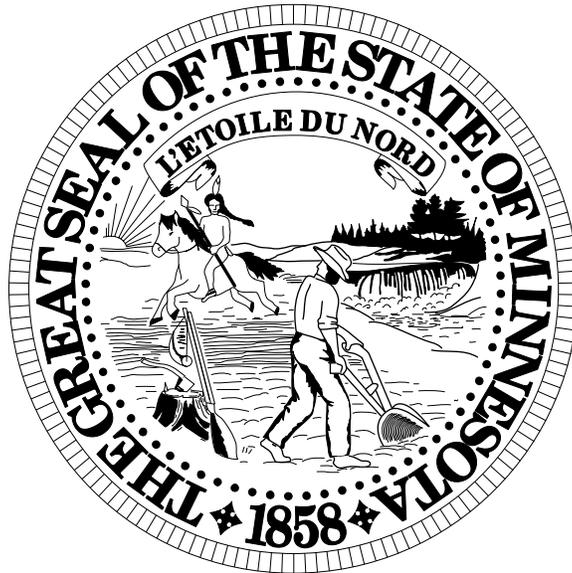


2007  
**MINNESOTA STATE BUILDING CODE**



Text provided by:  
The Office of the Revisor of Statutes  
7th Floor, State Office Building  
St. Paul, MN 55155

Reformatted by:



**Department of Labor and Industry**  
**Construction Codes and Licensing Division**  
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[www.dli.mn.gov](http://www.dli.mn.gov)



2007 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 availability .....6

    List of Codes and Reference Manuals – 2007 MSBC .....7

    Desirable Handbooks and/or Standards for Code Enforcement .....8

Responsible agencies and industry resources .....9

Building code enforcement for public buildings and state licensed facilities .....12

Counties that have adopted the Minnesota State Building Code.....13

Effective dates of Minnesota code and rule adoptions .....14

Rules Tools packet:

    Sample ordinance.....18

    Sample ordinance - self-perpetuating .....20

    Sample ordinance - accessibility.....22

    Fee schedule extracted from 1997 Uniform Building Code .....23

    Fee schedule extracted from 1994 Uniform Building Code .....24

    Fee schedule extracted from 1985, 1988 and 1991 Uniform Building Code .....25

Snow load map .....26

Frost depth map.....27

Guidelines for special inspection and testing .....28

Special structural testing and inspection program summary schedule .....33

Effective use of the International Building Code .....34

Manufactured homes model rules and regulations and uniform administrative procedures of the Industrialized Building Code Commission.....35

**NOTE: These document are also posted at: [www.doli.state.mn.us/buildingcodes.html](http://www.doli.state.mn.us/buildingcodes.html)**

III. FREQUENTLY USED STATUTES

A. MINNESOTA BUILDING CODE STATUTES

State Building Code; policy and purpose (16B.59 - 16B.75) (NEW 326B).....37

Manufactured structures (327B).....68

B. RELATED STATUTES AND RULES

Agricultural buildings - defined as Class 2 property (273.13 Subd. 23) .....81

Annual report filing (16B.685) .....84

Automatic garage door opening systems (325F.82 - 325F.83).....85

Fairs - county agricultural societies; formation, powers (38.01) .....86

Fire Marshal inspection (245A.151).....87

Group and family day care facilities definitions (9502.0315) .....88

Hazardous and substandard buildings (463.15 - 463.261).....91

**THE 2007 MINNESOTA STATE BUILDING CODE**

**TABLE OF CONTENTS continued**

Housing; statutory warranties (Chapter 327A).....	97
Joint exercise of powers (471.59).....	103
Physically handicapped; building regulation (471.465 - 471.469).....	107
Property complaint data (13.44).....	109
Protection of Buildings and Occupants (Chapter 299G).....	110
Smoke detectors (299F.362).....	114
Statutes or rules may be adopted by reference (471.62).....	116
Water heater fee (16B.665).....	117
Zoning control by county (394.25).....	118
Zoning municipalities - procedure for plan effectuation; zoning (462.357 Subd. 1).....	121

**IV. MINNESOTA BUILDING CODE**

Chapter 1300 Administration of the State Building Code.....	127
Chapter 1301 Building Official Certification.....	148
Chapter 1302 Construction Approvals.....	157
Chapter 1303 Minnesota Provisions of the State Building Code.....	161
Chapter 1303 Window Fall Prevention Provisions.....	164a
Chapter 1305 Adoption of the 2006 International Building Code.....	165
Chapter 1306 Special Fire Protection Systems (optional).....	212
★ Chapter 1307 Elevators and Related Devices.....	214
Chapter 1309 Adoption of the 2006 International Residential Code.....	236
Chapter 1311 Adoption of the Guidelines for the Rehabilitation of Existing Buildings.....	258
★ Chapter 1315 Adoption of the <i>2005 National Electrical Code</i> .....	269
Chapter 1322 Residential Energy Code.....	269a
Chapter 1323 Commercial Energy Code.....	269b
Chapter 1325 Solar Energy Systems.....	270
Chapter 1335 Floodproofing Regulations.....	272
★ Chapter 1341 Minnesota Accessibility Code.....	281
Chapter 1346 Adoption of the 2006 International Mechanical/ Fuel Gas Codes.....	318
★ Chapter 1350 Manufactured Homes.....	385
★ Chapter 1360 Prefabricated Buildings.....	427
★ Chapter 1361 Industrialized/Modular Buildings.....	433
Chapter 1370 Storm Shelters (Manufactured Home Parks).....	435
★ Chapter 4715 Minnesota Plumbing Code.....	tab
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.3.....	212
Chapter 1305 Appendix chapter J of the <i>2006 International Building Code</i> .....	tab
Chapter 1335 Floodproofing Regulations Parts 1335.0600 to 1335.1200.....	272

★ 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 2007 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>2006 International Building Code</i>
★ Chapter 1307	Elevators and Related Devices
Chapter 1309	Adoption of the <i>2006 International Residential Code</i>
Chapter 1311	Adoption of the <i>Guidelines for the Rehabilitation of Existing Buildings</i>
★ Chapter 1315	Adoption of the <i>2005 National Electrical Code</i>
Chapter 1325	Solar Energy Systems
Chapter 1335	Floodproofing Regulations
★ Chapter 1341	Minnesota Accessibility Code
Chapter 1346	Adoption of the <i>2000 International Mechanical and Fuel Gas Codes</i>
★ Chapter 1350	Manufactured Homes
★ Chapter 1360	Prefabricated Buildings
★ Chapter 1361	Industrialized/Modular Buildings
Chapter 1370	Storm Shelters (Manufactured Home Parks)
★ 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**

International Building Code Appendix J (Grading) See chapter 1300.

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 2007 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 2007 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 *2006 International Building Code\** (and necessary amendments)
- 1307 Elevators and Related Devices
- 1309 Adoption of the *2006 International Residential Code\** (and necessary amendments)
- 1311 Adoption of the *Guidelines for the Rehabilitation of Existing Buildings\** (and necessary amendments)
- 1315 Electrical Code (*2005 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 Adoption of the 2000 International Mechanical and Fuel Gas Codes ( and necessary amendments)
- 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 2006 International Building Code***

Mandatory chapters of the *2006 International Building Code* include chapters 2 through 33 and 35. See chapter 1300 for Administrative provisions. Amendments to Chapters 11 and 30 of the IBC are incorporated into 2007 SBC Chapters 1341 and 1307 respectively.

Optional Appendix Chapter J (Grading) may be adopted by reference. See Chapter 1300, Optional Administration.

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 2006 International Residential Code***

Mandatory chapters of the *2006 International Residential Code* include chapters 2 through 10, chapter 43.

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.
  - For information relative to chapters 33 through 42 (other than section R313 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 2005 National Electrical Code***

The *2005 National Electrical Code* is incorporated by reference and made part of the Minnesota State Building Code.

### ***Minnesota Rules, chapter 1346 – Adoption of the 2000 International Mechanical and Fuel Gas Codes***

Mandatory chapters of the 2000 International Mechanical Code include chapters 2 through 15, as amended. Mandatory chapters of the 2000 International Fuel Gas Code include chapters 2 through 7, as amended.

For a complete description of all applicable chapters and related information in this Code, please refer to Minnesota Rules, section 1346.0050 and 1346.5050.

## **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)

660 Olive Street, St Paul, MN 55155  
1-651-297-3000                      1-800-657-3757  
TTY: 1-651-282-5077              1-800-657-3706  
<http://www.minnesotasbookstore.com>

### **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](mailto: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](mailto:iapmo@iapmo.org)                      <http://www.iapmo.org>

## **CODES AND REFERENCE MANUALS - 2007 MSBC**

- \* **2006 International Building Code (Latest Printing)**
- \* **2006 International Residential Code (Latest Printing)**
- \* **2006 International Fire Code (Latest Printing)**
- \* **2006 International Mechanical Code (Latest Printing)**
- \* **2006 International Fuel Gas Code (Latest Printing)**
- \* **2005 National Electrical Code (NFPA 70)**
- \* **ASHRAE 62 – 2001 Ventilation/Indoor Air Quality**
- \* **ASHRAE 62n – 2001 Mechanical Design Ventilation Rates (supplement)**
- \* **ASHRAE 15 – 2001 Mechanical Refrigeration Safety Code**
- \* **ASHRAE 34 – 2004 Refrigerant Designation & Safety Code**
- \* **SMACNA – 1995 HVAC Duct Construction Standard**
- \* **NFPA 96 – 2001 Ventilation & Fire Protection for Commercial Cooking Hoods**
- \* **NFPA 58 – 2004 Liquefied Petroleum Gases**
- \* **NFPA 13 – 2002 Installation of Fire Sprinklers**
- \* **NFPA 13R – 2002 Installation of Fire Sprinklers for Multifamily**
- \* **NFPA 13D – 2002 Installation of Fire Sprinklers for Dwellings**
- \* **NFPA 72 – 2002 Installation of Fire Alarm Systems**
- \* **207 Minnesota Building Conservation Code (MN Rule 1311/GREB)**
- \* **ACI 318-2005 Building Code Requirements for Structural Concrete**
- \* **ACI 530-05/ASCE 5-05/TMS 402-05 Building Code Requirements for Masonry Structures (in one comprehensive manual from ICC)**
- \* **ASCE 7 – 2005 Minimum Design Loads for Buildings & Other Structures**
- \* **2007 Minnesota State Building Code (Will contain MN Rules 1300, 1301, 1302, 1303, 1305, 1306, 1307, 1309, 1311, 1315, 1325, 1335, 1350, 1360, 1361 and 1370.)**
- \* **2007 Minnesota State Fire Code (MN Rule 7510)**
- \* **MN Rule 1323 – MN Energy Code for Commercial Buildings**
- \* **ANSI/ASHRAE 90.1 – 2004 Commercial Building Energy Code**
- \* **MN Rule 1322 – MN Energy Code for Dwelling Construction**
- \* **MN Rule 4715 – 2003 Minnesota State Plumbing Code**
- \* **MN Rule 1346 – 2007 Minnesota Mechanical Code – MN Amendments to the 2000 IMC & 2000 IFGC**
- \* **ICC A117.1 – 2003 Accessibility Code**
- \* **NDS – 2005 National Design Specification for Wood Construction**
- \* **ICC 300 – 2002 ICC Standard on bleachers, folding & telescoping seating and grandstands.**
- \* ***“Must Have” Codes and Rules for a Building Department in Minnesota***

## **DESIRABLE HANDBOOKS AND/OR STANDARDS FOR CODE ENFORCEMENT**

**2006 IBC Commentary Manual Volume I & II  
Handbook to the 2006 IFC  
2006 IRC Commentary Manual Volume I & II  
Handbook to the 2006 IRC  
Handbook to the 2006 IFGC  
2006 IBC/ASTM Reference Standards  
2006 IBC Nonstructural Q & A Manual  
2006 IBC Structural Provisions  
2006 IBC Structural Q & A Guide  
2006 Quick Reference Guide to the IBC  
ASTM Standards Manual for the 2006 IBC  
GA-600 Fire Resistance Design Manual – 17<sup>th</sup> 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 – 2000 Edition  
Handbook to the Life Safety Code  
2001 ICC Performance Code for Buildings and Facilities  
ASME A17.1 Elevator Safety Code – addenda, and supplement (3 documents)  
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  
2006 IBC UL Standards Manual  
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, 7081, 7082, 7083 – On-Site Septic System Rules**

## **RESPONSIBLE STATE AGENCIES AND INDUSTRY RESOURCES**

### **Northstar – State of Minnesota’s website**

Website address: [www.state.mn.us](http://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.

### **• Construction Codes and Licensing Division**

443 Lafayette Road North, St. Paul, MN 55155

Phone: 651-284-5068 Fax: 651-284-5749 TTY: 651-297-4198

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

**Code responsibilities:** Adoption of the Minnesota State Building Code, Boiler Code, High Pressure Piping Code, Boats-for-hire Code and regulations for Residential Building Contractors. Services include: State owned building inspection and plan review, plumbing plan review and inspection, plan review and inspection for industrialized modular buildings, education, elevator inspection, code administration and electrical inspection. Licensing for building officials, manufactured home manufacturers/ dealers and installers, electricians, plumbers, residential building contractors, boiler operators, high pressure piping fitters. Enforcement of licensing laws.

### **• 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.

### **• 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.

## **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 Energy Code Information:**

Minnesota Commerce Department

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

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

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

[energy.info@state.mn.us](mailto:energy.info@state.mn.us)

**Responsibilities:** Energy information.

• **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](mailto:DHS.Info@state.mn.us) Non-general questions: [DHS.Info@state.mn.us](mailto: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 <http://www.ambo.us>  
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 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).

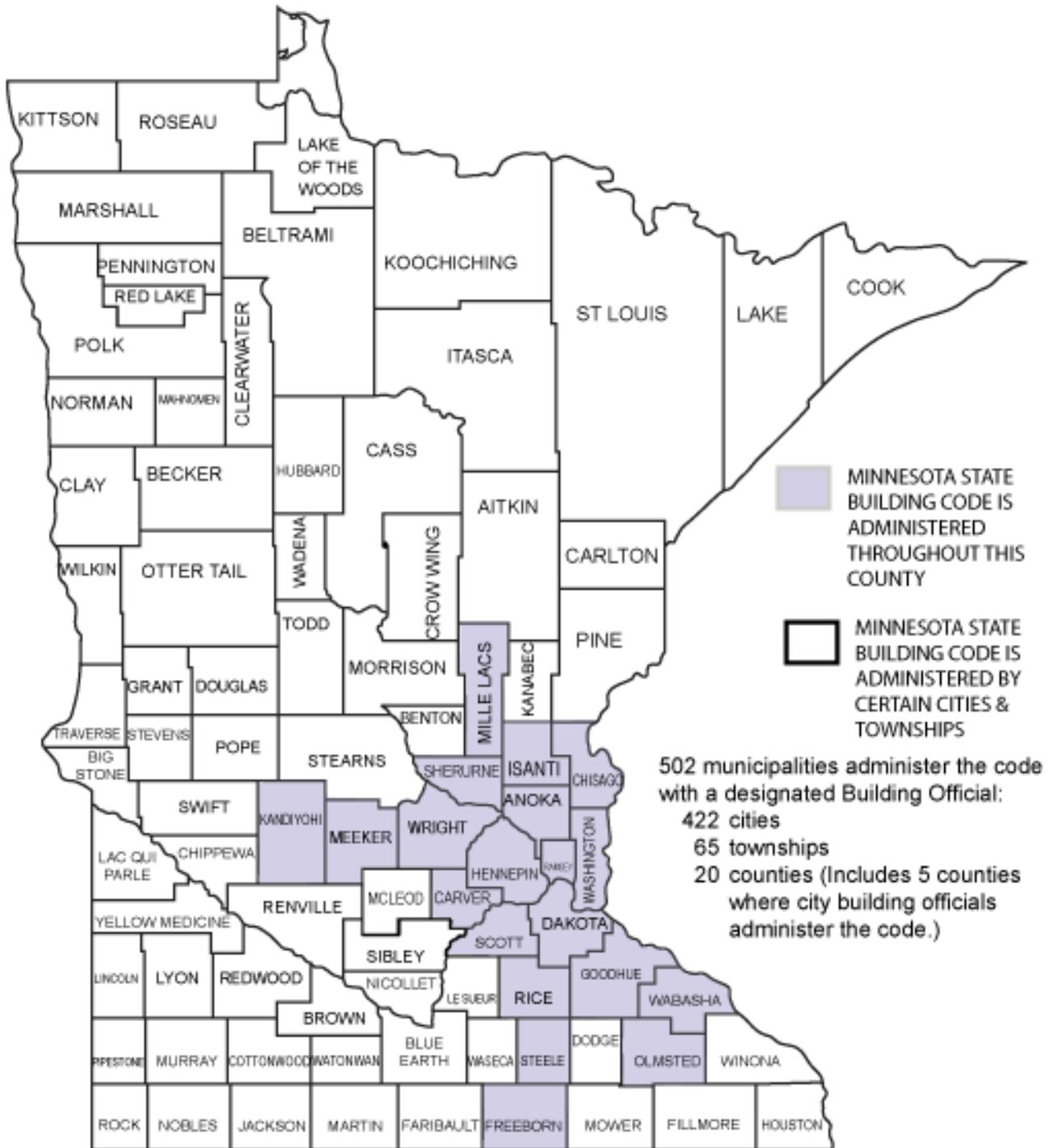
**The Building Codes and Standards Division may enter into agreements with municipalities (that have adopted the Minnesota State Building Code) for plan review and/or inspections of “Public Buildings” and “State Licensed Facilities” projects within their jurisdiction, pursuant to MS 16B.61, Subd. 1a.**

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.**

# Minnesota State Building Code



## Effective Dates of Minnesota Code and Rule Adoptions

<u>EFFECTIVE DATE OF ADOPTION:</u>	<u>ACTION:</u>
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 1, 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 16, 1990	<i>1990 State Building Code</i> adopted <i>1988 Uniform Building Code, 1988 Uniform Mechanical Code, 1987 ANSI Code for Elevators, Minnesota Plumbing Code</i>
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. (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>
January 23, 1996	New Accessibility rules - chapter 1340

## Effective Dates of Minnesota Code and Rule Adoptions

<u>EFFECTIVE DATE OF ADOPTION:</u>	<u>ACTION:</u>
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 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
September 20, 2004	2000 International Mechanical and Fuel Gas Codes, chapter 1346
July 1, 2005	<i>2005 National Electrical Code</i> adopted.
January 29, 2007	Elevators and Related Devices ASME A17.1-2004 with addenda and supplement, A17.3-2002, A17.5-2004, A18.1-2005, A90.1-2003 and B20.1-2003, chapter 1307

**Effective Dates of Minnesota Code and Rule Adoptions**

<b><u>EFFECTIVE DATE OF ADOPTION:</u></b>	<b><u>ACTION:</u></b>
July 10, 2007	<i>2006 International Fire Code</i> adopted with state amendments, new chapter 7511
July 10, 2007	<i>2006 International Building Code</i> adopted with state amendments, chapter 1305
July 10, 2007	<i>2006 International Building Code</i> adopted with state amendments, chapter 1309
July 10, 2007	Adopted Rules updating chapters 1300, 1303, 1306 and 1341
September 15, 2008	<i>2008 National Electrical Code</i> adopted
June 1, 2009	<i>Minnesota Residential Energy Code</i> adopted – chapter 1322
June 1, 2009	<i>Minnesota Commercial Energy Code</i> adopted – chapter 1323
July 1, 2009	Window Fall Prevention Provisions adopted – 1303.2300-1303.2330 and 1305.1405
October 26, 2009	Minnesota Mechanical and Fuel Gas Codes ( <i>2006 International Mechanical and Fuel Gas Codes</i> ), chapter 1346
October 26, 2009	Minnesota Plumbing code, chapter 4715
December 29, 2009	Manufactured Homes (1350.6710 effective 4/1/2009)

## REGULAR 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 326B.121, Subd. 2(d), 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 in accordance with Minnesota Statutes 326B.133, Subdivision 1.

**Section 2. Permits and Fees.** The issuance of permits and the collection of fees shall be as authorized in Minnesota Rules Chapter 1300. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality in (i.e. 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 Statutes 326B.148.

**Section 3. Violations and Penalties.** A violation of the code is a misdemeanor (Minnesota Statutes 326B.082, Subd. 16) and Minnesota Rules, Chapter 1300.

**Section 4. Building Code.** The Minnesota State Building Code, established pursuant to Minnesota Statutes 326B 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;

THE 2007 MINNESOTA STATE BUILDING CODE

3. 1302, State Building Code Construction Approvals;
4. 1303, Minnesota Provisions;
5. 1305, Adoption of the 2006 International Building Code;
6. 1307, Elevators and Related Devices.
7. 1309, Adoption of the 2006 International Residential Code;
8. 1311, Adoption of the 2000 Guidelines for the Rehabilitation of Existing Buildings;
9. 1315, Adoption of the 2008 National Electrical Code;
10. 1325, Solar Energy Systems;
11. 1335, Floodproofing Regulations;
12. 1341, Minnesota Accessibility Code;
13. 1346, Adoption of the Minnesota State Mechanical Code;
14. 1350, Manufactured Homes;
15. 1360, Prefabricated Structures;
16. 1361, Industrialized/Modular Buildings;
17. 1370, Storm Shelters (Manufactured Home Parks);
18. 4715, Minnesota Plumbing Code
19. 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 (with locally designated options); and Chapter 1335, Floodproofing Regulations, parts 1335.0600 to 1335.1200.

**C.** This municipality may adopt by reference Appendix Chapter J (Grading), of the 2006 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. (*Municipality must specifically identify optional provisions elected for code adoption here*)
- 3.

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

**Signed:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Attest:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Reviewed By:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**SELF-PERPETUATING 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 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 Labor and Industry pursuant to Minnesota Statutes chapter 326B, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Building Codes and Standards Unit, 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, 326B.121, Subd. 2(d), 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 in accordance with Minnesota Statutes 326B.133, Subdivision 1.

**Section 3. Permits and Fees.** The issuance of permits and the collection of fees shall be as authorized in Minnesota Rules Chapter 1300. Permit fees shall be assessed for work governed by

**The 2007 Minnesota State Building Code**

this code in accordance with the fee schedule adopted by the municipality in i.e.: 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 Statutes 326B.148.

**Section 4. Violations and Penalties.** A violation of the code is a misdemeanor (Minnesota Statutes 326B.082, Subd. 16).

**Section 5. Building Code Optional Chapters.** Minnesota State Building Code, Chapter 1300 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. *(Municipality must specifically identify optional provisions elected for code adoption here)*
- 3.

**Section 6. Effective Date of Ordinance.** The effective date of this Ordinance is \_\_\_\_\_.

**Signed:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Attest:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Reviewed By:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**ACCESSIBILITY SAMPLE 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 Rules 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 in accordance with Minnesota Statutes 326B.133, 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 i.e.: 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 Statutes 326B.148.

**Section 3. Violations and Penalties.** A violation of the code is a misdemeanor (Minnesota Statutes 326B.082, Subd. 16).

**Section 4. Building Code for Accessibility.** The Minnesota State Building Code for Accessibility, established pursuant to Minnesota Statutes 326B, 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**

<b>TOTAL VALUATION</b>	<b>FEE</b>
\$1.00 to \$500	\$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
<b>Other Inspections and Fees:</b>	
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 . . . . . (minimum charge – one-half hour)	\$47.00 per 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**

<b>TOTAL VALUATION</b>	<b>FEE</b>
\$1.00 to \$500	\$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
<b>Other Inspections and Fees:</b>	
1. Inspections outside of normal business hours . . . . .	\$42.00 per hour*
2. Reinspection fees assessed under provisions of Section 305.8 . . . . .	\$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**

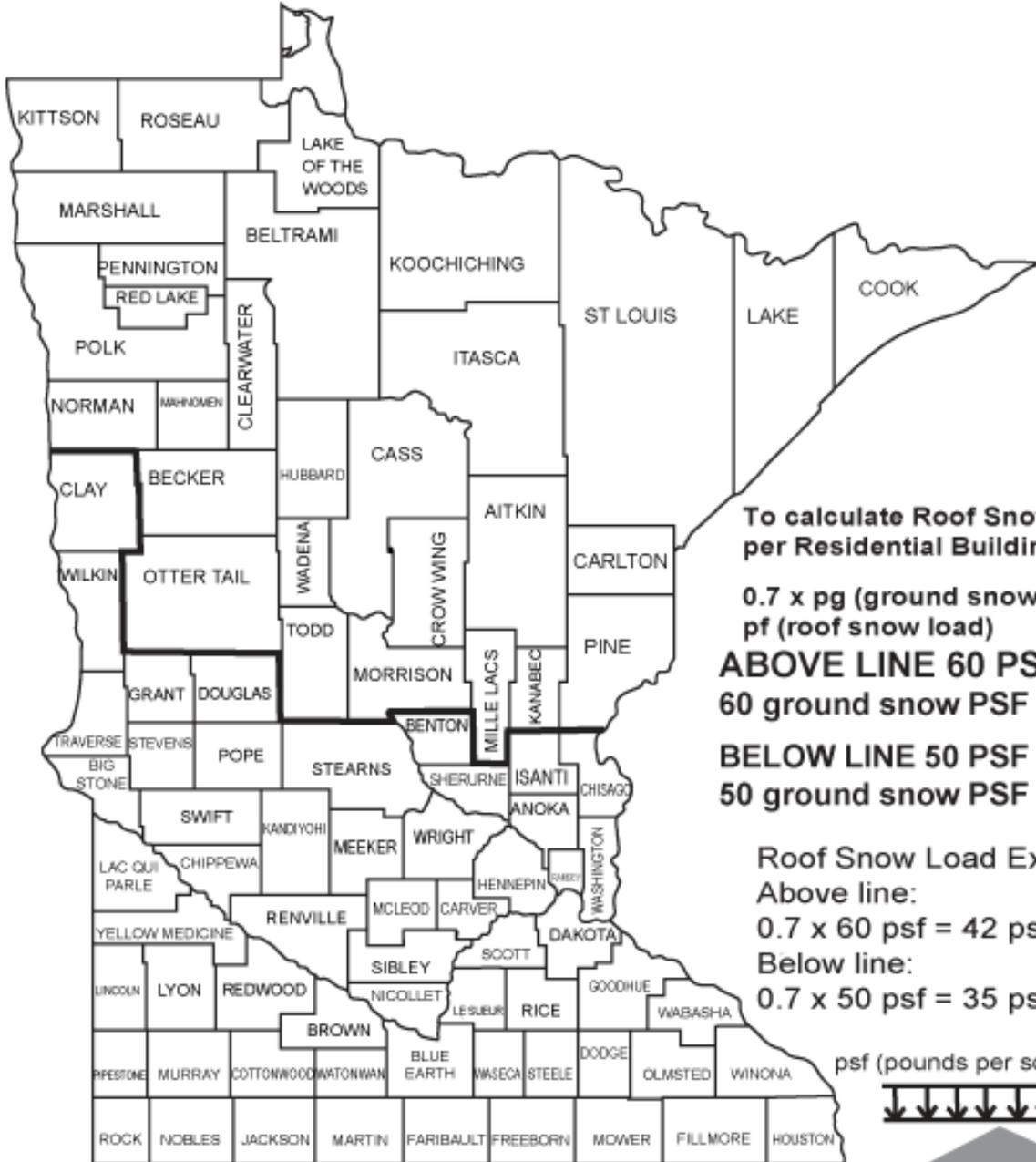
**TABLE NO. 3-A – BUILDING PERMIT FEES**

<b>TOTAL VALUATION</b>	<b>FEE</b>
\$1.00 to \$500	\$15.00
\$501.00 to \$2,000.00	\$15.00 for the first \$500.00 plus \$2.00 for each additional \$100.00, or 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
<b>Other Inspections and Fees:</b>	
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 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

MSBC RULES 1303.1700 table R301.2(1)





## **GUIDELINES FOR SPECIAL INSPECTIONS AND TESTING**

**PURPOSE:** To provide a method for complying with requirements of the International Building Code (IBC) 2006 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, 4<sup>th</sup> 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 format may be used as a general guideline for use and application of the International Building Code.*

- Determine the structures occupancy group(s) that most nearly resemble the intended use - according to fire safety and relative hazard. See Sections 302.1 and 303 through 312.
- Determine if incidental uses within the building are to be separated and/or protected per Table 508.2, or if they are to be classified as a separate occupancy per Section 508.2.1. If separate occupancies, they must comply with the mixed occupancy provisions of Section 508.2.1.
- For buildings having mixed occupancy groups, see Section 508.3. Determine if the building, or portion thereof, is designed to be separated, non-separated, accessory, or a combination of these per Section 508.3. For separated uses, check occupancy separations per Section 508.3.1.3 and Table 508.3.3.
- Determine the type of construction of the building by the construction materials used - and the fire-resistance-rating of the structural components of the building. See Sections 602.2 through 602.5.
- Determine location of the building on the property to verify distances to lot lines and other buildings (by the certificate of survey or site plan). See Section 702.1 for the definition of “fire separation distance”. See Table 602 for the fire-resistance-rating requirements of exterior walls based on the fire separation distance. Also see Section 704.8 for the maximum allowable area of exterior wall openings based on the actual fire separation distance.
- Calculate the allowable floor area(s) of the building - for both the “per-floor” area and the “total” building area. See Sections 503, 504, 505, 506 & 507. Also see Section 508.3.1.2 for accessory occupancies, Section 508.3.2.2 for “non-separated” occupancies, and Section 508.3.3.2 for “separated” occupancies.
- Compute the height and number of stories of the building using the definition of Basement, Grade Plane, Building Height, Story Height, and Mezzanine - per Section 502.1. See Table 503 for the maximum height and number of stories permitted based on the occupancy group and type of construction. See Section 504 for height modifications and Section 509 for Special Provisions.
- Review the building for compliance with the occupancy requirements of Sections 303 through Section 312. Also verify special detailed requirements based on “special uses” and “occupancies” as identified in Sections 402 through Section 420.
- Review the building for conformity with “type of construction” requirements in Section 602 and Table 601. If using type I or II construction, see Section 603 for the use of combustible materials. For fire-resistance-rated construction, see Chapter 7.
- Determine the design occupant load per Section 1004.1.
- For conformance with Means of Egress provisions, see IBC 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. (The 1305 Rules are not optional. If applicable, they must be incorporated into the design.)
- See MN Rule 1303 “Minnesota Provisions” previously found in MN Rule 1300 (i.e. restroom facilities in public accommodations, minimum frost protection depth, 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.
- Review the building compliance with the “accessibility provisions” of Minnesota Rule 1341.

## 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 state of North Dakota whereby North Dakota 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.

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

2. Click on Forms & Regulations  
State of Minnesota (flag) an 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

## THE 2007 MINNESOTA STATE BUILDING CODE

- 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

### **Manufactured Housing**

Title VI-Manufactured Housing Construction and Safety Standards Act is part of the Housing and Urban development National Program. The U.S. Congress has established this Act as a vital role in meeting the housing needs of the Nation to provide a significant resource for affordable homeownership to all Americans with the purpose to protect the quality, durability, safety, and affordability of manufactured homes. In the HUD manufactured home program the State of MN is a fully approved State Administrative Agency (SAA) in providing services for the program in the way of auditing of manufacturers and consumer complaint handling.

The Act of 1976 had two general areas of concern, Code of Federal Regulations (CFR) 3280 Construction Standards and CFR 3282

Enforcement Regulations. In 2000 Congress revised and added areas to The Act in order to provide better quality of manufactured homes and handling of consumer complaints. In states that are not approved SAA’s, HUD is charged with the regulation of the additional sections to The Act, and in states that are approved SAA’s the state is the administrative and enforcement agency of The Act.

CFR 3288, “Dispute Resolution”, will take effect in February of 2008. 3288 allows for a manufacturer, dealer, or licensed installer the right to request inspection or investigation to determine the cause of problems with a manufactured home. CFR 3285, “Installation Standards”, will take effect sometime in 2008. 3285 is minimum National standard for the installation of manufactured homes. Manufacturer’s approved installation instructions and state installation programs will be required to meet or exceed the minimum National standards. CFR 3286, “Installation Program”, will take effect sometime in 2008. 3286 will be a minimum National requirement for installation programs in states. 3286 will require inspection of installations, licensing and certification of installer and training of inspectors of manufacture home installations. Continued education requirements for installers will be part of 3286. Minnesota has had an installation program since 1973, however under the new National standard and program some changes will occur as to the amount of installation inspected statewide and the training, licensing, and certification of installers. MN Statute 16B.65 requires that Local Authority Having Jurisdiction (LAHJ)/ Building Officials issue permits and inspect the installation of all manufactured homes in their jurisdiction.

Another future item that will be developed for the manufactured home National programs is the addition of section 3282.15 to the existing regulations. 3282.15 will allow more on-site construction/assembly of the manufactured homes at the site of occupancy. This along with the addition of installation requirements nationwide will require more inspection verification at the site of occupancy to assure safety, quality, durability, and affordability of manufactured housing in accordance with the purpose of The Act.

**This insert replaces pages 37 to 67 (Minnesota Building Code Statutes)  
of this document**

- View pages 18 to 53 of Chapter 326 B (Construction Codes and Licensing) at:  
[www.dli.mn.gov/cclD/pdf/326B\\_18\\_53.pdf](http://www.dli.mn.gov/cclD/pdf/326B_18_53.pdf)
- View the entire Chapter 326B at: [www.dli.mn.gov/CCLD/PDF/bc\\_chapter326B\\_2008.pdf](http://www.dli.mn.gov/CCLD/PDF/bc_chapter326B_2008.pdf)

## 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 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 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.

HIST: 1982 c 526 art 1 s 3

**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 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 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 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 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 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 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 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 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 June 30, 2003, each municipality shall annually report by June 30 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 if the cumulative fees collected exceeded \$5,000 in the reporting year. 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.

History: 2001 c 207 s 6; 2003 c 6 s 1

**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*

## **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 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 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 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 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 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 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.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 Repealed, 1978 c 520 s 3

**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 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 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 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 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 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

2002 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 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 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 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 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

**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 this code is to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

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 326.2441.

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.

C. In the event that a new edition of the code is adopted after a permit has been issued, the edition of the code current at the time of permit application shall remain in effect throughout the work authorized by the permit.

#### 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. Structures classified under part 1300.0070, subpart 12a, as IRC 1, IRC 2, IRC 3, and IRC 4 occupancies not more than three stories above grade plane in height with separate means of egress 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.

**Exception:** The following structures that meet the scope of chapter 1305 shall be designed to comply with Minnesota Rules, chapter 1311:

- (1) existing buildings undergoing repair, alteration, or change of occupancy; and
- (2) historic buildings.

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. 1306, Special Fire Protection Systems;
- G. 1307, Elevators and Related Devices;
- H. 1309, Adoption of the International Residential Code;
- I. 1311, Minnesota Conservation Code for Existing Buildings;
- J. 1315, Adoption of the National Electrical Code;
- K. 1325, Solar Energy Systems;
- 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. 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, IBC appendix chapter J; 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](http://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. 10a. **Family adult day services.** "Family adult day services" means a program providing services for up to eight functionally impaired adults for less than 24 hours per day in the license holder's primary residence according to Minnesota Statutes, section 245A.143. This includes programs located in residences licensed by the Department of

Human Services for adult foster care, provided that not more than eight adults, excluding staff, are present in the residence at any time.

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. 12a. **International residential code (IRC) occupancy classifications.** International residential code (IRC) occupancy classifications are as follows:

- IRC 1 single family dwellings;
- IRC 2 two family dwellings;
- IRC 3 townhouses; and
- IRC 4 accessory structures:
  - A. garages;
  - B. storage sheds; and
  - C. similar structures.

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 IRC 1 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 one 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 IBC 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.**

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, 19 SR 1340]**

### **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 and orders to ensure compliance with the code. Notices and orders shall be in writing unless waived by the permit applicant, contractor, owner, or owner's agent. Notices and orders shall be based on the edition of the code under which the permit has been issued.

Subp. 5. **Inspections.** The building official shall make all of the required inspections or accept reports of inspection by approved agencies or individuals. Results of inspections shall be documented on the job site inspection card and in the official records of the municipality, 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 be responsible for 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 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 Department of Building Safety.

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, or to 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 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 m<sup>2</sup>);

(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 installed entirely above ground 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 do not exceed both 5,000 gallons in capacity (18,925 L) and a 24 inch (610 mm) depth;

(11) window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support, when constructed under the International Residential Code or Group R 3 and Group U occupancies constructed to the provisions of the International Building Code;

(12) movable cases, counters, and partitions not over five feet, nine inches (1,753 mm) in height;

(13) agricultural buildings as defined in Minnesota Statutes, section 16B.60, subdivision 5; and

(14) swings and other playground equipment.

Unless otherwise exempted, plumbing, electrical, and mechanical permits are required for subitems (1) to (14).

B. Gas:

(1) portable heating, cooking, or clothes drying appliances;

(2) replacement of any minor part that does not alter approval of equipment or make the equipment unsafe; and

(3) portable fuel cell appliances that are not connected to a fixed piping system and are interconnected to a power grid.

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;

(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; and

(8) portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

D. Plumbing: See chapter 4715 for plumbing work that is exempt from a permit.

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 of the reasons. The building official shall document the reasons for rejecting the application. The applicant may request written documentation of the rejection and the reasons for the rejection. When 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 a stamp, stating

"Reviewed for Code Compliance," dated, and signed by the building official or an authorized representative. 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 set forth by a fee schedule adopted by the municipality.

When submittal documents are required to be submitted by this chapter, a plan review fee shall be required. The plan review fee shall be established by the fee schedule adopted by the municipality.

Exception: The fee schedule adopted by the municipality may exempt minor work from plan review fees.

Subp. 2. **Fees commensurate with service.** Fees established by the municipality must be by legal means 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 dwelling units and their accessory structures built to the International Residential Code, and residential occupancies built to the International Building Code that are three stories or less in height and their accessory structures:

(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, 19 SR 1340]**

**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 inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. 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.

B. Foundations:

(1) Foundation inspections for poured walls shall be made after all forms are in place with any required reinforcing steel and bracing is in place, and prior to pouring concrete.

(2) All foundation walls shall be inspected prior to backfill for specific code requirements.

(3) The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment.

C. 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.

D. 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.

E. Inspection of framing and masonry construction shall be made after the roof, masonry, framing, firestopping, draftstopping, and bracing are in place and after the plumbing, mechanical, and electrical rough inspections are approved.

F. Energy efficiency inspections shall be made to determine compliance with Minnesota Energy Code requirements.

G. 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.

H. Protection of joints and penetrations in fire resistance rated assemblies shall not be concealed from view until inspected and approved.

I. 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.

J. Fireplaces must be inspected for compliance with applicable requirements of the code and the manufacturer's installation instructions.

K. A final inspection shall be made for all work for which a permit is issued.

L. Special inspections shall be as required by the code.

M. In addition to the inspections in items A to K, 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:

- A. "U" occupancies constructed under the International Building Code;
- B. accessory structures constructed under the International Residential Code; or
- C. used manufactured homes moved into or within a jurisdiction.

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 or within 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 must occur within ten working days from the date the municipality receives a properly completed application for appeal. If an appeals hearing is not held within this time, the applicant may appeal directly to the State Building Code Appeals Board.

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 five working 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 Labor and Industry's Construction Codes and Licensing 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.

**1300.0300 [Repealed, 19 SR 1340]**

**1300.0400 [Repealed, 19 SR 1340]**

**1300.0500 [Repealed, 19 SR 1340]**



## MINNESOTA RULES, CHAPTER 1301 BUILDING OFFICIAL CERTIFICATION AND EDUCATION

### 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.

Statutory Authority: MS s 16B.61

History: 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, Landscape Architecture, and Geoscience rules, as well as “facilities for persons with physical disabilities” 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.

Statutory Authority: MS s 16B.59; 16B.61; 16B.64; 16B.65

History: 15 SR 74; 19 SR 75; 27 SR 1474; L 2005 c 56 s 2

**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.

Statutory Authority: MS s 16B.59; 16B.61; 16B.64; 16B.65

History: 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 commissioner of finance. 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.

Statutory Authority: MS s 16B.59; 16B.61; 16B.64; 16B.65

History: 15 SR 74; 19 SR 75; 27 SR 1474; L 2003 c 112 art 2 s 50

### **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.

Statutory Authority: MS s 16B.59; 16B.61; 16B.64; 16B.65

History: 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.

Statutory Authority: MS s 16B.59; 16B.61; 16B.64; 16B.65

History: 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.

Statutory Authority: MS s 16B.59; 16B.61; 16B.64; 16B.65

History: 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 labor and industry.

Subp. 3. **Repealed, 27 SR 1474**

Subp. 4. **State building official.** “State building official” means the individual appointed by the commissioner of labor and industry to administer the code.

Subp. 5. **Repealed, 27 SR 1474**

Statutory Authority: MS s 16B.59; 16B.61; 16B.64; 16B.65

History: 15 SR 74; 27 SR 1474; L 2007 c 140 art 1 s 1

**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.

Statutory Authority: MS s 16B.59; 16B.61; 16B.64; 16B.65

History: 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. Department of Labor and Industry 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.

Statutory Authority: MS s 16B.59; 16B.61; 16B.64; 16B.65

History: 15 SR 74; L 1989 c 246 s 2; 19 SR 75; 27 SR 1474; L 2007 c 140 art 1 s 1

**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.

Statutory Authority: MS s 16B.59; 16B.61; 16B.64; 16B.65

History: 15 SR 74; 19 SR 75; 27 SR 1474

1301.1200 **Repealed, 27 SR 1474; 27 SR 1791**

**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 Labor and Industry shall provide staff and administrative support to the committee.

