspector shall have been satisfied that the reason for work stoppage has been completely removed.

1-30. It shall be the duty of the Inspector to pass upon all questions relating to the strength, durability, appearance and general workmanship of buildings or structures.

1-31. The Inspector shall examine all buildings or structures for which application has been made for a permit to enlarge, remove or alter such building or structure, to determine whether or not such permit may be granted.

1-32. The Inspectors are hereby given authority to make such tests or order such tests to be made as they may deem necessary to determine the safety of the condition of any structure, building or part thereof, material or machinery, when it becomes their duty under the provisions of this code to inspect.

CONDEMNATION

1-33. If, in the opinion of the Inspector, any building or structure shall, from any cause whatsoever, be in a dangerous condition to persons

or property, it shall be his duty to notify the owner thereof of such condition in writing, and at the same time the Inspector shall advise the owners that unless repairs are made within thirty (30) days of the notification, the Inspector has the authority to cause the repairs to be made, and the expense caused may be recovered by the governing body from the owner.

1-34. The Inspector shall have the authority to cause the repair or construction of any building or structure which is dangerous or unsafe to persons or property, and the cost thereof may be recovered by the municipality from the owner.

1-35. If, in the opinion of the Inspector, any building is unsafe or unfit for further use, the Inspector shall recommend to the governing body that such building be condemned.

1-36. Whenever the Inspector recommends the condemnation of any building or structure, the owner shall be granted a hearing by the governing body upon not less than twenty (20) nor more than thirty (30) days' notice and after such hearing, the governing body may, in its discretion, order either the repair or the demolition of such building or structure.

1-37. Whenever the Inspector shall recommend the condemnation of any building or structure, he shall post a notice upon the property affected stating that the building has been recommended for condemnation by the Building Inspector and if the governing body condemns any such building after hearing, the Inspector shall post a notice upon the property affected that the same has been condemned by the governing body.

1-38. The Inspector shall then have the authority, thirty (30) days after such condemnation has been imposed, to enter upon said premises and to fence in, prop up or tear down and remove such unsafe or dangerous building or structure and do all things which, in his opinion, may be necessary for the protection of life and adjoining property.

1-39. The amount of the expense caused by condemnation may be recovered by the municipality from the owner, or owners of the lot or parcel of land.

1-40. A statement of the expense of any work incidental to the condemnation or repair of a structure of a building shall be filed by the Building Inspector in the office of the County Auditor.

1-41. The expense involved due to the condemnation or repair, as shown in the report of the Inspector, shall become a lien in favor of the municipality upon the lot or parcel of land.

1-42. Any lien which has been established against any property as a result of condemnation or repair and expenses incidental thereto may be enforced in a civil action in any court of competent jurisdiction.

1-43. After the removal or destruction of any building, the Inspector shall notify the owner or his agent in writing to clean up all debris and also to fill any old foundations or pits.

1-44. If the work of cleaning up debris and filling in of old foundations has not been started within thirty (30) days from the time of the Inspector's written notice to the owner or agent, the Inspector shall have the authority to enter upon the premises and to perform such work.

1-45. Repealed. By amendment to Ordinance No. 8.

1-46. Where excavations of any kind have been made and left without proper protection, the Building Inspector shall notify the owner or owners in writing to fill or properly protect such excavation. Failure, on the part of the owner to fill or protect the excavation within the time limit given in the Inspector's notice, shall cause the Inspector to have such work done as might be necessary and the cost of such work may become a lien in favor of the municipality upon the lot or parcel of land.

1-47. Repealed. By amendment to Ordinance No. 8, Subsection 3-1a.

1-48. Every permit issued under the provisions of this building code shall expire by limitations and become null and void if the building or work authorized by such permit is not commenced within 120 days from the date of issuance of such permit or if the building or work authorized by such permit is suspended or abandoned for a period of 120 days. Before such work can be recommenced, a new permit shall first be obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded 120 days. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee. Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

When a permit is issued which includes work on the exterior of the structure, such exterior work must be completed within 120 days after issuance of the permit. This time limit may be extended by the governing body upon proof of circumstances beyond the control of the permittee which make it impossible to complete the improvement within the 120 day limit, provided that application for such extension of time be made in writing prior to such expiration date.

1-49. Whenever it becomes necessary for any Inspector to re-inspect any work which has been found faulty during the first inspection, a re-inspection fee shall be paid by the permittee. This re-inspection fee not provided for in the Minnesota State Building Code shall be established by Town Board Resolution.

1-50. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure in the Town or cause the same to be done contrary to or in violation of any of the provisions of this Ordinance.

1-51. The various provisions of this Building Code shall be severable, and if any part or provision shall be held to be invalid, it shall not be held to invalidate any other part or provision thereof.

1-52. The apparent silence of this Building Code as to any detail concerning the method of performing any of the work described herein or any of the materials to be used in connection with that work shall be regarded as meaning that only the best general practice is to prevail and that all materials and workmanship are to be of the type and character which shall provide the best final result in any construction. In any cases where this code omits specific reference to any work or material which may in fairness be implied, the permittee shall perform such work and furnish such material that the work will be complete according to good practice and in the interest of the public.

1-53. It shall not be the intention of this code or the governing bodies of the municipality to prevent the use of materials or methods which may either now or in the future prove to be equal or better than any of those described herein. The governing body of the municipality may permit a revision in this code after they have been satisfied that such a change or revision is one which will give equal or better results.

1-54. ADOPTION OF MINNESOTA STATE BUILDING CODE.

(a). The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes, Chapter 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted herein. The Minnesota State Building Code is hereby incorporated in this Ordinance as if fully set out herein.

(b). The application, administration, and enforcement of the Code shall be in accordance with Minnesota State Building Code. The Code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 16B.62, Subdivision 1, when so established by this Ordinance.

(c). The Code Enforcement Agency of the Town of White Bear shall be the Building Official.

(d). This Code shall be enforced by the Minnesota Certified Building Official designated by the Town of White Bear to administer the Code (Minnesota Statutes, Chapter 16B.65), Subdivision 1.

(e). The issuance of permits and the collection fees shall be as authorized in Minnesota Statutes, 16B.62, Subd. 1. Permit fees shall be assessed for work governed by this Code in accordance with the fee schedule adopted by the Town of White Bear in Ordinance No. 54 (Fees & Charges). In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minnesota Statutes, 16B.70.

1-54A. SPECIAL FIRE PROTECTION SYSTEMS.

Existing and New Buildings. Automatic sprinkler systems for new buildings, buildings increased in total floor area (including the existing building), or buildings in which the occupancy classification has changed, must be installed and maintained in operational condition within the structure. The requirements of this subpart apply to structures that fall within the occupancy classifications established in part 1306.0030, items A to E.

Exceptions.

1. The floor area of minor additions that do not increase the occupant load does not have to be figured into the square footage for occupancy classifications established in part 1306.0030, items A to E.
2. The existing portion of R-2 apartment occupancies, attached R-3 occupancies, and attached town homes is not required to be sprinklered under this chapter.

New Buildings. Automatic sprinkler systems for new buildings, additions to existing buildings, or buildings in which the occupancy classification has changed must be installed and maintained in operational condition within the structure. The requirements of this subpart apply to structures that fall within the occupancy classifications established in part 1306.003, items A to E.

Exception.

The floor area of minor additions that do not increase the occupant load does not have to be figured into the square footage for occupancy classifications established in part 1306.0030, items A to E.

Requirements. For purposes of this chapter, area separation, fire barriers, or fire walls do not establish separate buildings. Gross square footage (gsf) means the floor area as defined in the International Building Code. The floor area requirements established in items A to E are based on the gross square footage of the entire building and establish thresholds for these requirements. The following occupancy groups must comply with sprinkler requirements of this chapter, unless specified otherwise:

- A. Group A-1, A-2, A-3, and A-4 occupancies;
- B. Group B, F, M and S occupancies with 2,000 or more gross square feet of floor area or with three or more stories in height;
- C. Group E occupancies with 2,000 or more gross square feet of floor area or with two or more stories in height;
- D. Group E day care occupancies with an occupant load of 30 or more;
- E. Attached R-3 occupancies and attached townhouses built to the International Residential Code with more than 16 dwelling units or more than three stories in height.

Standard. Automatic sprinkler systems must comply with the applicable standard referenced in the State Building Code. If a public water

supply is not available, the Building Official and Fire Chief shall approve the use of an alternate on-site source of water if the alternate source provides protection that is comparable to that provided by a public water supply. If an adequate alternate water supply sufficient for hose stream requirements is provided or available, the Building Official and Fire Chief may permit the water supply requirements for the hose stream demands to be modified.

Substitute Construction. The installation of an automatic sprinkler system, as required by this chapter, would still allow the substitution of one-hour fire-resistive construction as permitted by the International Building Code, Table 601, footnote d.

Exemption. The Building Official, with the concurrence of the Fire Official, may waive the requirements of this chapter if the application of water has been demonstrated to constitute a serious life, fire, or environmental hazard, or if the building does not have an adequate water supply and the building is surrounded by public ways or yards more than 60 feet wide on all sides.

1-55. During the period of any construction, all construction waste and debris shall be deposited in containers provided by the contractor and the debris shall be removed from the premises when containers are filled or upon completion of job.

1-56. During the period of construction, activities cannot commence before the hours of 7 a.m. or continue after 10 p.m. weekdays. On weekends, no activities before 7 a.m. or after 6 p.m. on Saturdays. Sundays no activities before 10 a.m. or after 6 p.m. Exceptions to the time may be granted by the Town.

SECTION 2. DEFINITIONS.

2-1. Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this section.

2-2. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

2-3. Where terms are not defined in this section, they shall have their ordinarily accepted meanings or such as the context may imply.

2-4. ALLEY means any public space or thoroughfare 20 feet in width which has been dedicated or needed for public use.

2-5. ALTERATION as applied to a building or structure, means a change or rearrangement in the structural parts or in the exit, lighting or ventilating facilities; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another; the term alter in its various moods and tenses and its participle forms refers to the making of an alteration.

2-6. APARTMENT means a room or suite of two or more rooms in a residence building occupied as the home or residence of an individual, family or household.

2-7. APPROVED as applied to a material, device or method of construction, means approved by the governing body under the provisions of this code, or by other authority designated by law to give approval in the manner in question.

2-8. APPROVED MASONRY means masonry constructed of brick, stone, concrete, hollow block, solid block or other material approved after test or a combination of these materials.

2-9. AREA as applied to a form of construction, means an uncovered sub-surface space adjacent to a building.

2-10. AREA as applied to the dimensions of a building, means the maximum horizontal projected area of the building at grade.

2-11. A.S.A. means the American Standards Association.

2-12. A.S.T.M. means the American Society for Testing Materials.

2-13. AUTOMATIC, as applied to a fire door or other opening protective means normally held in an open position and automatically closed by a releasing device that is actuated by abnormal high temperature or by a predetermined rate of rise in temperature.

2-14. BACK VENT OR REVENT is that part of a vent pipe line which connects directly with an individual trap, underneath or back of the fixture, and extends to the branch, main or vent pipe at any point higher than the fixture or fixture traps it serves.

2-15. BASEMENT is any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

2-16. BRANCH of any system of piping is that part of the system which extends horizontally at a slight grade, with or without lateral or vertical extensions or vertical arms, from the main to receive fixture outlets not directly connected to the main.

2-17. BUILDING means a combination of materials to form a construction that is safe and stable and adapted to permanence or continuous occupancy for public, institutional, residence, business or storage purposes; the term "building" shall be construed as though followed by the words "or part thereof". For the purposes of this code, each portion of a building, separated from other portions by a fire-wall, shall be considered as a separate building.

2-18. BUILDING DRAIN is that part of the lowest horizontal piping of a building drainage system which received the discharge from soil, waste, and other drainage pipes inside the walls of any building and conveys the same to the building sewer.

2-19. BUILDING LINE means the line, beyond which property owners or others have no legal or vested right to extend a building or any part thereof without special permission and approval of the proper authorities.

2-20. BUILDING INSPECTOR means the officer or other designated authority charged with the responsibility of enforcement of this code under the authority of the governing body.

2-21. BUILDING SEWER is that part of the horizontal piping of a building-drainage system extending from the building drain to its connection with the main sewer and conveying the water, liquid, and water-carried waste of but one building.

2-22. CIRCUIT VENT AND LOOP VENT is a pipe which vents a series of fixture traps on the same soil or waste branch and which is continued through the roof or reconnected into a vent stack above all fixture-trap branches.

2-23. CURB LEVEL is the level of the established curb in front of a building measured at the center of such front. Where no curb has been established, the governing body may establish such curb level or its equivalent for the purposes of this code.

2-24. DEAD LOAD means the weight of walls, partitions, floors, roofs and all other permanent construction of a building.

2-25. DISPLAY SIGN means a structure that is arranged, intended, designed or used as an advertisement, announcement or direction; and includes a sign, sign screen billboard and advertising devices of any kind.

2-26. DWELLING means a building occupied exclusively for residence purposes and having not more than two apartments, or as a boarding or rooming house serving not more than fifteen (15) persons with meals or sleeping accommodations or both.

2-27. FIRE DOOR means a door and its assembly so constructed and assembled in place as to give the specified protection against the passage of fire.

2-27(a). SOIL PROCESSING AND STORAGE is limited to the recycling of dirt into top soil, which is done through a screening process. Such processing shall also include the transporting and/or grading of such soil to be processed.

2-28. FIRE PARTITION means a partition which subdivides a building to restrict the spread of fire or to provide areas of refuge, but is not necessarily continuous through all stories nor extended through the roof and has a fire-resistance rating of at least two hours.

2-29. FIRE RESISTANT RATING means the time in hours that the material or construction will withstand the standard fire exposure as determined by a fire test made in conformity with the "Standard Methods of Fire Tests of Building Construction and Materials", A.S.T.M., E 119-50.

2-30. FIRE RETARDANT CEILING means a ceiling construction which has been proved by test as satisfactory for use as ceiling protection for a floor or roof construction which has a fire resistant rating of not less than one hour.

2-31. Repealed.

2-32. FLOOR AREA means a floor space enclosed by exterior walls, fire walls, or fire partitions or by a combination of them.

2-33. FOOTING is the projecting course or courses at the bottom of a foundation wall, column or pier.

2-34. FOUNDATION is the sub-structure on which the building or structure is supported.

2-35. FRAME CONSTRUCTION see "wood frame construction".

2-36. FRONTAGE means the width of a lot or building site measured on the line separating it from a public street or way.

2-37. GARAGE, PRIVATE means a building, shed or enclosure or a part thereof designed or used for the shelter or storage of motor vehicles containing flammable fuel and having a floor area not exceeding 1,200 square feet, outside dimensions.

2-38. GAS BURNERS AND GAS BURNER EQUIPMENT. The term "gas burner" shall mean a device for the final conveyance of gas or a mixture of gas and air to the combustion zone of a steam or hot water boiler, furnace, or to any device or appliance used in connection with a space heating system, and shall include conversion burners, gas designed heating appliance, power gas burners and atmospheric gas burners. The term "gas burner equipment" shall include gas burners as above defined, together with all fans, blowers, control devices, accessories connected to the burners, and piping involved in supplying the burner.

(a). Conversion Burner shall mean a gas burning appliance designed to supply gaseous fuel to and properly burn same in the combustion chamber of a boiler, furnace or other device originally designed to burn another fuel.

(b). Gas Designed Heating Appliance shall mean any space heating appliance designed for the exclusive use of gaseous fuel, excepting such auxiliary heaters as gas logs, radiant heaters, etc.

(c). Power Gas Burner is a device in which either the gas or air or both are supplied at pressure exceeding, for gas, the house line pressure and for air, atmospheric pressure.

(d). Atmospheric Burner is a device (other than a gas range or a gas water heater) in which air at atmospheric pressure is injected into the burner by a jet of gas under pressure and whose input exceed fifty thousand (50,000) BTU per hour.

2-39. GAS FITTING shall be taken to mean the work of putting together any fittings, pipes or fixtures or other appliance which are to contain gas for heat, light or power purposes.

2-39(a). GAZEBO is a free-standing structure less than 144 square feet, open-sided or screened and roofed.

2-40. GRADE with reference to a building, means when the street grade has been established, the mean elevation of the street level opposite those walls that are located on, or parallel with and within 15 feet of, street

lines; or, when the street grade has not been established, or all the walls of the building are more than 15 feet from the street lines, "grade" means the mean elevation of the ground adjoining the building on all sides.

2-41. GOVERNING BODY shall be taken to mean the organized group of people elected by the voter of any village or township and charged with the duty of exercising authority and administering the laws of the municipality.

2-42. HABITABLE ROOM means a space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartment, closets, halls, storage or utility space, and similar areas, are not considered habitable spaces.

2-43. HEIGHT. For all districts except the Shoreland Management District the vertical distance of a structure measured from the lowest elevation at grade adjacent to the structure to the top of the roof shall not exceed 40 feet, except for water towers approved by the Town Board.

