

Denmark Township Planning Commission Meeting  
2012 Proposed Ordinance Amendments  
Public Hearing April 16, 2012

**Planning Commission Members Present:** Charlie Grote, Pat Lilligren, Steve Radke, Bob Barr

**Absent:** Don Schneider

**Board Supervisors Present:** Kathy Higgins

**Others Present:** Attorney Troy Gilchrist-Kennedy Graven

**7:00 PM** Public Hearing for 2012 Proposed Ordinance Amendment opened.

Attorney submitted 03-12-12 draft ordinance amending the Township Development Code Regarding Electric Permits and Other Matters, draft amended fee schedule and 04-16-12 memo related to 2 additional amendments to consider as part of the Commission's review of the proposed zoning ordinance amendment.

Attorney/Planning Commission reviewed the proposed amendments.

Public Comment: None

**7:40 PM** Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk.

**7:41 PM** Planning Commission meeting opened.

Discussion re: Permit fee of \$300 related to temporary commercial accessory structure being too high.

Commission asked Higgins to discuss with Inspector and/or Board.

**Motion Barr/2<sup>nd</sup> Lilligren to recommend approval of the proposed Ordinance Amendments as follows:**

**Article I. Electrical Permits and Inspections.** Chapter One, Section 13 of the Denmark Township Development Code is hereby amended by adding a new Section 13.2 as follows and renumbering the remaining sections accordingly:

13.2 Electrical Permits and Inspections.

- (1) No electrical equipment shall be installed within or on any building, structure, premises, or lot, nor shall any alteration or addition be made in any such existing electrical equipment, without first obtaining an electrical permit from the Township electrical inspector. Electrical installations and electrical work requiring issuance of an electrical permit from, and an electrical inspection by, the Township shall be to the same extent as required by Minn. Stat. § 326B.36 if the Commissioner of the Department of Labor and Industry was responsible for issuing electrical permits and conducting electrical inspections in the Township. Work exempt from having to obtain an electrical permit under Minn. Stat. § 326B.36, Minn. Stat. § 326B.38, or other applicable law is also exempt from having to obtain an electrical permit under this Ordinance.
- (2) An inspection by the Township electrical inspector shall be required of electrical equipment installed pursuant to an electrical permit. All such inspections shall be conducted in accordance with state law and shall be done to determine compliance with accepted standards of construction for safety to life and property.
- (3) The installation of electrical equipment shall be in accordance with the electrical code adopted by the State of Minnesota in Minn. R., part 1315.0200 and incorporated into the Minnesota State Building Code by reference, and only upon issuance of an electrical permit by the Township unless the work is exempt. The person making the installation shall notify the Township electrical inspector when the installation is complete and ready for inspection. The Township electrical inspector shall then, within a reasonable period of time, conduct an inspection of the installation. If the Township electrical inspector determines the installation is in conformance with the applicable standards, he or she shall issue a certificate of approval to the installer. If a certificate of approval authorizes the connection and use of a temporary installation, such certificate shall expire on the date and at the time indicated on the certificate and shall be revocable earlier by the Township electrical inspector for cause.