Statutory Authority: 16B.59; 16B.61; 16B.64; 16B.65

History: 27 SR 1791; L 2007 c 140 art 1 s 1

## **CONSTRUCTION CODE INSPECTORS EDUCATION AND COMPETENCY**

### **1301.1300 AUTHORITY AND PURPOSE.**

The purpose of parts 1301.1300 to 1301.1600 is to establish competency criteria, establish and approve education programs, and establish continuing education requirements for construction code inspectors pursuant to Minnesota Statutes, section 16B.655. Parts 1301.1300 to 1301.1600 shall be administered by the supervising designated building official.

Statutory Authority: MS s 16B.655

History: 32 SR 1933

**1301.1310 DEFINITIONS.**

Subpart 1. **Generally.** The definitions in this part apply to parts 1301.1300 to 1301.1600.

Subp. 2. **Building construction.** “Building construction” means soils supporting buildings, foundations, superstructures, the entire building envelope, and site work regulated by the State Building Code, but not mechanical systems or plumbing systems.

Subp. 3. **Building inspection technology course or BIT course.** “Building inspection technology course” or “BIT course” means a building inspection technology course offered for college or university credit from an accredited college or university.

Subp. 4. **Building inspector.** “Building inspector” means an individual who, under the supervision of a designated building official, inspects building construction and meets the requirements of part 1301.1400, subpart 2.

Subp. 5. **Combination inspector.** “Combination inspector” means an individual who, under the supervision of a designated building official, inspects building construction, mechanical systems, and plumbing systems and meets the requirements of part 1301.1400, subpart 5.

Subp. 6. **Construction code inspector.** “Construction code inspector” means a building inspector, mechanical inspector, plumbing inspector, or combination inspector who, under the supervision of a designated building official, performs building, plumbing, or mechanical inspections.

Subp. 7. **Designated building official.** “Designated building official” means an individual who, as a certified building official or building official limited, has been designated by a municipality pursuant to Minnesota Statutes, section 16B.65, subdivision 1.

Subp. 8. **Mechanical inspector.** “Mechanical inspector” means an individual who, under the supervision of a designated building official, inspects mechanical systems and meets the requirements of part 1301.1400, subpart 3.

Subp. 9. **Mechanical system.** “Mechanical system” means a system within the scope of chapter 1346 that is composed of devices, appliances, or equipment.

Subp. 10. **One year of experience.** “One year of experience” means 1,800 hours of time occurring within 12 consecutive months.

Subp. 11. **Plumbing inspector.** “Plumbing inspector” means an individual who, under the supervision of a designated building official, inspects plumbing systems and meets the requirements of part 1301.1400, subpart 4.

Subp. 12. **Plumbing system.** “Plumbing system” means a system within the scope of chapter 4715 that is composed of devices, appliances, or equipment.

Statutory Authority: MS s 16B.655  
History: 32 SR 1933

**1301.1400 MINIMUM COMPETENCY CRITERIA.**

Subpart 1. **Generally.** An individual conducting construction code inspections must meet the minimum competency criteria in this part, except that an individual holding a current certification as a building official under Minnesota Statutes, section 16B.65, is exempt from this part and part 1301.1600. All construction code inspectors hired on or after January 1, 2008, shall within one year of hire, be in compliance with the competency criteria of this part.

Subp. 2. **Building inspector.** To conduct the activities of a building inspector, an individual must meet at least one of the following minimum competency criteria:

A. three years’ experience in construction with specific skilled participation in the

construction of foundations and superstructures;

B. five years' experience in the complete design of buildings;

C. successful completion of two or more BIT courses in building construction;

D. vocational or trade school diploma or equivalent education related to building construction;

E. bachelor's degree or more in architecture, engineering, or construction management;

F. current certification by a national model building code group or a national standards writing group as a building inspector; or

G. two years' experience conducting building construction inspections while under the supervision of a Minnesota designated building official.

Subp. 3. **Mechanical inspector.** To conduct the activities of a mechanical inspector, an individual must meet at least one of the following minimum competency criteria:

A. three years' experience in the installation or design of mechanical systems;

B. successful completion of two or more BIT courses, with at least one course specifically related to mechanical systems;

C. vocational or trade school diploma or equivalent education related to the construction of mechanical systems;

D. bachelor's degree or more in architecture or engineering; or

E. current certification by a national model building code group or a national standards writing group in mechanical system inspections.

Subp. 4. **Plumbing inspector.** To conduct the activities of a plumbing inspector, an

individual must meet at least one of the following minimum competency criteria:

A. three years' qualifying experience in the installation or design of plumbing systems that is obtained in compliance with Minnesota's plumbing licensure laws;

B. successful completion of two or more BIT courses, with at least one course specifically related to plumbing systems;

C. vocational or trade school diploma or equivalent education related to the construction of plumbing systems;

D. bachelor's degree or greater in architecture or engineering; or

E. current certification by a national model building code group or a national standards writing group in plumbing system inspection.

Subp. 5. **Combination inspector.** To conduct the activities of a combination inspector, an individual must meet the minimum competency criteria of subparts 2, 3, and 4.

Statutory Authority: MS s 16B.655

History: 32 SR 1933

### **1301.1500 EDUCATION AND TRAINING.**

Subpart 1. **Education programs provided.** The commissioner shall provide educational programs designed to train and assist construction code inspectors pursuant to Minnesota Statutes, section 16B.655, subdivision 2.

Subp. 2. **Program evaluation.** The commissioner shall evaluate code-related education programs offered by other states, correspondence schools, universities, or other educational or code-related entities which must be considered on an individual basis and shall award one continuing education hour per 50-minute contact hour. Continuing education programs completed by correspondence must be evaluated based upon the program content

and the work the participant is required to successfully complete and submit in order to complete the program.

Statutory Authority: MS s 16B.655

History: 32 SR 1933

**1301.1600 CONTINUING EDUCATION.**

Subpart 1. **Mandatory continuing education.** Each construction code inspector must annually meet the requirements for continuing education in subpart 2 or 3, and provide verifiable evidence of completed continuing education credits to the designated building official. The designated building official must retain evidence of compliance for three years.

Subp. 2. **Building, mechanical, and plumbing inspectors.** Each building inspector, mechanical inspector, or plumbing inspector must complete 15 hours of continuing education annually, of which six hours must be in the discipline in which the individual meets the competency criteria.

Subp. 3. **Combination inspectors.** Each combination inspector must complete 20 hours of continuing education annually, of which six hours must be in each discipline.

Statutory Authority: MS s 16B.655

History: 32 SR 1933

## 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 hour<sup>1</sup>;
- (2) reinspection fees, \$45 per hour<sup>1</sup>;
- (3) inspection for which no fee is specifically indicated (minimum charge one-half hour), \$45 pr hour<sup>1</sup>; and
- (4) additional plan review required by changes, additions, or revisions to approved plans (minimum charge one-half hour), \$45 per hour<sup>1</sup>.

C. Footnote to item B: <sup>1</sup>Or 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.

USE <sup>1</sup>	FACTOR
1. Aircraft hangers (no repair)	.001
2. Auction rooms	.0025
3 <sup>2</sup> . 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 <sup>3</sup> and chapels, lobby	.001
6. Dining rooms	.003
7 <sup>3</sup> . Drinking establishments	.004
8 <sup>3</sup> . Bowling alleys (excluding lanes)	.0025
9 <sup>3</sup> . Children's homes and homes for the aged	.0025
10. Classrooms	.002
11. Courtrooms	.001
12. Dormitories	.0025
13. Exercise rooms	.001

USE <sup>1</sup>	FACTOR
14. Garages, paking	.001
15 <sup>3</sup> . Hospitals and sanitariums, nursing homes	.0025
16 <sup>3</sup> . Hotels	.002
17. Apartments	.0025
18. Kitchens – commercial	.003
19 <sup>3</sup> . Libraries	.002
20. Locker rooms	.001
21. Malls	.0025
22. Manufacturing areas	.0025
23. Mechanical equipment rooms	.001
24 <sup>3</sup> . 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:

<sup>1</sup> The area of a use must include all areas serving or accessory to a use (corridors, accessory use areas, etc.).

<sup>2</sup> Exclude playing areas, courts, fields, and like areas.

<sup>3</sup> 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, Mahnommen, 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.

**Exception:** Slab on grade construction may be placed on any soil except peat or muck for detached one story private garage, carport, and shed buildings not larger than 3,000 square feet.

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.

### **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, Clearwater, Cook, Crow Wing, Hubbard, Itasca, Kanabec, Kittson, Koochiching, Lake, Lake of the Woods, Mahnommen, 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 [Repealer]**

### **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.

**1303.2200 SIMPLIFIED WIND LOADS.**

Subpart 1. **Section 2200.**

A. This section applies to the wind loads for the main wind force resisting systems only.

B. In order to utilize wind loads from this part, the building shall meet the following requirements:

- (1) 60 feet or less in height;
- (2) height not to exceed least horizontal dimension;
- (3) enclosed building;
- (4) roof shape - flat, gabled, or hip;
- (5) roof slope of 45 degrees maximum;

- (6) simple diaphragm building;
- (7) not a flexible building;
- (8) regular shape and approximately symmetrical;
- (9) no expansion joints or separations; and
- (10) no unusual response characteristics (for example: vortex shedding, galloping, or buffeting).

Subp. 2. **Simplified design wind pressures.**  $P_s$  represents the net pressures (sum of internal and external) to be applied to the horizontal and vertical projections of building surfaces. For the horizontal pressures,  $P_s$  is the combination of the windward and leeward net pressures.  $P_s$  may be determined from Equation Palt.

$$P_s = K_z t I_w P_{alt} \text{ (Equation Palt)}$$

where:

$K_z$  = Topographic factor as defined in Chapter 6 of ASCE 7.

$I_w$  = Importance factor as defined in Chapter 6 of ASCE 7.

$P_{alt}$  = Alternative simplified design wind pressure from Table Palt.

**TABLE Palt**

**Horizontal and Vertical Pressure\***

Exp B	15 psf
Exp C	19 psf
Exp D	22 psf

\*For vertical pressure, the above values are negative (upward).

**Overhang Vertical Pressure\***

Exp B	-25 psf
Exp C	-30 psf
Exp D	-35 psf

\*Negative values are upward.

**This insert provides the new provisions for Window Fall Prevention**

- View Minnesota Rules Parts 1303.2300 to 1303.2330 and 1305.1405 at:  
[www.dli.mn.gov/cclld/pdf/sbc\\_1303.pdf](http://www.dli.mn.gov/cclld/pdf/sbc_1303.pdf)

**MINNESOTA RULES, CHAPTER 1305**  
**ADOPTION OF THE 2006 INTERNATIONAL BUILDING CODE**

**1305.0010 [Repealed, 27 SR 1474]**

**1305.0011 ADOPTION OF  
INTERNATIONAL BUILDING CODE  
BY REFERENCE AND  
ADMINISTRATIVE AUTHORITY.**

Subpart 1. **General.** For purposes of this chapter, "IBC" means the 2006 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. Portions of this chapter reproduce text and tables from the IBC. 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 labor and industry. The IBC is copyright 2006 by the International Code Council, Inc. All rights reserved.

Subp. 2. **Mandatory chapters.** IBC Chapters 2 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. Amendments to IBC Chapters 11 and 30 are incorporated by reference in this rule chapter, but the actual amendments for those chapters are located in chapters 1341, the Minnesota Accessibility Code, and 1307, the Minnesota Elevator Code, respectively. Referenced documents cited in IBC Chapters 11 and 30, and chapters 1307 and 1341, apply, unless otherwise stated or deleted. For the complete application and mandatory requirements relating to IBC Chapter 11, see chapter 1341. For the complete application and mandatory

requirements relating to IBC Chapter 30, see chapter 1307.

Subp. 3. **Replacement chapters.** The following IBC chapters are deleted and replaced with the Minnesota Rules chapters listed in items A and B.

A. IBC Chapter 1 and any references to code administration are deleted and replaced with chapter 1300, Minnesota Administration Code.

B. 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.

Subp. 5. **Flood hazard or floodproofing provisions.** Any flood hazard or floodproofing provisions in the IBC, and any reference to those provisions, are deleted in their entirety. Requirements for floodproofing are located in chapter 1335, Floodproofing Regulations.

**1305.0020 [Repealed, 27 SR 1474]**

**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 12.

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.

Subp. 12. **International Existing Building Code.** References to the International Existing Building Code in this code mean Minnesota State Building Conservation Code, adopted pursuant to chapter 1311 and Minnesota Statutes, section 16B.61, subdivision 1.

### **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, 19 SR 1340]**

### **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, 27 SR 1474]**

**1305.0103 [Repealed, 27 SR 1474]**

**1305.0105 [Repealed, 27 SR 1474]**

**1305.0106 [Repealed, 27 SR 1474]**

**1305.0107 [Repealed, 27 SR 1474]**

**1305.0108 [Repealed, 27 SR 1474]**

**1305.0109 [Repealed, 27 SR 1474]**

**1305.0150 [Repealed, 19 SR 1340]**

**1305.0200 [Repealed, 19 SR 1340]**

**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](http://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.**

Subpart 1. **Agricultural building.** The definition of "agricultural building" in IBC Section 202 is amended 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.

Subp. 2. **Townhouse.** The definition of "townhouse" in IBC Section 202 is deleted in its entirety.

**1305.0300 [Repealed, 15 SR 74]**

**1305.0301 [Repealed, 27 SR 1474]**

**1305.0302 [Repealed, 31 SR 1165]**

**1305.0305 [Repealed, 27 SR 1474]**

**1305.0308 INSTITUTIONAL GROUP I.**

Subpart 1. **Section 308.2.** IBC Section 308.2 is amended to read as follows:

**308.2 Group I 1.** This occupancy shall include buildings, structures, or parts 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 that 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:

- residential board and care facilities
- assisted living facilities
- halfway houses
- group homes
- congregate care facilities
- social rehabilitation facilities
- alcohol and drug centers

convalescent facilities

A facility such as the above with five or fewer persons shall be classified as Group R 3. A facility such as above housing at least six and not more than 16 persons, shall be classified as Group R 4.

Subp. 2. **Section 308.3.** IBC Section 308.3 is amended to read as follows:

**308.3 Group I 2.** This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing, or custodial care on a 24 hour basis for more than five persons who are not capable of self preservation. This group shall include, but not be limited to, the following:

- hospitals
- nursing homes, both intermediate care facilities and skilled nursing facilities
- mental hospitals
- detoxification facilities

A facility such as the above with five or fewer persons shall be classified as Group R 3.

Subp. 3. **Section 308.5.** IBC Section 308.5 is amended to read as follows:

**308.5 Group I 4, day care facilities.** This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as Group R 3. Places of worship during religious functions are not included.

**1305.0310 SECTION 310 RESIDENTIAL GROUP R.**

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 purposes when not classified as an Institutional Group I. Residential occupancies shall include the following:

R 1 Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including:

- boarding houses (transient)
- hotels (transient)
- motels (transient)
- bed and breakfast facilities with six or more guest rooms. A facility with less than six guest rooms shall be classified as a Group R 3 occupancy.

R 2 Residential occupancies containing sleeping units or 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
- hotels (nontransient)
- monasteries
- motels (nontransient)
- vacation timeshare properties

Congregate living facilities with 16 or fewer occupants are permitted to comply with construction that complies with the requirements for Group R 3.

R 3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R 1, R 2, R 4, or I including:

- buildings that do not contain more than two dwelling units
- adult facilities that provide accommodations for five or fewer persons of any age for less than 24 hours

child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours  
congregate living facilities with 16 or fewer persons  
adult and child care facilities

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 as otherwise provided for in this code.

**1305.0400 [Repealed, 19 SR 1340]**

**1305.0402 SECTION 402, COVERED MALL BUILDINGS.**

Subpart 1. Section 402.7. IBC Section 402.7 is amended by adding a subsection to read as follows:

**402.7.4 Property lines.** Property lines may be platted between an anchor building and a covered mall building separated in accordance with Section 402.7.3 without requiring the construction of a party wall if there are legal agreements recorded with the deed for each of the separate properties. These recorded agreements shall require that buildings as divided by property lines be in conformance with the applicable provisions of the 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 State Building Code.

Subp. 2. Repealed, 31 SR 1165

**1305.0403 SECTION 403, HIGH-RISE BUILDINGS.**

Subpart 1. **IBC Section 403.3.2.** IBC Section 403.3.2 is deleted in its entirety.

Subp. 2. **IBC Section 403.** IBC Section 403 is amended by adding a section to read as follows:

**403.15 Post fire smoke exhaust system.** A post fire smoke exhaust system in compliance with IBC Section 913 shall be provided for high rise buildings.

**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.

**Exception:** Smoke control is not required for atriums that connect only two stories. Covered mall buildings shall be provided with a post fire smoke exhaust system in compliance with Section 913.

**1305.0405 [Repealed, 27 SR 1474]**

**1305.0406 SECTION 406, MOTOR VEHICLE-RELATED OCCUPANCIES.**

IBC Section 406.3.8 is amended to read as follows:

**406.3.8 Means of egress.** Where persons other than parking attendants are permitted, open parking garages shall meet the means of egress 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) exit stairways.

**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.** In an I 2 occupancy, spaces constructed as required for corridors shall be permitted to be open to a corridor, only 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 508.2.

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 smoke 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 m<sup>2</sup>) 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 m<sup>2</sup>) per light.

**1305.0414 SECTION 414, HAZARDOUS MATERIALS.**

Subpart 1. **Section 414.2.4.** IBC Section 414.2.4 is amended to read as follows:

**414.2.4 Fire resistance rating requirements.** The required fire resistance rating for fire barrier assemblies shall be in accordance with Table 414.2.2.

Subp. 2. **Section 414.2.6.** IBC Section 414.2 is amended by adding a subsection to read as follows:

**414.2.6 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 414.2.4 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 307.1(1) and 307.1(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 [Repealed, 31 SR 1165]**

**1305.0421 SECTION 421, GROUP E OCCUPANCIES.**

IBC Chapter 4 is amended by adding a section and subsections to read as follows:

SECTION 421

GROUP E OCCUPANCIES

**421.1 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.

**421.2 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.

**421.2.1 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.

**421.2.2 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, day care, 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.

**421.2.3 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, 19 SR 1340]**

**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.**

Subpart 1. **IBC Section 507.2.** IBC Section 507.2 is amended to read as follows:

**507.2 Nonsprinklered, one story.** The area of a one story building of Group F 2 or S 2 occupancy shall not be limited when the building is surrounded and adjoined by public

ways or yards not less than 60 feet (18,288 mm) in width.

Subp. 2. **IBC Section 507.3.** The exceptions listed in IBC Section 507.3 are not amended. The first sentence of IBC Section 507.3 is amended to read as follows:

**507.3 Sprinklered, one story.** The area of a one story building of Group B, F, M, or S occupancy or a one story Group A 4 building, of other than Type V construction, shall not be limited when the building is provided with an automatic sprinkler system throughout in accordance with Section 903.3.1.1 and is surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width.

Subp. 3. **IBC Section 507.4.** IBC Section 507.4 is amended to read as follows:

**507.4 Two story.** The area of a two story building of Group B, F, M, or S occupancy shall not be limited when the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, and is surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width.

Subp. 4. **IBC Section 507.5.** IBC Section 507.5 is amended by adding a subsection to read as follows:

**507.5.1 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 507.2, 507.3, 507.4, or 507.5; 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.

**1305.0508 MIXED USE AND OCCUPANCY.**

IBC Section 508.3.3.4 is amended by adding an exception as follows:

**Exception:** An occupancy separation need not be provided between a child or adult day care use and a Group A 3 church building.

**1305.0509 SECTION 509, SPECIAL PROVISIONS.**

IBC Section 509.2, item 4, exception 2, is amended to read as follows:

2. Multiple Group A uses, each with an occupant load of less than 300, or Group B, M, or R uses shall be permitted, in addition to those uses incidental to the operation of the building, including storage areas, provided that the entire structure below the horizontal assembly is protected throughout by an approved automatic sprinkler system.

**1305.0600 [Repealed, 19 SR 1340]**

**1305.0700 [Repealed, 19 SR 1340]**

**1305.0704 [Repealed, 31 SR 1165]**

**1305.0707 [Repealed, 31 SR 1165]**

**1305.0714 [Repealed, 31 SR 1165]**

**1305.0716 SECTION 716, DUCTS AND AIR TRANSFER OPENINGS.**

IBC Section 716.5.3 is amended by adding exception 5 as follows:

5. Fire dampers, smoke dampers, and combination fire/smoke dampers are not required in laboratory hood exhaust duct penetrations of shaft enclosures where laboratory ventilation systems are installed in accordance with NFPA 45.

**1305.0800 [Repealed, 19 SR 1340]**

**1305.0900 [Repealed, 19 SR 1340]**

**1305.0901 SECTION 901, GENERAL**

IBC Section 901.6.2 is amended by deleting the section in its entirety.

**1305.0903 F SECTION 903, AUTOMATIC SPRINKLER SYSTEMS.**

Subpart 1. **Scope.** IBC F Section 903 is amended as follows.

Subpart 1. **Repealed, 31 SR 1165**

Subp. 1a. **F Section 903.2.7.** IBC F Section 903.2.7 is amended to read as follows:

**903.2.7 Group R.** An automatic sprinkler system installed in accordance with Section 903.3.1 shall be provided throughout all buildings containing a Group R occupancy where one of the following conditions exists:

1. The combined area on all floors, including mezzanines, exceeds 9,250 square feet (859.3 m<sup>2</sup>); or
2. The Group R fire area is located more than three stories above grade plane.

**Exceptions:**

1. Group R 3 single dwelling unit buildings.

2. Group R 3 or R 4 occupancies containing a facility licensed by the state of Minnesota shall be provided with a fire suppression system as required by the applicable licensing provision or this section, whichever is more restrictive.

3. Attached garages need not be sprinklered throughout if a dry sprinkler is installed within 5 feet (1524 mm) of the door opening between the garage and attached residence.

For the purposes of this section, fire walls, party walls, or attached multiple fire resistive exterior walls shall not constitute separate buildings.

**Exception:** Fire walls, party walls, or attached multiple fire resistive exterior walls separating other occupancies not accessory to the Group R.

Subp. 1b. **F Section 903.2.12.1.** IBC F Section 903.2.12.1 is amended to read:

**903.2.12.1 Fire protection for exhaust systems.** Any portion of an exhaust system utilizing combustible components or having the potential for combustible residue build up on the inside or where required by other sections of this code, where the duct cross sectional area is greater than or equal to 75 square inches (480 cm<sup>2</sup>), shall be provided with an automatic extinguishing system within the duct and at the duct intake, hood, enclosure, or canopy, or shall be constructed of material listed for use without sprinkler protection. When sprinkler protection is installed, means shall be provided to prevent water accumulation in the duct or the flow of water back to a process where the application of water constitutes a serious life or fire hazard.

Subp. 2. **Repealed, 31 SR 1165**

Subp. 3. **Repealed, 31 SR 1165**

Subp. 3a. **F Section 903.3.1.2.1.** IBC F Section 903.3.1.2.1 is amended to read as follows:

**903.3.1.2.1 Protection of decks and balconies.** Decks and balconies greater than 6 feet (1.8 m) above grade, greater than 4 feet (1.2 m) deep, and with an area greater than 40 square feet (3.72 m<sup>2</sup>) attached to new Group R 1 and R 2 occupancy buildings protected in accordance with Section 903.3.1.2 that are three or more stories in height and with 30 or more units shall be protected with sprinklers under the balcony or deck framing and under attic eaves when both of the following two conditions exist:

1. The building has an unsprinklered attic; and
2. The building has combustible siding.

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 m<sup>2</sup>).

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 subsection 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. Chemistry labs; or
2. Wrestling rooms or gymnastic rooms.

Subp. 5a. **F Section 903.3.1.** IBC F Section 903.3.1 is amended by adding a subsection to read as follows:

**903.3.1.6 Modifications to sprinkler standards.** The sprinkler installation standards as referenced in Sections 903.3.1.1, 903.3.1.2, and 903.3.1.3 are modified as follows:

**903.3.1.6.1 Hose stream requirements.** 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.

**903.3.1.6.2 Elevator shafts and equipment.** Sprinkler protection shall not be installed in elevator shafts, elevator pits, or elevator machine rooms.

**903.3.1.6.3 Swimming pools.** Sprinkler protection need not be provided 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.

**903.3.1.6.4 NFPA 13 modifications.** Sections 8.6.4.1.4.2, 8.6.4.1.4.3, 8.14.8.2, and 8.16.2.5 of NFPA 13 are revised to read:

**8.6.4.1.4.2 Combustible spaces; installation near peak.** Sprinklers under a roof or ceiling

in combustible concealed spaces of wood joist or wood truss construction with members 3 feet (0.9 m) or less on center and a slope having a pitch of four in 12 or greater shall be installed so that a row of sprinklers is installed within 12 inches (305 mm) horizontally of the peak and 12 inches (25.4 305 mm) down from the bottom of the top chord member.

**8.6.4.1.4.3 Combustible spaces; installation along eave.** Sprinklers under a roof or ceiling in combustible concealed spaces of wood joist or wood truss construction with members 3 feet (0.9 m) or less on center and a slope having a pitch of four in 12 or greater shall be installed so that the sprinklers installed along the eave are located not less than 5 feet (1.5 m) from the intersection of the truss cords.

**8.14.8.2 Linen closets and pantries.** Sprinklers are not required in linen closets and pantries within dwelling units that meet the following conditions:

1. The area of the space does not exceed 12 square feet (1.1 m<sup>2</sup>).
2. The least dimension does not exceed 3 feet (0.9 m).
3. The walls and materials are surfaced with noncombustible or limited combustible materials.
4. The closet or pantry contains no mechanical equipment, electrical equipment, or electrical appliances.

**8.16.2.5 Valves.**

**8.16.2.5.1 Fire department connection.** A listed check valve shall be installed in each fire department connection.

**8.16.2.5.1.1 Maximum pipe length.** There shall be a maximum of 25 feet (7.6 m) of pipe between the check valve and the fire department connection inlet.

**Exception:** This maximum shall not apply to the check valve serving a free standing fire department connection.

**8.16.2.5.1.2 Check valve location.** The check valve shall be located to minimize freezing potential.

Subp. 6. **Repealed, 31 SR 1165**

Subp. 6a. **F Section 903.3.7.** IBC F Section 903.3 is amended by adding a subsection to read as follows:

**903.3.7 Sprinkler system design pressure safety margin.** For new sprinkler systems or additions to existing sprinkler systems, the available water supply shall exceed the sprinkler system demand, including hose stream requirements, by 5 psi (0.34 bars) or more.

Subp. 7. **F Section 903.4.** IBC F Section 903.4 is amended by adding an exception to read as follows:

8. 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, 27 SR 1474]**

**1305.0905 F SECTION 905, STANDPIPE SYSTEMS.**

Subpart 1. **F Section 905.2.** IBC F Section 905.2 is amended by adding a subsection to read as follows:

**905.2.1 Modification to standards.** In buildings other than high rise that are protected throughout by an automatic sprinkler system installed in accordance with Sections 903.3.1.1 and 903.3.1.2, a Class I or III standpipe system need only meet the pressure requirements for the sprinkler system when such systems comply with Sections 905.2.1.1 through 905.2.1.5:

**905.2.1.1 Municipal water supply.** A municipal water supply capable of supplying the required standpipe flow rate with a residual pressure not less than 20 psi (1.4 bars) through a fire hydrant shall be provided. A fire hydrant shall be located within 300 feet (91 m) of the building's fire department connection.

**905.2.1.2 System testing and pipe size.** The standpipe system shall be able to provide the pressure and flow rate required by NFPA 14 when the standpipe system is supported by local fire department apparatus through the fire department connection as verified with hydraulic calculations. The hydraulic calculations are to be performed between the hydraulically most demanding standpipe hose connection and the fire department connection. Pipe sizes shall not be less than the minimum requirements in NFPA 14.

**905.2.1.3 Design pressure.** A maximum design pressure of 150 psi (10.3 bars) is permitted at the fire department connection when the standpipe is supported by local fire department apparatus.

**905.2.1.4 Hose connection.** At least one 2 1/2 inch (64 mm) hose connection shall be provided on the exterior of the building at the fire department connection for each 250 gpm (980 L/min) of required standpipe flow.

**905.2.1.5 Automatic sprinkler system demand.** The automatic sprinkler system demand, including the inside hose stream demand from NFPA 13, is to be provided by the municipal water supply system without requiring fire department pumping into the system.

Subp. 2. **F Section 905.3.2.** IBC F Section 905.3.2 is amended by adding a section to read as follows:

**905.3.2.1 Group A exhibition.** Class III automatic standpipes shall be provided in Group A 3 Occupancies where the floor area used for exhibition exceeds 12,000 square feet (1115 m<sup>2</sup>).

Subp. 3. **F Section 905.3.4.** IBC F Sections 905.3.4 and 905.3.4.1 are amended by deleting the sections in their entirety.

Subp. 4. **Repealed, 31 SR 1165**

Subp. 5. **Repealed, 31 SR 1165**

Subp. 6. **F Section 905.3.8.** IBC F Section 905.3 is amended by adding a subsection to read as follows:

**905.3.8 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 Condition 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. 6a. **F Section 905.3.9.** IBC F Section 905.3 is amended by adding a subsection to read as follows:

**905.3.9 Group R 2 occupancies.** Class III wet standpipes shall be installed in Group R 2 occupancies three or more stories in height where any portion of the building's interior area is more than 200 feet (60,960 mm) of travel, vertically or horizontally, from the nearest point of fire department vehicle access. Standpipes required by this section shall be installed in enclosed stairways.

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 907.1.3.** IBC F Section 907.1 is amended by adding a subsection to read as follows:

**907.1.3 Protection of control units.** In areas that are not continuously occupied, automatic fire detection shall be provided at the location of each new fire alarm control unit, fire alarm notification circuit power extender, and supervising station transmitting equipment to provide notification of fire at that location.

**Exception:** Additional detection is not required in buildings sprinklered in accordance with Section 903.3.1.1 or 903.3.1.2.

Subp. 1a. **F Section 907.2.** IBC F Section 907.2 is amended to read as follows:

**907.2 Where required in new buildings and occupancies.** An approved manual,

automatic, or manual and automatic fire alarm system shall be provided in new buildings and occupancies 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, fire barrier walls or fire walls shall not define separate buildings. In buildings containing mixed occupancies that are designed as separated uses in accordance with Section 508.3.3, fire alarm and detection systems need only be installed in those occupancies where required by this section.

**Exception:** In areas protected by an approved, supervised automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, automatic fire detectors required by Section 907.2 need not be provided. Where Section 907.2 requires smoke detectors, such protection shall be installed.

Subp. 2. **Repealed, 31 SR 1165**

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.

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 subsection 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.

**Exception:** In buildings that are protected throughout by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, smoke detectors are not required in intervening or adjoining rooms.

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. **Repealed, 31 SR 1165**

Subp. 21. **Repealed, 31 SR 1165**

Subp. 22. **F Section 907.2.6.** IBC F Section 907.2.6 and all subsections are deleted in their entirety and replaced with the following:

**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.

**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.

**907.2.6.2 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.

**907.2.6.3 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.

**907.2.6.3.1 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.

**907.2.6.4 Group I 3 Occupancies.** Group I 3 occupancies shall be provided with a fire alarm system installed for alerting staff.

**907.2.6.4.1 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.

**907.2.6.4.2 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 are 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.

**907.2.6.4.3 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, and subsections added, 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 two or more stories above the story containing 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 is used as a dormitory, convent, monastery, fraternity, or sorority and has an 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.

**907.2.9.3 Dwelling unit smoke detectors.** Dwelling unit smoke detectors required by Section 907.2.10 shall not be connected to the building fire alarm system.

**Exception:** Connection of such detectors for annunciation only.

Subp. 26a. **F Section 907.2.10.1.4.** IBC Section 907.2.10.1 is amended by adding a subsection to read as follows:

**907.2.10.1.4 Fire station and emergency medical quarters.** Areas used for sleeping in fire stations and emergency medical and ambulance crew quarters shall be provided with single station smoke detectors in accordance with Section 907.2.10.

Subp. 27. **F Section 907.2.10.2.** IBC F Section 907.2.10.2 is amended to read as follows:

**907.2.10.2 Power source.** In new construction, required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

**Exceptions:**

1. Smoke alarms are not required to be equipped with battery backup in Group R 1 occupancies where they are connected to an emergency electrical system.
2. 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. 27a. **F Section 907.2.10.5.** IBC F Section 907.2.10 is amended by adding a subsection to read as follows:

**907.2.10.5 Smoke alarms in arc fault protected circuits.** Smoke alarms receiving their primary power supply from electrical circuits that are protected with arc fault circuit interruption must have a backup power supply.

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. **Repealed, 31 SR 1165**

Subp. 30. **F Section 907.9.2.** IBC F Section 907.9.2 is amended to read as follows:

**907.9.2 Audible alarms.** Audible alarm notification appliances shall be provided and shall sound a distinctive sound that is not to be used for any purpose other than that of a fire alarm. The audible alarm notification appliances shall provide a sound pressure level of 15 decibels (dBA) above the average ambient sound level or 5 dBA above the maximum sound level having a duration of at least 60 seconds, whichever is greater, in every occupied space within the building. The minimum sound pressure levels shall be: 75 dBA in Groups R and I 1 occupancies; 90 dBA in mechanical equipment rooms; and 60 dBA in other occupancies. The maximum sound pressure level for audible alarm notification appliances shall be 110 dBA at the minimum hearing distance from the audible appliance. Where the average ambient noise is greater than 105 dBA, visible alarm notification appliances shall be provided in accordance with NFPA 72 and audible alarm notification appliances shall not be required.

**Exception:** Visible alarm notification appliances shall be allowed in lieu of audible alarm notification appliances in critical care areas of Group I 2 occupancies.

Subp. 31. **F Section 907.10.** IBC F Section 907.10 is amended, and subsections added, to read as follows:

**907.10 Fire safety functions.** Automatic fire detectors required by Section 907.2 are to activate notification appliances in accordance with those sections. Where automatic fire detectors are installed for other fire safety functions, they shall perform the intended function upon activation. Where automatic detectors are installed for fire safety functions and the building has a fire alarm system, such

detectors shall activate supervisory signals at the fire alarm control panel or at a constantly attended location. Where the building does not have a fire alarm system, such detectors shall activate a visual and audible supervisory signal at an approved location, which shall indicate the source of the signal.

**907.10.1 Air distribution and air handling systems.** Smoke detectors installed to shut down the air distribution or air handling system shall, upon activation, perform the intended function. Air distribution or air handling equipment that is part of a smoke control system shall switch to smoke control mode upon activation of a detector.

**907.10.1.1 Fire alarm system interface.** Smoke detectors that are installed in air distribution or air handling systems for shutdown purposes and that are connected to a fire alarm system shall not sound a general evacuation signal.

**907.10.2 Elevator control functions.** Smoke detectors that are installed to control or recall elevators or to control doors for elevators, elevator lobbies, or elevator shafts and that are connected to a fire alarm system shall not sound a general evacuation signal. Elevator recall and firefighter's emergency operation for elevators shall only be controlled by elevator smoke detectors and shall not initiate upon other building fire detectors or evacuation signals.

**907.10.3 Door hold open functions.** Smoke detectors that are installed to hold open fire doors under nonemergency conditions and that are connected to a fire alarm system shall sound a general evacuation signal when the doors being held open are part of the means of egress corridor or stair system. Door hold open smoke detectors are not required to activate a visual or audible signal.

Subp. 32. **F Section 907.11.** IBC F Section 907.11 is deleted.

Subp. 33. **F Section 907.14.** IBC F Section 907.14 is deleted.

**1305.0909 SECTION 909, SMOKE CONTROL SYSTEMS.**

Subpart 1. **F Section 909.4.** IBC F Section 909.4 is amended by adding a subsection to read as follows:

**909.4.7 Door opening force.** With any of the design methods allowed by Section 909, the door opening force, latch release, and set in motion force shall comply with Section 1008.1.2 requirements when the system is in smoke control mode.

Subp. 2. **F Section 909.21.** IBC F Section 909 is amended by adding a subsection to read as follows:

**909.21 High rise and covered mall smoke exhaust systems.** High rise buildings and covered mall buildings exceeding 50,000 square feet (4645 m<sup>2</sup>) in floor area, excluding anchor stores, shall be equipped with a post fire smoke exhaust system installed and maintained in accordance with Section 913.

**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.** 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.** 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 shall demonstrate that the system will provide at least three air changes per hour for the space required to be provided with smoke exhaust. 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 floor 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 controls 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 (850 m<sup>3</sup>/min).

**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 F SECTION 912, FIRE DEPARTMENT CONNECTIONS.**

IBC F Section 912.2 is amended by adding a subsection to read:

**912.2.3 Connection height.** Newly installed fire department connections shall be located not less than 18 inches (457 mm) and not more than 4 feet (1.2 m) above the level of the adjacent grade or access level.

**1305.0913 SECTION 913, POST FIRE EXHAUST SYSTEM.**

IBC Chapter 9 is amended by adding a section and subsections to read as follows:

SECTION 913

POST FIRE SMOKE EXHAUST SYSTEM

**913.1 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.

**913.2 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.

**913.3 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.

**913.4 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. Smoke exhaust shall not be permitted through any exit enclosure as defined in Section 1002.

**913.5 Inspection and testing.** Post fire smoke exhaust systems shall be inspected and tested annually.

**1305.1000 [Repealed, 19 SR 1340]**

**1305.1000 [Repealed, 27 SR 1474]**

**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 [Repealed, 31 SR 1165]**

**1305.1004 [Repealed, 31 SR 1165]**

**1305.1008 SECTION 1008, DOORS, GATES, AND TURNSTILES.**

Subpart 1. **Repealed, 31 SR 1165**

Subp. 2. **Repealed, 31 SR 1165**

Subp. 3. **Repealed, 31 SR 1165**

Subp. 4. **IBC Section 1008.1.3.** IBC Section 1008.1.3 is amended by adding a subsection to read as follows:

**1008.1.3.6 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 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 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 of the building with the special egress control devices shall be divided into at least

two compartments by smoke barriers meeting the requirements of Section 709; and

12. substitution of the automatic sprinkler system for one hour fire resistance rated construction (pursuant to Table 601, footnote d) is permitted.

Subp. 5. **IBC Section 1008.1.4.** IBC Section 1008.1.4 is amended by modifying exception 5 to read as follows:

**Exceptions:**

5. Exterior decks, patios, or balconies that are part of Type B dwelling units, have impervious surfaces, and that are not more than two inches (50 mm) below the finished floor level of the adjacent interior space of the dwelling unit.

Subp. 6. **IBC Section 1008.1.8.3.** IBC Section 1008.1.8.3 is amended to read as follows:

**1008.1.8.3 Locks and latches.** Locks and latches shall be permitted to prevent operation of doors where any of the following exists:

1. Places of detention or restraint.

2. In buildings in occupancy Group A having an occupant load of 300 or less, in buildings in occupancy Groups B, F, M, and S, and in churches, the main exterior door or doors are permitted to be equipped with key operated locking devices from the egress side provided:

2.1. The locking device is readily distinguishable as locked.

2.2. A readily visible durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED. The sign shall be in letters 1

inch (25 mm) high on a contrasting background.

2.3. The use of the key operated locking device is revokable by the building official for due cause.

3. Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface mounted hardware.

4. Doors from individual dwelling or sleeping units of Group R occupancies having an occupant load of 10 or less are permitted to be equipped with a night latch, dead bolt, or security chain, provided such devices are openable from the inside without the use of a key or tool.

5. Delayed egress locks, installed and maintained in conformance with Section 1008.1.8.6.

6. Special egress control devices installed and maintained in conformance with Section 1008.1.3.6.

7. In rooms, other than cells, where occupants are being restrained for safety or security reasons, special locking arrangements which comply with the requirements of Section 1008.1.10 are permitted.

Subp. 7. **IBC Section 1008.1.8.6.** IBC Section 1008.1.8.6 is amended to read as follows:

**1008.1.8.6 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 that 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 below. 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 one 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 30 SECONDS.

6. Emergency lighting shall be provided at the door.

Subp. 8. **IBC Section 1008.1.** IBC Section 1008.1 is amended by adding subsections as follows:

**1008.1.10 Special locking arrangements.** Special locking arrangements meeting the requirements of Sections 1008.1.10 through

1008.1.10.5 are permitted for rooms, other than cells, where the occupants are being restrained for safety or security reasons. The use of Sections 1008.1.10 through 1008.1.10.5 may be revoked by the fire code official or building official for due cause.

**1008.1.10.1 Locking hardware.** Locking devices shall release upon any of the following conditions:

1. Activation of the automatic sprinkler system.

2. Activation of any automatic fire detection device.

3. Activation of any automatic fire alarm system.

4. Loss of electrical power to the locking device or the fire alarm system.

5. Activation of the fire alarm trouble signal.

6. Operation of a manual switch located in an approved location.

All locking devices shall be designed to fail in the open position following the release of the locking devices for any of the conditions specified above. Relocking of the devices shall be by manual means only at the door.

**1008.1.10.2 Fire extinguishing system.** When special locking arrangements are used, the room or area being secured shall be protected with quick response sprinklers.

