

Inquiry: 2009-06

Subject: County fair exemption from city zoning, building and other ordinances

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Approved By: Stephen Hernick, State Building Official

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Question: Does the exception from 'zoning, building, and other ordinances of the town or city' in Minnesota Statute 38.16 apply at times other than during the fair?

Answer: Yes, Contrary to a pre 2005 interpretation that has been on our web site, these exemptions now apply year round. In 2005 the legislature changed Minnesota Statute 38.16 by defining "Agricultural fair purposes" to include ".. the management of property as provided in section MS 38.01, paragraph (a)." Under MS 38.01, a County Agricultural Society or Association may rent or lease any of its property as long as any income from the rental or lease is used for fair purposes. Renting or leasing of land and buildings year round is thus part of the agricultural fair purposes which are exempt from zoning, building and other ordinances of the town or city.

This exemption applies only to ordinances of the town or city and does not exempt county regulation or state laws applicable to these lands or structures.

Additional Information:

1) Does the new language in 326B.121 , subd 1, establishing the State Building Code (SBC) as the construction standard for the entire state, include county fair buildings?

Yes, the State Building Code is the standard that applies statewide for the construction, reconstruction, alteration, and repair of buildings and other structures of the type governed by the Code. Minn. Stat. § 326B.121, subd. 1.

- Exceptions to when the SBC applies:

The SBC does not apply to agricultural buildings that meet the definition of Minn. Stat. § 326B.103, subd.3.

Note: The phrase "county fair building" means a building owned by a county agricultural association or society that is used for agricultural fair purposes pursuant to Minn. Stat. ch. 38.

2) What is the intent of the move to the SBC as the statewide standard?

The intent is to make it legally clear that the SBC is the minimum construction standard for all commercial and residential construction governed by the SBC , regardless of location or license requirements.

3) Does the Commissioner have authority to administer the SBC as it relates to county fair buildings?

Yes, the SBC applies to particular buildings and structures. The Commissioner has authority to administer the SBC statewide on the structures and buildings that are regulated by the SBC for the following portions of the SBC:

Electrical Code:	Minn. Stat. §§ 326B.106, subd. 3, 326B.32, subd. 2
Accessibility Code: (if not administered by County)	Minn. Stat. § 326B.106, subd. 9
Plumbing Code:	Minn. Stat. §§ 326B.106, subd. 3, 326B.43, subd. 1, 326B.435, subd. 2
Bleachers: (if not administered by County)	Minn. Stat. § 326B.112, subd. 2
Elevator Code	Minn. Stat. § 326B.181

In addition, the Commissioner has authority to administer the following Codes statewide:

HPP:	Minn. Stat. §§ 326B.106, subd. 3, 326B.90, 326B.92, 326B.925, subd. 2
Boilers:	Minn. Stat. §§ 326B.106, subd. 3, 326B.952, 326B.958, 326B.96, 326B.97
Amusement Rides:	Minn. Stat. § 184B.01-.09

4) Who is responsible for compliance to the parts of the SBC that are not enforced by the commissioner?

There could be any number of people responsible for compliance with the SBC– building owners, contractors, licensed design professionals, etc.

5) Do the Board of AELSLAGID licensing laws apply to county fair buildings?

We believe they do unless a structure or building is otherwise exempted from the Board’s licensure requirements. *See* Minn. R. 1800.5900.

6) Does the State Fire Code apply to county fair buildings?

The State Fire Marshal’s office has informed us that their interpretation of the law (299F.011) establishes a statewide fire code that does not exempt county fair buildings.