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- (4) If the electrical equipment being installed is to be hidden from view by the permanent placement of parts of the building, the person installing the equipment shall notify the Township electrical inspector and no portion of the electrical equipment shall be covered until inspected and approved by the Township electrical inspector. The Township electrical inspector may require the removal of any materials covering any portion of electrical equipment that was not inspected and found conforming before it was covered.
- (5) The Township electrical inspector shall be responsible for conducting electrical inspections and issuing certificates of approval, shall be a licensed master or journeyman electrician as required by state law, and shall not otherwise engage or be employed in the sale, installing, altering, or repairing of electrical wiring, apparatus, or equipment for light, heat power, and other purposes and shall not have a financial interest in any concern engaged in any such business. The Township may obtain the services of a licensed electrical inspector by contract directly with the inspector or obtain inspection services by contract with another local unit of government that employs or contracts with a licensed electrical inspector.
- (6) The Township shall issue electrical permits. Such permits will be issued either directly by the Township or by another local unit of government pursuant to a contract on the Township's behalf.
- (7) The Township electrical inspector shall have a right during reasonable hours to enter any building or premises in the discharge of his or her official duties including, but not limited to, to inspect, re-inspect, or test electrical equipment or its installation. If the Township electrical inspector determines that any electrical equipment is dangerous to persons or property because it is defective or defectively installed, the person responsible for the electrical equipment shall be notified in writing and shall make any changes or repairs required in the judgment of the Township electrical inspector to place such equipment in a safe condition. If such corrective work is not completed within 15 days of the notice, or any longer period specified by the Township electrical inspector in the notice, the Township electrical inspector shall have the authority to disconnect or order the discontinuance of electric service to such electrical equipment. The Township electrical inspector shall have the authority to immediately disconnect any electrical equipment in cases of emergency, when necessary to protect the safety of persons or property, or when the electrical equipment interferes with the work of the fire department.
- (8) For the purposes of this section, the term "electrical equipment" shall mean electrical conductors, fittings, devices, and fixtures.

**Article II. Square Footage of Accessory Structures.** Chapter One, Section 2 of the Denmark Development Code is hereby amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

Accessory Structure: A single one-story or two-story structure greater than 120 square feet in size, detached from the main single-family residence on the same lot, and used or intended to be used for the storage of personal property or for agricultural purposes. The footprint of the building shall be used to measure the total square footage of an accessory structure. The footprint of an accessory structure, for the purposes of determining total square footage, includes the area under any attached lean-to or similar structure containing a roof.

**Article III. Note Regarding Accessory Structures.** Chapter Two, Part 3, Section 1.2(3)(B) of the Denmark Development Code is hereby amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

\* The footprint of the building, including any attached lean-tos, is used to determine total square footage

**Article IV. Additional Requirements for permit for Homes Constructed on Platted Lots.** Chapter One, Section 13.1 of the Denmark Township Development Code is hereby amended by adding paragraph (5) as follows:

- (5) An applicant for a building permit to place a dwelling on a platted lot within a major subdivision must submit a Certificate of Survey for the lot prepared by a surveyor licensed in the State of Minnesota. The survey shall, at a minimum, contain: (a) the location of the

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structure on the property; (b) setback distances from property lines and from any easements and wetlands located on the lot; (c) elevations of the structure; (d) proposed grading and drainage patterns; and (e) proposed erosion control measures.

**Article V.** As Built Survey of Homes Constructed on Platted Lots. Chapter One, Section 13.1 of the Denmark Township Development Code is hereby amended by adding paragraph (6) as follows:

- (6) A person issued a building permit to construct a dwelling on a platted lot within a major subdivision must submit to the Township an "as built" survey prepared by a surveyor licensed in the State of Minnesota. The survey shall, at a minimum, contain: (a) the location of the structure on the property; (b) setback distances from property lines and from any easements and wetlands located on the lot; (c) elevations of the structure; and (d) final drainage patterns.

**Article VI.** Construction Record Drawings. Chapter Three, Section 11 of the Denmark Township Development Code is hereby amended by adding Section 11.9 as follows:

- 11.9. Upon completion of the improvements, the subdivider shall submit construction record drawings signed by a professional engineer registered in the State of Minnesota and/or a licensed surveyor in the State of Minnesota for review and approval by the Township Engineer. The record drawings shall indicate any changes in final construction from the approved construction plans. At a minimum, plans shall provide final finished grades for ponds, swales, ditches, road elevations, storm sewer and culverts.