A. Height as applied to a building means the vertical distance from grade to the highest finished roof surface in the case of flat roofs, or to a point at the average height of roofs having a pitch of more than one foot in 4 ½ feet.

B. Height of a building in stories is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of a building:

1. The elevation of the highest adjoining ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such ground is not more than ten (10) feet above the lowest grade.

2. An elevation ten (10) feet higher than the lowest grade when the ground surface described in item 1 above is more than ten (10) feet above lowest grade.

2-44. HEIGHT. (Height in Shoreland Management District). For riparian lots in the Shoreland Management District the distance from the highest grade to the average of the highest gable shall be no more than 25 feet. For walkout basements in no event shall the height from the lowest point of a walkout basement to the top of the roof exceed 40 feet.

A. Height as applied to a building means the vertical distance from grade to the highest finished roof surface in the case of flat roofs, or to a point at the average height of roofs having a pitch of more than one foot in 4 ½ feet.

B. Height of a building in stories is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of a building:

1. The elevation of the highest adjoining ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such ground is not more than ten (10) feet above the lowest grade.

2. An elevation ten (10) feet higher than the lowest grade when the ground surface described in item 1 above is more than ten (10) feet above lowest grade.

2-45. HEIGHT as applied to a story, means the vertical distance from top to top of two successive tiers of floor beams or finished wood surfaces.

2-46. HEREAFTER means after the time that this code becomes effective.

2-47. HERETOFORE means before the time that this code becomes effective.

2-48. HOLLOW MASONRY UNIT means a masonry unit whose net cross sectional area in any plane parallel to the bearing surface is less than 75 percent of its gross cross sectional area measured in the same plane.

2-49. LIVE LOAD means all loads except dead loads.

2-50. LOT means a portion or parcel of land considered as a unit devoted to a certain use or occupied by a building or a group of buildings that are united by common interest for use and the customary accessories and open spaces belonging to the same. (Refer to Section 35 of the Town Zoning Ordinance.)

2-51. MAIN. The main of any system of horizontal, vertical or continuous piping is that part of such system which receives the wastes,

vent or back vents, from fixture outlets or traps, direct or through branch pipes.

2-52. Repealed. Repealed to Ordinance No. 33.

2-53. MUNICIPALITY as used in this code shall mean an incorporated village or township.

2-54. NATURAL WATERWAY as mentioned in this code shall mean any natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term shall also mean to include any and all drainage structure that have been constructed or placed for the purpose of conducting water from one place to another.

2-55. OCCUPIED as applied to a building shall be construed as though followed by the words "or intended", arranged or designed to be occupied.

2-56. OWNER includes his duly authorized agent or attorney-in-fact, a purchaser, devisee, fiduciary and a person having a vested interest in the property in questions.

2-57. PERSON includes a corporation or a co-partnership as well as an individual.

2-58. PLACE OF ASSEMBLY. Repealed by Ordinance No. 8, Subdivision 1-54.

2-59. PLACE OF BUSINESS means maintaining a bona fide address or location where all types of business may be transacted.

2-60. PLATTED PROPERTY means a tract of land which has been subdivided into lots and recorded in the office of the Register of Deeds as a plat or an addition dedicating streets and roads and designating each individual lot by a lot number and each block of lots with a block number.

2-60(a). PLAYHOUSE. A structure not exceeding 144 square feet, and constructed specifically for children to play in.

2-61. PLUMBING. Repealed by Ordinance No. 8, Subdivision 1-54.

2-62. PLUMBING FIXTURES are receptacles intended to receive and discharge water, liquid, or water carried wastes into a drainage system with which they are connected.

2-63. PLUMBING SYSTEM of a building includes the water supply distributing pipes; the fixtures and fixture traps; the soil, waste, and vent pipes; the building drain and building sewer; the storm-water drainage, with their devices, appurtenances, and connections within the building and outside the building within the property line.

2-63(a). POLE BUILDINGS/POST FRAME CONSTRUCTION is an engineered wood frame building system that meets UBC and IBC standards. Post frame buildings feature large solid sawn posts or laminated columns instead of wood studs, Steel framing or concrete masonry.

2-64. PREFABRICATED. **Repealed** by Ordinance No. 8, Subdivision 1-54.

2-65. REPAIR means the replacement of existing work with the same kind of material used in the existing work, not including additional work that would affect the structural safety of the building, or that would affect or change required exit, lighting or ventilating facilities, or that would affect a vital element of an elevator, plumbing, gas piping, wiring or heating installation, or that would be in violation of a provision of this code.

2-66. ROOF means the roof slab or deck with its supporting members.

2-67. ROOFING means the covering applied to the roof for weather resistance, fire resistance, or appearance.

2-68. REQUIRED means required by some provision of this code.

2-69. SELF-CLOSING as applied to a fire door or other opening protections means, normally closed and equipped with an approved device which will insure closing after having been opened for use.

2-70. SEWAGE means:

(a). Wash water and water-carried animal, culinary, and, in some cases, industrial wastes.

(b). Liquid waste containing human excretas, and other matter, flowing in or from a building-drainage system or sewer. Excreta include feces, urine, secretions from the skin, excretion, etc.

(c). Liquid wastes from dwellings and institutions, stables, and business buildings. It may also contain liquid wastes from industries.

(d). A combination of (1) the liquid wastes conducted away from residences, business buildings and institutions, and (2) from industrial establishments, with (3) such ground surface, and storm water as may be admitted to or find its way into the sewers.

(e). The ordinary liquid contents of a sewer containing organic wastes, which may or may not include street wash.

2-71. SHALL as used in this code is mandatory.

2-72. SOIL PIPE is any pipe which conveys the discharge of water closets, with or without the discharge from other fixtures, to the building drain.

2-72(a). SOIL PROCESSING AND STORAGE. Soil processing and storage is limited to the recycling of dirt into top soil, which is done through a screening process. Such processing shall also include the transporting and/or grading of such soil to be processed.

2-73. STACK is a general term for any vertical line of soil, waste, or vent piping.

2-74. STAIRWAY means one or more flights of stairs and the necessary lands and platforms connecting them to form a continuous and uninterrupted passage from one story to another building or structure.

2-75. STORY. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade for more than 50 percent of the total perimeter, or is more than 12 feet above grade at any point, such usable or unused under-floor space shall be considered as a story.

2-76. STREET. Repealed by Ordinance No. 8, Subdivision 1-54.

2-77. STREET LINE means a lot line dividing a lot from a street. (NOTE: Compare with definition of "building line" and "lot line".)

2-78. STRUCTURE means a combination of materials to form a construction that is safe and stable; including among other, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, piers, wharves, sheds, coal bins, fences and display signs; the term "structure" shall be contoured as though followed by the words "or part thereof". (NOTE: The distinction between "structure" and "building" should be noted. "Structure" is the broader term; "Building" is a restricted form of "structure".)

2-78(a). SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools; hot tubs; portable and non-portable spas; and fixed-in-place wading pools.

2-79. TRAP is a fitting or device so constructed as to prevent the passage of air or gas through a pipe without materially affecting the flow of sewage or waste water through it.

2-80. TRAP SEAL is the vertical distance between the crown weir and the dip of the trap.

2-81. VENT PIPE is any pipe provided to ventilate a building drainage system and to prevent trap siphonage and back pressure.

2-82. WALL

(a). BEARING WALL means a wall which supports any vertical load in addition to its own weights.

(b). CAVITY WALL means built of masonry units or of plain concrete, or of a combination of these materials, so arranged as to provide an air space within the wall, and in which the inner and outer parts of the wall are tied together with metal ties.

(c). CURTAIN WALL means a non-bearing wall between columns or piers and which is not supported by girders or beams.

(d). FACED WALL means a wall in which the masonry facing and backing are so bonded as to exert common action under load.

(e). FIRE WALL means a wall of non-combustible material having fire resistance as follows: Storage occupancy four (4) hours, business occupancy three (3) hours, all other occupancies two (2) hours. Fire walls shall thus divide a building or separate buildings to restrict the spread of fire and which starts at the foundation and extends continuously through all the stories to and above the roof, except where the roof is fireproof or semi-fireproof and the wall is carried up tightly against the under side of the roof slab. (NOTE: Fire walls must include stability under extreme fire conditions as well as resist the effects of fire. It is therefore necessary that a fire wall be considered as a special device requiring careful consideration of the use of materials and the workmanship.)

(f). FOUNDATION WALL means a wall below the first floor extending below the adjacent ground level and serving as support for a wall, pier, column or other structural part of a building.

(g). HOLLOW WALL OF MASONRY means a wall built of masonry units so arranged as to provide an air space within the wall, and in which the inner and outer parts of the wall are bonded together with masonry units.

(h). NON-BEARING WALL means a wall which supports no vertical load other than its own weight.

(i). PARTY WALL means a wall used or adopted for joint service between two (2) buildings.

(j). PANEL WALL means a non-load bearing wall in skeleton construction, built between columns or piers and wholly supported at each story.

(k). RETAINING WALL means any wall used to resist the lateral displacement of any material including liquids.

2-83. WASTE PIPE is any pipe which receives the discharge of any fixture, except water-closets, and conveys the same to the building drain, soil, or waste stacks. When such pipe does not connect directly with a building drain or soil stack, it is termed a special waste.

2-84. WATER DISTRIBUTION PIPES are those which convey water from the service pipe to the plumbing fixtures.

2-85. WATER SERVICE PIPES are pipes from the watermain to the building served.

2-86. WRITING includes printing and typewriting.

2-87. WRITTEN NOTICE shall be considered to have been served if delivered at or sent by registered mail to the last business address known to the party giving the notice.

2-88. YARD means a court that extends along the entire length of a lot line.

2-89. ZONING means the reservation of certain specified areas within the municipality for buildings and structures for certain purposes with other limitations such as height, lot coverage and other stipulated requirements.

2-90. HOUSE TRAILER OR TRAILER means house trailer, mobile homes, trailer coaches or any other trailer or semi-trailer designed, constructed, modified, and/or equipped for use or used for temporary or permanent human dwelling place, living abode or living quarters.

2-91. TRAILER CAMP means any area used or to be used for temporary, semi-permanent or permanent harboring of two or more house trailers as hereinbefore defined and includes trailer coach parks, mobile home courts or parks, trailer parks, etc.

2-92. DOCK. Any wharf, pier or other structure constructed or maintained in the lake, whether floating or not, including all "Ls", "Ts" or posts which may be a part thereof, whether affixed or adjacent to the principal structure.

2-93. SITE. Any shoreline lot, lots or parts of lots in common ownership forming one contiguous parcel of land which has been recorded in the office of the County Recorder or Registrar of Titles. Private easements shall not be included in the definition of "site".

SECTION 3. PERMITS REQUIRED.

3-1.(a). Any person, firm or corporation who shall commence work of any kind for which a permit is required under the provision of this building code without having first received the necessary permit therefore shall, when subsequently securing such permit, be required to pay administrative fees as established, provided by this building code for such permit.

3-2. Applications for permits shall be made in writing upon printed blanks or forms furnished by the municipality.

3-3. Application for permit shall be accompanied by two copies of the plans and specifications clearly illustrating and specifying the work to be done, and such plans shall be so complete as to fully illustrate the character of the proposed work.

3-4. Each application for a building permit for new construction shall show the correct legal description of the property. Where the property is not platted, the application shall be accompanied by a certificate of survey signed by a registered surveyor. All property corner survey stakes must be visible.

3-5. Application for a building permit for new construction shall be accompanied by two (2) copies of the plot plan showing the correct location of the proposed building with respect to the lot lines and also the correct

location of all other buildings existing or proposed to be constructed on the lot.

3-6. No permit shall be issued until the following items have been complied with

3-6.1. The inspector shall examine all plans and specifications.

3-6.2. Determination that the grading plan has been complied with.

3-6.3. The establishment of the first floor elevation shall be determined by the Town Engineer with the costs borne by the applicant.

3-7. If an examination of the application, plans and specifications indicate that the provisions of this code and the zoning plan are complied with, the Inspector shall issue a permit therefore.

3-8. One set of plans and specifications shall be returned to the applicant and shall be kept at the place where the work is being done.

3-9. One set of plans and specifications shall remain with the Inspector.

3-10. One copy of the plot plan shall be returned to the applicant and shall be kept at the place where the work is being done.

3-11. One copy of the plot plan shall remain with the Inspector.

3-12. One copy of the plot plan shall be filed in the office of the Clerk of the municipality within thirty (30) days of the issuance of any permit by the Inspector.

3-13. Permits shall be required for the moving of any building or electrical transformer. This shall include buildings or electrical transformers being moved into or out of a municipality as well as buildings or electrical transformers being moved from one location to another within the municipality. These permits shall be issued to responsible movers only after approval of the Town Board.

3-14. Repealed.

3-15. A permit shall be required for any work such as sidewalk construction, curb or gutter construction, driveways, tree planting, installation of lawn irrigation systems, drainage, or any sub-surface investigation conducted by proposed bidders or anyone else conducting a

sub-surface investigation, which is proposed to be done within the public right-of-way or public easements. A letter indemnifying the Township of any responsibility of damage to any property placed in those easements or right-of-ways must be signed by the property owner before such permit can be issued. These permits shall be issued by the Town after application for the work has been reviewed by the Engineer for the Town.

3-16. Repealed by Ordinance No. 8, Subdivision 8-3.

3-17. No alterations or additions in existing plumbing, including the installation of water softeners, automatic dish washers, automatic washing machines, garbage disposals, or any other fixtures wherein it is necessary to cut into existing water pipes or drains by means of a saw, pipe cutter, drill, or any other means, in any building shall be made nor any plumbing be placed in any building, nor shall any sewage disposal system be constructed without first securing a permit therefore, except minor repair work. Application for permits shall be filed with the Plumbing Inspector or Clerk of the Township.

3-18. A permit will be required to begin the installation, alteration or repair (except such minor repair not involving the removal of the burner from its application) of any gas burner or gas burning equipment.

3-19. Except for minor repair work, a permit will be required to begin the installation, alteration, addition to or repair of heating systems, gas appliances, gas piping, furnaces, boilers, incinerators, air conditioning and refrigeration work and ventilating systems.

3-20. Repealed by Ordinance No. 33, Subdivision 3-1.

3-21. Repealed by Ordinance No. 34, Sections 5 and 6.

3-22. Repealed by Ordinance No. 34, Section 5.

3-23. No permit shall be required when the value of such work and material used shall not exceed an amount established by Town Board resolution.

3-24. Permits shall be required for the installation of any device, appliance, machine, heating device or apparatus requiring the use of manufactured gas, natural gas or liquid petroleum gas. These permits will be issued to licensed installers only.

3-25. A permit shall be required for the excavation, grading or surfacing for any building, structure, plot or area of ground occupied by a building or in preparation for the construction of a building. This permit shall

include all backfilling and finishing. All grading and landscaping shall be done so that fire hydrants will have the "Break-Off" level with the ground. Fire hydrant extensions necessary to satisfy this amendment will be installed by the Town with the installation costs borne by the property owner. Applications for permit shall be filed with the Clerk of the Town.

3-26. The business of soil processing and storage, removing sand, gravel, clay, stone or other natural deposits for the purpose of utilizing these materials is hereby declared a business necessary to regulate for the general health, welfare, and safety of the citizens of the Town of White Bear, and no person, firm or corporation shall hereafter engage in such business without first obtaining a permit from the Town Board to do so.

Any person, firm or corporation desiring to engage in the business of soil processing and storage, removing sand, gravel, clay, stone or other natural deposits for the purpose of utilizing such materials, shall file an application in duplicate with the Town Clerk, in writing, and in such application shall give a complete description of the location of the property on which he proposes to operate, state the elevation relative to adjacent streets at which the excavated area is proposed to be leveled after operations are completed, and, if known, the use to be made of such property following the removal of such materials. The applicant shall also state in his application whether he requests a permit for the removal of material only, or whether the installation of equipment for processing such materials is intended, such as washing machinery, screens, tipples, bunkers, crushing plant, etc. A separate permit shall be obtained for each location where any of the aforesaid materials are to be removed.

Each application for a permit shall be accompanied by a fee. In addition, the applicant shall pay for all engineering and legal expenses incurred by the Town to process and consider the application. The applicant shall tender with his fee a cash deposit to guarantee payment of said expenses, and the Clerk shall refund any portion of the deposit in excess of said expenses or bill the applicant for any expenses in excess of the deposit.

Upon receipt of an application under this Subdivision together with the permit fee and expense deposit, the Clerk shall forward the duplicate application to the Town Engineer. The Town Engineer shall investigate the property upon which the proposed excavation is to be made and shall prepare a technical report for the Planning Commission and the Town Board. The Engineer's report shall, among other things, indicate the affect upon adjoining properties and any other data, information or advice, directly or indirectly related to these factors. If in the course of the investigation and study, the Town Engineer deems it necessary to obtain such services of a recognized engineering laboratory, he shall obtain such services after first

notifying the applicant, and the applicant shall be responsible for the expense of such laboratory services.

