



**ADVISORY COMMITTEE COMMENT FORM**  
**FOR PROPOSED CODE CHANGES**  
(This form must be submitted electronically)

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**Proposed Code Change - Language**

**1300.0120 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 mm<sup>2</sup>);

*Reason: This is consistent with the model code. What difference does the use make? This will be regulated by local zoning regulations. Is a gazebo a similar use? Is a garden shed a similar use? The current language only creates confusion. Accessory means related to the principal use.*

(2) fences not over six feet (1,829 mm) high;

*Reason: For consistency with the national model codes.*

~~(3) oil derricks;~~

**(3) replacement of window sashes only;**

*Reason: There are no oil derricks in Minnesota. There is nothing to check for a window sash replacement. The permit fees could exceed the cost of the sashes. See end, state says this is maintenance.*

(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) municipal 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;~~

*Reason: How frequently does anyone construct an on-grade water tank exceeding 5,000 gallons? The language should be amended to include the term "municipal" and delete the rest of the language. Does the code permit a water tank given type of construction, use, building height, etc.?*

~~(6) sidewalks, and driveways, that are not part of an accessible route~~ **patios, and other paved surfaces constructed at grade;**

*Reason: For clarity in the code regarding patios and other paved surfaces. Patios are not regulated.*

~~(7) exterior 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~~ **accessory to a building housing one or two dwelling units or townhouses;**

**Reason:** *If we don't look at the footing, why the attachment? These decks have at most 18 inches of space under them. There is no accessible route. Why would "platforms" be excluded? Def. - PLATFORM. A raised area within a building used for worship, the presentation of music, plays or other entertainment; the head table for special guests; the raised area for lecturers and speakers; boxing and wrestling rings; theater-in-the round stages; and similar purposes wherein there are no overhead hanging curtains, drops, scenery or stage effects other than lighting and sound. A temporary platform is one installed for not more than 30 days. The reference to frost footings makes no sense when dealing with a platform that by definition is within a building. The platform may have implications for sprinkler systems, accessibility, fireblocking, structural, etc.*

(8) painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work;

~~(9) temporary motion picture, television, and theater stage sets and scenery;~~

**Reason:** *Why bother with this. They are unique to places other than Minnesota. Key word is "temporary".*

~~(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;~~

**Reason:** *Many homes are within very short distances of rivers, streams, lakes, wetlands, retention ponds, and other basins holding water. These all pose risks for drowning if that is one of the reasons for permits. There are no rules in the code for pool construction. Local zoning regulations can address fencing if that is deemed appropriate. The state regulates public pools. As an alternate, the language could read "swimming pools accessory to buildings or structures regulated by Chapter 1309".*

*The blue pools for sale at Wal-Mart, Menard's and other places can be moved around and set up each year. Should owners obtain permits every year?*

- *Intex 18' x 48" Easy-Set Above-Ground Pool*
- *Holds 5,455 gallons at an 80 percent water capacity*



**Wal-Mart**

**What is a Public Pool?**

A "Public pool" includes any pool, other than a private residential pool operated by any person whether the person is an owner, lessee, operator, or concessionaire. Pools include swimming pools, spa pools (hot tubs), waterparks, plunge pools with flume slides, therapy pools, wave pools, splash pads and interactive water features. Public pools are those located in parks, schools, licensed child care facilities, Home Owners Associations, group homes, motels, camps, resorts, apartment buildings, clubs, condominiums and hotels or any licensed lodging facility.

**4717.1550 POOL ACCESS RESTRICTION; FENCING.**

Subpart 1. **General.** Access to a public pool must be controlled to effectively prevent the entrance of children.

A. Where fencing is used to control access, it must comply with subparts 2 to 6 except as noted in item B, subitem (2).

B. Access to a public pool within a building or enclosure must be controlled:

(1) by locating the pool in a separate room with self-latching doors that restrict access to the room; or

(2) with fencing or a comparable barrier which is at least four feet high and has self-closing, self-latching doors or gates.

Exception: poolside guest rooms, corridors adjacent to poolside guest rooms, and poolside activity areas may be within the pool enclosure.