**Article VII.** Lot Line Adjustment. Chapter Three, Section 4.1 of the Denmark Township Development Code is hereby amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

- (1) The Town Board must approve a Lot Line Adjustment. An applicant shall submit to the Town Clerk an application for the Lot Line Adjustment along with certain other submittals as required by the Township. The applicant shall pay in advance the appropriate application fees and deposit funds in escrow to cover the legal expenses of the Township, which are necessary to process the request. Said fees and escrow shall be established by ordinance of the Township. The Township Attorney will review the application and recommend action to the Board. Upon approval of the application by the Town Board, the Township Attorney shall draft a Development Agreement, ~~if necessary~~, for the Board to review. A Development Agreement shall be required for all lot line adjustments, unless the Board determines that an agreement is not necessary under the facts related to a particular application. Once approved, necessary documents must be submitted to Washington County for approval and recording. The applicant will be is responsible for all fees charged by Washington County.

**Article VIII.** Lot Area Minimums. Chapter Three of the Denmark Township Development Code is hereby amended by adding Section 3.14 as follows:

- 3.14. Lot Area Minimums. For the purposes of determining compliance with the minimum lot area required by this Ordinance regarding a proposed division of property, the Town Board may grant a waiver to the minimum lot area requirement if it determines no resulting parcel will deviate from the required minimum lot area by more than five percent and all resulting parcels will otherwise fully comply with this Ordinance. The purpose of this waiver is to recognize and allow for minor errors, corrections, or other deviations in parcel sizes that may have occurred through no fault of the owner and which resulted in a parcel containing slightly less acreage than required by this Ordinance to allow it to be divided. If the Town Board grants a waiver, such reduced lot size shall be, to the greatest extent possible, limited to a single resulting parcel so that the other resulting parcel or parcels contain the minimum lot area. The resulting undersized parcel allowed by Town Board waiver shall be treated for the purposes of this Ordinance as a conforming parcel with respect to minimum lot area. This process is not intended, and a waiver shall not be granted, to allow the division of property into one or more undersized parcels when compliance with the minimum lot area could have otherwise been reasonably achieved.

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**Article IX. Fee Schedule.** The amended fee schedule attached hereto and incorporated into this ordinance is hereby adopted for the Town and replaces the Town's previous fee schedule. The amended fee schedule shall go into effect on the same date and time as this ordinance.

**Article X. Incorporate Amendments.** The Town Clerk/Treasurer and Town Attorney are hereby authorized and directed to incorporate the amendments made herein to the Denmark Township Development Code to produce an updated version of the Development Code that will serve as the official copy of the Denmark Township Development Code. The Town Clerk/Treasurer shall maintain a copy of the updated Development Code in the office of the Clerk/Treasurer and shall post a copy on the Township's website.

**Article XI. Effective Date.** This ordinance shall be effective at 12:01 a.m. on May 18, 2012.

**AND:**

ZONING REQUESTS	FEE	ESCROW AMOUNT*
Major subdivision	\$200.00	\$10,000.00
Park Dedication	\$2,000.00 per lot	N/A
Minor Subdivision	\$100.00	\$2,000.00
Variance	\$100.00	\$2,000.00
CUP/Amended CUP	\$100.00	\$2,000.00
Lot Line Adjustment	\$100.00	\$1,500.00
Administrative Lot Split	\$100.00	\$1,000.00
Cert. of Compliance	\$50.00	\$500.00
Cert. of Compliance Ag Building	\$75.00	N/A
Ordinance Amendment	\$100.00	\$2,000.00
Comp. Plan Amendment	\$100.00	\$2,000.00
Rezoning Request	\$100.00	\$2,000.00
Zoning Code Amendment	\$100.00	\$2,000.00
Planned Unit Development	\$200.00	\$2,000.00
Interim Use Permit (Mining New)	\$200.00	\$10,000.00
Interim Use Permit (Mining Renewal)	\$200.00	\$5,000.00
Interim Use Permit (Kennels)	\$100.00	\$1,000.00
Appeal	\$100.00	\$2,000.00
Open Space Inspection	\$500.00	N/A
Road Vacation	\$200.00	\$3,000.00
Building/Construction Permits	(see list of permits and fees below)	