The application, together with the Engineer's report, shall be submitted to the Planning Commission following completion of the Engineer's investigation, for examination and report of its opinion whether such excavation should be permitted at the place specified, and whether it will interfere with future street extensions or the development of the district for buildings or other purposes.

The Planning Commission shall submit its report together with the application and the Engineer's report to the Town Board, who shall grant or deny the permit, and if granted, the Board shall specify the nature and extent of the excavation or removal and prescribe conditions for carrying on such work. All the conditions prescribed by the Town Board shall include provisions for treatment of the premises after excavating is completed, which shall be prepared in proper legal form by the Town Attorney and shall be made part of the permit.

All persons, firms or corporations to whom a permit is granted under the terms of this Ordinance, shall furnish bond in the amount and duration as prescribed by the Town Board and is to be approved as to form and execution and as to surety by the Town Board, conditioned for the full and faithful performance of all the terms and requirements of this Ordinance and the permit.

All operations in this section (3-26), for which a permit has been issued, shall only be allowed to operate between the hours of 7 a.m. and 7 p.m. on weekdays, 8 a.m. to 4 p.m. on Saturdays and not on Sundays. The Code Enforcement Officer shall approve any area used for such soil processing and storage so as to prevent the blowing or washing of soil onto neighboring properties.

3-27. All persons, firms or corporations to whom a permit is given, shall observe the following requirements:

3-27.1. Shall conform to the plan set forth in the application.

3-27.2. Shall furnish to the Town Board at such time as the Board may desire, cross-sections of the excavation to indicate the condition in relating to the depth specified.

3-27.3. Shall, upon failure to furnish said cross-sections, pay the cost to the Town of making such surveys and cross-sections as may be required to acquaint the Board as to existing conditions, and the acceptance of the permit shall be considered an agreement to pay

such cost and to permit the Town to enter upon the premises for the purpose of making such surveys and cross-sections.

3-28. The provisions of this Ordinance shall apply equally to persons, firms or corporations now engaged in the business of removing the materials herein described, who continue such business after the effective date of this Ordinance, and a period of sixty (60) days after such effective date is hereby granted such persons in which to make application and obtain the necessary permit to continue such business.

3-29. Repealed by amendment to Ordinance No. 8.

3-30. OCCUPANCY PERMIT. No building or structure hereafter erected, structurally altered or moved shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Code Enforcement Officer of the Town of White Bear stating that the building or structure complies with all pertinent provisions of the Town Zoning Ordinance and the State Building Code.

3-31. Before issuance of a certificate of occupancy, the Code Enforcement Officer shall verify that the property in question is in compliance with Section 5-36 – Erosion Control Practice, or that the entire yard be either seeded or sodded.

3-32. STREET MAINTENANCE DEPOSIT.

3-32.1. Where work is done on private property contiguous to any street, any damage caused within the street right-of-way by reason of said work shall be promptly repaired by the person obtaining the building permit, and all foreign debris deposited on the street right-of-way by reason of said work shall be promptly removed.

3-32.2. To insure compliance with the above, every person desiring a residential building permit shall pay a fee per residential unit, as set forth in Ordinance No. 54 (Fees & Charges), prior to receiving a building permit; and every person desiring a commercial/industrial building permit shall pay a fee for each 2,000 square feet of building, including expansion or addition to existing buildings, as set forth in Ordinance No. 54 (Fees & Charges) before a building permit is issued.

3-32.3. If the person obtaining the building permit complies with the requirements in paragraph A above, the amount set forth in paragraph B shall be refunded to them. Any costs incurred by the Town in restoring streets in the Town to their original condition before construction shall be subtracted from the above fee.

3-32.4. If the above fees do not cover all the costs incurred by the Town in restoring the streets, the Town will bill the additional amount to the person who received the building permit and the addition amount shall be payable by that person within 30 days from such billing date.

SECTION 4. PERMIT FEES. The fee for each permit shall be as set forth in Ordinance No. 54 (Fees & Charges). The determination of value or valuation under any of the sections of this Ordinance shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent equipment.

4-1. PLAN REVIEW FEES. When submittal documents are required, a plan review fee shall be paid. Said plan review fee shall not be more than sixty-five percent (65%) of the building permit fee as shown in Ordinance No. 54 (Fees & Charges).

4-1.1. The plan review fees specified in this section are separate fees from the permit fees, and are in addition to the permit fees.

4-1.2. When submittal documents are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in Ordinance No. 54 (Fees & Charges).

4-1.3. When submittal documents for similar plans are approved, plan review fees shall not exceed twenty-five percent (25%) of the normal building permit fee established and charged for the same structure.

SECTION 5. BUILDING SITE REQUIREMENTS.

5-1. Each applicant for a building permit must satisfy the Inspector that the property to be occupied by said building shall have access to a public street or way, or to a private way protected by a permanent easement which shall be of width and construction suitable to traffic requirements of the neighborhood in which the property is located. This shall not be construed to include alleys or service ways. Where a private easement is to be used, it shall require special permission by the governing body (see definition of public street).

5-1.1. In residential areas the dwelling unit will be the first building erected on the lot. No other building may be erected previous to the construction of the dwelling unit.

5-1.2. No garage or accessory structure shall be constructed on any residential lot which is greater in height than the principal structure.

5-2. After a building permit has been applied for and previous to the issuance of said permit, the Inspector shall thoroughly investigate the existing drainage features of the property to be used. This investigation shall include an actual inspection of the property, if necessary.

5-3. No permit shall be issued for the construction of any building in which such construction or necessary grading incidental to such construction shall obstruct any natural drainage waterway.

5-4. No permit shall be issued in any case where the relative elevations of the proposed building grade and the established road grade shall conflict in such a manner as to cause damage through drainage conditions.

5-5. No permit shall be issued for the construction of a building upon ground which cannot be properly drained.

5-6. Where application is made for a building permit and subsequent investigation shows that the property to be occupied by said building is adjacent to a portion of a public road or street containing a drainage culvert, catch basin, sewer, special ditch or any other artificial drainage structure used for the purpose of drainage said property and/or neighboring property, the applicant shall specifically agree in writing to protect these waterways in such a way that they shall not be affected by the proposed building construction or grading work incidental thereto.

5-7. No permit shall be issued for the construction of more than one (1) private garage for each dwelling. Each applicant for a building permit to construct any dwelling shall be required to provide off-street parking space as provided by Ordinance No. 35.

5-8. Location of building corners relative to property lines shall conform with the rules and regulations covering setbacks and side yards as set forth in the Zoning Ordinance. Setbacks for buildings shall be measured from the property line to the outside edge of the building foundation.

Eave projections may extend a maximum of one foot beyond the building foundation towards the property line when the foundation is constructed up to the minimum setback requirements.

5-9. No building shall hereafter be placed upon a single lot so that there shall be a dwelling housed in the rear of another house with the same frontage except by special permission by the governing body.

The Building Inspector, at all times, when issuing building permits, shall cause the building to be placed in a manner that will conform to the general building line in said area. When there is a question as to the building line, the governing body shall be informed, and they shall instruct the Building Inspector as to the location of said building.

5-10. Repealed by amendment to Ordinance No. 8, Subsection 5-29.C.

5-11. Repealed.

5-12. Repealed by amendment to Ordinance No. 8, Subsection 5-29.D.

5-13. Should the owner or agent of any property upon which a trailer is located receive rent or payment for such use, the property shall at once, be considered as a trailer camp and such property shall have to comply with the Zoning Ordinance and the provisions of this code relative to trailer camps.

5-14. The removal of wheels from any trailers, or the remodeling of a trailer through the construction of a foundation or the enclosure of the space between the base of the trailer and the ground, or through the construction of additions to provide extra floor space will not be considered as conforming with this code in any respect and will, therefore, be prohibited.

5-15. The placing of old railroad coaches, street cars, buses, etc., on any property in the municipality, improved or unimproved will not be permitted.

Repealed in part by Ordinance No. 34, Subdivision 4-2.

5-16. Repealed by Ordinance No. 35, Subdivision 6-5.1.

5-17. Repealed by Ordinance No. 35, Subdivision 6-5.2.

5-18. Repealed by amendment to Ordinance No. 8, Subsection 6-12a.

5-19. FENCES. Fences, when constructed to enclose or screen any lot or tract of land or part thereof, shall be erected in such a manner as to be

in compliance with the provisions of this Ordinance, and to resist the forces of wind. Posts, footings and structural framework of all fences shall be so constructed and maintained as not to create any hazards to life or limb. Posts and framework shall be placed within the property line of the owner; and the actual fencing materials such as wire, lumber, pickets, etc., shall be placed on the side of the fence which faces the street or the adjacent property. The property marker must be visible before constructing the fence. Fences constructed in the Township shall require a building permit.

5-19.A. No person, firm or corporation shall hereafter construct or erect, or cause to be constructed or erected, in the Town of White Bear, any fence exceeding six (6) feet in height above the sidewalk or surface of any lot or parcel of ground except by obtaining a permit from the Code Enforcement Officer after approval of the Town Board.

5-19.B. In “R-1” Suburban Residential and “R-2” Urban Residential districts as defined in Ordinance No. 35 (Zoning Ordinance), no fence shall be erected in excess of four (4) feet high from the front building line to the front lot line, nor on the front of the property. The fence shall not block roadway intersection sight lines.

5-19.B.1. For corner lots, a fence may exceed 4’ in height but no greater than 6’ in height within a front yard which qualifies as an equivalent side yard provided that a fence exceeding 4’ in height does not extend beyond the front of the house. A fence exceeding 4’ in height is allowed to encroach into the front setback area on the rear of the property. Any fence exceeding 4’ in height must be set back no less than 12’ from the back of a curb or the pavement if no curb exists.

5-19.C. Except for lands used for agricultural purposes, no barbed wire fence or portion thereof is to be erected within the Town of White Bear unless it complies with the following conditions:

5-19.C.1. No fence using wire with barbs or spikes may be erected in “R-1” Suburban Residential or “R-2” Urban Residential districts (except lands used for agricultural purposes).

5-19.C.2. Barbed wire, not exceeding three (3) strands, may be permitted on the top of the fence, (except in “R-1” and “R-2” districts) provided that the arms or the front of the fence projects backwards or towards private property and not over public property. The minimum height to the bottom strand of the wire shall be not less than six (6) feet.

5-19.C.3. Application for a permit for a barbed wire fence or portion of the fence shall be filed with the Code Enforcement Officer who shall forward the application to the Town Board, together with his recommendations, for review and approval, and approval of the Town Board shall be required before a permit is granted and construction is permitted.

5-19.D. The Town shall have authority to extend fences on public lakeshore property to the water's edge and shall be responsible for all maintenance of said fences.

5-19.E. No person, firm or corporation shall hereafter construct or erect erosion control or so called silt fence except for erosion or sediment control purposes. Such silt fence shall not be used to enclose or screen any tract of land except as permitted in Section 5-36 herein. Silt fencing used for erosion and sediment control shall be removed when the vegetation has established itself or in a timely manner as directed by the Town.

5-19.F. When property on Portland Avenue, Otter Lake Road, County Road J or I-35E, is a double fronting lot, meaning that it has a residential street on the front of its lot and Portland Avenue, Otter Lake Road, County Road J or I-35E on the back of its lot, a fence not to exceed six (6) feet in height may be erected by the property owner on the back and sides of the property's lot. The fence shall not block roadway intersection sight lines, as reviewed and determined by the Town Board.

5-20. Repealed by Ordinance No. 35, Subdivision 6-5.

5-21. Repealed by Ordinance No. 35, Subdivision 6-5.3.

5-22. Repealed by amendment to Ordinance No. 8, Subsection 6-12B.

5-23. Repealed by Ordinance No. 35, Subdivision 7-5.

5-24. It is not the purpose of this portion of the Building Code to discourage the design of future subdivisions to take advantage of new ideas nor is it the purpose of this code to prevent the placing of building corners in their relationship with the property lines in any other manner than that which is specifically stated herein. The Town Board shall permit the development of any area in such a way as to comply with any agreements made between the Town Board and the developer at the time that a new plat is approved and recorded.

5-25. Within 6 months after the application by a property owner, the Town Board may vary any provision of this Code in harmony with its general purpose and intent, where there are practical difficulties or peculiar hardships in the way of carrying out the strict letter of the provisions of this Ordinance so that the public health, safety and general welfare may be secured and substantial justice done. If not done within such 6 month period the application shall be null and void.

5-26. When new buildings are constructed on property which can be served by either a sanitary sewer, public water supply or both, the applicant for such building permit shall be required to agree to connect his building to these utilities. In these cases, no permit for a well or private disposal system shall be issued.

5-27. The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must: (a) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (b) use construction materials and utility equipment that are resistant to flood damage, and (c) use construction methods and practices that will minimize flood damage.

5-28. The Building Inspector shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

5-29. GARAGES – ATTACHED OR DETACHED – AND ACCESSORY BUILDINGS. Every single family dwelling shall be permitted to have one (1) garage, attached or detached, and one (1) accessory building auxiliary to the single family dwelling. The combined area of any garage attached or detached and accessory building shall not exceed 10% of the total square footage of the lot not to exceed a total combined area of 2,000 square feet. No permit shall be granted where the remaining lot, yard and density are less than the minimum percent of the green area provided in Ordinance No. 35. In no event shall an individual building exceed one thousand (1,000) square feet in area unless approved by the Town Board in accordance with Sections 5-29.A. and B. Play houses and gazebo's are not included within the term "accessory building". All accessory buildings shall be so located on property as to conform to the minimum set back

requirements of Ordinance No. 35 (Zoning Ordinance) and shall be located behind the single family dwelling.

A. No building permit shall be obtained for an individual garage, attached or detached, or an individual accessory building in excess of one thousand (1,000) square feet in area, except on property having a minimum area of 22,000 square feet.

B. A permit for an individual garage exceeding 1,000 square feet in area, but no larger than 2,500 attached or detached, or an individual accessory building shall be obtained from the Town Board after review and recommendation by the Town Planning Commission. Such permit may be applied for where the property is in agricultural use or abuts agricultural zoning, or is adjacent to designated Open Space or Conservation Wetlands zoning districts. No permit shall be granted where the remaining lot, yard and density are less than the minimum percent of Green Area provided in Ordinance No. 35 (Zoning Ordinance).

C. Garages shall be so located on the property as to conform with the side yard specifications of the Zoning Ordinance, in the particular classification for which the property is zoned.

D. No detached private garage shall be located no closer to any dwelling on the adjoining property than twenty (20) feet unless the owner of such dwelling agrees in writing to allow said garage to be erected closer.

E. Garages or other small buildings or frame construction used as accessory buildings may be constructed on a concrete slab without footing. Slabs upon which such buildings are to be built shall conform with the requirements of paragraph 5-29H.

F. A garage not exceeding the area provided in paragraph 5-29 may be attached to or form a part of a residence building or business building if separated from other occupancies by walls, partitions and ceilings of materials to restrict passage of gases, smoke and odor from the garage to other parts of the building.

G. Any accessory building such as a garage, utility, etc., connected, attached or situated in such a way on the property as to make future attachment possible, shall require footing of the same depth and bearing as the building to which they are or may be attached.

H. Garage, terrace, porch and dwelling floors, where of concrete construction, without footing, shall have a minimum thickness of four

(4) inches. These slabs shall be laid on a bed of gravel, cinders or other approved material not less than four (4) inches thick. The bed may be omitted if slab is properly reinforced.

I. Warm air ducts shall not be installed for the purpose of heating attached private garages from any forced air system serving habitable areas.

J. Concrete slabs used in driveways shall conform with the provisions of paragraph 6-9.

K. An expansion joint shall be provided between driveway slab and concrete apron at garage door and in each driveway at intervals of not more than thirty (30) feet.

5-29. L. In all residential zoning districts, one driveway access shall be permitted per property. A permit for an additional driveway access to a public right-of-way may be obtained from the Town after review. The Town shall consider, as part of its review, the following:

- 1.** Denial of an additional driveway permit which would cause undue hardship because of circumstances unique to the individual property.
- 2.** Granting the additional driveway only after it is demonstrated that such actions will be in keeping with the spirit and intent of the Ordinance.
- 3.** Undue hardship means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the property owner is due to circumstances unique to the property and not created by the property owner, and the additional driveway would not alter the essential character of the locality.
- 4.** Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the Ordinance.
- 5.** That the property owner provide an engineering/traffic study acceptable to the Town to demonstrate support that there is no issue of public health, safety or welfare with the granting of an additional driveway.

5-30. Fish houses shall be considered by definition to be accessory structures. The architectural style and facing materials of fish houses shall

be compatible with the principal structure upon the property of which they are stored. All fish houses shall be stored so as to meet setback requirements to property lines as set forth in Ordinance No. 35, Section 7-9 for accessory structures.

5-31. The construction of “tree houses” or elevated play houses is prohibited on public property.

