

# Minnesota Department of Labor and Industry 1311 Code Adoption Minutes.

Meeting: 3/23/2012

Time: 8:30 am – 10:30 am

Location: Isanti room.

Attendance:

Present:

**Attendance:**

Present:

David Krings DLI

Christopher Meier DLI

Paul Nahurski BOMA

Mary Ann Heidemann MHS

Dave Macdonald MN SEA

Dave Phillips AIA Minnesota

Kevin McGinty SFMD

John Kerwin Developer

Tim Manz AMBO

Greg Karow AMBO

Todd Liljenquist MHA

Mary Ann Heidemann MHS

Leanna Shaff FMA of MN

**Alternates:**

Present:

Gene Abbott AMBO

**Interested Parties:**

Mark Mikkleson Anderson Corp.

Gerhard Guth CCAC

Meeting called to order:

Chair: Dave Krings.

**1. Review Minutes:**

- a. Consensus to approve 3/1/2012 minutes.
  - i. Discussion:
    1. Comment made to address proper date.
      - a. Noted.
    2. Motion to approve minutes with change.
      - a. Dave Phillips: Motioned.
      - b. Gene Abbott: Second.
      - c. Consensus: Approved with the date of meeting changed from 2/2/2012 to 2/1/2012.

**2. Window replacement:**

- a. Dave Krings discussed briefly how the IRC has given exception to window replacement. The intent was to prohibit excess costs in relation to replacing windows within a bedroom of a residential dwelling. Minnesota amended portions of the 2006 IRC for this. Reference 1309.0310 for more information.
- b. Dave Krings also stated that we do not address replacement windows within the present IBC except as being required for new construction. Reference 2006 IBC Section 1026 for more information.
- c. This led to window openings having to be altered unless submitted as an alternate. The alternate typically referenced the IRC.
- d. Dave Krings presented 403.7 and 812 replacement windows within the IEBC.
  - i. The language is the same as the **present IRC** except for reference to IBC for replacement windows.
  - ii. Dave noted he thought these were the best sections to incept ammendments within the IEBC.
- e. Discussion:
  - i. Dave Phillips.
    1. Agrees with the concept but disagrees with item #3. He feels there would be too much local control with the section. (See below).
    2. 3. The window is not required to be replaced pursuant to a locally adopted rental housing or rental licensing.
  - ii. Kevin McGinty.
    1. Agrees with Dave K that this should be in the IEBC, but should be worded differently to match a policy that had been researched extensively by the State Fire Marshals' division.
      - a. Discussed History and policy that SFM has been following.
        - i. See link for SFMD policy.
          1. <https://dps.mn.gov/divisions/sfm/document-library/Documents/Fire%20Code%20Information%20Sheets/Apartments2000IFC.pdf>

- ii. Kevin also handed out a draft document and was addament about it only being a draft at this time.
  - iii. Kevin stated the consensus of the SFM policy was from discussions with CCLD.
  - iv. Conclusion: they have been enforcing this through policy and it has taken care of approx. 80% of the appeals addressing replacement windows and egress requirements.
  - v. Note: This is the SFM policy.
- iii. Dave Krings.
  - 1. Dave noted he was not aware of any consensus and was not aware of what the IRC committee had addressed.
  - 2. Dave stated that the proposal is not a final draft and can be altered.
- iv. Kevin McGinty.
  - 1. Noted that the language in SFC section 1026 is different but has some similar language. Reference 2006 IBC section 1026 and 2007 SFC section 1026 for differences.
  - 2. Kevin also stated that the SFMD did not want to have language that is different than the IBC or IRC.
- v. Dave Krings.
  - 1. Is not in favor of writing an ammendment that would be different than language within the IRC.
  - 2. Dave asked Kevin if he is on the Fire Code Committee that would address egress windows.
  - 3. Kevin confirmed he is.
- vi. Kevin McGinty commented that licensed facilities through the Department of Health are regulated by the SFM division which encompasses section 1026 of the SFC.
- vii. Greg Karow.
  - 1. Concerned if the scoping provisions of 1300 adress rental property.
- viii. Tim Manz.
  - 1. Believes the proposal as written is adequate.
- ix. Todd Liljenquist.
  - 1. Has concerns over cost.
  - 2. Feels that there is not enough information to make a decision today.
- x. Dave Phillips.
  - 1. Is addement about item #3 and local jurisdictions authority and interpretation not being consistent.
- xi. Kevin McGinty.
  - 1. The SFMD whole intent is not to alter the window opening.

xii. Mark Mikkelson.

