BUILDING CODE FOR THE HANDICAPPED
COUNTY OF ITASCA

AN ORDINANCE ADOPTING THE MINNESOTA BUILDING CODE FOR THE HANDICAPPED; PROVIDING FOR ITS ADMINISTRATION AND ENFORCEMENT; REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, MOVING, CONVERSION, OCCUPANCY, EQUIPMENT, USE AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES SUBJECT TO THE HANDICAP REGULATIONS IN THE COUNTY OF ITASCA; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

The County Board of the County of Itasca does ordain and adopt:

Section 1. Building Code. That the sections of the Minnesota State Building Code, Minnesota Rules § 1340.0200 - .9900 (2MCAR 1.15501 - 1.15508), as amended, State Building Code Facilities for the Handicapped, and Uniform Building Code § 502, 511 (c) and 511 (d) one copy of each which is on file in the Office of the Itasca County Auditor, is hereby confirmed as the building code for handicapped persons in the County of Itasca and incorporated in this Ordinance as completely as if set out in full. Minnesota Statutes 471.465 through 471.469, and Minnesota Statutes 16B.69 - 16B.72, as amended are also applicable.

Section 2. Organization and Enforcement. That the Zoning Department shall be the Building Code Department of the County of Itasca and that enforcement of the Code shall be conducted within the guidelines established by Chapters 1, 2, and 3 and amendments thereto, applicable to the Mandatory Provisions of the Minnesota Building Code for the Handicapped listed in Minnesota Building Code, 1982 Edition, one copy of which is on file in the office of the Itasca County Auditor.

Section 3. The Administrative Authority shall be a State Certified "Building Official" so designated by the County Board of Itasca County.

Section 4.
A. Building Permit Fees and Plan-checking Fees. The building permit fees and the plan-checking fees as established by resolution of the County Board of Itasca County shall be collected to finance the Building Code Department for deposit with the County and credited to the general revenue fund. The County Board shall establish a schedule of fees applicable to all permit applications, certificates or compliance, inspections, and mileage. The fee schedule shall be incorporated in this Ordinance which is distributed to the public. The schedule of fees may be altered or amended by County Board Resolution.
The fee schedule shall be as follows:

**FEES**

Zone A - 0-15 Miles $ 6.90  
Zone B - 15-30 Miles  10.35  
Zone C - 30-45 Miles  13.80  
Zone D - 45-60 Miles  17.25  

**PERMITS** - Fee to be established by the County Board.

**INTERIM INSPECTIONS** - Mileage + Time @ $15.00 per hour  
Minimum - One (1) Hour  

**RE-INSPECTIONS** - Mileage + Time @ $15.00 per hour  
Minimum - One (1) Hour  

B. Surcharge. In addition to the fees required by paragraph A above, the applicant shall pay a surcharge in the amount fixed by law (Minnesota Statutes 168.70, as amended) and so stated in the resolution adopted by the County Board of Itasca County establishing the building permit fees. This surcharge shall be remitted to the Minnesota Department of Administration and shall be imposed on all permits issued by Itasca County for the construction, addition, alteration, moving, conversion, occupancy, and use of all buildings and/or structures subject to the Handicap Regulations of Itasca County.

**SURCHARGE FEE:** $.50 per permit or as otherwise authorized by law.

Section 5. Violations and Penalties. That the penalty described in Chapter 2 of the Uniform Building Code, 1982 Edition, and Minnesota Statutes 16B.69 (1984), as amended shall be in keeping with Minnesota Statutes 609.033 which provides for a maximum fine of $700 or imprisonment for 90 days, or both.

Section 6. Effective Date of Ordinance. That this Ordinance is hereby ordered effective upon publication. Passed and adopted this day of , 198 .

Section 7. Validity. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so
declared to be unconstitutional or invalid.

Dated:

Attest:

__[Robert Loscheider]________  __[Shirley Jokinen]________
Itasca County Auditor        Chairperson
                        Itasca County Board of Commissioners
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(c) Water Fountains. Where water fountains are provided, at least one shall have a spout within 33 inches of the floor and shall have up-front, hand-operated controls. When fountains are located in an alcove, the alcove shall be not less than 32 inches in width.