5-32. On all lots abutting on a freeway right-of-way there shall be constructed a noise barrier pursuant to specifications set forth by the Town Board and/or the Town Engineer and/or the Town Code Enforcement Officer in accordance with standards set out by Town Board resolutions. Building permits shall not be issued until provision is made for the construction of an approved barrier, and a Zoning Certificate (Certificate of Occupancy) shall not be issued by the Code Enforcement Officer until construction of an approved barrier is completed.

5-33. BUILDING ELEVATION CONTROL. The first floor (entrance grade) elevation of any structure shall not be less than 1 and ½ feet above the centerline elevation of the approved street grade along the frontage of the building site. The finish ground line at the structure shall not exceed 8 feet above the centerline elevation of the approved street grade adjacent to the building site, said building grade to be at the required front yard setback to the structure. The finished basement floor shall be set a minimum of three (3) feet above established water table or critical storm event, whichever is higher.

5-34. POLE BUILDINGS/POST FRAME CONSTRUCTION. The construction of pole barns/buildings is prohibited in the Town.

5-34.1. Post frame construction shall be allowed subject to the following requirements:

- A.** No use of wrinkle or corrugated metal on roof or sides of building.
- B.** Standing seam roofs and vertical steel ribbed siding is permitted.
- C.** Building exterior color and material shall be approved by the Town Board.
- D.** Shall be allowed on agriculturally used property or on property which abuts agricultural zoned property in a surrounding community.

- E. Building must have finished soffit and fascia with minimum 2' overhangs.
- F. Building must have overhead doors (no sliding doors).
- G. Building must have a concrete floor.
- H. All subsurface building components shall be reinforced concrete or other permanent material – not wood.

5-35. DOCKS.

A. No dock, lift or the boat it serves may be located any closer than ten (10) feet from the site side property line.

B. No dock shall be so located as to: (1) obstruct reasonable use or access to any other dock, or (2) present a potential safety hazard. No dock shall be located or designed so that it unreasonably or unnecessarily requires or tends to encourage using it to encroach upon any other authorized dock use area.

C. NON-CONFORMING USES. From and after the effective date of this Ordinance amendment, docks and other structures in the lake shall be in conformity with the provisions of this Ordinance amendment and any of the same which are not in conformance shall be regarded as non-conforming. All non-conforming uses shall be terminated no later than 1 year after the effective date of this Ordinance amendment.

5-36. EROSION AND SEDIMENT CONTROL.

SECTION A. PURPOSE. In response to the Metropolitan Water Management Act and the Town Water Management Plan and the need for erosions and sediment control for land development, the purpose of this ordinance is to control or eliminate erosion and sedimentation within the Town of White Bear. It is designed to preserve land value throughout the Town of White Bear; to prevent the pollution of streams, lakes, wetlands, and other watercourses by sediment and related construction materials, to establish design standards and specifications for practices and planning activities which prevent soil erosion and sedimentation; to preserve and enhance the natural beauty and aesthetics of the community; and to protect the health, safety, and welfare of the citizens of the Town of White Bear.

SECTION B. SCOPE. Except as exempted by Section 6, any person, firm, corporation or business proposing land disturbance activity within the Town of White Bear shall apply to the Town for the approval of the erosion and sediment control plan. No land shall be developed until the plan is approved by the Town and conforms to the standards set forth herein.

1. Erosion and Sediment Practice Specifications or Practice. “Erosion and Sediment Practice Specifications” or “Practice” means the management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by the district.

2. Developer. “Developer” means a person, partnership or corporation engaged in a land disturbance activity.

3. District. “District” means the Ramsey Soil and Water Conservation District organized and operated under Minnesota Statutes, Chapter 40.

4. Erosion. “Erosion” means any process that wears away the surface of the land by the action of water, wind, ice, or gravity. “Erosion” can be accelerated by the activities of man and nature.

5. Erosion and Sediment Control Plan. “Erosion and Sediment Control Plan” means a document containing the requirements of Section C that when implemented will decrease soil erosion on a parcel of land.

6. Land Disturbance Activity. “Land Disturbance Activity” means land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands of Ramsey County, including clearing, grading, excavating, transporting and filling of land. “Land Disturbance Activity” does not mean:

(a). Minor land disturbance activities such as home gardens and individuals home landscaping, repairs and maintenance work;

(b). Septic tank lines or drainage fields unless included in an overall plan for a land disturbance activity relating to construction of a building to be served by a septic tank system;

(c). Tilling, planting or harvesting of agricultural, horticultural, or silvicultural crops;

(d). Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles; and

(e). Emergency work to protect life, limb, or property and emergency repairs, except if the land disturbing activity would have required an approved erosion and sediment control plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirement of the local plan-approving authority or the district when applicable.

7. Community Stormwater Management Design Manual means a manual which contains the Erosion and Sediment Control Practice specifications to control soil erosion and sedimentation. The Community Stormwater Management Design Manual must be adopted by the Ramsey Soil and Water Conservation District. The Community Stormwater Management Design Manual may include but is not limited to: United States Department of Agriculture, Soil Conservation Service Field Office Technical guide and other recognized technical procedures adopted by the Ramsey Soil and Water Conservation District and all requirements of Ordinance No. 87 relating to stormwater management.

8. Sediment. “Sediment” means solid mineral or organic material, that, in suspension, is being transported, or has been moved from its original site by air, water, gravity, or ice, and has been deposited at another location.

9. Sedimentation. “Sedimentation” means the process or action of depositing sediment, that is determined to have been caused by erosion.

SECTION C. EROSION AND SEDIMENT CONTROL PLAN. A person engaged in a land disturbance activity must submit an erosion and sediment control plan that will prevent soil erosion or sediment from damaging adjacent land, bodies of water, watercourses or wetlands to the Town for its approval.

1. The erosion and sediment control plan must address the following criteria:

(a) Stabilization of denuded areas and soil stockpiles;

- (b) Establishment of permanent vegetation;
- (c) Protection of adjacent properties;
- (d) Timing and stabilization of sediment trapping measures;
- (e) Use of sediment basins;
- (f) Cut and fill slopes;
- (g) Stormwater management criteria for controlling off-site erosion;
- (h) Stabilization of waterways and outlet;
- (i) Storm sewer inlet protection;
- (j) Working in or crossing waterbodies;
- (k) Underground utility construction;
- (l) Construction access routes;
- (m) Disposition of temporary measures; and
- (n) Maintenance of practices.

2. PLAN. The erosion and sediment control plan shall include:

- (a) Location map with major streets and landmarks;
- (b) Project description;
- (c) Property boundary and lot lines;
- (d) Utility lines;
- (e) Existing contours;
- (f) Existing drainage flow patterns;
- (g) Existing vegetation;
- (h) Soils;
- (i) Critical erosion areas;
- (j) Final contours;
- (k) Final drainage flow patterns;
- (l) Final vegetation and permanent stabilization;
- (m) Location and description of erosion and sediment control practices;
- (n) Location and description of stormwater management controls; and
- (o) Description of the maintenance of erosion and sediment control practices.

SECTION D. COMMUNITY STORMWATER MANAGEMENT DESIGN MANUAL. The manual shall be the reference for Erosion and Sediment Control Practice specifications used in the Town of White Bear.

1. Approval. All erosion and sediment control practice specifications must be approved and adopted by the District.

SECTION E. REVIEW. The Town appoints the Code Enforcement Officer to review the erosion and sediment control plan. The Code Enforcement Officer shall review the erosion and sediment control plan within 7 days of receiving the plans from the developer. The Town shall notify the developer of its decision after receipt of comments from the appointed reviewer and no more than 30 days after receiving the plans from the developer.

1. Permit Required. If the appointed reviewer determines that the erosion and sediment control plan meets the requirements of this ordinance, the Town shall issue a permit that authorizes the land disturbance activity contingent upon the implementation and completion of the erosion and sediment control plan.

2. Denial. If the appointed reviewer determines that the erosion and sediment control plan does not meet the requirements of this ordinance, the Town shall not issue a permit for the land disturbance activity. The erosion and sediment control plan shall be re-submitted for approval before the land disturbance activity begins. All land use and building permit shall be suspended until the developer has an approved erosion and sediment control plan.

SECTION F. MODIFICATION OF PLAN. An approved erosion and sediment control plan may be modified upon submission of an application for modification to the Town and subsequent approval by the Town. In reviewing such application, the Town may require additional reports and data.

SECTION G. BOND REQUIREMENT. Upon approval of an erosion and sediment control plan, the Town may require the developer to post a performance bond, cash or certified check to insure completion of the erosion and sediment control plan.

5-37. REGULATIONS FOR RECONSTRUCTION OF DAMAGED NON- CONFORMING STRUCTURES. Whenever a lawful non-conforming structure is damaged by fire, flood, explosion or other casualty, such structure may be repaired if damage to the building is 50% or less of its fair market value. If the damage is greater than 50% of the structures fair market value, Town Board approval shall be required to reconstruct or repair the non-conforming structure. Repair or reconstruction of the non-conforming structure as it was existing prior to the casualty may be approved by the Town Board if requested within six (6) months of the casualty. Any non-conforming structure with damage exceeding 50% of its fair market value not approved for reconstruction/repair by the Town Board shall be constructed in accordance with the requirements established in Table 7-1 of Ordinance No. 35.

SECTION 6. STRUCTURAL REQUIREMENTS.

6-1. The workmanship in the fabrication, preparation and installation of materials shall conform to generally accepted good practice. Specific provisions of this part of this code shall not be deemed to suspend any requirements of good practice, but shall be regarded as supplementing or emphasizing them, and shall be controlling. The governing body of the municipality shall, as may be necessary, promulgate rules in accordance with the provisions of this code, embodying the requirements of such generally accepted good practice.

6-2. Every dwelling house hereafter erected shall have at least three habitable rooms and shall have an area of not less than 900 square feet, and dwellings having two full stories shall also contain a first floor area of not less than 672 square feet, except townhouses shall have a total square footage of not less than 1,000 square feet for one or two bedroom units and an additional 200 square feet per bedroom in excess of two bedrooms. No room except bath, shall be less than 7 feet wide. No habitable room, except kitchen, shall have a floor area of less than 90 square feet. House trailers, basements or any other structure not conforming with the foregoing requirements shall not be used for a permanent dwelling place and shall not be used for a temporary dwelling place unless allowed by a special permit as elsewhere provided for in this Ordinance.

6-2.a. Every rental unit designed exclusively for senior citizens aged 62 or older, hereafter erected, shall have at least three habitable rooms and shall have an area of not less than 725 square feet. No room except bath, shall be less than 7 feet wide. No habitable room, except the kitchen, shall have a flood area of less than 90 square feet.

6-3. Any owner or builder shall have the right of appeal to the governing body of the municipality relative to any decision made by any Inspector. All such appeals to the governing body shall be made in writing and addressed to the Clerk of the municipality.

6-4. Until provision for permanent support has been made, excavations shall be properly guarded and protected to prevent the same from becoming dangerous to life or limb, and, where necessary, shall be sheet-piled or braced to prevent the adjoining earth from caving in, by the person causing the excavation to be made.

6-5. The person causing any excavation to be made shall prevent the movement of earth in the adjoining property and the trees and natural

objects thereon or therein and maintain or restore all public sidewalks, curbs, pavements and the property of public utilities located within the street line, which may be affected by the excavation. This shall include any damage which might be caused to the surface of the public street as a result of the loading or unloading of machinery to be used in connection with the excavation for or the construction of a building, the movement of such machinery on the said surface of the street or the improper use of the edges of the driving surface of the street and the boulevards adjacent thereto in the delivery of building materials.

6-6. Repealed by amendment to Ordinance No. 8, Subsection 6-15.a.

6-7. Repealed by amendment to Ordinance No. 8, Subsection 5-29.e.

6-8. Repealed by amendment to Ordinance No. 8, Subsection 5-29.G.

6-9. Repealed by amendment to Ordinance No. 8, Subsection 5-29.H.

6-10. Repealed by amendment to Ordinance No. 8, Subsection 5-29.I.

6-11. Repealed by amendment to Ordinance No. 8, Subsection 5-29.J.

CONCRETE

6-12. Concrete shall be poured in a continuous manner wherever possible. Before new concrete is deposited on or against concrete which has set, the form shall be retightened, the surface of the set concrete shall be thoroughly cleaned and wetted but not saturated. The surface of the hardened concrete shall be sloshed with a coating of neat cement grout against which the new concrete shall be placed before the grout has obtained its set.

6-12.a. Previous to the placing of any surfacing material of a permanent or semi-permanent nature on that portion of any driveway lying between the edge of the travel road or street and the property line of the property being served by said driveway, the owner or builder shall contact the Building Inspector for a permit, at which time he shall be advised as to the grade and elevation which can be used in the construction of the proposed driveway.

6-12.b. DRIVEWAYS. When constructed from the public street over a portion of the lot, driveways in residential areas shall be located to conform with the side lot requirements of Subdivision 7-1 of Ordinance No. 35 (Zoning Ordinance). The driveway access minimum boulevard slope shall not exceed $\frac{1}{4}$ inch per foot from the top of curb elevation to the property line and must maintain a minimum grade of not less than 0.50% or a maximum grade of not more than 15% from the property line to the building (garage) floor.

When a driveway is to be constructed which will connect to a street having concrete curb and gutter, an approved curb opening shall be constructed. The existing concrete curb and gutter shall be removed in full sections to the nearest joints and a curb opening be constructed in accordance with the attached standard plate. If a concrete apron is also to be constructed, it shall be constructed in accordance with either of the two standard plates for concrete driveway aprons.

6-13. Repealed by amendment to Ordinance No. 8.

6-14. Adequate equipment shall be provided for heating the concrete materials and protecting the concrete during the freezing or near freezing weather. No frozen materials or materials containing ice shall be used.

6-15. All concrete materials and all reinforcement, forms, filers and ground with which the concrete is to come in contact, shall be free from frost.

6-15.a. Foundation walls or other permanent supports shall be carried not less than three (3) feet, six (6) inches below the grade of the adjoining ground, except when erected upon hardpan or solid rock, and they shall rest on solid ground or on leveled rock, or on piles or other suitable foundation, when solid earth or rock is not found.

6-16. Whenever the temperature of the surrounding air is below 40 degrees Fahrenheit, all concrete when placed in the forms shall have a temperature of between 60 degrees and 90 degrees Fahrenheit and shall be maintained at a temperature of not less than 50 degrees Fahrenheit for at least seventy-two (72) hours for normal concrete or twenty-four (24) hours for high, early strength concrete, or for as much more time as is necessary to insure proper rate of curing of the concrete.

6-17. The housing, covering, or other protection used in connection with pouring of concrete shall remain in place and intact for at least twenty-four (24) hours after artificial heating is discontinued.

6-18. The use of any chemical for the prevention of the freezing of concrete or the use of any other material for this purpose shall be in accordance with the most accepted general practice for the use of such material.

6-18.a. Conditions on plain and reinforced concrete not specifically covered by other sections of this code shall be resolved by reference to the American Concrete Institute Bulletin (ACI 318-51) "Building Code Requirements for Reinforced Concrete".

6-19. The footing under a concrete foundation shall be not less than eight (8) inches thick and twenty (20) inches wide. Concrete footings shall be poured into wooden or steel forms constructed for the purpose. All footings shall be continuous.

6-19.a. The footing under a wood foundation shall not be less than eight (8) by sixteen (16) inches wide.

6-20. Masonry exterior basement walls shall be not less than twelve (12) inches in thickness.

6-21. All masonry shall be protected against freezing for at least forty-eight (48) hours after being placed. No frozen materials shall be built upon.

6-22. Masonry walls that meet or intersect shall be adequately bonded or anchored.

6-23. Door and window openings in masonry walls shall be spanned by well buttressed arches or by lintels having bearings proportioned to their loads but not less than four (4) inches.

6-24. During erection, a masonry wall shall be adequately braced and arches temporarily supported.

6-25. Repealed.

6-26. Except where a cement slab is used, every building hereafter erected shall have either a basement or an excavation space under the entire first floor at least three (3) feet in depth or such building shall be elevated above the ground so that there shall be a clear air space of at least two (2) feet between the top of the ground and the bottom of the floor joists. Such space shall in all cases be enclosed but provided with ample ventilation and properly drained.

6-26.A. Repealed by Ordinance No. 8, Subdivision 1-54.

6-27. In all cases, where basements are constructed in ground which contains water, suitable provisions shall be made to properly carry off the moisture from such soil.

6-28. At least two (2) foundation wall vents, having a total effective area of one (1) square foot for each fifteen (15) lineal feet of exterior wall, shall be constructed in each basement less space. Vents shall be covered with 1/8 inch mesh non-corrodible screening. This venting shall not be required when basement less space is open to a ventilated basement.

6-29. Repealed by Ordinance No. 8, Subdivision 1-54.

6-30. Wood posts in basements shall bear upon a concrete base which shall extend not less than four (4) inches above the finished floor and shall rest on a footing. The top of such posts shall be securely fastened to a girder.

6-31. Repealed.

