

Minnesota State Building Code

in Adobe Acrobat PDF (portable document format)

Although the printed version of the Minnesota State Building Code is the easiest for most building industry officials to work with, we are pleased to offer this pdf version of the Minnesota State Building Codes.

A couple of quick suggestions.

Open the Bookmarks feature of this document. Go to the top bar and click on the Bookmarks icon. The bookmarks will appear on the left side of the document and include all of the items listed in the printed Table of Contents. Click on any bookmark and you will be instantly linked to that item. To close bookmarks at any time, just click on the icon again.

Added features:

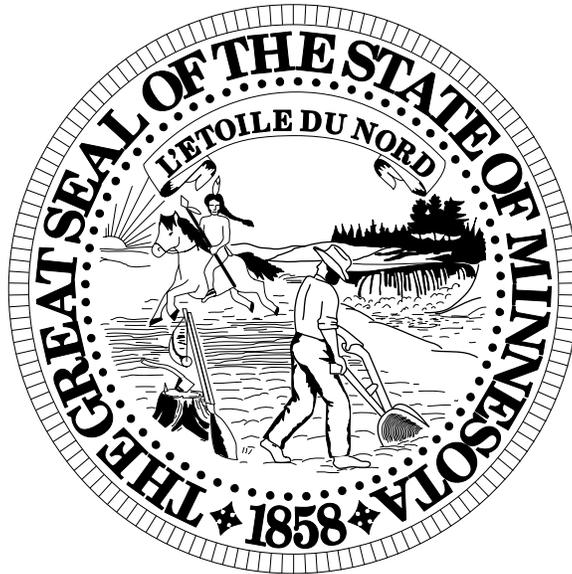
Many pages in the Helpful Information Section include links to other websites and documents within those sites.

If you are having difficulty locating something in this manual, send us a query using our Question form.

Your comments and suggestions are welcomed.

1

2003
MINNESOTA STATE BUILDING CODE



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7th Floor, State Office Building
St. Paul, MN 55155

Reformatted by:



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www.buildingcodes.admin.state.mn.us

2003 BUILDING CODE

I. TABLE OF CONTENTS

I. TABLE OF CONTENTS..... i

II. HELPFUL INFORMATION

Makeup and use of the Minnesota State Building Code.....1

Code publication availability6

 List of Codes and Reference Manuals – 2003 MSBC7

 Desirable Handbooks and/or Standards for Code Enforcement8

Responsible agencies and industry resources9

Building Codes and Standards Division12

Building code enforcement for public buildings and state licensed facilities (including chart).....15

Counties that have adopted the Minnesota State Building Code17

Effective dates of Minnesota code and rule adoptions18

Rules Tools packet:

 Memorandum regarding 2003 Minnesota State Building Code.....21

 Sample ordinance.....23

 Sample ordinance - self-perpetuating25

 Sample ordinance - accessibility.....27

 Fee schedule extracted from 1997 Uniform Building Code28

 Fee schedule extracted from 1994 Uniform Building Code29

 Fee schedule extracted from 1985, 1988 and 1991 Uniform Building Code.....30

Snow load map31

Frost depth map.....32

Guidelines for special inspection and testing.....33

Special structural testing and inspection program summary schedule.....38

Effective use of the International Building Code.....39

Manufactured homes model rules and regulations and uniform administrative procedures of the Industrialized Building Code Commission.....40

NOTE: These document are also posted at: www.buildingcodes.admin.state.mn.us

III. FREQUENTLY USED STATUTES

A. MINNESOTA BUILDING CODE STATUTES

State Building Code; policy and purpose (16B.59 - 16B.75)42

Manufactured structures (327B)83

B. RELATED STATUTES AND RULES

Agricultural buildings - defined as Class 2 property (273.13 Subd. 23).....99

Annual report filing (16B.685)103

Automatic garage door opening systems (325F.82 - 325F.83).....104

Fairs - county agricultural societies; formation, powers (38.01)105

Fire Marshal inspection (245A.151).....107

THE 2003 MINNESOTA STATE BUILDING CODE

TABLE OF CONTENTS continued

Group and family day care facilities definitions (9502.0315)108
State Fire Marshal Definitions (7510.3530)112
Hazardous and substandard buildings (463.15 - 463.261).....119
Housing; statutory warranties (Chapter 327A)127
Joint exercise of powers (471.59)135
Physically handicapped; building regulation (471.465 - 471.469)139
Property complaint data (13.44).....141
Protection of Buildings and Occupants (Chapter 299G)142
Smoke detectors (299F.362)147
Statutes or rules may be adopted by reference (471.62)150
Water heater fee (16B.665).....151
Zoning control by county (394.25)152
Zoning municipalities - procedure for plan effectuation; zoning (462.357 Subd. 1).....156

IV. MINNESOTA BUILDING CODE

Chapter 1300 Administration of the State Building Code162
Chapter 1301 Building Official Certification182
Chapter 1302 Construction Approvals.....191
Chapter 1303 Minnesota Provisions of the State Building Code.....195
Chapter 1305 Adoption of the 2000 International Building Code200
Chapter 1306 Special Fire Protection Systems (optional)241
★ Chapter 1307 Elevators and Related Devices243
Chapter 1309 Adoption of the 2000 International Residential Code254
Chapter 1311 Adoption of the Guidelines for the Rehabilitation of Existing Buildings267
★ Chapter 1315 Adoption of the 2002 National Electric Code.... 279
Chapter 1325 Solar Energy Systems280
Chapter 1335 Floodproofing Regulations283
★ Chapter 1341 Minnesota Accessibility Codetab
Chapter 1346 Adoption of the *2000 Uniform Mechanical Code*290
★ Chapter 1350 Manufactured Homes327
★ Chapter 1360 Prefabricated Buildings367
★ Chapter 1361 Industrialized/Modular Buildings.....374
Chapter 1370 Storm Shelters (Manufactured Home Parks).....376
★ Chapter 4715 Minnesota Plumbing Codetab
Minnesota Energy Code – consists of Minnesota Statutes 16B.617 (7670) and Minnesota Rules Chapters 7672, 7674, 7676 and 7678.....tab

Optional Enforcement

Chapter 1306 Special Fire Protection Systems, either 1306.0020, subp. 2 or subp.3241
Chapter 1305 Appendix chapter K of the 2002 supplement of the
2000 International Building Codetab
Chapter 1335 Floodproofing Regulations Parts 1335.0600 to 1335.1200283

★ These codes have specific statutory authority and with limited exception, are mandatory throughout the state.

V. OTHER

Makeup and Use of the Minnesota State Building Code

MAKEUP OF 2003 MINNESOTA STATE BUILDING CODE

Required Enforcement

Chapter 1300	Administration of the State Building Code
Chapter 1301	Building Official Certification
Chapter 1302	Construction Approvals
Chapter 1303	Minnesota Provisions of the State Building Code
Chapter 1305	Adoption of the <i>2000 International Building Code</i>
★ Chapter 1307	Elevators and Related Devices
Chapter 1309	Adoption of the <i>2000 International Residential Code</i>
Chapter 1311	Adoption of the <i>Guidelines for the Rehabilitation of Existing Buildings</i>
★ Chapter 1315	Adoption of the <i>2002 National Electrical Code</i>
Chapter 1325	Solar Energy Systems
Chapter 1335	Floodproofing Regulations
★ Chapter 1341	Minnesota Accessibility Code
Chapter 1346	Adoption of the <i>1991 Uniform Mechanical Code</i>
★ Chapter 1350	Manufactured Homes
★ Chapter 1360	Prefabricated Buildings
★ Chapter 1361	Industrialized/Modular Buildings
Chapter 1370	Storm Shelters (Manufactured Home Parks)

THE 2003 MINNESOTA STATE BUILDING CODE

★ Chapter 4715 Minnesota Plumbing Code

Minnesota Energy Code – consists of Minnesota Statutes 16B.617 (7670) and Minnesota Rules chapters 7672, 7674, 7676 and 7678

Optional Enforcement

Chapter 1305 Appendix chapter K of the 2002 supplement of the *2000 International Building Code*

Chapter 1306 Special Fire Protection Systems, either 1306.0020, subpart 2 (existing and new buildings) or subpart 3 (new buildings only)

Chapter 1335 Floodproofing Regulations Parts 1335.0600 to 1335.1200

★ These codes have specific statutory authority and with limited exception, are mandatory throughout the state.

USE OF THE MINNESOTA STATE BUILDING CODE

The Minnesota State Building Code is comprised of numerous chapters in Minnesota Rule that includes references to other adopted publications with any necessary amendments.

The Minnesota State Building Code, known also as the "State Building Code" or the "Code," includes chapters of Minnesota Rule as outlined in the "Makeup of the 2003 Minnesota State Building Code" located in this section. Each chapter is identified with a white index tab stating the topic and contains the Minnesota Rule chapter number on the opposite side of the tab. The State Building Code is comprised of the following:

Stand alone codes, that do not incorporate by reference another published document:

- 1300 Administration of the State Building Code
- 1301 Building Official Certification
- 1302 State Construction Approvals
- 1303 Minnesota Provisions of the State Building Code
- 1306 Special Fire Suppression Systems
- 1325 Solar Energy Systems
- 1350 Manufactured Homes
- 1360 Prefabricated Buildings

THE 2003 MINNESOTA STATE BUILDING CODE

Code chapters that incorporate by reference another published code, standard or other document and include any necessary amendments to the document:

- 1305 Adoption of the *2000 International Building Code** (and necessary amendments)
- 1307 Elevators and Related Devices (adopts with amendments the *1996 American National Standard Safety Code for Elevators and Escalators**)
- 1309 Adoption of the *2000 International Residential Code** (and necessary amendments)
- 1311 Adoption of the *Guidelines for the Rehabilitation of Existing Buildings** (and necessary amendments)
- 1315 Electrical Code (*2002 National Electrical Code**)
- 1335 Floodproofing Regulations (adopts with amendments *1972 Floodproofing Regulations**)
- 1341 Minnesota Accessibility Code (this chapter is intended to conform to the Federal Americans with Disabilities Act Accessibility Guidelines and the Fair Housing Act)
- 1346 UMC Amendments (adopts with amendments the *1991 Uniform Mechanical Code**)
- 1361 Industrialized/Modular Buildings (adopts the *1993 Model Rules and Regulations for Industrialized/Modular Buildings**)
- 1370 Storm Shelters (adopts with amendments the *1980 Interim Guidelines for Building Occupant Protection from Tornadoes and Extreme Winds**)
- 4715 Minnesota Plumbing Code (*Minnesota Plumbing Code**)
- Minnesota Energy Code - Minnesota Statutes 16B.617 (MR 7670) and Minnesota Rules chapters 7672, 7674, 7676 and 7678

*These publications must be purchased separately.

Specific Code Applications of Adopted Model Codes

- ***Minnesota Rules, chapter 1305 – Adoption of the 2000 International Building Code***

Mandatory chapters of the *2000 International Building Code* include chapters 2 through 10, 12 through 29, 31 through 33, and 35.

Several chapters in this Code have not been adopted but the Minnesota State Building Code provides mandatory provisions elsewhere to replace some of the chapters not adopted here. The information relative to these chapters is as follows:

- For provisions relative to chapter 1, please refer to Minnesota Rules, chapter 1300, Administration of the State Building Code.
- For provisions relative to chapter 11, please refer to Minnesota Rules, chapter 1341, the Minnesota Accessibility Code.
- For provisions relative to chapter 30, please refer to Minnesota Rules, chapter 1307, Elevators and Related Devices.
- For information relative to chapter 34, please refer to Minnesota Rules, chapter 1311, Adoption of *the Guidelines for the Rehabilitation of Existing Buildings*.
- For provisions related to floodproofing, please refer to Minnesota Rules, chapter 1335, Floodproofing.

Any seismic or earthquake provisions in this code are deleted and not required.

For a complete description of all applicable chapters and related information in this code, please refer to Minnesota Rules, section 1305.0011.

- ***Minnesota Rules, chapter 1309 – Adoption of the 2000 International Residential Code***

Mandatory chapters of the *2000 International Residential Code* include chapters 2 through 10, chapter 43, and Appendix Chapter K.

Several chapters in this Code have not been adopted but the Minnesota State Building Code provides mandatory provisions elsewhere to replace the chapters not adopted here. The information relative to these chapters is as follows:

- For provisions relative to chapter 1, please refer to Minnesota Rules, chapter 1300, Administration of the State Building Code.
- For provisions relative to chapter 11, please refer to Minnesota Statutes, section 16B.617 and Minnesota Rules, chapter 7672, 7674, 7676, and 7678, the Minnesota Energy Code.
- For provisions relative to chapters 12 through 24, please refer to Minnesota Rules, chapter 1346, Minnesota Mechanical Code.
- For provisions relative to chapters 25 through 32, please refer to Minnesota Rules, chapter 4715, Minnesota Plumbing Code.

THE 2003 MINNESOTA STATE BUILDING CODE

- For information relative to chapters 34 through 42 (other than section R317 Smoke Alarms), please refer to Minnesota Rules, chapter 1315, Minnesota Electrical Code.
- For provisions related to floodproofing, please refer to Minnesota Rules, chapter 1335, Floodproofing.

Any seismic or earthquake provisions in this code are deleted and not required.

For a complete description of all applicable chapters and related information in this code, please refer to Minnesota Rules, section 1309.0010.

Minnesota Rules, chapter 1311 – Adoption of the Guidelines for the Rehabilitation of Existing Buildings

Mandatory chapters of the *Guidelines for the Rehabilitation of Existing Buildings* include chapters 1 through 6.

Appendices 2, 3, and 4 are deleted and not a part of the Minnesota State Building Code. If a reference is made to the appendices in this code, the appendices shall not apply.

Resources 1 through 6 are considered useful information intended to assist the user and shall not be adopted as part of the Minnesota State Building Code, with the exception of Resource 2, as referenced in section 504.1 of this code.

For a complete description of all applicable chapters and related information in this code, please refer to Minnesota Rules, sections 1311.0010 and 1311.0103.

Minnesota Rules, chapter 1315 – Adoption of the 2002 National Electrical Code

The *2002 National Electrical Code* is incorporated by reference and made part of the Minnesota State Building Code.

Minnesota Rules, chapter 1346 – Adoption of the 1991 Uniform Mechanical Code

Mandatory chapters of the 1991 Uniform Mechanical Code include chapters 1 through 20 and appendices A, B and C.

For a complete description of all applicable chapters and related information in this Code, please refer to Minnesota Rules, section 1346.0050.

CODE PUBLICATION AVAILABILITY

The Minnesota State Building Code is comprised of many documents published by various organizations some of which are available from Minnesota's Bookstore or from the sources listed below. Please note that code publications are amended or updated periodically. Contact the organization or the State Building Codes and Standards Division regarding current applicable codes.

Minnesota's Bookstore (for State Building Code and International Codes)

Rm 110-A, 117 University Avenue, St Paul, MN 55155

651-297-3000 TTY: 1-800-657-3706

1-800-657-3757 <http://www.comm.media.state.mn.us/bookstore/bookstore.asp>

ICC - International Code Council (for International Codes)

Headquarters: Suite 600, 5203 Leesburg Pike, Falls Church, VA 22041 703-931-4533

<http://www.iccsafe.org/index.html>

NFPA - National Fire Protection Association

1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101 USA

617-770-3000 Fax: 617 770-0700 <http://www.nfpa.org>

ASHRAE - American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.

1791 Tullie Circle, N.E., Atlanta, GA 30329

(800) 527-4723 (U.S. and Canada only) 404-636-8400 Fax: 404-321-5478

<http://ashrae.org>

ASME - International (American Society of Mechanical Engineers)

Three Park Avenue, New York, NY 10016-5990

800-843-2763 (U.S./Canada)

Email: infocentral@asme.org <http://www.asme.org>

IAMPO – International Association of Plumbing and Mechanical Officials

5001 E. Philadelphia Street, Ontario, CA 91761

909-472-4100 Fax: 909-472-4150 Publication ordering: 800-854-2766

email: iapmo@iapmo.org <http://www.iapmo.org>

CODES AND REFERENCE MANUALS - 2003 MSBC

- * **2000 International Building Code (Latest Printing)**
- * **2000 International Residential Code (Latest Printing)**
- * **2000 International Fire Code (Latest Printing)**
- * **2000 International Mechanical Code (Latest Printing)**
- * **2000 International Fuel Gas Code (Latest Printing)**
- * **2002 National Electrical Code (NFPA 70)**
- * **ASHRAE 62 – 2001 Ventilation/Indoor Air Quality**
- * **ASHRAE 15 – 2001 Mechanical Refrigeration Safety Code**
- * **ASHRAE 34 – 2001 Refrigerant Designation & Safety Code**
- * **NFPA 96 – 2001 Ventilation & Fire Protection for Commercial Cooking Hoods**
- * **NFPA 58 – 2001 Liquefied Petroleum Gases**
- * **NFPA 13 – 1999 Installation of Fire Sprinklers**
- * **NFPA 13R – 1999 Installation of Fire Sprinklers for Multifamily**
- * **NFPA 13D – 1999 Installation of Fire Sprinklers for Dwellings**
- * **NFPA 72 – 1999 Installation of Fire Alarm Systems**
- * **Guidelines for the Rehabilitation of Existing Buildings (MN Rule 1311)**
- * **ACI 318-1999 Structural Concrete Code**
- * **2003 Minnesota State Building Code (Will contain MN Rules 1300, 1301, 1302, 1303, 1305, 1306, 1307, 1309, 1311, 1315, 1325, 1330, 1335, 1350, 1360, 1361 and 1370.)**
- * **2003 Minnesota State Fire Code (MN Rule 7510)**
- * **MN Rule 7676 – MN Energy Code for Commercial Buildings**
- * **MN Rule 7678 – MN Energy Code for Thermal Transmittance**
- * **MN Rule 7674 – MN Energy Code for Multi-Family < Three Stories**
- * **MN Rule 7672 – Optional MN Energy Code For Dwellings**
- * **MN Rule 7670 – Optional MN Energy Code for Dwellings**
- * **MN Rule 4715 – 2003 Minnesota State Plumbing Code**
- * **MN Rule 1346 – 2003 Minnesota Mechanical Code (2000 IMC amend.)**
- * **MN Rule 1341 – 1999 Minnesota Accessibility Code**

* *“Must Have” Codes and Rules for a Building Department in Minnesota*

DESIRABLE HANDBOOKS AND/OR STANDARDS FOR CODE ENFORCEMENT

Fire & Life Safety Handbook to the 2000 IBC
Handbook to the 2000 IFC
Handbook to the 2000 IRC
Handbook to the 2000 IMC
2000 IBC/ASTM Reference Standards
2000 IBC Nonstructural Q & A Manual
2000 IBC Structural Provisions
2000 IBC Structural Q & A Guide
2000 Quick Reference Guide to the IBC
2000 Illustrated Handbook to the IBC
2002 Accumulative Supplement to the “I” Codes
2000 International Building Code Commentary – Volume 1
GA-600 Fire Resistance Design Manual (Most Current Edition)
Fire Protection Handbook
Fire Sprinkler & Standpipe Handbook
Hazardous Materials Guide
NFPA 80 – 1999 Installation of Fire-Resistive Doors & Windows
NFPA Life Safety Code 101 – 1997 Edition
Handbook to the Life Safety Code
2001 ICC Performance Code for Buildings and Facilities
ASME A17.1 Elevator Safety Code – 2000 Edition & 2001 Supplement
ACI 530 – 1999 Building Code requirements for Masonry Structures
ACI 530.1 – 1999 Masonry Structures
ASCE 7 – 1998 Minimum Design Loads for Buildings & Other Structures
NDS – 1997 National Design Specification for Wood Construction
ACSE 5/TMS 402 General Structural Loading Design Manuals
Building Department Administration
Administrative Guidelines for Building Departments
Building Official Management Manual
Building Department Guide to Disaster Mitigation
Legal Aspects of Code Administration
Architectural Graphic Standards (Most current edition)
Webster’s Dictionary
**U.L.’s and/or Warnock Hersey’s Fire Resistive Directories, Building
Materials Directories, Roofing Materials & System’s Directories, etc.**
Permanent Wood Foundation Design & Construction Guide
MN Rule 1800 & 1805 Board of Architecture and Engineering Rules
MPCA Rule 7080 – On-Site Septic System Rules

RESPONSIBLE STATE AGENCIES AND INDUSTRY RESOURCES

Northstar – State of Minnesota’s website

Website address: www.state.mn.us

Access to – information related to Minnesota business, travel and leisure, health and safety, environment, government, learning and education, and living and working. All of the government information listed in this section can be accessed from Northstar.

• Building Codes and Standards Division – Department of Administration

408 Metro Square Building, 121 East 7th Place, St. Paul, MN 55101-2181

651-296-4639 Fax: 651-297-1973 TTY: 800-297-1973

<http://www.buildingcodes.admin.state.mn.us>

Code responsibilities: Promulgation of the Minnesota State Building Code, rule making, public information, code assistance, investigation, regulation of manufactured structures, elevator safety, plan review of State-owned or licensed facilities and school projects in excess of \$100,000, regional services and inspection, education and Building Official certification.

• Minnesota Legislature <http://www.leg.state.mn.us>

Resource for information regarding state laws, statutes, and rules. Includes a Frequently Asked Questions About Laws, Statutes and Rules.

STATE BOARDS:

• Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design (AELSLAGID)

85 East 7th Place, Suite 160, St. Paul, MN 55101

Phone: 651-296-2388 Fax: 651-297-5310 TTY: 1-800-627-3529

<http://www.aelslagid.state.mn.us>

Code responsibilities: The AELSLAGID board examines, licenses, and regulates the practice of architecture, professional engineering, land surveying, landscape architecture, geoscience, and interior design.

• Minnesota Electricity Board

1821 University Avenue, Suite S-128, St. Paul, MN 55104-2993

651-642-0800 Fax: 651-642-0441 TTY: 800-627-3529

<http://www.electricity.state.mn.us>

Code Responsibilities: Licensing, inspection, education, equipment approval, and electrical code.

STATE AGENCY RESOURCES:

• Department of Agriculture

Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107

651-297-2200 1-800-967-2474 TTY: 1-800-627-3529

<http://www.mda.state.mn.us>

Code responsibilities: Pesticide management, feedlots, and useful information.

RESPONSIBLE STATE AGENCIES AND INDUSTRY RESOURCES continued

• **Department of Commerce (including Residential Contractor License and Energy Code Information):**

Minnesota Commerce Department

85 - 7th Place East, St. Paul, MN 55101

<http://www.commerce.state.mn.us>

Licensing 651-296-6319 (10AM - 3PM) 1-800-657-3978 (MN only, 10AM - 3PM)

licensing.commerce@state.mn.us

Energy Information Center 651-296-5175 1-800-657-3710 (MN only)

energy.info@state.mn.us

Code responsibilities: Residential building contractor licensing and enforcement action and energy information.

• **Department of Health - Plumbing Code**

Suite 220 Metro Square Building, 121 7th Place East, St. Paul, MN 55101-2145

651-215-0700

<http://www.health.state.mn.us/divs/eh/plumbing/index.html>

Code responsibilities: Plumbing, public swimming pools, manufactured home parks, water wells, asbestos, and environmental health, and licensing of care facilities etc.

• **Department of Human Services**

DHS Central Office

444 Lafayette Road North, St. Paul, MN 55155

651-297-3933 TTY Service: 1-800-627-3529

General questions: DHS.Info@state.mn.us Non-general questions: DHS.Info@state.mn.us

<http://www.dhs.state.mn.us>

Code responsibilities: Licensing and inspection of care facilities, etc.

• **Department of Natural Resources**

500 Lafayette Road, St Paul, MN 55155-4040

651-296-6157

<http://www.dnr.state.mn.us/index.html>

Code responsibilities: Flood-proofing regulations and shore land management.

• **Pollution Control Agency**

520 Lafayette Road North, St Paul, MN 55155-4194

800-657-3864

Code responsibilities: Asbestos, storage tanks, feedlots, hazardous spills, solid waste, demolition permits, lead paint, wells, etc.

• **Department of Public Safety – Minnesota Fire Marshal Division**

Suite 145, 444 Cedar Street, St. Paul, MN 55101-5145

651-215-0500 Fax: 651-215-0525 TTY: 651-282-6555

<http://www.dps.state.mn.us/fmarshal/fmarshal.html>

Code responsibilities: Minnesota State Fire Code, fire suppression system plan review, contractor and designer licensing, inspections. **Code Administrative Services/Rules/Information Section:** The section works with the Commerce Department investigating consumer complaints and provides review and assistance to building departments.

RESPONSIBLE STATE AGENCIES AND INDUSTRY RESOURCES continued

RELATED USEFUL WEB SITES

LOCAL ORGANIZATIONS

AIA - American Institute of Architects – Minnesota <http://www.aia-mn.org>
AMC - Association of Minnesota Counties <http://www.mncounties.org>
BAM - Builders Association of Minnesota <http://www.bamn.org>
FMAM - Fire Marshal's Association of Minnesota <http://www.fmam.org>
LMC - League of Minnesota Cities <http://www.lmnc.org>
AMBO - Association of Minnesota Building Officials
10,000 Lakes Chapter <http://www.10klakes.org>
Municipal Telephone Number Contacts <http://www.municipaltelenumbers.html>

NATIONAL ORGANIZATIONS

Access Board <http://www.access-board.gov>
ADAAG - Americans with Disabilities Act Accessibility Guidelines
<http://www.access-board.gov/adaag/html/adaag.htm>
ANSI- American National Standards Institute <http://www.ansi.org>
ASTM- American Society for Testing and Materials <http://www.astm.org>
BOCA - Building Officials and Code Administrators International Inc.
<http://www.bocai.org>
BOMA - Building Owners and Managers Association
<http://www.boma.org/index.htm>
DOJ - Department of Justice <http://www.usdoj.gov/crt/ada/adahom1.htm>
HUD - Department of Housing and Urban Development
<http://www.hud.gov/fhe/fheo.html>
ICBO - International Conference of Building Officials <http://www.icbo.org>
ICC - International Code Council <http://www.iccsafe.org/index.html>
NAHB - National Association of Home Builders <http://www.nahb.org>
NCSBCS - National Conference of States on Building Codes and Standards
<http://www.ncsbcs.org>
NFPA - National Fire Protection Association <http://www.nfpa.org>
SBCCI - Southern Building Code Conference International Inc.
<http://www.sbcci.org>

BUILDING CODES AND STANDARDS DIVISION

Building Codes and Standards Division

408 Metro Square Building

121 7th Place East

St. Paul, MN 55101-2181

(651) 296-4639

Fax: (651) 296-279-1973

www.buuildingcodes.admin.state.mn.us

Services, Customers, and Statutory Responsibilities

Thomas R. Joachim, Director/State Building Official, Tom.Joachim@state.mn.us

The division administers the State Building Code, which sets construction standards to assure the health, safety, comfort and security of building occupants. The division provides interpretations on the adopted codes, gives information regarding building materials and consults with municipal officials, design professionals and the general public relating to all types of projects including accessibility requirements.

SECTIONS:

- [Education/Certification/Specialties](#)
- [Code Administrative Services/Rules/Information](#)
- [Plan Review/Regional Services](#)
- [Manufactured Structures](#)
- [Elevator Safety](#)

Education/Certification/Specialties Section

1. This section assists division clientele in interpreting and applying the state building code. Both written and verbal responses are provided to customers seeking advice or interpretation on various building code matters. Customers include building officials, architects, engineers, contractors, homeowners, other state agency officials, attorneys, legislators, local government officials, and the general public. The various code interpretations or advice on the codes relate to residential, commercial and institutional building, plumbing, heating/cooling/ventilation, energy, and accessibility. Issues cover life safety matters as well as administrative, enforcement and legal aspects.
2. This section provides education for buildings officials, the design profession and the construction industry through several biannual training seminars given two times a year around the State. The section also meets with and provides education and input to other construction related industries such as the Builders Association of Minnesota, Minnesota Institute of Architects, Minnesota Coalition of Structural Engineers, Consulting Engineers Council, Minnesota Society of Heating, Air Conditioning and Refrigeration Engineers as well as other associations.

THE 2003 MINNESOTA STATE BUILDING CODE

3. This section is also responsible for maintaining the Building Official Certification and Recertification Program within the state, which includes reviewing applications for qualification, providing training for the "Limited" and "Accessibility" certifications, and reviewing and approving building official continuing education units. The section also administers the certification examinations.

Code Administrative Services/Rules/Information Section

1. The section maintains the State Building Code by promulgating the adoption of new model codes and necessary state amendments through the state Administrative Procedures Act. Affected codes include the commercial building code, the residential building code, mechanical code, accessibility code, plumbing code, electrical code, elevator code and various other Minnesota codes such as for manufactured housing, prefabricated structures, and floodproofing. The section also participates in the development of both state and national codes. This participation includes drafting proposed changes; reviewing and commenting on code change proposals; attending committee meetings, work groups and public hearings.

Plan Review/Regional Services (MS 16B.61)

1. This section provides for the review and evaluation of construction documents and site inspections to ensure conformance with requirements of the state building code for buildings paid for by the state or a state agency, public school district buildings, and buildings which are licensed by other state agencies such as health care facilities or correctional facilities. The buildings are reviewed for compliance with the provisions of the International Building Code, the Mechanical Code, the Minnesota Accessibility Code and provisions from the State's Plumbing and Energy Codes.
2. This section performs inspections on certain public buildings and state-licensed facilities for compliance with the approved plans and specifications. The section issues contracts and monitors contract inspectors hired to perform inspections public buildings and state-licensed facilities for compliance with the approved plans and specifications in non-code enforcement areas of the State.
3. This section assists local government building departments throughout the State by meeting with them and advising them on building code interpretations and code adoption.
4. This section provides educational programs to various agencies and associations related to the public buildings and state-licensed facilities reviewed by the division.
5. This section provides telephone consultation to building officials, architects and others regarding building code interpretations primarily relating to the projects reviewed by the division.

Manufactured Structures Section (MS 327B.01-.12)

This section regulates manufactured homes, prefabricated buildings and industrialized/modular buildings. The section answers consumer inquiries and complaints regarding manufactured homes and prefabricated structures and provides training and education seminars for building officials, manufacturers, dealers and installers. The section is responsible for licensing manufactured home manufacturers and dealers. The section reviews plans and specifications of

THE 2003 MINNESOTA STATE BUILDING CODE

prefabricated buildings for compliance with the State Building Code to include building, plumbing, mechanical, electrical and energy. The section maintains installation seal requirements for installers of manufactured homes. The section periodically inspects manufacturers of housing and prefabricated buildings for compliance with applicable approved quality control procedures and/or the State Building Code.

Elevator Safety Section (MS 16B.74)

This section reviews, evaluates and inspects all new or altered elevators and lifting/transportation devices. The section provides for inspection and investigation on reported accidents relating to elevators and lifting/transportation devices. The section issues permits for new elevator and related device installations as well as when making any alterations, repairs or removal of equipment.

BUILDING CODE ENFORCEMENT FOR PUBLIC BUILDINGS AND STATE LICENSED FACILITIES

The Building Codes and Standards Division is the municipality for purposes of building code enforcement (plan review and inspections) for the following:

A. Public Building. “Public building” means a building and its grounds, the cost of which is paid for by the state or a state agency, regardless of its cost; and a school district building project the cost of which is \$100,000 or more (MS 16B.60, Subd. 6).

B. State Licensed Facility. “State licensed facility” means a building and its grounds that are licensed by the state as a hospital, nursing home, supervised living facility, free-standing outpatient surgical center, or correctional facility (MS 16B.60, Subd. 11).

The Building Codes and Standards Division may enter into agreements with municipalities (that have adopted the Minnesota State Building Code) for plan review and/or inspections of “Public Buildings” and “State Licensed Facilities” projects within their jurisdiction, pursuant to MS 16B.61, Subd. 1a.

An initial application form must first be submitted. An initial application form can be submitted prior to the completion of construction documents and does not require an accompanying fee. Upon receiving the completed initial application, the Building Codes and Standards Division will confirm that they are the proper jurisdiction for the project, assign a project number, and determine if the municipality will do the plan review, the inspection, both or neither. If delegated to the municipality, their procedures and fee schedule will need to be followed for the portion(s) delegated to them. All issues not covered by the building code, such as zoning, site drainage, etc. remain the responsibility of the municipality.

If plan review is by the Building Codes and Standards Division, the completed Application for Plan Review, the plan review fee, and signed construction documents, must be submitted. When the construction documents have been reviewed, a plan review report will be sent to the registered design professional. The design professional shall prepare a response to indicate what changes will be made to the construction documents for code compliance. These changes shall be made by change order or addendum. When this verification of compliance with the building code requirements is received, a Plan Review, authorizing construction of the project, will be sent to the registered design professional and to the building official. If inspections are by the Building Codes and Standards Division, a Building Permit Application with fee must be submitted, and an inspector will be assigned.

See MN Rules 1302.0100 through 1302.0950 for further information. Copies of the initial application, application for plan review and building permit may be obtained from the Building Codes and Standards Division.

Statutory Prerequisites Pertaining to Licensed Facilities in Minnesota

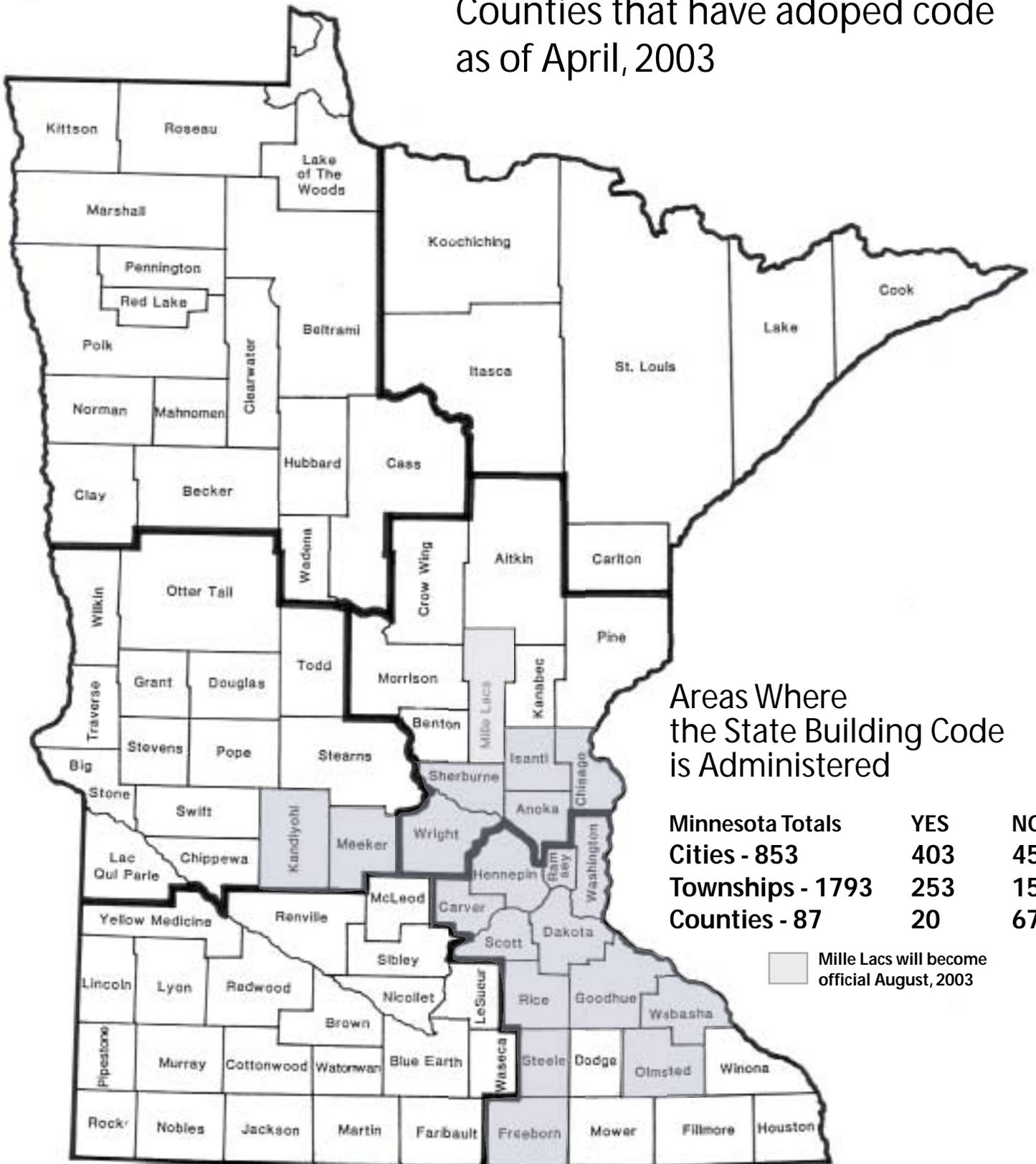
See Minnesota Rule 1300.0070 for the correct definition of each type of licensed facility listed below. Also see the Minnesota State Building Code and the Minnesota State Fire Code for verification of applicable construction requirements.

<i>Type of Licensed Facility</i>	<i>MN Rule Number</i>	<i>Number of Occupants/Residents Facility is Licensed to Provide For</i>	<i>MSBC/ 2000 IBC Occupancy Classification</i>	<i>Fire Suppression</i>
<i>Family Day Care</i>	Chapter 9502.0300-9502.0445	10 occupants maximum	R-3	Not Required
<i>Group Family Day Care</i>	Chapter 9502.0300-9502.0445	14 occupants maximum	R-3	Not Required
<i>Child Care Centers</i>	Chapter 9503	More than 5 children (See IBC Section 305.2)	When classified as an "E" Occupancy	Required when any Fire Area exceeds 20,000 Sq. Ft.
<i>Child Care Centers</i>	Chapter 9503	More than 5 children (See IBC Section 308.5)	When classified as an "I-4" Occupancy	Required
<i>Residential Hospice Facility</i>	Chapter 4665	6 to 12 terminally ill persons	R-4	Required when 6 or more occupants
<i>Adult Daycare Facility</i>	Chapter 9555.9600-9555.9730	6 or more occupants – but having no more than 3 occupants who are not capable of self-preservation	E	Required when any Fire Area exceeds 20,000 Sq. Ft.
<i>Adult Daycare Facility</i>	Chapter 9555.9600-9555.9730	6 or more occupants, all may – or may not be capable of self-preservation	I-4	Required
<i>Supervised Living Facilities Class A-1</i>	Chapter 4665	6 or fewer residents – all of whom are capable of self-preservation	R-3	Not Required
<i>Supervised Living Facilities Class A-2</i>	Chapter 4665	7 to 16 residents – all of whom are capable of self-preservation	R-4	Required when more than 8 occupants
<i>Supervised Living Facilities Class A-2</i>	Chapter 4665	More than 16 residents – all of whom are capable of self-preservation	I-1	Required
<i>Supervised Living Facilities Class B-1</i>	Chapter 4665	6 or fewer residents – all of whom may not be capable of self-preservation	R-3	Required
<i>Supervised Living Facilities Class B-2</i>	Chapter 4665	7 to 16 residents – all of whom may not be capable of self-preservation	R-4	Required
<i>Supervised Living Facilities Class B-3</i>	Chapter 4665	More than 16 residents – all of whom may not be capable of self-preservation	I-2	Required

Version 6 – February 25, 2003

Minnesota State Building Code

Counties that have adopted code as of April, 2003



Areas Where the State Building Code is Administered

Minnesota Totals	YES	NO
Cities - 853	403	450
Townships - 1793	253	1540
Counties - 87	20	67

EFFECTIVE DATES OF MINNESOTA CODE AND RULE ADOPTIONS

EFFECTIVE DATE

OF ADOPTION:

ACTION:

July 1, 1971	Surcharges
July 1, 1972	<i>State Building Code</i> applies statewide; supersedes and takes the place of the building code of any municipality. Specifically the code applied to any municipality which as of May 28, 1971, had a building code and further applies to any municipality choosing to adopt a building code thereafter. The <i>State Building Code</i> adopts the <i>1970 Uniform Building Code</i> by reference
October 1972	Supplement to the 1972 SBC
June/July 1973	Amendments to 1972 SBC
January 14, 1974	<i>1973 Uniform Building Code</i> adopted by reference
October 3, 1975	<i>Minnesota Uniform Fire Code</i> adopted the <i>1973 Uniform Fire Code</i>
November 18, 1975	Adoption of the Handicapped Code, Chapter 55, and new Uniform Building Code Section 1717, Foam Plastics
January 14, 1976	<i>1976 State Building Code</i>
January 30, 1976	<i>Energy Conservation in Buildings</i>
October 29, 1977	<i>Solar Energy Code</i>
September 19, 1978	<i>1978 State Building Code</i> adopted the <i>1976 Uniform Building Code</i> by reference; the <i>Energy Conservation in Buildings</i> code is amended
October 27, 1978	<i>1978 National Electric Code</i>
September 9, 1980	<i>1980 State Building Code</i> adopted the <i>1979 Uniform Building Code</i>
October 20, 1980	Elevator Rules — Home Energy Disclosure Rules
March 9, 1981	Energy Conservation Standards for Existing Residences
April 6, 1981	<i>1981 National Electric Code</i>
March 1, 1983	Amended <i>1980 State Building Code</i> adopted the <i>1982 Uniform Building Code</i>
April 11, 1983	<i>Minnesota Uniform Fire Code</i> adopted the <i>1982 Uniform Fire Code</i>

EFFECTIVE DATES OF MINNESOTA CODE AND RULE ADOPTIONS

EFFECTIVE DATE

OF ADOPTION:

ACTION:

April 25, 1983	Optional Appendix "E". Automatic Fire Suppression Systems
January 1, 1984	<i>Energy Conservation in Buildings</i> adopted the <i>1983 Model Energy Code</i>
January 14, 1985	Rules adopted updating the State Building Code and governing Handicapped Accessibility, Electrical, Elevators and Plumbing
February 18, 1986	Amended Energy Code Rules and Rental Housing Energy Standards
February 17, 1987	<i>1985 State Building Code</i> adopted the <i>1985 Uniform Building Code</i>
January 11, 1988	Adopted the Group E Division 3 Rules
April 15, 1988	Adopted Rules relating to Manufactured Home Park Storm Shelter Design
October 2, 1989	<i>1989 Minnesota Uniform Fire Code</i> adopted the <i>1988 Uniform Fire Code</i>
July 2, 1990	<i>1990 National Electrical Code</i>
July 6, 1990	<i>1990 State Building Code</i> adopted <i>1988 Uniform Building Code</i> , <i>1988 Uniform Mechanical Code</i> , <i>1987 ANSI Code for Elevators</i> , Minnesota Plumbing Code
May 13, 1991	<i>1991 Minnesota Energy Code</i> adopted the <i>1989 Model Energy Code</i>
September 7, 1992	<i>1992 Minnesota Energy Code</i> . (<i>1989 Model Energy Code</i>)
August 9, 1993	<i>1993 National Electrical Code</i>
August 23, 1993	<i>1993 Minnesota Uniform Fire Code</i> adopted the <i>1991 Uniform Fire Code</i>
June 16, 1994	<i>1994 Minnesota Energy Code</i>
July 12, 1994	Amended Building Official Certification Rules. (Access Specialist, Building Official - Limited)
September 19, 1994	<i>1994 Minnesota Plumbing Code</i>
December 19, 1994	<i>1994 Minnesota Mechanical Code</i> adopts <i>1991 Uniform Mechanical Code</i>
March 20, 1995	<i>1995 Minnesota State Building Code</i> adopts the <i>1994 Uniform Building Code</i>

EFFECTIVE DATES OF MINNESOTA CODE AND RULE ADOPTIONS

EFFECTIVE DATE

OF ADOPTION:

ACTION:

January 23, 1996	New Accessibility rules - chapter 1340
April 29, 1996	Adopted Rules updating chapters 1300, 1310, 1315, 1325, 1360 and 1361
July 1, 1996	<i>1996 National Electrical Code</i> adopted
June 29, 1998	<i>Minnesota Fire Code</i> adopted the <i>1997 Uniform Fire Code</i>
October 5, 1998	<i>1997 Uniform Building Code</i> adopted with state amendments
October 5, 1998	<i>1998 Plumbing Code</i> amendments adopted
May 3, 1999	<i>1996 ASME A17.1, A17.3, A17.5, B.20.1 and 1997 A90.1 Elevators and Related Related Devices</i> adopted with amendments
May 3, 1999	<i>Minnesota Accessibility Code</i> adopted – based on the Americans with Disabilities Act Accessibility Guidelines – replaced chapter 1340 with chapter 1341
July 6, 1999	<i>1999 National Electrical Code</i> adopted
July 20, 1999	<i>Minnesota Energy Code</i> adopted – chapters 7676 and 7678
April 15, 2000	<i>Minnesota Energy Code</i> adopted – chapters 7672 (with option of chapter 7670) and 7674
June 26, 2000	Rules relating to Manufactured Homes updated
September 16, 2002	<i>2002 National Electrical Code</i> adopted
March 31, 2003	<i>2000 International Building Code</i> adopted with state amendments
March 31, 2003	<i>2000 International Residential Code</i> adopted with state amendments
March 31, 2003	<i>Guidelines for the Rehabilitation of Existing Buildings</i> adopted with state amendments
March 31, 2003	Adopted rules updating chapters 1300, 1301, 1303 and 1306



MEMORANDUM

DATE: February 4, 2003

TO: All Municipal Building Officials

FROM: Thomas R. Joachim
State Building Official

SUBJECT: 2003 Minnesota State Building Code

The 2003 Minnesota State Building Code is in the final stages of the rule process and is expected to be published and effective early in March of 2003. The code will become effective 5 working days after publication. Municipalities that enforce the State Building Code will need to update their building code ordinance to reflect the new building code in order to enforce it properly.

Minnesota statute 16B.62 states; "The state building code applies state wide and supersedes the building code of any municipality" The statute further states;" All municipalities shall adopt and enforce the state building code with respect to new construction within their jurisdictions". Since the municipal code adoption process commonly may take up to 30 days to complete we are enclosing sample ordinances and requesting you begin reviewing these and your local ordinances with your city attorney so that the code will be ready to adopt as soon as it is published.

We have enclosed three model ordinances drafted by the Building Codes and Standards Division for review by your municipal attorney, staff and elected officials.

The ordinance titled "sample ordinance" should be formatted similar to the ordinance you have in effect at this time. It identifies each specific section of the code being adopted and optional rules and appendix chapters. The advantage of this ordinance is that it clearly identifies for the public specifically what the State Building Code is. The disadvantage is that as the code is amended from time to time the ordinance would need to be redone.

The ordinance titled "sample ordinance, self perpetuating" is an abbreviated version of the "sample ordinance" and is intended to always reflect the most current edition of the State Building Code. The advantage to the self perpetuating ordinance is that as the code is updated it does not need to be readopted unless there is a change in the optional chapters or you intend to update the fee schedule.

The ordinance titled "sample accessibility ordinance" is intended only for those municipalities that do not enforce the State Building Code. The accessibility rules apply statewide and must be enforced statewide regardless if the state building code has been adopted.

Minnesota Statutes, 16B.62, subdivision 1 spells out a municipality's authority to establish fees. Fees will need to be reviewed and possibly updated based on changes in the new proposed Chapter 1300. This document is posted on the Divisions web site under rules at www.admin.state.mn.us/buildingcodes.

The major changes include:

- Fees are required to be based on valuation except those outlined in 1300.0160 Subd.4 which may be a fixed fee.
- Plan reviews are required by the code and a fee for them may be collected but changes have occurred that leaves the amount collected up to the jurisdiction.
- If a jurisdiction collects a plan review fee, provisions must be made for similar plans as established in 1300.0160 Subd.5.

Historically, the Uniform Building Code contained a fee schedule that most jurisdictions either adopted or used as a guide for their fee schedule. The new International Building Code does not contain such a fee schedule.

Fee's must be determined reasonable and appropriate locally. Fee's are intended to cover the costs of providing proper staffing levels to ensure administration of the state building code is accomplished in accordance with Minnesota Statute 16B.62 through 16B.75. In order to assist you we have included copies of the 1988, 1994 and 1997 fee schedules that were part of the Uniform Building Code. While these fee schedules serve as a guide, local officials should make sure that any fee schedule considered by the municipality meets the rule requirement that fees be "fair, reasonable and proportionate to the actual cost of the service for which the fee is imposed."

If you have any questions or need additional information you can call us in the metro at 651.296.4639 or from greater Minnesota at 1.800.657.3944.

BCSD-GI006

(sample ordinance)

Ordinance No. _____ Adopting the Minnesota State Building Code

AN ORDINANCE ADOPTING THE MINNESOTA STATE BUILDING CODE. THIS ORDINANCE: PROVIDES FOR THE APPLICATION, ADMINISTRATION, AND ENFORCEMENT OF THE MINNESOTA STATE BUILDING CODE BY REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES IN THIS MUNICIPALITY; PROVIDES FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREOF; PROVIDES PENALTIES FOR VIOLATION THEREOF; REPEALS ALL ORDINANCES AND PARTS OF ORDINANCES THAT CONFLICT THEREWITH.

This municipality does ordain as follows:

Section 1. Application, Administration and Enforcement. The application, administration, and enforcement of the code shall be in accordance with Minnesota Rule Chapter 1300. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 16B.62, subdivision 1, when so established by this ordinance.

The code enforcement agency of this municipality is called the _____.

This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code (Minnesota statute 16B.65) subdivision 1.

Section 2. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, subdivision 1

Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality in (ie City Code #, Ordinance # etc). In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70.

Section 3. Violations and Penalties. A violation of the code is a misdemeanor (Minnesota statute 16B.69) and Minnesota Rules, Chapter 1300

Section 4. Building Code. The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 is hereby adopted as the building code for this Municipality. The code is hereby incorporated in this ordinance as if fully set out herein.

A. The Minnesota State Building Code includes the following chapters of Minnesota Rules:

1. 1300, Administration of the Minnesota State Building Code;
2. 1301, Building Official Certification;

3. 1302, State Building Code Construction Approvals;
4. 1303, Minnesota Provisions;
5. 1305, Adoption of the 2000 International Building Code;
6. 1306, Special Fire Protection Systems;
7. 1307, Elevators and Related Devices.
8. 1309, Adoption of the 2000 International Residential Code;
9. 1311, Adoption of the 2000 Guidelines for the Rehabilitation of Existing Buildings;
10. 1315, Adoption of the 2002 National Electrical Code;
11. 1325, Solar Energy Systems;
12. 1330, Fallout Shelters;
13. 1335, Floodproofing Regulations;
14. 1341, Minnesota Accessibility Code;
15. 1346, Adoption of the Minnesota State Mechanical Code;
16. 1350, Manufactured Homes;
17. 1360, Prefabricated Structures;
18. 1361, Industrialized/Modular Buildings;
19. 1370, Storm Shelters (Manufactured Home Parks);
20. 4715, Minnesota Plumbing Code
21. 7670, 7672, 7674, 7676 and 7678, Minnesota Energy Code

B. This municipality may adopt by reference any or all of the following optional chapters of Minnesota Rules: Chapter 1306, Special Fire Protection Systems; and Chapter 1335, Floodproofing Regulations, parts 1335.0600 to 1335.1200.

C. This municipality may adopt by reference appendix chapter K (Grading), of the 2000 Supplements to the International Building Code.

The following optional provisions identified in Section 4, Subp. B and C are hereby adopted and incorporated as part of the building code for this municipality.

- 1.
- 2.
- 3.

Section 5. Effective Date of Ordinance. The effective date of this Ordinance is _____.

Signed: _____

Title: _____

Attest: _____

Title: _____

Reviewed By: _____

Title: _____

(sample ordinance)

Ordinance No. _____ Adopting the Minnesota State Building Code

AN ORDINANCE ADOPTING THE MINNESOTA STATE BUILDING CODE. THIS ORDINANCE: PROVIDES FOR THE APPLICATION, ADMINISTRATION, AND ENFORCEMENT OF THE MINNESOTA STATE BUILDING CODE BY REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES IN THIS MUNICIPALITY; PROVIDES FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREOF; PROVIDES PENALTIES FOR VIOLATION THEREOF; REPEALS ALL ORDINANCES AND PARTS OF ORDINANCES THAT CONFLICT THEREWITH.

This municipality does ordain as follows:

Section 1. Application, Administration and Enforcement. The application, administration, and enforcement of the code shall be in accordance with Minnesota Rule Chapter 1300. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 16B.62, subdivision 1, when so established by this ordinance.

The code enforcement agency of this municipality is called the _____.

This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code (Minnesota statute 16B.65) subdivision 1.

Section 2. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, subdivision 1

Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality in (ie City Code #, Ordinance # etc). In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70.

Section 3. Violations and Penalties. A violation of the code is a misdemeanor (Minnesota statute 16B.69) and Minnesota Rules, Chapter 1300

Section 4. Building Code. The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 is hereby adopted as the building code for this Municipality. The code is hereby incorporated in this ordinance as if fully set out herein.

A. The Minnesota State Building Code includes the following chapters of Minnesota Rules:

1. 1300, Administration of the Minnesota State Building Code;
2. 1301, Building Official Certification;

3. 1302, State Building Code Construction Approvals;
4. 1303, Minnesota Provisions;
5. 1305, Adoption of the 2000 International Building Code;
6. 1306, Special Fire Protection Systems;
7. 1307, Elevators and Related Devices.
8. 1309, Adoption of the 2000 International Residential Code;
9. 1311, Adoption of the 2000 Guidelines for the Rehabilitation of Existing Buildings;
10. 1315, Adoption of the 2002 National Electrical Code;
11. 1325, Solar Energy Systems;
12. 1330, Fallout Shelters;
13. 1335, Floodproofing Regulations;
14. 1341, Minnesota Accessibility Code;
15. 1346, Adoption of the Minnesota State Mechanical Code;
16. 1350, Manufactured Homes;
17. 1360, Prefabricated Structures;
18. 1361, Industrialized/Modular Buildings;
19. 1370, Storm Shelters (Manufactured Home Parks);
20. 4715, Minnesota Plumbing Code
21. 7670, 7672, 7674, 7676 and 7678, Minnesota Energy Code

B. This municipality may adopt by reference any or all of the following optional chapters of Minnesota Rules: Chapter 1306, Special Fire Protection Systems; and Chapter 1335, Floodproofing Regulations, parts 1335.0600 to 1335.1200.

C. This municipality may adopt by reference appendix chapter K (Grading), of the 2000 Supplements to the International Building Code.

The following optional provisions identified in Section 4, Subp. B and C are hereby adopted and incorporated as part of the building code for this municipality.

- 1.
- 2.
- 3.

Section 5. Effective Date of Ordinance. The effective date of this Ordinance is _____.

Signed: _____

Title: _____

Attest: _____

Title: _____

Reviewed By: _____

Title: _____

(sample ordinance, self-perpetuating)

Ordinance No. _____ Adopting the Minnesota State Building Code

AN ORDINANCE ADOPTING THE MINNESOTA STATE BUILDING CODE. THIS ORDINANCE: PROVIDES FOR THE APPLICATION, ADMINISTRATION, AND ENFORCEMENT OF THE MINNESOTA STATE BUILDING CODE BY REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES IN THIS MUNICIPALITY; PROVIDES FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREOF; PROVIDES PENALTIES FOR VIOLATION THEREOF; REPEALS ALL ORDINANCES AND PARTS OF ORDINANCES THAT CONFLICT THEREWITH. THIS ORDINANCE SHALL PERPETUALLY INCLUDE THE MOST CURRENT EDITION OF THE MINNESOTA STATE BUILDING CODE WITH THE EXCEPTION OF THE OPTIONAL APPENDIX CHAPTERS. OPTIONAL APPENDIX CHAPTERS SHALL NOT APPLY UNLESS SPECIFICALLY ADOPTED.

This municipality does ordain as follows:

Section 1 Codes adopted by reference. The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes chapter 16B.59 to 16B75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

Section 2. Application, Administration and Enforcement. 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, 16B.62, subdivision 1, when so established by this ordinance.

The code enforcement agency of this municipality is called the _____.

This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code (Minnesota statute 16B.65) subdivision 1.

Section 3. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, subdivision 1.

Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality in ie: City Code #, Ordinance # etc _____. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70.

Section 4. Violations and Penalties. A violation of the code is a misdemeanor (Minnesota statutes 16B.69

Section 5. Building Code Optional Chapters. The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 allows the Municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code.

The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of the building code for this municipality.

- 1.
- 2.
- 3.

Section 6. Effective Date of Ordinance. The effective date of this Ordinance is _____.

Signed: _____
Title: _____

Attest: _____
Title: _____

Reviewed By: _____
Title: _____

(sample accessibility ordinance)

Ordinance No. _____ Adopting the Minnesota State Building Code for Accessibility

AN ORDINANCE ADOPTING THE MINNESOTA STATE BUILDING CODE FOR ACCESSIBILITY. THIS ORDINANCE: PROVIDES FOR THE APPLICATION, ADMINISTRATION, AND ENFORCEMENT OF THE MINNESOTA STATE BUILDING CODE FOR ACCESSIBILITY BY REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, CONVERSION, OCCUPANCY, EQUIPMENT, USE, AND MAINTENANCE OF ALL BUILDINGS AND STRUCTURES IN THIS MUNICIPALITY; PROVIDES FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREOF; PROVIDES PENALTIES FOR VIOLATION THEREOF; REPEALS ALL ORDINANCES AND PARTS OF ORDINANCES THAT CONFLICT THEREWITH.

This municipality does ordain as follows:

Section 1. Application, Administration and Enforcement. The application, administration, and enforcement of the code shall be in accordance with Minnesota rule chapter 1300. The code enforcement agency of this municipality is called the _____. This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code (Minnesota statute 16B.65) subdivision 1.

Section 2. Permits and Fees. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality in (ie City Code #, Ordinance # etc.. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70.

Section 3. Violations and Penalties. A violation of the code is a misdemeanor (Minnesota statute 16B.69).

Section 4. Building Code for Accessibility. The Minnesota State Building Code for Accessibility, established pursuant to Minnesota statutes 16B.59 to 16B.75, is hereby adopted as the building code for accessibility in this municipality. The building code for accessibility is known as Chapter 1341 of Minnesota Rules.

Section 5. Effective Date of Ordinance. The effective date of this Ordinance is

_____.

Signed: _____

Title: _____

Attest: _____

Title: _____

Reviewed By: _____

Title: _____

EXTRACTED FROM 1997 UNIFORM BUILDING CODE

TABLE NO. 1-A – BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$23.00
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof
Other Inspections and Fees:	
1. Inspections outside of normal business hours	\$47.00 per hour*
2. Reinspection fees assessed under provisions of Section 305.8	\$47.00 per hour *
3. Inspections for which no fee is specifically indicated	\$47.00 per hour* (minimum charge – one-half hour)
4. Additional plan review required by changes, additions or revisions to plans	\$47.00 per hour*
5. For use of outside consultants for plan checking and inspections, or both	Actual costs **

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

** Actual costs include administrative and overhead costs.

EXTRACTED FROM 1994 UNIFORM BUILDING CODE

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$21.00
\$501.00 to \$2,000.00	\$21.00 for the first \$500.00 plus \$2.75 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$62.25 for the first \$2,000.00 plus \$12.50 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$349.75 for the first \$25,000.00 plus \$9.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$574.75 for the first \$50,000.00 plus \$6.25 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$887.25 for the first \$100,000.00 plus \$5.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$2,887.25 for the first \$500,000.00 plus \$4.25 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,012.25 for the first \$1,000,000.00 plus \$2.75 for each additional \$1,000.00, or fraction thereof
Other Inspections and Fees:	
1. Inspections outside of normal business hours	\$42.00 per hour *
2. Reinspection fees assessed under provisions of Section 108.8	\$42.00 per hour *
3. Inspections for which no fee is specifically indicated (minimum charge – one-half hour)	\$42.00 per hour *
4. Additional plan review required by changes, additions or revisions to plans	\$42.00 per hour *
5. For use of outside consultants for plan checking and inspections, or both	Actual costs **

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

** Actual costs include administrative and overhead costs.

**EXTRACTED FROM THE 1985, 1988 AND 1991
UNIFORM BUILDING CODE**

TABLE NO. 3-A – BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$15.00
\$501.00 to \$2,000.00	\$15.00 for the first \$500.00 plus \$2.00 for each additional \$100.00 of fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$2,039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$3,539.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof
Other Inspections and Fees:	
1. Inspections outside of normal business hours	\$30.00 per hour *
(minimum charge – two hours)	
2. Reinspection fees assessed under provisions of Section 305 (g)	\$30.00 per hour *
3. Inspections for which no fee is specifically indicated	\$30.00 per hour *
(minimum charge – one-half hour)	
4. Additional plan review required by changes, additions or revisions to approved plans	\$30.00 per hour *
(minimum charge – one-half hour)	

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

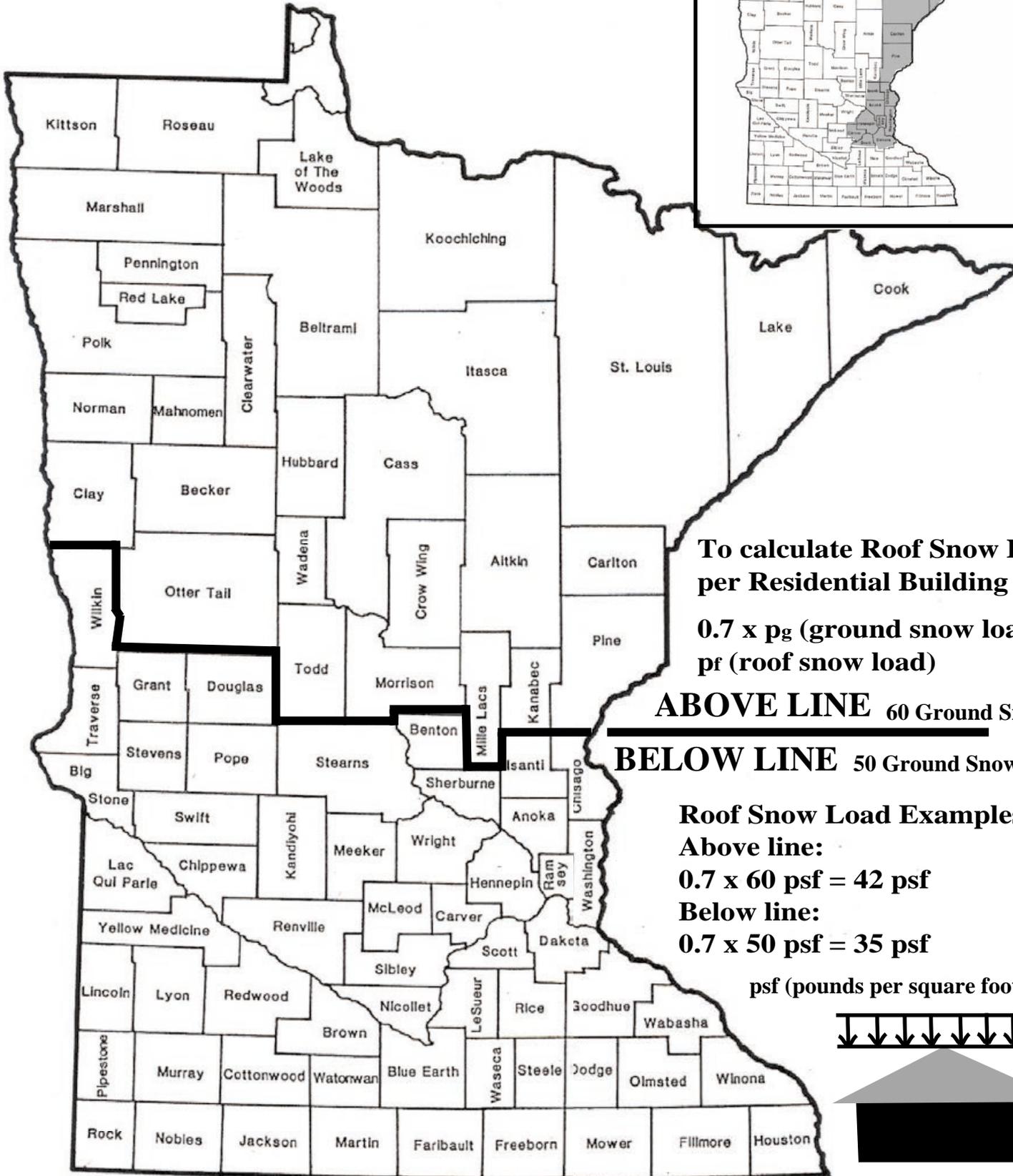
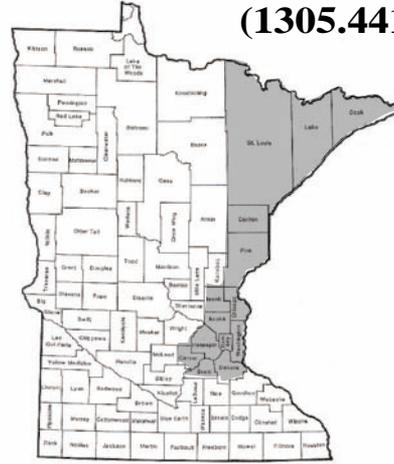
SNOW LOAD

GROUND SNOW LOAD & ROOF SNOW LOAD

MSBC RULES 1303.1700 table R301.2(1)

Previous Snow Load:

(1305.4416)



To calculate Roof Snow Load per Residential Building Code:

$$0.7 \times p_g \text{ (ground snow load)} = p_f \text{ (roof snow load)}$$

ABOVE LINE 60 Ground Snow PSF

BELOW LINE 50 Ground Snow PSF

Roof Snow Load Examples:

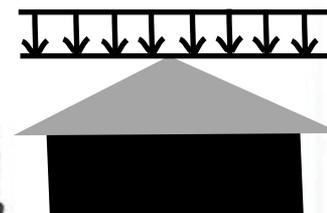
Above line:

$$0.7 \times 60 \text{ psf} = 42 \text{ psf}$$

Below line:

$$0.7 \times 50 \text{ psf} = 35 \text{ psf}$$

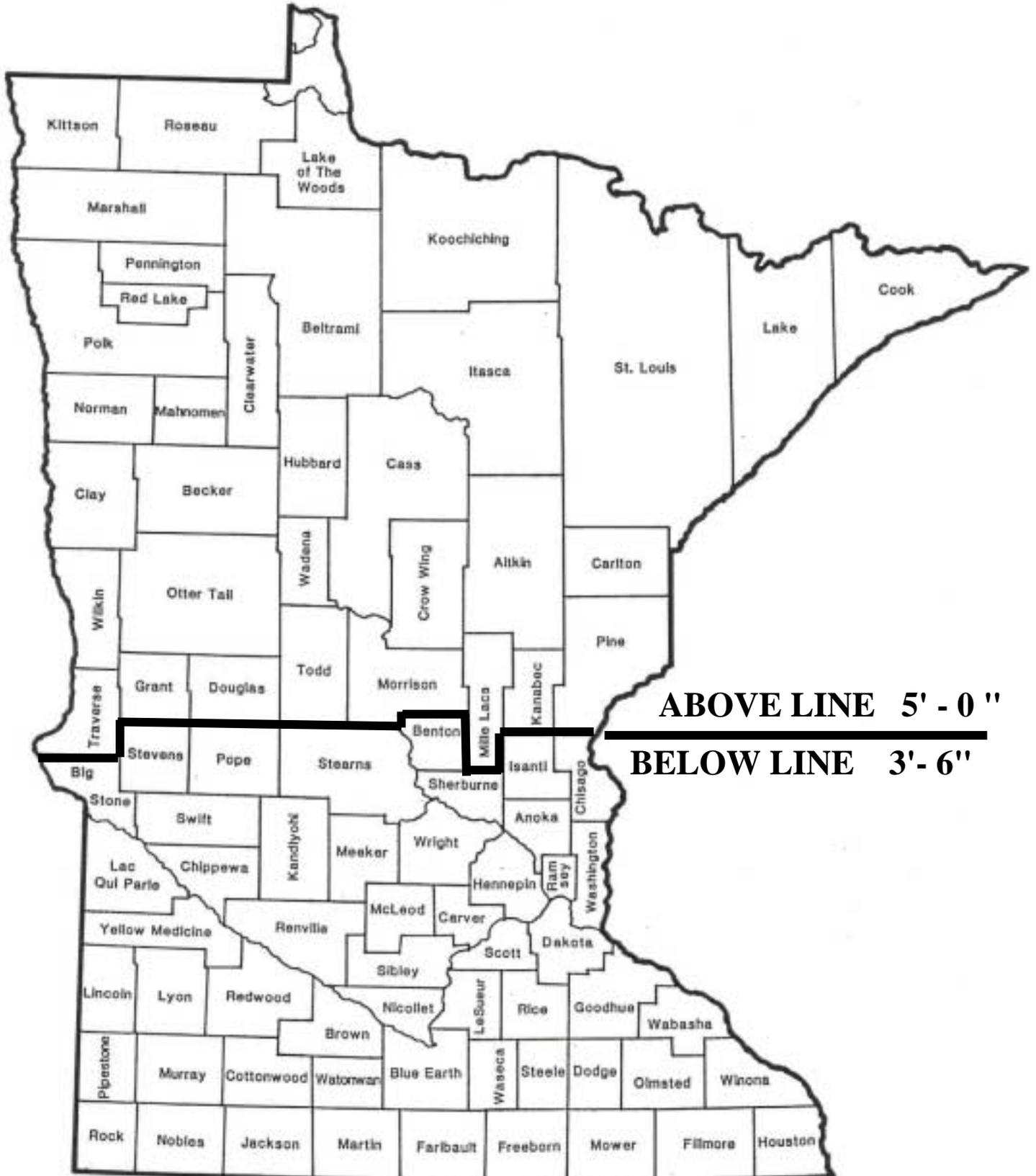
psf (pounds per square foot)



FROST DEPTH

NO CHANGES EXCEPT NEW RULE NUMBER

MSBC RULES 1303.1600 REPLACES 1300.5500



GUIDELINES FOR SPECIAL INSPECTIONS AND TESTING

PURPOSE: To provide a method for complying with requirements of the International Building Code (IBC) 2000 Section 1704 – Special Inspections.

BEFORE PERMIT ISSUANCE: The architect or engineer of record shall prepare and submit a Special Structural Testing and Inspection Program to the building official. The Program may be included in the contract documents or as a separate submittal document. The completed Program Summary Schedule should include the following:

1. A specific listing of the items requiring special inspection (observation and testing).
2. The associated technical scope sections, which define the applicable standard to judge conformance of construction work and describe the duties of special inspectors.
3. The type of special inspector required for each item.
4. The frequency of reporting, i.e., weekly, monthly, per test/inspection, per floor, etc.
5. The parties responsible for performing the special inspections.
6. Acknowledgements by each designated party.

REQUIREMENTS: “Special Inspection” includes inspection (work requiring observation and engineering judgment) and testing (work analyzing materials in accordance with approved standards). Special Inspection shall meet the minimum requirements of the *Minnesota State Building Code*, which includes IBC Section 1704, and the approved drawings and specifications. Special Inspectors shall be employed by the owner or engineer/architect of record, but not the contractor. Special Inspection shall not relieve the contractor of responsibility to complete the work in accordance with the approved drawings and specifications.

GUIDELINE PROGRAM: To assist with standardization of Special Inspections and Testing, the Council of American Structural Engineers/Minnesota chapter (CASE/MN) developed a *Guideline Program for Special Structural Testing and Inspection, 4th Edition*. The document is intended to identify items critical to the structural integrity of buildings and clearly outline the responsibilities of parties involved in design, construction, testing, and inspection. An excerpt regarding responsibilities is included in the following paragraph. Copies of this **voluntary use** document can be obtained through the American Council of engineering Companies/Minnesota (ACEC/MN) office at (952) 593-5533.

1.05 Responsibilities

A. Special Structural Testing and Inspection

1. Special Inspectors:

- a. Sign the Special Structural Testing and Inspection Summary Schedule in conjunction with other responsible parties prior to commencement of construction.
 - b. If requested, attend a pre-construction meeting to review the scope of special structural testing and inspection.
 - c. Test and/or inspect the work assigned for conformance with the building department approved design drawings, specifications and applicable material and workmanship provisions of the Code. Perform testing and inspection in a timely manner to avoid delay of work.
 - d. Bring discrepancies to the immediate attention of the contractor for correction, then, if uncorrected after a reasonable period of time, to the attention of the Structural Engineer of Record, the Building Official, and to the Architect.
 - e. Submit test and/or inspection reports to the Building Official, Contractor, the Structural Engineer of Record, and other designated persons in accordance with the Special Structural Testing and Inspection Summary Schedule.
 - f. Submit a final signed report stating whether the work requiring special inspection was, to the best of the inspector's knowledge, in conformance with the approved plans, specifications and the applicable workmanship provisions of the Code.
2. Architect of Record (or other prime consultant):
- a. Complete and sign the Special Structural Testing and Inspection Summary Schedule in conjunction with other responsible parties prior to commencement of construction. Provide a completed copy of the schedule to all signed parties including Building Official.
 - b. If appropriate, arrange and attend a pre-construction meeting to review the scope of special structural testing and inspection. Include Contractor, Building Official, SER, Testing Agency and other parties concerned.
 - c. Coordinate the flow of reports and related information to expedite resolution of construction issues.
3. Structural Engineer of Record (SER):
- a. Identify items requiring special structural testing and inspection including special cases.
 - b. Define "type" of special inspector required for "description" of work indicated on the special structural testing and inspection schedule.

- c. Complete and sign the Special Structural Testing and Inspection Summary Schedule prior to commencement of construction.
 - d. If requested, attend a pre-construction meeting to review the scope of special structural testing and inspection.
 - e. Review reports submitted by special inspectors.
 - f. If engaged as a special inspector, provide special structural testing and inspection services as previously described.
4. Testing Agency:
- a. Sign the Special Structural Testing and Inspection Summary Schedule in conjunction with other responsible parties prior to commencement of construction.
 - b. If requested, attend a pre-construction meeting to review the scope of special structural testing and inspection.
 - c. When engaged as a special inspector, provide special structural testing and inspection services as previously described.
5. Contractor:
- a. Sign the Special Structural Testing and Inspection Summary Schedule in conjunction with other responsible parties prior to commencement of construction.
 - b. If requested, attend a pre-construction meeting to review the scope of special structural testing and inspection.
 - c. Post or make available the Special Structural Testing and Inspection Summary Schedule within its office at the job site. Also, provide adequate notification to those parties designated on the schedule so they may properly prepare for and schedule their work.
 - d. Provide the special inspectors access to the approved drawings and specifications at the job site.
 - e. Review reports submitted by special inspectors.
 - f. Retain at the job site all reports submitted by the special inspectors for review by the building official upon request.
 - g. Correct in a timely manner, deficiencies identified in inspection and/or testing reports.

- h. Provide the special inspector safe access to the work requiring inspection and/or testing.
 - i. Provide labor and facilities to provide access to the work and to obtain, handle and deliver samples, to facilitate testing and inspection and for storage and curing of test samples.
 - j. Verification of conformance of the work within specified construction tolerances is solely the Contractor's responsibility.
6. Fabricator:
- a. Sign the Special Structural Testing and Inspection Summary Schedule in conjunction with other responsible parties prior to commencing construction.
 - b. Submit a Certificate of Compliance to the Building Official, Special Inspector, and Structural Engineer of Record that the work was performed in accordance with the approved plans and specifications.
7. Building Official (Typical responsibilities noted for information only):
- a. Determine work which, in the Building Officials opinion, involves unusual hazards or conditions in accordance with the International Building Code (IBC).
 - b. Review special inspector qualifications.
 - c. Accept and sign the completed Special Structural Testing and Inspection Summary Schedule.
 - d. Review all fabricators who perform work in their shop, which requires special inspection.
 - e. Review reports and recommendations submitted by the special inspectors.
 - f. Review the "final signed reports" submitted by the special inspector(s). These documents should be accepted and approved by the building department prior to issuance of a Certificate of Occupancy.
8. Owner:
- a. Establish direct funding to provide for cost of special structural testing and inspection services.
 - b. Provide special inspector with approved design drawings, specifications and approved shop drawings.

- c. Sign the Special Structural Testing and Inspection Summary Schedule in conjunction with other responsible parties prior to commencement of construction.

EFFECTIVE USE OF THE INTERNATIONAL BUILDING CODE

While not all inclusive, the following guidelines may be used as a general guideline in using the International Building Code.

- Determine the structures occupancy group(s) that most nearly resembles its intended use according to fire safety and relative hazard. See Sections 302.1 and 303 through 312.
- For buildings having mixed occupancy groups, see Section 302.3. Determine if the building is/was designed to be “separated” or “non-separated” per Section 302.3. Determine if smaller accessory uses need to be separated from the main occupancy, or if they meet the exceptions for smaller uses per section 302.2. For separated uses, check occupancy separations per Section 302.3.3 and Table 302.3.3.
- Determine the type of construction of the building by the materials used and the fire resistance of the parts of the building. See Sections 602.2 through 602.5.
- Determine location of the building on the property to verify distances to property lines and other buildings by the certificate of survey or site plan (See 702.1 for the definition of “fire separation distance”). See Table 602 for fire-resistance rating requirements for exterior walls based on fire separation distance. See Table 704.8 for maximum area of exterior wall openings based on fire separation distance.
- Calculate the allowable floor area(s) of the building – for both the “total” building area and the “per-floor” area. Mixed occupancy calculations may also be required under some designs. See Sections 503, 504, 505, 506 & 507. Also see Section 302.3.3 for mixed occupancies.
- Compute the height and number of stories of the building using 502.1. See Table 503 for the maximum height and number of stories permitted based on the occupancy group and type of construction. See 504 for height modifications based on the use of an approved automatic fire-sprinkler system.
- Review the building for conformity with occupancy requirements in Sections 303 through 312. Also verify special detailed requirements based on use and occupancy identified in Sections 402 through 419.
- Review building for conformity with type of construction requirements in Sections 602, 603 and Tables 601.
- Calculate the design occupant load; see Section 1003.2.2 and Table 1003.2.2.2.
- Verify the building for conformity regarding the general means of egress (exit access, exit and exit discharge) in Chapter 10.
- Review the building for other detailed code regulations in Chapters 4, 7 through 10, 12 through 29, and 31 through 33.
- See MN Rule 1305 for amendments to the IBC.
- See MN Rule 1303 “Minnesota provisions” previously found in MN Rule 1300 (i.e. restroom facilities in public accommodations, space for commuter vans, recycling space, ground snow load, bleacher safety...)
- Review the building for conformity with structural engineering regulations and requirements for materials of construction. See Chapters 16 through 25.

Manufactured Structures Section

This section oversees three different areas:

Manufactured Homes (HUD)

(Minnesota State Building Code 1350)

Prefabricated Buildings

(Minnesota State Building Code 1360)

Industrialized Modular Buildings

(Minnesota State Building Code 1361)

The Industrialized Modular Buildings Section uses model rules and regulations (MRR) and Uniform Administrative Procedures (UAP) listed on the IBC (Industrialized Buildings Commission website). Information about the IBC is provided below and information about the website is on the next page.

IBC (Industrialized Buildings Commission)

The Industrialized Buildings Commission supports and enhances productivity, innovation, affordability, and international competitiveness in the American construction industry through nationwide uniformity in codes, rules, regulations, and procedures and the elimination of duplication in reviews, inspection, and fees, while assuring quality, durability, and safety in the built environment.

The Industrialized Buildings Commission (IBC) was created in the early 1990s when the states of Minnesota, Rhode Island and New Jersey each enacted the Interstate Compact for Industrialized/Modular Buildings (model legislation). The IBC which is responsible for carrying out the activities of the compact is comprised of governor-appointed state officials from the member states and a representative from the industrialized (modular) buildings industry.

The purpose of the compact is to streamline regulations that govern industrialized (modular) buildings -- from the design and manufacture to delivery and installation -- and to eliminate costly duplication of reviews and inspections by multiple jurisdictions. The coordinating compact enables member states to improve their efficiency and reduce their costs by consolidating similar services while continuing to operate, staff and enforce industrialized (modular) buildings programs. Improved compliance

through uniform rules, regulations and procedures; better enforcement through sharing of information and findings; and reduced costs through elimination of redundant reviews and inspections are just some of the compact's benefits.

The compact's rules, regulations and procedures are developed by the Rules Development Committee (RDC) and recommended to the IBC for adoption. The RDC is a consensus-based committee with representatives from state governments, consumers, manufacturers (residential and commercial), and private evaluation and inspection agencies.

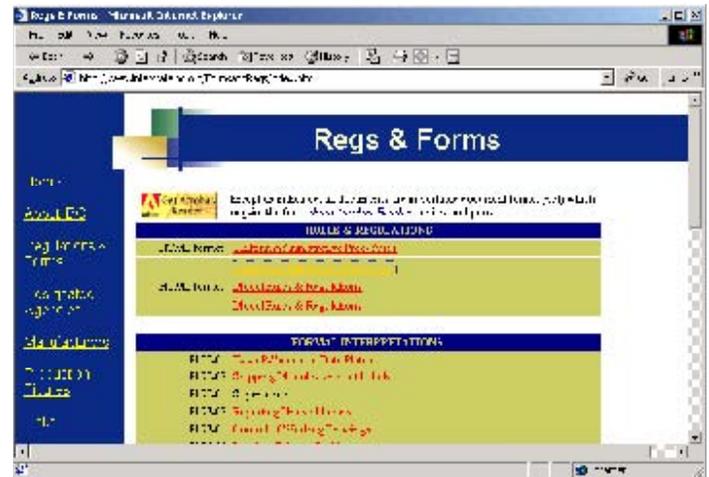
In addition to the member states of Minnesota, Rhode Island and New Jersey, the IBC has an agreement with the Commonwealth of Kentucky whereby Kentucky agrees to accept industrialized (modular) buildings bearing an IBC certification labels. Also, the State of Wisconsin has an agreement with the State of Minnesota that allows industrialized (modular) buildings manufactured in Minnesota and bearing an IBC certification label to be sited in Wisconsin.

Since 1992, the National Conference of States on Building Codes and Standards, Inc. (NCSBCS) has served as the IBC's secretariat, administering the certification label program, providing administrative and secretarial support, and conducting audits of the design agencies.

See the next page for information about the IBC

Building Codes and Standards Division

Manufactured Structures Section continued



1. Point your browser to: <http://www.interstateibc.org>

2. Click on **Forms & Regulations**
State of Minnesota (flag) and the next screen will list:

RULES & REGULATIONS

- Uniform Administrative Procedures
- Model Rules & Regulations

FORMAL INTERPRETATIONS

- FI 00-01 U- vs R-Values on Data Plates
- FI 98-02 Shipping Modules without Labels
- FI 98-01 Superseded
- FI 97-02 Reporting Unused Labels
- FI 97-01 Control of Working Drawings
- FI 95-06 Labeling Existing Buildings
- FI 95-05 Monthly Production Reports Stating “No Production”
- FI 95-04 PE Seals on Compliance Assurance Documents
- FI 95-03 Identification of Compliance Assurance Employees
- FI 95-02 Continuing Education Guidelines
- FI 95-01 Labeling Requirements for Two Modules on One Carrier
- FI 94-01 Size Limitations for Documents

FORMAL TECHNICAL OPINIONS

- FTO 98-02 Firestopping of Openings
- FTO 98-01 Special Inspection

BULLETINS

- B 11.17.98 High-Voltage Testing
- B 08.05.97 Certification of Prefabricated Steel Components
- B 07.01.96 Monthly Production Report - First Location Information
- B 11.14.95 Application of Building Systems Documents
- B 11.14.95S Issues from Briefing Session (Sept. '95)

FORMS

- Refund of Certification Label Fees
- Monthly Production Report
- Application for Certification

==16B.59

16B.59 State Building Code; policy and purpose.

The State Building Code governs the construction, reconstruction, alteration, and repair of buildings and other structures to which the code is applicable. The commissioner shall administer and amend a state code of building construction which will provide basic and uniform performance standards, establish reasonable safeguards for health, safety, welfare, comfort, and security of the residents of this state and provide for the use of modern methods, devices, materials, and techniques which will in part tend to lower construction costs. The construction of buildings should be permitted at the least possible cost consistent with recognized standards of health and safety.

HIST: 1984 c 544 s 64; 1995 c 254 art 2 s 1

==16B.60

16B.60 Definitions, State Building Code.

Subdivision 1. Scope. For the purposes of sections 16B.59 to 16B.75, the terms defined in this section have the meanings given them.

Subd. 2. City. "City" means a home rule charter or statutory city.

Subd. 3. Municipality. "Municipality" means a city, county, or town, the University of Minnesota, or the state for public buildings and state licensed facilities.

Subd. 4. Code. "Code" means the State Building Code adopted by the commissioner in accordance with sections 16B.59 to 16B.75.

Subd. 5. Agricultural building. "Agricultural building" means a structure on agricultural land as defined in section 273.13, subdivision 23, designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.

Subd. 6. Public building. "Public building" means a building and its grounds the cost of which is paid for by the state or a state agency regardless of its cost, and a school district building project the cost of which is \$100,000 or more.

Subd. 7. Physically handicapped. "Physically handicapped" means having sight disabilities, hearing disabilities, disabilities of incoordination, disabilities of aging, or other disabilities that significantly reduce mobility, flexibility, coordination, or perceptiveness.

Subd. 8. Remodeling. "Remodeling" means deliberate reconstruction of an existing public building in whole or in part in order to bring it up to date in conformity with present uses of the structure and to which other rules on the upgrading of health and safety provisions are applicable.

Subd. 9. Historic building. "Historic building" means a state-owned building that is on the National Register of Historic Places.

Subd. 10. Equivalent protection. "Equivalent protection" means a measure other than a code requirement that provides essentially the same protection that would be provided by a code requirement.

Subd. 11. State licensed facilities. "State licensed facilities" means a building and its grounds that are licensed by the state as a hospital, nursing home, supervised living facility, free-standing outpatient surgical center, or correctional facility.

Subd. 12. Designate. "Designate" means the formal designation by a municipality's administrative authority of a certified building official accepting responsibility for code administration.

Subd. 13. Administrative authority. "Administrative authority" means a municipality's governing body or their assigned administrative authority.

HIST: 1984 c 544 s 65; 1Sp1985 c 14 art 4 s 3; 1987 c 387 s 1,2; 1989 c 329 art 5 s 1; 1990 c 458 s 1; 1990 c 572 s 10,11; 1994 c 634 art 2 s 1,2; 1995 c 254 art 2 s 2,3; 1Sp2001 c 10 art 2 s 26-28

==16B.61

16B.61 General powers of commissioner; State Building Code.

Subdivision 1. Adoption of code. Subject to sections 16B.59 to 16B.75, the commissioner shall by rule establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire

protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must also include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 16B.59 to 16B.75, the commissioner shall administer and enforce the provisions of those sections.

The commissioner shall develop rules addressing the plan review fee assessed to similar buildings without significant modifications including provisions for use of building systems as specified in the industrial/modular program specified in section 16B.75. Additional plan review fees associated with similar plans must be based on costs commensurate with the direct and indirect costs of the service.

Subd. 1a. Administration by commissioner. The commissioner shall administer and enforce the State Building Code as a municipality with respect to public buildings and state licensed facilities in the state. The commissioner shall establish appropriate permit, plan review, and inspection fees for public buildings and state licensed facilities. Fees and surcharges for public buildings and state licensed facilities must be remitted to the commissioner, who shall deposit them in the state treasury for credit to the special revenue fund.

Municipalities other than the state having a contractual agreement with the commissioner for code administration and enforcement service for public buildings and state licensed facilities shall charge their customary fees, including surcharge, to be paid directly to the contractual jurisdiction by the applicant seeking authorization to construct a public building or a state licensed facility. The commissioner shall contract with a municipality other than the state for plan review, code administration, and code enforcement service for public buildings and state licensed facilities in the contractual jurisdiction if the building officials of the municipality meet the requirements of section 16B.65 and wish to provide those services and if the commissioner determines that the

municipality has enough adequately trained and qualified building inspectors to provide those services for the construction project.

Administration and enforcement in a municipality under this section must apply any optional provisions of the State Building Code adopted by the municipality. A municipality adopting any optional code provision shall notify the state building official within 30 days of its adoption.

The commissioner shall administer and enforce the provisions of the code relating to elevators statewide, except as provided for under section 16B.747, subdivision 3.

Subd. 2. Enforcement by certain bodies. Under the direction and supervision of the commissioner, the provisions of the code relating to electrical installations shall be enforced by the state board of electricity, pursuant to the Minnesota Electrical Act, the provisions relating to plumbing shall be enforced by the commissioner of health, the provisions relating to high pressure steam piping and appurtenances shall be enforced by the department of labor and industry. Fees for inspections conducted by the state board of electricity shall be paid in accordance with the rules of the state board of electricity. Under direction of the commissioner of public safety, the state fire marshal shall enforce the Minnesota Uniform Fire Code as provided in chapter 299F. The commissioner, in consultation with the commissioner of labor and industry, shall adopt amendments to the mechanical code portion of the State Building Code to implement standards for process piping.

Subd. 3. Special requirements. (a) Space for commuter vans. The code must require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

(b) Smoke detection devices. The code must require that all dwellings, lodging houses, apartment houses, and hotels as defined in section 299F.362 comply with the provisions of section 299F.362.

(c) Doors in nursing homes and hospitals. The State Building Code may not require that each door entering a sleeping or patient's room from a corridor in a nursing home or hospital with

an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.

(d) Child care facilities in churches; ground level exit. A licensed day care center serving fewer than 30 preschool age persons and which is located in a belowground space in a church building is exempt from the State Building Code requirement for a ground level exit when the center has more than two stairways to the ground level and its exit.

(e) Child care facilities in churches; vertical access. Until August 1, 1996, an organization providing child care in an existing church building which is exempt from taxation under section 272.02, subdivision 6, shall have five years from the date of initial licensure under chapter 245A to provide interior vertical access, such as an elevator, to persons with disabilities as required by the State Building Code. To obtain the extension, the organization providing child care must secure a \$2,500 performance bond with the commissioner of human services to ensure that interior vertical access is achieved by the agreed upon date.

(f) Family and group family day care. Until the legislature enacts legislation specifying appropriate standards, the definition of Group R-3 occupancies in the State Building Code applies to family and group family day care homes licensed by the department of human services under Minnesota Rules, chapter 9502.

(g) Enclosed stairways. No provision of the code or any appendix chapter of the code may require stairways of existing multiple dwelling buildings of two stories or less to be enclosed.

(h) Double cylinder dead bolt locks. No provision of the code or appendix chapter of the code may prohibit double cylinder dead bolt locks in existing single-family homes, townhouses, and first floor duplexes used exclusively as a residential dwelling. Any recommendation or promotion of double cylinder dead bolt locks must include a warning about their potential fire danger and procedures to minimize the danger.

(i) Relocated residential buildings. A residential building relocated within or into a political subdivision of the state need not comply with the State Energy Code or section 326.371 provided that, where available, an energy audit is conducted on the relocated building.

(j) Automatic garage door opening systems. The code must require all residential buildings as defined in section 325F.82 to comply with the provisions of sections 325F.82 and 325F.83.

(k) Exit sign illumination. For a new building on which construction is begun on or after October 1, 1993, or an existing building on which remodeling affecting 50 percent or more of the enclosed space is begun on or after October 1, 1993, the code must prohibit the use of internally illuminated exit signs whose electrical consumption during nonemergency operation exceeds 20 watts of resistive power. All other requirements in the code for exit signs must be complied with.

(l) Exterior wood decks, patios, and balconies. The code must permit the decking surface and upper portions of exterior wood decks, patios, and balconies to be constructed of (1) heartwood from species of wood having natural resistance to decay or termites, including redwood and cedars, (2) grades of lumber which contain sapwood from species of wood having natural resistance to decay or termites, including redwood and cedars, or (3) treated wood. The species and grades of wood products used to construct the decking surface and upper portions of exterior decks, patios, and balconies must be made available to the building official on request before final construction approval.

Subd. 3a. Recycling space. The code must require suitable space for the separation, collection, and temporary storage of recyclable materials within or adjacent to new or significantly remodeled structures that contain 1,000 square feet or more. Residential structures with fewer than four dwelling units are exempt from this subdivision.

Subd. 4. Review of plans for public buildings and state licensed facilities. Construction or remodeling may not begin on any public building or state licensed facility until the plans and specifications have been approved by the commissioner or municipality under contractual agreement pursuant to subdivision 1a. The plans and specifications must be submitted for review, and within 30 days after receipt of the plans and specifications, the commissioner or municipality under contractual agreement shall notify the submitting authority of any corrections.

Subd. 5. Accessibility. (a) Public buildings. The code must provide for making public buildings constructed or remodeled after July 1, 1963, accessible to and usable by physically handicapped persons, although this does not require the remodeling of public buildings solely to provide accessibility and usability to the physically handicapped when remodeling would not otherwise be undertaken.

(b) Leased space. No agency of the state may lease space for agency operations in a non-state-owned building unless the building satisfies the requirements of the State Building Code for accessibility by the physically handicapped, or is eligible to display the state symbol of

accessibility. This limitation applies to leases of 30 days or more for space of at least 1,000 square feet.

(c) Meetings or conferences. Meetings or conferences for the public or for state employees which are sponsored in whole or in part by a state agency must be held in buildings that meet the State Building Code requirements relating to accessibility for physically handicapped persons. This subdivision does not apply to any classes, seminars, or training programs offered by the Minnesota state colleges and universities or the University of Minnesota. Meetings or conferences intended for specific individuals none of whom need the accessibility features for handicapped persons specified in the State Building Code need not comply with this subdivision unless a handicapped person gives reasonable advance notice of an intent to attend the meeting or conference. When sign language interpreters will be provided, meetings or conference sites must be chosen which allow hearing impaired participants to see their signing clearly.

(d) Exemptions. The commissioner may grant an exemption from the requirements of paragraphs (b) and (c) in advance if an agency has demonstrated that reasonable efforts were made to secure facilities which complied with those requirements and if the selected facilities are the best available for access for handicapped persons. Exemptions shall be granted using criteria developed by the commissioner in consultation with the council on disability.

(e) Symbol indicating access. The wheelchair symbol adopted by Rehabilitation International's Eleventh World Congress is the state symbol indicating buildings, facilities, and grounds which are accessible to and usable by handicapped persons. In the interests of uniformity, this symbol is the sole symbol for display in or on all public or private buildings, facilities, and grounds which qualify for its use. The secretary of state shall obtain the symbol and keep it on file. No building, facility, or grounds may display the symbol unless it is in compliance with the rules adopted by the commissioner under subdivision 1. Before any rules are proposed for adoption under this paragraph, the commissioner shall consult with the council on disability. Rules adopted under this paragraph must be enforced in the same way as other accessibility rules of the State Building Code.

(f) Municipal enforcement. Municipalities which have not adopted the State Building Code may enforce the building code requirements for handicapped persons by either entering into a joint powers agreement for enforcement with another municipality which has adopted the State Building Code; or contracting for enforcement with an individual certified under section 16B.65, subdivision 3, to enforce the State Building Code.

(g) Equipment allowed. The code must allow the use of vertical wheelchair lifts and inclined stairway wheelchair lifts in public buildings. An inclined stairway wheelchair lift must be equipped with light or sound signaling device for use during operation of the lift. The stairway or ramp shall be marked in a bright color that clearly indicates the outside edge of the lift when in operation. The code shall not require a guardrail between the lift and the stairway or ramp. Compliance with this provision by itself does not mean other handicap accessibility requirements have been met.

Subd. 6. Energy efficiency. The code must provide for building new low-income housing in accordance with energy efficiency standards adopted under subdivision 1. For purposes of this subdivision, low-income housing means residential housing built for low-income persons and families under a program of a housing and redevelopment authority, the Minnesota housing finance agency, or another entity receiving money from the state to construct such housing.

Subd. 7. Access for the hearing-impaired. All rooms in the state office building and in the capitol that are used by the house of representatives or the senate for legislative hearings, and the public galleries overlooking the house and senate chambers, must be fitted with assistive listening devices for the hearing-impaired. Each hearing room and the public galleries must have a sufficient number of receivers available so that hearing-impaired members of the public may participate in the committee hearings and public sessions of the house and senate.

HIST: 1984 c 544 s 66; 1984 c 655 art 2 s 13 subd 1; 1984 c 658 s 1; 1985 c 194 s 30; 1985 c 248 s 70; 1986 c 444; 1Sp1986 c 3 art 4 s 2; 1987 c 291 s 192; 1987 c 354 s 8; 1987 c 387 s 3; 1988 c 608 s 1; 1988 c 685 s 2; 1989 c 82 s 1; 1989 c 335 art 1 s 65; 1990 c 414 s 1; 1991 c 104 s 1; 1991 c 134 s 1; 1991 c 149 s 2; 1991 c 235 art 3 s 1; 1991 c 240 s 1; 1991 c 337 s 4; 1992 c 597 s 1; 1993 c 327 s 1; 1994 c 480 s 6; 1994 c 567 s 1; 1994 c 634 art 2 s 3,4; 1995 c 100 s 1; 1995 c 166 s 1,2,17; 1995 c 213 art 1 s 1; 1995 c 254 art 2 s 4-6; 1996 c 395 s 18; 1999 c 135 s 1,2; 1999 c 185 s 1; 2000 c 297 s 1; 2001 c 7 s 10; 2001 c 207 s 1,2; 1Sp2001 c 10 art 2 s 29

==16B.615

16B.615 Restroom facilities.

Subdivision 1. Definition. For purposes of this section, "place of public accommodation" means a publicly or privately owned sports or entertainment arena, stadium, theater, community or convention hall, special event center, amusement facility, or special event center in a public park, that is designed for occupancy by 200 or more people.

Subd. 2. Application. This section applies only to a place of public accommodation for which construction, or alterations exceeding 50 percent of the estimated replacement value of the existing facility, begins after July 1, 1995.

Subd. 3. Ratio. In a place of public accommodation subject to this section, the ratio of water closets for women to the total of water closets and urinals provided for men must be at least three to two, unless there are two or fewer fixtures for men.

Subd. 4. Rules. The commissioner of administration shall adopt rules to implement this section. The rules may provide for a greater ratio of women's to men's facilities for certain types of occupancies than is required in subdivision 3, and may apply the required ratios to categories of occupancies other than those defined as places of public accommodation under subdivision 1.

HIST: 1994 c 632 art 3 s 34

==16B.616

16B.616 Bleacher safety.

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given.

(b) "Place of public accommodation" means a public or privately owned sports or entertainment arena, gymnasium, auditorium, stadium, hall, special event center in a public park, or other facility for public assembly.

(c) "Bleacher" refers to any tiered or stepped seating facility, whether temporary or permanent, used in a place of public accommodation for the seating of its occupants.

Subd. 2. Application. All places of public accommodation must comply with the provisions of this section.

Subd. 3. Safety requirements. In places of public accommodation using bleacher seating, all bleachers or bleacher open spaces over 55 inches above grade or the floor below, and all bleacher guardrails if any part of the guardrail is over 30 inches above grade or the floor below must conform to the following safety requirements:

(1) the open space between bleacher footboards, seats, and guardrails must not exceed four inches, unless approved safety nets are installed, except that retractable bleachers already in place as of January 1, 2001, may have open spaces not exceeding nine inches and any bleachers owned by the University of Minnesota, the Minnesota state colleges and universities, or a private college or university may have open spaces not exceeding nine inches;

(2) bleachers must have vertical perimeter guardrails with no more than four-inch rail spacing between vertical rails or other approved guardrails that address climbability and are designed to prevent accidents; and

(3) the state building official shall determine whether the safety nets and guardrail climbability meet the requirements of the alternate design section of the State Building Code. All new bleachers manufactured, installed, sold, or distributed after January 1, 2001, must comply with the State Building Code in effect and this subdivision.

Subd. 4. Enforcement. (a) A statutory or home rule charter city that is not covered by the code because of action taken under section 16B.72 or 16B.73 is responsible for enforcement in the city of the code's requirements for bleacher safety. In all other areas where the code does not apply because of action taken under section 16B.72 or 16B.73, the county is responsible for enforcement of those requirements.

(b) Municipalities that have not adopted the code may enforce the code requirements for bleacher safety by either entering into a joint powers agreement for enforcement with another municipality that has adopted the code or contracting for enforcement with a qualified and certified building official or state licensed design professional to enforce the code.

(c) Municipalities, school districts, organizations, individuals, and other persons operating or owning places of public accommodation with bleachers that are subject to the safety requirements in subdivision 3 shall provide a signed certification of compliance to the commissioner by January 1, 2002. For bleachers subject to the exception in subdivision 3, clause (1), entities covered by this paragraph must have on file a bleacher safety management plan and amortization schedule. The certification shall be prepared by a qualified and certified building official or state licensed design professional and shall certify that the bleachers have been inspected and are in compliance with the requirements of this section and are structurally sound. For bleachers owned by a school district or nonpublic school, the person the district or nonpublic school designates to be responsible for buildings and grounds may make the certification.

Subd. 5. Noncomplying bleachers prohibited. The commissioner, in addition to other remedies provided for violations of this chapter, shall forbid use of bleachers not in compliance with this section.

Subd. 6. Periodic inspections. Bleacher footboards and guardrails must be reinspected at least every five years and a structural inspection must be made at least every ten years. Inspections may be completed in the same manner as provided in subdivision 4. This section does not preclude a municipal authority from establishing additional reinspections under the State Building Code.

HIST: 1999 c 250 art 1 s 62; 2000 c 417 s 1,2; 2000 c 492 art 1 s 35,36; 1Sp2001 c 6 art 4 s 1

==16B.617

16B.617 Energy code rules remain in effect.

(a) Notwithstanding Laws 1999, chapter 135, section 9, Minnesota Rules, chapter 7670, does not expire on April 15, 2000, but remains in effect for residential buildings not covered by Minnesota Rules, chapter 7676. The provisions of Minnesota Rules, chapter 7670, that apply to category 1 buildings govern new, detached single one- and two-family R-3 occupancy residential buildings. All new, detached single one- and two-family R-3 occupancy buildings subject to Minnesota Rules, chapter 7670, submitting an application for a building permit after April 14, 2000, must meet the requirements for category 1 buildings, as set out in Minnesota Rules, chapter 7670.

(b) As an alternative to compliance with paragraph (a), compliance with Minnesota Rules, chapters 7672 and 7674, is optional for a contractor or owner.

(c) The department of administration, building codes and standards division (BCSD), shall issue a report to the legislature by December 1, 2001, addressing the cost benefit, as well as air quality, building durability, moisture, enforcement, enforceability, and liability regarding implementation of Minnesota Rules, chapters 7670, 7672, and 7674. The report must include a feasibility study of establishing new criteria for category 2 detached single one- and two-family R-3 occupancy buildings that are energy efficient, enforceable, and provide sufficient nonmechanical ventilation or permeability for a home to maintain good air quality, building durability, and adequate release of moisture.