**1008.1.10.3 Fire alarm and detection.** When special locking arrangements are used, the room or area and spaces between the room or area and an exterior exit door shall be protected with automatic smoke detection connected to the building's fire alarm system. If the walls of the room or area do not extend to the ceiling, automatic smoke detection can

be provided in the adjacent room or area, provided that there are no substantial obstructions to delay activation of the smoke detection.

**1008.1.10.4 Construction.** Rooms or areas containing these special locking arrangements shall be constructed of noncombustible materials having a minimum one hour fire resistive construction. Doors separating the rooms from other spaces shall swing in the direction of egress travel from the room and have a fire protection rating of not less than 20 minutes. Doors need not be self closing. The interior finish of the wall and ceiling surfaces must not exceed a Class C.

**1008.1.10.5 Location.** The room or rooms shall be located on a floor that provides direct grade level access when located in buildings or portions thereof consisting of nonrated construction.

**1305.1009 SECTION 1009, STAIRWAYS AND HANDRAILS.**

**IBC Section 1009.9.** IBC Section 1009.9 is amended to read as follows:

**1009.9 Alternating tread devices.** Alternating tread devices are limited to an element of a means of egress in buildings of Groups F, H, and S from a mezzanine not more than 250 square feet (23 m<sup>2</sup>) in area and which serves not more than five occupants; in buildings of Group I 3 from a guard tower, observation station, or control room not more than 250 square feet (23 m<sup>2</sup>) in area and for access to unoccupied roofs. Access to mechanical equipment or appliances on a roof shall be in accordance with Section 1209.3.1 and the Minnesota Mechanical Code.

**1305.1013 SECTION 1013, GUARDS.**

Subpart 1. **IBC Section 1013.1.** IBC Section 1013.1 is amended by adding an exception as follows:

**Exception:**

8. In accordance with the Minnesota Bleacher Safety Act, Minnesota Statutes, section 16B.616, guards are not required on bleachers 55 inches or less in height.

Subp. 2. **IBC Section 1013.2.** IBC Section 1013.2 is amended by modifying exception 2 to read as follows:

2. The height in assembly seating areas shall be in accordance with Section 1025.14 and the Minnesota Bleacher Safety Act, Minnesota Statutes, section 16B.616.

**1305.1014 SECTION 1014, EXIT ACCESS.**

IBC Section 1014.4 and all subsections are deleted in their entirety and replaced with the following:

**1014.4 Aisles and aisle accessways.** Aisles and aisle accessways serving as a portion of the exit access in the means of egress system shall comply with the requirements of this section. Aisles and aisle accessways shall be provided from all occupied portions of the exit access. Aisles and aisle accessways serving assembly areas, other than seating at tables, shall comply with Section 1025. Aisles and aisle accessways serving reviewing stands, grandstands, and bleachers shall comply with Section 1024.

**1014.4.1 Width determination.** Where tables or counters are served by fixed seats, the width of the aisle or aisle accessway shall be measured from the back of the seat. Where seating is located at a table or counter and is adjacent to an aisle or aisle accessway, the measurement of required clear width of the aisle or aisle accessway shall be made to a line 19 inches (483 mm) measured perpendicular to and away from and running parallel to the edge of the table or counter. In

the case of other side boundaries for aisle or aisle accessways, the clear width shall be measured to walls, tread edges, or other obstructions.

The required width of the aisles and aisle accessways shall be unobstructed.

**Exception:** Doors, when fully opened, and handrails shall not reduce the required width by more than 7 inches (178 mm). Doors in any position shall not reduce the required width by more than one half. Other nonstructural projections such as trim and similar decorative features are permitted to project into the required width 1.5 inches (38 mm) from each side.

**1014.4.1.1 Minimum aisle accessway width.**

Aisle accessways not required to be accessible by Chapter 11 shall provide a minimum of 12 inches (305 mm) of width, plus 0.5 inches (12.7 mm) of width for each additional one foot (305 mm), or fraction thereof, beyond 12 feet (3658 mm) of aisle accessway length.

**Exception:** Portions of an aisle accessway having a length not exceeding six feet and used by a total of not more than four persons.

**1014.4.1.2 Minimum aisle width.** The minimum clear width shall be determined by Section 1005.1 for the occupant load served, but shall not be less than 36 inches (914 mm).

**Exception:** Nonpublic aisles serving less than 50 people, and are not required to be accessible by Chapter 11, need not exceed 28 inches (711 mm) in width.

**1014.4.2 Length.**

**1014.4.2.1 Aisle accessway.** The length of travel along the aisle accessway shall not exceed 30 feet (9144 mm) to an aisle or exit access doorway.

**1014.4.2.2 Aisle.** The length of travel along an aisle or combination aisle accessway and aisle to a point where a person has a choice of two or more paths of egress travel to separate exits or exit access doorways shall not exceed that permitted by Section 1014.3 for common path of egress travel.

**1305.1015 SECTION 1015, EXIT AND EXIT ACCESS DOORWAYS.**

IBC Section 1015.1 is amended to read as follows:

**1015.1 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 1015.1.

**Exception:** In Groups R 2 and R 3 occupancies, one means of egress is permitted within and from individual dwelling units with a maximum occupant load of 16 where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

2. The common path of egress travel exceeds the limitations of Section 1014.3.

3. Where required by Sections 1015.3, 1015.4, and 1015.5.

4. When located in buildings used for educational purposes, laboratories and prep rooms that exceed 500 square feet in area and contain hazardous materials.

**Exception:** Group I 2 occupancies shall comply with Section 1014.2.2.

Table 1015.1 is unchanged.

**1305.1019 NUMBER OF EXITS AND CONTINUITY.**

Subpart 1. **IBC Section 1019.1.** IBC Section 1019.1 is amended to read as follows:

**1019.1 Minimum number of exits.**

Occupants within rooms and spaces shall be provided with and have access to the minimum number of approved independent exits as required by Section 1015.1. Occupants on every story, in every basement, and in every building shall be provided with and have access to the minimum number of approved independent exits as required by Table 1019.1, except as modified in Section 1019.2. For the purposes of this chapter, occupied roofs shall be provided with exits as required for stories. The required number of exits from any story, basement, or individual space shall be maintained until arrival at grade or the public way. Table 1019.1 is unchanged.

Subp. 2. **IBC Section 1019.1.3.** IBC Section 1019.1 is amended by adding a subsection to read as follows:

**1019.1.3 Press box roof access.** The means of egress from occupied press box roofs shall comply with the provisions of this chapter. Occupied press box roofs shall be provided with guards in accordance with Section 1013.

**Exception:** Press box roofs used as camera, video, or security platforms or similar uses having an occupant load of nine or less shall have access to not less than one means of egress. The means of egress is permitted to be by way of a roof hatch or scuttle and ships ladder as required by Section 1209.3.

Subp. 3. **IBC Section 1019.2.** IBC Section 1019.2 is amended to read as follows:

**1019.2 Buildings or stories with one exit.** Only one exit shall be required in buildings or stories as described below:

1. Buildings or stories described in Table 1019.2, provided that the building has not more than one level below the first story above grade plane.
2. Buildings or stories of a Group R 3 occupancy.
3. Single level buildings with the occupied space at the level of exit discharge provided that the story or space complies with Section 1015.1 as a space with one means of egress.

Subp. 4. **IBC Table 1019.2.** IBC Table 1019.2 is amended to read as follows:

Table 1019.2  
Buildings or Stories with One Exit

Occupancy	Maximum Height of Building Above Grade Plane	Maximum Occupants (or Dwelling Units) per Floor (with One Exit) and Travel Distance
A,B <sup>d</sup> ,E <sup>e</sup> ,F,M,U	1 story	49 occupants and 75 feet travel distance
H-2,H-3	1 story	3 occupants and 25 feet travel distance
H-4,H-5,I,R	1 story	10 occupants and 75 feet travel distance
S <sup>a</sup>	1 story	29 occupants and 100 feet travel distance
B <sup>b</sup> ,F,M,S <sup>a</sup>	2 stories	30 occupants and 75 feet travel distance
R-2	2 stories <sup>c</sup>	3 dwelling units and 50 feet travel distance

Footnotes unchanged.

**1305.1025 SECTION 1025, ASSEMBLY.**

**IBC Section 1025.1.1.** IBC Section 1025.1.1 is amended to read as follows:

1025.1.1 Bleachers, grandstands, and folding and telescopic seating shall comply with International Code Council (ICC) 300, with the following amendments to ICC 300:

a. ICC 300 Section 404.5 is amended by adding an exception as follows:

**Exception:** Aisles shall not be required to be more than 66 inches (1.676 m) in width when the following 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.

b. ICC 300 Section 405.1 is amended to read as follows:

**Section 405.1 Aisles.** The minimum width of aisles shall be in accordance with Section 404.5, but not less than that required by this section. An aisle is not required in seating facilities where all of the following conditions exist:

1. Seats are without backrest.
2. The rise from row to row does not exceed 6 inches (152 mm) per row.

**Exception:** Bleachers 55 inches or less in height.

3. The row to row spacing does not exceed 28 inches (711 mm) unless the seat boards and footboards are not the same elevation.

4. The number of rows does not exceed 16 rows in height.

5. The first seat board is not more than 12 inches (305 mm) above the ground floor or a cross aisle.

**Exception:** Bleachers 55 inches or less in height.

6. Seat boards have a continuous flat surface.

7. Seat boards provide a walking surface with a minimum width of 11 inches (279 mm).

8. Egress from seating is not restricted by rails, guards, or other obstructions.

c. ICC 300 Section 405.6 is amended by adding an exception as follows:

3. Aisles serving bleachers in compliance with Section 404.5.

d. ICC 300 Section 408.1 is amended by adding an exception as follows:

(First exception is numbered as 1.)

2. In accordance with the Minnesota Bleacher Safety Act, Minnesota Statutes, section 16B.616:

(a) bleachers must have vertical perimeter guards or other approved guards that address climbability and are designed to prevent accidents; and

(b) guards are not required on bleachers 55 inches (1397 mm) and less in height.

e. ICC 300 Section 408.3 is amended to read as follows:

**408.3 Guard design.** Guards and their attachment shall be designed to resist the loads indicated in Section 303. Bleachers must have vertical perimeter guards or other

approved guards that address climbability and are designed to prevent accidents, in accordance with the Minnesota Bleacher Safety Act, Minnesota Statutes, section 16B.616.

f. ICC 300 Chapter 5 is deleted and replaced with the following:

All bleachers or bleacher open spaces over 55 inches (1397 mm) above grade or the floor below, and all bleacher guardrails, if any part of the guardrail is over 30 inches (762 mm) above grade or the floor below, must be certified to conform with the safety requirements contained in Minnesota Statutes, section 16B.616.

### **1305.1026 SECTION 1026, EMERGENCY ESCAPE AND RESCUE.**

IBC Section 1026.1 is amended to read as follows:

**1026.1 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 above grade plane shall have at least one exterior emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such opening shall open directly into a public way, public alley, or to a yard or court that opens to a public way.

#### **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 unit has a means of egress that is not open to the atrium.

4. High rise buildings in accordance with Section 403.

5. Emergency escape and rescue openings are not required from basements or sleeping rooms which have an exit door or exit access door that opens directly into a public way, or to a yard, court, or exterior exit balcony that opens to a public way.

6. Basements without habitable spaces and having no more than 200 square feet (18.6 m<sup>2</sup>) in floor area shall not be required to have emergency escape windows.

### **1305.1101 SECTION 1101, GENERAL.**

IBC Section 1101.1 is amended to read as follows:

**1101.1 General.** Buildings or portions of buildings shall be accessible to persons with disabilities as required by Minnesota Rules, chapter 1341. Refer to Minnesota Rules, chapter 1341, the Minnesota Accessibility Code, for the complete application of IBC Chapter 11.

**1305.1200 [Repealed, 19 SR 1340]**

structures, a permanent stair shall be provided for access.

**1305.1202 [Repealed, 31 SR 1165]**

**1305.1203 SECTION 1203, VENTILATION.**

IBC Section 1203.1 is amended to read as follows:

**1203.1 General.** Buildings shall be provided with natural ventilation in accordance with Section 1203.4 or mechanical ventilation in accordance with Minnesota Rules, chapter 1346.

**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.

**1305.1204 [Repealed, 31 SR 1165]**

**1305.1207 [Repealed, 31 SR 1165]**

**1305.1209 SECTION 1209, ACCESS TO UNOCCUPIED SPACES.**

IBC Section 1209.3 is amended, and subsections added, to read as follows:

**1209.3 Mechanical equipment and appliance access.** Access to mechanical equipment and appliances installed in underfloor areas, in attic spaces, and on roofs or elevated structures shall be in accordance with this section and the Minnesota Mechanical Code.

**1209.3.1 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

**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 six 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 eight square feet (0.74m<sup>2</sup>) with a minimum dimension of 20 inches (508 mm).
6. When a roof access hatch or scuttle is located within ten feet (3.0 m) of a roof edge, a guard shall be installed in accordance with this code.
7. Exterior stairs shall terminate at the roof access point or at a level landing of at least eight square feet (0.74m<sup>2</sup>) with a minimum dimension of 20 inches (508 mm).

The landing shall have a guard installed in accordance with IMC Section 304.9.

**1209.3.1.1 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 six inches (152 mm).
4. Side railings shall extend at least 30 inches (762 mm) above the roof or parapet wall.

**1305.1210 SECTION 1210, SURROUNDING MATERIALS.**

IBC Section 1210.1 is amended to read as follows:

**1210.1 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).

**1305.1300 [Repealed, 19 SR 1340]**

**1305.1350 [Repealed, 19 SR 1340]**

**1305.1355 [Repealed, 11 SR 1405]**

**1305.1370 [Repealed, 19 SR 1340]**

**1305.1400 [Repealed, 19 SR 1340]**

**1305.1404 [Repealed, 31 SR 1165]**

**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. **Repealed, 31 SR 1165**

**1305.1500 [Repealed, 19 SR 1340]**

**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.**

Subpart 1. **IBC Section 1503.4.** 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, and the following provisions:

**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.

**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.

**3. 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.

**4. 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.

**5. Sizing of secondary drains.** Secondary (emergency) roof drain systems shall be sized in accordance with the Minnesota State Plumbing Code. Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by this code. 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.

Subp. 2. **IBC Section 1503.4.1.** IBC Section 1503.4.1 is deleted in its entirety.

**1305.1505 FIRE CLASSIFICATION.**

IBC Table 1505.1 is amended by deleting footnote "a" from the table.

**1305.1506 [Repealed, 27 SR 1474]**

**1305.1507 SECTION 1507, REQUIREMENTS FOR ROOF COVERINGS.**

Subpart 1. **Repealed, 31 SR 1165**

Subp. 2. **Repealed, 31 SR 1165**

Subp. 3. **Repealed, 31 SR 1165**

Subp. 4. **Repealed, 31 SR 1165**

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 projection above the roof in structures of other than Type I construction shall not exceed 28 feet (8534 mm) above the roof where used as an enclosure for tanks or for

elevators that run to the roof and in all other cases shall not extend more than 18 feet (5486 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.

**Exception:** Accessory uses necessary for the maintenance of building systems shall be permitted when the penthouse is sprinkled in accordance with section 903.1.1.

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, 19 SR 1340]**

**1305.1600 [Repealed, 19 SR 1340]**

**1305.1604 [Repealed, 31 SR1165]**

**1305.1607 SECTION 1607, LIVE LOADS.**

Subpart 1. **Repealed, 31 SR 1165**

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 be calculated 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. **Repealed, 31 SR 1165**

**1305.1614 [Renumbered 1305.1616]**

**1305.1616 [Renumbered 1305.1618]**

**1305.1616 [Repealed, 27 SR 1474]**

**1305.1618 [Repealed, 27 SR 1474]**

**1305.1623 [Renumbered 1305.1625]**

**1305.1625 [Repealed, 27 SR 1474]**

**1305.1700 [Repealed, 19 SR 1340]**

**1305.1701 [Repealed, 27 SR 1474]**

**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. **Repealed, 31 SR 1165**

Subp. 2. **Table 1704.4.** IBC Table 1704.4 is amended as follows:

A. Add "X<sup>b</sup>" to the "Periodic" column, row "6. Inspection of concrete and shotcrete placement for proper application techniques."

B. Add footnote "b." to read as follows:

b. Exception: Inspection can be periodic when acceptable to the structural engineer of record and the building official.

Subp. 3. **Repealed, 31 SR 1165**

Subp. 4. **Table 1704.5.1.** IBC Table 1704.5.1, is amended as follows:

A. Add "X<sup>b</sup>" to the "Periodically during task listed" column, row "4. Grout placement shall be verified to ensure compliance with code and construction document provisions."

B. Add footnote "b." to read as follows:

b. Exception: Inspection can be periodic when acceptable to the structural engineer of record and the building official.

**1305.1750 [Repealed, 19 SR 1340]**

**1305.1775 [Repealed, 19 SR 1340]**

**1305.1790 [Repealed, 15 SR 74]**

**1305.1795 [Repealed, 19 SR 1340]**

**1305.1800 [Repealed, 19 SR 1340]**

**1305.1805 SECTION 1805, FOOTINGS AND FOUNDATIONS.**

Subpart 1. **Repealed, 31 SR 1165**

Subp. 2. **Repealed, 31 SR 1165**

Subp. 3. **Repealed, 31 SR 1165**

Subp. 4. **IBC Section 1805.2.** IBC Section 1805.2 is amended to read as follows:

**1805.2 Depth of footings.** The minimum depth of footings below the undisturbed ground surface shall be in accordance with Minnesota Rules, part 1303.1600. Where applicable, the depth of footings shall also conform to Sections 1805.2.1 through 1805.2.3.

Subp. 5. **IBC Section 1805.2.1.** IBC Section 1805.2.1 is amended to read as follows:

**1805.2.1 Frost protection.** Except where otherwise protected from frost, foundation walls, piers, and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. The minimum allowable footing depth shall be in accordance with Minnesota Rules, part 1303.1600;
2. Constructing in accordance with ASCE 32; or
3. Erecting on solid rock.

**Exception:** Freestanding buildings meeting all of the following conditions shall not be required to be protected:

1. Classified in Occupancy Category I in accordance with Section 1604.5;
2. Area of 600 square feet (56 m<sup>2</sup>) or less for light frame construction or 400 square feet (37 m<sup>2</sup>) or less for other than light frame; and
3. Eave height of 10 feet (3,048 mm) or less.

Footings shall not bear on frozen soil unless such frozen condition is of a permanent character.

**1305.1806 [Repealed, 31 SR 1165]**

**1305.1807 SECTION 1807,  
DAMPPROOFING AND  
WATERPROOFING.**

IBC Section 1807.4.3 is amended to read as follows:

**1807.4.3 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.

**1305.1900 [Repealed, 19 SR 1340]**

**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 two inches ( 50.8 mm) for top surfaces and three quarter inch (19.05 mm) for bottom surfaces. All bonded reinforcement steel located within the depth of the slab must be epoxy coated in conformance with the applicable standards referenced in ACI 318 Sections 3.5.3.7 and 3.5.3.8.

**1305.1918 [Repealed, 27 SR 1474]**

**1305.1928 [Repealed, 27 SR 1474]**

**1305.2000 [Repealed, 19 SR 1340]**

**1305.2050 [Repealed, 19 SR 1340]**

**1305.2100 [Repealed, 15 SR 74]**

**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

**1305.2308 SECTION 2308,  
CONVENTIONAL LIGHT FRAME  
CONSTRUCTION.**

Construction	Maximum Wall Length to Thickness or Wall Height to Thickness	Subpart 1. <b>IBC Figure 2308.9.3.</b> The table to IBC Figure 2308.9.3, Basic Components of the Lateral Bracing System, is amended to read as follows:		
		Wind Speed	Maximum Wall Spacing (Feet)	Required Bracketing Length <sup>b</sup>
Bearing walls				
Solid units or fully grouted	20	90 mph	35'0"	Table 2308.9.3.(1) and Section 2308.9.3
All others	18			
Nonbearing walls				
Exterior	18			
Interior	28			

**1305.2200 [Repealed, 19 SR 1340]**

(IBC Figure 2308.9.3 is changed to reflect amendments in table.)

**1305.2300 [Repealed, 19 SR 1340]**

**1305.2304 [Repealed, 31 SR 1165]**

Subp. 2. **IBC Table 2308.9.3(1).** IBC Table 2308.9.3(1), Braced Wall Panels, is amended to read as follows:

TABLE 2308.9.3(1)  
BRACED WALL PANELS<sup>a</sup>

Wind Speed	Condition	Construction Methods <sup>b,c</sup>								Braced Panel Location and Length <sup>d</sup>	
		1	2	3	4	5	6	7	8		
	One story, top of two or three story	X	X	X	X	X	X	X	X	X	Located in accordance with section 2308.9.3 and not more than 25 feet on center
90 mph	First story of two story or second story of three story	X	X	X	X	X	X	X	X	X	
	First story of three story		X	X	X	X <sup>e</sup>	X	X	X	X	

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm

<sup>a</sup>This table specifies minimum requirements for braced panels that form interior or exterior braced wall lines.

<sup>b</sup>See Section 2308.9.3 for full description.

<sup>c</sup>See Sections 2308.9.3.1 and 2308.9.3.2 for alternative braced panel requirements.

<sup>d</sup>Building length is the dimension parallel to the braced wall length.

<sup>e</sup>Gypsum wallboard applied to framing supports that are spaced at 16 inches on center.

**1305.2320 [Repealed, 27 SR 1474]**

**1305.2500 [Repealed, 19 SR 1340]**

**1305.2326 [Renumbered 1305.2320]**

**1305.2600 [Repealed, 19 SR 1340]**

**1305.2400 [Repealed, 15 SR 74]**

**1305.2603 SECTION 2603 FOAM PLASTIC INSULATION.**

IBC Section 2603.4.1.13 is amended to read as follows:

**2603.4.1.13 Type V construction.** Foam plastic spray applied to a sill plate and header of Type V construction is subject to all of the following:

1. The maximum thickness of the foam plastic shall be 5 1/2 inches (82.6 mm).
2. 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.

**1305.2700 [Repealed, 19 SR 1340]**

**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.

**1305.2800 [Repealed, 19 SR 1340]**

**1305.2900 [Repealed, 19 SR 1340]**

**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. 1a. **Section 2902.1.1.** IBC Section 2902.1.1 is amended to read as follows:

**2902.1.1 Unisex toilet and bath fixtures.** Fixtures located within unisex toilet bathing rooms complying with Minnesota Rules, chapter 1341, are permitted to be included in determining the minimum required number of fixtures.

Subp. 2. **Table 2902.1.**

A. The body of IBC Table 2902.1 is amended as follows:

1. Add footnote "e" to the A 5 Use Group "Stadiums, amusement parks, bleachers, and grandstands for outdoor sporting events and activities" description of the table.
2. Add footnotes "f," "g," and "h" to the "Drinking Fountains" heading in the table.
3. Add footnote "i" to the "Water Closets" heading in the table.

B. The footnotes to IBC Table 2902.1 are amended, and footnotes added, to read as follows:

- 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. Toilet facilities for employees shall be separate from facilities for inmates or patients.

c. 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.

d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.

e. 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.

f. A drinking fountain shall not be required in buildings or tenant spaces having an occupant load less than 50.

g. Where water is served in restaurants, drinking fountains shall not be required.

h. Water or other beverages available through free or fee based serving or dispensers may be substituted for up to 50 percent of the required number of drinking fountains.

i. In each bathroom or toilet room, urinals shall not be substituted for more than 67 percent of the required water closets.

Subp. 3. **Section 2902.2.** IBC Section 2902.2 is amended 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 dwelling units and sleeping units.

2. 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.

3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 50 or less.

4. Separate facilities shall not be required in Group B occupancies not exceeding 2,000 gross square feet (185.8 m<sup>2</sup>) of floor area. When using this exception, the individual unisex restroom shall have not less than one watercloset, one urinal, and one lavatory.

Subp. 4. **Section 2902.** IBC Section 2902 is amended by adding a subsection to read as follows:

**2902.6 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.

**1305.3000 [Repealed, 15 SR 74]**

**1305.3001 [Repealed, 27 SR 1474]**

**1305.3030 CHAPTER 30, ELEVATORS AND CONVEYING SYSTEMS.**

IBC Chapter 30 is deleted and replaced with the following:

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. Refer to Minnesota Rules, chapter 1307, the Minnesota Elevator Code, for the complete application of IBC Chapter 30.

**1305.3100 [Repealed, 15 SR 74]**

**1305.3109 SECTION 3109, SWIMMING POOL ENCLOSURES.**

IBC Section 3109 is deleted.

**1305.3200 [Repealed, 15 SR 74]**

**1305.3300 [Repealed, 15 SR 74]**

**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 717.3.1.

**1305.3305 SECTION 3305, SANITARY.**

IBC Section 3305 is deleted.

**1305.3400 [Repealed, 19 SR 1340]**

**1305.3401 CHAPTER 34, EXISTING STRUCTURES.**

IBC Chapter 34 is deleted and replaced with the following:

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. Refer to Minnesota Rules, chapter 1311, the Minnesota Building Conservation Code, for the complete application of provisions for existing structures.

**1305.3500 CHAPTER 35, REFERENCED STANDARDS.**

IBC Chapter 35 is amended by modifying a referenced standard as follows:

NFPA 45 2004 Standard on Fire Protection for Laboratories Using Chemicals

- 1305.3600 [Repealed, 15 SR 74]**
- 1305.3700 [Repealed, 15 SR 74]**
- 1305.3800 [Repealed, 19 SR 1340]**
- 1305.3850 [Repealed, 11 SR 1405]**
- 1305.3860 [Repealed, 19 SR 1340]**
- 1305.3900 [Repealed, 19 SR 1340]**
- 1305.3970 [Repealed, 11 SR 1405]**
- 1305.4000 [Repealed by amendment, 9 SR 1557]**
- 1305.4100 [Repealed, 19 SR 1340]**
- 1305.4200 [Repealed, 15 SR 74]**
- 1305.4300 [Repealed, 11 SR 1405]**
- 1305.4313 [Repealed, 27 SR 1474]**
- 1305.4332 [Repealed, 27 SR 1474]**
- 1305.4415 [Repealed, 27 SR 1474]**
- 1305.4416 [Repealed, 27 SR 1474]**
- 1305.4429 [Repealed, 27 SR 1474]**
- 1305.4500 [Repealed, 15 SR 74]**
- 1305.4600 [Repealed, 19 SR 1340]**
- 1305.4700 [Repealed, 19 SR 1340]**
- 1305.4800 [Repealed, 19 SR 1340]**
- 1305.4850 [Repealed, 19 SR 1340]**
- 1305.4900 [Repealed, 15 SR 74]**

- 1305.5000 [Repealed, 11 SR 1405]  
 1305.5100 [Repealed, 11 SR 1405; 19 SR 1340]  
 1305.5101 [Renumbered 1307.0010]  
 1305.5102 [Renumbered 1307.0015]  
 1305.5103 [Renumbered 1307.0020]  
 1305.5104 [Renumbered 1307.0025]  
 1305.5105 [Renumbered 1307.0030]  
 1305.5106 [Renumbered 1307.0035]  
 1305.5107 [Renumbered 1307.0040]  
 1305.5108 [Renumbered 1307.0045]  
 1305.5109 [Renumbered 1307.0050]  
 1305.5110 [Renumbered 1307.0055]  
 1305.5111 [Renumbered 1307.0060]  
 1305.5112 [Renumbered 1307.0065]  
 1305.5114 [Renumbered 1307.0070]  
 1305.5115 [Renumbered 1307.0075]  
 1305.5116 [Renumbered 1307.0080]  
 1305.5117 [Renumbered 1307.0085]  
 1305.5118 [Renumbered 1307.0090]  
 1305.5200 [Repealed, 19 SR 1340]  
 1305.5300 [Repealed, 15 SR 74]  
 1305.5310 [Repealed, 15 SR 74]  
 1305.5320 [Repealed, 19 SR 1340]  
 1305.5340 [Repealed, 19 SR 1340]  
 1305.5360 [Repealed, 19 SR 1340]  
 1305.5380 [Repealed, 19 SR 1340]  
 1305.5385 [Repealed, 19 SR 1340]  
 1305.5400 [Repealed, 19 SR 1340]  
 1305.5500 [Repealed, 15 SR 74]  
 1305.5700 [Repealed, 19 SR 1340]  
 1305.5710 [Repealed, 19 SR 1340]  
 1305.5720 [Repealed, 19 SR 1340]  
 1305.5730 [Repealed, 19 SR 1340]  
 1305.5740 [Repealed, 19 SR 1340]  
 1305.5750 [Repealed, 19 SR 1340]  
 1305.5800 [Repealed, 15 SR 74]  
 1305.5900 [Repealed, 19 SR 1340]  
 1305.5910 [Repealed, 11 SR 1405]  
 1305.6000 [Repealed, 19 SR 1340]  
 1305.6200 [Repealed, 19 SR 1340]  
 1305.6250 [Repealed, 19 SR 1340]  
 1305.6260 [Repealed, 11 SR 1405]  
 1305.6270 [Repealed, 11 SR 1405]  
 1305.6280 [Repealed, 19 SR 1340]  
 1305.6300 [Repealed, 19 SR 1340]  
 1305.6400 [Repealed by amendment, 9 SR 1557]  
 1305.6425 [Repealed, 19 SR 1340]  
 1305.6430 [Repealed, 19 SR 1340]  
 1305.6500 [Repealed by amendment, 9 SR 1557]  
 1305.6525 [Repealed, 19 SR 1340]  
 1305.6550 [Repealed, 15 SR 74]  
 1305.6600 [Repealed, 15 SR 74]  
 1305.6700 [Repealed, 19 SR 1340]  
 1305.6800 [Repealed, 19 SR 1340]  
 1305.6900 [Repealed, 15 SR 74]  
 1305.6901 [Repealed, 19 SR 1340]  
 1305.6902 [Repealed, 19 SR 1340]  
 1305.6905 [Repealed, 19 SR 1340]  
 1305.6910 [Repealed, 19 SR 1340]  
 1305.6920 [Repealed, 19 SR 1340]  
 1305.7000 [Repealed, 27 SR 1474]  
 1305.7100 [Repealed, 27 SR 1474]  
**Minn. Rules repealed, etc. in chapter 1305**  
 1305.0010 [Repealed, 27 SR 1474]  
 1305.0020 [Repealed, 27 SR 1474]  
 1305.0100 [Repealed, 19 SR 1340]  
 1305.0102 [Repealed, 27 SR 1474]  
 1305.0103 [Repealed, 27 SR 1474]  
 1305.0105 [Repealed, 27 SR 1474]  
 1305.0106 [Repealed, 27 SR 1474]  
 1305.0107 [Repealed, 27 SR 1474]  
 1305.0108 [Repealed, 27 SR 1474]  
 1305.0109 [Repealed, 27 SR 1474]  
 1305.0150 [Repealed, 19 SR 1340]  
 1305.0200 [Repealed, 19 SR 1340]  
 1305.0300 [Repealed, 15 SR 74]  
 1305.0301 [Repealed, 27 SR 1474]  
 1305.0305 [Repealed, 27 SR 1474]  
 1305.0308 [Repealed, 27 SR 1474]  
 1305.0400 [Repealed, 19 SR 1340]  
 1305.0405 [Repealed, 27 SR 1474]  
 1305.0500 [Repealed, 19 SR 1340]  
 1305.0600 [Repealed, 19 SR 1340]  
 1305.0700 [Repealed, 19 SR 1340]  
 1305.0800 [Repealed, 19 SR 1340]  
 1305.0900 [Repealed, 19 SR 1340]  
 1305.0904 [Repealed, 27 SR 1474]  
 1305.1000 [Repealed, 19 SR 1340]  
 1305.1000 [Repealed, 27 SR 1474]  
 1305.1004 [Renumbered 1305.1000, subpart 1]  
 1305.1009 [Renumbered 1305.1000, subps 3 and 4]

THE 2007 MINNESOTA STATE BUILDING CODE

1305.1019 [Renumbered 1305.1000, subp 5]	1305.3600 [Repealed, 15 SR 74]
1305.1100 [Repealed, 19 SR 1340]	1305.3700 [Repealed, 15 SR 74]
1305.1200 [Repealed, 19 SR 1340]	1305.3800 [Repealed, 19 SR 1340]
1305.1300 [Repealed, 19 SR 1340]	1305.3850 [Repealed, 11 SR 1405]
1305.1350 [Repealed, 19 SR 1340]	1305.3860 [Repealed, 19 SR 1340]
1305.1355 [Repealed, 11 SR 1405]	1305.3900 [Repealed, 19 SR 1340]
1305.1370 [Repealed, 19 SR 1340]	1305.3970 [Repealed, 11 SR 1405]
1305.1400 [Repealed, 19 SR 1340]	1305.4000 [Repealed by amendment, 9 SR 1557]
1305.1500 [Repealed, 19 SR 1340]	1305.4100 [Repealed, 19 SR 1340]
1305.1506 [Repealed, 27 SR 1474]	1305.4200 [Repealed, 15 SR 74]
1305.1590 [Repealed, 19 SR 1340]	1305.4300 [Repealed, 11 SR 1405]
1305.1600 [Repealed, 19 SR 1340]	1305.4313 [Repealed, 27 SR 1474]
1305.1614 [Renumbered 1305.1616]	1305.4332 [Repealed, 27 SR 1474]
1305.1616 [Renumbered 1305.1618]	1305.4415 [Repealed, 27 SR 1474]
1305.1616 [Repealed, 27 SR 1474]	1305.4416 [Repealed, 27 SR 1474]
1305.1618 [Repealed, 27 SR 1474]	1305.4429 [Repealed, 27 SR 1474]
1305.1623 [Renumbered 1305.1625]	1305.4500 [Repealed, 15 SR 74]
1305.1625 [Repealed, 27 SR 1474]	1305.4600 [Repealed, 19 SR 1340]
1305.1700 [Repealed, 19 SR 1340]	1305.4700 [Repealed, 19 SR 1340]
1305.1701 [Repealed, 27 SR 1474]	1305.4800 [Repealed, 19 SR 1340]
1305.1750 [Repealed, 19 SR 1340]	1305.4850 [Repealed, 19 SR 1340]
1305.1775 [Repealed, 19 SR 1340]	1305.4900 [Repealed, 15 SR 74]
1305.1790 [Repealed, 15 SR 74]	1305.5000 [Repealed, 11 SR 1405]
1305.1795 [Repealed, 19 SR 1340]	1305.5100 [Repealed, 11 SR 1405; 19 SR 1340]
1305.1800 [Repealed, 19 SR 1340]	1305.5101 [Renumbered 1307.0010]
1305.1900 [Repealed, 19 SR 1340]	1305.5102 [Renumbered 1307.0015]
1305.1918 [Repealed, 27 SR 1474]	1305.5103 [Renumbered 1307.0020]
1305.1928 [Repealed, 27 SR 1474]	1305.5104 [Renumbered 1307.0025]
1305.2000 [Repealed, 19 SR 1340]	1305.5105 [Renumbered 1307.0030]
1305.2050 [Repealed, 19 SR 1340]	1305.5106 [Renumbered 1307.0035]
1305.2100 [Repealed, 15 SR 74]	1305.5107 [Renumbered 1307.0040]
1305.2200 [Repealed, 19 SR 1340]	1305.5108 [Renumbered 1307.0045]
1305.2300 [Repealed, 19 SR 1340]	1305.5109 [Renumbered 1307.0050]
1305.2320 [Repealed, 27 SR 1474]	1305.5110 [Renumbered 1307.0055]
1305.2326 [Renumbered 1305.2320]	1305.5111 [Renumbered 1307.0060]
1305.2400 [Repealed, 15 SR 74]	1305.5112 [Renumbered 1307.0065]
1305.2500 [Repealed, 19 SR 1340]	1305.5114 [Renumbered 1307.0070]
1305.2600 [Repealed, 19 SR 1340]	1305.5115 [Renumbered 1307.0075]
1305.2700 [Repealed, 19 SR 1340]	1305.5116 [Renumbered 1307.0080]
1305.2800 [Repealed, 19 SR 1340]	1305.5117 [Renumbered 1307.0085]
1305.2900 [Repealed, 19 SR 1340]	1305.5118 [Renumbered 1307.0090]
1305.3000 [Repealed, 15 SR 74]	1305.5200 [Repealed, 19 SR 1340]
1305.3001 [Repealed, 27 SR 1474]	1305.5300 [Repealed, 15 SR 74]
1305.3100 [Repealed, 15 SR 74]	1305.5310 [Repealed, 15 SR 74]
1305.3200 [Repealed, 15 SR 74]	1305.5320 [Repealed, 19 SR 1340]
1305.3300 [Repealed, 15 SR 74]	1305.5340 [Repealed, 19 SR 1340]
1305.3400 [Repealed, 19 SR 1340]	
1305.3500 [Repealed, 11 SR 1405]	

THE 2007 MINNESOTA STATE BUILDING CODE

1305.5360 [Repealed, 19 SR 1340]  
1305.5380 [Repealed, 19 SR 1340]  
1305.5385 [Repealed, 19 SR 1340]  
1305.5400 [Repealed, 19 SR 1340]  
1305.5500 [Repealed, 15 SR 74]  
1305.5700 [Repealed, 19 SR 1340]  
1305.5710 [Repealed, 19 SR 1340]  
1305.5720 [Repealed, 19 SR 1340]  
1305.5730 [Repealed, 19 SR 1340]  
1305.5740 [Repealed, 19 SR 1340]  
1305.5750 [Repealed, 19 SR 1340]  
1305.5800 [Repealed, 15 SR 74]  
1305.5900 [Repealed, 19 SR 1340]  
1305.5910 [Repealed, 11 SR 1405]  
1305.6000 [Repealed, 19 SR 1340]  
1305.6200 [Repealed, 19 SR 1340]  
1305.6250 [Repealed, 19 SR 1340]  
1305.6260 [Repealed, 11 SR 1405]  
1305.6270 [Repealed, 11 SR 1405]  
1305.6280 [Repealed, 19 SR 1340]  
1305.6300 [Repealed, 19 SR 1340]  
1305.6400 [Repealed by amendment, 9 SR  
1557]  
1305.6425 [Repealed, 19 SR 1340]  
1305.6430 [Repealed, 19 SR 1340]  
1305.6500 [Repealed by amendment, 9 SR  
1557]  
1305.6525 [Repealed, 19 SR 1340]  
1305.6550 [Repealed, 15 SR 74]  
1305.6600 [Repealed, 15 SR 74]  
1305.6700 [Repealed, 19 SR 1340]  
1305.6800 [Repealed, 19 SR 1340]  
1305.6900 [Repealed, 15 SR 74]  
1305.6901 [Repealed, 19 SR 1340]  
1305.6902 [Repealed, 19 SR 1340]  
1305.6905 [Repealed, 19 SR 1340]  
1305.6910 [Repealed, 19 SR 1340]  
1305.6920 [Repealed, 19 SR 1340]  
1305.7000 [Repealed, 27 SR 1474]  
1305.7100 [Repealed, 27 SR 1474]

## 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.

### 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 D.

**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 D.

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 D.

**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 D.

### 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 D 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;

**Exception:** air inflated structures, and open picnic shelters.

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;

**Exception:** S 2 open parking garages, aircraft hangars, salt storage sheds, and group "M" detached canopies.

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;

**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.

**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.

**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.

**1306.0070 REPORTING.**

A municipality must submit a copy of the ordinance adopting this chapter to the Department of Labor and Industry, Construction Codes and Licensing Division. The ordinance does not go into effect until:

A. a signed electronic, faxed, or paper copy of the ordinance has been received by the division; and

B. the ordinance has been approved by the division.

An ordinance is deemed automatically approved by the division if the municipality has not been informed that the ordinance has not been approved within ten working days of the division's receipt of the ordinance.

**1306.0100 [Repealed, 27 SR 1479]**

**Minn. Rules repealed, etc. in chapter 1306**

**1306.0100 [Repealed, 27 SR 1479]**

## MINNESOTA RULES, CHAPTER 1307 ELEVATORS AND RELATED DEVICES

### 1307.0005 TITLE.

This chapter is known and may be cited as the "Elevators and Related Devices Code." As used in this chapter, "the code" and "this code" refer to this chapter.

### 1307.0010 PURPOSE AND SCOPE.

The provisions of parts 1307.0010 to 1307.0110 are to safeguard life, limb, property, and public welfare by establishing minimum requirements relating to the design, construction, installation, alteration, repair, removal, and operation and maintenance of passenger elevators, freight elevators, handpowered elevators, dumbwaiters, escalators, moving walks, vertical reciprocating conveyors, stage and orchestra lifts, endless belt lifts, wheelchair lifts, and other related devices. The requirements for the enforcement of these provisions are established by this chapter, and by municipal option, according to Minnesota Statutes, section 16B.747, subdivision 3.

1307.0015 **Repealed, 23 SR 2051**

### 1307.0020 CODES ADOPTED BY REFERENCE.

Subpart 1. **Incorporation by reference.** The following are incorporated by reference, are not subject to frequent change, and are made part of the Minnesota State Building Code as amended in this chapter: Chapter 30 of the 2006 International Building Code, published by the International Codes Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041; ASME A17.1-2004 with 2005 A17.1A Addenda and the Supplement ASME A17.1S-2005 Safety Code for Elevators and

Escalators; ASME A17.3-2002 Safety Code for Existing Elevators and Escalators; ASME A17.5-2004 Elevator and Escalator Electrical Equipment; ASME A18.1-2005 Safety Standard for Platform Lifts and Stairway Chairlifts; ASME A90.1-2003 Safety Standard for Belt Manlifts; ASME B20.1-2003 Safety Standard for Conveyors and Related Equipment as published by the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017. These are available in the office of the commissioner of labor and industry. Portions of this chapter reproduce text and tables from Chapter 30 of the 2006 International Building Code. The International Building Code is copyright 2006 by the International Code Council, Inc. All rights reserved.