6-32. Basements in dwelling units and every sleeping room below the fourth story shall have at last one operable window or door approved for emergency escape or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

All escape or rescue windows shall have a minimum net clear openable area of 5.7 square feet. When windows are provided as a means of escape or rescue they shall have a finished sill height not more than 44 inches above the floor.

6-33. Repealed by Ordinance No. 8, Subdivision 1-54.

6-34. Repealed by amendment to Ordinance No. 8, Subsection 5-29.E.

6-35. Repealed by amendment to Ordinance No. 8.

6-36. All chimneys, irrespective of which materials the walls are built, shall have a flue of not less than eight (8) inches by eight (8) inches. Where wood is to be used for heating purposes, the flue shall be not less than eight (8) inches by ten (10) inches. All flues to be set with acid resistant mortar.

6-37. Solid brick or concrete chimneys shall not be less than four (4) inches thick exclusive of flue lining. A standard size brick laid horizontally shall be deemed to fulfill this requirement for brick chimneys.

6-38. Hollow tile chimneys shall have a minimum thickness of eight (8) inches.

6-39. Repealed by Ordinance No. 8, Subdivision 1-54.

6-40. Repealed by amendment to Ordinance No. 8.

6-41. Chimneys shall be properly cast with brick, terra cotta, stone, cast iron, concrete or other approved non-combustible weather proofed material.

6-42. Chimneys shall be wholly supported on masonry or self supporting fire proof construction.

6-43. Foundations of an exterior chimney shall start below the frost line.

6-44. No chimney shall be corbelled from a wall more than six (6) inches; nor shall a chimney be corbelled from a wall which is less than twelve (12) inches in thickness unless it projects equally on each side of the wall; provided that in the second story of two (2) story dwellings the corbelling of chimneys on the exterior of the enclosing walls may equal the wall thickness. In every case, the corbelling shall not exceed one (1) inch projection for each course of brick protected.

6-45. No change in the size or shape of chimney where the chimney passes through the roof shall be made within a distance of six (6) inches above or below the roof joist or rafters.

A. All that part of any chimney above the roof line shall be constructed with pressed brick material. This shall be required regardless of the type of chimney used inside the building or the particular purpose of the chimney, except chimneys described in 6-46.

6-46. Fabricated chimneys, designed for particular types and methods of heating and meeting or exceeding the functional requirements specifically mentioned in this code, may be approved by the governing body of the municipality. All such chimneys and material shall be approved by the National Board of Fire Underwriters. These chimneys, when used, shall not require brick tops as specified in 6-45.A.

6-46.A. Stainless steel No. 302, Number 26, U.S. Standard Gauge to eight inches diameter. Number 24, U.S. Standard Gauge over eight inches diameter is acceptable.

6-47. No smoke pipe shall be placed within twelve (12) inches of any woodwork or wooden lath or plaster partition or ceiling unless the surface above the plaster be protected by metal lath and plaster of any approved fire resistant material.

6-48. Repealed.

6-49. No smoke pipe shall pass through any floor or roof having wooden framework or covering.

6-50. The use of smoke pipe rather than a chimney shall be prohibited.

6-51. No wooden beams, joists or rafters shall be placed within two (2) inches of the outside face of a chimney whether it be for smoke, air or any other purpose.

6-52. Repealed by Ordinance No. 8, Subdivision 1-54.

6-53. Repealed by Ordinance No. 8, Subdivision 1-54.

6-54. Wooden forms or centers used in the construction of that part of the supporting construction which is below the hearth of the fireplace shall be removed when the supporting construction of the hearth is completed.

6-55. No heater shall be placed in a fireplace which does not conform to the requirements of this section or is not provided with a flue, except electric or gas heaters of a type specifically approved for such installation.

6-56. Ends of all wood joists and girders embedded in masonry walls shall be fire cut.

6-57. No floor hereafter erected in a residence building shall be designed for less than forty pounds per square foot of area live load uniformly distributed. Public rooms and corridors in a resident building shall be designed for not less than 80 pounds per square foot live load.

A. Every building and structure shall be designed and erected of sufficient strength in all its parts to sustain safely all live loads depending thereon, whether permanent or temporary, in addition to the death load.

B. Repealed by Ordinance No. 8, Subdivision 1-54.

6-58. All floor joists shall be provided with well nailed cross bridging and the distance between each row of cross bridging shall not exceed eight (8) feet.

6-59. STRUCTURAL FLOOR SHEATING. Structural floor sheathing shall be designed in accordance with the uniform building codes and the special provisions in this subsection. A sheathing used as sub flooring shall be designed to support all loads specified in this code and shall be capable of supporting concentrated loads of not less than 300 pounds without failure. The concentrated load shall be applied by a loaded disk of 7 square inches.

6-60. Repealed by amendment to Ordinance No. 8.

6-61. Repealed by Ordinance No. 8, Subdivision 1-54.

6-62. Bearing and exterior wall studs shall be capped with double top plates installed to provide overlapping at corners and at intersections with other partitions. End joints in double top plates shall be off set at least 48 inches.

6-63. WALL FRAMING. Wood stud walls and bearing partitions shall not support more than two floors and a roof unless an analysis satisfactory to the building official shows that shrinkage of the wood framing will not have adverse effects upon the structure nor any plumbing, electrical, mechanical systems nor other equipment installed therein due to excessive shrinkage or differential movements caused by shrinkage. The analysis also shows that the roof drainage system and the foregoing systems or equipment will not be adversely affected or, as an alternative, such systems shall be designed to accommodate the differential shrinkage or movements.

6-64. At least one doorway serving as an exit shall have a width of thirty –two (32) inches. Revolving, sliding, and overhead doors shall not be used as required exits.

6-65. No stairway serving as an exit shall have a width less than thirty-six (36) inches.

6-66. At least two (2) exits shall be provided for each floor of any building which is to be used as a multiple dwelling. These exits shall be placed as far apart as possible.

6-67. Repealed.

6-68. Repealed.

6-69. Repealed.

6-70. Stucco shall be held above ground surfaces and flashing carried over openings, to prevent moisture from penetrating behind the stucco.

6-71. Stucco shall consist of Portland Cement mortar or other approved mortar, and approved metal lath, concrete masonry, brick work or other approved backing.

6-72. Nothing in this code relative to stucco or plaster shall preclude the use of other materials and constructions meeting the same or equivalent fire resistance rating.

6-73. The total glass area of required windows in any habitable room shall not be less than ten percent (10%) of the floor area of the room.

6-74. One-half (1/2) of this area of windows opening upon an open porch may be used in computing the required glass in the room in which they occur.

6-75. Repealed by Ordinance No. 8, Subdivision 1-54.

6-76. Repealed by Ordinance No. 8, Subdivision 1-54.

6-77. Repealed by Ordinance No. 8, Subdivision 1-54.

6-78. Repealed by Ordinance No. 8, Subdivision 1-54.

6-79. Repealed by Ordinance No. 8, Subdivision 1-54.

6-80. Composition shingles or ready roofing on dwellings and commercial buildings shall be laid in such a way that there will not be less than two (2) thickness' at any point.

A. Where old roofs are removed, the debris shall be removed from the premises promptly. When new roofing is being placed, the wrappings, binding, etc., shall be carefully kept in one place and this waste shall be permanently disposed of after each day's work. Failure to comply with this requirement shall be considered a violation of this building code.

6-81. STRUCTURAL ROOF SHEATING. Structural roof sheating shall be designed to support all loads specified in this code and shall be capable of supporting concentrated loads of not less than 300 pounds

without failure. The concentrated load shall be applied by a loaded disk of 7 square inches.

6-82. Repealed by Ordinance No. 8, Subdivision 1-54.

6-83. Repealed.

6-84. Repealed.

6-84.a. Repealed.

6-84.b. Sheathing shall be required on all exterior walls and shall be a minimum of one-half (1/2) inch thick.

6-85. All concrete steps and attached porches shall be constructed on approved footings.

6-86. The use of precast steps shall be prohibited unless they are guaranteed by the manufacturer for a period of five (5) years against deterioration or disintegration.

6-87. The following materials shall be considered as approved materials to be used for the outside covering of any building: wood siding, shakes or shingles, stucco, brick, stone, concrete block or exterior plywood. The use of any other material shall require special permission of the governing body.

6-88. It shall be required that the area surrounding any newly constructed or newly placed building be cleaned up and that all debris shall be completely removed from the premises.

6-89. No buildings shall be constructed upon frozen ground.

6-90. No building shall be constructed upon filled ground until the fill has compacted sufficiently to support the contemplated load. The Building Inspector may call upon the applicant for any permit to furnish a report from a recognized engineering firm or laboratory in deciding whether or not any fill is compacted sufficiently.

6-91. The construction of all public buildings such as schools, theaters, libraries, churches, etc. shall conform with the provisions of the Uniform Building Code as revised and also with State laws as they may apply.

6-92. The construction of all business or industrial buildings shall conform with the provisions of the Uniform Building Code as revised and also the State laws as they may apply.

A. Repealed by Ordinance No. 8, Subdivision 1-54.

SIGNS AND BILLBOARDS

6-93. Repealed.

A. Repealed by Ordinance No. 33, Subdivision 5-16.

B. Repealed by Ordinance No. 33, Sections 4 and 10.

6-94. Repealed by Ordinance No. 33, Section 10.

6-95. Repealed by Ordinance No. 33, Sections 4 and 10.

PLUMBING AND WATER SUPPLY

6-96. Repealed by Ordinance No. 33, Section 10.

6-97. Repealed by Ordinance No. 8, Subdivision 1-54.

6-98. Repealed by amendment to Ordinance No. 8.

6-99. Repealed by amendment to Ordinance No. 8.

6-100. The construction or placing of outside toilets shall be permitted only through special action by the Plumbing Inspector and such special permission when given shall be for a limited length of time.

6-101. Every fixture trap shall be protected against siphonage and back pressure, and air circulation assured by means of a soil or waste stack vent, a continuous waste or soil vent, or a loop or circuit vent. No crown vent shall be installed. The placing of a waste above the top fixture on a soil or waste stack shall be prohibited unless the placing of such waste below said fixture is not feasible in the opinion of the Plumbing Inspector.

6-102. The soil or vent pipe leading to an effector or other appliance for raising sewage or other waste matter to the outlet sewer shall, where a water closet or closets are installed, be provided with a vent pipe not less than two (2) inches in diameter, and where fixtures other than water closets are installed, the waste vent pipe shall be the same diameter as the waste of the fixture it serves and in no case less than one and one-half (1 ½) inches.

A. Repealed by Ordinance No. 8, Subdivision 1-54.

B. Repealed by Ordinance No. 8, Subdivision 1-54.

6-104. Repealed by amendment to Ordinance No. 8.

6-104.A. Water Conditioning Contractors and Installers. Any person who installs or services water conditioning equipment must be first certified by the State of Minnesota Health Department.

SEPTIC

6-105. All septic tanks shall be designed to provide adequate volume for settling, for sludge and scum storage. The design shall also provide for access for cleaning.

6-106. All septic tanks shall be placed not less than ten (10) feet from the property line of adjoining private property. These tanks shall be not less than fifty (50) feet from any source of domestic water supply. The tank shall be located not less than ten (10) feet from the foundation of any building.

6-107. Repealed by Ordinance No. 8, Subdivision 6-122A.

6-108. Repealed by Ordinance No. 8, Subdivision 6-122A.

6-109. The sewer line between the building and the disposal tank shall have water tight joints. This sewer pipe shall have a gradient of not less than one-fourth (1/4) inch per foot of pipe except by special permission of the Inspector.

6-110. Inlet and outlet connections of the tank and of each compartment thereof shall be submerged and baffled so as to obtain effective retention of scum and sludge. Scum storage volume (space between the liquid surface and the top of the inlet and outlet devices) shall be not less than fourteen (14) percent of the total required liquid capacity.

The tank shall be constructed in such a manner as to assure its being water tight to prevent the entrance of rain water, drainage or ground water. It shall be constructed of sound and durable material not to excessive corrosion or decay. Access to each compartment of the tank for inspection and sludge removal shall be provided. Each inspection opening shall be provided with a removable cover. The inlet and outlet devices shall be made accessible by a removable cover. Each tank shall be provided with a four (4) inch standpipe, the top of which shall be level with the ground or slightly above the ground and securely plugged.

6-111. The inlet baffle or submerged pipe shall extend approximately six (6) inches below the liquid surface. It shall also extend above the liquid surface at least to the crown of the inlet sewer.

The outlet baffle or submerged pipe and the baffles or submerged pipes between compartments shall extend below the liquid depth. These baffles shall also extend above the liquid level to provide for scum storage; they shall be not less than six (6) inches above the liquid level nor less than six (6) inches below the inlet baffle. Each baffle shall have a clearance between baffle and inside edge of tank of not less than seven (7) inches.

6-112. These shall be at least two (2) inches between the under side of the tank top and the top of inlet and outlet pipes or baffles and partitions to provide the required ventilation of the tank and disposal field or seepage pits through the main building stack.

6-113. Metal septic tanks must comply with the Minnesota Pollution Control Agency Individual Sewage Treatment System Chapter 7080.

6-114. Repealed by Ordinance No. 8, Subdivision 6-122A.

6-115. Repealed by Ordinance No. 8, Subdivision 6-122A.

6-116. Repealed by Ordinance No. 8, Subdivision 6-122A.

6-117. Repealed by Ordinance No. 8, Subdivision 6-122A.

6-118. Repealed by Ordinance No. 8, Subdivision 6-122A.

6-119. Repealed by Ordinance No. 8, Subdivision 6-122A.

6-120. Repealed by Ordinance No. 8, Subdivision 6-122A.

6-121. Repealed by Ordinance No. 8, Subdivision 6-122A.

6-122. Repealed by Ordinance No. 8, Subdivision 6-122A.

6-122.A. ADOPTION OF MINNESOTA POLLUTION CONTROL AGENCY CHAPTER 7080 INDIVIDUAL SEWAGE TREATMENT SYSTEM CHAPTER 7080. That certain document, a copy of which is on file in the office of the Town Clerk of the Town of White Bear, being marked and described as Minnesota Pollution Control Agency 6, Chapter 7080 Individual Sewage Treatment System Standards 7080 adopted in 1987 by the Minnesota Pollution Control Agency is hereby incorporated by reference and each and all of the standards of the Minnesota Pollution Control Agency 6, Chapter 7080 Individual Sewage Treatment System Standards Chapter

7080 on file in the office of the Town Clerk are hereby referred to, adopted, and made a part hereof as if fully set out in this Ordinance.

WELL DRILLING.

6-123. Repealed by amendment to Ordinance No. 8.

6-124. Repealed by amendment to Ordinance No. 8.

6-125. Repealed by amendment to Ordinance No. 8.

6-126. Repealed by amendment to Ordinance No. 8.

6-127. Repealed by amendment to Ordinance No. 8.

6-128. Repealed by amendment to Ordinance No. 8.

6-129. Repealed by amendment to Ordinance No. 8.

6-130. Repealed by amendment to Ordinance No. 8.

6-131. Repealed by amendment to Ordinance No. 8.

6-132. Repealed by amendment to Ordinance No. 8.

6-133. Repealed by amendment to Ordinance No. 8.

6-134. Repealed by amendment to Ordinance No. 8.

6-134A. Repealed by amendment to Ordinance No. 8.

GAS APPLIANCES

6-135. The installation and maintenance of appliances or devices operated by means of natural, manufactured or liquid petroleum gas shall require a permit as described elsewhere in this code. This work shall be subject to inspection by the Heating Inspector or his representative.

6-136. Every installation of gas appliances shall be in strict accordance with the portions of this code dealing with gas. Every appliance shall be installed for use in accordance with the recommendations of its manufacturer.

6-137. Immediately after the installation of any appliance or device to be operated by gas, the installer shall notify the Heating Inspector of the municipality who shall inspect the installation within forty-eight (48) hours of the time that such notice is given.

6-138. When the Inspector is satisfied that the installation of gas appliances or devices is correct and proper and in accordance with the code of the municipality, he shall issue a certificate of inspection authorizing the gas to be turned on for such appliances.

6-139. All gas piping shall be inspected before concealment and the person, firm or corporation installing such piping shall notify the Inspector at least forty-eight (48) hours before they expect to cover said pipe.

6-140. No certificate of inspection shall be issued unless the work is done in strict conformity with the provisions of this code, the statutes of the State of Minnesota and the rules and regulations of the State Fire Marshall.

HEATING (Other Than Gas)

6-141. Repealed by Ordinance No. 8, Subdivision 1-54.

6-142. Repealed by Ordinance No. 8, Subdivision 1-54.

6-143. Repealed by Ordinance No. 8, Subdivision 1-54.

6-144. Repealed by Ordinance No. 8, Subdivision 1-54.

6-145. Repealed by Ordinance No. 8, Subdivision 1-54.

GAS BURNERS AND GAS BURNER EQUIPMENT 400,000 BTU PER HOUR OR LESS

6-146. It shall be unlawful for any person, firm, corporation or agent to install any gas burner as defined within this Ordinance until such gas burner has been approved by the Heating Inspector of the municipality. The minimum requirements for approval by the Heating Inspector shall be approval or listing by the American Standards Association, sponsored by the American Gas Association in compliance with the requirements of this code.