(d) This section expires when the commissioner of administration adopts a new energy code in accordance with Laws 2002, chapter 317, section 4.

HIST: 2000 c 407 s 1; 2002 c 317 s 1

* NOTE: The amendment to this section by Laws 2002, chapter 317, section 1, is effective when rules are adopted by the commissioner of administration containing appropriate provisions addressing combustion air and make-up air in residential construction as part of the mechanical code. Laws 2002, chapter 317, section 4.

==16B.6175

16B.6175 Energy code.

Notwithstanding section 16B.617, the commissioner of administration, in consultation with the construction codes advisory council, shall explore and review the availability and appropriateness of any model energy codes related to the construction of single one- and two-family residential buildings. In consultation with the council, the commissioner shall take steps to adopt the chosen code with all necessary and appropriate amendments.

The commissioner may not adopt all or part of a model energy code relating to the construction of residential buildings without research and analysis that addresses, at a minimum, air quality, building durability, moisture, enforcement, enforceability cost benefit, and liability. The research and analysis must be completed in cooperation with practitioners in residential construction and building science and an affirmative recommendation by the construction codes advisory council.

HIST: 2002 c 317 s 3

==16B.62

16B.62 State Building Code; application.

Subdivision 1. Municipal enforcement.

The State Building Code applies statewide and supersedes the building code of any municipality. A municipality must not by ordinance or through development agreement require building code provisions regulating components or systems of any residential structure that are different from any provision of the State Building Code. A municipality may, with the approval of the state building official, adopt an ordinance that is more restrictive than the State Building Code where geological conditions warrant a more restrictive ordinance. A municipality may appeal the disapproval of a more restrictive ordinance to the commissioner. An appeal under this subdivision is subject to the schedule, fee, procedures, cost provisions, and appeal rights set out in section 16B.67. The State Building Code does not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized by sections 103F.141, 216C.19, subdivision 8, and 326.244. All municipalities shall adopt and enforce the State Building Code with respect to new construction within their respective jurisdictions.

If a city has adopted or is enforcing the State Building Code on June 3, 1977, or determines by ordinance after that date to undertake enforcement, it shall enforce the code within the city. A city may by ordinance extend the enforcement of the code to contiguous unincorporated territory not more than two miles distant from its corporate limits in any direction. Where two or more noncontiguous cities which have elected to enforce the code have boundaries less than four miles apart, each is authorized to enforce the code on its side of a line equidistant between them. Once enforcement authority is extended extraterritorially by ordinance, the authority may continue to be exercised in the designated territory even though another city less than four miles distant later elects to enforce the code. After the extension, the city may enforce the code in the designated area to the same extent as if the property were situated within its corporate limits.

A city which, on June 3, 1977, had not adopted the code may not commence enforcement of the code within or outside of its jurisdiction until it has provided written notice to the commissioner, the county auditor, and the town clerk of each town in which it intends to enforce the code. A public hearing on the proposed enforcement must be held not less than 30 days after the notice has been provided. Enforcement of the code by the city outside of its jurisdiction commences on the first day of January in the year following the notice and hearing.

Municipalities may provide for the issuance of permits, inspection, and enforcement within their jurisdictions by means which are convenient, and lawful, including by means of contracts with other municipalities pursuant to section 471.59, and with qualified individuals. The other municipalities or qualified individuals may be reimbursed by retention or remission of some or all of the building permit fee collected or by other means. In areas of the state where inspection and enforcement is unavailable from qualified employees of municipalities, the commissioner shall

train and designate individuals available to carry out inspection and enforcement on a fee basis. Nothing in this section prohibits a municipality from adopting ordinances relating to zoning, subdivision, or planning unless the ordinance conflicts with a provision of the State Building Code that regulates components or systems of any residential structure.

Subd. 2. Enforcement by state building official. If the commissioner determines that a municipality is not properly administering and enforcing the State Building Code as provided in section 16B.71, the commissioner may have the administration and enforcement in the involved municipality undertaken by the state building official. The commissioner shall notify the affected municipality in writing immediately upon making the determination, and the municipality may challenge the determination as a contested case before the commissioner pursuant to the Administrative Procedure Act. In municipalities not properly administering and enforcing the State Building Code, and in municipalities who determine not to administer and enforce the State Building Code, the commissioner shall have administration and enforcement undertaken by the state building official or by another inspector certified by the state. In carrying out administration and enforcement under this subdivision, the commissioner shall apply any optional provision of the State Building Code adopted by the municipality. A municipality adopting any optional code provision shall notify the state building official within 30 days of its adoption. The commissioner shall determine appropriate fees to be charged for the administration and enforcement service rendered. Any cost to the state arising from the state administration and enforcement of the State Building Code shall be borne by the subject municipality.

HIST: 1984 c 544 s 67; 1987 c 312 art 1 s 10 subd 1; 1990 c 391 art 8 s 2; 1994 c 634 art 2 s 5,10; 1999 c 135 s 3; 2001 c 207 s 3

==16B.625

16B.625 Exemptions.

The commissioner may exempt a part of a historic building occupied by the state from the state or another building, fire, safety, or other code if the exemption is necessary to preserve the historic or esthetic character of the building or to prevent theft, vandalism, terrorism, or another crime. When the commissioner grants an exemption, the commissioner shall consider providing equivalent protection. A certificate of occupancy may not be denied because of an exemption under this section.

HIST: 1990 c 572 s 12

=16B.63

16B.63 State building official.

Subdivision 1. Appointment. The commissioner shall appoint a state building official who under the direction and supervision of the commissioner shall administer the code.

Subd. 2. Qualifications. To be eligible for appointment as state building official an individual must be competent in the field of administration and shall have the experience in building design, construction, and supervision which the commissioner considers necessary.

Subd. 3. Powers and duties. The state building official may, with the approval of the commissioner, employ personnel necessary to carry out the inspector's function under sections 16B.59 to 16B.75. The state building official shall distribute without charge one copy of the code to each municipality within the state. Additional copies shall be made available to municipalities and interested parties for a fee prescribed by the commissioner. The state building official shall perform other duties in administering the code assigned by the commissioner.

Subd. 4. Accessibility specialists. The state building official shall, with the approval of the commissioner, assign three department employees to assist municipalities in complying with section 16B.61, subdivision 5.

Subd. 5. Interpretative authority. To achieve uniform and consistent application of the State Building Code, the state building official has final interpretative authority applicable to all codes adopted as part of the State Building Code except for the plumbing code and the electrical code when enforced by the state board of electricity. A final interpretative committee composed of seven members, consisting of three building officials, two inspectors from the affected field, and two construction industry representatives, shall review requests for final interpretations relating to that field. A request for final interpretation must come from a local or state level building code board of appeals. The state building official must establish procedures for membership of the interpretative committees. The appropriate committee shall review the request and make a recommendation to the state building official for the final interpretation within 30 days of the request. The state building official must issue an interpretation within ten business days from the recommendation from the review committee. A final interpretation may be appealed within 30 days of its issuance to the commissioner under section 16B.67. The final interpretation must be published within ten business days of its issuance and made available to the public. Municipal

building officials shall administer all final interpretations issued by the state building official until the final interpretations are considered for adoption as part of the State Building Code.

HIST: 1984 c 544 s 68; 1986 c 444; 1991 c 345 art 1 s 66; 1994 c 634 art 2 s 10; 1995 c 254 art 2 s 7; 2001 c 207 s 4

==16B.64

16B.64 Application of Administrative Procedure Act.

Subdivision 1. Applicability. Subject to this section, the adoption of the code and amendment is subject to the Administrative Procedure Act.

Subd. 2. Distribution of incorporations by reference. The commissioner need not publish or distribute those parts of the code which are adopted by reference pursuant to section 14.07, subdivision 4.

Subd. 3. Filing. The commissioner shall file one copy of the complete code with the secretary of state, except that all standards referred to in any model or statewide specialty code or any of the modifications of a code need not be filed. All standards referred to in the code must be kept on file and available for inspection in the office of the commissioner.

Subd. 4. Hearings. The commissioner shall hold all state hearings and make all determinations regarding any subject matter dealt with in the code including those in which another state agency proposes to adopt or amend rules which are incorporated by reference into the code or whenever the commissioner proposes to incorporate those rules into the State Building Code. In no event may a state agency subsequently authorized to adopt rules involving State Building Code subject matter proceed to adopt the rules without prior consultation with the commissioner.

Subd. 5. Proposed amendments; hearings. Any interested person may propose amendments to the code which may be either applicable to all municipalities or, where it is alleged and established that conditions exist within a municipality which are not generally found within other municipalities, amendments may be restricted in application to that municipality. Notice of public hearings on proposed amendments shall be given to the governing bodies of all municipalities in addition to those persons entitled to notice under the Administrative Procedure Act.

Subd. 6. Adoption. The commissioner shall approve any proposed amendments deemed by the commissioner to be reasonable in conformity with the policy and purpose of the code and justified under the particular circumstances involved. Upon adoption, a copy of each amendment must be distributed to the governing bodies of all affected municipalities.

Subd. 7. Investigation and research. With the approval of the commissioner the state building official shall investigate or provide for investigations, or may accept authenticated reports from authoritative sources, concerning new materials or modes of construction intended for use in the construction of buildings or structures, and shall propose amendments to the code setting forth the conditions under which the new materials or modes may be used.

HIST: 1984 c 544 s 69; 1985 c 248 s 8; 1986 c 444; 1987 c 312 art 1 s 10 subd 1; 1994 c 634 art 2 s 10; 1999 c 135 s 4

==16B.65

16B.65 Building officials.

Subdivision 1. Designation. By January 1, 2002, each municipality shall designate a building official to administer the code. A municipality may designate no more than one building official responsible for code administration defined by each certification category established in rule. Two or more municipalities may combine in the designation of a building official for the purpose of administering the provisions of the code within their communities. In those municipalities for which no building officials have been designated, the state building official may use whichever state employees are necessary to perform the duties of the building official until the municipality makes a temporary or permanent designation. All costs incurred by virtue of these services rendered by state employees must be borne by the involved municipality and receipts arising from these services must be paid into the state treasury and credited to the special revenue fund.

Subd. 2. Qualifications. A building official, to be eligible for designation, must be certified and have the experience in design, construction, and supervision which the commissioner deems necessary and must be generally informed on the quality and strength of building materials, accepted building construction requirements, and the nature of equipment and needs conducive to the safety, comfort, and convenience of building occupants. No person may be designated as a building official for a municipality unless the commissioner determines that the official is qualified as provided in subdivision 3.

Subd. 3. Certification. The commissioner shall:

(1) prepare and conduct written and practical examinations to determine if a person is qualified pursuant to subdivision 2 to be a building official;

(2) accept documentation of successful completion of testing programs developed by nationally recognized testing agencies, as proof of qualification pursuant to subdivision 2; or

(3) determine qualifications by both clauses (1) and (2).

Upon a determination of qualification under clause (1), (2), or both of them, the commissioner shall issue a certificate to the building official stating that the official is certified. Each person applying for examination and certification pursuant to this section shall pay a nonrefundable fee of \$70. The commissioner or a designee may establish categories of certification that will recognize the varying complexities of code enforcement in the municipalities within the state. The commissioner shall provide educational programs designed to train and assist building officials in carrying out their responsibilities.

The department of employee relations may, at the request of the commissioner, provide statewide testing services.

Subd. 4. Duties. Building officials shall, in the municipality for which they are designated, be responsible for all aspects of code administration for which they are certified, including the issuance of all building permits and the inspection of all manufactured home installations. The commissioner may direct a municipality with a building official to perform services for another municipality, and in that event the municipality being served shall pay the municipality rendering the services the reasonable costs of the services. The costs may be subject to approval by the commissioner.

Subd. 5. Oversight committee. (a) The commissioner shall establish a code administration oversight committee to evaluate, mediate, and recommend to the commissioner any administrative action, penalty, suspension, or revocation with respect to complaints filed with or information received by the commissioner alleging or indicating the unauthorized performance of official duties or unauthorized use of the title certified building official, or a violation of statute, rule, or order that the commissioner has issued or is empowered to enforce. The committee consists of five certified building officials, at least two of whom must be from nonmetropolitan counties. Committee members must be compensated according to section 15.059, subdivision 3. The commissioner's designee shall act as an ex-officio member of the oversight committee.

(b) If the commissioner has a reasonable basis to believe that a person has engaged in an act or practice constituting the unauthorized performance of official duties, the unauthorized use of the title certified building official, or a violation of a statute, rule, or order that the commissioner has issued or is empowered to enforce, the commissioner may proceed with administrative actions or penalties as described in subdivision 5a or suspension or revocation as described in subdivision 5b.

Subd. 5a. Administrative action and penalties. The commissioner shall, by rule, establish a graduated schedule of administrative actions for violations of sections 16B.59 to 16B.75 and rules adopted under those sections. The schedule must be based on and reflect the culpability, frequency, and severity of the violator's actions. The commissioner may impose a penalty from the schedule on a certification holder for a violation of sections 16B.59 to 16B.75 and rules adopted under those sections. The penalty is in addition to any criminal penalty imposed for the same violation. Administrative monetary penalties imposed by the commissioner must be paid to the special revenue fund.

Subd. 5b. Suspension; revocation. Except as otherwise provided for by law, the commissioner may, upon notice and hearing, revoke or suspend or refuse to issue or reissue a building official certification if the applicant, building official, or certification holder:

(1) violates a provision of sections 16B.59 to 16B.75 or a rule adopted under those sections;

(2) engages in fraud, deceit, or misrepresentation while performing the duties of a certified building official;

(3) makes a false statement in an application submitted to the commissioner or in a document required to be submitted to the commissioner; or

(4) violates an order of the commissioner.

Notice must be provided and the hearing conducted in accordance with the provisions of chapter 14 governing contested case proceedings. Nothing in this subdivision limits or otherwise affects the authority of a municipality to dismiss or suspend a building official at its discretion, except as otherwise provided for by law.

Subd. 6. Vacancies. In the event that a designated building official position is vacant within a municipality, that municipality shall designate a certified building official to fill the vacancy as soon as possible. The commissioner must be notified of any vacancy or designation in writing within 15 days. If the municipality fails to designate a certified building official within 15 days of the occurrence of the vacancy, the state building official may provide state employees to serve that function as provided in subdivision 1 until the municipality makes a temporary or permanent designation. Municipalities must not issue permits without a designated certified building official.

Subd. 7. Continuing education. Subject to sections 16B.59 to 16B.75, the commissioner may by rule establish or approve continuing education programs for municipal building officials dealing with matters of building code administration, inspection, and enforcement.

Each person certified as a building official for the state must satisfactorily complete applicable educational programs established or approved by the commissioner every three calendar years to retain certification.

Each person certified as a building official must submit in writing to the commissioner an application for renewal of certification within 60 days of the last day of the third calendar year following the last certificate issued. Each application for renewal must be accompanied by proof of satisfactory completion of minimum continuing education requirements and the certification renewal fee established by the commissioner.

HIST: 1984 c 544 s 70; 1984 c 578 s 1; 1984 c 655 art 2 s 13 subd 1; 1Sp1985 c 17 s 6; 1986 c 444; 1988 c 613 s 16; 1995 c 254 art 2 s 8-11; 1998 c 359 s 11,12; 1Sp2001 c 10 art 2 s 30; 2002 c 220 art 10 s 30,31

==16B.66

16B.66 Certain inspections.

The state building official may, upon an application setting forth a set of plans and specifications that will be used in more than one municipality to acquire building permits, review and approve the application for the construction or erection of any building or structure designed to provide dwelling space for no more than two families if the set of plans meets the requirements of the State Building Code. All costs incurred by the state building official by virtue of the examination of the set of plans and specifications must be paid by the applicant. A building official shall issue a building permit upon application and presentation to the official of a set of

plans and specifications bearing the approval of the state building official if the requirements of all other local ordinances are satisfied.

HIST: 1984 c 544 s 71; 1986 c 444; 1994 c 634 art 2 s 6,10

==16B.665

16B.665 Permit fee limitation on minor residential improvements.

A municipality as defined in section 16B.60, subdivision 3, or a town may not charge a permit fee that exceeds \$15 or 5 percent of the cost of the improvement, installation, or replacement, whichever is greater, for the improvement, installation, or replacement of a residential fixture or appliance that:

- (1) does not require modification to electric or gas service;
- (2) has a total cost of \$500 or less, excluding the cost of the fixture or appliance; and
- (3) is improved, installed, or replaced by the home owner or a licensed contractor.

HIST: 2001 c 207 s 5

==16B.67

16B.67 Appeals.

A person aggrieved by the final decision of any municipality as to the application of the code, including any rules adopted under sections 471.465 to 471.469, may, within 180 days of the decision, appeal to the commissioner. Appellant shall submit a nonrefundable fee of \$70, payable to the commissioner, with the request for appeal. An appeal must be heard as a contested case under chapter 14. The commissioner shall submit written findings to the parties. The party not prevailing shall pay the costs of the contested case hearing, including fees charged by the office of administrative hearings and the expense of transcript preparation. Costs under this section do not include attorney fees. Any person aggrieved by a ruling of the commissioner may appeal in accordance with chapter 14. For the purpose of this section "any person aggrieved" includes the council on disability. No fee or costs shall be required when the council on disability is the appellant.

HIST: 1984 c 544 s 72; 1986 c 444; 1987 c 354 s 4; 1988 c 613
s 17; 1995 c 254 art 2 s 12

==16B.68

16B.68 Certain permits.

Building permits or certificates of occupancy validly issued before July 1, 1972, regarding buildings or structures being constructed or altered according to the permits or certificates, are valid after that date. The construction may be completed according to the building permit, unless the building official determines that life or property is in jeopardy.

HIST: 1984 c 544 s 73

==16B.685

16B.685 Annual report.

Beginning with the first report filed by April 1, 2003, each municipality shall annually report by April 1 to the department, in a format prescribed by the department, all construction and development-related fees collected by the municipality from developers, builders, and subcontractors. The report must include:

- (1) the number and valuation of units for which fees were paid;
- (2) the amount of building permit fees, plan review fees, administrative fees, engineering fees, infrastructure fees, and other construction and development-related fees; and
- (3) the expenses associated with the municipal activities for which fees were collected.

HIST: 2001 c 207 s 6

==16B.69

16B.69 Violation, penalty.

A violation of the code is a misdemeanor.

HIST: 1984 c 544 s 74

==16B.70

16B.70 Surcharge.

Subdivision 1. Computation. To defray the costs of administering sections 16B.59 to 16B.76, a surcharge is imposed on all permits issued by municipalities in connection with the construction of or addition or alteration to buildings and equipment or appurtenances after June 30, 1971. The commissioner may use any surplus in surcharge receipts to award grants for code research and development and education.

If the fee for the permit issued is fixed in amount the surcharge is equivalent to one-half mill (.0005) of the fee or 50 cents, whichever amount is greater. For all other permits, the surcharge is as follows:

(1) if the valuation of the structure, addition, or alteration is \$1,000,000 or less, the surcharge is equivalent to one-half mill (.0005) of the valuation of the structure, addition, or alteration;

(2) if the valuation is greater than \$1,000,000, the surcharge is \$500 plus two-fifths mill (.0004) of the value between \$1,000,000 and \$2,000,000;

(3) if the valuation is greater than \$2,000,000, the surcharge is \$900 plus three-tenths mill (.0003) of the value between \$2,000,000 and \$3,000,000;

(4) if the valuation is greater than \$3,000,000, the surcharge is \$1,200 plus one-fifth mill (.0002) of the value between \$3,000,000 and \$4,000,000;

(5) if the valuation is greater than \$4,000,000, the surcharge is \$1,400 plus one-tenth mill (.0001) of the value between \$4,000,000 and \$5,000,000; and

(6) if the valuation exceeds \$5,000,000, the surcharge is \$1,500 plus one-twentieth mill (.00005) of the value that exceeds \$5,000,000.

Subd. 2. Collection and reports. All permit surcharges must be collected by each municipality and a portion of them remitted to the state. Each municipality having a population greater than 20,000 people shall prepare and submit to the commissioner once a month a report

of fees and surcharges on fees collected during the previous month but shall retain the greater of two percent or that amount collected up to \$25 to apply against the administrative expenses the municipality incurs in collecting the surcharges. All other municipalities shall submit the report and surcharges on fees once a quarter but shall retain the greater of four percent or that amount collected up to \$25 to apply 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 money collected by the commissioner through surcharges and other fees prescribed by sections 16B.59 to 16B.75 shall be deposited in the state government special revenue fund and is appropriated to the commissioner for the purpose of administering and enforcing the State Building Code under sections 16B.59 to 16B.75.

Subd. 3. Revenue to equal costs. Revenue received from the surcharge imposed in subdivision 1 should approximately equal the cost, including the overhead cost, of administering sections 16B.59 to 16B.75. By November 30 each year, the commissioner must report to the commissioner of finance and to the legislature on changes in the surcharge imposed in subdivision 1 needed to comply with this policy. In making this report, the commissioner must assume that the services associated with administering sections 16B.59 to 16B.75 will continue to be provided at the same level provided during the fiscal year in which the report is made.

HIST: 1984 c 544 s 75; 1Sp1985 c 13 s 127; 1989 c 303 s 1; 1989 c 335 art 4 s 11; 1991 c 2 art 7 s 5; 1994 c 634 art 2 s 7; 1995 c 254 art 2 s 13; 1997 c 202 art 2 s 26; 1Sp2001 c 10 art 2 s 31; 2002 c 317 s 2

==16B.71

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 municipalities other than the state, 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.

HIST: 1984 c 544 s 76; 1987 c 387 s 4

==16B.72

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, the requirements for bleacher safety, and the requirements for elevator safety 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, the requirements for bleacher safety, and the requirements for elevator safety do apply.

Nothing in this section precludes a municipality or town that has not adopted the State Building Code from adopting and enforcing by ordinance or other legal means the State Building Code within its jurisdiction.

HIST: 1984 c 544 s 77; 1994 c 634 art 2 s 8; 1995 c 166 s 3; 1997 c 206 s 7; 1998 c 359 s 13; 1999 c 250 art 1 s 63

==16B.73

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, the requirements for bleacher safety, and the requirements for elevator safety, 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, the requirements for bleacher safety, and the requirements for elevator safety, does not apply within their respective jurisdictions. Nothing in this section precludes a municipality or town from adopting and enforcing by ordinance or other legal means the State Building Code within its jurisdiction.

HIST: 1984 c 544 s 78; 1994 c 634 art 2 s 9; 1995 c 166 s 4; 1997 c 206 s 8; 1999 c 250 art 1 s 64

==16B.735

16B.735 Enforcement of requirements for handicapped persons.

A statutory or home rule charter city that is not covered by the State Building Code because of action taken under section 16B.72 or 16B.73 is responsible for enforcement in the city of the State Building Code's requirements for handicapped persons. In all other areas where the State Building Code does not apply because of action taken under section 16B.72 or 16B.73, the county is responsible for enforcement of those requirements.

HIST: 1998 c 359 s 14

==16B.74

16B.74 Definitions.

Subdivision 1. As used in sections 16B.74 to 16B.746 the terms "passenger or freight elevator," "automatic operation" and "continuous pressure operation" shall have the following meanings.

Subd. 2. Passenger or freight elevator. "Passenger or freight elevator" means all elevators except those that comply with the safety rules of the department of administration relating to construction and installation and that have automatic operation or continuous pressure operation.

Subd. 3. Automatic operation shall mean operation wherein the starting of the elevator car is effected in response to momentary actuation of operating devices at the landing or of operating devices in the car identified with the landings, or both, or in response to an automatic starting mechanism and wherein the car is stopped automatically at the landings.

Subd. 4. Continuous pressure operation shall mean operation by means of buttons or switches in the car and at the landing, any one of which may be used to control the movement of the car as long as the button or switch is manually maintained in the actuating position.

Subd. 5. Elevator. As used in this chapter, "elevator" means moving walks and vertical transportation devices such as escalators, passenger elevators, freight elevators, dumbwaiters, handpowered elevators, endless belt lifts, and wheelchair platform lifts, but does not include external temporary material lifts or temporary construction personnel elevators at sites of construction of new or remodeled buildings.

Subd. 6. Municipality. "Municipality," as used in sections 16B.74 to 16B.748, means a city, county, or town meeting the requirements of section 368.01, subdivision 1.

HIST: 1955 c 561 s 1; Ex1967 c 1 s 6; 1985 c 248 s 70; 1989 c 303 s 5,6; 1995 c 166 s 5,6,17

==16B.741

16B.741 Elevator available for inspection.

A person, firm, entity, or corporation that owns or controls a building or other structure housing an elevator that is subject to inspection by the department, shall, upon request, provide access at a reasonable hour to the elevator for purposes of inspection.

HIST: 1989 c 303 s 4; 1995 c 166 s 17

==16B.742

16B.742 Elevator operators.

The owner, manager, or lessee of any building in which there is installed a passenger or freight elevator, as hereinafter defined, shall designate a competent person or competent persons regularly to operate such elevator; provided, however, that any such owner, manager or lessee may arrange with one or more tenants of such building to designate one or more of their employees regularly to operate such elevator. No person not so designated shall operate any

such elevator and no person shall employ or permit a person not so designated to operate any such elevator. The foregoing prohibitions shall not apply during any period of time when any such elevator is being constructed, installed, inspected, repaired or maintained.

HIST: 1955 c 561 s 1; 1986 c 444; 1995 c 166 s 17

==16B.743

16B.743 Licensing authorities.

Any municipality may by ordinance establish a licensing authority with jurisdiction over all passenger and freight elevators within such municipality, fix the initial and renewal fee for, and the period of duration of, licenses to operate such elevators, and setting forth the requirements for applicants for and the terms and conditions of licenses to operate such elevators.

HIST: 1955 c 561 s 2; 1973 c 123 art 5 s 7; 1995 c 166 s 7,17

==16B.744

16B.744 Elevators, entrances sealed.

It shall be the duty of the department of administration and the licensing authority of any municipality which adopts any such ordinance whenever it finds any such elevator under its jurisdiction in use in violation of any provision of sections 16B.74 to 16B.745 to seal the entrances of such elevator and attach a notice forbidding the use of such elevator until the provisions thereof are complied with.

HIST: 1955 c 561 s 3; Ex1967 c 1 s 6; 1973 c 123 art 5 s 7;
1995 c 166 s 8,17

==16B.745

16B.745 Violations, penalties.

Subdivision 1. Removal of seal. No person, firm, or corporation may remove any seal or notice forbidding the use of an elevator, except by authority of the department of administration or the licensing authority having jurisdiction over the elevator, or operate an elevator after a notice has been attached forbidding its use, unless the notice has been removed by authority of the department of administration or the licensing authority having jurisdiction over the elevator.

Subd. 2. False certification. No inspector, or other party authorized by this section or by rule to inspect elevators, may falsely certify the safety of an elevator, or grant a license or permit contrary to any provision of this chapter.

Subd. 3. Minimum requirements. No person, firm, or corporation may construct, install, alter, remove, or repair an elevator that does not meet the minimum requirements of this chapter, adopted rules, or national codes adopted by rule. Notwithstanding any provision of rule or national code adopted by rule to the contrary, however, a stairway chair lift that is not hard-wired to the building's electrical system, but is instead plugged into an electrical outlet, may be installed in a private residence for the use of its occupants.

Subd. 4. Penalties. The commissioner of administration shall administer sections 16B.74 to 16B.749. In addition to the remedies provided for violations of this chapter, the commissioner may impose a penalty of up to \$1,000 for a violation of any provision of sections 16B.74 to 16B.749.

HIST: 1955 c 561 s 4; Ex1967 c 1 s 6; 1989 c 303 s 7; 1995 c 166 s 9-11,17; 1999 c 185 s 2

==16B.746

16B.746 Licenses for operators.

In the event an operator is employed to operate an automatic elevator or continuous pressure elevator as provided in sections 16B.74 to 16B.745, such operator shall be duly licensed as provided in sections 16B.74 to 16B.745.

HIST: 1955 c 561 s 5; 1995 c 166 s 17

==16B.747

16B.747 Fees for licensure and inspection.

Subdivision 1. Permits. No person, firm, or corporation may construct, install, alter, or remove an elevator without first filing an application for a permit with the department of administration or a municipality authorized by subdivision 3 to inspect elevators. Upon

successfully completing inspection and the payment of the appropriate fee, the owner must be granted an operating permit for the elevator.

Subd. 2. Contractor licenses. The commissioner may establish criteria for the qualifications of elevator contractors and issue licenses based upon proof of the applicant's qualifications.

Subd. 3. Permissive municipal regulation. A municipality may conduct a system of elevator inspection in conformity with this chapter, State Building Code requirements, and adopted rules that includes the inspection of elevator installation, repair, alteration, and removal, construction, and the routine and periodic inspection and testing of existing elevators. The municipality shall employ inspectors meeting the minimum requirements established by Minnesota Rules to perform the inspections and to witness the tests. A municipality may establish and retain its own fees for inspection of elevators and related devices in its jurisdiction. A municipality may not adopt standards that do not conform to the uniform standards prescribed by the department.

If the commissioner determines that a municipality is not properly administering and enforcing the law, rules, and codes, the commissioner shall have the inspection, administration, and enforcement undertaken by a qualified inspector employed by the department.

Subd. 4. Deposit of fees. Fees received under this section must be deposited in the state treasury and credited to the special revenue fund.

HIST: 1989 c 303 s 8; 1995 c 166 s 12,13,17; 1997 c 206 s 9

==16B.748

16B.748 Rules.

The commissioner may adopt rules for the following purposes:

(1) to establish minimum qualifications for elevator inspectors that must include possession of a current elevator constructor electrician's license issued by the state board of electricity and proof of successful completion of the national elevator industry education program examination or equivalent experience;

(2) to establish criteria for the qualifications of elevator contractors;

(3) to establish elevator standards under sections 16B.61, subdivisions 1 and 2, and 16B.64;

(4) to establish procedures for appeals of decisions of the commissioner under chapter 14 and procedures allowing the commissioner, before issuing a decision, to seek advice from the elevator trade, building owners or managers, and others knowledgeable in the installation, construction, and repair of elevators; and

(5) to establish requirements for the registration of all elevators.

HIST: 1989 c 303 s 9; 1995 c 166 s 14,17; 1996 c 305 art 3 s 1; 1999 c 250 art 3 s 3

==16B.749

16B.749 Conflict of laws.

Nothing in sections 16B.74 to 16B.749 supersedes the Minnesota Electrical Act in chapter 326.

HIST: 1995 c 166 s 15,17

==16B.75

16B.75 Interstate Compact on Industrialized/Modular Buildings.

The state of Minnesota ratifies and approves the following compact:

INTERSTATE COMPACT ON INDUSTRIALIZED/MODULAR BUILDINGS

ARTICLE I

FINDINGS AND DECLARATIONS OF POLICY

(1) The compacting states find that:

(a) Industrialized/modular buildings are constructed in factories in the various states and are a growing segment of the nation's affordable housing and commercial building stock.

(b) The regulation of industrialized/modular buildings varies from state to state and locality to locality, which creates confusion and burdens state and local building officials and the industrialized/modular building industry.

(c) Regulation by multiple jurisdictions imposes additional costs, which are ultimately borne by the owners and users of industrialized/modular buildings, restricts market access and discourages the development and incorporation of new technologies.

(2) It is the policy of each of the compacting states to:

(a) Provide the states which regulate the design and construction of industrialized/modular buildings with a program to coordinate and uniformly adopt and administer the states' rules and regulations for such buildings, all in a manner to assure interstate reciprocity.

(b) Provide to the United States Congress assurances that would preclude the need for a voluntary preemptive federal regulatory system for modular housing, as outlined in Section 572 of the Housing and Community Development Act of 1987, including development of model standards for modular housing construction, such that design and performance will insure quality, durability and safety; will be in accordance with life-cycle cost-effective energy conservation standards; all to promote the lowest total construction and operating costs over the life of such housing.

ARTICLE II DEFINITIONS

As used in this compact, unless the context clearly requires otherwise:

(1) "Commission" means the interstate industrialized/modular buildings commission.

(2) "Industrialized/modular building" means any building which is of closed construction, i.e. constructed in such a manner that concealed parts or processes of manufacture cannot be inspected at the site, without disassembly, damage or destruction, and which is made or assembled in manufacturing facilities, off the building site, for installation, or assembly and installation, on the building site. "Industrialized/modular building" includes, but is not limited to, modular housing which is factory-built single-family and multifamily housing (including closed wall panelized housing) and other modular, nonresidential buildings. "Industrialized/modular building" does not include any structure subject to the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974.

(3) "Interim reciprocal agreement" means a formal reciprocity agreement between a noncompacting state wherein the noncompacting state agrees that labels evidencing compliance

with the model rules and regulations for industrialized/modular buildings, as authorized in Article VIII, section (9), shall be accepted by the state and its subdivisions to permit installation and use of industrialized/modular buildings. Further, the noncompacting state agrees that by legislation or regulation, and appropriate enforcement by uniform administrative procedures, the noncompacting state requires all industrialized/modular building manufacturers within that state to comply with the model rules and regulations for industrialized/modular buildings.

(4) "State" means a state of the United States, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(5) "Uniform administrative procedures" means the procedures adopted by the commission (after consideration of any recommendations from the rules development committee) which state and local officials, and other parties, in one state, will utilize to assure state and local officials, and other parties, in other states, of the substantial compliance of industrialized/modular building construction with the construction standard of requirements of such other states; to assess the adequacy of building systems; and to verify and assure the competency and performance of evaluation and inspection agencies.

(6) "Model rules and regulations for industrialized/modular buildings" means the construction standards adopted by the commission (after consideration of any recommendations from the rules development committee) which govern the design, manufacture, handling, storage, delivery and installation of industrialized/modular buildings and building components. The construction standards and any amendments thereof shall conform insofar as practicable to model building codes and referenced standards generally accepted and in use throughout the United States.

ARTICLE III CREATION OF COMMISSION

The compacting states hereby create the Interstate Industrialized/Modular Buildings Commission, hereinafter called commission. Said commission shall be a body corporate of each compacting state and an agency thereof. The commission shall have all the powers and duties set forth herein and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states.

ARTICLE IV SELECTION OF COMMISSIONERS

The commission shall be selected as follows. As each state becomes a compacting state, one resident shall be appointed as commissioner. The commissioner shall be selected by the governor of the compacting state, being designated from the state agency charged with regulating industrialized/modular buildings or, if such state agency does not exist, being designated from among those building officials with the most appropriate responsibilities in the state. The commissioner may designate another official as an alternate to act on behalf of the commissioner at commission meetings which the commissioner is unable to attend.

Each state commissioner shall be appointed, suspended, or removed and shall serve subject to and in accordance with the laws of the state which said commissioner represents; and each vacancy occurring shall be filled in accordance with the laws of the state wherein the vacancy exists.

For every three state commissioners that have been appointed in the manner described, those state commissioners shall select one additional commissioner who shall be a representative of manufacturers of residential- or commercial-use industrialized/modular buildings. For every six state commissioners that have been appointed in the manner described, the state commissioners shall select one additional commissioner who shall be a representative of consumers of industrialized/modular buildings. In the event states withdraw from the compact or, for any other reason, the number of state commissioners is reduced, the state commissioners shall remove the last added representative commissioner as necessary to maintain the ratio of state commissioners to representative commissioners described herein.

Upon a majority vote of the state commissioners, the state commissioners may remove, fill a vacancy created by, or replace any representative commissioner, provided that any replacement is made from the same representative group and the ratio described herein is maintained. Unless provided otherwise, the representative commissioners have the same authority and responsibility as the state commissioners.

In addition, the commission may have as a member one commissioner representing the United States government if federal law authorizes such representation. Such commissioner shall not vote on matters before the commission. Such commissioner shall be appointed by the President of the United States, or in such other manner as may be provided by Congress.

ARTICLE V VOTING

Each commissioner (except the commissioner representing the United States government) shall be entitled to one vote on the commission. A majority of the commissioners shall constitute a quorum for the transaction of business. Any business transacted at any meeting of the commission must be by affirmative vote of a majority of the quorum present and voting.

ARTICLE VI ORGANIZATION AND MANAGEMENT

The commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The commission shall also select a secretariat, which shall provide an individual who shall serve as secretary of the commission. The commission shall fix and determine the duties and compensation of the secretariat. The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the commission.

The commission shall adopt a seal.

The commission shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations.

The commission shall establish and maintain an office at the same location as the office maintained by the secretariat for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The chairman may call additional meetings and upon the request of a majority of the commissioners of three or more of the compacting states shall call an additional meeting.

The commission annually shall make the governor and legislature of each compacting state a report covering its activities for the preceding year. Any donation or grant accepted by the commission or services borrowed shall be reported in the annual report of the commission and shall include the nature, amount and conditions, if any, of the donation, gift, grant or services borrowed and the identity of the donor or lender. The commission may make additional reports as it may deem desirable.

ARTICLE VII COMMITTEES

The commission will establish such committees as it deems necessary, including, but not limited to, the following:

(1) An executive committee which functions when the full commission is not meeting, as provided in the bylaws of the commission. The executive committee will ensure that proper procedures are followed in implementing the commission's programs and in carrying out the activities of the compact. The executive committee shall be elected by vote of the commission. It shall be comprised of at least three and no more than nine commissioners, selected from the state commissioners and one member of the industry commissioners and one member of the consumer commissioners.

(2) A rules development committee appointed by the commission. The committee shall be consensus-based and consist of not less than seven nor more than 21 members. Committee members will include state building regulatory officials; manufacturers of industrialized/modular buildings; private, third-party inspection agencies; and consumers. This committee may recommend procedures which state and local officials, and other parties, in one state, may utilize to assure state and local officials, and other parties, in other states, of the substantial compliance of industrialized/modular building construction with the construction standard requirements of such other states; to assess the adequacy of building systems; and to verify and assure the competency and performance of evaluation and inspection agencies. This committee may also recommend construction standards for the design, manufacture, handling, storage, delivery and installation of industrialized/modular buildings and building components. The committee will submit its recommendations to the commission, for the commission's consideration in adopting and amending the uniform administrative procedures and the model rules and regulations for industrialized/modular buildings. The committee may also review the regulatory programs of the compacting states to determine whether those programs are consistent with the uniform administrative procedures or the model rules and regulations for industrialized/modular buildings and may make recommendations concerning the states' programs to the commission. In carrying out its functions, the rules committee may conduct public hearings and otherwise solicit public input and comment.

(3) Any other advisory, coordinating or technical committees, membership on which may include private persons, public officials, associations or organizations. Such committees may consider any matter of concern to the commission.

(4) Such additional committees as the commission's bylaws may provide.

ARTICLE VIII
POWER AND AUTHORITY

In addition to the powers conferred elsewhere in this compact, the commission shall have power to:

- (1) Collect, analyze and disseminate information relating to industrialized/modular buildings.
- (2) Undertake studies of existing laws, codes, rules and regulations, and administrative practices of the states relating to industrialized/modular buildings.
- (3) Assist and support committees and organizations which promulgate, maintain and update model codes or recommendations for uniform administrative procedures or model rules and regulations for industrialized/modular buildings.
- (4) Adopt and amend uniform administrative procedures and model rules and regulations for industrialized/modular buildings.
- (5) Make recommendations to compacting states for the purpose of bringing such states' laws, codes, rules and regulations and administrative practices into conformance with the uniform administrative procedures or the model rules and regulations for industrialized/modular buildings, provided that such recommendations shall be made to the appropriate state agency with due consideration for the desirability of uniformity while also giving appropriate consideration to special circumstances which may justify variations necessary to meet unique local conditions.
- (6) Assist and support the compacting states with monitoring of plan review programs and inspection programs, which will assure that the compacting states have the benefit of uniform industrialized/modular building plan review and inspection programs.
- (7) Assist and support organizations which train state and local government and other program personnel in the use of uniform industrialized/modular building plan review and inspection programs.
- (8) Encourage and promote coordination of state regulatory action relating to manufacturers, public or private inspection programs.

(9) Create and sell labels to be affixed to industrialized/modular building units, constructed in or regulated by compacting states, where such labels will evidence compliance with the model rules and regulations for industrialized/modular buildings, enforced in accordance with the uniform administrative procedures. The commission may use receipts from the sale of labels to help defray the operating expenses of the commission.

(10) Assist and support compacting states' investigations into and resolutions of consumer complaints which relate to industrialized/modular buildings constructed in one compacting state and sited in another compacting state.

(11) Borrow, accept or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, association, person, firm or corporation.

(12) Accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same.

(13) Establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

(14) Enter into contracts and agreements, including but not limited to, interim reciprocal agreements with noncompacting states.

ARTICLE IX FINANCE

The commission shall submit to the governor or designated officer or officers of each compacting state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof.

Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amounts to be appropriated by each of the compacting states. The total amount of appropriations requested under any such budget shall be apportioned among the

compacting states as follows: one-half in equal shares; one-fourth among the compacting states in accordance with the ratio of their populations to the total population of the compacting states, based on the last decennial federal census; and one-fourth among the compacting states in accordance with the ratio of industrialized/modular building units manufactured in each state to the total of all units manufactured in all of the compacting states.

The commission shall not pledge the credit of any compacting state. The commission may meet any of its obligations in whole or in part with funds available to it by donations, grants, or sale of labels: provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it by donations, grants or sale of labels, the commission shall not incur any obligation prior to the allotment of funds by the compacting states adequate to meet the same.

The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the compacting states and any person authorized by the commission.

Nothing contained in this article shall be construed to prevent commission compliance relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

ARTICLE X ENTRY INTO FORCE AND WITHDRAWAL

This compact shall enter into force when enacted into law by any three states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof. The commission shall arrange for notification of all compacting states whenever there is a new enactment of the compact.

Any compacting state may withdraw from this compact by enacting a statute repealing the same. No withdrawal shall affect any liability already incurred by or chargeable to a compacting state prior to the time of such withdrawal.

ARTICLE XI
RECIPROCITY

If the commission determines that the standards for industrialized/modular buildings prescribed by statute, rule or regulation of compacting state are at least equal to the commission's model rules and regulations for industrialized/modular buildings, and that such state standards are enforced by the compacting state in accordance with the uniform administrative procedures, industrialized/modular buildings approved by such a compacting state shall be deemed to have been approved by all the compacting states for placement in those states in accordance with procedures prescribed by the commission.

ARTICLE XII
EFFECT ON OTHER LAWS AND JURISDICTION

Nothing in this compact shall be construed to:

(1) Withdraw or limit the jurisdiction of any state or local court or administrative officer or body with respect to any person, corporation or other entity or subject matter, except to the extent that such jurisdiction pursuant to this compact, is expressly conferred upon another agency or body.

(2) Supersede or limit the jurisdiction of any court of the United States.

ARTICLE XIII
CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as

to the remaining party states and in full force and effect as to the state affected as to all severable matters.

HIST: 1990 c 458 s 2; 1995 c 254 art 4 s 1

Manufactured Structures

327B.01 Definitions.

Subdivision 1. Terms. As used in sections 327B.01 to 327B.12 the terms defined in this section have the meanings given them.

Subd. 2. Affiliate. "Affiliate" of another person means any person directly or indirectly controlling, controlled by, or under common control with the other person.

Subd. 3. Broker. "Broker" means any person who:

(a) for another and for commission, fee or other valuable consideration or with the intention or expectation of receiving the same directly or indirectly lists, sells, exchanges, buys or rents, manages, or offers or attempts to negotiate a sale, option, exchange, purchase or rental of an interest in a manufactured home or advertises or holds out as engaged in such activities;

(b) for another and for commission, fee or other valuable consideration or with the intention or expectation of receiving the same directly or indirectly negotiates or offers or attempts to negotiate a loan, secured or to be secured by a security interest in or other encumbrance on a manufactured home; or

(c) engages in the business of charging an advance fee or contracting for collection of a fee in connection with any contract to undertake to promote the sale of a manufactured home through its listing in a publication issued primarily for the purpose of promoting the sale of manufactured homes or real estate.

Subd. 4. Commissioner. "Commissioner" means the commissioner of administration.

Subd. 5. Consumer customer. "Consumer customer" means any natural person who, primarily for personal, household or family purposes, buys, sells, or seeks to buy or sell, a manufactured home from, to or through a dealer or manufacturer.

Subd. 6. Controlling shareholder. "Controlling shareholder" means a shareholder whose legal, equitable and beneficial holdings, and whose family's such holdings, in a dealership amount to more than ten percent of the outstanding shares.

Subd. 7. Dealer. "Dealer" means any person who engages in the business, either exclusively or in addition to any other occupation, of selling or brokering manufactured homes, new or used, or who offers to sell, solicit, broker or advertise the sale of manufactured homes, new or used.

Subd. 8. Express warranty. "Express warranty" means a warranty as defined by section 336.2-313.

Subd. 9. Implied warranty of fitness for particular purpose. "Implied warranty of fitness for particular purpose" means a warranty as defined by section 336.2-315.

Subd. 10. Implied warranty of merchantability. "Implied warranty of merchantability" means a warranty as defined by section 336.2-314.

Subd. 11. In park sale. "In park sale" has the meaning specified in section 327C.01, subdivision 2.

Subd. 12. Manufacturer. "Manufacturer" means any person who manufactures, assembles or produces manufactured homes.

Subd. 13. Manufactured home. "Manufactured home" means a structure, not affixed to or part of real estate, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it.

Subd. 14. Manufactured home park. "Manufactured home park" has the meaning specified in section 327C.01, subdivision 5.

Subd. 15. Net listing agreement. "Net listing agreement" means any agreement by any dealer to sell, offer for sale, solicit, broker or advertise the sale of a manufactured home on behalf of any person which provides for the dealer to receive any consideration from any person other than a commission based on a single percentage of the price at which the home is actually sold.

Subd. 16. New manufactured home. "New manufactured home" means a manufactured home which is purchased for the first time other than for purposes of resale.

Subd. 17. Person. "Person" means any individual, corporation, firm, partnership, incorporated and unincorporated association, or any other legal or commercial entity.

Subd. 18. Sale. "Sale" means:

(a) the passing of title from one person to another for consideration; or

(b) any agreement to sell under which possession is delivered to the buyer but title is retained in the seller; or

(c) any agreement in the form of a bailment or lease of goods if the bailee or lessee agrees to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the goods involved and it is agreed that the bailee or lessee will become, or for no other than a nominal consideration has the option to become, the owner of the goods upon full compliance with the bailee's or lessee's obligations under the agreement; or

(d) any legally binding executory agreement to make a sale.

Subd. 19. Salesperson. "Salesperson" means a person who acts on behalf of a dealer in performing any act which sections 327B.01 to 327B.12 authorize or require to be performed by a dealer.

Subd. 20. Trust account. "Trust account" means a demand deposit, share draft or checking account maintained for the purpose of segregating trust funds from other funds.

Subd. 21. Trust funds. "Trust funds" means funds received by a broker in a fiduciary capacity as a part of a manufactured home sale transaction, pending the consummation or termination of a transaction, and includes all down payments, earnest money deposits, rents for clients, tax and insurance escrow payments, damage deposits, and any funds received on behalf of any person.

HIST: 1982 c 526 art 1 s 1; 1983 c 142 s 1,2; 1983 c 216 art 1
s 52,53; 1986 c 444

==327B.02

327B.02 Warranties.

Subdivision 1. Implied warranties. Every sale of a new manufactured home in this state is made with an implied warranty that the manufactured home conforms in all material aspects to applicable federal or state laws and regulations establishing standards of safety or quality, and with implied warranties of merchantability and fitness for particular purpose as permanent housing in the climate of this state.

Subd. 2. Express warranties permitted. This section does not prohibit a manufacturer or dealer from making express warranties with respect to a manufactured home, but a manufacturer or dealer may not limit, modify or disclaim the warranties implied by subdivision 1.

Subd. 3. Limitations void. Any attempt to exclude, limit or modify any rights or remedies created by the warranties implied by this section is void.

HIST: 1982 c 526 art 1 s 2

==327B.03

327B.03 Warranties; duration, honoring.

Subdivision 1. Duration. The warranties implied by section 327B.02 shall run for a period of one year from the date of delivery of the manufactured home to the consumer customer.

Subd. 2. Notice and cooperation by buyer. To invoke either a warranty implied by section 327B.02 or an express warranty made by the manufacturer the buyer must notify the dealer and the manufacturer within a reasonable time after discovering the breach and not later than 90 days after the expiration of the warranty. To invoke an express warranty made by the dealer, the buyer must notify the dealer within a reasonable time after discovering the breach and not later than 90 days after the expiration of the warranty. After giving the notice the buyer must allow reasonable opportunity for the service or repair.

Subd. 3. Responsibility to honor. The manufacturer and dealer, jointly and severally, shall service or repair a manufactured home at its site within a reasonable time after receiving written notice of breach of either a warranty implied by section 327B.02 or an express warranty made by the manufacturer. The dealer shall service or repair a manufactured home at its site within a reasonable time after receiving written notice of breach of an express warranty made by the dealer.

==327B.04

327B.04 Manufacturers and dealers; licenses; bonds.

Subdivision 1. License and bond required. No person shall act as a dealer in manufactured homes, new or used, without a license and a surety bond as provided in this section. No person shall manufacture manufactured homes without a license and a surety bond as provided in this section. The licensing and bonding requirements of this section do not apply to any bank, savings bank, savings association, or credit union, chartered by either this state or the federal government, which acts as a dealer only by repossessing manufactured homes and then offering the homes for resale.

Subd. 2. Subagency licenses. Any dealer who has a place of business at more than one location shall designate one location as its principal place of business, one name as its principal name, and all other established places of business as subagencies. A subagency license shall be required for each subagency. No dealer shall do business as a dealer under any other name than the name on its license.

Subd. 3. License application. Application for a license and its renewal shall be made to the commissioner, shall be in writing, and duly verified by oath. The applicant shall submit any information required by the commissioner, upon forms provided by the commissioner for that purpose, including:

(a) proof of identity;

(b) the name under which the applicant will be licensed and do business in this state;

(c) the applicant's type and place of business;

(d) The name, home and business address of the applicant's directors, officers, limited and general partners, controlling shareholders and affiliates;

(e) whether the applicant, or any of its directors, officers, limited or general partners, controlling shareholders or affiliates, has been convicted of a crime within the previous ten years that either related directly to the business for which the license is sought or involved fraud, misrepresentation or misuse of funds, or has suffered a judgment in a civil action involving fraud,

misrepresentation, or conversion within the previous five years or has had any government license or permit suspended or revoked as a result of an action brought by a federal or state governmental agency in this or any other state within the last five years; and

(f) the applicant's qualifications and business history, including whether the applicant, or any of its directors, officers, limited or general partners, controlling shareholders or affiliates has ever been adjudged bankrupt or insolvent, or has any unsatisfied court judgments outstanding against it or them.

Subd. 4. License prerequisites. No application shall be granted nor license issued until the applicant proves to the commissioner that:

(a) the applicant has a permanent, established place of business at each licensed location. An "established place of business" means a permanent enclosed building other than a residence, or a commercial office space, either owned by the applicant or leased by the applicant for a term of at least one year, located in an area where zoning regulations allow commercial activity, and where the books, records and files necessary to conduct the business are kept and maintained. The owner of a licensed manufactured home park who resides in or adjacent to the park may use the residence as the established place of business required by this subdivision, unless prohibited by local zoning ordinance.

If a license is granted, the licensee may use unimproved lots and premises for sale, storage, and display of manufactured homes, if the licensee first notifies the commissioner in writing;

(b) if the applicant desires to sell, solicit or advertise the sale of new manufactured homes, it has a bona fide contract or franchise in effect with a manufacturer or distributor of the new manufactured home it proposes to deal in;

(c) the applicant has secured a surety bond in the amount of \$20,000 for the protection of consumer customers, executed by the applicant as principal and issued by a surety company admitted to do business in this state. The bond shall be exclusively for the purpose of reimbursing consumer customers and shall be conditioned upon the faithful compliance by the applicant with all of the laws and rules of this state pertaining to the applicant's business as a dealer or manufacturer, including sections 325D.44, 325F.67 and 325F.69, and upon the applicant's faithful performance of all its legal obligations to consumer customers;

(d) the applicant has established a trust account as required by section 327B.08, subdivision 3, unless the applicant states in writing its intention to limit its business to selling, offering for sale, soliciting or advertising the sale of new manufactured homes; and

(e) the applicant has provided evidence of having had at least two years' prior experience in the sale of manufactured homes, working for a licensed dealer.

Subd. 5. Exemption for real estate brokers and salespeople. Any person licensed as a real estate broker or salesperson under chapter 82 who brokers the sale of used manufactured homes is not required to obtain a license or a bond as required by this section, but is subject to all other provisions of sections 327B.01 to 327B.12. Any real estate broker or salesperson who violates a provision of sections 327B.06 to 327B.09 in selling or offering for sale a used manufactured home shall be deemed to have violated a provision of chapter 82.

Subd. 6. Certificate of license. For each license granted the commissioner shall issue a certificate which includes the name of the licensee, the name of the surety company and the amount of the surety bond, the names and addresses of any related principal or subagencies, and a license number.

Subd. 7. Fees; licenses; when granted. Each application for a license or license renewal must be accompanied by a fee in an amount established by the commissioner by rule pursuant to section 327B.10. The fees shall be set in an amount which over the fiscal biennium will produce revenues approximately equal to the expenses which the commissioner expects to incur during that fiscal biennium while administering and enforcing sections 327B.01 to 327B.12. All money collected by the commissioner through fees prescribed in sections 327B.01 to 327B.12 shall be deposited in the state government special revenue fund and is appropriated to the commissioner for purposes of administering and enforcing the provisions of this chapter. The commissioner shall grant or deny a license application or a renewal application within 60 days of its filing. If the license is granted, the commissioner shall license the applicant as a dealer or manufacturer for the remainder of the calendar year. Upon application by the licensee, the commissioner shall renew the license for a two year period, if:

(a) the renewal application satisfies the requirements of subdivisions 3 and 4;

(b) the renewal applicant has made all listings, registrations, notices and reports required by the commissioner during the preceding year; and

(c) the renewal applicant has paid all fees owed pursuant to sections 327B.01 to 327B.12 and all taxes, arrearages, and penalties owed to the state.

Subd. 8. Limited dealer's license. The commissioner shall issue a limited dealer's license to an owner of a manufactured home park authorizing the licensee as principal only to engage in the sale, offering for sale, soliciting, or advertising the sale of used manufactured homes located in the owned manufactured home park. The licensee must be the title holder of the homes and may engage in no more than ten sales annually. An owner may, upon payment of the applicable fee and compliance with this subdivision, obtain a separate license for each owned manufactured home park and is entitled to sell up to ten homes per license provided that only one limited dealer license may be issued for each park. The license shall be issued after:

(1) receipt of an application on forms provided by the commissioner containing the following information:

(i) the identity of the applicant;

(ii) the name under which the applicant will be licensed and do business in this state;

(iii) the name and address of the owned manufactured home park, including a copy of the park license, serving as the basis for the issuance of the license; and

(iv) the name, home, and business address of the applicant;

(2) payment of a \$100 annual fee; and

(3) provision of a surety bond in the amount of \$5,000. A separate surety bond must be provided for each limited license.

The applicant need not comply with section 327B.04, subdivision 4, paragraph (e). The holding of a limited dealer's license does not satisfy the requirement contained in section 327B.04, subdivision 4, paragraph (e), for the licensee or salespersons with respect to obtaining a dealer license. The commissioner may, upon application for a renewal of a license, require only a verification that copies of sales documents have been retained and payment of a \$100 renewal fee. "Sales documents" mean only the safety feature disclosure form defined in section 327C.07, subdivision 3a, title of the home, financing agreements, and purchase agreements.

The license holder shall, upon request of the commissioner, make available for inspection during business hours sales documents required to be retained under this subdivision.

HIST: 1982 c 526 art 1 s 4; 1983 c 142 s 3; 1983 c 216 art 1 s 54; 1986 c 444; 1995 c 202 art 2 s 28; 1997 c 202 art 2 s 44; 1998 c 280 s 1; 2000 c 352 s 1

==327B.05

327B.05 Denial, suspension and revocation of licenses.

Subdivision 1. Grounds. The commissioner may by order deny, suspend or revoke any license on finding(1) that the order is in the public interest and (2) that the applicant or licensee or any of its directors, officers, limited or general partners, controlling shareholders or affiliates:

(a) has filed an application for a license or a license renewal which fails to disclose any material information or contains any statement which is false or misleading with respect to any material fact;

(b) has violated any of the provisions of sections 327B.01 to 327B.12 or any rule or order issued by the commissioner or any prior law providing for the licensing of manufactured home dealers or manufacturers;

(c) has had a previous manufacturer or dealer license revoked in this or any other state;

(d) has engaged in acts or omissions which have been adjudicated or amount to a violation of any of the provisions of section 325D.44, 325F.67 or 325F.69;

(e) has sold or brokered the sale of a home containing a material violation of sections 327.31 to 327.35 about which the dealer knew or which should have been obvious to a reasonably prudent dealer;

(f) has failed to make or provide all listings, notices and reports required by the commissioner;

(g) has failed to pay a civil penalty assessed under subdivision 5 within ten days after the assessment becomes final;

(h) has failed to pay to the commissioner or other responsible government agency all taxes, fees and arrearages due;

(i) has failed to duly apply for license renewal;

(j) has violated any applicable manufactured home building or safety code;

(k) has failed or refused to honor any express or implied warranty as provided in section 327B.03;

(l) has failed to continuously occupy a permanent, established place of business licensed under section 327B.04;

(m) has, without first notifying the commissioner, sold a new and unused manufactured home other than the make of manufactured home described in a franchise or contract filed with the application for license or license renewal;

(n) has wrongfully failed to deliver a certificate of title to a person entitled to it;

(o) is insolvent or bankrupt;

(p) holds an impaired or canceled bond;

(q) has failed to notify the commissioner of bankruptcy proceedings within ten days after a petition in bankruptcy has been filed by or against the dealer or manufacturer;

(r) has, within the previous ten years, been convicted of a crime that either related directly to the business of the dealer or manufacturer or involved fraud, misrepresentation or misuse of funds;

(s) has suffered a judgment within the previous five years in a civil action involving fraud, misrepresentation or misuse of funds; or

(t) has failed to reasonably supervise any employee or agent of the dealer or manufacturer, resulting in injury or harm to the public.

The commissioner may establish rules pursuant to section 327B.10 further specifying, defining or establishing standards of conduct for manufactured home dealers and manufacturers.

Subd. 2. Denial; appeal; reconsideration. The commissioner shall inform the applicant and summarize in writing the reasons for a denial. Within 15 days of receiving the commissioner's notice, the applicant may request in writing that the commissioner reconsider. The request for reconsideration shall explain why the commissioner's previous decision was wrong and shall specifically address each reason given by the commissioner for the denial. Within 20 days of receiving the request for reconsideration, the commissioner shall decide whether to withdraw the denial and grant a license. If the commissioner reaffirms the denial, the applicant may appeal in accordance with chapter 14. An applicant whose application is denied may also cure the defects in the application cited by the commissioner and resubmit the application at no extra charge.

Subd. 3. License suspension or revocation; hearing. Upon the commissioner's motion or upon the complaint of another, the commissioner may prepare and serve upon a licensee a written notice or complaint summarizing the violations charged, and requiring the licensee to appear at a specified time and place to show cause why the license should not be revoked. The hearing on the suspension or revocation shall be conducted pursuant to the contested case provisions of the Administrative Procedure Act. Upon the completion of the hearing, if the commissioner finds the existence of any of the causes for suspension or revocation set forth in subdivision 1 and determines that the license should be revoked or suspended, the commissioner shall make a written order of revocation or suspension. A copy of the order shall be served upon the licensee in the manner provided by law for the service of summons in a civil action.

If the commissioner revokes or suspends the license of any person holding more than one license under the provisions of section 327B.04, subdivision 2, the commissioner shall revoke or suspend all of the licenses of that person and of the affiliates of that person.

Subd. 4. Summary license suspension. The commissioner may by order summarily suspend a license pending final determination of any order to show cause if necessary to prevent immediate and substantial public harm. If a license is suspended pending final determination of an order to show cause, a hearing on the merits shall be held within 30 days of the issuance of the order of suspension.

Subd. 5. Penalties. After having conducted the hearing provided for in subdivision 3, the commissioner may, in addition to or in lieu of revoking or suspending a license, order restitution to an injured consumer customer, or assess a penalty or penalties of not more than \$10,000 against any person who commits any act that is grounds for the suspension or revocation of a license under subdivision 1.

Subd. 6. Appeals. The contested case provisions of chapter 14 shall apply to appeals from any order by the commissioner denying, suspending or revoking a license, or assessing penalties.

HIST: 1982 c 526 art 1 s 5; 1983 c 142 s 4,6; 1983 c 216 art 1 s 55; 1983 c 247 s 133; 1986 c 444

==327B.06

327B.06 Dealer's records.

Subdivision 1. Retention. A dealer shall retain for three years copies of all listings, deposit receipts, credit applications, contracts, disclosure forms, canceled checks, trust account records and other documents reasonably related to carrying on the business of a dealer. The retention period shall run from the date of the closing of the transaction or from the date of the listing if the transaction is not consummated.

Subd. 2. Examination of records. The commissioner may make examinations within or without this state of each dealer's records at such reasonable time and in such scope as is necessary to enforce the provisions of sections 327B.01 to 327B.12.

HIST: 1982 c 526 art 1 s 6

==327B.07

327B.07 Responsibility of dealers.

Subdivision 1. Liability. Each dealer is responsible for the activities of any person employed by or acting on behalf of that dealer when the activities occur in connection with the sale or attempted sale of a manufactured home. Each corporation licensed as a dealer is responsible for the activities of any person employed by or acting on behalf of the corporation when such activities occur in connection with the sale or attempted sale of a manufactured home.

Subd. 2. Salespeople. Every dealer shall report in writing to the commissioner the full name, date of birth, business and home address of every salesperson employed by the dealer. Within ten days of hiring, firing or otherwise changing the employment status of a salesperson, the dealer shall notify the commissioner in writing. No salesperson shall work for more than one dealer during the same time period.

HIST: 1982 c 526 art 1 s 7; 1983 c 142 s 7

==327B.08

327B.08 Duties.

Subdivision 1. Disclosure required. Prior to the consummation of the sale of any manufactured home where a dealer acts as a broker, the dealer shall disclose in writing to all parties to the transaction all charges, payments, commissions and other fees paid or payable in connection with the transaction. Any commission charged by the dealer shall be expressed both as a dollar amount and as a percentage of the sales price. If the home being sold is located in a manufactured home park, prior to the buyer's signing of the purchase agreement the dealer shall disclose in writing to the buyer the state law concerning the in park sale of manufactured homes. This subdivision does not require any dealer to disclose any consideration received (1) for having acted as an insurance agent, as defined in section 60A.02, subdivision 7, in connection with the transaction, or (2) in return for the dealer having agreed to any contingent liability in connection with the financing of the sale. The commissioner may prescribe a form to be used to comply with this subdivision and may require all dealers to use that form.

Subd. 2. Presence of parties at closing. A dealer shall not prohibit, prevent or restrain any party to the brokered sale of a manufactured home from being present at the closing. If a dealer at a closing purports to have authority to act for one of the parties who is not present, the dealer shall exhibit the document granting that authority and shall give a copy of that document to the other parties.

Subd. 3. Trust account required. Each dealer who acts as a broker shall maintain a trust account. A trust account shall not be an interest bearing account except by agreement of the parties and subject to rules of the commissioner.

Subd. 4. Segregation of funds. A dealer shall deposit all trust funds received in a trust account. A dealer shall not commingle personal funds or other funds with the funds in a trust account, except that a dealer may deposit and maintain a sum from personal funds not to exceed \$100 in a trust account, which sum shall be specifically identified and used to pay service charges relating to the trust account.

Subd. 5. Trust information required. At the time of application for a license or renewal of license, each dealer who acts or intends to act as a broker shall tell the commissioner the name

of the financial institutions and the trust account identification numbers used to comply with the provisions of this section. A dealer shall immediately report to the commissioner any change of trust account status including changes in financial institutions, account identification numbers, or additional accounts in the same or another financial institution. No dealer may close an existing trust account without giving ten days' written notice to the commissioner.

HIST: 1982 c 526 art 1 s 8; 1986 c 444

==327B.09

327B.09 Prohibitions.

Subdivision 1. License required. No person shall engage in the business, either exclusively or in addition to any other occupation of manufacturing, selling, offering to sell, soliciting or advertising the sale of manufactured homes, or act as a broker without being licensed as a manufacturer or a dealer as provided in section 327B.04. Any person who manufactures, sells, offers to sell, solicits or advertises the sale of manufactured homes, or acts as a broker in violation of this subdivision shall nevertheless be subject to the duties, prohibitions and penalties imposed by sections 327B.01 to 327B.12. This chapter does not prohibit either an individual from reselling, without a license, a manufactured home which is or has been the individual's residence or any bank, savings bank, savings association, or credit union, chartered by either this state or the federal government, from reselling, without a license, a repossessed manufactured home.

Subd. 2. Advertising. No person shall advertise as a manufactured home dealer, or as a lister, broker or agent for the sale of manufactured homes, without being licensed as a dealer as provided in section 327B.04.

Subd. 3. Display of license. No person shall act as a dealer or manufacturer unless the certificate authorizing that activity is prominently displayed on the business premises covered by the license. Before moving to a new location from the established place of business occupied when the license is granted, the licensee must first secure the commissioner's written permission. To obtain that permission, the licensee must prove that the proposed new premises conform to the requirements of section 327B.04, subdivision 4.

Subd. 4. Net listing prohibited. No dealer shall use or offer to use a net listing agreement.

Subd. 5. Broker or dealer arrangement of financing. A dealer who is acting as a broker for the sale of a manufactured home and who can arrange financing for the sale may charge a separate fee for that service, if:

(a) the listing agreement does not require that the seller or buyer use the dealer's services to arrange financing;

(b) in arranging the financing, the dealer will pay a fee or will guarantee all or part of the buyer's performance to a third person; and

(c) the listing agreement clearly and conspicuously discloses the amount of the fee, the fact that the fee is in addition to the dealer's commission and the fact that the seller and buyer are not required to use the dealer's services to arrange financing.

HIST: 1982 c 526 art 1 s 9; 1983 c 142 s 9; 1983 c 216 art 1 s 56; 1986 c 444; 1995 c 202 art 2 s 29

==327B.10

327B.10 Rulemaking authority.

The commissioner may promulgate rules and issue orders reasonably necessary to implement and administer the provisions of sections 327B.01 to 327B.12.

HIST: 1982 c 526 art 1 s 10

==327B.11

327B.11 Recourse to the bond.

Subdivision 1. Consumer claimants. Any consumer customer sustaining injuries within the terms of a surety bond issued pursuant to section 327B.04 may proceed against the principal and surety without making the state a party to the proceedings. Provided, however, that the aggregate liability of the surety to all persons for all losses or damages shall in no event exceed the amount of the bond.

Subd. 2. Payment of claims; notice to commissioner. Before paying any claim against a surety bond, the surety company must first notify the commissioner in writing of the amount of the claim, the basis of the claim and the surety company's intention to pay the claim. Unless the

commissioner objects in writing within ten days of receiving the notice, the surety company may proceed upon its intention. The commissioner's failure to object is not evidence of the validity of the claim or of the propriety of paying the claim. The commissioner shall object only with reasonable grounds to believe that paying the claim will reduce the obligation of the bond to an amount less than the total amount of other outstanding and valid claims against the bond.

Subd. 3. Application for a referee. Within 15 days of objecting to the payment of a claim, the commissioner shall apply to the district court for an order:

(a) directing the surety company to pay the full obligation of the bond into court; and

(b) appointing a referee to hear claims against the bond and to propose to the court the proper distribution of the bond proceeds.

The surety company and the principals on the bond shall be parties to the proceedings.

HIST: 1982 c 526 art 1 s 11; 1986 c 444

==327B.12

327B.12 Additional remedies and enforcement.

Subdivision 1. Private remedies. Any person injured or threatened with injury by a dealer or manufacturer's violation of sections 327B.01 to 327B.12 may bring a private action in any court of competent jurisdiction.

Subd. 2. Fraud remedies. In addition to the remedies provided in sections 327B.01 to 327B.12, any violation of section 327B.08 or 327B.09 is a violation of section 325F.69, subdivision 1 and the provisions of section 8.31 shall apply.

HIST: 1982 c 526 art 1 s 12

Agricultural buildings – as defined as Class 2 property

273.13 Subd.23

Subd. 23. **Class 2.** (a) Class 2a property is agricultural land including any improvements that is homesteaded. The market value of the house and garage and immediately surrounding one acre of land has the same class rates as class 1a property under subdivision 22. The value of the remaining land including improvements up to and including \$600,000 market value has a net class rate of 0.55 percent of market value. The remaining property over \$600,000 market value has a class rate of one percent of market value.

(b) Class 2b property is (1) real estate, rural in character and used exclusively for growing trees for timber, lumber, and wood and wood products; (2) real estate that is not improved with a structure and is used exclusively for growing trees for timber, lumber, and wood and wood products, if the owner has participated or is participating in a cost-sharing program for afforestation, reforestation, or timber stand improvement on that particular property, administered or coordinated by the commissioner of natural resources; (3) real estate that is nonhomestead agricultural land; or (4) a landing area or public access area of a privately owned public use airport. Class 2b property has a net class rate of one percent of market value.

(c) Agricultural land as used in this section means contiguous acreage of ten acres or more, used during the preceding year for agricultural purposes. "Agricultural purposes" as used in this section means the raising or cultivation of agricultural products or enrollment in the Reinvest in Minnesota program under sections [103F.501](#) to [103F.535](#) or the federal Conservation Reserve Program as contained in Public Law Number 99-198. Contiguous acreage on the same parcel, or contiguous acreage on an immediately adjacent parcel under the same ownership, may also qualify as agricultural land, but only if it is pasture, timber, waste, unusable wild land, or land included in state or federal farm programs. Agricultural classification for property shall be determined excluding the house, garage, and immediately surrounding one acre of land, and shall not be based upon the market value of any residential structures on the parcel or contiguous parcels under the same ownership.

(d) Real estate, excluding the house, garage, and immediately surrounding one acre of land, of less than ten acres which is exclusively and intensively used for raising or cultivating agricultural products, shall be considered as agricultural land.

Land shall be classified as agricultural even if all or a portion of the agricultural use of that property is the leasing to, or use by another person for agricultural purposes.

Classification under this subdivision is not determinative for qualifying under section [273.111](#).

The property classification under this section supersedes, for property tax purposes only, any locally administered agricultural policies or land use restrictions that define minimum or maximum farm acreage.

(e) The term "agricultural products" as used in this subdivision includes production for sale of:

(1) livestock, dairy animals, dairy products, poultry and poultry products, fur-bearing animals, horticultural and nursery stock described in sections [18.44](#) to [18.61](#), fruit of all kinds, vegetables, forage, grains, bees, and apiary products by the owner;

(2) fish bred for sale and consumption if the fish breeding occurs on land zoned for agricultural use;

(3) the commercial boarding of horses if the boarding is done in conjunction with raising or cultivating agricultural products as defined in clause (1);

(4) property which is owned and operated by nonprofit organizations used for equestrian activities, excluding racing;

(5) game birds and waterfowl bred and raised for use on a shooting preserve licensed under section [97A.115](#);

(6) insects primarily bred to be used as food for animals;

(7) trees, grown for sale as a crop, and not sold for timber, lumber, wood, or wood products;
and

(8) maple syrup taken from trees grown by a person licensed by the Minnesota department of agriculture under chapter 28A as a food processor.

(f) If a parcel used for agricultural purposes is also used for commercial or industrial purposes, including but not limited to:

(1) wholesale and retail sales;

(2) processing of raw agricultural products or other goods;

(3) warehousing or storage of processed goods; and

(4) office facilities for the support of the activities enumerated in clauses (1), (2), and (3), the assessor shall classify the part of the parcel used for agricultural purposes as class 1b, 2a, or 2b, whichever is appropriate, and the remainder in the class appropriate to its use. The grading, sorting, and packaging of raw agricultural products for first sale is considered an agricultural purpose. A greenhouse or other building where horticultural or nursery products are grown that is also used for the conduct of retail sales must be classified as agricultural if it is primarily used for the growing of horticultural or nursery products from seed, cuttings, or roots and occasionally as a showroom for the retail sale of those products. Use of a greenhouse or building only for the display of already grown horticultural or nursery products does not qualify as an agricultural purpose.

The assessor shall determine and list separately on the records the market value of the homestead dwelling and the one acre of land on which that dwelling is located. If any farm buildings or structures are located on this homesteaded acre of land, their market value shall not be included in this separate determination.

(g) To qualify for classification under paragraph (b), clause (4), a privately owned public use airport must be licensed as a public airport under section [360.018](#). For purposes of paragraph (b), clause (4), "landing area" means that part of a privately owned public use airport properly cleared, regularly maintained, and made available to the public for use by aircraft and includes runways, taxiways, aprons, and sites upon which are situated landing or navigational aids. A landing area also includes land underlying both the primary surface and the approach surfaces that comply with all of the following:

(i) the land is properly cleared and regularly maintained for the primary purposes of the landing, taking off, and taxiing of aircraft; but that portion of the land that contains facilities for servicing, repair, or maintenance of aircraft is not included as a landing area;

(ii) the land is part of the airport property; and

(iii) the land is not used for commercial or residential purposes.

The land contained in a landing area under paragraph (b), clause (4), must be described and certified by the commissioner of transportation. The certification is effective until it is modified, or until the airport or landing area no longer meets the requirements of paragraph (b), clause (4). For purposes of paragraph (b), clause (4), "public access area" means property used as an aircraft parking ramp, apron, or storage hangar, or an arrival and departure building in connection with the airport.

Annual Report filing (16B.685)

16B.685 Annual report.

Beginning with the first report filed by April 1, 2003, each municipality shall annually report by April 1 to the department, in a format prescribed by the department, all construction and development-related fees collected by the municipality from developers, builders, and subcontractors. The report must include:

- (1) the number and valuation of units for which fees were paid;
- (2) the amount of building permit fees, plan review fees, administrative fees, engineering fees, infrastructure fees, and other construction and development-related fees; and
- (3) the expenses associated with the municipal activities for which fees were collected.

HIST: 2001 c 207 s 6

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Automatic garage door opening systems 325F.82 – 325F.83

325F.82 Definitions.

Subdivision 1. **Scope.** For the purposes of section [325F.83](#), the terms defined in this section have the meanings given them.

Subd. 2. **Automatic garage door opening system.**

"Automatic garage door opening system" means a system of devices and equipment that, when connected to a garage door, automatically opens and closes a garage door.

Subd. 3. **Garage.** "Garage" means a building, or a portion of a building, designed or used for the storage, repair, or keeping of a motor vehicle.

Subd. 4. **Residential building.** "Residential building" means a building such as a home or apartment for one or more families or persons that includes an attached or unattached garage.

Subd. 5. **Automatic reversing requirement.** "Automatic reversing requirement" means the requirements specified in paragraphs 30.1 and 30.2 of Underwriters Laboratories, Inc., Standards for Safety-UL 325, third edition, as revised May 4, 1988, for a residential automatic garage door opening system or the requirements specified in paragraph 29.1 of Underwriters Laboratories, Inc., Standards for Safety-UL 325, third edition, as revised May 4, 1988, for a commercial vehicular door operator.

HIST: 1990 c 414 s 2; 1991 c 10 s 1,2

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Fair buildings

38.01 County agricultural societies; formation, powers.

An agricultural society or association may be incorporated by citizens of any county, or two or more counties jointly, but only one agricultural society shall be organized in any county.

An agricultural society may sue and be sued in its corporate name; may adopt bylaws, rules, and regulations, alter and amend the same; may purchase and hold, lease and control any real or personal property deemed to promote the objects of the society, and may rent, lease, sell, and convey the same. Any income from the rental or lease of such property may be used for any or all of the following purposes: (1) Acquisition of additional real property; (2) Construction of additional buildings; or (3) Maintenance and care of the society's property. This section shall not be construed to preclude the continuance of any agricultural society now existing or the granting of aid thereto.

An agricultural society shall have jurisdiction and control of the grounds upon which its fairs are held and of the streets and grounds adjacent thereto during such fair, so far as may be necessary for such purpose. At or before the time of holding any fair, the agricultural society may appoint, in writing, as many persons to act as special constables as necessary, for and during the time of holding the same and for a reasonable time prior and subsequent thereto. These constables, before entering upon their duties, shall take and subscribe the usual oath of office, endorsed upon their appointment, and have and exercise upon the grounds of the society, and within one-half mile thereof, all the power and authority of constables at common law and, in addition thereto, may, within these limits, without warrant, arrest any person found violating any laws of the state, or any rule, regulation, or bylaw of the society, and summarily remove the persons and property of such offenders from the grounds and take them before any court of competent jurisdiction to be dealt with according to law. Each such peace officer shall wear an appropriate badge of office while acting as such.

As an alternative to the appointment of special constables, the society may contract with the sheriff or local municipality to provide the society with the same police service it may secure by appointing special constables. A person providing police service pursuant to such a contract is not, by reason of the contract, classified as an employee of the agricultural society for any purpose other than the discharge of powers and duties under the contract.

Any person who shall willfully violate any rule or regulation made by such societies during the days of a fair shall be guilty of a misdemeanor.

The provisions of this section supersede all special laws on the same subject.

HIST: (7885) RL s 3097; 1909 c 416 s 1; 1911 c 381 s 5; 1921 c 464 s 1; 1923 c 146 s 1; 1923 c 232 s 1; 1937 c 352 s 1; 1955 c 618 s 1; 1963 c 408 s 1; 1986 c 444

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245A.151 Fire marshal inspection.

When licensure under this chapter requires an inspection by a fire marshal to determine compliance with the Minnesota Uniform Fire Code under section [299F.011](#), a local fire code inspector approved by the state fire marshal may conduct the inspection. If a community does not have a local fire code inspector or if the local fire code inspector does not perform the inspection, the state fire marshal must conduct the inspection. A local fire code inspector or the state fire marshal may recover the cost of these inspections through a fee of no more than \$50 per inspection charged to the applicant or license holder. The fees collected by the state fire marshal under this section are appropriated to the commissioner of public safety for the purpose of conducting the inspections.

HIST: 2002 c 375 art 1 s 17

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9502.0315 DEFINITIONS.

Subpart 1. **Applicability.** As used in parts 9502.0315 to [9502.0445](#), the following terms have the meanings given them.

Subp. 2. **Adult.** "Adult" means a person at least 18 years of age.

Subp. 3. **Agency.** "Agency" means the county or multicounty social or human service agency governed by the county board or multicounty human services board.

Subp. 4. **Applicant.** "Applicant" means the person seeking a license to be the primary provider of day care in the residence.

Subp. 5. **Building official.** "Building official" means the person appointed in accordance with Minnesota Statutes, section [16B.65](#), to administer the State Building Code, or the building official's authorized representative.

Subp. 6. **Caregiver.** "Caregiver" means the provider, substitute, helper, or another adult giving care in the residence.

Subp. 7. **Child.** "Child" means a person ten years of age or younger.

Subp. 8. **Commissioner.** "Commissioner" means the Minnesota commissioner of the Department of Human Services or the commissioner's authorized representative.

Subp. 9. **Day care.** "Day care" means the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24 hour day.

Subp. 10. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 11. **Family day care.** "Family day care" means day care for no more than ten children at one time of which no more than six are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence.

Subp. 12. **Fire marshal.** "Fire marshal" means the person designated by Minnesota Statutes, section [299F.011](#) to administer and enforce the Minnesota Uniform Fire Code, or the fire marshal's authorized representative.

Subp. 13. **Group family day care.** "Group family day care" means day care for no more than 14 children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

Subp. 14. **Helper.** "Helper" means a person at least 13 years of age and less than 18 years of age who assists the provider with the care of children.

Subp. 15. **Agent of a board of health.** "Agent of a board of health" as authorized under Minnesota Statutes, section [145A.04](#), means the designated representative of the state or board of health as defined in Minnesota Statutes, section [145.02](#), subdivision 2, to enforce state and local health codes.

Subp. 16. **Infant.** "Infant" means a child who is at least six weeks of age but less than 12 months of age.

Subp. 17. **License.** "License" means a certificate issued by the commissioner authorizing the provider to give specified services for a specified period of time in accordance with the terms in parts 9502.0315 to [9502.0445](#); Minnesota Statutes, sections [245A.01](#) to [245A.16](#), and [252.28](#), subdivision 2; and the rules of the department.

Subp. 18. **Licensed capacity.** "Licensed capacity" means the total number of children ten years of age or younger permitted at any one time in the residence. The licensed capacity includes all children of any caregiver when the children are present in the residence.

Subp. 19. **Medicine.** "Medicine" means a prescription or nonprescription substance taken internally or applied externally to prevent or cure disease, heal, or relieve pain.

Subp. 19a. **Mental illness.** "Mental illness" means the inability to interpret reality realistically and the impaired functioning in primary aspects of daily living, such as personal relations, living arrangements, work, and recreation; which is listed in the International Classification of Diseases (ICD-9-CM) Ninth Revision (1980), code range [290.0-299.9](#), or the corresponding code in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-III) Third Edition (1980), Axes I, II, or III. These publications are incorporated by reference and are not subject to frequent change. They are available in the state law library.

Subp. 19b. **Minnesota Uniform Fire Code.** "Minnesota Uniform Fire Code" means those codes and regulations adopted by the state fire marshal in accordance with Minnesota Statutes, section [299F.011](#) and contained in parts [7510.0200](#) to [7510.3000](#).

Subp. 20. **Newborn.** "Newborn" means a child between birth and six weeks of age.

Subp. 21. **Parent.** "Parent" means a person who has the legal responsibility for a child such as the child's mother, father, or legally appointed guardian.

Subp. 22. **Preschooler.** "Preschooler" means a child at least 30 months of age up to enrollment in the first day of school in the local school district.

Subp. 23. [Repealed, 10 SR 2617]

Subp. 24. **Provider.** "Provider" means the license holder and primary caregiver.

Subp. 25. **Related.** "Related" means any of the following relationships by marriage, blood, or adoption: parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt, child, niece, nephew. Related also includes a legally appointed guardian.

Subp. 26. **Regularly or regular basis.** "Regularly" or "regular basis" means a cumulative total of more than 30 days within any 12 month period.

Subp. 27. **Residence.** "Residence" means the dwelling unit, as defined by section 405 of the State Building Code, in which day care is provided and which is occupied as a home.

Subp. 28. **School age.** "School age" means a child ten years of age or younger and enrolled in the first day of kindergarten in the local school district.

Subp. 28a. **State Building Code.** "State Building Code" means those codes and regulations adopted by the commissioner of administration in accordance with Minnesota Statutes, section [16B.59](#) and contained in chapter 1300.

Subp. 29. **Substitute.** "Substitute" means an adult at least 18 years of age who assumes the responsibility of the provider as specified in part [9502.0365](#), subpart 5.

Subp. 29a. **Supervision.** "Supervision" means a caregiver being within sight or hearing of an infant, toddler, or preschooler at all times so that the caregiver is capable of intervening to protect the health and safety of the child. For the school age child, it means a caregiver being available for assistance and care so that the child's health and safety is protected.

Subp. 30. **Toddler.** "Toddler" means a child at least 12 months of age but less than 30 months of age.

Subp. 31. **Variance.** "Variance" means written permission by the commissioner for a provider or applicant to depart from the provisions of parts 9502.0315 to [9502.0445](#).

STAT AUTH: MS s [245A.09](#); [252.28](#)

HIST: 9 SR 2106; 10 SR 2617; L 1987 c 309 s 24, c 333 s 22

Current as of 08/03/01

7510.3530 CHAPTER 2 - DEFINITIONS.

Subpart 1. [Renumbered as subp 1b]

Subp. 1a. **Sec. 201.4.** Section 201.4 of the International Fire Code is amended to read:

201.4 Terms not defined. When terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings.

Subp 1b. **Sec. 202 Amendments - A.** Section 202 of the International Fire Code is amended by adding definitions to read:

ADULT DAY CARE CENTER. A facility, licensed by the Department of Human Services under Minnesota Rules, parts [9555.9600](#) to [9555.9730](#), that provides a program of adult day care services to functionally impaired adults for periods of less than 24 hours per day in a setting other than a participant's home or the residence of the facility's operator.

AISLE. See Section 1002.1.

AUTHORITY HAVING JURISDICTION. Any municipal fire code official serving a particular jurisdiction or the state fire marshal or any of their authorized representatives.

Subp. 2. **Sec. 202 Amendments - B.** Section 202 of the International Fire Code is amended by adding a definition to read:

BUILDING CODE. The Minnesota State Building Code adopted pursuant to Minnesota Statutes, section [16B.61](#), subdivision 1.

Subp. 3. **Sec. 202 Amendments - C.** Section 202 of the International Fire Code is amended by amending and adding definitions to read:

CHIEF. See FIRE CHIEF.

CORRIDOR. See Section 1002.1.

Subp. 3a. **Sec. 202 Amendments - D.** Section 202 of the International Fire Code is amended by adding a definition to read:

DECORATIVE MATERIALS. Combustible materials used for decorative effects such as curtains; draperies; streamers; surface coverings applied over building interior finishes for decorative, acoustical or other effect; cloth; cotton batting; paper; plastics; vegetation; hay; split bamboo; straw; vines; leaves; trees; moss; and similar materials used for decorative effect. Decorative materials do not include educational materials that are displayed in an approved manner, ordinary window shades, floor coverings, interior finish materials used as surface coverings (See Chapter 8 for regulations of such materials) and materials 1/28 inch (0.9 mm) or less in thickness applied directly to a noncombustible backing.

Subp. 4. **Sec. 202 Amendments - F.** Section 202 of the International Fire Code is amended by amending and adding definitions to read:

FAMILY DAY CARE HOME. A residence, licensed by the Department of Human Services under Minnesota Rules, parts [9502.0315](#) to [9502.0445](#), in which no more than ten children at any one time receive care, maintenance and supervision by other than their relatives or legal guardians for less than 24 hours per day.

FIRE CHIEF. The chief officer of the fire department serving the jurisdiction or the chief's authorized representatives. For purposes of enforcing this code, the term fire chief also includes the state fire marshal and the state fire marshal's representatives.

Subp. 5. **Sec. 202 Amendments - G.** Section 202 of the International Fire Code is amended by adding definitions to read:

GROUP DAY CARE HOME. A residence, licensed by the Department of Human Services under Minnesota Rules, parts [9502.0315](#) to [9502.0445](#), in which at least 11 but not more than 14 children receive care, maintenance and supervision by other than their relatives or legal guardians for less than 24 hours per day.

GUEST ROOM. A room or rooms used or intended to be used for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.

Subp. 6. **Sec. 202 Amendments - J.** Section 202 of the International Fire Code is amended by adding definitions to read:

JURISDICTION. Any municipality, district, or other political subdivision adopting this code for use in its jurisdictional area.

JURISDICTIONAL AREA. The territory of the municipality, district, or other political subdivision adopting this code.

Subp. 7. **Sec. 202 Amendments - M.** Section 202 of the International Fire Code is amended by adding definitions to read:

MECHANICAL CODE. The Minnesota State Mechanical Code as adopted pursuant to Minnesota Statutes, section [16B.61](#).

MUNICIPALITY. Any statutory or home rule charter city, county, or town meeting the requirements of Minnesota Statutes, section [368.01](#), subdivision 1, the University of Minnesota, or the state for public buildings.

Subp. 8. **Sec. 202 Amendments - O.** Section 202 of the International Fire Code is amended by amending and adding definitions to read:

OCCUPANCY CLASSIFICATION. This definition is amended by amending the definitions of Educational Group E; Institutional Groups I-1 and I-2; Institutional Group I-4 adult care facility; and Residential Groups R-1, R-3 and R-4, to read:

Educational Group E. Educational Group E occupancy includes any building used for educational purposes through the 12th grade by six or more persons for more than 12 hours per week or four hours in any one day.

Child day care. The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2-1/2 years of age shall be classified as an E Occupancy.

Adult day care. An adult day care center serving four or more ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions shall be classified as an E Occupancy. See part [7510.3675](#) for the protection requirements for facilities serving both participants who are capable and not capable of taking appropriate action for self-preservation.

Institutional Group I.

Group I-1. This occupancy shall include a building or part thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment but which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following: Class A-2 supervised living facilities housing more than 16 persons (excluding staff), residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A facility such as the above with five or fewer persons shall be classified as Group R-3. A facility such as the above, housing at least six and not more than 16 persons, shall be classified as Group R-4.

Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than five persons who are not capable of self-preservation. This group shall include, but not be limited to, hospitals, nursing homes (both intermediate care facilities and skilled nursing facilities), mental hospitals, detoxification facilities and Class B-3 supervised living facilities. A facility such as the above with five or fewer persons shall be classified as Group R-3.

Nurseries. Nurseries providing care on a 24-hour basis to more than five children 2-1/2 years of age or less shall be classified as Group I-2.

Group I-4, Day care facilities.

Adult care facility. An adult day care center serving ambulatory, nonambulatory, mobile, or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions, each accommodating more than four persons shall be classified as an I-4 Occupancy. See part [7510.3675](#) for the protection requirements for facilities serving both participants who are capable and not capable of taking appropriate action for self-preservation.

Residential Group R.

R-1. Residential occupancies where the occupants are primarily transient in nature (less than 30 days) including:

1. Boarding houses (transient);
2. Hotels (including motels); and
3. Bed and breakfast facilities containing six or more guest rooms.

R-3. Residential occupancies shall include dwellings containing not more than two dwelling units, bed and breakfast facilities containing not more than five guest rooms, family day care, group family day care, Class A-1 supervised living facilities, and Class B-1 supervised living facilities complying with the requirements set forth in Section 4604.1.3.

R-4. Residential occupancies shall include buildings arranged for occupancy as Residential Care/Assisted Living Facilities including more than five but not more than 16 occupants, excluding staff. Class A-2 supervised living facilities housing not more than 16 persons, excluding staff, and Class B-2 supervised living facilities complying with the requirements set forth in Section 4604.1.4 shall be classified as Group R-4.

Group R-4 Occupancies shall meet the requirements for construction as defined for Group R-3 except for the height and area limitations provided in Section 503 of the Building Code.

OUTPATIENT CLINIC. A building or part thereof used to provide, on an outpatient basis, surgical treatment requiring general anesthesia or other treatment of patients that would render them incapable of unassisted self-preservation under emergency conditions. This would include outpatient surgical centers and kidney dialysis units, but does not include doctors' and dentists' offices or clinics for the practice of medicine or the delivery of primary care.

Subp. 9. **Sec. 202 Amendments - P.** Section 202 of the International Fire Code is amended by adding definitions to read:

PERFORMANCE-BASED DESIGN. An engineering approach to design elements of a building based on agreed upon performance goals and objectives, engineering analysis and quantitative assessment of alternatives against the design goals and objectives using accepted engineering tools, methodologies, and performance criteria.

POWER TAP. A device which is connected to an electrical receptacle, has built-in overcurrent protection and allows connection of one or more electrical plugs to supply electricity to other devices and equipment.

Subp. 10. **Sec. 202 Amendments - R.** Section 202 of the International Fire Code is amended by adding definitions to read:

REQUIRED BY THE FIRE CHIEF. Determined by the fire chief to be directly related to the safeguarding of life and property from the hazards of fire and uniform for each class or kind of building, structure or property covered.

RESIDENTIAL HOSPICE FACILITY. A facility located in a residential area that directly provides 24-hour residential and support services in a home-like setting for at least six and not more than 12 persons who have been diagnosed as terminally ill with a probable life expectancy of under one year.

ROOM. A space or area bounded by any obstructions over 6 feet in height which at any time enclose more than 80 percent of the perimeter of the area. In computing the unobstructed perimeter, openings less than 3 feet in clear width and less than 6 feet 8 inches high shall not be considered. Aisles and corridors shall not be construed to form rooms.

Subp. 11. **Sec. 202 Amendments - S.** Section 202 of the International Fire Code is amended by adding definitions to read:

STATE FIRE MARSHAL. The Minnesota state fire marshal or the state fire marshal's authorized representatives.

SUPERVISED LIVING FACILITY. A facility in which supervision, lodging, meals, and, in accordance with the rules of the Department of Human Services and the Department of Health, counseling and developmental habilitative or rehabilitative services are provided to persons who are mentally retarded, chemically dependent, adult mentally ill, or physically handicapped.

Class A-1 supervised living facility. A supervised living facility for six or fewer ambulatory or mobile disabled persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

Class A-2 supervised living facility. A supervised living facility for more than six ambulatory or mobile disabled persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

Class B-1 supervised living facility. A supervised living facility for six or fewer ambulatory or nonambulatory, mobile or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

Class B-2 supervised living facility. A supervised living facility for seven to 16 ambulatory or nonambulatory, mobile or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

Class B-3 supervised living facility. A supervised living facility for 17 or more ambulatory or nonambulatory, mobile or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

STAT AUTH: MS s [299F.011](#)

HIST: 18 SR 580; 22 SR 2300; 27 SR 1480

Current as of 06/16/03

Hazardous and substandard buildings

463.15 Definitions.

Subdivision 1. Coverage. For purposes of sections 463.15 to 463.26 the terms defined in this section have the meanings given them.

Subd. 2. Building. "Building" includes any structure or part of a structure.

Subd. 3. Hazardous building or hazardous property. "Hazardous building or hazardous property" means any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.

Subd. 4. Owner, owner of record, and lien holder of record. "Owner," "owner of record," and "lien holder of record" means a person having a right or interest in property described in subdivision 3 and evidence of which is filed and recorded in the office of the county recorder or registrar of titles in the county in which the property is situated.

HIST: 1965 c 393 s 1; 1967 c 324 s 1; 1976 c 181 s 2; 1989 c 328 art 6 s 5,6

463.151 Removal by municipality; consent; cost.

The governing body of any city or town may remove or raze any hazardous building or remove or correct any hazardous condition of real estate upon obtaining the consent in writing of all owners of record, occupying tenants, and all lien holders of record; the cost shall be charged against the real estate as provided in section 463.21, except the governing body may provide that the cost so assessed may be paid in not to exceed five equal annual installments with interest thereon, at eight percent per annum.

HIST: 1967 c 324 s 2; 1974 c 341 s 1

463.152 Exercise of eminent domain.

Subdivision 1. Purpose, public interest. In order to maintain a sufficient supply of adequate, safe, and sanitary housing and buildings used for living, commercial, industrial, or other purposes or any combination of purposes, it is found that the public interest requires that municipalities be

authorized to acquire buildings, real estate on which buildings are located, or vacant or undeveloped real estate which are found to be hazardous within the meaning of section 463.15, subdivision 3, and the acquisition of such buildings and real estate is hereby declared to be a public purpose.

Subd. 2. Acquisition; procedure. In furtherance of the public policy declared in subdivision 1, the governing body of any city or town may acquire any hazardous building, real estate on which any such building is located, or vacant or undeveloped real estate by eminent domain in the manner provided by chapter 117.

HIST: 1974 c 341 s 3; 1976 c 2 s 140

463.16 Repair or remove hazardous property condition.

The governing body of any city or town may order the owner of any hazardous building or property within the municipality to correct or remove the hazardous condition of the building or property or to raze or remove the building.

HIST: 1965 c 393 s 2; 1973 c 123 art 5 s 7; 1989 c 328 art 6 s 7

463.161 Abatement.

In the manner prescribed in section 463.21 the governing body of any city or town may correct or remove the hazardous condition of any hazardous building or property; the cost of which shall be charged against the real estate as provided in section 463.21 except the governing body may provide that the cost so assessed may be paid in not to exceed five equal annual installments with interest therein, at eight percent per annum.

HIST: 1974 c 341 s 2; 1989 c 328 art 6 s 8

463.17 The order.

Subdivision 1. Contents. The order shall be in writing; recite the grounds therefor; specify the necessary repairs, if any, and provide a reasonable time for compliance; and shall state that a motion for summary enforcement of the order will be made to the district court of the county in which the hazardous building or property is situated unless corrective action is taken, or unless an answer is filed within the time specified in section 463.18.

Subd. 2. Service. The order shall be served upon the owner of record, or the owner's agent if an agent is in charge of the building or property, and upon the occupying tenant, if there is one, and upon all lien holders of record, in the manner provided for service of a summons in a civil action. If the owner cannot be found, the order shall be served upon the owner by posting it at the main entrance to the building or, if there is no building, in a conspicuous place on the property, and by four weeks' publication in the official newspaper of the municipality if it has one, otherwise in a legal newspaper in the county.

Subd. 3. Filing. A copy of the order with proof of service shall be filed with the court administrator of district court of the county in which the hazardous building or property is located not less than five days prior to the filing of a motion pursuant to section 463.19 to enforce the order. At the time of filing such order the municipality shall file for record with the county recorder or registrar of titles a notice of the pendency of the proceeding, describing with reasonable certainty the lands affected and the nature of the order. If the proceeding be abandoned the municipality shall within ten days thereafter file with the county recorder a notice to that effect.

HIST: 1965 c 393 s 3; 1976 c 181 s 2; 1986 c 444; 1Sp1986 c 3
art 1 s 82; 1989 c 328 art 6 s 9

463.18 Answer.

Within 20 days from the date of service, any person upon whom the order is served may serve an answer in the manner provided for the service of an answer in a civil action, specifically denying such facts in the order as are in dispute.

HIST: 1965 c 393 s 4

463.19 Default cases.

If no answer is served, the governing body may move the court for the enforcement of the order. If such a motion is made the court may, upon the presentation of such evidence as it may require, affirm or modify the order and enter judgment accordingly, fixing a time after which the

governing body may proceed with the enforcement of the order. The court administrator shall cause a copy of the judgment to be mailed forthwith to persons upon whom the original order was served.

HIST: 1965 c 393 s 5; 1Sp1986 c 3 art 1 s 82

463.20 Contested cases.

If an answer is filed and served as provided in section 463.18, further proceedings in the action shall be governed by the Rules of Civil Procedure for the District Courts, except that the action has priority over all pending civil actions and shall be tried forthwith. If the order is sustained following the trial, the court shall enter judgment and shall fix a time after which the building must be destroyed or repaired or the hazardous condition removed or corrected, as the case may be, in compliance with the order as originally filed or modified by the court. If the order is not sustained, it shall be annulled and set aside. The court administrator of the court shall cause a copy of the judgment to be mailed forthwith to the persons upon whom the original order was served.

HIST: 1965 c 393 s 6; 1Sp1986 c 3 art 1 s 82; 1989 c 328 art 6
s 10

463.21 Enforcement of judgment.

If a judgment is not complied with in the time prescribed, the governing body may cause the building to be repaired, razed, or removed or the hazardous condition to be removed or corrected as set forth in the judgment, or acquire the building, if any, and real estate on which the building or hazardous condition is located by eminent domain as provided in section 463.152. The cost of the repairs, razing, correction, or removal may be: a lien against the real estate on which the building is located or the hazardous condition exists, or recovered by obtaining a judgment against the owner of the real estate on which the building is located or the hazardous condition exists. A lien may be levied and collected only as a special assessment in the manner provided by Minnesota Statutes 1961, sections 429.061 to 429.081, but the assessment is payable in a single installment. When the building is razed or removed by the municipality, the governing body may sell the salvage and valuable materials at public auction upon three days' posted notice.

HIST: 1965 c 393 s 7; 1974 c 341 s 4; 1989 c 328 art 3 s 3

463.22 Statement of moneys received.

The municipality shall keep an accurate account of the expenses incurred in carrying out the order and of all other expenses theretofore incurred in connection with its enforcement, including specifically, but not exclusively, filing fees, service fees, publication fees, attorney's fees, appraisers' fees, witness fees, including expert witness fees, and traveling expenses incurred by the municipality from the time the order was originally made, and shall credit thereon the amount, if any, received from the sale of the salvage, or building or structure, and shall report its action under the order, with a statement of moneys received and expenses incurred to the court for approval and allowance. Thereupon the court shall examine, correct, if necessary, and allow the expense account, and, if the amount received from the sale of the salvage, or of the building or structure, does not equal or exceed the amount of expenses as allowed, the court shall by its judgment certify the deficiency in the amount so allowed to the municipal clerk for collection. The owner or other party in interest shall pay the same, without penalty added thereon, and in default of payment by October 1, the clerk shall certify the amount of the expense to the county auditor for entry on the tax lists of the county as a special charge against the real estate on which the building or hazardous condition is or was situated and the same shall be collected in the same manner as other taxes and the amount so collected shall be paid into the municipal treasury. If the amount received for the sale of the salvage or of the building or structure exceeds the expense incurred by the municipality as allowed by the court, and if there are no delinquent taxes, the court shall direct the payment of the surplus to the owner or the payment of the same into court, as provided in sections 463.15 to 463.26. If there are delinquent taxes against the property, the court shall direct the payment of the surplus to the county treasurer to be applied on such taxes.

HIST: 1965 c 393 s 8; 1974 c 329 s 1; 1989 c 328 art 6 s 11

463.23 Payment, tender, deposit in court.

The net proceeds of a sale under section 463.21 or section 463.24 shall be paid to persons designated in the judgment in the proportions as their interests shall appear therein. Acceptance of such payment shall be taken as a waiver of all objections to the payment and to the proceedings leading thereto on the part of the payee and of all persons for whom the payee is lawfully empowered to act. In case any party to whom a payment of damages is made be not a resident of the state, or the place of residence be unknown, or the party be an infant or other person under legal disability, or, being legally capable, refuses to accept payment, or if for any reason it be doubtful to whom any payment should be paid, the municipality may pay the same to

the clerk, to be paid out under the direction of the court; and, unless an appeal be taken such deposit with the clerk shall be deemed a payment of the award.

HIST: 1965 c 393 s 9; 1986 c 444

463.24 Personal property or fixtures.

If any building ordered razed, removed, or made safe and sanitary by repairs contains personal property or fixtures which will unreasonably interfere with the razing, removal, or repair of such building, or if the razing or removal of the building makes necessary the removal of such personal property or fixtures, the original order of the governing body may direct the removal of such personal property or fixtures within a reasonable time. If the property or fixtures are not removed by the time specified, and the governing body subsequently desires to enforce a judgment under sections 463.15 to 463.26, it may sell the same at public auction as provided in section 463.21, or if without appreciable value, the governing body may destroy the same.