\* Applicants are required to escrow the indicated amount of cash with the Township and sign an escrow agreement. Applicants are responsible for fully reimbursing the Township for all professional costs it incurs related to the request. The Township uses the escrowed funds to reimburse itself for these costs and if the escrow is not sufficient to fully reimburse the Township the applicant will be billed or required to submit additional funds to be placed in escrow. Any unreimbursed amounts constitute a service charge the Township will certify to the County Auditor for collection on the applicant's property as provided in Minn. Stat. § 366.012.

OTHER FEES	FEE	ESCROW AMOUNT*
Dog License—annual	\$5.00	
Animal Pickup Fee	\$75.00	
Burning Permit	\$10.00	
Fire Sign Replacement	\$50.00	
Large Special Events License	\$200.00	\$1,000.00
Offsite Vendor License	\$100.00	\$1,000.00 (if required)
Filming Permit	\$100.00	\$1,000.00 (if required)
Solid Waste Hauling License	\$500.00	
Solid Waste Hauling License Annual Renewal	\$75.00	
Utility Permit Fee	\$75.00	
Utility Permit Restoration (Cash/Bond)	\$500.00- \$5,000.00	
Town Hall Rental	\$25.00	
Returned Check Fee	\$30.00	
Comp Plan/Dev. Code copies/paper	\$25.00	
Comp Plan/Dev. Code copies/CD	\$10.00	
Photocopy 8.5" x 11" B/W	\$0.25**	

\*\* **Data Request Fees:** The fee for 8.5" x 11" black and white photocopies is 25 cents per page if the total request results in 100 or less copies. The fee for requests totaling more than 100 copies or involving data in a format other

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than 8.5" x 11" black and white photocopies shall be the "Actual Costs" the Town incurs for producing the requested copies. Actual Costs shall include, but are not necessarily limited to, the following: the Clerk's time spent responding to the request charged at a rate of \$20 per hour; the cost of supplies and materials charged at 25 cents per page; if the copies are being mailed, the cost of the envelope(s) and postage; if the copies are being faxed, an additional charge of 10 cents per page shall apply.

<b>BUILDING/CONSTRUCTION PERMITS***</b>	<b>FEES****</b>
Building Permit Fee Table (All new residential & commercial construction, finishing, alterations, remodeling, additions, and swimming pools greater than 18 inches deep)	\$30.00 minimum. Unless specified herein
Project Valuation	Base Fee (+) per each, or increments thereof
500-2,000	\$25.00 + \$3.25 per 100.00
2,001-25,000	\$73.50 + \$14.75 per 1,000.00
25,001-50,000	\$415.75 + \$10.75 per 1,000.00
50,001-100,000	\$682.50 + \$7.50 per 1,000.00
100,001-500,000	\$1,053.50 + \$6.00 per 1,000.00
500,001-1,000,000	\$3,427.75 + \$5.00 per 1,000.00
Greater than 1,000,001	\$5,945.25 + \$4.00 per 1,000.00
<b>State Surcharge applicable to Building Permits</b>	
Project Valuation	Base + Factor
1,000,000 or less	\$0.00 + .0005 x valuation
1,000,001 - 2,000,000	\$500 + .0004 x valuation - \$1,000,000
2,000,001-3,000,000	\$900 + .0003 x valuation - \$2,000,000
3,000,001-4,000,000	\$1,200 + .0002 x valuation - \$3,000,000
4,000,001-5,000,000	\$1,400 + .0001 x valuation - \$4,000,000
Greater than 5,000,001	\$1,500 + .00005 x valuation - \$5,000,000
Building inspection card replacement	\$30.00
Plan Review Fee or Plan Revisions when required	\$20.00 minimum; 65% max. of Building Permit Fee
Grading Asbuilt Survey Certification	\$30.00
<b>Grading/Excavation Permit Fee Table</b>	
Cubic Yards	Base + additional fee
0-50	No permit required
51-100	\$37.00
101-999	\$37.00 + \$17.50 per ea. 100 add'l cubic yds
1,000-10,000	\$194.40 + \$14.50 per ea. 1,000 add'l cubic yds
10,001-100,000	\$325.00 + \$66.00 per ea. 10,000 add'l cubic yds
100,001 or more	\$919.00 + \$36.50 per ea. 10,000 add'l cubic yds
<b>Grading/Excavation Plan Review Fee Table</b>	
Cubic Yards	Base + additional fee
0-50	\$0.00
51-100	\$23.50
101-999	\$37.00
1,000-10,000	\$49.25
10,001-100,000	\$49.25 + \$24.50 per ea. 10,000 add'l cubic yards
100,001-200,000	\$269.75 + \$13.25 per ea. 10,000 add'l cubic yards
200,001 or more	\$402.25 + \$7.25 per ea. 10,000 add'l cubic yards

