

**TOWN OF BECKER  
ORDINANCE 2023-01**

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**BUILDING CODE, CONSTRUCTION LICENSING, PERMITS, AND REGULATION**

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**AN ORDINANCE AMENDING SECTION 9, SWIMMING POOLS IN THE  
TOWNSHIP BUILDING CODE, CONSTRUCTION LICENSING, PERMITS, AND REGULATION ORDINANCE**

**SECTION 1 BUILDING CODE ADOPTED.**

The Minnesota State Building Code, as adopted by the Commissioner of Commissioner of Labor and Industry pursuant to Minnesota Statutes chapter 326B, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Commissioner of Labor, through Building Codes and Standards Units is hereby adopted by reference and as listed below. The Minnesota State Building code is hereby adopted by the Township and made part of this Township Code as though fully set forth herein.

**Subd. 1. Building Official.**

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, 326.121, Subd. 2(d), when so established by this ordinance in accordance with Minnesota Statutes 326B.121.133, Subdivision 1. A Minnesota certified Building Official must be appointed by the Town to administrator the code. The code enforcement agency of this Town is the Building Official or his/her representatives.

**SECTION. 2. PERMIT FEES.**

Fees for permits under this Chapter, which may include a surcharge per Minnesota Statute 326B.148, shall be determined by the Town Board and fixed by its resolution, a copy of which shall be in the office of the Town Clerk and uniformly enforced.

**SECTION. 3. BUILDING PERMITS AND PROCEDURES.**

It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or any part or portion thereof, including, but not limited to, the plumbing, electrical, ventilating, heating or air conditioning systems therein, or cause the same to be done, without first obtaining a separate building permit from the Town for each such building, structure or mechanical component.

**Subd. 1. Exemptions from Permit Requirement.**

No building permit shall be required for activities of the type set forth in the Work Exempt from Permit provisions of the Minnesota State Building Code and incorporated under Town Ordinance. Examples of such exempted activities include but are not limited to the following:

- A. A one-story detached accessory building, provided the floor area of such building does not exceed 200 square feet;
- B. Fence not over than 7 feet high;

- C. Window awnings, supported by an exterior wall of Group R-3 and Group U occupancies; and
- D. Decks, platforms not more than 30 inches above adjacent grade and not attached to a structure with frost footings and which is not part of an accessible route.

**Subd. 2. Application Procedure.**

Application for a building permit shall be made on forms furnished by the Town and said application shall be accompanied by the following:

- A. Detailed working drawings and specifications for all site, building, and utility preparation, drainage, construction and installation. Said requirements shall be established in the form of a Certificate of Survey as described in the building permit section of this Ordinance.
- B. All covenants, agreements, and information approved as part of the Planned Unit Development procedure for rezoning.
- C. A final plat of the real property for which the building permit is being requested.
- D. Where no structure is to be constructed, the grading plan for ground alterations.
- E. Other documentation and information requested by the Town and reasonably necessary for adequate review and evaluation of the proposed activity for which the building permit is being requested.
- F. The Town Zoning Administrator or Building Official may deny a building permits, or require conditions for the purpose of protecting the natural environment and public health, safety and welfare, or for any reason deemed inconsistent with the Comprehensive Plan, Zoning Ordinance, or other Township regulation. Denial of or conditions placed upon a building permit may include, but are not limited to:
  - 1. Structure design that contributes to or causes environmental degradation
  - 2. Lots or plats that are unique and susceptible to drainage, runoff, and erosion
  - 3. Situations in which a professional specialist review, certification, or completion of work is deemed necessary by the Zoning Administrator

**Subd. 3. Issuance:**

The Building Official shall examine or cause to be examined applications for permits and amendments within a reasonable time after filing. If the application, or construction document, does not conform to the requirements of pertinent laws, the building official shall reject the application and notify the applicant in writing stating the reasons for rejections. If the building official is satisfied that the proposed work conforms to the requirements of the code and applicable laws and ordinances, the building official shall issue the permit.

**SECTION. 4. SEWER AND WATER SYSTEMS**

All sewage and water systems hereafter constructed or maintained shall conform with the provisions of Minnesota Rules Chapters 7080-7082. These rules are hereby adopted in its entirety by reference and made part of this ordinance as if fully set forth herein. In addition, this

ordinance hereby adopts the on-site sewage policies set forth by law as identified in Minnesota Statute 115.55.

**Subd. 1. More Restrictive Local Amendments**

**A** For the purpose of septic system design, all new SSTS will be considered Type I systems. Becker Township adopts Minnesota Rules Chapters 7080.2200-7080.2240 to allow for performance systems.