HIST: 1965 c 393 s 10

463.25 Hazardous excavations.

If in any city, an excavation for building purposes is left open for more than six months without proceeding with the erection of a building thereon, whether or not completed, or if any excavation or basement is not filled to grade or otherwise protected after a building is destroyed, demolished or removed, the governing body may order such excavation to be filled or protected or in the alternative that erection of a building begin forthwith if the excavation is for building purposes. The order shall be served upon the owner or the owner's agent in the manner provided by section 463.17. If the owner of the land fails to comply with the order within 15 days after the order is served, the governing body shall cause the excavation to be filled to grade or protected and the cost shall be charged against the real estate as provided in section 463.21.

HIST: 1965 c 393 s 11; 1973 c 123 art 5 s 7; 1986 c 444

463.251 Securing vacant buildings.

Subdivision 1. Definitions. The following terms have the meanings given them for the purposes of this section.

(a) "City" means a statutory or home rule charter city.

(b) "Neighborhood association" means an organization recognized by the city as representing a neighborhood within the city.

(c) "Secure" may include, but is not limited to, installing locks, repairing windows and doors, boarding windows and doors, posting "no-trespassing" signs, installing exterior lighting or motion-detecting lights, fencing the property, and installing a monitored alarm or other security system.

Subd. 2. Order; notice. If in any city a building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured and the building could be made safe by securing the building, the governing body may order the building secured and shall cause notice of the order to be served upon the owner of record of the premises or the owner's agent, the taxpayer identified in the property tax records for that parcel, the holder of the mortgage or sheriff's certificate, and any neighborhood association for the neighborhood in which the building is located that has requested notice, by delivering or mailing a copy to the owner or agent, the identified taxpayer, the holder of the mortgage or sheriff's certificate, and the neighborhood association, at the last known address. Service by mail is complete upon mailing.

Subd. 3. Securing building by city; lien. If the owner of the building fails to either comply or provide to the governing body a reasonable plan and schedule to comply with an order issued under subdivision 2 within six days after the order is served, the governing body shall cause the building to be properly secured and the cost of securing the building may be charged against the real estate as provided in section 463.21. In the metropolitan area, as defined in section 473.121, subdivision 2, the governing body may work with neighborhood associations to develop and implement plans to secure vacant buildings in a timely and cost-effective fashion. The city may use rehabilitation and revitalization funds in implementing this section.

Subd. 4. Emergency securing. A city may provide by ordinance for emergency securing of a building that presents an immediate danger to the health and safety of persons in the community.

HIST: 1973 c 123 art 5 s 7; 1973 c 520 s 1; 1986 c 444; 1996 c 286 s 1

463.26 Local acts and charter provisions.

Sections 463.15 to 463.26 are supplementary to other statutory and charter provisions and do not limit the authority of any city to enact and enforce ordinances on the same subject.

HIST: 1965 c 393 s 12; 1973 c 123 art 5 s 7

463.261 Relocation benefits.

Notwithstanding the provisions of section 117.56, or any other law to the contrary, all acquisitions of buildings and real estate upon which buildings are located by governmental subdivisions pursuant to the exercise of the power of eminent domain as provided in section 463.152 shall be acquisitions for the purposes of sections 117.50 to 117.56.

HIST: 1974 c 341 s 5; 1976 c 2 s 141

==463.misc2002 Minn. Stats. repealed, etc. secs in chap 463

463.05 Repealed, 1976 c 44 s 70

463.08 Repealed, 1949 c 119 s 110

463.09 Repealed, 1976 c 44 s 70

463.10 Repealed, 1976 c 44 s 70

463.11 Repealed, 1976 c 44 s 70

463.12 Repealed, 1976 c 44 s 70

463.13 Repealed, 1976 c 44 s 70

Housing: statutory warranties

327A.01 Definitions.

Subdivision 1. Scope. As used in sections 327A.01 to 327A.07, the terms in this section shall have the meanings assigned to them.

Subd. 2. Building standards. "Building standards" means the State Building Code, adopted by the commissioner of administration pursuant to sections 16B.59 to 16B.75, that is in effect at the time of the construction or remodeling.

Subd. 3. Dwelling. "Dwelling" means a new building, not previously occupied, constructed for the purpose of habitation; but does not include appurtenant recreational facilities, detached garages, driveways, walkways, patios, boundary walls, retaining walls not necessary for the structural stability of the dwelling, landscaping, fences, nonpermanent construction materials, off-site improvements, and all other similar items.

Subd. 4. Initial vendee. "Initial vendee" means a person who first contracts to purchase a dwelling from a vendor for the purpose of habitation and not for resale in the ordinary course of trade.

Subd. 5. Major construction defect. "Major construction defect" means actual damage to the load-bearing portion of the dwelling or the home improvement, including damage due to subsidence, expansion or lateral movement of the soil, which affects the load-bearing function and which vitally affects or is imminently likely to vitally affect use of the dwelling or the home improvement for residential purposes. "Major construction defect" does not include damage due to movement of the soil caused by flood, earthquake or other natural disaster.

Subd. 6. Vendee. "Vendee" means any purchaser of a dwelling and includes the initial vendee and any subsequent purchasers.

Subd. 7. Vendor. "Vendor" means any person, firm or corporation which constructs dwellings for the purpose of sale, including the construction of dwellings on land owned by vendees.

Subd. 8. Warranty date. "Warranty date" means the date from and after which the statutory warranties provided in section 327A.02 shall be effective, and is the earliest of

(a) The date of the initial vendee's first occupancy of the dwelling; or

(b) The date on which the initial vendee takes legal or equitable title in the dwelling.

In the case of a home improvement, the warranty date is the date on which the home improvement work was completed.

Subd. 9. Home improvement. "Home improvement" means the repairing, remodeling, altering, converting or modernizing of, or adding to a residential building. For the purpose of this definition, residential building does not include appurtenant recreational facilities, detached garages, driveways, walkways, patios, boundary walls, retaining walls not necessary for the structural stability of the building, landscaping, fences, nonpermanent construction materials, off-site improvements, and all other similar items.

Subd. 10. Home improvement contractor. "Home improvement contractor" means a person who is engaged in the business of home improvement either full time or part time, and who holds out to the public as having knowledge or skill peculiar to the business of home improvement.

Subd. 11. Owner. "Owner" means any person who owns a residential building on which home improvement work is performed, and includes any subsequent owner of the residential building.

HIST: 1977 c 65 s 1; 1981 c 119 s 1-5; 1986 c 444; 2001 c 207
s 8

327A.02 Statutory warranties.

Subdivision 1. Warranties by vendors. In every sale of a completed dwelling, and in every contract for the sale of a dwelling to be completed, the vendor shall warrant to the vendee that:

(a) during the one-year period from and after the warranty date the dwelling shall be free from defects caused by faulty workmanship and defective materials due to noncompliance with building standards;

(b) during the two-year period from and after the warranty date, the dwelling shall be free from defects caused by faulty installation of plumbing, electrical, heating, and cooling systems due to noncompliance with building standards; and

(c) during the ten-year period from and after the warranty date, the dwelling shall be free from major construction defects due to noncompliance with building standards.

Subd. 2. Warranties to survive passage of title. The statutory warranties provided in this section shall survive the passing of legal or equitable title in the dwelling to the vendee.

Subd. 3. Home improvement warranties. (a) In a sale or in a contract for the sale of home improvement work involving major structural changes or additions to a residential building, the home improvement contractor shall warrant to the owner that:

(1) during the one-year period from and after the warranty date the home improvement shall be free from defects caused by faulty workmanship and defective materials due to noncompliance with building standards; and

(2) during the ten-year period from and after the warranty date the home improvement shall be free from major construction defects due to noncompliance with building standards.

(b) In a sale or in a contract for the sale of home improvement work involving the installation of plumbing, electrical, heating or cooling systems, the home improvement contractor shall warrant to the owner that, during the two-year period from and after the warranty date, the home improvement shall be free from defects caused by the faulty installation of the system or systems due to noncompliance with building standards.

(c) In a sale or in a contract for the sale of any home improvement work not covered by paragraph (a) or (b), the home improvement contractor shall warrant to the owner that, during the one-year period from and after the warranty date, the home improvement shall be free from defects caused by faulty workmanship or defective materials due to noncompliance with building standards.

HIST: 1977 c 65 s 2; 1981 c 119 s 6; 2001 c 207 s 9,10

==327A.03

327A.03 Exclusions.

The liability of the vendor or the home improvement contractor under sections 327A.01 to 327A.07 is limited to the specific items set forth in sections 327A.01 to 327A.07 and does not extend to the following:

(a) loss or damage not reported by the vendee or the owner to the vendor or the home improvement contractor in writing within six months after the vendee or the owner discovers or should have discovered the loss or damage;

(b) loss or damage caused by defects in design, installation, or materials which the vendee or the owner supplied, installed, or directed to be installed;

(c) secondary loss or damage such as personal injury or property damage;

(d) loss or damage from normal wear and tear;

(e) loss or damage from normal shrinkage caused by drying of the dwelling or the home improvement within tolerances of building standards;

(f) loss or damage from dampness and condensation due to insufficient ventilation after occupancy;

(g) loss or damage from negligence, improper maintenance or alteration of the dwelling or the home improvement by parties other than the vendor or the home improvement contractor;

(h) loss or damage from changes in grading of the ground around the dwelling or the home improvement by parties other than the vendor or the home improvement contractor;

(i) landscaping or insect loss or damage;

(j) loss or damage from failure to maintain the dwelling or the home improvement in good repair;

(k) loss or damage which the vendee or the owner, whenever feasible, has not taken timely action to minimize;

(l) loss or damage which occurs after the dwelling or the home improvement is no longer used primarily as a residence;

(m) accidental loss or damage usually described as acts of God, including, but not limited to: fire, explosion, smoke, water escape, windstorm, hail or lightning, falling trees, aircraft and vehicles, flood, and earthquake, except when the loss or damage is caused by failure to comply with building standards;

(n) loss or damage from soil movement which is compensated by legislation or covered by insurance;

(o) loss or damage due to soil conditions where construction is done upon lands owned by the vendee or the owner and obtained by the vendee or owner from a source independent of the vendor or the home improvement contractor;

(p) in the case of home improvement work, loss or damage due to defects in the existing structure and systems not caused by the home improvement.

HIST: 1977 c 65 s 3; 1981 c 119 s 7; 1986 c 444

327A.04 Waiver and modification limited.

Subdivision 1. Except as provided in subdivisions 2 and 3, the provisions of sections 327A.01 to 327A.07 cannot be waived or modified by contract or otherwise. Any agreement which purports to waive or modify the provisions of sections 327A.01 to 327A.07, except as provided in subdivisions 2 and 3 of this section, shall be void.

Subd. 2. At any time after a contract for the sale of a dwelling is entered into by and between a vendor and a vendee or a contract for home improvement work is entered into by and between a home improvement contractor and an owner, any of the statutory warranties provided for in section 327A.02 may be excluded or modified only by a written instrument, printed in boldface type of a minimum size of ten points, which is signed by the vendee or the owner and which sets forth in detail the warranty involved, the consent of the vendee or the owner, and the terms of the new agreement contained in the writing. No exclusion or modification shall be effective unless the vendor or the home improvement contractor provides substitute express warranties offering substantially the same protections to the vendee or the owner as the statutory warranties set forth in section 327A.02. Any modification or exclusion agreed to by vendee and vendor or the owner and home improvement contractor pursuant to this subdivision shall not require the approval of the commissioner of administration pursuant to section 327A.07.

Subd. 3. If a major construction defect is discovered prior to the sale of a dwelling, the statutory warranty set forth in section 327A.02, subdivision 1, clause (c) may be waived for the defect identified in the waiver instrument, after full oral disclosure of the specific defect, by an instrument which sets forth in detail: the specific defect; the difference between the value of the dwelling without the defect and the value of the dwelling with the defect, as determined and attested to by an independent appraiser, contractor, insurance adjuster, engineer or any other similarly knowledgeable person selected by the vendee; the price reduction; the date the construction was completed; the legal description of the dwelling; the consent of the vendee to the waiver; and the signatures of the vendee, the vendor, and two witnesses.

A single waiver agreed to pursuant to this subdivision may not apply to more than one major construction defect in a dwelling.

The waiver shall not be effective unless filed for recording with the county recorder or registrar of titles who shall file the waiver for record.

HIST: 1977 c 65 s 4; 1981 c 119 s 8

327A.05 Remedies.

Subdivision 1. New home warranties. Upon breach of any warranty imposed by section 327A.02, subdivision 1, the vendee shall have a cause of action against the vendor for damages arising out of the breach, or for specific performance. Damages shall be limited to:

(a) the amount necessary to remedy the defect or breach; or

(b) the difference between the value of the dwelling without the defect and the value of the dwelling with the defect.

Subd. 2. Home improvement warranty. Upon breach of any warranty imposed by section 327A.02, subdivision 3, the owner shall have a cause of action against the home improvement contractor for damages arising out of the breach, or for specific performance. Damages shall be limited to the amount necessary to remedy the defect or breach.

HIST: 1977 c 65 s 5; 1981 c 119 s 9

327A.06 Other warranties.

The statutory warranties provided for in section 327A.02 shall be in addition to all other warranties imposed by law or agreement. The remedies provided in section 327A.05 shall not be construed as limiting the remedies in any action not predicated upon breach of the statutory warranties imposed by section 327A.02.

HIST: 1977 c 65 s 6

327A.07 Variations.

The commissioner of administration may approve pursuant to sections 14.05 to 14.28, variations from the provisions of sections 327A.02 and 327A.03 if the warranty program of the vendor or the home improvement contractor requesting the variation offers at least substantially the same protections to the vendee or owner as provided by the statutory warranties set forth in section 327A.02.

HIST: 1977 c 65 s 7; 1981 c 119 s 10; 1982 c 424 s 130; 1995 c 233 art 2 s 56

327A.08 Limitations.

Notwithstanding any other provision of sections 327A.01 to 327A.07:

(a) the terms of the home improvement warranties required by sections 327A.01 to 327A.07 commence upon completion of the home improvement and the term shall not be required to be renewed or extended if the home improvement contractor performs additional improvements required by warranty;

(b) the home improvement warranties required by sections 327A.01 to 327A.07 shall not include products or materials installed that are already covered by implied or written warranty; and

(c) the home improvement warranties required by sections 327A.01 to 327A.07 are intended to be implied warranties imposing an affirmative obligation upon home improvement contractors,

and sections 327A.01 to 327A.07 do not require that written warranty instruments be created and conveyed to the owner.

HIST: 1981 c 119 s 11; 1997 c 7 art 1 s 126

471.59 Joint exercise of powers.

Subdivision 1. Agreement. Two or more governmental units, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised. The agreement may provide for the exercise of such powers by one or more of the participating governmental units on behalf of the other participating units. The term "governmental unit" as used in this section includes every city, county, town, school district, other political subdivision of this or another state, another state, the University of Minnesota, and any agency of the state of Minnesota or the United States, and includes any instrumentality of a governmental unit. For the purpose of this section, an instrumentality of a governmental unit means an instrumentality having independent policy making and appropriating authority.

Subd. 2. Agreement to state purpose. Such agreement shall state the purpose of the agreement or the power to be exercised and it shall provide for the method by which the purpose sought shall be accomplished or the manner in which the power shall be exercised. When the agreement provides for use of a joint board, the board shall be representative of the parties to the agreement. A joint board that is formed for educational purposes may conduct public meetings via interactive television if the board complies with chapter 13D in each location where board members are present. Irrespective of the number, composition, terms, or qualifications of its members, such board is deemed to comply with statutory or charter provisions for a board for the exercise by any one of the parties of the power which is the subject of the agreement.

Subd. 3. Disbursement of funds. The parties to such agreement may provide for disbursements from public funds to carry out the purposes of the agreement. Funds may be paid to and disbursed by such agency as may be agreed upon, but the method of disbursement shall agree as far as practicable with the method provided by law for the disbursement of funds by the parties to the agreement. Contracts let and purchases made under the agreement shall conform to the requirements applicable to contracts and purchases of any one of the parties, as specified in the agreement. Strict accountability of all funds and report of all receipts and disbursements shall be provided for.

Subd. 4. Termination of agreement. Such agreement may be continued for a definite term or until rescinded or terminated in accordance with its terms.

Subd. 5. Shall provide for distribution of property. Such agreement shall provide for the disposition of any property acquired as the result of such joint or cooperative exercise of powers, and the return of any surplus moneys in proportion to contributions of the several contracting parties after the purpose of the agreement has been completed.

Subd. 6. Residence requirement. Residence requirements for holding office in any governmental unit shall not apply to any officer appointed to carry out any such agreement.

Subd. 7. Not to affect other acts. This section does not dispense with procedural requirements of any other act providing for the joint or cooperative exercise of any governmental power.

Subd. 8. Services performed by county, commonality of powers. Notwithstanding the provisions of subdivision 1 requiring commonality of powers between parties to any agreement the board of county commissioners of any county may by resolution enter into agreements with any other governmental unit as defined in subdivision 1 to perform on behalf of that unit any service or function which that unit would be authorized to provide for itself.

Subd. 9. Exercise of power. For the purposes of the development, coordination, presentation and evaluation of training programs for local government officials, governmental

units may exercise their powers under this section in conjunction with organizations representing governmental units and local government officials.

Subd. 10. Services performed by governmental units; commonality of powers. Notwithstanding the provisions of subdivision 1 requiring commonality of powers between parties to any agreement, the governing body of any governmental unit as defined in subdivision 1 may enter into agreements with any other governmental unit to perform on behalf of that unit any service or function which the governmental unit providing the service or function is authorized to provide for itself.

Subd. 11. Joint powers board. (a) Two or more governmental units, through action of their governing bodies, by adoption of a joint powers agreement that complies with the provisions of subdivisions 1 to 5, may establish a joint board to issue bonds or obligations under any law by which any of the governmental units establishing the joint board may independently issue bonds or obligations and may use the proceeds of the bonds or obligations to carry out the purposes of the law under which the bonds or obligations are issued. A joint board established under this section may issue obligations and other forms of indebtedness only in accordance with express authority granted by the action of the governing bodies of the governmental units that established the joint board. Except as provided in paragraphs (b) and (c), the joint board established under this subdivision must be composed solely of members of the governing bodies of the governmental unit that established the joint board. A joint board established under this subdivision may not pledge the full faith and credit or taxing power of any of the governmental units that established the joint board. The obligations or other forms of indebtedness must be obligations of the joint board issued on behalf of the governmental units creating the joint board. The obligations or other forms of indebtedness must be issued in the same manner and subject to the same conditions and limitations that would apply if the obligations were issued or indebtedness incurred by one of the governmental units that established the joint board, provided that any reference to a governmental unit in the statute, law, or charter provision authorizing the issuance of the bonds or the incurring of the indebtedness is considered a reference to the joint board.

(b) Notwithstanding paragraph (a), one school district, one county, and one public health entity, through action of their governing bodies, may establish a joint board to establish and govern a family services collaborative under section 124D.23. The school district, county, and public health entity may include other governmental entities at their discretion. The membership of a board established under this paragraph, in addition to members of the governing bodies of the participating governmental units, must include the representation required by section 124D.23, subdivision 1, paragraph (a), selected in accordance with section 124D.23, subdivision 1, paragraph (c).

(c) Notwithstanding paragraph (a), counties, school districts, and mental health entities, through action of their governing bodies, may establish a joint board to establish and govern a children's mental health collaborative under sections 245.491 to 245.496, or a collaborative established by the merger of a children's mental health collaborative and a family services collaborative under section 124D.23. The county, school district, and mental health entities may include other entities at their discretion. The membership of a board established under this paragraph, in addition to members of the governing bodies of the participating governmental units, must include the representation provided by section 245.493, subdivision 1.

Subd. 12. Joint exercise of police power. In the event that an agreement authorizes the exercise of peace officer or police powers by an officer appointed by one of the governmental units within the jurisdiction of the other governmental unit, an officer acting pursuant to that agreement has the full and complete authority of a peace officer as though appointed by both governmental units and licensed by the state of Minnesota, provided that:

(1) the peace officer has successfully completed professionally recognized peace officer preemployment education which the Minnesota board of peace officer standards and

training has found comparable to Minnesota peace officer preemployment education; and

(2) the officer is duly licensed or certified by the peace officer licensing or certification authority of the state in which the officer's appointing authority is located.

Subd. 13. Joint powers board for housing. (a) For purposes of implementing a federal court order or decree, two or more housing and redevelopment authorities, or public entities exercising the public housing powers of housing and redevelopment authorities, may by adoption of a joint powers agreement that complies with the provisions of subdivisions 1 to 5, establish a joint board for the purpose of acquiring an interest in, rehabilitating, constructing, owning, or managing low-rent public housing located in the metropolitan area, as defined in section 473.121, subdivision 2, and financed, in whole or in part, with federal financial assistance under Section 5 of the United States Housing Act of 1937. The joint board established pursuant to this subdivision shall:

(1) be composed of members designated by the governing bodies of the governmental units which established such joint board and possess such representative and voting power provided by the joint powers agreement;

(2) constitute a public body, corporate, and politic; and

(3) notwithstanding the provisions of subdivision 1, requiring commonality of powers between parties to a joint powers agreement, and solely for the purpose of acquiring an interest in, rehabilitating, constructing, owning, or managing federally financed low-rent public housing, shall possess all of the powers and duties contained in sections 469.001 to 469.047 and, if at least one participant is an economic development authority, sections 469.090 to 469.1081, except (i) as may be otherwise limited by the terms of the joint powers agreement; and (ii) a joint board shall not have the power to tax pursuant to section 469.033, subdivision 6, or 469.107, nor shall it exercise the power of eminent domain. Every joint powers agreement establishing a joint board shall specifically provide which and under what circumstances the powers granted herein may be exercised by that joint board.

(b) If a housing and redevelopment authority exists in a city which intends to participate in the creation of a joint board pursuant to paragraph (a), such housing and redevelopment authority shall be the governmental unit which enters into the joint powers agreement unless it determines not to do so, in which event the governmental entity which enters into the joint powers agreement may be any public entity of that city which exercises the low-rent public housing powers of a housing and redevelopment authority.

(c) A joint board shall not make any contract with the federal government for low-rent public housing, unless the governing body or bodies creating the participating authority in whose jurisdiction the housing is located has, by resolution, approved the provision of that low-rent public housing.

(d) This subdivision does not apply to any housing and redevelopment authority, or public entity exercising the powers of a housing and redevelopment authority, within the jurisdiction of a county housing and redevelopment authority which is actively carrying out a public housing program under Section 5 of the United States Housing Act of 1937. For purposes of this paragraph, a county housing and redevelopment authority is considered to be actively carrying out a public housing program under Section 5 of the United States Housing Act of 1937, if it (1) owns 200 or more public housing units constructed under Section 5 of the United States Housing Act of 1937, and (2) has applied for public housing development funds under Section 5 of the United States Housing Act of 1937, during the three years immediately preceding January 1, 1996.

(e) For purposes of sections 469.001 to 469.047, "city" means the city in which the housing units with respect to which the joint board was created are located and "governing body" or

"governing body creating the authority" means the council of such city.

HIST: 1943 c 557; 1949 c 448 s 1-3; 1961 c 662 s 1,2; 1965 c 744 s 1-3; 1973 c 123 art 5 s 7; 1973 c 541 s 1; 1975 c 134 s 1,2; 1980 c 532 s 2; 1982 c 507 s 27; 1983 c 342 art 8 s 15; 1984 c 495 s 1; 1986 c 465 art 2 s 15; 1990 c 572 s 14; 1991 c 44 s 3; 1996 c 412 art 3 s 35; 1996 c 464 art 1 s 1; 1996 c 471 art 3 s 39; 1997 c 203 art 5 s 24; 1998 c 397 art 11 s 3; 1999 c 214 art 2 s 17; 2001 c 7 s 78

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==471.465

471.465 Physically handicapped, building regulations; definitions.

Subdivision 1. Scope. For the purposes of sections 471.465 to 471.469, the terms defined in this section have the meanings given them.

Subd. 2. Buildings and facilities. "Buildings and facilities" means any and all buildings and facilities and the grounds appurtenant thereto within any city, township or other governmental subdivision of the state other than all farm dwellings and buildings and single and two family dwellings. However, on the date on which rules promulgated by the commissioner of administration regarding building requirements for handicapped persons shall become effective, "buildings and facilities" shall mean only those structures which must provide facilities for the handicapped pursuant to said rules.

Subd. 3. Physically handicapped. "Physically handicapped" means and includes sight disabilities, hearing disabilities, disabilities of incoordination, disabilities of aging, and any other disability that significantly reduces mobility, flexibility, coordination, or perceptiveness.

Subd. 4. Remodeling. "Remodeling" means deliberate reconstruction of an existing building or facility in whole or in part in order to bring it up to date to conform with present uses of the structure and to conform with rules and regulations on the upgrading of health and safety aspects of structures.

Subd. 5. Local authority. "Local authority" means the local authority having jurisdiction over local building construction.

HIST: 1971 c 466 s 1; Ex1971 c 48 s 36; 1974 c 360 s 1

==471.466

471.466 Administration and enforcement.

The duty and power to administer and enforce sections 471.465 to 471.469 is conferred upon and vested in the commissioner of administration and the local authority.

HIST: 1971 c 466 s 2; 1974 c 360 s 2

==471.467

471.467 Building requirements; conformity.

Subdivision 1. Date applicable. On the date on which rules promulgated by the commissioner of administration regarding building requirements for handicapped persons shall become effective, said rules shall exclusively govern the provision of facilities.

Subd. 2. No remodeling if solely for handicapped. Nothing in sections 471.465 to 471.469 shall be construed to require the remodeling of buildings solely to provide accessibility and usability to the physically handicapped when remodeling would not otherwise be undertaken.

Subd. 3. Applies to remodeled part. When any building or facility covered by sections 471.465 to 471.469 undergoes remodeling either in whole or in part, that portion of the building or facility remodeled shall conform to the requirements of sections 471.465 to 471.469.

HIST: 1971 c 466 s 3; 1974 c 360 s 3; 1985 c 248 s 70; 1987 c 384 art 2 s 99

==471.468

471.468 Building plans; approval; exceptions.

On site construction or remodeling shall not hereafter be commenced of any building or facility until the plans and specifications of the building or facility have been reviewed and approved by the local authority. The provisions of sections 471.465 to 471.469 are applicable only to contracts awarded subsequent to May 22, 1971. The local authority shall certify in writing that the review and approval under this section have occurred. The certification must be attached to the permit of record.

HIST: 1971 c 466 s 4; 1974 c 360 s 4; 1991 c 345 art 1 s 94

==471.469

471.469 Elevators in apartment buildings.

Nothing herein shall be construed to require elevators in apartment buildings.

HIST: 1971 c 466 s 5

13.44 Property data.

Subdivision 1. **Real property; complaint data.** The identities of individuals who register complaints with state agencies or political subdivisions concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data, pursuant to section [13.02](#), subdivision 3.

Subd. 2. **Real property; building code violations.** Code violation records pertaining to a particular parcel of real property and the buildings, improvements, and dwelling units located on it that are kept by any state, county, or city agency charged by the governing body of the appropriate political subdivision with the responsibility for enforcing a state, county, or city health, housing, building, fire prevention, or housing maintenance code are public data; except as otherwise provided by section [13.39](#), subdivision 2; 13.44; or [13.82](#), subdivision 7.

Subd. 3. **Real property; appraisal data.** (a) **Confidential or protected nonpublic data.** Estimated or appraised values of individual parcels of real property which are made by personnel of the state, its agencies and departments, or a political subdivision or by independent appraisers acting for the state, its agencies and departments, or a political subdivision for the purpose of selling or acquiring land through purchase or condemnation are classified as confidential data on individuals or protected nonpublic data.

(b) **Public data.** The data made confidential or protected nonpublic by the provisions of paragraph (a) shall become public upon the occurrence of any of the following:

- (1) the negotiating parties exchange appraisals;
- (2) the data are submitted to a court appointed condemnation commissioner;
- (3) the data are presented in court in condemnation proceedings; or
- (4) the negotiating parties enter into an agreement for the purchase and sale of the property.

HIST: 1980 c 603 s 20; 1981 c 311 s 39; 1982 c 545 s 5,21,24; 1983 c 143 s 1; 1984 c 436 s 18; 1987 c 351 s 12; 1995 c 259 art 1 s 14; 1999 c 227 s 5,22

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==299G.01

299G.01 Repealed, 1978 c 777 s 20

==299G.02

299G.02 Repealed, 1978 c 777 s 20

==299G.03

299G.03 Repealed, 1978 c 777 s 20

==299G.05

299G.05 Repealed, 1978 c 777 s 20

==299G.06

299G.06 Repealed, 1978 c 777 s 20

==299G.07

299G.07 Repealed, 1978 c 777 s 20

==299G.08

299G.08 Repealed, 1978 c 777 s 20

==299G.10

299G.10 Repealed, 1981 c 106 s 16

==299G.11

299G.11 Door or sidelight of public buildings.

If doors or side lights of a public building, whether privately or publicly owned, are constructed with clear glass, markings shall be placed on such clear glass or the clear glass shall be manufactured with markings. Sidelights are defined as the clear glass panels not less than 15 inches wide immediately adjacent to the door.

HIST: 1967 c 174 s 1

==299G.12

299G.12 Repealed, 1978 c 520 s 3

=299G.13

299G.13 Safety glazing; definitions.

Subdivision 1. Scope. As used in sections 299G.13 to 299G.18, the following words and phrases have the meaning here given them.

Subd. 2. Safety glazing material. "Safety glazing material" means any glazing material, such as tempered glass, laminated glass, wire glass or rigid plastic, which meets the test requirements of the American National Standards Institute Standard Z-97.1-1972, and which is so constructed, treated, or combined with other materials as to minimize the likelihood of cutting and piercing injuries resulting from human contact with the glazing material.

Subd. 3. Hazardous locations. "Hazardous locations" means those structural elements, glazed or to be glazed, in residential buildings and other structures used as dwellings, commercial buildings, industrial buildings, and public buildings, known as interior and exterior commercial entrance and exit doors, and the immediately adjacent operable and inoperable glazed panels, sliding glass door units including the fixed glazed panels which are part of such units, storm or combination doors, shower and bathtub enclosures, primary residential entrance and exit doors and the operable and inoperable adjacent sidelights, whether or not the glazing in such doors, panels and enclosures is transparent.

Subd. 4. Residential buildings. "Residential buildings" means buildings such as homes and apartments used as dwellings for one or more families or persons.

Subd. 5. Other structures used as dwellings. "Other structures used as dwellings" means buildings such as manufactured homes, manufactured or industrialized housing and lodging homes.

Subd. 6. Commercial buildings. "Commercial buildings" means buildings such as wholesale and retail stores and storerooms, and office buildings.

Subd. 7. Industrial buildings. "Industrial buildings" means buildings such as factories.

Subd. 8. Public buildings. "Public buildings" means buildings such as hotels, hospitals, motels, dormitories, sanitariums, nursing homes, theaters, stadiums, gymnasiums, amusement park buildings, schools and other buildings used for educational purposes, museums,

restaurants, bars, correctional institutions, places of worship and other buildings of public assembly.

Subd. 9. Commercial entrance and exit door. "Commercial entrance and exit door" means a hinged, pivoting, revolving or sliding door which is glazed or to be glazed and used alone or in combination with doors, other than those described in subdivision 11, on interior or exterior walls of a commercial, public or industrial building as a means of passage, ingress or egress.

Subd. 10. Operable and inoperable glazed panels immediately adjacent to entrance or exit doors. "Operable and inoperable glazed panels immediately adjacent to entrance or exit doors" means the flat glazed panels on either or both sides of interior or exterior doors, and within the same wallplane as the door, whose nearest vertical edge is within 12 inches of the door in a closed position and whose bottom edge is less than 60 inches above the floor or walking surface.

Subd. 11. Sliding glass door units. "Sliding glass door units" means an assembly of glazed or to be glazed panels contained in an overall frame, installed in residential buildings and other structures used as dwellings, commercial, industrial or public buildings, and so designed that one or more of the panels is movable in a horizontal direction to produce or close off an opening for use as a means of passage, ingress or egress.

Subd. 12. Storm or combination door. "Storm or combination door" means a door which is glazed or to be glazed, and used in tandem with a primary residential or commercial entrance and exit door to protect the primary residential or commercial entrance or exit door against weather elements and to improve indoor climate control.

Subd. 13. Shower enclosure. "Shower enclosure" or "bathtub enclosure" means a hinged, pivoting, or sliding door and fixed panels which are glazed or to be glazed and used to form a barrier between the shower stall or bathtub and the rest of the room area.

Subd. 14. Primary residential entrance and exit door. "Primary residential entrance and exit door" means a door, other than that described in subdivision 11, which is glazed or to be glazed and used in an exterior wall of a residential building and other structures used as dwellings, as a means of ingress or egress.

Subd. 15. Glazing. "Glazing" means the act of installing and securing glass or other glazing material into prepared openings in structural elements such as doors, enclosures, and panels.

Subd. 16. Glazed. "Glazed" means the accomplished act of glazing.

HIST: 1974 c 53 s 1; 1981 c 365 s 9; 1983 c 228 s 2,3

==299G.14

299G.14 Glazing material; labeling required.

Subdivision 1. Permanent labeling; identification; standard. Each lite of safety glazing material manufactured, distributed, imported, or sold for use in hazardous locations, or installed in such a location within this state shall be permanently labeled by such means as etching, sandblasting, firing of ceramic material, hot-die stamping, transparent pressure sensitive labels, or by other suitable means. The label shall identify the seller, manufacturer, fabricator, or installer, the nominal thickness and the type of safety glazing material, and the fact that said material meets the test requirements of the American National Standards Institute Standard Z-97.1-1972.

The label must be legible and visible after installation.

Subd. 2. Limited use. Such safety glazing labeling shall not be used on other than safety glazing materials.

HIST: 1974 c 53 s 2

==299G.15

299G.15 Safety glazing material required.

It shall be unlawful to knowingly install, cause to be installed or consent to the installation of glazing materials other than safety glazing materials in any hazardous location in this state.

HIST: 1974 c 53 s 3

==299G.16

299G.16 Employees not covered.

No liability shall be created under sections 299G.13 to 299G.15 as to workers who are employees of a material supplier, contractor, subcontractor, or other employer responsible for compliance with the provisions herein.

HIST: 1974 c 53 s 4; 1986 c 444

==299G.17

299G.17 Misdemeanor.

Whoever violates the provisions of sections 299G.13 to 299G.15 is guilty of a misdemeanor.

HIST: 1974 c 53 s 5

==299G.18

299G.18 Local ordinance superseded.

The provisions of sections 299G.13 to 299G.18 shall supersede any local, municipal or county ordinance or parts thereof relating to the subject matter hereof.

HIST: 1974 c 53 s 6

==299G.misc2002 Minn. Stats. repealed, etc. secs in chap 299G

299G.01 Repealed, 1978 c 777 s 20

299G.02 Repealed, 1978 c 777 s 20

299G.03 Repealed, 1978 c 777 s 20

299G.05 Repealed, 1978 c 777 s 20

299G.06 Repealed, 1978 c 777 s 20

299G.07 Repealed, 1978 c 777 s 20

299G.08 Repealed, 1978 c 777 s 20

299G.10 Repealed, 1981 c 106 s 16

299G.12 Repealed, 1978 c 520 s 3

=299F.362

299F.362 Smoke detector; installation; rules; penalty.

Subdivision 1. Definitions. For the purposes of this section, the following definitions shall apply:

(a) "Apartment house" is any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the building, and shall include buildings containing three or more flats or apartments.

(b) "Dwelling" is any building, or any portion thereof, which is not an apartment house, lodging house, or a hotel and which contains one or two "dwelling units" which are, or are intended or designed to be, occupied for living purposes.

(c) "Dwelling unit" is a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, or a single unit used by one or more persons for sleeping and sanitation pursuant to a work practice or labor agreement.

(d) "Hotel" is any building, or portion thereof, containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

(e) "Lodging house" is any building, or portion thereof, containing not more than five guest rooms which are used or are intended to be used for sleeping purposes by guests and where rent is paid in money, goods, labor, or otherwise.

Subd. 2. Rules, smoke detector location. The commissioner of public safety shall promulgate rules concerning the placement of smoke detectors in dwellings, apartment houses, hotels, and lodging houses. The rules shall take into account designs of the guest rooms or dwelling units.

Subd. 3. Smoke detector for any dwelling. Every dwelling unit within a dwelling shall be provided with a smoke detector meeting the requirements of Underwriters Laboratories, Inc., or approved by the International Conference of Building Officials. The detector shall be mounted in accordance with the rules regarding smoke detector location promulgated under the provisions of subdivision 2. When actuated, the detector shall provide an alarm in the dwelling unit.

Subd. 3a. Smoke detector for new dwelling. In construction of a new dwelling, each smoke detector must be attached to a centralized power source.

Subd. 4. Smoke detector for apartment, lodging house, or hotel. Every dwelling unit within an apartment house and every guest room in a lodging house or hotel used for sleeping purposes shall be provided with a smoke detector conforming to the requirements of Underwriters Laboratories, Inc., or approved by the International Conference of Building Officials. In dwelling units, detectors shall be mounted in accordance with the rules regarding smoke detector location promulgated under the provisions of subdivision 2. When actuated, the detector shall provide an alarm in the dwelling unit or guest room.

Subd. 5. Maintenance responsibilities. For all occupancies covered by this section where the occupant is not the owner of the dwelling unit or the guest room, the owner is responsible for

maintenance of the smoke detectors. An owner may file inspection and maintenance reports with the local fire marshal for establishing evidence of inspection and maintenance of smoke detectors.

Subd. 5a. Inform owner; no added liability. The occupant of a dwelling unit must inform the owner of the dwelling unit of a nonfunctioning smoke detector within 24 hours of discovering that the smoke detector in the dwelling unit is not functioning. If the occupant fails to inform the owner under this subdivision, the occupant's liability for damages is not greater than it otherwise would be.

Subd. 6. Penalties. (a) Any person who violates any provision of this section shall be subject to the same penalty and the enforcement mechanism that is provided for violation of the Uniform Fire Code, as specified in section 299F.011, subdivision 6.

(b) An occupant who willfully disables a smoke detector or causes it to be nonfunctioning, resulting in damage or injury to persons or property, is guilty of a misdemeanor.

Subd. 7. Local government preempted. This section prohibits a local unit of government from adopting standards different from those provided in this section.

Subd. 8. Repealed, 1991 c 199 art 1 s 67

Subd. 9. Local government ordinance; installation in single-family residence. Notwithstanding subdivision 7, or other law, a local governing body may adopt, by ordinance, rules for the installation of a smoke detector in single-family homes in the city that are more restrictive than the standards provided by this section. Rules adopted pursuant to this subdivision may be enforced through a truth-in-housing inspection.

Subd. 10. MS 1988 Repealed, 1989 c 322 s 5

Subd. 10. Public fire safety educator. The position of Minnesota public fire safety educator is established in the department of public safety.

Subd. 11. Insurance claim. No insurer shall deny a claim for loss or damage by fire for failure of a person to comply with this section.

HIST: 1977 c 333 s 2; 1978 c 777 s 7; 1987 c 122 s 1; 1987 c 201 s 4-6; 1989 c 322 s 1-5,7; 1991 c 233 s 110; 1993 c 329 s 1,2

==471.62

471.62 Statutes or rules may be adopted by reference.

Any city or town, however organized, may incorporate in an ordinance by reference any statute of Minnesota, any administrative rule of any department of the state of Minnesota affecting the municipality, or any code. Any such municipality situated wholly or partly within 20 miles of the limits of a city of the first class may similarly adopt by reference any ordinance of such first class city or of any contiguous first class city regulating the construction, alteration, improvement, repair, or maintenance of buildings or the installation of equipment therein. All requirements of statutes and charters for the publication or posting of ordinances shall be satisfied in such case if the ordinance incorporating the statute, rule, ordinance or code is published or posted in the required manner and if, prior to such posting or publication, at least one copy of the ordinance or code is marked as the official copy and filed for use and examination by the public in the office of the municipal clerk or recorder. Provisions of the statute, rule, ordinance or code thus incorporated in such ordinance by reference shall be as much a part of the ordinance as if they had been set out in full therein. The clerk or recorder of the municipality shall furnish a copy of any such ordinance thus incorporated by reference at cost to any person upon request. This section does not authorize any municipality to adopt ordinances on any subject on which it does not have power by statute or charter to legislate. The term "code" as used herein means any compilation of regulations or standards or part thereof prepared by any governmental agency, including regional and county planning agencies or any trade or professional association for general distribution in printed form as a standard or model on the subject of building construction, plumbing, electric wiring, inflammable liquids, sanitary provisions, planning, zoning, subdivision, housing, public health, safety, or welfare.

HIST: 1945 c 200 s 1; 1957 c 220 s 1; 1967 c 489 s 1; 1969 c 850 s 5; 1971 c 25 s 82; 1973 c 123 art 5 s 7; 1985 c 248 s 70

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==16B.665

16B.665 Permit fee limitation on minor residential improvements.

A municipality as defined in section [16B.60](#), subdivision 3, or a town may not charge a permit fee that exceeds \$15 or 5 percent of the cost of the improvement, installation, or replacement, whichever is greater, for the improvement, installation, or replacement of a residential fixture or appliance that:

- (1) does not require modification to electric or gas service;
- (2) has a total cost of \$500 or less, excluding the cost of the fixture or appliance; and
- (3) is improved, installed, or replaced by the home owner or a licensed contractor.

HIST: 2001 c 207 s 5

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==394.25

394.25 Forms of control.

Subdivision 1. **Adopted by ordinance.** Official controls shall be adopted by ordinance and may include but are not limited to the features set forth in this section.

Subd. 2. **Districts set by zoning ordinances.** Zoning ordinances establishing districts within which the use of land or the use of water or the surface of water pursuant to section [86B.205](#) for agriculture, forestry, recreation, residence, industry, trade, soil conservation, water supply conservation, surface water drainage and removal, conservation of shorelands, as defined in sections [103F.201](#) to [103F.221](#), and additional uses of land and of the surface of water pursuant to section [86B.205](#), may be by official controls encouraged, regulated, or prohibited and for such purpose the board may divide the county into districts of such number, shape, and area as may be deemed best suited to carry out the comprehensive plan. Official controls may also be applied to wetlands preservation, open space, parks, sewage disposal, protection of groundwater, protection of floodplains as defined in section [103F.111](#), protection of wild, scenic, or recreational rivers as defined in sections [103F.311](#) and [103F.315](#), protection of slope, soils, unconsolidated materials or bedrock from potentially damaging development, preservation of forests, woodlands and essential wildlife habitat, reclamation of nonmetallic mining lands; protection and encouragement of access to direct sunlight for solar energy systems as defined in section [216C.06](#), subdivision 17; and the preservation of agricultural lands. Official controls may include provisions for purchase of development rights by the board in the form of conservation easements under chapter 84C in areas where preservation is considered by the board to be desirable, and the transfer of development rights from those areas to areas the board considers more desirable for development.

Subd. 3. **In district zoning, maps.** Within each such district zoning ordinances or maps may also be adopted designating or limiting the location, height, width, bulk, type of foundation, number of stories, size of, and the specific uses for which dwellings, buildings, and structures may be erected or altered; the minimum and maximum size of yards, courts, or other open spaces; setback from existing roads and highways and roads and highways designated on an official map; protective measures necessary to protect the public interest including but not limited to controls relating to appearance, signs, lighting, hours of operation and other aesthetic performance characteristics including but not limited to noise, heat, glare, vibrations and smoke; the area required to provide for off street loading and parking facilities; heights of trees and structures near airports; and to avoid too great concentration or scattering of the population. All

such provisions shall be uniform for each class of land or building throughout each district, but the provisions in one district may differ from those in other districts. No provision may prohibit earth sheltered construction as defined in section [216C.06](#), subdivision 14, or manufactured homes built in conformance with sections [327.31](#) to [327.35](#) that comply with all other zoning ordinances promulgated pursuant to this section.

Subd. 3a. **Pre-1995 manufactured home park.** A county must not enact, amend, or enforce a zoning ordinance that has the effect of altering the existing density, lot-size requirements, or manufactured home setback requirements in any manufactured home park constructed before January 1, 1995, if the manufactured home park, when constructed, complied with the then existing density, lot-size and setback requirements.

Subd. 3b. **Conditional uses.** A manufactured home park, as defined in section [327.14](#), subdivision 3, is a conditional use in a zoning district that allows the construction or placement of a building used or intended to be used by two or more families.

Subd. 3c. **Feedlot zoning ordinances.** (a) A county proposing to adopt a new feedlot ordinance or amend an existing feedlot ordinance must notify the pollution control agency and commissioner of agriculture at the beginning of the process.

(b) Prior to final approval of a feedlot ordinance, a county board may submit a copy of the proposed ordinance to the pollution control agency and to the commissioner of agriculture and request review, comment, and preparation of a report on the environmental and agricultural effects from specific provisions in the ordinance.

(c) The report may include:

(1) any recommendations for improvements in the ordinance; and

(2) the legal, social, economic, or scientific justification for each recommendation under clause (1).

(d) A local ordinance that contains a setback for new feedlots from existing residences must also provide for a new residence setback from existing feedlots located in areas zoned agricultural at the same distances and conditions specified in the setback for new feedlots, unless the new residence is built to replace an existing residence. A county may grant a variance from this requirement under section [394.27](#), subdivision 7.

Subd. 4. **Official maps.** Official maps as defined in section [394.22](#), subdivision 12.

Subd. 5. Repealed, 1974 c 571 s 51

Subd. 5a. **Metro counties; special areas.** In counties in the metropolitan area as defined in section [473.121](#), official maps may for a period of up to five years designate the boundaries of areas reserved for purposes of soil conservation, water supply conservation, flood control and surface water drainage and removal.

Subd. 6. Repealed, 1974 c 571 s 51

Subd. 7. **Specific controls; other subjects.** Specific controls pertaining to other subjects incorporated in the comprehensive plan or establishing standards and procedures to be employed in land development including, but not limited to, subdividing of land and the approval of land plats and the preservation and dedication of streets and land for other public purposes and the general design of physical improvement.

Subd. 8. **Law adopted by reference.** Any statute of Minnesota, any administrative rule of any department of the state of Minnesota affecting the county, or any code, adopted by reference as part of the official control. The term "code" as used herein means any compilation of rules or standards or part thereof prepared by any governmental agency or any trade or professional association for general distribution in printed form as a standard or model on the subject of building construction, plumbing, electric wiring, inflammable liquids, sanitary provisions, public health, safety, or welfare. Prior to adoption at least one copy of the statute, rule, ordinance or code shall be marked as official copies and filed for use and examination by the public in the office of the county auditor. Provisions of the statute, rule, ordinance or code thus incorporated in such ordinance by reference shall be as much a part of the ordinance as if they had been set out in full therein.

Subd. 9. **Erosion and sediment controls.** Erosion and sediment controls with regard to clearing, grading, excavation, transporting and filling of lands. Erosion and sediment controls may include, but need not be limited to requiring the development of plans before any land is disturbed. Plans for disturbing land may be submitted to the appropriate soil and water conservation district for comment and review.

Subd. 10. **Amendments.** An amendment to official controls may be initiated by the board, the planning commission, or by petition of affected property owners as defined in the official controls. An amendment not initiated by the planning commission shall be referred to the planning commission, if there is one, for study and report and may not be acted upon by the board until it has received the recommendation of the planning commission.

HIST: 1959 c 559 s 5; 1963 c 692 s 3; 1969 c 777 s 2; 1974 c 317 s 1; 1974 c 571 s 12-19; 1978 c 786 s 12; Ex1979 c 2 s 39; 1980 c 509 s 151; 1981 c 356 s 248; 1982 c 490 s 1; 1985 c 248 s 70; 1987 c 312 art 1 s 10 subd 1; 1990 c 391 art 8 s 44; 1994 c 473 s 2; 1995 c 186 s 119; 1997 c 200 art 4 s 4; 1997 c 216 s 135,136

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462.357 Procedure to effect plan: zoning.

Subdivision 1. **Authority for zoning.** For the purpose of promoting the public health, safety, morals, and general welfare, a municipality may by ordinance regulate on the earth's surface, in the air space above the surface, and in subsurface areas, the location, height, width, bulk, type of foundation, number of stories, size of buildings and other structures, the percentage of lot which may be occupied, the size of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, conservation of shorelands, as defined in sections [103F.201](#) to [103F.221](#), access to direct sunlight for solar energy systems as defined in section [216C.06](#), flood control or other purposes, and may establish standards and procedures regulating such uses. To accomplish these purposes, official controls may include provision for purchase of development rights by the governing body in the form of conservation easements under chapter 84C in areas where the governing body considers preservation desirable and the transfer of development rights from those areas to areas the governing body considers more appropriate for development. No regulation may prohibit earth sheltered construction as defined in section [216C.06](#), subdivision 14, relocated residential buildings, or manufactured homes built in conformance with sections [327.31](#) to [327.35](#) that comply with all other zoning ordinances promulgated pursuant to this section. The regulations may divide the surface, above surface, and subsurface areas of the municipality into districts or zones of suitable numbers, shape, and area. The regulations shall be uniform for each class or kind of buildings, structures, or land and for each class or kind of use throughout such district, but the regulations in one district may differ from those in other districts. The ordinance embodying these regulations shall be known as the zoning ordinance and shall consist of text and maps. A city may by ordinance extend the application of its zoning regulations to unincorporated territory located within two miles of its limits in any direction, but not in a county or town which has adopted zoning regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the zoning of land on its side of a line equidistant between the two noncontiguous municipalities unless a town or county in the affected area has adopted zoning regulations. Any city may thereafter enforce such regulations in the area to the same extent as if such property were situated within its corporate limits, until the county or town board adopts a comprehensive zoning regulation which includes the area.

Subd. 1a. **Certain zoning ordinances.** A municipality must not enact, amend, or enforce a zoning ordinance that has the effect of altering the existing density, lot-size requirements, or manufactured home setback requirements in any manufactured home park constructed before January 1, 1995, if the manufactured home park, when constructed, complied with the then existing density, lot-size and setback requirements.

Subd. 1b. **Conditional uses.** A manufactured home park, as defined in section [327.14](#), subdivision 3, is a conditional use in a zoning district that allows the construction or placement of a building used or intended to be used by two or more families.

Subd. 1c. **Amortization prohibited.** Except as otherwise provided in this subdivision, a municipality must not enact, amend, or enforce an ordinance providing for the elimination or termination of a use by amortization which use was lawful at the time of its inception. This subdivision does not apply to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.

Subd. 1d. **Nuisance.** Subdivision 1c does not prohibit a municipality from enforcing an ordinance providing for the prevention or abatement of nuisances, as defined in section [561.01](#), or eliminating a use determined to be a public nuisance, as defined in section [617.81](#), subdivision 2, paragraph (a), clauses (1) to (9), without payment of compensation.

Subd. 1e. **Nonconformities.** Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair or maintenance, but if the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. A municipality may by ordinance impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not prohibit a municipality from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.

Subd. 1f. **Substandard structures.** Notwithstanding subdivision 1e, Minnesota Rules, parts [6105.0351](#) to [6105.0550](#), may allow for the continuation and improvement of substandard structures, as defined in Minnesota Rules, part [6105.0354](#), subpart 30, in the Lower Saint Croix National Scenic Riverway.

Subd. 2. **General requirements.** (a) At any time after the adoption of a land use plan for the municipality, the planning agency, for the purpose of carrying out the policies and goals of the land use plan, may prepare a proposed zoning ordinance and submit it to the governing body with its recommendations for adoption.

(b) Subject to the requirements of subdivisions 3, 4, and 5, the governing body may adopt and amend a zoning ordinance by a majority vote of all its members. The adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds majority vote of all members of the governing body.

(c) The land use plan must provide guidelines for the timing and sequence of the adoption of official controls to ensure planned, orderly, and staged development and redevelopment consistent with the land use plan.

Subd. 3. **Public hearings.** No zoning ordinance or amendment thereto shall be adopted until a public hearing has been held thereon by the planning agency or by the governing body. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the municipality at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

Subd. 4. **Amendments.** An amendment to a zoning ordinance may be initiated by the governing body, the planning agency, or by petition of affected property owners as defined in the zoning ordinance. An amendment not initiated by the planning agency shall be referred to the planning agency, if there is one, for study and report and may not be acted upon by the governing body until it has received the recommendation of the planning agency on the proposed amendment or until 60 days have elapsed from the date of reference of the amendment without a report by the planning agency.

Subd. 5. **Amendment; certain cities of the first class.** The provisions of this subdivision apply to the adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial of a property located in a city of the first class, except a city of the first class in which a different process is provided through the operation of the city's home rule charter. In a city to which this subdivision applies, amendments to a zoning ordinance shall be made in conformance with this section but only after there shall have been filed in the office of the city clerk a written consent of the owners of two-thirds of the several descriptions of real estate situate within 100 feet of the total contiguous descriptions of real estate held by the same owner or any party purchasing any such contiguous property within one year preceding the request, and after the affirmative vote in favor thereof by a majority of the members of the governing body of any such city. The governing body of such city may, by a two-thirds vote of its members, after hearing, adopt a new zoning ordinance without such written consent whenever the planning commission or planning board of such city shall have made a survey of the whole area of the city or of an area of not less than 40 acres, within which the new ordinance or the amendments or alterations of the existing ordinance would take effect when adopted, and shall have considered whether the number of descriptions of real estate affected by such changes and alterations renders the obtaining of such written consent impractical, and such planning commission or planning board shall report in writing as to whether in its opinion the proposals of the governing body in any case are reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use, and shall have conducted a public hearing on such proposed ordinance, changes or alterations, of which hearing published notice shall have been given in a daily newspaper of general circulation at least once each week for three successive weeks prior to such hearing, which notice shall state the time, place and purpose of such hearing, and shall have reported to the governing body of the city its findings and recommendations in writing.

Subd. 6. **Appeals and adjustments.** Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to

the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. "Undue hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section [216C.06](#), subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not permitted under the ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

Subd. 6a. **Normal residential surroundings for handicapped.** It is the policy of this state that handicapped persons and children should not be excluded by municipal zoning ordinances or other land use regulations from the benefits of normal residential surroundings. For purposes of subdivisions 6a through 9, "person" has the meaning given in section [245A.02](#), subdivision 11.

Subd. 7. **Permitted single family use.** A state licensed residential facility or a housing with services establishment registered under chapter 144D serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts [9502.0315](#) to [9502.0445](#) to serve 14 or fewer children shall be considered a permitted single family residential use of property for the purposes of zoning, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

Subd. 8. **Permitted multifamily use.** Except as otherwise provided in subdivision 7 or in any town, municipal or county zoning regulation as authorized by this subdivision, a state licensed residential facility serving from 7 through 16 persons or a licensed day care facility serving from 13 through 16 persons shall be considered a permitted multifamily residential use of property for purposes of zoning. A township, municipal or county zoning authority may require a conditional

use or special use permit in order to assure proper maintenance and operation of a facility, provided that no conditions shall be imposed on the facility which are more restrictive than those imposed on other conditional uses or special uses of residential property in the same zones, unless the additional conditions are necessary to protect the health and safety of the residents of the residential facility. Nothing herein shall be construed to exclude or prohibit residential or day care facilities from single family zones if otherwise permitted by a local zoning regulation.

HIST: 1965 c 670 s 7; 1969 c 259 s 1; 1973 c 123 art 5 s 7; 1973 c 379 s 4; 1973 c 539 s 1; 1973 c 559 s 1,2; 1975 c 60 s 2; 1978 c 786 s 14,15; Ex1979 c 2 s 42,43; 1981 c 356 s 248; 1982 c 490 s 2; 1982 c 507 s 22; 1984 c 617 s 6-8; 1985 c 62 s 3; 1985 c 194 s 23; 1986 c 444; 1987 c 333 s 22; 1989 c 82 s 2; 1990 c 391 art 8 s 47; 1990 c 568 art 2 s 66,67; 1994 c 473 s 3; 1995 c 224 s 95; 1997 c 113 s 20; 1997 c 200 art 4 s 5; 1997 c 202 art 4 s 11; 1997 c 216 s 138; 1999 c 96 s 3,4; 1999 c 211 s 1; 2001 c 174 s 1; 2001 c 207 s 13,14; 2002 c 366 s 6

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MINNESOTA RULES, CHAPTER 1300

ADMINISTRATION OF THE STATE BUILDING CODE

1300.0010 ADMINISTRATION.

This chapter provides administrative provisions for all Minnesota State Building Code rule chapters identified in part 1300.0050. If specific administrative provisions are provided in a statute or rule chapter, the specific administrative provisions apply.

Chapter 1315 shall be administered according to chapter 3800, and the Minnesota Electrical Act, Minnesota Statutes, sections 326.01, and 326.241 to 326.248. Provisions of this chapter that do not conflict with the Minnesota Electrical Act also apply.

1300.0020 TITLE.

The chapters listed in part 1300.0050, including the standards they adopt by reference, are the Minnesota State Building Code and may be cited as or referred to as the "code."

1300.0030 PURPOSE AND APPLICATION.

Subpart 1. **Purpose.** The purpose of the code is to provide minimum standards to safeguard life and limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all structures and equipment specifically covered by the code in a jurisdiction that adopts and enforces the code.

The purpose of the code is not to create, establish, or designate a particular class or group of persons who will or should be especially protected or benefited by the terms of the code.

Subp. 2. **Application.**

A. The code applies statewide except as

provided in Minnesota Statutes, sections 16B.72 and 16B.73, and supersedes the building code of any municipality. The code does not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized by Minnesota Statutes, sections 103F.141, subdivision 8, and 326.244.

B. The codes and standards referenced in a rule chapter are considered part of the requirements of the code to the prescribed extent of each reference. If differences occur between provisions of the code and referenced codes and standards, the provisions of the code apply.

1300.0040 SCOPE.

The code applies to the construction, alteration, moving, demolition, repair, and use of any building, structure, or building service equipment in a municipality, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in the code, and hydraulic flood control structures. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with chapter 1309 and other applicable rules. Other buildings and structures and appurtenances connected or attached to them shall comply with chapter 1305 and other applicable rules.

If different provisions of the code specify different materials, methods of construction, or other requirements, the most restrictive provision governs. If there is a conflict between a general requirement and a specific requirement, the specific requirement applies.

If reference is made in the code to an appendix, the provisions in the appendix do

not apply unless specifically adopted by the code. Optional appendix chapters of the code identified in part 1300.0060 do not apply unless a municipality has specifically adopted them.

1300.0050 CHAPTERS OF MINNESOTA STATE BUILDING CODE.

The Minnesota State Building Code adopted under Minnesota Statutes, section 16B.61, subdivision 1, includes the following chapters:

- A. 1300, Minnesota Building Code Administration;
- B. 1301, Building Official Certification;
- C. 1302, State Building Code Construction Approvals;
- D. 1303, Special Provisions;
- E. 1305, Adoption of the International Building Code;
- F. 1307, Elevators and Related Devices;
- G. 1309, Adoption of the International Residential Code;
- H. 1311, Minnesota Conservation Code for Existing Buildings;
- I. 1315, Adoption of the National Electrical Code;
- J. 1325, Solar Energy Systems;
- K. 1330, Fallout Shelters;
- L. 1335, Floodproofing Regulations;
- M. 1341, Minnesota Accessibility Code;
- N. 1346, Minnesota Mechanical Code;
- O. 1350, Manufactured Homes;

- P. 1360, Prefabricated Structures;
- Q. 1361, Industrialized/Modular Buildings;
- R. 1370, Storm Shelters (Manufactured Home Parks);
- S. 4715, Minnesota Plumbing Code; and
- T. Minnesota Statutes 16B.617 (7670), 7672, 7674, 7676, and 7678, Minnesota Energy Code.

1300.0060 OPTIONAL ADMINISTRATION.

The following chapters of the code are not mandatory but may be adopted without change by a municipality which has adopted the code:

- A. chapter 1306, Special Fire Protection Systems;
- B. grading, appendix chapter K, 2002 Supplements to International Building Code; and
- C. chapter 1335, Floodproofing Regulations, parts 1335.0600 to 1335.1200.

1300.0070 DEFINITIONS.

Subpart 1. **Scope; incorporation by reference.** The definitions in this part apply to parts 1300.0010 to 1300.0250. For terms that are not defined through the methods authorized by this chapter, the Merriam-Webster Collegiate Dictionary, available at www.m-w.com, shall be considered as providing ordinarily accepted meanings. The dictionary is incorporated by reference, is subject to frequent change, and is available through the Minitex interlibrary loan system.

Subp. 2. **Administrative authority.**

"Administrative authority" means a municipality's governing body or its assigned administrative authority.

Subp. 3. **Adult day care center.** "Adult day care center" means a facility that provides adult day care to functionally impaired adults on a regular basis for periods of less than 24 hours a day in a setting other than a participant's home or the residence of the facility operator.

A. "Class E" means any building or portion of a building used for adult day care purposes, by more than five occupants, for those participants who are capable of taking appropriate action for self-preservation under emergency conditions as determined according to part 9555.9730, and must meet Group E occupancy requirements.

B. "Class I" means any building or portion of a building used for adult day care purposes, by more than five occupants, for those participants who are not capable of taking appropriate action for self-preservation under emergency conditions as determined according to part 9555.9730, and must meet Group I, Division 4 occupancy requirements.

Subp. 4. **Agricultural building.** "Agricultural building" means a building that meets the requirements of Minnesota Statutes, section 16B.60, subdivision 5.

Subp. 5. **Building official.** "Building official" means the municipal building code official certified under Minnesota Statutes, section 16B.65, subdivisions 2 and 3.

Subp. 6. **Building service equipment.** "Building service equipment" refers to the plumbing, mechanical, electrical, and elevator equipment, including piping, wiring, fixtures, and other accessories, that provides sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its

designated use and occupancy.

Subp. 7. **City.** "City" means a home rule charter or statutory city.

Subp. 8. **Code.** "Code" means the Minnesota State Building Code adopted under Minnesota Statutes, section 16B.61, subdivision 1, and includes the chapters identified in part 1300.0020.

Subp. 9. **Commissioner.** "Commissioner" means the commissioner of administration.

Subp. 10. **Designate.** "Designate" means the formal designation by a municipality's administrative authority of a certified building official accepting responsibility for code administration.

Subp. 11. **Family day care home.** "Family day care home" means a residence or portion of a residence licensed by the Department of Human Services under chapter 9502 for no more than ten children at one time of which no more than six are under school age, and must meet Group R, Division 3 occupancy requirements.

Subp. 12. **Group day care home.** "Group day care home" means any residence or portion of a residence licensed by the Department of Human Services under chapter 9502 for no more than 14 children at any one time, and must meet Group R, Division 3 occupancy requirements.

Subp. 13. **Mandatory terms.** "Mandatory terms" include "must" and "shall," which have the same meaning.

Subp. 14. **Manufactured home.** "Manufactured home" has the meaning given in Minnesota Statutes, section 327.31, subdivision 3, and for the purpose of determining occupancy separations, is considered a Group R, Division 3 occupancy.

Subp. 15. **Master plan.** "Master plan" is a

plan that has been reviewed for code compliance by the building official and stamped "Reviewed for Code Compliance."

Subp. 16. **Mayor and city council.** "Mayor" and "city council" mean governing body whenever they appear in the code.

Subp. 17. **Municipality.** "Municipality" means a city, county, or town; the University of Minnesota; or the state of Minnesota for public buildings and state licensed facilities.

Subp. 18. **Outpatient clinic.** "Outpatient clinic" means a building or part of a building used to provide, on an outpatient basis, surgical treatment requiring general anesthesia, kidney dialysis, or other treatment that would render patients incapable of unassisted self-preservation under emergency conditions. "Outpatient clinic" includes outpatient surgical centers, but does not include doctors' and dentists' offices or clinics for the practice of medicine or the delivery of primary care. Outpatient clinics must meet Group B occupancy requirements.

Subp. 19. **Performance-based design.** An engineering approach to design elements of a building based on agreed upon performance goals and objectives, engineering analysis, and quantitative assessment of alternatives against the design goals and objectives, using accepted engineering tools, methodologies, and performance criteria.

Subp. 20. **Recyclable materials.** "Recyclable materials" means materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastic, metals, automobile oil, and batteries. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.

Subp. 21. **Recycling.** "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the

destruction of recyclable materials in a manner that precludes further use.

Subp. 22. **Residential hospice facility.** "Residential hospice facility" means a facility located in a residential area that directly provides 24-hour residential and support services in a home-like setting for six to 12 persons who have been diagnosed as terminally ill with a probable life expectancy of under one year. A residential hospice facility must meet Group R-4 occupancy requirements.

Subp. 23. **Supervised living facility.** "Supervised living facility" means a facility in which there is provided supervision, lodging, meals, and according to the rules of the Minnesota Department of Human Services and the Minnesota Department of Health, counseling and developmental habilitative or rehabilitative services to persons who are mentally retarded, chemically dependent, adult mentally ill, or physically disabled.

A. "Class A-1 supervised living facility" means a supervised living facility for ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for six or fewer persons, and must meet Group R, Division 3 occupancy requirements.

B. "Class A-2 supervised living facility" means a supervised living facility for ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for seven to 16 persons, and must meet Group R, Division 4 occupancy requirements. Facilities with more than 16 persons must meet Group I-1 occupancy requirements.

C. "Class B-1 supervised living facility" means a supervised living facility for

ambulatory, nonambulatory, mobile, or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for six or fewer persons, and must meet Group R, Division 3 occupancy requirements.

D. "Class B-2 supervised living facility" means a supervised living facility for ambulatory, nonambulatory, mobile, or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for seven to 16 persons, and must meet Group R, Division 4 occupancy requirements.

E. "Class B-3 supervised living facility" means a supervised living facility for ambulatory, nonambulatory, mobile, or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for over 16 persons, and must meet Group I, Division 2 occupancy requirements.

Subp. 24. **State building official.** "State building official" means the person who, under the direction and supervision of the commissioner, administers the code.

Subp. 25. **State licensed facilities.** "State licensed facilities" means a building and its grounds that are licensed by the state as a hospital, nursing home, supervised living facility, free-standing outpatient surgical center, or correctional facility.

Subp. 26. **State-owned buildings.** "State-owned buildings" means buildings and structures financed in whole or in part by state funds that are under the exclusive jurisdiction and custodial control of one or more state department or agency.

1300.0080 CODE ADOPTION AND AMENDMENTS.

Under Minnesota Statutes, section 16B.61, the code is adopted and periodically updated to include current editions of national model codes in general use and existing statewide specialty codes and their amendments.

Under Minnesota Statutes, section 16B.64, subdivisions 5 and 6, amendments to the code may be proposed and initiated by any interested person. Proposed amendments must be submitted in writing on a form provided by the commissioner.

1300.0090 DEPARTMENT OF BUILDING SAFETY. 1300.0090 DEPARTMENT OF BUILDING SAFETY.

Subpart 1. **Creation of enforcement agency.** There is hereby established in the municipality a code enforcement agency and the official in charge is the designated building official. The agency is referred to in the code as the "Department of Building Safety."

Subp. 2. **Appointment.** The building official shall be designated by the municipality according to Minnesota Statutes, section 16B.65.

1300.0100 Repealed.

1300.0110 DUTIES AND POWERS OF BUILDING OFFICIAL.

Subpart 1. **General.** The building official shall enforce the code. The building official may render interpretations of the code and adopt policies and procedures in order to clarify its application. The interpretations, policies, and procedures shall be in conformance with the intent and purpose of the code. The policies and procedures shall

not have the effect of waiving requirements specifically provided for in the code.

Subp. 2. **Deputies.** According to the prescribed procedures of the municipality and with the concurrence of the appointing authority, the building official may designate a deputy building official and related technical officers, inspectors, plan examiners, and other employees. The employees have the powers delegated by the building official.

Subp. 3. **Applications and permits.** The building official shall receive applications, review construction documents, and issue permits for the erection, alteration, demolition, moving, and repair of buildings and structures, including all other equipment and systems regulated by the code. The building official shall inspect the premises for which the permits have been issued and enforce compliance with the code.

Subp. 4. **Notices and orders.** The building official shall issue all necessary notices or orders to ensure compliance with the code.

Subp. 5. **Inspections.** The building official shall make all of the required inspections or accept reports of inspection by approved agencies or individuals. Reports of inspections shall be documented on the job site inspection card and kept on file at the jurisdiction including type of inspection, date of inspection, identification of the responsible individual making the inspection, and comments regarding approval or disapproval of the inspection. The building official may engage expert opinion necessary to report upon unusual technical issues that arise.

Subp. 6. **Identification.** The building official and deputies shall carry proper identification when inspecting structures or premises in the performance of duties under the code.

Subp. 7. **Right of entry.** If it is necessary to make an inspection to enforce the code or

if the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition contrary to or in violation of the code that makes the structure or premises unsafe, dangerous, or hazardous, the building official or designee may enter the structure or premises at reasonable times to inspect or to perform the duties imposed by the code, provided that if the structure or premises is occupied, credentials must be presented to the occupant and entry requested.

If the structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

Subp. 8. **Department records.** The building official shall keep official records of applications received, plans, specifications, surveys, plot plans, plan reviews, permits and certificates issued, reports of inspections, and notices and orders issued. The records shall be retained in the official records for the period required for the retention of public records under Minnesota Statutes, section 138.17. Department records shall be maintained by the municipality and readily available for review according to Minnesota Statutes, section 13.37.

Subp. 9. **Liability.** The building official, member of the Board of Appeals, or employee charged with the enforcement of the code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by the code or other pertinent laws or ordinances, is not rendered personally liable and is relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties

and under the code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate is not liable for cost in any action, suit, or proceeding that is instituted in pursuance of the code.

Subp. 10. **Approved materials and equipment.** Materials, equipment, and devices approved by the building official shall be constructed and installed in the approved manner.

Subp. 11. **Used material and equipment.** The use of used materials that meet the requirements of the code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

Subp. 12. **Modifications.** If there are practical difficulties involved in carrying out the provisions of the code, the building official may grant modifications for individual cases, upon application by the owner or owner's representative, provided the building official finds that special individual reason makes the strict letter of the code impractical, the modification is in compliance with the intent and purpose of the code, and the modification does not lessen health, life, and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Department of Building Safety.

Subp. 13. **Alternative materials, design, and methods of construction and equipment.** The code is not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the code, provided that any alternative has been approved. An alternative material, design, or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the code, and that the material, method, or work offered is, for the

purpose intended, at least the equivalent of that prescribed in the code in quality, strength, effectiveness, fire resistance, durability, and safety. The details of any action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.

Subp. 14. **Performance-based fire and life safety design.** The code official may approve performance-based fire and life safety designs if the code official finds that the proposed design has been conducted by an approved method. Approved performance-based designs are evidence of compliance with the intent of the code. Approvals under this subpart are subject to the approval of the building code official whenever the design involves matters regulated by the building code.

A. Design goals, objectives, and performance criteria shall be approved by the code official before submission of a performance-based design report, calculations, or analysis results. As a minimum, an approved performance-based design shall address the following objectives:

- (1) life safety of occupants;
- (2) firefighter safety;
- (3) property protection;
- (4) continuity of operations; and
- (5) safeguarding of the environment.

B. To determine the acceptability of a performance-based design, the code official may require the owner or agent to provide, without charge to the jurisdiction, a technical opinion and report. The code official may require the technical opinion and report to be prepared by, and bear the stamp of, a licensed design professional.

C. Performance-based designs shall be

prepared by, and bear the stamp of, a licensed design professional competent in the area of work. The design professional shall provide written confirmation to the code official before a certificate of occupancy is issued that the performance-based design has been properly implemented, the operation or use of the building is within the limitations of the design, and adequate controls are in place to maintain compliance with the conditions of the design throughout the life of the building.

Subp. 15. **Tests.** If there is insufficient evidence of compliance with the code, or evidence that a material or method does not conform to the requirements of the code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the municipality. Test methods shall be as specified in the code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of the tests shall be retained by the building official.

1300.0120 PERMITS.

Subpart 1. **Required.** An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure; erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit.

Subp. 2. **Annual permit.** In lieu of an individual permit for each alteration to an already approved building or electrical, gas, mechanical, or plumbing installation, the building official may issue an annual permit

upon application for the permit to any person, firm, or corporation regularly employing one or more qualified trade persons in the building, structure, or on the premises owned or operated by the applicant for the permit.

Subp. 3. **Annual permit records.** The person to whom an annual permit is issued shall keep a detailed record of alterations made under the annual permit. The building official shall have access to the records at all times or the records shall be filed with the building official as designated.

Subp. 4. **Work exempt from permit.** Exemptions from permit requirements of the code do not authorize work to be done in any manner in violation of the code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

A. Building:

(1) one-story detached accessory structures, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15 mm²);

(2) fences not over six feet (1,829 mm) high;

(3) oil derricks;

(4) retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids;

(5) water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1;

(6) sidewalks and driveways that are not part of an accessible route;

(7) decks and platforms not more than 30 inches (762 mm) above adjacent grade and not attached to a structure with frost footings and which is not part of an accessible route;

(8) painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work;

(9) temporary motion picture, television, and theater stage sets and scenery;

(10) prefabricated swimming pools accessory to dwelling units constructed to the provisions of the International Residential Code or R-3 occupancies constructed to the provisions of the International Building Code, which are 24 inches (610 mm) or less in depth, do not exceed 5,000 gallons (19,000 L) and are installed entirely above ground;

(11) window awnings supported by an exterior wall of Group R-3, and Group U occupancies;

(12) movable cases, counters, and partitions not over five feet, nine inches (1,753 mm) in height; and

(13) agricultural buildings as defined in Minnesota Statutes, section 16B.60, subdivision 5.

Unless otherwise exempted, plumbing, electrical, and mechanical permits are required for subitems (1) to (13).

B. Gas:

(1) portable heating, cooking, or clothes drying appliances; and

(2) replacement of any minor part that does not alter approval of equipment or make the equipment unsafe.

C. Mechanical:

(1) portable heating appliances;

(2) portable ventilation appliances and equipment;

(3) portable cooling units;

(4) steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code;

(5) replacement of any part that does not alter approval of equipment or make the equipment unsafe;

(6) portable evaporative coolers; and

(7) self-contained refrigeration systems containing ten pounds (4.5 kg) or less of refrigerant or that are actuated by motors of one horsepower (0.75 kW) or less.

D. Plumbing: the clearing of stoppages, provided the work does not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

E. Electrical: an electrical permit is not required if work is inspected by the State Board of Electricity or is exempt from inspection under Minnesota Statutes, section 326.244. Obtaining a permit from the Board of Electricity does not exempt the work from other Minnesota State Building Code requirements relating to electrical equipment, its location, or its performance.

Subp. 5. Emergency repairs. If equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted to the building official within the next working business day.

Subp. 6. Repairs. Application or notice to the building official is not required for ordinary repairs to structures. The repairs shall not include the cutting away of any wall, partition, or portion of a wall or partition, the removal or cutting of any structural beam or

load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

Subp. 7. **Application for permit.** To obtain a permit, the applicant shall file an application in writing on a form furnished by the Department of Building Safety for that purpose. The application shall:

A. identify and describe the work to be covered by the permit for which application is made;

B. describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work;

C. indicate the use and occupancy for which the proposed work is intended;

D. indicate the type of construction;

E. be accompanied by construction documents and other information as required by the code;

F. state the valuation of the proposed work;

G. be signed by the applicant, or the applicant's authorized agent; and

H. give other data and information required by the building official.

Subp. 8. **Action on application.** 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 the construction documents do 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 the rejection. 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 a permit.

Subp. 9. **Time limitation of application.** An application for a permit for any proposed work shall be considered abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Subp. 10. **Validity of permit.** The issuance or granting of a permit or approval of plans, specifications, and computations, shall not be construed to be a permit for any violation of the code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the code or other ordinances of the jurisdiction are not valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official may also prevent occupancy or use of a structure that violates the code or any other ordinance of this jurisdiction.

Subp. 11. **Expiration.** Every permit issued shall become invalid unless the work authorized by the permit is commenced within 180 days after its issuance, or if the work authorized by the permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official may grant, in writing, one or

more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Subp. 12. **Suspension or revocation.** The building official may suspend or revoke a permit issued under the code if the permit is issued in error; on the basis of incorrect, inaccurate, or incomplete information; or in violation of any ordinance or regulation or the code.

Subp. 13. **Placement of permit.** The building permit or a copy shall be kept on the site of the work until the completion of the project.

Subp. 14. **Responsibility.** Every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical, or plumbing systems, for which the code is applicable, shall comply with the code.

1300.0130 CONSTRUCTION DOCUMENTS.

Subpart 1. **Submittal documents.** Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit.

Exception: The building official may waive the submission of construction documents and other data if the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with the code.

The building official may require plans or other data be prepared according to the rules of the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design, chapter 1800, and Minnesota Statutes, sections 326.02 to 326.15, and other state laws relating to plan and specification preparation by occupational licenses. If special conditions exist, the building official may require additional construction documents to be prepared by a licensed design professional.

Subp. 2. **Information on construction documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the code and relevant laws, ordinances, rules, and regulations, as determined by the building official.

Subp. 3. **Manufacturer's installation instructions.** When required by the building official, manufacturer's installation instructions for construction equipment and components regulated by the code, shall be available on the job site at the time of inspection.

Subp. 4. **Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan drawn to scale, showing the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades, and the proposed finished grades, and it shall be drawn according to an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official may waive or modify the requirement for a site plan if the application for permit is for alteration or repair or when otherwise warranted.

Subp. 5. **Examination of documents.** The building official shall examine or cause to be examined the accompanying construction documents to ascertain whether the construction indicated and described complies with the requirements of the code and other pertinent laws and ordinances.

Subp. 6. **Approval of construction documents.** If the building official issues a permit, the construction documents shall be approved in writing or by stamp, as "Reviewed for Code Compliance." One set of the construction documents that were reviewed shall be retained by the building official. The other set shall be returned to the applicant, kept at the site of the work, and open to inspection by the building official or an authorized representative.

Subp. 7. **Previous approvals.** The code in effect at the time of application shall be applicable.

Subp. 8. **Phased approval.** The building official may issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole

building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the code. The holder of the permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

Subp. 9. Design professional in responsible charge.

A. The building official may require the owner to engage and designate on the building permit application a licensed design professional who shall act as the licensed design professional in responsible charge. If the circumstances require, the owner shall designate a substitute licensed design professional in responsible charge who shall perform the duties required of the original licensed design professional in responsible charge. The building official shall be notified in writing by the owner if the licensed design professional in responsible charge is changed or is unable to continue to perform the duties.

The licensed design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

When structural observation is required by the code, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

B. For the purposes of this part, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official. The licensed design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Submittal documents for deferred submittal items shall be submitted to the licensed design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the building official.

C. Work regulated by the code shall be installed according to the reviewed construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

1300.0140 VIOLATIONS.

It is unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by the code, or cause any of those actions, in conflict with or in violation of the code. The building official may serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of the code, or in violation of a permit or certificate issued under the code. The order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

1300.0150 VIOLATIONS, PENALTY.

A violation of the code is a misdemeanor under Minnesota Statutes, section 16B.69.

1300.0160 FEES.

Subpart 1. **Schedule of permit fees.** The applicant for a permit for a building; structure; or electrical, gas, mechanical, or plumbing system or alterations requiring a permit shall pay the fee by the municipality.

Subp. 2. **Fees commensurate with service.** Fees established by the municipality must be by ordinance and must be fair, reasonable, and proportionate to the actual cost of the service for which the fee is imposed.

Subp. 3. **Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of all construction work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. Building permit valuation shall be set by the building official.

Exceptions: Building permit valuations for the following structures shall be based on the valuation of on-site work only:

A. manufactured homes containing a Housing and Urban Development (HUD) certification label;

B. prefabricated buildings with a Minnesota Building Codes and Standards Division prefabrication label; and

C. industrialized/modular buildings with an Industrialized Building Commission (IBC) label.

Subp. 4. **Building permit fees.** Building permit fees shall be based on valuation.

Exceptions:

A. one- and two-family dwelling maintenance permits for roofing, siding, windows, doors, or other minor projects may be charged a fixed fee;

B. permits for plumbing, mechanical, electrical, or other building service equipment systems may be based on valuation or charged a fixed fee; and

C. replacement of a residential fixture or appliance cannot exceed the permit fee limitation established by Minnesota Statutes, section 16B.665.

Subp. 5. **Plan review fees for similar plans.** When submittal documents for similar plans are approved under subpart 6, plan review fees shall not exceed 25 percent of the normal building permit fee established and charged by the jurisdiction for the same structure.

Subp. 6. **Plan review of similar plans.**

A. Any number of similar buildings may be built from a master plan if:

(1) plan review fees have been paid for the master plan;

(2) a code change has not occurred that impacts the design of a master plan;

(3) the similar building has the same physical dimensions and structural design as the master plan;

Exception: The following modifications to the master plan are not considered to be significant modifications, according to Minnesota Statutes, section 16B.61, subdivision 1, and are permitted for "U" occupancies, and dwelling units built to the International Residential Code, and residential occupancies built to the International Building Code that are three stories and less in height:

(a) foundation types to include walkout, lookout, and full basement;

(b) foundation materials to include poured concrete, masonry units, and wood;

(c) garage dimensions;

(d) roof design changed by a revised truss plan approved by the building official;

(e) bays or cantilevered floor areas;

(f) decks and porches; and

(g) other modifications approved by the building official;

(4) occupancy groups other than those identified in the exceptions listed in part 1300.0160, subpart 6, item A, subitem (3), must be the same type of construction and occupancy classification and must have the same exit system;

Exception: Minor changes to the exit access; and

(5) the similar plan is based on a master plan for which the municipality has issued a permit within the last 12 months.

B. Plan review fees for similar building plans must be based on the costs commensurate with the direct and indirect cost of the service, but must not exceed 25 percent of the normal building permit fee established and charged by the municipality for the same structure.

C. The plan review fee charged for similar building plans applies to all buildings regulated by the code regardless of occupancy classification including industrialized-modular buildings constructed under a program specified in Minnesota Statutes, section 16B.75.

D. The applicant must submit a new plan

set and other information as required by the building official for each building reviewed as a similar building.

Subp. 7. **Payment of fees.** A permit shall not be issued until the fees prescribed by the municipality have been paid.

Subp. 8. **Work commencing before permit issuance.** If work for which a permit is required by the code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for the work. An investigation fee established by the municipality shall be collected and is in addition to the required permit fees, but it may not exceed the permit fee.

Subp. 9. **Fee refunds.** The municipality shall establish a permit and plan review fee refund policy.

Subp. 10. **State surcharge fees.** All municipal permits issued for work under the code are subject to a surcharge fee. The fees are established by Minnesota Statutes, section 16B.70. Reports and remittances by municipalities must be filed with the commissioner, directed to the attention of the state building official.

Surcharge fees imposed by the state are in addition to municipal permit fees. Surcharge report forms and information may be obtained by writing the commissioner, to the attention of the state building official.

1300.0170 STOP WORK ORDER.

If the building official finds any work regulated by the code being performed in a manner contrary to the provisions of the code or in a dangerous or unsafe manner, the building official may issue a stop work order.

The stop work order shall be in writing and issued to the owner of the property involved, to the owner's agent, or to the person doing

the work. Upon issuance of a stop work order, the cited work shall immediately cease.

The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

1300.0180 UNSAFE BUILDINGS OR STRUCTURES.

A building or structure regulated by the code is unsafe, for purposes of this part, if it is structurally unsafe, not provided with adequate egress, a fire hazard, or otherwise dangerous to human life.

Building service equipment that is regulated by the code is unsafe, for purposes of this part, if it is a fire, electrical, or health hazard; an unsanitary condition; or otherwise dangerous to human life. Use of a building, structure, or building service equipment constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is, for the purposes of this part, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members that are supported by, attached to, or a part of a building and that are in deteriorated condition or otherwise unable to sustain the design loads that are specified in the code are unsafe building appendages.

The building official may order any building or portion of a building to be vacated if continued use is dangerous to life, health, or safety of the occupants. The order shall be in writing and state the reasons for the action.

All unsafe buildings, structures, or appendages are public nuisances and must be abated by repair, rehabilitation, demolition, or removal according to Minnesota Statutes, sections 463.15 to 463.26.

1300.0190 TEMPORARY STRUCTURES AND USES.

Subpart 1. **General.** The building official may issue a permit for temporary structures and temporary uses. The permit shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official may grant extensions for demonstrated cause.

Subp. 2. **Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of the code as necessary to ensure the public health, safety, and general welfare.

Subp. 3. **Termination of approval.** The building official may terminate the permit for a temporary structure or use and order the temporary structure or use to be discontinued if the conditions required in this part have not been complied with.

1300.0200 Repealed.

1300.0210 INSPECTIONS.

Subpart 1. **General.** Construction or work for which a permit is required is subject to inspection by the building official and the construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection is not approval of a violation of the code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of the code or of other ordinances of the jurisdiction are not valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction is liable for expense entailed in the removal or replacement of any material required to allow inspection.

Subp. 2. **Preliminary inspection.** Before issuing a permit, the building official may examine, or cause to be examined, buildings,

structures, and sites for which an application has been filed.

Subp. 3. **Inspection record card.** The building official shall identify which inspections are required for the work requiring a permit. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available an inspection record card that allows the building official to conveniently make all required entries regarding inspection of the work. This card shall be maintained and made available by the permit holder until final approval has been granted by the building official.

Subp. 4. **Inspection requests.** The building official shall provide the applicant with policies, procedures, and a timeline for requesting inspections. The person doing the work authorized by a permit shall notify the building official that the work is ready for inspection. The person requesting an inspection required by the code shall provide access to and means for inspection of the work.

Subp. 5. **Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed or notify the permit holder or an agent of the permit holder of any failures to comply with the code. Any portion that does not comply shall be corrected and the portion shall not be covered or concealed until authorized by the building official.

Subp. 6. **Required inspections.** The building official, upon notification, shall make the inspections in this part. In addition to the inspections identified in this subpart, see applicable rule chapters in part 1300.0050

for specific inspection and testing requirements.

A. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except that concrete need not be on the job if the concrete is ready mixed according to approved nationally recognized standards. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment. If the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

B. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories, and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

C. Rough-in inspection of plumbing, mechanical, gas, and electrical systems shall be made before covering or concealment, before fixtures or appliances are set or installed, and before framing inspection.

D. Framing inspections shall be made after the roof, all framing, fire blocking, and bracing are in place and all pipes, chimneys, and vents are complete and the rough electrical, plumbing, gas, heating wires, pipes, and ducts are approved.

E. Energy efficiency inspections shall be made to determine compliance with Minnesota Energy Code requirements.

F. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, are in place, but before

any plastering is applied or before gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistive assembly or a shear assembly.

G. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

H. Installation of manufactured homes (mobile homes) shall be made after the installation of the support systems and all utility service connections are in place, but before any covering material or skirting is in place. Evaluation of an approved anchoring system is part of the installation inspection.

I. Fireplaces must be inspected for compliance with applicable requirements of the code and the manufacturer's installation instructions.

J. A final inspection shall be made for all work for which a permit is issued.

K. Special inspections shall be as required by the code.

L. In addition to the inspections in items A to J, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the code and other laws that are enforced by the Department of Building Safety.

Subp. 7. **Inspection agencies.** The building official is authorized to accept inspection reports by approved agencies.

1300.0220 CERTIFICATE OF OCCUPANCY.

Subpart 1. **Use and occupancy.** No building or structure shall be used or occupied, and no change in the existing

occupancy classification of a building, structure, or portion of a building or structure shall be made until the building official has issued a certificate of occupancy for the building or structure under this part. Issuance of a certificate of occupancy is not approval of a violation of the code or other ordinances of the municipality. Certificates presuming to give authority to violate or cancel the code or other ordinances of the municipality are not valid.

Exception: A municipality has the option of requiring certificates of occupancy for Group U occupancies and manufactured homes.

Subp. 2. **Existing structures.** The legal occupancy of any structure existing on the date of adoption of the code shall be permitted to continue without change except as specifically required in chapter 1311.

Subp. 3. **Change in use.** Changes in the character or use of an existing structure shall not be made except as specified in chapter 1311.

Subp. 4. **Moved buildings.** Buildings or structures moved into a jurisdiction shall comply with the provisions of the code for new buildings or structures.

Exception: A residential building relocated within or into a municipality need not comply with the Minnesota Energy Code or Minnesota Statutes, section 326.371.

Subp. 5. **Certificate issued.** After the building official inspects a building or structure and finds no violations of the code or other laws that are enforced by the Department of Building Safety, the building official shall issue a certificate of occupancy containing the following:

- A. the building permit number;
- B. the address of the structure;

C. the name and address of the owner;

D. a statement that the described portion of the structure has been inspected for compliance with the requirements of the code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified;

E. the name of the building official;

F. the edition of the code under which the permit was issued;

G. the use and occupancy classification;

H. the type of construction;

I. if an automatic sprinkler system is provided; and

J. any special stipulations and conditions of the building permit.

Subp. 6. **Temporary occupancy.** The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that the portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

Subp. 7. **Revocation.** The building official may issue a written suspension or revocation of a certificate of occupancy issued under the code if the certificate is issued in error or on the basis of incorrect information supplied, or if the building or use of the building, structure, or portion of the building or structure is in violation of any ordinance or regulation or a provision of the code.

1300.0230 BOARD OF APPEALS.

Subpart 1. **Local board of appeals.** In order to hear and decide appeals of orders, decisions, or determinations made by the

building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be designated by the governing body. Appeals hearings for one- and two-family buildings requested up to the time of permit issuance must occur within 15 working days of the application for appeal. Appeals hearings for one- and two-family buildings requested from the time of permit issuance through the issuance of the certificate of occupancy must occur within ten working days of the application for appeal.

Appeals hearings for other buildings or structures requested up to the time of permit issuance must occur within 30 working days of the application for appeal. Appeals hearings for other buildings or structures requested from the time of permit issuance through the issuance of the certificate of occupancy must occur within 20 working days of the application for appeal. The board shall adopt rules of procedures for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official and to the state building official within 15 days of the decision. For jurisdictions without a board of appeals, the appellant may appeal to an appeals board assembled by the state of Minnesota, Department of Administration's Building Codes and Standards Division.

Subp. 2. **Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the affected jurisdiction.

Subp. 3. **Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been

incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

Subp. 4. **Final interpretive authority.** The state building official has final interpretive authority for all codes adopted as part of the code except for the plumbing code when enforced by the Commissioner of Health and the electrical code when enforced by the State Board of Electricity. A request for final interpretation must come from a local or state level building code board of appeals. The procedures for final interpretations by the state building official are as established in Minnesota Statutes, section 16B.63.

1300.0240 DISCLAIMER CLAUSE.

The inclusion of specific requirements relative to the manner of installation of any building or portion of any building or building equipment in one or more parts of the code does not limit this procedure to any particular type of installer or provide a basis upon which determination of the right to perform a procedure shall be made. The authority for this determination is in the various licensing statutes or ordinances for each type of installer who performs the work.

1300.0250 SEVERABILITY.

The invalidity of any provision of the Minnesota State Building Code does not affect any other provisions of the code that can be given effect without the invalid provision and, to this end, the provisions of the code are declared to be severable.

REPEALER. Minnesota Rules, parts
1300.2050; 1300.2100; 1300.2300;
1300.2400; 1300.2500; 1300.2600;
1300.2700; 1300.2800; 1300.2900;
1300.3000; 1300.3100; 1300.3900;
1300.4100; 1300.4300; 1300.4500;
1300.4700; 1300.4900; 1300.5100;

1300.5300; 1300.5500; 1300.5700;
1300.5900; 1300.6100; and 1300.6300, are
repealed.

MINNESOTA RULES, CHAPTER 1301

BUILDING OFFICIAL CERTIFICATION

BUILDING OFFICIAL CERTIFICATION

1301.0100 PURPOSE.

The purpose of parts 1301.0100 to 1301.0600 is to establish procedures for certification of building officials and prerequisites for persons applying to be certified.

STAT AUTH: MS s 16B.61
HIST: 15 SR 74

1301.0200 FORMS OF CERTIFICATION.

Subpart 1. **Certified building official.** This classification is granted to a person who has met the "certified building official" prerequisites of part 1301.0300 and successfully passed the written examination prepared by the state. A person with this certification may serve as the building official for any municipality.

Subp. 1a. **Repealed, 27 SR 1474**

Subp. 2. **Repealed, 19 SR 75**

Subp. 3. **Class I certification.** A Class I certification is identified as "Class I" on the certification card. This classification was granted to a person who met a prerequisite and passed a written examination. This classification restricts the holder to administering the code only for one- and two-family dwellings and their accessory structures. As of July 1, 1990, this class is no longer issued. Persons with this classification may continue to hold this classification by submitting evidence of fulfilling the

appropriate continuing education program established by part 1301.0900, item A.

Subp. 4. **Repealed, 19 SR 75**

Subp. 5. **Certified building official-limited.** This certification is identified as "certified building official-limited" on the certification card. This classification is granted to a person who has met the "certified building official-limited" prerequisites of part 1301.0300 and successfully passed the written examination prepared by the state. A person with this classification may perform code administration for one- and two-family dwellings, their accessory structures, and "exempt classes of buildings" as provided in part 1800.5000 of the Board of Architecture, Engineering, Land Surveying, and Landscape Architecture rules, as well as "facilities for the handicapped" provisions in chapter 1341 of the Minnesota State Building Code. Code administration for all other buildings must be performed by a certified building official as defined in subpart 1. However, the certified building official-limited may conduct inspections at the direction of a certified building official or the state building official.

Subp. 6. **Accessibility specialist.** This certification is identified as "accessibility specialist" on the certification card. This certification is granted to a person who has met the "accessibility specialist" prerequisites of part 1301.0300 and successfully passed the written examination prepared by the state. A person with this classification is limited to the administration of those provisions of the Minnesota State Building Code which provide access for persons with disabilities.

Use of this certification is restricted to municipalities that according to Minnesota Statutes, sections 16B.72 and 16B.73, do not administer the code. If a municipality adopts the Minnesota State Building Code, the responsibilities for code administration and enforcement are under the authority of the certified building official or the certified building official-limited.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64; 16B.65

HIST: 15 SR 74; 19 SR 75; 27 SR 1474

1301.0300 CERTIFICATION PREREQUISITES.

Prior to making application for certification as a certified building official, a person shall accumulate a minimum of 100 points from the categories in items A to C.

Prior to making application for certification as a certified building official-limited, a person shall accumulate a minimum of 30 points from categories in items A to C. Prior to taking the examination for certification as a certified building official-limited, a person shall attend a course specified by the state building official.

Prior to taking the examination for certification as an accessibility specialist, a person shall attend a course specified by the state building official.

A. Education: BIT refers to building inspection technology programs offered in the community college system. Points must be awarded as follows for successful completion of the programs or courses listed:

- (1) BIT AAS degree, 100 points;
- (2) BIT certificate, 60 points;
- (3) BIT code-related courses:

(a) field inspection, nonstructural plan review, building department administration, and building codes and standards, 20 points total for all four courses; zero points if any of the courses in this unit have not been successfully completed;

(b) upon successful completion of the courses named in unit (a), additional BIT building code courses, four points each up to a maximum accumulation of 40 points;

(4) postsecondary courses in building construction, building construction-oriented architecture or engineering, or public administration, one point each up to a maximum accumulation of 30 points;

(5) an associate's degree in building construction, building construction-oriented architecture or engineering, or public administration, 30 points;

(6) a bachelor's degree in building construction-oriented architecture or engineering, 60 points. If points are claimed in this category, additional points may not be claimed in subitem (4) or (5).

B. Certifications: Points must be awarded for certifications obtained as follows:

(1) Council of American Building Officials building officials examination:

- (a) legal and management module, 50 points;
- (b) technology module, 50 points;

(2) International Conference of Building Officials examination:

- (a) building inspector, 40 points;
- (b) plans examiner, 60 points;

(3) Minnesota Class I certification, 10 points;

(4) Minnesota certified building official-limited certification, 20 points.

C. Experience: Points shall be awarded for experience obtained as follows:

(1) municipal building code inspection or plan review experience under the supervision of a currently certified building official. Twenty points must be awarded for each 12-month period of employment, with a maximum accumulation of 80 points;

(2) experience in the design of buildings or in the construction of buildings with specific skilled participation in the construction of foundations, superstructures, or installation of the building's mechanical, plumbing, electrical, or fire suppression systems. Ten points must be awarded for each 12-month period of employment, with a maximum accumulation of 30 points.

D. Other education, certifications, and experience relating to the field of the construction industry that is not enumerated in items A to C must be given credit as determined by the state building official based on comparison with the prerequisites in items A to C.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64; 16B.65
HIST: 15 SR 74; 19 SR 75; 27 SR 1474

1301.0400 APPLICATION FOR CERTIFICATION.

A person seeking certification shall submit a completed application to the state building official on an application form provided by the commissioner, along with a nonrefundable \$70 fee payable to the state

treasurer. The state building official shall review applications for compliance with prerequisites in part 1301.0300. If the prerequisites are satisfied, the state building official shall schedule the applicant to take the applicable examination.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64; 16B.65
HIST: 15 SR 74; 19 SR 75; 27 SR 1474

1301.0500 EXAMINATION.

A. The commissioner shall prepare and administer examinations, consistent with Minnesota Statutes, section 16B.65, subdivision 3.

B. The applicant may schedule to take the examination two times for each application submitted. If the applicant fails the initial examination or fails to appear for the initial examination, the applicant shall wait a minimum of 30 calendar days after the mailing date of either the notification of the test results or the failure to appear before scheduling a second exam. If the applicant fails the examination a second time or fails to appear for a second scheduled examination, the applicant shall wait six months from the mailing date of the notification of the test results or the failure to appear. After six months, the applicant may submit a new application in accordance with part 1301.0400.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64; 16B.65
HIST: 15 SR 74; 27 SR 1474

1301.0600 EDUCATION AND TRAINING.

The commissioner shall provide educational programs designed to train and assist building officials in carrying out their responsibilities, according to Minnesota Statutes, section 16B.65, subdivision 3. Within limitations of

personnel and funds, the state building official may provide training programs for legislative bodies, administrative staff persons, design professionals, the construction industry, and the general public.

Information concerning available training programs may be obtained from the state building official by written, electronic mail, or telephone inquiry. Training program information is also available on the department's Web site.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64; 16B.65
HIST: 15 SR 74; 27 SR 1474

CONTINUING EDUCATION AND RECERTIFICATION

1301.0700 AUTHORITY AND PURPOSE.

Parts 1301.0700 to 1301.1200 establish the guidelines for building official certification maintenance under Minnesota Statutes, section 16B.65, subdivision 7.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64; 16B.65
HIST: 15 SR 74; 19 SR 75; 27 SR 1474

1301.0800 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1301.0700 to 1301.1200.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of administration.

Subp. 3. **Repealed, 27 SR 1474**

Subp. 4. **State building official.** "State building official" means the director of the Building Codes and Standards Division of the Department of Administration.

Subp. 5. **Repealed, 27 SR 1474**

STAT AUTH: MS s 16B.59; 16B.61; 16B.64; 16B.65
HIST: 15 SR 74; 27 SR 1474

1301.0900 CONTINUING EDUCATION UNITS REQUIRED.

This part establishes the number of continuing education units required within a three-year period to maintain certification.

A. A Class I certified building official must accumulate 18 continuing education units in any of the programs described in part 1301.1000, subpart 1 or 2.

B. A certified building official must accumulate 24 continuing education units in any of the programs described in part 1301.1000, subpart 1 or 2.

C. A certified building official-limited must, in each year for the first three-year certification period in which the certification is obtained, accumulate eight continuing education units in any of the programs described in part 1301.1000, subpart 1 or 2. Continuing education credit must be reported yearly for the first three-year certification period by the method described in part 1301.1100. A certified building official-limited must accumulate 24 continuing education units for every three-year period thereafter in any of the programs described in part 1301.1100, subpart 1 or 2.

D. An accessibility specialist must accumulate four continuing education units in any of the programs described in part 1301.1000, subpart 1 or 2. The four units must be for courses relating to building accessibility, plan review, field inspection, or building code administration.

STAT AUTH: MS s 16B.59; 16B.61;

16B.64; 16B.65

HIST: 15 SR 74; 19 SR 75; 27 SR 1474

1301.1000 CONTINUING EDUCATION CREDIT.

Subpart 1. **Approved education programs.** The following programs are approved for the number of continuing education units indicated:

A. Annual Building Official Institute of Minnesota, 2.5 units for each full day of attendance;

B. Minnesota State Building Codes and Standards Division seminars, 2.5 units for each full day of attendance;

C. International Conference of Building Officials seminars, 2.5 units for each full day of attendance;

D. International Conference of Building Officials annual education and code development conference, 2.5 units for each full day of attendance;

E. State Building Code development committee meetings, 0.42 unit for each hour of attendance;

F. State International Conference of Building Officials chapter meetings, one unit for each meeting with a minimum three-hour educational program;

G. regional building official meetings, one unit for each meeting with a minimum three-hour educational program;

H. area building official luncheon meetings, 0.25 unit for each meeting;

I. college building inspection technology and other related college courses, four units for each credit earned;

J. postsecondary training courses in construction, management, or supervision, one unit for every three hours of instruction received or related shop work completed;

K. certification in an International Conference of Building Officials certification program received after January 1, 1985, four units for each certificate;

L. certification as a certified building official by the Council of American Building Officials after January 1, 1985, six units;

M. teaching a course at the community college level in the building inspection technology program or teaching a course at a technical college, one unit for every four hours of instruction provided during a three-year reporting period; and

N. maintenance of an International Conference of Building Officials certification, one unit.

Subp. 1a. **Credit for repeated continuing education.** Credit must be awarded only once for each course taught or education program attended during a three-year cycle, despite the number of times the same course is taught or the same education program is attended.

Subp. 2. **Other continuing education.** Continuing education offered by other states, correspondence schools, universities, or other institutes of learning that offer building code administration and enforcement-related courses must be considered on an individual basis. Each building official must prearrange for unit approval with the state building official to receive credit. Units must be approved on the basis of comparison with the items in subpart 1. The state building official shall award 0.42 continuing education units for each hour of continuing education

rounded to the nearest full or half unit.

Subp. 3. **Mandatory continuing education.** The state building official shall require that specific courses be taken, if necessary, to insure continuing education in relevant code application, administration, or enforcement practices. The requirements may include training courses when new codes or legislative mandates are adopted.

Subp. 4. **Repealed, 27 SR 1474**

Subp. 5. **Review of continuing education.** All continuing education is subject to periodic review and evaluation by the commissioner or the commissioner's agent.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64; 16B.65

HIST: 15 SR 74; L 1989 c 246 s 2; 19 SR 75; 27 SR 1474

1301.1100 REQUIREMENTS FOR RECERTIFICATION.

Subpart 1. **Submission of information.** Each person certified under this chapter must provide evidence to the state building official on forms provided by the state building official of attendance or participation in an approved continuing education program and units earned.