(d) Telephones. Where public telephones are provided, at least one shall be installed so that the handset, dial and coin receiver are within 54 inches of the floor. Unobstructed access within 12 inches of the telephone shall be provided. Such access shall be not less than 30 inches in width.
Group R, Division 3 Occupancies Defined

Sec. 1401. Group R, Division 3 Occupancies shall be Dwellings and Lodging Houses.

Group R, Division 4 Defined

UBC Section 1201 Occupancies: This use group includes all one-and two-family dwellings built exclusively by the standards as established in the 1975 One and Two Family Dwelling Code as promulgated by the national model code organizations and parts 1325.0200 to 1325.0700.

Group M, Occupancies Defined

Sec. 1501. Group M Occupancies shall be:

Division 1. Private garages, carports, sheds and agricultural buildings.
   EXCEPTION: Where applicable (See Section 103) See Appendix Chapter 15 for agricultural buildings located in Fire Zone No. 3.

Division 2. Fences over 6 feet high, tanks, and towers.
A public hearing was held by the Itasca County Planning Commission on August 28th, 1985, relative to amendments to the Zoning Ordinance and Subdivision Platting Regulations in which the Planning Commission recommended, to the County Board, adoption of the following sections:

Zoning:  
Section 1.20 - Boathouse  
Section 5.63 - Boathouse  
Section 1.47 - Junk Yard  
Section 9.92 - Controlled Density Developments  
Section 1.60A - Non-conforming Structure  
Section 1.43 - Group Home I)  
Section 1.431 - Group Home II) Includes Land Use Classification List  
Section 1.291 - Day Care Facility I)  
Section 1.292 - Day Care Facility II) Includes Land Use Classification List  
Section 1.381 - Foster Home) Includes Land Use Classification List  
Section 6.23 - Zoning Ordinance Map Amendments  
Section 2.30 - Zoning Districts  
Section 2.150 - Residential Municipal-1 Zone  
Article V - Residential Municipal-1 Zone) Includes Land Use Classification List

Subdivision:  
Section 801 - Procedure for Submitting Final Plat  
Section 802 - Distribution of Final Plans  
Section 803 - Submission of Reports on Final Plat

Notice of the hearing before the County Board on the proposed amendments was duly published in the official newspaper of the County on October 9th, 1985, and, pursuant to such notice, the public hearing was held on October 22nd, 1985. Following said hearing, amendments were adopted to the above named sections, to be effective January 1, 1986. Publication of the adopted amendments was made in the official newspaper of the County on November 17, 1985.

ATTESTED:  
[Robert R. Olson]  
[Shirley Jokinen]  
Clerk of County Board  
Chairperson of County Board

Certified as a complete and accurate copy of Ordinance Number

[Robert Loscheider]  
[Robert Loscheider, County Auditor]  
Recorded:  
[Doris Burton]  
County Recorder

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against the administrative expenses the municipalities incur in collecting the surcharges. The report, which must be in a form prescribed by the commissioner, must be submitted together with a remittance covering the surcharges collected by the 15th day following the month or quarter in which the surcharges are collected. All surcharges and other fees prescribed by sections 16B.59 to 16B.71, which are payable to the state, must be paid to the commissioner who shall deposit them in the state treasury for credit to the general fund.

History: 1984 c 544 s 75

16B.71 PERMIT FEES, TO WHOM APPLICABLE.

Municipal building officials shall administer and enforce the state building code with respect to all subject structures constructed within their jurisdiction, including all buildings constructed by the state of Minnesota, its agencies, departments, and instrumentalities, school districts, municipalities as defined in section 16B.60, and the University of Minnesota. These governmental bodies shall pay the building permit fees and surcharges that the inspecting municipality customarily imposes for its administration and enforcement of the code.

History: 1984 c 544 s 76

16B.72 REFERENDA ON STATE BUILDING CODE IN NONMETROPOLITAN COUNTIES.