**B.** A sewage treatment system not meeting the requirements of this ordinance must be upgraded, at a minimum, any time a permit or variance of any type is required for any improvement on, or use of, the property. A sewage treatment system not meeting the requirements of this ordinance must be upgraded prior to property transfer or registration of a contract for deed. The procedures are as follows:

**1. "Certificate of Compliance"**

will be required to be provided as evidence of meeting ordinance requirements. This will be enforced at the time a building or land use permit is required, or at the time a Certificate of Real Estate Value (CRV) is required for property transfer.

**2. Exemptions**

A Certificate of Compliance will not be required under the following circumstances:

- a. The tract of land is vacant (without buildings)
- b. The sale of land is exempt from the requirements that a CRV be filed with the County Auditor, as per MN. stat. , Section 272.115.
- c. The dwelling unit's plumbing fixtures are connected to an MPCA approved shared community wastewater treatment system.

**3. Valid Time Period of a Certificate of Compliance**

A Certificate of Compliance is valid for the following periods of time:

- a. For property transfers the valid time period for a Certificate of Compliance for existing system is three (3) years, unless an imminent health threat is determined.
- b. Certificates of compliance for new construction or replacement system compliance inspections remain valid for five (5) years from the date of issuance, unless an imminent health threat is determined.
- c. For land use and building permits, the valid time period of a Certificate of Compliance will be 10 years.

**4. Evidence of Compliance**

Compliance Inspections must meet the definitions described in Minnesota Pollution Control Agency Individual Sewage Treatment System Standards Chapter 7080.1200. Upon completion of a compliance inspection a "MPCA Inspection Form for Existing Systems" meeting the requirements set forth in Chapter 7080.1670 must be provided to the property owner and Becker Township

Zoning Office Immediately upon completion. This form must also be used when providing evidence to the Auditor's Office for filing a CRV.

5. **Escrow**

For transactions occurring between the time period of December 1 through May 1, the buyer may be allowed to escrow funds to complete a compliance inspection, and if necessary, a sewer upgrade by no later than June 15. This will only be allowed if the buyer can obtain a signed letter of understanding prior to closing from the Becker Township Zoning Administrator and or his/her appointees.

**Subd. 2. Permits**

No person, firm or corporation shall install, alter, repair, or extend any individual sewage disposal system in Becker Township without first obtaining a permit from the Zoning Administrator. Sherburne County will administer the minimum requirements set forth in Chapter 7080.1670 when issuing permits.

**Subd. 3. Inspections**

Becker Township will administer the minimum requirements set forth in Chapter 7080.1670 when performing inspections. For the purpose of compliance inspections, as part of the permit process, a MPCA certified inspector will complete the inspections of new, or upgraded systems prior to being back-filled whenever proper notification has been provided by the applicant.

For existing systems in need of a compliance inspection, inspections will be completed by professionally trained and MPCA licensed Inspectors" and or Designer I. For systems identified as non-compliant, Becker Township will require upgrades to be made as consistent with the rules outlined in Chapter 7080.1500 Subp.4b. However, compliance will be required immediately if an imminent health threat is defined by Chapter 7080.1500 Subp.4a.

**Subd. 4. Licensing**

No person, firm or corporation shall engage in the business of pumping, designing, inspecting, repairing, or installing an on-site sewage treatment disposal system without first obtaining a license to carry on such occupation as required by the Minnesota Pollution Control Agency Chapter 7080.1670 rule for Individual Sewage Treatment Systems. It is the responsibility of the sewage professional to maintain such licenses. Exemptions to this will only be allowed under Minnesota Rules Chapter 7083.0700.

**Subd. 5. Administrative**

For all new lots created after January 23, 1996 in Becker Township, applicants must demonstrate the availability of a minimum of one additional soil treatment area which can support a standard soil treatment system. This is consistent with the rules defined in Chapter 7080.1200.

**Subd. 6. Shoreland**

Properties in the Shoreland Districts regulated under Section 14 of the Becker Joint Planning Board Zoning Ordinance must meet the requirements set forth in Chapter 7080 Rules as well as Section 4 of this ordinance.

## **SECTION. 5. MAXIMUM BUILDING DEPTH BELOW GRADE.**

The lowest floor shall be set at or above the Lowest Floor Elevation (LFE) and shall be shown on a certificate of survey to be submitted with building permit applications.

