

**Minnesota Department of Labor and Industry  
Construction Codes and Licensing Division**

**DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R-04509**

**Proposed Amendment to Rules Governing the Adoption of the *International Building Code, Minnesota Rules, Chapter 1305***

**Introduction.** The Department of Labor and Industry intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules **by 4:30 p.m. on September 18, 2019**, the Department will hold a public hearing in the Minnesota Room, Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, starting at **9:30 a.m. on Thursday, October 17, 2019**. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after September 18, 2019, and before October 17, 2019.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Amanda Spuckler at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, Minnesota, 55155, phone (651) 284-5006, and email to [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us).

**Subject of Rules and Statutory Authority.** The proposed rules are about the adoption of the 2018 International Building Code (IBC), with necessary amendments. The IBC is the primary commercial, industrial, and institutional code that provides minimum building requirements to safeguard the public health, safety, and general welfare. The proposed rules incorporate the chapters of the 2018 IBC that will apply and amends IBC provisions regarding the following topics: references to other International Code Council Codes; definitions; administration; care facility classifications and IBC classifications; Institutional Group I classifications; Residential Group R classifications; covered mall and open mall buildings; high rise buildings; motor vehicle-related occupancies; requirements for care suites in Group I-2 occupancies; requirements for windowless buildings in Group I-3 occupancies; standpipes for stages, platforms, and technical production areas; combustibile storage; requirements Group I-1, R-1, R-2, R-3, and R-4 occupancies; storm shelters for critical emergency operations and Group E occupancies; requirements for Group E occupancies; enclosures over occupied roof areas; building height and number of stories; building area; horizontal building separation allowance; combustibile materials in Type I and Type II construction; termination of fire barriers; requirements for smoke barriers; requirements for penetrations; ducts and air transfer openings; heavy timber used for wall and ceiling finishes; combustibile decorative materials; fire alarm systems: requirements for automatic sprinkler systems; requirements for an approved audible and an approved visible alarm; alternative automatic fire-extinguishing systems; standpipe systems; fire alarm and detection systems, including required fire alarm shop drawings; smoke control

systems; emergency voice/alarm communication systems; fire alarm system audibility levels; monitoring of fire alarm systems; smoke and heat removal; carbon monoxide detection; gas detection systems; mass notification systems; emergency responder radio coverage; post-fire exhaust systems; required number of exits and exit access doorways; accessible means of egress; means of egress doors, gates, and turnstiles; stairways for means of egress including alternating tread devices and ships ladders; requirements for guards; aisles and aisle accessways serving as part of the exit access; corridors, including fire-resistance rating and corridor continuity; penetrations through or into interior exit stairways and ramps; penetrations through or into exit passageways; requirements for rooms and spaces used for assembly purposes, including bleacher requirements; requirements for emergency escape and rescue in Group R occupancies; ventilation requirements; requirements for floors and wall bases in toilet rooms and bathrooms; performance requirements for exterior walls on Type I, II, III, or IV construction; installation of wall coverings for masonry; requirements for roof drainage; use limitations for rooftop structures; requirements for reroofing including drainage requirements; durability requirements for bonded reinforcing and pre-stressing steel; wall-bracing requirements for conventional light-frame construction; the application water-resistive barriers over wood-based sheathing; installation of emergency and standby power systems; the minimum number of required plumbing fixtures by occupancy; general requirements for elevators; requirements for elevator hoistway enclosures; emergency operations for elevators; requirements for solar energy systems; relocatable buildings; window cleaning anchors; and referenced standards. The proposed rules also repeal existing Minnesota Rules amending the IBC in connection with the following topics: replacement of IBC chapters; Institutional Group I-2 classifications; property lines between anchor buildings and covered mall buildings; requirements for unlimited area buildings; special provisions for multiple Group A uses; fire alarm systems for Group R-4 occupancies; power source for smoke alarms; monitoring of fire alarm systems; requirements for emergency alarm systems; exit and exit access doorways; exception permitting use of window opening control devices; requirements for replacement windows; access to unoccupied spaces; solar photovoltaic panels/modules; vertical impact force for crane loads; lateral force for top running powered bridge cranes; the basic components of the lateral bracing system for conventional light-frame construction; the use of foam plastic insulation in Type V construction; family or assisted-use toilet and bath fixtures; elevators and conveying systems; and requirements for existing structures.

The statutory authority to adopt the rules is in *Minnesota Statutes*, sections 326B.02, subdivision 5, 326B.101, and 326B.106, subdivision 1(a). A copy of the proposed rules is published on the Department's web site at: <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-1305>. A free paper copy of the rules is available upon request from the agency contact person listed above.

**Comments.** You have until **4:30 p.m. on Wednesday, September 18, 2019**, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by **4:30 p.m. on Wednesday, September 18, 2019**. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Department will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Department might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Department will cancel the hearing scheduled for October 17, 2019, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 284-5006 after September 18, 2019, to find out whether the hearing will be held. You may check for whether the hearing will be held by going on-line at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-1305>.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Ann O'Reilly is assigned to conduct the hearing. Judge O'Reilly can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

**Hearing Procedure.** If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit new evidence during the five-day rebuttal period.

All post-hearing comments and responses must be submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. The Office of Administrative Hearings strongly encourages all persons submitting comments and responses to do so by way of the Office of Administrative Hearings' Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>. If it is not possible to use the eComments website, post-hearing comments may be submitted in person, via United States mail, or by facsimile addressed to Judge O'Reilly at the address or facsimile number listed in the section above.

All comments or responses received will be available for review at the Office of Administrative Hearings' eComments website and at the Minnesota Department of Labor and Industry or on the agency's website at: <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-1305>.

This rule hearing procedure is governed by Minnesota Rules, parts 1400.2000 to 1400.2240, and Minnesota Statutes, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. Or, you may access a free copy on the agency's website at <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-1305>.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Department will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want to receive notice of this, to

receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

7/31/19  
\_\_\_\_\_  
Date

  
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Nancy J. Leppink, Commissioner  
Department of Labor and Industry