The information must be submitted to the state building official before the last day of the third calendar year following the date of the last certification issued.

Subp. 2. **Certificate of renewal.** The commissioner shall issue a certificate of renewal, valid for three years, to each applicant who has provided evidence of required continuing education earned within the time indicated in subpart 1 and has submitted the \$20 renewal fee.

Subp. 3. **Extension of time for compliance.** The state building official may grant an extension of time to comply with parts 1301.0700 to 1301.1200 if the person requesting the extension of time shows cause for the extension. The request for the extension must be in writing. For purposes of this subpart, the building official's current certification effective dates shall remain the same. The extension does not relieve the building official from complying with the continuing education requirements for the next three-year period.

Subp. 4. **Reinstatement of certificate.** A building official whose certification has lapsed must be reinstated if:

A. the official provides proof of required continuing education units earned;

B. not more than three years have passed since the certification lapsed or since the official successfully took the test for certification as a building official; and

C. the appropriate fee is submitted with the application.

For purposes of this subpart, the building official's certification effective date shall change to the date when the reinstatement certificate is issued.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64; 16B.65

HIST: 15 SR 74; 19 SR 75; 27 SR 1474

1301.1200 Repealed, 27 SR 1474

1301.1201 CODE ADMINISTRATION OVERSIGHT COMMITTEE, GRADUATED SCHEDULE OF ADMINISTRATIVE ACTIONS AND PENALTIES

Subpart 1. **Definitions.** The definitions in

this subpart apply to this part.

A. "Certified building official" means a person classified as a certified building official in part 1301.0200.

B. "Level" means a set of actions, as established in the graduated schedule in subpart 5, that are grouped together in a graduated manner to reflect the culpability, frequency, and severity of the violator's actions. A first-level action is considered least severe whereas a third-level action is most severe in nature.

C. "Oversight committee" means the committee established under Minnesota Statutes, section 16B.65, subdivision 5.

Subp. 2. **Scope.** Minnesota Statutes, section 16B.65, subdivision 5, provides for the creation and membership of a code administration oversight committee. In accordance with Minnesota Statutes, section 16B.65, subdivision 5a, this part establishes a graduated schedule of administrative actions against certified building officials for violations of Minnesota Statutes, sections 16B.59 to 16B.75, and rules adopted under those sections.

Subp. 3. **Certified building official duties and responsibilities.** The duties and responsibilities of a certified building official for code administration are established in chapter 1300, and Minnesota Statutes, sections 16B.59 to 16B.75.

Subp. 4. **Oversight committee; purpose and duties.** In accordance with Minnesota Statutes, section 16B.65, subdivision 5, and for purposes of this part, the code administration oversight committee shall evaluate, mediate, and recommend to the commissioner any administrative action, penalty, suspension, or revocation with respect to complaints filed with or

information received by the commissioner alleging or indicating the unauthorized performance of official duties or unauthorized use of the title certified building official, or a violation of statute, rule, or order that the commissioner has issued or is empowered to enforce.

A. The oversight committee shall evaluate written complaints or information received by the commissioner regarding a certified building official by:

(1) obtaining evidence related to the allegations;

(2) examining the relevant and jurisdictional evidence; and

(3) determining if that evidence substantiates the allegations.

B. If the committee determines that the evidence does not substantiate the allegations, the committee shall recommend to the commissioner that the complaint be dismissed.

C. If the committee determines that the evidence substantiates the allegations, the committee shall mediate a resolution. In doing so, the committee shall consider the degree of responsibility, and the frequency and severity of the violator's actions.

D. The oversight committee shall recommend in writing to the commissioner a resolution based on the graduated schedule in subpart 5.

Subp. 5. **Graduated schedule.** Notwithstanding Minnesota Statutes, section 16B.65, subdivision 5b, one or more of the actions from one or more levels in this subpart may be imposed upon a certified building official for a failure to fulfill the duties and responsibilities of a certified building official.

A. First level: The commissioner may issue a letter to the certified building official outlining substantiated unacceptable actions and the corrective action that is expected of that building official in the future.

B. Second level:

(1) The commissioner may require the certified building official to attend and successfully complete one or more appropriate training courses or programs designed to address any substantiated unacceptable actions by the building official.

(2) The commissioner may limit the scope of work that can be performed by the certified building official for a prescribed period of time as determined by the committee. The limitations may include performing plan review or field inspection services only, performing residential or nonresidential duties only, or performing duties that include only specific inspections or specific components of plan review.

(3) The commissioner may impose conditions on the certified building official for a prescribed period of time as determined by the committee. The conditions may include mandatory supervision, monitoring, reporting, or minimizing or controlling public contact.

C. Third level:

(1) The commissioner may impose a prescribed term of probation on the certified building official as determined by the committee. The probationary period must include monitoring by a person approved in advance by the committee and may include remedial training and regular follow-up meetings. The monitor shall provide progress reports to the committee on a schedule set by the committee. Upon completion of the

probationary period, the monitor shall provide the committee with a final recommendation regarding the building official's fitness to perform duties in an unrestricted capacity or whether further action from the schedule is necessary.

(2) The commissioner may impose upon a certified building official's certification a permanent condition or limitation as established in subitems (2) and (3) of the second level in the graduated schedule.

(3) The commissioner may deny the certification or recertification of an applicant.

(4) The commissioner may suspend the certification of a certified building official for a prescribed period of time as determined by the committee.

(5) The commissioner may revoke the certification of a certified building official.

(6) The commissioner may impose an administrative penalty not exceeding \$700 for each separate violation upon the certified building official. The amount of the penalty imposed upon the building official may be fixed for each separate violation to match any economic advantage gained as a result of the official's actions.

Subp. 6. Notification of investigation. During the course of any investigation into complaints filed with or information received about a certified building official or an applicant as set forth in Minnesota Statutes, section 16B.65, subdivision 5, the person named in the complaint must be notified in writing of information received and that an investigation is being conducted into the matter. As part of the investigation, the committee shall provide the named person an opportunity to meet with the committee and respond to the allegations.

Subp. 7. **Providing false or incorrect information.** If a certified building official provides false or incorrect information to the committee or the committee's designees, the committee shall recommend additional actions to the commissioner from the schedule in subpart 5.

Subp. 8. **Municipal notification.** If the building official is designated in a municipality by its appointing authority, the commissioner shall notify the appointing authority of actions imposed upon the building official. Pursuant to Minnesota Statutes, section 13.41, subdivision 6, the commissioner must notify the appointing authority prior to final disciplinary action being imposed if the allegations constitute a clear and present danger under the statute.

Subp. 9. **Additional penalties.** In accordance with Minnesota Statutes, section 16B.65, these penalties may be in addition to any criminal or civil penalties imposed for the same violation.

Subp. 10. **Satisfaction of an action.** Upon completion by a certified building official of subpart 5, item B, subitem (1), (2), or (3); or item C, subitem (1) or (4), in the graduated schedule that have been imposed by the commissioner, the commissioner shall review the documentation evidencing the completion and if it is acceptable to the commissioner, issue a letter of satisfaction of the actions to the certified building official.

Subp. 11. **Appeal of commissioner's decision.** Any person who is aggrieved by a final decision of the commissioner is entitled to a review of that decision through a contested case proceeding under Minnesota Statutes, chapter 14. Pursuant to Minnesota Statutes, section 14.57, paragraph (a), the commissioner will issue an order making the report of the administrative law judge the final decision in the matter.

Subp. 12. **Appeal of contested case decision.** In accordance with Minnesota Statutes, section 14.63, any person aggrieved by a final decision in a contested case is entitled to judicial review of the decision under Minnesota Statutes, chapter 14.

Subp. 13. **Support to oversight committee.** The Department of Administration's Building Codes and Standards Division shall provide staff and administrative support to the committee.

REPEALER. Minnesota Rules, part 1301.1200, is repealed.

MINNESOTA RULES, CHAPTER 1302

CONSTRUCTION APPROVALS

1302.0100 TITLE.

This chapter shall be known as the "Construction Approval Rules."

STAT AUTH: MS s 16B.61

HIST: 15 SR 74; 19 SR 1735

1302.0200 PURPOSE.

The purpose of this chapter is to establish fees; establish procedures for the review of building plans, specifications, and related documents; and provide for code administration including plan review and inspection services for public buildings, state licensed facilities, and municipalities for which the commissioner undertakes code administration as authorized in Minnesota Statutes, section 16B.62, subdivision 2, to determine compliance with the code

STAT AUTH: MS s 16B.61

HIST: 15 SR 74; 19 SR 1735

1302.0300 [Repealed, 19 SR 1735]

1302.0400 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

Subp. 2. **Certification.** "Certification" means the certification and signature of the designing professional who has prepared the plans, specifications, and other documents in accordance with part 1800.4200.

Subp. 3. **Code.** "Code" has the meaning given in part 1300.2400, subpart 6.

Subp. 4. **Municipality.** "Municipality" has the meaning given in part 1300.2400, subpart 10.

Subp. 5. **Public building.** "Public

building" means:

A. a building and its grounds, the cost of which is paid for by the state or a state agency, regardless of its cost; and

B. a school district building project the cost of which is \$100,000 or more.

Subp. 6. **State building official.** "State building official" has the meaning given in part 1300.2400, subpart 11.

Subp. 7. **State licensed facility.** "State licensed facility" means a building and its grounds that are licensed by the state as a hospital, nursing home, supervised living facility, free-standing outpatient surgical center, or correctional facility.

STAT AUTH: MS s 16B.61

HIST: 15 SR 74; 19 SR 1735

1302.0500 RESPONSIBILITIES.

Subpart 1. **General.** In order to determine compliance with the code, the state building official shall:

A. provide for the review of building plans, specifications, and related documents for public buildings and state licensed facilities;

B. provide for the inspection of public buildings and state licensed facilities; and

C. provide for the administration and enforcement of the code in municipalities for which the state building official undertakes administration of the code as authorized by the commissioner in Minnesota Statutes, section 16B.62, subdivision 2.

Subp. 2. [Repealed, 19 SR 1735]

Subp. 3. [Repealed, 19 SR 1735]

STAT AUTH: MS s 16B.61

HIST: 15 SR 74; 19 SR 1735

1302.0600 FEES.

Subpart 1. **Building permits.** Fees for building permits submitted as required in part 1302.0500, subpart 1, must be paid as set forth in the following fee schedule or as adopted by a municipality.

A. The total valuation and fee schedule is:

- (1) \$1 to \$500, \$15;
- (2) \$501 to \$2,000, \$15 for the first \$500 plus \$2 for each additional \$100 or fraction thereof, to and including \$2,000;
- (3) \$2,001 to \$25,000, \$45 for the first \$2,000 plus \$9 for each additional \$1,000 or fraction thereof, to and including \$25,000;
- (4) \$25,001 to \$50,000, \$252 for the first \$25,000 plus \$6.50 for each additional \$1,000 or fraction thereof, to and including \$50,000;
- (5) \$50,001 to \$100,000, \$414.50 for the first \$50,000 plus \$4.50 for each additional \$1,000 or fraction thereof, to and including \$100,000;
- (6) \$100,001 to \$500,000, \$639.50 for the first \$100,000 plus \$3.50 for each additional \$1,000 or fraction thereof;
- (7) \$500,001 to \$1,000,000, \$2,039.50 for the first \$500,000 plus \$3 for each additional \$1,000 or fraction thereof, to and including \$1,000,000; and
- (8) \$1,000,001 and up, \$3,539.50 for the first \$1,000,000 plus \$2 for each additional \$1,000 or fraction thereof.

B. Other inspections and fees are:

- (1) inspections outside of normal business hours (minimum charge two hours), \$45 per hour¹;
- (2) reinspection fees, \$45 per hour¹;
- (3) inspections for which no fee is specifically indicated (minimum charge one-half hour), \$45 per hour¹; and

(4) additional plan review required by changes, additions, or revisions to approved plans (minimum charge one-half hour), \$45 per hour¹.

C. Footnote to item B: ¹Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost includes supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Subp. 2. **Plan review.** Fees for the review of building plans, specifications, and related documents submitted as required in part 1302.0500, subpart 1, must be paid based on 65 percent of the building permit fee required in subpart 1.

Subp. 3. **Surcharge.** Surcharge fees are required for permits issued on all buildings including public buildings and state licensed facilities as required by Minnesota Statutes, section 16B.70.

Subp. 4. **Distribution.** This subpart establishes the fee distribution between the state and municipalities contracting for plan review and/or inspection of public buildings and state licensed facilities.

A. If plan review and inspection services are provided by the state building official, all fees for those services must be remitted to the state.

B. If plan review services are provided by the state building official and inspection services are provided by a contracting municipality:

(1) the state shall charge 75 percent of the plan review fee required by the state's fee schedule in this part; and

(2) the municipality shall charge 25 percent of the plan review fee required by the municipality's adopted fee schedule, for orientation to the plans, in addition to the permit and other customary fees charged by the municipality.

C. If plan review and inspection services are provided by the contracting municipality, all fees for those services must be remitted to the municipality in accordance with their adopted fee schedule.

STAT AUTH: MS s 16B.61

HIST: 15 SR 74; 19 SR 1735

1302.0700 PLAN REVIEW.

Subpart 1. **Materials to be submitted.** When a municipality does not contract with the state for code administration and enforcement services on public buildings and state licensed facilities as referred to in part 1302.0850, plans, specifications, and related documents for new construction, additions, and remodeling must be submitted to the state building official.

Subp. 2. **Information to be included.** A person who must submit plans and specifications under this part shall include:

- A. two complete sets of drawings, specification books, and other relevant documents necessary to evidence code compliance, with appropriate certification on each sheet of the drawings and the title page of the specifications book;
- B. a completed plan review and construction authorization application form provided by the state building official;
- C. the appropriate fee established by part 1302.0600; and
- D. a reference to any optional chapters of the code as identified in part 1300.2900 adopted by the municipality and any optional appendix chapters of the Uniform Building Code as identified in part 1305.0020 adopted by the municipality.

Subp. 3. **State building official's duties.** The state building official or the official's agent shall review submittals and prepare written comments defining items not in

compliance with the code. The written comments must be mailed to the submitting designer with copies to the municipal building official, when applicable, and the owner, and a copy must be kept on file by the state building official. The submitting designer shall respond to the review comments of the state building official within 14 days, describing the methods of correcting the errors or omissions in compliance with the comments of the state building official or the official's agent.

Authorization for construction must be granted when compliance with the requirements of the code is documented.

STAT AUTH: MS s 16B.61

HIST: 15 SR 74; 19 SR 1735

1302.0800 [Repealed, 19 SR 1735]

1302.0850 CODE ADMINISTRATION BY COMMISSIONER.

The commissioner shall administer and enforce the code as a municipality with respect to public buildings and state licensed facilities as authorized in Minnesota Statutes, section 16B.61, subdivision 1a. This includes the issuance of building permits and performing plan review and inspection.

The state building official shall contract with a municipality for code administration and enforcement services for public buildings and state licensed facilities if the state building official determines that the contracting municipality has adequately trained and qualified personnel to provide services for the construction project.

STAT AUTH: MS s 16B.61

HIST: 19 SR 1735

1302.0900 [Repealed, 19 SR 1735]

**1302.0950 CODE ENFORCEMENT BY
STATE BUILDING OFFICIAL.**

In accordance with Minnesota Statutes, section 16B.62, subdivision 2, the state building official shall undertake the administration and enforcement of the code in municipalities where the commissioner determines the code is not being properly administered and enforced and in municipalities that determine not to administer and enforce the code when required by Minnesota Statutes, sections 16B.59 to 16B.75. The commissioner may also contract with other certified building officials to provide the required code administration and enforcement. Any cost to the state arising from the state administration and enforcement of the code shall be borne by the subject municipality.

STAT AUTH: MS s 16B.61

HIST: 19 SR 1735

MINNESOTA RULES, CHAPTER 1303

MINNESOTA PROVISIONS TO THE MINNESOTA STATE BUILDING CODE

1303.1000 TITLE.

This chapter shall be known as "Minnesota provisions."

1303.1100 PURPOSE.

This chapter contains requirements of the code that are mandated by Minnesota Statutes, are needed to address Minnesota's climatic conditions, or are otherwise determined necessary to provide a safe minimum level of construction in an area not appropriately regulated in the International Building Code or International Residential Code.

1303.1200 RESTROOM FACILITIES IN PUBLIC ACCOMMODATIONS.

Subpart 1. **Ratio.** In a place of public accommodation subject to this part, the ratio of water closets for women to the total of water closets and urinals provided for men must be at least three to two, unless there are two or fewer fixtures for men.

Subp. 2. **Application.** This part applies only to the construction of buildings or structures of public accommodation or where the cost of alterations to an existing place of public accommodation exceeds 50 percent of the estimated replacement value of the existing facility.

Subp. 3. **Definition.** For purposes of this part, "place of public accommodation" means a publicly or privately owned sports or entertainment arena, stadium, theater, community or convention hall, special event center, amusement facility, or special event center in a public park,

that is designed for occupancy by 200 or more people.

1303.1300 SPACE FOR COMMUTER VANS.

Every parking ramp or other parking facility must include spaces for the parking of motor vehicles having a capacity of seven to 16 persons. The number of required spaces must be determined by two percent of the gross designed parking area with a minimum of two spaces. The minimum vertical clearance to and within required spaces is 98 inches.

1303.1400 AUTOMATIC GARAGE DOOR OPENING SYSTEMS.

All automatic garage door opening systems that are installed, serviced, or repaired for garages serving residential buildings, must comply with the provisions of Minnesota Statutes, sections 325F.82 and 325F.83.

1303.1500 RECYCLING SPACE.

Subpart 1. **Requirement.** Space must be provided for the collection, separation, and temporary storage of recyclable materials within or adjacent to all new or significantly remodeled buildings or structures that contain 1,000 square feet or more.

Exception: Residential structures with fewer than four dwelling units.

Subp. 2. **Location.** Space designated for recycling shall be located so it is at least as convenient as the location where other solid waste is collected. If feasible, recycling space should be adjacent to other solid waste collection space. Recycling space must be

located and designed in accordance with the provisions of this code and ordinances of the jurisdiction.

Subp. 3. **Identification on plans.** Space designated for recycling must be identified on plans submitted for a building permit.

Subp. 4. **Minimum space.** Space designated for recycling must be sufficient to contain all the recyclable materials generated from the building. The minimum amount of recycling space required must be the number of square feet determined by multiplying the gross square feet of floor areas assigned to each use within a building as set forth in subpart 5, Table 1-A, times the corresponding factor.

Subp. 5. TABLE 1-A MINIMUM RECYCLING SPACE REQUIREMENTS.

	FACTOR
1. Aircraft hangers (no repair)	.001
2. Auction rooms	.0025
3 ² . Auditoriums, reviewing stands, stadiums, gymnasiums, public swimming pools, skating rinks	.001
4. Lodge rooms, conference rooms, lounges, stages, exhibit rooms	.0025
5. Dance floors, churches ³ and chapels, lobby	.001
6. Dining rooms	.003
7 ³ . Drinking establishments	.004
8 ³ . Bowling alleys (excluding lanes)	.0025
9 ³ . Children's homes and homes for the aged	.0025
10. Classrooms	.002
11. Courtrooms	.001
12. Dormitories	.0025
13. Exercise rooms	.001
14. Garages, parking	.001
15 ³ . Hospitals and sanitariums, nursing homes	.0025

	FACTOR
16 ³ . Hotels	.002
17. Apartments	.0025
18. Kitchens – commercial	.003
19 ³ . Libraries	.002
20. Locker rooms	.001
21. Malls	.0025
22. Manufacturing areas	.0025
23. Mechanical equipment rooms	.001
24 ³ . Nurseries for children (day care)	.002
25. Offices	.0025
26. School shops and vocational rooms	.0025
27. Storage and stock rooms	.0025
28. Warehouses	.001
29. All others	.0025

Footnotes:

¹ The area of a use must include all areas serving or accessory to a use (corridors, accessory use areas, etc.).

² Exclude playing areas, courts, fields, and like areas.

³ The factors for these uses are intended to include all incidental uses typical of these types of facilities.

If the provisions of Table 1-A are excessive due to a specific use, space for recycling may be considered individually by the administrative authority.

1303.1600 FOOTING DEPTH FOR FROST PROTECTION.

Subpart 1. **Minimum footing depth.** In the absence of a determination by an engineer competent in soil mechanics, the minimum allowable footing depth in feet due to freezing is five feet in Zone I and 3-1/2 feet in Zone II.

Zone I includes the counties of: Aitkin, Becker, Beltrami, Carlton, Cass, Clay, Clearwater, Cook, Crow Wing, Douglas, Grant, Hubbard, Itasca, Kanabec, Kittson, Koochiching, Lake, Lake of the Woods,

Mahnomen, Marshall, Mille Lacs, Morrison, Norman, Otter Tail, Pennington, Pine, Polk, Red Lake, Roseau, St. Louis, Todd, Traverse, Wadena, and Wilkin.

Zone II shall include the counties of: Anoka, Benton, Big Stone, Blue Earth, Brown, Carver, Chippewa, Chisago, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Jackson, Kandiyohi, Lac qui Parle, Le Sueur, Lincoln, Lyon, McLeod, Martin, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Pope, Ramsey, Redwood, Renville, Rice, Rock, Scott, Sibley, Sherburne, Stearns, Steele, Stevens, Swift, Wabasha, Waseca, Washington, Watonwan, Winona, Wright, and Yellow Medicine.

Less depths may be permitted when supporting evidence is presented by an engineer competent in soil mechanics.

Subp. 2. **Soil under slab on grade construction for buildings.** When soil, natural or fill, is sand or pit run sand and gravel, and of depth in accordance with minimum footing depth requirements for each zone, slab on grade construction which is structurally designed to support all applied loads is permitted. Sand must contain less than 70 percent material that will pass through a U.S. Standard No. 40 sieve and less than five percent material that will pass through a No. 200 sieve (five percent fines), or be approved by an engineer competent in soil mechanics. Footings for interior bearing walls or columns may be constructed to be integral with the slab on grade for any height building. Footings for exterior bearing walls or columns may be similarly constructed for any height building when supporting soil is as described in this subpart. Footing design must reflect eccentric loading conditions at slab edges, soil bearing capacity, and the requirements of International Building Code, chapter 19. Slab on grade construction for detached buildings of Group U occupancies may be placed on any soil except peat or muck.

1303.1700 GROUND SNOW LOAD.

The ground snow load, P_g , to be used in determining the design snow loads for buildings and other structures shall be 60 pounds per square foot in the following counties: Aitkin, Becker, Beltrami, Carlton, Cass, Clay, Clearwater, Cook, Crow Wing, Hubbard, Itasca, Kanabec, Kittson, Koochiching, Lake, Lake of the Woods, Mahnomen, Marshall, Mille Lacs, Morrison, Norman, Otter Tail, Pennington, Pine, Polk, Red Lake, Roseau, St. Louis, Todd, and Wadena. The ground snow load, P_g , to be used in determining the design snow loads for buildings and other structures shall be 50 pounds per square foot in all other counties.

1303.1800 RADIAL ICE ON TOWERS.

The effect of one-half inch of radial ice must be included in the design of towers including all supporting guys. This effect must include the weight of the ice and the increased profile of each such tower component so coated.

1303.1900 CONVENTIONAL FOUNDATION CONSTRUCTION.

Subpart 1. **Conventional foundation construction.** The provisions in this part may be used for the design and construction of conventional foundations serving Group R, Division 3, and Group U occupancies subject to the approval of the building official. Other methods may be used provided a satisfactory design is submitted showing compliance with the other provisions of this code.

TABLE 2-A

Foundation wall reinforcement requirements of 12-inch thick hollow unit masonry or eight-inch thick cast-in-place (CIP) concrete.

	Size of vertical reinforcing boars required when foundation wall is constructed in soil groups I and II of Table 2-B	
	<i>Group I Soil</i>	<i>Group II Soil</i>
5 feet	No. 4 bars	No. 4 bars
6 feet	No. 4 bars	No. 5 bars
7 feet	No. 4 bars	No. 5 bars
8 feet	No. 5 bars	No. 6 bars

Notes:

1. All reinforcing is to be installed vertically a maximum of six feet on center. Vertical reinforcing bars must be placed three inches clear maximum from the inside nonpressure face of masonry walls and 1-1/2 inches clear maximum from the inside face of the CIP walls.

2. Reinforcing may be omitted in wall sections ten feet or less in length that are bounded by wall corners or by wall offsets or returns at least two feet in depth.

3. Reinforced cells of hollow unit masonry must be filled solid with grout having a specified compressive strength at 28 days of 2,000 psi. Reinforcing steel must be ASTM A615 grade 40 or grade 60.

4. Hollow masonry units must be ASTM C-90 (average unit strength = 1,900 psi) and be installed in a running bond pattern with Type M or Type S mortar.

5. Cast-in-place concrete must have a 28-day minimum strength of 3,000 psi.

6. Anchor bolts must be installed to align with

vertical reinforcing in addition to the locations and in the manner specified in International Building Code, Section 2308.6 or International Residential Code, Section R403.1.6.

7. If foundation walls are parallel to floor framing, solid blocking or diagonal bracing must be installed at the anchor bolt locations in the first two joist or truss spaces.

8. Floor framing must be nailed to the sill plate in accordance with International Building Code, Table 2304.9.1 or International Residential Code, Table R602.3(1). In addition, approved metal angle clips must be used to fasten floor joists, trusses, or blocking to the sill plate at the anchor bolt locations. The clips must not be less than 18 gauge and be fastened to the plate and adjoining joists, trusses, or blocking with at least three 1-1/2 inch by 8d nails in each leg of the clip.

9. Foundation walls must not exceed a height of 8-1/2 feet, as measured from the basement floor. Height of unbalanced fill must also be measured from the basement floor.

10. Prior to backfilling, foundation walls must be laterally supported by floor construction at both top and bottom or by adequate temporary bracing.

11. A foundation drainage system must be installed, consisting of a foundation drain complying with International Building Code, Sections 1806.4.2 or 1806.4.3, International Residential Code, Section R405.1, or other approved design.

12. Foundations must also comply with the applicable construction provisions of International Building Code, Chapters 19 and 21, or International Residential Code, Chapter 6.

Subp. 2. Types of soils and their properties

Group	Symbol	Description	Moisture Condition	Volume change potential expansion
Group I	GW	Well-graded gravels, gravel sand mixtures, little to no fines	Good	Low
	GP	Poorly graded gravels or gravel sand mixtures, little to no fines	Good	Low
Group II	Fair to Good	Silty or clayey fine sands or clayey silts with slight plasticity	Medium	Low
				Low
	CH	Inorganic clays of high plasticity, fat clays	Poor	High
Group III	Fair to Good	Inorganic clays of low to medium plasticity, gravelly clays, sands, clays, silty clays, lean clays	Medium	Medium
				High
				Medium
Group IV	Fair to Good	Organic clays of medium to high plasticity, organic silts	Unsatisfactory	High
				High
Group V	PT	Peat and other highly organic soils	Unsatisfactory	High

Table 2-B is reproduced by permission of the American Forest and Paper Association (formerly NFPA), Washington, D.C.

1303.2000 EXTERIOR WOOD DECKS, PATIOS, AND BALCONIES.

The decking surface and upper portions of exterior wood decks, patios, and balconies may be constructed of any of the following materials:

A. the heartwood from species of wood having natural resistance to decay or termites, including redwood and cedars;

B. grades of lumber which contain sapwood from species of wood having natural resistance to decay or termites, including redwood and cedars; or

C. treated wood.

The species and grades of wood products used to construct the decking surface and upper portions of exterior decks, patios, and balconies must be made available to the building official on request before final construction approval.

1303.2100 BLEACHER SAFETY.

All new bleachers, manufactured, installed, sold, or distributed where the bleachers or bleacher open spaces will be over 55 inches above grade or the floor below, and all bleacher guardrails if any part of the guardrail will be over 30 inches above grade or the floor below must comply with the State Building Code in effect and the provisions of Minnesota Statutes, section 16B.616.

MINNESOTA RULES, CHAPTER 1305

ADOPTION OF THE 2000 INTERNATIONAL BUILDING CODE

1305.0010 Repealed

1305.0011 ADOPTION OF INTERNATIONAL BUILDING CODE BY REFERENCE AND ADMINISTRATIVE AUTHORITY.

Subpart 1. **General.** For purposes of this chapter, "IBC" means the 2000 edition of the International Building Code as promulgated by the International Code Council, Falls Church, Virginia. The IBC is incorporated by reference and made part of the Minnesota State Building Code except as qualified by the applicable provisions in chapter 1300, part 1305.0021, and as amended in this chapter. The IBC is not subject to frequent change and a copy of the IBC, with amendments for use in Minnesota, is available in the office of the commissioner of administration.

Subp. 2. **Mandatory chapters.** IBC Chapters 2 through 10, 12 through 29, 31 through 33, and 35 must be administered by any municipality that has adopted the code, except as qualified by the applicable provisions in chapter 1300, and as amended by this chapter.

Subp. 3. **Replacement chapters.** The following IBC chapters are deleted and replaced with the Minnesota Rules chapters listed in items A to D.

A. IBC Chapter 1 and any references to code administration are deleted and replaced with chapter 1300, Minnesota Administration Code.

B. IBC Chapter 11 and any references to accessibility are deleted and replaced with chapter 1341, Minnesota Accessibility Code.

C. IBC Chapter 30 and any references to elevators or related devices are deleted and replaced with chapter 1307, Minnesota Elevator Code.

D. IBC Chapter 34 and any references to conservation or rehabilitation of existing buildings are deleted and replaced with chapter 1311, Minnesota Building Conservation Code.

Subp. 4. **Seismic or earthquake provisions.** Any seismic or earthquake provisions of the IBC and any references to them are deleted and are not included in this code.

1305.0020 Repealed

1305.0021 REFERENCES TO OTHER INTERNATIONAL CODE COUNCIL CODES.

Subpart 1. **General.** References to other codes and standards promulgated by the International Code Council in the IBC are modified in subparts 2 to 11.

Subp. 2. **Building code.** References to the IBC in this code mean the Minnesota Building Code, adopted pursuant to this chapter and Minnesota Statutes, section 16B.61, subdivision 1.

Subp. 3. **Residential code.** References to the International Residential Code in this code mean the Minnesota Residential Code, adopted pursuant to chapter 1309 and Minnesota Statutes, section 16B.61, subdivision 1.

Subp. 4. **Electrical code.** References to the International Code Council Electrical

Code in this code mean the Minnesota Electrical Code, adopted pursuant to chapter 1315 and Minnesota Statutes, section 326.243.

Subp. 5. **Fuel gas code.** References to the International Fuel Gas Code in this code mean the Minnesota Mechanical Code, adopted pursuant to chapter 1346 and Minnesota Statutes, section 16B.61, subdivision 1.

Subp. 6. **Mechanical code.** References to the International Mechanical Code in this code mean the Minnesota Mechanical Code, adopted pursuant to chapter 1346 and Minnesota Statutes, section 16B.61, subdivision 1.

Subp. 7. **Plumbing code.** References to the International Plumbing Code in this code mean the Minnesota Plumbing Code, adopted pursuant to chapter 4715 and Minnesota Statutes, section 16B.61, subdivisions 1 and 2.

Subp. 8. **Private sewage disposal code.** References to the International Private Sewage Disposal Code in this code mean the Minnesota Pollution Control Agency's minimum standards and criteria for individual sewage treatment systems adopted pursuant to chapter 7080 and Minnesota Statutes, chapters 103F, 103G, 115, and 116.

Subp. 9. **Energy conservation code.** References to the International Energy Conservation Code in this code mean the Minnesota Energy Code, adopted pursuant to Minnesota Statutes, section 16B.617.

Subp. 10. **Property maintenance code.** References to the International Property Maintenance Code in this code do not apply.

Subp. 11. **Fire code.** References to the International Fire Code in this code mean the Minnesota State Fire Code, adopted pursuant to chapter 7510 and Minnesota Statutes,

chapter 299F.

1305.0030 ADMINISTRATIVE PROCEDURE CRITERIA.

Procedures relating to the administration and enforcement of this code under Minnesota Statutes, section 16B.57, are contained in chapter 1300, Minnesota Administration Code, which governs the application of this code.

1305.0040 VIOLATION.

A violation of this code is a misdemeanor under Minnesota Statutes, section 16B.69.

1305.0100 Repealed

1305.0101 CHAPTER 1, ADMINISTRATION.

IBC Chapter 1 is deleted and replaced with the following:

CHAPTER 1 ADMINISTRATION

This code shall be administered in accordance with Minnesota Rules, chapter 1300.

1305.0102 Repealed

1305.0103 Repealed

1305.0105 Repealed

1305.0106 Repealed

1305.0107 Repealed

1305.0108 Repealed

1305.0109 Repealed

1305.0150 Repealed

1305.0200 Repealed

1305.0201 SECTION 201, GENERAL.

IBC Section 201.4 is amended to read as follows:

201.4 Terms not defined. Where terms are not defined through the methods authorized by this chapter, the Merriam-Webster Collegiate Dictionary, available at www.m-w.com, shall be considered as providing ordinarily accepted meanings. The dictionary is incorporated by reference, is subject to frequent change, and is available through the Minitex interlibrary loan system.

1305.0202 SECTION 202, DEFINITIONS.

The definition of "agricultural building" in IBC Section 202 is amended to read as follows:

AGRICULTURAL BUILDING. Pursuant to Minnesota Statutes, section 16B.60, an agricultural building means a structure on agricultural land as defined in Minnesota Statutes, section 273.13, subdivision 23, that is designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural products.

1305.0300 Repealed

1305.0301 Repealed

1305.0302 SECTION 302, CLASSIFICATION.

IBC Section 302.3.3 is amended by adding an exception to read as follows:

5. The two-hour fire resistive occupancy separation required by Table 302.3.3 may be omitted between a child or adult day care use and a Group A-3 church building.

1305.0305 Repealed

1305.0310 SECTION 310 SMOKE DETECTORS.

IBC Section 310.1 is amended to read as follows:

310.1 Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping accommodations when not classed as an Institutional Group I. Residential occupancies shall include the following:

R-1 Residential occupancies where the occupants are primarily transient in nature (less than 30 days) including:

- Boarding houses (transient)
- Hotels (including motels)

Bed and breakfast facilities having an occupant load of 6 or more. (A facility with less than 6 occupants shall be classified as a Group R-3 occupancy.)

R-2 Residential occupancies containing more than two dwelling units where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses (not transient)
- Convents
- Dormitories
- Fraternities and sororities
- Monasteries

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, or I and where buildings do not contain more than two dwelling units, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.

R-4 Residential occupancies shall include buildings arranged for occupancy as

Residential Care/Assisted Living Facilities including more than five but not more than 16 occupants, excluding staff.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except for the height and area limitations provided in Section 503.

1305.0400 Repealed

1305.0402 SECTION 402, COVERED MALL BUILDINGS.

Subpart 1. **Section 402.7.3.** IBC Section 402.7 is amended by adding a subsection to read as follows:

402.7.3 Property lines. A covered mall building with attached anchor buildings may be divided by platted property lines without requiring the construction of a party wall, provided there are legal agreements recorded with the deed for each separate property. These recorded agreements shall require that buildings, as divided by property lines, conform with applicable provisions of the Minnesota State Building Code, as if the buildings were a single building on a single piece of property. In addition, the agreement must state that no individual building or property owner may modify any portion of the building in any way that would not comply with the Minnesota State Building Code.

Subp. 2. **F Section 402.8.1.** IBC F Section 402.8.1 is amended to read as follows:

402.8.1 Standpipe system. The covered mall building shall be provided throughout with a standpipe system in accordance with Section 905.

1305.0403 SECTION 403, HIGH-RISE BUILDINGS.

IBC Section 403 is amended by adding a subsection to read as follows:

403.13 Post-fire smoke exhaust system. High-rise buildings shall be provided with a post-fire smoke exhaust system in compliance with Section 912.

1305.0404 SECTION 404, ATRIUMS.

IBC Section 404.4 is amended to read as follows:

404.4 Smoke control. A smoke-control system shall be installed in accordance with Section 909.

Exceptions:

1. Smoke control is not required for a floor opening connecting only two floors meeting the requirements of Section 707.2, Exception 7. Covered mall buildings shall be provided with a post-fire smoke exhaust system in compliance with Section 912.

2. Smoke control is not required for floor openings meeting the requirements of Section 707.2, Exception 2, 8, or 9.

1305.0405 Repealed

1305.0406 SECTION 406, MOTOR VEHICLE-RELATED OCCUPANCIES.

IBC Section 406.3.8 is amended to read as follows:

406.3.8 Stairs and exits. Where persons other than parking attendants are permitted, stairs and exits shall meet the requirements of Chapter 10. Where no persons other than parking attendants are permitted, there shall not be less than two 36-inch wide (914 mm) stairs.

1305.0407 SECTION 407, GROUP I-2.

IBC Section 407.2.1 is amended to read as follows:

407.2.1 Spaces of unlimited area. Spaces constructed as required for corridors shall not be open to a corridor, except where all the following criteria are met:

1. The spaces are not occupied for patient sleeping rooms, treatment rooms, hazardous or incidental use areas as defined in Section 302.1.1.

2. The open space is protected by an automatic fire detection system installed in accordance with Section 907.

3. The corridors onto which the spaces open, in the same smoke compartment, are protected by an automatic fire detection system installed in accordance with Section 907, or the smoke compartment in which the spaces are located is equipped throughout with quick response sprinklers in accordance with Section 903.3.2.

4. The space is arranged so as not to obstruct access to the required exits.

1305.0408 SECTION 408, GROUP I-3.

Subpart 1. **Section 408.6.** IBC Section 408.6 is amended to read as follows:

408.6 Smoke barrier. Occupancies in Group I-3 shall have smoke barriers complying with Section 709 to divide every story occupied by residents for sleeping, or any other story having an occupant load of more than five persons, into at least two smoke compartments.

Exception: Spaces having direct exit to one of the following, provided that the locking arrangement of the doors involved complies with the requirements for doors at the compartment barrier for the use condition involved.

1. A public way.
2. A building separated from the resident

housing area by a 2-hour fire-resistance-rated assembly or 50 feet (15,240 mm) of open space.

3. A secured yard or court having a holding space 50 feet (15,240 mm) from the housing area that provides 6 square feet (0.56 m²) or more of refuge area per occupant including residents, staff and visitors.

Subp. 2. **Section 408.9.** IBC Section 408 is amended by adding a subsection as follows:

408.9 Glazing.

408.9.1 Corridors. In restraint areas of fully sprinklered detention and correction facilities, the area of glazing in one-hour corridor walls is not restricted if one of the following conditions is met:

1. All glazing is approved 1/4-inch thick (6.4 mm) wired glass, has approved 1/4-inch thick (6.4 mm) wired glass in a security glazing assembly, or other approved fire-tested glazing material set in steel frames; or

2. Laminated security glazing may be used if the glass is protected on both sides by a sprinkler system equipped with listed quick-response sprinkler heads. The sprinkler system shall be designed to wet the surface of the glass wall when actuated.

408.9.2 Other. When necessary to maintain direct visual supervision by facility staff, laminated security glazing may be used in fire-resistive wall and door assemblies, up to a two-hour fire protection rating, if all of the following conditions are met:

1. The fire-resistive wall or door assembly is not part of a required fire wall. For vertical exit enclosure, refer to Section 408.3.6;

2. The glazing is protected on both sides by a sprinkler system equipped with listed

quick-response sprinklers. The sprinkler system shall completely wet the entire surface of the glass wall when actuated;

3. The area of the glazing does not exceed 25 percent of the common wall of the area requiring supervision; and

4. The area of glazing in fire-resistive door assemblies is limited to 1,296 square inches (0.836 m²) per light.

1305.0414 SECTION 414, HAZARDOUS MATERIALS.

Subpart 1. **Section 414.2.3.** IBC Section 414.2.3 is amended to read as follows:

414.2.3 Separation. The required fire-resistance rating for fire barrier assemblies shall be in accordance with Table 414.2.2.

Subp. 2. **Section 414.2.5.** IBC Section 414.2 is amended by adding a subsection to read as follows:

414.2.5 Hazardous materials above the third floor in laboratories in Group B, E, and I-2 occupancies. Control areas containing laboratories located above the third floor in Group B, E, or I-2 occupancies may be exempt from the provisions in Sections 414.2.1 through 414.2.3 if all of the following conditions are met:

1. Buildings containing the laboratories are equipped throughout with automatic sprinkler protection installed in accordance with Section 903.3.1.1;

2. Control areas containing laboratories located above the third floor are separated from each other and other portions of the building by a fire barrier having a fire-resistance rating of not less than two hours;

3. The maximum amount of hazardous

materials in storage and in use in control areas containing laboratories does not exceed ten percent of the maximum allowable quantities listed in Tables 307.7(1) and 307.7(2) with all increases allowed in the footnotes of those tables; and

4. The maximum number of control areas containing laboratories shall not exceed 5 per floor.

1305.0419 SECTION 419, GROUP E OCCUPANCIES.

IBC Chapter 4 is amended by adding a section to read as follows:

SECTION 419 GROUP E OCCUPANCIES

419.1 Applicability. This section applies to Group E school buildings containing uses described in this section. School buildings shall comply with this section and all other applicable provisions of this code, as intended by Minnesota Statutes, section 123B.51, subdivision 7.

419.2 Use of school buildings by lower grades. In addition to the occupancy and construction requirements in this code, this section applies to those special uses and occupancies described in this section.

419.2.1 School buildings equipped with complete automatic fire sprinkler and fire alarm systems. Rooms used by preschool, kindergarten, and first and second grade students for classrooms, latchkey, day care, early childhood family education, teen parent, or similar programs may be located on any floor level below the fourth story if the following conditions exist:

1. The building is protected throughout with an approved automatic fire sprinkler system; and

2. The building is protected throughout

with an approved automatic fire alarm system having automatic smoke detection devices installed throughout the exit system within every room or area used for purposes other than a classroom or office.

419.2.2 School buildings equipped with either a complete automatic fire sprinkler system or a fire alarm system. Rooms shall be located on the story of exit discharge when used for the purposes of classroom, latchkey, daycare, early childhood education, teen parent, or similar programs by preschool, kindergarten, or first grade students. Rooms shall be located on the story of exit discharge or one story above when used for any purpose by second grade students.

Rooms occupied by preschool, kindergarten, first, or second grade students, when used for the programs described in this section, may be located on floor levels other than those designated above if one of the following conditions is met:

1. An approved automatic fire sprinkler system is provided throughout the building and the use of the affected room or space is limited to one grade level at a time and exiting is provided from the room or space which is independent from the exiting system used by older students; or
2. A complete approved automatic fire alarm system is installed throughout the building consisting of automatic smoke detection installed throughout the exit system and within all rooms and areas other than classroom and office areas, and the use of the affected room or space is limited to one grade level at a time, and exiting is provided from the room or space which is independent from the exiting system used by older students.

For the purposes of this subpart, pupils from the second grade down are considered one grade level.

419.2.3 Accessory spaces. Accessory

spaces, including spaces used for gymnasiums, cafeterias, media centers, auditoriums, libraries, and band and choir rooms, used on an occasional basis by preschool, kindergarten, first, and second grade students are permitted to be located one level above or one level below the story of exit discharge, if the building is protected throughout by an approved automatic sprinkler system or a complete approved corridor smoke detection system.

1305.0500 Repealed

1305.0501 SECTION 501, GENERAL.

IBC Section 501.1 is amended to read as follows:

501.1 Scope. The provisions of this chapter control the height and area of structures hereafter erected and additions to existing structures. An existing building plus additions shall comply with the height and area provisions of this chapter.

1305.0507 SECTION 507, UNLIMITED AREA BUILDINGS.

IBC Section 507.4 is amended by adding a subsection to read as follows:

507.4.1 Property lines. Portions of an unlimited area building may be divided by platted property lines without requiring the construction of party walls if the whole building has:

1. Permanent open space on all sides as required by Section 507.1, 507.2, 507.3, or 507.4; and
2. Proper legal agreements recorded with the deed for each of the separate properties. These recorded agreements shall require that the buildings as divided by property lines, be in conformance with the applicable provisions of the Minnesota State Building Code, as if the buildings were a single

building on a single piece of property. In addition, the agreement must state that no individual building or property owner may modify any portion of the building in any way that would not be in compliance with the Minnesota State Building Code.

1305.0600 Repealed

1305.0700 Repealed

1305.0704 SECTION 704, EXTERIOR WALLS.

IBC Section 704.2.3 is amended to read as follows:

704.2.3 Combustible projections.

Combustible projections located where openings are not permitted or where protection of openings is required shall be of at least 1-hour fire-resistance-rated construction, Type IV construction or as required by Section 1406.3. Openings necessary for attic ventilation where protection of openings is required shall not be located in eave overhangs unless the ventilation openings are protected or the attic is protected by an automatic fire suppression system. There shall be no openings for attic ventilation in eave overhangs where openings are not permitted.

Exception: Type V construction shall be allowed for R-3 occupancies, as applicable in Section 101.2.

1305.0707 SECTION 707, SHAFT ENCLOSURES.

Subpart 1. **Section 707.7.** IBC Section 707.7 is amended to read as follows:

707.7 Openings. Openings in a shaft enclosure shall be protected in accordance with Section 714 as required for fire barriers and listed in Table 714.2. Such openings shall restrict the movement of smoke through openings using smoke and draft control

assemblies in accordance with Section 714.2.3.2 and shall be self-closing or automatic closing by smoke detection.

Subp. 2. **Section 707.14.1.** IBC Section 707.14.1 is amended to read as follows:

707.14.1 Elevator lobby. Elevators opening into fire resistance-rated corridor as required by Section 1004.3.2.1 shall be provided with an elevator lobby at each floor containing such a corridor. The lobby shall completely separate the elevators from the corridor by fire barriers and the required opening protection. Elevator lobbies shall have at least one means of egress complying with Chapter 10 and other provisions within this code.

Exceptions:

1. In office buildings, separations are not required from a street floor elevator lobby provided the entire street floor is equipped with an automatic sprinkler system in accordance with Section 903.3.1.1.

2. Elevators not required to be located in a shaft in accordance with Section 707.2.

3. Where additional fire or smoke rated doors or other assemblies meeting the requirements of 714.2.3 are provided in accordance with Section 3002.6.

4. In other than Groups I-2 and I-3, and buildings more than four stories above the lowest level of fire department vehicle access, lobby separation is not required where the building, including the lobby and corridors leading to the lobby, is protected by an automatic sprinkler system installed throughout in accordance with Section 903.3.1.1 or 903.3.1.2.

1305.0714 SECTION 714, OPENING PROTECTIVES.

IBC Section 714.2.3 is amended to read as

follows:

714.2.3 Doors in corridors and smoke barriers. Fire doors in fire or smoke barrier walls having a fire resistance rating in accordance with Table 714.2 shall be tested in accordance with NFPA 252 or UL 10C.

714.2.3.1 Minimum fire-protection rating. Fire doors required to have a minimum fire-protection rating of 20 minutes where located in corridor walls or smoke barrier walls having a fire-resistance rating in accordance with Table 714.2 shall be tested in accordance with NFPA 252 or UL 10C without the hose stream test. If a 20-minute fire door or fire door assembly contains glazing material, the glazing material in the door itself shall have a minimum fire-protection rating of 20 minutes and be exempt from the hose stream test. Glazing material in any other part of the door assembly, including transom lites and sidelites, shall be tested in accordance with NFPA 257, including the hose stream test, in accordance with Section 714.3.

714.2.3.2 Smoke and draft control door assemblies. Fire doors shall also meet the requirements for smoke and draft control door assembly tested in accordance with UL 1784 with an artificial bottom seal installed across the full width of the bottom of the door assembly. The air leakage rate of the door assembly shall not exceed 3.0 cfm per square foot ($0.01524 \text{ m}^3/\text{m}^2$) of door opening at 0.10 inch (24.9 Pa) of water for both the ambient temperature and elevated temperature tests. Louvers shall be prohibited.

Exceptions:

1. Viewports that require a hole not larger than one inch (25.4 mm) in diameter through the door, have at least a 0.25-inch-thick (6.4 mm) glass disc and the holder is of metal that will not melt out where subject to temperatures of 1,700 °F (927 °C).

2. Corridor doors in occupancies of Group I-2 shall be in accordance with Section 407.3.1.

3. Unprotected openings shall be permitted for corridors in multitheater complexes where each motion picture auditorium has at least one-half of its required exit or exit access doorways opening directly to the exterior or into an exit passageway.

1305.0800 Repealed

1305.0900 Repealed

1305.0903 F SECTION 903, AUTOMATIC SPRINKLER SYSTEMS.

IBC F Section 903 is amended to read as follows:

Subpart 1. F Section 903.2.8. IBC F Section 903.2.8 is amended by adding a section to read as follows:

903.2.8.1 Area separation walls. For the purposes of Section 903.2.8, area separation walls or fire walls shall not define separate buildings.

Exception: Buildings not exceeding three stories in height and having area separation walls or fire walls of a four-hour fire resistance rating in conformance with the Minnesota State Building Code without openings, doors, or penetrations.

Subp. 2. F Section 903.2.9. IBC F Section 903.2.9 is amended by adding a section to read as follows:

903.2.9.1 Group R-4 residential hospice facilities. An automatic sprinkler system installed in accordance with NFPA 13 shall be provided throughout all buildings with a Group R-4 fire area containing a residential hospice facility.

Exception: An automatic sprinkler

system installed in accordance with Section 903.3.1.2 shall be allowed provided all habitable spaces and closets are sprinklered.

Subp. 3. **F** Section 903.3.1. IBC **F** Section 903.3.1 is amended by adding exceptions to read as follows:

Exceptions:

1. Automatic sprinkler systems may be connected to the domestic water supply main when approved by the fire chief, provided that the domestic water supply is of adequate pressure, capacity, and sizing for the combined domestic and sprinkler requirements. In such case, the sprinkler system connection shall be made between the public water main or meter and the building shutoff valve, and there shall be no intervening valves or connections. The fire department connection required by NFPA 13 may be omitted when approved by the fire chief.

2. When, in the opinion of the fire chief, an adequate alternate water supply for hose stream requirements is provided or available, the water supply requirements for the sprinkler system hose stream demands may be modified.

Subp. 4. **F** Section 903.3.1. IBC **F** Section 903.3.1 is amended by adding a section to read as follows:

903.3.1.4 Buildings of undetermined use. When fire sprinkler systems are required in buildings of undetermined use, they shall be designed and installed to have a sprinkler density of not less than that required for an Ordinary Hazard Group 2 use with a minimum design area of 3,000 square feet (279 m²).

Use is considered undetermined if not specified at the time a permit is issued.

Where a subsequent occupancy requires a

system with greater capability, it shall be the responsibility of the owner to upgrade the system to the required density for the new hazard, use or occupancy.

Subp. 5. **F** Section 903.3.1. IBC **F** Section 903.3.1 is amended by adding a section to read as follows:

903.3.1.5 Special sprinkler design criteria. When fire sprinkler systems are required in areas containing the following uses, they shall be designed and installed to have a sprinkler density of not less than that required for an Ordinary Hazard Group 2 use:

1. Bowling alleys;
2. Chemistry labs in Group E Occupancies;
3. Gymnasiums;
4. Ice rinks and ice arenas;
5. Sports arenas; and
6. Wrestling rooms in Group E Occupancies.

Subp. 6. **F** Section 903.3.1.1.1. IBC **F** Section 903.3.1.1.1 is amended by adding items to read as follows:

6. In the machine rooms of traction-type elevators which are located on top of the elevator shaft and are separated from other areas of the building, other than the shaft, by not less than a one-hour fire-resistive occupancy separation.

7. On the ceiling of rooms containing swimming pools when the pool area is used exclusively for swimming purposes and when sprinklers are provided around the perimeter of the pool area.

Subp. 7. **F** Section 903.4.1. IBC **F** Section 903.4.1 is amended by adding an exception to

read as follows:

3. For existing sprinkler systems, monitoring is required when the number of sprinklers is 100 or more.

Subp. 8. F Section 903.4. IBC F Section 903.4 is amended by adding a section to read as follows:

903.4.4 Valve security. All valves controlling water supplies for automatic sprinklers shall be locked or secured in the open position.

Exception: Valves located in a room or space when access is limited to essential personnel only.

1305.0904 Repealed

1305.0905 F SECTION 905, STANDPIPE SYSTEMS.

Subpart 1. F Section 905.2. IBC F Section 905.2 is amended by adding a section to read as follows:

905.2.1 Modification to standards. In buildings four or less stories in height which are protected throughout by an automatic sprinkler system, a Class I or III standpipe system need only meet the pressure requirements for the sprinkler system.

Subp. 2. F Section 905.3.3. IBC F Section 905.3.3 is amended by adding a section to read as follows:

905.3.3.1 Group A exhibition. Class III automatic standpipes shall be provided in Group A-3 Occupancies over 12,000 square feet (1115 m²) in area used for exhibition.

Subp. 3. F Section 905.3.4. IBC F Section 905.3.4 is amended to read as follows:

905.3.4 Covered mall buildings. Covered mall buildings shall be equipped throughout

with a Class I automatic wet standpipe system.

Subp. 4. F Section 905.3.5. IBC F Section 905.3.5 is deleted.

Subp. 5. F Section 905.3.5.1. IBC F Section 905.3.5.1 is deleted.

Subp. 6. F Section 905.3. IBC F Section 905.3 is amended by adding a section to read as follows:

905.3.7 Detention and correctional facilities. Regardless of the height of the building or number of stories, every building in a Group I-3 detention and correctional facility, where 50 or more persons are under restraint or security under Occupancy Conditions 3, 4 or 5, shall be provided with a Class III automatic wet or semiautomatic dry standpipe system.

Exception: Combined systems meeting the provisions of Section 905.2 may be used. When acceptable to the fire chief, fire department connections may be located inside all security walls or fences on the property.

Standpipes shall be located in accordance with Section 905. In addition, standpipes shall be located so that it will not be necessary to extend hose lines through smoke barriers. When located in cell complexes, standpipes may be located in secured pipe chases.

Subp. 7. F Section 905.5.1. IBC F Section 905.5.1 is deleted.

1305.0907 F SECTION 907, FIRE ALARM AND DETECTION SYSTEMS.

Subpart 1. F Section 907.2. IBC F Section 907.2 is amended to read as follows:

907.2 Where required in new buildings and structures. An approved manual, automatic, or manual and automatic fire

alarm system shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.24 and NFPA 72. For the purposes of Sections 907.2.1 through 907.2.24, area separation walls shall not define separate buildings.

Exception: In areas protected by an approved, supervised automatic sprinkler system, heat detectors required by Section 907.2 need not be provided.

Subp. 2. **F** Section 907.2.1. IBC **F** Section 907.2.1 is amended to read as follows:

907.2.1 Group A, general. A fire alarm system shall be installed in accordance with Sections 907.2.1 through 907.2.1.3 in Group A occupancies having an occupant load of 300 or more.

Exceptions:

1. Assembly areas used solely for worship purposes.

2. A fire alarm system is not required when an approved automatic fire extinguishing system is installed throughout the building.

3. Group A Occupancy portions of Group E Occupancies are allowed to have alarms as required for the Group E Occupancy.

4. Group A-5 Occupancies.

Also see Section 907.2.11.

Subp. 3. **F** Section 907.2.1.1. IBC **F** Section 907.2.1.1 is amended to read as follows:

907.2.1.1 Initiation. Initiation of the fire alarm system shall be by automatic means. Approved automatic fire detectors shall be installed in laundry rooms, boiler and furnace rooms, mechanical and electrical rooms, shops, kitchens, trash collection rooms,

storage rooms, and similar areas.

Subp. 4. **F** Section 907.2.1.2. IBC **F** Section 907.2.1.2 is amended to read as follows:

907.2.1.2 Notification. The required fire alarm system shall activate an audible and visible notification appliance at a constantly attended location within the building for the purposes of initiating emergency action. A presignal feature and positive alarm sequencing in accordance with NFPA 72 are permitted.

Occupant notification shall be by means of voice announcements, either live or prerecorded, initiated by the person in the constantly attended location.

Exception: Where no constantly attended location exists, an automatic fire alarm system providing a general evacuation signal or an approved emergency voice/alarm communications system is permitted.

Subp. 5. **F** Section 907.2.1. IBC **F** Section 907.2.1 is amended by adding a section to read as follows:

907.2.1.3 System initiation in Group A occupancies with an occupant load of 1,000 or more. Activation of the fire alarm system in Group A occupancies with an occupant load of 1,000 or more shall immediately initiate an approved prerecorded message announcement using an approved emergency voice/alarm communications system in accordance with NFPA 72.

Exception: Where approved, the prerecorded announcement is allowed to be manually deactivated for a period of time, not to exceed 3 minutes, for the sole purpose of allowing a live voice announcement from an approved constantly attended location.

Subp. 6. **F** Section 907.2.2. IBC **F** Section 907.2.2 is amended to read as follows:

907.2.2 Group B, general. A fire alarm system shall be installed in accordance with Sections 907.2.2 through 907.2.2.3 in Group B occupancies where:

1. The building has an occupant load of 500 or more persons; or
2. The building has an occupant load of more than 100 persons above or below the lowest level of exit discharge; or
3. The building contains an outpatient clinic.

When automatic sprinkler systems or automatic fire detectors are installed in outpatient clinics, such systems or detectors shall be connected to the building fire alarm system.

Exception: In other than outpatient clinics, a fire alarm system is not required when an approved automatic fire extinguishing system is installed throughout the building.

Subp. 7. **F** Section 907.2.2. IBC **F** Section 907.2.2 is amended by adding a section to read as follows:

907.2.2.1 Initiation. Initiation of the fire alarm system shall be by automatic means. Approved automatic fire detectors shall be provided in boiler and furnace rooms, shops, kitchens, mechanical and electrical rooms, trash collection rooms, storage rooms and similar areas. In outpatient clinics, initiation of the fire alarm system shall also be by manual means.

Subp. 8. **F** Section 907.2.2. IBC **F** Section 907.2.2 is amended by adding a section to read as follows:

907.2.2.2 Notification. Activation of the fire alarm system shall initiate a general evacuation signal.

Exception: In lieu of audible notification appliances, visible notification appliances shall be permitted to be used in patient care areas.

Subp. 9. **F** Section 907.2.2. IBC **F** Section 907.2.2 is amended by adding a section to read as follows:

907.2.2.3 Outpatient clinics. Corridors in outpatient clinics and spaces open to the corridors shall be protected by an automatic smoke detection system.

Subp. 10. **F** Section 907.2.3. IBC **F** Section 907.2.3 is amended to read as follows:

907.2.3 Group E, general. A fire alarm system shall be installed in accordance with Sections 907.2.3 through 907.2.3.3 in Group E occupancies having an occupant load of 50 or more. When automatic sprinkler systems are installed or automatic fire detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

Subp. 11. **F** Section 907.2.3. IBC **F** Section 907.2.3 is amended by adding a section to read as follows:

907.2.3.1 Initiation. Initiation of the fire alarm system shall be by manual and automatic means. Approved automatic fire detectors shall be provided in laundry rooms, boiler and furnace rooms, mechanical and electrical rooms, shops, laboratories, kitchens, locker rooms, janitors' closets, trash collection rooms, storage rooms, lounges and similar areas.

Exceptions:

1. In buildings protected throughout by an approved, supervised fire sprinkler system, manual fire alarm boxes are only required in the main office and in a custodial area.

2. Where all corridors are protected by an approved automatic fire alarm system having smoke detection with alarm verification, manual fire alarm boxes are only required near exits serving shops, chemistry and physics laboratories, boiler rooms, industrial technology and industrial arts rooms, kitchens, custodian's offices, and main offices.

Subp. 12. **F** Section 907.2.3. IBC **F** Section 907.2.3 is amended by adding a section to read as follows:

907.2.3.2 Travel through adjoining rooms.

Where the only means of egress travel from an interior room or rooms having an aggregate occupant load of more than 10 occupants is through an adjoining or intervening room, automatic smoke detectors shall be installed throughout the common atmosphere through which the path of egress travel passes.

Subp. 13. **F** Section 907.2.3. IBC **F** Section 907.2.3 is amended by adding a section to read as follows:

907.2.3.3 Notification. Activation of the fire alarm system or automatic sprinkler system shall initiate a general evacuation signal.

Subp. 14. **F** Section 907.2.4. IBC **F** Section 907.2.4 is amended to read as follows:

907.2.4 Group F, general. A fire alarm system shall be installed in accordance with Sections 907.2.4 through 907.2.4.2 in Group F occupancies that are two or more stories in height and have an occupant load of 500 or more above or below the lowest level of exit discharge.

Exception: A fire alarm system is not required when an approved automatic fire extinguishing system is installed throughout the building.

Subp. 15. **F** Section 907.2.4. IBC **F** Section 907.2.4 is amended by adding a section to read as follows:

907.2.4.1 Initiation. Initiation of the fire alarm system shall be by manual and automatic means. Approved automatic fire detectors shall be provided in boiler and furnace rooms, trash collection rooms, kitchens, mechanical and electrical rooms, and similar areas.

Subp. 16. **F** Section 907.2.4. IBC **F** Section 907.2.4 is amended by adding a section to read as follows:

907.2.4.2 Notification. Activation of the fire alarm system shall initiate a general evacuation signal.

Subp. 17. **F** Section 907.2.5. IBC **F** Section 907.2.5 is amended to read as follows:

907.2.5 Group H, general. A fire alarm system shall be installed in accordance with Sections 907.2.5 through 907.2.5.2 in Group H-5 occupancies, occupancies used for the manufacture of organic coatings, and, when required by Chapters 37, 39 and 40, the following locations:

1. Rooms or areas where highly toxic compressed gases are stored or used;
2. Rooms or areas where Class I, II or III organic peroxides are stored; and
3. Liquid and solid oxidizer storage areas.

Subp. 18. **F** Section 907.2.5. IBC **F** Section 907.2.5 is amended by adding a section to read as follows:

907.2.5.1 Initiation. Initiation of the fire alarm system in Group H-5 Occupancies and in occupancies used for the manufacture of organic coatings shall be by manual means. Initiation of fire alarm systems installed for

highly toxic gases, organic peroxides and oxidizers shall be by automatic means, as specified in Chapters 37, 39 and 40.

Subp. 19. **F** Section 907.2.5. **IBC F** Section 907.2.5 is amended by adding a section to read as follows:

907.2.5.2 Notification. Activation of the fire alarm system in Group H-5 Occupancies and in occupancies used for the manufacture of organic coatings shall initiate a general evacuation signal. Activation of the automatic detection systems installed for highly toxic gases, organic peroxides, and oxidizers shall sound a local alarm.

Subp. 20. **F** Section 907.2.6. **IBC F** Section 907.2.6 is amended to read as follows:

907.2.6 Group I, general. A fire alarm system shall be installed in accordance with Sections 907.2.6 through 907.2.6.4.3 in Group I occupancies.

Subp. 21. **F** Section 907.2.6. **IBC F** Section 907.2.6 is amended by adding a section to read as follows:

907.2.6.1 Initiation. Initiation of the fire alarm system shall be by manual and automatic means. Approved automatic fire detectors shall be installed in laundry and soiled linen rooms, boiler and furnace rooms, mechanical and electrical rooms, shops, laboratories, kitchens, locker rooms, janitors' closets, trash collection rooms, storage rooms, lounges, gift shops and similar areas. Automatic smoke detectors shall be provided in waiting areas that are open to corridors.

Exception: Manual fire alarm boxes in patient sleeping areas of Group I-1 and I-2 occupancies shall not be required at exits if located at all nurses' stations or other constantly attended staff locations, provided such fire alarm boxes are visible and continuously accessible and that travel

distances required by Section 907.4.1 are not exceeded.

Subp. 22. **F** Section 907.2.6. **IBC F** Section 907.2.6 is amended by adding sections to read as follows:

907.2.6.3 Notification. Activation of the fire alarm system or automatic sprinkler system shall initiate a general evacuation signal. In addition, activation of the fire alarm system shall immediately transmit an alarm to an approved central station or remote station service.

Exceptions:

1. In lieu of audible notification appliances, visible notification appliances shall be allowed to be used in critical care areas.

2. Where occupants are incapable of evacuating themselves because of age, physical/mental disabilities, or physical restraint, only the attendants or other personnel required to evacuate occupants from a zone, area, floor or building shall be required to be notified. This notification shall include means to readily identify the zone, area, floor or building in need of evacuation.

907.2.6.4 Group I-2 Occupancies. Corridors in hospitals, nursing homes (both intermediate care and skilled nursing facilities), board and care homes and detoxification facilities and spaces open to the corridors shall be protected by an automatic smoke detection system.

907.2.6.4.1 Patient room smoke detectors. Smoke detectors that receive their primary power from the building wiring shall be installed in patient sleeping rooms of hospitals and nursing homes. Actuation of such detectors shall cause a visual display on the corridor side of the room in which the detector is located and shall cause an audible and visual alarm at the nurse's station

attending the room.

907.2.6.5 Group I-3 Occupancies. Group I-3 occupancies shall be provided with a fire alarm system installed for alerting staff.

907.2.6.5.1 Initiation. Initiation of the fire alarm system shall be by manual and automatic means. Approved automatic fire detectors shall be installed in laundry and soiled linen rooms, boiler and furnace rooms, mechanical and electrical rooms, shops, laboratories, kitchens, locker rooms, janitors' closets, trash collection rooms, storage rooms, lounges, gift shops, commissaries and similar areas. Actuation of an automatic fire extinguishing system, a manual fire alarm box or a fire detector shall initiate an approved fire alarm signal, which automatically notifies staff. Presignal systems shall not be used.

907.2.6.5.2 Manual fire alarm boxes. Manual fire alarm boxes are not required to be located in accordance with Section 907.4 where the fire alarm boxes are provided at staff-attended locations having direct supervision over areas where manual fire alarm boxes have been omitted.

Manual fire alarm boxes shall be permitted to be locked in areas occupied by detainees, provided that staff members are present within the subject area and have keys readily available to operate the manual fire alarm boxes.

907.2.6.5.3 Smoke detectors. An approved automatic smoke detection system shall be installed throughout resident housing areas, including sleeping areas and contiguous day rooms, group activity spaces and other common spaces normally accessible to residents.

Exceptions:

1. Other approved smoke-detection arrangements providing equivalent protection, such as placing detectors in exhaust ducts

from cells or behind protective grills, are allowed when necessary to prevent damage or tampering.

2. Smoke detectors are not required in sleeping rooms with four or fewer occupants in smoke compartments that are equipped throughout with an approved automatic sprinkler system.

Subp. 23. **F** Section 907.2.7. IBC **F** Section 907.2.7 is deleted.

Subp. 24. **F** Section 907.2.7.1. IBC **F** Section 907.2.7.1 is deleted.

Subp. 25. **F** Section 907.2.8. IBC **F** Section 907.2.8 is amended to read as follows:

907.2.8 Group R-1, general. A fire alarm system shall be installed in accordance with Sections 907.2.8 through 907.2.8.3 in Group R-1 occupancies.

Exceptions:

1. A fire alarm system is not required in buildings not over two stories in height where all individual guest rooms and contiguous attic and crawl spaces are separated from each other and public or common areas by at least one-hour fire partitions and each guest room has an exit directly to a public way, exit court or yard.

2. Buildings containing five or less guest rooms shall be allowed to be equipped with approved multiple-station smoke detectors installed as required for Group R-3 Occupancies. Installation shall be in accordance with Section 907.2.10.

907.2.8.1 Initiation. Initiation of the fire alarm system shall be by automatic means. Approved automatic fire detectors shall be provided in boiler and furnace rooms, shops, laundry rooms, mechanical and electrical rooms, trash collection rooms, storage rooms, gift shops, locker rooms and similar areas.

Automatic smoke detectors shall be provided in all common areas and interior corridors serving as required means of egress.

Exception: System fire and smoke detectors are not required when an approved automatic fire extinguishing system is installed throughout the building and manual activation is provided at a constantly attended location.

907.2.8.2 Notification. Activation of the fire alarm system or automatic sprinkler system shall initiate a general evacuation signal.

907.2.8.3 Guest room detectors. Guest room smoke detectors required by Section 907.2.10 shall not be connected to a fire alarm system.

Exception: Connection of such detectors for annunciation only.

Subp. 26. **F** Section 907.2.9. **IBC F** Section 907.2.9 is amended to read as follows:

907.2.9 Group R-2, general. A fire alarm system shall be installed in accordance with Sections 907.2.9 through 907.2.9.2 in Group R-2 occupancies where:

1. Any guest room or dwelling unit is located three or more stories above the lowest level of exit discharge;
2. Any guest room or dwelling unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit;
3. The building contains more than 16 dwelling units or guest rooms; or
4. The building has a occupant load of 20 or more.

Exception: A fire alarm system is not required in buildings not over two stories in

height where all dwelling units and contiguous attic and crawl spaces are separated from each other and public or common areas by at least one-hour fire partitions and each dwelling unit has an exit directly to a public way, exit court or yard.

907.2.9.1 Initiation. Initiation of the fire alarm system shall be by automatic means. Automatic fire detectors shall be provided in boiler and furnace rooms, trash collection rooms, shops, laundry rooms, mechanical and electrical rooms, storage rooms, and similar areas. Automatic smoke detectors shall be provided in all common areas and interior corridors serving as required means of egress.

Exception: System fire and smoke detectors are not required when an approved automatic fire extinguishing system is installed throughout the building.

907.2.9.2 Notification. Activation of the fire alarm system or automatic sprinkler system shall initiate a general evacuation signal.

Subp. 27. **F** Section 907.2.10.2. **IBC F** Section 907.2.10.2 is amended by adding an exception to read as follows:

3. Smoke alarms are not required to be equipped with battery backup in Group R-2 Occupancies equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

Subp. 28. **F** Section 907.2. **IBC F** Section 907.2 is amended by adding sections to read as follows:

907.2.24 Residential hospices. A fire alarm system shall be installed in accordance with Section 907.2.24 in residential hospices. When automatic sprinkler systems or automatic fire detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

907.2.24.1 Initiation. Initiation of the fire alarm system shall be by manual and automatic means. Approved automatic fire detectors shall be provided in boiler and furnace rooms, kitchens, laboratories, shops, gift shops, commissaries, laundry and soiled linen rooms, mechanical and electrical rooms, locker rooms, storage rooms, janitors' closets, trash collection rooms, lounges and similar areas. Automatic smoke detectors shall be provided in sleeping rooms, corridors and spaces open to the corridors.

Exception: Manual fire alarm boxes are not required at exits if manual fire alarm boxes are located at all nurses' stations or other continuously attended staff locations, provided such fire alarm boxes are visible and continuously accessible and that travel distances required by Section 907.4.1 are not exceeded.

907.2.24.2 Notification. Activation of the fire alarm system or automatic sprinkler system shall initiate a general evacuation signal. In addition, the fire alarm system shall be monitored by an approved central station service in accordance with Section 903.4.1.

Exception: In lieu of audible notification appliances, visible notification appliances shall be allowed to be used in sleeping areas.

Subp. 29. **F** Section 907.3.1. **IBC F** Section 907.3.1 is amended by deleting the exception.

1305.0910 F SECTION 910, SMOKE AND HEAT VENTS.

IBC F Section 910 is amended to read as follows:

F SECTION 910 SMOKE AND HEAT VENTS

Subpart 1. **F** Section 910.1. **IBC F** Section 910.1 is amended by adding sections to read

as follows:

910.1.1 Required venting method. Required smoke and heat venting shall be accomplished with mechanical smoke exhaust according to Section 910.4.

Exceptions:

1. Calculated engineering design of mechanical smoke exhaust in accordance with Section 910.5 shall be permitted for buildings sprinklered throughout.

2. For nonsprinklered buildings, smoke and heat vents as specified in Section 910.3 shall be permitted.

3. Where approved by the code official, smoke and heat vents as specified in Section 910.3 shall be permitted in sprinklered buildings.

910.1.2 Listing. Smoke and heat vents and mechanical smoke exhaust fans shall be listed for the intended purpose.

910.1.3 Curtain boards. When mechanical smoke exhaust is provided in accordance with Section 910.4 or 910.5, curtain boards are only required at the separation between areas protected with early suppression fast response (ESFR) sprinklers and conventional sprinkler systems.

Subp. 2. **F** Section 910.4. **IBC F** Section 910.4 is amended to read as follows:

910.4 Mechanical smoke exhaust. Mechanical smoke exhaust shall be in accordance with Sections 910.4.1 through 910.4.6.

Subp. 3. **F** Section 910.4.3. **IBC F** Section 910.4.3 is amended to read as follows:

910.4.3 Operation. Mechanical smoke exhaust fans shall be automatically activated upon sprinkler system water flow. A 5 to 10

minute delay shall be provided between the sprinkler water flow signal and activation of the exhaust fans. In addition, individual manual controls of each fan unit shall also be provided.

Exception: When required by the code official, initiation of mechanical smoke exhaust fans shall be only through manual activation.

Subp. 4. **F** Section 910.4.5. IBC **F** Section 910.4.5 is amended to read as follows:

910.4.5 Supply air. Supply air for exhaust fans shall be sized to provide a minimum of 50 percent of the required exhaust. Air velocity at each supply air opening shall not exceed an average of 200 feet per minute when measured 4 feet (1219 mm) in front of the opening. Openings for supply air shall be uniformly distributed around the periphery of the area served and be located or ducted to a position not more than one-half the storage height above the floor. Supply air openings shall open automatically upon operation of the smoke exhaust system and shall not require a manual action at each supply opening for operation. Supply air openings shall be kept clear of storage or obstructions to airflow for at least four feet (1219 mm) in front of the opening. Supply air openings shall be separated from exhaust fans and exterior combustibles to prevent introduction of smoke into the building.

Subp. 5. **F** Section 910.1. IBC **F** Section 910 is amended by adding sections to read as follows:

910.5 Calculated engineering design of mechanical smoke exhaust. Calculated engineering design of mechanical smoke exhaust shall be in accordance with Sections 910.5.1 through 910.5.5.

910.5.1 Methodology. An engineering analysis shall be conducted based on a design fire with a minimum heat release rate as

specified in Section 910.5.2.1. The engineering analysis shall include the characteristics of the fuel load, commodity classification, commodity storage arrangements, fan spacing, make-up air requirements and building parameters.

Mechanical smoke exhaust systems shall be designed to remove smoke after a fire is extinguished and to assist the fire department during suppression operations or during marginal sprinkler control situations. They are not considered life safety systems and are not designed for occupant safety.

910.5.2 Calculation method. Volumetric flow rate calculations for the engineering design of mechanical smoke exhaust systems shall be in accordance with Sections 910.5.2.1 through 910.5.2.7.

910.5.2.1 Heat release rate. The minimum heat release rate for calculated design of engineered mechanical smoke removal shall be based on either Section 910.5.2.1.1 or 910.5.2.1.2.

910.5.2.1.1 Heat release rate for suppression mode (ESFR) sprinklers. For high-piled storage or occupancies protected with suppression mode (ESFR) sprinklers, a minimum convective heat release rate, Q_c , of 4,200 BTU/sec (4,430 kW) shall be used for all occupancies or commodities permitted by NFPA 13 to be protected by ESFR sprinklers.

910.5.2.1.2 Heat release rate for all other configurations. For high-piled storage protected with control mode (non-ESFR) sprinklers, a minimum convective heat release rate, Q_c , shall be in accordance with Table 910.5.2.1.2.

Table 910.5.2.1.2
Minimum Heat Release Rates for Control
Mode Sprinklers

	Minimum convective heat release rate, Q_c , in Btu/sec (kW)
High-piled storage – Commodity Class I	4,200 BTU/sec (4,430 kW)
High-piled storage – Commodity Class II	4,900 BTU/sec (5,170 kW)
High-piled storage – Commodity Class III	5,600 BTU/sec (5,900 kW)
High-piled storage – Commodity Class IV	7,000 BTU/sec (7,380 kW)
High-piled storage – High Hazard	10,500 BTU/sec (11,070 kW)
F-1 and S-1 Occupancies w/o high-piled storage	5,600 BTU/sec (5,900 kW)
Group H Occupancies	10,500 BTU/sec (11,070 kW)

910.5.2.2 Sprinkler effectiveness. A calculated engineering exhaust system shall be based on a heat release rate not less than that given in Section 910.5.2.1. The fire growth rate shall not be halted until a heat release rate equal to or exceeding that given in Section 910.5.2.1 is reached.

910.5.2.3 Smoke layer height. For input to the calculations in Section 909.8.2, the height from top of fuel surface to bottom of smoke layer is defined as the smoke layer height, z . For mechanical smoke exhaust of high-piled storage, z shall not be less than the distance from the floor to the top of the commodity storage. For Group F-1, Group S-1, and Group H occupancies, z , shall not be less than one-half the ceiling height.

910.5.2.4 Volumetric flow rate. The aggregate capacity of smoke exhaust fans shall be determined using the method for an axisymmetric plume given in Section 909.8.2. For input to the calculations in Section 909.8.2, the convective heat release rate, Q_c , shall be as required by Section 910.5.2.1. The height of the smoke layer shall be maintained at least above z as defined in

Section 910.5.2.3.

Exception: When approved by the code official, fire modeling programs are allowed to calculate the required volumetric flow rate for mechanical smoke exhaust. For input to the modeling program, the convective heat release rate shall be as required by Section 910.5.2.1. The height of the smoke layer shall be maintained at least above z as defined in Section 910.5.2.3.

910.5.2.5 Smoke density. Equation 9-4 shall be used to convert from the calculated plume mass flow rate to a volumetric flow rate and the density of air at the temperature of the smoke layer shall be used. The temperature shall be based on either an average upper layer temperature or sprinkler activation temperature. It need not be based on the fire plume centerline temperature.

910.5.2.6 Safety factor. A calculated engineering mechanical smoke exhaust system design shall include a ten percent safety factor to the final calculated exhaust rate. No safety factor need be applied to the minimum system size required by Section 910.5.2.7.

910.5.2.7 Minimum system size. In no case shall a calculated engineering exhaust system be permitted that provides less than 3 air changes per hour. When only a portion of a space is used for high-piled storage requiring smoke exhaust, the volume to be extracted shall be based on the ceiling height multiplied by the actual gross area for storage.

910.5.3 Operation. Mechanical smoke exhaust fans shall be automatically activated upon sprinkler system water flow. A 5 to 10 minute delay shall be provided between the sprinkler water flow signal and activation of the exhaust fans. In addition, individual manual controls of each fan unit shall also be provided.

Exception: When required by the code

official, initiation of mechanical smoke exhaust fans shall be only through manual activation.

910.5.4 Supply air. Supply air for exhaust fans shall be sized to provide a minimum of 50 percent of the required exhaust. Air velocity at each supply air opening shall not exceed an average of 200 feet per minute when measured 4 feet (1219 mm) in front of the opening. Openings for supply air shall be uniformly distributed around the periphery of the area served and be located or ducted to a position not more than one-half the storage height above the floor. Supply air openings shall open automatically upon operation of the smoke exhaust system and shall not require a manual action at each supply opening for operation. Supply air openings shall be kept clear of storage or obstructions to airflow for at least 4 feet (1219 mm) in front of the opening. Supply air openings shall be separated from exhaust fans and exterior combustibles to prevent introduction of smoke into the building.

910.5.5 Equipment. Wiring and control shall be as required in Section 910.4.4. Interlocks shall be as required in Section 910.4.6. Exhaust fans shall be uniformly spaced and each fan shall have a maximum individual capacity of 30,000 cfm.

910.6 Testing and maintenance. Mechanical smoke exhaust systems shall be tested and maintained as required by Sections 910.6.1 through 910.6.4.

910.6.1 Acceptance testing. Mechanical smoke exhaust systems shall be acceptance tested as required by Sections 909.18.2 through 909.18.5 and 909.19.

910.6.1.1 Controls. For testing purposes, each smoke exhaust system equipped for automatic activation shall be put into operation by the actuation of the automatic initiating device. Control sequences shall be verified throughout the system, including

verification of override from the firefighter's control panel when systems are equipped for automatic activation.

910.6.2 Special inspections. Special inspections for mechanical smoke exhaust shall be conducted according to Section 909.18.8.

910.6.3 Maintenance. Mechanical smoke exhaust systems, including exhaust fans, supply air openings and controls, shall be maintained and unobstructed.

910.6.4 Operational testing. Operational testing of the smoke exhaust system shall include all equipment such as initiating devices, fans, dampers, controls, and supply air openings. Mechanical smoke exhaust systems shall be operated and tested under each control sequence at least annually.

1305.0912 SECTION 912, POST FIRE EXHAUST SYSTEM.

IBC Chapter 9 is amended by adding a section to read as follows:

SECTION 912 POST FIRE SMOKE EXHAUST SYSTEM

912.1 Scope and purpose. This section applies to post fire smoke exhaust systems when they are required by other provisions of this code. The purpose of this section is to establish minimum requirements for the design and installation of smoke exhaust systems that are intended for the timely restoration of operations and overhaul activities once a fire is extinguished.

912.2 General design requirements. Post fire smoke exhaust systems are not intended or designed as life safety systems and are not required to meet the provisions of Section 909. These systems are permitted to use dedicated equipment, the normal building HVAC system or other openings and shall have the capability to exhaust smoke from

occupied spaces. Smoke removal may be by either mechanical or natural ventilation, but shall be capable of removing cold smoke. Smoke exhaust shall be permitted through elevator shafts. Smoke removed from a space must be discharged to a safe location outside the building and may not be recirculated into the building in accordance with the mechanical code.

912.3 Exhaust capability. The system shall have an air supply and smoke exhaust capability that will provide a minimum of three air changes per hour or remove smoke to less than a 5 percent concentration within one hour of operation. The system need not exhaust from all areas at the same time, but is permitted to be zoned based on the largest fire area served. For the purpose of calculating system size, the height of a compartment shall be considered to run from slab to slab and include the volume above suspended ceilings.

912.4 Operation. The smoke exhaust system shall be operated by manual controls that are readily accessible to the fire department at an approved location and shall incorporate an approved control diagram. When a system is zoned into areas of operation less than the entire building, each zone shall have an individual control. Fire department manual controls of post fire smoke exhaust systems shall have the highest priority of any control point within the building.

912.5 Inspection and testing. Post fire smoke exhaust systems shall be inspected and tested annually.

1305.1000 Repealed

1305.1002 SECTION 1002, DEFINITIONS.

IBC Section 1002.1 is amended by adding or replacing the following definitions:

AISLE. That portion of an exit access that connects an aisle accessway to an exit access

doorway, corridor, or an exit.

CORRIDOR. An interior passageway having a length at least three times its width, having walls, partitions, or other obstructions to exit travel over 6 feet (1829 mm) in height on two opposing sides, and having openings from rooms or similar spaces.

ROOM. A space or area bounded by any obstruction over 6 feet in height which at any time encloses more than 80 percent of the perimeter of the area. In computing the unobstructed perimeter, openings less than 3 feet (914 mm) in clear width and less than 6 feet 8 inches (2032 mm) in height shall not be considered. Aisles and corridors shall not be construed to form rooms.

1305.1003 SECTION 1003, GENERAL MEANS OF EGRESS.

Subpart 1. **Section 1003.2.12.** IBC Section 1003.2.12 is amended by adding an exception to read as follows:

8. In accordance with the Minnesota Bleacher Safety Act, Minnesota Statutes, section 16B.616, guards are not required on bleachers 55 inches and less in height.

Subp. 2. **Section 1003.2.12.1.** IBC Section 1003.2.12.1 is amended by adding an exception to read as follows:

1003.2.12.1 Height. Guards shall form a protective barrier not less than 42 inches (1067 mm) high, measured vertically above the leading edge of the tread, adjacent walking surface or adjacent seatboard.

Exceptions:

1. For occupancies in Group R-3, and within individual dwelling units in occupancies in Group R-2, both as applicable in Section 101.2, guards whose top rail also serves as a handrail shall have a height not less than 34 inches (864 mm) and not more than 38 inches (965 mm) measured vertically

from the leading edge of the stair tread nosing.

2. The top of a guard for a Group R-3 occupancy, a Group U occupancy that is accessory to a Group R-3, and within dwelling units or guest rooms of Group R-2 occupancies shall be constructed not less than 36 inches (914 mm) in height.

Subp. 3. **Section 1003.2.13.** IBC Section 1003.2.13 is amended to read as follows:

1003.2.13 Accessibility. For requirements on accessible means of egress, refer to the Minnesota State Accessibility Code, Minnesota Rules, chapter 1341.

Subp. 4. **Section 1003.3.1.3.6.** IBC Section 1003.3.1.3 is amended by adding a section to read as follows:

1003.3.1.3.6 Special egress control devices.

Where the clinical needs of the patients require specialized security measures for their safety, door locking arrangements are permitted in Group I-1 occupancies (this includes use groups as described in Group I-1 occupancies that are identified as either Group R-3 or Group R-4 occupancies because of occupant load) and Group I-2 occupancies provided that:

1. Keys or devices that function like keys are carried by staff at all times;
2. In at least one egress path, not more than one such arrangement is located;
3. The building or fire area is protected by an approved automatic sprinkler system in accordance with IBC Section 903.3.1.1 (NFPA 13) and an approved fire alarm system having smoke detection, installed throughout the exit corridor system and areas open to the exit corridor;
4. Locking devices shall automatically unlock upon activation of any of the

following:

- a. Automatic sprinkler system;
 - b. Automatic smoke detection system;
 - c. Automatic fire alarm system; or
 - d. Loss of electrical power;
5. Locking devices can be remotely unlocked from an approved location within the secured area;
 6. There is no public assembly space within the secured area;
 7. 24-hour patient supervision is provided within the secured area;
 8. Relocking of the locking device is by manual means from an approved location within the secured area;
 9. Locking devices are designed to fail in the open position;
 10. Special egress control devices are not permitted in buildings of type III-B or V-B construction, and shall not exceed one story in height when in type III-A, IV-HT, or type V-A construction;
 11. Floor levels within the building or portion thereof with the special egress control devices shall be divided into at least two compartments by smoke barriers meeting the requirements of IBC Section 709; and
 12. Substitution of the automatic sprinkler system for 1-hour fire-resistance-rated construction (pursuant to Table 601, footnote d) shall be permitted.

Subp. 5. **Section 1003.3.1.8.2.** IBC Section 1003.3.1.8.2 is amended to read as follows:

1003.3.1.8.2 Delayed egress locks.

Approved, listed, delayed egress locks shall be permitted to be installed on doors serving any occupancy except Group A and H occupancies in buildings which are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke detection system installed in accordance with Section 907, provided that the doors unlock in accordance with Items 1 through 6. A building occupant shall not be required to pass through more than one door equipped with a delayed egress lock before entering an exit.

1. The doors unlock upon actuation of the automatic sprinkler system or automatic fire detection system.
2. The doors unlock upon loss of power controlling the lock or lock mechanism.
3. The door locks shall have the capability of being unlocked by a signal from the fire command center.
4. The initiation of an irreversible process which will release the latch in not more than 15 seconds when a force of not more than 15 pounds (67 N) is applied for 1 second to the release device. Initiation of the irreversible process shall activate an audible signal in the vicinity of the door. Once the door lock has been released by the application of force to the releasing device, relocking shall be by manual means only.

Exception: Where approved, a delay of not more than 30 seconds is permitted.

5. A sign shall be provided on the door located above and within 12 inches (305 mm) of the release device reading: PUSH UNTIL ALARM SOUNDS. DOOR CAN BE OPENED IN 15 SECONDS.

6. Emergency lighting shall be provided at the door.

Subp. 6. **Section 1003.3.3.3.** IBC Section 1003.3.3.3 is amended to read as follows:

1003.3.3.3 Stair treads and risers. Stair riser heights shall be 7 inches (178 mm) maximum and 4 inches (102 mm) minimum. Stair tread depths shall be 11 inches (279 mm) minimum. The riser height shall be measured vertically between the leading edges of adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at right angle to the tread's leading edge.

Exceptions:

1. Circular stairways in accordance with Section 1003.3.3.7.
2. Winders in accordance with Section 1003.3.3.8.
3. Spiral stairways in accordance with Section 1003.3.3.9.
4. Aisle stairs in assembly seating areas where the stair pitch or slope is set, for sightline reasons, by the slope of the adjacent seating area in accordance with Section 1008.9.2.
5. Private stairs and steps serving Group R-3 occupancies, Group U occupancies which are accessory to Group R-3, and within dwelling units of Group R-2 occupancies may be constructed with an 8 inch (203 mm) maximum rise and a 9 inch (229 mm) minimum tread.

6. See Section 3402.4 for the replacement of existing stairways.

Subp. 7. **Section 1003.3.3.3.2.** IBC Section 1003.3.3.3.2 is amended to read as follows:

1003.3.3.3.2 Profile. The radius of curvature at the leading edge of the tread shall be not greater than 0.5 inch (12.7 mm). Beveling of

nosings shall not exceed 0.5 inch (12.7 mm). Risers shall be solid and vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees (0.52 rad) from the vertical. The leading edge (nosings) of treads shall project not more than 1.25 inches (32 mm) beyond the tread below and all projections of the leading edges shall be of uniform size, including the leading edge of the floor at the top of a flight.

Exceptions:

1. Solid risers are not required for stairways that are not required to comply with Section 1003.2.13.2, provided that the opening between treads does not permit the passage of a sphere with a diameter of 4 inches (102 mm).

2. Solid risers are not required for occupancies in Group I-3.

3. Private stairs and steps serving Group R-3 occupancies, Group U occupancies which are accessory to Group R-3, and within dwelling units of Group R-2 occupancies may be constructed without beveled tread nosings, tread nosing extensions or solid vertical or sloped risers.

Subp. 8. **Section 1003.3.3.5.2.** IBC Section 1003.3.3.5.2 is amended to read as follows:

1003.3.3.5.2 Outdoor conditions. Outdoor stairways, landings and platforms, and outdoor approaches to stairways shall be designed so that water will not accumulate on walking surfaces.

Subp. 9. **Section 1003.3.3.7.** IBC Section 1003.3.3.7 is amended to read as follows:

1003.3.3.7 Circular stairways. Circular stairways shall have a minimum tread depth and a maximum riser height in accordance with Section 1003.3.3.3 and the smaller

radius shall not be less than twice the width of the stairway. The minimum tread depth measured 12 inches (305 mm) from the narrower end of the tread shall be not less than 11 inches (279 mm). The minimum tread depth at the narrow end shall be not less than 10 inches (254 mm).

Exception: For occupancies in Group R-3, and within individual dwelling units in occupancies in Group R-2, both as applicable in Section 101.2, the minimum tread depth measured 12 inches (305 mm) from the narrower end of the tread shall be not less than 10 inches (254 mm). The minimum tread depth at the narrow end shall not be less than 6 inches (152 mm).

Subp. 10. **Section 1003.3.3.8.** IBC Section 1003.3.3.8 is amended to read as follows:

1003.3.3.8 Winders. Winders are not permitted in means of egress stairways except within a dwelling unit. Winders shall have a tread depth of not less than 9 inches (228 mm) at a point not more than 12 inches (305 mm) from the narrow edge. The minimum tread depth shall not be less than 6 inches (152 mm).

Subp. 11. **Section 1003.3.3.11.** IBC Section 1003.3.3.11 is amended to read as follows:

1003.3.3.11 Handrails. Stairways shall have handrails on each side. Handrails shall be adequate in strength and attachment in accordance with Section 1607.7.

Exceptions:

1. Aisle stairs provided with a center handrail need not have additional handrails.

2. Stairways having less than 4 risers in Group R-3 occupancies, Group U occupancies which are accessory to Group R-3, and stairways within or serving an individual dwelling unit of a Group R-2 occupancy may be constructed without

handrails.

3. Stairways having 4 risers or more in Group R-3 occupancies, Group U occupancies which are accessory to Group R-3, and stairways within or serving one dwelling unit of a Group R-2 occupancy may be constructed with a handrail on one side only.

4. Aisle stairs serving seating only on one side are permitted to have a handrail on one side only.

5. Spiral stairways are permitted to have a handrail on one side only.

6. Decks, patios, and walkways that have a single change in elevation where the landing depth on each side of the change of elevation is greater than what is required for a landing do not require handrails.

7. Changes in room elevations of up to 3 risers within dwelling units in Group R-2 and R-3 occupancies do not require handrails.

Subp. 12. **Section 1003.3.3.11.5.** IBC Section 1003.3.3.11.5 is amended to read as follows:

1003.3.3.11.5 Handrail extensions. Handrails shall return to a wall, guard, or the walking surface or shall be continuous to the handrail of an adjacent stair flight. Where handrails are not continuous between flights, the handrails shall extend horizontally at least 12 inches (305 mm) beyond the top riser and continue to slope for the depth of one tread beyond the bottom riser.

Exceptions:

1. Handrail extensions for private stairs or steps serving Group R-3 occupancies, Group U occupancies which are accessory to Group R-3, and within dwelling units of Group R-2 occupancies are not required.

2. Aisle handrails in Group A occupancies

in accordance with Section 1008.11.

Subp. 13. **Section 1003.3.3.12.2.** IBC Section 1003.3.3.12 is amended by adding a new section as follows:

1003.3.3.12.2 Press box roof access. Press box roofs used as camera, video or security platforms or similar uses having an occupant load of 9 or less shall have access to not less than one means of egress designed in accordance with Section 1003.3.3. Press box roofs having an occupant load of more than 9 shall have access to not less than two means of egress designed in accordance with Chapter 10. When only one stairway to the roof is required, access may be by means of a roof hatch, scuttle, or bulkhead having an area not less than 20 square feet (1.898 m²) in area and having a minimum dimension of 36 inches (914.4 mm). Occupied press box roofs shall be provided with guards in accordance with Section 1003.2.12.

Subp. 14. **Section 1003.3.4.6.2.** IBC Section 1003.3.4.6.2 is amended to read as follows:

1003.3.4.6.2 Outdoor conditions. Outdoor ramps, walks, landings, and accessible approaches that are part of a building's exit discharge or exterior exit access shall be designed so that water will not accumulate on walking surfaces.

1305.1004 Renumbered 1305.1000, subpart 1.

1305.1004 SECTION 1004, EXIT ACCESS.

Subpart 1. **Section 1004.2.1.** IBC Section 1004.2.1 is amended to read as follows:

1004.2.1 Exit or exit access doorways required. Two exits or exit access doorways from any space shall be provided where one of the following conditions exists:

1. The occupant load of the space exceeds the values in Table 1004.2.1;

2. The common path of egress travel exceeds the limitations of Section 1004.2.5; or

3. In buildings used for educational purposes, laboratories containing hazardous materials and having a floor area in excess of 500 square feet shall be provided with not less than two exit access doorways.

Subp. 2. **Section 1004.2.3.3.** IBC Section 1004.2.3 is amended by adding a new section to read as follows:

1004.2.3.3 Group E. Where exit access for more than 10 occupants from an interior room or rooms have a single path of egress travel through an adjoining or intervening room in a Group E occupancy, smoke detectors shall be installed throughout the common atmosphere through which the path of egress travel passes. Such smoke detectors shall actuate alarms audible in the interior room and shall be connected to the building's fire alarm system.

Subp. 3. **Section 1004.3.1.1.** IBC Section 1004.3.1.1 is amended to read as follows:

1004.3.1.1 Public areas Group B and M. In public areas of Group B and M occupancies, the minimum clear aisle width shall be 36 inches (914 mm) where seats, tables, furnishings, displays and similar fixtures or equipment are placed on only one side of the aisle and 44 inches (1118 mm) where such fixtures or equipment are placed on both sides of the aisle.

Exception: Aisle accessways complying with Sections 1004.3.1.3.2 and 1004.3.1.3.3 are permitted.

1305.1008 SECTION 1008, ASSEMBLY.

Subpart 1. **Section 1008.5.4.** IBC Section

1008.5 is amended by adding a new section to read as follows:

1008.5.4 Width of means of egress for bleacher facilities. Aisles for bleachers shall not be required to be more than 66 inches (167 cm) in width when calculated in accordance with Section 1008.5.1 or 1008.5.3 when the following conditions are satisfied:

1. The seating area served by such aisles is composed entirely of bleachers;

2. The row-to-row dimension is 28 inches (71 cm) or less; and

3. Front egress is not limited.

Subp. 2. **Section 1008.7.5.** IBC Section 1008.7.5 is amended to read as follows:

1008.7.5 Assembly aisle termination. Each end of an aisle shall terminate at cross aisle, foyer, doorway, vomitory or concourse having access to an exit.

Exceptions:

1. Dead-end aisles shall not be greater than 20 feet (6096 mm) in length.

2. Dead-end aisles longer than 20 feet (6096 mm) are permitted where seats beyond the 20-foot (6096 mm) dead-end aisle are no more than 24 seats from another aisle, measured along a row of seats having a minimum clear width of 12 inches (305 mm) plus 0.6 inch (15.2 mm) for each additional seat above seven in the row.

3. For smoke-protected assembly seating, the dead-end aisle length of vertical aisles shall not exceed a distance of 21 rows.

4. For smoke-protected assembly seating, a longer dead-end aisle is permitted where seats beyond the 21-row dead-end aisle are not more than 40 seats from another aisle, measured along a row of seats having an aisle accessway with a minimum clear width of 12

inches (305 mm) plus 0.3 inch (7.6 mm) for each additional seat above seven in the row.

5. Aisles serving bleachers in compliance with Section 1008.5.4.

Subp. 3. **Section 1008.12.** IBC Section 1008.12 is amended to read as follows:

1008.12 Assembly guards. Assembly guards shall comply with Sections 1008.2.1 through 1008.12.4.

Exception: In accordance with the Minnesota Bleacher Safety Act, Minnesota Statutes, section 16B.616:

1. Guards are not required on bleachers 55 inches and less in height; and

2. Bleachers must have vertical perimeter guards or other approved guards that address climbability and are designed to prevent accidents.

1305.1009 Renumbered 1305.1000, subparts 3 and 4

1305.1009 SECTION 1009, EMERGENCY ESCAPE AND RESCUE.

IBC Section 1009.1 is amended to read as follows:

1009.1 General. In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue in Group R as applicable in Section 101.2 and Group I-1 occupancies. Basements and sleeping rooms below the fourth story shall have at least one exterior emergency escape and rescue opening in accordance with this section. Such opening shall open directly into a public street, public alley, yard or court.

Exceptions:

1. In other than Group R-3 occupancies as applicable in Section 101.2, buildings equipped throughout with an approved

automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

2. In other than Group R-3 occupancies as applicable in Section 101.2, sleeping rooms provided with a door to a fire-resistance-rated corridor having access to two remote exits in opposite directions.

3. The emergency escape and rescue opening is permitted to open onto a balcony within an atrium in accordance with the requirements of Section 404 provided the balcony provides access to an exit and the dwelling unit or sleeping room has a means of egress that is not open to the atrium.

1305.1019 Renumbered 1305.1000, subpart 5

1305.1100 Repealed

1305.1101 CHAPTER 11, ACCESSIBILITY.

IBC Chapter 11 is amended to read as follows:

CHAPTER 11
ACCESSIBILITY

Buildings or portions of buildings shall be accessible to persons with disabilities as required by Minnesota Rules, chapter 1341.

1305.1200 Repealed

1305.1202 SECTION 1202, VENTILATION.

IBC Section 1202.1 is amended to read as follows:

1202.1 General. Buildings shall be provided with natural or mechanical ventilation in accordance with this code.

Exceptions:

1. Buildings, or portions thereof, that are

not intended for normal human occupancy, or where the primary purpose is not associated with human comfort.

2. Group U occupancies.

1305.1203 SECTION 1203, TEMPERATURE CONTROL.

IBC Section 1203.1 is amended to read as follows:

1203.1 Equipment and systems. Interior spaces intended for human occupancy shall be provided with space-heating systems capable of maintaining a minimum indoor temperature of 68°F (20°C) at a point 3 feet (914 mm) above the floor on the design heating day.

Exception: Buildings, or portions thereof, that are not intended for normal occupancy, or where the primary purpose is not associated with human comfort.

1305.1204 SECTION 1204, LIGHTING.

IBC Section 1204.4 is amended to read as follows:

1204.4 Stairway illumination. Stairways within dwelling units and exterior stairways shall be illuminated. Stairs in other occupancies shall be governed by chapter 10.

1305.1207 SECTION 1207, INTERIOR SPACE DIMENSIONS.

IBC Section 1207.2 is amended to read as follows:

1207.2 Minimum ceiling heights. Habitable spaces shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). Bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall be permitted to have a ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.

2. Basement rooms in one- and two-family dwellings having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

3. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the finished ceiling shall not be included in any computation of the minimum area thereof.

4. Mezzanines constructed in accordance with Section 505.1.

1305.1209 SECTION 1209, SURROUNDING MATERIALS.

IBC Section 1209.1 is amended to read as follows:

1305.1300 Repealed

1305.1350 Repealed

1305.1355 Repealed

1305.1370 Repealed

1305.1400 Repealed

1209.1 Floors. In other than dwelling units, toilet, shower, and bathing room floors shall have a smooth, hard, nonabsorbent surface, such as portland cement, concrete, ceramic tile, sheet vinyl or other approved floor covering material that extends upward onto

the walls at least 5 inches (127 mm).

1305.1404 SECTION 1404, MATERIALS.

IBC Section 1404.2 is amended to read as follows:

1404.2 Water-resistive barrier. A minimum of one layer of No. 15 asphalt felt, complying with ASTM D 226 for Type 1 felt, or other approved water-resistive barrier shall be attached to the sheathing, with flashing as described in Section 1405.3, in such a manner as to provide a continuous water-resistive barrier behind the exterior wall veneer.

1305.1405 SECTION 1405, INSTALLATION OF WALL COVERINGS.

Subpart 1. **Section 1405.3.2.** IBC Section 1405.3.2 is amended to read as follows:

1405.3.2 Masonry. Flashing and weepholes shall be located above finished ground level above the foundation wall or slab, and other points of support, including structural floors, shelf angles and lintels where anchored veneers are designed in accordance with Section 1405.5.

Subp. 2. **Section 1405.5.1.** IBC Section 1405.5.1 is deleted.

1305.1500 Repealed

1305.1502 SECTION 1502, DEFINITIONS.

IBC Section 1502.1 is amended by modifying the definition of "Roof Covering" to read as follows:

ROOF COVERING. The covering applied to the roof deck for weather resistance, fire classification or appearance. Roof covering materials consist of two basic types: (1) roofing systems, and (2) prepared materials.