1. Anderson window has been a major information source for replacement windows and has conducted scenerios with all parties involved to come to a consensus. That is how we have the language that is within the IRC today.
2. The other problem is; when you have set dimensions it creates problems for everyone.
3. The worst problem is there is no uniformity throughout the state.
4. Anderson window does not want to dictate #'s but wants uniform enforcement.
5. Four catagories Anderson window is concerned with:
  - a. Sill height. (Fall protection).
  - b. Opening minimums.
  - c. Window opening control device. Reference MSBC 1303.2320 for fall prevention required.
  - d. We have to be able to protect the individual but will also have to obtain appropriate opening for egress. (Where applicable).
6. Tim Manz.
  - a. Would like to be a part of an ad hoc committee to research and propose new language.
7. Greg Johnson.
  - a. Is chapter 4 and 8 the appropriate place for the language?
8. Mark Mikkelson.
  - a. Was also concerned on where the language was being implimented.
9. New language within the IRC has implications.
  - a. Reference.
    - i. Rulemaking.
    - ii. 1309 – Internaitional Residential Code Committee.
    - iii. Proposals accepted.
    - iv. IRC – 41, R310.1 for more information.

f. Motion.

1. Dave Phillips Motioned to delete **#3 of 1311.0403.7 and 1311.0803** proposals and work on amendment with SFM office to fine tune.
  - a. Dave Macdonald Second.
  - b. Consensus approved with changes.
2. New language.
  - a. **1311.0403.7 IEBC** Section 403 amended to add Section 403.7 and\_read as follows:
  - b. **1311.0403.7 Replacement windows. Replacement windows shall be exempt from the requirements of the International**

Building Code Sections 1029.2 and 1029.3 if the replacement window meets the following conditions:

- c. 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 an equal or greater window opening area than the existing window;
- d. 2. The rooms or areas are not used for any Minnesota state licensed purpose requiring an egress window; and
- e. 3. The window is not required to be replaced pursuant to a locally adopted rental housing or rental licensing

### 3. Dave krings.

- a. 407.1 Conformance (small assembly spaces added to bottom of table).
  - i. Dave altered Greg's proposal to include it within the first approved submittal. He added Greg's submittal of small assembly spaces underneath Table 407.1 (Life Safety and Fire Risk).
  - ii. Greg Johnson was ok with how the two documents are combined.
- b. Discussion:
  - i. Gene Abbot.
    1. Comment on why just this section, and that he already uses this under his jurisdiction as an acceptable means to classify these areas for existing buildings.
  - ii. Greg Johnson.
    1. He wanted to clarify Occupancies within the IBC being utilized as assembly occupancies but under the 50 person threshold having the classification as a business occupancy.
    2. And the threshold as an accessory use under the 750 sq. ft. threshold.
    3. Greg stated this is in the present code but two different areas, now it is within the 2012 document under chapter 3.
    4. He also stated that it is copied verbatim.
    5. Not all jurisdictions will allow this.
- c. Motion:
  - i. Dave Phillips motioned to approve the original 407.1 conformance with the attached 407.1.1.
    1. Kevin McGinty second.
      - a. Consensus approved.
- d. Old Language:
  - i. **407.1 Conformance.** ~~No Changes shall be made~~ in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies shall be permitted if unless

such building is made to comply with the requirements of the *International Building Code* for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all of the requirements of this code for those groups, provided the new or proposed use is equal or less hazardous, based on life and fire risk, than the existing use. based on Table 407.1.

ii. **TABLE 407.1 LIFE SAFETY AND FIRE RISK**

RELATIVE HAZARD	OCCUPANCY CLASSIFICATION
1 (Highest Hazard)	H, I-2, I-3
2	I-4, A-1
3	E, 1-1, R-1, R-2, A-2, A-3, A-4
4	B, F-1, R-3, R-4, S-1, M, A-5
5 (Lowest Hazard)	F-2, S-2, U

e. New language:

- i. **407.1 Conformance.** ~~No Changes shall be made~~ in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies shall be permitted if unless such building is made to comply with the requirements of the *International Building Code* for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all of the requirements of this code for those groups, provided the new or proposed use is equal or less hazardous, based on life and fire risk, than the existing use. based on Table 407.1.

ii. **TABLE 407.1 LIFE SAFETY AND FIRE RISK**

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5 (Lowest Hazard)	F-2, S-2, U

- iii. 407.1.1 Small assembly spaces. The following rooms and spaces shall not be classified as Assembly occupancies:
- iv. 1. A room or space used for assembly purposes with an occupant load of less than 50 persons and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.
- v. 2. A room or space used for assembly purposes that is less than 750 square feet (70 m<sup>2</sup>) in area and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.

#### 4. Dave Krings.

- a. 403.1 Alterations.
  - i. Dave Krings explained to the committee how the initial proposal was good, but at the time the committee approved the proposal we did not address exception #2 which is covered within chapter 11 of the fire code for existing buildings.
- b. Greg Johnson.
  - i. Commented about losing requirements within the building code addressing handrails.
  - ii. We address handrails within the first exception and 1009.12 within the 2012 IBC are specific to spiral stairs only. The other component is uniformity with existing stairs and chapter 11 of the fire code.
- c. Gene Abbott.
  - i. Concerned about chapter 11 and replacement stairs.
- d. Dave Krings.
  - i. The requirements for chapter 4 are specific to utilizing chapter 11 of the fire code. This also relates to exception #1 for stairs, handrails and gaurds within stairs.
- e. Motion.
  - i. John Kerwin motioned.
  - ii. Dave Phillips second.
  - iii. Consensus approved.
- f. Old Language. 403.1 stairs#2-krings.