6-147. Nothing in this code shall be construed to limit the right of the gas utility and its authorized employees to render necessary service in the event of an emergency.

6-148. No permit shall be issued and no used gas burner shall be installed until the licensed installer shall have first submitted with his application for permit, a copy of the purchase order stating that a used burner is to be installed and bearing an acknowledgment by the purchaser that such is the case together with a statement by the licensed installer that said burner has been reconditioned and will comply in every way with the requirements of this code for new equipment as to operation, safety standards and adjustments. No used gas burner shall be installed unless it is of a type, make and model currently approved for installation in the municipality.

6-149. Repealed by Ordinance No. 8, Subdivision 1-54.

6-150. Gas burners or gas burner appliances as herein before defined shall not be installed for operation in a room where the normal facilities for ventilation do not permit proper combustion of the gas, unless special provision is made for supplying sufficient air for complete combustion.

6-151. The installation of conversion burners shall be made in conformance with the American Standards Association requirements, as sponsored by the American Gas Association and with requirements herein set forth.

6-152. Before a gas burner is installed in any existing boiler or furnace all flues, fire-pots, combustion and chambers and connecting joints through which flue gases are conducted shall be thoroughly cleaned, examined for leaks and draft conditions and made gas tight as shown by a smoke bomb test or equivalent.

6-153. Repealed by Ordinance No. 8, Subdivision 1-54.

6-154. Each burning appliance shall be equipped with a draft hood or its equivalent designed to:

1. Insure the ready escape of the products of combustion in the event of no draft, back draft or stoppage beyond the appliance.
2. Prevent a back draft from entering the appliance.
3. Neutralize the effect of stack action of the flue upon the operation of the appliance. The draft hood shall be placed in and made a part of the flue pipe from the appliance or shall be

in the appliance itself. Such device shall have a free area equal to or greater than the cross-section area of the flue pipe connected thereto subject to the approval of the Heating Inspector.

6-155. The draft hood shall be located at a point not lower than the top of the highest flue passage in the appliance.

6-156. Appliances of the revertible flue type shall have the draft hood located at least one foot higher than the top of the highest flue passage. Proper provision shall be made subject to the approval of the Heating Inspector, to prevent the accumulation of gas in any part thereof.

6-157. Repealed by Ordinance No. 8, Subdivision 1-54.

6-158. The draft hood should ordinarily be located adjacent to the appliance. In cases where it appears desirable to place the draft hood at a distance from the appliance, the size of the restricted section may be modified according to the length and rise of the flue pipe.

6-159. Repealed by Ordinance No. 8, Subdivision 1-54.

6-160. Repealed by Ordinance No. 8, Subdivision 1-54.

6-161. Material used for flue pipe shall be such as to resist the corrosive action of flue gases.

6-162. Flue pipe of existing systems shall be relocated where necessary and new flue pipe installations shall be so made as to avoid sharp turns or other construction features which would create excessive resistance to the flow of flue gases. Flue pipes shall slope upward to chimney.

6-163. Flue pipe shall be tightly connected to the chimney liner, so as to prevent infiltration of cold air.

6-164. No baffles shall be applied which will interfere with the proper combustion of the gas.

6-165. Repealed by Ordinance No. 8, Subdivision 1-54.

6-166. All space heating equipment shall be of the vented type and properly vented to an effective flue.

6-167. Radiant heaters or other unvented heaters of less than 25,000 BTU input may be installed in fireplaces providing the chimney has a positive draft with the damper closed.

6-168. Gas burners of all types shall consist of assembled and tested units and shall be accompanied by complete and comprehensive installation and operation instructions. The burner or burners shall be located according to the manufacturers' instructions and shall be so secured that they will not twist, slide or drop out of position.

6-169. The burners shall be so installed as to be readily accessible for cleaning and inspection.

6-170. The burner or burners shall be so installed that no part of the flames impinge on the heating surface so as to cause incomplete combustion.

6-171. Air shutters shall be adjusted to produce a proper flame at the prevailing gas pressure.

6-172. On all pre-mix power burners an approved type of check valve shall be installed in the gas supply line at the appliance to prevent back flow of air into the gas line.

6-173. When secondary air is necessary, secondary air opening or openings shall be provided, of sufficient area to supply an adequate amount of air flow complete combustion under the specified draft conditions and at the maximum rate of firing.

6-174. Where an automatic secondary air control is provided, the construction shall be such that, in case the control fails in any way, either the gas will be shut off or the secondary air door will remain open.

6-175. The air intake of power burners shall be so located as to prevent the possibility of accidental closure. The gas and air supply shall be equipped with controls coordinated to prevent opening of the gas supply until the air supply is adequate for proper combustion and to shut off the gas supply in the event of failure of the air supply.

6-176. Each gas burner shall be equipped with a safety device arranged to prevent the flow of gas through the main burner unless the pilot flame is burning, to consist of a thermostat pilot or other similar type of safety device. The operation of this device shall not depend upon the closing of an electric circuit to shut off the main gas supply. Gas burners installed under 6-167 are exempt from this provision.

6-177. Pilot burners shall be rigidly supported in such a manner that their position relative to the main burner or burners will be fixed.

6-178. Pilot burner or burners shall be so placed that they can be safely lighted and they shall be readily accessible or removable.

6-179. Pilot lines shall be connected to vertical main gas supply lines or to the side or top of horizontal lines ahead of all controls including pressure regulators and appliance shut-off and shall be provided with a separate cock. Pilot lines for liquid petroleum gas burners shall be connected to a 100% shut-off conforming to the provisions of 6-176, so arranged as to cut off both main gas and pilot gas supply in the event of pilot flame failure.

6-180. Repealed by Ordinance No. 8, Subdivision 1-54.

6-181. An annually operated approved shut-off valve or cock shall be installed at each appliance to shut off the entire gas supply to the appliance, except the pilot, in case of emergency. For liquid petroleum gas installations, a manual main shut-off valve shall be provided ahead of all controls. Such valve or cock shall be so located that it is readily accessible, at about five feet above the floor, and shall clearly indicate the "on" and "off" positions, or direction of rotation to open or close. A suitable manual valve shall be provided for shutting off the main burner gas independently of the pilot gas. Where a cock is provided, the opening handle shall be securely attached to the plug in such a manner that it may not be readily removed.

6-182. Electric control valves shall be installed according to the instructions furnished by the manufacturer. All heating equipment shall be automatically controlled by thermostat except heaters installed in fireplaces as provided in 6-167.

6-183. All electrical connections shall be made in accordance with the provisions of all Building and Electrical Codes relating to the installation of electric wiring in the municipality.

6-184. Repealed by Ordinance No. 8, Subdivision 1-54.

6-185. The boiler or furnace shall be equipped with safety devices arranged to limit high stem pressures or water temperatures, as well as high air temperature in warm air furnaces, and all such devices shall be subject to the approval of the Heating Inspector.

6-186. Each gas fired steam boiler shall be equipped with a low-water cut-off, approved by the Heating Inspector.

6-187. Safety devices operated electrically shall not depend upon the closing of a circuit to shut off the main gas supply. This requirement shall not be construed as prohibiting the use of electrical regulating devices, provided the required safety devices are also installed. Controls shall be so connected that maximum inherent safety provided by such controls will be attained.

6-188. Safety shut-off valves if used shall be tested to assure gas tightness of the seal when in the closed position; the valve assembly shall be gas tight in all positions. Packing glands shall be designed so that the valve will not be made inoperative by excessive tightening of the packing nut.

Either the valve shall incorporate means for requiring a manual operation for re-opening of the valve after it has closed or the electrical circuit shall be so arranged as to require a manual operation to re-open the valve after it has been closed. In no case shall valves be able to be opened manually until safety pilots are lighted and circuit completed or low-water cut-off circuit has been completed.

6-189. Repealed by Ordinance No. 8, Subdivision 1-54.

6-190. Except as exempted in this section, and except on approved incinerators, masonry chimneys serving gas fired boilers, furnaces, or heating devices, whether of the gas designed type or fired by gas conversion burners shall be lined continuously from the thimble to the top with an approved incombustible, acid and corrosion resisting liner of the same equivalent internal cross-sectional area as the flue pipe or pipes extending from the appliance or other appliances to the chimney liner. A condensation pocket shall be provided at the base of said liner with provisions for a drip, so arranged that excessive condensation of the flue products may be disposed of without damage to chimney, foundation, floor or footings. Such liners shall be constructed of material having a thickness before coating of not less than No. 22 U.S. Standard Gauge. Where such liners are constructed of uncoated materials and inherent characteristics of which show a high degree of resistance to acids and corrosion, a lighter gauge may be used, subject to the approval of the Heating Inspector. In the event the chimney flue serving the conversion fired or gas designed appliance and serves one or more heating appliances other than gas fired, the above provided liner may be omitted. On larger installations where burners are in more or less continuous operation, and stack temperatures are sufficiently high to minimize the possibility of condensation within the chimney, the chimney liner may be omitted, subject to the approval of the Heating Inspector.

6-191. In the event conditions at the time of installation are such that the chimney or vertical flue has insufficient natural draft to properly carry away the products of combustion or is subject to down drafts, provisions shall be made by the installer to rectify existing conditions, or provide mechanical means of maintaining constant updraft during appliance operation.

6-192. Pilot flames shall effectively ignite the gas at the main burner or burners and shall be adequately protected from drafts. A device which, under normal chimney draft conditions is at least equal in performance to the draft hood herein before provided for shall be interpreted as fulfilling the second part of this requirement as far as chimney drafts are concerned.

INSPECTIONS AND TESTS

6-193. Pilot flames shall effectively ignite the gas at the main burner or burners and shall be adequately protected from drafts. A device which, under normal chimney draft conditions is at least equal in performance to the draft hood herein before provided for shall be interpreted as fulfilling the second part of this requirement as far as chimney drafts are concerned.

6-194. Gas fired furnaces or oil fired furnaces shall employ either a thermostatic pilot, so constructed and adjusted that no gas can flow through the main burner unless the pilot flame is burning, or some other type of safety device serving this same end shall be employed.

6-195. Luminous flame pilots shall not show carbon deposits when adjusted according to the manufacturer's instructions.

6-196. Where escapement pilots are used, their flames shall be freely ignited by the constant burning pilot.

A. The flames from each burner shall freely ignite the gas from adjacent burners when operating at the normal gas pressure or when the main control valve is regulated to deliver about one-third (1/3) the full gas rate, except where additional pilots are provided. If the additional pilot is a runner type pilot, this pilot must be proven by a safety mechanism before the main burner valve can open.

6-197. Burner flames shall not flash back upon immediate ignition, nor upon turning the gas cock until the gas rate to the burner is about one-third (1/3) the full supply.

6-198. Burner flames shall not flash back when the gas is turned on or off by any automatic control mechanism.

6-199. Main burner flames shall ignite freely from each constant burning pilot when the main control valve is regulated to deliver about one-third (1/3) the full gas rate and when pilot flame is reduced to minimum pilot at which it will actuate the safety thermostat device. The holding port of multiple port pilots must satisfactorily ignite the main burner if the ignition port, or ports, are stopped.

6-200. Burners shall be of such design that ignition from pilot or pilots will carry to all ports or burner heads protected by the pilot at inputs from one-third (1/3) to maximum rating. When ignition is made in a normal manner, the flames shall not flash outside the appliance. Burners shall not expel gas through air opening in mixer faces when operating at the normal burner pressure.

Note: In making the test under 6-193 and 6-196, care shall be exercised to prevent the accumulation of non-combusted gas in the appliance or flues which might result in explosion or fire.

6-201. The flue gas temperature as taken on the appliance side of the draft hood shall not exceed 480 degrees F. above that of the air temperature surrounding the appliance. The concentration of CO₂ shall not exceed 9%, the concentration of CO shall not exceed .04%, the concentration of oxygen shall not be less than 5% nor more than 10%.

6-202. The rate of flow of the gas shall be adjusted to within plus or minus two (2) percent of the required hourly BTU input rating at the manifold pressure specified by the manufacturer. When the prevailing pressure is less than the manifold pressure specified, the gas rate shall be adjusted at the prevailing pressure. The appliance shall be allowed to operate until the stack temperature becomes stabilized, after which a sample of the flue products shall be taken at a point in the flue after the outlet of the appliance but ahead of the draft hood, and analyzed for carbon dioxide, carbon monoxide and oxygen.

6-203. The rate of flow of gas shall be adjusted to within plus 5% or minus 15% of 1.7 times the calculated hourly BTU net loss of the building in which it is installed. The appliance shall be allowed to operate until the stack temperature becomes stabilized, after which a sample of the flue products shall be taken at a point in the flue after the outlet of the appliance but ahead of the draft hood, and analyzed for carbon dioxide, carbon monoxide and oxygen.

6-204. Repealed by amendment to Ordinance No. 8.

6-205. The owner and/or occupant shall be thoroughly instructed by the installer as to the proper and safe operation of the appliance before it is

placed in service, such instructions to include actual demonstration to the customer or his authorized agent of the processes of lighting and turning off the gas burner. A printed set of instructions, enclosed in an envelope labeled "Instructions to Customer", shall be securely attached to the gas valve.

6-206. A metallic plate, suitably etched or stamped, setting forth detailed instructions for the safe lighting and shutting off of the appliance, shall be permanently attached to the appliance in a prominent position near the lighting apertures. The size and type used shall be not smaller than ten (10) point and the wording contained therein shall be subject to the approval of the Heating Inspector. This plate shall also state make and model numbers of the burner and show the rate hourly gas BTU input.

EXCEEDING 400,000 BTU PER HOUR

6-207. The construction arrangement, manner of installation, alteration and repair of all gas burners in steam and hot water boilers, furnaces and air heaters having input capacity exceeding 400,000 BTU per hour, and for power, industrial and process uses shall conform to the following provisions of this code. The requirements for installation of gas burning equipment in power boilers as adopted by the American Standards Association, sponsored by American Gas Association shall be considered herein as minimum requirements.

6-208. All burners shall be accompanied by complete and comprehensive installation and operating instructions.

6-209. Where burners are equipped with secondary air shutters or louvers, they must be so designed or counter-balanced so as to drop to a wide open position in the event of failure or breakage of connecting linkage. They shall also be of sufficient area to supply adequate air for complete combustion under specified draft conditions and at the maximum rate of firing.

6-210. The air intake on power burners must be protected with means to prevent accidental closure by debris being pulled over inlet by suction of blower.

6-211. The burner or burners shall be located according to the manufacturers' instructions and shall be so secured that they will not slide, twist or drop out of position.

6-212. Repealed by Ordinance No. 8, Subdivision 1-54.

6-213. The burner or burners shall be so installed that no part of flame shall impinge on heating surface so as to cause incomplete combustion.

6-214. On all pre-mix power burners an approved type of check valve shall be installed in the gas supply line to prevent back flow of air into the gas line.

6-215. Burners shall be sized according to the BTU rating shown in the regularly published literature of the burner manufacturer, and under no condition shall it be permissible to alter the burner so as to exceed the rated maximum BTU input. Before the permit for installation of a burner is issued, the burner manufacturer shall furnish the Heating Inspector with a certified copy of the literature showing capacity of the burner, spud size and draft loss across the burner for the maximum ratings at the various pressures.

6-216. Each burner shall be equipped with a plain gas pilot or pilots in addition to the safety pilot to insure smooth lighting of the burner so that there will be no rollback or heavy detonations during lighting off period except that where the burner unit is of such size that safety pilot only will light burner smoothly, the plain pilot may be omitted. The pilot flame shall effectively ignite the gas at the burner and shall be so designed as to be adequately protected from drafts. Pilot flames shall not become extinguished during the operation of the main burners nor by starting or stopping them in a normal manner. Luminous flame pilots shall not show carbon deposit during the period of tests when adjusted according to the manufacturer's instruction.

6-217. Where the vertical or upshot type of burner consisting of a multiplicity of heads is used, a minimum of one plain gas pilot for each eight heads must be used. In arriving at the number of pilots, the safety pilot will be counted, as one plain gas pilot above eight heads; below eight heads there must be at least one plain gas pilot and a safety pilot unless the Heating Inspector approves a lesser number.

6-218. All burners shall be equipped with a flame conductivity or flame rectification type of safety pilot or other approved type of safety device. The thermostat type of pilot will not be permitted.

6-219. Safety pilots shall be so designed that upon insertion of pilot after removal for repairs, or cleaning, pilots will be in the same position relative to the main burner as when originally installed.

The pilot flame shall be in such a position that in the event of a drop in gas pressure, the contact between pilot flame and flame rod or thermocouple shall be broken before the point where the pilot flame will fail

to reliably ignite the main burner. In the event that this cannot be accomplished then the flame rod or thermocouple shall supervise the main burner flame.