1305.1503 SECTION 1503, WEATHER PROTECTION.

IBC Section 1503.4 is amended to read as follows:

1503.4 Roof drainage. Design and installation of roof drainage systems shall comply with Minnesota Rules, chapter 4715, Minnesota Plumbing Code.

1503.4.1 Where required. All roofs shall drain into a separate storm sewer system or to an approved place of disposal. For one- and two-family dwellings, and where approved, storm water is permitted to discharge onto flat areas, such as streets or lawns, provided that the storm water flows away from the building.

1503.4.2 Roof design. Roofs shall be designed for the maximum possible depth of water that will pond thereon as determined by the relative levels of roof deck and overflow weirs, scuppers, edges, or serviceable drains in combination with the deflected structural elements. In determining the maximum possible depth of water, all primary roof drainage means shall be assumed to be blocked.

1503.4.3 Secondary (emergency) roof drains.

1503.4.3.1 Secondary drainage required. Secondary (emergency) roof drains or scuppers shall be provided where the roof perimeter construction extends above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason.

1503.4.3.2 Separate systems required. Secondary (emergency) roof drain systems shall have piping and point of discharge separate from the primary system. Discharge shall be above grade in a location which would normally be observed by the building occupants or maintenance personnel.

1503.4.3.3 Sizing of secondary drains.

Secondary (emergency) roof drain systems shall be sized in accordance with the Minnesota State Plumbing Code based on the rainfall rate for which the primary system is sized by two. Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by Section 1503.4.2. Scuppers shall not have an opening dimension of less than 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drainage system.

1305.1505 TABLE 1505.1, MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION.

IBC Table 1505.1 is amended by deleting a footnote as follows:

For SI: 1 foot = 304.8 mm, 1 square foot = 0.929 m².

a. Nonclassified roof coverings shall be permitted on buildings of Group R-3 as applicable in Section 101.2 and U occupancies, where there is a minimum fire-separation distance of 6 feet measured from the leading edge of the roof.

b. Buildings that are not more than two stories in height and having not more than 6,000 square feet of projected roof area and where there is a minimum 10-foot fire-separation distance from the leading edge of the roof to a lot line on all sides of the building, except for street fronts or public ways, shall be permitted to have roofs of No. 1 cedar or redwood shakes and No. 1 shingles constructed in accordance with Section 1505.6.

1305.1506 Repealed

1305.1507 SECTION 1507, REQUIREMENTS FOR ROOF

COVERINGS.

Subpart 1. **Section 1507.2.9.2.** IBC Section 1507.2.9.2 is amended to read as follows:

1507.2.9.2 Valleys. Valley linings shall be installed in accordance with the manufacturer's installation instructions before applying shingles. Valley lining underlayment may consist of self-adhering polymer modified bitumen sheet complying with ASTM D 1970. Valley linings of the following types shall be permitted:

1. For open valleys (valley lining exposed) lined with metal, the valley lining shall be at least 16 inches (406 mm) wide and of any of the corrosion-resistant metals in Table 1507.2.9.2.

2. For closed valleys (valley covered with shingles), valley lining of one ply of smooth roll roofing complying with ASTM D 224 and at least 36 inches (914 mm) wide or types (1) and (2) above shall be permitted. Specialty underlayment shall comply with ASTM D 1970.

Subp. 2. **Section 1507.3.9.** IBC Section 1507.3.9 is amended to read as follows:

1507.3.9 Flashing. At the juncture of the roof vertical surfaces, flashing and counterflashing shall be provided in accordance with the manufacturer's installation instructions, and where of metal, shall not be less than 0.019-inch (0.48 mm) (No. 26 galvanized sheet gage) corrosion-resistant metal. The valley flashing shall extend at least 11 inches from the centerline each way and have a splash diverter rib not less than 1 inch (25.4 mm) high at the flow line formed as part of the flashing. Sections of flashing shall have an end lap of not less than 4 inches (102 mm). For roof slopes of three units vertical in 12 units horizontal (25-percent slope) and over, the valley flashing shall have a 36-inch-wide

(914 mm) underlayment of either one layer of Type I underlayment running the full length of the valley, in addition to other required underlayment, or a self-adhering polymer modified bitumen sheet complying with ASTM D 1970. In areas where the average daily temperature in January is 25°F (-4°C) or less or where there is a possibility of ice forming along the eaves causing a backup of water, the metal valley flashing Type I underlayment shall be solid cemented to the roofing underlayment for slopes under seven units vertical in 12 units horizontal (58-percent slope).

Subp. 3. **Section 1507.8.7.** IBC Section 1507.8.7 is amended to read as follows:

1507.8.7 Flashing. At the juncture of the roof and vertical surfaces, flashing and counterflashing shall be provided in accordance with the manufacturer's installation instructions, and where of metal, shall not be less than 0.019-inch (0.48 mm) (No. 26 galvanized sheet gage) corrosion-resistant metal. The valley flashing shall extend at least 11 inches (279 mm) from the centerline each way and have a splash diverter rib not less than 1 inch (25.4 mm) high at the flow line formed as part of the flashing. Sections of flashing shall have an end lap of not less than 4 inches (102 mm). For roof slopes of three units vertical in 12 units horizontal (25-percent slope) and over, the valley flashing shall have a 36-inch-wide (914 mm) underlayment of either one layer of Type I underlayment running the full length of the valley, in addition to other required underlayment, or a self-adhering polymer modified bitumen sheet complying with ASTM D 1970. In areas where the average daily temperature in January is 25°F (-4°C) or less or where there is a possibility of ice forming along the eaves causing a backup of water, the metal valley flashing Type I underlayment shall be solid cemented to the roofing underlayment for slopes under seven units vertical in 12 units horizontal (58-percent slope).

Subp. 4. **Section 1507.9.8.** IBC Section 1507.9.8 is amended to read as follows:

1507.9.8 Flashing. At the juncture of the roof and vertical surfaces, flashing and counterflashing shall be provided in accordance with the manufacturer's installation instructions, and where of metal, shall not be less than 0.019-inch (0.48 mm) (No. 26 galvanized sheet gage) corrosion-resistant metal. The valley flashing shall extend at least 11 inches (279 mm) from the center-line each way and have a splash diverter rib not less than 1 inch (25.4 mm) high at the flow line formed as part of the flashing. Sections of flashing shall have an end lap of not less than 4 inches (102 mm). For roof slopes of three units vertical in 12 units horizontal (25-percent slope) and over, the valley flashing shall have a 36-inch-wide (914 mm) underlayment of either one layer of Type I underlayment running the full length of the valley, in addition to other required underlayment, or a self-adhering polymer modified bitumen sheet complying with ASTM D 1970. In areas where the average daily temperature in January is 25°F (-4°C) or less where there is a possibility of ice forming along the eaves causing a backup of water, the metal valley flashing Type I underlayment shall be solid cemented to the roofing underlayment for slopes under seven units vertical in 12 units horizontal (58-percent slope).

Subp. 5. **Section 1507.10.1.** IBC Section 1507.10.1 is amended to read as follows:

1507.10.1 Slope. Unless designed for water accumulation in accordance with Section 1611.2, built-up roofs shall have a design slope of a minimum of one-fourth unit vertical in 12 units horizontal (2-percent slope) for drainage, except for coal-tar built-up roofs that shall have a design slope of a minimum one-eighth unit vertical in 12 units horizontal (1-percent slope).

Subp. 6. **Section 1507.11.1.** IBC Section 1507.11.1 is amended to read as follows:

1507.11.1 Slope. Unless designed for water accumulation in accordance with Section 1611.2, modified bitumen membrane roofs shall have a design slope of a minimum of one-fourth unit vertical in 12 units horizontal (2-percent slope) for drainage.

Subp. 7. **Section 1507.12.1.** IBC Section 1507.12.1 is amended to read as follows:

1507.12.1 Slope. Unless designed for water accumulation in accordance with Section 1611.2, thermoset single-ply membrane roofs shall have a design slope of a minimum of one-fourth unit vertical in 12 units horizontal (2-percent slope) for drainage.

Subp. 8. **Section 1507.13.1.** IBC Section 1507.13.1 is amended to read as follows:

1507.13.1 Slope. Unless designed for water accumulation in accordance with Section 1611.2, thermoplastic single-ply membrane roofs shall have a design slope of a minimum of one-fourth unit vertical in 12 units horizontal (2-percent slope) for drainage.

Subp. 9. **Section 1507.14.1.** IBC Section 1507.14.1 is amended to read as follows:

1507.14.1 Slope. Unless designed for water accumulation in accordance with Section 1611.2, sprayed polyurethane foam roofs shall have a design slope of a minimum of one-fourth unit vertical in 12 units horizontal (2-percent slope) for drainage.

Subp. 10. **Section 1507.15.1.** IBC Section 1507.15.1 is amended to read as follows:

1507.15.1 Slope. Unless designed for water accumulation in accordance with Section 1611.2, liquid-applied roofs shall have a design slope of a minimum of one-fourth unit vertical in 12 units horizontal (2-percent slope).

1305.1509 SECTION 1509, ROOFTOP STRUCTURES.

IBC Section 1509.2 is amended to read as follows:

1509.2 Penthouses. A penthouse or other projections above the roof in structures of other than Type I construction shall not exceed 28 feet (8534 mm) above the roof. The aggregate area of penthouses and other rooftop structures shall not exceed one-third the area of the supporting roof. A penthouse, bulkhead, or any other similar projection above the roof shall not be used for purposes other than shelter of mechanical equipment or shelter of vertical shaft openings in the roof. Provisions, such as louvers, louver blades or flashing, shall be made to protect the mechanical equipment and the building interior from the elements. Penthouses or bulkheads used for purposes other than permitted by this section shall conform to the requirements of this code for an additional story. The restrictions of this section shall not prohibit the placing of wood flagpoles or similar structures on the roof of any building.

1305.1510 SECTION 1510, REROOFING.

IBC Section 1510.5 is amended to read as follows:

1510.5 Reinstallation of materials. Existing slate, clay or cement tile shall be permitted for reinstallation, except that damaged, cracked or broken slate or tile shall not be reinstalled. Existing vent flashing, metal edging, drain outlets, collars and metal counterflashings shall not be reinstalled where rusted, damaged or deteriorated. Aggregate surfacing materials shall not be reinstalled unless such aggregate complies with the gradation requirements of ASTM C-33 Standard Specification for Concrete Aggregate.

1305.1590 Repealed

1305.1600 Repealed

1305.1604 SECTION 1604, GENERAL DESIGN REQUIREMENTS.

Subpart 1. **Section 1604.5.** IBC Section 1604.5 is amended to read as follows:

1604.5 Importance factors. The value for snow load and wind load shall be 1.0.

Subp. 2. **Table 1604.5.** IBC Table 1604.5 Classification of Buildings and Other Structures for Importance Factors is deleted in its entirety.

1305.1607 SECTION 1607, LIVE LOADS.

Subpart 1. **Section 1607.11.1.** IBC Section 1607.11.1 is deleted.

Subp. 2. **Section 1607.12.2.** IBC Section 1607.12.2 is amended to read as follows:

1607.12.2 Vertical impact force. The maximum wheel loads of the crane shall be increased by the percentages shown below to determine the induced vertical impact or vibration force. Impact load shall be applied to one hoist system at a time for multiple hoist or bridge systems.

Monorails, underhung bridge cranes and pendant operated top running bridge cranes:

15 percent minimum for hoist lift speeds of less than 30 feet per minute.

Percentage equivalent to 0.5 times the hoist lift speed, for lift speeds of 30 to 100 feet per minute.

50 percent maximum for hoist lift speeds greater than 100 feet per minute.

50 percent for magnetic pickup or vacuum lift type systems.

No impact load is required for hand chain (non-powered) hoists.

Cab operated or remotely operated top running bridge cranes:

25 percent minimum.

Subp. 3. **Section 1607.12.3.** IBC Section 1607.12.3 is amended to read as follows:

1607.12.3 Lateral force.

Top running powered bridge cranes. The lateral force on top running crane runway beams with powered trolleys shall becalculated as 20 percent of the sum of the rated capacity of the crane and the weight of the hoist and trolley. The lateral force shall be assumed to act horizontally at the traction surface of a runway beam, in either direction perpendicular to the beam, and shall be distributed according to the lateral stiffness of the runway beam and supporting structure. The runway beams shall be designed for the lateral and torsional loads, as well as for the maximum lateral deflection limit of Span/800.

Monorails and underhung bridge cranes.

The bridge girder, underhung bridge crane runway beam and monorails shall be designed with sufficient strength and rigidity to prevent detrimental lateral deflection.

The lateral deflection should not exceed span/800 based on 5 percent of maximum wheel load(s) without vertical impact factor.

1305.1608 SECTION 1608, SNOW LOADS.

Subpart 1. **Section 1608.2.** IBC Section 1608.2 is amended to read as follows:

1608.2 Ground snow loads. The ground snow loads to be used in determining the design snow loads for buildings and other

structures are given in Minnesota Rules, chapter 1303.

Subp. 2. **Figure 1608.2.** IBC Figure 1608.2 on GROUND SNOW LOADS, pg, FOR THE UNITED STATES (PSF) is deleted.

Subp. 3. **Section 1608.5.** IBC Section 1608.5 is deleted.

1305.1704 renumbered 1305.1616

1305.1701 See rule 1305.1702 SECTION 1702, DEFINITIONS.

The definition of "approved agency" in IBC Section 1702.1 is amended to read as follows:

APPROVED AGENCY. An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved. The structural engineer of record, that engineer's employee or that engineer's agent may conduct tests or furnish inspection services for types of work for which the engineer, employee, or agent is qualified.

1305.1704 SECTION 1704, SPECIAL INSPECTIONS.

Subpart 1. **Section 1704.4.** IBC Section 1704.4 is amended by modifying Exception 4 to read as follows:

4. Concrete foundation walls constructed in accordance with Table 1805.5(2), Table 1805.5(3) or Table 1805.5(4).

Subp. 2. **Table 1704.4.** IBC Table 1704.4 is amended by modifying item 6 in the table to read as follows:

**TABLE 1704.4
REQUIRED VERIFICATION AND INSPECTION
OF CONCRETE CONSTRUCTION**

TABLE 1704.4 REQUIRED VERIFICATION AND INSPECTION OF CONCRETE CONSTRUCTION				
Verification and Inspection	Continuous	Periodic	Referenced Standard	IBC Reference
1. Inspection of reinforcing steel including prestressing tendons, and placement.	—	X	ACI 318: 3.5, 7.1-7.7 1907.7, 1914.4	1903.5, 1907.1,
2. Inspection of reinforcing steel welding in accordance with Table 1704.3, Item 5B.	—	— ACI 318: 3.5.2	AWS D1.4	1903.5.2
3. Inspect bolts to be installed in concrete prior to and during placement of concrete where allowable loads have been increased.	X	—	—	1912.5
4. Verifying use of required design mix.	—	X	ACI 318: Ch. 4, 5.2-5.4	1904, 1905.2- 1905.4, 1914.2 1914.3
5. Sampling fresh concrete and performing slump, air content and determining the temperature of fresh concrete at the time of making specimens for strength tests.	X	—	ASTM C 172 ASTM C 31 ACI 318: 5.6, 5.8	1905.6, 1914.10
6. Inspection of concrete and shotcrete placement for proper application techniques.	X	X ^a	ACI 318: 5.9, 5.10	1905.9, 1905.10 1914.6, 1914.7 1914.8
7. Inspection for maintenance of specified curing temperature and techniques	—	X	ACI 318: 5.11-5.13	1905.11, 1905.13, 1914.9
8. Inspection of prestressed concrete: a. Application of prestressing forces b. Grouting of bonded prestressing tendons in the seismic-force-resisting system.	X X	—	ACI 318: 18.18 ACI 318: 18.16.4	—
9. Erection of precast concrete members	—	X	ACI 318: Ch. 16	—
10. Verification of in-situ concrete strength, prior to stressing of tendons in posttensioned concrete and prior to removal of shores and forms from beams and structural slabs.	—	X	ACI 318: 6.2	1906.2

X^a - Exception: Inspection can be periodic when acceptable to the structural engineer of record and the building official.

Subp. 3. **Section 1704.5.** IBC Section 1704.5, exception 2, is amended to read as follows:

2. Masonry foundation walls constructed in accordance with Table 1805.5(2), 1805.5(3), or 1805.5(4).

Subp. 4. **Table 1704.5.1.** IBC Table 1704.5.1, item 4, is amended to read as follows:

**TABLE 1704.5.1
LEVEL 1 SPECIAL INSPECTION**

TABLE 1704.5.1 LEVEL 1 SPECIAL INSPECTION					
INSPECTION TASK	FREQUENCY OF INSPECTION		REFERENCE FOR CRITERIA		
	Continuous during task listed	Periodically during task listed	IBC section	ACI 530/ ASCE 5/TMS 402 ^a	ACI 530.1/ ASCE 6/TMS 602 ^a
1. As masonry construction begins, the following shall be verified to ensure compliance: a. Proportions of site prepared mortar. b. Construction of mortar joints. c. Location of reinforcement and connectors.	—	X X X	—	—	Art. 2.6A Art. 3.3B Art. 3.4
2. The inspection program shall verify: a. Size and location of structural elements. b. Type, size and location of anchors, including other details of anchorage of masonry to structural members, frames or other construction. c. Specified size, grade and type of reinforcement. d. Welding of reinforcing bars. e. Protection of masonry during cold weather (temperature below 40°F) or hot weather (temperature above 90°F).	X	X X X X	Sec. 2108.9.2.11 Item2 Sec. 2104.3 2104.4	Sec. 1.15.4, 2.1.2 Sec. 1.12 Sec. 8.5.7 and Sec. 8.5.7.2	3.3G Art. 2.4, 3.4 Art. 1.8
3. Prior to grouting, the following shall be verified to ensure compliance: a. Grout space is clean. b. Placement of reinforcement and connectors. c. Proportions of site-prepared grout. d. Construction of mortar joints.	—	X X X X	—	Sec. 1.12	Art. 3.2D Art. 3.4 Art. 2.6B Art. 3.3B
4. Grout placement shall be verified to ensure compliance with code and construction document provisions.	X	X ^b	—	—	Art. 3.5
5. Preparation of any required grout specimens, mortar specimens and/or prisms shall be observed.	X	—	Sec. 2105.3, 2105.4, 2105.5	—	Art. 1.4
6. Compliance with required inspection provisions of the construction documents and the approved submittals shall be verified.	—	X	—	—	Art. 1.5

For St: °C = (°F - 32)/1.8.

a. The specific standards referenced are those listed in Chapter 35.

b. Exception: Inspection can be periodic when acceptable to the structural engineer of record and the building official.

1305.1805 SECTION 1805, FOOTINGS AND FOUNDATIONS.

Subpart 1. **Section 1805.5.** IBC Section 1805.5 is amended to read as follows:

1805.5 Foundation Walls. Concrete and masonry foundation walls shall be designed

in accordance with Chapter 19 or 21. Foundation walls that are laterally supported at the top and bottom and within the parameters of Tables 1805.5(2) through 1805.5(4) are permitted to be designed and constructed in accordance with Sections 1805.5.1 through 1805.5.4. If foundation walls are parallel to floor framing, solid

blocking or diagonal bracing must be installed at the anchor bolt locations in the first two floor joist or truss spaces.

Subp. 2. **Table 1805.5(1).** IBC Table 1805.5(1), Plain Masonry and Plain Concrete Foundation Walls, is deleted.

Subp. 3. **Section 1805.5.1.2.** IBC Section 1805.5.1.2 is amended to read as follows:

1805.5.1.2 Thickness based on soil loads, unbalanced backfill height and wall height. The thickness of foundation walls shall comply with the requirements of Table 1805.5(2), 1805.5(3) or 1805.5(4) for reinforced concrete and masonry walls. When using the tables, masonry shall be laid in running bond and the mortar shall be Type M or S.

Unbalanced backfill height is the difference in height of the exterior and interior finish ground levels. Where an interior concrete slab is provided, the unbalanced backfill height shall be measured from the exterior finish ground level to the top of the interior concrete slab.

1305.1806 SECTION 1806, DAMPPROOFING AND WATERPROOFING.

IBC Section 1806.4.3 is amended to read as follows:

1806.4.3 Drain discharge. The floor base and foundation perimeter drain shall discharge by gravity or mechanical means into a trapped area drain, sump, dry well, or other approved location above the ground.

1305.1907 SECTION 1907, DETAILS OF REINFORCEMENT.

IBC Section 1907.7.5 is amended to read as follows:

1907.7.5 Corrosive environments. In corrosive environments or other severe exposure conditions, the amount of concrete protection shall be suitably increased, and denseness and nonporosity of protecting concrete shall be considered, or other protection shall be provided. In corrosive environments of parking garages and parking ramps, industrial buildings, or similar environments, a minimum concrete cover of reinforcement steel must be one and one-half inches (38.1 mm) for top surfaces and three-quarter inch (19.05 mm) for bottom surfaces. All bonded reinforcement steel located in within the depth of the slab must be epoxy coated in conformance with the applicable standards referenced in ACI 318-99 Sections 3.5.3.7 and 3.5.3.8.

1305.2109 SECTION 2109, EMPIRICAL DESIGN OF MASONRY.

IBC Table 2109.4.1 is amended to read as follows:

TABLE 2109.4.1
WALL LATERAL SUPPORT
REQUIREMENTS

CONSTRUCTION	MAXIMUM WALL LENGTH TO THICKNESS OR WALL HEIGHT TO THICKNESS
Bearing walls	
Solid units or fully Grouted	20
All others	18
Nonbearing walls	
Exterior	18
Interior	28

1305.2304 SECTION 2304, GENERAL CONSTRUCTION REQUIREMENTS.

IBC Section 2304.12 is amended to read as follows:

2304.12 Wood supporting masonry or concrete. Wood members shall not be used to permanently support the dead load of any masonry or concrete.

Exceptions:

1. Masonry or concrete nonstructural floor or roof surfacing not more than 4 inches (102 mm) thick is permitted to be supported by wood members.

2. Any structure is permitted to rest upon wood piles constructed in accordance with the requirements of Chapter 18.

3. Veneer of brick, concrete, or stone applied as specified in Section 1405.5 having installed weight of 40 pounds per square foot (195 kg/m²) or less are permitted to be supported by an approved treated wood foundation when the maximum height of veneer does not exceed 30 feet (9144 mm) above the foundation. Such veneer used as an interior wall finish is permitted to be supported on wood floor construction and is limited in height to 12'8" (3,860.8 mm). The wood floor construction shall be designed to support the additional weight of the veneer plus any other loads and designed to limit the deflection and shrinkage to 1/600 of the span of the supporting members.

4. Glass unit masonry having an installed weight of 20 pounds per square foot (97.6 kg/m²) or less is permitted to be installed in accordance with the provisions of Section 2110. The wood construction supporting the glass unit masonry shall be designed for dead and live loads to limit deflection and shrinkage to 1/600 of the span of the supporting members.

1305.2702 SECTION 2702, EMERGENCY AND STANDBY POWER SYSTEMS.

IBC Section 2702.1 is amended to read as follows:

2702.1 Installation. Emergency and standby power systems shall be installed in accordance with Minnesota Rules, chapter 1315.

1305.2902 SECTION 2902, MINIMUM PLUMBING FACILITIES.

Subpart 1. **Section 2902.1.** IBC Section 2902.1 is amended to read as follows:

2902.1 Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in Table 2902.1. Types of occupancies not shown in Table 2902.1 shall be considered individually by the building official. The number of occupants shall be determined by this code. Occupancy classification shall be determined in accordance with Chapter 3.

Exception: When approved by the building official, buildings or structures that are normally unoccupied, such as picnic shelters, amphitheaters, small transit stop stations, cold-storage buildings, utility sheds, warming houses, kiosks, concession stands and similar structures, need not be provided with restroom facilities.

Subp. 2. **Table 2902.1.** IBC Table 2902.1 is amended by modifying the table and footnotes as follows:

Add footnote "g" to the "Stadiums" designation in the table:

Stadiums^g (less than 3,000 seats)

Stadiums^g (3,000 seats or greater)

a. The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by this code.

b. Fixtures located in adjacent buildings under the ownership or control of the church shall be made available during periods when the church is occupied.

c. Toilet facilities for employees shall be separate from facilities for inmates or patients.

d. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient rooms shall be permitted where such room is provided with direct access from each patient room and with provisions for privacy.

e. For day nurseries, a maximum of one bathtub shall be required.

f. For attached one- and two-family dwellings, one automatic clothes washer connection shall be required per 20 dwelling units.

g. Permanent facilities located either on site or available in an adjacent building or portable temporary facilities available on site during times when the stadium or grandstand is in use may be used.

Subp. 3. **Section 2902.2.** IBC Section 2902.2 is amended by adding an exception to read as follows:

2902.2 Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for private facilities.

2. Separate employee facilities shall not be required in occupancies in which 15 or less people are employed.

3. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or less.

4. Separate facilities shall not be required in structures or tenant spaces of a Group B or M occupancy not exceeding 2,000 gross square feet (185.8 m²) of floor area. The individual unisex restroom shall have not less than one watercloset, one urinal, and one lavatory.

Subp. 4. **Section 2902.6.** IBC Section 2902.6 is amended by adding a section to read as follows:

2902.6.3 Controlled access to required facilities. Sanitation facilities required by this chapter may have controlled access, but in all cases shall be maintained available for utilization by those employees, customers, or patrons used to calculate the minimum required facilities.

1305.3030 CHAPTER 30, ELEVATORS AND CONVEYING SYSTEMS.

IBC Chapter 30 is amended to read as follows:

CHAPTER 30 ELEVATORS AND CONVEYING SYSTEMS

The design, construction, installation, operation, alteration, and repair of elevators and related devices shall be in accordance with Minnesota Rules, chapter 1307.

1305.3109 SECTION 3109, SWIMMING POOL ENCLOSURES.

IBC Section 3109 is deleted.

1305.3302 SECTION 3302, CONSTRUCTION SAFEGUARDS.

IBC Section 3302 is amended by adding a subsection to read as follows:

3302.3 Construction barriers. Where construction, remodeling, or demolition is taking place involving the use of cutting and welding, temporary heating with open flames, or flammable liquid fueled equipment, such areas shall be separated from occupied areas of a building by materials that will resist the spread of fire and smoke as specified for draftstopping materials in Section 716.3.1.

1305.3305 SECTION 3305, SANITARY.

IBC Section 3305 is deleted.

1305.3401 CHAPTER 34, EXISTING STRUCTURES.

IBC Chapter 34 is amended to read as follows:

**CHAPTER 34
EXISTING STRUCTURES**

The standards for a change of occupancy, alteration, and repair of existing buildings and structures with historical significance, shall be in accordance with Minnesota Rules, Chapter 1311.

1305.3500 CHAPTER 35, REFERENCED STANDARDS.

IBC Chapter 35 is amended by modifying certain referenced standards as follows:

ASME B31.3-99 Process Piping Code

ASME B31.9-96 Building Services Piping Code

NFPA 13-99 Installation of Sprinkler Systems

NFPA 13D-99 Installation of Sprinkler Systems in One- and Two-Family Dwelling and Manufactured Homes

NFPA 13R - 1999 Installation of Sprinkler Systems in Residential Occupancies Up To and Including Four-Stories in Height

NFPA 72 - 1999 National Fire Alarm Code

NFPA 96 - 2001 Ventilation Control and Fire Protection of Commercial Cooking Operations

UL 555 - 1999 Fire Dampers

UL 555S - 1999 Smoke Dampers

REPEALER. Minnesota Rules, parts 1305.0010; 1305.0020; 1305.0102; 1305.0103; 1305.0105; 1305.0106; 1305.0107; 1305.0108; 1305.0109; 1305.0301; 1305.0305; 1305.0308; 1305.0405; 1305.0904; 1305.1000; 1305.1506; 1305.1616; 1305.1618; 1305.1625; 1305.1701; 1305.1918; 1305.1928; 1305.2320; 1305.3001; 1305.4313; 1305.4332; 1305.4406; 1305.4415; 1305.4429; 1305.7000; and 1305.7100, are repealed.

MINNESOTA RULES, CHAPTER 1306

SPECIAL FIRE PROTECTION SYSTEMS

1306.0010 GENERAL.

This chapter authorizes optional provisions for the installation of on-premises fire suppression systems that may be adopted by a municipality in addition to the State Building Code. If the municipality adopts them, the sprinkler system requirements of this chapter become part of the State Building Code and are applicable throughout the municipality. This chapter, if adopted, must be adopted without amendment.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1306.0020 MUNICIPAL OPTION.

Subpart 1. **Requirement.** The sprinkler system requirements of this chapter, if adopted, must be adopted with the selection of either subpart 2 or 3, without amendment.

Subp. 2. **Existing and new buildings.** Automatic sprinkler systems for new buildings, buildings increased in total floor area (including the existing building), or buildings in which the occupancy classification has changed, must be installed and maintained in operational condition within the structure. The requirements of this subpart apply to structures that fall within the occupancy classifications established in part 1306.0030, items A to E.

Exceptions:

1. The floor area of minor additions that do not increase the occupant load does not have to be figured into the square footage for occupancy classifications established in part 1306.0030, items A to E.

2. The existing portion of R-2 apartment occupancies, attached R-3 occupancies, and attached townhomes is not required to be sprinklered under this chapter.

Subp. 3. **New buildings.** Automatic sprinkler systems for new buildings, additions to existing buildings, or buildings in which the occupancy classification has changed must be installed and maintained in operational condition within the structure. The requirements of this subpart apply to structures that fall within the occupancy classifications established in part 1306.0030, items A to E.

Exception: The floor area of minor additions that do not increase the occupant load does not have to be figured into the square footage for occupancy classifications established in part 1306.0030, items A to E.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1306.0030 REQUIREMENTS.

For purposes of this chapter, area separation, fire barriers, or fire walls do not establish separate buildings. Gross square footage (gsf) means the floor area as defined in the International Building Code. The floor area requirements established in items A to E are based on the gross square footage of the entire building and establish thresholds for these requirements. The following occupancy groups must comply with sprinkler requirements of this chapter, unless specified otherwise:

A. Group A-1, A-2, A-3, and A-4 occupancies;

B. Group B, F, M, and S occupancies with 2,000 or more gross square feet of floor area or with three or more stories in height;

C. Group E occupancies with 2,000 or more gross square feet of floor area or with two or more stories in height;

D. Group E day care occupancies with an occupant load of 30 or more;

E. Optional occupancy group-municipality may choose option 1 or option 2.

1. Group R-1 and R-2 occupancies with 8,500 or more gross square feet of floor area or dwelling units or guestrooms on three or more floors; and attached R-3 occupancies and attached townhouses built to the International Residential Code with 8,500 or more gross square feet of floor area. All floors, basements, and garages are included in this floor area threshold.

2. Attached R-3 occupancies and attached townhouses built to the International Residential Code with more than 16 dwelling units or more than three stories in height.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1306.0040 STANDARD.

Automatic sprinkler systems must comply with the applicable standard referenced in the State Building Code. If a public water supply is not available, the building official and fire chief shall approve the use of an alternate on-site source of water if the alternate source provides protection that is comparable to that provided by a public water supply. If an adequate alternate water supply sufficient for hose stream requirements is provided or available, the building official and fire chief may permit the water supply requirements for the hose stream demands to be modified.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1306.0050 SUBSTITUTE CONSTRUCTION.

The installation of an automatic sprinkler system, as required by this chapter, would still allow the substitution of one-hour fire-resistive construction as permitted by the International Building Code, Table 601, footnote d.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

1306.0060 EXEMPTION.

The building official, with the concurrence of the fire official, may waive the requirements of this chapter if the application of water has been demonstrated to constitute a serious life, fire, or environmental hazard, or if the building does not have an adequate water supply and the building is surrounded by public ways or yards more than 60 feet wide on all sides.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1306.0070 REPORTING.

A municipality must submit a copy of the ordinance adopting this chapter to the Department of Administration, Building Codes and Standards Division, within 15 days of its adoption.

REPEALER. Minnesota Rules, part 1306.0100, is repealed.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1306.0100 Repealed, 27 SR 1479

Revisor's text:

http://www.revisor.leg.state.mn.us/bin/getpub.php?pubtype=RULE_CHAP&year=current&chapter=1307

MINNESOTA RULES, CHAPTER 1309

ADOPTION OF THE 2000 INTERNATIONAL RESIDENTIAL CODE

1309.0010 ADOPTION OF INTERNATIONAL RESIDENTIAL CODE (IRC) BY REFERENCE.

Subpart 1. **Generally.** The 2000 edition of the International Residential Code (IRC) as promulgated by the International Code Council (ICC), Falls Church, Virginia, is incorporated by reference and made part of the Minnesota State Building Code except as qualified by the applicable provisions in Minnesota Rules, chapter 1300, and as amended in this chapter. The IRC is not subject to frequent change and a copy of the IRC, with amendments for use in Minnesota, is available in the office of the commissioner of administration.

Subp. 2. **Mandatory chapters.** The 2000 IRC Chapters 2 through 10, 43, and Appendix Chapter K, must be administered by any municipality that has adopted the code, except as qualified by the applicable provisions in Minnesota Rules, chapter 1300, and as amended by this chapter.

Subp. 3. **Replacement chapters.** The following 2000 IRC chapters are being deleted and replaced with the provisions listed below:

A. Chapter 1 of the 2000 IRC and any references to code administration in this code are deleted and replaced with Minnesota Rules, chapter 1300, Minnesota Administration Code.

B. Chapter 11 of the 2000 IRC and any references to energy in this code are deleted and replaced with Minnesota Statutes, section 16B.617.

C. Chapters 12 through 24 of the 2000 IRC and any references to mechanical matters

in this code are deleted and replaced with Minnesota Rules, chapter 1346, Minnesota Mechanical Code.

D. Chapters 25 through 32 of the 2000 IRC and any references to plumbing in this code are deleted and replaced with Minnesota Rules, chapter 4715, Minnesota Plumbing Code.

E. Chapters 34 through 42 of the 2000 IRC and references to electrical matters in this code, other than Section R317 Smoke Alarms, are deleted and replaced with Minnesota Rules, chapter 1315, Minnesota Electrical Code.

Subp. 4. **Seismic or earthquake provisions.** Any seismic or earthquake provisions and any references to them are deleted and are not included in this code.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1475

1309.0020 REFERENCES TO OTHER ICC CODES.

Subpart 1. **Generally.** References to other codes and standards promulgated by the ICC in the 2000 IRC are modified as indicated in this part.

Subp. 2. **Building code.** References to the International Building Code in this code mean the Minnesota Building Code, adopted pursuant to Minnesota Rules, chapter 1305, and Minnesota Statutes, section 16B.61, subdivision 1.

Subp. 3. **Residential code.** References to the IRC in this code mean the Minnesota Residential Code, adopted under Minnesota

Rules, chapter 1309, and Minnesota Statutes, section 16B.61, subdivision 1.

Subp. 4. **Electrical code.** References to the ICC Electrical Code in this code mean the Minnesota Electrical Code, Minnesota Rules, chapter 1315, adopted under Minnesota Statutes, section 326.243.

Subp. 5. **Fuel gas code.** References to the International Fuel Gas Code in this code mean the Minnesota Mechanical Code, Minnesota Rules, chapter 1346, adopted under Minnesota Statutes, section 16B.61, subdivision 1.

Subp. 6. **Mechanical code.** References to the International Mechanical Code in this code mean the Minnesota Mechanical Code, Minnesota Rules, chapter 1346, adopted under Minnesota Statutes, section 16B.61, subdivision 1.

Subp. 7. **Plumbing code.** References to the International Plumbing code in this code mean the Minnesota Plumbing Code, Minnesota Rules, chapter 4715, adopted under Minnesota Statutes, section 16B.61, subdivisions 1 and 2.

Subp. 8. **Private sewage disposal code.** References to the International Private Sewage Disposal Code in this code mean the Minnesota Pollution Control Agency's minimum standards and criteria for individual sewage treatment systems in Minnesota Rules, chapter 7080, adopted under Minnesota Statutes, chapters 103F, 103G, 115, and 116.

Subp. 9. **Energy conservation code.** References to the International Energy Conservation Code in this code mean the Minnesota Energy Code, adopted under Minnesota Statutes, section 16B.617.

Subp. 10. **Property maintenance code.** References to the International Property Maintenance Code in this code do not apply.

Subp. 11. **Accessibility code.** References to accessibility in this code mean the Minnesota Accessibility Code, Minnesota Rules, chapter 1341.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1475

1309.0030 ADMINISTRATIVE PROCEDURE CRITERIA.

Procedures relating to the administration and enforcement of this code under Minnesota Statutes, section 16B.57, are contained in Minnesota Rules, chapter 1300, Minnesota Administration Code. Minnesota Rules, chapter 1300, governs the application of this code.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1475

1309.0040 VIOLATION.

A violation of this code is a misdemeanor under Minnesota Statutes, section 16B.69.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1475

1309.0100 CHAPTER 1, ADMINISTRATION.

IBC Chapter 1 is deleted and replaced with the following:

CHAPTER 1 ADMINISTRATION

This code shall be administered according to Minnesota Rules, chapter 1300.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1475

kN/m.0², 1 mile per hour = 1.609 km/h

1309.0201 SECTION R201, GENERAL.

IRC Section R201.4 is amended to read as follows:

R201.4 Terms not defined. Where terms are not defined through the methods authorized by this chapter, the Merriam-Webster Collegiate Dictionary, available at www.m-w.com, shall be considered as providing ordinarily accepted meanings. The dictionary is incorporated by reference, is subject to frequent change, and is available through the Minitex interlibrary loan system.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
 HIST: 27 SR 1475

1309.0202 SECTION R202, DEFINITIONS.

IRC Section R202 is amended by adding the following definition:

CRAWL SPACE. Areas or rooms with less than 7 feet (2134 mm) ceiling height measured to the finished floor or grade below.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
 HIST: 27 SR 1475

1309.0301 SECTION R301, DESIGN CRITERIA.

Subpart 1. **Table R301.2(1).** IRC Table R301.2(1) is amended to read as follows:

TABLE R301.2(1)
Climatic and Geographic Design Criteria

			Subject to Damage from:	
			Frost Line Depth ^b	Flood Hazards
pr = 0.7 x ps	90	severe	See M.R. part 1303.1600	See M.R. chapter1335

For SI: 1 pound per square foot = 0.0479

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirement of this code. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216, or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1)
- c. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- d. The ground snow loads to be used in determining the design snow loads for buildings and other structures are given in Minnesota Rules, chapter 1303.

Subp. 2. **Figure R301.2(5).** IRC Figure R301.2(5), Ground Snow Loads, Pg, for the United States (lb/ft²), is deleted in its entirety.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
 HIST: 27 SR 1475

1309.0305 SECTION R305, CEILING HEIGHT.

IRC Section R305.1 is amended to read as follows:

R305.1 Minimum height. Habitable rooms, hallways, corridors, bathrooms, toilet rooms, and basements shall have a ceiling height of not less than 7 feet (2134 mm). The required height shall be measured from the finish floor to the lowest projection from the ceiling. Areas or rooms with ceiling heights less than 7 feet (2134 mm) are considered crawl spaces.

Exceptions:

- 1. Beams and girders spaced not less than 4 feet (1219 mm) on center may project not

more than 6 inches (152 mm) below the required ceiling height.

2. Not more than 50 percent of the required floor area of a room or space is permitted to have a sloped ceiling less than 7 feet (2134 mm) in height with no portion of the required floor area less than 5 feet (1524 mm) in height.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1475

1309.0310 SECTION R310, EMERGENCY ESCAPE AND RESCUE OPENINGS.

IRC Section R310.1 is amended to read as follows:

R310.1 Emergency escape and rescue required. Basements with habitable space and every sleeping room shall have at least one openable emergency escape and rescue window or exterior door opening for emergency escape and rescue. Where openings are provided as a means of escape and rescue, they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the window or door opening from the inside. Escape and rescue window openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. A minimum ceiling height of 48 inches (1210 mm) shall be maintained above the exterior grade from the exterior wall to a public way.

R310.1.1 Minimum opening area. All emergency escape and rescue openings shall

have a minimum net clear opening of 5.7 square feet (0.530 m²).

Exception: Grade floor openings shall have a minimum net clear opening of 5 square feet (0.465 m²).

R310.1.2 Minimum opening height. The minimum net clear opening height shall be 24 inches (610 mm).

R310.1.3 Minimum opening width. The minimum net clear opening width shall be 20 inches (508 mm).

R310.1.4 Operational constraints.

Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.

R310.1.5 Replacement windows.

Replacement windows installed in buildings meeting the scope of the International Residential Code shall be exempt from the requirements of Sections R310.1.1, R310.1.2, and R310.1.3 if the replacement window meets the following conditions:

1. The existing height and width net clear opening shall not be reduced by more than 2 inches (51 mm) in either dimension;
2. The rooms or areas are not used for any Minnesota state licensed purpose;
3. The window is not required pursuant to the Minnesota Fire Code;
4. The sleeping room is not undergoing an addition, remodeling, or a change in occupancy; and
5. The window is not required to be replaced pursuant to a locally adopted housing, property maintenance, or rental licensing code.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1475

1309.0312 SECTION R312, LANDINGS.

IRC Section R312.1.2 is amended to read as follows:

R312.1.2 Landings at doors. There shall be a floor or landing on each side of each exterior door.

The floor or landing at a door shall not be more than 1.5 inches (38 mm) lower than the top of the threshold.

Exception: The landing at an exterior doorway shall not be more than 8 inches (197 mm) below the top of the threshold, provided that the door, other than an exterior storm or screen door, does not swing over the landing.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1475

1309.0314 SECTION R314, STAIRWAYS.

IRC Section R314 is amended to read as follows:

R314.1 Width. Stairways shall not be less than 36 inches (914 mm) in clear width at all points above the permitted handrail height and below the required headroom height. Handrails shall not project more than 4.5 inches (114 mm) on either side of the stairway and the minimum clear width of the stairway at and below the handrail height, including treads and landings, shall not be less than 31.5 inches (787 mm) where a handrail is installed on one side and 27 inches (698 mm) where handrails are provided on both sides.

Exception: The width of spiral stairways shall be in accordance with Section R314.5.

R314.2 Treads and risers. The maximum riser height shall be 8 inches (203 mm) and

the minimum tread depth shall be 9 inches (228 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The walking surface of treads and landings of a stairway shall be sloped no steeper than one unit vertical in 48 units horizontal (2-percent slope). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R314.2.1 Profile. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4 inch diameter (102 mm) sphere.

R314.3 Headroom. The minimum headroom in all parts of the stairway shall not be less than 6 feet, 8 inches (2032 mm) measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform.

R314.4 Winders. Winders are permitted, provided that the width of the tread at a point not more than 12 inches (305 mm) from the side where the treads are narrower is not less than 9 inches (228 mm) and the minimum width of any tread is not less than 6 inches (152 mm). The continuous handrail required by Section R315.1 shall be located on the side where the tread is narrower.

R314.5 Spiral stairs. Spiral stairways are permitted, provided the minimum width shall be 26 inches (660 mm) with each tread having a 7-1/2 inch (190 mm) minimum tread width at 12 inches (305 mm) from the narrow edge. All treads shall be identical, and the rise shall be no more than 9-1/2 inches (214 mm). A minimum headroom of 6 feet, 6 inches (1982 mm) shall be provided.

R314.6 Circular stairways. Circular stairways shall have a tread depth at a point not more than 12 inches (305 mm) from the side where the treads are narrower of not less than 10 inches (254 mm) and the minimum depth of any tread shall not be less than 6 inches (152 mm). Tread depth at any walking line, measured a consistent distance from a side of the stairway, shall be uniform as specified in Section R314.2.

R314.7 Illumination. All stairs shall be provided with illumination in accordance with Section R303.4.

R314.8 Under stair protection. Enclosed accessible space under stairs shall have walls, under stair surface, and any soffits protected on the enclosed side with 1/2-inch (12.7 mm) gypsum board.

R314.9 Bulkhead enclosure stairways. Stairways serving bulkhead enclosures that are not part of the required building egress and providing access from the outside grade level to the basement shall be exempt from the requirements of Sections R312, R314, and R315 when the maximum height from the basement finished floor level to grade adjacent to the stairway is covered by a bulkhead enclosure with hinged doors or other approved means.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1475

1309.0315 SECTION R315, HANDRAILS.

IRC Section R315.1 is amended to read as follows:

R315.1 Handrails. Handrails having minimum and maximum heights of 34 inches and 38 inches (864 mm and 965 mm), respectively, measured vertically from the nosing of the treads, shall be provided on at least one side of stairways. All required

handrails shall be continuous the full length of the stairs with four or more risers from a point directly above the top riser of a flight to a point directly above the lowest riser of the flight. Ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1.5 inches (38 mm) between the wall and the handrail.

Exceptions:

1. Handrails shall be permitted to be interrupted by a newel post at a turn.

2. The use of volute, turnout, or starting easing is allowed over the lowest tread.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1475

1309.0316 SECTION R316, GUARDS.

IRC Section R316.2 is amended to read as follows:

R316.2 Guard opening limitations. Required guards on open sides of stairways, raised floor areas, balconies, and porches shall have intermediate rails or ornamental closures that do not allow passage of a sphere 4 inches (102 mm) in diameter.

Exception: The triangular openings formed by the riser, tread, and bottom rail of a guard at the open side of a stairway are permitted to be of a size such that a sphere 6 inches (152 mm) cannot pass through.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1475

1309.0317 SECTION R317, SMOKE ALARMS.

IRC Section R317.1.1 is amended to read as follows:

R317.1.1 Alterations, repairs or additions.

When interior alterations, repairs or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be provided with smoke alarms located as required for new dwellings; the smoke alarms shall be interconnected and hardwired.

Exceptions:

1. Smoke alarms in existing areas shall not be required to be interconnected and hardwired where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is a crawl space or basement available which could provide access for hardwiring and interconnection without the removal of interior finishes.

2. Work on the exterior which does not require entry into the interior for inspection.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1475

1309.0318 SECTION R318, FOAM PLASTIC.

IRC Section R318.2 is amended by adding a subsection as follows:

R318.2.7 Sill plate and headers. Foam plastic shall be permitted to be spray-applied to a sill plate and header (rim joist) without thermal barrier if all of the following conditions exist:

1. The maximum thickness of the foam plastic shall not exceed 3-1/4 inches (82.6 mm).

2. The density of the foam plastic shall be between 1.5 and 2.0 pcf (24 to 32 kg/m).

3. The foam plastic shall have a flame spread index of 25 or less and an accompanying smoke developed index of 450 or less when tested in accordance with ASTM E84.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1475

1309.0322 SECTION R322, MOISTURE VAPOR RETARDERS.

IRC Section R322.1 is amended to read as follows:

R322.1 Moisture control. In all framed walls, floors, and roof/ceilings comprising elements of the building thermal envelope, a vapor retarder shall be installed on the warm-in-winter side of the insulation.

Exception: In construction where moisture or freezing will not damage the materials.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1475

1309.0403 SECTION R403, FOOTINGS.

IRC Section R403.1.6 is amended to read as follows:

R403.1.6 Foundation anchorage. When braced wall panels are supported directly on continuous foundations, the wall wood sill plate or cold-formed steel bottom track shall be anchored to the foundation in accordance with this section.

The wood sole plate at exterior walls on monolithic slabs and wood sill plate shall be anchored to the foundation with anchor bolts spaced a maximum of 6 feet (1829 mm) on center. Anchor bolts shall also be located within 12 inches (305 mm) from the ends of each plate section. Bolts shall be at least 1/2

inch (12.7 mm) in diameter and shall extend a minimum of 7 inches (178 mm) into masonry or concrete. Interior bearing wall sole plates on monolithic slab foundations shall be positively anchored with approved fasteners. A nut and washer shall be tightened on each bolt to the plate. Sills and sole plates shall be protected against decay and termites where required by Sections R322 and R323. Cold-formed steel framing systems shall be fastened to the wood sill plates or anchored directly to the foundation as required in Section R505.3.1 or R603.1.1. When vertical reinforcing is required by other sections of this code, the foundation anchor bolts shall align with the reinforcing. All anchor bolts installed in masonry shall be grouted in place with at least 1 inch (25 mm) of grout between the bolt and the masonry.

Exception: Foundation anchor straps spaced as required to provide equivalent anchorage to 1/2-inch-diameter (12.7 mm) anchor bolts. When vertical reinforcing is required by other sections of this code, the foundation anchor straps shall align with the reinforcing.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1475

1309.0404 SECTION R404, FOUNDATION WALLS.

Subpart 1. **Section R404.1.1.** IRC Section R404.1.1 is amended to read as follows:

R404.1.1 Masonry foundation walls. Concrete masonry and clay masonry foundation walls shall be constructed as set forth in Table R404.1.1(2), Tables R404.1.1(3) and R404.1.1(4), and shall also comply with the provisions of this section and the applicable provisions of Sections R606, R607, and R608. If foundation walls are parallel to floor framing, solid blocking or diagonal bracing must be installed at the anchor bolt locations in the first two joist or

truss spaces.

Subp. 2. **Section R404.1.2.** IRC Section R404.1.2 is amended to read as follows:

R404.1.2 Concrete foundation walls. Concrete foundation walls shall be constructed as set forth in Table R404.1.1(2), Tables R404.1.1(3) and R404.1.1(4), and shall also comply with the provisions of this section and the applicable provisions of Section R404.2. If foundation walls are parallel to floor framing, solid blocking or diagonal bracing must be installed at the anchor bolt locations in the first two joist or truss spaces.

Subp. 3. **IRC Table R404.1.1(1).** IRC Table R404.1.1(1), plain concrete and plain masonry foundation walls, is deleted in its entirety.

Subp. 4. **IRC Table R404.2.3.** IRC Table R404.2.3, plywood grade and thickness for wood foundation construction, is amended by adding a footnote as follows:

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, and 1 pound per cubic foot = 0.1572 kN/m³.

a. Plywood shall be of the following minimum grades in accordance with DOC PS 1 or DOC PS 2:

1. DOC PS 1 Plywood grades marked:

1.1. Structural I C-D (Exposure 1)

1.2. C-D (Exposure 1)

2. DOC PS 2 Plywood grades marked:

2.1. Structural I Sheathing (Exposure 1)

2.2. Sheathing (Exposure 1)

3. Where a major portion of the wall is exposed above ground and a better

appearance is desired, the following plywood grades marked exterior are suitable:

3.1. Structural I A-C, Structural I B-C, or Structural I C-C (Plugged) in accordance with DOC PS 1

3.2. A-C Group 1, B-C Group 1, C-C (Plugged) Group 1, or MDO Group 1 in accordance with DOC PS 1

3.3. Single Floor in accordance with DOC PS 1 or DOC PS 2

b. Minimum thickness 15/32 inch, except crawl space sheathing may be 3/8 inch for face grain across studs 16 inches on center and maximum 2-foot depth of unequal fill.

c. For this fill height, thickness and grade combination, panels that are continuous over less than three spans (across less than three stud spacings) require blocking 16 inches above the bottom plate. Offset adjacent blocks and fasten through studs with two 16d corrosion-resistant nails at each end.

d. Fastening shall be in accordance with Section R323.3.

e. This table is not intended to prohibit the use of a manufacturer's or a national association's tables that are based on engineering analysis in accordance with AF&PA Report No. 7 and AF&PA NDS.

Subp. 5. **IRC Tables R404.4(2) and R404.4(3).** IRC Tables R404.4(2) and R404.4(3) are amended by modifying footnote **b** as follows:

b N/R denotes "design required."

Subp. 6. **IRC Table R404.4(4).** IRC Table R404.4(4) is amended by modifying footnote **a** as follows:

a N/R denotes "design required."

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1475

1309.0506 SECTION R506, CONCRETE FLOORS (ON GROUND).

IRC Section R506.2.3 is amended to read as follows:

R506.2.3 Vapor retarder. An approved vapor retarder with joints lapped not less than 6 inches (153 mm) shall be placed between the concrete floor slab and the base course or the prepared subgrade where no base course exists.

Exception: The vapor retarder may be omitted:

1. From garages, utility buildings, and other unheated accessory structures.

2. From driveways, walks, patios, and other flatwork not likely to be enclosed and heated at a later date.

3. Where approved by the building official, based on local site conditions.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1475

1309.0703 SECTION R703, EXTERIOR COVERING.

Subpart 1. **Section R703.2.** IRC section R703.2 is amended to read as follows:

R703.2 Weather-resistant sheathing paper.

A minimum of one layer of No. 15 asphalt felt complying with ASTM D 226 for Type 1 felt or other approved weather-resistant material shall be applied over sheathing of all exterior walls. See Table R703.4. Such felt or material shall be applied horizontally, with the upper layer lapped over the lower layer not less than 2 inches (51 mm). Where joints

occur, felt shall be lapped not less than 6 inches (152 mm). Building paper or other approved material shall be continuous up to the underside of the rafter or truss top chord and terminated at penetrations and building appendages in such a manner to meet the requirements of the exterior wall envelope as described in Section R703.1.

Exception: Such felt or material is permitted to be omitted in the following situations:

1. In detached accessory buildings.
2. Where specifically prohibited by a sheathing and/or siding manufacturer.

Subp. 2. **Table R703.4.** IRC Table R703.4 is amended to read as follows:

TABLE R703.4 WEATHER-RESISTANT SIDING ATTACHMENT AND MINIMUM THICKNESS ^{a,b,c,d,e,f,g,h,i,j,k,l,m,n,o,p}										
SIDING MATERIAL		NOMINAL THICKNESS ^a (inches)	JOINT TREATMENT	SHEATHING PAPER REQUIRED	TYPE OF SUPPORTS FOR THE SIDING MATERIAL AND FASTENERS ^{b,c,d,e}					Number or spacing of fasteners
					Wood or wood structural panel sheathing	Fiberboard sheathing into stud	Gypsum sheathing into stud	Direct to studs		
Horizontal aluminum ^f	Without insulation	0.019 ^f	Lap	No Yes	0.120 nail 1 1/2" long	0.120 nail 2" long	0.120 nail 2" long	Not allowed	Same as stud spacing	
		0.024	Lap	No Yes	0.120 nail 1 1/2" long	0.120 nail 2" long	0.120 nail 2" long	Not allowed		
	With insulation	0.019	Lap	No Yes	0.120 nail 1 1/2" long	0.120 nail 2 1/2" long	0.120 nail 2 1/2" long	0.120 nail 1 1/2" long		
Brick veneer Concrete masonry veneer		2 2	Section R703	Yes Yes	See Section R703 and Figure R703.7 ^g					
Hardboard ^h Panel siding-vertical		7/16	2B Note ^o	2B Yes Note ^o	Note^h Note ^h	Note^h Note ^h	Note^h Note ^h	Note^h Note ^h	6" panel edges 12" inter. sup. (16)	
Siding vertical Hardboard ^h Lap-siding-horizontal		7/16	Note^h Note ^h	2B Yes Note ^o	Note^h Note ^h	Note^h Note ^h	Note^h Note ^h	Note^h Note ^h	Same as stud spacing 2 per bearing	
Steel ⁱ		29 ga.	Lap	No Yes	0.113 nail 1 1/4" Staple-1 1/4"	0.113 nail 2 1/4" Staple-2 1/4"	0.113 nail 2 1/4" Staple-2 1/4"	Not allowed	Same as stud spacing	
Stone veneer		2	Section R703	Yes	See Section R703 and Figure R703.7					
Particleboard panels		3/4 - 1/2	Note ^h	Note^h Yes	6d box nail	6d box nail	6d box nail	6d box nail, 3/8 not allowed	6" panel edges 12" inter. sup.	
		5/8	Note ^h	Note^h Yes	6d box nail	6d box nail	6d box nail	6d box nail		
Plywood panel (exterior grade)		3/8	Note ^h	Note^h Yes	0.099 nail-2"	0.113 nail-2 1/2"	0.099 nail-2"	0.099 nail-2"	6" on edges	
Vinyl Siding ^m		0.035	Lap	No Yes	0.120 nail 0.113 nail 1 1/2" Staple-1 1/4"	0.120 nail 0.113 nail 2" Staple-2 1/2"	0.120 nail 0.113 nail 2" Staple-2 1/2"	Not allowed	Same as stud spacing	
Wood ⁿ Rustic, drop		3/4 Min	Lap	No Yes	Fastener penetration into stud-1"			0.113 nail-2 1/2" Staple-2"	Face nailing up to 6" widths, 1 nail per bearing; 8" widths and over, 2 nails per bearing	
Shiplap		^o 1/2 Average	Lap	No Yes						
Bevel		7/16	Lap	Yes						
Butt tip		7/16	Lap	No Yes						

For SI: 1 inch = 25.4 mm.

- a. Based on stud spacing of 16 inches on center. Where studs are spaced 24 inches, siding shall be applied to sheathing approved for that spacing.
- b. Nail is a general description and shall be T-head, modified round head, or round head with smooth or deformed shanks.
- c. Staples shall have a minimum crown width of 7/16 inch outside diameter and be manufactured of minimum No. 16 gage wire.
- d. Nails or staples shall be aluminum, galvanized, or rust-preventive coated and shall be driven into the studs for fiberboard or gypsum backing.
- e. Aluminum nails shall be used to attach aluminum siding.
- f. Aluminum (0.019 inch) shall be unbacked only when the maximum panel width is 10 inches and the maximum flat area is 8 inches. The tolerance for aluminum siding shall be +0.002 inch of the nominal dimension.
- g. If board or panels are applied over sheathing or a weather-resistant membrane, joints need not be treated. Otherwise, vertical joints shall occur at studs and be covered with battens or be lapped.
- h. All attachments shall be coated with a corrosion-resistive coating.
- i. Shall be of approved type.
- j. Three-eighths inch plywood shall not be applied directly to studs spaced greater than 16 inches on center when long dimension is parallel to studs. One-half-inch plywood shall not be applied directly to studs spaced greater than 24 inches on center. The stud spacing shall not exceed the panel span rating provided by the manufacturer unless the panels are installed with the face grain perpendicular to studs or over sheathing approved for that stud
- k. Woodboard sidings applied vertically shall be nailed to horizontal nailing strips or blocking set 24 inches on center. Nails shall penetrate 1.5 inches into studs and wood sheathing combined or blocking. A weather-resistant membrane shall be installed weatherboard fashion under the vertical

siding unless the siding boards are lapped or battens are used.

- l. Hardboard siding shall comply with AHA A135.6.
- m. Vinyl siding shall comply with ASTM D 3679.
- n. Minimum shank diameter of 0.092 inch minimum head diameter of 0.225 inch, and nail length must accommodate sheathing and penetrate framing 1.5 inches.
- o. When used to resist shear forces, the spacing must be 4 inches at panel edges and 8 inches on interior supports.
- p. Minimum shank diameter of 0.099 inch, minimum head diameter of 0.240 inch, and nail length must accommodate sheathing and penetrate framing 1.5 inches.
- q. Vertical end joints shall occur at studs and shall be covered with a joint cover or shall be caulked.

Subp. 3. **Section R703.6.** IRC Section R703.6 is amended to read as follows:

R703.6 Exterior plaster. Installation of these materials shall be in compliance with ASTM C 926 and ASTM C 1063.

R703.6.1 Lath. All lath and lath attachments shall be of corrosion-resistant materials. Expanded metal or woven wire lath shall be attached with 1-1/2 inch long (38 mm), 11 gage nails having a 7/16-inch (11.1 mm) head, or 7/8-inch long (22.2 mm), 16 gage staples, spaced at no more than 6 inches (152 mm) at supports.

R703.6.2 Plaster. Plastering with portland cement plaster shall not be less than three coats when applied over metal lath or wire lath and shall be not less than two coats when applied over masonry, concrete or gypsum backing. If the plaster surface is completely covered by veneer or other facing material or is completely concealed, plaster application need be only two coats, provided the total thickness is as set forth in Table R702.1(1).

On wood-frame construction with an on-grade floor slab system, exterior plaster shall be applied in such a manner as to cover, but not extend below lath, paper, and screed.

The proportion of aggregate to cementitious materials shall be as set forth in Table R702.1(3).

R703.6.3 Weather-resistant barriers. Weather-resistant barriers shall be installed as required in Section R703.2 and, where applied over wood-based sheathing, shall include a weather-resistive vapor permeable barrier with a performance at least equivalent to two layers of Grade D paper.

R703.6.4 Weep screeds. A minimum 0.019-inch (No. 26 galvanized sheet gage), corrosion-resistant weep screed with a minimum vertical attachment flange of 3-1/2 inches shall be provided at or below the foundation plate line on exterior stud walls in accordance with ASTM C 926. The weep screed shall be placed a minimum of 4 inches above the earth or 2 inches above paved areas and shall be of a type that will allow trapped water to drain to the exterior of the building. The weather-resistant barrier shall lap the attachment flange. The exterior lath shall cover and terminate on the attachment flange of the weep screed.

Subp. 4. **Section R703.7.1.** IRC Section R703.7.1 is amended to read as follows:

R703.7.1 Interior veneer support. Masonry veneers to a maximum height of 12 feet 8 inches (38,608 mm) used as interior wall finishes shall be permitted to be supported on wood or cold-formed steel floors that are designed to support the loads imposed.

Subp. 5. **Figure R703.7.1.** IRC Figure R703.7.1, Exterior Masonry Veneer Support by Wood Construction, is deleted in its entirety.

Subp. 6. **Section R703.7.2.** IRC Section

R703.7.2 is amended to read as follows:

R703.7.2 Exterior veneer support. Exterior masonry veneers having an installed weight of 40 pounds per square foot (195 kg/m²) or less shall be permitted to be supported by cold-formed steel wall construction. When masonry veneer supported by cold-formed steel wall construction adjoins masonry veneer supported by the foundation, there shall be a movement joint between the veneer supported by the cold-formed steel wall construction and the veneer supported by the foundation. The cold-formed steel wall construction providing lateral support to the masonry veneer shall be designed to limit the lateral deflection to 1/600 of the span. The design of the cold-formed steel wall construction shall consider the weight of the veneer and any other loads such as wind loads.

Subp. 7. **Section R703.7.2.1.** IRC Section R703.7.2.1, Support by steel angle, is deleted in its entirety.

Subp. 8. **Section R703.7.2.2.** IRC Section R703.7.2.2, Support by roof construction, is deleted in its entirety.

Subp. 9. **Section R703.8.** IRC Section R703.8 is amended to read as follows:

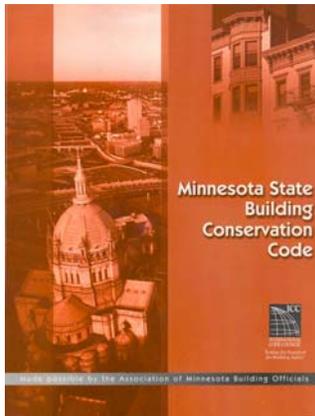
R703.8 Flashing. Approved corrosion-resistive flashing shall be provided in the exterior wall envelope in such a manner as to prevent entry of water into the wall cavity or penetration of water to the building structural framing components. The flashing shall extend to the surface of the exterior wall finish and shall be installed to prevent water from reentering the exterior wall envelope. Approved corrosion-resistant flashing shall be installed at all of the following locations:

1. At top of all exterior window and door openings in such a manner as to be leakproof.

2. At the intersection of chimneys or other masonry construction with frame or stucco walls, with projecting lips on both sides under stucco copings.
3. Under and at the ends of masonry, wood, or metal copings and sills.
4. Continuously above all projecting wood trim.
5. Where exterior porches, decks, or stairs attach to a wall or floor assembly of wood-frame construction.
6. At wall and roof intersections.
7. At built-in gutters.
8. Where exterior material meets in other than a vertical line.

STAT AUTH: MS s 16B.59; 16B.61;
16B.64
HIST: 27 SR 1475

Chapter 1311 Guidelines for Rehabilitation of Existing Buildings begins on the next page.



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MINNESOTA RULES, CHAPTER 1311 REHABILITATION OF EXISTING BUILDINGS

1311.0010 ADOPTION BY REFERENCE OF THE GUIDELINES FOR THE REHABILITATION OF EXISTING BUILDINGS.

Chapters one to six of the 2000 Guidelines for the Rehabilitation of Existing Buildings (GREB) as promulgated by the International Conference of Building Officials, Whittier, California, are incorporated by reference and made a part of the Minnesota State Building Code, as amended in this chapter. Appendices 2, 3, and 4 of the GREB are deleted and are not made a part of the Minnesota State Building Code. The guidelines, which include Resources 1 through 6, are provided as useful information intended to assist the code user and shall not be adopted as part of this code, except for GREB Resource 2, as referenced in GREB Section 504.1. The 2000 Guidelines for the Rehabilitation of Existing Buildings is not subject to frequent change and a copy of the 2000 Guidelines for the Rehabilitation of Existing Buildings, with amendments for use in Minnesota, is available in the office of the commissioner of administration.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1311.0103 SECTION 103, SCOPE.

GREB Section 103 is amended to read as follows:

SECTION 103 SCOPE

These guidelines constitute the minimum standards for change of occupancy, alteration, or repair of existing buildings and structures.

If a reference is made to the appendix in these guidelines, the appendix does not apply.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1311.0109 SECTION 109, MODIFICATIONS.

GREB Section 109 is amended by modifying the last sentence to read as follows:

The details of any action granting modification or the acceptance of a compliance alternative shall be recorded and entered in the files of the department of building safety.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1311.0110 SECTION 110, TESTS.

GREB Section 110 is amended to read as follows:

SECTION 110 TESTS

If there is insufficient evidence of compliance with these guidelines, or evidence that a material or method does not conform to the requirements of these guidelines, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in these guidelines or by other recognized test standards. In the absence of

recognized and accepted test methods, the building official shall have the authority to approve alternate testing procedures. Tests shall be performed by an approved agency. Reports of these tests shall be retained by the building official.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1311.0201 SECTION 201, ADMINISTRATION.

GREB section 201 is amended to read as follows:

SECTION 201
ADMINISTRATION

The building official is hereby authorized to enforce the provisions of these guidelines. The building official shall have the power to render interpretations of these guidelines as deemed necessary to clarify the application of the provisions of these guidelines. These interpretations shall be in conformity with the intent and purpose of these guidelines and the Minnesota State Fire Code. In order to effectively perform this duty and gain conformity with the Minnesota State Fire Code, the building official shall consult with the fire official.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1311.0202 SECTION 202, PERMITS REQUIRED.

GREB Section 202 is deleted in its entirety and replaced with the following:

SECTION 202
PERMITS REQUIRED

Permits are required as specified in

Minnesota Rules, chapter 1300.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1311.0203 SECTION 203, INSPECTION OF WORK.

GREB Section 203 is deleted in its entirety and replaced with the following:

SECTION 203
INSPECTION OF WORK

All buildings or structures within the scope of these guidelines and all construction or work for which a permit is required are subject to inspection by the building official in accordance with and in the manner prescribed in these guidelines and Minnesota Rules, chapter 1300.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1311.0205 SECTION 205, LIABILITY.

GREB Section 205 is deleted in its entirety and replaced with the following:

SECTION 205
LIABILITY

Liability shall be determined as specified in Minnesota Rules, chapter 1300.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1311.0206 SECTION 206, UNSAFE BUILDINGS OR STRUCTURES.

GREB Section 206 is deleted in its entirety and replaced with the following:

SECTION 206
UNSAFE BUILDINGS OR STRUCTURES

All buildings or structures regulated by these guidelines that are structurally unsafe or not provided with adequate egress, that constitute a fire hazard, or that are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members that are supported by, attached to, or a part of a building and that are in deteriorated condition or otherwise unable to sustain the design loads that are specified in these guidelines are designated, for the purposes of this section, unsafe building appendages.

The building official shall order any building or portion of a building to be vacated if its continued use is dangerous to life, health, or safety of the occupants. The order shall be in writing and shall state the reason or building code for the action.

All unsafe buildings, structures, or appendages are public nuisances and must be abated by repair, rehabilitation, demolition, or removal, according to Minnesota Statutes, sections 463.15 to 463.26.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1311.0301 SECTION 301, DEFINITIONS.

Subpart 1. **Section 301, amending definitions.** GREB Section 301 is amended by modifying definitions as follows:

A. The definition of "ALTER OR ALTERATION" is replaced with the following:

ALTERATION. Any construction or renovation to an existing structure other than repair or addition.

B. The definition of "BUILDING OFFICIAL" is amended to read as follows:

BUILDING OFFICIAL. The municipal building code administrative authority certified under Minnesota Statutes, section 16B.65, subdivisions 2 and 3.

C. The definition of "HISTORIC BUILDING" is replaced with the following:

CERTIFIED HISTORIC STRUCTURE. A building and its structural components that:

(1) is listed on the National Register of Historic Places, or determined eligible for listing in the National Register of Historic Places by the State Historic Preservation Officer, or designated by a certified local government; or

(2) is located in a registered historic district and determined to be a contributing building as defined by the State Historic Preservation Officer or the certified local government.

As used in this definition: "Registered historic district" means a district listed on the National Register of Historic Places, or determined eligible for listing on the National Register of Historic Places by the State Historic Preservation Officer or designated by a certified local government; and

"Certified local government" means an agency of government meeting the standards administered by the United States Secretary of the Interior through the State of Minnesota Historic Preservation Officer.

D. In the definition of "WORK AREA," the term "reconstruction" in the last sentence of the definition is replaced with the term "rehabilitation."

Subp. 2. **Section 301, adding definitions.** GREB Section 301 is amended by adding the following definitions:

ACCESSIBILITY CODE means Minnesota Rules, chapter 1341, Minnesota Accessibility Code.

BUILDING CODE means Minnesota Rules, chapter 1305, Minnesota Building Code.

CHANGE IN USE or **CHANGE IN OCCUPANCY** means a change in the character or use of an existing building or portion of a building that would place it in a different division of the same group of occupancy or in a different group of occupancies.

ELECTRICAL CODE means Minnesota Rules, chapter 1315, Minnesota Electrical Code.

ELEVATOR CODE means Minnesota Rules, chapter 1307, Minnesota Elevator Code.

ENERGY CODE means Minnesota Statutes, section 16B.617, Minnesota Energy Code.

FIRE CODE means the Minnesota State Fire Code adopted pursuant to Minnesota Rules, chapter 7510, and Minnesota Statutes, chapter 299F.

MECHANICAL CODE means Minnesota Rules, chapter 1346, Minnesota Mechanical Code.

PLUMBING CODE means Minnesota Rules, chapter 4715, of the Minnesota State Building Code.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

1311.0401 SECTION 401, GENERAL.

Section 401.2.7. GREB Section 401.2.7 is amended by modifying the following subsections:

A. Subsection 401.2.7, Exception 3, is amended to read as follows:

3. If a grounding means exists in the receptacle enclosure or a grounding connection is made to the grounding electrode system of the premises, receptacles shall be replaced with a grounding-type receptacle.

B. Subsection 401.2.7, Exception 4, is amended to read as follows:

4. If a grounding means does not exist in the receptacle enclosure, nongrounding-type receptacles shall be permitted to be installed.

C. Subsection 401.2.7, Exception 5, is amended to read as follows:

5. If a grounding means does not exist in the receptacle enclosure, a ground-fault circuit-interrupter-type receptacle outlet shall be permitted to be installed. Other grounding-type receptacle outlets shall be permitted to be supplied through a ground-fault circuit-interrupter-type receptacle. An equipment grounding connection shall not be made between equipment grounding connections of any receptacles that are not connected to an equipment grounding conductor. Grounding-type receptacles that do not provide grounding connections shall be marked "No Equipment Ground."

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

1311.0403 SECTION 403, LIFE SAFETY.

Subpart 1. **Section 403.** GREB Section 403 is amended by deleting the phrase "(Supplemental requirement)" from the following sections: 403.11.2; 403.11.3; 403.12.2; 403.12.3; and (Supplemental requirements) from sections 403.14.1.4.1; and 403.16.2.

Subp. 2. **Section 403.1.** GREB Section 403.1 is amended by adding a subsection:

403.1.1 Accessibility requirements.

Buildings undergoing alterations as defined in chapter 3 shall comply with the applicable requirements specified in Minnesota Rules, part 1341.0409, ADAAG 4.1.5; Accessible Buildings; Additions, and part 1341.0411, ADAAG 4.1.6; Accessible Buildings; Alterations; subparts 1, 2, and 3.

For change of occupancy requirements, see Chapter 5.

Subp. 3. **Section 403.2.** GREB Section 403.2 is amended by modifying Exception 3 to read as follows:

3. Where the work area and means of egress serving the work area complies with NFPA 101, 1997 edition.

Subp. 4. **Section 403.2.1.** GREB Section 403.2.1 is amended by deleting Exception 8 in its entirety and renumbering the remaining exceptions as "8, 9, 10, 11, 11.1, and 11.2" respectively.

Subp. 5. **Section 403.2.2.** GREB Section 403.2 is amended by adding a subsection:

403.2.2 Additions using means of egress through existing buildings. If occupants of an addition to an existing building are required to exit through the existing building, the means of egress systems shall comply

with the applicable provisions of the Building Code for new construction. For accessibility requirements, see section 403.1.1.

Subp. 6. **Section 403.5.1.** GREB Section 403.5.1 is amended by modifying the last sentence to read as follows:

See Section 603.9 for existing guards in historical structures.

Subp. 7. **Section 403.18.** GREB Section 403.18 and Exceptions are deleted in their entirety and replaced with the following:

403.18 Dead-end corridors. Existing dead-end corridors in any work area shall comply with the Minnesota State Fire Code. Newly constructed dead-end corridors shall comply with the Minnesota State Building Code.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

1311.0404 SECTION 404, INTERIOR FINISH.

GREB Sections 404.1, 404.1.1, and 404.1.2 are amended by deleting the reference to "(Supplemental requirements)."

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

1311.0405 SECTION 405, SHAFT ENCLOSURES.

Subpart 1. **Section 405.1.** GREB Section 405.1 is amended to read as follows:

405.1 In any work area, newly constructed vertical openings through a floor ceiling assembly shall comply with the requirements of the Minnesota State Building Code.

Subp. 2. **Section 405.2.** GREB Section 405.2 is amended to read as follows:

405.2 In any work area, all existing interior vertical openings through a floor ceiling assembly shall be enclosed with approved assemblies having a fire-resistance rating of not less than one hour with approved opening protection.

(The exceptions are included and remain unchanged.)

Subp. 3. **Sections 405.3, 405.4, and 405.5.** GREB Sections 405.3, 405.4, and 405.5 are amended to delete the reference to "(Supplemental requirements)."

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

1311.0407 SECTION 407, FIRE SUPPRESSION SYSTEMS.

GREB Section 407.1 is amended to read as follows:

407.1 All work areas in any building or portion of a building that is required to have a fire-extinguishing system in accordance with the Minnesota Rules, chapters 1305 and 1306, if specifically adopted by the jurisdiction, shall be provided with an automatic fire-suppression system.

Exception: In other than high-rise structures, where an automatic water supply for sprinkler protection is not available at that floor level, the building official shall be permitted to accept alternative protection.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

1311.0408 SECTION 408, FIRE ALARMS.

Subpart 1. **Section 408.1.1.** GREB Section 408.1.1 is modified to read as follows:

408.1.1 In Use Groups R-1 and R-2, individual guestrooms and individual dwelling units in any work area shall be provided with smoke detectors complying with Sections 907.2.10.1 and 907.2.10.1.2 of the International Building Code adopted according to Minnesota Rules, chapter 1305.

Exception: Smoke detectors are not required when the work is not occurring within an individual guestroom or individual dwelling unit.

Subp. 2. **Section 408.1.2.** GREB Section 408.1.2 is modified to read as follows:

408.1.2 Where the work area is in Use Group R-3 or R-4, smoke detectors complying with Section 907.2.10.1.2 of the International Building Code adopted according to Minnesota Rules, chapter 1305, shall be provided. When the work area is in any attached dwelling unit in Use Group R-3 or R-4, the requirement is only applicable to a dwelling unit that is part of the work area.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

1311.0409 SECTION 409, HIGH RISE BUILDINGS.

GREB Section 409.3 is deleted and replaced with the following:

409.3 Elevators. If work includes an alteration to an elevator in the building, the elevator shall comply with the Minnesota Elevator Code.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

**1311.0410 SECTION 410,
BOILER/FURNACE EQUIPMENT
ROOMS.**

GREB Section 410.1 is amended to read as follows:

410.1 Shops not classified as Group H, laboratories, storage rooms with floor area exceeding 100 square feet in size, and rooms containing boilers or central heating plants in Groups A; B; E; F; H; I; M; R-1; R-2; and S occupancies shall be separated from the rest of the building by not less than a one-hour occupancy separation. When approved by the building official, existing wood lath and plaster in good condition or 1/2 inch (12.7 mm) gypsum wallboard may be accepted where one-hour occupancy separations are required.

Exceptions:

1. In Groups A; B; E; F; I; M; and S occupancies, a separation need not be provided where the largest price of fuel equipment does not exceed 400,000 Btu's per hour input.

2. In Group R-2 occupancies, a separation need not be provided for such rooms with equipment serving only one dwelling unit.

3. In Groups A; B; E; F; I; M; R; and S occupancies, a separation need not be provided if the hazardous area is protected with automatic sprinklers.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

**1311.0411 SECTION 411, STRUCTURAL
REQUIREMENTS.**

GREB Section 411 is deleted in its entirety and replaced with the following:

**SECTION 411
STRUCTURAL REQUIREMENTS**

411.1 Structural safety. The minimum design loads for the structure shall be the loads applicable at the time the building was constructed, provided that no dangerous condition is created. The building official may require that structural members exposed during construction be evaluated by a registered design professional. Structural members that are found to be unsound or dangerous shall comply with the applicable requirements of the Minnesota State Building Code for new construction.

411.2 A building, structure, or an individual structural member that has any of the conditions or defects described below, as determined by a registered design professional, shall be replaced or strengthened when:

1. The stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half the working stress or stresses allowed in the Minnesota State Building Code for new buildings of similar structure, purpose, or location.

2. Any portion of the building, structure, or member has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that its structural strength or stability is materially less than it was before the catastrophe and is less than the minimum requirements of the Minnesota State Building Code for new buildings of similar structure, purpose, or location.

3. Any portion of the building, structure, or member has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

4. The building or structure, or any portion of it, is likely to partially or completely collapse because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause.

5. The exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

6. The building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls, or coverings.

7. Any building or structure, which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member, or portion less than 50 percent, or in any supporting part, member, or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of newly constructed building or like area, height, and occupancy in the same location.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

1311.0413 SECTION 413, OTHER SAFETY FEATURES.

Subpart 1. **Section 413.2.3.** GREB Section 413.2.3, the Exceptions are amended to read

as follows:

Exceptions:

1. If the existing load is less than 10 kva as computed in accordance with the Minnesota Electrical Code, an existing 60 ampere three-wire service shall be permitted.

2. 30-ampere and larger two- or three-wire feeders supplying dwelling units shall be permitted where the feeders are adequate for the load served as computed in the Minnesota Electrical Code.

Subp. 2. **Section 413.2.4.3.** GREB Section 413.2.4.3 is amended as follows:

413.2.4.3 Laundry areas shall have a minimum of one grounded-type outlet or a receptacle outlet protected with a ground-fault circuit-interrupter located near each piece of laundry equipment and at least one lighting outlet.

Subp. 3. **Section 413.2.4.5.** GREB Section 413.2.4.5 is amended as follows:

413.2.4.5 At least one lighting outlet shall be provided in every kitchen, toilet room, bathroom, hallway, stairway, attached garage, and detached garage with electric power.

Subp. 4. **Section 413.2.4.8.** GREB Section 413.2.4 is amended by adding the following subsection:

413.2.4.8 Each toilet room and bathroom shall have a receptacle outlet provided with ground-fault circuit-interrupter protection.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

1311.0501 SECTION 501, GENERAL.

Subpart 1. **Section 501, Tables.** GREB

Section 501, tables 5-A to 5-E are deleted and replaced with the following tables:

TABLE 5-A HAZARD CATEGORIES AND CLASSIFICATIONS: HEIGHTS AND AREAS

<i>RELATIVE HAZARD</i>	<i>USE CLASSIFICATION</i>
1 (Highest Hazard)	A-2, H, I-3
2	A-1, A-3, A-4, E, I-1, I-2, S-1
3	B, F-1, M, R
4 (Lowest Hazard)	F-2, S-2, U

TABLE 5-B HAZARD CATEGORIES AND CLASSIFICATIONS: LIFE SAFETY AND EXITS

<i>RELATIVE HAZARD</i>	<i>USE CLASSIFICATION</i>
1	H
2	I-2, I-3
3	A, E, I-1, R-1, R-2
4	B, F-1, R-3, R-4, S-1, M
5	F-2, S-2, U

TABLE 5-C HAZARD CATEGORIES AND CLASSIFICATIONS: OCCUPANCY SEPARATIONS

<i>RELATIVE HAZARD</i>	<i>USE CLASSIFICATION</i>
1	H, I
2	A, B, F, M, S-1, S-2
3	E
4	R-1, R-2, U
5	R-3

TABLE 5-D HAZARD CATEGORIES AND CLASSIFICATIONS: EXPOSURE OF EXTERIOR WALLS

<i>RELATIVE HAZARD</i>	<i>USE CLASSIFICATION</i>
1 (Highest Hazard)	H
2	F-1, I, M, S-1
3	A, B, E, I, R
4 (Lowest Hazard)	F-2, S-2, U

Subp. 2. **Section 501.4.** GREB Section 501.4 is amended to read as follows:

501.4 Accessibility requirements. The following accessibility requirements shall apply to a change in occupancy as defined in chapter 3.

501.4.1 Entire building. When a change in occupancy of a building places the building in a different division of the same occupancy group or in a different occupancy group, the building shall have all of the following accessible features:

1. At least one accessible building entrance.
2. At least one accessible interior route from an accessible building entrance to primary function areas. Vertical conveyance devices used as part of an accessible route shall be installed in compliance with the Minnesota Accessibility Code and the Minnesota Elevator Code.
3. Accessible parking, where parking is provided.
4. At least one exterior accessible route from accessible parking to an accessible building entrance. If no parking is provided, at least one exterior accessible route within the boundary of the site to an accessible building entrance.
5. At least one accessible unisex or male and female toilet room for every 3 levels of the building.

No requirement for change in occupancy of a building shall impose a requirement for greater accessibility than that which would be required by the Minnesota Accessibility Code for new construction. However, if compliance with any of the requirements of this section is technically infeasible, the change in occupancy shall not be permitted.

501.4.2 Portion of building. When a change in occupancy of a portion of a building places

the portion of the building in a different division of the same occupancy group or in a different occupancy group, all of the following accessible features shall be provided:

1. At least one accessible building entrance.

2. At least one accessible interior route from an accessible building entrance to the portion of the building undergoing the change in occupancy. In multistory buildings where the portion of the building undergoing the change in occupancy is located above or below the level of access and the number of occupants of the new occupancy exceeds 30 occupants, an accessible vertical route shall be provided.

Exception: Regardless of occupant load, an accessible vertical route shall be provided in multistory buildings where the new occupancy is a public area of retail sales, medical care facility, transportation facility, or government entity.

Vertical conveyance devices used as part of an accessible route shall be installed in compliance with the Minnesota Accessibility Code and the Minnesota Elevator Code.

3. Accessible parking, where parking is provided.

4. At least one exterior accessible route from accessible parking to an accessible building entrance. If no parking is provided, at least one exterior accessible route within the boundary of the site to an accessible building entrance.

No requirement for change in occupancy shall impose a requirement for greater accessibility than that which would be required by the Minnesota Accessibility Code for new construction. However, if

compliance with any of the requirements of this section is technically infeasible, the change in occupancy shall not be permitted.

Subp. 3. **Section 501.5.** GREB Section 501.5 is amended by modifying the reference to "Tables 5-A through 5-E" to read "Tables 5-A through 5-D."

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

1311.0502 SECTION 502, FIRE AND LIFE-SAFETY.

GREB Section 502.1.1 is amended by deleting the exception in its entirety.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

1311.0503 SECTION 503, ENCLOSURE OF VERTICAL SHAFTS.

Subpart 1. **Section 503.2.** GREB Section 503.2, Exception 2, is amended as follows:

2. In other than Group I occupancies, unenclosed existing stairways need not be enclosed in a continuous vertical shaft when the entire building is provided with an approved automatic sprinkler system and the number of open floors do not exceed three.

Subp. 2. **Section 503.3.** GREB Section 503.3 and Exception are deleted in their entirety.

Subp. 3. **Section 503.4.** GREB Section 503.4 is renumbered as new Section 503.3.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

1311.0505 SECTION 505, STRUCTURAL

SAFETY.

Subpart 1. **Section 505.3.** GREB Section 505.3 and Exceptions are deleted in their entirety.

Subp. 2. **Section 505.4.** GREB Section 505.4 is amended by renumbering it as Section 505.3.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

1311.0601 SECTION 601, CERTIFIED HISTORIC STRUCTURES.

GREB Section 601.2 is amended by modifying the second sentence to read as follows:

If it is intended that the building meet the requirements of this chapter, a written report shall be prepared and filed with the building official and appropriate certified local government.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

1311.0603 SECTION 603, FIRE-SAFETY.

Subpart 1. **Section 603.1.** GREB Section 603.1 is amended as follows:

603.1 General. Every historic building undergoing repairs, alterations, or change of occupancy that cannot conform to the construction requirements specified in these guidelines for the occupancy or use and constitutes a distinct fire hazard and therefore is determined unsafe as identified in Section 206, shall be provided with an approved automatic fire-extinguishing system as determined appropriate by the building official. However, an automatic fire-extinguishing system shall not be used to

substitute for, or act as an alternate to the required number of exits from any facility.

Exception: Compliance alternatives as outlined in Section 601.2 are documented and approved by the building official.

Subp. 2. **Section 603.3.** GREB Section 603.3 is amended as follows:

603.3 Transoms. In fully sprinklered buildings of Use Groups other than A-2, H, and I-2, existing transoms in corridors and other fire-rated walls may be maintained. A sprinkler shall be installed on each side of the transom.

Subp. 3. **Section 603.11.** GREB Sections 603.11, 603.11.1 and Exception, and 603.11.2 are deleted in their entirety and replaced with the following:

603.11 Doors. Historic wood panel doors in interior walls that are required to have a one-hour fire rated assembly may be permitted if a sprinkler is installed on each side of the door.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

1311.0604 SECTION 604, CHANGE OF OCCUPANCY.

Subpart 1. **Section 604.8.** GREB Section 604.8 and Exception are deleted in their entirety and replaced with the following:

604.8 Transoms. In corridor walls required to be fire rated by these provisions, existing transoms may be retained if fixed in the closed position and fitted with wired glass set in a steel frame or other approved glazing system.

Exception: Transoms conforming to Section 603 of these provisions shall be

accepted.

Subp. 2. **Section 604.16.** GREB Section 604.16 is deleted in its entirety and replaced with the following:

604.16 Accessibility requirements. Alterations to a certified historic structure shall comply with Section 403.1.1 unless it is determined, in accordance with the Minnesota Accessibility Code, Minnesota Rules, part 1341.0413, subpart 2, that compliance with the requirements for exterior and interior accessible routes, ramps, entrances, or toilets would threaten or destroy the historic significance of the building or facility, in which case the alternative requirements in Minnesota Rules, part 1341.0413, subpart 3, may be used for the feature.

STAT AUTH: MS s 16B.59; 16B.61;
16B.64

HIST: 27 SR 1479

MINNESOTA RULES, CHAPTER 1315 ELECTRICAL CODE

1315.0200 SCOPE.

Subpart 1. **Electrical code.** All new electrical wiring, apparatus, and equipment for electric light, heat, power, technology circuits and systems, and alarm and communication systems must comply with the regulations contained in the 2002 edition of the National Electrical Code (NEC) as approved by the American National Standards Institute (ANSI/NFPA 70-2002), Minnesota Statutes, section 326.243, and the Minnesota State Building Code as adopted by the commissioner of administration. The 2002 edition of the National Electrical Code, developed and published by the National Fire Protection Association, Inc., is incorporated by reference and made part of the Minnesota State Building Code. The National Electrical Code is not subject to frequent change and is available in the office of the commissioner of administration, from the State Board of Electricity, 1821 University Avenue, Suite S-128, St. Paul, MN 55104-2993, through public libraries, or from National Fire Protection Association, Inc., One Battery March Park, Post Office Box 9101, Quincy, MA 02269-9101.

Subp. 2. [Repealed, 12 SR 102; 12 SR 151]

STAT AUTH: MS s 14.07; 16B.59; 16B.61 to 16B.64; 326.241 to 326.248

HIST: 9 SR 1557; 11 SR 1405; 12 SR 102; 12 SR 151; 14 SR 2988; 18 SR 467; 20 SR 2290(NO. 43); 23 SR 2404; 27 SR 347

1315.0300 [Repealed by amendment, 9 SR 1557]

1315.0400 [Repealed, 12 SR 102; 12 SR 151]

1315.0500 [Repealed by amendment, 9 SR 1557]

1315.0600 [Repealed by amendment, 9 SR 1557]

MINNESOTA RULES, CHAPTER 1325

SOLAR ENERGY SYSTEMS

1325.0200 [Repealed, 8 SR 1229]

1325.0300 [Repealed, 8 SR 1229]

1325.0400 [Repealed, 8 SR 1229]

1325.0500 [Repealed, 8 SR 1229]

1325.0600 [Repealed, 8 SR 1229]

1325.0700 [Repealed, 8 SR 1229]

1325.1000 [Repealed, 20 SR 2290(NO. 43)]

1325.1100 SOLAR ENERGY.

Subpart 1. **Authority.** This part is authorized by Minnesota Statutes, section 216C.25, and established through the rulemaking procedures in Minnesota Statutes, chapter 14.

Subp. 2. **Scope.** This part applies to solar energy systems which are used to satisfy space heating and/or space cooling and/or domestic or service hot water demands of buildings, and shall be used for all solar energy systems as defined in Minnesota Statutes, section 216C.06, subdivision 8; however, this part does not apply to solar energy systems whose primary purpose is to produce generated electric power. This part is to be used in conjunction with existing building codes and standards and does not replace existing building codes.

Subp. 3. **Purpose.** The purpose of this part is twofold: first, to establish standards for the evaluation of the performance, durability, reliability, and maintainability of solar energy systems; and second, to require

Solar Rating and Certification Corporation (SRCC) certification that discloses to each potential buyer of the extent to which the seller's solar energy system meets or exceeds the SRCC Operating Guidelines and Standards in subpart 4a.

Subp. 4. [Repealed, 20 SR 2290(NO. 43)]

Subp. 4a. **Incorporation of Operating Guidelines and Standards.** The publications in items A to C adopted by the Solar Rating and Certification Corporation (SRCC) are incorporated by reference and made part of the Minnesota State Building Code. They are not subject to frequent change and are available at the Minnesota state law library.

A. Document OG-100, Operating Guidelines for Certifying Solar Collectors, dated April 1994.

B. Standard OG-100-86 (RA92), Test Methods and Minimum Standards for Certifying Solar Collectors, dated April 1994.

C. Document OG-300-95, Operating Guidelines and Minimum Standards for Certifying Solar Water Heating Systems, dated August 1995.

Subp. 5. [Repealed, 20 SR 2290(NO. 43)]

Subp. 5a. **Certification.** Solar collectors and solar water heating systems sold, offered for sale, or installed in the state must bear a Solar Rating and Certification Corporation (SRCC) certification label evidencing the manufacturer's compliance with the design, reliability, durability, safety, operation, servicing, installation, and manual criteria contained in the Operating Guidelines and Standards in subpart 4a. In addition, in accordance with the Operating Guidelines and Standards, every seller of solar collectors and solar water heating systems for installation in the state must provide every bona fide prospective buyer a copy of the certification award issued by the SRCC.

Subp. 6. **Enforcement.** The building official shall not issue any permits required for installation of the electrical, mechanical, or structural aspects of the solar energy system until the seller has furnished the building official a copy of the completed certification award required by this part. The building official need not determine the accuracy of the seller's certification award or otherwise determine the extent to which the seller's solar energy system meets or exceeds the Operating Guidelines and Standards in subpart 4a.

STAT AUTH: MS s 16B.61; 216C.25

HIST: L 1987 c 384 art 2 s 1; 20 SR 2290(NO. 43)

1325.1200 [Repealed, 20 SR 2290(NO. 43)]

1325.1300 [Repealed, 20 SR 2290(NO. 43)]

1325.1400 [Repealed, 20 SR 2290(NO. 43)]

1325.1500 [Repealed, 20 SR 2290(NO. 43)]

1325.1600 [Repealed, 20 SR 2290(NO. 43)]

1325.1700 [Repealed, 20 SR 2290(NO. 43)]

1325.1800 [Repealed, 20 SR 2290(NO. 43)]

1325.1900 [Repealed, 20 SR 2290(NO. 43)]

1325.2000 [Repealed, 20 SR 2290(NO. 43)]

1325.2100 [Repealed, 20 SR 2290(NO. 43)]

1325.2200 [Repealed, 20 SR 2290(NO. 43)]

1325.2300 [Repealed, 20 SR 2290(NO. 43)]

1325.2400 [Repealed, 20 SR 2290(NO. 43)]

1325.2500 [Repealed, 20 SR 2290(NO. 43)]

1325.2600 [Repealed, 20 SR 2290(NO. 43)]

1325.2700 [Repealed, 20 SR 2290(NO. 43)]

1325.2800 [Repealed, 20 SR 2290(NO. 43)]

1325.2900 [Repealed, 20 SR 2290(NO. 43)]

1325.3000 [Repealed, 20 SR 2290(NO. 43)]

1325.3100 [Repealed, 20 SR 2290(NO. 43)]

1325.3200 [Repealed, 20 SR 2290(NO. 43)]

1325.3300 [Repealed, 20 SR 2290(NO. 43)]

1325.3400 [Repealed, 20 SR 2290(NO. 43)]

1325.3500 [Repealed, 20 SR 2290(NO. 43)]

1325.3600 [Repealed, 20 SR 2290(NO. 43)]

1325.9000 [Repealed, 20 SR 2290(NO. 43)]

1325.9100 [Repealed, 20 SR 2290(NO. 43)]

1325.9200 [Repealed, 20 SR 2290(NO. 43)]

1325.9300 [Repealed, 20 SR 2290(NO. 43)]

1325.9400 [Repealed, 20 SR 2290(NO. 43)]

1325.9500 [Repealed, 20 SR 2290(NO. 43)]

MINNESOTA RULES, CHAPTER 1335

FLOOD PROOFING REGULATIONS

1335.0200 ADOPTION OF "FLOOD PROOFING REGULATIONS."

Sections 100 to 1406 of the 1972 edition of "Flood Proofing Regulations" (FPR) as promulgated by the Office of the Chief Engineers, U.S. Army, Washington, D.C. is incorporated by reference and hereby made a part of the State Building Code subject to the amendments in parts 1335.0200 to 1335.3000.

FPR sections 201.2 to 208.2 are placed in the appendix of this code.

STAT AUTH: MS s 104.05

1335.0300 FLOODPROOFING REGULATIONS, SECTION 200.2.

FPR section 200.2 is amended to read as follows:

Official Floodplain Zoning Map: The official plain zoning map showing the extent and boundaries of the primary and secondary flood hazard areas is hereby declared and established as part of these regulations. Hereinafter reference to term "primary flood hazard areas" in these regulations shall be synonymous with the term "floodplain areas" as used in parts 6120.5000 to 6120.6200.

1335.0400 FLOODPROOFING REGULATIONS, SECTION 200.3.

FPR section 200.3 is amended to read as follows:

Regulatory Flood Datum: For the purpose of these regulations, the regulatory flood datum, or as hereinafter referred to, the "RFD," is hereby declared and established for use as the reference datum for determining the elevation above mean sea level to which floodproofing protection shall be provided. Hereinafter reference to the term "regulatory flood datum" in these regulations shall be synonymous with the term "flood protection elevation" as used in

parts 6120.5000 to 6120.6200.

1335.0500 FLOODPROOFING REGULATIONS, SECTION 201.1.

FPR section 201.1 is amended to read as follows:

Application: These regulations shall apply to the construction, alteration, and repair of any building or parts of a building or structure in the flood hazard area(s) of the municipalities. Additions, alterations, repairs, and changes of use occupancy shall comply with all provisions for new buildings and structures as otherwise required in the building code, except as specifically provided in these regulations.

STAT AUTH: MS s 104.05

1335.0600 FLOODPROOFING REGULATIONS, SECTION 201.2.

FPR section 201.2 is amended to read as follows:

This section shall apply unless equivalent provisions are incorporated in the city or county flood plain zoning ordinance.

Nonconforming Use: A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance but which is not in conformity with the provisions of these regulations may be continued subject to the following conditions:

1. No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
2. No structural alteration, addition, or repair to any conforming structure over the life of the structure shall exceed 50 percent of its market value at the time of its becoming a nonconforming use, unless the structure is permanently changed to a conforming use.
3. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to these regulations. The assessor

shall notify the zoning administrator in writing of instances of nonconforming uses which have been discontinued for a period of 12 months.

4. If any nonconforming use or structure is destroyed by any means, including floods, to an extent of 50 percent or more of its market value, it shall not be reconstructed except in conformance with the provisions of these regulations; provided, the Board of Appeals may permit reconstruction if the use or structure is located outside the floodway and is adequately and safely floodproofed, elevated, or otherwise protected in conformance with these regulations.

5. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

6. An alteration, addition, or repair to a nonconforming structure that exceeds 50 percent of its market value must be protected as required by these regulations.

STAT AUTH: MS s 16B.61; 104.05

HIST: 15 SR 74

1335.0700 FLOODPROOFING REGULATIONS, SECTION 203.3.

FPR section 203.3 is amended to read as follows:

Records: Copies of such tests, reports, certifications, or the results of such tests shall be kept on file in the office of the building official for a period of not less than two years after the approval and acceptance of the completed structure for beneficial occupancy.

STAT AUTH: MS s 104.05

1335.0800 FLOODPROOFING REGULATIONS, SECTION 204.6.

FPR section 204.6 is amended to read as follows:

Board of Appeals: See part 1305.0500, Uniform Building Code section 204.

STAT AUTH: MS s 104.05

1335.0900 FLOODPROOFING

REGULATIONS, SECTION 204.7.

FPR section 204.7 is amended to read as follows:

Validity: It shall be unlawful for any person, firm, or corporation or agency (state or local) to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in the flood hazard area(s), or cause the same to be done, contrary to or in violation of any of the provisions of these regulations and/or the building code.

STAT AUTH: MS s 104.05

1335.1000 FLOODPROOFING REGULATIONS, SECTION 205.1.

FPR section 205.1 is amended to read as follows:

Statement of Intention to Improve: The owner or any registered architect or licensed professional engineer authorized to represent the owner shall, before preparing final plans for any improvement in the flood hazard area(s), file with the building official a statement of intention to improve, including a brief description of the type of improvement being considered and giving its precise location, on a form provided by the building official. The building official shall note on two copies the elevation of the RFD at the location of the proposed improvement. One copy of the statement of intention to improve must be retained by the building official until a permit copy for improvement on the site is approved or one year has elapsed; a second copy must be returned to the owner for use in final siting and design of the improvement. Assignments of the RFD elevations at all locations must be consistent with the determination of the regulatory flood protection elevation as defined in the community's flood plain zoning controls, if any. This information must be open to public examination at all reasonable times.

STAT AUTH: MS s 16B.61; 104.05

HIST: 15 SR 74

1335.1100 FLOODPROOFING REGULATIONS, SECTION 205.2.

FPR section 205.2 is amended to read as follows:

Permits Required: No person, firm, or corporation shall erect, construct, alter, repair, move, remove, convert, or demolish any building or structure or any part thereof, or make any other improvement within the structure or any part thereof, or make any other improvement within the flood hazard area(s), or cause same to be done, without first obtaining a separate flood plain building permit for any such improvement from the building official. Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs shall not violate any provisions of these regulations or of the building code.

STAT AUTH: MS s 16B.61; 104.05

HIST: 15 SR 74

1335.1200 FLOODPROOFING REGULATIONS, SECTION 205.3.

Subpart 1. **No. 2.** FPR section 205.3, No. 2 is amended to read as follows:

Two sets of complete plans and specifications, in addition to plans and specifications required by the building code, except that plans and specifications for any and all proposed improvement in the primary flood hazard area(s) shall be prepared by an engineer or architect licensed by the state to practice as such. All drawings and specifications shall bear the true name of the author thereof, followed by such title as the author may be lawfully authorized to use. All plans and sections shall be noted with the proposed floodproofing class of each space below the RFD including detail drawings of walls and wall openings.

Exception: Plans for Group M Division 1 Occupancies need not be prepared by a licensed architect or engineer.

Subp. 2. **No. 3.** FPR section 205.3, No. 3 is amended to read as follows:

Two copies of the owner's contingency plan, which shall describe in detail all procedures for temporary placement and removal or

contingent protection proposed items in spaces affected by these regulations including:

A. plans and schedules for items to be removed and locations of places above the RFD to which they will be removed if these contents violate restrictions associated with the floodproofing class of the space in which they are placed temporarily, including specific organizational responsibilities; and

B. procedures, materials, and equipment for protecting items required to have protection by their floodproofing class, but for which this protection is proposed to be provided contingently, including specific organizational responsibilities for accomplishing this protection.

Waivers of restrictions implicitly requested by submission of the owner's contingency plan may be granted by the building official as provided by 1101.2.

STAT AUTH: MS s 104.05

HIST: 17 SR 1279

1335.1300 FLOODPROOFING REGULATIONS, SECTION 209.1.

FPR section 209.1 is amended to read as follows:

New Building and Structures: Every building or structure hereafter erected, that is located in the primary flood hazard area(s) where the ground surface is two feet or more below the RFD, or where flood water velocities may exceed five feet per second, shall be provided with an enclosed refuge space above the RFD, of sufficient area to provide for the occupancy load with a minimum of 12 square feet per person. It shall be provided with one or more exits through the exterior walls above the RFD to an exterior platform and stairway not less than three feet wide.

STAT AUTH: MS s 104.05

1335.1400 FLOODPROOFING REGULATIONS, SECTION 209.3.

FPR section 209.3 is amended to read as follows:

Use of Space Below the Regulatory Flood Datum: No floor level or portion of the building or structure that is below the RFD regardless of structure or space classification shall be used as habitable space, or for storage of any property, materials, or equipment that might constitute a safety hazard when contacted by flood waters.

STAT AUTH: MS s 104.05

1335.1500 FLOODPROOFING REGULATIONS, SECTION 210.7.

FPR section 210.7 is amended to read as follows:

Placard Types: Placards shall be white rigid plastic or other non-water-susceptible materials eight inches long and 12 inches wide, and shall have printed thereon in black letters the information shown in figure 2.