If a LFE is not established, the lowest floor elevation cannot be set lower than one (1) foot above mottling, and a soil boring report shall be submitted with building permit applications; said report shall be referenced to the vertical datum of the Certificate of Survey.

Residential buildings, building additions, and accessory structures exempt from Certificate of Survey requirements, as stated in Section 6, Subd. 1. B., shall be required to submit soil boring data. Additionally, a proposed LFE and soil boring data shall be shown relative to a published benchmark.

## **SECTION. 6. CERTIFICATE OF SURVEY REQUIREMENT.**

All applications for building permits for properties on which a new structure or an addition that changes an existing building footprint is being built, with the exception of Subd. 1 below, must be accompanied with a registered certificate of survey including all of the information contained in Subd. 2 below.

### **Subd. 1. Exemptions.**

The following building permit applications shall be exempt from the above certificate of survey requirements.

- A.** Structures that are constructed to allow for the passage of storm water, and do not force drainage onto adjoining parcels, including but not limited to decks, gazebos, accessory structures, additions, and driveways, provided all of the required setbacks are met.
- B.** Residential buildings, additions, and accessory structures on five (5) acres or more where the property lines can be clearly identified and the setbacks clearly met as determined by the Zoning Administrator or Building Official. A House Staking Certificate (Site Plan), signed by a Registered Land Surveyor and showing the proposed building relative to the most restrictive setback and most restrictive physical feature and a minimum of one (1) foot above mottling based on a soil boring, shall be required.
- C.** Residential building addition provided the following:
  - 1.** The project does not change the site topography
  - 2.** The project does not force drainage onto adjoining properties
  - 3.** The site is not located within the 100-year floodplain
  - 4.** The building addition complies with all zoning district setbacks, and easements of record.
  - 5.** In place of a registered survey, a detailed site plan showing the following items must be submitted with the building permit application.
    - a.** Scale of drawing, north arrow, and a legal description of the property

- b. Dimensions of all lot lines, and all easement of record
  - c. Names of all abutting streets
  - d. Location of all existing and proposed buildings, accessory structures, and future garage and deck locations on the lot
  - e. Outside dimensions of the existing structure and proposed addition including decks, porches, stairways, fireplaces, bay and bow windows.
  - f. If necessary, should the proposed addition be set close to an apparent lot line, and the Building Official and/or Zoning Administrator is not able to determine the setback, the applicant is responsible (via property corners or a registered land surveyor) to prove the exact location of the existing lot line, and that the structure will not encroach within the required setback area.
- D. Accessory structures not requiring a building permit shall meet all setback, easement of record, and other zoning and site requirements of the applicable zoning district. Should the proposed structure be set close to an apparent lot line, and the Building Official and/or Zoning Administrator is not able to determine the setback, the property owner is responsible (via property corners or a registered land surveyor) to prove the exact location of the existing lot line, and that the structure will not encroach within the required setback area. Or the structure must be moved to a location that is clearly outside the required setback area.

**Subd. 2. Survey Requirements.**

All registered certificate of surveys shall meet the following requirements.

- A. All surveys must be certified by a Minnesota Registered Land Surveyor. Civil Engineers may certify topographic surveys.
- B. Scale of drawing, north arrow, and a legal description of the property must be included on the survey.
- C. Dimensions of all lot lines and all easements of record must be clearly shown on the survey.
- D. Location of all utilities as shown on the recorded plat must be clearly shown on the survey.
- E. Names of all abutting streets must be clearly shown on the survey.
- F. Location of all existing and proposed buildings, accessory structures and future garage and deck locations on the lot must be clearly shown on the survey.
- G. Outside dimensions of the proposed structure, including decks, porches, stairways, fireplaces, bay and bow windows must be clearly shown on the survey. The Outside dimensions of the proposed structure shall be staked on the lot for the building official to inspect. The maintenance of these stakes, once established by the surveyor, shall be the responsibility of the building permit applicant.