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Site Grading Inspection Fee	\$60.00
Decks	\$60.00
Driveways/parking areas—Residential	\$60.00
Driveways/parking areas—Commercial	plus surcharge \$300.00 minimum
Temp. Commercial/Public Structure	\$300.00
Inspections outside normal business hours	\$100.00 minimum
Reinspection fee	\$47.50 max. per site/project visit
Inspections for which no fee is specifically indicated	\$47.50 per hour. Minimum 1-hour fee
Siding	\$90.00
Pool/Spa, Above Ground	\$50.00
Pool/Spa, Hot Tub	\$30.00
Pool/Spa, In-ground	\$90.00
In-ground Pool Demolition	\$50.00
Roofing—Residential	\$65.00
Roofing—Commercial	Building Permit Fee Table
Accessory Structures/Sheds under 120 sf	No permit required
Accessory Structures/Sheds over 120 sf	Building Permit Fee Table
Signs - Pylon	\$105.00
Signs--Wall Mount	\$50.00
Signs-- Temporary	\$50.00
Wrecking, moving, demolition	\$100.00
Investigative Fee	Charge up to, but not exceeding permit fee
Building Permit Renewal Fee	1/2 of the original permit fee 180 days from issuance date or 180 from last inspection date.
<b>ELECTRICAL INSPECTION FEES*****</b>	
0 to 400 Amp Power Source	\$35.00/source
401 to 800 Amp Power Source	\$60.00/source
Over 800 Amp Power Source	\$100.00/source
0 to 200 Amp Circuit or Feeder	\$6.00/feeder or circuit
Over 200 Amp Circuit Feeder	\$15.00/feeder or circuit
New One- or Two-Family Dwelling (up to 30 circuits and feeders per units)	\$100.00/dwelling unit
New One- or Two-Family Dwelling (additional circuits over 30 per unit)	\$6.00/feeder or circuit
Existing One- or Two-Family Dwelling (where 15 or more feeders or circuits are installed or extended per unit)	\$100.00/dwelling unit
Existing One- or Two-Family Dwelling (where less than 15 feeders or circuits are installed or extended per unit)	\$6.00/feeder or circuit
Reconnected Existing Circuit or Feeder (for panelboard replacements)	\$2.00/feeder or circuit
Separate bonding inspection	\$35.00/inspection
Inspection of concrete-encased grounding electrode	\$35.00/inspection
Technology circuits and circuits less than 50 volts	\$.75/device or apparatus
Additional inspection trip(s)	\$35.00/inspection trip
Street, parking, and outdoor lighting standards	\$5.50/standard
Traffic signals	\$5.50 each
Transformers for light, heat, and power (0 to 10 KVA)	\$16.50 each
Transformers for light, heat, and power (more than 10 KVA)	\$33.00 each