Subp. 2. **Repealed, 23 SR 2051**

Subp. 3. **Emergency personnel.** ASME A17.4-1999 Guide for Emergency Personnel is the reference document for emergency personnel.

1307.0025 **Repealed, 31 SR 935**

### 1307.0027 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1307.0010 to 1307.0110.

Subp. 2. **ASME A17.1-2004.** "ASME A17.1-2004" means the ASME A17.1-2004 with 2005 A17.1A Addenda and the Supplement ASME A17.1S-2005, Safety Code for Elevators and Escalators.

Subp. 3. **ASME A17.3-2002.** "ASME A17.3-2002" means the ASME A17.3-2002

Safety Code for Existing Elevators and Escalators (and related equipment).

Subp. 4. **ASME A17.5-2004.** "ASME A17.5-2004" means the ASME A17.5-2004 Elevators and Escalators Electrical Equipment.

Subp. 5. **ASME A18.1-2005.** "ASME A18.1-2005" means the ASME A18.1-2005 Safety Standard for Platform Lifts and Stairway Chairlifts.

Subp. 6. **ASME A90.1-2003.** "ASME A90.1-2003" means the ASME A90.1-2003 Safety Standard for Belt Manlifts.

Subp. 7. **ASME B20.1-2003.** "ASME B20.1-2003" means the ASME B20.1-2003 Safety Standard for Conveyors and Related Equipment.

Subp. 8. **ASME Code.** "ASME Code" means the ASME Codes incorporated by reference in part 1307.0020, subpart 1.

Subp. 9. **Authority having jurisdiction.** "Authority having jurisdiction" means the Department of Labor and Industry pursuant to Minnesota Statutes, section 16B.61, or a unit of local government pursuant to Minnesota Statutes, sections 16B.61 and 16B.747.

Subp. 10. **Bank of elevators.** "Bank of elevators" means a group of elevators or a single elevator controlled by a common operating system. Specifically, all elevators that respond to a single call button constitute a bank of elevators. There is no limit to the number of cars that may be in a bank.

Subp. 11. **Conditioned space.** "Conditioned space" means space within a building which is conditioned either directly or indirectly by an energy-using system and is capable of maintaining at least 65 degrees Fahrenheit at winter design conditions or less

than 78 degrees Fahrenheit at summer design conditions required by the Minnesota Energy Code.

Subp. 12. **Dormant elevator, dormant dumbwaiter, or dormant escalator.** "Dormant elevator," "dormant dumbwaiter," or "dormant escalator" means an installation placed out of service as specified in ASME A17.1-2004, 8.11.1.4.

Subp. 13. **Endless belt lift.** "Endless belt lift" means belt manlifts and is governed by ASME A90.1-2003 Safety Standard for Belt Manlifts.

Subp. 14. **Existing installation.** "Existing installation" means one for which, before January 29, 2007:

- A. all work of installation was completed; or
- B. the plans and specifications were filed with the authority having jurisdiction, all required permits were obtained, all permit and inspection fees were paid, and work was begun not later than 12 months after approval of the plans and specifications and issuance of the required permits.

Subp. 15. **International Building Code or IBC.** "International Building Code" or "IBC" means the International Building Code, as promulgated by the International Codes Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, and as adopted by reference in part 1305.0011.

Subp. 16. **Private residence.** "Private residence" means a dwelling unit or sleeping unit that is occupied by the members of a single-family dwelling or no more than six unrelated persons.

Subp. 17. **Temporarily dormant elevator, temporarily dormant dumbwaiter, or temporarily dormant escalator.** "Temporarily dormant elevator," "temporarily dormant dumbwaiter," or "temporarily dormant escalator" means an installation whose:

- A. power supply has been disconnected by removing fuses (where applicable) and placing a padlock on the mainline disconnect switch in the "OFF" position;
- B. car is parked and the hoistway doors are in the closed and latched position; and
- C. wire seal or notification or both is installed on the mainline disconnect switch by the authority having jurisdiction or their authorized elevator inspector.

Subp. 18. **Vertical reciprocating conveyor.** "Vertical reciprocating conveyor" means a vertical device for moving material only that is not designed to carry passengers or an operator, and that is governed by ASME B20.1-2003, Safety Standard for Conveyors and Related Equipment.

**1307.0030 PERMITS.**

Subpart 1. **Permits required.** It is unlawful for any person, firm, or corporation to hereafter install any new passenger elevators, freight elevators, handpowered elevators, moving walks, escalators, dumbwaiters, wheelchair lifts, endless belt lifts, vertical reciprocating conveyors, stage and orchestra lifts, or any other related device, or make alterations or repairs to or remove any existing of the same without having first obtained a permit for the work from the authority having jurisdiction.

Alterations, modifications, and practical difficulties will be done in keeping with the rules of the Department of Labor and Industry.

Permits for repairs are required by the Department of Labor and Industry for the following ASME A17.1-2004 sections: 8.6.2.3 repair of speed governors; 8.6.2.4 repair of releasing carrier; 8.6.3.3.2 rope fastenings and hitch plates; 8.6.3.4 replacement of governor rope; 8.6.3.6 replacement of speed governor; 8.6.3.10 replacement of releasing carrier; and 8.6.3.9 replacement of hydraulic jack plunger; cylinder, tanks, valve, and anticreep leveling device.

Subp. 2. **Application for permit.** Application for a permit to install, alter, repair, or remove must be made on forms provided by the authority having jurisdiction.

Subp. 3. **Plans and specifications.** For elevators under the Department of Labor and Industry's jurisdiction, plans and specifications describing the extent of the work involved must be submitted with the application for a permit. The authority having jurisdiction may require that such plans and specifications for work associated with the installation of equipment by this chapter be prepared by an architect or engineer licensed to practice in Minnesota. A permit will be issued to the applicant when the plans and specifications have been approved and the appropriate permit fee specified in this code has been paid by the applicant.

Subp. 4. **Certificate of operation required.** It is unlawful to operate equipment governed by ASME A17.1-2004, ASME A17.3-2002, and ASME A90.1-2003 without a current Certificate of Operation issued by the authority having jurisdiction. The certificate will be issued upon payment of prescribed fees and the presentation of a valid

inspection report indicating that the conveyance is safe and that the inspections and tests have been performed according to this code. A certificate will not be issued when the conveyance is posted as unsafe.

Subp. 5. **Application for certificate of operation.** Application for a certificate of operation must be made by the owner, or an authorized representative, for equipment governed by ASME A17.1-2004, ASME A17.3-2002, and ASME A90.1-2003. The application must be accompanied by an inspection report. Fees for the Certificate of Operation must be as specified by the administrative authority.

### 1307.0032 FEES.

Subpart 1. **Jurisdiction.** Fees for the installation, alteration, repair, or removal of devices or for routine or periodic inspections covered in this part are as set forth in the fee schedule adopted by the jurisdiction or, in cases under permit issuance by the Department of Labor and Industry, as established in this part.

Subp. 2. **Establishment.** The Department of Labor and Industry's fees for a permit to install, alter, or remove devices within the scope of this code are:

- A. A permit fee to install, alter, or remove an elevator is \$100, and \$500 if work that requires a permit is begun without a permit.
- B. Inspection fees for installation and alteration of permitted elevator work are 1-1/2 percent of the total cost of the permitted work for labor and materials including related electrical and mechanical equipment. The total inspection fee shall not exceed \$1,000 per permit. The inspection fee covers

two inspections. Additional inspections shall cost \$45 per hour, in accordance with part 1302.0600. The cost of special decorative fixtures in the permitted work may be deducted from the cost of the permitted elevator work up to a maximum of five percent of the total cost of the permitted work upon approval of the commissioner.

- C. An elevator that passes Department of Labor and Industry's inspection will be issued an operating permit by the department.

Subp. 3. **Inspection fees.** The fees for a requested inspection of existing elevators by the Department of Labor and Industry are:

- A. two stop elevators, \$50;
- B. three stop elevators, \$75;
- C. four stop elevators, \$100;
- D. five stop elevators, \$125;
- E. six or more stop elevators, \$150; and
- F. escalators and moving walks, \$100.

Subp. 4. **Vertical reciprocating conveyor inspection fees.** Vertical reciprocating conveyors (ASME Standard B20.1) are subject to filing and inspection fees for new and altered installations, but are exempt from routine inspections by an elevator inspector.

### 1307.0035 INSPECTION, TESTS, AND APPROVALS.

Subpart 1. **Approval of plans.** Any person, firm, or corporation desiring to install, relocate, alter, or remove any installation covered by this chapter must obtain approval

for doing so from the authority having jurisdiction. Two sets of drawings and/or specifications showing the installation, relocation, alteration, or removal must be submitted as required by the authority having jurisdiction. corporation desiring to install, relocate, alter, or remove any installation covered by this chapter must obtain approval for doing so from the authority having jurisdiction. Two sets of drawings and/or specifications showing the installation, relocation, alteration, or removal must be submitted as required by the authority having jurisdiction.

Subp. 2. **Inspections and tests.** No person, firm, or corporation may put into service any installation covered by parts 1307.0010 to 1307.0100 whether the installation is newly installed, relocated, or altered materially, without the installation being inspected and approved by the authority having jurisdiction. The installer of any equipment included in this chapter must request inspections by notifying the authority having jurisdiction to schedule a date and time for inspection. The authority having jurisdiction shall require tests as described in the applicable ASME Code to prove the safe operation of the installation.

Subp. 3. **Approval.** A certificate or letter of approval must be issued by the authority having jurisdiction for equipment governed by ASME A17.1-2004, ASME A17.3-2002, ASME A90.1-2003, and ASME B20.1-2003 when the entire installation is completed in conformity with this code.

Subp. 4. **Limited use approval.** When a building or structure is equipped with one or more elevators, at least one of the elevators may be approved for limited use before completion of the building or structure. The limited use approval must specify the class of service permitted and the conditions of

approval.

### 1307.0040 ACCIDENTS.

Subpart 1. **To be reported.** The owner or person in control of an elevator or other installation covered by this code shall notify the authority having jurisdiction of any accident involving personal injury or damage to equipment covered in this chapter to a person or apparatus on, about, or in connection with an elevator or other installation, and shall allow the authority having jurisdiction reasonable access to the equipment and the opportunity to take statements from employees and agents of the owner or person in control for investigating the accident and the resultant damage. Notification may be given to the authority having jurisdiction by telephone or verbally. The notification must also be confirmed in writing. Notification must be made within one working day of the accident. Failure to provide the proper notification may be considered a violation as described in Minnesota Statutes, section 16B.745.

Subp. 2. **Investigation.** The authority having jurisdiction must make or cause to be made an investigation of the accident, and the report of the investigation must be placed on file in its office. The report must give in detail the cause or causes, so far as can be determined, and the report must be available for public inspection subject to the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13.

Subp. 3. **Operation discontinued.** When an accident involves the failure or destruction of a part of the installation or the operating mechanism, the elevator or other installation must be taken out of service and may not be used again until it has been made safe and the reuse approved by the authority having

jurisdiction. The authority having jurisdiction may, when necessary, order the discontinuance of operation of any such elevator or installation until a new certificate of operation has been issued.

**Subp. 4. Removal of parts restricted.** No part of the damaged installation, construction, or operating mechanism may be removed from the premises until permission is granted by the authority having jurisdiction.

1307.0045 Repealed, 31 SR 935

### 1307.0047 SPECIAL PROVISIONS.

**Subpart 1. Scope.** The special provisions in this part apply to the design, construction, and installation of equipment governed by ASME A17.1-2004 and ASME A17.3-2002.

**Subp. 2. Chairlifts.** Inclined stairway chairlifts shall only be installed within a private residence or as approved in accordance with Minnesota Statutes, section 471.471. The installation shall be in accordance with ASME A18.1-2005.

**Subp. 3. Attendant-operated lifts.** Attendant-operated lifts shall only be installed in owner-occupied private residences.

**Subp. 4. Rooftop elevators.** Passenger and freight elevators are permitted at rooftops when conditioned space or rooftop elevators meeting ASME A17.1-2004 5.6 are provided.

**Subp. 5. Winding drum machines.** Except as permitted in the ASME Code for private residence elevators, chairlifts, and wheelchair platform lifts, winding drum machines are not permitted on new elevator installations, as replacements on existing installations, or on elevators undergoing a use conversion or classification change.

**Subp. 6. Horizontal swing doors.** Horizontal swing doors of single-section or center-opening two-section design are not permitted as hoistway doors on new elevator installations or as replacement hoistway doors on existing installations, except for private residential elevators, or when the authority having jurisdiction approves their installation or replacement when conditions make it impossible to install approved types of doors.

**Subp. 7. Elevator equipment room signage.** Elevator equipment rooms shall have a permanent sign attached to the equipment room door or adjacent to the equipment room door. The sign shall read in no less than 0.5-inch letters "Elevator Equipment Room." On elevators with remote equipment rooms, signs reading in no less than 0.5-inch letters "Elevator Equipment Room Access" shall be provided on or adjacent to doors leading to the machine room.

**Exception:** Elevator equipment room access signage is not required if the building is staffed with a 24-hour security guard or 24-hour maintenance personnel able to assist emergency personnel to the location of the elevator equipment room.

**Subp. 8. All work required for compliance with ASME A17.1-2004 8.6.5.8 Safety Bulkhead.** All work required for compliance with ASME A17.1-2004 8.6.5.8 must be completed within 60 months of January 29, 2007. Failure to complete the work within the required time period will result in the elevator being removed from service until such work has been completed.

Starting 12 months after January 29, 2007, until the elevator complies with ASME A17.1-2004 8.6.5.8, the owner or owner's agent must annually submit a notarized statement that an oil usage log is being properly utilized by the owner or owner's

agent or elevator maintenance company and that the elevator has successfully passed the annual tests required by ASME A17.1-2004 8.11.3.2.1 and 8.11.3.2.2. A copy of the test report shall be included with the statement.

Subp. 9. **All work required for compliance with ASME A17.1-2004 8.6.5.8 Bulkhead Material Transfer Device.** Elevators shall not be converted to a material transfer device (vertical reciprocating conveyor) without meeting the requirements of ASME A17.1-2004 8.6.5.8, Safety Bulkhead. A material transfer device shall comply with ASME B20.1-2003.

Subp. 10. **All work required for compliance with ASME A17.3-2002 2.7.4 Restricted Opening of Hoistway Doors and Car Doors on Passenger Elevators.** All work required for compliance with ASME A17.3-2002 2.7.4 must be completed within 60 months of January 29, 2007. Failure to complete the work within the required time period will result in the elevator being removed from service until such work has been completed.

Subp. 11. **All work required for compliance with ASME A17.3-2002 3.11.3 Firefighter's Service.** All work required for compliance with ASME A17.3-2002 3.11.3 must be completed within 60 months of January 29, 2007. Failure to complete the work within the required time period will result in the elevator being removed from service until such work has been completed.

**Exception:** Existing elevators with phase one emergency recall installed without phase two firefighters service on the original installation may remain in operation without the addition of phase two fire service where there is travel from the designated level of less than 35 feet. For such elevators with a travel of more

than 25 feet from the designated level, to be exempt from the requirement for phase two fire service, recall of the elevator shall be from the smoke detector at each elevator landing, the elevator equipment room, and the elevator key switch at the designated landing.

Subp. 12. **All work required for compliance with ASME A17.3-2002 4.3.3 Hydraulic Elevators.** All work required for compliance with ASME A17.3-2002 4.3.3 must be completed within 60 months of January 29, 2007. Failure to complete the work within the required time period will result in the elevator being removed from service until such work has been completed.

Starting 12 months after January 29, 2007, until the elevator complies with ASME A17.3-2002 4.3.3, the owner or owner's agent must submit annually on a notarized statement that an oil usage log is being properly utilized by the owner or owner's agent or elevator maintenance company and that the elevator has successfully passed annual tests required by ASME A17.1-2004 8.11.3.2.1 and 8.11.3.2.2. A copy of the test report shall be included with the statement.

Subp. 13. **ASME A17.1-2004 8.10.4.1.1(p)(5) Clearance between step and skirt (load gap) and ASME A17.1-2004 8.10.4.1.1(t) step/skirt index.** Where an existing escalator or moving walk requires alteration to comply with ASME A17.1-2004 6.1.3.3.7 and ASME A17.1-2004 8.6.8.3, all work must be completed within 36 months of January 29, 2007. This 36-month period to achieve compliance only applies to those escalators that fail to meet the test requirements of the referenced rule. Failure to complete the required work within the applicable time period will result in the escalators being removed from service until such work has been completed.

Subp. 14. **ASME A17.3-2002 5.1.11 Step/skirt performance index.** Where an existing escalator requires alteration to comply with ASME A17.3-2002 5.1.11, all work must be completed within 36 months of January 29, 2007. This 36-month period to achieve compliance only applies to those escalators that fail to meet the test requirements of the referenced rule. Failure to complete the required work within the applicable time period will result in the escalators being removed from service until such work has been completed.

Subp. 15. **ASME A17.3-2002 2.2.4 Temperature control.** Machine rooms shall be provided with natural or mechanical means to avoid overheating of the electrical equipment and to ensure safe and normal operation of the elevator.

Subp. 16. **Newly constructed parking ramps or new construction in an existing parking ramp.** Elevators installed in newly constructed parking ramps or new construction in an existing parking ramp shall be installed so safe operating temperature for people and elevator equipment is maintained.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64; 16B.748  
HIST: 31 SR 935

1307.0050 **Repealed, 23 SR 2051**

1307.0055 **Repealed, 23 SR 2051**

1307.0060 **Repealed, 23 SR 2051**

1307.0065 **Repealed, 31 SR 935**

**1307.0067 AMENDMENTS TO ASME A17.1-2004.**

Subpart 1. **ASME A17.1-2004 2.2.2.4.** ASME A17.1-2004 2.2.2.4 is amended by

adding a paragraph to read as follows:

An elevator pit drain must discharge to the sanitary sewer using an indirect connection that precludes the possibility of sewage backup into the pit. If a sump is used, it must be located outside the pit with a dry pan drain flowing to it. The sump for the elevator pit drain must not be located in the elevator machine room.

Subp. 2. **ASME A17.1-2004 2.5.1.1 Between car and hoistway enclosures.** ASME A17.1-2004 2.5.1.1 is amended to read as follows:

**2.5.1.1. Between car and hoistway enclosures.** The clearance between the car and the hoistway enclosures shall not be less than 0.8 inches (20 mm), except on the sides used for loading and unloading. The distance between the car and the hydraulic piping, hydraulic fittings, electrical piping, electrical boxes, steam or hot water piping where permitted, sprinkler piping, where permitted, or any other item not by elevator design shall not be less than 0.8 inches (20 mm).

Subp. 3. **ASME A17.1-2004 2.7.3.1 General requirements.** ASME A17.1-2004 2.7.3.1 is amended by adding a sentence at the end of the section as follows:

Access to elevator equipment space shall not be through any toilet room.

Subp. 4. **ASME A17.1-2004 2.7.4.1.** ASME A17.1-2004 2.7.4.1 is amended by adding a sentence to the end of the section as follows:

Raised surfaces intended as working space surrounding equipment shall have 72 inches clear headroom measured from the working surface.

Subp. 5. **ASME A17.1-2004 2.12.6.2.5.** ASME A17.1-2004 2.12.6.2.5 is amended to read as follows:

The unlocking-device keyway and locked panel (see ASME A17.1-2004 2.12.6.2.3) if provided, shall be located at a height not greater than 83 inches (2100 mm) above the landing and all keyways, with the exception of the keyway at the bottom landing and all private residence elevator keyways, shall have keyed plugs installed with the key for those plugs kept in the key box as defined in subpart 9.

Subp. 6. **ASME A17.1-2004 2.12.7.1.** ASME A17.1-2004 2.12.7.1 is amended to read as follows:

**2.12.7.1.1** Hoistway access switches shall be provided when the rate of speed is greater than 30 ft./min. at:

- A. the lowest landing for access to the pit, when a separate access door is not provided; and
- B. the top landing for access to the top of the car.

Subp. 7. **ASME A17.1-2004 2.12.7.1.2.** ASME A17.1-2004 2.12.7.1.2 is deleted in its entirety.

Subp. 8. **ASME A17.1-2004 2.14.7.1.4.** ASME A17.1-2004 2.14.7.1.4 is amended to read as follows:

Each elevator shall be provided with an electric light that includes an OSHA-approved guard and a GFCI convenience outlet fixture on both the car top and the bottom of the car.

Subp. 9. **ASME A17.1-2004 2.27**  
**Emergency operation and signaling**

**devices.** ASME A17.1-2004 2.27 is amended by adding the following language at the beginning of section 2.27.8:

**2.27.8 Switch keys.** The key switches required by ASME A17.1-2004 2.27.2 through 2.27.5 for elevators in a building shall be operable by the same key. The keys shall be a Group 3 Security (see Section 8.1). There shall be a key for each switch provided. Keys shall be painted or marked red.

These keys shall be kept on premises, in a key box labeled "Fire Dept" approved by the authority having jurisdiction. The key box shall be located in the elevator lobby, on the main egress floor or in the fire command room. When there is not a fire command room and site conditions prohibit installation at the elevator lobby, the authority having jurisdiction shall specify the location of the Fire Dept key box. Keys for emergency access doors (2.11.1.2) and hoistway door unlocking device (2.12.6.2.4) of Group 1 shall be accessible to emergency personnel and a set shall be included in the elevator emergency key box.

Where applicable, Groups 1, 2, and 3 (see Section 8.1) security shall be provided in a separate black trimmed key box approved by the authority having jurisdiction. The key box shall be labeled "Elevator Personnel Only" located in the elevator machine room or location specified by the authority having jurisdiction. Keys shall be tagged and labeled. The locked cylinder shall be uniformly keyed throughout the state.

Subp. 10. **ASME A17.1-2004 2.27.1.1.3(a).** ASME A17.1-2004 2.27.1.1.3(a) is deleted in its entirety.

Subp. 11. **ASME A17.1-2004 3.28.1**  
**Information included on layout drawing.**

ASME A17.1-2004 3.28.1 is amended by adding the following subitem:

(p) the method used to comply with 3.18.3.8 (protection of cylinders buried in the ground).

Subp. 12. **ASME A17.1-2004 4.3.15 Car safeties.** ASME A17.1-2004 4.3.15 is amended by adding a sentence to read as follows:

All hand powered elevators must be equipped with a broken rope safety device.

Subp. 13. **ASME A17.1-2004 7.2.4.6 Application of safeties.** ASME A17.1-2004 7.2.4.6 is amended by adding a sentence at the end of the section as follows:

All hand powered dumbwaiters must be equipped with a broken rope safety device.

Subp. 14. **ASME A17.1-2004 8.10.1.1.3.** ASME A17.1-2004 8.10.1.1.3 is deleted and replaced with the following:

**Elevator inspector qualifications.** Inspectors shall have one of the following current electrical licenses: master elevator constructor, elevator constructor, class A master, or a class A journeyman issued by the Department of Labor and Industry.

Inspectors shall have proof of successful completion of the National Elevator Industry Education program examination, equivalent program, or equivalent experience. Any person performing inspections hired after January 29, 2007, shall be certified by an ASME accredited organization as a qualified elevator inspector (QEI) within 18 months of the employment start date.

Subp. 15. **ASME A17.1-2004 8.11.1.3 Periodic inspection and test frequency.** ASME A17.1-2004 8.11.1.3 Periodic

inspection and test frequency. The frequency as established by the authority having jurisdiction shall be as stated in the Minnesota Table N-1.

**MINNESOTA TABLE N-1  
INSPECTION AND TEST INTERVALS IN “MONTHS”**

Reference Section	Equipment Type	Periodic Inspections		Periodic Tests					
		Requirement	Interval	Category 1		Category 3		Category 5	
		Requirement	Interval	Requirement	Interval	Requirement	Interval	Requirement	Interval
8.11.2	Electric elevators	8.11.2.1	12	8.11.2.2	12	N/A	N/A	8.11.2.3	60
8.11.3	Hydraulic elevators	8.11.3.1	12	8.11.3.2	12	8.11.3.3	60	8.11.3.4	60
8.11.4	Escalators and moving walks	8.11.4.1	12	8.11.4.2	12	N/A	N/A	N/A	N/A
8.11.5.1	Sidewalk elevators	8.11.2.1, 8.11.3.1	12	8.11.2.2, 8.11.3.2	12	8.11.3.3	60	8.11.2.3, 8.11.3.4	60
8.11.5.3	Hand elevators	8.11.2.1	12	8.11.2.2	12	N/A	N/A	8.11.2.3, 8.11.3.4	60
8.11.5.4	Dumbwaiters	8.11.2.1, 8.11.3.1	12	8.11.2.2, 8.11.3.2	12	8.11.3.3	60	8.11.2.3, 8.11.3.4	60
8.11.5.5	Material lifts and dumbwaiters with automatic transfer devices	8.11.2.1, 8.11.3.1	12	8.11.2.2, 8.11.3.2	12	8.11.3.3	60	8.11.2.3, 8.11.3.4	60
8.11.5.6	Special purpose personnel elevators	8.11.2.1, 8.11.3.1	12	8.11.2.2, 8.11.3.2	12	8.11.3.3	60	8.11.2.3, 8.11.3.4	60
8.11.5.7	Inclined elevators	8.11.2.1, 8.11.3.1	12	8.11.2.2, 8.11.3.2	12	8.11.3.3	60	8.11.2.3, 8.11.3.4	60
8.11.5.8	Shipboard elevators	8.11.2.1, 8.11.3.1	12	8.11.2.2, 8.11.3.2	12	8.11.3.3	60	8.11.2.3, 8.11.3.4	60
8.11.5.9	Screw-column elevators	8.11.2.1, 8.11.3.1	12	8.11.2.2, 8.11.3.2	12	8.11.3.3	60	8.11.2.3, 8.11.3.4	60
8.11.5.10	Rooftop elevators	8.11.2.1, 8.11.3.1	12	8.11.2.2, 8.11.3.2	12	8.11.3.3	60	8.11.2.3, 8.11.3.4	60
8.11.5.12	Limited use/limited-application elevators	8.11.2.1, 8.11.3.1	12	8.11.2.2, 8.11.3.2	12	8.11.3.3	60	8.11.2.3, 8.11.3.4	60
8.11.5.13	Elevators used for construction	8.11.2.1, 8.11.3.1	3	8.11.2.2, 8.11.3.2	12	8.11.3.3	60	8.11.2.3, 8.11.3.4	60

GENERAL NOTE: The intervals in this table shall be for periodic tests and inspections. Factors such as the environment, frequency and type of usage, quality of maintenance, etc., related to the equipment should be taken into account by the authority jurisdiction prior to establishing more frequent inspection and test intervals.

**1307.0070 STAGE, ORCHESTRA LIFTS, AND MECHANICAL PARKING GARAGE EQUIPMENT.**

Stage, orchestra lifts, and mechanical parking garage equipment must be designed, installed, constructed, and maintained so as to be reasonably safe to life, limb, and adjoining property and must be reviewed by the authority having jurisdiction prior to installation or construction.

1307.0075 **Repealed, 23 SR 2051**

1307.0080 **Repealed, 23 SR 2051**

1307.0085 **Repealed, 31 SR 935**

**1307.0090 EXISTING INSTALLATIONS.**

Subpart 1. **Repealed, 31 SR 935**

Subp. 2. **Conditions for continued operation.** All existing installations of equipment governed by ASME A17.1-2004, ASME A17.3-2002, and ASME A90.1-2003 may be continued in service as long as they are properly maintained and are, in the opinion of the authority having jurisdiction, installed and maintained in a safe condition. The authority having jurisdiction shall order the installation of the following basic safety devices: automatic noncontact door reopening devices; top of car, under car lights, and pit lights, with ground fault interrupter outlets; pit ladder; emergency door unlocking device; and emergency lock box complying with part 1307.0067, subpart 9. All hand powered elevators and hand powered dumbwaiters must be equipped with a broken rope safety device. Elevator machine room lighting must meet the requirements of ASME A17.1-2004 2.7.5.1 to provide 19 footcandles of illumination at the floor level. The installation of these safety devices does not require compliance with

ASME A17.1-2004.

Subp. 3. **Damaged installations.** Any installation, whether new or existing, which becomes damaged, defective, or worn, by fire, water, or other causes including ordinary wear to the extent that, in the opinion of the authority having jurisdiction it is dangerous to life, limb, or adjoining property, such installations shall be repaired or rebuilt in conformity with the applicable ASME code and its associated state amendments.

Subp. 4. **Unsafe conditions.** When an inspection reveals an unsafe condition, the inspector must immediately file with the owner and the authority having jurisdiction a full and true report of the inspection and the unsafe condition. The authority having jurisdiction shall shut down any piece of equipment covered by this chapter, that, in the opinion of the authority having jurisdiction, is dangerous to life, limb, or adjoining property, and the equipment shall not be put back into operation until the unsafe condition has been corrected and approved by the authority having jurisdiction. When an unsafe condition is determined by the authority having jurisdiction, the inspector shall place a notice, in a conspicuous location, on the elevator, escalator, or moving walk that the conveyance is unsafe. The owner shall ensure that the notice of unsafe condition is legibly maintained where placed by the authority having jurisdiction. The authority having jurisdiction shall issue an order in writing to the owner requiring the repairs or alterations to be made to the conveyance in compliance with the applicable ASME code and its associated state amendments. A posted notice of unsafe conditions shall be removed only by the authority having jurisdiction when satisfied that the required repairs or alterations have been completed.

Subp. 5. **Repealed, 31 SR 935**

Subp. 6. **Other requirements.** Existing installations covered by subpart 2 must conform to the requirements of: ASME A17.1-2004 Part 1, and 5.10, 8.1, 8.6, 8.7, 8.8, 8.9, 8.10, and 8.11 as amended by this and other sections of this chapter. Alterations must conform to the requirements of ASME A17.1-2004, Part 8.6, or ASME A17.3-2002, whichever is more restrictive.

Subp. 7. **Compliance schedule.**

- A. Where noncompliance with the applicable ASME code and its associated state amendments creates an imminent danger to persons or property, correction must be initiated immediately and the unit may not be placed into service until the correction is made or approval is granted by the authority having jurisdiction.
- B. Where noncompliance with the applicable ASME code and its associated state amendments does not create an imminent danger, the owner or manager of the property shall submit for review and approval a time schedule for compliance with the authority having jurisdiction within 30 calendar days of receipt of notification by the authority having jurisdiction.

Subp. 8. **Removal of existing elevators.**

- A. **Traction elevator.** Prior to a new installation, elevator personnel must remove all elevator-related equipment, that will not be reused on the new installation. If removal of the unit is part of building demolition or the hoistway is not reused for elevator equipment, elevator personnel must remove the unit from service by safely landing the elevator and counterweights at the lowest landing.

B. **Hydraulic elevator.** Prior to a new installation, elevator personnel must remove all elevator-related equipment that will not be reused on the new installation. If a hydraulic elevator is to be removed for building demolition, elevator personnel must remove all hydraulic oil in accordance with rules of the Minnesota Pollution Control Agency. A company licensed to seal wells and borings in accordance with the Minnesota Department of Health, parts 4725.3850 and 4725.3875, must seal the boring into the earth and provide proof of the sealing to the authority having jurisdiction.

C. **Dormant elevator, dormant dumbwaiter, or dormant escalator.** A dormant elevator, dormant dumbwaiter, or dormant escalator shall be placed out of service in accordance with ASME A17.1-2004 8.11.1.4.

D. **Temporarily dormant elevator, temporarily dormant dumbwaiter, or temporarily dormant escalator.** A temporarily dormant elevator, temporarily dormant dumbwaiter, or temporarily dormant escalator shall have its power disconnected by removing fuses, where applicable, and placing a seal on the mainline disconnect switch in the "OFF" position. The car shall be parked and the hoistway doors left in the closed and latched position. A wire seal and notification shall be installed on the mainline disconnect switch by an authority having jurisdiction. This installation shall not be used until it has been put in safe running order and is in condition for use. Annual inspections shall continue for the duration of the temporarily dormant

status by an authority having jurisdiction. The temporarily dormant status shall be reviewed on an annual basis, and shall not exceed a three-year period. The inspector shall file a report with the supervising authority having jurisdiction describing the current conditions. The wire seal and notification shall not be removed for any purpose without permission from the authority having jurisdiction. When the elevator, dumbwaiter, or escalator has exceeded the three-year temporarily dormant status, the unit shall be placed out of service according to ASME A17.1-2004 8.11.1.4.

**1307.0095 CHAPTER 30 OF THE INTERNATIONAL BUILDING CODE; ELEVATORS AND CONVEYING SYSTEMS.**

Subpart 1. **IBC Section 3001, General.** IBC Section 3001 is amended to read as follows:

**3001.1 Scope.** This chapter governs the design, construction, installation, alteration, and repair of elevators and conveying systems and their components.

**3001.2 Referenced standards.** Except as otherwise provided by applicable law, the design, construction, installation, alteration, repair, and maintenance of elevators and conveying systems and their components shall conform to Minnesota Rules, chapter 1307.

**3001.3 Accessibility.** Passenger elevators required to be accessible by the 2006 IBC, Chapter 11, shall conform to Minnesota Rules, chapter 1341.

**3001.4 Change in use.** A change in use of an elevator from freight to passenger, passenger

to freight, or from one freight class to another freight class shall comply with Minnesota Rules, chapter 1307.

Subp. 2. **IBC Section 3002, Hoistway enclosures.** IBC Section 3002 is amended to read as follows:

**3002.1 Hoistway enclosure protection.** Elevators, dumbwaiters, and other hoistway enclosures shall be shaft enclosures complying with Section 707.

**3002.1.1 Opening protectives.** Openings in hoistway enclosures shall be protected as required in Chapter 7.

**Exception:** The elevator car doors and the associated hoistway enclosure doors at the floor level designated for recall in accordance with Section 3003.2 shall be permitted to remain open during Phase I Emergency Recall Operation.

**3002.1.2 Hardware.** Delete this section in its entirety.

**3002.2 Number of elevator cars in a hoistway.** Where four or more elevator cars serve all or the same portion of a building, the elevators shall be located in at least two separate hoistways. Not more than four elevator cars shall be located in any single hoistway enclosure.

**3002.3 Emergency signs.** An approved pictorial sign of a standardized design shall be posted adjacent to each elevator call station on all floors instructing occupants to use the exit stairways and not to use the elevators in case of fire. The sign shall be as illustrated in ASME A17.1-2004; Appendix O. The emergency sign shall not be required for elevators that are part of an accessible means of egress complying with Section 1007.4.

**3002.4 Elevator car to accommodate ambulance stretcher.** Where elevators are provided in buildings four or more stories above grade plane or four or more stories below grade plane, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate a 24-inch by 84-inch (610 mm by 2133.5 mm) ambulance stretcher in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than three inches (76 mm) high and shall be placed inside on both sides of the hoistway door frame.

**Exception:** When approved by the authority having jurisdiction, passenger elevators to be installed in existing buildings where existing hoistway configuration or technical infeasibility prohibits strict compliance with the minimum inside car size, the minimum inside car area may be reduced to not less than 48 inches by 48 inches.

**3002.5 Emergency doors.** Where an elevator is installed in a single blind hoistway or on the outside of a building, there shall be installed in the blind portion of the hoistway or blank face of the building, an emergency door in accordance with ASME A17.1-2004.

**3002.6 Prohibited doors.** Doors, other than hoistway doors, elevator car doors, and smoke control doors, when required, shall be prohibited at the point of access to an elevator car. Smoke control doors shall be:

1. held open during normal operation by a "hold open" device that is activated for closure by fire or smoke sensing devices located in the elevator lobby or its immediate vicinity; and

2. readily openable from the car side without a key, tool, special knowledge, or effort when closed.

**3002.7 Common enclosure with stairway.** Elevators shall not be in a common shaft enclosure with a stairway.

**3002.8 Glass in elevator enclosures.** Glass in elevator enclosures shall comply with Section 2409.1.

Subp. 3. **IBC Section 3003, Emergency operations.** IBC Section 3003 is amended to read as follows:

**3003.1 Standby power.** In buildings and structures where standby power is required or furnished to operate an elevator, the operation shall be in accordance with Sections 3003.1.1 through 3003.1.4.

**3003.1.1 Manual transfer.** Standby power shall be manually transferable to all elevators in each bank.

**3003.1.2 One elevator.** Where only one elevator is installed, the elevator shall automatically transfer to standby power within 60 seconds after failure of normal power.

**3003.1.3 Two or more elevators.** Where two or more elevators are controlled by a common operating system, all elevators shall automatically transfer to standby power within 60 seconds after failure of normal power where the standby power source is of sufficient capacity to operate all elevators at the same time. Where the standby power source is not of sufficient capacity to operate all elevators at the same time, the elevators shall operate according to ASME A17.1-2004 2.27.2.

**3003.1.4 Venting.** Where standby power is

connected to elevators, machine room ventilation or air conditioning, if provided, shall be connected to the standby power source.

**3003.2 Firefighters' emergency operation.**

Elevators shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with ASME A17.1-2004.

Subp. 4. **IBC Section 3004, Hoistway venting.** IBC Section 3004 is amended to read as follows:

**3004.1 Vents required.** Hoistways of elevators and dumbwaiters having a travel of 25 feet or more shall be provided with a means for venting smoke and hot gases to the outer air in case of fire.

**Exceptions:**

1. In occupancies of other than Groups R-1, R-2, I-1, I-2, as defined in Minnesota Rules, chapter 1305, and similar occupancies with overnight sleeping quarters, venting of hoistways is not required when the building is equipped throughout with an approved automatic sprinkler system installed in accordance with the 2006 International Building Code, Section 903.3.1.1 or 903.3.1.2 and similar local codes.
2. Sidewalk elevator hoistways are not required to be vented.

**3004.2 Location of vents.** Vents shall be located directly (directly is defined as being as close as technically possible to the top of the hoistway including the supporting structures located at the top of the hoistway) below the top of the hoistway and shall be open either directly to the outer air or through

noncombustible ducts to the outer air. Noncombustible ducts shall be permitted to pass through the elevator machine room provided the portions of the ducts located outside the hoistway or machine room are enclosed by construction having not less than the fire protection rating required for the hoistway. Holes in the machine room floors for the passage of ropes, cables, or other moving elevator equipment shall be limited so as not to provide greater than two inches (51 mm) of clearance on all sides.

1. Protective grilles must be installed at vent openings in the top of the hoistway to prevent people from falling into the hoistway. The protective grilles must be securely mounted to the building structure.
2. Interconnection of separate hoistways for the purpose of venting is prohibited.
3. Vents must be operated by a keyed manual remote device and equipped with a remote visual LED-type indicator device for indicating the full open position.
  - a. The indicator device shall be activated by a device having a direct mechanical connection to vent shutters.
  - b. The keyed manual remote control device shall have two positions: vent closed and vent open. The markings for both positions shall be permanent. The key shall be removable only in the closed position.
  - c. The keyed manual remote control device must be located adjacent to the fire control panel, if provided,

or in the elevator lobby of a designated floor. The designated floor shall be approved by the authority having jurisdiction.

- d. The keyed manual remote control device may not be co-located with any operating devices for the elevators.

**3004.3 Area of vents.** Except as provided for in Section 3004.3.1, the area of the vents shall not be less than 3-1/2 percent of the area of the hoistway nor less than three square feet (0.28 m<sup>2</sup>) for each elevator car and not less than 3-1/2 percent nor less than 0.5 square foot (0.047 m<sup>2</sup>) for each dumbwaiter car in the hoistway, whichever is greater.

**3004.3.1 Reduced vent area.** Where mechanical ventilation conforming to the International Mechanical Code is provided, a reduction in the required vent area is allowed, provided that all of the following conditions are met:

1. The occupancy is not in Group R-1, R-2, I-1, or I-2, as defined in chapter 1305, or of a similar occupancy with overnight sleeping quarters.
2. The vents required by Section 3004.2 do not have outside exposure.
3. The hoistway does not extend to the top of the building.
4. The hoistway and machine room exhaust fan is automatically reactivated by thermostatic means.
5. Equivalent venting of the hoistway is accomplished.

**3004.4 Plumbing and mechanical systems.** Delete this section in its entirety.

Subp. 5. **IBC Section 3005, Conveying systems.** IBC Section 3005 is amended to read as follows:

**3005.1 General.** Escalators, moving walks, conveyors, personnel hoists, and material hoists shall comply with Minnesota Rules, chapter 1307.

**3005.2 Escalators and moving walks.** Escalators and moving walks shall be constructed of approved noncombustible and fire-retardant materials. This requirement shall not apply to electrical equipment, wiring, wheels, handrails, and the use of 1/28-inch (0.9 mm) wood veneers on balustrades backed up with noncombustible materials.

**3005.2.1 Enclosure.** Escalator floor openings shall be enclosed with shaft enclosures complying with Section 707.

**3005.2.2 Escalators.** Where provided in below-grade transportation stations, escalators shall have a clear width of 32 inches (815 mm) minimum.