- H. Location of stakes established by the surveyor along each side lot line shall be clearly shown on the survey. The maintenance of these stakes, once established by the surveyor shall be the responsibility of the building permit applicant.
- I. Grade elevations of the following points shall be clearly indicated on the survey.
  - 1. Each lot corner (both existing and proposed elevations).
  - 2. Center of existing or proposed street at each lot line extended and at the driveway.
  - 3. Proposed grades around buildings, the driveway, retaining walls and walkout, if included.
  - 4. Proposed floor elevations; basement, top of foundation and garage. Such elevations may be based on assumed data but shall be tied by the surveyor to a specified benchmark, if there is a known N.G.V.D. within a one-half mile distance. In either case, a benchmark description shall be given on the drawing.
- J. The proposed disposal of drainage and surface water, indicating direction of surface water drainage by arrows. This must concur with any existing subdivision drainage plan.
- K. The garage must be noted along with the driveway position and percent slope on the survey.
- L. Any existing wetlands, ponds, streams and lakes shall be clearly shown on the survey. For ponds and lakes, the normal water level and the 100-year flood elevation must be indicated on the survey.
- M. Location of sewer and water connections must be clearly identified on the survey.
  - 1. If stubs for city water and sewer are available at the lot, the location, size and elevation shall be shown on the survey.
  - 2. If stubs are not available at the lot, should survey to determine elevation of inverts to nearest manholes up and down stream of the proposed building and show proposed location on the survey.
  - 3. In the case of private septic systems and wells, location of each shall be shown on the plan as approximate and septic system drain field laid out on the plan with proposed elevations.

**Subd. 3. Post Construction Verification:**

After construction activity has occurred, a survey identifying locations of structures shown on the site plan shall be required, unless a survey with building permit applications was exempted in Subd. 1 of this Section. Said survey shall also verify elevations on the site to demonstrate proper drainage of the lot has been achieved in accordance with the specific lot site requirements, as required in Section 4.03, Subdivision 2, A. In the case of those Residential Buildings exempt from Certificate of Survey requirements, an As-built Certificate (Site Plan), signed by a Registered Land Surveyor, is required. Said certificate shall show actual location of constructed structures relative to the most restrictive setback and to the most restrictive physical feature and a minimum of one (1) foot above mottling. The final approval or certificate of occupancy shall be withheld until such verification is given.

## SECTION 7. PERMITS AND SPECIAL REQUIREMENTS FOR MOVING BUILDINGS.

### Subd. 1. Definitions.

The following terms, as used in this Section, shall have the meanings stated:

- A. **"Highway"** means a public thoroughfare within the Township for vehicular traffic which is a State Trunk highway, County State-aid highway, or County road.
- B. **"Town Road"** means a public thoroughfare in the Township for vehicular traffic which is not a State Trunk highway, County State-aid highway or County road.
- C. **"Building"** means any structure that, when loaded onto a trailer or otherwise made capable of movement upon the roads, exceeds the size or weight restrictions contained in Minnesota Statutes Chapter 169 for vehicles operating on roads or streets of this state without a special permit.
- D. **"Moving Permit"** means a document allowing the use of a Street or Highway for the purpose of moving a Building; provided, however, that such permitted use shall be in compliance with all state laws regarding such permits, including, but not limited to, Minnesota Statutes Sections 160.26, 169.80, 169.81, 169.825 and 169.86, all as amended or renumbered.
- E. **"Highway Moving Permit"** means a Moving Permit to move a Building on a Highway for which a fee is charged which does not include route approval, but does include regulation of activities which do not involve the use of the Highway; which activities include, but are not limited to, repairs or alterations to a municipal utility required by reason of such movement.
- F. **"Street Moving Permit"** means a Moving Permit to move a Building on a Street for which a fee is charged which does include route approval, together with use of the Street and other procedures including, but not limited to, repairs or alterations to a municipal utility required by reason of such movement.
- G. **"Combined Moving Permit"** means a Moving Permit to move a Building on both a Street and a Highway.

### Subd. 2. Application:

The application for a Moving Permit shall state the dimensions, weight, and approximate loaded height of the Building proposed to be moved, the places from which and to which it is to be moved, the route to be followed, the dates and times of moving and parking, the name and address of the mover, and the municipal utility and public property repairs or alterations that will be required by reason of such movement. In the case of a Street Moving Permit or Combined Moving Permit, the application shall also state the size and weight of the Building proposed to be moved and the street alterations or repairs that will be required by reason of such movement.

### Subd. 3. Permit and Fee:

The Moving Permit shall state date or dates of moving, hours, routing, movement and parking. Moving Permits shall be issued only for moving Buildings by building movers licensed by the State of Minnesota, except that a Moving Permit may be issued to a person moving his or her own Building, or a person moving a Building which does not exceed 16 feet in width, 20 feet in length, or 14 feet in loaded height. Fees to be charged shall be separate for each of the following: (1) a Moving Permit fee to cover use of streets and route approval, and (2) a fee equal to the anticipated



amount required to compensate the Town for any utility and public property repairs or alterations occasioned by such movement. All Moving Permit fees shall be paid in advance of issuance.