Notwithstanding any other provision of law to the contrary, a county that is not a metropolitan county as defined by section 473.121, subdivision 4, may provide, by a vote of the majority of its electors residing outside of municipalities that have adopted the state building code before January 1, 1977, that no part of the state building code except the building requirements for handicapped persons applies within its jurisdiction.

The county board may submit to the voters at a regular or special election the question of adopting the building code. The county board shall submit the question to the voters if it receives a petition for the question signed by a number of voters equal to at least five percent of those voting in the last general election. The question on the ballot must be stated substantially as follows:

"Shall the state building code be adopted in ........ County?"

If the majority of the votes cast on the proposition is in the negative, the state building code does not apply in the subject county, outside home rule charter or statutory cities or towns that adopted the building code before January 1, 1977, except the building requirements for handicapped persons do apply.

Nothing in this section precludes a home rule charter or statutory city or town that did not adopt the state building code before January 1, 1977, from adopting and enforcing the state building code within its jurisdiction.

History: 1984 c 544 s 77

16B.73 STATE BUILDING CODE IN MUNICIPALITIES UNDER 2,500; LOCAL OPTION.

The governing body of a municipality whose population is less than 2,500 may provide that the state building code, except the requirements for handicapped persons, will not apply within the jurisdiction of the municipality, if the municipality is located in whole or in part within a county exempted from its application under section 16B.72. If more than one municipality has jurisdiction over an area, the state building code continues to apply unless all municipalities having jurisdiction over the area have provided that the state building code, except the requirements for handicapped persons, does not apply within their respective jurisdictions.

History: 1984 c 544 s 78
Commissioner Carpenter moved the adoption of the following resolution:

Resolution No. 4-85-6

RE: ENACTMENT OF AN ORDINANCE ENTITLED:
"COUNTY OF ITASCA BUILDING CODE FOR THE HANDICAPPED"

WHEREAS, the County of Itasca is required by law to adopt and enforce the mandatory provisions of the State Building Code for the Handicapped; and

WHEREAS, the attached Ordinance entitled "County of Itasca Building Code For The Handicapped" provides for the implementation, enforcement and administration of the mandatory provisions of the State Building Code for the Handicapped as required and authorized by law; and

WHEREAS, Notice of Intent to Enact that Ordinance has been duly published at least once in the Grand Rapids Herald Review at least ten (10) days before a public hearing was commenced relative to its enactment in accordance with Minn. Stat. 375.51; and

WHEREAS, a public hearing was duly scheduled and convened on this date, Tuesday, April 16, 1985 at 10:00 A.M. in the Itasca County Board Room, relative to the enactment of that Ordinance at which time interested persons were heard.

NOW, THEREFORE, BE IT RESOLVED, that the Itasca County Board of Commissioners hereby ordains and enacts the mandatory provisions of the State Building Code for the Handicapped as described in the attached Ordinance entitled "County of Itasca Building Code For the Handicapped".

BE IT FURTHER RESOLVED that publication of that Ordinance be made in the following newspapers as part of this hearing:

Grand Rapids Herald Review
Western Itiscan
Eastern Itiscan
Scenic Range News
Northome Record

BE IT FURTHER RESOLVED that proof of the publication of that Ordinance be attached to and filed with that Ordinance in the office of the Itasca County Auditor.

Commissioner Schaar seconded the motion for the adoption of the resolution and it was declared adopted upon the following vote: Ayes: 4 Nays: 0 1 absent

ROLL CALL VOTE: Ayes: Districts 1, 2, 3, 4 Nays: 0 1 absent
Commissioner Carpenter moved the adoption of the following resolution:

Resolution No. 4-85-9

RE: AMENDMENT TO HANDICAPPED BUILDING CODE ORDINANCE

WHEREAS, the Itasca County Board of Commissioners does hereby amend the fee schedule for permits of the Handicapped Building Code Ordinance; and

WHEREAS, the permit fee schedule shall be established by the Itasca County Zoning Office and will be so stated in the Ordinance


Commissioner LaPlant seconded the motion for the adoption of the resolution and it was declared adopted upon the following vote: Ayes: 4 Nays: 0 1 absent

ROLL CALL VOTE: Ayes: District 1, 2, 3, 4 Nays: 0 1 District 5 absent