**Exception:** The clear width is not required in existing facilities undergoing alterations.

**3005.3 Conveyors.** Conveyors and conveying systems shall comply with ASME B20.1-2003.

**3005.3.1 Enclosure.** Conveyors and related equipment connecting successive floors or levels shall be enclosed with shaft enclosures complying with Section 707.

**3005.3.2 Conveyor safeties.** Power-operated conveyors, belts, and other material-moving devices shall be equipped with automatic limit switches that will shut off the power in an emergency and automatically stop all

operation of the device.

**3005.4 Personnel and material hoists.**

Personnel and material hoists shall be designed utilizing an approved method that accounts for the conditions imposed during the intended operation of the hoist device. The design shall include, but is not limited to, anticipated loads, structural stability, impact, vibration, stresses, and seismic restraint. The design shall account for the construction, installation, operation, and inspection of the hoist tower, car, machinery and control equipment, guide members, and hoisting mechanism. Additionally, the design of personnel hoists shall include provisions for field testing and maintenance that will demonstrate that the hoist device functions in accordance with the design. Field tests shall be conducted upon the completion of an installation or following a major alteration of a personnel hoist.

Subp. 6. **IBC Section 3006, Machine rooms.** IBC Section 3006 is amended to read as follows:

**3006.1 Access.** An approved means of access shall be provided to elevator machine rooms and overhead machinery spaces.

**3006.2 Venting.** Delete this section in its entirety.

**3006.3 Pressurization.** The elevator machine room serving a pressurized elevator hoistway shall be pressurized upon activation of a heat or smoke detector located in the elevator machine room.

**3006.4 Machine rooms and machinery spaces.** Elevator machine rooms and machinery spaces shall be enclosed with construction having a fire-resistance rating not less than the required rating of the hoistway enclosure served by the machinery.

Openings shall be protected with assemblies having a fire-resistance rating not less than that required for the hoistway enclosure doors.

**3006.5 Shunt trip.** Delete this section in its entirety.

**3006.6 Plumbing systems.** Delete this section in its entirety.

1307.0100 **Repealed, 31 SR 935**

**1307.0110 MINNESOTA AMENDMENTS TO ASME A18.1-2005.**

Subpart 1. **ASME A18.1-2005 Section 2.1 Runways.**

A. ASME A18.1-2005 2.1.2.5 is amended to read as follows:

**2.1.2.5.** All doors, except as provided in paragraph 2.1.2.9, shall be provided with a combination mechanical lock and electric contact. Locking devices shall be protected against tampering from the landing side. The locking devices shall permit a door to be opened only if the platform floor is within two inches (51 mm) of the respective landing. The platform shall be permitted to move away from the landing under control of the normal operating device if the door is closed but not locked, provided that the device will cause the platform to stop if it moves more than two inches (51 mm) away from the landing before the door is locked.

B. ASME A18.1-2005 2.1.2 Partial runway enclosure provided, is amended by adding a new paragraph 2.1.2.9 to read as follows:

**2.1.2.9.** Where the lift is installed at a location that does not have guards at the upper landing as allowed by building codes

(see definition), the requirements of paragraphs 2.1.2.2, 2.1.2.3, and 2.1.2.4 shall be permitted to be omitted when platform gates are provided. They shall extend to a height at least equal to the top terminal landing height plus six inches (152 mm) measured when the platform is at its lowest position. The gates shall be of unperforated construction, self-closing, and be provided with electric contact to prevent movement of the platform if the gates are not closed. The gates shall not be permanently deformed when a force of 125 lbf (556 N) is applied on any four-inch (102 mm) by four-inch (102 mm) area.

- C. ASME A18.1-2005 2.1.2 Partial runway enclosure provided, is amended by adding a new paragraph 2.1.2.10 to read as follows:

**2.1.2.10.** The clearance between the platform floor and the upper landing sill shall be permitted to be increased to three inches (76 mm) if a platform gate complying with paragraph 2.1.2.9 and an automatically folding ramp to service the upper landing is provided. When deployed, the ramp shall have a minimum overlap at the upper landing sill of two inches (51 mm) and shall be substantially level. It shall be provided with an electric contact, which will stop the movement of the platform within six inches (152 mm) of travel away from the upper landing if the ramp has failed to rise to its retracted position.

- D. ASME A18.1-2005 2.1.3 Runway enclosure not provided.

For purposes of A18.1-2005 Section 2 Vertical platform lifts, 2.1.3 is deleted in its entirety. However, as referenced in A18.1-2005 Section 5.1 Runways, 2.1.3 remains in full force and effect.

- E. ASME A18.1-2005 2.1.5 Lower level access ramps and pits is amended to read as follows:

**2.1.5 Lower level across ramps and pits.**

Lifts shall be permitted to have a pit. Where a pit is not provided, a floor-mounted or retractable platform floor-mounted ramp complying with the requirements for ramps in ICC/ANSI A17.1 and having a maximum rise of four inches (100 mm) shall be provided. When backing down an incline from the lift platform may be necessary, the slope of the incline shall not exceed one in 20.

- F. ASME A18.1-2005 2.1.5.1 is deleted in its entirety.  
G. ASME A18.1-2005 2.1.5.2 is deleted in its entirety.

Subp. 2. **ASME A18.1-2005 2.7.1 Limitation of load, speed, and travel.** ASME A18.1-2005 2.7.1 Limitation of load, speed, and travel is amended to read as follows:

**2.7.1 Limitation of load, speed, and travel.** The rated load shall not be less than 450 lbs. (200 kg) nor more than 750 lbs. (340 kg). The lift shall be capable of sustaining and lowering a load as specified in figure 9.7. The rated speed shall not exceed 30 ft./min. (0.15 m/s). The travel shall not exceed 168 inches (4250m<sup>2</sup>). Platforms with a floor greater than 15 ft.<sup>2</sup> (1.4 m<sup>2</sup>) shall have a rated load of not less than 750 lbs. (340 kg).

Subp. 3. **ASME A18.1-2005 Section 2.10 Operating devices and control equipment.**

- A. ASME A18.1-2005 2.10.1 Operation is amended to read as follows:

**2.10.1 Operation.** Operation of the lift

from the landings and from the platform shall be controlled by "UP" and "DOWN" control switches at all stations, and shall be by means of the continuous pressure type. Control switches shall be two inches (50 mm) minimum wide and four inches (100 mm) minimum high. Controls shall be 48 inches (1220 mm) maximum and 15 inches (380 mm) minimum above the platform floor or facility floor or ground level. Operation devices shall be designed so that both the "UP" and "DOWN" circuits cannot be operated at the same time.

B. ASME A18.1-2005 2.10.2.2 is amended to read as follows:

**2.10.2.2.** The attendant shall operate the platform by means of a continuous pressure switch so located that the attendant has full view of the platform throughout its travel. A manually reset emergency stop switch shall also be provided at that location.

Subp. 4. **ASME A18.1-2005 Section 2.11 Emergency signals.**

A. ASME A18.1-2005 Section 2.11 Emergency signals is amended to read as follows:

**2.11 Emergency signals.** If the platform is installed in an area not visible or audible to persons at all times, or installed in an enclosed runway, emergency signaling devices shall be provided in accordance with the requirements of paragraphs 2.11.1 and 2.11.2. Standby power shall be provided in accordance with paragraph 2.11.3.

B. ASME A18.1-2005 2.11.2 is amended to read as follows:

**2.11.2.** The lift shall be provided with a means of two-way communication complying with ASME A17.1-2004.

Subp. 5. **ASME A18.1-2005 Section 2.12 Standby power.** ASME A18.1-2005 Section 2.12 Standby power is amended as follows:

**2.12 Standby power.** Vertical lifts equipped with standby power shall comply with this chapter.

**2.12.1 Standby power.** Except where permitted by 2.12.1.1, the vertical lift shall be powered by a standby power system from the building.

**2.12.1.1 Battery power.** A lift equipped with rechargeable battery power capable of cycling the lift under full load for five cycles minimum after building power is removed shall be permitted.

**2.12.1.2 Battery power, rated number of cycles.** Except where permitted by 2.12.1.3, where a lift provided with battery power serves an area with more wheelchair users than the rated number of cycles provided by battery power, or where the authority having jurisdiction determines that the anticipated number of wheelchair users is greater than the rated number of cycles provided by battery power, the lift shall be powered by a standby power system from the building.

**2.12.1.3 Existing buildings without standby power.** Where an existing building is not required to provide a building standby power system, the installation of a lift shall not require the installation of a building standby power system. A battery standby power system complying with 2.12.1.1 shall be provided.

**2.12.1.4 Auxiliary items.** Auxiliary items necessary for lift operation such as power doors and runway lighting shall remain operational under standby power.

Subp. 6. **ASME A18.1-2005 3.6.8 Platform guarding.** ASME A18.1-2005 3.6.8 Platform guarding is amended to read as follows:

**3.6.8 Platform guarding.** Platform guarding shall be in accordance with paragraph 3.6.8.1, or, when safety issues are effectively addressed and approved by the authority having jurisdiction, in accordance with paragraph 3.6.8.2.

Subp. 7. **ASME A18.1-2005 Section 3.10.1 Operation.** ASME A18.1-2005 3.10.1 Operation is amended to read as follows:

**3.10.1 Operation.** Operation of the lift from the landings and from the platform shall be controlled by "UP" and "DOWN" control switches at all stations, and shall be by means of the continuous pressure type. Control switches shall be two inches (50 mm) minimum wide and four inches (100 mm) minimum high. Controls shall be 48 inches (1220 mm) maximum and 15 inches (380 mm) minimum above the platform floor or facility floor or ground level. Operation devices shall be designed so that both the "UP" and "DOWN" circuits cannot be operated at the same time.

Subp. 8. **ASME A18.1-2005 Section 3.11 Emergency signals.**

A. ASME A18.1-2005 Section 3.11 Emergency signals is amended to read as follows:

**3.11 Emergency signals.** If the lift is installed in an area not visible or audible to persons at all times, or installed in an enclosed runway, emergency signaling devices shall be provided in accordance with the requirements of paragraphs 3.11.1 and 3.11.2.

B. ASME A18.1-2005 3.11.2 is amended to read as follows:

**ASME 3.11.2.** The lift shall be provided with a means of two-way communication complying with ASME A17.1-2004.

Subp. 9. **ASME A18.1-2005 Section 3.12 Standby power.** ASME A18.1-2005 Section 3.12 Standby power is amended to read as follows:

**3.12 Standby power.** Inclined lifts equipped with standby power shall comply with this chapter.

**3.12.1 Standby power.** Except where permitted by paragraph 3.12.1.1, the inclined lift shall be powered by a standby power system from the building.

**3.12.1.1 Battery power.** A lift equipped with rechargeable battery power capable of cycling the lift under full load for five cycles minimum after building power is removed shall be permitted.

**3.12.1.2 Battery power, rated number of cycles.** Except where permitted by paragraph 3.12.1.3, where a lift provided with battery power serves an area with more wheelchair users than the rated number of cycles provided by battery power, or where the authority having jurisdiction determines that the anticipated number of wheelchair users is greater than the rated number of cycles provided by battery power, the lift shall be powered by a standby power system from the building.

**3.12.1.3 Existing buildings without standby power.** Where an existing building is not required to provide a building standby power system, the installation of a lift shall not require the installation of a building standby power system. A battery standby

power system complying with 3.12.1.1 shall be provided.

**3.12.1.4 Auxiliary items.** Auxiliary items necessary for lift operation such as power doors and runway lighting shall remain operational under standby power.

Subp. 10. **ASME A18.1-2005 6.1.2 Clearances.** ASME A18.1-2005 6.1.2 Clearances is amended to read as follows:

**6.1.2 Clearances.** Clearances between the platform and adjacent surfaces shall not be less than .75 inches (29 mm). At no point in its travel shall the edge of the platform facing the upper landing be more than 24 inches (610 mm) above a step or landing as measured vertically. Headroom clearance measured vertically from any position on the platform floor shall be 54 inches (1370 mm) minimum throughout the travel of the platform or alternate methods, approved by the authority having jurisdiction, shall be provided, which will stop the movement of the platform in the direction of travel should the clearance be reduced.

**MINNESOTA RULES, CHAPTER 1309**  
**ADOPTION OF THE 2006 INTERNATIONAL RESIDENTIAL CODE**

**1309.0010 ADOPTION OF INTERNATIONAL RESIDENTIAL CODE (IRC) BY REFERENCE.**

Subpart 1. **Generally.** The 2006 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 labor and industry. Portions of this chapter reproduce text and tables from the IRC. The IRC is copyright 2006 by the ICC. All rights reserved.

Subp. 2. **Mandatory chapters.** The 2006 IRC Chapters 2 through 10 and 43 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 2006 IRC chapters are being deleted and replaced with the provisions listed below:

A. Chapter 1 of the 2006 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 2006 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 2006 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 2006 IRC and any references to plumbing in this code are deleted and replaced with Minnesota Rules, chapter 4715, Minnesota Plumbing Code.

E. Chapters 33 through 42 of the 2006 IRC and references to electrical matters in this code, other than Section R313 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.

Subp. 5. **Flood hazard or floodproofing provisions.** Any flood hazard or floodproofing provisions in the IRC, and any reference to those provisions, are deleted in their entirety. Requirements for floodproofing are located in chapter 1335, floodproofing regulations.

Subp. 6. **Elevator and platform lift provisions.** Any elevator and platform lift provisions in the IRC and any reference to those provisions are deleted in their entirety. Requirements for elevators or platform lifts are located in chapter 1307, elevators and related devices.

**1309.0020 REFERENCES TO OTHER ICC CODES.**

Subpart 1. **Generally.** References to other codes and standards promulgated by the ICC in the 2006 IRC 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 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.

**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.

**1309.0040 VIOLATION.**

A violation of this code is a misdemeanor under Minnesota Statutes, section 16B.69.

**1309.0100 CHAPTER 1, ADMINISTRATION.**

Subpart 1. **IRC chapter 1.** IRC chapter 1 is deleted and replaced with the following:

CHAPTER 1  
ADMINISTRATION

This code shall be administered according to Minnesota Rules, chapter 1300.

Subp. 2. **Existing buildings and structures.** Additions, alterations, or repairs to existing buildings and structures meeting the scope of the International Residential Code shall be exempt from Minnesota Rules, chapter 1311, Minnesota Conservation Code for Existing Buildings.

Additions, alterations, or repairs to existing one and two family dwellings including townhouses may be made without requiring the existing building or structure to comply with all the requirements of this code provided that any addition or alteration conforms to this code. Repairs to existing buildings or structures may be made that are nonstructural and do not adversely affect any structural member or required fire resistive element with the same methods and materials of which the building or structure is constructed.

**Exception:** The installation or replacement of glass shall be as required for new installations in accordance with IRC Section R308.

**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](http://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.

**1309.0202 SECTION R202, DEFINITIONS.**

Subpart 1. **Modifications.** IRC Section R202 is amended by modifying the following definitions:

**DWELLING.**

**SINGLE FAMILY.** Any building that contains one dwelling unit used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or occupied for living purposes.

**TWO FAMILY.** Any building that contains two separate dwelling units with separation either horizontal or vertical on one lot that is used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or occupied for living purposes.

**TOWNHOUSE.** A single family dwelling unit constructed in a group of two or more attached units in which each unit extends from the foundation to the roof and having open space on at least two sides of each unit. Each single family dwelling unit shall be considered to be a separate building. Separate building service utilities shall be provided to each single family dwelling unit when required by other chapters of the State Building Code.

Subp. 2. **Additional definitions.** IRC Section R202 is amended by adding the following definitions:

**CONNECTOR.** A device for fastening together two or more pieces, members, or parts, including anchors, fasteners, and wall ties.

**CRAWL SPACE.** Areas or rooms with less than 7 feet (2134 mm) ceiling height measured to the finished floor or grade below.

**DAMPPROOFING.** Treatment of a surface or structure located below grade to resist the

passage of water in liquid form, in the absence of hydrostatic pressure.

**FASTENER.** A device for holding together two or more pieces, parts, or members.

**FLASHING.** Approved corrosion resistive material provided in such a manner as to deflect and resist entry of water into the construction assembly.

**KICK OUT FLASHING.** Flashing used to divert water where the lower portion of a sloped roof stops within the plane of an intersecting wall cladding.

**OCCUPANCY CLASSIFICATIONS**

- IRC 1** Single family dwelling
- IRC 2** Two family dwellings
- IRC 3** Townhouses
- IRC 4** Accessory structures:

- a. Garages;
- b. Storage sheds; and
- c. Similar structures.

**PAN FLASHING.** A type of corrosion resistive flashing that is integrated into the building envelope at the base of a window or door rough opening that diverts incidental water to the exterior surface of a weather resistive barrier.

**STAIR.** A change in elevation, consisting of one or more risers.

**STORY ABOVE GRADE PLANE.** Any story having its finished floor surface entirely above grade plane, except a basement, shall be considered as a story above grade where the finished surface of the floor above the basement is:

- 1. more than 6 feet (1829 mm) above grade plane;

- 2. more than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the total building perimeter; or

- 3. more than 12 feet (3658 mm) above the finished ground level at any point.

**WATERPROOFING.** Treatment of a surface or structure located below grade to resist the passage of water in liquid form, under hydrostatic pressure and bridges nonstructural cracks.

**1309.0300 SECTION R300, CLASSIFICATION.**

IRC Chapter 3 is amended by adding a new section to read as follows:

**R300.1 Occupancy classification.** Structures or portions of structures shall be classified with respect to occupancy in one or more of the groups in accordance with Table R300.1.

Table R300.1

Occupancy Classifications

IRC-1	Dwelling, single family
IRC-2	Dwelling, two family
IRC-3	Townhouse
IRC-4	Accessory structures

**1309.0301 SECTION R301, DESIGN CRITERIA.**

Subpart 1. **IRC Section R301.1.4.** IRC Section R301.1 is amended by adding a section to read as follows:

**R301.1.4 Automatic sprinkler systems (general).** All IRC 2 and IRC 3 buildings shall be provided with an automatic sprinkler system.

**Exception:**

IRC 2 and IRC 3 buildings less than or equal to 9,250 square feet of floor area. Floor area shall include all floors, basements, and garages.

**R301.1.4.1 State licensed facilities.** IRC 1, IRC 2, and IRC 3 buildings containing facilities licensed by the state of Minnesota shall be provided with a fire suppression system as required by the applicable licensing provisions or this section, whichever is more restrictive.

**R301.1.4.2 Installation requirements.** Where an automatic sprinkler system is required in an IRC 2 and IRC 3 building, it shall be installed in accordance with NFPA 13D 2002 edition and the following:

Attached garages are required to have automatic sprinklers with a minimum of one dry head, located within five lineal feet of each door installed in the common wall

separating the dwelling unit and the attached garage.

Attached covered patios, covered decks, covered porches, and similar structures are required to have automatic sprinklers with a minimum of one dry head for every 20 lineal feet of common wall between the dwelling unit and the covered patios, covered decks, covered porches, and similar structures.

**Exception:**

Attached roofs of covered patios, covered decks, covered porches, and similar structures that do not exceed 40 square feet of floor area.

For the purposes of this section, fire resistance rated floor, wall, or ceiling assemblies separating dwelling units of IRC 2 and IRC 3 buildings shall not constitute separate buildings.

Subp. 2. **Table R301.2(1).** IRC Table R301.2(1) is amended to read as follows:

Table R301.2(1)

Climatic and Geographic Design Criteria

Roof Snow Load <sup>d</sup> $p_f=0.7 \times p_g$	Wind Speed <sup>c</sup> (mph)	Weathering <sup>a</sup>	Subject to Damage From	
			Frost Line Depth <sup>b</sup>	Flood Hazards
	90	Severe	See M.R. chapter 1303	See M.R. chapter 1335

For SI: 1 pound per square foot = 0.0479 kPa , 1 mile per hour = 1.609 km/h

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. 3. **Figure R301.2(5).** IRC Figure R301.2(5), Ground Snow Loads, Pg, for the United States (lb/ft<sup>2</sup>), is deleted in its entirety.

Subp. 4. **Table R301.5.** IRC Table R301.5 is amended to read as follows:

Table R301.5

Minimum Uniformly Distributed Live Loads  
(in pounds per square foot)

Use	Live Load
Attics with limited storage <sup>b,g,h</sup>	20
Attics without storage <sup>b</sup>	10
Decks <sup>c</sup>	40
Exterior balconies	60
Fire escapes	40
Guardrails and handrails <sup>d</sup>	200 <sup>i</sup>
Guardrails in fill components <sup>f</sup>	50 <sup>i</sup>
Passenger vehicle garages <sup>a</sup>	50 <sup>a</sup>
Rooms other than sleeping rooms	40
Sleeping rooms	30
Stairs	40 <sup>c</sup>

For SI: 1 pound per square foot = 0.0479 kPa, 1 square inch = 645 mm<sup>2</sup>, 1 pound = 4.45 N.

- a. Elevated garage floors shall be capable of supporting a 2,000 pound load applied over a 20 square inch area.
- b. Attics without storage are those where the maximum clear height between joist and rafter is less than 42 inches, or where there are not two or more adjacent trusses with the same web configuration capable of containing a rectangle 42 inches high by 2 feet wide, or greater, located within the plane of the truss. For attics without storage, this live load need not be assumed to act concurrently with any other live load requirements.
- c. Individual stair treads shall be designed for the uniformly distributed live load or a 300 pound concentrated load acting over an area of four square inches, whichever produces the greater stresses.

d. A single concentrated load applied in any direction at any point along the top.

e. See Section R502.2.1 for decks attached to exterior walls.

f. Guard in fill components (all those except the handrail), balusters and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to one square foot. This load need not be assumed to act concurrently with any other live load requirement.

g. For attics with limited storage and constructed with trusses, this live load need be applied only to those portions of the bottom chord where there are two or more adjacent trusses with the same web configuration capable of containing a rectangle 42 inches high or greater by 2 feet wide or greater, located within the plane of the truss. The rectangle shall fit between the top of the bottom chord and the bottom of any other truss member, provided that each of the following criteria is met:

1. The attic area is accessible by a pull down stairway or framed opening in accordance with Section R807.1;
2. The truss has a bottom chord pitch less than 2:12; and
3. Required insulation depth is less than the bottom chord member depth.

The bottom chords of trusses meeting the above criteria for limited storage shall be designed for the greater of the actual imposed dead load or ten pounds per square foot, uniformly distributed over the entire span.

h. Attic spaces served by a fixed stair shall be designed to support the minimum live load specified for sleeping rooms.

i. Glazing used in handrail assemblies and guards shall be designed with a safety factor of 4. The safety factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the in fill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.

**1309.0302 SECTION R302, EXTERIOR WALL LOCATION.**

Projections beyond the exterior shall not extend more than 12 inches (305 mm) into areas where openings are prohibited.

IRC Section R302.1 is amended to read as follows:

**R302.1 Exterior walls.** Construction, projections, openings, and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table 302.1. These provisions shall not apply to walls, projections, openings, or penetrations in walls that are perpendicular to the line used to determine the fire separation distance.

**Exceptions:**

1. Detached garages accessory to a dwelling located within 2 feet (610 mm) of a lot line are permitted to have eave projections not exceeding 4 inches (103 mm).
2. Foundation vents installed in compliance with this code are permitted.

Table R302.1  
Exterior Walls

	Exterior Wall Element	Minimum Fire-Resistance Rating	Minimum Fire Separation Distance
<b>Walls</b>	(Fire-resistance rated)	1 hour with exposure from both sides	0 feet
	(Not fire-resistance rated)	0 hours	5 feet
<b>Projections</b>	(Fire-resistance rated)	1 hour on the underside <sup>a</sup>	2 feet **
	(Not fire-resistance rated)	0 hours	5 feet
<b>Openings</b>	Not allowed	N/A	less than 3 feet
	25% Maximum of Wall Area	0 hours	3 feet
	Unlimited	0 hours	5 feet
<b>Penetrations</b>	All	Comply with Section R317.3	less than 5 feet
		None required	5 feet

N/A= Not Applicable

<sup>a</sup> 1 hour on the underside equates to one layer of 5/8" type X gypsum sheathing. Openings are not allowed.

\*\* ICC Errata, 9-12-2006

**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.

**1309.0309 SECTION R309, GARAGES AND CARPORTS.**

Subpart 1. **IRC Section R309.3.** IRC Section R309.3 is amended to read as follows:

**R309.3 Floor surface.** Garage floor surfaces may be concrete, asphalt, sand, gravel, crushed rock, or natural earth.

Subp. 2. **IRC Section R309.4.** IRC Section R309.4 is amended to read as follows:

**R309.4 Carports.** Carports shall be open on at least two sides. Carport floor surfaces may be concrete, asphalt, sand, gravel, crushed rock, or natural earth. Carports not open on at least two sides shall be considered a garage

and shall comply with the provisions of this section for garages.

Subp. 3. **IRC Section R309.6.** IRC Section R309.6 is amended to read as follows:

**R309.6 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.

**1309.0310 SECTION R310, EMERGENCY ESCAPE AND RESCUE OPENINGS.**

IRC Section R310.1 is amended to read as follows:

**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, R310.1.1, R310.1.2, and R310.1.3 if the replacement window meets the following conditions:

1. The replacement window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window shall be permitted to be of the same operating style as the existing window or a style that provides for a greater window opening area than the existing window;

2. The rooms or areas are not used for any Minnesota state licensed purpose requiring an egress window; and

3. The window is not required to be replaced pursuant to a locally adopted rental housing or rental licensing code.

**1309.0311 SECTION R311, MEANS OF EGRESS.**

**R311.4.3 Landings at doors.** Except as provided in this section, there shall be a floor or landing on each side of each exterior door. The width of the landing shall not be less than the door served. The landing shall have a minimum dimension of 36 inches (914 mm) measured in the direction of travel.

**R311.4.3.1 Landings at the exterior exit door required by Section R311.4.1.**

1. The floor or landing at the exit door required by Section R311.4.1 shall not be more than 1.5 inches (38 mm) below the top of the threshold, regardless of door swing.

2. The exterior landing shall be up to 7 3/4 inches (196 mm) below the top of the threshold, provided the door, other than an exterior storm or screen door, does not swing over the exterior landing.

**R311.4.3.2 Landings or floors at exterior doors other than those required by Section R311.4.1.**

1. The exterior landing or floors shall be permitted to be no greater than 7 3/4 inches (196 mm) below the top of the threshold, provided the door, other than an exterior storm or screen door, does not swing over the exterior landing.

2. Landings in this subsection are not required for the exterior side of a door when a stairway that is less than 30 inches (762 mm) in height is located on the exterior side of the door. The stairway height shall be measured vertically from the interior floor surface to the finished grade.

3. An exterior landing is not required at a doorway when only a storm or screen door is installed which does not swing over the exterior landing.

**1309.0312 Repealed**

**1309.0313 SMOKE ALARMS.**

IRC Section R313.2.1 is amended as follows:

**R313.2.1 Alterations, repairs, or additions.**

When 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 equipped with smoke alarms located as required for new dwellings, and the smoke alarms shall be interconnected and hardwired.

**Exceptions:**

1. Interconnection and hardwiring of smoke alarms in existing areas shall not be required to be hardwired where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure.

2. Work on the exterior surfaces of dwellings, such as the replacement of roofing or siding are exempt from the requirements of this section.

3. Permits involving alterations or repairs to plumbing, electrical, and mechanical are exempt from the requirements of this section.

**1309.0314 SECTION R314, FOAM PLASTIC.**

IRC Section R314.5.11 is amended to read as follows:

**R314.5.11 Sill plate and headers.** Foam plastic shall be permitted to be spray applied to a sill plate and header (rim joist) without thermal barrier subject to all of the following:

1. The maximum thickness of the foam plastic shall not exceed 5 1/2 inches (139.5 mm).

2. 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 E 84.

**1309.0315 Repealed**

**1309.0316 Repealed**

**1309.0317 SECTION R317, DWELLING UNIT SEPARATION.**

Subpart 1. **IRC Section R317.1.** IRC Section R317.1 is amended to read as follows:

**R317.1 Two family dwellings.** Dwelling units in two family dwellings shall be separated from each other by wall and/or floor assemblies having not less than 1 hour fire resistance rating when tested in accordance with ASTM E 119. Fire resistance rated floor ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend to the underside of the roof sheathing.

**Exceptions:**

1. A fire resistance rating of 1/2 hour shall be permitted in buildings equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13.

2. Wall assemblies need not extend through attic spaces when the ceiling is protected by not less than 5/8 inch (15.9 mm) type X gypsum board and an attic draftstop constructed as specified in Section R502.12.1 is provided above and along the wall assembly separating the dwellings. The structural framing supporting the ceiling shall also be protected by not less than 1/2 inch (12.7 mm) gypsum board or equivalent.

**R317.1.1 Supporting construction.** When floor assemblies are required to be fire resistance rated by Section R317.1, the supporting construction of such assemblies shall have an equal or greater fire resistive rating.

Subp. 2. **IRC Section 317.2.** IRC Section 317.2 is amended to read as follows:

**R317.2 Townhouses.** Each townhouse shall be considered a separate building and shall be separated by fire resistance rated wall assemblies meeting the requirements of Section R302 for exterior walls.

**Exception:** A common 2 hour fire resistance rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installations shall be installed in accordance with chapters 33 through 42. Penetrations of electrical outlet boxes shall be in accordance with Section R317.3.

**R317.2.1 Continuity.** The fire resistance rated wall or assembly separating townhouses shall be continuous from the foundation to the underside of the roof sheathing, roof deck, or roof slab and shall extend the full length of the wall including wall extensions through and separating attached accessory structures. Separation shall extend through enclosed soffits, overhangs, and similar projections.

Subp. 3. **IRC Section R317.4.** IRC Section R317 is amended by adding a new section to read as follows:

**R317.4 Sound transmission.** Wall and floor ceiling assemblies separating dwelling units, including those separating adjacent townhouse units, shall provide airborne sound insulation for walls, and both airborne and impact sound insulation for floor ceiling assemblies.

**R317.4.1 Airborne sound.** Airborne sound insulation for wall and floor ceiling assemblies shall meet a Sound Transmission Class (STC) rating of 45 when tested in accordance with ASTM E 90. Penetrations or openings in construction assemblies for piping; electrical devices; recessed cabinets; bathtubs; soffits; or heating, ventilating, or exhaust ducts shall be sealed, lined, insulated, or otherwise treated to maintain the required ratings. Dwelling unit entrance doors, which share a common space, shall be tight fitting to the frame and sill.

**R317.4.2 Structural borne sound.** Floor/ceiling assemblies between dwelling units or between a dwelling unit and a public or service area within a structure shall have an Impact Insulation Class (IIC) rating of not less than 45 when tested in accordance with ASTM E 492.

**R317.4.3 Referenced standards.**

**R317.4.3.1** ASTM E 90 04 Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements R317.4.1.

**R317.4.3.2** ASTM E 492 04 (1996)e Specification for Laboratory Measurement of Impact Sound Transmission through Floor Ceiling Assemblies Using the Tapping Machine R317.4.2.

**1309.0318 SECTION R318, MOISTURE VAPOR RETARDERS.**

IRC Section R318.1 is amended to read as follows:

**R318.1 Vapor retarders.** In all above grade framed walls, floors, and roof/ceilings comprising elements of the building thermal envelope, a vapor retarder shall be installed on the warm side of the insulation. Vapor retarders installed under a concrete floor slab shall comply with section R506.2.3.

**Exception:** In construction where moisture or freezing will not damage the materials.

**1309.0322 Repealed**

**1309.0403 SECTION R403, FOOTINGS.**

Subpart 1. **IRC Section R403.1.4.1.** IRC Section R403.1.4.1 is amended to read as follows:

**R403.1.4.1 Frost protection.** Except where otherwise protected from frost, foundation walls, piers, and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extended below the frost line specified in Table R301.2(1);
2. Constructing in accordance with Section R403.3;
3. Constructing in accordance with ASCE 32;
4. Erected on solid rock; or
5. Constructing in accordance with chapter 1303.

**Exception:** Decks not supported by a dwelling need not be provided with footings that extend below the frost line.

Subp. 2. **IRC Section R403.1.6.** 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. There shall be a minimum of two bolts per plate section with one bolt located not more than 12 inches (305 mm) or less than seven bolt diameters from each end of the 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.

**Exceptions:**

1. 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.
2. Walls 24 inches (609.6 mm) total length or shorter connecting offset braced wall panels shall be anchored to the foundation with a minimum of one anchor bolt located in the center third of the plate section and shall be attached to adjacent braced wall panels according to Figure R602.10.5 at corners.

3. Walls 12 inches (304.8 mm) total length or shorter connecting offset braced wall panels shall be permitted to be connected to the foundation without anchor bolts. The wall shall be attached to adjacent braced wall panels according to Figure R602.10.5 at corners.

**1309.0404 SECTION R404, FOUNDATION AND RETAINING WALLS.**

Subpart 1. **Section R404.1.** IRC Section R404.1, Items 4 and 5, are amended to read as follows:

4. Floor shall be blocked perpendicular to the floor joists. Blocking shall be full depth within three joist spaces of the foundation wall.
5. Where foundation walls support unbalanced load on opposite sides of the building, such as a daylight basement, the rim board shall be attached to the sill with a 20 gage metal angle clip at 24 inches on center, with five 8d nails per leg, or an approved connector supplying 230 pounds per linear foot capacity.

Subp. 2. **Table R404.1(2)**. IRC Table R404.1(2) is amended to read as follows:

Table R404.1(2)

Maximum Anchor Bolt Spacing for Supported Foundation Wall

Max. Wall Height	Max. Unbalanced Backfill Height	Soil Classes	Soil Load (pcf / ft)	Top of Wall Reaction (plf) <sup>b</sup>	1/2" diameter Anchor Bolt Spacing (inches) <sup>a</sup>
8' – 0"	7' – 4"	GW, GP, SW, & SP	30	250	72
		GM, GC, SM-SC, & ML	45	370	72
		SC, MH, ML-CL & I-CL	60	490	48
9' – 0"	8' – 4"	GW, GP, SW, & SP	30	320	72
		GM, GC, SM-SC, & ML	45	480	48
		SC, MH, ML-CL, & I-CL	60	640	40

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm

<sup>a</sup> Sill plate shall be 2 x 6 minimum. Anchor bolt shall be minimum 0.5" diameter cast in place with 7" embed. Anchor bolt shall have a 2" diameter by 0.125" thick washer tightened and countersunk 0.25" into the top of the sill plate.

<sup>b</sup> Minimum load to be used for sizing of accepted anchors or fasteners if bolts are not used.

Subp. 3. **Table R404.1(3)**. IRC Table R404.1(3) is deleted in its entirety.

Subp. 4. **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(1), R404.1.1(2), R404.1.1(3), or R404.1.1(4) and shall also comply with the provisions of Section R404 and the applicable provisions of Sections R606, R607, and R608. Rubble stone masonry foundation walls shall be constructed in accordance with Sections R404.1.8 and R607.2.2. Cantilevered masonry foundation walls shall be constructed as set forth in Table R404.1.1(6), R404.1.1(7), or R404.1.1(8). Cantilevered means: foundation walls that do not have permanent lateral support at the top.

Subp. 5. **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(5) and shall also comply with the provisions of Section R404 and the applicable provisions of Section R404.2. Cantilevered concrete foundation walls shall be constructed as set forth in Table R404.1.1(6), R404.1.1(7), or R404.1.1(8). Cantilevered means: foundation walls that do not have permanent lateral support at the top.

Subp. 6. **Table R404.1(6)**. IRC Section R404 is amended by adding a new table as follows:

Table R404.1.1(6)

Cantilevered Concrete and Masonry Foundation Walls

Maximum Wall Height <sup>j</sup> (feet)	Maximum Unbalanced Backfill Height <sup>e</sup> (feet)	Minimum Vertical Reinforcement Size and Spacing for 8 – Inch Nominal Wall Thickness <sup>a,b,c,e,f,i,k</sup>		
		Soil Classes <sup>d</sup>		
		GW, GP, SW, & SP	GM, GC, SM, SM-CS, & ML	SC, MH, ML-CL, and inorganic CL
4	3	None required	None required	None required
	4	None required	None required	No. 4 @ 72 in. o.c.
5	3	None required	None required	None required
	4	No. 4 @ 72 in. o.c.	No. 4 @ 56 in. o.c. <sup>h</sup>	No. 4 @ 40 in. o.c. <sup>g</sup>
	5	No. 4 @ 72 in. o.c.	No. 4 @ 56 in. o.c. <sup>h</sup>	No. 4 @ 40 in. o.c. <sup>g</sup>

- a. Mortar shall be Type M or S and masonry shall be laid in running bond. Minimum unit compressive strength is 1,900 psi.
- b. Alternative reinforcing bar sizes and spacings having an equivalent cross sectional area of reinforcement per lineal foot of wall shall be permitted provided the spacing of the reinforcement does not exceed 72 inches.
- c. Vertical reinforcement shall be Grade 60 minimum. The distance from the face of the soil side of the wall to the center of vertical reinforcement shall be no greater than 2.5 inches.
- d. Soil classes are in accordance with the Unified Soil Classification System. Refer to Table R405.1.
- e. Interior concrete floor slab on grade shall be placed tight to the wall. The exterior grade level shall be 6 inches minimum below the top of wall. Maximum height from top of slab on grade to bottom of floor joists is 10 feet 0 inches. Unbalanced backfill height is the difference in height of the exterior finish ground levels and the top of the interior concrete slab on grade.
- f. Minimum footing size of 20 inches by 8 inches shall be placed on soil with a bearing capacity of 2,000 psf. Minimum concrete

- compressive strength of footing shall be 3,000 psi.
- g. Provide propped cantilever wall: top of footing shall be 16 inches below the bottom of the concrete floor slab minimum.
- h. Provide #5 Grade 60 dowels, 1 foot 6 inches long, to connect footing to wall. Embed dowel 5 inches into footing. Place dowels in center of wall thickness spaced at 32 inches o.c. maximum. No dowels are required where length of the foundation wall between perpendicular walls is two times the foundation wall height or less.
- i. This table is applicable where the length of the foundation wall between perpendicular walls is 35 feet or less, or where the length of the foundation laterally supported on only one end by a perpendicular wall is 17 feet or less.
- j. Maximum wall height is measured from top of the foundation wall to the bottom of the interior concrete slab on grade.
- k. Install foundation anchorage per Section R403.1.6.

Subp. 7. **Table R404.1.1(7)**. IRC Section follows:  
R404 is amended by adding a new table as

Table R404.1.1(7)

Cantilevered Concrete and Masonry Foundation Walls

Maximum Wall Height <sup>j</sup> (feet)	Maximum Unbalanced Backfill Height <sup>e</sup> (feet)	Minimum Vertical Reinforcement Size and Spacing for 10 – Inch Nominal Wall Thickness <sup>a,b,c,e,f,i,k</sup>		
		Soil Classes <sup>d</sup>		
		GW, GP, SW, & SP	GM, GC, SM, SM-SC, & ML	SC, MH, ML-CL, and inorganic CL
4	3	None required	None required	None required
	4	None required	None required	None required
5	3	None required	None required	None required
	4	None required	No. 4 @ 72 in. o.c.	No. 4 @ 64 in. o.c. <sup>g</sup>
	5	No. 4 @ 72 in. o.c.	No. 4 @ 72 in. o.c.	No. 4 @ 56 in. o.c. <sup>g</sup>
6	3	None required	No. 4 @ 72 in. o.c.	No. 4 @ 72 in. o.c.
	4	No. 4 @ 72 in. o.c.	No. 4 @ 72 in. o.c.	No. 4 @ 64 in. o.c. <sup>h</sup>
	5	No. 4 @ 64 in. o.c. <sup>h</sup>	No. 4 @ 40 in. o.c. <sup>g,h</sup>	No. 5 @ 48 in. o.c. <sup>g,h</sup>
	6	No. 4 @ 64 in. o.c. <sup>h</sup>	No. 4 @ 40 in. o.c. <sup>g,h</sup>	No. 5 @ 48 in. o.c. <sup>g,h</sup>

- a. Mortar shall be Type M or S and masonry shall be laid in running bond. Minimum unit compressive strength is 1,900 psi.
- b. Alternative reinforcing bar sizes and spacings having an equivalent cross sectional area of reinforcement per lineal foot of wall shall be permitted provided the spacing of the reinforcement does not exceed 72 inches.
- c. Vertical reinforcement shall be Grade 60 minimum. The distance from the face of the soil side of the wall to the center of vertical reinforcement shall be no greater than 2.5 inches.
- d. Soil classes are in accordance with the Unified Soil Classification System. Refer to Table R405.1.
- e. Interior concrete slab on grade shall be placed tight to the wall. The exterior grade level shall be 6 inches minimum below the top of wall. Maximum height from top of slab on grade to bottom of floor joists is 10

feet 0 inches. Unbalanced backfill height is the difference in height of the exterior finish ground levels and the top of the interior concrete slab on grade.

- f. Minimum footing size of 20 inches by 8 inches shall be placed on soil with a bearing capacity of 2,000 psf. Minimum concrete compressive strength of footing shall be 3,000 psi.
- g. Provide propped cantilever wall: top of footing shall be 16 inches below the bottom of the concrete floor slab minimum.
- h. Provide #5 Grade 60 dowels, 1 foot, 6 inches long, to connect footing to wall. Embed dowel 5 inches into footing. Place dowels in center of wall thickness spaced at 32 inches o.c. maximum. No dowels are required where length of the foundation wall between perpendicular walls is two times the foundation wall height or less.
- i. This table is applicable where the length of the foundation wall between perpendicular

walls is 35 feet or less, or where the length of the foundation laterally supported on only one end by a perpendicular wall is 17 feet or less.

j. Maximum wall height is measured from top of the foundation wall to the bottom of the interior concrete slab on grade.

k. Install foundation anchorage per Section R403.1.6.

