

Building Permit and Code

CHAPTER 9 HOUSES, BUILDINGS AND STRUCTURES

9.101. Permission for Construction Required. No building, fence, or other permanent structure shall be erected within the City without a land use permit obtained in writing from the Council. The written permission shall be granted by the clerk at the direction of the council. The permit shall specify the location, the time in which it is to be erected, a description of the size, and a description of the materials to be used, in constructing said building, fence, or other permanent structure,. Said permit shall not be construed to authorize the erection of any building in such a manner as to conflict with this Chapter.

9.102. Fees. The fee for a land use permit and other inspections shall be determined from time to time by resolution of the City Council.

9.103. Construction Guidelines.

(1) **Setback.** The Council shall use the following requirements in determining construction requirements: Each building, fence, or other permanent structure shall be constructed five (5) feet or more from each side lot line; ten (10) feet from the alley line; and thirty (30) feet from the front of the lot, unless the owner can show that the existing buildings, fences, and other permanent structures on the block are less than thirty feet from the front line of the lot. The City may grant a variance from these requirements if, after notice, the Council finds as a fact that the value of the adjacent property will not be diminished by the variance from these requirements. A variance may state any conditions which may be set by the council to protect the value of adjacent property.

(2) **Fence Height.** No fence located in a side or rear yard shall be of a height exceeding eight (8) feet at any point, measured from its top edge to the ground. No fence located in a front yard shall be of a height exceeding four (4) feet at any point, measured from its top edge to the ground. The City Council may grant a variance from the front yard height restriction for fencing located in the fire limits of the City of Sanborn, provided that no fence shall be installed in any area at a height exceeding eight (8) feet.

(3) **Fence Construction Materials.** All fences shall be constructed of stone, brick, finished wood, or chain link. The finished side of the fence, or that side of the fence without exposed supports or posts, shall face the neighboring properties, streets, or alleys.

(4) **Fence Maintenance.** Every fence shall be maintained in a good and safe condition at all times. Every damaged or missing element of any fence shall be repaired or replaced immediately.

9.104. Repair or Rebuilding at the Cost of the Builders. Any house, building, fence, structure, or chimney replaced, removed, built, or repaired contrary to the provisions of this Chapter shall be torn down and moved by and under the direction of the Council, and the costs of such tearing down and removal shall be charged against the owner and/or builder thereof. Said costs may be recovered in civil action against both or either of them.

9.105. Residential Area Defined. A residential area is any area of the City that is not included in the area designated in Section 9.106.

9.106. Fire limits Established. The following are hereby declared to be the fire limits of the City of Sanborn, to wit:

Lots 5 and 6, Block 3, Lehne's Addition;

West Half of Block 6, Winona & St. Peter Land Company's Third Addition;

West Half of Block 1, Winona & St. Peter Land Company's First Addition;

West Half of Block 1, Wells & Schroeder's Addition;

Lots 1 and 2, and Lots 7 and 8, Block 5, Original Plat;

East Half of Block 2, Winona & St. Peter Land Company's First Addition;

East 60 feet of Lots 10, 11 and 12, Block 2, Winona & St. Peter Land Company's First Addition;

Entire area lying between Block 3, Lehne's Addition, and Block 6, Winona & St. Peter Land Company's third Addition;

The entire area included in the right of way of the Chicago and Northwestern Railway Company, extending from Main Street westerly to a point 1000 feet westerly from the west line of West Street.

9.107. Building Construction Materials. No building shall be constructed or placed within the fire limits defined in 9.106 unless said building shall be constructed in the following manner:

(1) The outside walls shall be composed of brick, stone or any non-combustible material and shall not be less than eight inches in thickness, and all the outside walls of flat roof buildings extend to and at least twelve inches above the roof.

(2) All chimneys hereafter constructed within the said fire limits shall be built to a height of at least four feet above the roof. No chimney shall be built with less than four inches thick of brick and shall be completely imbedded in lime or cement. Each flue shall be plastered on the inside with a soft coat of mortar or cement. No flue shall be of less size than eight inches by eight inches on the inside.

9.108. Repair of Damaged Buildings. No wooden buildings within said fire limits shall be repaired and replaced when the same shall have been damaged by fire or otherwise, to the extent of fifty percent of the value thereof.

9.109. Moving Wooden Buildings into Fire Limits. No person shall move any wooden building or structure from any part, section or lot within or without said fire limits, to any part, section or lot within said fire limits.

9.110. Mobile Homes. Mobile homes that do not meet the state definition of a manufactured home and do not comply with the manufactured home building code shall not be located in any residential area of the City, as defined in Section 9.105, unless permission is first obtained from the City Council. Prior to issuance of permission, the

City Council may in its discretion first hold a public hearing on the matter and if a hearing is to be held it shall be preceded by two weeks published notice. The notice shall give the name of the applicant, location of the property, brief description of its intended use and the date, time and place of the hearing.

9.111. Moving, Razing or Relocation of Buildings in the City

1. In addition to the other required information to be furnished in the application for a land use permit required under this Chapter, the applicant shall provide the approximate size and weight of the structure or building proposed to be moved, razed or demolished, together with the places from and to which it is proposed to move the same, and the route to be followed.

1. **Bond Required.** Before any permit is granted, a bond, approved by the corporate counsel and in such amount as the City council may require based on its estimated valuation, shall be deposited with the City Clerk conditioned to indemnify the City for damage to any street or other public property, and in the case of razing or demolition, completion of the work within the time specified in the permit, which work will include filling any pit, basement or other excavation and the complete sodding thereof. In lieu of the bond, the applicant may submit a certified check for the amount of the bond payable to the City of Sanborn, which amount shall be returned upon the successful completion of the work in accordance with the terms of the application and permission granted.
2. **Subdivision Application.** This Subdivision applies whether the building or other structure proposed to be moved starts from a point of origin within or without the City and is to a point of destination within or without the City, or whether the movement is merely throughout the City with both a point of origin and destination without the City.
3. **Open Pits, Basements and Other Excavations.** It is unlawful for any person owning or in control of real estate to have any pit, basement, well, septic tank, cesspool, swimming pools or other excavation on said premises open and without protection for the public, except drainage ditches or park ponds.
 1. If such excavation is open for seventy-two (72) hours or less, it shall be protected by use of flares or lights at night and a railing or other temporary protection during the day.
 2. If it shall be permanently installed, it shall be protected with a chain link fence of at least 48 inches high, night and day.

9.112. Violations and Penalties. Any person violating any provision of this Chapter shall be guilty of a petty misdemeanor and upon conviction thereof may be subject to a fine not to exceed the maximum fine permitted by law. Each day that a violation continues shall be considered a separate offense.

9.113. Opting-Out of Minnesota Statutes, Section 462.3593. Pursuant to authority granted by Minnesota States, Section 462.3593, subdivision 9, the City of Sanborn opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.