The flame conductivity of flame rectification type of pilot shall consist of a flame rod and pilot burner, flame head (if of the flame head type), relay, start-stop push button switch, solenoid gas valve for shutting off safety pilot gas as well as gas to the flame pilots, necessary high tension cable, and a positive shut-off gas valve carrying the approval of the Heating Inspector. The safety pilot shall be so arranged as to prevent its being lit unless the main safety valve is in the off position.

6-220. All pilot burners shall be supported in such a manner that their position relative to the main burner or burners will remain fixed.

6-221. Pilot lines shall be connected to vertical supply lines when possible. When horizontal lines are used, connection must be made on top or side. Connection must be ahead of all controls including regulator and appliance shut-off and shall be provided with a separate shut-off cock. Where gas pressure is greater than that for which pilots are designed, a pressure regulator (pilot regulator) must be installed on the downstream side of pilot line shut-off cock.

6-222. A shut-off cock must be installed on branch line to safety pilot and to each branch line of plain pilot system.

6-223. A manually operated approved shut-off cock shall be installed adjacent to the gas burner on the downstream of all other control valves either manual or automatic. Such cock shall be so located that it is readily accessible and shall clearly indicate the "on" and "off" position, or direction of rotation to open or close. This valve or cock must have handle securely attached in such a manner that it may not be readily removed. When gas pressures are greater than 1 psi the cock must be of the lubricated plug type. Gate or glove type valve will not be acceptable.

Provide bleeder line or other approved method in insuring against gas leakage to boiler during shut down periods.

6-224. A manually operated approved type lubricated shut-off cock shall be installed at each boiler or furnace ahead of all control valves and regulators except pilot line. This cock shall be so located that it is readily accessible and shall clearly indicate the on or off position or direction of rotation to open and close. Cock shall be provided with a suitable operating handle permanently attached. Gate or globe valve will not be acceptable.

6-225. Electric control valves shall be installed according to the instructions furnished by the manufacturer.

6-226. All electrical connections shall be made in conformity with the provisions of all codes relating to the installation of electric wiring within the municipality.

6-227. A gas pressure regulator approved by the Heating Inspector shall be installed on all gas burner installations.

6-228. Each boiler or furnace shall be equipped with safety devices to limit high steam pressures or water temperatures, low-water level and high air temperatures. Where boiler or furnace is equipped with so-called power burner, where air for combustion is furnished by means other than a natural draft stack or where boiler burners are so sized and designed to require forced or induced draft or both, the gas and air supply shall be equipped with suitable controls to prevent functioning of the gas supply until air supply is adequate for proper combustion, or in the event of failure of air supply, to shut off the gas supply.

6-229. Where forced draft equipment is used, a manual cutout control switch may be installed, subject to approval, to permit lighting off the burner under natural draft, normal operation under force draft to remain under safety control.

6-230. Safety devices operated electrically shall not depend upon the closing of a circuit to shut off the main gas supply. This requirement shall not be construed as prohibiting the use of electrical regulating devices, provided the required safety devices are also installed. Controls shall be so connected that maximum inherent safety provided by such controls will be obtained.

6-231. Safety shut-off valves shall be tested to assure gas tightness of the seat when in the closed position; the valve assembly shall be gas tight in all positions. Packing glands shall be designed so that the valve will not be made inoperative by excessive tightening of the packing nut.

Either the valve shall incorporate means for requiring a manual operation for re-opening of the valve after it has been closed or the electrical circuit shall be so arranged as to require a manual operation to re-open the valve after it has been closed. In no case shall valves be able to be opened manually until safety pilots are lighted and circuit completed or low-water cut-off circuit has been completed.

6-232. Where a switch is installed in the low-water cut-off circuit to keep circuit to safety shut-off valve closed when blowing down water

column, switch must be of the push button type so that when operator releases button the control circuit to safety shut-off valve will be normal.

6-233. Repealed by Ordinance No. 8, Subdivision 1-54.

6-234. For burners or a combination of burners not exceeding a total input of 500,000 BTU's per hour, a combination control of the on-off type with quick opening control valves may be used.

6-235. For a burner or a combination of burners not exceeding 2,500,000 BTU's per hour input, an on-off type of control may be used provided the automatic gas valve is of the slow opening type. Valve must be so designed that an adjustable opening time of from ten (10) to thirty (30) seconds may be obtained and with a closing time not to exceed five (5) seconds.

6-236. For a burner or a combination of burners with a total input exceeding 2,500,000 BTU's per hour, a combustion control of the modulating type must be used.

Where the uptake or outlet damper is securely locked in a fixed position for maximum load condition, the control may be of the type that operates the inlet air louver of the burner in conjunction with the gas valve by means of mechanical linkage. The damper in conjunction with the gas control valve or valves, either by mechanical linkage or by change in furnace pressure. The operating medium may be steam, electricity, air or hydraulic. If the gas control goes to open position upon failure of operating medium, then a means for shutting off the gas supply upon the failure of the operating medium must be provided.

6-237. Where quick opening or slow opening gas control valve is connected to an inlet shutter on gas burner, the air inlet shutter or louver only must be so designed or counter-balanced as to drop to full open position in the event of breakage or failure of connecting mechanism. When the control is of the modulating type that operates the air inlet shutter or louver only, shutter or louver must be so designed and counter-balanced as to drop to full open position upon the failure or breakage of connecting linkage. The uptake or outlet damper must have an indicator or pointer visible to the operator to show the position of the damper in relation to open and closed position. Remote indicators are permitted where necessary.

6-238. When uptake damper is set in a fixed position such as will be used with "on" and "off" control or the modulating type that operates only the air louvers on the burner, a draft regulator must be used. This regulator shall be of the type that will reverse and open to the boiler room in the event of down or back drafts. Where control that operates the damper is used, or

induced or force draft fan or both is used, it shall be optional as to the use of a draft regulator. Draft hood or diverter is not permissible.

6-239. All gas burner installations in steam boilers with an input exceeding 2,500 feet of gas per hour shall be equipped with indicating gauges for furnace, window and uptake draft to show combustion conditions and with flue gas analysis equipment of portable or fixed type. On installations exceeding 20,000 cubic feet gas input per hour, equipment shall be installed for continuous indicating or recording of carbon dioxide, oxygen or air flow-steam flow.

6-240. All piping connections for gas burners under this section of the code shall be properly sized for the design maximum load with a total pressure drop permissible under the particular conditions of the application.

6-241. On all installations with an input capacity in excess of 1,000,000 BTU's per hour, the contractor shall submit to the Heating Inspector with his request for a permit, a detailed drawing made by the burner manufacturer showing method of installing burner, recommended furnace construction including floor insulation, control assembly along with piping details, pipe sizes, valve sizes, type and make of control if the uptake damper operating type. If this is to be furnished by someone other than the burner manufacturer, he must show this as it will be applied to this burner. This drawing must be one that is made up for the specific job and cannot be what is known as a typical installation or a marked up drawing of some similar installation with changes to suit the job in questions. This drawing must have a drawing number as well as a title listing the name of the job to which it applies. It is desirable that this drawing may be made by the home office of the burner manufacturer but, in lieu of this, drawing may be made by the local representative in which case it must be certified by an officer of the manufacturer that it is approved by them.

6-242. At completion of installation, the installer shall adjust all equipment and controls and, in the presence of the Inspector, demonstrate the proper functioning of all equipment and controls throughout the normal range of operation from minimum to maximum input. A combustion analysis shall be made to demonstrate proper combustion results throughout the operating range. Burners shall be able to demonstrate main burner flame retention without pilot stabilization but pilot shall be used in all cases.

INCINERATORS – DOMESTIC OR PORTABLE TYPE

6-243. Repealed by Ordinance No. 13, Sections 3 and 4.

SECTION 7. MATERIALS.

7-1. All building materials shall be of the quality to meet the intent of this code, and shall be new or approved equal by the governing body of the municipality. In case there is reason to doubt the quality of a material to be used in a building or structure, the governing body may require tests to be made to establish its suitability, or to determine whether it conforms to the intent of this code.

7-2. The provisions of this code are not intended to prevent the use of any material or method of construction not specifically prescribed by this code providing any such alternate has been approved.

7-3. The governing body may approve any such alternate provided that the proposed design is satisfactory and that the material and method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire-resistance, durability and safety. The governing body shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use.

7-4. All tests of material shall be conducted under the supervision of the particular Inspector responsible for the installation of that type of material, except that duly authenticated tests by a competent person or laboratory may be accepted by him in lieu of tests under his own supervision.

7-5. Materials or methods of construction which have been tested and approved shall be used and installed in accordance with the terms of approval.

7-6. Repealed by Ordinance No. 8, Subdivision 1-54.

7-7. The governing body may require tests to be repeated, if at any time there is reason to believe that a material no longer conforms to the requirements on which its approval was based.

7-8. Repealed by Ordinance No. 8, Subdivision 1-54.

7-9. Repealed by Ordinance No. 8, Subdivision 1-54.

7-10. Repealed by Ordinance No. 8, Subdivision 1-54.

7-11. Repealed by Ordinance No. 8, Subdivision 1-54.

7-12. Repealed by Ordinance No. 8, Subdivision 1-54.

7-13. MORTAR PROPORTIONS OF CEMENT MATERIALS

Repealed by Ordinance No. 8, Subdivision 1-54.

7-14. Masonry shall be laid in the following types of mortar:

7-14.1. Type M or S mortar used in foundation walls of hollow masonry units.

7-14.2. Type M, S or N mortar shall be used in cavity wall masonry except that Type A mortar shall be used in cavity walls having a mortar thickness of ten (10) inches.

7-14.3. Type M, S, or N mortar shall be used in footings, foundation walls of solid masonry units, isolated piers, cavity walls exceeding ten (10) inch mortar thickness and load bearing or exterior walls of hollow masonry units.

7-15. Repealed by Ordinance No. 8, Subdivision 1-54.

7-16. Repealed by Ordinance No. 8, Subdivision 1-54.

7-17. Repealed by Ordinance No. 8, Subdivision 1-54.

7-18. Repealed by Ordinance No. 8, Subdivision 1-54.

7-19. Repealed by Ordinance No. 8, Subdivision 1-54.

ROOFING

7-20. Approved built up roofing, vertical or edge grain wood shingles, asbestos, slate, or their equivalent, will be accepted.

7-21. Repealed by Ordinance No. 8, Subdivision 1-54.

7-22. Nails for attaching roof covering shall be non-ferrous or hot dipped galvanized nails.

7-23. It shall be required that all materials shall be used in accordance with generally approved methods. Wherever specially manufactured materials is used, it shall be in accordance with the directions furnished by the manufacturer.

7-24. Any material or method of construction failing to conform to the requirements of this code or rules adopted thereunder shall not be used.

SECTION 8. ELECTRICAL REQUIREMENTS.

8-1. ELECTRICAL. The Minnesota Electrical Act, Minnesota Statutes, Sections 326.01 through 326.246, together with all amendments thereto, and the Rules of the State Board of Electricity, State of Minnesota, Chapters One, Two, Three and Four, together with all amendments thereto are hereby adopted by reference as the Electrical Code of the Town of White Bear regulating electricians and electrical installations in the Town of White Bear. The Sections of Minnesota Statutes and the Rules of the State Board of Electricity, State of Minnesota, herein referred to are hereby incorporated into and made a part of this Ordinance as completely as if said provisions were set out in full.

8-2. INSPECTION FEES AND ENFORCEMENT PROCEDURES. Inspection fees, inspection procedure and code enforcement's shall be the same as those outlined in the following rules and regulations of the Minnesota State Board of Electricity:

Chapter One:	ELECTRICAL 1-10 Inspections;
Chapter Two:	ELECTRICAL 11-20 Enforcement, Procedures;
Chapter Three:	ELECTRICAL 21-26 Appeals;
Chapter Four:	ELECTRICAL 26-35 Licenses.

8-3. ELECTRICAL PERMITS. No installation or connection of any electric light fixtures, motors, heating devices or any apparatus requiring the use of electric current, nor any alterations or addition in the wiring of any existing building shall be made, nor shall any building be wired for the placing of any electric lights, motors, heating devices or any apparatus requiring the use of an electric current, nor shall any installation or connection of any electric fixtures, motors, heating devices or any alterations in the wiring be made in any building after inspection, without first securing a permit therefore.

Electrical permits shall not be issued unless the applicant is properly licensed by the Minnesota State Board of Electricity for the work to be performed, or unless the wiring is to be installed in a single family dwelling by the owner if the owner resides in or plans to reside in such dwelling.

8-4. LICENSING REQUIREMENTS. No person shall wire for or install any electrical apparatus or equipment for light, heat, power or other purposes unless he is licensed by the Minnesota State Board of Electricity as a Class A Master Electrician or as a Class A Journeyman Electrician or unless he is under the direct-on-the-job supervision of one so licensed, except the owner of a single family dwelling residing in or planning to reside in such dwelling may install the wiring in such dwelling without a license.

No person shall order, direct or instruct a person who is not properly licensed by the Minnesota State Board of Electricity to perform electrical work that requires a license, unless such person so ordering, directing or instructing is properly licensed by the Minnesota State Board of Electricity to perform the work himself.

8-5. INSPECTION AND CERTIFICATES. Repealed by Ordinance No. 8, Subdivision 8-2.

8-6. TECHNICAL PROVISIONS – TEMPORARY INSTALLATIONS. Repealed by Ordinance No. 8, Subdivision 8-1.

8-7. WIRING METHODS. Repealed by Ordinance No. 8, Subdivision 8-1.

8-8. SERVICE. Repealed by Ordinance No. 8, Subdivision 8-1.

8-9. SERVICE DISCONNECTS AND METERS. Repealed by Ordinance No. 8, Subdivision 8-1.

8-10. FUSES. Repealed by Ordinance No. 8, Subdivision 8-1.

8-11. MOTORS. Repealed by Ordinance No. 8, Subdivision 8-1.

8-12. ELEVATOR HOISTWAYS. Repealed by Ordinance No. 8, Subdivision 8-1.

8-13. GASOLINE PUMPS. Repealed by Ordinance No. 8, Subdivision 8-1.

8-14. RANGES. Repealed by Ordinance No. 8, Subdivision 8-1.

8-15. SUB-FEEDERS. Repealed by Ordinance No. 8, Subdivision 8-1.

8-16. CIRCUITS. Repealed by Ordinance No. 8, Subdivision 8-1.

8-17. EXIT LIGHTS. Repealed by Ordinance No. 8, Subdivision 8-1.

8-18. LOW VOLTAGE SYSTEMS. Repealed by Ordinance No. 8, Subdivision 8-1.

8-19. FLUORESCENT FIXTURES. Repealed by Ordinance No. 8, Subdivision 8-1.

8-20. CONNECTION TO INSTALLATIONS. Repealed by Ordinance No. 8, Subdivision 8-1.

8-21. BOARD OF REVIEW. Repealed by Ordinance No. 8, Subdivision 8-4.

SECTION 9. LICENSES AND BONDS.

9-1. Before any person, firm or corporation shall engage in the business of doing or performing contracting work in the Town of White Bear, they must show proof of being licensed by the State of Minnesota or be licensed by the Town of White Bear. There shall be a surcharge of \$5.00 on each building permit for the purposes of license verification from the State of Minnesota.

Any person, firm or corporation not required to be licensed by the State of Minnesota shall be required to obtain a license from the Town of White Bear before engaging in their type of business.

All Sewer and Water Contractors, Excavators and all Demolition/Wrecking Contractors, shall be required to provide a Certificate of Insurance naming White Bear Township, its Officers and Employees as an additional insured.

9-2. Licenses shall be obtained from the Clerk of the Town. Applications for licenses shall be filed with the Clerk on the forms furnished by the Town. The fee for each license shall be as established from time to time by Town Board Resolution.

9-3. All licenses shall expire on January 1st following the date of issuance unless sooner revoked or forfeited. If a license granted hereunder is not renewed previous to its expiration then all rights granted by such license shall cease and any work performed after the expiration of the license shall be in violation of this code.

9-4. Persons, firms, or corporations renewing their licenses after the expiration date shall be charged the full annual license fee. No pro-rated license fee shall be allowed of renewals.

9-5. A license granted to a contractor shall include the right to perform all of the work for which he is licensed. Sub-contractors on any work shall be required to comply with the sections of this code pertaining to license, bond, qualifications, etc. for his particular type of work.

9-6. Each applicant for a license shall satisfy the governing body that he is competent by reason of education, special training, experience and that he is equipped to perform the work for which a license is requested in

accordance with all state laws, Town Ordinances and this Building Code. Each applicant for a heating license shall further satisfy the governing body that he already had a valid license or competency card from another municipality in the St. Paul-Minneapolis Metropolitan Area.

9-7. The governing body shall have the power to suspend or revoke the license of any person, partnership, firm or corporation, licensed under the regulations of this code, whose work is found to be improper or defective or so unsafe as to jeopardize life or property providing the person holding such license is given twenty (20) days notice and granted the opportunity to be heard before such action is taken. If and when such notice is sent to the legal address of the licensee and he fails or refuses to appear at the said hearing, his license will be automatically suspended or revoked five (5) days after the date of the hearing.