Subp. 8. **Table R404.1.1(8)**. IRC Section R404 is amended by adding a new table as follows:

Table R404.1.1(8)

Cantilevered Concrete and Masonry Foundation Walls

Maximum Wall Height <sup>j</sup> (feet)	Maximum Unbalanced Backfill Height <sup>e</sup> (feet)	Minimum Vertical Reinforcement Size and Spacing for 12 – Inch Nominal Wall Thickness <sup>a,b,c,e,f,i,k</sup>		
		Soil Classes <sup>d</sup>		
		GW, GP, SW, & SP	GM, GC, SM, SM-SC, & ML	SC, MH, ML-CL, and inorganic CL
4	3	None required	None required	None required
	4	None required	None required	None required
5	3	None required	None required	None required
	4	None required	None required	No. 4 @ 72 in. o.c.
	5	No. 4 @ 72 in. o.c.	No. 4 @ 72 in. o.c.	No. 4 @ 72 in. o.c.
6	3	None required	None required	None required
	4	None required	None required	No. 4 @ 72 in. o.c.
	5	No. 4 @ 72 in. o.c.	No. 4 @ 56 in. o.c. <sup>h</sup>	No. 4 @ 40 in. o.c. <sup>g</sup>
	6	No. 4 @ 72 in. o.c.	No. 4 @ 56 in. o.c. <sup>g</sup>	No. 4 @ 32 in. o.c. <sup>g,h</sup>
7	3	None required	None required	None required
	4	None required	No. 4 @ 72 in. o.c.	No. 4 @ 72 in. o.c.
	5	No. 4 @ 72 in. o.c.	No. 4 @ 56 in. o.c. <sup>h</sup>	No. 4 @ 40 in. o.c. <sup>g</sup>
	6	No. 4 @ 48 in. o.c. <sup>h</sup>	No. 5 @ 48 in. o.c. <sup>g,h</sup>	No. 6 @ 48 in. o.c. <sup>g,h</sup>
	7	No. 4 @ 48 in. o.c. <sup>h</sup>	No. 5 @ 40 in. o.c. <sup>g,h</sup>	No. 6 @ 48 in. o.c. <sup>g,h</sup>

a. Mortar shall be Type M or S and masonry shall be laid in running bond. Minimum unit compressive strength is 1,900 psi.

b. Alternative reinforcing bar sizes and spacings having an equivalent cross sectional area of reinforcement per lineal foot of wall shall be permitted provided the spacing of the reinforcement does not exceed 72 inches.

c. Vertical reinforcement shall be Grade 60 minimum. The distance from the face of the soil side of the wall to the center of vertical

reinforcement shall be no greater than 3 inches.

d. Soil classes are in accordance with the Unified Soil Classification System. Refer to Table R405.1.

e. Interior concrete slab on grade shall be placed tight to the wall. The exterior grade level shall be 6 inches minimum below the top of wall. Maximum height from top of slab on grade to bottom of floor joists is 10 feet, 0 inches. Unbalanced backfill height is the difference in height of the exterior finish

ground levels and the top of the interior concrete slab on grade.

f. Minimum footing size of 20 inches by 8 inches shall be placed on soil with a bearing capacity of 2,000 psf. Minimum concrete compressive strength of footing shall be 3,000 psi.

g. Provide propped cantilever wall: top of footing shall be 16 inches below the bottom of the concrete floor slab minimum.

h. Provide #5 Grade 60 dowels, 1 foot, 6 inches long, to connect footing to wall. Embed dowel 5 inches into footing. Place dowels in center of wall thickness spaced at 32 inches o.c. maximum. No dowels are required where length of the foundation wall between perpendicular walls is two times the foundation wall height or less.

i. This table is applicable where the length of the foundation wall between perpendicular walls is 35 feet or less, or where the length of the foundation laterally supported on only one end by a perpendicular wall is 17 feet or less.

j. Maximum wall height is measured from top of the foundation wall to the bottom of the interior concrete slab on grade.

k. Install foundation anchorage per Section R403.1.6.

Subp. 9. **IRC Section R404.1.3.** IRC Section R404.1.3 is amended by adding the following exception to condition 2:

**Exception:** Cantilevered concrete and masonry foundation walls constructed in accordance with Table R404.1.1(6), R404.1.1(7), or R404.1.1(8).

**1309.0406 SECTION R406, FOUNDATION WATERPROOFING AND DAMPPROOFING.**

Subpart 1. **IRC Section R406.1.** IRC Section R406.1 is amended to read as follows:

**R406.1 Concrete and masonry foundation dampproofing.** Except where required by Section R406.2 to be waterproofed,

foundation walls that retain earth and enclose interior spaces and floors below grade shall be dampproofed at a minimum from the top of the footing to the finished grade. Masonry walls shall be parged with not less than 3/8 inch (9.5 mm) portland cement parging applied to the exterior of the wall. The parging shall be dampproofed in accordance with one of the following:

1. Bituminous coating.
2. 3 pounds per square yard (1.63 kg/m<sup>2</sup>) of acrylic modified cement.
3. 1/8 inch (3.2 mm) coat of surface bonding cement complying with ASTM C 887.
4. Any material permitted for waterproofing in Section R406.2.
5. Other approved methods or materials.

**Exception:** Parging of unit masonry walls is not required where a material is approved for direct application to the masonry.

Concrete walls shall be dampproofed by applying any one of the above listed dampproofing materials or any one of the waterproofing materials listed in Section R406.2 to the exterior of the wall.

Subp. 2. **IRC Section R406.2.** IRC Section R406.2 is amended to read as follows:

**R406.2 Concrete and masonry foundation waterproofing.** In all soils groups other than Group 1 soils in accordance with Table R405.1, exterior foundation walls that retain earth and enclose interior spaces and floors below grade shall be waterproofed at a minimum from the top of the footing to the finished grade. Walls shall be waterproofed in accordance with one of the following:

1. 2 ply hot mopped felts.
2. 55 pound (25 kg) roll roofing.
3. 6 mil (0.15 mm) polyvinyl chloride.
4. 6 mil (0.15 mm) polyethylene.
5. 40 mil (1 mm) polymer modified asphalt.

Table R602.3.1

Maximum Allowable Length of Wood Wall Studs Exposed to Wind Speeds of 90 mph or less<sup>b,c,d,e,f,g,h,i</sup> Where conditions are not within the parameters of footnotes b, c, d, e, f, g, h, and i, design is required.

6. 60 mil (1.5 mm) flexible polymer cement.
7. 1/8 inch cement based, fiber reinforced, waterproof coating.
8. 60 mil (1.5 mm) solvent free liquid applied synthetic rubber.

**Exception:** Organic solvent based products such as hydrocarbons, chlorinated hydrocarbons, ketones, and esters shall not be used for ICF walls with expanded polystyrene form material. Plastic roofing cements, acrylic coatings, latex coatings, mortars, and parings are permitted to be used to seal ICF walls. Cold setting asphalt or hot asphalt shall conform to Type C of ASTM D 449. Hot asphalt shall be applied at a temperature of less than 200 degrees.

Maximum Wall Height (feet)	Exposure Category <sup>h,i</sup>	On-Center Spacing (inches)			
		24	16	12	8
10	B	2x6	2x4	2x4	2x4
	C	2x6	2x6	2x4	2x4
12	B	2x6	2x6	2x4	2x4
	C	2x6	2x6	2x6	2x4
14	B	2x6	2x6	2x6	2x4
	C	2x6	2x6	2x6	2x6
16	B	2x8	2x6	2x6	2x6
	C	2x8	2x6	2x6	2x6
18	B	2x8	2x8	2x6	2x6
	C	2x8	2x8	2x6	2x6
20	B	2x8	2x8	2x8	2x6
	C	NA <sup>a</sup>	2x8	2x8	2x6
24	B	NA <sup>a</sup>	2x8	2x8	2x8
	C	NA <sup>a</sup>	NA <sup>a</sup>	2x8	2x8

All joints in membrane waterproofing shall be lapped and sealed with an adhesive compatible with the membrane.

**1309.0506 Repealed**

**1309.0602 SECTION R602, WOOD WALL FRAMING.**

Subpart 1. **Table R602.3.1.** IRC Table R602.3.1 is amended to read as follows:

Maximum Wall Height (feet)	Exposure Category <sup>h,i</sup>	On-Center Spacing (inches)			
		24	16	12	8
10	B	2x6	2x6	2x4	2x4
	C	2x6	2x6	2x6	2x4
12	B	2x6	2x6	2x6	2x4
	C	2x8	2x6	2x6	2x6
14	B	2x6	2x6	2x6	2x6
	C	2x8	2x8	2x6	2x6
16	B	2x8	2x6	2x6	2x6
	C	2x8	2x8	2x6	2x6
18	B	2x8	2x8	2x6	2x6
	C	NA <sup>a</sup>	2x8	2x8	2x6
20	B	NA <sup>a</sup>	2x8	2x8	2x6
	C	NA <sup>a</sup>	NA <sup>a</sup>	2x8	2x8

THE 2007 MINNESOTA STATE BUILDING CODE

Maximum Wall Height (feet)	Exposure Category <sup>h,i</sup>	On-Center Spacing (inches)			
		24	16	12	8
24	B	NA <sup>a</sup>	NA <sup>a</sup>	2x8	2x8
	C	NA <sup>a</sup>	NA <sup>a</sup>	NA <sup>a</sup>	2x8

Roof spans greater than 26' and up to 30' supporting a roof only

Maximum Wall Height (feet)	Exposure Category <sup>h,i</sup>	On-Center Spacing (inches)			
		24	16	12	8
10	B	2x6	2x6	2x4	2x4
	C	2x6	2x6	2x6	2x4
12	B	2x6	2x6	2x6	2x4
	C	2x8	2x6	2x6	2x6
14	B	2x8	2x6	2x6	2x6
	C	2x8	2x8	2x6	2x6
16	B	2x8	2x6	2x6	2x6
	C	2x8	2x8	2x8	2x6
18	B	2x8	2x8	2x6	2x6
	C	NA <sup>a</sup>	2x8	2x8	2x8
20	B	NA <sup>a</sup>	2x8	2x8	2x6
	C	NA <sup>a</sup>	NA <sup>a</sup>	2x8	2x8
24	B	NA <sup>a</sup>	NA <sup>a</sup>	2x8	2x8
	C	NA <sup>a</sup>	NA <sup>a</sup>	NA <sup>a</sup>	2x8

Roof spans greater than 30' and up to 34' supporting a roof only

Maximum Wall Height (feet)	Exposure Category <sup>h,i</sup>	On-Center Spacing (inches)			
		24	16	12	8
10	B	2x6	2x6	2x4	2x4
	C	2x6	2x6	2x6	2x4
12	B	2x6	2x6	2x6	2x4
	C	2x8	2x6	2x6	2x6
14	B	2x8	2x6	2x6	2x6
	C	2x8	2x8	2x6	2x6
16	B	2x8	2x8	2x6	2x6
	C	NA <sup>a</sup>	2x8	2x8	2x6
18	B	2x8	2x8	2x6	2x6
	C	NA <sup>a</sup>	NA <sup>a</sup>	2x8	2x8
20	B	NA <sup>a</sup>	2x8	2x8	2x6
	C	NA <sup>a</sup>	NA <sup>a</sup>	2x8	2x8
24	B	NA <sup>a</sup>	NA <sup>a</sup>	2x8	2x8
	C	NA <sup>a</sup>	NA <sup>a</sup>	NA <sup>a</sup>	2x8

a. Design required.

b. Applicability of these tables assumes the following: SPF#2 or better, Ground snow = 60 psf, Roof snow = 42 psf, Component and Cladding Zone 4 50 square feet (Exposure B = 14.3 psf, Exposure C = 18.4 psf), eaves not greater than 2.0 feet in dimension.

c. The exterior of the wall shall be continuously sheathed in accordance with one of the methods (2-8) listed in Section R602.10.3.

d. Studs shall be continuous full height.

e. Full depth blocking is required at 10 foot spacing maximum.

f. Utility, standard, stud, and No. 3 grade lumber of any species are not permitted.

g. This table is based on a maximum allowable deflection limit of L/120.

h. Exposure B - Urban and suburban areas, wooded areas, or other terrain with numerous closely spaced obstructions having the size of single family dwellings or larger. Exposure B shall be assumed unless the site meets the definition of another type exposure.

i. Exposure C - Open terrain with scattered obstructions, including surface undulations or other irregularities, having heights generally less than 30 feet extending more than 1,500 feet from the building site in any quadrant. This category includes flat open country, grasslands, and shorelines in hurricane prone regions. Exposure C shall also apply to any building located within Exposure B type terrain where the building is directly adjacent to open areas of Exposure C type terrain in any quadrant for a distance of more than 600 feet.

**1309.0613 SECTION R613, EXTERIOR WINDOWS AND GLASS DOORS.**

Subpart 1. **Section R613.1.** IRC Section R613.1 is amended to read as follows:

**R613.1 General.** This section prescribes performance and construction requirements for exterior window systems installed in wall systems. Windows and doors shall be

installed in accordance with the manufacturer's installation instructions. Installation instructions shall be provided by the manufacturer for each exterior window or door type.

Subp. 2. **Section R613.2.** IRC Section R613.2 is deleted in its entirety.

**1309.0703 SECTION R703, EXTERIOR COVERING.**

Subpart 1. **Repealed**

Subp. 2. **Repealed**

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 98a and ASTM C 1063 03 and provisions of this code.

**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 11 gage nails having a 7/16 inch (11.1 mm) head or 16 gage staples, spaced at no more than 6 inches (152 mm) or as otherwise approved. Nails or staples shall penetrate wood framing support members not less than 3/4 inch (19 mm).

**R703.6.2.1 Weep screeds.** A minimum 0.019 inch (No. 26 galvanized sheet gage), corrosion resistant weep screed or plastic weep screed, with a minimum vertical attachment flange of 3 1/2 inches (89 mm) shall be provided at or below the foundation plate line on exterior stud walls in accordance with ASTM C 1063 03. The weep screed shall be placed a minimum of 4 inches (102 mm) above the earth or 2 inches (51 mm) 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.

**R703.6.1.3 Control joints and expansion joints.** Provisions for the control of expansion shall be determined by the exterior plaster application designer. ASTM C 1063 03 sections 7.11 4 - 7.11 4.4 do not apply.

**R703.6.3 Water resistive barriers.** Water resistive barriers shall be installed as required in Section R703.2 and, where applied over wood based sheathing, shall include two layers of a water resistive vapor permeable barrier. Each layer shall meet both of the following requirements:

1. A water resistance not less than that of 60 minute Grade D paper; or a minimum hydrostatic head of 60.9 cm when tested in accordance with hydrostatic pressure test method AATCC 127 1998; or a minimum water transudation time of 60 minutes when tested in accordance with ASTM D 779.
2. A water vapor permeance not less than that of no. 15 felt; or a minimum permeance rating of 8.5 gr/h.ft.<sup>2</sup> in Hg (US perm) (4.9 x 10<sup>10</sup> kg/Pa.s.m<sup>2</sup>) when tested in accordance with Procedure B of ASTM E96.

**Exception:** One layer of water resistive barrier complying with R703.2 is permitted when a drainage space that allows bulk water to flow freely behind the cladding is provided.

Subp. 3a. **Section R703.7.** IRC Section R703.7 is amended by adding the following sentence to the end of Section R703.7: For structures in 90 mph wind speed region apply Seismic Design Category A limitations and requirements of Exception 1 and Table R703.7(1).

Subp. 4. **Repealed**

Subp. 5. **Repealed**

Subp. 6. **Repealed**

Subp. 7. **Repealed**

Subp. 8. **Repealed**

Subp. 8a. **Section R703.7.4.2.** IRC Section R703.7.4.2 is amended to read as follows:

**R703.7.4.2 Air space.** The veneer shall be separated from the sheathing by an air space of a minimum of a nominal 1 inch (25 mm) but not more than 4 1/2 inches (114 mm).

**Exception:** One layer of water resistive barrier complying with Section R703.2 is permitted when a drainage space that allows bulk water to flow freely behind the cladding is provided.

Subp. 8b. **Section R703.7.4.3.** IRC Section R703.7.4.3 is amended to read as follows:

**R703.7.4.3 Mortar or grout fill.** As an alternate to the air space required by Section R703.7.4.2, mortar or grout shall be permitted to fill the air space. When the 1 inch (25.4 mm) space is filled with mortar, a weather resistant membrane or building paper as described in Section R703.2 or R703.6.3 is required over studs or sheathing. When filling the air space, it is permitted to replace the sheathing and weather resistant membrane or asphalt saturated felt paper with a wire mesh and approved paper or an approved paper backed reinforcement attached directly to the studs.

**R703.7.4.4 Masonry veneer on sheathed substrates.** On sheathed substrates, a corrosion resistant, self furring expanded metal lath shall be installed over the weather resistant membrane or building paper with appropriate fasteners as described in Section R703.6.1. Fasteners shall penetrate wood supports a minimum of one inch.

Subp. 9. **Section R703.8.** IRC Section R703.8 is amended to read as follows:

**R703.8 Flashing.** Approved corrosion resistant flashing shall be applied shingle fashion 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. Approved corrosion resistant flashing shall be installed at all of the following locations:

1. Exterior window and door openings. Flashing at exterior window and door openings shall extend to the surface of the exterior wall finish or to the water resistive barrier for subsequent drainage.
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.
9. Where the lower portion of a sloped roof stops within the plane of an intersecting wall cladding in such a manner as to divert or kick out water away from the assembly.

**R703.8.1 Pan flashing of windows and doors.** A pan flashing shall be provided

under all exterior windows and doors. Pan flashing shall be (a) sloped to drain water to the exterior surface of a weather resistive barrier or flat with sealed back dam and side dams to prevent re entry of water into the wall cavity or onto interior finishes, and (b) maintain the thermal envelope of the building. Pan flashing made from metal must be thermally isolated from interior surfaces.

**Exceptions:**

1. Windows or doors installed in accordance with the manufacturer's installation instructions which include an alternate flashing method.
2. Windows or doors in detached accessory structures.
3. Skylights, bow or bay windows.
4. Doors required to meet accessibility requirements that would prevent the installation of pan flashing.
5. Repairs or replacement of existing windows and doors.
6. When a method is provided by a registered design professional.

**1309.0802 SECTION 802, WOOD ROOF FRAMING.**

IRC Section R802.10.5 is amended to read as follows:

**R802.10.5 Truss to wall connection.** Trusses shall be connected to wall plates by the use of approved fasteners or connectors having a resistance to uplift of not less than the value listed on the truss design drawings.

**1309.0806 SECTION R806, ROOF VENTILATION.**

IRC Section R806.4 is deleted in its entirety.

**1309.0903 SECTION R903, WEATHER PROTECTION.**

IRC Section R903.2.2 is amended as follows:

**R903.2.2 Kick out flashing/diverter.** A kick out flashing shall be installed where the lower portion of a sloped roof stops within the plane of an intersecting wall cladding, in such a manner as to divert or kick out water away from the assembly.

**1309.0905 SECTION R905, REQUIREMENTS FOR ROOF COVERINGS.**

IRC Section R905.2.1 is amended as follows:

**R905.2.1 Sheathing requirements.** Asphalt shingles shall be fastened to solidly sheathed decks or 1 inch thick nominal wood boards.

## 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

RELATIVE HAZARD	USE CLASSIFICATION
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**

RELATIVE HAZARD	USE CLASSIFICATION
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**

RELATIVE HAZARD	USE CLASSIFICATION
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 2008 edition of the National Electrical Code (NEC) as approved by the American National Standards Institute (ANSI/NFPA 70-2008), Minnesota Statutes, section 326B.35, and the Minnesota State Building Code as adopted by the commissioner of labor and industry. The 2008 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 labor and industry, from the Minnesota Bookstore, 660 Olive Street, Saint Paul, MN 55155, through public libraries, from major bookstores and other retail sources, or from National Fire Protection Association, Inc., One Battery March Park, MA 02169-7471.

Subp. 2. [Repealed, 12 SR 102; 12 SR 151]

**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]

**This insert provides the new Minnesota Residential Energy Code**

- View Minnesota Rules, Chapter 1322 at: [www.dli.mn.gov/cclld/pdf/sbc\\_1322.pdf](http://www.dli.mn.gov/cclld/pdf/sbc_1322.pdf)

**This insert provides the new Minnesota Commercial Energy Code**

- View Minnesota Rules, Chapter 1323 at: [www.dli.mn.gov/cclld/pdf/sbc\\_1323.pdf](http://www.dli.mn.gov/cclld/pdf/sbc_1323.pdf)

## 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 7

## MINNESOTA RULES, CHAPTER 1341 MINNESOTA ACCESSIBILITY CODE

### **1341.0005 INCORPORATION OF CHAPTER 11 OF THE 2006 INTERNATIONAL BUILDING CODE BY REFERENCE.**

For purposes of this chapter, "IBC" means the 2006 edition of the International Building Code as promulgated by the International Code Council, Inc., Falls Church, Virginia. Chapter 11 of the IBC is incorporated by reference and made part of the Minnesota State Building Code except as amended in this chapter. Portions of this chapter reproduce text and tables from the IBC. 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 labor and industry. The IBC is copyright 2006 by the International Code Council, Inc. All rights reserved.

### **1341.0010 REFERENCED STANDARD.**

For purposes of this chapter, "ICC A117.1" means the 2003 edition of ICC/ANSI A117.1 as promulgated by the Accredited Standards Committee A117 on Architectural Features and Site Design of Public Buildings and Residential Structures for Persons with Disabilities. The ICC/ANSI A117.1-2003 edition is approved by the American National Standard Institute (ANSI) and owned by the International Code Council, Inc. ICC A117.1 is incorporated by reference in IBC Chapter 11 and made part of the Minnesota State Building Code except as amended in this chapter. Portions of this chapter reproduce text and tables from the ICC A117.1. The ICC A117.1 is not subject to frequent change and a copy of the ICC A117.1, with amendments for use in Minnesota, is available in the office of the commissioner of labor and industry. The ICC

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### **1341.0011 IBC CHAPTER 11.**

Subpart 1. **IBC Section 1101, General.** IBC Section 1101 is amended by adding a Section 1101.3 to read as follows:

**1101.3 Equity.** Where not all similar type facilities and spaces are required to be accessible, accessible facilities and spaces shall be provided with the same or equivalent elements as provided in the nonaccessible facilities and spaces.

Subp. 2. **IBC Section 1102, Definitions.** IBC Section 1102 is amended by adding a definition to read as follows:

**TECHNICALLY INFEASIBLE.** An alteration of a building or a facility that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

Subp. 3. **IBC Section 1103, Scoping requirements.**

A. IBC Section 1103.2.1, Specific requirements, is amended to read as follows:

**1103.2.1 Specific requirements.** Accessibility is not required in buildings and facilities, or portions thereof, to the extent permitted by

Sections 1104 through 1114.

B. IBC Section 1103.2.2, Existing buildings, is amended to read as follows:

**1103.2.2 Existing buildings.** Existing buildings shall comply with Sections 1112, 1113, and 1114.

C. IBC Section 1103.2.12, Day care facilities, is deleted in its entirety.

D. IBC Section 1103.2.14, Fuel-dispensing systems, is deleted in its entirety.

Subp. 4. **IBC Section 1104, Accessible route.**

A. IBC Section 1104.4, Multilevel buildings and facilities, is amended to read as follows:

**1104.4 Multilevel buildings and facilities.** At least one accessible route shall connect each level, including mezzanines, in multilevel buildings and facilities.

**Exceptions:**

1. An accessible route is not required to stories and mezzanines above and below accessible levels that have an aggregate area of not more than 3,000 square feet (278.7 m<sup>2</sup>). This exception shall not apply to:

- 1.1 Public areas of Group M occupancies;
- 1.2 Public areas of health care providers (Group B or Group I);
- 1.3 Public areas of passenger transportation facilities and airports (Group A-3 or Group B);
- 1.4 Public areas of municipal and government facilities; or
- 1.5 Any story or mezzanine with an occupant load of more than 30.

2. In Group A, I, R, and S occupancies, levels that do not contain accessible elements or other spaces required by Section 1107 or 1108 are not required to be served by an accessible route from an accessible level.

3. In air traffic control towers, an accessible route is not required to serve the cab and the floor immediately below the cab.

4. Where a two-story building or facility has one story with an occupant load of five or fewer persons that does not contain public use space, that story shall not be required to be connected by an accessible route to the story above or below.

**1104.4.1 Musical risers.** An accessible route shall be provided to the main floor level and to at least one riser level of built-in or fixed riser assemblies designed for instrumental or choral use.

**Exception:** An accessible route is not required to risers where performers are positioned on the main floor level at the base of the risers.

**1104.4.2 Tiered areas.** Tiered areas without fixed seats shall comply with Section 1104.4.2.1 or 1104.4.2.2.

**1104.4.2.1 Small tiered areas utilizing the floor area at the base of the tier.** Where a tiered area has no more than five tiers, the tier assembly has an occupant load of not more than 300, and the floor level at the base of the tier is utilized for the same use as the tiers, an accessible route shall be provided to the floor level at the base of the tier.

**1104.4.2.2 Other tiered areas.** Tiered areas not complying with Section 1104.4.2.1 shall provide an accessible route to the floor level at the base of the tier and to ten percent, but not

less than one level, of the tiered levels. Accessible tiers shall be separated by a minimum of five intervening tiers.

**Exceptions:**

1. An accessible route shall not be required to tiers where the depth of each tier is 36 inches (915 mm) maximum.
2. An accessible route shall not be required to tiers where the floor level at the base of the tier is not utilized for the same use as the tiers, provided: there are no more than five tiers; the tier assembly has an occupant load of not more than 300; individuals are intended to sit directly on the tier surface; and, a clear floor space is provided adjacent to the tier which allows a transfer onto a tier.

B. IBC Section 1104.5, Location, is amended to read as follows:

**1104.5 Location.** Accessible routes shall coincide with or be located in the same area as a general circulation path. Where the circulation path is interior, the accessible route shall also be interior. Where only one accessible route is provided, the accessible route shall not pass through kitchens, storage rooms, restrooms, closets, or similar spaces.

**Exceptions:**

1. Accessible routes from parking garages contained within and serving Type B dwelling units are required to be interior only when the garage provides required accessible parking and where dwelling units not providing accessible parking are provided with interior routes.
2. A single accessible route is permitted to pass through a kitchen or storage room in an Accessible, Type A, or Type B unit.

Subp. 5. **IBC Section 1105, Accessible entrances.**

A. IBC Section 1105.1, Public entrances, is amended to read as follows:

**1105.1 Public entrances.** In addition to accessible entrances required by Sections 1105.1.1 through 1105.1.5, at least 60 percent of all public entrances to each building, facility, and tenant space shall be accessible.

**Exceptions:**

1. An accessible entrance is not required to areas not required to be accessible.
2. Loading and service entrances that are not the only entrance to a tenant space.

B. IBC Section 1105.1.6, Tenant spaces, dwelling units and sleeping units, is renumbered and amended to read as follows:

**1105.2 Dwelling unit and sleeping unit entrances.** At least one accessible entrance shall be provided to each dwelling unit and sleeping unit required to be an Accessible, Type A, or Type B unit.

Subp. 6. **IBC Section 1107, Dwelling units and sleeping units.**

A. IBC Section 1107.4, Accessible route, is amended to read as follows:

**1107.4 Accessible route.** At least one accessible route shall connect accessible building or facility entrances with the primary entrance of each Accessible unit, Type A unit, and Type B unit within the building or facility and with those exterior and interior spaces and facilities that serve the units.

**Exceptions:**

1. If, due to circumstances outside the

control of the owner, either the slope of the finished ground level between accessible facilities and units intended to be occupied as a residence exceeds one unit vertical in 12 units horizontal (1:12), or where physical barriers or legal restrictions prevent the installation of an accessible route, a vehicular route with parking that complies with Section 1106 at each public or common use facility or building is permitted in place of the accessible route.

2. Exterior decks, patios, or balconies that are part of Type B units and have impervious surfaces, and that are not more than two inches (50 mm) below the finished floor level of the adjacent interior space of the unit.

B. IBC Section 1107.5.2.1, Accessible units, is amended to read as follows:

**1107.5.2.1 Accessible units.** At least 50 percent but not less than one of each type of the dwelling and sleeping units shall be Accessible units.

**Exception:** When approved by the administrative authority, up to, but not to exceed, 80 percent of the dwelling units and sleeping units required to be Accessible units shall be permitted to be designed for assisted use.

C. IBC Section 1107.6, Group R, is amended to read as follows:

**1107.6 Group R.** Accessible units, Type A units, Type B units, and units with communication features shall be provided in Group R occupancies in accordance with Sections 1107.6.1 through 1107.6.4.

D. IBC Section 1107.6.1, Group R-1, is amended to read as follows:

**1107.6.1 Group R-1.** Accessible units, Type

B units, and units with communication features shall be provided in Group R-1 occupancies in accordance with Sections 1107.6.1.1 through 1107.6.1.5.

E. IBC Section 1107.6.1.1, Accessible units, is amended to read as follows:

**1107.6.1.1 Accessible units.** Accessible dwelling units and sleeping units shall be provided in accordance with Table 1107.6.1.1. All facilities on a site shall be considered to determine the total number of Accessible units.

**Table 1107.6.1.1  
Accessible Dwelling and Sleeping Units**

Total Number of Units Provided	Minimum Required Number of Accessible Units Associated with Roll-in Showers	Total Number of Required Accessible Units
1 to 25	0	1
26 to 50	0	2
51 to 75	1	4
76 to 100	1	5
101 to 150	2	7
151 to 200	2	8
201 to 300	3	10
301 to 400	4	12
401 to 500	4	13
501 to 1,000	1 percent of total	3 percent of total
Over 1,000	10, plus 1 for each 100, or fraction thereof, over 1,000	30, plus 2 for each 100, or fraction thereof, over 1,000

**1107.6.1.1.1 Accessible unit facilities.** All interior and exterior spaces and elements provided as part of an Accessible dwelling unit or sleeping unit shall be accessible and located

on an accessible route.

**Exceptions:**

1. Where multiple bathrooms are provided, at least one full bathroom shall be accessible.
2. Five percent, but not less than one bed, of the beds shall be accessible.

F. IBC Section 1107.6.1, Group R-1, is amended by adding a Section to read as follows:

**1107.6.1.3 Communication features.** Dwelling units and sleeping units with accessible communication features shall be provided in accordance with Table 1107.6.1.3 and shall provide the following:

1. Audible and visual alarms complying with ICC A117.1;
2. Visual notification devices to alert room occupants of a door knock or bell. Notification devices shall not be connected to visual alarm signal appliances.

**Table 1107.6.1.3  
Dwelling or Sleeping Units with Accessible  
Communication Features**

Total number of dwelling or sleeping units provided	Minimum required number of dwelling or sleeping units with accessible communication features
1	1
2 to 25	2
26 to 50	4
51 to 75	7
76 to 100	9
101 to 150	12
151 to 200	14
201 to 300	17

Total number of dwelling or sleeping units provided	Minimum required number of dwelling or sleeping units with accessible communication features
301 to 400	20
401 to 500	22
501 to 1,000	5 percent of total
Over 1,000	50, plus 3 for each 100 over 1,000

G. IBC Section 1107.6.1, Group R-1, is amended by adding a Section to read as follows:

**1107.6.1.4 Dispersion.** Units required to comply with Sections 1107.6.1.1 and 1107.6.1.3 shall be dispersed to multiple floors in multistory facilities having more than two stories or providing more than 100 total units. Units required to comply with Sections 1107.6.1.1 and 1107.6.1.3 shall be dispersed among the various classes of rooms. Where the minimum number of units required to comply with Sections 1107.6.1.1 and 1107.6.1.3 is not sufficient to allow for complete dispersion, units shall be dispersed in the following priority: room type, number of beds, and amenities. At least one unit required to comply with Section 1107.6.1.1 shall also comply with Section 1107.6.1.3. Not more than ten percent of units required to comply with Section 1107.6.1.1 shall be used to satisfy the minimum number of units required to comply with Section 1107.6.1.3.

H. IBC Section 1107.6.1, Group R-1, is amended by adding a Section to read as follows:

**1107.6.1.5 Passage doors.** Passage doors into and within units not required to comply with Section 1107.6.1.1 or 1107.6.1.2 shall provide a clear width in compliance with ICC A117.1.

**Exception:** Shower and sauna doors.

I. IBC Section 1107.6.2, Group R-2, is amended to read as follows:

**1107.6.2 Group R-2.** Accessible units, Type A units, Type B units, and units with communication features shall be provided in Group R-2 occupancies in accordance with Sections 1107.6.2.1 and 1107.6.2.2.

J. IBC Section 1107.6.2.1.1, Type A units, is amended to read as follows:

**1107.6.2.1.1 Type A units.** In Group R-2 occupancies containing more than seven dwelling units or sleeping units, at least two percent but not less than one of the units shall be a Type A unit. All units on a site shall be considered to determine the total number of units and the required number of Type A units. Type A units shall be dispersed among the various classes of units. Where three or more Type A units are required, at least one Type A unit shall be provided with an accessible roll-in shower.

**Exceptions:**

1. The number of Type A units is permitted to be reduced in accordance with Section 1107.7.
2. Existing structures on a site shall not contribute to the total number of units on a site.

K. IBC Section 1107.6.2.2, Group R-2 other than apartment houses, monasteries, and convents, is amended to read as follows. Subsections 1107.6.2.2.1, Accessible units, and 1107.6.2.2.2, Type B units, are deleted in their entirety:

**1107.6.2.2 Group R-2 other than apartment houses, monasteries, and convents.** In Group R-2 occupancies, other than apartment houses, monasteries, and convents, Accessible units,

Type B units, and units with communication features shall be provided in accordance with Sections 1107.6.1.1 through 1107.6.1.5.

L. IBC Section 1107.7, General exceptions, is amended to read as follows:

**1107.7 General exceptions.** Where specifically permitted by Section 1107.5 or 1107.6, the required number of Type A and Type B units is permitted to be reduced in accordance with Sections 1107.7.1 through 1107.7.6.

M. IBC Section 1107.7, General exceptions, is amended by adding a Section to read as follows:

**1107.7.6 Owner occupied units.** Type A units are not required in dwelling units or sleeping units where sale of the unit occurs prior to construction of the unit and the dwelling unit owner declines the Type A provisions. The dwelling units and sleeping units shall be Type B units.

Subp. 7. **IBC Section 1108, Special occupancies.** IBC Section 1108.2.8, Dining areas, is amended to read as follows:

**1108.2.8 Dining areas.** In dining areas, the total floor area allotted for seating and tables shall be accessible.

**Exceptions:**

1. In buildings or facilities not required to provide an accessible route between stories, an accessible route to a mezzanine seating area is not required, provided that the mezzanine contains less than 25 percent of the total area and the same services are provided in the accessible area.
2. In sports facilities, tiered dining areas providing seating required to be accessible shall be required to have accessible routes

serving at least 25 percent of the dining area, provided that accessible routes serve accessible seating and where each tier is provided with the same services.

Subp. 8. **IBC Section 1109, Other features and facilities.**

A. IBC Section 1109.1, General, is amended to read as follows:

**1109.1 General.** Accessible building features and facilities shall be provided in accordance with Sections 1109.2 through 1109.17.

**Exception:** Type A and Type B dwelling and sleeping units shall comply with ICC A117.1.

B. IBC Section 1109.2.1.5, Prohibited location, is amended to read as follows:

**1109.2.1.5 Prohibited location.** The accessible route from separate-sex toilet rooms to a unisex toilet room shall not pass through security checkpoints.

C. IBC Section 1109.2.2, Water closet compartment, is amended to read as follows:

**1109.2.2 Water closet compartment.** Where water closet compartments are provided in a toilet room or bathing facility, at least one wheelchair-accessible compartment shall be provided. Where the combined total water closet compartments and urinals provided in a toilet room or bathing facility is six or more, at least one ambulatory-accessible water closet compartment shall be provided in addition to the wheelchair-accessible compartment. When required in one gender specific room, an ambulatory-accessible water closet compartment shall be provided in the complementary gender specific toilet room or bathing facility. Wheelchair-accessible and ambulatory-accessible compartments shall comply with ICC A117.1.

D. IBC Section 1109.3, Sinks, is amended by deleting the exception.

E. IBC Section 1109.6, Elevators, is amended to read as follows:

**1109.6 Elevators.** Passenger elevators on an accessible route shall be accessible and comply with ICC A117.1 and Minnesota Rules, chapter 1307, Minnesota Elevator and Related Devices Code.

**Exception:**

Limited-use/limited-application elevators shall not be permitted in new construction except when warranted based on limited occupant load or limited use and approved by the elevator administrative authority.

F. IBC Section 1109.7, Lifts, is amended to read as follows:

**1109.7 Lifts.** Platform (wheelchair) lifts are permitted to be a part of a required accessible route in new construction where indicated in Items 1 through 10. Platform (wheelchair) lifts shall be installed in accordance with ICC A117.1 and Minnesota Rules, chapter 1307, Minnesota Elevator and Related Devices Code.

1. An accessible route to a performing area and speaker platforms in Group A occupancies.

2. An accessible route to wheelchair spaces required to comply with the wheelchair space dispersion requirements of Sections 1108.2.2 through 1108.2.5.

3. An accessible route to spaces that are not open to the general public with an occupant load of not more than five.

4. An accessible route within a dwelling or sleeping unit.

5. An accessible route to wheelchair

seating spaces located in outdoor dining terraces in Group A-5 occupancies where the means of egress from the dining terraces to a public way are open to the outdoors.

6. An accessible route to jury boxes and witness stands; raised courtroom stations including judges' benches, clerks' stations, bailiffs' stations, deputy clerks' stations, and court reporters' stations; and to depressed areas such as the well of the court.

7. An accessible route to load and unload areas serving amusement rides.

8. An accessible route to play components or soft contained play structures.

9. An accessible route to team or player seating areas serving areas of sport activity.

10. An accessible route where existing exterior site constraints make use of a ramp or elevator infeasible.

G. IBC Section 1109.9, Detectable warnings, is amended to read as follows:

**1109.9 Detectable warnings.** Passenger transit platform edges bordering a drop-off and not protected by platform screens or guards and circulation paths that cross tracks shall have a detectable warning.

**Exception:** Detectable warnings are not required at bus stops.

H. IBC Section 1109.10, Assembly area seating, is amended to read as follows:

**1109.10 Assembly areas.** Assembly areas without fixed seats shall comply with Section 1109.10.

**1109.10.1 Performance areas.** Circulation paths connecting performance areas to assembly seating areas shall comply with

Section 1108.2.7.

**1109.10.2 Assistive listening system.** Assembly areas where audible communications are integral to the use of the space shall provide an assistive listening system complying with Section 1108.2.6.

I. IBC Section 1109.12.3, Point of sale and service counters, is amended to read as follows:

**1109.12.3 Point of sale and service counters.** Where counters are provided for sales or distribution of goods or services, at least one of each type provided in each area shall be accessible. Where such counters are dispersed throughout the building or facility, accessible counters shall also be dispersed. Accessible counters, or portions of counters, shall be located where transactions or services are customarily provided.

J. IBC Section 1109 is amended by adding three sections to read as follows:

**1109.15 Automatic teller and fare vending machines.** Where automatic teller and fare vending machines are provided, at least one machine at each location shall be accessible. Where bins are provided for envelopes, wastepaper, or other purposes, at least one of each type shall be accessible.

**1109.16 Public telephones.** Where coin-operated public pay telephones, coinless public pay telephones, public closed-circuit telephones, courtesy telephones, or other types of public telephones are provided, public telephones shall be provided in accordance with Section 1109.16 for each type of public telephone provided. For purposes of this section, a bank of telephones shall be considered two or more adjacent telephones. For purposes of this section, "public building" means a building or portion of a building constructed by, on behalf of, or for the use of

the state of Minnesota or any local government and any department, agency, public school district, special purpose district, or other instrumentality of the state or local government.

**1109.16.1 Wheelchair accessible telephones.**

Where public telephones are provided, telephones complying with ICC A117.1 shall be provided in accordance with Table 1109.16.1.

**Exception:** Drive-up only public telephones.

**Table 1109.16.1  
Wheelchair Accessible Telephones**

Number of Telephones Provided on a Floor, Level, or Exterior Site	Minimum Required Number of Wheelchair Accessible Telephones
1 or more single units	1 per floor, level, and exterior site
1 bank	1 per floor, level, and exterior site
2 or more banks	- per bank

**1109.16.2 Volume controls.** All public telephones shall have volume controls complying with ICC A117.1.

**1109.16.3 TTYs.** TTYs complying with ICC A117.1 shall be provided in accordance with Section 1109.16.3.

**1109.16.3.1 Bank requirement.** Where four or more public pay telephones are provided at a bank of telephones, at least one public TTY complying with ICC A117.1 shall be provided at that bank.

**Exception:** TTYs shall not be required at banks of telephones located within 200 feet (61 m) of, and on the same floor as, a bank containing a public

TTY.

**1109.16.3.2 Floor requirement.** TTYs in public buildings shall be provided in accordance with Section 1109.16.3.2.1. TTYs in private buildings shall be provided in accordance with Section 1109.16.3.2.2.

**1109.16.3.2.1 Public buildings.** Where at least one public pay telephone is provided on a floor of a public building, at least one public TTY shall be provided on that floor.