- i. **403.1 General.** Except as provided by Section 401.2 or this section, *alterations* to any building or structure shall comply with the requirements of the *International Building Code* for new construction. *Alterations* shall be such that the *existing building* or structure is no less conforming to the provisions of the *International Building Code* than the *existing building* or structure was prior to the *alteration*.
- ii. **1311.403.1 Exceptions:**
  - 1. 1. An existing stairway shall not be required to comply with the requirements of Section 1009 of the *International Building Code* ~~where the existing space and construction does not allow a reduction in pitch or slope.~~ Provided the existing stairway complies with section 1104.10, 1104.11, 1104.12 and 1104.13 of the MN State Fire Code.
  - iii. 2. Handrails otherwise required to comply with Section 1009.12 of the *International Building Code* shall not be required to comply with the requirements of Section 1012.6 of the *International Building Code* regarding full extension of the handrails where such extensions would be hazardous due to plan configuration.
- g. New language.
  - i. **403.1 General.** Except as provided by Section 401.2 or this section, *alterations* to any building or structure shall comply with the requirements of the *International Building Code* for new construction. *Alterations* shall be such that the *existing building* or structure is no less conforming to the provisions of the *International Building Code* than the *existing building* or structure was prior to the *alteration*.
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    - iii. 1. An existing stairway shall not be required to comply with the requirements of Section 1009 of the *International Building Code* ~~where the existing space and construction does not allow a reduction in pitch or slope.~~ Provided the existing stairway complies with section 1104.10, 1104.11, 1104.12 and 1104.13 of the MN State Fire Code.
    - iv. 2. Handrails otherwise required to comply with Section 1009.12 of the *International Building Code* shall not be required to comply with the requirements of Section 1012.6 of the *International Building Code* regarding full extension of the handrails where such extensions would be hazardous due to plan configuration. The replacement of an existing stairway in a structure shall not be required to comply with the requirements of Section 1009 of the *International Building Code* where the existing space and construction does not allow a reduction in pitch or slope.

**5. Dave Krings.**

- a. Structural committee ammendments.
  - i. Commented on wether we should even be approving the ammendments that are being submitted by the structural committee when there are only a few people on the committee that have backgrounds in this area.
- b. Dave Macdonald.
  - i. Is on the structural committee and relayed that the committee likes the format of the IEBC but has made some changes that coinside with other documents. He has offered to give the IEBC committee an overview of the proposals when they are completed in there entirety.
- c. Dave Krings.
  - i. Asked committee if they were acceptable to this.
    - 1. Consensus.
      - a. Committee felt an overview of proposals would be acceptable.

**6. Dave Krings.**

- a. Update on Chapter 11 section 1103.2 of the fire code.
  - i. 1103.2 Emergency responder radio coverage in existing buildings. Existing building that do not have approved radio coverage for emergency responders within the building base upon the existing coverage levels of the public safety commuication systems of the jurisdiction at the exterior of the building, shall be equipped with such coverage according to one of the following:
    - 1. Whenever an existing wired communication system cannot be repaired or is being replaced, or where not approved in accordance with Section 510.1, Exception 1.
    - 2. Within a time frame established by adopting authority.
    - 3. Exception: Where it is determined by the fire code official that the radio coverage system is not needed.
- b. Kevin McGinty.
  - i. Update.
    - 1. After 911 the pour coverage that occurred raised the concern for this. After finding out what the cost per sq. ft. would be, some people wanted emergency radio coverage in the fire code. There intent was if it was in the fire code, access to funding would be more accessible. The interest in spending money from school districts on this was not a friendly envirenment.
    - 2. Kevin also stated that this will not be part of the new code but will be put in as an appendix document that will not be mandatory.
    - 3. Kevin will update committee on progress.

**7. Dave Krings.**

- a. Elevator recall.
  - i. There is a discrepancy between the Minnesota State Building Code Chapter 1307 - elevator code, and the Minnesota State Fire Code chapter 11 section 1103.3 – Elevator operation.
- b. Kevin McGinty.
  - i. The SFMD is working on 1103.3 to bring it in line with the MSBC 1307.0047 Special Provisions.
- c. Chris Meier.
  - i. Discussed issue with Bill Reimke (Elevator Supervisor), he is in correspondance with John Nisja to have similar language. We will see some sort of proposal for 1103.3 in the near future.

**8. Dave Krings.**

- a. Code cycle update.
  - i. Target date for adoption of 2012 MSBC
    - 1. January of 2013.
  - ii. Effective date of 2012 MSBC.
    - a. July of 2013.

**9. Next meeting.**

- a. April 19, 2012
- b. Time: 8:30 am – 10:30 am.

**10. Meeting adjourned.**