9-8. When a license is suspended, the period of suspension shall be not less than thirty (30) days nor more than one (1) year, such period being determined by the governing body.

9-9. When any person, partnership, firm or corporation holding a license as provided herein has been convicted for the second time by a court of competent jurisdiction for violation of any of the provisions of this code, the governing body shall revoke the license of the person, partnership, firm or corporation so convicted. Such person, partnership, firm or corporation may not make application for a new license for a period of one (1) year.

9-10. No license granted under the terms stated herein shall become effective until the licensee shall have filed with and approved by the Clerk of the Town a policy of public liability insurance naming the Town of White Bear as an additional insured which shall remain and be in force and effect during the entire term of said license and which shall contain a provision that it shall not be canceled without ten (10) days written notice to the Town Clerk. Public liability insurance shall not be less than an amount established by Town Board Resolution.

9-11. Repealed.

9-12. Each applicant for a permit to move a building or electrical transformer over any street or public right-of-way must satisfy the Building Inspector that he is provided with sufficient and adequate insurance to protect the municipality and the public from any and all damages which may result, either directly or indirectly, from the moving of said building or electrical transformer.

9-13. Repealed.

9-13.A. A certificate of competency must be submitted by gas installers to qualify for gas line installation.

9-14. All licenses heretofore issued and now in force and effect shall continue for one year from the date of issuance. These licenses, may, upon expiration, be renewed in accordance with the provisions of 9-4 of this code.

9-15. Persons installing sewer and water services outside buildings on private property do not have to be licensed plumbers. They shall be classified as pipe layers and be licensed as outside sewer installers. A surety bond shall be furnished, conditioned that the Town and the person contracting to have the work done by the license holder will be saved harmless from any loss or damage by reason of inadequate or improper work performed by the holder of said license under the provisions of this Ordinance.

SECTION 9A. INSULATION.

9A-1. SLAB ON GRADE FLOORS FOR RESIDENTIAL. For slab on grade floors the thermal resistance of the insulation around the perimeter of the floor must not be less than R-10. The insulation must extend downward from the top of the slab to the design frost line or downward to the bottom of the slab than horizontally beneath the slab for an equivalent distance and must be an approved type.

9A-2. FOUNDATION WALLS FOR RESIDENTIAL. If floors are not insulated as required in Section 1, basement or crawl space walls must be insulated. The thermal resistance R of the insulation on the entire wall must not be less than R-5 or the thermal resistance R of the insulation on the wall must be not less than R-10 down to the design frost line.

9A-3. VAPOR BARRIERS FOR RESIDENTIAL. A vapor barrier must be installed between the interior surface and the winter design condition dew point location within each building envelope surface. The vapor barrier must be continuous with all joints overlapped and made over framing members or blocking. Rips and punctures in the vapor barrier must be patched with vapor barrier materials and sealed a minimum of 4 mil polyethylene must be used.

9A-4. CEILINGS FOR RESIDENTIAL.

A. R-38 throughout the entire ceiling.

B. If a portion of the ceiling is less than R-38, the insulation in the remainder of the ceiling must be increased to yield an overall average thermal resistance of not less than R-38.

9A-5. GLASS AREA FOR RESIDENTIAL. Maximum glass area may not exceed 12 percent of the area of exterior walls not including foundation walls. All windows shall be double glazed or have storm windows.

Maximum glass area may not exceed 10 percent of the area of exterior walls when a sliding glass door is installed.

SECTION 10. PENALTY.

10-1. Any person, firm or corporation who shall commence work of any kind for which a permit is required under the provisions of this building code without having first received the necessary permit therefore shall, when subsequently securing such permit, be required to pay double the fee provided by this building code for such permit.

10-2. Repealed by amendment to Ordinance No. 8.

10-3. Every person convicted of a violation of any provision of this Ordinance shall be punished as provided in Ordinance No. 26. Each three (3) days that a violation continues shall constitute a separate offense subject to the punishments provided herein.

SECTION 11. DATE EFFECTIVE. This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Supervisors of the Town of White Bear this 6th day of August, 1956.

APPROVED:

EDWARD WELSCH, Chairman

ATTEST:

HERMAN R. HANSON, Clerk

Board of Supervisors:
EDWARD WELSCH, Chair
ALBERT JENSEN, Supervisor

Historical Notes

2017

Sections 2, 5-29, and 5-34 passed March 6, 2017, and effective March 15, 2017 by Kermes (Chair), Prudhon, Ruzek; Short (Clerk-Treasurer).

2016

Section 5-36 Sections B and D passed September 7, 2016, and effective September 21, 2016 by Kermes (Chair), Prudhon, Ruzek; Short (Clerk-Treasurer).

2015

Section 5-29.B. passed July 20, 2015, and effective July 29, 2015, by Kermes (Chair), Prudhon, Ruzek; Short (Clerk-Treasurer).

Section 3-32 passed January 21, 2015, and effective January 28, 2015, by Kermes (Chair), Prudhon, Ruzek; Short (Clerk-Treasurer).

2011

Section 5-19.B.1. passed August 15, 2011, and effective August 24, 2011, by Mample (Chair), Kermes, Prudhon; Short (Clerk-Treasurer).

2010

Section 5-37 passed June 7, 2010, and effective June 23, 2010, by Sand (Chair), Mample, Kermes; Short (Clerk-Treasurer).

2008

Section 5-29 and 5-29.B. passed October 6, 2008, and effective October 22, 2008, by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer).

2006

Section 5-1.2 passed April 17, 2006, and effective April 26, 2006, by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer).

2004

Section 9-1 passed December 20, 2004, and effective December 29, 2004, by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer).

Section 5-19.B passed November 1, 2004, and effective June 8, 2005, by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer);

Section 5-19.F passed August 2, 2004, and effective August 11, 2004, by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer);

Section 1-54 passed April 19, 2004, and effective May 5, 2004, by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer);

2003

Section 9-12 passed October 20, 2003, and effective November 5, 2003, by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer);

Section 3-13 passed October 20, 2003, and effective November 5, 2003 by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer);

Section 9-11 passed April 21, 2003, and effective April 30, 2003 by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer);

Section 4 passed April 7, 2003, and effective April 16, 2003 by Weisenburger (Chair), Sand and Mample; Short (Clerk-Treasurer);

2002

Section 5-29.L. passed March 4, 2002, and effective March 27, 2002 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer);

2000

Section 5-29.L. passed May 15, 2000, and effective May 31, 2000 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer);

Section 5-19.e. passed September 5, 2000, and effective September 13, 2000 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1998

Section 5-29 passed March 16, 1998, and effective March 25, 1998 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer);

Sections 2-78(a) and 5-19 passed May 18, 1998, and effective June 17, 1998 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer);

Sections 5-8 and 5-30 passed August 28, 1998, and effective September 16, 1998 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer);

Sections 1-54A., 2-39(a), and 2-60(a) passed November 16, 1998, and effective December 2, 1998 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1997

Section 3-33 passed December 1, 1997, and effective December 17, 1997 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1995

Section 1-54 passed March 6, 1995, and effective March 22, 1995 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer);

Sections 2-72(a) and 3-26 passed September 18, 1995, and effective September 20, 1995 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1994

Section 6-2.a. passed May 16, 1994, and effective June 1, 1994 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1993

Section 5-19.D. passed January 4, 1993, and effective January 13, 1993 by Weisenburger (Chair), Sand and Pfeffer; Short (Clerk-Treasurer);

Section 3-32 passed February 8, 1993, and effective February 24, 1993 by Weisenburger (Chair), Sand and Pfeffer; Short (Clerk-Treasurer);

Sections 2-43 and 2-44 passed July 19, 1993, and effective August 11, 1993 by Weisenburger (Chair), Sand and Ford; Short (Clerk-Treasurer).

1992

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 passed May 18, 1992, and effective May 27, 1992 by Weisenburger (Chair), Sand and Pfeffer; Short (Clerk-Treasurer);

Section 3-25 passed August 17, 1992, and effective August 26, 1992 by Weisenburger (Chair), Sand and Pfeffer; Short (Clerk-Treasurer);

Section 3-15 passed September 8, 1992, and effective September 23, 1992 by Weisenburger (Chair), Sand and Pfeffer; Short (Clerk-Treasurer).

1991

Section 5-36 passed August 5, 1991, and effective August 14, 1991 by Weisenburger (Chair), Sand and Pfeffer; Short (Clerk-Treasurer).

1990

Section 5-18 passed July 9, 1990, and effective August 15, 1990 by Weisenburger (Chair), Sand and Pfeffer; Short (Clerk-Treasurer);

Sections 2-92, 2-93, 5-35.A. passed November 19, 1990, and effective November 28, 1990 by Weisenburger (Chair), Sand and Pfeffer; Short (Clerk-Treasurer).

1989

Section 3-15 passed February 21, 1989, and effective March 1, 1989 by Weisenburger (Chair), Jungkunz and Sand; Malinen (Clerk-Treasurer);

Section 1-54 passed February 27, 1989, and effective March 15, 1989 by Weisenburger (Chair), Jungkunz and Sand; Malinen (Clerk-Treasurer);

Section 5-25 passed July 17, 1989, and effective July 26, 1989 by Weisenburger (Chair), Jungkunz and Sand; Malinen (Clerk-Treasurer);

Section 3-6 passed July 17, 1989, and effective July 26, 1989 by Weisenburger (Chair), Jungkunz and Sand; Malinen (Clerk-Treasurer);

Section 3-6 passed August 1, 1989, and effective August 9, 1989 by Weisenburger (Chair), Jungkunz and Sand; Malinen (Clerk-Treasurer).

1988

Section 5-29 passed May 2, 1988, and effective May 11, 1988 by Weisenburger (Chair), Jungkunz and Sand; Malinen (Clerk-Treasurer).

1987

Section 5-34 passed November 16, 1987, and effective December 2, 1987 by Weisenburger (Chair); Jungkunz and Sand; Malinen (Clerk-Treasurer).

1984

Section 3-30 passed January 31, 1984, and effective February 8, 1984 by Jungkunz (Chair), Weisenburger and Hamilton; Webber (Clerk-Treasurer).

1983

Section 6-2 passed September 6, 1983, and effective September 21, 1983 by Jungkunz (Chair), Weisenburger and Hamilton; Webber (Clerk-Treasurer).

1981

Sections 1-13, 1-17, 3-29, 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, 4-10, 4-11, 4-18, 4-19, 4-20, 4-21, 4-22, 4-23, 4-26, 4-27, 4-30, 4-31(a) and (b), 6-13, 6-35, 6-40, 6-60, 6-104, 6-134A, 6-204, and 10-2 repealed; sections 1-49, 1-55, 3-23, 3-26, 4-33, 6-34, 9-10, 9-11, 9-13, 9-15, 10-3 passed August 3, 1981, and effective August 11, 1981 by Sand (Chair), Jungkunz; Webber (Clerk-Treasurer).

1980

Section 1-54 passed July 7, 1980, and effective July 17, 1980 by Perron (Chair), Sand and Jungkunz; LaFosse (Clerk-Treasurer);

Section 5-19 passed August 4, 1980, and effective August ____, 1980 by Perron (Chair), Sand and Jungkunz; Webber (Clerk-Treasurer);

Section 5-19 passed October 6, 1980, and effective October 9, 1980 by Perron (Chair), Sand and Jungkunz; Webber (Clerk-Treasurer).

1979

Section 5-32 passed January 8, 1979, and effective January 11, 1979 by Perron (Chair), Sand and Ransom; Rolph (Clerk-Treasurer);

Sections 6-122a, 5-18 and 5-22 passed March 26, 1979, and effective April 6, 1979 by Perron (Chair), Sand and Jungkunz; Rolph (Clerk-Treasurer).

1978

Sections 5-29, 5-30, and 5-31 passed February 12, 1978, and effective February 23, 1978 by Perron (Chair), Sand and Ransom; Rolph (Clerk-Treasurer);

Section 1-48 passed May 22, 1978, and effective May 25, 1978 by Perron (Chair), Sand and Ransom; Rolph (Clerk-Treasurer);

Sections 4-10 and 4-11 passed September 18, 1978, and effective September 28, 1978 by Perron (Chair), Sand and Ransom; Rolph (Clerk-Treasurer).

1977

Sections 5-27 and 5-28 passed February 7, 1977, and effective February 17, 1977 by Perron (Chair), Sand and Ransom; Rolph (Clerk-Treasurer);

Sections 5-18 and 9-2 passed April 11, 1977, and effective April 21, 1977 by Perron (Chair), Sand and Ransom; Rolph (Clerk-Treasurer);

Section 1-50 passed September 12, 1977, and effective September 22, 1977 by Perron (Chair), Sand and Ransom; Rolph (Clerk-Treasurer).

1976

Sections 8-1, 8-2, 8-3, and 8-4 passed April 5, 1976, and effective April 15, 1976 by Perron (Chair), Sand and Ransom; Rolph (Clerk-Treasurer).

1972

Sections 3-19, 4-11, amended, 4-12, 4-13, 4-14, 4-15, 4-16, and 4-17 repealed, passed March 27, 1972, and effective April 6, 1972 by Rooney (Chair), Perron and King; Rolph (Clerk-Treasurer);

Sections 8-1 and 8-2 passed April 3, 1972, and effective April 6, 1972 by Rooney (Chair), Perron and King; Rolph (Clerk-Treasurer);

Section 1-54 passed July 10, 1972, and effective July 20, 1972 by Rooney (Chair), Perron and King; Rolph (Clerk-Treasurer).

1971

Section 11(k) passed June 21, 1971, and effective July 1, 1971 by Rooney (Chair), Perron and King; Rolph (Clerk-Treasurer);

Sections 4-10 and 9-15 passed November 8, 1971, and effective November 11, 1971 by Rooney (Chair), Perron and King; Rolph (Clerk-Treasurer).

1970

Section 4-4 passed March 23, 1970, and effective April 1, 1970 by Rooney (Chair), Malloy and Perron; Rolph (Clerk-Treasurer);

Section 4-32 passed August 24, 1970, and effective September 2, 1970 by Rooney (Chair), Malloy and Perron; Rolph (Clerk-Treasurer).

1969

Sections 3-26 and 3-29 passed September 29, 1969, and effective October 8, 1969 by Rooney (Chair), Malloy and Perron; Rolph (Clerk-Treasurer);

Sections 3-19, 4-11, 4-15, 4-17, 4-21, 9-2, and 9-6 passed October 6, 1969, and effective October 15, 1969 by Rooney (Chair), Malloy and Perron; Rolph (Clerk-Treasurer).

1968

Section 8-4.1-7 passed February 5, 1968, and effective February 21, 1968 by Rooney (Chair), Kuehnl and Malloy; Hovey (Clerk-Treasurer).

1967

Section 1-48 passed October 2, 1967, and effective October 11, 1967 by Rooney (Chair), Kuehnl and Malloy; Hovey (Clerk-Treasurer).

1966

Sections 2-90, 2-91, and 6-2 passed April 25, 1966, and effective May 5, 1966 by Rooney (Chair), Kuehnl and Malloy; Pope (Clerk-Treasurer);

Sections 4-31a-e passed July 7, 1966, and effective July 14, 1966 by Rooney (Chair), Kuehnl and Malloy; Pope (Clerk-Treasurer).

1965

Sections 4-1, 4-2, 4-3, 4-4, and 10-2 passed December 20, 1965, and effective December 23, 1965 by Kumm (Chair), Rooney and Kuehnl; Pope (Clerk-Treasurer).

1963

Sections 4-7, 6-98, 6-99, and 6-123 to 6-134 repealed; Sections 2, 3, 4, 5, 6, 7, and 8 passed February 18, 1963, and effective February 21, 1963 by Kumm (Chair), Hovey and Rooney; Pope (Clerk-Treasurer);

Sections 9-10 and 9-13 passed July 8, 1963, and effective July 11, 1963 by Kumm (Chair), Hovey and Rooney; Pope (Clerk-Treasurer).

1961

Section 5-19 passed July 10, 1961, and effective July 13, 1961 by Kumm (Chair), Hovey and Rooney; Pope (Clerk-Treasurer);

Sections 3-26, 3-27, and 3-28 passed October 30, 1961, and effective November 2, 1961 by Kumm (Chair), Hovey and Rooney; Pope (Clerk-Treasurer);

Sections 8-1, 8-2, 8-3, 8-4, 8-5, and 8-6 passed November 6, 1961, and effective November 16, 1961 by Kumm (Chair), Hovey and Rooney; Pope (Clerk-Treasurer).

1959

Sections 1-48, 3-5, 3-17, 4-10, 5-9, 6-100, and 6-125 passed February 23, 1959, and effective April 2, 1959 by Blair (Chair), Hovey and Linneer; Wright (Clerk-Treasurer).

1956

Ordinance, Title and Section 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, originally passed August 6, 1956, and effective August 16, 1956 by Welsch (Chair), Hansen (Clerk-Treasurer).