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Transformers for electronic power supplies, signs, and outline lighting	\$5.50 each
State Surcharge	\$5.00
Total electrical inspection fee is the fee calculated using the above fee schedule or \$35.00 multiplied by the number of required inspection trips plus the fees for feeders, circuits, devices, apparatus, standards, transformers, or signals, whichever is greater.	
<b>MECHANICAL/PLUMBING PERMIT*****</b>	<b>FEES</b>
<b>Residential</b>	
Air Conditioner	\$45.00
Air Exchanger/Cleaner	\$45.00
Ductwork/Sheetmetal	\$30.00
Gas Piping	\$30.00
Heating System/Furnace	\$65.00
HVAC-New Home	\$80.00
Plumbing New Home	\$60.00 1st bath; \$30.00 ea add'l bath/rough-in
Water heater	\$45.00
Water Softener	\$45.00
<b>Commercial</b>	
Fire Suppression/Protection	1% of contract price; \$100.00 minimum
Mechanical	1% of contract price; \$50.00 minimum
Plumbing - Domestic	1% of contract price; \$50.00 minimum
Plumbing - Irrigation	1% of contract price; \$50.00 minimum

\*\*\* Valuations related to building permit applications shall be determined by the Building Official and shall be calculated by multiplying the square foot area of the proposed structure times the building valuation factor as published annually by the Building Codes and Standards Division of the State of Minnesota Department of Administration. The building permit and HVAC fees shall be those listed in the 1997 edition of the Uniform Building Code.

\*\*\*\*State imposed surcharges shall be added to building and construction fee amounts as required by law.

\*\*\*\*\*Fees not applicable to the installation of replacement equipment.

**AND (04/16/12 memo re: Temporary Accessory Structures):**

1. Add a new Article III as follows and renumber the remaining articles.

**Article III. Temporary Accessory Structures.** Chapter Two, Part 3, Section 1.2(1) and Section 1.2(2)(C) of the Denmark Development Code are hereby amended by adding the double underlined material and deleting the stricken material as follows:

(1) **Required Permits.** A building permit is required for all accessory structures except agricultural buildings on a farm. A building permit is required for all temporary accessory structures used for commercial purposes or that are held open to, or intended for, occupancy by the public. A Certificate of Compliance is required for all agricultural buildings over 1,000 square feet in size. The Town Board may direct the Building Inspector to issue Certificates of Compliance for agricultural buildings.

(C) A detached temporary accessory structure, portable unit, or pod will be allowed for a period of no longer than 30 days. An extension of said time will require approval of the Town Board.

2. Amend the Fee Schedule by expanding the current "Temp. Commercial Structure" as follows:

<b>BUILDING/CONSTRUCTION PERMITS***</b>	<b>FEES****</b>
Temp. Commercial/Public Accessory Structure	\$300

**All In Favor. Motion Carried 4-0.**

Attorney will incorporate 04/16/12 memo regarding temporary accessory structures into the proposed amendment as recommended by the Planning Commission for presentation to the Board.

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**APPROVAL OF MINUTES:**

**Motion Lilligren/2<sup>nd</sup> Radke approval of 12/05/2011 Planning Commission/ Rumpca Excavating Interim Use Permit Minutes.**

**Voting Yes-Lilligren, Barr, Radke. Voting No-None. Abstained-Grote. Motion Carried 3-0.**

**Planning Commission Appointments:** Don Schneider and Bob Barr were reappointed to their commission seats for a 3 year term ending March 31, 2015.

**Election of Chair/Vice-Chair: Motion Grote/2<sup>nd</sup> Radke to appoint Bob Barr as Chair. Motion Radke/2<sup>nd</sup> Barr to appoint Charlie Grote to Vice-Chair. All In Favor. Motion Carried 4-0.**

**7:45 PM Motion Grote/2<sup>nd</sup> Barr to adjourn. All In Favor. Motion Carried 4-0.**

Becky Herman  
Denmark Township Clerk/Treasurer