**1109.16.3.2.2 Private buildings.** Where four or more public pay telephones are provided on a floor of a private building, at least one public TTY shall be provided on that floor.

**1109.16.3.3 Building requirement.** TTYs in public buildings shall be provided in accordance with Section 1109.16.3.3.1. TTYs in private buildings shall be provided in accordance with Section 1109.16.3.3.2.

**1109.16.3.3.1 Public buildings.** Where at least one public pay telephone is provided in a public building, at least one public TTY shall be provided in the building.

**1109.16.3.3.2 Private buildings.** Where four or more public pay telephones are provided in a private building, at least one public TTY shall be provided in the building.

**1109.16.3.4 Exterior site requirement.** Where four or more public pay telephones are provided on an exterior site, at least one public TTY shall be provided on the site.

**1109.16.3.5 Rest stops, emergency roadside stops, and service plazas.** Where a public pay telephone is provided at a public rest stop, emergency roadside stop, or service plaza, at least one public TTY shall be provided.

**1109.16.3.6 Hospitals.** Where a public pay telephone is provided serving a hospital

emergency room, hospital recovery room, or hospital waiting room, at least one public TTY shall be provided at each location.

**1109.16.3.7 Transportation facilities.** In addition to the requirements of Sections 1109.16.3.1 through 1109.16.3.4, in transportation facilities, where one public pay telephone serves a particular entrance to a bus or rail facility, a TTY shall be provided to serve that entrance. In airports, in addition to the requirements of Sections 1109.16.3.1 through 1109.16.3.4, if four or more public pay telephones are located in a terminal outside the security areas, a concourse within the security areas, or a baggage claim area in a terminal, at least one public TTY shall also be provided in each location.

**1109.16.3.8 Detention and correctional facilities.** In detention and correctional facilities, where a public pay telephone is provided in a secured area used only by detainees or inmates and security personnel, then at least one TTY shall be provided in at least one secured area.

**1109.16.4 Shelves for portable TTYs.** Where a bank of telephones in the interior of a building consists of three or more public pay telephones, at least one public pay telephone at the bank shall be provided with a shelf and an electrical outlet in accordance with ICC A117.1.

**Exceptions:**

1. Secured areas of detention and correctional facilities where shelves and outlets are prohibited for purposes of security or safety shall not be required to comply with Section 1109.16.4.
2. The shelf and electrical outlet shall not be required at a bank of telephones with a TTY.

**1109.17 Two-way communication systems.** Where a two-way communication system is provided to gain admittance to a building or facility or to restricted areas within a building or facility, the system shall comply with ICC A117.1.

Subp. 9. **IBC Section 1110, Signage.** IBC Section 1110 is deleted in its entirety and replaced with the following:

SECTION 1110

SIGNAGE

**1110.1 General.** Signs shall be provided in accordance with Section 1110 and shall comply with ICC A117.1.

**Exceptions:**

1. Building directories, menus, seat and row designations in assembly areas, occupant names, building addresses, and company names and logos shall not be required to comply.
2. Temporary, seven days or less, signs shall not be required to comply.
3. In detention and correctional facilities, signs not located in public use areas shall not be required to comply.

**1110.2 Designations.** Interior and exterior signs identifying toilet rooms, bathing rooms, locker rooms, dressing rooms, fitting rooms, room numbers, and room names shall comply with ICC A117.1 Section 703.3. Where pictograms are provided, they shall comply with ICC A117.1 Section 703.5 and include text descriptors. The International Symbol of Accessibility complying with ICC A117.1 Section 703.6.3.1 shall be provided at the following locations:

1. Accessible passenger loading zones.

2. Accessible toilet and bathing rooms where not all such rooms are accessible.

3. Accessible dressing, fitting, and locker rooms where not all such rooms are accessible.

**1110.2.1 Exterior signs.** Exterior signs that are not located at the door to the space they serve shall comply with ICC A117.1 Section 703.2.

**1110.3 Directional and informational signs.** Signs that provide direction to or information about interior spaces and facilities of the site shall comply with ICC A117.1 Section 703.2.

**1110.4 Means of egress.** Signs for means of egress shall comply with Section 1110.4.

**1110.4.1 Exit doors and stair landings.** Exit signs required by Section 1011.3 shall comply with ICC A117.1 Section 703.3. Signage providing instructions for the operation of exit doors shall comply with ICC A117.1 Section 703.2. Floor designations within exit stairways shall comply with ICC A117.1 Section 504.9.

**1110.4.2 Areas of refuge.** Signs required by Section 1007.6.4 to provide instructions in areas of refuge shall comply with ICC A117.1 Section 703.2.

**1110.4.3 Directional signs.** Signs required by Section 1007.7 to provide directions to accessible means of egress shall comply with ICC A117.1 Section 703.2.

**1110.5 Parking.** Accessible parking spaces shall be identified by signs complying with ICC A117.1 Section 502.7.

**Exception:** In residential facilities, where parking spaces are assigned to specific residential dwelling units, identification of accessible parking spaces shall not be required.

**1110.6 Entrances.** Where not all entrances are accessible, accessible entrances shall be identified by the International Symbol of Accessibility complying with ICC A117.1 Section 703.6.3.1. Directional signs complying with ICC A117.1 Section 703.2 that indicate the location of the nearest accessible entrance shall be provided at all nonaccessible entrances.

**1110.7 TTYs.** TTY identification and directional signs shall be provided in accordance with Section 1110.7.

**1110.7.1 Identification signs.** Public TTYs shall be identified by the International Symbol of TTY complying with ICC A117.1 Section 703.6.3.2.

**1110.7.2 Directional signs.** Directional signs indicating the location of the nearest public TTY shall be provided at all banks of public pay telephones not containing a public TTY. In addition, where signs provide direction to public pay telephones, they shall also provide direction to public TTYs. Directional signs shall comply with ICC A117.1 Section 703.2 and shall include the International Symbol of TTY complying with ICC A117.1 Section 703.6.3.2.

**1110.8 Assistive listening systems.** Each assembly area required to provide assistive listening systems shall provide signs informing patrons of the availability of the assistive listening system. Assistive listening signs shall comply with ICC A117.1 Section 703.2 and shall include the International Symbol of Access for Hearing Loss complying with ICC A117.1 Section 703.6.3.3.

**Exception:** Where ticket offices or windows are provided, signs shall not be required at each assembly area provided that signs are displayed at each ticket office or window informing patrons of the availability of assistive listening systems.

**1110.9 Check-out aisles.** Where not all check-out aisles are accessible, accessible check-out aisles shall be identified by the International Symbol of Accessibility complying with ICC A117.1 Section 703.6.3.1. Signage at accessible check-out aisles shall be located in the same location as the nonaccessible check-out aisle identification.

**Exception:** Where all check-out aisles serving a single function are accessible, signs complying with ICC A117.1 Section 703.6.3.1 shall not be required.

Subp. 10. **IBC Section 1111, Swimming pools, wading pools, spas, saunas, and steam rooms.** A section is added to read as follows:

SECTION 1111

SWIMMING POOLS, WADING POOLS,  
SPAS,  
SAUNAS, AND STEAM ROOMS

**1111.1 General.** Swimming pools, wading pools, spas, saunas, and steam rooms shall comply with Section 1111.

**1111.2 Swimming pools.** At least two accessible means of entry shall be provided for swimming pools. Accessible means of entry shall be swimming pool lifts complying with ICC A117.1 Section 1102; sloped entries complying with ICC A117.1 Section 1103; transfer walls complying with ICC A117.1 Section 1104; transfer systems complying with ICC A117.1 Section 1105; and pool stairs complying with ICC A117.1 Section 1106. At least one accessible means of entry provided shall comply with ICC A117.1 Section 1102 or 1103.

**Exceptions:**

1. Where a swimming pool has less than 300 linear feet (91 m) of swimming pool wall, no more than one accessible means of entry shall be required provided that the

accessible means of entry is a swimming pool lift complying with ICC A117.1 Section 1102 or sloped entry complying with ICC A117.1 Section 1103.

2. Wave action pools, leisure rivers, sand bottom pools, and other pools where user access is limited to one area shall not be required to provide more than one accessible means of entry provided that the accessible means of entry is a swimming pool lift complying with ICC A117.1 Section 1102, a sloped entry complying with ICC A117.1 Section 1103, or a transfer system complying with ICC A117.1 Section 1105.

3. Catch pools shall not be required to provide an accessible means of entry provided that the catch pool edge is on an accessible route.

**1111.3 Wading pools.** At least one accessible means of entry shall be provided for wading pools. Accessible means of entry shall comply with sloped entries complying with ICC A117.1 Section 1103.

**1111.4 Spas.** At least one accessible means of entry shall be provided for spas. Accessible means of entry shall comply with swimming pool lifts complying with ICC A117.1 Section 1102; transfer walls complying with ICC A117.1 Section 1104; or transfer systems complying with ICC A117.1 Section 1105.

**Exception:** Where spas are provided in a cluster, at least five percent, but not less than one spa in each cluster, shall be required to comply with Section 1111.4.

**1111.5 Saunas and steam rooms.** Saunas and steam rooms shall comply with ICC A117.1 Section 1107.

**Exception:** Where saunas or steam rooms are clustered at a single location, at least

five percent, but not less than one of the saunas and steam rooms of each type in each cluster, shall be required to comply with ICC A117.1 Section 1107.

Subp. 11. **IBC Section 1112, Additions.**  
A section is added to read as follows:

SECTION 1112

ADDITIONS

**1112.1 Minimum requirements.**

Accessibility provisions for new construction shall apply to additions. Each addition shall, to the maximum extent feasible, be located on an accessible route of travel from an accessible main entrance. An addition that contains, or affects the accessibility to, an area of primary function, and is served by existing toilet, parking, telephone, or drinking fountain facilities, shall provide these facilities in accordance with Section 1113.9.

**1112.2 Dwelling units and sleeping units.**

Where Group I-1, I-2, I-3, R-1, R-2, R-3, or R-4 dwelling units or sleeping units are being added, the requirements of Section 1107 for Accessible units, Type A units, or Type B units, and Chapter 9 for accessible alarms, apply only to the quantity of spaces being added, until the number of units complies with the minimum number required for new construction.

Subp. 12. **IBC Section 1113, Alterations.**  
A section is added to read as follows:

SECTION 1113

ALTERATIONS

**1113.1 Application.** Where existing elements, spaces, features, or common areas are altered, then each altered element, space, feature, or common area shall comply with the applicable provision for new construction. If the

applicable provision for new construction requires that an element, space, feature, or common area be on an accessible route, the altered element, space, feature, or common area shall be on an accessible route as provided in Section 1113.9.

**1113.2 Extent of application.** No alteration of an existing element, space, feature, or area of a building or facility shall impose a requirement for greater accessibility than that which would be required for new construction.

**1113.3 Decrease accessibility.** No alteration shall be undertaken that decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction at the time of alteration.

**1113.4 Extent technically feasible.** Where compliance with this section is technically infeasible, the alteration shall provide accessibility to the maximum extent feasible. Any elements or features of the building or facility that are being altered and can be made accessible shall be made accessible within the scope of the alteration.

**1113.5 Eighty-five percent alteration.** Where alterations of single elements, when considered together, amount to an alteration of at least 85 percent of the square foot area of a room or space in a building or facility, the entire room or space shall be made accessible.

**Exception:** Alterations undertaken by a tenant where the additional space is outside the tenant space.

**1113.6 Means of egress.** Accessible means of egress are not required to be provided in existing buildings and facilities.

**1113.7 Addition of escalator or stair.** Where an escalator or stair is planned or installed where none existed previously and major structural modifications are necessary for the

installation, then a means of accessible vertical access shall be provided.

**1113.8 Entrances.** Where a planned alteration entails an alteration to a building entrance, and the building or facility has an accessible entrance, the altered entrance is not required to be accessible unless required by Section 1113.9. If a particular entrance is not made accessible, appropriate accessible signage indicating the location of the nearest accessible entrance shall be installed at or near the inaccessible entrance so that a person with disabilities will not be required to retrace the approach route from the inaccessible entrance.

**1113.9 Alterations to an area containing a primary function.** In addition to the requirements of Sections 1113.1 through 1113.8, an alteration that affects or could affect the usability of or access to an area containing a primary function shall be made to ensure that, to the maximum extent feasible, the path of travel to the altered area and the toilet rooms, parking facilities, telephones, and drinking fountains serving the altered area are accessible. For the purpose of complying with this section, an area of primary function shall be defined as an area which provides a major activity for which the facility is intended. The alterations to the path of travel, toilet rooms, parking facilities, telephones, and drinking fountains serving the altered area need not exceed 20 percent of the cost of the alteration to the primary function area.

**Exceptions:**

1. This provision does not apply to alterations limited solely to the electrical, mechanical, or plumbing system, or to hazardous material abatement or automatic sprinkler installation or retrofitting.
2. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical

outlets, and signs.

3. This provision does not apply to alterations undertaken for the primary purpose of increasing accessibility.

4. This provision does not apply to alterations undertaken by a tenant where the accessible route, toilet facilities, parking facilities, telephones, and drinking fountains are outside the tenant space.

**1113.9.1 Priority for application.** Priority for application of the 20 percent cost for the primary function area shall be as follows:

1. accessible path of travel to the primary function area, such as exterior route, building entrance, interior route, or elevator;
2. accessible toilet facilities;
3. accessible parking;
4. accessible telephones; and
5. accessible drinking fountains.

**1113.10 Special technical provisions for alterations to existing buildings and facilities.** Alterations to existing buildings and facilities shall comply with Sections 1113.10.1 through 1113.10.9.

**1113.10.1 Elevators.** Altered elements of existing elevators shall comply with ICC A117.1 and Minnesota Rules, chapter 1307, Minnesota Elevator and Related Devices Code. The elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.

**1113.10.2 Platform lifts.** Platform (wheelchair) lifts complying with ICC A117.1 and Minnesota Rules, chapter 1307, Minnesota Elevator and Related Devices Code, shall be permitted to be used as part of an accessible

route. Standby power shall be provided where a platform lift provides the only accessible route from a space listed in Section 1109.7.

**1113.10.3 Toilet rooms and bathing facilities.** Toilet rooms and bathing facilities shall comply with Sections 1113.10.3.1 and 1113.10.3.2.

**1113.10.3.1 Unisex rooms.** Where it is technically infeasible to alter existing toilet rooms and bathing facilities to be accessible, at least one accessible unisex toilet room or bathing room shall be provided. The unisex room shall be located in an easily accessible, convenient location from the existing facilities. Each unisex toilet room shall contain one water closet, one lavatory, and the door shall have a privacy latch. In addition, unisex bathing rooms shall contain one shower or bathtub fixture. Unisex toilet rooms and bathing rooms shall also be permitted to contain one urinal. All fixtures provided in the unisex room shall be accessible.

**1113.10.3.2 Ambulatory compartment.** In addition to the provisions of Section 1113.10.3.1, an ambulatory compartment shall be provided within the existing toilet room or bathing facility, unless technically infeasible. If the ambulatory compartment provides the only accessible water closet on the floor, 48 inches (1220 mm) minimum of clear floor space shall be provided in front of the water closet, unless technically infeasible.

**1113.10.3.3 Signage.** Where existing toilet or bathing facilities are not made accessible, directional signs indicating the location of the nearest accessible toilet room or accessible bathing room within the facility shall be provided. Signs shall comply with ICC A117.1 Section 703.3 and shall include the International Symbol of Accessibility complying with ICC A117.1 Section 703.6.3.1. Where existing toilet rooms or bathing rooms are not accessible, the accessible toilet or

accessible bathing rooms shall be identified by the International Symbol of Accessibility complying with ICC A117.1 Section 703.6.3.1.

**1113.10.4 Assembly areas.** Assembly areas shall comply with Sections 1113.10.4.1 and 1113.10.4.2.

**1113.10.4.1 Wheelchair seating.** Where it is technically infeasible to disperse accessible seating throughout an altered assembly area, accessible seating areas shall be permitted to be clustered. Each accessible seating area shall provide for companion seating and shall be located on an accessible route.

**1113.10.4.2 Performance area.** Where it is technically infeasible to alter all performing areas to be on an accessible route, at least one of each type of performing area shall be made accessible.

**1113.10.5 Dressing, fitting, and locker rooms.** Where dressing, fitting, and locker rooms are being altered and technical infeasibility can be demonstrated, one dressing, fitting, or locker room for each sex on each level shall be made accessible. Where only unisex rooms are provided, accessible unisex rooms shall be permitted.

**1113.10.6 Dwelling or sleeping units.** Where dwelling or sleeping units are being altered, the requirements of Section 1107 for Accessible units, Type A units, or Type B units, and Chapter 9 for accessible alarms apply only to the quantity of spaces being altered, until the number of units complies with the minimum number required for new construction.

**1113.10.7 Check-out aisles.** Where check-out aisles are altered, at least one of each type of check-out aisle serving each function shall be made accessible until the number of accessible check-out aisles complies with Section 1109.12.2.

**1113.10.8 Jury boxes and witness stands.** In alterations, accessible wheelchair spaces are not required to be located within the defined area of raised jury boxes or witness stands and shall be permitted to be located outside these spaces where the ramp or lift access restricts or projects into the means of egress.

**1113.10.9 Historic buildings.** Where alterations to provide accessibility to exterior and interior routes, ramps, entrances, or toilets are undertaken to a qualified historic building or facility that would threaten or destroy the historic significance of the building or facility, the alternative requirements in Sections 1113.10.9.1 through 1113.10.9.3 shall be permitted.

**1113.10.9.1 Entrances.** At least one accessible entrance that is used by the public shall be provided and located on an accessible route.

**Exceptions:**

1. If a main entrance cannot be made accessible, an accessible nonpublic entrance that is unlocked while the building is occupied shall be provided.
2. If a main entrance cannot be made accessible and compliance with Exception 1 is not feasible, a locked accessible entrance with a notification system or remote monitoring shall be provided.

**1113.10.9.2 Toilet rooms.** Where toilets are provided, at least one accessible toilet facility shall be provided along an accessible route. The toilet facility shall be permitted to be unisex in design.

**1113.10.9.3 Accessible route.** Accessible routes from an accessible entrance to all publicly used spaces on at least the level of the accessible entrance shall be provided. Access shall be provided to all levels of a building or

facility whenever practical.

Subp. 13. **IBC Section 1114, Change in use.** A section is added to read as follows:

SECTION 1114

CHANGE IN USE

**1114.1 General.** Existing buildings or portions of buildings that undergo a change of group or occupancy classification shall comply with Section 1114.1.1 or 1114.1.2. No requirement for change of group or occupancy shall impose a requirement for greater accessibility than that which would be required for new construction. Platform (wheelchair) lifts complying with ICC A117.1 and Minnesota Rules, chapter 1307, Minnesota Elevator and Related Devices Code, shall be permitted as a component of an accessible route. Standby power shall be provided where a platform lift provides the only accessible route from a space listed in Section 1109.7. A change of group or occupancy that incorporates any additions or alterations shall comply with Sections 1112 to 1114.

**Exception:** Type A and Type B dwelling units or sleeping units required by Section 1107 are not required where the dwelling unit or sleeping unit has been purchased, is intended to be occupied as a residence, and the owner of the unit declines the Type A or Type B provisions.

**1114.1.1 Entire building.** When a change in occupancy to 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 route from an

accessible building entrance to primary function areas.

3. Signage complying with Section 1110.

4. Accessible parking, where parking is provided.

5. At least one accessible passenger loading zone, when loading zones are provided.

6. At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.

7. At least one accessible unisex toilet or bathing room, or one accessible male and one accessible female toilet or bathing room, located on an accessible route not more than one story above or one story below a floor without such facilities. Signage complying with Section 1113.10.3.3 shall be provided.

Where it is technically infeasible to comply with the new construction criteria for a change of group or occupancy, items 1 to 7 shall conform to the criteria to the maximum extent technically feasible.

**1114.1.2 Portion of a building.** When a change in occupancy to 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 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 route shall be provided.

**Exception:** Regardless of occupant load, an accessible route shall be provided where the new occupancy is a public area of: a Group M occupancy; a medical care facility; a transportation facility; or a government or municipal facility.

3. Accessible parking, where parking is provided.

4. At least one accessible route from accessible parking to an accessible building entrance.

5. At least one accessible unisex toilet or bathing room, or one accessible male and one accessible female toilet or bathing room, located on an accessible route not more than one story above or one story below the portion of the building undergoing the change in occupancy. Signage complying with Section 1113.10.3.3 shall be provided.

Where it is technically infeasible to comply with the new construction criteria for a change of group or occupancy, items 1 to 5 shall conform to the criteria to the maximum extent technically feasible.

**1341.0050 Repealed, 31 SR 1167**

**1341.0100 Repealed, 31 SR 1167**

**1341.0104 A117.1 SECTION 104, CONVENTIONS.**

Subpart 1. **A117.1 Section 104.2, Dimensions.** A117.1 Section 104.2 is amended to read as follows:

**104.2 Dimensions.** Dimensions that are not stated as "maximum" or "minimum" are absolute. All dimensions are subject to

conventional industry tolerances except where the dimension is stated as a range with specific minimum and maximum end points.

Subp. 2. **Section 104.6.** A117.1 Section 104 is amended by adding a Section to read as follows:

**104.6 Calculation of Percentages.** Where the required number of elements or facilities to be provided is determined by calculations of ratios or percentages and remainders or fractions result, the next greater whole number of such elements or facilities shall be provided. Where the determination of the required size or dimension of an element or facility involves ratios or percentages, rounding down for values less than one-half shall be permitted.

**1341.0105 A117.1 SECTION 105, REFERENCED STANDARDS.**

Subpart 1. **A117.1 Section 105.2.5, Safety code for elevators and escalators.** A117.1 Section 105.2.5 is deleted in its entirety.

Subp. 2. **A117.1 Section 105.2.6, Safety standard for platform lifts and stairway chairlifts.** A117.1 Section 105.2.6 is deleted in its entirety.

**1341.0200 Repealed, 31 SR 1167**

**1341.0201 A117.1 SECTION 201, GENERAL.**

A117.1 Section 201 is amended to read as follows:

**201 General.** This standard provides technical criteria for making sites, facilities, buildings, and elements accessible. The scoping provisions provided in the State Building Code specify the extent to which these technical criteria apply. These scoping provisions address the application of this standard to: each building and occupancy type; new

construction, alterations, temporary facilities, and existing buildings; specific site and building elements; and to multiple elements or spaces provided within a site or building.

**1341.0202 A117.1 SECTION 202, DWELLING AND SLEEPING UNITS.**

A117.1 Section 202 is amended to read as follows:

**202 Dwelling and Sleeping Units.** Chapter 10 contains dwelling unit and sleeping unit criteria for Accessible units, Type A units, Type B units, and units with accessible communication features. The extent to which these technical criteria apply is provided in the scoping provisions of the State Building Code. These scoping provisions address the types and numbers of units required to comply with each set of unit criteria.

**1341.0203 A117.1 SECTION 203, ADMINISTRATION.**

A117.1 Section 203 is deleted in its entirety.

**1341.0310 Repealed, 31 SR 1167**

**1341.0320 Repealed, 31 SR 1167**

**1341.0350 Repealed, 31 SR 1167**

**1341.0401 Repealed, 31 SR 1167**

**1341.0402 A117.1 SECTION 402.2, COMPONENTS.**

A117.1 Section 402.2 is amended to read as follows:

**402.2 Components.** Accessible routes shall consist of one or more of the following components: walking surfaces with a slope not steeper than 1:20, doors and doorways, ramps, curb ramps excluding the flared sides,

elevators, and platform lifts. All components of an accessible route shall comply with the applicable portions of this standard.

**Exceptions:**

1. Ramps shall not be a component of exterior accessible routes connecting accessible parking spaces and accessible loading zones with accessible building entrances.
2. Where multiple buildings are provided on a site, ramps shall not be a component of exterior accessible routes connecting accessible building entrances. This exception does not apply to buildings not normally occupied.
3. Ramps shall not be a component of exterior accessible routes to Type A and Type B units intended to be occupied as a residence unless the provision of a walking surface with a slope not steeper than 1:20 is not feasible.

**1341.0403 A117.1 SECTION 403, WALKING SURFACES.**

A117.1 Section 403.5 is amended to read as follows:

**403.5 Clear Width.** Clear width of an accessible route shall comply with Table 403.5 except as modified by Sections 403.5.1, 403.5.2, and 403.5.3.

**Table 403.5  
Clear Width of an Accessible Route**

Segment Length	Minimum Segment Width
≤ 24 inches (610 mm)	32 inches (815 mm) <sup>1</sup>
> 24 inches (610 mm)	36 inches (915 mm)

<sup>1</sup>Consecutive segments of 32 inches (815 mm) in width must be separated by a route segment 48 inches (1220 mm) minimum in length and 36 inches (915 mm) minimum in width.

**403.5.1 Clear Width at Turn.** Where an accessible route makes a 180-degree turn around an object that is less than 48 inches (1220 mm) in width, clear widths shall be 42 inches (1065 mm) minimum approaching the turn, 48 inches (1220 mm) minimum during the turn, and 42 inches (1065 mm) minimum leaving the turn.

**Exception:** Section 403.5.1 shall not apply where the clear width at the turn is 60 inches (1525 mm) minimum.

**403.5.2 Passing Space.** An accessible route with a clear width less than 60 inches (1525 mm) shall provide passing spaces at intervals of 200 feet (61 m) maximum. Passing spaces shall be either a 60-inch (1525 mm) minimum by 60-inch (1525 mm) minimum space, or an intersection of two walking surfaces that provide a T-shaped turning space complying with Section 304.3.2, provided the base and arms of the T-shaped space extend 48 inches (1220 mm) minimum beyond the intersection.

**403.5.3 Exterior Walking Surfaces.** Walking surfaces with a slope not steeper than 1:20 that are a part of an exterior accessible route shall be 48 inches (1220 mm) wide minimum.

**1341.0404 A117.1 SECTION 404, DOORS AND DOORWAYS.**

Subpart 1. **A117.1 Section 404.3.2, Maneuvering clearances.** A117.1 Section 404.3.2 is amended to read as follows:

**404.3.2 Maneuvering Clearances.** Maneuvering clearances at power-assisted doors shall comply with Section 404.2.3. Clearances at automatic doors and gates without standby power and serving an

accessible means of egress shall comply with Section 404.2.3.

**Exception:** Automatic doors and gates which remain open in the power-off condition.

Subp. 2. **A117.1 Section 404.3.5, Control switches.** A117.1 Section 404.3.5 is amended to read as follows:

**404.3.5 Control Switches.** Manually operated control switches shall comply with Section 404.3.5.

**404.3.5.1 Interior Location.** Manually operated control switches at interior locations shall comply with Section 309. The clear floor space adjacent to the control switch shall be located beyond the arc of the door swing.

**404.3.5.2 Exterior Location.** Manually operated control switches at exterior locations shall comply with Sections 309.2 and 309.4. The clear floor space adjacent to the control switch shall be located beyond the arc of the door swing, be centered on the control switch, and be positioned for a parallel approach to the control switch. Control switches shall have a three-inch (75 mm) minimum dimension measured at at least one point, such as diagonal, diameter, or one side. Control switches shall be mounted 30 inches (760 mm) minimum, measured to the bottom of the control switch, and 36 inches (915 mm) maximum, measured to the top of the control switch, above the finished floor.

**1341.0405 Repealed, 31 SR 1167**

**1341.0407 A117.1 SECTION 407, ELEVATORS.**

Subpart 1. **A117.1 Section 407.1, General.** A117.1 Section 407.1 is amended to read as follows:

**407.1 General.** Elevators shall comply with Section 407 and Minnesota Rules, chapter 1307, Minnesota Elevator and Related Devices Code. Elevators shall be passenger elevators as classified by Minnesota Rules, chapter 1307, Minnesota Elevator and Related Devices Code. Elevator operation shall be automatic. Elevators shall not be attendant or key operated and shall provide unassisted entry and exit from the elevator.

**Exception:** When approved by the administrative authority, attendant or key operation shall be permitted when all occupants have controlled or restricted access to the space served by the elevator.

Subp. 2. **A117.1 Section 407.4.3, Platform to hoistway clearance.** A117.1 Section 407.4.3 is amended to read as follows:

**407.4.3 Platform to Hoistway Clearance.** The clearance between the car platform sill and the edge of any hoistway landing shall comply with Minnesota Rules, chapter 1307, Minnesota Elevator and Related Devices Code.

Subp. 3. **A117.1 Section 407.4.10, Emergency communications.** A117.1 Section 407.4.10 is amended to read as follows:

**407.4.10 Emergency Communications.** Emergency two-way communication systems between the elevator car and a point outside the hoistway shall comply with Section 407.4.10 and Minnesota Rules, chapter 1307, Minnesota Elevator and Related Devices Code.

**1341.0408 A117.1 SECTION 408, LIMITED-USE/LIMITED-APPLICATION ELEVATORS.**

Subpart 1. **A117.1 Section 408.1, General.** A117.1 Section 408.1 is amended to read as follows:

**408.1 General.** Limited-use/ limited-application elevators shall comply with Section 408 and Minnesota Rules, chapter 1307, Minnesota Elevator and Related Devices Code. Elevator operation shall be automatic. Limited-use/limited-application elevators shall not be attendant or key operated and shall provide unassisted entry and exit from the elevator.

**Exception:** When approved by the administrative authority, attendant or key operation shall be permitted when all occupants have controlled or restricted access to the space served by the elevator.

Subp. 2. **A117.1 Section 408.3.3, Door location and width.** A117.1 Section 408.3.3 is amended to read as follows:

**408.3.3 Door Location and Width.** Car doors shall comply with Section 408.3.3.

**408.3.3.1 Cars with Single Door or Doors on Opposite Ends.** Car doors shall be positioned at the narrow end of cars with a single door and on cars with doors on opposite ends. Doors shall provide a clear opening width of 32 inches (815 mm) minimum.

**408.3.3.2 Cars with Doors on Adjacent Sides.** Car doors shall be permitted to be located on adjacent sides of cars that provide an 18 square foot (1.67 m<sup>2</sup>) platform. Doors located on the narrow end of cars shall provide a clear opening width of 36 inches (815 mm) minimum. Doors located on the long side shall provide a clear opening width of 42 inches (1065 mm) minimum and shall be located as far as possible from the end door on cars with two doors, or be centered on cars with three doors.

**Exception:** Car doors that provide a clear opening width of 36 inches (915 mm) minimum shall be permitted to be located on adjacent sides of cars that provide a

clear floor area of 51 inches (1295 mm) in width and 51 inches (1295 mm) in depth.

Subp. 3. **A117.1 Section 408.4.1, Inside dimensions of elevator cars.** A117.1 Section 408.4.1 is amended to read as follows:

**408.4.1 Inside Dimensions of Elevator Cars.** Elevator cars shall provide a clear width of 42 inches (1065 mm) minimum. The clear floor area shall be not less than 2,268 square inches (1.46 m<sup>2</sup>) or more than 2,601 square inches (1.68 m<sup>2</sup>).

**Exception:** For installations in existing buildings, elevator cars that provide a clear floor area of 15 square feet (1.35 m<sup>2</sup>) minimum, and provide a clear inside dimension of 36 inches (915 mm) minimum in width and 54 inches (1370 mm) minimum in depth, shall be permitted. This exception shall not apply to cars with doors on adjacent sides.

Subp. 4. **A117.1 Section 408.4.3, Platform and hoistway clearance.** A117.1 Section 408.4.3 is amended to read as follows:

**408.4.3 Platform to Hoistway Clearance.** The clearance between the car platform sill and the edge of any hoistway landing shall be in compliance with Minnesota Rules, chapter 1307, Minnesota Elevator and Related Devices Code.

**1341.0409 A117.1 SECTION 409, PRIVATE RESIDENCE ELEVATORS.**

A117.1 Section 409 is amended to read as follows:

**409.1 General.** Private residence elevators shall comply with Section 409 and Minnesota Rules, chapter 1307, Minnesota Elevator and Related Devices Code. Elevator operation shall be automatic.

**Exception:** Elevators complying with Section 407 or Section 408.

**1341.0410 A117.1 SECTION 410, PLATFORM LIFTS.**

Subpart 1. **A117.1 Section 410.1, General.** A117.1 Section 410.1 is amended to read as follows:

**410.1 General.** Platform lifts shall comply with Section 410 and Minnesota Rules, chapter 1307, Minnesota Elevator and Related Devices Code. Platform lifts shall not be attendant or key operated and shall provide unassisted entry and exit from the lift.

**Exception:** When approved by the administrative authority, attendant or key operation shall be permitted when all occupants have controlled or restricted access to the space served by the lift.

Subp. 2. **A117.1 Section 410.2.1, Doors and gates.** A117.1 Section 410.2.1 is amended to read as follows:

**410.2.1 Doors and Gates.** Doors and gates shall be low energy power operated doors or gates complying with Section 404.3. Doors shall remain open for 20 seconds minimum. End door opening clear width shall be 32 inches (815 mm) minimum on lifts with one door or doors on opposite ends and 36 inches (915 mm) minimum clear width on lifts with doors on adjacent sides. Side door clear opening width shall be 42 inches (1065 mm) minimum and be located as far as possible from the end door on lifts with two doors, or be centered on lifts with three doors.

**Exceptions:**

1. Lifts serving two landings maximum and having doors or gates on opposite sides shall be permitted to have self-closing manual doors or gates. This exception

shall not apply to doors or gates with ramps.

2. Lifts serving two landings maximum and having doors or gates on adjacent sides shall be permitted to have self-closing manual doors or gates provided that the side door or gate is located with the strike side furthest from the end door. This exception shall not apply to doors or gates with ramps.

3. Lift doors and gates that provide a clear opening width of 36 inches (915 mm) minimum shall be permitted to be located on adjacent sides of lifts that provide a clear floor area of 51 inches (1295 mm) in width and 51 inches (1295 mm) in depth.

Subp. 3. **A117.1 Section 410.2.2, Ramps.** A117.1 Section 410.2.2 is amended to read as follows:

**410.2.2 Ramps.** Ramp widths shall not be less than the door or gate they serve.

Subp. 4. **A117.1 Section 410.5, Clear floor space.** A117.1 Section 410.5 is amended to read as follows:

**410.5 Clear Floor Space.** Clear floor space of platform lifts shall comply with Section 410.5.

**410.5.1 Lifts with Single Door or Doors on Opposite Ends.** Clear floor space of platform lifts with a single door or with doors on opposite ends shall provide a clear width of 32 inches (815 mm) minimum and a clear depth of 48 inches (1220 mm) minimum.

**410.5.2. Lifts with Doors on Adjacent Sides.** Clear floor space of platform lifts with doors on adjacent sides shall provide a clear width of 42 inches (1065 mm) minimum and a total platform area of 18 square feet (1.67 m<sup>2</sup>).

**1341.0411 Repealed, 31 SR 1167**

1341.0413 Repealed, 31 SR 1167  
1341.0420 Repealed, 31 SR 1167  
1341.0422 Repealed, 31 SR 1167  
1341.0424 Repealed, 31 SR 1167  
1341.0426 Repealed, 31 SR 1167  
1341.0428 Repealed, 31 SR 1167  
1341.0430 Repealed, 31 SR 1167  
1341.0432 Repealed, 31 SR 1167  
1341.0434 Repealed, 31 SR 1167  
1341.0436 Repealed, 31 SR 1167  
1341.0438 Repealed, 31 SR 1167  
1341.0442 Repealed, 31 SR 1167  
1341.0444 Repealed, 31 SR 1167  
1341.0446 Repealed, 31 SR 1167  
1341.0448 Repealed, 31 SR 1167  
1341.0450 Repealed, 31 SR 1167  
1341.0452 Repealed, 31 SR 1167  
1341.0454 Repealed, 31 SR 1167  
1341.0456 Repealed, 31 SR 1167  
1341.0458 Repealed, 31 SR 1167  
1341.0460 Repealed, 31 SR 1167  
1341.0462 Repealed, 31 SR 1167  
1341.0464 Repealed, 31 SR 1167  
1341.0466 Repealed, 31 SR 1167

1341.0468 Repealed, 31 SR 1167  
1341.0470 Repealed, 31 SR 1167  
1341.0472 Repealed, 31 SR 1167  
1341.0474 Repealed, 31 SR 1167  
1341.0476 Repealed, 31 SR 1167  
1341.0478 Repealed, 31 SR 1167  
1341.0480 Repealed, 31 SR 1167  
1341.0482 Repealed, 31 SR 1167  
1341.0484 Repealed, 31 SR 1167  
1341.0486 Repealed, 31 SR 1167  
1341.0488 Repealed, 31 SR 1167

**1341.0502 A117.1 SECTION 502, PARKING SPACES.**

Subpart 1. **A117.1 Section 502.2, Vehicle space size.** A117.1 Section 502.2 is amended to read as follows:

**502.2 Vehicle Space Size.** Car and van parking spaces shall be 96 inches (2440 mm) minimum in width.

Subp. 2. **A117.1 Section 502.4, Access aisle.** A117.1 Section 502.4 is amended to read as follows:

**502.4 Access Aisle.** Car and van parking spaces shall have an adjacent access aisle complying with Section 502.4.

**502.4.1 Location.** Access aisles shall adjoin an accessible route. Two parking spaces shall be permitted to share a common access aisle. Access aisles shall not overlap with the vehicular way. Parking spaces shall be permitted to have access aisles placed on either

side of the car or van parking space. Van parking spaces that are angled shall have access aisles located on the passenger side of the parking space.

**502.4.2 Width.** Access aisles serving car and van parking spaces shall be 96 inches (2440 mm) minimum in width.

**502.4.3 Length.** Access aisles shall extend the full length of the parking spaces they serve.

**502.4.4 Marking.** Access aisles shall be marked with the designation "no parking." Where access aisles are marked with lines, the width measurements of access aisles and adjacent parking spaces shall be made from the centerline of the markings.

**Exception:** Where access aisles or parking spaces are not adjacent to another access aisle or parking space, measurements shall be permitted to include the full width of the line defining the access aisle or parking space.

Subp. 3. **A117.1 Section 502.7, Identification.** A117.1 Section 502.7 is amended to read as follows:

**502.7 Identification.** Accessible parking spaces shall be identified by signs complying with Minnesota Statutes, section 169.346, and include the International Symbol of Accessibility complying with Section 703.6.3.1. Where all accessible parking spaces do not provide a minimum vertical clearance of 98 inches (2490 mm), signs identifying van parking spaces shall contain the designation "van accessible." Signs shall be centered at the head end of the parking space a maximum of 96 inches (2440 mm) from the head of the parking space, and be mounted 60 inches (1525 mm) minimum and 66 inches (1676 mm) maximum above the floor of the parking space, measured to the bottom of the sign.

**Exception:** Parallel parking spaces shall have a sign located on the side, at the head end of the parking space.

**1341.0510 Repealed, 31 SR 1167**

**1341.0520 Repealed, 31 SR 1167**

**1341.0530 Repealed, 31 SR 1167**

**1341.0540 Repealed, 31 SR 1167**

**1341.0550 Repealed, 31 SR 1167**

**1341.0560 Repealed, 31 SR 1167**

**1341.0570 Repealed, 31 SR 1167**

**1341.0580 Repealed, 31 SR 1167**

**1341.0603 A117.1 SECTION 603, TOILET AND BATHING ROOMS.**

Subpart 1. **A117.1 Section 603.3, Mirrors.** A117.1 Section 603.3 is amended to read as follows:

**603.3 Mirrors.** Mirrors located above lavatories, sinks, or counters shall be mounted with the bottom edge of the reflecting surface 40 inches (1015 mm) maximum above the floor. Mirrors not located above lavatories, sinks, or counters shall be mounted with the bottom edge of the reflecting surface 35 inches (890 mm) maximum above the floor.

**Exception:** In nursing home and boarding care resident rooms required to accessible, and in common use areas intended for resident use, the bottom of the mirror shall be mounted 36 inches (915 mm) maximum above the floor with the top of the mirror 66 inches (1675 mm) minimum above the floor, or an angled mirror shall be provided that achieves the same result.

Subp. 2. **Section 603.** A117.1 Section 603

is amended by adding a section to read as follows:

**603.5 Diaper Changing Tables.** At least one diaper changing table shall comply with Section 902. Folding tables shall be permitted to have the latching mechanism located 54 inches (1370 mm) maximum above the floor provided a clear floor space complying with Section 305 is positioned for a parallel approach to the changing table when in the folded position.

**1341.0604 A117.1 SECTION 604, WATER CLOSETS AND TOILET COMPARTMENTS.**

Subpart 1. **A117.1 Section 604.3.1, Size.** A117.1 Section 604.3.1 is amended to read as follows:

**604.3.1 Size.** A clearance around a water closet 60 inches (1525 mm) minimum, measured perpendicular from the side wall, and either 78 inches (1980 mm) minimum, measured perpendicular from the rear wall, or 48 inches (1220 mm) minimum plus the depth of the water closet fixture, measured perpendicular from the rear wall, shall be provided.

Subp. 2. **A117.1 Section 604.5.1, Fixed side wall grab bars.** A117.1 Section 604.5.1 is amended to read as follows:

**604.5.1 Fixed Side Wall Grab Bars.** Fixed side wall grab bars shall be 42 inches (1065 mm) minimum in length, located 12 inches (305 mm) maximum from the rear wall and extending 54 inches (1370 mm) minimum from the rear wall. In addition, a vertical grab bar 18 inches (455 mm) minimum in length shall be mounted with the bottom of the bar located between 39 inches (990 mm) and 41 inches (1040 mm) above the floor, and with the center line of the bar located between 39 (990 mm) and 41 inches (1040 mm) from the rear

wall.