**Subd. 4. Building Permit and Code Compliance:**

Before any Building is moved from one location to another within the Township, or from a point of origin without the Township to a destination within the Township, regardless of the route of movement, it shall be inspected and a building permit shall have been issued for at least the work necessary to bring it into full compliance with the State Building Code.

**Subd. 5. Unlawful Acts.**

- A. It is unlawful for any person to move a Building on any street without a Moving Permit from the Town.
- B. It is unlawful for any person to move a Building on any Highway without a Highway Moving Permit.
- C. It is unlawful to move any Building if the point of origin or destination (or both) is within the Township, without having paid in full all real and personal property taxes, special assessments and municipal utility charges due on the premises of origin and filing written proof of such payment with the Town.

**SECTION 8. FLOOD PLAIN MANAGEMENT AREAS.**

**Subd. 1. Flood Plain Management Criteria for Flood-Prone Areas:**

The following requirement shall be adhered to when building in a flood-prone area.

- A. When the Federal Emergency Management Agency Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway area, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall:
  - 1. Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;
  - 2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;
  - 3. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:
    - a) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
    - b) be constructed with materials resistant to flood damage,

- c) be constructed by methods and practices that minimize flood damages, and
  - d) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that:
- a) all such proposals are consistent with the need to minimize flood damage within the flood-prone area,
  - b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
  - c) adequate drainage is provided to reduce exposure to flood hazards.
5. Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and
6. Require within flood-prone areas
- i. new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and
  - ii. onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

## **SECTION 9. SWIMMING POOLS**

Swimming pool permitting, access control, and drainage requirements are as follows:

1. Temporary, prefabricated pools less than twenty-four (24) inches in depth and less than five-thousand (5,000) gallons in volume are exempt from permitting requirements.
2. Temporary, prefabricated pools greater than 24 inches in depth or greater than 5,000 gallons in volume require a building permit and may require a land use permit from the County. The permits will be valid as long as the same pool is assembled on the same location each year.
3. All in-ground pools require a building permit and may require a land use permit from the County.
4. Pools that require a building permit must be completely enclosed by a permanent fence equipped with self-closing, self-latching gate not less than 4 feet in height, at a distance not less than 4 feet from the pool or, for above ground pool, have a removable ladder. Where pools are equipped with a powered safety cover that complies with the ASTM F1346

Standard Performance Specification for Manual Safety Covers, the areas where those pools are located shall not be required to comply with the fencing or ladder requirement.

5. Decks, platforms, and other structures that are accessible from ground level and serve as a pool deck or apron for above ground pools shall be equipped with a self-closing, self-latching gate at the top or bottom of the stairs, ramps, or any other access points.
6. Drainage from temporary, prefabricated pools must be within the property boundary in a manner that does not cause harm to another property, natural environment, or township infrastructure.

**SECTION 10. VIOLATION A MISDEMEANOR.**

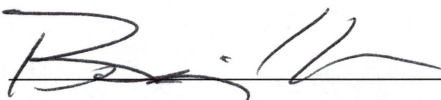
A person violates a section, subdivision, paragraph or provision of this Chapter when that person performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, such violation shall be punishable as a misdemeanor except as otherwise stated in specific provisions hereof.

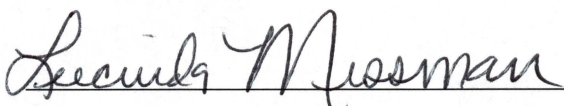
**SECTION 11. EFFECTIVE DATE.** The effective date of this Ordinance is December 23, 2023.

This ordinance shall become effective upon its passage and publication.

Adopted this 18<sup>th</sup> day of December, 2023 by the Town Board of Supervisors of the Town of Becker.

**BECKER TOWN BOARD  
TOWN OF BECKER  
SHERBURNE COUNTY, MINNESOTA**

By:   
Brian Kolbinger, Chair

By:   
Lucinda Messman, Town Clerk

Published in the official newspaper the 23<sup>rd</sup> day of December, 2023.

Drafted by:  
Ben Wikstrom, Planning Consultant  
Becker Township  
PO Box 248  
Becker, MN 55308

Reviewed By:  
Kelli Bourgeois, Esq. Township Attorney  
Bourgeois Law Office  
21101 145<sup>th</sup> St NW  
Elk River, MN 55330

STATE OF MINNESOTA  
COUNTY OF SHERBURNE } ss.

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of December, 2023.  
By Brian Kolbinger, the Chairman of the Becker Town Board.

Lucinda S. Messman

SIGNATURE OF PERSON TAKING ACKNOWLEDGEMENT