STAT AUTH: MS s 104.05

1335.1600 FLOODPROOFING REGULATIONS, SECTION 300.0.

FPR section 300.0 is amended by adding a subsection to read as follows:

FPR Section 300.2. Interpretation: For the purpose of these regulations, where definition of terms as set forth in this chapter conflict in meaning with those as set forth in part 6120.5000, the latter shall take precedence.

STAT AUTH: MS s 104.05

1335.1700 FLOODPROOFING REGULATIONS, SECTION 301.2.9.

FPR section 301.2.9 is amended to read as follows:

Habitable space (room) is space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage rooms, laundry or utility space, and similar areas, are not considered habitable space.

STAT AUTH: MS s 104.05

1335.1800 FLOODPROOFING REGULATIONS, SECTION 301.4.1.

FPR section 301.4.1 is amended to read as follows:

Building Code: The State Building Code setting forth standards for the construction, addition, and modification and repair of buildings and other structures for the purpose of protecting health, safety, and general welfare of the public.

STAT AUTH: MS s 104.05

1335.1900 FLOODPROOFING REGULATIONS, SECTION 402.1.

FPR section 402.1 (table 2) is amended to read as follows:

General: Table 2 indicates the various degrees of protection required to permit use of spaces for each floodproofing; the chart in itself shall not be construed as being exhaustive with respect to all requirements imposed by these regulations. In any disputes arising over the interpretation of this chart, the written provisions of these regulations shall be considered as definitive.

FLOOD PROOFING CLASSIFICATION OF SPACES MINIMUM REQUIREMENTS						
Flood Proofing Classes	Water Proofing	Structural Loads	Closure of Openings	Flooring	Walls & Ceilings	Contacts
W1 Completely Dry	Type A	Class 1	Type 1	Class 1	Class 1	Class 1
W2 Essentially Dry	Type B	Class 1	Type 2	Class 2	Class 2	Class 2
W3 Flooded with Potable Water	Type A	Class 2	Type 3	Class 3	Class 3	Class 3
W4 Flooded with Flood Water	Type C	Class 3	Type 4	Class 4	Class 4	Class 4
W5 Non Flood Proofing	—	—	Type 5	Class 5	Class 5	Class 5
Internal Flooding & Draining - See Chapter 8 Electrical - See Chapter 12 Mechanical - See Chapter 13						

STAT AUTH: MS s 104.05

1335.1950 FLOODPROOFING REGULATIONS, SECTION 612.1.

FPR section 612.1 is amended to read as follows:

Methods: A building must be considered completely floodproofed if the lowest elevation of all space within the building perimeter is above the RFD as achieved by:

- (1) building on natural terrain beyond the RFD limit line on natural undisturbed ground;
- (2) building on fill; or
- (3) building on stilts.

These methods may be used alone or in combination to achieve the required degree of floodproofing. Data and design procedures must be based on organized and acceptable disciplines involved and the following additional requirements.

STAT AUTH: MS s 16B.61

HIST: 15 SR 74

1335.2000 FLOODPROOFING REGULATIONS, SECTION 612.2.1.

FPR section 612.2.1 is amended to read as follows:

Natural Terrain: In addition to the requirements of the building code, the building shall be located not less than 15 feet back from the line of incidence of the RFD on the ground, foundation design shall take into consideration the effects of soil saturation on the performance of the foundations, the effects of flood waters on slope stability shall be investigated, normal access to the building shall be by direct connections with areas above the RFD and all utility service lines shall be designated and constructed as required to protect the building and/or its components from damage or failure during a flooding event to the RFD.

STAT AUTH: MS s 104.05

1335.2100 FLOODPROOFING REGULATIONS, SECTION 612.2.2.

FPR section 612.2.2 is amended to read as follows:

Building on Fill: The building and all parts thereof may be constructed above the RFD on an earth fill. Prior to placement of any fill or embankment materials, the area upon which fill is to be placed, including a five-foot strip measured horizontally beyond and contiguous to the toe line of the fill, shall be cleared of standing trees and snags, stumps, brush, down timber, logs and other growth, and all objects including structures on or above the ground surface or partially burned. The area shall be stripped of topsoil and all other material which is considered unsuitable by the building official as foundation material. All combustible and noncombustible materials and debris from the clearing, grubbing, and stripping operations shall be removed from the proposed fill area and disposed of at locations above the RFD and/or in the manner approved by the building official. Fill material shall be of a selected type, preferably granular and free-draining placed in compacted layers. Fill selection and placement shall recognize the effects of saturation from flood waters on slope stability, uniform and differential settlement, and scour potential.

The minimum elevation of the top slope for the fill section shall be no more than one foot below the RFD. Minimum distance from any point of the building perimeter to the top of the fill slope shall be either 15 feet or twice the depth of fill at that point, whichever is the greater distance. This requirement does not apply to roadways, driveways, playgrounds, and other related features which are not integral and functional parts of the building proper. Fill slopes for granular materials shall be not steeper than one vertical on 1-1/2 horizontal, unless substantiating data justifying steeper slopes are submitted to the building official and approved. For slopes exposed to flood velocities of less than five feet per second, grass or vine cover, weeds, bushes, and similar vegetation undergrowth will be considered to provide adequate scour protection.

STAT AUTH: MS s 104.05

1335.2150 FLOODPROOFING REGULATIONS, SECTION 612.3.

FPR section 612.3 is amended to read as

follows:

Protection by Dikes, Levees, and Floodwalls: Dikes, levees, and floodwalls must not be considered to provide FP1 or FP2 floodproofing or flood protection unless

(1) the dike, levee, or floodwall is built in accordance with recognized and accepted engineering practice and methods, and

(2) the design data has been submitted to the Department of Natural Resources and the Federal Emergency Management Agency for revision of the community's flood insurance study (flood insurance rate map) and official zoning map.

STAT AUTH: MS s 16B.61

HIST: 15 SR 74

1335.2200 FLOODPROOFING REGULATIONS, SECTION 802.1.

FPR section 802.1 is amended to read as follows:

Applicability: Spaces to be intentionally flooded with flood water (W4) shall be provided with the necessary equipment, devices, piping, controls, etc. necessary for automatic flooding during the flood event and drainage system(s) shall utilize approved piping materials and have sufficient capacity for raising or lowering the internal water level at a rate comparable to the anticipated rate of rise and fall of a flood that would reach the RFD. These pipe systems shall be directly connected to the external flood waters to maintain a balanced internal and external water pressure condition. Provisions shall be made for filling the lower portions of the structure first and for interconnections through or around all floors and partitions to prevent unbalanced filling of chambers or parts within the structures. All spaces below the RFD shall be provided with air vents extending to at least three feet above the elevation of the RFD to prevent the trapping of air by the rising water surface. All openings to the filling and drainage systems shall be protected by screens or grilles to prevent the entry or nesting of rodents or birds in the systems.

STAT AUTH: MS s 104.05

1335.2300 FLOODPROOFING REGULATIONS, SECTION 1101.3.2.

FPR section 1101.3.2 is amended by changing the "contents class" of food products from X to 1.

STAT AUTH: MS s 104.05

1335.2400 FLOODPROOFING REGULATIONS, SECTION 1301.2.1.

FPR section 1301.2.1 is amended to read as follows:

Heating systems utilizing gas- or oil-fired furnaces shall have a float-operated automatic control valve installed in the fuel supply line which shall be set to operate when flood waters reach an elevation equal to the floor level of the space where furnace equipment is installed. A manually operated gate valve that can be operated from a location above the RFD shall be provided in the fuel supply line to serve as a supplementary safety provision for fuel cutoff. The heating equipment and fuel storage tanks shall be mounted on and securely anchored to a foundation pad or pads of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. As an alternate means of protection, elevation of heating equipment and fuel storage tanks above the RFD on platforms or by suspension from overhead structural systems will be permitted. All unfired pressure vessels will be accorded similar treatment. Fuel lines shall be attached to furnaces by means of flexible or swing type couplings. All heating equipment and fuel storage tanks shall be vented to an elevation of at least three feet above the RFD. Air supply for combustion shall be furnished if required for systems installed in W1 or W2 spaces and piping or duct work for each purpose shall be terminated at least three feet above the RFD.

STAT AUTH: MS s 104.05

1335.2500 FLOODPROOFING REGULATIONS, SECTION 1302.2.2.

FPR section 1302.2.2 is amended to read as

follows:

Where the state of dryness of a space is dependent on a sump pump system, or where the stability of a structure during a flood event depends on the relief of uplift pressures on building components, all interior storm water drainage or seepage, appliance drainage, and underslab drain tile systems shall be directly connected to a sump (pump) and discharged at an elevation at least three feet above the RFD.

STAT AUTH: MS s 104.05

**1335.2600 FLOODPROOFING
REGULATIONS, SECTION 1302.2.3.1.**

FPR section 1302.2.3.1 is amended to read as follows:

All vents shall extend to an elevation of at least three feet above the RFD.

STAT AUTH: MS s 104.05

**1335.2700 FLOODPROOFING
REGULATIONS, SECTION 1302.3.**

FPR section 1302.3 is amended to read as follows:

Sewage Disposal/Treatment: Individual sewage disposal and/or treatment facilities will be permitted in a flood hazard area but only at locations where connection with a public sewer system is not permissible or feasible. Such facilities shall conform to applicable standards, criteria, and rules of the Minnesota Department of Health and Pollution Control Agency in terms of size, construction, use, and maintenance and with standards and criteria of the Minnesota Department of Natural Resources regarding setbacks from normal high water mark of a watercourse in accordance with the public water classification.

STAT AUTH: MS s 104.05

**1335.2800 FLOODPROOFING
REGULATIONS, SECTION 1302.3.1.**

FPR section 1302.3.1 regarding cesspools/sewage disposals has been amended by deleting this section in its entirety.

STAT AUTH: MS s 104.05

**1335.2900 FLOODPROOFING
REGULATIONS, SECTION 1302.3.2.**

FPR section 1302.3.2 regarding seepage pits has been amended by deleting this section in its entirety.

STAT AUTH: MS s 104.05

**1335.3000 FLOODPROOFING
REGULATIONS, SECTION 1302.4.1.**

FPR section 1302.4.1 is amended to read as follows:

Water supply wells, tanks, filters, softeners, heaters, and all appliances located below the RFD shall be protected against contamination by covers, walls, copings, or castings. All vents shall be extended to a minimum elevation of three feet above the RFD.

STAT AUTH: MS s 104.05

**1335.3100 FLOODPROOFING
REGULATIONS, SECTION 1405.3.**

FPR section 1405.3 is amended to read as follows:

Protection by Dikes, Levees, and Floodwalls: Dikes, levees, and floodwalls must not be considered to provide floodproofing or flood protection unless

- (1) the dike, levee, or floodwall is built in accordance with recognized and accepted engineering practice and methods, and
- (2) the design data has been submitted to the Department of Natural Resources and the Federal Emergency Management Agency for revision of the community's flood insurance study (flood insurance rate map) and official zoning map.

STAT AUTH: MS s 16B.61

HIST: 15 SR 74

Link to rulemaking for 2007 MSBC

MINNESOTA RULES, CHAPTER 1346

ADOPTION OF THE 2000 INTERNATIONAL MECHANICAL CODE AND 2000 INTERNATIONAL FUEL GAS CODE

1346.0050 TITLE; INCORPORATION BY REFERENCE.

This chapter is known and may be cited as the "Minnesota Mechanical Code." As used in this chapter, "the code" and "this code" refer to this chapter.

Chapters 2 to 15 of the 2000 edition of the International Mechanical Code, promulgated by the International Code Council, Inc., 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, are incorporated by reference as part of the Minnesota Mechanical Code with the amendments in this chapter. As used in this chapter, "IMC" means the International Mechanical Code incorporated in this part.

The IMC is not subject to frequent change and a copy of the IMC, with amendments for use in Minnesota, is available in the office of the commissioner of administration.

1346.0060 REFERENCES TO OTHER INTERNATIONAL CODE COUNCIL (ICC) CODES.

Subpart 1. **General.** References to other codes and standards promulgated by the International Code Council in the IMC and IFGC are modified in subparts 2 to 11.

Subp. 2. **Building code.** References to the International Building Code in this code mean the Minnesota Building Code, adopted pursuant to this chapter and Minnesota Statutes, section 16B.61, subdivision 1.

Subp. 3. **Residential code.** References to the International Residential Code in this code mean the Minnesota Residential Code,

adopted pursuant to chapter 1309 and Minnesota Statutes, section 16B.61, subdivision 1.

Subp. 4. **Electrical code.** References to the International Code Council Electrical Code in this code mean the Minnesota Electrical Code, adopted pursuant to chapter 1315 and Minnesota Statutes, section 326.243.

Subp. 5. **Fuel gas code.** References to the International Fuel Gas Code in this code mean the Minnesota Fuel Gas Code, adopted pursuant to chapter 1346 and Minnesota Statutes, section 16B.61, subdivision 1.

Subp. 6. **Mechanical code.** References to the International Mechanical Code in this code mean the Minnesota Mechanical Code, adopted pursuant to chapter 1346 and Minnesota Statutes, section 16B.61, subdivision 1.

Subp. 7. **Plumbing code.** References to the International Plumbing Code in this code mean the Minnesota Plumbing Code, adopted pursuant to chapter 4715 and Minnesota Statutes, section 16B.61, subdivisions 1 and 2.

Subp. 8. **Private sewage disposal code.** References to the International Private Sewage Disposal Code in this code mean the Minnesota Pollution Control Agency's minimum standards and criteria for individual sewage treatment systems adopted pursuant to chapter 7080 and Minnesota Statutes, chapters 103F, 103G, 115, and 116.

Subp. 9. **Energy conservation code.** References to the International Energy Conservation Code in this code mean the

Minnesota Energy Code, adopted pursuant to Minnesota Statutes, section 16B.617.

Subp. 10. **Property maintenance code.** References to the International Property Maintenance Code in this code do not apply.

Subp. 11. **Fire code.** References to the International Fire Code in this code mean the Minnesota State Fire Code, adopted pursuant to chapter 7510 and Minnesota Statutes, chapter 299F.

1346.0101 SECTION 101 SCOPE.

IMC Section 101 is amended to read as follows:

101 Scope. This code shall regulate the design, installation, maintenance, alteration, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. Fuel gas piping systems, fuel gas utilization equipment, and related accessories shall be regulated by parts 1346.5050 through 1346.5900. This code shall also regulate those mechanical systems, system components, equipment, and appliances specifically addressed in the IMC and IFGC. This code shall also regulate process piping installed within, or in conjunction with, buildings or structures. For the purposes of this section, the term "process piping" includes piping or tubing which conveys gas, liquid, or fluidized solids and which is used directly in research, laboratory, or production processes. Process piping and tubing shall be installed in accordance with ASME B31.3-1999, Process Piping Code, or ASME B31.9-1996, Building Services Piping Code, as applicable. Refer to chapter 1300 for additional administrative provisions of the Minnesota State Building Code. For purposes of this section, refer to Minnesota Statutes, section 13.37, subdivision 1, paragraph (b), on disclosure of nonpublic data.

1346.0102 SECTION 102 EXISTING INSTALLATIONS.

IMC Section 102 is amended to read as follows:

102 Existing installations. Except as otherwise provided for in this chapter, a provision in this code shall not require the removal, alteration, or abandonment of, nor prevent the continued utilization and maintenance of, a mechanical system lawfully in existence at the time of the adoption of this code.

1346.0103 SECTION 103 MAINTENANCE.

IMC Section 103 is amended to read as follows:

103 Maintenance. Mechanical systems, both existing and new, and parts of those systems, shall be maintained in proper operating condition in accordance with the original design and in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in compliance with the code edition under which they were installed. The owner or the owner's designated agent shall be responsible for maintenance of mechanical systems. To determine compliance with this provision, the building official shall have the authority to require a mechanical system to be reinspected.

1346.0104 SECTION 104 ADDITIONS, ALTERATIONS, RENOVATIONS, OR REPAIRS.

IMC Section 104 is amended to read as follows:

104 Additions, alterations, renovations, or repairs. Additions, alterations, renovations, or repairs to a mechanical system shall conform to that required for a new mechanical system without requiring the

existing mechanical system to comply with all of the requirements of this code. Additions, alterations, renovations, or repairs shall not cause an existing mechanical system to become unsafe, hazardous, or overloaded. Minor additions, alterations, renovations, and repairs to existing mechanical systems shall meet the provisions for new construction, unless that work is done in the same manner and arrangement as was in the existing system, is not hazardous, and is approved.

1346.0105 SECTION 105 WORK EXEMPT FROM PERMIT.

IMC Section 105 is amended to read as follows:

105 Work exempt from permit. Permits shall not be required for the following:

1. portable heating, cooking, or clothes drying appliances not connected to a permanent fuel supply, excluding a factory power supply cord;
2. portable ventilation appliances and equipment;
3. portable cooling units;
4. steam, hot water, or chilled water piping within any heating or cooling equipment or appliances regulated by this code;
5. replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe;
6. portable evaporative coolers; and
7. self-contained refrigeration systems that contain 10 pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of 1 horsepower (0.75 kW) or less.

1346.0106 SECTION 106 REQUIRED INSPECTIONS.

IMC Section 106 is amended to read as follows:

106 Required inspections. The building official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and other such inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or the permit holder's agent of violations that must be corrected. The holder of the permit shall be responsible for the scheduling of these inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks, and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.
2. Rough-in inspection shall be made after the roof, framing, fireblocking, and bracing are in place and all ducting and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.
3. Final inspection shall be made upon completion of the mechanical system.

Exception: Ground-source heat pump loop systems tested in accordance with this code shall be permitted to be backfilled prior to inspection.

1346.0107 SECTION 107 TESTING.

IMC Section 107 is amended to read as follows:

107 Testing. Mechanical systems shall be tested as required in this code in accordance

with IMC Sections 107.1 through 107.3. Tests shall be made by the permit holder and observed by the building official.

107.1 New, altered, extended, or repaired systems. New mechanical systems and parts of existing systems, which have been altered, extended, renovated, or repaired, shall be tested as prescribed in this code to disclose leaks and defects.

107.2 Apparatus, material, and labor for tests. Apparatus, material, and labor required for testing a mechanical system or part of a system shall be furnished by the permit holder.

107.3 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the building official for inspection and testing.

1346.0108 SECTION 108 AUTHORITY TO CONDEMN MECHANICAL SYSTEMS.

IMC Section 108 is amended to read as follows:

108 Authority to condemn mechanical systems. Whenever the building official determines that any mechanical system or portion of a system regulated by this code has become hazardous to life, health, or property, or has become unsanitary, the building official shall order in writing that the system either be removed or restored to a safe condition. A time limit for compliance with the building official's order shall be specified in the written order. A person shall not use or maintain a defective mechanical system after receiving a notice under this section.

When a mechanical system is to be disconnected, written notice shall be given.

In cases of immediate danger to life or property, the disconnection shall be made immediately without notice.

1346.0109 SECTION 109 AUTHORITY TO ORDER DISCONNECTION OF ENERGY SOURCES.

IMC Section 109 is amended to read as follows:

109 Authority to order disconnection of energy sources. The building official shall have the authority to order disconnection of energy sources supplied to a building, structure, or mechanical system regulated by this code, when it is determined that the mechanical system or any portion of the system has become hazardous or unsafe. Written notice of an order to disconnect service and the causes of the order shall be given within 24 hours to the owner and occupant of the building, structure, or premises, provided, however, that in cases of immediate danger to life or property, the disconnection shall be made immediately without notice. Where energy sources are provided by a public utility, the building official shall immediately notify the serving utility in writing of the issuance of an order to disconnect.

1346.0110 SECTION 110 CONNECTION AFTER ORDER TO DISCONNECT.

IMC Section 110 is amended to read as follows:

110 Connection after order to disconnect. A person shall not make energy source connections to mechanical systems regulated by this code which have been disconnected or ordered to be disconnected by the building official, or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such mechanical systems.

When a mechanical system is maintained in violation of this code, and in violation of a notice issued pursuant to this section, the building official shall institute appropriate action to prevent, restrain, correct, or abate the violation.

1346.0201 SECTION 201 GENERAL.

IMC Section 201.4 is amended to read as follows:

201.4 Terms not defined. Where terms are not defined through the methods authorized by this chapter, the Merriam-Webster Collegiate Dictionary, available at www.m-w.com, shall be considered as providing ordinarily accepted meanings. The dictionary is incorporated by reference, is subject to frequent change, and is available through the Minitex interlibrary loan system.

1346.0202 SECTION 202 GENERAL DEFINITIONS.

IMC Section 202 is amended by adding or amending the following definitions:

ATMOSPHERICALLY VENTED GAS OR OIL APPLIANCE. An appliance, also known as natural draft, that utilizes a venting system designed to remove flue or vent gases under nonpositive static vent pressure entirely by natural draft.

CLOSED COMBUSTION SOLID FUEL BURNING APPLIANCE. A heat producing appliance that employs a combustion chamber having no openings other than the flue collar, fuel charging door, and adjustable openings provided to control the amount of combustion air that enters the combustion chamber and includes doors with gaskets or flanges that permit tight closure and glass or ceramic panels which must be tightly sealed or gasketed at their frames.

COMMERCIAL KITCHEN HOODS.

Backshelf hood. A backshelf hood is also referred to as a low-proximity hood, a pass over hood, a plate shelf hood, or a downdraft hood. Its front lower lip is set back a maximum of 12 inches (305 mm) from the leading edge of the cooking surface, and it is supported from above. Backshelf hoods are sometimes used as island hoods when suspended over conveyor ovens that toast sandwiches or bake convenience foods.

Double island canopy hood. A double island canopy hood is placed over back-to-back appliances or appliance lines, and it is supported from above. The hood inlet runs down the center of the hood, not along the outside perimeter. It overhangs both fronts and the sides of the appliances and sometimes has a wall panel between the backs of the appliances. The exhaust air is drawn from both sides of the double canopy and meets in the center, which causes each side of the hood to emulate a wall canopy hood. It functions similarly with or without a wall panel between the backs of the appliances.

Eyebrow hood. An eyebrow hood is mounted directly to the face of an appliance, such as an oven and dishwasher, above the opening or door from which effluent is emitted. It extends past the sides and overhangs the front of the opening to capture the effluent.

Single island canopy hood. A single island canopy hood is placed over a cooking line that is not installed along a wall. It is open on all sides and overhangs the front, rear, and sides of the appliances. A single island canopy is more susceptible to cross drafts and requires greater exhaust airflow to capture effluent than an equivalent sized wall canopy hood. Filter racks or grease extractor plenums should be mounted in the center of these canopies for optimal capture and containment.

Wall canopy hood. A wall canopy exhaust hood is usually mounted against a wall above a cooking line of appliances, but sometimes it is freestanding with a vertical back panel

from the rear of the appliances to the hood. It overhangs the front and sides of the appliances on all open sides. The wall acts as a back panel, forcing the makeup air to be drawn across the front of the cooking equipment, which increases the effectiveness of the hood to capture and contain effluent generated by the cooking operation.

COMMERCIAL KITCHEN COOKING APPLIANCES.

Extra-heavy duty cooking appliance. Extra-heavy duty cooking appliances include appliances using solid fuel such as wood, charcoal, briquettes, and mesquite as the primary source of heat for cooking.

Heavy duty cooking appliance. Heavy duty cooking appliances with a minimum average cooking surface temperature of 600°F (316°C) include electric under-fired broilers, electric chain (conveyor) broilers, gas under-fired broilers, gas chain (conveyor) broilers, electric and gas wok ranges, and electric and gas oven-fired upright broilers.

Light duty cooking appliance. Light duty cooking appliances include gas and electric ovens (including standard, bake, roasting, revolving, retherm, convection, combination convection/steamer, conveyor, deck or deck-style pizza, and pastry), electric and gas steam-jacketed kettles, electric and gas compartment steamers (both pressure and atmospheric), and electric and gas cheesemelters.

Medium duty cooking appliance. Medium duty cooking appliances with a minimum average cooking surface temperature of 400°F (204°C) include electric and gas open-burner ranges (with or without oven), electric and gas hot-top ranges, electric and gas griddles, electric and gas double-sided griddles, electric and gas fryers (including open deep fat fryers, donut fryers, kettle fryers, and pressure fryers), electric and gas pasta cookers, electric and gas conveyor pizza ovens, electric and gas tilting skillets

(braising pans), electric and gas rotisseries, and electric and gas salamander broilers.

DECORATIVE SOLID FUEL BURNING APPLIANCE. An atmospherically vented appliance, usually a fireplace, intended primarily for viewing of the fire and which may or may not incorporate doors that substantially close off the firebox opening when the appliance is in operation.

DIRECT VENT APPLIANCE. An appliance that is constructed and installed so that all air for combustion is derived from the outside atmosphere and all flue gases are discharged to the outside atmosphere.

EXHAUST SYSTEM. An assembly of connected ducts, plenums, fittings, registers, grilles and hoods, including domestic kitchen exhaust hoods, domestic kitchen and bathroom exhaust fans, clothes dryers, central vacuums, and radon exhaust systems through which air is conducted from the space or spaces and exhausted to the outside atmosphere or an attached residential garage.

FAN-ASSISTED APPLIANCE. An appliance equipped with an integral mechanical means to either draw or force products of combustion through the combustion chamber or heat exchanger.

POWER VENT APPLIANCE. An appliance with a venting system which uses a fan or other mechanical means to cause the removal of flue or vent gases under positive static vent pressure.

POWERED MAKEUP AIR. Air which must be brought in from the outdoors by means of a fan to replenish the air expelled by a mechanical exhausting device.

READY ACCESS (TO). That which enables a device, appliance or equipment to be directly reached, without requiring the removal or movement of any panel, door or similar obstruction, and without requiring the

use of portable access equipment (see "Access").

SEALED. Secured with a product meeting UL 181 or equivalent.

SOLID FUEL APPLIANCE. An atmospherically vented appliance that is either a closed combustion solid fuel burning appliance or a decorative solid fuel burning appliance.

1346.0301 SECTION 301 GENERAL.

IMC Section 301.4 is amended to read as follows:

301.4 Listed and labeled. Appliances regulated by this code shall be listed and labeled to an appropriate standard by a nationally recognized testing laboratory which is qualified to evaluate the appliance, unless otherwise approved in accordance with the administrative provisions of the Minnesota State Building Code, Minnesota Rules, chapter 1300. The approval of unlisted appliances shall be based upon engineering evaluation. Unlisted appliances shall be installed with clearances to combustibles in accordance with IMC Chapter 8. Unlisted appliances with a fuel input rating of less than 12,500,000 Btu/hr (3,660 kW) shall have fuel trains, controls, and safety devices installed in accordance with Part CF, Combustion Side Control, of ASME CSD-1. Unlisted appliances with a fuel input rating of 12,500,000 Btu/hr (3,660 kW) or greater shall have fuel trains, controls, and safety devices installed in accordance with NFPA 85-2001.

1346.0306 SECTION 306 ACCESS AND SERVICE SPACE.

IMC Section 306.5 is amended to read as follows:

306.5 Mechanical equipment and appliances on roofs or elevated structures.

Where mechanical equipment or appliances requiring periodic inspection, service, or maintenance are installed on roofs or elevated structures, a permanent stair shall be provided for access.

Exception: A portable ladder may be used for dwellings, replacement equipment on existing buildings, and exterior roof access points not exceeding 16 feet (4.9 m) above grade, unless the building official determines that the unique shape of the roof does not allow safe access with a portable ladder.

The permanent stair shall be as required by relevant safety regulations, but shall not be less than the following:

1. The stair shall be installed at an angle of not more than 60 degrees measured from the horizontal plane.
2. The stair shall have flat treads at least 6 inches (152 mm) deep and a clear width of at least 18 inches (457 mm) with equally spaced risers at least 10.5 inches (267 mm) high and not exceeding 14 inches (356 mm).
3. The stair shall have intermediate landings not exceeding 18 feet (5.5 m) vertically.
4. Continuous handrails shall be installed on both sides of the stair.
5. Interior stairs shall terminate at the under side of the roof at a hatch or scuttle of at least 8 square feet (0.74 m²) with a minimum dimension of 20 inches (508 mm).
6. When a roof access hatch or scuttle is located within 10 feet (3.0 m) of a roof edge, a guard shall be installed in accordance with IMC Section 304.9.
7. Exterior stairs shall terminate at the roof access point or at a level landing of at least 8 square feet (0.74 m²) with a minimum dimension of 20 inches (508 mm). The

landing shall have a guard installed in accordance with IMC Section 304.9.

306.5.1 Permanent ladders. Where a change in roof elevation greater than 30 inches (762 mm) but not exceeding 16 feet (4.9 m) exists, a permanent ladder shall be provided. The ladder may be vertical and shall be as required by relevant safety regulations, but shall not be less than the following:

1. Width shall be at least 16 inches (406 mm).
2. Rung spacing shall be a maximum of 14 inches (356 mm).
3. Toe space shall be at least 6 inches (152 mm).
4. Side railings shall extend at least 30 inches (762 mm) above the roof or parapet wall.

1346.0309 SECTION 309 TEMPERATURE CONTROL.

IMC Section 309 is amended by adding a section to read as follows:

309.2 Balancing. All mechanical ventilation and hydronic systems shall be capable of being balanced in accordance with this section.

309.2.1 Mechanical ventilation system balancing. Mechanical ventilation systems shall provide airflow rates within +/-10 percent of design capacities and fan speed shall be adjusted to meet design airflow conditions.

Exceptions:

1. Speed adjustment is not required for fan motors rated at one horsepower (0.746 kW) or less.

2. Residential exhaust-only ventilation systems shall be capable of exhausting the minimum ventilation rate required in the Minnesota Energy Code, Minnesota Rules, chapter 7670 or 7672.

309.2.2 Hydronic system balancing. Hydronic systems shall provide flow rates within +/-10 percent of design capacities and pump impellers shall be trimmed or pump speed shall be adjusted to meet design flow conditions.

Exception: Impeller trimming or speed adjustment is not required for pump motors rated at five horsepower (3.73 kW) or less.

309.2.3 Systems balancing reports. Systems balancing reports shall verify system performance and shall specify that the minimum amount of outdoor air required in amended Chapter 4 is provided to the ventilation system. Systems balancing reports shall be submitted to the building official upon request.

1346.0401 SECTION 401 GENERAL.

IMC Section 401.5 is amended to read as follows:

401.5 Opening location. Outside air exhaust and intake openings, in buildings other than dwellings and Group R-3 occupancies, shall be located a minimum of 10 feet (3048 mm) from lot lines or buildings on the same lot. Where openings front on a street or public way, the distance shall be measured to the centerline of the street or public way.

401.5.1 Intake openings. Mechanical outside air intake openings shall be located a minimum of 10 feet (3048 mm) from any hazardous or noxious contaminant, such as chimneys, plumbing vents, streets, alleys, parking lots, and loading docks, except as otherwise specified in this code. Where a source of contaminant is located within 10 feet (3048 mm) of an intake opening, the

intake opening shall be located a minimum of 3 feet (914 mm) below the contaminant source, unless the intake opening is a combustion air intake of a direct-vent appliance.

401.5.2 Exhaust openings. Outside exhaust openings, including bathroom exhaust, toilet exhaust, domestic kitchen range exhaust, and domestic clothes dryer exhaust, shall be located at least 3 feet (914 mm) from doors, operable windows, and nonmechanical intake openings. Exhaust air shall not be directed onto public walkways.

401.5.3 Venting system terminations. Venting system terminations shall comply with IMC Section 804 and IFGC Section 503.8.

1346.0403 SECTION 403 MECHANICAL VENTILATION.

Subpart 1. **Section 403.1.** IMC Section 403.1 is amended to read as follows:

403.1 Ventilation system. Mechanical ventilation shall be provided by a method of supply air and return or exhaust air. The amount of supply air shall be approximately equal to the amount of return and exhaust air. The system to convey ventilation air shall be designed and installed in accordance with IMC Chapter 6.

Ventilation supply systems shall be designed to deliver the required rate of supply air to the occupied zone within an occupied space. The occupied zone shall have boundaries measured at 3 inches (76 mm) and 72 inches (1829 mm) above the floor and 24 inches (610 mm) from the enclosing walls.

Subp. 2. **Section 403.2.** IMC Section 403.2 is amended to read as follows:

403.2 Outdoor air required. The minimum ventilation rate of required outdoor air shall be determined in

accordance with the Ventilation Rate Procedure, Section 6.1 of ASHRAE 62-2001, or the Indoor Air Quality Procedure, Section 6.2 of ASHRAE 62-2001.

Exceptions:

1. Enclosed parking garages shall comply with amended Section 404.

2. Dwellings shall comply with the Minnesota Energy Code, Minnesota Rules, chapter 7670 or 7672, as applicable.

3. Buildings or portions of buildings that are not intended for normal human occupancy, or where the primary purpose is not associated with human comfort.

403.2.1 Recirculation of air. The air required by the Ventilation Rate Procedure, Section 6.1 of ASHRAE 62-2001, or the Indoor Air Quality Procedure, Section 6.2 of ASHRAE 62-2001, shall not be recirculated. Air in excess of that required shall not be prohibited from being recirculated as a component of supply air to building spaces, except that:

1. Ventilation air shall not be recirculated from one dwelling unit to another or to dissimilar occupancies.

2. Supply air to a swimming pool and associated deck areas shall not be recirculated unless the air is dehumidified to maintain the relative humidity of the area at 60 percent or less. Air from this area shall not be recirculated to other spaces.

3. Where mechanical exhaust is required by the Ventilation Rate Procedure, Section 6.1 of ASHRAE 62-2001, or the Indoor Air Quality Procedure, Section 6.2 of ASHRAE 62-2001, recirculation of air from such spaces shall be prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required.

403.2.2 Transfer air. Except where recirculation from such spaces is prohibited by the Ventilation Rate Procedure, Section 6.1 of ASHRAE 62-2001, or the Indoor Air Quality Procedure, Section 6.2 of ASHRAE 62-2001, air transferred from occupied spaces is not prohibited from serving as makeup air for required exhaust systems in such spaces as kitchens, baths, toilet rooms, elevators, and smoking lounges. The amount of transfer air and exhaust air shall be sufficient to provide the flow rates as specified in the Ventilation Rate Procedure, Section 6.1 of ASHRAE 62-2001, or the Indoor Air Quality Procedure, Section 6.2 of ASHRAE 62-2001. The required outdoor air rates shall be introduced directly into such spaces or into the occupied spaces from which air is transferred, or a combination of both.

Subp. 3. **Section 403.3.** IMC Section 403.3 is amended to read as follows:

403.3 Ventilation rate. Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with the Ventilation Rate Procedure, Section 6.1 of ASHRAE 62-2001, or the Indoor Air Quality Procedure, Section 6.2 of ASHRAE 62-2001, based on the occupancy of the space and the occupant load or other parameters as stated therein. The occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in the Ventilation Rate Procedure, Section 6.1 of ASHRAE 62-2001, or the Indoor Air Quality Procedure, Section 6.2 of ASHRAE 62-2001. Ventilation rates for occupancies not represented shall be determined by an approved engineering analysis. The ventilation system shall be designed to supply the required rate of ventilation air continuously during the period the building is occupied, except as otherwise stated in other provisions of the code.

Exception: The occupant load is not required to be based on the estimated maximum occupant load rate where approved statistical data document the accuracy of an alternate anticipated occupant density.

Subp. 4. **Section 403.3.1.** IMC Section 403.3.1 is amended to read as follows:

403.3.1 System operation. The minimum flow rate of outdoor air that the ventilation system must be capable of supplying during its operation shall be permitted to be based on the rate per person indicated in the Ventilation Rate Procedure, Section 6.1 of ASHRAE 62-2001, or the Indoor Air Quality Procedure, Section 6.2 of ASHRAE 62-2001, and the actual number of occupants present.

Subp. 5. **Section 403.3.4.** IMC Section 403.3.4 is amended to read as follows:

403.3.4 Balancing. Ventilation systems shall be balanced in accordance with amended IMC Section 309.2.

1346.0404 SECTION 404 GARAGES.

Subpart 1. **Section 404.1.** IMC Section 404.1 is amended to read as follows:

404.1 Enclosed parking garages. Mechanical ventilation systems for enclosed parking garages shall provide a minimum exhaust rate of 0.75 cfm per square foot (0.0038 m³/s) of floor area. Mechanical ventilation systems are not required to operate continuously where the system is arranged to operate automatically upon detection of a concentration of carbon monoxide of 25 parts per million (ppm) by approved automatic detection devices.

Subp. 2. **Section 404.2.** IMC Section 404.2 is amended to read as follows:

404.2 Motor vehicle repair garages. Mechanical ventilation systems for motor vehicle repair garages shall provide a

minimum exhaust rate of 0.75 cfm per square foot (0.0038 m³/s) of floor area instead of the rate specified in ASHRAE 62-2001.

Subp. 3. **Section 404.3.** IMC Section 404.3 is amended to read as follows:

404.3 Occupied spaces accessory to public garages. Connecting offices, waiting rooms, ticket booths, and similar uses that are accessory to a public garage shall be maintained at a positive pressure and shall be provided with ventilation in accordance with the Ventilation Rate Procedure, Section 6.1 of ASHRAE 62-2001, or the Indoor Air Quality Procedure, Section 6.2 of ASHRAE 62-2001.

Subp. 4. **Section 404.4.** IMC Section 404.4 is amended by adding a section to read as follows:

404.4 Prohibition of heated commercial parking garages. Commercial parking garages shall comply with the Minnesota Energy Code, Minnesota Rules, part 7676.1100, subpart 2.

1346.0501 SECTION 501 GENERAL.

Subpart 1. **Section 501.3.** IMC Section 501.3 is amended to read as follows:

501.3 Outdoor discharge. The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a nuisance and from which it cannot again be readily drawn in by a ventilating system. Exhaust ducts shall terminate outside of the building in accordance with amended IMC Section 401.5.2 and shall be equipped with a backdraft damper at the point of termination. Air shall not be exhausted into an attic or crawl space.

Subp. 2. **Section 501.4.** IMC Section 501.4 is amended to read as follows:

501.4 Pressure equalization. Mechanical exhaust systems shall be sized and operated to remove the quantity of air required by this chapter. If a greater quantity of air is supplied by a mechanical ventilating supply system than is removed by a mechanical exhaust system for a room, adequate means shall be provided for the natural exit of the excess air supplied.

501.4.1 Makeup air in new dwellings. Makeup air quantity for new dwellings shall be determined by using Table 501.4.1 and shall be supplied in accordance with IMC Section 501.4.2.

Exception. Makeup air provisions of IMC Section 501.4.1 are not required when any of the following are demonstrated:

1. A dwelling is constructed under the Minnesota Energy Code, Minnesota Rules, chapter 7672.
2. A test is performed according to ASTM Standard E1998-99, *Standard Guide for Assessing Depressurization-Induced Backdrafting and Spillage from Vented Combustion Appliances*, and documentation is provided that the vented combustion appliances continue to operate within established parameters of the test.
3. A test approved by the building official verifies proper operation of vented combustion appliances.

501.4.2 Makeup air supply. Makeup air shall be provided by one of the following methods:

1. Passive makeup air shall be provided by passive openings according to the following:
 - 1.1 Passive makeup air openings from the outdoors shall be sized according to Table 501.4.2.

1.2 Barometric dampers are prohibited in passive makeup air openings when any atmospherically vented appliance is installed.

1.3 Single passive openings larger than 8 inches (204 mm) diameter, or equivalent, shall be provided with a motorized damper that is electrically interlocked with the largest exhaust system.

2. Powered makeup air shall be provided if the size of a single opening or multiple openings exceeds 11 inches (280 mm) diameter, or equivalent, when sized according to Table 501.4.2. Powered makeup air shall comply with the following:

2.1 Powered makeup air shall be electrically interlocked with the largest exhaust system.

2.2 Powered makeup air shall be matched to the airflow of the largest exhaust system.

3. Makeup air shall be provided by a combination of passive openings and powered means according to Table 501.4.2 and the following:

3.1 Passive makeup air openings shall comply with Item 1.

3.2 Powered makeup air shall be supplied for the quantity of airflow in excess of the passive makeup air opening provided, and it shall be electrically interlocked with the exhaust system.

501.4.2.1 Makeup air ducts. Makeup air ducts shall be constructed and installed according to IMC Chapter 6 and Section 501.4.2.

501.4.2.2 Makeup air intake. Makeup air intake openings shall be located to avoid intake of exhaust air in accordance with IMC Section 401.5.2 and IFGC Section 503.8, and shall be covered with corrosion resistant screen of not less than 1/4 inch (6.4

mm) mesh. Makeup air intake openings shall be located at least 12 inches (305 mm) above adjoining grade level.

501.4.2.3 Makeup air location. Makeup air requirements of 175 cubic feet per minute (cfm) (0.084m³/s) and greater shall be introduced to the dwelling in one of the following locations:

1. In the space containing the vented combustion appliances.

2. In the space containing the exhaust system.

3. In a space that is freely communicating with the exhaust system and is approved by the building official.

501.4.2.4 Makeup air termination restriction. A makeup air opening shall not terminate in the return air plenum of a forced air heating system unless it is installed according to the heating equipment manufacturer's installation instructions.

501.4.2.5 Separate makeup air and combustion air openings. When both makeup air and combustion air openings are required, they shall be provided through separate openings to the outdoors. Refer to IFGC Section 304, to determine requirements for air for combustion and ventilation.

Exception: Combination makeup air and combustion air systems may be approved by the building official where they are reasonably equivalent in terms of health, safety, and durability.

501.4.2.6 Makeup air effectiveness. The makeup air shall not reduce the effectiveness of exhaust systems or performance of vented combustion appliances, and makeup air shall not adversely affect the heating or cooling capability of the mechanical equipment.

501.4.3 Additions, alterations, or installations of mechanical systems in existing dwellings. Makeup air shall be supplied to existing dwellings when any of the following conditions occur:

1. If a dwelling was constructed after 2003 using the makeup air provisions of IMC Section 501.4.1, makeup air quantity shall be determined by using Table 501.4.1 and shall be supplied according to IMC Section 501.4.2 when any of the following conditions occur:

1.1 A vented combustion appliance, including a solid fuel appliance, is installed or replaced.

1.2 An exhaust system is installed or replaced.

Exception: If powered makeup air is electrically interlocked and matched to the airflow of the exhaust system, additional makeup air is not required.

2. If a dwelling was constructed after 1999 using the provisions of the Minnesota Energy Code, Minnesota Rules, chapter 7672, makeup air quantity shall be determined by using IMC Table 501.4.1 and shall be supplied in accordance with IMC Section 501.4.2 when any of the following conditions occur:

2.1 A vented combustion appliance, including a solid fuel appliance, is installed or replaced.

2.2 An exhaust system is installed or replaced.

Exception: If powered makeup air is electrically interlocked and matched to the airflow of the exhaust system, additional makeup air is not required.

3. When a solid fuel appliance is installed in a dwelling constructed during or after 1994

under the Minnesota Energy Code, Minnesota Rules, chapter 7670, makeup air quantity shall be determined by using IMC Table 501.4.1 and shall be supplied according to IMC Section 501.4.2.

Exception: If a closed combustion solid fuel burning appliance is installed with combustion air in accordance with the manufacturer's installation instructions, additional makeup air is not required.

4. When an exhaust system with a rated capacity greater than 300 cfm (0.144 m³/s) is installed in a dwelling constructed during or after 1994 under the Minnesota Energy Code, Minnesota Rules, chapter 7670, makeup air quantity shall be determined by using IMC Table 501.4.3(1) and shall be supplied according to IMC Section 501.4.2.

Exception: If powered makeup air is electrically interlocked and matched to the airflow of the exhaust system additional makeup air is not required.

5. When an exhaust system with a rated capacity greater than 300 cfm (0.144 m³/s) is installed in a dwelling constructed prior to 1994, makeup air quantity shall be determined by using IMC Table 501.4.3(2) and shall be supplied according to IMC Section 501.4.2.

Exception: If powered makeup air is electrically interlocked and matched to the airflow of the exhaust system, additional makeup air is not required.

6. When a solid fuel appliance is installed in a dwelling constructed prior to 1994, makeup air quantity shall be determined by using IMC Table 501.4.3(3) and shall be supplied according to IMC Section 501.4.2.

Exception: If a closed combustion solid fuel burning appliance is installed with combustion air in accordance with the

manufacturer's installation instructions, additional makeup air is not required.

Exception: Makeup air is not required in Items 1 to 6 when any of the following are demonstrated:

a) A test is performed according to ASTM Standard E1998-99, *Standard Guide for Assessing Depressurization-Induced*

Backdrafting and Spillage from Vented Combustion Appliances, and documentation is provided that the vented combustion appliances continue to operate within established parameters of the test.

b) A test approved by the building official verifies proper operation of vented combustion appliances.

**TABLE 501.4.1
PROCEDURE TO DETERMINE MAKEUP AIR QUANTITY FOR EXHAUST EQUIPMENT IN DWELLINGS**

Use the Appropriate Column to Estimate House Infiltration

	One or multiple power vent or direct vent appliances or no combustion appliances ^A	One or multiple fan-assisted appliances and power vent or direct vent appliances ^B	One atmospherically vented gas or oil appliance or one solid fuel appliance ^C	Multiple atmospherically vented gas or oil appliances or solid fuel appliances ^D
1. a) pressure factor (cfm/sf)	0.15	0.09	0.06	0.03
b) conditioned floor area (sf) (including unfinished basements)				
Estimated House Infiltration (cfm): [1a x 1b]				
2. Exhaust Capacity				
a) continuous exhaust-only ventilation system (cfm): (not applicable to balanced ventilation systems such as HRV)				
b) clothes dryer (cfm)	135	135	135	135
c) 80% of largest exhaust rating (cfm): (not applicable if recirculating system or if powered makeup air is electrically interlocked and matched to exhaust)				
d) 80% of next largest exhaust rating (cfm): (not applicable if recirculating system or if powered makeup air is electrically interlocked and matched to exhaust)	not applicable			
Total Exhaust Capacity (cfm): [2a+2b+2c+2d]				
3. Makeup Air Requirement				
a) total exhaust capacity (from above)				
b) estimated house infiltration (from above)				
Makeup Air Quantity (cfm): [3a-3b] (if value is negative, no makeup air is needed)				
4. For Makeup Air Opening Sizing, refer to Table 501.4.2				

- A Use this column if there are other than fan-assisted or atmospherically vented gas or oil appliances or if there are no combustion appliances.
- B Use this column if there is one fan-assisted appliance per venting system. Other than atmospherically vented appliances may also be included.
- C Use this column if there is one atmospherically vented (other than fan-assisted) gas or oil appliance per venting system or one solid fuel appliance.
- D Use this column if there are multiple atmospherically vented gas or oil appliances using a common vent or if there are atmospherically vented gas or oil appliances and solid fuel appliances.

**TABLE 501.4.2
MAKEUP AIR OPENING SIZING TABLE FOR NEW AND EXISTING DWELLINGS**

	One or multiple power vent or direct vent appliances or no combustion appliances ^A	One or multiple fan-assisted appliances and power vent or direct vent appliances ^B	One atmospherically vented gas or oil appliance or one solid fuel appliance ^C	Multiple atmospherically vented gas or oil appliances or solid fuel appliances ^D	Passive makeup air opening duct diameter ^{E F G}
Type of Opening or System	(cfm)	(cfm)	(cfm)	(cfm)	(inches)
Passive Opening	1-36	1-22	1-15	1-9	3
Passive Opening	37-66	23-41	16-28	10-17	4
Passive Opening	67-109	42-66	29-46	18-28	5
Passive Opening	110-163	67-100	47-69	29-42	6
Passive Opening	164-232	101-143	70-99	43-61	7
Passive Opening	233-317	144-195	100-135	62-83	8
Passive Opening with Motorized Damper	318-419	196-258	136-179	84-110	9
Passive Opening with Motorized Damper	420-539	259-332	180-230	111-142	10
Passive Opening with Motorized Damper	540-679	333-419	231-290	143-179	11
Powered Makeup Air ^H	>679	>419	>290	>179	not applicable

- A Use this column if there are other than fan-assisted or atmospherically vented gas or oil appliances or if there are no combustion appliances.
- B Use this column if there is one fan-assisted appliance per venting system. Other than atmospherically vented appliances may also be included.
- C Use this column if there is one atmospherically vented (other than fan-assisted) gas or oil appliance per venting system or one solid fuel appliance.
- D Use this column if there are multiple atmospherically vented gas or oil appliances using a common vent or if there are atmospherically vented gas or oil appliances and solid fuel appliance(s).
- E An equivalent length of 100 feet of round smooth metal duct is assumed. Subtract 40 feet for the exterior hood and ten feet for each 90-degree elbow to determine the remaining length of straight duct allowable.
- F If flexible duct is used, increase the duct diameter by one inch. Flexible duct shall be stretched with minimal sags.
- G Barometric dampers are prohibited in passive makeup air openings when any atmospherically vented appliance is installed.
- H Powered makeup air shall be electrically interlocked with the largest exhaust system.

TABLE 501.4.3(1)
PROCEDURE TO DETERMINE MAKEUP AIR QUANTITY FOR EXHAUST EQUIPMENT IN EXISTING DWELLINGS
(Refer to Item 4 in Section 501.4.3 to determine applicability of this table)

Use the Appropriate Column to Estimate House Infiltration

	One or multiple power vent or direct vent appliances or no combustion appliances ^A	One or multiple fan-assisted appliances and power vent or direct vent appliances ^B	One atmospherically vented gas or oil appliance or one solid fuel appliance ^C	Multiple atmospherically vented gas or oil appliances or solid fuel appliances ^D
1. a) pressure factor (cfm/sf)	0.15	0.09	0.06	0.03
b) conditioned floor area (sf)				
Estimated House Infiltration (cfm): [1a x 1b]				
2. Exhaust Capacity 80% of exhaust rating = Exhaust Capacity (cfm): (not applicable if recirculating system or if powered makeup air is electrically interlocked and matched to exhaust)				
3. Makeup Air Requirement				
a) exhaust capacity (from above)				
b) Estimated house infiltration (from above)				
Makeup Air Quantity (cfm): [3a-3b] (if value is negative, no makeup air is needed)				
4. For Makeup Air Opening Sizing, refer to Table 501.4.2				

- A Use this column if there are other than fan-assisted or atmospherically vented gas or oil appliances or if there are no combustion appliances.
- B Use this column if there is one fan-assisted appliance per venting system. Other than atmospherically vented appliances may also be included.
- C Use this column if there is one atmospherically vented (other than fan-assisted) gas or oil appliance per venting system or one solid fuel appliance.
- D Use this column if there are multiple atmospherically vented gas or oil appliances using a common vent or if there are atmospherically vented gas or oil appliances and solid fuel appliances.

TABLE 501.4.3(2)
PROCEDURE TO DETERMINE MAKEUP AIR QUANTITY FOR EXHAUST EQUIPMENT IN DWELLINGS
(Refer to Item 5 in Section 501.4.3 to determine applicability of this table)

Use the Appropriate Column to Estimate House Infiltration

	One or multiple power vent or direct vent appliances or no combustion appliances ^A	One or multiple fan-assisted appliances and power vent or direct vent appliances ^B	One atmospherically vented gas or oil appliance or one solid fuel appliance ^C	Multiple atmospherically vented gas or oil appliances or solid fuel appliances ^D
1. a) pressure factor (cfm/sf)	0.25	0.15	0.10	0.05
b) conditioned floor area (sf) (including unfinished basements)				
Estimated House Infiltration (cfm): [1a x 1b]				
or Alternative Calculation (by using blower door test) ^E				
c) conversion factor	0.75	0.45	0.30	0.15
d) CFM50 value (from blower door test)				
Estimated House Infiltration (cfm): [1c x 1d]				
2. Exhaust Capacity 80% of exhaust rating = Exhaust Capacity (cfm); (not applicable if recirculating system or if powered makeup air is electrically interlocked with exhaust)				
3. Makeup Air Requirement				
a) exhaust capacity (from above)				
b) estimated house infiltration (from above)				
Makeup Air Quantity (cfm): [3a-3b] (if value is negative, no makeup air is needed)				
4. For Makeup Air Opening Sizing, refer to Table 501.4.2				

- ^A Use this column if there are other than fan-assisted or atmospherically vented gas or oil appliances or if there are no combustion appliances.
- ^B Use this column if there is one fan-assisted appliance per venting system. Other than atmospherically vented appliances may also be included.
- ^C Use this column if there is one atmospherically vented (other than fan-assisted) gas or oil appliance per venting system or one solid fuel appliance.
- ^D Use this column if there are multiple atmospherically vented gas or oil appliances using a common vent or if there are atmospherically vented gas or oil appliances and solid fuel appliances.
- ^E As an alternative, the Estimated House Infiltration may be calculated by performing a blower door test and multiplying the conversion factor by the CFM50 value.

TABLE 501.4.3(3)
PROCEDURE TO DETERMINE MAKEUP AIR QUANTITY FOR EXHAUST EQUIPMENT IN EXISTING DWELLINGS
(Refer to Item 6 in Section 501.4.3 to determine applicability of this table)

Use the Appropriate Column to Estimate House Infiltration

	One or multiple power vent or direct vent appliances or no combustion appliances ^A	One or multiple fan-assisted appliances and power vent or direct vent appliances ^B	One atmospherically vented gas or oil appliance or one solid fuel appliance ^C	Multiple atmospherically vented gas or oil appliances or solid fuel appliances ^D
1. a) pressure factor (cfm/sf)	0.25	0.15	0.10	0.05
b) conditioned floor area (sf) (including unfinished basements)				
Estimated House Infiltration (cfm): [1a x 1b]				
or Alternative Calculation (by using blower door test) ^E				
c) conversion factor	0.75	0.45	0.30	0.15
d) CFM50 value (from blower door test)				
Estimated House Infiltration (cfm): [1c x 1d]				
2. Exhaust Capacity				
a) continuous exhaust-only ventilation system (cfm) (not applicable to balanced ventilation systems)				
b) clothes dryer (cfm)	135	135	135	135
c) 80% of largest exhaust rating (cfm) (not applicable if recirculating system or if powered makeup air is electrically interlocked and with exhaust)				
d) 80% of next largest exhaust rating (cfm) (not applicable if recirculating system or if powered makeup air is electrically interlocked with exhaust)	not applicable			
Total Exhaust Capacity (cfm): [2a+2b+2c+2d]				
3. Makeup Air Requirement				
a) Total Exhaust Capacity (from above)				
b) Estimated House Infiltration (from above)				
Makeup Air Quantity (cfm): [3a-3b] (if value is negative, no makeup air is needed)				
4. For Makeup Air Opening Sizing, refer to Table 501.4.2				

- A Use this column if there are other than fan-assisted or atmospherically vented gas or oil appliances or if there are no combustion appliances.
- B Use this column if there is one fan-assisted appliance per venting system. Other than atmospherically vented appliances may also be included.
- C Use this column if there is one atmospherically vented (other than fan-assisted) gas or oil appliance per venting system or one solid fuel appliance.
- D Use this column if there are multiple atmospherically vented gas or oil appliances using a common vent or if there are atmospherically vented gas or oil appliances and solid fuel appliances.
- E As an alternative, the Estimated House Infiltration may be calculated by performing a blower door test and multiplying the conversion factor by the CFM50 value.

1346.0505 SECTION 505 DOMESTIC KITCHEN EXHAUST EQUIPMENT.

IMC Section 505.1 is amended to read as follows:

505.1 Domestic systems. Where domestic range hoods and domestic appliances equipped with downdraft exhaust are located within dwellings, the hoods and appliances shall discharge to the outdoors through ducts constructed of galvanized steel, stainless steel, aluminum, or copper. The ducts shall have smooth inner walls and shall be air tight and equipped with a backdraft damper. Domestic kitchen exhaust hoods ducted to the outdoors shall have makeup air provided according to IMC Section 501.4. Refer to Appendix C for Table C-1, "Recommended Capacities for Domestic Kitchen Exhaust Hoods."

Exceptions:

1. Where installed according to the manufacturer's installation instructions and where mechanical or natural ventilation is otherwise provided according to IMC Chapter 4, listed and labeled ductless range hoods shall not be required to discharge to the outdoors.

2. Ducts for domestic kitchen cooking appliances equipped with downdraft exhaust systems shall be permitted to be constructed of Schedule 40 PVC pipe provided that the installation complies with all of the following:

2.1. The duct shall be installed under a concrete slab poured on grade.

2.2. The underfloor trench in which the duct is installed shall be completely backfilled with sand or gravel.

2.3. The PVC duct shall extend not greater than 1 inch (25 mm) above the indoor concrete floor surface.

2.4. The PVC duct shall extend not greater than 1 inch (25 mm) above grade outside of the building.

2.5. The PVC ducts shall be solvent cemented.

1346.0506 SECTION 506 COMMERCIAL KITCHEN GREASE DUCTS AND EXHAUST EQUIPMENT.

Subpart 1. **Section 506.3.** IMC Section 506.3 is amended to read as follows:

506.3 Ducts serving Type I hoods. Commercial kitchen exhaust systems serving Type I hoods shall be designed, constructed and installed in accordance with NFPA 96-2001, *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*.

Subp. 2. **Sections 506.3.1 to 506.3.7 and 506.3.9 to 506.3.13.3.** IMC Sections 506.3.1 through 506.3.7 and 506.3.9 through 506.3.13.3 are deleted and replaced with NFPA 96-2001 with the following amendments:

5.1.1 The hood or that portion of a primary collection means designed for collecting cooking vapors and residues shall be constructed of stainless steel not less than 0.94 mm (0.037 in.) (No. 20 MSG) in thickness or other approved material of equivalent strength and fire and corrosion resistance. Refer to the Minnesota Food Code, Minnesota Rules, chapter 4626, for additional requirements for commercial kitchen hoods licensed and inspected by the Department of Agriculture, Department of Health, or local authorities that conduct inspections of food establishments.

7.5.2.1 All seams, joints, penetrations, and duct-to-hood collar connections shall have a liquid tight continuous external weld. Listed grease ducts and ducts complying with 7.5.1 through 7.5.5.5 that are installed within a concealed enclosure shall maintain an air pressure test of 0.10 inches water column positive pressure for a minimum of 20 minutes, unless an equivalent alternate test is specified by the building official.

8.1.2.3 Flexible connectors shall not be used without prior approval from the building official.

8.1.3.5 Flexible connectors shall not be used without prior approval from the building official.

8.2.1.1 The air velocity through any duct shall be not less than 152.4 m/min (500 ft/min).

Subp. 3. **Section 506.4.2.** IMC Section 506.4.2 is amended to read as follows:

506.4.2 Ducts. Ducts and plenums serving Type II hoods shall be constructed of rigid metallic materials. Duct construction, installation, bracing, and supports shall comply with IMC Chapter 6. Ducts subject to positive pressure and ducts conveying moisture-laden or waste heat-laden air shall comply with the following requirements:

1. Ducts shall be constructed, joined, and sealed to prevent drips and leaking.
2. Ducts shall slope not less than one-fourth unit vertical in 12 units horizontal (2 percent slope) toward the hood or toward an approved reservoir.
3. Horizontal ducts exceeding 75 feet (22 860 mm) in length shall slope not less than one unit vertical in 12 units horizontal (8.3 percent slope).

4. Ducts shall maintain an air pressure test of 0.10 inches water column positive pressure for a minimum of 20 minutes, unless an equivalent alternate test is specified by the building official.

1346.0507 SECTION 507 COMMERCIAL KITCHEN HOODS.

Subpart 1. **Section 507.1.** IMC Section 507.1 is amended to read as follows:

507.1 General. Commercial kitchen exhaust hoods shall comply with the requirements of this section. Hoods shall be Type I or Type II and shall be designed to capture and confine cooking vapors and residues.

Exception: Factory-built commercial exhaust hoods which are listed, labeled, and installed in accordance with UL 710 and installed in accordance with IMC Section 304.1 shall not be required to comply with IMC Sections 507.5, 507.7, 507.12, amended IMC Section 507.13, and Chapter 5 of NFPA 96-2001.

Subp. 2. **Section 507.2.** IMC Section 507.2 is amended to read as follows:

507.2 Where required. A Type I hood shall be installed above all commercial food heat-processing appliances that produce grease-laden vapors or smoke. A Type I or Type II hood shall be installed at or above all commercial food heat-processing appliances that produce fumes, steam, odor, or heat. A Type II hood shall be installed above commercial dishwashing machines.

Exceptions:

1. Food heat-processing appliances installed within a dwelling unit.
2. Under-counter-type commercial dishwashing machines.

3. Electric countertop appliances with a heat input less than 3.7 kW used for heating food with limited grease emissions including warming ovens, microwave ovens, toasters, soup warmers, hotdog rollers, pretzel warmers, coffee makers, heated display cases, and hot air popcorn poppers.

4. Integral recirculating (ductless) hoods listed, labeled, and installed in accordance with UL 197 and Chapter 13 of NFPA 96-2001.

Subp. 3. **Section 507.2.1.** IMC Section 507.2.1 is deleted.

Subp. 4. **Section 507.2.2.** IMC Section 507.2.2 is amended to read as follows:

507.2.2 Domestic cooking appliances used for commercial purposes. Domestic cooking appliances utilized for commercial purposes shall be provided with Type I or II hoods as required for the type of appliances and processes in accordance with amended IMC Section 507.2. Refer to the Minnesota Food Code, Minnesota Rules, chapter 4626, for additional requirements for commercial kitchen hoods licensed and inspected by the Department of Agriculture, Department of Health, or local authorities that conduct inspections of food establishments.

Subp. 5. **Section 507.2.3.** IMC Section 507.2.3 is deleted.

Subp. 6. **Section 507.4.** IMC Section 507.4 is deleted.

Subp. 7. **Section 507.5.** IMC Section 507.5 is amended to read as follows:

507.5 Type II hood materials. Type II hood materials shall be constructed of stainless steel not less than 0.024 inch (0.61 mm) (No. 24 Gage) in thickness, copper sheets weighing not less than 24 ounces per square foot (7.3 kg/m²), or of other approved

material and gage. Refer to the Minnesota Food Code, Minnesota Rules, chapter 4626, for additional requirements for commercial kitchen hoods licensed and inspected by the Department of Agriculture, Department of Health, or local authorities that conduct inspections of food establishments.

Subp. 8. **Section 507.7.** IMC Section 507.7 is amended to read as follows:

507.7 Hood joints, seams, and penetrations. Hood joints, seams, and penetrations shall comply with amended IMC Section 507.7.1 and IMC Section 507.7.2.

Subp. 9. **Section 507.7.1.** IMC Section 507.7.1 is amended by adding a section to read as follows:

507.7.1 Type I hoods. Type I hoods shall be designed, constructed and installed in accordance with Chapter 5 of NFPA 96-2001.

Subp. 10. **Sections 507.8 to 507.11.2.** IMC Sections 507.8 through 507.11.2 are deleted.

Subp. 11. **Section 507.13.** IMC Section 507.13 is amended to read as follows:

507.13 Capacity of hoods. Commercial kitchen hoods shall exhaust a minimum net quantity of air determined in accordance with IMC Sections 507.13.1 through 507.13.4. The net quantity of exhaust air shall be calculated by subtracting any air flow supplied directly to a hood cavity from the total exhaust flow rate of a hood. Where any combination of extra-heavy duty, heavy duty, medium duty, or light duty cooking appliances are utilized under a single section of hood, the highest exhaust rate required by this section shall be used for the entire hood, unless it can be demonstrated that the hood is specifically designed for that application.

507.13.1 Extra-heavy duty cooking appliances. The minimum net airflow for hoods used for extra-heavy duty cooking appliances shall be determined as follows:

Wall canopy	550
Single island canopy	700
Double island canopy (per side)	550
Backshelf/pass-over	Not allowed
Eyebrow	Not allowed

507.13.2 Heavy duty cooking appliances. The minimum net airflow for hoods used for heavy duty cooking appliances shall be determined as follows:

Wall canopy	400
Single island canopy	600
Double island canopy (per side)	400
Backshelf/pass-over	400
Eyebrow	Not allowed

507.13.3 Medium duty cooking appliances. The minimum net airflow for hoods used for medium duty cooking appliances shall be determined as follows:

Wall canopy	300
Single island canopy	500
Double island canopy (per side)	300
Backshelf/pass-over	300
Eyebrow	250

507.13.4 Light duty cooking appliances. The minimum net airflow for hoods used for light duty cooking appliances shall be determined as follows:

Wall canopy	200
Single island canopy	400
Double island canopy (per side)	250
Backshelf/pass-over	250
Eyebrow	250

Subp. 12. **Sections 507.15 and 507.16.** IMC Sections 507.15 and 507.16 are deleted.

Subp. 13. **Section 507.17.** IMC Section 507.17 is amended by adding a section to read as follows:

507.17.1 Capture and containment test.

The performance of the exhaust system shall be verified by a capture and containment test. This test shall be conducted with all appliances under the hood at operating temperatures. Capture and containment shall be verified visually by observing smoke or steam produced by actual or simulated cooking, such as with smoke candles or smoke puffers, etc.

**1346.0508 SECTION 508
COMMERCIAL KITCHEN MAKEUP
AIR.**

Subpart 1. **Section 508.1.** IMC Section 508.1 is amended to read as follows:

508.1 Makeup air. Makeup air shall be supplied during the operation of commercial kitchen exhaust systems that are provided for commercial food heat-processing appliances. The amount of makeup air supplied shall be approximately equal to the exhaust air. A minimum of 80 percent of the makeup air shall be supplied into the space where the exhaust hood is located. The makeup air shall not reduce the effectiveness of the exhaust system. Makeup air shall be provided by mechanical

means and the exhaust and makeup air systems shall be electrically interlocked to insure that makeup air is provided whenever the exhaust system is in operation. Makeup air intake openings shall comply with IMC Section 401.5 and amended IMC Section 401.5.1.

Exception: This section shall not apply to dwelling units.

508.1.1 Makeup air temperature. Makeup air shall be not less than 50°F (10°C), measured at the flow of air from the supply diffuser into the space.

508.1.2 Makeup and ventilation air distribution. Makeup and ventilation air supply diffusers located within 12 feet (3.7 m) of an exhaust hood shall be directed away from the hood.

Subp. 2. **Section 508.2.** IMC Section 508.2 is amended to read as follows:

508.2 Compensating hoods. Manufacturers of compensating hoods shall provide a label indicating minimum exhaust flow and maximum makeup airflow that provides capture and containment of the exhaust effluent. Short-circuit compensating hoods are prohibited.

1346.0510 SECTION 510 HAZARDOUS EXHAUST SYSTEMS.

Subpart 1. **Section 510.1.** IMC Section 510.1 is amended by adding an exception to the end of this section as follows:

Exception: Other than sections 510.4 and 510.7, this section shall not apply to laboratory ventilation systems that comply with NFPA 45.

Subp. 2. **Section 510.4.** IMC Section 510.4 is amended to read as follows:

510.4 Independent system. Hazardous exhaust systems shall be independent of other types of exhaust systems. Incompatible materials, as defined in the International Fire Code, shall not be exhausted through the same hazardous exhaust system. Hazardous exhaust systems where the duct is under positive pressure shall not share common shafts with other duct systems, except where the systems are hazardous exhaust systems originating in the same fire area.

(The second paragraph remains unchanged.)

Subp. 3. **Section 510.7.** IMC Section 510.7 is amended by adding exceptions as follows:

Exceptions: An approved automatic fire suppression system shall not be required in:

1. ducts conveying materials, fumes, mists, and vapors that are nonflammable and noncombustible;
2. ducts where the largest cross-sectional diameter is less than 10 inches (254 mm); or
3. laboratory hoods or exhaust systems having interiors with a flame spread index less than 25 where the laboratory ventilation system is installed in accordance with NFPA 45.

1346.0603 SECTION 603 DUCT CONSTRUCTION AND INSTALLATION.

Subpart 1. **Section 603.2.** IMC Section 603.2 is amended to read as follows:

603.2 Duct sizing. Ducts installed within a single dwelling unit shall be sized in accordance with ACCA Manual D, *Residential Duct Systems*, or other approved methods. Ducts installed within all other buildings shall be sized in accordance with Chapter 34 of the *2001 ASHRAE Handbook-*

Fundamentals or other equivalent computation procedures.

603.2.1 Duct classification. Ducts shall be classified based on the maximum operating pressure of the duct at pressures of positive or negative 0.5, 1.0, 2.0, 3.0, 4.0, 6.0, or 10.0 inches of water column. The pressure classification of ducts shall equal or exceed the design pressure of the air distribution in which the ducts are utilized.

Subp. 2. **Section 603.3.** IMC Section 603.3 is amended to read as follows:

603.3 Metallic ducts. All metallic ducts shall be constructed as specified in the *SMACNA HVAC Duct Construction Standards - Metal and Flexible*.

Exception: Ducts installed within a single dwelling unit shall have a minimum thickness as specified in Table 603.3.

603.3.1 Elbows. Radius elbows with velocities exceeding 1,000 feet per minute (fpm) (76.2 m/min) shall have an inside radius not less than the width of the duct or shall have turning vanes. Square throat elbows with velocities exceeding 1,000 feet per minute (fpm) (76.2 m/min) shall have turning vanes.

Exception: Ducts installed within a single dwelling unit.

603.3.2 Transition fittings. Transition fittings shall be constructed with a maximum slope of 45 degrees.

603.3.3 Obstructions. Where a pipe or other obstruction passes through a duct, a streamlined sleeve must be constructed equal in type and gage to the duct. The area of the duct, at the point of obstruction, must be increased by an amount equal to the area of the streamlined sleeve.

Subp. 3. **Section 603.6.** IMC Section 603.6 is amended to read as follows:

603.6 Rigid duct penetrations. Duct system penetrations of walls, floors, ceilings, and roofs and air transfer openings in any of those building components shall be protected as required by IMC Section 607. Ducts in a private garage and ducts penetrating the walls or ceilings separating a dwelling from a private garage shall be continuous and constructed of minimum 26 gage (0.48 mm) galvanized sheet metal and shall have no openings into the garage. Fire and smoke dampers are not required in such ducts passing through the wall or ceiling separating a dwelling from a private garage, unless required by International Building Code Chapter 7.

Subp. 4. **Section 603.7.** IMC Section 603.7 is amended to read as follows:

603.7 Underground ducts. Ducts shall be approved for underground installation. Metallic ducts not having an approved protective coating shall be completely encased in a minimum of 2 inches (51 mm) of concrete.

Subp. 5. **Section 603.7.1.** IMC Section 603.7.1 is amended to read as follows:

603.7.1 Slope. Ducts shall slope to allow drainage to a point provided with access for inspection and cleaning at each low point of the duct system.

Subp. 6. **Section 603.7.2.** IMC Section 603.7.2 is amended to read as follows:

603.7.2 Sealing. Ducts shall have a polyethylene vapor retarder of at least 4 mils (0.102 mm) thickness installed around the outside. Where encased in concrete, the ducts shall be sealed and secured prior to pouring the concrete encasement.

Subp. 7. **Section 603.7.5.** IMC Section 603.7 is amended by adding a section to read as follows:

603.7.5 Drainage. Underground ducts shall be provided with drain tile around the perimeter of the duct system to prevent water intrusion. The top of the drain tile shall be installed at an elevation lower than the bottom of the underground duct system. The building official may approve an alternate drainage system if soil conditions are adequate.

Subp. 8. **Section 603.7.6.** IMC Section 603.7 is amended by adding a section to read as follows:

603.7.6 Insulation. Underground ducts shall be insulated in accordance with amended IMC Section 604.1.

Subp. 9. **Section 603.8.** IMC Section 603.8 is amended to read as follows:

603.8 Joints, seams and connections. All transverse joints, longitudinal seams, and connections shall be securely fastened and sealed in accordance with this section. Pressure sensitive tape shall not be used as the primary sealant for ducts designed to operate at static pressure of one inch water gauge or greater.

Location	Design Static Pressure	Minimum Required Sealing
All locations	Greater than 3.0 inches (750 Pa) water gauge	All transverse joints, longitudinal seams, and duct wall penetrations shall be sealed. Ductwork shall be equal to or less than Leakage Class 6 as defined in Section 4 of the <i>SMACNA HVAC Duct Leakage Test Manual*</i> .
Portions of ducts not completely inside the vapor retarder/air barrier enclosing conditioned space	3.0 inches(750 Pa) water gauge and less	All transverse joints, longitudinal seams, and duct wall penetrations shall be sealed.
Portions of return air ducts in the same space as an atmospherically vented or fan-assisted appliance.	3.0 inches(750 Pa) water gauge and less	All transverse joints, longitudinal seams, and duct wall penetrations shall be sealed.
All locations	Greater than 0.50 to 3.0 inches (125 to 750 Pa) water gauge	All transverse joints and duct wall penetrations shall be sealed.
All locations	0.50 inches (125 Pa) water gauge and less	All transverse joints, longitudinal seams, and duct wall penetrations shall have no visible gaps and shall be sufficiently airtight in accordance with Section 1.7 of the <i>SMACNA HVAC Duct Construction Standards - Metal & Flexible</i> .

* Representative sections totaling no less than 25 percent of the total installed duct area for the designated pressure class shall be tested. Duct systems with pressure ratings in excess of three inches water column shall be identified in the construction documents.

Subp. 10. **Section 603.15.** IMC Section 603.15 is amended to read as follows:

603.15 Registers, grilles and diffusers. Duct registers, grilles, and diffusers shall be installed in accordance with the manufacturer's installation instructions. Balancing dampers or other means of supply

air adjustment shall be provided in the branch ducts. Volume dampers shall be provided for all supply ducts, and they shall be adjusted according to the required air measurement of the system and locked in place. In finished or inaccessible locations, a friction-type register box may be used.

1346.0604 SECTION 604 INSULATION.

IMC Section 604.1 is amended to read as follows:

604.1 General. Duct insulation shall conform to the thickness required by this section.

Minimum Required Duct Insulation (see notes for explanations)	
Duct Location	Requirements
Attics, garages, and ventilated crawl spaces	R-8 and V
Exterior of building	R-8, V and W
Inside of building and in unconditioned spaces TD less than or equal to 15°F	None required
TD greater than 15°F and less than or equal to 40°F	R-3.3 and V
TD greater than 40°F	R-5 and V
Within conditioned spaces, in basements with insulated walls, and in plenums within conditioned spaces	None required
Intake and exhaust ducts within conditioned spaces*	R-3.3 and V
Within cement slab or within ground (also see IMC Section 603.7)	R-5

Notes:

* Insulation required for a distance of 3 feet (914 mm) from the exterior.

TD = Design temperature differential between the air in the duct and the ambient temperature outside of the duct.

V = Vapor retarder required in accordance with the IMC Section 604.11. When a vapor retarder is required, duct insulation required by this section shall be installed without respect to other building envelope insulation.

W = Approved weatherproof barrier.

1346.0701 SECTION 701 GENERAL.

Subpart 1. **Section 701.4.** IMC Section 701.4 is amended to read as follows:

701.4 Engineered installations. Engineered combustion air installations shall provide adequate supply of combustion, ventilation, and dilution air, and shall be approved by the building official.

Subp. 2. **Sections 701.4.1 and 701.4.2.** IMC Sections 701.4.1 and 701.4.2 are deleted.

1346.0703 SECTION 703 OUTDOOR AIR.

IMC Sections 703.1 through 703.1.2.2 are amended to read as follows:

703.1 All air from the outdoors. Where all combustion and dilution air is to be provided by outdoor air, the required combustion and dilution air shall be obtained by opening the room to the outdoors. Openings connecting the room to the outdoor air shall comply with IMC Sections 703.1.1 through 703.1.2.2.

703.1.1 One permanent opening method. When any natural draft equipment is installed, one permanent opening, commencing within 12 inches (300 mm) of the bottom of the enclosure, shall be provided. When other than natural draft equipment is installed, one permanent opening, commencing within 12 inches (300 mm) of the top of the enclosure, shall be provided. The opening shall directly communicate with the outdoors or shall communicate through a vertical or horizontal duct to the outdoors or spaces that freely communicate with the outdoors and shall have a minimum free area of 1 inch²/3,000 Btu/hr (700 mm²/kW) of the total input rating of all equipment located in the enclosure.

703.1.2 Two permanent openings method.

Two openings shall be provided, one within 1 foot (305 mm) of the ceiling of the room and one within 1 foot (305 mm) of the floor.

703.1.2.1 Size of horizontal openings. The net free area of each opening, calculated in accordance with IMC Chapter 709 and connected to the outdoors through a horizontal duct, shall be a minimum of 1 square inch per 2,000 Btu/h (1,100 mm²/kW) of combined input rating of the fuel-burning appliances drawing combustion and dilution air from the room. The cross-sectional area of the duct shall be equal to or greater than the required size of the opening.

703.1.2.2 Size of vertical openings. The net free area of each opening, calculated in accordance with IMC Chapter 709 and connected to the outdoors through a vertical duct, shall be a minimum of 1 square inch per 4,000 Btu/h (550 mm²/kW) of combined input rating of the fuel-burning appliances drawing combustion and dilution air from the room. The cross-sectional area of the duct shall be equal to or greater than the required size of the opening.

1346.0709 SECTION 709 OPENING OBSTRUCTIONS.

Subpart 1. **Section 709.1.** IMC Section 709.1 is amended to read as follows:

709.1 General. The required size of openings for combustion and dilution air shall be based on the net free area of each opening. The net free area of an opening shall be that specified by the manufacturer of the opening covering. In the absence of such information, openings covered with metal louvers shall be deemed to have a maximum net free area of 75 percent of the area of the opening, and openings covered with wood louvers shall be deemed to have a maximum net free area of 25 percent of the area of the opening. The building official

may require the maximum net free area to be calculated based on the actual opening size. Nonmotorized louvers and grilles shall be fixed in the open position.

Exception: Motorized louvers shall be interlocked with the equipment so that they are proven to be in the full open position prior to main burner ignition and during main burner operation. Means shall be provided to prevent the main burner from igniting if the louvers fail to open during burner startup and to shut down the main burner if the louvers close during operation.

Subp. 2. **Section 709.2.** IMC Section 709.2 is amended to read as follows:

709.2 Dampered openings. Where the combustion air openings are provided with motorized dampers, the dampers shall be electrically interlocked with the firing cycle of the appliances served, so as to prevent operation of any appliance that draws combustion and dilution air from the room when any of the dampers are closed. Manually operated dampers shall not be installed in combustion air openings.

1346.0801 SECTION 801 GENERAL.

Subpart 1. **Section 801.10.** IMC Section 801.10 is amended to read as follows:

801.10 Connection to fireplace. Connection of appliances to chimney flues serving fireplaces is prohibited. Refer to IFGC Section 602 for *Decorative Appliances for Installation in Fireplaces* and IFGC Section 603 for *Log Lighters*.

Subp. 2. **Section 801.16.1.** IMC Section 801.16.1 is amended to read as follows:

801.16.1 Residential and low-heat appliances; general. Refer to amended IFGC Section 501.12 for masonry chimneys used to vent gas appliances. Flue lining

systems for use with residential-type and low-heat appliances shall be limited to the following:

1. Clay flue lining complying with the requirements of ASTM C 315 or equivalent. Clay flue lining shall be installed in accordance with the *International Building Code*.
2. Listed chimney lining systems complying with UL 1777.
3. Other approved materials that will resist, without cracking, softening, or corrosion, flue gases and condensate at temperatures up to 1,800°F (982°C).

1346.0803 SECTION 803 CONNECTORS.

IMC Section 803 is amended to read as follows:

803.10.1 Supports and joints. Connectors shall be supported in an approved manner, and joints shall be fastened with a minimum of three equally spaced sheet metal screws, rivets, or other approved means.

1346.0901 SECTION 901 GENERAL.

IMC Section 901 is amended by adding a section to read as follows:

901.5 Unvented heaters and appliances. Unvented room heaters, unvented infrared heaters, and unvented decorative appliances shall not be installed in any dwelling or occupancy.

Exception: Unvented infrared heaters may be installed when mechanical ventilation is provided to exhaust at least 4 cubic feet per minute (cfm) (0.0203 m³/s) per 1000 Btu/hr (0.292 kW) input and it is electrically interlocked with the heater. Makeup air shall be provided to the space to be heated.

1346.1001 SECTION 1001 GENERAL.

IMC Section 1001.1 is amended to read as follows:

1001.1 Scope. This chapter shall govern the installation, alteration and repair of boilers, water heaters, heat exchangers, and pressure vessels.

Exceptions:

1. Pressure vessels used for unheated water supply.
2. Portable unfired pressure vessels and Interstate Commerce Commission containers.
3. Containers for bulk oxygen and medical gas.
4. Unfired pressure vessels having a volume of 5 cubic feet (0.14 m³) or less operating at pressures not exceeding 100 pounds per square inch (psi) (1724 kPa) and located within occupancies of Groups B, F, H, M, R, S and U.
5. Pressure vessels used in refrigeration systems that are regulated by Chapter 11 of this code.
6. Pressure tanks used in conjunction with coaxial cables, telephone cables, power cables, and other similar humidity control systems.

Refer to Minnesota Statutes, sections 183.375 to 183.62, and Minnesota Rules, chapter 5225, for additional requirements for boilers and pressure vessels under the jurisdiction of the Department of Labor and Industry. Refer to Minnesota Statutes, chapter 326, and Minnesota Rules, chapter 5230, for additional requirements for high pressure piping under the jurisdiction of the Department of Labor and Industry.

1346.1003 SECTION 1003 PRESSURE VESSELS.

IMC Section 1003.3 is amended to read as follows:

1003.3 Welding. Welding on boilers and pressure vessels shall be performed by approved welders in compliance with the *ASME Boiler and Pressure Vessel Code* Section IX and the *National Board Inspection Code*.

1346.1004 SECTION 1004 BOILERS.

Subpart 1. **Section 1004.1.** IMC Section 1004.1 is amended to read as follows:

1004.1 Standards. Oil-fired boilers and their control systems shall be listed and labeled in accordance with UL 726 or shall utilize burner assemblies and control systems listed and labeled in accordance with UL 296 and shall be installed in accordance with NFPA 31 and the manufacturer's installation instructions. Electric boilers and their control systems shall be listed and labeled in accordance with UL 834. Boilers with an input rating above 400,000 Btu/hr (3,660 kW) shall be designed and constructed in accordance with the requirements of the *ASME Boiler and Pressure Vessel Code*, Sections I, II, IV, V, VIII and IX, as applicable. Boilers with an input rating above 400,000 Btu/hr (117 kW) and less than 12,500,000 Btu/hr (3,660 kW) shall comply with ASME CSD-1, and boilers with an input rating of 12,500,000 Btu/hr (3,660 kW) or greater shall comply with NFPA 85-2001, *Boiler and Combustion Systems Hazards Code*.

Subp. 2. **Section 1004.2.** IMC Section 1004.2 is amended to read as follows:

1004.2 Installation. In addition to the requirements of this code, the installation of boilers shall conform to the manufacturer's

instructions. Operating instructions of a permanent type shall be attached to the boiler. Boilers shall have all controls set, adjusted, and tested by the installer in accordance with amended IMC Chapter 16. A complete control diagram together with complete boiler instructions shall be furnished by the installer. The manufacturer's rating data and the nameplate shall be attached to the boiler.

1346.1006 SECTION 1006 SAFETY AND PRESSURE RELIEF VALVES AND CONTROLS.

Subpart 1. **Section 1006.4.** IMC Section 1006.4 is amended to read as follows:

1006.4 Approval of safety and safety relief valves. Safety and safety relief valves shall meet the requirements of Section I, IV or VIII of the *ASME Boiler and Pressure Vessel Code*, as applicable. All boilers and pressure vessels shall have a safety relief valve stamped with the ASME code symbol and shall be set no higher than the maximum allowable working pressure of the pressure vessel. Safety relief valves shall have a rated volumetric capacity greater than the boiler or pressure vessel can produce at nameplate pressure and shall have a nonadjustable pressure set point below the rating of the boiler or pressure vessel capable of relieving all excess pressure at its pressure set point. Safety and safety relief valves shall have a manual method of lifting the seat, without endangering the operator, to ensure proper mechanical operation.

Subp. 2. **Section 1006.6.** IMC Section 1006.6 is amended to read as follows:

1006.6 Safety and relief valve discharge. Safety and relief valve discharge pipes shall be of rigid pipe that is approved for the temperature and pressure of the system. The discharge pipe shall be no smaller than the diameter of the safety or relief valve outlet

and the discharge end shall be reamed and unthreaded. Safety and relief valves shall not discharge so as to be a hazard, a potential cause of damage, or otherwise a nuisance and shall terminate within 18 inches of the floor. High-pressure steam safety valves shall be vented to the outside of the structure in accordance with Minnesota Rules, parts 5225.4100 and 5230.0990 on boilers, pressure vessels, and high-pressure piping under the jurisdiction of the Department of Labor and Industry, as applicable. Where a low-pressure safety valve or a relief valve discharges to the drainage system, the installation shall conform to the Minnesota Plumbing Code, Minnesota Rules, Chapter 4715.

Subp. 3. **Section 1006.9.** IMC Section 1006 is amended by adding a section to read as follows:

1006.9 Boiler shutdown switch. A manually operated remote shutdown switch shall be located at the boiler room door and marked for easy identification. The emergency shutdown switch shall disable all power to the burner controls.

Exception: A single hot water boiler with a rated input of less than 400,000 Btu/hr (117 kW).

1346.1007 SECTION 1007 BOILER LOW-WATER CUTOFF.

Subpart 1. **Section 1007.1.** IMC Section 1007.1 is amended to read as follows:

1007.1 General. Steam and hot water boilers shall be protected with a low-water fuel cutoff control to stop the combustion operation when the water level drops below the lowest safe permissible water level in accordance with the following items:

1. An automatically fired hot water boiler or group of boilers piped together having a

rated input of 400,000 Btu/hr (117 kW) or above shall be equipped with an automatic low-water fuel cutoff to stop the combustion operation when the water level drops below the lowest safe permissible water level established by the boiler manufacturer.

2. A boiler installed at an elevation where all radiation in the system is below the lowest safe permissible water level shall be equipped with an automatic low-water fuel cutoff to stop the combustion operation when the water level drops below the lowest safe permissible water level established by the boiler manufacturer.

3. A low-water fuel cutoff shall be installed when recommended by the manufacturer's installation instructions or listing and when special consideration and installations will require a low-water fuel cutoff to protect a hot water or steam boiler.

4. A means shall be provided for testing the operation of the low-water fuel cutoff without requiring the entire system to be drained.

5. A watertube or coil-type boiler requiring forced circulation to prevent overheating of the tubes or coils shall have a flow-sensing device installed, in lieu of the low-water fuel cutoff, to automatically stop the combustion operation when the circulating flow is interrupted.

Subp. 2. **Section 1007.2.** IMC Section 1007.2 is deleted.

1346.1011 SECTION 1011 TESTS.

IMC Section 1011.1 is amended to read as follows:

1011.1 Tests. Upon completion of the assembly and installation of boilers and pressure vessels, acceptance tests shall be conducted in accordance with the

requirements of the *ASME Boiler and Pressure Vessel Code*. Where field assembly of pressure vessels or boilers is required, a copy of the completed Manufacturer's Data Report required by the *ASME Boiler and Pressure Vessel Code* shall be submitted to the building official.

1346.1204 SECTION 1204 PIPE INSULATION.

IMC Section 1204.2 is amended to read as follows:

1204.2 Required thickness. Hydronic, steam, and condensate piping shall be insulated in accordance with this section.

Exceptions: Piping insulation is not required for:

1. Piping installed within HVAC equipment; or
2. Piping installed in basements, crawl spaces, and cellars.

Insulation Thickness for Nominal Pipe Diameters						
Fluid Temperature Range °F	Runouts (See item C)	1 inch (25.4 mm and less)	1.25 to 2" (31.7 to 50.8 mm)	2.5 to 4" (63.5 to 101.6 mm)	5 to 6" (127 to 152 mm)	8" (203 mm) and Larger
Piping System Type - Heating						
Above 350	1.5	2.5	2.5	3.0	3.5	3.5
251-350	1.5	2.0	2.5	2.5	3.5	3.5
201-250	1.0	1.5	1.5	2.0	2.0	3.5
141-200	0.5	1.5	1.5	1.5	1.5	1.5
105-140	0.5	1.0	1.0	1.0	1.5	1.5
Piping System Type - Cooling						
40-55	0.5	0.5	0.75	1	1	1
Below 40 (see item D)	1	1	1.5	1.5	1.5	1.5

- A. Insulation thickness in this section assumes a k-value of 0.27. If the k-value of a product is less than 0.22, then the thickness must be adjusted to have an equivalent R-value.
- B. For piping exposed to outdoor air, insulation thickness must be 0.5 inch (12.7 mm) greater than required in the table.
- C. This column applies only to runouts (branches) 2 inches (50.8 mm) in diameter and less, not exceeding 12 feet (3658 mm) in length, to individual terminal units. All other runouts shall meet the requirements given in other columns in the table, as appropriate.
- D. For applications with fluid temperatures of 32°F (0°C) and below, a vapor retarder shall be installed in accordance with IMC Section 604.11.

**1346.1500 CHAPTER 15,
REFERENCED STANDARDS.**

- A. ASHRAE 2001 *Handbook of Fundamentals*;
- B. ASHRAE 15-2001 *Safety Code for Mechanical Refrigeration*;
- C. ASHRAE 34-2001 *Designation and Safety Classification of Refrigerants*;
- D. ASHRAE 62-2001 *Ventilation for Acceptable Indoor Air Quality*, including addenda h, i, k, n, o, r, t, u, v, x, z, ab, ad, ae, and af;
- E. ASME BPV-2001 (Sections I, II, IV, V, VIII & IX) *Boiler and Pressure Vessel Code*;
- F. ASME CSD-1-2002 *Controls and Safety Devices for Automatically Fired Boilers*;
- G. ASME B31.3-1999 *Process Piping Code*;
- H. ASME B31.9-1996 *Building Services Piping Code*;
- I. ASTM E119-99 *Standard Guide for Assessing Depressurization-Induced Backdrafting and Spillage from Vented Combustion Appliances*;
- J. NFPA 58-2001 *Liquefied Petroleum Gas Code*;
- K. NFPA 96-2001 *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*;
- L. NFPA 85-2001 *Boiler and Combustion Systems Hazards Code*;
- M. UL 197-1993 including revisions through April 10, 2000, *Commercial Electric Cooking Appliances*;

- N. UL 555-1999 *Fire Dampers*;
- O. UL 555C-1999 *Ceiling Dampers*;
- P. UL 555S-1999 *Smoke Dampers*; and
- Q. UL 2034-1996 including revisions through June 28, 2002, *Single and Multiple Station Carbon Monoxide Alarms*.

CHAPTER 16

**INSTALLATION AND TESTING OF OIL
OR LIQUID FUEL-FIRED EQUIPMENT**

1346.1601 SECTION 1601 GENERAL.

The IMC is amended by adding a section to read as follows:

SECTION 1601

GENERAL

1601.1 General. Chapter 16 governs the installation, testing, or repair of: oil or liquid fuel burners, oil or liquid fuel burning systems, oil or liquid fuel burning equipment, and the oil or liquid fuel piping systems installed within, or in conjunction with, buildings or structures. The requirements of this chapter shall apply to the following equipment:

1. Equipment utilized to provide control of environmental conditions.

Exception: Equipment and appliances listed and labeled to an appropriate standard by a nationally recognized testing laboratory, which is qualified to evaluate the equipment or appliance, when installed and tested according to the manufacturer's installation instructions.

2. Equipment with a fuel input of 1,000,000 Btu/hr or greater.

3. Unlisted equipment.
4. Miscellaneous equipment when required by the building official.

1346.1602 SECTION 1602 EQUIPMENT PLACEMENT.

The IMC is amended by adding a section to read as follows:

SECTION 1602

EQUIPMENT PLACEMENT

1602.1 Placing equipment in operation.

After completion of all installations, the installer shall test all safety and operating controls and venting before placing the burner in service. The correct input of liquid fuel shall be determined and the fuel-to-air ratio set. Each oil or liquid fuel burner shall be adjusted to its proper input according to the manufacturer's instructions. Overrating the burners or the appliance is prohibited. The input range shall be appropriate to the appliance.

1. For conversion burners installed in hot water (liquid) boilers or warm air furnaces, the rate of flow of the oil or liquid fuel in Btu/h shall be adjusted to within plus or minus five percent of the design load, and not to exceed the design rate of the appliance.
2. For conversion burners installed in steam boilers, the oil or liquid fuel hourly input demand shall be adjusted to meet the steam load requirements. The oil or liquid fuel input demand necessitated by an oversized boiler shall be established and added to the input demand for load requirements to arrive at a total input demand.

1346.1603 SECTION 1603 PILOT OPERATION.

The IMC is amended by adding a section to read as follows:

SECTION 1603

PILOT OPERATION

1603.1 Pilot operation. Igniter or pilot flames shall be effective to ignite the oil or liquid fuel at the main burner or burners and shall be adequately protected from drafts. Pilot flames shall not become extinguished during the pilot cycle when the main burner or burners are turned on or off in a normal manner either manually or by automatic controls.

1346.1604 SECTION 1604 BURNER OPERATION.

The IMC is amended by adding a section to read as follows:

SECTION 1604

BURNER OPERATION

1604.1 Burner operation. In making tests to determine compliance with the requirements of this section, care shall be exercised to prevent the accumulation of unburned liquid fuel in the appliance that might result in an explosion or fire.

1. The flames from the burner shall freely ignite the liquid fuel when operating at the lowest firing position.
2. Burner flames shall not flash back when the liquid fuel is turned on or off by an automatic control mechanism.
3. Main burner flames shall ignite freely from the pilot when the pilot flame is

reduced to a minimum point that will actuate the pilot safety device.

4. When ignition is made in a normal manner, the flame shall not flash outside the appliance.

5. Burners shall not expel liquid fuel through air openings when operating at prevailing pressure.

6. Burners shall have a proper liquid fuel air mixture to insure smooth ignition of the main burner.

1346.1605 SECTION 1605 TEST METHODS.

The IMC is amended by adding a section to read as follows:

SECTION 1605

TEST METHODS

1605.1 Method of test.

1. **Operational checking.** The flue gas, venting, safety, and operating controls of the appliance shall be checked to ensure proper and safe operation.

2. **Method of test - atmospheric type/induced draft type/fan assisted types.** The appliance shall be allowed to operate until the stack temperature becomes stabilized after which a sample of the undiluted flue products shall be taken from the appliance flue outlet. The sample taken shall be analyzed for carbon monoxide, carbon dioxide, and oxygen. Stack temperature shall be noted.

Note: Appliance designs incorporating induced draft assemblies may require a flue gas sample to be taken after the draft regulator or induced draft fan.

3. Performance standards for atmospheric type.

a. Minimum of 75 percent efficiency as determined by flue gas analysis method at appliance flue outlet.

b. Carbon monoxide concentration in flue gas not greater than 0.04 percent.

c. Stack temperature not greater than 700°F (371°C), plus ambient.

d. Carbon dioxide concentration between 8 and 13 percent, inclusive.

e. Oxygen concentration between 4 and 10 percent.

f. Smoke test no higher than #2 for light oils, or #4 for oils heavier than #4.

g. Draft shall be in accordance with burner manufacturer's specifications.

3a. Performance standards for induced draft type/fan assisted types.

a. Minimum of 75 percent efficiency as determined by flue gas analysis method at appliance flue outlet.

b. Carbon monoxide concentration in flue gas not greater than 0.04 percent.

c. Stack temperature not greater than 700°F (371°C), plus ambient.

d. Carbon dioxide concentration between 8 and 13 percent, inclusive.

e. Oxygen concentration between 4 and 10 percent, inclusive.

f. Smoke test no higher than #2 for light oils, or #4 for oils heavier than #4.

g. Draft shall be in accordance with burner manufacturer's specifications.

Note: Induced draft and fan assisted types of appliances may require a sample to be taken after the induced draft fan, which may cause oxygen figures in excess of the limits stated. In such cases, safe liquid fuel combustion ratios shall be maintained and be consistent with appliance listing.

4. **Method of test - power type.** The appliance shall be allowed to operate until the stack temperature becomes stabilized after which a sample of the undiluted flue products shall be taken from the appliance flue outlet. The sample shall be analyzed for carbon monoxide, carbon dioxide, and oxygen. Stack temperature shall be recorded.

5. **Performance standards for power type.**

a. Minimum of 80 percent efficiency as determined by flue gas analysis method at appliance flue outlet.

b. Carbon monoxide concentration in the flue gas not greater than 0.04 percent.

c. Stack temperature not greater than 700°F (371°C) plus ambient.

d. Carbon dioxide concentration between 8 and 13 percent, inclusive.

e. Oxygen concentration between 4 and 10 percent, inclusive.

f. Smoke test no higher than #2 for light oils, or #4 for oils heavier than #4.

g. Draft shall be in accordance with burner manufacturer's specifications.

6. **Test records filing; tag.** After completion of the test of newly installed oil

or liquid fuel burner equipment as provided in this section, complete test records shall be filed with the building official on an approved form. The tag stating the date of the test and the name of the installer shall be attached to the appliance at the main valve.

7. **Oxygen concentration.**

a. The concentration of oxygen in the undiluted flue products of oil or liquid fuel burners shall in no case be less than 3 percent nor more than 10 percent, shall be in conformance with applicable performance standards and shall be consistent with the appliance listing.

b. The allowable limit of carbon monoxide shall not exceed 0.04 percent.

c. The flue gas temperature of an oil appliance, as taken on the appliance side of the draft regulator, shall not exceed applicable performance standards and shall be consistent with the appliance listing.

8. **Approved oxygen trim system.** The oxygen figures may not apply when there is an approved oxygen trim system on the burner that is designed for that use, including a low oxygen interlock when approved by the building official.

9. **Supervised start-up.**

a. Supervised start-up may be required to verify safe operation of oil or liquid fuel burner and to provide documentation that operation is consistent with this code, listing and approval. Supervised start-up is required for all liquid fuel burners listed in b, c, and d. Supervised start-up requires that the liquid fuel burner shall be tested in the presence of the building official in an approved manner. Testing shall include safety and operating controls, input, flue gas analysis, and venting. Flue gas shall be tested at high, medium, and low fires.

Provisions shall be made in the system to allow firing test in warm weather. After completion of the test of newly installed oil or liquid fuel burner equipment as provided in this section, complete test records shall be filed with the building official on an approved form. The tag stating the date of the test and the name of the installer shall be attached to the appliance at the main valve.

b. Oil and liquid fuel burners of 1,000,000 Btu/hr input or more require a supervised start-up as in a.

c. Installation of oxygen trim systems, modulating dampers, or other draft control or combustion devices require a supervised start-up as in a.

d. All direct fired heaters require a supervised start-up as in a.

10. **Control diagram.** A complete control diagram of the installation and suitable operating instructions shall be supplied to the building official.

1346.1606 SECTION 1606 EQUIPMENT.

The IMC is amended by adding a section to read as follows:

SECTION 1606

EQUIPMENT

1606.1 Equipment information.

A. All installations of gas or fuel burners with input above 400,000 Btu/hr and all combination gas or fuel burners must be approved before installation. The following information must be supplied as required by the building official.

1) Name, model, and serial number of the burner.

2) Input rating and type of fuel.

3) Name of the nationally recognized testing laboratory that tested and listed the unit.

4) Name, model, and serial number of the furnace or boiler that the burner will be installed in if not part of a complete package.

5) A complete wiring diagram showing the factory and fuel wiring installed or to be installed including all controls, identified by the brand name and model number.

6) A print of the gas or fuel train from the manual shutoff to the appliance showing all controls that will be installed, their names, model numbers, and approvals.

B. All installations of gas or fuel burners with input above 400,000 Btu/hr and all combination gas and oil or other combination fuel burners that are installed in new or renovated boiler or equipment rooms, or are installed in a package with the boiler or furnace, shall include the following information in addition to that required in item A, subitems 1 to 6.

1) A complete piping diagram from the supply source showing all components and materials identified by brand name and model number with relevant approvals.

2) Detailed provisions for combustion air, venting, and stacks.

3) A floor plan drawn to scale showing all relevant equipment. Plans and specifications shall be approved before proceeding with an installation.

MINNESOTA FUEL GAS CODE

1346.5050 TITLE; INCORPORATION BY REFERENCE.

This section is known and may be cited as the "Minnesota Fuel Gas Code." As used in this section, "the code" and "this code" refer to this section. Chapters 2 to 7 of the 2000 edition of the International Fuel Gas Code, promulgated by the International Code Council, Inc., 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, are incorporated by reference as part of the Minnesota Fuel Gas Code with the amendments in this section. As used in this section, "IFGC" means the International Fuel Gas Code incorporated in this part. The IFGC is not subject to frequent change and a copy of the IFGC, with amendments for use in Minnesota, is available in the office of the commissioner of administration.

1346.5201 SECTION 201 (IFGC) GENERAL.

IFGC Section 201.4 is amended to read as follows:

201.4 Terms not defined. Where terms are not defined through the methods authorized by this chapter, the Merriam-Webster Collegiate Dictionary, available at www.m-w.com, shall be considered as providing ordinarily accepted meanings. The dictionary is incorporated by reference, is subject to frequent change, and is available through the Minitex interlibrary loan system.

1346.5202 SECTION 202 (IFGC) GENERAL DEFINITIONS.

Subpart 1. **Section 202.** IFGC Section 202 is amended by adding the following definitions:

GAS PIPING SYSTEM - LOW PRESSURE. A system that operates at a pressure not exceeding 14 inches of water column. LPG is a pressure not exceeding 14 inches of water column.

GAS PIPING SYSTEM - MEDIUM PRESSURE. A system that operates at a pressure exceeding 14 inches of water column but not exceeding five (5) psig. LPG is a pressure exceeding 14 inches of water column but not exceeding twenty (20) psig.

GAS PIPING SYSTEM - HIGH PRESSURE. A system that operates at a pressure exceeding five (5) psig. LPG is a pressure exceeding twenty (20) psig.

Subp. 2. **Definition amended.** The definition of "Ready Access (to)" in IFGC Section 202, is amended to read as follows:

READY ACCESS (TO). That which enables a device, appliance or equipment to be directly reached, without requiring the removal or movement of any panel, door or similar obstruction, and without requiring the use of portable access equipment (see "Access").