**Exceptions:**

1. In Type A and Type B units, the vertical grab bar component is not required.
2. In a Type B unit, when a side wall is not available for a 42 inch (1065 mm) grab bar, the sidewall grab bar shall be permitted to be 18 inches (455 mm) minimum in length, located 12 inches (305 mm) maximum from the rear wall and extending 30 inches (760 mm) minimum from the rear wall.
3. In nursing home and boarding care resident rooms required to be accessible, and in common use areas intended for resident use, an L-shaped grab bar with each leg at least 18 inches (455 mm) minimum in length shall be provided on the side wall. The vertical portion of the grab bar shall be mounted 12 inches (305 mm) past the front edge of the water closet with the horizontal portion extending toward the rear wall at a height of ten inches (252 mm) above the toilet seat.

Subp. 3. **A117.1 Section 604.7, Dispensers.** A117.1 Section 604.7 is amended to read as follows:

**604.7 Dispensers and Sanitary Product Receptacles.** Toilet paper dispensers and sanitary product receptacles shall comply with Section 309.4. Operable parts of dispensers and sanitary product receptacles shall be located within an area 12 inches (305 mm) minimum and 40 inches (1016 mm) maximum from the rear wall, and 18 inches (455 mm) minimum above the floor and 1-1/2 inches (38 mm) minimum below the horizontal grab bar. Dispensers shall not be of a type that control delivery, or does not allow continuous paper flow.

**Exception:** In nursing home and boarding care resident rooms required to be accessible, and in common use areas intended for resident use, the toilet paper dispensers shall be centered between 19 inches (485 mm) minimum to 25 inches (635 mm) maximum above the floor, and 6 inches (150 mm) minimum to 12 inches (305 mm) maximum in front of the seat.

Subp. 4. **A117.1 Section 604.8.2, Size.** A117.1 Section 604.8.2 is amended to read as follows:

**604.8.2 Size.** The minimum area of a wheelchair accessible compartment shall comply with Section 604.3.

Subp. 5. **A117.1 Section 604.8.3, Doors.** A117.1 Section 604.8.3 is amended to read as follows:

**604.8.3 Doors.** Toilet compartment doors, including door hardware, shall comply with Section 404.1, except:

1. When approaching the compartment from the latch side of the compartment door, the width of the approach shall be 42 inches (1065 mm) minimum;

2. When exiting the compartment with a latch side approach to the compartment door, a latch side clearance of 20 inches (508 mm) minimum shall be provided. Where space permits, the maneuvering clearance shall comply with Section 404.2.3;

3. When exiting the compartment with a forward or hinge side approach to the push side of the compartment door, a latch side clearance of 18 inches (455 mm) minimum shall be provided.

The door shall be self-closing. A door pull complying with Section 404.2.6 shall be placed on both sides of the door near the latch. Toilet

compartment doors shall not swing into the compartment unless a clear floor space complying with Section 305.3 is provided within the compartment, beyond the arc of the door swing.

Subp. 6. **A117.1 Section 604.10.7, Dispensers.** A117.1 Section 604.10.7 is amended to read as follows:

**604.10.7 Dispensers.** Toilet paper dispensers shall comply with Section 309.4. Operable parts of dispensers shall be located in an area 12 inches (305 mm) minimum and 36 inches (915 mm) maximum from the rear wall, and 1 inch (25 mm) minimum above the seat and 1-1/2 inches (38 mm) minimum below the horizontal grab bar. Dispensers shall not be of a type that control delivery or does not allow continuous paper flow.

**1341.0606 A117.1 SECTION 606.2, CLEAR FLOOR SPACE.**

A117.1 Section 606.2 is amended by adding an exception to read as follows:

7. A parallel approach complying with Section 305 shall be permitted to a service sink requiring a deep bowl.

**1341.0607 A117.1 SECTION 607.2, CLEARANCE.**

A117.1 Section 607.2 is amended to read as follows:

**607.2 Clearance.** A clearance in front of bathtubs extending the length of the bathtub and 30 inches (760 mm) minimum in depth shall be provided. Where a permanent seat is provided at the head end of the bathtub, the clearance shall extend 12 inches (305 mm) minimum beyond the wall at the head end of the bathtub.

**Exception:** In nursing home and boarding

care resident rooms required to be accessible, and in common use areas intended for resident use, bathtubs and clear floor space that facilitate assisted bathing shall be permitted. A horizontal or vertical grab bar shall be provided adjacent to the bathtub transfer area to assist in drying of residents.

**1341.0608 A117.1 SECTION 608, SHOWER COMPARTMENTS.**

Subpart 1. **A117.1 Section 608.2.2, Standard roll-in-type shower compartment.** A117.1 Section 608.2.2 is amended to read as follows:

**608.2.2 Standard Roll-In-Type Shower Compartment.** Standard roll-in-type shower compartments shall have a clear inside dimension of 60 inches (1525 mm) minimum in width and 30 inches (760 mm) minimum in depth, measured at the center point of opposing sides. An entry 60 inches (1525 mm) minimum in width shall be provided. A clearance of 60 inches (1525 mm) minimum in length adjacent to the 60 inch (1525 mm) width of the open face of the shower compartment, and 30 inches (760 mm) minimum in depth shall be provided. A seat shall be provided on an end wall. A lavatory complying with Section 606 shall be permitted at the end of the clearance opposite the seat.

Subp. 2. **A117.1 Section 608.2.** A117.1 Section 608.2 is amended by adding a section to read as follows:

**608.2.4 Nursing Home Shower Compartment.** In nursing home and boarding care resident rooms required to be accessible, and in common use areas intended for resident use, the minimum shower size shall be 48 inches (1220 mm) minimum by 48 inches (1220 mm) minimum, or 54 inches (1370 mm) minimum by 42 inches (1065 mm) minimum with the long side open.

Subp. 3. **A117.1 Section 608.3, Grab bars.** A117.1 Section 608.3 is amended to read as follows:

**608.3 Grab Bars.** Grab bars shall comply with Section 609 and shall be provided in accordance with Section 608.3. Where multiple grab bars are used, required horizontal grab bars shall be installed at the same height above the floor.

**Exceptions:**

1. Grab bars are not required to be installed in a shower facility for a single occupant, accessed only through a private office and not for common use or public use, provided reinforcement has been installed in walls and located so as to permit the installation of grab bars complying with Section 608.3.
2. In Type A units, grab bars are not required to be installed where reinforcement complying with Section 1003.11.9 is installed for the future installation of grab bars.
3. In nursing home and boarding care resident rooms required to be accessible, and in common use areas intended for resident use, a nonslip vertical grab bar 24 inches (610 mm) long minimum shall be mounted at the shower entrance with the low end of the grab bar 36 inches (915 mm) above the floor.

Subp. 4. **A117.1 Section 608.3.2, Standard roll-in-type showers.** A117.1 Section 608.3.2 is amended to read as follows:

**608.3.2 Standard Roll-In-Type Showers.** In standard roll-in-type showers, grab bars shall be provided on the back wall and on the wall opposite the seat. Grab bars shall not be provided above the seat. Grab bars shall be 6 inches (150 mm) maximum from the adjacent

wall.

**Exception:** In compartments more than 72 inches (1,830 mm) wide, grab bars are not required to extend more than 48 inches (1220 mm) from the seat on the back wall and are not required on the end wall opposite the seat.

Subp. 5. **A117.1 Section 608.4, Seats.** A117.1 Section 608.4 is amended to read as follows:

**608.4 Seats.** A folding or nonfolding seat shall be provided in transfer-type shower compartments. A folding seat shall be provided in standard and alternate roll-in-type showers. Seats shall comply with Section 610.

**Exceptions:**

1. A shower seat is not required to be installed in a shower facility for a single occupant, accessed only through a private office and not for common use or public use, provided reinforcement has been installed in walls and located so as to permit the installation of a shower seat complying with Section 608.4.
2. In Type A units, a shower seat is not required to be installed where reinforcement complying with Section 1003.11.9 is installed for the future installation of a shower seat.

Subp. 6. **A117.1 Section 608.5.1, Transfer-type showers.** A117.1 Section 608.5.1 is amended to read as follows:

**608.5.1 Transfer-Type Showers.** In transfer-type showers, the controls and hand shower shall be located on the control wall opposite the seat, 38 inches (965 mm) minimum and 48 inches (1220 mm) maximum above the shower floor, and 15 inches (380 mm) maximum from the centerline of the seat

toward the shower opening.

Subp. 7. **A117.1 Section 608.5.2, Standard roll-in showers.** A117.1 Section 608.5.2 is amended to read as follows:

**608.5.2 Standard Roll-In Showers.** In standard roll-in showers, the controls and hand shower shall be located on the back wall 38 inches (965 mm) minimum and 48 inches (1220 mm) maximum above the shower floor and be no more than 27 inches (685 mm) maximum from the end wall behind the seat.

Subp. 8. **A117.1 Section 608.5.3, Alternate roll-in showers.** A117.1 Section 608.5.3 is amended by deleting the exception.

Subp. 9. **A117.1 Section 608.6, Hand showers.** A117.1 Section 608.6 is amended to read as follows:

**608.6 Hand Showers.** A hand shower with a hose 59 inches (1500 mm) minimum in length, that can be used both as a fixed shower head and as a hand shower, shall be provided. The hand shower shall have a control with a nonpositive shut-off feature. An adjustable-height shower head mounted on a vertical bar shall be installed so as to not obstruct the use of grab bars.

**Exception:** A fixed shower head shall be permitted in lieu of a hand shower when approved by the administrative authority due to issues of security or safety.

**1341.0609 A117.1 SECTION 609.4, POSITION OF GRAB BARS.**

A117.1 Section 609.4 is amended to read as follows:

**609.4 Position of Grab Bars**

**609.4.1 General.** Grab bars shall be installed in a horizontal position, 33 inches (840 mm)

minimum and 36 inches (915 mm) maximum above the floor measured to the top of the gripping surface.

**Exceptions:**

1. The lower grab bar on the back wall of a bathtub required by Section 607.4.1.1 or 607.4.2.1.
2. Vertical grab bars required by Sections 604.5.1, 607.4.1.2.2, 607.4.2.2.2, and 608.3.1.2.

**609.4.2 Children's Position of Grab Bars.**

At water closets primarily for children's use complying with Section 604.10, grab bars shall be installed in a horizontal position 18 inches (455 mm) minimum to 27 inches (685 mm) maximum above the floor measured to the top of the gripping surface. A vertical grab bar shall be mounted with the bottom of the bar located between 21 inches (533 mm) minimum and 30 inches (760 mm) maximum above the floor and with the centerline of the bar located between 34 inches (865 mm) minimum and 36 inches (915 mm) maximum from the rear wall.

**1341.0610 A117.1 SECTION 610, SEATS.**

A117.1 Section 610.3 is amended to read as follows:

**610.3 Shower Compartment Seats.** The height of the seat shall be 17 inches (430 mm) minimum and 19 inches (485 mm) maximum above the bathroom floor, measured to the top of the seat. In transfer-type and alternate roll-in-type showers, the seat shall extend along the seat wall to a point within 3 inches (76 mm) of the compartment entry. In standard roll-in-type showers, the seat shall extend from the control wall to a point within 3 inches (76 mm) of the compartment entry. Seats shall comply with Section 610.3.1 or 610.3.2.

**610.3.1 Rectangular Seats.** The rear edge of a rectangular seat shall be 2-1/2 inches (64 mm) maximum and the front edge 15 inches (380 mm) minimum to 16 inches (405 mm) maximum from the seat wall. The side edge of the seat shall be 1-1/2 inches (38 mm) maximum from the back wall of a transfer-type shower and 1-1/2 inches (38 mm) maximum from the control wall of a roll-in-type shower.

**610.3.2 L-Shaped Seats.** The rear edge of an L-shaped seat shall be 2-1/2 inches (64 mm) maximum and the front edge 15 inches (380 mm) minimum to 16 inches (405 mm) maximum from the seat wall. The rear edge of the "L" portion of the seat shall be 1-1/2 inches (38 mm) maximum from the wall and the front edge shall be 14 inches (355 mm) minimum and 15 inches (380 mm) maximum from the wall. The end of the "L" shall be 22 inches (560 mm) minimum and 23 inches (585 mm) maximum from the main seat wall.

**1341.0620 Repealed, 31 SR 1167**

**1341.0630 Repealed, 31 SR 1167**

**1341.0640 Repealed, 31 SR 1167**

**1341.0710 Repealed, 31 SR 1167**

**1341.0720 Repealed, 31 SR 1167**

**1341.0730 Repealed, 31 SR 1167**

**1341.0740 Repealed, 31 SR 1167**

**1341.0805 A117.1 SECTION 805, TRANSPORTATION FACILITIES.**

Subpart 1. **A117.1 Section 805.9, Escalators.** A117.1 Section 805.9 is amended to read as follows:

**805.9 Escalators.** Where provided, escalators shall have a 32 inch (815 mm) minimum clear width, and shall comply with Requirements

6.1.3.5.6, Step Demarcations, and 6.1.3.6.5, Flat Steps of ASME A17.1 as referenced in Minnesota Rules, chapter 1307, Minnesota Elevator and Related Devices Code.

**Exception:** Existing escalators shall not be required to comply with Section 805.9.

Subp. 2. **A117.1 Section 805.10, Track crossings.** A117.1 Section 805.10 is amended to read as follows:

**805.10 Track Crossings.** Where a circulation path crosses tracks, it shall comply with Section 402 and shall have a 24 inch (610 mm) deep detectable warning complying with Section 705 along the full width of the circulation path. The detectable warning surface shall be located so that the edge nearest the rail crossing is 6 inches (150 mm) minimum and 8 inches (205 mm) maximum from the vehicle dynamic envelope.

**Exception:** Openings for wheel flanges shall be permitted to be 2-1/2 inches (64 mm) maximum.

**1341.0810 Repealed, 31 SR 1167**

**1341.0820 Repealed, 31 SR 1167**

**1341.0830 Repealed, 31 SR 1167**

**1341.0840 Repealed, 31 SR 1167**

**1341.0850 Repealed, 31 SR 1167**

**1341.0910 Repealed, 31 SR 1167**

**1341.0920 Repealed, 31 SR 1167**

**1341.0930 Repealed, 31 SR 1167**

**1341.0940 Repealed, 31 SR 1167**

**1341.0950 Repealed, 31 SR 1167**

**1341.1002 A117.1 SECTION 1002.15, BEDS.**

A117.1 Section 1002 is amended by adding a section to read as follows:

**1002.15 Beds.** A clear floor space complying with Section 305 shall be provided on both sides of an accessible bed. The clear floor space shall be positioned for parallel approach to the side of the bed.

**Exception:** A single clear floor space shall be permitted between two beds.

**1341.1003 A117.1 SECTION 1003, TYPE A UNITS.**

Subpart 1. **A117.1 Section 1003.5, Doors and doorways.** A117.1 Section 1003.5 is amended to read as follows:

**1003.5 Doors and doorways.** The primary entrance door to the unit, and all other doorways intended for user passage, shall comply with Section 404.

**Exceptions:**

1. Thresholds at exterior sliding doors shall be permitted to be 3/4-inch (19 mm) maximum in height, provided they are beveled with a slope not greater than 1:2.

2. In toilet rooms and bathrooms not required to comply with Sections 1003.11.5 through 1003.11.9, maneuvering clearances required by Section 404.2.3 are not required on the toilet room or bathroom side of the door.

Subp. 2. **A117.1 Section 1003.9, Operable parts.** A117.1 Section 1003.9 is amended to read as follows:

**1003.9 Operable Parts.** Operable parts of appliances, fixtures, equipment, and other

devices shall comply with Section 309.

**Exceptions:**

1. Receptacle outlets serving a dedicated use.
2. One receptacle outlet is not required to comply with Section 309 where all of the following conditions are met:
  - (a) the receptacle outlet is above a length of countertop that is uninterrupted by a sink or appliance;
  - (b) at least one receptacle outlet complying with Section 1003.9 is provided for that length of countertop; and
  - (c) all other receptacle outlets provided for that length of countertop comply with Section 1003.9.
3. Floor receptacle outlets.
4. HVAC diffusers.
5. Controls mounted on ceiling fans.
6. Where redundant controls other than light switches are provided for a single element, one control in each space shall not be required to be accessible.
7. Electrical panelboards shall not be required to comply with Section 309.4.

Subp. 3. **A117.1 Section 1003.11.7.3, Overlap.** A117.1 Section 1003.11.7.3 is amended to read as follows:

**1003.11.7.3 Overlap.** The required clearance around the water closet shall be permitted to overlap the water closet, associated grab bars, paper dispensers, coat hooks, shelves, accessible routes, clear floor space required at other fixtures, and the wheelchair turning space. No other fixtures or obstructions shall

be located within the required water closet clearance.

**Exception:** A lavatory measuring 24 inches (610 mm) maximum in depth and complying with Section 1003.11.5 shall be permitted on the rear wall 18 inches (455 mm) minimum from the centerline of the water closet where the clearance at the water closet is 66 inches (1675 mm) minimum measured perpendicular from the rear wall.

**1341.1004 A117.1 SECTION 1004, TYPE B UNITS.**

Subpart 1. **A117.1 Section 1004.4.2, Changes in level.** A117.1 Section 1004.4.2 is amended to read as follows:

**1004.4.2 Changes in Level.** Changes in level shall comply with Section 303.

**Exception:** Where exterior deck, patio, or balcony surface materials are impervious, the finished exterior impervious surface shall be 2 inches (50 mm) maximum below the floor level of the adjacent interior spaces of the unit.

Subp. 2. **A117.1 Section 1004.9, Operable parts.** A117.1 Section 1004.9 is amended to read as follows:

**1004.9 Operable Parts.** Lighting controls, electrical switches and receptacle outlets, environmental controls, electrical panelboards, and user controls for security or intercom systems shall comply with Sections 309.2 and 309.3.

**Exceptions:**

1. Receptacle outlets serving a dedicated use.
2. One receptacle outlet is not required to

comply with Sections 309.2 and 309.3 where all of the following conditions are met:

- (a) the receptacle outlet is above a length of countertop that is uninterrupted by a sink or appliance;
- (b) at least one receptacle outlet complying with Section 1004.9 is provided for that length of countertop; and
- (c) all other receptacle outlets provided for that length of countertop comply with Section 1004.9.

- 3. Floor receptacle outlets.
- 4. HVAC diffusers.
- 5. Controls mounted on ceiling fans.
- 6. Controls or switches mounted on appliances.
- 7. Plumbing fixture controls.

**Subp. 3. A117.1 Section 1004.11, Toilet and Bathing Facilities.**

A. A117.1 Section 1004.11.3.1.1, Lavatory, is amended to read as follows:

**1004.11.3.1.1 Lavatory.** A clear floor space complying with Section 305.3, positioned for a parallel approach, shall be provided. The clear floor space shall be centered on the lavatory.

**Exception:** Where only a forward approach is provided, a lavatory complying with Section 606 shall be provided, except that cabinetry shall be permitted under the lavatory provided such cabinetry can be removed without removal or replacement of the lavatory, and the floor finish extends under such cabinetry.

B. A117.1 Section 1004.11.3.1.2, Water

closet, is amended to read as follows:

**1004.11.3.1.2 Water Closet.** The lateral distance from the centerline of the water closet shall comply with all of the following applicable criteria:

(a) where a side approach is provided to the water closet, the lateral distance from the centerline of the water closet to an object shall be 18 inches (455 mm) minimum on the side opposite the direction of approach and 15 inches (380 mm) minimum on the approach side;

(b) where a forward approach is provided to the water closet, the lateral distance from the centerline of the water closet to an object shall be 15 inches (380 mm) minimum to one side and 18 inches (455 mm) minimum on the other side; or

(c) where either a forward approach or side approach is provided to the water closet and there is an object greater than 24 inches (610 mm) in length to one side of the water closet, the lateral distance from the centerline of the water closet to the object shall be 18 inches (455 mm) minimum.

The water closet shall be positioned to allow for future installation of a grab bar on the side with 18 inches (455 mm) clearance. Clearance around the water closet shall comply with Section 1004.11.3.1.2.1 or 1004.11.3.1.2.2.

C. A117.1 Section 1004.11.3.1.2.1, Parallel approach, is amended to read as follows:

**1004.11.3.1.2.1 Side Approach.** Where a side approach is provided, a clearance 56 inches (1420 mm) minimum measured from the wall behind the water closet, and 48 inches (1220 mm) minimum measured from a point 18 inches (455 mm) from the centerline of the

water closet on the side opposite the direction of approach shall be provided. An obstruction complying with Section 1004.11.3.1.2.3 shall be permitted to overlap the clearance.

D. A117.1 Section 1004.11.3.1.2.2, Forward approach, is amended to read as follows:

**1004.11.3.1.2.2 Forward Approach.** Where a forward approach is provided, a clearance 66 inches (1675 mm) minimum measured from the wall behind the water closet, and 48 inches (1220 mm) minimum measured from a point 18 inches (455 mm) from the centerline of the water closet on the side designated for future installation of grab bars shall be provided. An obstruction complying with Section 1004.11.3.1.2.3 shall be permitted to overlap the clearance.

E. A117.1 Section 1004.11.3.1.2.3, Parallel or forward approach, is amended to read as follows:

**1004.11.3.1.2.3 Obstruction.** Where provided in Section 1004.11.3.1.2.1 or Section 1004.11.3.1.2.2, an obstruction projecting 24 inches (610 mm) maximum from the wall behind the water closet shall be permitted to overlap the clearance provided it does not reduce the width of the clearance to less than 33 inches (838 mm). Countertops shall be permitted to protrude 1 inch (25 mm) maximum beyond the obstruction.

F. A117.1 Section 1004.11.3.1.3.1, Parallel approach bathtubs, is amended to read as follows:

**1004.11.3.1.3.1 Parallel Approach Bathtubs.** A clearance 60 inches (1525 mm) minimum in length and 30 inches (760 mm) minimum in width shall be provided in front of bathtubs with a parallel approach. Lavatories complying with Section 606 shall be permitted at the control end of the clearance. A lavatory

complying with Section 1004.11.3.1.1 or a water closet shall be permitted at either end of the bathtub if a clearance 48 inches (1220 mm) minimum in length and 30 inches (760 mm) minimum in width for a parallel approach is provided in front of the bathtub.

G. A117.1 Section 1004.11.3.1.3.2, Forward approach bathtubs, is amended to read as follows:

**1004.11.3.1.3.2 Perpendicular Approach Bathtubs.** A clearance 60 inches (1525 mm) minimum in length and 48 inches (1220 mm) minimum in width shall be provided in front of bathtubs with a perpendicular approach. A lavatory or water closet shall be permitted in the clearance at either end of the bathtub.

H. A117.1 Section 1004.11.3.2.1.1, Clear floor space, is amended to read as follows:

**1004.11.3.2.1.1 Clear floor space.** A clear floor space complying with Section 305.3, positioned for a parallel approach, shall be provided.

**Exception:** Where only a forward approach is provided, a lavatory complying with Section 606 shall be provided, except that cabinetry shall be permitted under the lavatory, provided such cabinetry can be removed without removal or replacement of the lavatory, and the floor finish extends under such cabinetry.

**1341.1005 A117.1 SECTION 1005.6.1, PUBLIC OR COMMON-USE INTERFACE.**

A117.1 Section 1005.6.1 is amended to read as follows:

**1005.6.1 Public or Common-Use Interface.** The public or common-use system interface shall include the capability of supporting voice and TTY communication with the unit

interface. When requested to be provided by a unit occupant, the cost of providing the public or common-use component of the voice and TTY interface shall not be borne by the unit occupant.

**1341.1010 Repealed, 31 SR 1167**

**1341.1020 Repealed, 31 SR 1167**

**1341.1030 Repealed, 31 SR 1167**

**1341.1040 Repealed, 31 SR 1167**

**1341.1100 A117.1 CHAPTER 11,  
SWIMMING POOLS, WADING POOLS,  
SPAS,  
SAUNAS, AND STEAM ROOMS.**

A117.1 is amended by adding a chapter to read as follows:

CHAPTER 11

SWIMMING POOLS, WADING POOLS,  
SPAS, SAUNAS, AND STEAM ROOMS

**1101  
GENERAL**

**1101.1 Scoping.** Swimming pools, wading pools, spas, saunas, and steam rooms required to be accessible shall comply with the applicable provisions of this chapter.

**1102  
POOL LIFTS**

**1102.1 General.** Pool lifts shall comply with Section 1102.

**1102.2 Pool Lift Location.** Pool lifts shall be located where the water level does not exceed 48 inches (1220 mm).

**Exceptions:**

1. Where the entire pool depth is greater than 48 inches (1220 mm), compliance with Section 1102.2 shall not be required.

2. Where multiple pool lift locations are provided, no more than one shall be required to be located in an area where the water level is 48 inches (1220 mm) maximum.

**1102.3 Seat Location.** In the raised position, the centerline of the seat shall be located over the deck and 16 inches (405 mm) minimum from the edge of the pool. The deck surface between the centerline of the seat and the pool edge shall have a slope not greater than 1:48.

**1102.4 Clear Deck Space.** On the side of the seat opposite the water, a clear deck space shall be provided parallel with the seat. The space shall be 36 inches (915 mm) wide minimum and shall extend forward 48 inches (1220 mm) minimum from a line located 12 inches (305 mm) behind the rear edge of the seat. The clear deck space shall have a slope not greater than 1:48.

**1102.5 Seat Height.** The height of the lift seat shall be 16 inches (405 mm) minimum and 19 inches (485 mm) maximum measured from the deck to the top of the seat surface when in the raised (load) position.

**1102.6 Seat.** The seat shall be 16 inches (405 mm) minimum wide, provide a back rest, and be of a firm and stable design.

**1102.7 Footrests and Armrests.** Footrests shall be provided and shall move with the seat. If provided, the armrest positioned opposite the water shall be removable or shall fold clear of the seat when the seat is in the raised (load) position.

**Exception:** Footrests shall not be required on pool lifts provided in spas.

**1102.8 Operation.** The lift shall be capable of unassisted operation from both the deck and water levels. Controls and operating mechanisms shall be unobstructed when the lift is in use and shall comply with Section 309.4.

**1102.9 Submerged Depth.** The lift shall be designed so that the seat will submerge to a water depth of 18 inches (455 mm) minimum below the stationary water level.

**1102.10 Lifting Capacity.** Single person pool lifts shall have a weight capacity of 300 pounds (136 kg) minimum and be capable of sustaining a static load of at least 1-1/2 times the rated load.

### 1103 SLOPED ENTRIES

**1103.1 General.** Sloped entries shall comply with Section 1103.

**1103.2 Sloped entries.** Sloped entries shall comply with Section 402, except as modified in Sections 1103.2 through 1103.4.

**Exception:** Where sloped entries are provided, the surfaces shall not be required to be slip resistant.

**1103.3 Submerged depth.** Sloped entries shall extend to a depth of 24 inches (610 mm) minimum and 30 inches (760 mm) maximum below the stationary water level. Where landings are required by Section 405.7, at least one landing shall be located 24 inches (610 mm) minimum and 30 inches (760 mm) maximum below the stationary water level.

**Exception:** In wading pools, the sloped entry and landings, if provided, shall extend to the deepest part of the wading pool.

**1103.4 Handrails.** At least two handrails complying with Section 505 shall be provided

on the sloped entry. The clear width between handrails shall be 33 inches (840 mm) minimum and 38 inches (965 mm) maximum.

#### Exceptions:

1. Handrail extensions specified by Section 505.10.1 shall not be required at the bottom landing serving a sloped entry.

2. Where a sloped entry is provided for wave action pools, leisure rivers, sand bottom pools, and other pools where user access is limited to one area, the handrails shall not be required to comply with the clear width requirements of Section 1103.4.

3. Sloped entries in wading pools shall not be required to provide handrails complying with Section 1103.4. If provided, handrails on sloped entries in wading pools shall not be required to comply with Section 505.

### 1104 TRANSFER WALLS

**1104.1 General.** Transfer walls shall comply with Section 1104.

**1104.2 Clear Deck Space.** A clear deck space of 60 inches (1525 mm) minimum by 60 inches (1525 mm) minimum with a slope not steeper than 1:48 shall be provided at the base of the transfer wall. Where one grab bar is provided, the clear deck space shall be centered on the grab bar. Where two grab bars are provided, the clear deck space shall be centered on the clearance between the grab bars.

**1104.3 Height.** The height of the transfer wall shall be 16 inches (405 mm) minimum and 19 inches (485 mm) maximum measured from the deck.

**1104.4 Wall Depth and Length.** The depth of

the transfer wall shall be 12 inches (305 mm) minimum and 16 inches (405 mm) maximum. The length of the transfer wall shall be 60 inches (1525 mm) minimum and shall be centered on the clear deck space.

**1104.5 Surface.** Surfaces of transfer walls shall not be sharp and shall have rounded edges.

**1104.6 Grab Bars.** At least one grab bar complying with Section 609 shall be provided on the transfer wall. Grab bars shall be perpendicular to the pool wall and shall extend the full depth of the transfer wall. The top of the gripping surface shall be 4 inches (100 mm) minimum and 6 inches (150 mm) maximum above transfer walls. Where one grab bar is provided, clearance shall be 24 inches (610 mm) minimum on both sides of the grab bar. Where two grab bars are provided, clearance between grab bars shall be 24 inches (610 mm) minimum.

**Exception:** Grab bars on transfer walls shall not be required to comply with Section 609.4.

## 1105 TRANSFER SYSTEMS

**1105.1 General.** Transfer systems shall comply with Section 1105.

**1105.2 Transfer Platform.** A transfer platform shall be provided at the head of each transfer system. Transfer platforms shall provide 19 inches (485 mm) minimum clear depth and 24 inches (610 mm) minimum clear width.

**1105.3 Transfer Space.** A transfer space of 60 inches (1525 mm) minimum by 60 inches (1525 mm) minimum with a slope not steeper than 1:48 shall be provided at the base of the transfer platform surface and shall be centered along a 24 inch (610 mm) minimum side of the

transfer platform. The side of the transfer platform serving the transfer space shall be unobstructed.

**1105.4 Height.** The height of the transfer platform shall comply with Section 1104.3.

**1105.5 Transfer Steps.** Transfer step height shall be 8 inches (205 mm) maximum. The surface of the bottom tread shall extend to a water depth of 18 inches (455 mm) minimum below the stationary water level.

**1105.6 Surface.** The surface of the transfer system shall not be sharp and shall have rounded edges.

**1105.7 Size.** Each transfer step shall have a tread clear depth of 14 inches (355 mm) minimum and 17 inches (430 mm) maximum and shall have a tread clear width of 24 inches (610 mm) minimum.

**1105.8 Grab Bars.** At least one grab bar on each transfer step and the transfer platform or a continuous grab bar serving each transfer step and the transfer platform shall be provided. Where a grab bar is provided on each step, the tops of gripping surfaces shall be 4 inches (100 mm) minimum and 6 inches (150 mm) maximum above each step and transfer platform. Where a continuous grab bar is provided, the top of the gripping surface shall be 4 inches (100 mm) minimum and 6 inches (150 mm) maximum above the step nosing and transfer platform. Grab bars shall comply with Section 609 and be located on at least one side of the transfer system. The grab bar located at the transfer platform shall not obstruct transfer.

**Exception:** Grab bars on transfer systems shall not be required to comply with Section 609.4.

## 1106 POOL STAIRS

**1106.1 General.** Pool stairs shall comply with Section 1106.

**1341.1220 Repealed, 31 SR 1167**

**1106.2 Pool Stairs.** Pool stairs shall comply with Sections 504.2 through 504.6.

**1341.1230 Repealed, 31 SR 1167**

**Exception:** Pool step riser heights shall not be required to be 4 inches (100 mm) high minimum and 7 inches (180 mm) high maximum provided that riser heights are uniform.

**1341.1240 Repealed, 31 SR 1167**

**1341.1250 Repealed, 31 SR 1167**

**1341.1260 Repealed, 31 SR 1167**

**1341.1610 Repealed, 31 SR 1167**

**1106.3 Handrails.** The width between handrails shall be 20 inches (510 mm) minimum and 24 inches (610 mm) maximum. Handrail extensions required by Section 505.10.3 shall not be required on pool stairs.

**1341.1620 Repealed, 31 SR 1167**

**1341.1630 Repealed, 31 SR 1167**

**1341.1640 Repealed, 31 SR 1167**

## 1107

### SAUNAS AND STEAM ROOMS

**1107.1 General.** Saunas and steam rooms shall comply with Section 1107.

**1107.2 Bench.** Where seating is provided in saunas and steam rooms, at least one bench shall comply with Section 903. Doors shall not swing into the clear floor space required by Section 903.2.

**Exception:** A readily removable bench shall be permitted to obstruct the turning space required by Section 1107.3 and the clear floor space required by Section 903.2.

**1107.3 Turning Space.** A turning space complying with Section 304 shall be provided within saunas and steam rooms.

**1341.1110 Repealed, 31 SR 1167**

**1341.1120 Repealed, 31 SR 1167**

**1341.1130 Repealed, 31 SR 1167**

**1341.1210 Repealed, 31 SR 1167**

**This insert provides the new amendments to the 2006 International Mechanical and Fuel Gas Codes**

- View Minnesota Rules, Chapter 1346 at: [www.dli.mn.gov/ccl/pdf/sbc\\_1346.pdf](http://www.dli.mn.gov/ccl/pdf/sbc_1346.pdf)

## 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 <sup>1</sup> Torque Value <sup>2</sup>
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 <sup>3</sup>	200-349 lbs./ inch

<sup>1</sup> 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.

<sup>2</sup> A measure synonymous with moment of a force when distributed around the shaft of the test probe.

<sup>3</sup> 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 <sup>1</sup> Manufactured Homes <sup>2</sup> .				
1	2	3	4	5
Length of manufactured home <sup>3</sup> (ft.)	# of vertical ties	# of diagonal ties <sup>5</sup>	Alt. Method <sup>4</sup> # of baling straps	Alt. Method <sup>4</sup> # of diagonal ties <sup>6</sup>
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).

<sup>1</sup> Double-wide manufactured homes require only the diagonal ties specified in column 3, and these shall be placed along the outer side walls.

<sup>2</sup> Except when the anchoring system is designed and approved by a registered professional engineer.

<sup>3</sup> Length of manufactured home (as used in this table) means length excluding draw bar.

<sup>4</sup> 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.

<sup>5</sup> Diagonal ties in this method shall deviate at least 40 degrees from vertical.

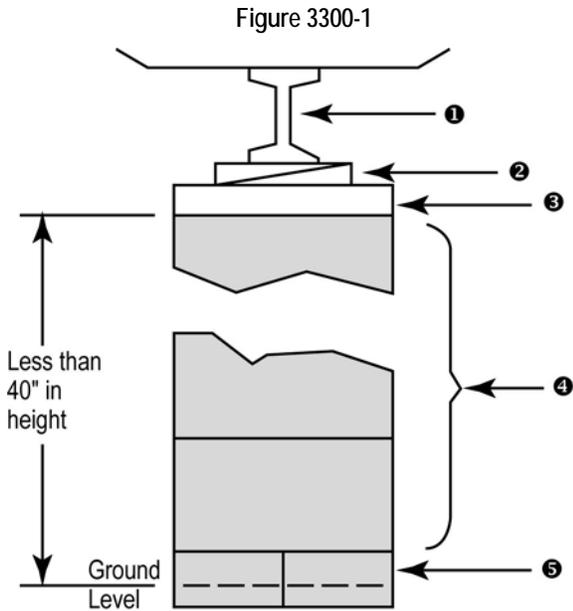
<sup>6</sup> Diagonal ties in this method shall be 45 degrees + 5 degrees from vertical and shall be attached to the nearest main frame member.

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)

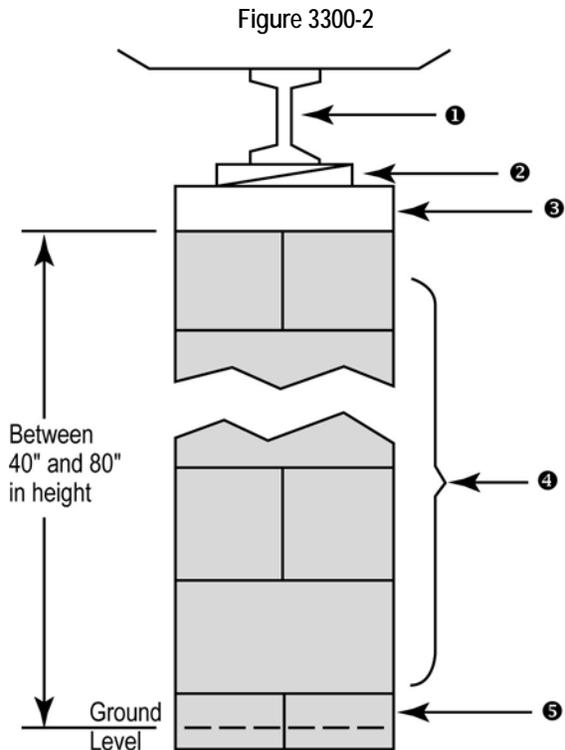


- ❶ I-beam frame
- ❷ Gap between top of pier and main frame may be a wood plate (not exceeding 2" in thickness) and shims (not exceeding 1" in thickness). Shims shall be at least 4" wide and 6" long, fitted and driven tight between wood plate or pier and main frame. Two inch or four inch solid concrete block may fill remainder of any gap.
- ❸ Cap - wood or concrete, 2" x 8" x 16"
- ❹ 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.
- ❺ 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)



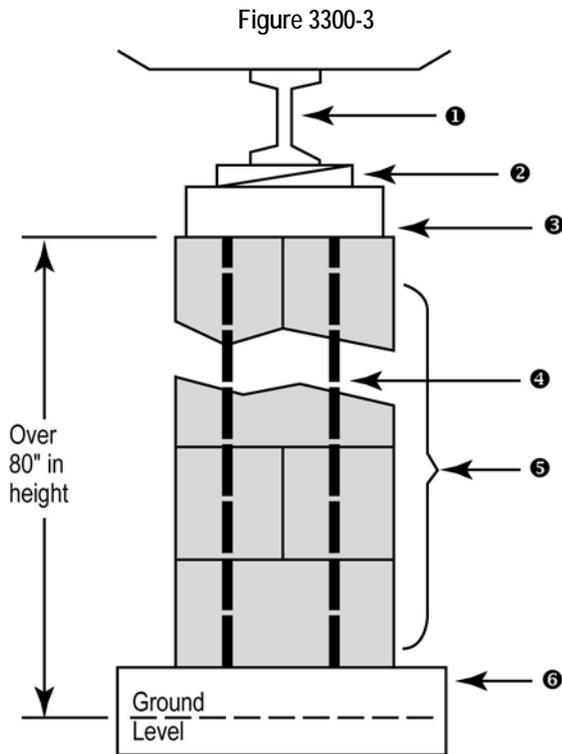
- ❶ I-beam frame
- ❷ Gap between top of pier and main frame may be a wood plate (not exceeding 2" in thickness) and shims (not exceeding 1" in thickness). Shims shall be at least 4" wide and 6" long, fitted and driven tight between wood plate or pier and main frame. Two inch or four inch solid concrete block may fill remainder of any gap.
- ❸ Cap - solid concrete block or equivalent, 4" x 16" x 16"
- ❹ Double concrete blocks (solid or celled) with blocks interlocked and capped as specified above.
- ❺ 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)

Subp. 4. **Piers over 80 inches tall; reinforcement.** (refer to figure 3300-4)

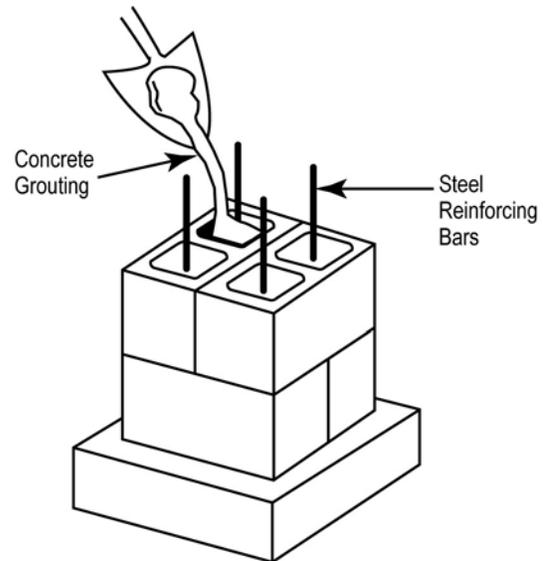


- ❶ I-beam frame
- ❷ Gap between top of pier and main frame may be a wood plate (not exceeding 2" in thickness) and shims (not exceeding 1" in thickness). Shims shall be at least 4" wide and 6" long, fitted and driven tight between wood plate or pier and main frame. Two inch or four inch solid concrete block may fill remainder of any gap.
- ❸ Cap - solid concrete block or equivalent, 4" x 16" x 16"
- ❹ Reinforcing rods (normally 3/8" diameter steel rods placed in the pier corners, four per tier).
- ❺ Double concrete blocks with any block cells filled with concrete, laid in concrete mortar with steel reinforcing bars inserted in the block cells.
- ❻ 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.

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 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 RECIPROCITY.**

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 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

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

### **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

## 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)

## MINNESOTA RULES, 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