

# PLACES OF PUBLIC ACCOMMODATION

Minnesota Department of Labor and Industry

## State inspection of places of public accommodation in non-code areas

Minnesota law requires state inspection of new construction, change of use, alterations or additions to a place of public accommodation (PPA) designed for 100 or more people. As of July 1, 2017, application must be made to the Minnesota Department of Labor and Industry for building code review, permit and inspection before construction can begin on these public buildings that will be constructed in non-code enforced areas of the state.

### What is a PPA?

A publicly or privately owned facility with an occupant load of 100 or more people and is a sports or entertainment arena, stadium, theater, community or convention hall, special event center, indoor amusement facility or water park or indoor swimming pool.



**Occupant load:** The calculated number of people for which the means of egress system is designed. This number is based on the number of square feet that the building code assigns to each occupant to ensure means-of-egress safety requirements.

**Fire area:** A building or portion of a building bounded by exterior walls, fire walls or fire barrier walls constructed per the Minnesota State Building Code.

**Agricultural buildings:** Buildings located on land assessed as agricultural which are designed, constructed and used to house farm implements, livestock or agricultural products and used by the owner, lessee and members of their immediate family, employees and persons engaged in the pickup or delivery of agricultural products.

## Where to get permits for places of public accommodation

**Land use permits and grading permits:** County or Local municipality, if required.

**Building permits and mechanical permits:** If the property is within a municipality having local enforcement of the State Building Code, the local building department has jurisdiction. If there is no local code enforcement, the Construction Codes and Licensing Division (CCLD) at the Minnesota Department of Labor and Industry has jurisdiction for projects with an occupant load over 100 persons.

**Sprinkler permits:** Minnesota Department of Public Safety, State Fire Marshal's Division.

**Electrical, plumbing and elevator permits:** CCLD, except where the department has specific agreements with local building departments.

## Where to start when planning

Without exception, all PPA require design and certification by an architect or engineer licensed in Minnesota. Start by

assembling the design team: architect, structural engineer, mechanical engineer (if including any heating and/or air conditioning), master plumber, electrical engineer or master electrician. Licensed professionals are listed at <https://mn.gov/aelslagid/roster.html>.

## I have an existing building that I would like to convert to a PPA

**Conversion of commercial and residential buildings:** Existing commercial buildings may use the Minnesota Conservation Code for Existing Buildings. Changes in occupancy will typically result in requirements to comply with the current construction codes.

**Conversion of agricultural buildings:** Minnesota Statute 326B.121 exempts agricultural buildings from the building code. However, conversion of an agricultural building to a PPA requires demonstration that the building complies with all of the requirements of the current construction codes. A barn used for another purpose is no longer exempt.

## What are some typical areas of concern?

**Building structure:** Buildings must meet current gravity load criteria (dead load + live load + snow load) and current lateral (wind) load criteria. Must demonstrate with certified calculations.

**Accessibility:** Must demonstrate and provide accessible parking, an accessible route to an accessible entrance, an accessible route within to every primary function area and public space, and accessible toilets. If primary functions are not on the accessible level, provide an elevator.

**Toileting:** Provide the number of water closets, lavatories, sinks and drinking fountains required by Minnesota Building Code, Chapter 29. Portable toilets are not acceptable except for outdoor stadiums.

**Means of egress:** Provide means of egress compliant with Chapter 10 of the Minnesota Building Code. Panic hardware is required on doors. Exit signage and emergency power for egress lighting is required.



**HVAC:** If providing heating or air conditioning and spaces were not previously conditioned or if the building was an agricultural building, the thermal envelope of the conditioned space and HVAC equipment must comply with the current Minnesota Energy Code. If no HVAC, the architect must provide calculations for natural ventilation compliance.

**Fire sprinkler systems:** PPA require sprinkling under the following conditions:

1. when the occupant load of the fire area containing the PPA is 300 or more persons (MS 326B.108), or
2. when the building code requires other occupancies within the fire area containing the PPA to be sprinkled and there is not a rated occupancy separation between those other occupancies and the PPA (MBC 508.4.1), or
3. when the building code requires the entire building to be sprinkled in order to comply with allowable building height (MBC 504) and allowable building area (MBC 506).