1346.5301 SECTION 301 (IFGC) GENERAL.

IFGC Section 301.3 is amended to read as follows:

301.3 Listed and labeled. Appliances regulated by this code shall be listed and labeled to an appropriate standard by a nationally recognized testing laboratory which is qualified to evaluate the appliance, unless otherwise approved in accordance with the administrative provisions of the Minnesota State Building Code, Minnesota Rules, chapter 1300. The approval of unlisted appliances shall be based upon engineering evaluation. Unlisted appliances

shall be installed with clearances to combustibles in accordance with IFGC Chapter 5. Unlisted appliances with a fuel input rating of less than 12,500,000 Btu/hr (3,660 kW) shall have fuel gas trains, controls and safety devices installed in accordance with Part CF, Combustion Side Control, of ASME CSD-1. Unlisted appliances with a fuel input rating of 12,500,000 Btu/hr (3,660 kW) or greater shall have fuel gas trains, controls and safety devices installed in accordance with NFPA 85-2001.

**1346.5303 SECTION 303 (IFGC)
APPLIANCE LOCATION.**

IFGC Section 303.3 is amended to read as follows:

303.3 Prohibited locations. Appliances shall not be located in, or obtain combustion air from, any of the following rooms or spaces:

1. Sleeping rooms.
2. Bathrooms.
3. Toilet rooms.
4. Storage closets.
5. Surgical rooms.

Exceptions:

1. Direct-vent appliances.
2. Vented room heaters, wall furnaces, vented decorative appliances and decorative appliances for installation in vented solid fuel-burning fireplaces, provided that the room is not a confined space and the building is not of unusually tight construction.

3. Appliances installed in a dedicated enclosure in which all combustion air is taken directly from the outdoors, in accordance with amended IFGC Section 304.3. Access to such enclosure shall be through a solid door, weather-stripped in accordance with the exterior door air leakage requirements of the Minnesota Energy Code and equipped with an approved self-closing device.

**1346.5304 SECTION 304 (IFGC)
COMBUSTION, VENTILATION AND
DILUTION AIR.**

Subpart 1. **Section 304.1.** IFGC Section 304 is deleted and replaced with the following:

304.1 General. Air for combustion, ventilation, and dilution of flue gases for gas utilization equipment installed in buildings shall be obtained by application of one of the methods covered in IFGC Section 304.2, 304.3, 304.4, 304.5, or 304.6. Gas utilization equipment of other than natural draft, power vent, and category I vented appliances shall be provided with combustion, ventilation, and dilution air in accordance with the equipment manufacturer's instructions. Refer to IFGC Appendix E for Worksheet E-1, "Residential Combustion Air Calculation Method" and Table E-1, "Residential Combustion Air Required Volume."

Exceptions:

1. Direct vent appliances.
2. Type 1 clothes dryers that are provided with makeup air in accordance with the manufacturer's installation instructions.
3. Replacement of fuel gas utilization equipment that complies with all of the following conditions:

3.1 Replacement equipment has a Btu/hr (kW) input rating not greater than 30 percent above the original equipment input rating.

3.2 Combustion air provisions meet the code requirements in effect at the time of the original installation.

3.3 Replacement equipment shall not cause an existing mechanical system to become unsafe, hazardous, or overloaded.

304.1.1 Equipment location. Equipment shall be located so as not to interfere with proper circulation of combustion, ventilation, and dilution air.

304.1.2 Draft hood or regulator. Where used, a draft hood or a barometric draft regulator shall be installed in the same room or enclosure as the equipment served so as to prevent any difference in pressure between the hood or regulator and the combustion air supply.

Subp. 2. **Section 304.2.** IFGC Section 304.2 is amended to read as follows:

304.2 Indoor combustion air. The required volume of indoor air shall be determined in accordance with IFGC Section 304.2.1, Standard Method, or IFGC Section 304.2.2, Known Air Infiltration Rate Method. The total required volume shall be the sum of the required volume calculated for all appliances located within the space. Rooms communicating directly with the space in which the appliances are installed through openings not furnished with doors, and through combustion air openings sized and located in accordance with IFGC Section 304.2.3 are considered a part of the required volume.

304.2.1 Standard method. The minimum required volume shall be 50 cubic feet per 1,000 Btu/hr (4.8 m³/kW).

304.2.2 Known air infiltration rate method. Where the air infiltration rate of a structure is known, the minimum required volume shall be determined as follows:

Known Air Infiltration Rate Method Equations:

1) **304.2.2.1 For appliances other than fan-assisted and power vent.**

Equation 304.2.2.1:

*Required Volume*_{other} ≥

$$\frac{21 \text{ ft}^3}{\text{ACH}} \times \frac{I_{\text{other}}}{1,000 \text{ Btu/hr}}$$

2) **304.2.2.2 For fan-assisted and power vent appliances.**

Equation 304.2.2.2:

*Required Volume*_{fan} ≥

$$\frac{15 \text{ ft}^3}{\text{ACH}} \times \frac{I_{\text{fan}}}{1,000 \text{ Btu/hr}}$$

Where:

*I*_{other} = All appliances other than fan-assisted and power vent Input in Btu/hr.

*I*_{fan} = Fan-assisted and power vent appliances Input in Btu/hr.

ACH = Air change per hour (percent of volume of space exchanged per hour, expressed as a decimal).

3) An infiltration rate greater than 0.60 ACH shall not be used in the calculations in 1) and 2).

304.2.3 Indoor opening size and location. Openings used to connect indoor spaces shall be sized and located in accordance with the following.

304.2.3.1 Combining spaces on the same story. Each opening shall have a minimum

free area of 1 inch²/1,000 Btu/hr (220 mm²/kW) of the total input rating of all gas utilization equipment in the space, but not less than 100 inches² (0.06 m²). One opening shall commence within 12 inches (300 mm) of the top, and one opening shall commence within 12 inches (300 mm) of the bottom, of the enclosure. The minimum dimension of air openings shall be not less than 3 inches (80 mm).

304.2.3.2 Combining spaces in different stories. The volumes of spaces in different stories shall be considered as communicating spaces where such spaces are connected by one or more openings indoors or floors having a total minimum free area of 2 inches²/1,000 Btu/hr of total input rating of all gas utilization equipment.

Subp. 3. **Section 304.3.** IFGC Section 304.3 is amended to read as follows:

304.3 Outdoor combustion air. Outdoor combustion air shall be provided through openings to the outdoors in accordance with IFGC Section 304.3.1 or 304.3.2. The minimum dimension of air openings shall not be less than 3 inches (80 mm).

304.3.1 Two permanent openings method. Two permanent openings, one commencing within 12 inches (300 mm) of the top, and one commencing within 12 inches (300 mm) of the bottom, of the enclosure shall be provided. The openings shall communicate directly, or by ducts, with the outdoors or spaces that freely communicate with the outdoors.

1. Where directly communicating with the outdoors or where communicating to the outdoors through vertical ducts, each opening shall have a minimum free area of 1 inch²/4,000 Btu/hr (550 mm²/kW) of total input rating of all equipment in the enclosure.

2. Where communicating with the outdoors through horizontal ducts, each opening shall have a minimum free area of 1 inch²/2,000 Btu/hr (1,100 mm²/kW) of total input rating of all equipment in the enclosure.

304.3.2 One permanent opening method. When any natural draft equipment is installed, one permanent opening, commencing within 12 inches (300 mm) of the bottom of the enclosure, shall be provided. When other than natural draft equipment is installed, one permanent opening, commencing within 12 inches (300 mm) of the top of the enclosure, shall be provided. The equipment shall have clearances of at least 1 inch (25 mm) from the sides and back and 6 inches (160 mm) from the front of the appliance. The opening shall directly communicate with the outdoors or shall communicate through a vertical or horizontal duct to the outdoors or spaces that freely communicate with the outdoors and shall have a minimum free area of 1 inch²/3,000 Btu/hr (700 mm²/kW) of the total input rating of all equipment located in the enclosure.

Subp. 4. **Section 304.4.** IFGC Section 304.4 is amended to read as follows:

304.4 Combination indoor and outdoor combustion air. The use of a combination of indoor and outdoor combustion air shall be in accordance with IFGC Sections 304.4.1 through 304.4.3.

304.4.1 Indoor openings. Where used, openings connecting the interior spaces shall comply with IFGC Section 304.2.3.

304.4.2 Outdoor openings location. Outdoor openings shall be located in accordance with IFGC Section 304.3.

304.4.3 Outdoor openings size. The outdoor openings size shall be calculated in accordance with the following:

1. The ratio of interior spaces shall be the available volume of all communicating spaces divided by the required volume.

2. The outdoor size reduction factor shall be 1 minus the ratio of interior spaces.

3. The minimum size of outdoor openings shall be the full size of outdoor openings calculated in accordance with Section 304.3, multiplied by the reduction factor.

Subp. 5. **Section 304.5.** IFGC Section 304.5 is amended to read as follows:

304.5 Engineered installations. Engineered combustion air installations shall provide adequate supply of combustion, ventilation, and dilution air and shall be approved by the building official.

Subp. 6. **Section 304.6.** IFGC Section 304.6 is amended to read as follows:

304.6 Mechanical combustion air supply. Where all combustion air is provided by a mechanical air supply system, the combustion air shall be supplied from outdoors at the minimum rate of 0.35 feet³/min (cfm) per 1,000 Btu/hr (0.034 m³/min per kW) for all appliances located within the space.

304.6.1. Where exhaust fans are installed, additional air shall be provided to replace the exhausted air.

304.6.2. Each of the appliances served shall be interlocked to the mechanical air supply system to prevent main burner operation where the mechanical air supply system is not in operation.

304.6.3. Where combustion air is provided by the building's mechanical ventilation system, the system shall provide the specified combustion air rate in addition to the required ventilation air.

Subp. 7. **Section 304.7.** IFGC Section 304.7 is amended to read as follows:

304.7 Louvers and grilles. The required size of openings for combustion, ventilation, and dilution air shall be based on the net free area of each opening. Where the free area through a design of louver or grille is known, it shall be used in calculating the size opening required to provide the free area specified. Where the design and free area are not known, it shall be assumed that wood louvers will have 25 percent free area and metal louvers and grilles will have 75 percent free area. Nonmotorized louvers and grilles shall be fixed in the open position.

304.7.1 Motorized louvers. Motorized louvers shall be interlocked with the equipment so they are proven in the full open position prior to main burner ignition and during main burner operation. Means shall be provided to prevent the main burner from igniting should the louver fail to open during burner startup and to shut down the main burner if the louvers close during burner operation.

Subp. 8. **Section 304.8.** IFGC Section 304.8 is amended to read as follows:

304.8 Combustion air ducts. Combustion air ducts shall comply with the following:

1. Ducts shall be of galvanized steel or an equivalent corrosion-resistant material. If flexible duct is used, increase the duct diameter by one inch. Flexible duct shall be stretched with minimal sags.

2. Ducts shall terminate in an unobstructed space, allowing free movement of combustion air to the appliances.

3. Ducts shall serve a single space.

4. Ducts shall not service both upper and lower combustion air openings where both such openings are used. The separation between ducts serving upper and lower combustion air openings shall be maintained to the source of combustion air.

5. Ducts shall not terminate in an attic space.

6. The remaining space surrounding a chimney liner, gas vent, special gas vent, or plastic piping installed within a masonry, metal or factory-built chimney shall not be used to supply combustion air.

Exception: Direct vent gas-fired appliances designed for installation in a solid fuel-burning fireplace where installed in accordance with the listing and the manufacturer's instructions.

7. Vertical ducts shall not extend through two or more stories without prior approval from the building official.

8. Ducts shall not terminate in the return air plenum of a forced air heating system unless installed in accordance with the heating equipment manufacturer's installation instructions.

9. Combustion air intake openings shall be located to avoid intake of exhaust air in accordance with IMC Section 401.5.2 and IFGC Section 503.8 and shall be covered with corrosion resistant screen of not less than 1/4 inch (6.4 mm) mesh.

10. Combustion air intake openings shall be located at least 12 inches (305 mm) above adjoining grade level.

11. When both makeup air and combustion air openings are required, they shall be provided through separate openings to the outdoors. Refer to IMC Section 501.4 to determine requirements for makeup air.

Exception: Combination makeup air and combustion air systems may be approved by the building official where they are reasonably equivalent in terms of health, safety, and durability.

Subp. 9. **Sections 304.9 through 304.15.** IFGC Sections 304.9 through 304.15 are deleted.

1346.5306 SECTION 306 (IFGC) ACCESS AND SERVICE SPACE.

Subpart 1. **Section 306.5.** IFGC Section 306.5 is amended to read as follows:

306.5 Mechanical equipment and appliances on roofs or elevated structures. Where mechanical equipment or appliances requiring periodic inspection, service or maintenance are installed on roofs or elevated structures, a permanent stair shall be provided for access.

Exception: A portable ladder may be used for dwellings, replacement equipment on existing buildings, and for exterior roof access points not exceeding 16 feet (4.9 m) above grade, unless the building official determines that the unique shape of the roof does not allow safe access with a portable ladder.

The permanent stair shall be as required by relevant safety regulations, but shall not be less than the following:

1. The stair shall be installed at an angle of not more than 60 degrees measured from the horizontal plane.

2. The stair shall have flat treads at least 6 inches (152 mm) deep and a clear width of at least 18 inches (457 mm) with equally spaced risers at least 10.5 inches (267 mm) high and not exceeding 14 inches (356 mm).

3. The stair shall have intermediate landings not exceeding 18 feet (5.5 m) vertically.

4. Continuous handrails shall be installed on both sides of the stair.

5. Interior stairs shall terminate at the under side of the roof at a hatch or scuttle of at least 8 square feet (0.74 m²) with a minimum dimension of 20 inches (508 mm).

6. When a roof access hatch or scuttle is located within 10 feet (3.0 m) of a roof edge, a guard shall be installed in accordance with IFGC Section 306.6.

7. Exterior stairs shall terminate at the roof access point or at a level landing of at least 8 square feet (0.74 m²) with a minimum dimension of 20 inches (508 mm). The landing shall have a guard installed in accordance with IFGC Section 306.6.

Subp. 2. **Section 306.5.** IFGC Section 306.5 is amended by adding a section to read as follows:

306.5.3 Permanent ladders. Where a change in roof elevation greater than 30 inches (762 mm) but not exceeding 16 feet (4.9 m) exists, a permanent ladder shall be provided. The ladder may be vertical and shall be as required by relevant safety regulations, but shall not be less than the following:

1. Width shall be at least 16 inches (406 mm).

2. Rung spacing shall be a maximum of 14 inches (356 mm).

3. Toe space shall be at least 6 inches (152 mm).

4. Side railings shall extend at least 30 inches (762 mm) above the roof or parapet wall.

1346.5401 SECTION 401 (IFGC) GENERAL.

Section 401.5.1. IFGC Section 401.5 is amended by adding a section to read as follows:

401.5.1 Medium and high pressure identification. Exposed medium and high pressure gas piping systems shall include the operating pressure on the label required by Section 401.5.

1346.5402 SECTION 402 (IFGC) PIPE SIZING.

Subpart 1. **Section 402.3.** IFGC Section 402.3 is amended to read as follows:

402.3 Sizing. Gas piping shall be sized in accordance with IFGC Table 402.3(1) through Table 402.3(34) or other approved engineering methods. If the pressure drop is not specified, use IFGC Table 402.3(35) through Table 402.3(38) for the appropriate gas piping material and inlet pressure: (See IFGC Appendix A).

Subp. 2. **Section 402.3, Tables.** IFGC Section 402.3 is amended by adding tables as follows:

TABLE 402.3(37)
Pipe Sizing Table for Natural Gas
For 0.60 Specific Gravity Natural Gas

Schedule 40 Metallic Pipe
 Inlet Pressure 7" wc Pressure Drop 1" wc

Nominal	Actual ID	Maximum Capacity in Cubic Feet of Gas Per Hour																	
		Length (ft)																	
		10	20	30	40	50	60	80	100	125	150	175	200	250	300	350	400	450	500
1/4	0.364	61	42	34	29	25	23	20	17	16	14	13	12	11	10	9	8	8	7
3/8	0.493	135	93	74	64	56	51	44	39	34	31	29	27	24	21	20	18	17	16
1/2	0.622	248	170	137	117	104	94	80	71	63	57	53	49	43	39	36	34	32	30
3/4	0.824	518	356	286	245	217	197	168	149	132	120	110	102	91	82	76	70	66	62
1	1.049	976	671	539	461	409	370	317	281	249	226	208	193	171	155	143	133	124	118
1-1/4	1.380	2004	1378	1106	947	839	760	651	577	511	463	426	396	351	318	293	272	256	241
1-1/2	1.610	3003	2064	1657	1419	1257	1139	975	864	766	694	638	594	626	477	439	408	383	362
2	2.067	5784	3975	3192	2732	2421	2194	1878	1664	1475	1336	1229	1144	1014	918	845	786	738	697
2-1/2	2.469	9218	6336	5088	4354	3859	3497	2993	2652	2351	2130	1960	1823	1616	1464	1347	1253	1176	1110
3	3.068	16296	11200	8994	7698	6822	6182	5291	4689	4156	3765	3464	3223	2856	2588	2381	2215	2078	1963
4	4.026	33239	22845	18345	15701	13916	12609	10791	9564	8477	7680	7066	6573	5826	5279	4856	4518	4239	4004
5	5.047	60134	41330	33189	28406	25175	22811	19523	17303	15335	13895	12783	11892	10540	9550	8786	8173	7669	7244
6	6.065	97370	66922	53741	45995	40765	36936	31612	28017	24831	22499	20699	19256	17066	15463	14226	13235	12418	11730
8	7.891	194195	133469	107181	91733	81301	73665	63047	55878	49523	44872	41281	38404	34037	30840	28373	26395	24766	23394

TABLE 402.3(38)
Pipe Sizing Table for Natural Gas
For 0.60 Specific Gravity Natural Gas

Schedule 40 Metallic Pipe
 Inlet Pressure 2 psig Pressure Drop 1 psig

Nominal	Actual ID	Maximum Capacity in Cubic Feet of Gas Per Hour																	
		Length (ft)																	
		10	20	30	40	50	60	80	100	125	150	175	200	250	300	350	400	450	500
1/4	0.364	382	263	211	180	160	145	124	110	97	88	81	76	67	61	56	52	49	46
3/8	0.493	847	582	467	400	354	321	275	244	216	196	180	167	148	134	124	115	108	102
1/2	0.622	1558	1071	860	736	652	591	506	448	397	360	331	308	273	247	228	212	199	188
3/4	0.824	3257	2239	1798	1539	1364	1236	1057	937	831	753	692	644	571	517	476	443	415	392
1	1.049	6136	4217	3386	2898	2569	2327	1992	1765	1565	1418	1304	1213	1075	974	896	834	782	739
1-1/4	1.380	12597	8658	6953	5950	5274	4778	4090	3625	3212	2911	2678	2491	2208	2001	1840	1712	1606	1517
1-1/2	1.610	18874	12972	10417	8916	7902	7160	6128	5431	4813	4361	4012	3733	3308	2997	2758	2565	2407	2274
2	2.067	36350	24983	20062	17171	15218	13789	11801	10459	9270	8399	7727	7189	6371	5773	5311	4941	4636	4379
2-1/2	2.469	57936	39819	31976	27367	24255	21977	18809	16670	14775	13387	12316	11458	10155	9201	8465	7875	7389	6979
3	3.068	102420	70393	56528	48381	42879	38851	33252	29470	26119	23666	21772	20255	17952	16265	14964	13921	13062	12338
4	4.026	208905	143579	115299	98681	87459	79244	67823	60110	53275	48271	44408	41313	36615	33176	30522	28395	26642	25166
5	5.047	377939	259755	208593	178528	158226	143364	122701	108748	96381	87329	80341	74742	66242	60020	55218	51370	48198	45528
6	6.065	611970	420604	337760	289079	256205	232140	198682	176088	156064	141405	130091	121024	107262	97187	89411	83179	78044	73720
8	7.891	1220513	838852	673627	576538	510975	462980	396251	351190	311253	282018	259453	241371	213923	193829	178321	165893	155652	147028

1346.5403 SECTION 403 (IFGC) PIPING MATERIALS.

Subpart 1. **Section 403.8.** IFGC Section 403.8 is amended to read as follows:

403.8 Protective coating. Where in contact with material or atmosphere exerting a corrosive action, metallic piping and fittings coated with a corrosion-resistant material shall be used. Steel pipe exposed in exterior locations shall be galvanized or coated with approved corrosion-resistant material. External or internal coatings or linings used on piping or components shall not be considered as adding strength.

Subp. 2. **Section 403.10.4.** IFGC Section 403.10.4 is amended to read as follows:

403.10.4 Metallic fittings. Metallic fittings, including valves, strainers, and filters, shall comply with the following:

1. Threaded fittings in sizes larger than 2 inches (51 mm) shall not be used except where approved.
2. Fittings used with steel or wrought-iron pipe shall be steel, brass, bronze, or malleable iron.
3. Fittings used with copper or brass pipe shall be copper, brass, or bronze.
4. Fittings used with aluminum alloy pipe shall be of aluminum alloy.
5. Brass, bronze, or copper fittings. Fittings, if exposed to soil, shall have a minimum 80 percent copper content.
6. Aluminum alloy fittings. Threads shall not form the joint seal.
7. Zinc-aluminum alloy fittings. Fittings shall not be used in systems containing flammable gas-air mixtures.

1346.5404 SECTION 404 (IFGC) PIPING SYSTEM INSTALLATION.

Subpart 1. **Section 404.4.** IFGC Section 404.4 is amended to read as follows:

404.4 Piping through foundation wall. Underground piping shall not be installed below grade through the outer foundation or basement wall of a building. If necessary due to structural conditions, underground piping may be installed with prior approval from the building official.

Subp. 2. **Section 404.6.** IFGC Section 404.6 is amended to read as follows:

404.6 Piping in solid floors. Piping in solid floors shall be laid in channels in the floor and covered in a manner that will allow access to the piping with a minimum amount of damage to the building. Where such piping is subject to exposure to excessive moisture or corrosive substances, the piping shall be protected in an approved manner. If necessary due to structural conditions, piping may be installed in other locations with prior approval from the building official.

Subp. 3. **Section 404.7.** IFGC Section 404.7 is amend to read as follows:

404.7 Above-ground piping outdoors. All piping installed outdoors shall be elevated not less than 3-1/2 inches (152 mm) above ground and, where installed across roof surfaces, shall be elevated not less than 3-1/2 inches (152 mm) above the roof surface. Piping installed above ground, outdoors, and across the surface of roofs shall be securely supported and located where it will be protected from physical damage. Where passing through an outside wall, the piping shall also be protected against corrosion by coating or wrapping with an inert material. Where piping is encased in a protective

sleeve, the annular space between the piping and the sleeve shall be sealed.

Subp. 4. **Section 404.8.** IFGC Section 404.8 is amended to read as follows:

404.8 Protection against corrosion. Metallic pipe or tubing exposed to corrosive action, such as soil condition or moisture, shall be protected in an approved manner. Zinc coatings (galvanizing) shall not be deemed adequate protection for gas piping underground. Steel pipe exposed in exterior locations shall be galvanized or coated with approved corrosion-resistant material. Where dissimilar metals are joined underground, an insulating coupling or fitting shall be used. Piping shall not be laid in contact with cinders.

Subp. 5. **Section 404.11.** IFGC Section 404.11 is amended to read as follows:

404.11 Piping underground beneath buildings. Piping installed underground beneath buildings is prohibited except where the piping is encased in a conduit of wrought iron, plastic pipe, or steel pipe designed to withstand the superimposed loads and with prior approval from the building official. Such conduit shall extend into an occupiable portion of the building and, at the point where the conduit terminates in the building, the space between the conduit and the gas piping shall be sealed to prevent the possible entrance of any gas leakage. Where the end sealing is capable of withstanding the full pressure of the gas pipe, the conduit shall be designed for the same pressure as the pipe. Such conduit shall extend not less than 4 inches (102 mm) outside the building, shall be vented above grade to the outdoors, and shall be installed so as to prevent the entrance of water and insects. Such conduit shall be identified with a yellow label marked "Gas" in black letters, spaced at intervals not exceeding 5 feet (1,524 mm), and shall be located a minimum of 6 inches (152 mm) below the bottom of the concrete floor. The conduit shall be protected from

corrosion in accordance with IFGC Section 404.8.

Subp. 6. **Section 404.15.** IFGC Section 404.15 is amended to read as follows:

404.15 Prohibited devices. A device shall not be placed inside the piping or fittings that will obstruct the free flow of gas.

1346.5406 SECTION 406 (IFGC) INSPECTION, TESTING AND PURGING.

Subpart 1. **Section 406.1.2.** IFGC Section 406.1.2 is amended to read as follows:

406.1.2 Alterations, repairs and additions. In the event alterations, repairs or additions are made following the pressure test, the affected piping shall be tested.

Exception: Equipment replacement, minor alterations, repairs, or additions, provided the work is inspected and connections are tested with a noncorrosive leak-detecting fluid or other leak-detecting methods approved by the building official.

Subp. 2. **Section 406.1.4.** IFGC Section 406.1.4 is deleted.

Subp. 3. **Section 406.4.1.** IFGC Section 406.4.1 is amended to read as follows:

406.4.1 Test pressure. The test pressure to be used shall be no less than one and one-half times the proposed maximum working pressure, but not less than 25 psig (172 kPa gauge), irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

Subp. 4. **Section 406.4.2.** IFGC Section 406.4.2 is amended to read as follows:

406.4.2 Test duration. Test duration shall be not less than one-half hour. When testing a system in a single-family dwelling, the test duration shall be permitted to be reduced to 10 minutes with prior approval from the building official.

Subp. 5. **Section 406.4.** IFGC Section 406.4 is amended by adding a section to read as follows:

406.4.3 Test gauges. Tests which utilize dial gauges shall be performed with gauges of 2 psi (13.8 kPa) incrementation or less and shall have a pressure range not greater than twice the test pressure applied. The test pressure shall be within the middle 50 percent of the test gauge pressure range.

1346.5407 SECTION 407 (IFGC) PIPING SUPPORT.

IFGC Section 407 is amended by adding a section to read as follows:

407.3 Expansion and flexibility. Piping systems shall be designed to have sufficient flexibility to prevent thermal expansion or contraction from causing excessive stresses in the piping material, excessive bending or loads at joints, or undesirable forces at points of connections to equipment and at anchorage or guide points.

1346.5408 SECTION 408 (IFGC) DRIPS AND SLOPED PIPING.

IFGC Section 408.4 is amended to read as follows:

408.4 Sediment trap. A sediment trap shall be installed before all automatically controlled gas utilization equipment where a sediment trap is not incorporated as part of the equipment. The sediment trap shall be installed as close to the inlet of the equipment as practical, before any regulator or automatic gas valve, and ahead of all pounds-to-inches pressure regulators. The sediment trap shall be either a tee fitting

with a capped nipple, a minimum of 3 inches (80 mm) in length, in the bottom opening of the run of the tee, or other device approved as an effective sediment trap. If a tee fitting is used, it shall provide a 90-degree change of direction of gas flow and the cap shall be at an elevation lower than the tee fitting.

1346.5409 SECTION 409 (IFGC) SHUTOFF VALVES.

Subpart 1. **Section 409.1.** IFGC Section 409.1 is amended to read as follows:

409.1 General. Piping systems shall be provided with an approved main shutoff valve before the first branch line. The main shutoff valve shall be installed in the first available location that provides ready access and shall have a permanently attached handle. Main shutoff valves controlling several gas piping systems shall be protected from physical damage and shall be placed an adequate distance from each other so they will be easy to operate.

Subp. 2. **Section 409.2.** IFGC Section 409.2 is amended to read as follows:

409.2 Meter valve. Every meter shall be equipped with a shutoff valve located on the supply side of the meter. The main shutoff valve required in amended IFGC Section 409.1 shall serve as the shutoff valve.

Subp. 3. **Section 409.3.1.** IFGC Section 409.3.1 is amended to read as follows:

409.3.1 Multiple tenant buildings. In multiple tenant buildings, where a common piping system is installed to supply other than one- and two-family dwellings, shutoff valves shall be provided for each tenant. Each tenant shall have access to the shutoff valve serving that tenant's space. A main shutoff valve shall be installed in a common utility room or otherwise located to provide ready access to all tenants of the building, and it shall not be located in a locked room

without prior permission from the building official.

1346.5410 SECTION 410 (IFGC) FLOW CONTROLS.

IFGC Section 410.3 is amended to read as follows:

410.3 Venting of regulators. Pressure regulators that require a vent shall have an independent vent to the outside of the building. The vent shall be designed to prevent the entry of water or foreign objects. Regulator vents shall terminate at least 3 feet (914 mm) from doors, operable windows, nonmechanical intake openings, and openings into direct-vent appliances. The vent termination shall be located at least 12 inches (305 mm) above grade and shall be suitably screened and hooded to prevent accidental closure of the vent pipe.

Exception: A vent to the outside of the building is not required for regulators equipped with and labeled for utilization with approved vent-limiting devices installed in accordance with the manufacturer's instructions.

1346.5501 SECTION 501 (IFGC) GENERAL.

Subpart 1. **Section 501.7.** IFGC Section 501.7 is amended to read as follows:

501.7 Connection to fireplace. Connection of any appliance to chimney flues serving fireplaces is prohibited. Refer to IFGC Section 602 for Decorative Appliances for Installation in Fireplaces and IFGC Section 603 for Log Lighters.

Subp. 2. **Section 501.8.** IFGC Section 501.8 is amended to read as follows:

501.8 Equipment not required to be vented. The following appliances shall not be required to be vented.

1. Ranges.
2. Built-in domestic cooking units listed and marked for optional venting.
3. Hot plates and laundry stoves.
4. Type 1 clothes dryers (Type 1 clothes dryers shall be exhausted in accordance with the requirements of IFGC Section 613).
5. A single booster-type automatic instantaneous water heater, where designed and used solely for the sanitizing rinse requirements of a dishwashing machine, provided that the heater is installed in a commercial kitchen having a mechanical exhaust system. Where installed in this manner, the draft hood, if required, shall be in place and unaltered and the draft hood outlet shall be not less than 36 inches (914 mm) vertically and 6 inches (152 mm) horizontally from any surface other than the heater.
6. Refrigerators.
7. Counter appliances.
8. Direct-fired make-up air heaters.
9. Other equipment listed for unvented use and not provided with flue collars.
10. Specialized equipment of limited input such as laboratory burners and gas lights.

Automatically operated equipment vented with a hood or exhaust system shall comply with IFGC Section 503.3.4. Where the appliances and equipment listed in items 5 through 10 are installed so that the aggregate input rating exceeds 20 Btu/hr per cubic foot (207 watts per m³) of volume of the room or space in which such appliances and equipment are installed, one or more shall be provided with venting systems or other approved means for conveying the vent gases to the outdoor atmosphere so that the aggregate input rating of the remaining

unvented appliances and equipment does not exceed the 20 Btu/hr per cubic foot (207 watts per m³) figure. Where the room or space in which the equipment is installed is directly connected to another room or space by a doorway, archway, or other opening of comparable size that cannot be closed, the volume of such adjacent room or space shall be permitted to be included in the calculations.

Subp. 3. **Section 501.12.** IFGC Section 501.12 is amended to read as follows:

501.12 Residential and low-heat appliances flue lining systems. An approved metallic liner shall be installed in masonry chimneys used to vent gas appliances. The liner shall comply with one of the following:

1. Aluminum (1100 or 3003 alloy or equivalent) not less than 0.032 inches thick to 8 inches diameter.
2. Stainless steel (304 or 430 alloy or equivalent) not less than 26 gauge (0.018 inches thick) to 8 inches diameter or not less than 24 gauge (0.024 inches thick) 8 inches diameter and larger.
3. Listed vent systems.

Exception: Metallic liners are not required when each appliance connected into the masonry chimney has a minimum input rating greater than 400,000 Btu/hr.

501.12.1 Terminations. Metallic liners shall terminate in accordance with the requirements for gas vents in IFGC Section 503.6.6.

1346.5503 SECTION 503 (IFGC) VENTING OF EQUIPMENT.

Subpart 1. **Section 503.2.2.** IFGC Section 503.2.2 is deleted.

Subp. 2. **Section 503.5.3.** IFGC Section 503.5.3 is amended to read as follows:

503.5.3 Masonry chimneys. Masonry chimneys shall be built and installed in accordance with NFPA 211, or the IBC and shall be lined with approved clay flue lining, a listed chimney lining system, or other approved material that will resist corrosion, erosion, softening, or cracking from vent gases at temperatures up to 1800°F (982°C). Masonry chimneys used to vent gas appliances shall comply with amended IFGC Section 501.12.

Exception: Masonry chimney flues serving listed gas appliances with draft hoods, Category I appliances, and other gas appliances listed for use with Type B vent shall be permitted to be lined with a chimney lining system specifically listed for use only with such appliances. The liner shall be installed in accordance with the liner manufacturers' instructions and the terms of the listing. A permanent identifying label shall be attached at the point where the connection is to be made to the liner. The label shall read: "This chimney liner is for appliances that burn gas only. Do not connect to solid or liquid fuel-burning appliances or incinerators."

For information on installation of gas vents in existing masonry chimneys, see IFGC Section 503.6.5.

Subp. 3. **Section 503.5.5.** IFGC Section 503.5.5 is amended to read as follows:

503.5.5 Size of chimneys. The effective area of a chimney venting system serving listed appliances with draft hoods, Category I appliances, and other appliances listed for use with Type B vents shall be in accordance with IFGC Section 504 or other approved engineering methods.

Exceptions:

1. As an alternate method of sizing an individual chimney venting system for a single appliance with a draft hood, the effective areas of the vent connector and chimney flue shall be not less than the area of the appliance flue collar or draft hood outlet, nor greater than four times the draft hood outlet area.

2. As an alternate method for sizing a chimney venting system connected to two appliances with draft hoods, the effective area of the chimney flue shall be not less than the area of the larger draft hood outlet plus 50 percent of the area of the smaller draft hood outlet, nor greater than four times the smallest draft hood outlet area.

Where an incinerator is vented by a chimney serving other gas utilization equipment, the gas input to the incinerator shall not be included in calculating chimney size, provided the chimney flue diameter is not less than 1 inch (25.4 mm) larger in equivalent diameter than the diameter of the incinerator flue outlet.

Subp. 4. **Section 503.5.6.** IFGC Section 503.5.6 is amended to read as follows:

503.5.6 Inspection of chimneys. Before replacing an existing appliance or connecting a vent connector to a chimney, the chimney passageway shall be examined to ascertain that it is clear and free of obstructions and it shall be cleaned if previously used for venting solid or liquid fuel-burning appliances or fireplaces.

Exception: Existing chimneys shall be lined in accordance with amended IFGC Section 501.12 unless otherwise approved by the building official.

Subp. 5. **Section 503.5.10.** IFGC Section 503.5.10 is amended to read as follows:

503.5.10 Space surrounding lining or vent. The remaining space surrounding a chimney liner, gas vent, special gas vent, or plastic piping installed within a masonry, metal or factory-built chimney shall not be used to vent another appliance.

Exception: Direct vent gas-fired appliances designed for installation in a solid fuel burning fireplace where installed in accordance with the listing and the manufacturer's instructions.

Subp. 6. **Section 503.6.9.1.** IFGC Section 503.6.9.1 is amended to read as follows:

503.6.9.1 Category I appliances. The sizing of natural draft venting systems serving one or more listed appliances equipped with a draft hood or appliances listed for use with Type B gas vent, installed in a single story of a building, shall be in accordance with IFGC Section 504 or in accordance with sound engineering practice. Category I appliances are either draft hood-equipped or fan-assisted combustion system in design. Different vent design methods are required for draft hood-equipped and fan-assisted combustion system appliances.

Exceptions:

1. As an alternate method for sizing an individual gas vent for a single, draft hood-equipped appliance, the effective area of the vent connector and the gas vent shall be not less than the area of the appliance draft hood outlet, nor greater than four times the draft hood outlet area. Vents serving fan-assisted combustion system appliances shall be sized in accordance with IFGC Section 504 or other approved engineering methods.

2. As an alternate method for sizing a gas vent connected to two appliances with draft hoods, the effective area of the vent shall be not less than the area of the larger draft hood outlet plus 50 percent of the smaller draft hood outlets, nor greater than four times the smallest draft hood outlet area. Vents

servicing fan-assisted combustion system appliances, or combinations of fan-assisted combustion system and draft hood-equipped appliances, shall be sized in accordance with IFGC Section 504 or other approved engineering methods.

Subp. 7. **Section 503.7.8.** IFGC Section 503.7.8 is amended to read as follows:

503.7.8 Size of single-wall metal pipe. A venting system constructed of single-wall metal pipe shall be sized in accordance with one of the following methods and the equipment manufacturer's instructions:

1. For a draft hood-equipped appliance, in accordance with IFGC Section 504.
2. For a venting system for a single appliance with a draft hood, the areas of the connector and the pipe each shall be not less than the area of the appliance flue collar or draft hood outlet, whichever is smaller. The vent area shall not be greater than four times the draft hood outlet area.
3. Other approved engineering methods.

Subp. 8. **Section 503.8.** IFGC Section 503.8 is amended to read as follows:

503.8 Venting system termination location. The location of venting system terminations shall comply with the following:

1. A mechanical draft venting system shall terminate at least 3 feet (914 mm) above any mechanical air inlet located within 10 feet (3048 mm).

Exceptions:

- a. This provision shall not apply to the combustion air intake of a direct-vent appliance.
- b. This provision shall not apply to the separation of the integral outdoor air inlet

and flue gas discharge of listed outdoor appliances.

2. A mechanical draft venting system, including power vent and direct-vent appliances, shall terminate in accordance with the following minimum clearances from doors, operable windows, and nonmechanical air inlets:

10,000 or less	6	3 or less	152
10,001-50,000	9	3.1 to 14.7	230
Over 50,000	12	Over 14.7	305

Exception: Where this section specifies a minimum clearance that is less restrictive than the conditions of listing of the equipment or appliances, the conditions of listing and the manufacturer's installation instructions shall apply.

3. The bottom of the vent terminal and the air intake of a mechanical draft venting system shall be located at least 12 inches (305 mm) above grade.
4. Through-the-wall vents for Category II and Category IV appliances and noncategorized condensing appliances shall not terminate over public walkways or over an area where condensate or vapor could create a nuisance or hazard or could be detrimental to the operation of regulators, relief valves, or other equipment. Where local experience indicates that condensate is a problem with Category I and Category III appliances, this provision shall also apply.

Subp. 9. **Section 503.10.7.** IFGC Section 503.10.7 is amended to read as follows:

503.10.7 Joints. Joints between sections of connector piping and connections to flue collars and hood outlets shall be fastened by a minimum of three equally spaced sheet metal screws or other approved means.

1346.5504 SECTION 504 (IFGC) SIZING OF CATEGORY 1 APPLIANCE VENTING SYSTEMS.

Subpart 1. **Section 504.2.7.** IFGC Section 504.2.7 is amended to read as follows:

504.2.7 Liner system sizing. Listed corrugated metallic chimney liner systems in masonry chimneys shall be sized by using IFGC Table 504.2(1) or 504.2(2) for Type B vents with the maximum capacity reduced by 20 percent (0.80 x maximum capacity) and the minimum capacity as shown in IFGC Table 504.2(1) or 504.2(2). Corrugated metallic liner systems installed with bends or offsets shall have their maximum capacity further reduced in accordance with IFGC Section 504.3. Approved metallic liners, other than listed corrugated metallic liner systems, installed in accordance with amended IFGC Section 501.12, shall be sized by using IFGC Table 504.2(1) or 504.2(2) for Type B vents. When IFGC Table 504.2(1) or 504.2(2) permits more than one diameter for a connector or vent of a fan-assisted appliance, the smallest permitted diameter shall be used.

Subp. 2. **Section 504.2.8.** IFGC Section 504.2.8 is amended to read as follows:

504.2.8 Vent area and diameter. Where the vertical vent has a larger diameter than the vent connector, the vertical vent diameter shall be used to determine the minimum vent capacity, and the connector diameter shall be used to determine the maximum vent capacity. The flow area of the vertical vent shall not exceed four times the flow area of the listed appliance categorized vent area, flue collar area, or draft hood outlet area unless designated in accordance with approved engineering methods.

Subp. 3. **Section 504.3.15.** IFGC Section 504.3.15 is amended to read as follows:

504.3.15 Vertical vent maximum size. Where two or more appliances are connected to a vertical vent or chimney, the flow area of the largest section of vertical vent or chimney shall not exceed four times the smallest listed appliance categorized vent areas, flue collar area, or draft hood outlet area unless designed in accordance with approved engineering methods.

Subp. 4. **Section 504.3.17.** IFGC Section 504.3.17 is amended to read as follows:

504.3.17 Liner system sizing. Listed corrugated metallic chimney liner systems in masonry chimneys shall be sized by using IFGC Table 504.3(1) or 504.3(2) for Type B vents, with the maximum capacity reduced by 20 percent (0.80 x maximum capacity) and the minimum capacity as shown in IFGC Table 504.3(1) or 504.3(2). Corrugated metallic liner systems installed with bends or offsets shall have their maximum capacity further reduced in accordance with IFGC Sections 504.3.5 and 504.3.6. Approved metallic liners, other than listed corrugated metallic 114.6 liner systems, installed in accordance with amended IFGC Section 501.12, shall be sized by using IFGC Table 504.3(1) or 504.3(2) for Type B vents. When IFGC Table 504.3(1) or 504.3(2) permits more than one diameter for a connector or vent of a fan-assisted appliance, the smallest permitted diameter shall be used.

1346.5602 SECTION 602 (IFGC) DECORATIVE APPLIANCES FOR INSTALLATION IN FIREPLACES.

Subpart 1. **Section 602.1.** IFGC Section 602.1 is amended to read as follows:

602.1 General. Decorative appliances for installation in approved solid fuel burning fireplaces shall be tested in accordance with ANSI Z21.50-2000, *Vented Gas Fireplaces*, and ANSI Z21.88-2000, *Vented Gas Fireplace Heaters*, and shall be installed in accordance with the manufacturer's

installation instructions. Manually lighted natural gas decorative appliances shall be tested in accordance with an approved method.

Subp. 2. **Section 602.3.** IFGC Section 602.3 is amended to read as follows:

602.3 Prohibited installations. Decorative appliances for installations in fireplaces shall not be installed where prohibited by IFGC Section 303.3. Unvented decorative appliances shall not be installed in any dwelling or occupancy.

1346.5620 SECTION 620 (IFGC) UNVENTED ROOM HEATERS.

IFGC Section 620 is deleted and replaced with the following:

620.1 Unvented heaters. Unvented room heaters and unvented decorative appliances shall not be installed in any dwelling or occupancy.

1346.5629 SECTION 629 (IFGC) INFRARED RADIANT HEATERS.

IFGC Section 629.3 is amended by adding a section to read as follows:

629.3 Ventilation air. Where unvented infrared heaters are installed, mechanical ventilation shall be provided to exhaust at least 4 cubic feet per minute (cfm) (0.0203 m³/s) per 1,000 Btu/hr (0.292 kW) input rating and it shall be electrically interlocked with the heater. Makeup air shall be provided to the space to be heated.

1346.5630 SECTION 630 (IFGC) BOILERS.

Subpart 1. **Section 630.1.** IFGC Section 630.1 is amended to read as follows:

630.1 Standards. Boilers with an input rating below 400,000 Btu/hr (3,660 kW) shall be listed in accordance with the

requirements of ANSI Z21.13/CSA 4.9 or UL 795. Boilers with an input rating of 400,000 Btu/hr (3,660 kW) or greater shall be designed and constructed in accordance with the *ASME Boiler and Pressure Vessel Code*, Sections I, II, IV, V, VIII, and IX, and amended IFGC Section 301.3, as applicable. Boilers with an input rating above 400,000 Btu/hr (117 kW) and less than 12,500,000 Btu/hr (3,660 kW) shall comply with ASME CSD-1, and boilers with an input rating of 12,500,000 Btu/hr (3,660 kW) or greater shall comply with NFPA 85-2001, *Boiler and Combustion Systems Hazards Code*.

Subp. 2. **Section 630.2.** IFGC Section 630.2 is amended to read as follows:

630.2 Installation. In addition to the requirements of this code, the installation of boilers shall be in accordance with the manufacturer's instructions and IMC Chapter 10. Operating instructions of a permanent type shall be attached to the boiler. Boilers shall have all controls set, adjusted and tested by the installer in accordance with amended IFGC Chapter 8. A complete control diagram together with complete boiler instructions shall be furnished by the installer. The manufacturer's rating data and the nameplate shall be attached to the boiler.

1346.5700 CHAPTER 7, REFERENCED STANDARDS.

- A. ANSI Z21.13-2000 *Gas-Fired Low-Pressure Steam and Hot Water Boilers*;
- B. ANSI Z21.50-2000 *Vented Gas Fireplaces*;
- C. ANSI Z21.88-2000 *Vented Gas Fireplace Heaters*;
- D. ASME BPV-2001 *Boiler and Pressure Vessel Code*, Sections I, II, IV, V, VIII, and IX;

E. ASME CSD-1-2002 *Controls and Safety Devices for Automatically Fired Boilers*;

F. NFPA 58-2001 *Liquefied Petroleum Gas Code*; and

G. NFPA 85-2001 *Boiler and Combustion Systems Hazards Code*.

CHAPTER 8

INSTALLATION AND TESTING OF FUEL GAS-FIRED EQUIPMENT

1346.5801 SECTION 801 (IFGC) GENERAL.

The IFGC is amended by adding a chapter to read as follows:

SECTION 801

GENERAL

801.1 General. Chapter 8 shall regulate the installation and testing or repair of gas or fuel burning systems, gas or fuel burners, and gas or fuel burning equipment installed within, or in conjunction with, building or structures. The requirements of this chapter shall apply to the following equipment:

1. Equipment utilized to provide control of environmental conditions.

Exception: Equipment and appliances listed and labeled to an appropriate standard by a nationally recognized testing laboratory, which is qualified to evaluate the equipment or appliance, when installed and tested according to the manufacturer's installation instructions.

2. Equipment with a fuel input of 1,000,000 Btu/hr or greater.

3. Unlisted equipment.

4. Miscellaneous equipment when required by the building official.

1346.5802 SECTION 802 (IFGC) EQUIPMENT PLACEMENT.

The IFGC is amended by adding a section to read as follows:

SECTION 802

EQUIPMENT PLACEMENT

802.1 Placing equipment in operation.

After completion of the installation, all safety and operating controls and venting shall be tested before placing the burner in service. The correct input of fuel shall be determined and the fuel-to-air ratio set. Each gas or fuel burner shall be adjusted to its proper input according to the manufacturer's instructions. Overrating the burners or appliance is prohibited. Btu/hr input range shall be appropriate to the appliance.

1. The rate of flow of the gas or fuel shall be adjusted to within plus or minus two percent of the required Btu/hr rating at the manifold pressure specified by the manufacturer. When the prevailing pressure is less than the manifold pressure specified, the rates shall be adjusted at the prevailing pressure.

2. For conversion burners installed in hot water (liquid) boilers or warm air furnaces, the rate of flow of the gas or fuel in Btu/hr shall be adjusted to within plus or minus five percent of the calculated Btu/hr heat loss of the building in which it is installed, or the design load, and shall not exceed the design rate of the appliance.

3. For conversion burners installed in steam boilers, the gas or fuel hourly input demand shall be adjusted to meet the steam load requirements. The gas or fuel input demand necessitated by an oversized boiler shall be established and added to the input demand for load requirements to arrive at a total input demand.

1346.5803 SECTION 803 (IFGC) PILOT OPERATION.

The IFGC is amended by adding a section to read as follows:

SECTION 803

PILOT OPERATION

803.1 Pilot operation. Pilot flames shall ignite the gas or fuel at the main burner or burners and shall be adequately protected from drafts. Pilot flames shall not become extinguished during pilot cycle when the main burner or burners are turned on or off in a normal manner, either manually or by automatic controls.

1346.5804 SECTION 804 (IFGC) BURNER OPERATION.

The IFGC is amended by adding a section to read as follows:

SECTION 804

BURNER OPERATION

804.1 Burner operation. When testing to determine compliance with this section, care shall be exercised to prevent the accumulation of unburned gas or fuel in the appliance or flues that might result in explosion or fire.

1. The flames from each burner shall freely ignite the gas or fuel from adjacent burners when operating at the prevailing gas or fuel pressure and when the main control valve is regulated to deliver at one-third of the fuel gas or fuel rate.

2. Burner flames shall not flash back after immediate ignition nor after turning the fuel cock until the flow rate to the burner is one-third the full supply.

3. Burner flames shall not flash back when the gas or fuel is turned on or off by an automatic control mechanism.

4. Main burner flames shall ignite freely from each pilot when the main control valve is regulated to one-third the full gas or fuel rate and when the pilot flame is reduced to a minimum point at which it will actuate the safety device.

5. When ignition is made in a normal manner, the flame shall not flash outside the appliance.

6. Burners shall not expel gas or fuel through air openings when operating at prevailing pressure.

7. Burners shall have proper fuel air mixture to ensure smooth ignition of the main burner.

8. Dual fuel burners may have controls common or independent to both fuels. Transfer from one fuel to the other shall be by a manual interlock switching system to prevent the gas and other fuel being used simultaneously except by special permission from the building official. The building official shall consider whether an exception will provide equivalent safety. The transfer switch shall have a center off position and shall not pass through the center off position without stopping in the center off position.

1346.5805 SECTION 805 (IFGC) METHOD OF TEST.

The IFGC is amended by adding a section to read as follows:

SECTION 805

METHOD OF TEST

805.1 Method of test.

1. **Operational checking.** The flue gas, venting, safety and operating controls of the

appliance shall be checked to ensure proper and safe operation.

2. Method of test - atmospheric type/induced draft type/fan-assisted type.

The appliance shall be allowed to operate until the stack temperature becomes stabilized after which a sample of the undiluted flue products shall be taken from the appliance flue outlet. The sample taken shall be analyzed for carbon monoxide, carbon dioxide and oxygen. Stack temperature shall be noted.

Note: Appliance designs incorporating induced draft assemblies may require a flue gas sample to be taken after the draft regulator or induced draft fan.

3.1. Performance standards for atmospheric type.

- a) Minimum of 75 percent efficiency as determined by flue gas analysis method at appliance flue outlet.
- b) Carbon monoxide concentration in flue gas not greater than 0.04 percent on an air-free basis.
- c) Stack temperature not greater than 480°F, plus ambient.
- d) Carbon dioxide concentration between 6 and 9 percent, inclusive.
- e) Oxygen concentration between 4 and 10 percent, inclusive.

3.2. Performance standards for induced draft type/fan-assisted type.

- a) Minimum of 75 percent efficiency as determined by flue gas analysis method at appliance flue outlet.
- b) Carbon monoxide concentration in flue gas not greater than 0.04 percent on an air free basis.

c) Stack temperature not greater than 480°F, plus ambient.

d) Oxygen concentration between 4 and 10 percent, inclusive, with carbon dioxide concentration between 6 and 9 percent, inclusive.

Note: Induced draft type and fan-assisted type appliances may require a sample to be taken after the induced draft fan, which may cause oxygen figures in excess of limits stated. In such cases, safe fuel combustion ratios shall be maintained and be consistent with appliance listing.

4. Method of test - power type. The appliance shall be allowed to operate until the stack temperature becomes stabilized after which a sample of the undiluted flue products shall be taken from the appliance flue outlet. The sample shall be analyzed for carbon monoxide, carbon dioxide and oxygen. Stack temperature shall be recorded.

5. Performance standards for power type.

- a) Minimum of 80 percent efficiency as determined by flue gas analysis method at appliance flue outlet.
- b) Carbon monoxide concentration in flue gas not greater than 0.04 percent.
- c) Stack temperature not greater than 480°F plus ambient, or 125°F in excess of fluid temperature plus ambient.
- d) Carbon dioxide concentration between 6 and 9 percent, inclusive.
- e) Oxygen concentration between 3 and 10 percent, inclusive.

6. After completion of the test of newly installed gas or fuel burner equipment as provided in this section, complete test records shall be filed with the building

official on an approved form. The tag stating the date of the test and the name of the installer shall be attached to the appliance at the main valve.

7. **Oxygen concentration.**

a) The concentration of oxygen in the undiluted flue products of gas or fuel burners shall in no case be less than 3 percent nor more than 10 percent, shall be in conformance with applicable performance standards and shall be consistent with the appliance listing.

b) The allowable limit of carbon monoxide shall not exceed 0.04 percent.

c) The flue gas temperature of a gas appliance, as taken on the appliance side of the draft regulator, shall not exceed applicable performance standards and shall be consistent with the appliance listing.

8. **Approved oxygen trim system.** The oxygen figures may not apply when there is an approved oxygen trim system on the burner that is designed for that use, including a low oxygen interlock when approved by the building official. The building official shall consider whether an exception will provide equivalent safety.

9. **Supervised start-up.**

a) Supervised start-up may be required to verify safe operation of gas or fuel burner and to provide documentation that operation is consistent with this code, listing and approval. Supervised start-up is required for all fuel burners in b, c, and d. Supervised start-up requires that fuel burners shall be tested in the presence of the building official in an approved manner. Testing shall include safety and operating controls, input, flue gas analysis, and venting. Flue gas shall be tested at high, medium and low fires. Provisions shall be made in the system to allow firing test in warm weather. After completion of the test of newly

installed gas or fuel burner equipment as provided in this section, complete test records shall be filed with the building official on an approved form. The tag stating the date of the test and the name of the installer shall be attached to the appliance at the main valve.

b) Gas and fuel burners of 1,000,000 Btu/hr input or more require a supervised start-up as in a.

c) Installation of oxygen trim systems, modulating dampers, or other draft control or combustion devices require a supervised start-up as in a.

d) All direct fired heaters require a supervised start-up as in a.

10. A complete control diagram of the installation and suitable operating instructions shall be supplied to the building official.

1346.5806 SECTION 806 (IFGC) PRESSURE REGULATORS.

The IFGC is amended by adding a section to read as follows:

SECTION 806

PRESSURE REGULATORS

806.1 Pressure regulators.

A. General.

1. Regulators shall be provided with access for servicing.

2. Regulators shall be provided with a shutoff valve, union and test taps (both upstream and downstream of the regulator) for servicing.

3. All regulators with inlet gas pressure exceeding 14 inches water column pressure or used on an appliance having an input

exceeding 400,000 Btu/hr shall have an approved high pressure manual gas valve in the supply piping upstream of the regulator.

4. All regulators with inlet gas pressure exceeding 14 inches water column pressure or used on an appliance having an input exceeding 400,000 Btu/hr shall be vented to the outdoors in separate vents sized according to the manufacturer's specifications.

Exception: Regulators equipped with limiting orifices installed in accordance with amended IFGC Section 410.3.

5. Regulators may not be vented into a combustion chamber or an appliance vent.

6. Regulator vents shall terminate at least 3 feet (914 mm) from doors, operable windows, nonmechanical intake openings, and openings into direct-vent appliances. The vent termination shall be located at least 12 inches (305 mm) above grade and shall be suitably screened and hooded to prevent accidental closure of the vent pipe.

7. All pounds-to-pounds and pounds-to-inches regulators used as appliance regulators where downstream controls are not rated for upstream pressure shall be of the full lock-up type.

B. Appliance.

1. Appliance regulators shall be installed consistent with the listing and approval of the equipment and the listing and approval of the regulator manufacturer.

2. Each gas burner or appliance shall have its own gas pressure regulator. This appliance regulator is in addition to any pounds-to-pounds or pounds-to-inches regulators in the system.

1346.5807 SECTION 807 (IFGC) EQUIPMENT INFORMATION.

The IFGC is amended by adding a section to read as follows:

SECTION 807

EQUIPMENT INFORMATION

807.1 Equipment information.

A. All installations of gas or fuel burners with input above 400,000 Btu/hr and all combination gas or fuel burners shall be approved before installation. The following information shall be supplied if required by the building official.

1) Name, model, and serial number of the burner.

2) Input rating and type of fuel.

3) Name of the nationally recognized testing laboratory that tested and listed the unit.

4) Name, model, and serial number of the furnace or boiler that the burner will be installed in if not part of a complete package.

5) A complete wiring diagram showing the factory and fuel wiring installed or to be installed including all controls, identified by the brand name and model number.

6) A print of the gas or fuel train from the manual shutoff to the appliance showing all controls that will be installed, their names, model numbers, and approvals.

B. All installations of gas or fuel burners with input above 400,000 Btu/hr and all combination gas and oil or other combination fuel burners that are installed in new or renovated boiler or equipment rooms, or are installed in a package with the boiler or furnace, shall include the following information in addition to that required in item A, subitems 1 to 6.

1) A complete piping diagram from the supply source showing all components and materials identified by brand name and model number with relevant approvals.

2) Detailed provisions for combustion air, venting, and stacks.

3) A floor plan drawn to scale showing all relevant equipment. Plans and specifications shall be approved before proceeding with an installation.

**1346.5900 SECTION 900
MANUFACTURED HOME
PARK/COMMUNITY FUEL GAS
EQUIPMENT AND INSTALLATION.**

The IFGC is amended by adding a chapter to read as follows:

CHAPTER 9

**MANUFACTURED HOME
PARK/COMMUNITY FUEL GAS
EQUIPMENT AND INSTALLATION**

901 General. Except as otherwise permitted or required by this chapter, all fuel gas equipment and installations in manufactured home parks and communities shall comply with the provisions of this code. The provisions of this chapter shall not apply to manufactured home gas piping and equipment.

902 Required gas supply. The minimum hourly volume of gas required at each manufactured home lot outlet or any section of the manufactured home gas piping system shall be calculated as shown in IFGC Table 902. Required gas supply for buildings or other fuel gas utilization equipment connected to the manufactured home gas piping system shall be calculated as provided in this code.

Table 902 Demand Factors for Calculating Gas Piping Systems in Manufactured Home Parks and Communities		
Number of Manufactured Home Sites	Demand Factor (Btu/hr) per Manu- factured Home Site	Demand Factor (Watts) per Manu- factured Home Site
1	125,000	36,638
2	117,000	34,293
3	104,000	30,482
4	96,000	28,138
5	92,000	26,965
6	87,000	25,500
7	83,000	24,327
8	81,000	23,741
9	79,000	23,155
10	77,000	22,569
11-20	66,000	19,345
21-30	62,000	18,172
31-40	58,000	17,000
41-60	55,000	16,121
Over 60	50,000	14,655

903 Installation. Gas piping shall not be installed underground beneath buildings or that portion of the manufactured home lot reserved for the location of manufactured homes, manufactured home accessory buildings or structures, concrete slabs, or automobile parking, unless installed in a gas-tight conduit complying with the following:

1. The conduit shall be of material approved for installation underground beneath buildings and not less than Schedule 40 pipe. The interior diameter of the conduit shall be not less than 0.5 inch (15 mm) larger than the outside diameter of the gas piping.

2. The conduit shall extend to a point not less than 12 inches (305 mm) beyond any area where it is required to be installed, or the outside wall of a building, and the outer ends shall not be sealed. Where the conduit terminates within a building, it shall be provided with access, and the space between the conduit and the gas piping shall be sealed to prevent leakage of gas into the building.

Exception: A gas piping lateral terminating in a manufactured home lot riser surrounded by a concrete slab shall not be required to be installed in a conduit, provided the concrete slab is entirely outside the wall line of the manufactured home, and is used for stabilizing other utility connections.

904 Manufactured home lot shutoff valve. Each manufactured home lot shall have an approved gas shutoff valve installed upstream of the manufactured home lot gas outlet and located on the outlet riser at a height at least 6 inches (152 mm) above grade. Such valve shall not be located under a manufactured home. When the manufactured home lot is not in use, the outlet shall be equipped with an approved cap or plug to prevent accidental discharge of gas.

905 Manufactured home lot gas outlet. Each manufactured home lot piped for gas shall be provided with an individual outlet riser at the manufactured home lot. The manufactured home lot gas outlet shall terminate with the point of delivery in the rear third section and within 4 feet (1,219 mm) of the proposed location of the manufactured home.

906 Manufactured home gas connector. Each manufactured home shall be connected to the lot outlet by an approved or listed gas connector, a maximum of 6 feet (1,829 mm) in length. Approved pipe and fittings may be used between the flexible connector and the lot gas outlet when the distance exceeds that required to make a safe installation with only an approved or listed gas connector. Gas connectors shall be of a size to adequately supply the total demand of the connected manufactured home.

907 Mechanical protection. All gas outlet risers, regulators, meters, valves, or other exposed equipment shall be protected from mechanical damage. Atmospherically controlled regulators shall be installed in such a manner that moisture cannot enter the regulator vent and accumulate above the diaphragm. Where the regulator vent may be obstructed due to snow and icing conditions, shields, hoods, or other suitable devices shall be provided to guard against closing the vent opening.

908 Meters. Meters shall not be installed in unvented or inaccessible locations or closer than 3 feet (914 mm) from sources of ignition. When meters are installed, they shall not depend on the gas outlet riser for support, but shall be adequately supported by a post or bracket placed on a firm footing, or other means providing equivalent support.

909 Meter shutoff valve. All meter installations shall be provided with a shutoff valve located adjacent to and on the inlet side of the meter. For installations utilizing a liquefied petroleum gas container, the container service valve shall serve as the shutoff valve.

910 Gas pipe sizing. The size of each section of natural gas or liquefied petroleum gas piping systems shall be determined as specified in this code.

911 Maintenance. The manufactured home park/community operator shall be responsible for maintaining all gas piping installations and equipment in good working condition.

IMC Appendix C, Table C-1

Recommended Capacities for Domestic Kitchen Exhaust Hoods

Hood Size Area (Sq. Ft.)	Equipment with Grills or Deep Fryers (Number of Exposed Sides)		Ranges and Ovens (Number of Exposed Sides)	
	Four (CFM)	Three (CFM)	Four (CFM)	Three (CFM)
Up to 4	Up to 400	Up to 300	Up to 300	Up to 200
4	400	300	300	200
4.5	450	338	338	225
5	500	375	375	250
5.5	550	413	413	275
6	600	450	450	300
6.5	650	488	488	325
7	700	525	525	350
7.5	750	563	563	375
8	800	600	600	400
8.5	850	638	638	425
9	900	675	675	450
9.5	950	713	713	475
10	1,000	750	750	500
10.5	1,050	788	788	525
11	1,100	825	825	550
11.5	1,150	863	863	575
12	1,200	900	900	600
12.5	1,250	938	938	625
13	1,300	975	975	650
13.5	1,350	1,013	1,013	675
14	1,400	1,050	1,050	700
14.5	1,450	1,088	1,088	725
15	1,500	1,125	1,125	750
15.5	1,550	1,163	1,163	775
16	1,600	1,200	1,200	800

IFGC Appendix E, Worksheet E-1

Residential Combustion Air Calculation Method
(for Furnace, Boiler, and/or Water Heater in the Same Space)

Step 1: Complete vented combustion appliance information.

Furnace/Boiler:

___ Draft Hood (Not fan assisted) ___ Fan Assisted & Power Vent ___ Direct Vent Input: _____ Btu/hr

Water Heater:

___ Draft Hood (Not fan assisted) ___ Fan Assisted & Power Vent ___ Direct Vent Input: _____ Btu/hr

Step 2: Calculate the volume of the Combustion Appliance Space (CAS) containing combustion appliances.

The CAS includes all spaces connected to one another by code compliant openings. CAS volume: _____ ft³

Step 3: Determine Air Changes per Hour (ACH)¹

Default ACH values have been incorporated into Table E-1 for use with Method 4b (KAIR Method).
If the year of construction or ACH is not known, use method 4a (Standard Method).

Step 4: Determine Required Volume for Combustion Air.

4a. Standard Method

Total Btu/hr input of all combustion appliances (DO NOT COUNT DIRECT VENT APPLIANCES) Input: _____ Btu/hr

Use Standard Method column in Table E-1 to find Total Required Volume (TRV) TRV: _____ ft³

If CAS Volume (from Step 2) is **greater than** TRV then no outdoor openings are needed.

If CAS Volume (from Step 2) is **less than** TRV then go to **STEP 5**.

4b. Known Air Infiltration Rate (KAIR) Method

Total Btu/hr input of all fan-assisted and power vent appliances (DO NOT COUNT DIRECT VENT APPLIANCES) Input: _____ Btu/hr

Use Fan-Assisted Appliances column in Table E-1 to find Required Volume Fan Assisted (RVFA) RVFA: _____ ft³

Total Btu/hr input of all non-fan-assisted appliances Input: _____ Btu/hr

Use Non-Fan-Assisted Appliances column in Table E-1 to find Required Volume Non-Fan-Assisted (RVNFA) RVNFA: _____ ft³

Total Required Volume (TRV) = RVFA + RVNFA TRV = _____ + _____ = _____ ft³

If CAS Volume (from Step 2) is **greater than** TRV then no outdoor openings are needed.

If CAS Volume (from Step 2) is **less than** TRV then go to **STEP 5**.

Step 5: Calculate the ratio of available interior volume to the total required volume.

Ratio = CAS Volume (from Step 2) **divided by** TRV (from Step 4a or Step 4b) Ratio = _____ / _____ = _____

Step 6: Calculate Reduction Factor (RF).

RF = 1 **minus** Ratio RF = 1 - _____ = _____

Step 7: Calculate single outdoor opening as if all combustion air is from outside.

Total Btu/hr input of all Combustion Appliances in the same CAS (EXCEPT DIRECT VENT) Input: _____ Btu/hr

Combustion Air Opening Area (CAOA):
Total Btu/hr **divided by** 3000 Btu/hr per in² CAO A = _____ / 3000 Btu/hr per in² = _____ in²

Step 8: Calculate Minimum CAO A.

Minimum CAO A = CAO A **multiplied by** RF Minimum CAO A = _____ x _____ = _____ in²

Step 9: Calculate Combustion Air Opening Diameter (CAOD)

CAOD = 1.13 **multiplied by the square root of** Minimum CAO A CAOD = 1.13 x $\sqrt{\text{Minimum CAO A}}$ = _____ in

¹ If desired, ACH can be determined using ASHRAE calculation or blower door test. Follow procedures in Section 304.

IFGC Appendix E, Table E-1

Residential Combustion Air Required Volume (Required Interior Volume Based on Input Rating of Appliances)

Input Rating (Btu/hr)	Standard Method (ft ³)	Known Air Infiltration Rate (KAIR) Method (ft ³)			
		Fan Assisted		Non-Fan-Assisted	
		1994 ¹ to Present	Pre 1994 ²	1994 ¹ to Present	Pre 1994 ²
5,000	250	375	188	525	263
10,000	500	750	375	1,050	525
15,000	750	1,125	563	1,575	788
20,000	1,000	1,500	750	2,100	1,050
25,000	1,250	1,875	938	2,625	1,313
30,000	1,500	2,250	1,125	3,150	1,575
35,000	1,750	2,625	1,313	3,675	1,838
40,000	2,000	3,000	1,500	4,200	2,100
45,000	2,250	3,375	1,688	4,725	2,363
50,000	2,500	3,750	1,875	5,250	2,625
55,000	2,750	4,125	2,063	5,775	2,888
60,000	3,000	4,500	2,250	6,300	3,150
65,000	3,250	4,875	2,438	6,825	3,413
70,000	3,500	5,250	2,625	7,350	3,675
75,000	3,750	5,625	2,813	7,875	3,938
80,000	4,000	6,000	3,000	8,400	4,200
85,000	4,250	6,375	3,188	8,925	4,463
90,000	4,500	6,750	3,375	9,450	4,725
95,000	4,750	7,125	3,563	9,975	4,988
100,000	5,000	7,500	3,750	10,500	5,250
105,000	5,250	7,875	3,938	11,025	5,513
110,000	5,500	8,250	4,125	11,550	5,775
115,000	5,750	8,625	4,313	12,075	6,038
120,000	6,000	9,000	4,500	12,600	6,300
125,000	6,250	9,375	4,688	13,125	6,563
130,000	6,500	9,750	4,875	13,650	6,825
135,000	6,750	10,125	5,063	14,175	7,088
140,000	7,000	10,500	5,250	14,700	7,350
145,000	7,250	10,875	5,438	15,225	7,613
150,000	7,500	11,250	5,625	15,750	7,875
155,000	7,750	11,625	5,813	16,275	8,138
160,000	8,000	12,000	6,000	16,800	8,400
165,000	8,250	12,375	6,188	17,325	8,663
170,000	8,500	12,750	6,375	17,850	8,925
175,000	8,750	13,125	6,563	18,375	9,188
180,000	9,000	13,500	6,750	18,900	9,450
185,000	9,250	13,875	6,938	19,425	9,713
190,000	9,500	14,250	7,125	19,950	9,975
195,000	9,750	14,625	7,313	20,475	10,238
200,000	10,000	15,000	7,500	21,000	10,500
205,000	10,250	15,375	7,688	21,525	10,763
210,000	10,500	15,750	7,875	22,050	11,025
215,000	10,750	16,125	8,063	22,575	11,288
220,000	11,000	16,500	8,250	23,100	11,550
225,000	11,250	16,875	8,438	23,625	11,813
230,000	11,500	17,250	8,625	24,150	12,075

¹ The 1994 date refers to dwellings constructed under the 1994 Minnesota Energy Code. The default KAIR used in this section of the table is 0.20 ACH.

² This section of the table is to be used for dwellings constructed prior to 1994. The default KAIR used in this section of the table is 0.40 ACH.

Please note: The sections listed in the repealer below are sections that have been repealed relative to the old 1991 Uniform Mechanical Code only. These repealed sections do not apply to the 2000 International Mechanical Code and 2000 International Fuel Gas Code.

REPEALER. Minnesota Rules, parts
1346.0108; 1346.0203; 1346.0204;
1346.0302; 1346.0304; 1346.0405;
1346.0406; 1346.0407; 1346.0408;
1346.0409; 1346.0410; 1346.0411;
1346.0414; 1346.0418; 1346.0421;
1346.0424; 1346.0504; 1346.0602;
1346.0605; 1346.0606; 1346.0607;
1346.0608; 1346.0707; 1346.0710;
1346.0807; 1346.0808; 1346.0809;
1346.0913; 1346.1002; 1346.1005;
1346.1104; 1346.1107; 1346.1207;
1346.1503; 1346.1505; 1346.1520;
1346.1521; 1346.1906; 1346.2002;
1346.2003; 1346.2101; 1346.2102;
1346.2104; 1346.2106; 1346.2107;
1346.2108; 1346.2109; 1346.2110;
1346.2111; 1346.2113; 1346.2114;
1346.2115; 1346.2120; 1346.2122;
1346.2123; 1346.2124; 1346.2125;
1346.2126; 1346.2127; 1346.2133;
1346.2201; 1346.2202; 1346.2205;
1346.2206; 1346.2211; 1346.2212;
1346.2213; 1346.2215; 1346.2216;
1346.2220; 1346.2226; 1346.2500; and
1346.2600, are repealed.

MINNESOTA RULES, CHAPTER 1350

MANUFACTURED HOMES

1350.0100 DEFINITIONS.

Subpart 1. **Applicability.** For the purposes of parts 1350.0100 to 1350.9200, the terms defined in this part have the meanings given them.

Subp. 2. **Accessory structure.** "Accessory structure" means manufactured home accessory structure.

Subp. 3. **Act.** "Act" means the National Manufactured Housing Construction and Safety Standards Act of 1974, title VI of the Housing and Community Development Act of 1974, United States Code, title 42, sections 5401 to 5426 (1976), and all amendments to the act.

Subp. 4. **Anchor.** "Anchor" means ground anchor.

Subp. 5. **Anchoring equipment.** "Anchoring equipment" means bolts, straps, cables, turnbuckles, and chains, including tensioning devices, which are used with ties to secure a manufactured home to ground anchors or the foundation system.

Subp. 6. **Anchoring system.** "Anchoring system" means any method used for securing the manufactured home to a foundation system or the ground.

Subp. 7. **Approved.** "Approved" means acceptable to the authority having jurisdiction.

Subp. 8. **Authority having jurisdiction.** "Authority having jurisdiction" means the commissioner.

Subp. 9. **Authorized representative.** "Authorized representative" means any person, firm, corporation, or employee approved or hired by the commissioner to perform inspection services.

Subp. 10. **Baling.** "Baling" means a method of "wrapping" a cross section (roof, walls,

and floor) and the main frame (chassis) of a manufactured home with straps.

Subp. 10a. **Climatic conditions.** "Climatic conditions" means meteorological circumstances that would prevent a complying installation of a manufactured home, including, but not limited to, frost, extreme rains, or flooding.

Subp. 11. **Code.** "Code" means the manufactured home building code.

Subp. 12. **Commissioner.** "Commissioner" means the commissioner of administration or the commissioner's duly authorized representatives.

Subp. 13. **Construction alteration.** "Construction alteration" means the replacement, addition, modification, or removal of any equipment or installation which may affect the construction, plumbing, heating, cooling, or fuel-burning system, or electrical system or the functioning of any of these in manufactured homes subject to the code.

Subp. 14. **Construction compliance certificate.** "Construction compliance certificate" means the certificate provided by the manufacturer or dealer to both the commissioner and the owner which warrants that the manufactured home complies with the code.

Subp. 15. **Dealer.** "Dealer" means any person who engages in the business, either exclusively or in addition to any other occupation, of selling or brokering manufactured homes, new or used, or who offers to sell, solicit, broker, or advertise the sale of manufactured homes, new or used.

Subp. 16. **Defect.** "Defect" means a failure to comply with an applicable federal mobile home construction and safety standard in Code of Federal Regulations, title 24, part

3280, that renders the manufactured home or any part or component of it not fit for the ordinary use for which it was intended, but that does not result in an unreasonable risk of injury or death to occupants of the manufactured home.

Subp. 17. **Design approval inspection agency.** "Design approval inspection agency" means a state or private organization that has been accepted by the secretary.

Subp. 18. **Diagonal tie.** "Diagonal tie" means a tie intended primarily to resist horizontal or shear forces and which may secondarily resist vertical, uplift, and overturning forces.

Subp. 19. **Distributor.** "Distributor" means any person engaged in the sale and distribution of manufactured homes for resale.

Subp. 20. **Evaluation agency.** "Evaluation agency" means an organization approved by the secretary which is qualified by reason of facilities, personnel, experience, and demonstrated reliability to investigate and evaluate manufactured homes.

Subp. 21. **Failure to conform.** "Failure to conform" includes noncompliance, having a defect or serious defect, and having an imminent safety hazard related to failure to comply with an applicable federal mobile home construction and safety standard in Code of Federal Regulations, title 42, part 3280. "Failure to conform" is used as a substitute for all of those terms.

Subp. 22. **Footing.** "Footing" means that portion of the support system that transmits loads directly to the soil.

Subp. 23. **Foundation system.** "Foundation system" means a permanent foundation constructed in conformance with the State Building Code.

Subp. 24. **Ground anchor.** "Ground anchor" means any device at the manufactured home installation site designed to transfer manufactured home anchoring loads to the ground.

Subp. 25. **Imminent safety hazard.** "Imminent safety hazard" means a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable federal mobile home construction and safety standard in Code of Federal Regulations, title 42, part 3280.

Subp. 26. **Independent inspection agency.** "Independent inspection agency" means an organization approved by the secretary qualified to review and approve plans and specifications for manufactured homes with respect to model, structural, electrical, mechanical, and plumbing requirements and to evaluate quality control programs and make inspections.

Subp. 27. **Installation.** "Installation" of a manufactured home means assembly, at the site of occupancy, of all portions of the manufactured home, connection of the manufactured home to utility connections, and installation of support or anchoring systems.

Subp. 28. **Installation alteration.** "Installation alteration" means the replacement, addition, modification, or removal of any components of the ground support or ground anchoring systems required under parts 1350.0100 to 1350.6900.

Subp. 29. **Installation compliance certificate.** "Installation compliance certificate" means the certificate provided by the installer to both the commissioner and the owner which warrants that the manufactured home complies with parts 1350.0100 to 1350.6900.

Subp. 30. **Installation instructions.** "Installation instructions" means those instructions provided by the manufacturer accompanying each manufactured home detailing the manufacturer's requirements for ground supports and anchoring systems attachments.

Subp. 31. **Installation seal.** "Installation seal" means a device or insignia issued by the commissioner to a manufactured home installer to be displayed on the manufactured

home to evidence compliance with the commissioner's rules pertaining to manufactured home installations.

Subp. 32. **Installer.** "Installer" means a licensed manufactured home installer, according to Minnesota Statutes, sections 326.83 to 326.98.

Subp. 33. **Label.** "Label" means the approved form of certification required by the secretary or the secretary's agents to be affixed to each transportable section of each manufactured home manufactured for sale, after June 14, 1976, to a purchaser in the United States.

Subp. 34. **Length of a manufactured home.** "Length of a manufactured home" means its largest overall length in the traveling mode, including cabinets and other projections which contain interior space. Length does not include bay windows, roof projections, overhangs, or eaves under which there is no interior space, nor does it include drawbars, couplings, or hitches.

Subp. 34a. **Limited dealer.** "Limited dealer" means the owner, as principal only, of a licensed manufactured home park authorized by license to sell, offer for sale, solicit, and advertise for sale ten used manufactured homes annually within the owner's licensed manufactured home park, as defined in Minnesota Statutes, section 327.14, subdivision 3.

Subp. 35. **Listed.** "Listed" means equipment or materials included in a list published by a nationally recognized testing laboratory that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner.

Subp. 36. **Listing agency.** "Listing agency" means an agency approved by the commissioner which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed products, and which makes available at least an annual published

report of the listing which includes specific information that the product has been tested to approved standards and found safe for use in a specified manner.

Subp. 37. **Main frame.** "Main frame" means the structural component on which is mounted the body of the manufactured home.

Subp. 38. **Manufactured home.** "Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under Minnesota Statutes, chapter 327.

Subp. 39. **Manufactured home accessory structure.** "Manufactured home accessory structure" means a factory-built building or structure which is an addition or supplement to a manufactured home and, when installed, becomes a part of the manufactured home.

Subp. 40. **Manufactured home building code.** "Manufactured home building code" means for manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976, the standards code promulgated by the American National Standards Institute and identified as ANSI A119.1, including all revisions thereof in effect on May 21, 1971, or the provisions of the National Fire Protection Association identified as NFPA 501B, and further revisions adopted by the commissioner.

"Manufactured home building code" means for manufactured homes constructed after June 14, 1976, the Manufactured Home Construction and Safety Standards

promulgated by the United States Department of Housing and Urban Development which are in effect at the time of the manufactured home's manufacture.

Subp. 41. **Manufactured home installer.** "Manufactured home installer" means any person, firm, or corporation which installs manufactured homes for others at site of occupancy.

Subp. 42. **Manufacturer.** "Manufacturer" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes for sale.

Subp. 43. **Mobile home.** "Mobile home" is synonymous with manufactured home whenever it appears in parts 1350.0100 to 1350.9200 and in other documents or on construction or installation seals.

Subp. 44. **Model group.** "Model group" means two or more manufacturer-designed accessory structures which constitute one model.

Subp. 45. **Noncompliance.** "Noncompliance" means a failure of a manufactured home to comply with a federal manufactured home construction or safety standard that does not constitute a defect, serious defect, or imminent safety hazard.

Subp. 46. **Person.** "Person" means a person, partnership, corporation, or other legal entity.

Subp. 47. **Production inspection primary inspection agency.** "Production inspection primary inspection agency" means an agency which evaluates the ability of manufactured home manufacturing plants to follow approved quality control procedures and which provides ongoing surveillance of the manufacturing process.

Subp. 48. **Purchaser.** "Purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale.

Subp. 48a. **Replacement construction seal.** "Replacement construction seal" means a construction seal issued by the commissioner to replace a construction seal or label that has

been lost or removed from a manufactured home after application has been made and verification has been received by the commissioner that the home complies with the manufactured home code.

Subp. 48b. **Retailer.** "Retailer" is synonymous with dealer wherever it appears in parts 1350.0100 to 1350.9200 and in federal and state laws and rules relating to manufactured housing.

Subp. 49. **Seal.** "Seal" means a device or insignia issued by the commissioner to be displayed on the manufactured home to evidence compliance with the manufactured home building code. "Seal" includes construction, accessory structure, and installation seals.

Subp. 50. **Secretary.** "Secretary" means the secretary of the United States Department of Housing and Urban Development or the head of any successor agency with responsibility for enforcement of federal laws relating to manufactured homes.

Subp. 51. **Serious defect.** "Serious defect" means any failure to comply with an applicable federal mobile home construction and safety standard in Code of Federal Regulations, title 24, part 3280 that renders the manufactured home or any part of it not fit for the ordinary use for which it was intended and which results in an unreasonable risk of injury or death to occupants of the affected manufactured home.

Subp. 52. **Stabilizing devices.** "Stabilizing devices" means all components of the anchoring and support systems such as piers, footings, ties, anchoring equipment, ground anchors, and any other equipment which supports the manufactured home and secures it to the ground.

Subp. 53. **Stabilizing system.** "Stabilizing system" means a combination of the anchoring system and the support system when properly installed.

Subp. 54. **State administrative agency.** "State administrative agency" means an agency of a state which has been approved or

conditionally approved to carry out the state plan for enforcement of the federal manufactured home construction and safety standards. For manufactured homes manufactured after June 14, 1976, and located or manufactured in Minnesota, the commissioner of administration is the state administrative agency.

Subp. 55. **Support system.** "Support system" means any foundation system or other structural method used for the purpose of supporting a manufactured home at the site of occupancy.

Subp. 56. **Testing agency.** "Testing agency" means an organization which:

- A. is primarily interested in testing and evaluating equipment and installations;
- B. is qualified and equipped to observe experimental testing to approved standards;
- C. is not under the jurisdiction or control of any manufacturer or supplier of any industry;
- D. makes available a published report in which specific information is included stating that the equipment and installations listed or labeled have been tested and found safe for use in a specific manner; and
- E. is approved by the commissioner.

Subp. 57. **Tie.** "Tie" means a strap, cable, or securing device used to connect the manufactured home to ground anchors.

Subp. 58. **Utility connections.** "Utility connections" means the connection of the manufactured home to existing utilities including, but not limited to, electricity, water, sewer, gas, or fuel oil.

Subp. 59. **Vertical tie.** "Vertical tie" means a tie intended primarily to resist the uplifting and overturning forces.

Subp. 60. **Width of a manufactured home.** "Width of a manufactured home" means its largest overall width in the traveling mode, including cabinets and other projections which contain interior space. Width does not include bay windows, roof projections,

overhangs, or eaves under which there is no interior space.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 17 SR 1279; 24 SR 184

1350.0200 AUTHORIZATION.

Parts 1350.0100 to 1350.6900 are authorized by Minnesota Statutes, sections 327.31 to 327.36 and 327B.04, and established through the rulemaking procedures in Minnesota Statutes, sections 14.02, 14.04 to 14.36, 14.38, and 14.44 to 14.45, to implement, interpret, and carry out the provisions of Minnesota Statutes, sections 327.31 to 327.36 and 327B.04 relating to manufactured homes.

If parts 1350.0100 to 1350.6900 differ from the code promulgated by the American National Standards Institute as ANSI A119.1, or the provisions of the National Fire Protection Association identified as NFPA 501B, parts 1350.0100 to 1350.6900 govern in all cases.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.0300 ENFORCEMENT.

The commissioner shall administer and enforce parts 1350.0100 to 1350.9200 and the code. Any authorized representative of the Department of Administration may enter any premises where manufactured homes are manufactured, sold, offered for sale, parked in any manufactured home park in the state, or installed in the state if the installation was made after September 1, 1974. The authorized representative may examine any records and may inspect any manufactured home, equipment, or installations to ensure compliance with parts 1350.0100 to 1350.9200 and the code. The authorized representative may require that a portion or portions of a manufactured home be removed or exposed in order that an inspection may be made to determine compliance, or require that

all portions of an installation be removed or exposed to make this determination.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

CONSTRUCTION SEALS AND LABELS

1350.0400 REQUIREMENT FOR SEALS, CODE COMPLIANCE, CONSTRUCTION COMPLIANCE CERTIFICATES, OR LABELS.

Subpart 1. **Construction seals; code compliance; construction compliance certificates or labels.** After July 1, 1972, no person shall sell or offer for sale in this state any manufactured home manufactured after July 1, 1972; manufacture any manufactured home in this state; or park any manufactured home manufactured after July 1, 1972, in any manufactured home park in this state, unless the manufactured home complies with the code and the commissioner's revisions to it, bears a construction seal issued by the commissioner, and is accompanied by a construction compliance certificate by the manufacturer or dealer, on a form issued by the commissioner, both evidencing that it complies with the code, or if manufactured after June 14, 1976, bears a label as required by the secretary.

Subp. 2. **Alteration of manufactured homes required to have a construction seal or label.** After July 1, 1972, no person shall alter any manufactured home bearing, or required to bear, a construction seal or label as provided in subpart 1 unless the person has complied with part 1350.3800.

Subp. 3. **Requirement for installation seals.** No person shall install or connect to any manufactured home or manufactured home accessory structure a ground support or anchoring system unless the system and installation comply with parts 1350.0100 to 1350.6900. The installer shall affix the correct installation seals to the manufactured home or the manufactured home accessory

structure installed in compliance with parts 1350.0100 to 1350.6900. Evidence of compliance shall be supported by the submission of a certificate to the commissioner and the manufactured home owner. Installation seals are not required for manufactured homes installed on a foundation system in a municipality enforcing the State Building Code. A permit to install a manufactured home in a municipality enforcing the State Building Code is required by the municipality.

Subp. 4. Seals for incomplete installations.

When climatic conditions interfere with the completion of installation, the dealer or installer will assign an installation seal for the manufactured home incompletely installed and notify the commissioner stating the condition prohibiting the completion of the installation using the form issued by the commissioner. A copy of this notice shall be provided to the owner. When climatic conditions permit the completion of installation, the installation will be promptly completed and the installation seal affixed to the manufactured home. The installation compliance certificate shall be provided to the commissioner and the owner. A building official may approve, in writing, a permanent installation of a manufactured home between the dates of November 15 and March 31 if the building official determines that climatic conditions would not prevent completion of a permanent installation.

Subp. 5. **Requirement for manufactured home accessory structure seal.** No person shall install or connect to any manufactured home a subordinate structure manufactured after September 1, 1974, unless the accessory structure complies with parts 1350.0100 to 1350.9200 and the code and bears a manufactured home accessory structure seal and is accompanied by a certificate by the manufacturer or dealer evidencing that it complies with the code.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.0500 ACQUISITION OF LABELS AND SEALS; INSTALLER LICENSING.

Subpart 1. **Acquisition of labels.** United States Department of Housing and Urban Development labels are acquired by the manufacturer from the secretary pursuant to the act.

Subp. 2. **Acquisition of construction seals or replacement construction seals.** Any person may qualify for replacement seals by furnishing proof on forms furnished by the commissioner that the manufactured home to which the seal or label was affixed and was manufactured in compliance with the State or Federal Manufactured Home Building Code and has not been brought out of conformance because of damage, additions, or alterations.

Subp. 3. **Acquisition of accessory structure seals.** Any manufacturer of accessory structures shall qualify for acquisition of an accessory structure seal by obtaining plan approval pursuant to parts 1350.1300 to 1350.2000 and quality control approval pursuant to part 1350.3500.

Subp. 4. **Installer licensing.** Application for installer licensing shall be issued by the Department of Commerce as required by Minnesota Statutes, section 326.89. Installer license verification must be submitted as supporting evidence to the commissioner of administration to establish that installation seals issued to an installer will be affixed only to those manufactured homes where the support system and ground anchoring system installations comply with parts 1350.0100 to 1350.6900 and the code.

Subp. 5. **Acquisition of installation seals.** Any licensed installer shall qualify for acquisition of installation seals by providing proof of licensure in good standing with the Department of Commerce.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.0600 APPLICATION FOR SEALS.

Subpart 1. **Application for replacement construction seals.** Any person who has met the applicable requirements of part 1350.0500 shall apply for replacement construction seals using the forms issued by the commissioner. The application shall be accompanied by the replacement construction seal fee in part 1350.6500.

Subp. 2. **Application for installation seals.** Any installer who has met the applicable requirements of part 1350.0500 shall apply for installation seals. The application shall be on forms issued by the commissioner, and the application shall be accompanied by the installation seal fee in part 1350.6500.

Subp. 3. **Application for accessory structure seals.** Any manufacturer of manufactured home accessory structures who has met the applicable requirements of part 1350.0500 shall apply for accessory structure seals. The application shall be on the forms issued by the commissioner, and the application shall be accompanied by the accessory structure seal fee in part 1350.6500.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.0700 DENIAL AND REPOSSESSION OF SEALS.

Subpart 1. **Installation seals.** Should investigation or inspection reveal that an installer has not installed a manufactured home according to parts 1350.0100 to 1350.6900 and the code, the commissioner may deny the installer's application for new installation seals, and any installation seals previously issued shall be confiscated. Upon satisfactory proof of modification of such installation bringing it into compliance, the installer may resubmit an application for installation seals.

Subp. 2. **Accessory seals.** Should investigation or inspection reveal that a manufacturer is not constructing manufactured home accessory structures

according to plans approved by the commissioner, and the manufacturer, after having been served with a notice setting forth in what respect the provisions of parts 1350.0100 to 1350.6900 and the code have been violated, continues to manufacture manufactured home accessory structures in violation of parts 1350.0100 to 1350.6900 and the code, applications for new accessory seals shall be denied, and the accessory seals previously issued shall be confiscated. Upon satisfactory proof of compliance the manufacturer may resubmit an application for accessory seals.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.0800 SEAL OR LABEL REMOVAL.

Subpart 1. **Construction seals or labels.** If any manufactured home bearing the construction seal or label or any manufactured home once sold to a consumer is found to be in violation of the code, the commissioner may remove the construction seal or label after furnishing the owner or the owner's agent with a written statement of the violation. The commissioner shall not issue a replacement construction seal until corrections have been made and the owner or agent has requested an inspection pursuant to part 1350.2100.

Subp. 2. **Installation seals.** Should a violation of the rules regarding installation be found, the commissioner may remove the installation seal after furnishing the owner or the owner's agent with a written statement of the violation. The commissioner shall not issue a new installation seal until corrections have been made and the owner or agent has requested an inspection pursuant to part 1350.2100.

Subp. 3. **Accessory structure seals.** If any accessory structure bearing the accessory structure seal is found to be in violation of the code, the commissioner may remove the accessory structure seal after furnishing the owner or the owner's agent with a written

statement of the violation. The commissioner shall not issue a new accessory structure seal until corrections have been made and the owner or agent has requested an inspection pursuant to part 1350.2100.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 17 SR 1279; 24 SR 1846

1350.0900 PLACEMENT AND LOCATION OF SEALS.

Subpart 1. **Replacement construction seals or construction seals.** Each replacement construction seal or construction seal shall be assigned and affixed to a specific manufactured home. Assigned replacement construction seals or construction seals are not transferable and are void when not affixed as assigned, and all voided construction seals or labels shall be returned to, or may be confiscated by, the commissioner.

The construction seal shall be securely affixed to the rear of the manufactured home on the lower left corner of the exterior wall not less than six inches above the floor line.

Subp. 2. **Installation seals.** Only one of each type of installation seal shall be assigned to a manufactured home whether the manufactured home consists of one or multiple units. The installation seal shall be placed in a readily visible location adjacent to the primary label or construction seal. Appropriate installation seals shall be affixed to each accessory structure.

Subp. 3. **Accessory structure seals.** Each accessory structure seal shall be assigned and affixed to a specific accessory structure. Assigned accessory structure seals are not transferable and are void when not affixed as assigned, and all such accessory structure seals shall be returned to, or may be confiscated by, the commissioner. The accessory structure seal shall remain the property of the commissioner and may be reappropriated by the commissioner in the event of violation of the conditions of approval. Multiple unit accessory structures shall be assigned and bear consecutively

serial numbered accessory structure seals.

The accessory structure seal shall be securely affixed in a readily visible location.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.1000 LOST OR DAMAGED SEALS OR LABELS.

Subpart 1. Construction seals or labels. When a construction seal or label is lost or damaged, the commissioner shall be notified in writing by the owner. The owner shall identify the manufacturer, the manufactured home serial number, the date of manufacture, if known, and when possible, the construction seal or label serial number.

All damaged construction seals or labels shall be promptly returned. Damaged and lost construction seals or labels shall be replaced by the commissioner with a replacement construction seal bearing the date of issue upon payment of the replacement construction seal fee as provided in part 1350.6500, and proof of compliance of the manufactured home to the manufactured home code.

Subp. 2. Installation seals. When an installation seal is lost or damaged, the commissioner shall be notified in writing. The notice shall identify the construction seal serial number, the manufactured home manufacturer, the manufacturers' serial number and the location of the installation, the original date of installation of the manufactured home including the installation seal serial number. Damaged or lost installation seals shall be replaced by the commissioner upon payment of the installation seal fee as provided in part 1350.6500.

Subp. 3. Accessory structure seals. When an accessory structure accessory seal is lost or damaged, the commissioner shall be notified in writing by the owner. The owner shall identify the manufacturer, the manufactured home accessory structure serial number, the

date of manufacture, if known, and when possible, the accessory structure seal serial number.

All damaged accessory structure seals shall be promptly returned. Damaged and lost accessory structure seals shall be replaced by the commissioner with a new accessory structure seal bearing the date of issue of the original accessory structure seal upon payment of the replacement accessory structure seal fee as provided in part 1350.6500.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.1100 RETURN OF SEALS.

Subpart 1. Installation seals. On discontinuing the installation of manufactured homes, an installer shall notify the commissioner within ten days of the date of such discontinuance and return all unused installation seals which have been issued to the installer. Installation seals may not be transferred by any installer.

Subp. 2. Accessory structure seals. When a manufactured home manufacturer of accessory structures discontinues production of a model carrying the commissioner's plan approval, the manufacturer shall, within ten days, advise the commissioner of the date of such discontinuance and either return all seals allocated for such discontinued accessory structure model or assign the seals to other approved accessory structure models.

STAT AUTH: MS § 327.33

HIST: 17 SR 1279

1350.1200 COMPLIANCE CERTIFICATE.

Subpart 1. Installation compliance certificate. The installer shall provide the commissioner with an installation compliance certificate required in part 1350.0400. The installation compliance certificate shall be issued by the commissioner.

Subp. 2. **Manufactured home accessory structure compliance certificate.** A manufacturer shall provide the commissioner with a manufactured home accessory structure compliance certificate required in part 1350.0400. Manufactured home accessory structure

compliance certificate forms shall be issued by the commissioner.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

APPROVALS

1350.1300 PLANS REQUIRED.

To obtain plan approval a manufacturer shall submit plans for an accessory structure model or model group and for structural, electrical, mechanical, and plumbing systems, where such systems are involved in the construction. The plans shall include installation requirements.

STAT AUTH: MS § 327.33

1350.1400 APPLICATION FOR MANUFACTURED HOME ACCESSORY STRUCTURE APPROVAL.

Subpart 1. **Contents; generally.** An application for a manufactured home accessory structure approval shall contain the following:

- A. name and address of manufacturer;
- B. location of plant where manufacture will take place;
- C. identification of plans, specifications, or other documents being submitted; and
- D. identification of approved quality control procedures and manual.

Subp. 2. **Plans and specifications.** Submissions of required plans and specifications shall be in duplicate and shall include, but not be limited to, the following:

- A. a dimensioned floor plan(s);
- B. proposed use of rooms and method of light and ventilation;

C. size, type, and location of windows and exterior doors;

D. type and location of all appliances and fixtures;

E. type, size, and location of plumbing, drain, water, gas, and electrical connections;

F. type and location of all electrical outlets (receptacles and lights);

G. number of outlets and appliances on each circuit and circuit rating; and

H. installation details and instructions.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.1500 APPLICATION FOR SUPPORT AND ANCHORING SYSTEMS APPROVAL.

Subpart 1. **Contents.** All support and anchor systems equipment manufacturers shall submit plans, structural details, specifications, installation instructions, and test reports prepared by an independent testing agency, including engineering calculations in such detail as is necessary for evaluation and approval of support and anchoring systems based on parts 1350.2500 to 1350.3200.

Subp. 2. **Approval.** Approval of support and anchoring systems is required from all equipment manufacturers.

STAT AUTH: MS § 327.33

1350.1600 EQUIPMENT AND SYSTEMS.

The commissioner may approve equipment and installations which are approved by a recognized testing agency. Equipment and installations not approved by a recognized testing agency may be approved when the commissioner determines such equipment and installations comply with the code.

STAT AUTH: MS § 327.33

HIST: 17 SR 1279

1350.1700 NONCONFORMING PLANS, SPECIFICATIONS, AND SUPPORTING DATA.

Should the plans, specifications, and supporting data not conform with parts 1350.0100 to 1350.6900 and the code, the applicant shall be notified in writing by the commissioner. Should the applicant fail to submit corrected information in accordance with the commissioner's request, the application will be deemed abandoned and all fees due will be forfeited to the state. Additional submissions shall be processed as new applications.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.1800 EVIDENCE OF COMMISSIONER'S APPROVAL.

Approved plans and specifications for accessory structures and support and anchoring systems shall be evidenced by the stamp of approval of the commissioner and the assignment of an approval number to evidence approval. Installation instructions shall be supplied by the manufacturer and shall reference the Minnesota approval number.

STAT AUTH: MS § 327.33

1350.1900 SUPPORT AND ANCHORING SYSTEMS APPROVAL EXPIRATION.

Approval of support and anchoring systems shall expire when the commissioner adopts revisions to requirements under which approval was granted unless the manufacturer submits evidence to the commissioner establishing that the plans are in compliance with the code as revised.

STAT AUTH: MS § 327.33

1350.2000 CHANGES TO APPROVED SUPPORT AND ANCHORING SYSTEMS.

Where the manufacturer proposes changes to approved support and anchoring systems, two

sets of supplemental details shall be submitted to the commissioner for review and approval. Approved changes will be reflected in the approval number identification previously assigned by the commissioner.

STAT AUTH: MS § 327.33

INSPECTIONS

1350.2100 INSPECTION REQUESTS.

Any person manufacturing manufactured homes or any person selling, offering for sale, or parking any manufactured home in any mobile home park in the state, or any dealer or installer of manufactured homes, may request the commissioner to make an inspection of any manufactured home manufactured after July 1, 1972, if said person holds title to the house to be inspected.

Additionally, any person holding title to the manufactured home may request inspection of the ground support and anchoring system. Inspection requests should be made on "Application for Inspection" forms, available from the commissioner. In connection with requested inspections, the commissioner may require plans, specifications, calculations, and test results.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.2200 ACTION AFTER REQUESTED INSPECTION.

If the manufactured home inspected meets the requirements of the code, if plan approval has been obtained, and if all applicable fees have been remitted, the applicant may apply for a replacement construction seal. If the requested inspection was to determine compliance with respect to support and anchoring requirements and if all applicable fees have been remitted, the applicant may apply for an installation seal.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.2300 OTHER INSPECTIONS.

In addition to making inspections on request, the commissioner shall make periodic inspections of the facilities of persons who are subject to the code and parts 1350.0100 to 1350.9200. The inspections shall include oversight inspections at the in-state manufactured home manufacturing facilities to review the manufacturer's consumer complaint handling and notification and correction as required by parts 1350.3900 to 1350.5700. Oversight inspections shall be made annually. The frequency of oversight inspections may be increased when the need is indicated by the number of consumer complaints received by the commissioner.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.2400 NOTICE OF VIOLATIONS.

When an inspection reveals that a manufactured home is in violation of the code, or parts 1350.0100 to 1350.9200, the commissioner shall serve upon the owner or the owner's agent a notice specifying the violation. An owner or agent so served shall not move the manufactured home from the premises until such time as the commissioner determines that the manufactured home has been brought into compliance with the code and parts 1350.0100 to 1350.9200.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 17 SR 1279; 24 SR 1846

CONSTRUCTION REQUIREMENTS

1350.2500 STABILIZING SYSTEMS FOR MANUFACTURED HOME INSTALLATION.

Stabilizing devices when installed at the site of occupancy shall comply with parts 1350.2500 to 1350.3200.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.2600 INSTRUCTIONS AND DESIGNS.

Subpart 1. **Manufacturer's installation instructions.** Each manufactured home shall have its stabilizing system installed according to the manufactured home manufacturer's installation instructions. The manufacturer's instructions shall include a typical support system designed by a registered professional engineer or architect to support the anticipated loads that the manufacturer's installation instructions specify for the design zone, including climate, of installation. The instructions shall also meet the requirements of parts 1350.3900 to 1350.5700. These instructions shall be left with the manufactured home following installation. Footings shall be sized to support the loads shown in these instructions.

Stabilizing devices not provided with the manufactured home shall meet or exceed the design and capacity requirements of the manufactured home manufacturer and parts 1350.2500 to 1350.3200 and shall be installed according to the manufactured home manufacturer's installation instructions.

Foundation systems shall be in compliance with the State Building Code.

No portion of a manufactured home shall be removed during installation or when located on its home site unless it is designed to be removable and is removed according to the manufacturer's instructions.

Subp. 2. **Stabilizing system design.** Manufactured homes manufactured prior to September 1974 not provided with manufacturer's instructions for stabilizing devices and their installation shall be provided with anchoring and support systems designed by a registered professional engineer or shall comply with the following requirements:

A. The minimum number of ties per side for various lengths of manufactured homes shall be according to part 1350.3200.

B. Ties shall be as evenly spaced as

practicable along the length of the manufactured home with not more than eight feet open-end spacing on each end.

C. When continuous straps are provided as vertical ties, the ties shall be positioned at rafters and studs. Where a vertical tie and diagonal tie are located at the same place, both ties may be connected to a single ground anchor, provided that the anchor used is capable of carrying both loadings.

D. Clerestory roofs and add-on sections of expandable manufactured homes shall have provisions for vertical ties at the exposed ends.

E. Protection shall be provided at sharp corners where the anchoring system requires the use of external cables or straps. Protection shall also be provided to minimize damage to roofing or siding by the cable or strap.

F. If the alternate method incorporating baling straps specified in part 1350.3200 is used, the baling straps shall be wrapped completely around the manufactured home passing under the main steel frame, with both ends of each strap fastened together under tension. The straps shall be according to part 1350.2800. The method used to connect the ends of the strap shall not reduce the allowable working load and overload.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.2700 FOUNDATION AND SUPPORT SYSTEMS.

Subpart 1. **General.** Each manufactured home shall be installed on a foundation system or shall have a support system as specified in this part. A minimum clearance of 12 inches shall be maintained beneath the underside of the main frame (I-beam or channel beam) in the area of utility connections when the manufactured home is not installed on a foundation system.

Subp. 2. **Manufactured homes with**

installation instructions. Individual footings and load-bearing piers or listed supports shall be sized and located to support the loads specified in the manufacturer's installation instructions to ensure that the manufacturer's warranty remains valid.