Subp. 2. **Fencing.** Fencing must:

A. be at least five feet high;

B. be equipped with self-closing, self-latching gates capable of being locked;

C. not have any opening greater than four inches;

D. not have any opening greater than two inches below the fence; and

E. not be a readily climbable design.

Subp. 3. **Existing four-foot fencing.** Fencing in existence prior to January 4, 1995, that is less than five feet high must:

A. be no less than four feet high;

B. be equipped with self-closing, self-latching gates capable of being locked;

C. not have any opening greater than four inches; and

D. not be a readily climbable design.

Subp. 4. **Wading pools.** Fencing for a wading pool enclosure must be at least 42 inches high for existing installations and 48 inches high for new installations.

Subp. 5. **Chain link fencing.** New chain link fencing must not exceed 1-1/2 inch mesh for fencing less than eight feet high. New chain link fencing eight foot high or higher must have mesh which does not exceed two inches.

Subp. 6. **Latches.** Latches for new installations must be four feet above the ground.

**Statutory Authority:** MS s 144.05; 144.12; 144.123; 145A.02; 157.01

**History:** 19 SR 1419; 19 SR 1637

- (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;
- (15) installation, replacement, or repair of vehicular access doors or door operating systems.

**Reason:** *We have to regulate operators by statute but we don't have to require permits. The doors themselves should not even be regulated. If the high wind regulations are applied, likely the opening will require additional work and permits won't be obtained anyway. High wind doors are not necessary in Minnesota but were designed for hurricane areas.*

Unless otherwise exempted, plumbing, electrical, and mechanical permits are required for sub items (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.~~

- (1) Replacement of fixtures, garbage disposals, faucets, or valves when no alteration to related piping occurs.
- (2) The stopping of leaks in drains, water, soil, waste or vent pipes provided that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made.
- (3) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the rearrangement of valves, pipes or fixtures.
- (4) Mending of leaks in faucets, valves, water supply or sewer pipes, repairing broken fixtures or tanks, thawing frozen pipes, the flushing or clearing of any building sewer or drain.

**Reason:** *From the International Plumbing Code:*

- 1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.*
- 2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.*

*There is much minor plumbing repair that occurs without the need for permits and inspections, just like with other portions of the code.*

**106.2 Exempt work.** The following work shall be exempt from the requirement for 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.



## Division Opinion

**Inquiry:** #2008-12 (Previously 97-35 dated July 18, 1997 - for 1994 UBC)

**Subject:** Sleeping room window sash replacements

**Code:** 2007 Minnesota State Building Code - Chapter 1305  
2006 International Building Code – Section 1026

**Submitted By:** Joe Ehrlich, City of St. Paul (Previously by MNBO Uniformity Committee)

**Approved By:** Stephen Hernick, State Building Official

**Issue Date:** December 5, 2008

**Question:** What minimum net clear opening dimensions and sill mounting height are required after replacing the window sashes with either a pocket unit (sashes and new jambs) or new sash and jamb liners?

**Answer:** As this work is considered maintenance, the remodeled windows need only comply with any code provisions in effect when they were originally installed.

**Background Information:** Although sash replacement normally reduces the operable area in some cases up to an inch on all sides, this work is still considered maintenance and does not generally diminish any life safety. The reliability afforded by new sash and jambs should be considered as offsetting any minor reduction in operable area because of the new jamb liners.

Originally adopted as opinion 97-35 by the Committee September 25, 1996 and ratified at the 41<sup>st</sup> Annual Institute of Building Officials on January 17, 1997.

This opinion has been reissued to address the window sash replacement for IBC structures. Requirements for window replacements in IRC structures see Minnesota State Building Code chapter 1309, Section R310.1.5.

### Proposed Code Change – Need and Reason

Reasons following each proposed change

### Proposed Code Change – Cost/Benefit Analysis

There will be no increases in cost with this proposal.

### Other Factors to Consider Related to Proposed Code Change

1. Is this proposed code change meant to:

change language contained in a published code book? If so, list section(s).

change language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s).

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delete language contained in a published code book? If so, list section(s).

delete language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s).

neither; this language will be new language, not found in the code book or in Minnesota Rule.

2. Is this proposed code change required by a Minnesota Statute or new legislation? If so, please provide the citation to the Statute or legislation.

No

3. Will this proposed code change impact other sections of a published code book or of an amendment in Minnesota Rule? If so, please list the affected sections or rule parts.

No

4. Will this proposed code change impact other parts of the Minnesota State Building Code? If so, please list the affected parts of the Minnesota State Building Code.

No

5. Who are the parties affected or segments of industry affected by this proposed code change?

Code officials, contractors, building designers, building owners.

6. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.

No

7. Are you aware of any federal requirement or regulation related to this proposed code change? If so, please list the regulation or requirement.

No