Subp. 3. **Manufactured homes for which installation instructions are not available.** Unless the entire support system is designed by a registered professional engineer, and approved by the authority having jurisdiction prior to installation, supports shall be spaced not more than ten feet apart for manufactured homes 12 feet wide or less, and not more than eight feet apart for manufactured homes over 12 feet wide, beginning from the front wall of the manufactured home, with not more than two feet open-end spacing at the area of the main frame. Supports shall be installed directly under the main frame (or chassis) of the manufactured home. Methods other than those specified herein shall be approved prior to installation by the authority having jurisdiction. Double-wide manufactured homes built with a conventional frame shall have additional supports placed under the center (mating) line at each end wall, and at the support columns located at the sides of center wall openings eight feet in width or greater. The supports shall be constructed to withstand the weight calculated by multiplying one-half the width of the opening (in feet) times one-half the width of the home (in feet) multiplied by 37-1/2 pounds per square foot. (30-pound snow load and 7-1/2 pound roof load.)

Subp. 4. **Footings.** The required load-bearing capacity of individual load-bearing supports and their footings shall be calculated at not less than a combined live and dead load of 85 pounds per square foot. Footings shall be adequate in size to withstand the tributary live and dead loads of the manufactured home and any concentrated loads. Footings shall be at least 16-inch by 16-inch by four-inch solid concrete blocks or other product approved for the use intended. As an alternate, two eight-inch by 16-inch by four-inch solid concrete blocks can be used as footings provided the joint between the

blocks is parallel to the steel I-beam frame.

Footings or pier foundations, when required, shall be placed level on firm undisturbed soil or on controlled fill which is free of grass and organic materials, compacted to a minimum load-bearing capacity of 2,000 pounds per square foot (unless otherwise approved by a registered professional engineer). Where unusual soil conditions exist as determined by the authority having jurisdiction, footings shall be designed specifically for such conditions.

Subp. 5. Piers. Piers or load-bearing supports or devices shall be designed and constructed to evenly distribute the loads. Piers shall be securely attached to the frame of the manufactured home or shall extend at least six inches from the centerline of the frame member. Load-bearing supports or devices shall be listed and labeled, or shall be designed by a registered professional engineer, and shall be approved for the use intended, prior to installation, or piers shall be constructed as follows:

A. Piers less than 40 inches in height shall be constructed of open or closed cell, eight-inch by 16-inch concrete blocks (with open cells vertically placed upon the footing). Single-stacked block piers shall be installed with the 16-inch dimension perpendicular to the main (I-beam) frame. The piers shall be covered with a two-inch by eight-inch by 16-inch wood or concrete cap. (See part 1350.3300, subpart 1).

B. Subject to the limitations of subpart 6, piers between 40 to 80 inches in height and all corner piers over three blocks high shall be double blocked with blocks interlocked and capped with a four-inch by 16-inch by 16-inch solid concrete block, or equivalent. (See part 1350.3300, subpart 2).

C. Subject to the limitations of subpart 6, piers over 80 inches in height shall be constructed in compliance with item B, and they shall be laid in concrete mortar and steel reinforcing bars inserted in block cells filled with concrete. (See part 1350.3300, subparts 3 and 4).

Subp. 6. Elevated manufactured homes. When more than one-fourth of the area of a manufactured home is installed so that the bottom of the main frame members is more than three feet above ground level, the manufactured home stabilizing system shall be designed by a qualified registered professional engineer and the installation shall be approved prior to installation by the authority having jurisdiction.

Subp. 7. Plates and hardwood shims. A cushion of wood plate not exceeding two inches in thickness and hardwood shims not exceeding one inch in thickness may be used to fill any gap between the top of the pier and the main frame. Two-inch or four-inch solid concrete blocks may be used to fill the remainder of any gap. Hardwood shims shall be at least four inches wide and six inches long and shall be fitted and driven tight between the wood plate or pier and main frame.

Subp. 8. Skirting material. Skirting materials, when used, must be of materials resistant to decay and must have a minimum of one square foot of free area ventilation for every 150 square feet of floor area. If skirting is used, a minimum of 24-inch by 18-inch access area must be installed in the skirting. Crawlspace foundation systems must meet the requirements of the State Building Code.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.2800 ANCHORING EQUIPMENT.

Subpart 1. Load requirements. Anchoring equipment, when installed, shall be capable of resisting an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a 50 percent overload (4,725 pounds total) without failure of either the anchoring equipment or the attachment point on the manufactured home. When the stabilizing system is designed by a qualified registered professional engineer, alternative working load may be used providing the anchoring equipment is capable of

withstanding a 50 percent overload.

Subp. 2. Resistance to weather deterioration.

Anchoring equipment exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.625 ounces per square foot on each side of the surface coated as determined by ASTM Standard Methods of Test for Weight of Coating on Zinc-coated (galvanized) Iron or Steel Articles (ASTM A90-69). Note: Slit or cut edges of zinc-coated steel strapping do not need to be zinc coated.

Subp. 3. Permanency of connections.

Anchoring equipment shall be designed to prevent self-disconnection when ties are slack. Hook ends shall not be used in any part of the anchoring system.

Subp. 4. Tensioning device design.

Tensioning devices such as turnbuckles or yoke-type fasteners shall be ended with clevis or forged or welded eyes.

Subp. 5. Ties; materials and tension. Cable or strapping or other approved methods or materials shall be used for ties. All ties shall be fastened to ground anchors and drawn tight with turnbuckles or other adjustable tensioning devices or devices listed with the ground anchor.

Subp. 6. Tie strength. Tie materials shall be capable of resisting an allowable working load of 3,150 pounds with no more than two percent elongation and shall withstand a 50 percent overload (4,725 pounds total). Ties shall comply with the weathering requirements of subpart 2. Note: Type 1, Class B, Grade 1 steel strapping, 1-1/4 inches wide and 0.035 inch thick, conforming with ASTM Standard Specification D3953-91, Standard Specification for Strapping, Flat Steel, and Seals, is capable of meeting the working load and 50 percent overload specified in this part.

Subp. 7. Tie connections. Ties shall connect the ground anchor and the main structural steel frame (I-beam or other shape) which runs lengthwise under the manufactured

home. Ties shall not connect to steel outrigger beams which fasten to and intersect the main structural frame unless specifically stated in the manufacturer's installation instructions.

Connection of the cable frame tie to the manufactured home I-beam or equivalent main structural frame member shall be by a 5/8-inch drop forged closed eye bolt through a hole drilled in the center of the I-beam web or other approved methods. The web shall be reinforced if necessary to maintain the I-beam strength.

Cable ends shall be secured with at least three U-bolt type cable clamps with the U portion of the clamp installed on the short (dead) end of the cable to ensure strength at least equal to that required by subpart 6.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.2900 GROUND ANCHORS.

Subpart 1. Placement and purpose. Ground anchors, including means for attaching ties, shall be located to effectively match the anchoring system instructions provided by the manufactured home manufacturer, or, if there are no instructions, according to part 1350.2600, and shall be designed and installed to transfer the anchoring loads to the ground.

Subp. 2. Capacity of anchors. Each ground anchor, when installed, shall be capable of resisting an allowable working load at least equal to 3,150 pounds in the direction of the tie plus a 50 percent overload (4,725 pounds total) without failure. Failure shall be considered to have occurred when the point of connection between the tie and anchor moves more than two inches at 4,725 pounds in the direction of the vertical tie when the anchoring equipment is installed in accordance with the manufacturer's instructions. Those ground anchors which are designed to be installed so that the loads on the anchor are other than direct withdrawal shall be designed and installed to resist an

applied design load of 3,150 pounds at 45 degrees from horizontal without displacing the anchor more than four inches horizontally at the point where the tie attaches to the anchor. Anchors designed for connection of multiple ties shall be capable of resisting the combined working load and overload consistent with the intent expressed herein.

Subp. 3. Anchor design and installation.

Each manufactured ground anchor shall be approved pursuant to part 1350.1500 and installed in accordance with the anchor manufacturer's instructions and shall include means of attachment of ties meeting the requirements of part 1350.2800, subpart 5. Ground anchor manufacturer's installation instructions shall include the amount of preload required, the methods of adjustment after installation, and the load capacity in various types of soils. These instructions shall include tensioning adjustments which may be needed to prevent damage to the manufactured home, particularly damage that can be caused by frost heave.

Subp. 4. Information on ground anchor.

Each ground anchor shall have the manufacturer's identification and listed model identification number marked so that the number is visible after installation. Instructions shall accompany each listed ground anchor specifying the types of soil for which the anchor is suitable under the requirements of subpart 2.

Subp. 5. Table of soil types. NOTE: The following data gives information relative to soil types with blow counts and torque values:

Types of Soils	Blow Count (ASTM D1586)	Test Probe ¹ Torque Value ²
Sound hard rock	NA	NA
Very dense and/or cemented sands, coarse gravel and cobbles, preloaded silts, clays, and corals	40-up	more than 500 lbs./ inch
Medium dense coarse sands, sandy gravels, very stiff silts and clays	24-39	350-549 lbs./ inch
Loose to medium dense sands, firm to stiff clays and silts, alluvial fill	14-23 ³	200-349 lbs./ inch

¹ The test probe is a device for measuring the torque value of soils to assist in evaluating the holding capability of the soils in which the anchor is placed. The test probe has a helix on it. The overall length of the helical section is 10.75 inches; the major diameter is 1.25 inches; the minor diameter is 0.81 inches; the pitch is 1.75 inches. The shaft must be of suitable length for anchor depth.

² A measure synonymous with moment of a force when distributed around the shaft of the test probe.

³ Below these values, a professional engineer should be consulted.

Subp. 6. Use of concrete slabs or continuous footings. If concrete slabs or continuous footings are used to transfer the anchoring loads to the ground, the following shall be required:

- A. Steel rods cast in concrete shall be capable of resisting loads as specified in subpart 2.
- B. Dead-man concrete anchors may be used in place of listed anchors if they meet the requirements of subpart 2.
- C. Concrete slabs may be used in place of ground anchors provided the slab is so constructed that it provides holding strength equal to the requirements of subpart 2.

Subp. 7. Other anchoring devices. Other anchoring devices meeting the requirements of this part shall be permitted if approved prior to installation by the authority having jurisdiction.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.3000 ANCHOR INSTALLATION.

Each type anchor suitable for this purpose shall have specification data showing the soil

classification for which it qualifies. Anchor selection shall be based on a determination of the soil class at the depth the anchor helical plate will be installed. All anchors shall be installed to the full depth shown in the anchor manufacturer's installation instructions.

STAT AUTH: MS § 327.33

1350.3100 DESIGN LOADS.

The following minimum design live loads shall be applicable in all areas of the state of Minnesota: horizontal, 15 pounds per square foot; vertical/upward, nine pounds per square foot; vertical/downward, 30 pounds per square foot.

STAT AUTH: MS § 327.33

1350.3200 NUMBER OF TIES REQUIRED.

Number of Ties Required Per Side of Single Wide ¹ Manufactured Homes ² .				
1	2	3	4	5
Length of manufactured home ³ (ft.)	# of vertical ties	#of diagonal ties ²	Alt. Method ⁴ # of baling straps	Alt. Method ⁴ # of diagonal ties ⁵
up to 40	2	3	2	3
40-46	2	3	2	3
46-49	2	3	2	3
49-54	2	3	2	3
54-58	2	4	2	4
58-64	2	4	2	4
64-70	2	4	2	5
70-73	2	4	2	5
73-84	2	5	2	5

This table is based on a minimum working load per anchor of 3,150 pounds with a 50 percent overload (4,725 pounds total).

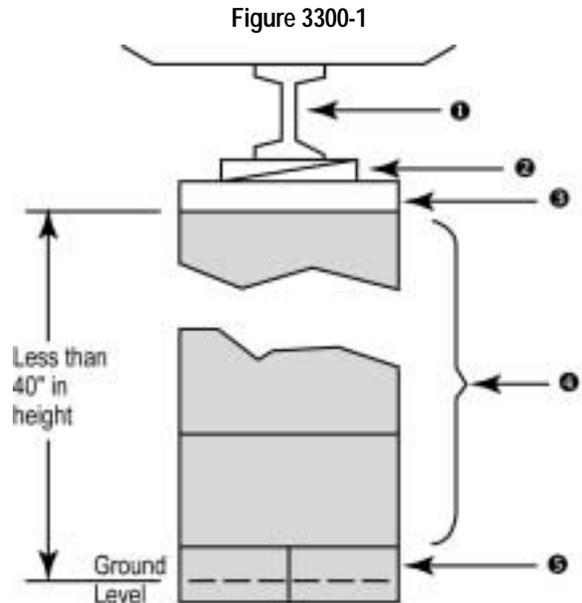
- ¹ Double-wide manufactured homes require only the diagonal ties specified in column 3, and these shall be placed along the outer side walls.
- ² Except when the anchoring system is designed and approved by a registered professional engineer.
- ³ Length of manufactured home (as used in this table) means length excluding draw bar.
- ⁴ Alternate method. When this method is used, an approved reinforcement means shall be provided. If baling is used to accomplish this reinforcement, part 1350.2600, subpart 2, item F, applies.
- ⁵ Diagonal ties in this method shall deviate at least 40 degrees from vertical.
- ⁶ Diagonal ties in this method shall be 45 degrees + 5 degrees from vertical and shall be attached to the nearest main frame member.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.3300 PIER SPECIFICATIONS.

Subpart 1. **Piers less than 40 inches tall.** (refer to figure 3300 -1)



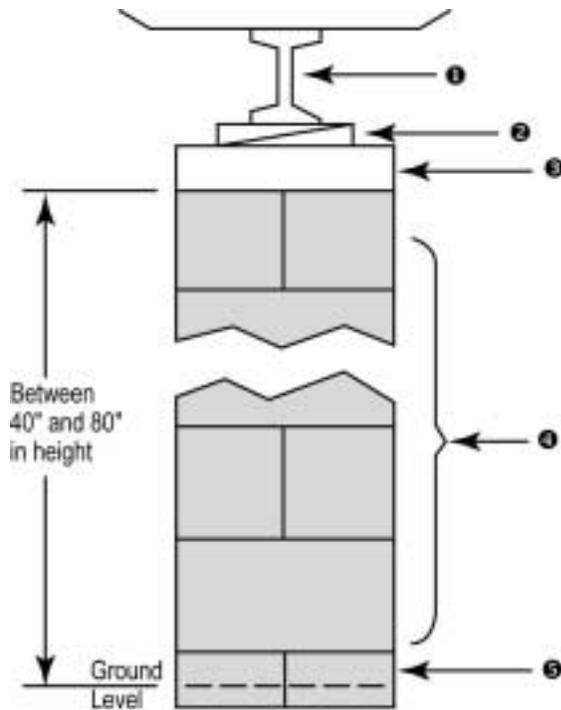
- 1 I-beam frame
- 2 Gap between top of pier and main frame may be a wood plate (not exceeding 2" in thickness) and shims (not exceeding 1" in thickness). Shims shall be at least 4" wide and 6" long, fitted and driven tight between wood plate or pier and main frame. Two inch or four inch solid concrete block may fill remainder of any gap.
- 3 Cap - wood or concrete, 2" x 8" x 16"
- 4 Open or closed cell concrete blocks 8" x 8" x 16" (open cells placed vertically upon footing) installed with 16" dimension perpendicular to the I-beam frame.
- 5 Footing - 16" x 16" x 4" solid concrete or other product approved for the purpose or, alternately, two 8" x 16" x 4" solid concrete blocks with joint between blocks parallel to the steel I-beam frame.

Footing placed on firm undisturbed soil or on controlled fill free of grass and organic materials compacted to a minimum load-bearing capacity of 2000 PSF.

For piers less than 40 inches in height (except corner piers over 3 blocks high). Piers shall be securely attached to the frame of the mobile home or shall extend at least 6 inches from the centerline of the frame member.

Subp. 2. **Piers 40 to 80 inches tall.** (refer to figure 3300-2)

Figure 3300-2



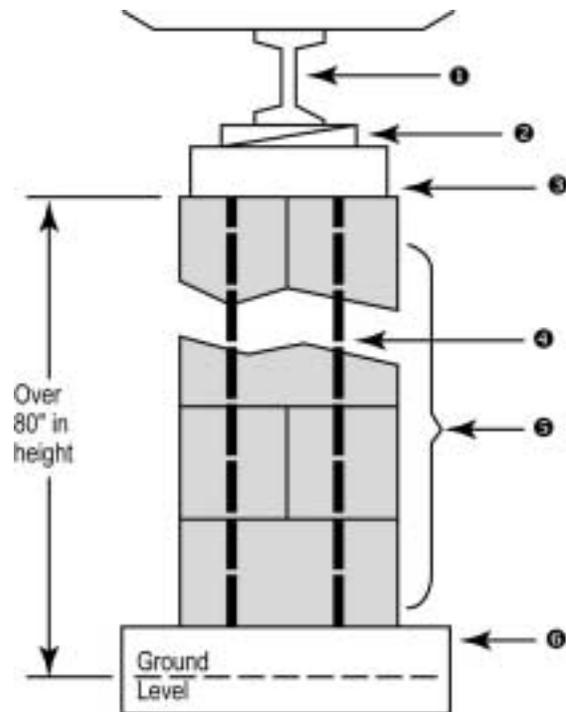
- 1 I-beam frame
- 2 Gap between top of pier and main frame may be a wood plate (not exceeding 2" in thickness) and shims (not exceeding 1" in thickness). Shims shall be at least 4" wide and 6" long, fitted and driven tight between wood plate or pier and main frame. Two inch or four inch solid concrete block may fill remainder of any gap.
- 3 Cap - solid concrete block or equivalent, 4" x 16" x 16"
- 4 Double concrete blocks (solid or celled) with blocks interlocked and capped as specified above.
- 5 Footing - 16" x 16" x 4" solid concrete or other product approved for the purpose or, alternately, two 8" x 16" x 4" solid concrete blocks with joint between blocks parallel to the steel I-beam frame.

Footing placed on firm undisturbed soil or on controlled fill free of grass and organic materials compacted to a minimum load-bearing capacity of 2000 PSF.

For piers 40 inches to 80 inches in height and all corner piers over 3 blocks high. Piers shall be securely attached to the frame of the mobile home or shall extend at least 6 inches from the centerline of the frame member.

Subp. 3. **Piers over 80 inches tall.** (refer to figure 3300-3)

Figure 3300-3

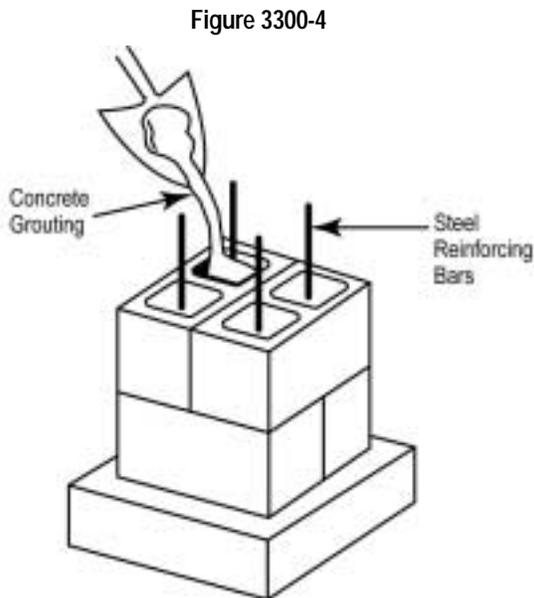


- 1 I-beam frame
- 2 Gap between top of pier and main frame may be a wood plate (not exceeding 2" in thickness) and shims (not exceeding 1" in thickness). Shims shall be at least 4" wide and 6" long, fitted and driven tight between wood plate or pier and main frame. Two inch or four inch solid concrete block may fill remainder of any gap.
- 3 Cap - solid concrete block or equivalent, 4" x 16" x 16"
- 4 Reinforcing rods (normally 3/8" diameter steel rods placed in the pier corners, four per tier).
- 5 Double concrete blocks with any block cells filled with concrete, laid in concrete mortar with steel reinforcing bars inserted in the block cells.
- 6 Footing - 16" x 16" x 4" solid concrete or other product approved for the purpose or, alternately, two 8" x 16" x 4" solid concrete blocks with joint between blocks parallel to the steel I-beam frame.

Footing placed on firm undisturbed soil or on controlled fill free of grass and organic materials compacted to a minimum load-bearing capacity of 2000 PSF.

For piers exceeding 80 inches in height. Piers shall be securely attached to the frame of the mobile home or shall extend at least 6 inches from the centerline of the frame member.

Subp. 4. **Piers over 80 inches tall; reinforcement.** (refer to figure 3300-4)



For piers exceeding 80 inches in height, the concrete blocks must be filled with concrete grouting and steel rods utilized.

STAT AUTH: MS § 327.33

1350.3400 UTILITY CONNECTIONS.

Subpart 1. **Water connections.** Water piping to manufactured homes shall comply with the Minnesota Plumbing Code, chapter 4715. Pipes shall be protected from freezing. Heat tape, when installed, shall be listed and installed in conformance with its listing and the manufacturer's instructions. When the manufactured home is installed on a support system subject to ground movement due to freezing and thawing, approved flexible connectors or semirigid copper tubing shall be used to prevent pipe breakage.

Subp. 2. **Sewer connections.** Waste piping to manufactured homes shall comply with the Minnesota Plumbing Code, chapter 4715. When a manufactured home is installed on a support system subject to ground movement due to freezing and thawing, offsets or approved flexible connectors, or both, shall be used to prevent pipe breakage.

Subp. 3. **Gas piping.** Gas piping to the manufactured home shall be of adequate capacity rating to supply the connected load. It shall be installed in compliance with the Minnesota State Mechanical Code, chapter 1346. When the manufactured home is installed on a support system subject to ground movement because of freezing and thawing, semirigid copper pipe or a listed manufactured home gas connector for exterior use only shall be installed to prevent pipe breakage. Gas piping shall be protected from physical damage.

Subp. 4. **Tests for gas piping.** The manufactured home fuel gas piping system shall be tested before it is connected to the gas supply. Only air shall be used for the test. The manufactured home gas piping system shall be subjected to a pressure test with all appliance shutoff valves, except those ahead of fuel gas cooking appliances, in the open position. Appliance shutoff valves ahead of fuel gas cooking appliances shall be closed.

The test shall consist of air pressure at not less than ten inches nor more than 14 inches water column (six ounces to eight ounces per square inch). The system shall be isolated from the air pressure source and maintain this pressure for not less than ten minutes without perceptible leakage. Upon satisfactory completion of the test, the appliance valves ahead of fuel gas cooking appliances shall be opened, and the gas cooking appliance connectors tested with soapy water or bubble solution while under the pressure remaining in the piping system. Solutions used for testing for leakage shall not contain corrosive chemicals. Pressure shall be measured with either a manometer, slope gage, or gage calibrated in either water inches or pounds per square inch with increments of either one-tenth inch or one-tenth pounds per square inch, as applicable. Upon satisfactory completion of the test, the manufactured home gas supply connector shall be installed and the connections tested with soapy water or bubble solution.

Subp. 5. **Electrical connections.** On-site electrical connections to the manufactured home

and any on-site electrical wiring required to prepare the manufactured home for occupancy shall be done in conformance with the manufactured home building code and shall be installed and inspected as required by the Minnesota Electrical Act, Minnesota Statutes, sections 326.241 to 326.248.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.3500 OBTAINING APPROVAL OF QUALITY CONTROL.

Subpart 1. **Procedure.** To obtain quality control approval for an accessory structure manufacturing facility, a manufacturer shall submit a quality control manual pursuant to subpart 2, item A, and consent to investigations and inspections at reasonable hours by the commissioner for field verification of satisfactory quality control.

Subp. 2. **Applications.** Applications for approval of quality control manuals shall contain the following:

A. an application in letter form to be accompanied by two copies of the quality control manual containing those items required by item B; and

B. an outline of the procedure which will direct the manufacturer to construct accessory structures according to the approved plans specifying:

- (1) scope and purpose;
- (2) receiving inspection procedure for basic materials;
- (3) material storage and stock rotation procedures;
- (4) types and frequency of product inspection;
- (5) sample of inspection control form used;
- (6) major pieces of production equipment;
- (7) assignments, experience, and qualifications of quality control personnel;
- (8) test equipment;

(9) control of drawings and material specifications;

(10) test procedures; and

(11) recordkeeping procedures.

Subp. 3. **Notice of changes.** Where the manufacturer proposes changes to the quality control manual, two copies of such changes shall be submitted to the commissioner for approval.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.3600 Repealed, 24 SR 1846

1350.3700 Repealed, 24 SR 1846

1350.3800 CONSTRUCTION ALTERATIONS.

Subpart 1. **Effect on seal or label.** Any alteration of the construction, plumbing, heating, cooling, or fuel-burning system, electrical equipment or installations or fire safety in a manufactured home which bears a seal or label shall void the approval, and the seal or label shall be returned to the commissioner.

Subp. 2. **Acts not constituting alterations.** The following shall not constitute an alteration: repairs with approved components or parts; conversion of listed fuel-burning appliances in accordance with the terms of their listing; adjustment and maintenance of equipment; or replacement of equipment in kind.

Subp. 3. **Application.** Any person proposing an alteration to a manufactured home bearing a seal or label shall make application to the commissioner on the form issued by the commissioner.

Subp. 4. **Inspection.** Upon completion of the alteration, the applicant shall request the commissioner to make an inspection pursuant to part 1350.2100.

Subp. 5. **Replacement construction seal.** The applicant may apply for a replacement

construction seal upon inspection and approval of the alteration.

Subp. 6. **Replacement accessory structure seal.** The applicant may apply for a replacement accessory structure seal upon inspection and approval of the alteration.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

CONSUMER COMPLAINTS

1350.3900 CONSUMER COMPLAINT HANDLING AND REMEDIAL ACTIONS.

Parts 1350.3900 to 1350.5700 govern consumer complaint handling and remedial actions.

STAT AUTH: MS § 327.33

1350.4000 PURPOSE.

The purpose of parts 1350.3900 to 1350.5700 is to establish a system under which the protections of the act are provided with a minimum of formality and delay, but in which the rights of all parties are protected.

STAT AUTH: MS § 327.33

1350.4100 SCOPE.

Parts 1350.3900 to 1350.5700 set out the procedures to be followed by manufacturers, production inspection primary inspection agencies, and the commissioner to assure that manufacturers provide notification and correction with respect to their manufactured homes as required by the act. Parts 1350.3900 to 1350.5700 set out the rights of dealers under United States Code, title 42, section 5412 (1976), and its amendments, to obtain remedies from manufacturers in certain circumstances.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.4200 CONSUMER COMPLAINTS.

Under parts 1350.3900 to 1350.5700 all consumer complaints or other information indicating the possible existence of an imminent safety hazard, serious defect, defect, or noncompliance shall be referred to the manufacturer of the potentially affected manufactured homes in a timely manner so that the manufacturer can quickly respond to the consumer and take any necessary remedial actions.

STAT AUTH: MS § 327.33

1350.4300 NOTIFICATION AND CORRECTION REQUIREMENT.

Subpart 1. **Requirement.** Notification and correction shall be required to be provided with respect to manufactured homes that have been sold or otherwise released by the manufacturer to another party when the manufacturer, a state administrative agency, the commissioner, or the secretary determines that an imminent safety hazard, serious defect, defect, or noncompliance may exist in those manufactured homes.

Subp. 2. **Extent of manufacturer's responsibility.** The extent of a manufacturer's responsibility for providing notification or correction shall be governed by the seriousness of problems for which the manufacturer is responsible under parts 1350.3900 to 1350.5700.

Subp. 3. **Limitation of manufacturer's liability to provide remedial action.** The liability of manufactured home manufacturers to provide remedial actions under parts 1350.3900 to 1350.5700 is limited by the principle that manufacturers are not responsible for failures that occur in manufactured homes or components solely as the result of normal wear and aging, gross and unforeseeable consumer abuse, or unforeseeable neglect of maintenance.

STAT AUTH: MS § 327.33

1350.4400 CONSUMER COMPLAINT AND INFORMATION REFERRAL.

When a consumer complaint or other information indicating the possible existence of a noncompliance, defect, serious defect, or imminent safety hazard is received by the commissioner, the commissioner shall forward the complaint or other information to the manufacturer of the manufactured home in question. The commissioner shall, when it appears from the complaint or other information that more than one manufactured home may be involved, simultaneously send a copy of the complaint or other information to the state administrative agency of the state where the manufactured home was manufactured or to the secretary if there is no such state administrative agency, and when it appears that an imminent safety hazard or serious defect may be involved, simultaneously send a copy to the secretary.

STAT AUTH: MS § 327.33

1350.4500 NOTIFICATION PURSUANT TO MANUFACTURER'S DETERMINATION.

Subpart 1. **Notice requirement.** The manufacturer shall provide notification as set out in parts 1350.3800 to 1350.5700 with respect to all manufactured homes produced by the manufacturer in which there exists or may exist an imminent safety hazard or serious defect. The manufacturer shall provide such notification with respect to manufactured homes produced by the manufacturer in which a defect exists or may exist if the manufacturer has information indicating that the defect may exist in a class of manufactured homes that is identifiable because the cause of the defect or defects actually known to the manufacturer is such that the same defect would probably have been systematically introduced into more than one manufactured home during the course of production. This information may include, but is not limited to, complaints that can be traced to the same cause, defects known to exist in supplies of components or parts, information related to the performance of a particular employee, and information indicating a failure to follow quality control procedures with respect to a particular aspect

348

of the manufactured home. A manufacturer is required to provide notification with respect to a noncompliance only after the issuance of a final determination under part 1350.4800.

Subp. 2. **Investigations and inspections.** Whenever the manufacturer receives from any source information that may indicate the existence of a problem in a manufactured home for which the manufacturer is responsible for providing notification under subpart 1, the manufacturer shall, as soon as possible, but not later than 20 days after receiving the information, carry out any necessary investigations and inspections to determine and shall determine whether the manufacturer is responsible for providing notification under subpart 1. The manufacturer shall maintain complete records of all such information and determinations in a form that will allow the commissioner to discern readily who made the determination with respect to a particular piece of information, what the determination was, and the basis for the determination. The records shall be kept for a minimum of five years from the date the manufacturer received the information. Consumer complaints or other information indicating the possible existence of noncompliances or defects received before August 16, 1982, shall, for purposes of this subpart, be deemed to have been received August 16, 1982.

Subp. 3. **Preparation of plan.** If a manufacturer determines under subpart 2 that the manufacturer is responsible for providing notification under subpart 1, the manufacturer shall prepare a plan for notification as set out in part 1350.5000. Where the manufacturer is required to correct under part 1350.4700, the manufacturer shall include in the plan provision for correction of affected manufactured homes.

Subp. 4. **Submission of plan.** The manufacturer shall, as soon as possible, but not later than 20 days after making the determination, submit the plan to the commissioner.

However, where only one manufactured

home is involved, the manufacturer need not submit the plan if the manufacturer corrects the manufactured home within the 20-day period. The manufacturer shall maintain, in the plant where the manufactured home was manufactured, a complete record of the correction. The record shall describe briefly the facts of the case and state what corrective actions were taken. It shall be maintained in a separate file in a form that will allow the commissioner to review all such corrections.

Subp. 5. Action after approval of plan. Upon approval of the plan with any necessary changes, the manufacturer shall carry out the approved plan within the time limits stated in it.

Subp. 6. Action before plan approval. The manufacturer may act before obtaining approval of the plan. However, such action is subject to review and disapproval by the commissioner except to the extent that agreement to the correction is obtained as described in this subpart. To ensure that the corrective action will be accepted, the manufacturer may obtain the agreement of the commissioner that the corrective action is adequate before the correction is made regardless of whether a plan has been submitted under subpart 4. If an agreement is obtained, the correction shall be accepted as adequate by the commissioner if the correction is made as agreed to and any imminent safety hazard or serious defect is eliminated.

Subp. 7. Waiver of formal plan approval and notification. If the manufacturer wishes to obtain a waiver of the formal plan approval and notification requirements that would result from a determination under subpart 2, the manufacturer may act under this subpart. The plan approval and notification requirements shall be waived by the commissioner who would otherwise review the plan under subpart 4 if:

A. the manufacturer, before the expiration of the time period determined under subpart 4, shows to the satisfaction of the commissioner through documentation that:

(1) the manufacturer has identified the class of possibly affected manufactured homes in accordance with part 1350.5000;

(2) the manufacturer will correct, at the manufacturer's expense, all affected manufactured homes in the class within 60 days of being informed that the request for waiver has been accepted; and

(3) the proposed repairs are adequate to remove the failure to conform or imminent safety hazard that gave rise to the determination under subpart 2;

B. the manufacturer corrects all affected manufactured homes within 60 days of being informed that the request for waiver has been accepted.

The formal plan and notification requirements are waived pending final resolution of a waiver request under subpart 7 as of the date of the request. If a waiver request is not accepted, the plan called for by subparts 3 and 4 shall be submitted within five days after the manufacturer is notified that the request was not accepted.

Subp. 8. Classification of problem. When a manufacturer acts under subparts 1 to 7, the manufacturer will not be required to classify the problem that triggered the action as a noncompliance, defect, serious defect, or imminent safety hazard.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.4600 RESPONSIBILITIES OF COMMISSIONER.

Subpart 1. Consumer complaints. The commissioner shall oversee the handling of consumer complaints by manufacturers within this state. As part of that responsibility, the commissioner shall monitor manufacturer compliance with parts 1350.3900 to 1350.5700, and particularly with part 1350.4500. This monitoring will be done primarily by periodically checking the

records that manufacturers are required to keep under part 1350.4500, subpart 2.

Subp. 2. Preliminary determination. If the commissioner finds under subpart 1 that a manufacturer has failed to comply with part 1350.4500 or if the commissioner finds that the manufacturer has decided not to act under part 1350.4500, subparts 3 and 4 and the commissioner believes the manufacturer is required to act, or if the manufacturer failed to fulfill the requirements of part 1350.4500, subpart 7 after requesting a waiver, the preliminary determination shall be made that the commissioner deems appropriate under part 1350.4800. However, if the affected manufactured homes were manufactured in more than one state or if it appears that the appropriate preliminary determination would be an imminent safety hazard or serious defect, the commissioner shall refer the matter to the secretary.

Subp. 3. Preliminary determinations under part 1350.4800. Where the commissioner who is reviewing a plan under part 1350.4500, subpart 4 finds that the manufacturer is not acting reasonably in refusing to accept changes to a proposed plan, the commissioner shall make such preliminary determinations as may be appropriate under part 1350.4800. However, if it appears that it would be appropriate to make a preliminary determination of imminent safety hazard or serious defect, the commissioner shall refer the matter to the secretary.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 17 SR 1279; 24 SR 1846

1350.4700 REQUIRED MANUFACTURER CORRECTION.

A manufacturer required to furnish notification under part 1350.4500 or 1350.4800 shall correct, at its expense, any imminent safety hazard or serious defect that can be related to an error in design or assembly for the manufactured home by the manufacturer, including an error in design or

assembly of any component or system incorporated in the manufactured home by the manufacturer.

STAT AUTH: MS § 327.33

1350.4800 NOTIFICATION AND CORRECTION PURSUANT TO ADMINISTRATIVE DETERMINATION.

Subpart 1. Preliminary determinations. Whenever the commissioner has information indicating the possible existence of an imminent safety hazard or serious defect in a manufactured home, the commissioner may issue a preliminary determination to that effect to the manufacturer.

Whenever the information indicates that the manufacturer is required to correct the imminent safety hazard or serious defect under part 1350.4700, the commissioner shall issue a preliminary determination to that effect to the manufacturer. Whenever the commissioner has information indicating that a defect or noncompliance may exist in a class of manufactured homes that is identifiable because the cause of the defect or noncompliance is such that the same defect or noncompliance would probably have been systematically introduced into more than one manufactured home during production, and whenever all manufactured homes in the class appear to have been manufactured in this state, the commissioner may issue a preliminary determination of defect or noncompliance to the manufacturer. Information on which the commissioner will base a conclusion that an affected class of manufactured homes exists consists of complaints that can be traced to the same cause, defects known to exist in supplies of components or parts, information related to the performance of a particular employee, and information indicating a failure to follow quality control procedures with respect to a particular aspect of the manufactured home. If, during the course of these proceedings, evidence arises that indicates that manufactured homes in the same identifiable class were manufactured in more than one state, the commissioner shall refer the matter

to the secretary.

Subp. 2. Notice and request for hearing or presentation of views. Notice of the preliminary determination under subpart 1 shall be sent by certified mail. It shall include the factual basis for the determination and the identifying criteria of the manufactured homes known to be affected and those believed to be in the class of possibly affected manufactured homes. The notice shall inform the manufacturer that the preliminary determination shall become final unless the manufacturer requests a hearing or presentation of views under parts 1350.6000 to 1350.6200 within 15 days after receiving a notice of preliminary determination of serious defect, defect, or noncompliance, or within five days of receipt of a notice of preliminary determination of imminent safety hazard.

Promptly upon receipt of a manufacturer's request for a hearing or presentation of views meeting, the hearing or presentation shall be held pursuant to parts 1350.6000 to 1350.6200. Parties may propose in writing, at any time, offers of settlement which shall be submitted to and considered by the commissioner. If determined to be appropriate, the party making the offer may be given an opportunity to make an oral presentation in support of the offer. If an offer of settlement is rejected, the party making the offer shall be so notified, and the offer shall be deemed withdrawn and shall not constitute a part of the record in the proceeding. Final acceptance by the commissioner of any offer of settlement shall automatically terminate any proceedings related to it.

Subp. 3. Final determinations. If the manufacturer fails to respond to the notice of preliminary determination within the time period established in subpart 2, or if the commissioner decides that the views and evidence presented by the manufacturer or others are insufficient to rebut the preliminary determination, the commissioner shall make a final determination that an imminent safety hazard, serious defect, defect, or noncompliance exists. If there is a final

determination that an imminent safety hazard, serious defect, defect, or noncompliance exists, the commissioner shall issue an order directing the manufacturer to furnish notification.

Subp. 4. Appeals. When the commissioner has made a final determination that a defect or noncompliance exists, the manufacturer may appeal to the secretary within ten days after receiving the notice of final determination.

Subp. 5. Waiver of formal notification requirements. Where a preliminary determination of defect or noncompliance has been issued, the manufacturer may request a waiver of the formal notification requirements at any time during the proceedings called for in subparts 1 to 4 or after the issuance of a final determination and order. The manufacturer may request a waiver from the commissioner. When requesting a waiver, the manufacturer shall certify and provide assurances that:

- A. the manufacturer has identified the class of possibly affected manufactured homes in accordance with part 1350.5000;
- B. the manufacturer will correct, at the manufacturer's expense, all affected manufactured homes in the class within a time period specified by the commissioner but not later than 60 days after being informed of the acceptance of the request for waiver or issuance of the final determination, whichever is later; and
- C. the proposed repairs are adequate to remove the failure to conform or imminent safety hazard that gave rise to the issuance of the preliminary determination.

The commissioner shall grant the request or waiver if the manufacturer agrees to an offer of settlement that includes an order that embodies the assurances made by the manufacturer.

STAT AUTH: MS § 327.33

1350.4900 REIMBURSEMENT FOR PRIOR CORRECTION BY OWNER.

A manufacturer that is required to correct under part 1350.4700 or who decides to correct and obtain a waiver under part 1350.4500, subpart 7, or 1350.4800, subpart 5, shall provide reimbursement for reasonable cost of correction to any owner of an affected manufactured home who chooses to make the correction before the manufacturer does.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.5000 MANUFACTURER'S PLAN FOR NOTIFICATION AND CORRECTION.

Subpart 1. **Basic requirement.** Subparts 1 to 6 set out the requirements that manufacturers shall meet in preparing plans they are required to submit under part 1350.4500, subparts 3 and 4. The underlying requirement is that a plan show how the manufacturer will fulfill its responsibilities with respect to notification and correction.

Subp. 2. **Copy of proposed notice.** The plan shall include a copy of the proposed notice that meets the requirements of part 1350.5100.

Subp. 3. **Affected class.** The plan shall identify, by serial number and other appropriate identifying criteria, all manufactured homes with respect to which notification is to be provided. The class of manufactured homes with respect to which notification shall be provided and which shall be covered by the plan is that class of manufactured homes that was or is suspected of having been affected by the cause of an imminent safety hazard or failure to conform. The class is identifiable to the extent that the cause of the imminent safety hazard or failure to conform is such that it would probably have been systematically introduced into the manufactured homes in the class during the course of production. In determining the extent of such a class, the manufacturer may rely either upon information that positively identifies the extent of the class or upon information that indicates what manufactured

homes were not affected by the same cause, thereby identifying the class by excluding those manufactured homes. Methods that may be used in determining the extent of the class of manufactured homes include, but are not limited to:

A. inspection of manufactured homes produced before and after the manufactured homes known to be affected;

B. inspection of manufacturer quality control records to determine whether quality control procedures were followed;

C. inspection of production inspection primary inspection agency records to determine whether the imminent safety hazard or failure to conform was either detected or specifically found not to exist in some manufactured homes;

D. inspection of the design of the manufactured home in question to determine whether the imminent safety hazard or failure to conform resulted from the design itself;

E. identification of the cause as relating to a particular employee or process that was employed for a known period of time or in producing the manufactured homes manufactured during that time; and

F. inspection of records relating to components supplied by other parties and known to contain or suspected of containing imminent safety hazards or failures to conform.

The class of manufactured homes identified by these methods may include only manufactured homes actually affected by the imminent safety hazard or failure to conform if the manufacturer can identify the precise manufactured homes. If it is not possible to identify the precise manufactured homes, the class shall include manufactured homes suspected of containing the imminent safety hazard or failure to conform because the evidence shows that they may have been affected.

Subp. 4. **Production inspection primary**

inspection agency statement. The plan shall include a statement by the production inspection primary inspection agency operating in each plant in which manufactured homes in question were produced. In this statement, the production inspection primary inspection agency shall concur in the methods used by the manufacturer to determine the class of potentially affected manufactured homes or state why it believes the methods to have been inappropriate, inadequate, or incorrect.

Subp. 5. **Deadline.** The plan shall include a deadline for completion of all notification and corrections.

Subp. 6. **Notification.** The plan shall provide for notification by certified mail or other more expeditious means to the dealers or distributors of a manufacturer to whom the manufactured homes were delivered. Where a serious defect or imminent safety hazard is involved, notification shall be sent by certified mail if it is mailed. The plan shall provide for notification by certified mail to the first purchaser of each manufactured home in the class of manufactured homes set out in the plan under subpart 3 and to any subsequent owner who has any warranty provided by the manufacturer or required by federal, state, or local law on the manufactured home that has been transferred, to the extent feasible. However, notification need not be sent to any person known by the manufacturer not to own the manufactured home in question if the manufacturer has a record of a subsequent owner of the manufactured home. The plan shall provide for notification by certified mail to any other person who is a registered owner of each manufactured home containing the imminent safety hazard, serious defect, defect, or noncompliance and whose name has been ascertained pursuant to the manufacturer's records.

STAT AUTH: MS § 327.33

1350.5100 CONTENTS OF NOTICE.

Except as otherwise agreed by the commissioner who will review the plan under

part 1350.4500, subpart 4, the notification to be sent by the manufacturer shall include the following:

A. an opening statement: "This notice is sent to you in accordance with the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974";

B. except where the manufacturer is acting under part 1350.4500 the following statement, as appropriate: "(manufacturer's name, or the commissioner, or the secretary)" has determined that:

(1) an imminent safety hazard may exist in (identifying criteria of manufactured home);

(2) a serious defect may exist in (identifying criteria of manufactured home);

(3) a defect may exist in (identifying criteria of manufactured home); or

(4) (identifying criteria of manufactured home) may not comply with an applicable federal mobile home construction or safety standard;

C. a clear description of the imminent safety hazard, serious defect, defect, or noncompliance which shall include:

(1) the location of the imminent safety hazard, serious defect, defect, or noncompliance in the manufactured home;

(2) a description of any hazards, malfunctions, deterioration, or other consequences which may result from the imminent safety hazard, serious defect, defect, or noncompliance;

(3) a statement of the conditions which may cause such consequences to arise; and

(4) precautions, if any, that the owner should take to reduce the chance that the consequences will arise before the manufactured home is repaired;

D. an evaluation of the risk to

manufactured home occupants' safety and the durability of the manufactured home reasonably related to such imminent safety hazard, serious defect, defect, or noncompliance, including:

(1) the type of injury which may occur to occupants of the manufactured home; and

(2) whether there will be any warning that a dangerous occurrence may take place and what that warning would be, and any signs which the owner might see, hear, smell, or feel which might indicate danger or deterioration of the manufactured home as a result of the imminent safety hazard, serious defect, defect, or noncompliance;

E. if the manufacturer will correct the manufactured home, a statement that the manufacturer will correct the manufactured home;

F. a statement in accordance with whichever of the following is appropriate:

(1) where the manufacturer will correct the manufactured home at no cost to the owner, the statement shall indicate how and when the correction will be done, how long the correction will take, and any other information that may be helpful to the owner; or

(2) when the manufacturer does not bear the cost of repair, the notification shall include a detailed description of all parts and materials needed to make the correction, a description of all steps to be followed in making the corrections, including appropriate illustrations and an estimate of the cost to the purchaser or owner of the correction;

G. a statement informing the owner that the owner may submit a complaint to the commissioner if the owner believes that the notification or the remedy described in it is inadequate or the manufacturer has failed or is unable to remedy within a reasonable time after the owner's first

attempt to obtain a remedy; and

H. a statement that any actions taken by the manufacturer under the act in no way limit the rights of the owner or any other person under any contract or other applicable law and that the owner may have further rights under contract or other applicable law.

STAT AUTH: MS § 327.33

1350.5200 TIME FOR IMPLEMENTATION.

Subpart 1. **Plan for correction.** The manufacturer shall complete implementation of the plan for correction approved under part 1350.4500, subpart 5 on or before the deadline established in the plan as required by part 1350.5000, subpart 5. The deadline shall allow a reasonable amount of time to complete the plan, taking into account the seriousness of the problem, the number of manufactured homes involved, the immediacy of any risk, and the difficulty of completing the action. The seriousness and immediacy of any risk shall be given greater weight than other considerations. If a manufacturer is required to correct an imminent safety hazard or serious defect under part 1350.4700, the deadline shall be no later than 60 days after approval of the plan.

Subp. 2. **Notifications and corrections.** The manufacturer shall complete the implementation of any notifications and corrections being carried out under an order of the commissioner under part 1350.4800 on or before the deadline established in the order. In establishing each deadline, the commissioner shall allow a reasonable time to complete all notifications and corrections, taking into account the seriousness of the imminent safety hazard, serious defect, defect, or noncompliance; the number of manufactured homes involved; the location of the homes; and the extent of correction required. In no case shall the time allowed exceed the following limits: 30 days after the issuance of final determination of imminent safety hazard; and 60 days after the issuance

of final determination of serious defect, defect, or noncompliance.

Subp. 3. **Extension of time.** The commissioner shall grant an extension of the deadlines included in a plan or order if the manufacturer requests extension in writing and shows good cause for the extension and if the commissioner is satisfied that the extension is justified in the public interest. When the commissioner grants an extension, the commissioner shall notify the manufacturer and forward to the secretary a draft notice of the extension to be published in the Federal Register.

STAT AUTH: MS § 327.33

1350.5300 COMPLETION OF REMEDIAL ACTIONS AND REPORT.

Subpart 1. **Notification.** Where a manufacturer is required to provide notification under parts 1350.3900 to 1350.5700, the manufacturer shall maintain in its files for five years from the date the notification campaign is completed a copy of the notice sent and a complete list of the names and addresses of those persons notified. The files shall be organized so that each notification and correction campaign can be readily identified and reviewed by the commissioner.

Subp. 2. **Correction.** Where a manufacturer is required to provide correction under part 1350.4700 or where the manufacturer otherwise corrects under part 1350.4500 or part 1350.4800, subpart 5, the manufacturer shall maintain in its files, for five years from the date the correction campaign is completed, one of the following, as appropriate for each manufactured home involved:

A. where the correction is made, a certification by the manufacturer that the repair was made to satisfy completely the standards in effect at the time the manufactured home was manufactured and that any imminent safety hazard has been eliminated; or

B. where the owner refuses to allow the

manufacturer to repair the home, a certification by the manufacturer that the owner has been informed of the problem which may exist in the manufactured home, that the owner has been informed of any risk to safety or durability of the manufactured home which may result from the problem, and that an attempt has been made to repair the problems only to have the owner refuse the repair.

Subp. 3. **Additional notifications or corrections.** If any actions taken under parts 1350.3900 to 1350.5700 are not adequate under the approved plan or an order of the commissioner, the manufacturer may be required to provide additional notifications or corrections to satisfy the plan or order.

Subp. 4. **Report.** The manufacturer shall, within 30 days after the deadline for completing any notifications and required corrections, under an approved plan or under an order of the commissioner, or any corrections required to obtain a waiver under part 1350.4500, subpart 7, or 1350.4800, subpart 5, provide a complete report of the action taken to the commissioner who approved the plan under part 1350.4500, subpart 4, granted the waiver, or issued the order under part 1350.4800, subpart 3, and to any other state administrative agency or the secretary that forwarded a relevant complaint or information to the manufacturer under part 1350.4400.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.5400 CORRECTION OF CERTAIN HAZARDS AND DEFECTS.

If, in the course of making corrections under part 1350.5200, the manufacturer creates an imminent safety hazard or serious defect, the manufacturer shall correct the imminent safety hazard or serious defect under part 1350.4700.

STAT AUTH: MS § 327.33

1350.5500 MANUFACTURED HOMES

IN THE HANDS OF DEALERS AND DISTRIBUTORS.

Subpart 1. Responsibility of manufacturer.

The manufacturer is responsible for correcting any failures to conform and imminent safety hazards which exist in manufactured homes which have been sold or otherwise released to a distributor or dealer but which have not yet been sold to a purchaser. Generally this responsibility does not extend to

failures to conform or imminent safety hazards that result solely from transit damages that occur after the manufactured home leaves the control of the manufacturer when the home is released by the manufacturer. This part sets out the procedures to be followed by dealers and distributors for handling manufactured homes in these cases. Regardless of whether the manufacturer is responsible for repairing a manufactured home, no dealer or distributor may sell a manufactured home if it contains a failure to conform or an imminent safety hazard.

Subp. 2. Notification and record.

Whenever a dealer or distributor finds a problem in a manufactured home which the manufacturer is responsible for correcting, the dealer or distributor shall contact the manufacturer, provide full information concerning the problem, and request appropriate action by the manufacturer in accord with subpart 4. Where the manufacturer agrees to correct, the manufacturer shall maintain a complete record of its actions. Where the manufacturer authorizes the dealer to make the necessary corrections on a reimbursable basis, the dealer or distributor shall maintain and submit a complete record of its actions to the manufacturer.

Subp. 3. Amount of reimbursement.

An agreement by the manufacturer to correct or to authorize corrections on a reimbursable basis constitutes the commissioner's determination, for purposes of section 613(b) of the act with respect to judicial review of the amount which the manufacturer agrees to

reimburse the dealer or distributor for corrections.

Subp. 4. Manufacturer's option. Upon a final determination by the commissioner under part 1350.4800, or upon a determination by the secretary or a court of competent jurisdiction that a manufactured home fails to conform to the standard or contains an imminent safety hazard after the manufactured home is sold or otherwise released by a manufacturer to a distributor or a dealer and prior to the sale of the manufactured home by the distributor or dealer to a purchaser, the manufacturer shall have the option to either:

A. immediately furnish, at the manufacturer's expense, to the purchasing distributor or dealer the required conforming part or parts or equipment for installation by the distributor or dealer on or in the manufactured home, and the manufacturer shall reimburse the distributor or dealer for the reasonable value of the installation plus a reasonable reimbursement of not less than one percent per month of the manufacturer's or distributor's selling price prorated from the date of receipt by certified mail of notice of noncompliance to the date the manufactured home is brought into compliance with the standards, so long as the distributor or dealer proceeds with reasonable diligence with the installation after the part or component is received; or

B. immediately repurchase, at the manufacturer's expense, the manufactured home from the distributor or dealer at the price paid by the distributor or dealer, plus all transportation charges involved and a reasonable reimbursement of not less than one percent per month of the price paid prorated from the date of receipt by certified mail of notice of the imminent safety hazard, serious defect, defect, or noncompliance to the distributor. The value of the reasonable reimbursements shall be fixed by mutual agreement of the parties or by a court in an action brought under section 613(b) of the act.

This part does not apply to any manufactured home purchased by a dealer or distributor which has been leased by the dealer or distributor to a tenant for purposes other than resale. In that instance the dealer or distributor has the remedies available to a purchaser under parts 1350.3900 to 1350.5700.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.5600 NOTICES, BULLETINS, AND OTHER COMMUNICATIONS.

At the time of dispatch, each manufacturer shall give to the commissioner a true or representative copy of all notices, bulletins, and other written communications to the dealers or distributors of the manufacturers regarding any serious defect or imminent safety hazard which may exist in any manufactured homes produced by the manufacturer. Manufacturers shall keep

complete records of all other communications with dealers, owners, and purchasers regarding noncompliances and defects.

STAT AUTH: MS § 327.33

1350.5700 SUPERVISION OF NOTIFICATION AND CORRECTION ACTIONS.

Subpart 1. **Notifications and corrections.** The production inspection primary inspection agency in each manufacturing plant shall be responsible for assuring that notifications are sent to all owners, purchasers, dealers, or distributors of whom the manufacturer has knowledge under the requirements of the act. The production inspection primary inspection agency shall be responsible for assuring that the required corrections are carried out by auditing the certificates required by part 1350.5300.

Subp. 2. **Accomplishment of remedial actions.** The commissioner or secretary to whom the report required by part 1350.5300, subpart 4 is sent shall be responsible for

assuring through oversight that remedial actions described in the report have been carried out.

Subp. 3. **Inspection.** The commissioner may inspect a manufactured home to determine whether any required correction is carried out to the approval plan, or, if there is no plan, to the standards or other approval obtained by the manufacturer.

STAT AUTH: MS § 327.33

ADMINISTRATIVE MATTERS

1350.5800 RECIPROACITY.

Upon a showing that another state provides for the sealing of manufactured homes upon compliance with standards which are at least equal to those provided in the code, the commissioner may provide that a construction seal affixed under the authority of the state shall have the same effect as a seal affixed under authority of this state, and thereafter any manufactured home which bears the seal of such state shall not be required to bear the seal of this state as provided in part 1350.0400. The commissioner may make such reciprocity contingent upon such other granting reciprocal effect to seals affixed under authority of this state. Pursuant to this part, the commissioner has established reciprocity with the following states which have granted reciprocity to Minnesota: Indiana, Illinois, and Wisconsin. This reciprocity applies to manufactured homes manufactured after July 1, 1972, and prior to June 14, 1976.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.5900 APPEALS.

Any person aggrieved by application of parts 1350.3900 to 1350.5700 may, within 30 days of the time when the grievance arose, appeal to the commissioner. Upon receipt of a timely appeal and the submission of the appropriate fee pursuant to part 1350.6600 by appellant, the commissioner shall review the

matter de novo and submit written findings to appellant.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 17 SR 1279; 24 SR 1846

1350.6000 GENERAL POLICIES FOR HEARINGS AND PRESENTATION OF VIEWS MEETINGS.

Subpart 1. **Policy.** All hearings and presentations of views meetings shall be public.

Subp. 2. **Request.** On receiving a request for a hearing or presentation of views meetings, the commissioner shall either grant the relief for which the hearing or presentation of views meeting is requested or shall issue a notice.

Subp. 3. **Notice.** When the commissioner decides to conduct a presentation of views meeting, the commissioner shall provide notice as follows:

A. Except where the need for swift resolution of the question involved prohibits it, notice of a proceeding shall be published in the State Register at least ten days prior to the date of the proceeding. In any case, notice shall be provided to interested persons to the maximum extent practicable. Direct notice shall be sent by certified mail to the parties involved in the presentation of views meeting.

B. The notice, whether published or mailed, shall include a statement of the time, place, and nature of the proceeding; reference to the authority under which the proceeding will be held; a statement of the subject matter of the proceeding, the parties and issues involved; and a statement of the manner in which interested persons shall be afforded the opportunity to participate in the presentation of views meeting.

C. The notice shall designate the official who shall be the presiding officer for the proceedings and to whom all inquiries should be directed concerning the proceedings.

D. The notice shall state whether the proceeding shall be held in accordance with the provisions of part 1350.6100. In determining whether the requirements of part 1350.6100 shall apply, the commissioner shall consider the following: the need for quick action; the risk of injury to affected members of the public; the economic consequences of the decisions to be made; and other factors the commissioner considers appropriate.

E. Oral proceedings shall be stenographically or mechanically reported, or recorded, or transcribed, under the supervision of the presiding officer, unless the presiding officer and the parties otherwise agree, in which case a summary approved by the presiding officer shall be kept.

STAT AUTH: MS § 327.33

1350.6100 PRESENTATION OF VIEWS MEETINGS.

Subpart 1. **Conduct of meeting.** A presentation of views meeting may be written or oral and may include an opportunity for an oral presentation, whether requested or not, whenever the commissioner concludes that an oral presentation would be in the public interest and states this in the notice. A presiding officer shall preside over all oral presentations. The purpose of these presentations shall be to gather information to allow fully informed decision making. Presentations of views meetings shall not be adversary proceedings. Oral presentations shall be conducted in an informal but orderly manner. The presiding officer shall have the duty and authority to conduct a fair proceeding, to take all necessary action to avoid delay, and to maintain order. In the absence of extraordinary circumstances, the presiding officer at an oral presentation of views meeting shall not require that testimony be given under oath or affirmation and shall not permit either cross-examination of witnesses by other witnesses or their representatives, or the presentation of rebuttal testimony by persons who have already

testified. The rules of evidence prevailing in courts of law or equity shall not control the conduct of oral presentation of views meeting.

Subp. 2. Commission's determination.

Within ten days after a presentation of views meeting, the presiding officer shall refer to the commissioner all documentary evidence submitted, any transcript that has been made, a summary of the issues involved, information presented in the presentation of views meeting, and the presiding official's recommendations with the rationale for them.

The presiding officer shall make any appropriate statements concerning the apparent veracity of witnesses or the validity of factual assertions which may be within the competence of the presiding officer. The commissioner shall issue a final determination concerning the matters at issue within 30 days of receipt of the presiding officer's summary. The final determination shall include a statement of findings, with specific references to principal supporting items of evidence in the record and conclusions, as well as the reasons or bases for them upon all of the material issues of fact, law, or discretion as presented on the record; and an appropriate order. Notice of the final determination shall be given in writing and transmitted by certified mail, return receipt requested, to all participants in the presentation of views meeting. The final determination shall be conclusive with respect to persons whose interests were represented.

STAT AUTH: MS § 327.33

1350.6200 PUBLIC PARTICIPATION IN PRESENTATION OF VIEWS MEETINGS.

Subpart 1. Written. Any interested persons may participate in writing in any presentation of views meeting held under the provision of part 1350.6100. The presiding officer shall consider to the extent practicable any written materials.

Subp. 2. Oral. Any interested person may participate in the oral portion of any

presentation of views meeting held under part 1350.6100 unless the presiding officer determines that participation should be limited or barred so as not to prejudice unduly the rights of the parties directly involved or unnecessarily delay the proceedings.

STAT AUTH: MS § 327.33

1350.6300 HEARINGS.

Whenever the commissioner determines that a formal hearing is necessary in order to resolve the presentation of adversary views on matters governed by parts 1350.0100 to 1350.9200, the

hearing shall be conducted according to Minnesota Statutes, chapter 14, governing contested case hearings and applicable provisions of the administrative rules of the Office of Administrative Hearings.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.6400 FORM AND REMITTANCE OF FEES.

All remittances shall be in the form of checks or money orders payable to "Minnesota State Treasurer"; and addressed to: State of Minnesota Building Codes and Standards Division, 121 Seventh Place East, Suite 408, Saint Paul, Minnesota 55101.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.6500 FEES FOR ACCESSORY STRUCTURE SEALS, REPLACEMENT CONSTRUCTION SEALS, CERTIFICATES, AND LABELS.

Subpart 1. Construction seal fees. Replacement manufactured home or accessory structure construction seal fees are \$30 per seal. Fees include certificates.

Subp. 2. Installation seal fees. Manufactured home installation seal fees are \$8 for a support/utility seal and \$8 for an

anchoring system seal. Fees include certificates.

Subp. 3. Temporary installation certificate fee. A temporary installation certificate fee is \$2 per certificate.

Subp. 4. Label fee. The United States Department of Housing and Urban Development monitoring (label) fee shall be paid by the manufacturer to the secretary.

Subp. 5. Seal order shipping and handling fee. The shipping and handling fee for each order of seals is current postage rate plus a \$3 handling fee.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.6600 APPEAL FEE.

The appeal fees are as stated in Minnesota Statutes, section 16B.67.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.6700 ANNUAL REGISTRATION REQUIREMENT.

An installer shall provide a copy (proof) of a manufactured home installer's annual license issued by the Department of Commerce prior to obtaining installation certificates and seals under parts 1350.0600, subpart 2, and 1350.6500, subpart 2.

STAT AUTH: MS § 327.33; 327B.01 to 327B.12

HIST: 24 SR 1846

1350.6800 OTHER FEES.

For all other work performed by the Department of Administration including, but not limited to, the review of plans, specifications, and independent agency reports, and quality control evaluation, a fee as specified under part 1302.0600, subpart 1, item B, shall be charged.

STAT AUTH: MS § 327.33; 327B.01 to 360

327B.12

HIST: 17 SR 1279; 24 SR 1846

1350.6900 RESERVATION OF RIGHTS.

Nothing in parts 1350.0100 to 1350.6900 shall limit the rights of the purchaser under any contract or applicable law.

STAT AUTH: MS § 327.33

LICENSING OF MANUFACTURERS, DEALERS, LIMITED DEALERS, AND DEALERS' SUBAGENCIES

1350.7000 AUTHORITY.

Parts 1350.7000 to 1350.9200 are adopted by the commissioner pursuant to Minnesota Statutes, section 327B.10, to implement and administer the provisions of Minnesota Statutes, sections 327B.01 to 327B.12, relating to the licensing of manufactured home manufacturers, dealers, limited dealers, and dealers' subagencies.

STAT AUTH: MS § 327B.01 to 327B.12

HIST: 24 SR 1846

1350.7100 DEFINITIONS.

Subpart 1. Scope. The terms used in parts 1350.7000 to 1350.9200 have the meanings given them in this part and in Minnesota Statutes, section 327B.01.

Subp. 2. Applicant. "Applicant" means a person who is applying for a manufactured home manufacturer or dealer license or limited dealer license.

Subp. 3. Commissioner. "Commissioner" has the meaning given it in part 1350.0100, subpart 12.

Subp. 4. Distributor. "Distributor" has the meaning given it in part 1350.0100, subpart 19.

Subp. 5. Length of a manufactured home. "Length of a manufactured home" has the meaning given it in part 1350.0100, subpart 34.

Subp. 6. Licensee. "Licensee" means a

person licensed under Minnesota Statutes, section 327B.04.

Subp. 7. Manufacturer's sale agreement. "Manufacturer's sale agreement" means a franchise or written contract between a manufacturer and a dealer which authorizes the dealer to sell or distribute manufactured homes made by the manufacturer and establishes such things as the length of the agreement, model names, responsibility for warranty service, any other responsibilities between the parties, and, if applicable, the area of the state under contract to the dealer.

Subp. 7a. Manufactured home park. "Manufactured home park" means a licensed manufactured home park as required in Minnesota Statutes, section 327.15, and defined in Minnesota Statutes, section 327.14.

Subp. 8. Width of a manufactured home. "Width of a manufactured home" has the meaning given it in part 1350.0100, subpart 60.

STAT AUTH: MS § 327B.01 to 327B.12

HIST: 24 SR 1846

1350.7200 LICENSE APPLICATION.

Subpart 1. Forms; requirements. An applicant shall apply for a manufacturer, dealer, limited dealer, or dealer subagency license on forms furnished by the commissioner and shall comply with Minnesota Statutes, section 327B.04.

Subp. 2. Required information. The kinds of information listed in items A and B satisfy the related requirements in Minnesota Statutes, section 327B.04, subdivisions 3 and 4.

A. An application for a dealer's license must contain the information in subitems (1) to (9):

(1) A photocopy of the applicant's valid driver's license clearly showing the applicant's signature and photograph, or, if the applicant has no current driver's license, some other form of

identification showing a photograph and the signature of the applicant.

(2) The name under which the applicant desires to do business in this state. If the name is an assumed name the applicant shall submit proof of filing the assumed name with the secretary of state. If the business is a corporation the applicant shall submit a copy of its Minnesota certificate of incorporation.

(3) The type of business to be operated by the applicant such as manufacturing, selling (new or used), or brokering manufactured homes, and the applicant's business location.

(4) The names, home and business addresses, and telephone numbers of the applicant's directors, officers, limited and general partners, controlling shareholders, and affiliates.

(5) The signature of the applicant's owner, general partner, or corporate president verified under oath.

(6) A statement of the applicant's qualifications for licensure as a dealer, such as education, work experience, and any other qualifications in manufactured home construction, sales, repair, or related fields involving sales, financing, title transfer, or contracts.

(7) A statement of all other manufactured home dealer or manufacturer licenses held by the applicant either directly or indirectly in this or another state.

(8) A statement of the type of businesses the applicant has previously been involved in, either directly or indirectly, for the past five years by company name, address, directors, officers, limited or general partners, controlling shareholders, affiliates, dates, and current business status.

(9) The original copy of the surety bond required by Minnesota Statutes, section 327B.04, subdivision 4 on a form furnished by the commissioner.

B. An application for a manufacturer's license must contain the information in subitems (1) to (4):

(1) The name under which the applicant desires to do business in this state. If the name is an assumed name the applicant shall submit proof of filing the assumed name with the secretary of state. If the business is a corporation the applicant shall submit a copy of its Minnesota certificate of incorporation.

(2) A current list of Minnesota dealers with whom the applicant has a manufacturer's sale agreement, as required by Minnesota Statutes, section 327B.04, subdivision 4.

(3) A list of the manufacturer's manufacturing facilities that will be shipping manufactured homes into this state.

(4) A list of the brand names of manufactured homes that the manufacturer will ship into this state.

Subp. 3. **Fee.** An applicant shall submit, with the application, the required fee established in part 1350.8300, item A.

Subp. 4. **Copy for applicant's records.** An applicant shall copy the complete application, bond, and any revisions as submitted to the commissioner and shall keep the copies on file at all times at the applicant's principal place of business.

STAT AUTH: MS § 327B.01 to 327B.12

HIST: 24 SR 1846

1350.7205 LIMITED LICENSE APPLICATION.

An applicant shall apply for a limited dealer license pursuant to Minnesota Statutes, section 327B.04, subdivision 8.

STAT AUTH: MS § 327B.01 to 327B.12

HIST: 24 SR 1846

1350.7300 ESTABLISHED PLACE OF BUSINESS.

Subpart 1. **Proof required.** The commissioner shall not grant a dealer license until the applicant has furnished the commissioner with proof that the applicant has an established place of business, as required by Minnesota Statutes, section 327B.04, subdivision 4, and that the requirements in subparts 2 to 7 have been met.

Subp. 2. **Building or office space.** An applicant for a dealer license must have a permanent enclosed building, other than a residence, or a commercial office space for the principal place of business and for each subagency location.

A manufactured home, other than a residence, qualifies as an established place of business if it is set up in a permanent manner, it is connected to sewer, water, and electricity, it is skirted, it is owned by the applicant, and it is not being offered for or subject to sale while being used as an office. The owner of a licensed manufactured home park who resides in or adjacent to the park may use the residence as the established place of business required by this subpart, unless prohibited by local zoning ordinance.

Subp. 3. **Unimproved sales lots.** Unimproved lots and premises may be used for sale and display of manufactured homes if they are in proximity to a licensed dealer's principal place of business or subagency location so as to avoid confusion or uncertainty as to their relationship to the business. A photo or drawing must be submitted to the commissioner clearly indicating the relationship of the unimproved lot or premises to the business location.

Subp. 4. **Unimproved storage lots.** Unimproved lots and premises may be used for storage of manufactured homes. The licensed dealer shall notify the commissioner of the location of the unimproved lot or premises prior to storage of manufactured homes there.

Subp. 5. **Photograph.** The licensed dealer shall submit a current photograph which accurately depicts the principal place of

business, each subagency location, and unimproved lots to be used for sales and display for which the applicant is requesting a license.

Subp. 6. **Deed, contract, or lease.** The licensed dealer shall submit a copy of a valid warranty deed, contract for deed, or lease for a term of not less than one year for the premises housing the principal place of business and each subagency.

Subp. 7. **Sole licensed occupant.** Only one licensee, as licensed dealer may own or lease and occupy an established place of business or commercial office space. Two or more licensees may occupy one established place of business if they are related by means of ownership or are one legal entity.

STAT AUTH: MS § 327B.01 to 327B.12

HIST: 17 SR 1279; 24 SR 1846

1350.7400 MANUFACTURER'S SALE AGREEMENT.

A dealer shall furnish a copy of the contract or franchise required by Minnesota Statutes, section 327B.04, subdivision 4, clause (b), to the commissioner. The dealer shall notify the commissioner within 14 days of the time when a contract or franchise expires or becomes void.

STAT AUTH: MS § 327B.10

1350.7500 TRUST ACCOUNT.

A broker shall establish a trust account with a bank located in this state, and must comply with Minnesota Statutes, section 327B.08, subdivisions 3 to 5. The trust account information must be submitted on a form furnished by the commissioner.

STAT AUTH: MS § 327B.10

1350.7600 RETURNED CHECKS.

When a check is offered to the commissioner in payment for fees or changes pursuant to parts 1350.7000 to 1350.9200 and the check is returned without payment for any reason, the fee set in part 1350.8300 becomes due and is a part of the total obligation in addition

to other consequences permitted by law and parts 1350.7000 to 1350.9200.

STAT AUTH: MS § 327B.10

1350.7700 POSTING OF LICENSE.

A current license must be posted at the principal place of business and at each subagency and at each manufactured home park location in a conspicuous place and clearly visible to all consumer customers. The posted license must be the license issued for the specific location at which it is posted. Only valid licenses may be posted.

STAT AUTH: MS § 327B.01 to 327B.12

HIST: 24 SR 1846

1350.7800 REAPPLYING FOR A LICENSE.

A person whose license has been suspended, revoked, or whose license application has been denied may not reapply for a license until the error, omission, or cause for suspension, revocation, or denial has been corrected to the satisfaction of the commissioner. This does not limit the applicant's rights pursuant to Minnesota Statutes, section 327B.05, subdivision 2.

STAT AUTH: MS § 327B.10

1350.7900 CLOSING OF PRINCIPAL PLACE OF BUSINESS OR SUBAGENCY.

When a dealer or limited dealer closes a principal place of business or dealer subagency, the dealer or limited dealer must notify the commissioner and return the appropriate license certificate within 14 days of the closing.

STAT AUTH: MS § 327B.01 to 327B.12

HIST: 24 SR 1846

1350.8000 LICENSE RENEWAL.

Subpart 1. **Date of renewal.** Licensees must renew their licenses pursuant to Minnesota Statutes, section 327B.04 and this part. The commissioner shall send out renewal notices

by November 15 of the year a license expires. The renewal must be submitted on forms furnished by the commissioner for principal places of business and subagencies, accompanied by the fees in part 1350.8300. License renewal applications must be received by the commissioner no later than December 15 of the year a license expires. All licenses expire at midnight, December 31 of the year of expiration.

Subp. 2. Limited dealer license renewal. A limited dealer, upon application for renewal, shall renew a limited dealer license pursuant to Minnesota Statutes, section 327B.04, subdivision 8.

STAT AUTH: MS § 327B.01 to 327B.12

HIST: 24 SR 1846

1350.8100 LIMITED DEALER AND DEALER'S RECORDS.

Subpart 1. Dealer records. A dealer shall retain copies of all records as required by Minnesota Statutes, section 327B.06, subdivision 1. All records must be retained in one centralized place designated by the dealer. The dealer shall notify the commissioner as to the location of the records either at the principal or subagency location. All records shall be on file at the dealers designated location within 14 days after the closing of the sales transaction.

Subp. 2. Limited dealer's records. A limited dealer shall retain copies of all records as required by Minnesota Statutes, section 327B.06, subdivision 1. All records must be retained at the limited dealer's licensed place of business.

STAT AUTH: MS § 327B.01 to 327B.12

HIST: 24 SR 1846

1350.8200 SALESPEOPLE.

Every dealer shall submit a written list to the commissioner of all salespersons employed by the dealer, as required by Minnesota Statutes, section 327B.07, subdivision 2. The list must include the starting date and, when

applicable, the termination date, for each salesperson. A running list must be maintained to show all the salespersons currently employed and previously employed. Any change of a salesperson's status must be noted on the running list and the entire list must be submitted to the commissioner within ten days of a change. A copy of the current complete salesperson list as submitted to the commissioner must be retained and kept on file at all times at the dealer's principal place of business. The format of the salesperson list shall conform to that contained in sample forms provided by the commissioner.

STAT AUTH: MS § 327B.10

1350.8300 FEES.

Fees for licenses and services associated with parts 1350.7000 to 1350.9200 are as follows:

- A. initial dealer license for principal location, (remainder of calendar year), \$200. Fee is not refundable;
- B. initial dealer license for subagency location, \$40. Fee is not refundable;
- C. dealer license biennial renewal, principal location, \$400; dealer subagency location, \$80. Subagency license renewal must coincide with the principal license date;
- D. limited dealer license, \$100. Fee is not refundable;
- E. limited dealer license annual renewal from date of issue, \$100;
- F. change of bonding company, \$10. A corrected duplicate license or limited license is required;
- G. reinstatement of bond after cancellation notice has been received, \$10;
- H. duplicate license or limited license, \$10;
- I. checks returned without payment, \$15 and a corrected duplicate license or limited license is required; and
- J. change of address, \$10.

STAT AUTH: MS § 327B.01 to 327B.12

HIST: 24 SR 1846

1350.8400 TRUST FUNDS.

The broker with whom trust funds are to be deposited in satisfaction of Minnesota Statutes, section 327B.08, subdivision 3, shall be the broker under contract for the sale of the manufactured home with the seller.

Trust funds must be maintained in the trust account until they are disbursed in accordance with the terms of the applicable agreements. Disbursement must be made within 14 days following the consummation or termination of a transaction if the applicable agreements are silent as to the time of disbursement.

STAT AUTH: MS § 327B.10

1350.8500 NOTICE TO COMMISSIONER.

Subpart 1. **Notification requirement.** A licensee shall notify the commissioner of the occurrence of any of the events in subparts 2 to 5.

Subp. 2. **Change in application information.** A licensee shall notify the commissioner in writing within ten days of the change of any change in information contained in a license application on file with the commissioner.

Subp. 3. **Civil judgment.** A licensee shall notify the commissioner in writing within ten days of any decision of a court regarding a proceeding in which the dealer or limited dealer was named as a defendant, and in which fraud, misrepresentation, or the conversion of funds was found to have been committed by the licensee.

Subp. 4. **Disciplinary action in another state.** A licensee shall notify the commissioner in writing within ten days of the suspension or revocation of the licensee's manufactured home dealer license or limited dealer or other occupational license issued in another jurisdiction.

Subp. 5. **Criminal offense.** A dealer or

limited dealer shall notify the commissioner in writing within ten days if the dealer or limited dealer is found guilty of a felony, gross misdemeanor, misdemeanor, or any comparable offense related to manufactured home sales, improper business practices, fraud, misrepresentation, misuse of funds, or violation of the consumer laws.

STAT AUTH: MS § 327B.01 to 327B.12

HIST: 24 SR 1846

1350.8600 REQUIRED DOCUMENTS.

A dealer or limited dealer shall furnish to the parties to a transaction at the time the documents are signed or become available, true and accurate copies of listing agreements, earnest money receipts, purchase agreements, contracts for title, option agreements, disclosure statements, statement of sale, energy audits, the formaldehyde warning which is required by Minnesota Statutes, section 325F.18, and other records, instruments, or documents which are material to the transaction and which are in the dealer's possession.

The format of the disclosure statement must conform to that contained in sample forms provided by the commissioner and the statement must be signed by the dealer or the dealer's authorized salesperson, the buyer, and the seller. A copy of the disclosure must be kept on file by the dealer.

STAT AUTH: MS § 327B.01 to 327B.12

HIST: 24 SR 1846

1350.8700 STANDARDS OF CONDUCT.

The methods, acts, or practices in part 1350.8800 are standards of conduct governing the activities of a dealer or limited dealer. Failure to comply with those standards is a ground for denial, suspension, or revocation of the license.

STAT AUTH: MS § 327B.01 to 327B.12

HIST: 24 SR 1846

1350.8800 RESPONSIBILITIES OF

DEALERS AND LIMITED DEALERS.

Subpart 1. **Supervision of personnel.** Dealers or limited dealers shall closely supervise the activities of their salespersons and employees which are related to the sale of manufactured homes. Supervision includes the ongoing monitoring of listing agreements, purchase agreements, and other manufactured home documents which are prepared or drafted by the dealer's or limited dealer's salespersons or employees or which are otherwise received by the dealer's or limited dealer's office, and the review of all dealer's trust account books and records.

Subp. 2. **Preparation and safekeeping of documents.** Dealers or limited dealers are responsible for the preparation, custody, safety, and accuracy of all manufactured home contracts, documents, and records, even though another person may be assigned these duties by the dealer or limited dealer.

Subp. 3. **Resolution of complaints.** Dealers or limited dealers shall investigate and attempt to resolve complaints made regarding the practices of individuals employed by them.

Subp. 4. **Supervision of place of business.** Each principal place of business and each subagency shall be under the direction and supervision of a manager. The dealer or limited dealer shall furnish the commissioner with the name of each manager responsible for a licensed location. Designation of a manager does not relieve the dealer or limited dealer of overall responsibility for the actions of salespersons or the manager.

STAT AUTH: MS § 327B.01 to 327B.12

HIST: 24 SR 1846

1350.8900 DISCLOSURES BY SALESPERSON.

All dealers or limited dealers shall require their salespersons to conduct business only under the licensed name of and on behalf of the dealer or limited dealer by whom they are employed or to whom they are under contract and to disclose in every transaction the name of the dealer or limited dealer by whom they

are employed or to whom they are under contract.

STAT AUTH: MS § 327B.01 to 327B.12

HIST: 24 SR 1846

1350.9000 LENGTH AND WIDTH.

The length and width of a manufactured home when shown on sales contracts, documents, and records is the length and width to the nearest foot as defined in part 1350.0100, except on an application or permit to transport a manufactured home if the total length of the manufactured home is required to include drawbars, couplings, or hitches. Room additions must be noted and measured separately.

STAT AUTH: MS § 327B.01 to 327B.12

HIST: 24 SR 1846

1350.9100 DISCLOSURE.

If a manufactured home being sold is located in a manufactured home park, the dealer or limited dealer, prior to the buyer's signing of the purchase agreement, shall obtain a written statement signed by the buyer acknowledging the dealer's or limited dealer's disclosure of the contents of Minnesota Statutes, section 327C.07, regarding in-park sales of manufactured homes.

STAT AUTH: MS § 327B.01 to 327B.12

HIST: 24 SR 1846

1350.9200 ENFORCEMENT.

Any authorized representative of the commissioner may at any reasonable time enter the premises where manufactured homes are manufactured, or where new or used manufactured homes are sold, solicited, brokered, or advertised for sale, and may examine the manufacturer's or dealer's or limited dealer's records to the extent necessary to enforce the provisions of parts 1350.0100 to 1350.9200.

STAT AUTH: MS § 327B.01 to 327B.12

HIST: 24 SR 1846

MINNESOTA RULES, CHAPTER 1360

PREFABRICATED BUILDINGS

1360.0100 TITLE AND SCOPE.

Subpart 1. [Repealed, 20 SR 2290(NO. 43)]

Subp. 2. **Purpose.** The purpose of this chapter is to govern the construction of, and provide for the certification of, prefabricated buildings for those manufacturers who construct not more than three prefabricated buildings for permanent installation in Minnesota in a calendar year. Manufacturers of prefabricated buildings other than those regulated by this chapter or that produce more than three prefabricated buildings for permanent installation in Minnesota in a calendar year, must comply with the industrial/modular buildings rules, chapter 1361.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405; 20 SR 2290(NO. 43)

1360.0200 DEFINITIONS.

Subpart 1. **Scope.** Unless otherwise expressly stated, the following terms, for the purpose of this code, have the meaning indicated in this part.

Subp. 2. **Approved.** "Approved" as it applies to off-site construction of prefabricated buildings means approved by the state building inspector.

Subp. 3. [Repealed, 20 SR 2290(NO. 43)]

Subp. 4. [Repealed, 20 SR 2290(NO. 43)]

Subp. 5. **Closed construction.** "Closed construction" means any building manufactured in such a manner that all portions cannot be readily inspected at the installation site without disassembly, damage to, or destruction thereof.

Subp. 6. **Code.** "Code" means the Minnesota State Building Code.

Subp. 7. **Compliance certificate and data**

plate. "Compliance certificate and data plate" means the certificate provided by the state building inspector to the manufacturer which when signed by the manufacturer warrants that the prefabricated building complies with the code.

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of administration.

Subp. 9. [Repealed, 20 SR 2290(NO. 43)]

Subp. 10. [Repealed, 20 SR 2290(NO. 43)]

Subp. 11. [Repealed, 20 SR 2290(NO. 43)]

Subp. 12. **Installation.** "Installation" means the process of affixing, or assembling and affixing, prefabricated buildings on the building site, or to an existing building.

Subp. 13. [Repealed, 11 SR 1405]

Subp. 14. **Local enforcement agency.** "Local enforcement agency" means an agency of a municipality which enforces the code.

Subp. 14a. **Manufacturer.** "Manufacturer" means any person or firm engaged in the manufacturing of not more than three prefabricated buildings per single location for permanent installation in Minnesota in a calendar year.

Subp. 15. **Prefabricated building.** "Prefabricated building" means any building or building module intended for use as an R-3, one- or two-family dwelling, or a U-1, accessory building, which is of closed construction and which is constructed, on or off the building site, for installation, or assembly and installation, on the building site, but does not include relocatable contractors offices or storage buildings that are 1,500 square feet or less in floor area, that are designed for temporary use by a contractor at a construction site, that are not to be used by the general public or as a sales office, and that will be removed prior to or

upon completion of the construction project.
Subp. 16. **Open construction.** "Open construction" means any building manufactured in such a manner that all portions can be readily inspected at the installation site without disassembly, damage to, or destruction of the building.

Subp. 17. [Repealed, 20 SR 2290(NO. 43)]

Subp. 18. [Repealed, 20 SR 2290(NO. 43)]

Subp. 19. **Seal.** "Seal" means a device or insignia issued to the manufacturer by the state building inspector evidencing the manufacturer's certification that the prefabricated building or module bearing the seal was produced in accordance with the code.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405; 20 SR 2290(NO. 43)

1360.0300 APPROVAL.

Subpart 1. **Responsibility; plan review.** The state building inspector has the responsibility for approving prefabricated buildings for compliance with the code. This responsibility may be delegated to approved local enforcement agencies.

Approvals expire when there are revisions to the code under which the approval was granted. At that time the manufacturer must submit entire new documentation for evaluation and approval, or submit evidence that the plans as approved are in compliance with the code as revised.

Subp. 2. **Dwellings manufactured for use in specific municipality.** A local unit of government may authorize the construction of a one-family or two-family detached dwelling manufactured at a location in the municipality other than the site of installation in the same municipality, if:

- A. the manufacturer applies to the state building inspector, on a form specified by the commissioner, to construct a dwelling in the municipality;

- B. the building official endorses the application and agrees to provide the same plan review and inspection services that would be provided if the home were built on site;

- C. the manufacturer agrees not to apply for a Minnesota prefabricated building seal at a future date;

- D. the completed form and a copy of the local building permit application must be forwarded to the Division of Building Codes and Standards for acceptance; and

- E. the Division of Building Codes and Standards accepts the proposal and notifies the manufacturer and the building official in writing.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405; 20 SR 2290(NO. 43)

1360.0400 INSPECTION.

The state building inspector reserves the responsibility for inspecting prefabricated buildings and building components for compliance with the code. The state building inspector may delegate such responsibility to approved local enforcement agencies.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 17 SR 1279; 20 SR 2290(NO.43)

1360.0500 CERTIFICATION.

Prefabricated buildings which are sold, offered for sale, or installed in the state must bear a seal or seals and a compliance certificate and data plate evidencing the manufacturer's certification of code compliance. That certification is conclusive on all agencies, instrumentalities, and municipalities of the state.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405

1360.0700 MODIFICATION.

Prefabricated buildings bearing a state seal must not in any way be modified unless a written request is made and written approval obtained from the state building inspector or municipal building official.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405

1360.0800 TESTING.

The state building inspector may require that specific components, systems, or processes be tested. Tests must be performed by a qualified testing agency. The tests and procedures must be reviewed by the state building inspector to assure compliance with the code.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405; 20 SR 2290(NO. 43)

1360.0900 INSPECTION.

Subpart 1. **General.** The state building inspector shall make, or cause to be made, inspections of the entire process of manufacturing, certifying, handling, storing, and transporting of prefabricated buildings produced pursuant to approved documents which the state building inspector deems necessary.

Subp. 2. [Repealed, 20 SR 2290(NO. 43)]

Subp. 3. [Repealed, 20 SR 2290(NO. 43)]

Subp. 4. **Damaged prefabricated buildings.** Prior to the installation of a damaged prefabricated building, the installer, transporter, building official, owner, or manufacturer shall notify the state building inspector who shall inspect, or cause to be inspected, prefabricated buildings which have been damaged and take action with regard to those buildings.

The state building inspector shall require prefabricated buildings which are so damaged as to no longer comply with the

code to be brought into compliance promptly. If those buildings are not brought into compliance with the code within a reasonable time, or if they are so damaged that they cannot be brought into compliance, the state building inspector shall order that the seals be removed from the buildings. Irreparably damaged buildings must be disposed of in accordance with applicable law.

Subp. 5. [Repealed, 20 SR 2290(NO. 43)]

Subp. 6. [Repealed, 20 SR 2290(NO. 43)]

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405; 15 SR 74; 17 SR 1279; 20 SR 2290(NO. 43)

1360.1000 ON-SITE INSPECTION BY LOCAL CODE ENFORCEMENT AGENCY.

Local code enforcement agencies are required to inspect the installation of prefabricated buildings and are responsible for determining that each installation is completed in accordance with its certification. The local enforcement agency may inspect, to the maximum extent possible without causing undue delay, prefabricated buildings at the installation site for compliance with the code. This inspection must not require the removal of permanent parts of the structure. Evidence of noncompliance with the certification must be reported to the state building inspector.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405

1360.1100 LOCAL ZONING.

Enforcement of land use zone requirements, building setback, side and rear yard requirements, site development, and property line requirements are specifically and entirely reserved to local municipalities.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405

1360.1200 STANDARDS AND REQUIREMENTS.

The standards and requirements for manufacture and installation of prefabricated buildings must be the current Minnesota State Building Code.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405

1360.1300 BUILDING PERMITS.

Subpart 1. **Application for permit.** An application for a building permit to a local building official for the installation of prefabricated buildings pursuant to this code must in addition to any other requirements contain:

- A. a statement that application is made for permission to install prefabricated buildings in accordance with the provisions of the code, signed by the applicant or the applicant's agent with the appropriate address;
- B. a copy of the site and building plans and specifications and evidence of plan approval by the state building inspector; and
- C. the information required on the data plate (part 1360.2400).

Subp. 2. **Issuance.** The local building official must issue a permit, license, certificate, authorization, or other required document, as the case may be, for the installation of the prefabricated building if the application is submitted in accordance with this code. The manufacturer shall submit evidence to assure that the design loads are in accordance with the appropriate provisions of the code. Foundation plans, all utility installations and connections, and all provisions of part 1360.1100 are subject to local approval.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405; 17 SR 1279; 20 SR 2290(NO. 43)

1360.1400 CERTIFICATE OF OCCUPANCY.

Upon completion of the installation of any prefabricated building the owner, manufacturer, builder, architect, lessee, tenant of their agent, or other interested person may, upon showing of compliance with the code, demand and obtain, upon proper payment being made for it in appropriate cases, any permit, license, certificate, authorization, or other required document the issuance of which is authorized pursuant to any state or local building regulation.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405

1360.1500 CHANGES TO APPROVED PLANS.

A manufacturer who proposes or is required to change approved plans or installation instructions shall request approval of the changes in writing and work may not commence until written approval is received.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405; 20 SR 2290(NO. 43)

1360.1600 CHANGE OF OWNERSHIP, NAME, OR ADDRESS.

In the event of a change in the ownership, name, or office address of any manufacturer, the manufacturer shall notify the state building inspector or the local enforcement agency in writing within ten days.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 17 SR 1279; 20 SR 2290(NO. 43)

1360.1800 NONCOMPLIANCE.

Noncompliance with the provisions of the code or unauthorized deviation from the approved plans or production procedures may be cause for revocation of the plan approval.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405; 20 SR 2290(NO. 43)

1360.1900 SEALS.

Subpart 1. **R-3 and U-1 occupancies.** For R-3 and U-1 occupancies, each prefabricated building manufactured pursuant to the code must have permanently attached in a location shown on the approved plans a state seal evidencing certification of compliance with the code by the manufacturer.

Subp. 2. [Repealed, 20 SR 2290(NO. 43)]

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405; 20 SR 2290(NO. 43)

1360.2000 ISSUANCE.

A seal must be issued by the state building inspector to the manufacturer upon final inspection approval. All seals must be serially numbered.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405; 20 SR 2290(NO. 43)

1360.2400 MANUFACTURER'S COMPLIANCE CERTIFICATE.

The compliance certificate form furnished by the state building inspector must contain but is not limited to the following information, and must be placed by the manufacturer in the vicinity of the electrical distribution panel or in some other approved designated location that is readily accessible for inspection:

- A. manufacturer's name and address;
- B. serial number of the unit;
- C. model designation and name of

manufacturer of major factory-installed appliances;

D. where applicable, identification of permissible type of gas for appliances and directions for water and drain connections;

E. name and date of standards complied with;

F. seal serial number;

G. design loads;

H. special conditions or limitations of the unit;

I. date of manufacture; and

J. electrical ratings-instructions and warnings on voltage, phase, size and connections of units, and grounding requirements.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405

1360.2500 PLAN APPROVAL PROCEDURES.

Plan approval must be obtained from the state building inspector for all prefabricated buildings.

Applications, plans, specifications, and other documentation must be submitted in sufficient copies as required. Applications must be made in letter form. All documentations and plans must indicate the manufacturer's name, office address, and address of manufacturing facility.

Manufacturers shall submit plans showing all elements relating to specific systems on properly identifiable sheets. Each plan must bear the signature and seal of an approved registered architect or professional engineer where required. The plan must indicate the method of evaluation and inspection for all required on-site testing of the systems. Plans must designate all work to be performed on site, including connections of all systems, equipment, and appliances and all work performed in the plant. A three-

inch by four-inch clear rectangular space must be provided on all sheets of plans near the title box for the stamp of approval.

The design of plumbing, electrical, heating, and mechanical systems or any structural design or method of construction and data must be in accordance with the Minnesota State Building Code. Grade, quality, and identification of all materials must be specified. Design calculations and test reports must be submitted when required. Plans must be drawn to scale and indicate the location of the approved seal and data plate.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405; 20 SR 2290(NO. 43)

1360.2600 PRODUCTS MANUFACTURED IN MORE THAN ONE LOCATION.

If the manufacturer produces the same products at more than one facility, the manufacturer shall provide such additional copies of documentation as may be required.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 20 SR 2290(NO. 43)

1360.2700 NONCONFORMING APPLICATION AND PLANS.

In the event that an application is determined to be unsuitable for processing prior to plan check, the applicant must be notified in writing of the unsuitability and the reason for the unsuitability within 30 days of the date the application is received by the state building inspector.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405; 20 SR 2290(NO. 43)

1360.2800 EVIDENCE OF PLAN APPROVAL.

Plan approvals must be evidenced by the

stamp of approval of the state building inspector or the approved local enforcement agency if delegated as authorized by part 1360.0300, subpart 1. One copy of all approved documentation must be returned to the manufacturer.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405; 20 SR 2290(NO. 43)

1360.3100 REQUIREMENTS FOR MANUFACTURER.

Subpart 1. [Repealed, 20 SR 2290(NO. 43)]

Subp. 2. [Repealed, 20 SR 2290(NO. 43)]

Subp. 3. **Service and repair.** The manufacturer or the manufacturer's agent is responsible for timely and effective performance of service and repairs related to code compliance.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405; 17 SR 1279; 20 SR 2290(NO. 43)

1360.3600 FEES.

Subpart 1. **Form and amount of payment.**

All fees must be in the form of checks or money orders payable to "Minnesota State Treasurer," and addressed to: State of Minnesota Department of Administration, Building Codes and Standards Division, 408 Metro Square Building, Seventh and Robert Streets, Saint Paul, Minnesota 55101.

The seal fee is \$30 per seal. The replacement seal fee for damaged or lost seals is \$10 per seal. For all other work performed by the Minnesota Building Codes and Standards Division such as, but not limited to, the review of plans, specifications, and inspection, fees must be charged based on the fee schedule in part 1302.0600. Travel expense must be charged at the rates established for state employees by the commissioner of administration.

Subp. 2. [Repealed, 20 SR 2290(NO. 43)]

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 11 SR 1405; 15 SR 74; 20 SR
2290(NO. 43)

CHAPTER 1361

INDUSTRIALIZED/MODULAR BUILDINGS

1361.0100 PURPOSE.

The purpose of this chapter is to govern the construction of industrialized/modular buildings and building components and provide for their certification and labeling pursuant to Minnesota Statutes, section 16B.75.

STAT AUTH: MS s 16B.61

HIST: 20 SR 2290(NO. 43)

1361.0200 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

Subp. 2. **Building component.** "Building component" means a subsystem, subassembly, or other system of closed construction designed for use in or as part of a structure, including structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety.

Subp. 3. **Industrialized Buildings Commission.** "Industrialized Buildings Commission" means the Interstate Industrialized/Modular Buildings Commission, the operating arm of the interstate compact on industrialized/modular buildings in Minnesota Statutes, section 16B.75.

Subp. 4. **Industrialized/modular building.** "Industrialized/modular building" means a building of closed construction, constructed so that concealed parts or processes of manufacture cannot be inspected at the site, without disassembly, damage, or destruction, and made or assembled in manufacturing facilities, off the building site, for installation, or assembly and installation, on the building site. "Industrialized/modular building" includes, but is not limited to, modular housing that is

factory-built single-family and multifamily housing, including closed wall panelized housing, and other modular, nonresidential buildings. "Industrialized/modular building" does not include a structure subject to the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974 or prefabricated buildings, as defined in part 1360.0200, subpart 15.

Subp. 5. **Minnesota state building code.** "Minnesota state building code" means the code adopted under Minnesota Statutes, section 16B.61, subdivision 1, as identified in part 1300.2400, subpart 6.

Subp. 6. **Model rules and regulations.** "Model rules and regulations" means the model rules and regulations incorporated by reference in part 1361.0300.

STAT AUTH: MS s 16B.61

HIST: 20 SR 2290(NO. 43)

1361.0300 INCORPORATION OF MODEL RULES AND REGULATIONS.

Parts I to VII of the July 9, 1993, edition of the Model Rules and Regulations for Industrialized/Modular Buildings as adopted by the Industrialized Buildings Commission and the December 3, 1993, amendments are incorporated by reference and made part of the Minnesota state building code. These parts and amendments are not subject to frequent change and are available at the Minnesota state law library.

STAT AUTH: MS s 16B.61

HIST: 20 SR 2290(NO. 43)

1361.0400 CERTIFICATION.

Industrialized/modular buildings and building components sold, offered for sale, or installed in the state must bear an

Industrialized Buildings Commission (IBC) seal and data plate evidencing the manufacturer's certification of code compliance. That certification is conclusive on all agencies, instrumentalities, and municipalities of the state.

STAT AUTH: MS s 16B.61

HIST: 20 SR 2290(NO. 43)

1361.0500 INSTALLATION.

Industrialized/modular buildings or building components must be installed in compliance with the Minnesota state building code which incorporates by reference the Model Rules and Regulations for Industrialized/Modular Buildings.

STAT AUTH: MS s 16B.61

HIST: 20 SR 2290(NO. 43)

MINNESOTA RULES, CHAPTER 1370

STORM SHELTERS

1370.0100 PURPOSE.

The purpose of parts 1370.0100 to 1370.0230 is to provide minimum standards of design and construction of buildings to provide protection for manufactured home park occupants from tornadoes and extreme winds.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 12 SR 2251

1370.0110 SCOPE.

Parts 1370.0100 to 1370.0230 apply to buildings or portions of buildings that are designed for use as manufactured home park storm shelters.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 12 SR 2251

1370.0120 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1370.0100 to 1370.0230.

Subp. 2. **Storm shelter.** "Storm shelter" means a structure or portion of a structure designed in compliance with parts 1370.0100 to 1370.0230.

Subp. 3. **Dual purpose storm shelter.** "Dual purpose storm shelter" means a structure or portion of a structure designed for use as a storm shelter and also designed for some other secondary permitted use.

Subp. 4. **Single purpose storm shelter.** "Single purpose storm shelter" means a structure designed for use only as a storm shelter.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 12 SR 2251

1370.0130 APPLICABLE

REQUIREMENTS.

Subpart 1. **Incorporation by reference.** "Interim Guidelines for Building Occupant Protection from Tornadoes and Extreme Winds," TR-83A January 1980, sections 1 and 2, published by the Federal Emergency Management Agency, Washington, D.C., is incorporated by reference and must be used to determine design loads and as a guide for use in designing storm shelters. The document is not subject to frequent change and is available: (1) in the Minnesota State Law Library; (2) from the Printing and Publications Division, Federal Emergency Management Agency, P.O. Box 8181, Washington, D.C. 20024; and from the Minnesota Department of Public Safety, Division of Emergency Management, 85 State Capitol, Saint Paul, Minnesota 55155.

Subp. 2. **Dual purpose storm shelters.** A dual purpose storm shelter must comply with other applicable requirements of the state building code for its other intended uses.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 12 SR 2251; L 1987 c 71 s 2

1370.0140 PLANS, SPECIFICATIONS, PERMITS.

Storm shelter plans, engineering calculations, diagrams, and other required data must be prepared by a registered architect or engineer licensed to practice in Minnesota. For permit procedures, see section 106 of the Uniform Building Code, incorporated by reference in part 1305.0010.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 12 SR 2251

1370.0150 SPACE REQUIREMENTS.

A minimum of four square feet per person must be provided within a storm shelter. A

ceiling height of not less than seven feet must be provided over 60 percent of the floor area.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 12 SR 2251

1370.0160 REQUIRED EXITS.

Subpart 1. **Exits; openings.** At least two exits must be provided in compliance with chapter 10 of the Uniform Building Code. The second exit from a single purpose storm shelter may have an opening of at least nine square feet with a minimum of 20 inches in width and the bottom of the opening not more than 44 inches from the floor.

Openings in the exterior walls of the shelter must be protected to prevent flying missiles from entering the interior of the shelter.

Subp. 2. **Handicapped access.** At least one of the exits must comply with chapter 1340, facilities for the handicapped.

Subp. 3. **Exit to exterior.** When a portion of a structure is designed as a storm shelter, one exit must be directly to the exterior of the building or to an exit system complying with the state building code.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 12 SR 2251

1370.0170 DRY INTERIOR.

Provisions must be made to construct storm shelters outside of flood-prone areas and other nonwater ponding areas and so that the interiors remain reasonably dry.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 12 SR 2251

1370.0180 UTILITY LINE HAZARDS.

Hazardous utility lines must not be located in or near a storm shelter. The underground electrical service required by part 1370.0200 is exempt from this requirement.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 12 SR 2251

1370.0190 MINIMIZING FIRE DANGER.

Storm shelters must be constructed to minimize the danger of fire from both external and internal sources.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 12 SR 2251

1370.0200 ELECTRICAL POWER.

Underground electrical service must be provided to a storm shelter.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 12 SR 2251

1370.0210 ILLUMINATION.

Subpart 1. **Minimum illumination.** At least five foot candles of illumination must be provided at floor level.

Subp. 2. **Source.** An emergency lighting system must be supplied from storage batteries or an on-site generator installed in accordance with the requirements of the National Electrical Code, incorporated by reference in chapter 1315.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 12 SR 2251

1370.0220 VENTILATION.

Ventilation must comply with the criterion on page nine of the interim guidelines incorporated in part 1370.0130.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 12 SR 2251

1370.0230 SANITATION FACILITIES.

Sanitation facilities and water for drinking are not required for storm shelters.

STAT AUTH: MS s 16B.59 to 16B.73

HIST: 12 SR 2251

A link to the Department of Health – Plumbing Section
Information and links to Chapter 4715.

Minnesota Energy Code



Minnesota Building Codes and Standards Division

Suggest a New Rule or Rule Change[-New--Organization--Education--Rules--Forms--Print-Outs--Links--Home-](#)

You can submit suggestions for rule changes directly to the Building Codes and Standards Division by completing this form.

1. What would you like to do?

Propose New Rule **or** Change an Existing Rule **or** Repeal Existing Rule

2. What code section is affected (e.g. 1341.0405, item G, subitem (1))?**3. Provide the proposed change. The request should be specific. Underline new language and strikethrough deleted text.****4. Primary reason for change:**

- Protect public health, safety, welfare or security
- Lower construction costs
- Encourage new methods and materials
- Mandated by legislature
- Provide uniform application
- Clarify provisions
- Other

5. Anticipated benefits (check all that apply):

- Save lives/reduce injuries
- Improve uniform application
- Improve health of indoor environment
- Provide more construction alternatives
- Reduce regulation
- Provide more affordable construction
- Protect building property
- Increase accessibility

- Decrease cost of enforcement
 Other

6. Thoroughly explain the need and reason for the proposed change including any economic cost or savings realized by the proposed change. During the rulemaking process, the division must defend the need and reasonableness of all proposed rule changes; therefore, a detailed explanation is necessary to ensure the division thoroughly considers all aspects of the proposal.

7. Contact information. The division may need to contact you to obtain clarification or additional information.

Agency Name

Agency mailing address

Address

Address

City State Zip Code

Contact information

First name

Last Name

Phone

Email

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Building Better Communities Through Building Codes