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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1402

02/22/2021 Authored by Keeler and Marquart

The bill was read for the first time and referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy

1.1 A bill for an act
1.2 relating to State Building Code; authorizing border cities to adopt changes to the
1.3 code related to frost footing depth; amending Minnesota Statutes 2020, section
1.4 326B.121, subdivision 2.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 326B.121, subdivision 2, is amended to read:

1.7 Subd. 2. **Municipal enforcement.** (a) If, as of January 1, 2008, a municipality has in
1.8 effect an ordinance adopting the State Building Code, that municipality must continue to
1.9 administer and enforce the State Building Code within its jurisdiction. The municipality is
1.10 prohibited from repealing its ordinance adopting the State Building Code. This paragraph
1.11 does not apply to municipalities with a population of less than 2,500 according to the last
1.12 federal census that are located outside of a metropolitan county, as defined in section 473.121,
1.13 subdivision 4.

1.14 (b) If a municipality is not required by paragraph (a) to administer and enforce the State
1.15 Building Code, the municipality may choose to administer and enforce the State Building
1.16 Code within its jurisdiction by adopting the code by ordinance.

1.17 (c) A municipality must not by ordinance, or through development agreement, require
1.18 building code provisions regulating components or systems of any structure that are different
1.19 from any provision of the State Building Code. This subdivision does not prohibit a
1.20 municipality from enacting or enforcing an ordinance requiring existing components or
1.21 systems of any structure to be maintained in a safe and sanitary condition or in good repair,
1.22 but not exceeding the standards under which the structure was built, reconstructed, or altered,
1.23 or the component or system was installed, unless specific retroactive provisions for existing

2.1 buildings have been adopted as part of the State Building Code. A municipality may, with
2.2 the approval of the state building official, adopt an ordinance that is more restrictive than
2.3 the State Building Code where geological conditions warrant a more restrictive ordinance.
2.4 A municipality may appeal the disapproval of a more restrictive ordinance to the
2.5 commissioner. An appeal under this subdivision is subject to the schedule, fee, procedures,
2.6 cost provisions, and appeal rights set out in section 326B.139.

2.7 (d) A city may by ordinance and with permission of the township board extend the
2.8 administration and enforcement of the code to contiguous unincorporated territory not more
2.9 than two miles distant from its corporate limits in any direction if the code is not already
2.10 administered and enforced in the territory. Where two or more noncontiguous cities, which
2.11 have elected to administer and enforce the code, have boundaries less than four miles apart,
2.12 each is authorized to enforce the code on its side of a line equidistant between them. Once
2.13 enforcement authority is extended extraterritorially by ordinance, the authority may continue
2.14 to be exercised in the designated territory even though another city less than four miles
2.15 distant later elects to enforce the code. After the extension, the city may enforce the code
2.16 in the designated area to the same extent as if the property were situated within its corporate
2.17 limits. Enforcement of the code in an extended area outside a city's corporate limits includes
2.18 all rules, laws, and ordinances associated with administration of the code.

2.19 (e) A city cannot commence administration and enforcement of the code outside of its
2.20 jurisdiction until it has provided written notice to the commissioner, the county auditor, and
2.21 the town clerk of each town in which it intends to administer and enforce the code. A public
2.22 hearing on the proposed administration and enforcement must be held not less than 30 days
2.23 after the notice has been provided. Administration and enforcement of the code by the city
2.24 outside of its jurisdiction commences on a date determined by the city that is no less than
2.25 90 days nor more than one year after the public hearing.

2.26 (f) A municipality may enforce the State Building Code by any means that are convenient
2.27 and lawful, including entering into contracts with other municipalities under section 471.59
2.28 and with qualified individuals. The other municipalities or qualified individuals may be
2.29 reimbursed by retention or remission of some or all of the building permit fee collected or
2.30 by other means. If a municipality has no qualified employees of the municipality or other
2.31 municipalities or qualified individuals available to carry out inspection and enforcement,
2.32 the commissioner shall train and designate individuals available to carry out inspection and
2.33 enforcement. The commissioner may be reimbursed for the inspection by retention or
2.34 remission of some or all of the building permit fee collected or by other means.

3.1 (g) Nothing in this subdivision prohibits a municipality from adopting ordinances relating
3.2 to zoning, subdivision, or planning unless the ordinance conflicts with a provision of the
3.3 State Building Code that regulates components or systems of any structure.

3.4 (h) A municipality authorized to establish a border city enterprise zone as defined in
3.5 section 469.166 may by ordinance adopt building code provisions that are different from
3.6 provisions of the State Building Code for the purpose of reducing the required frost footing
3.7 depth to match the requirements of an adjacent municipality in a bordering state. Any
3.8 reduction in required frost footing depth adopted by a municipality under this paragraph
3.9 shall be no lower than the minimum depth allowed in Zone II under Minnesota Rules, part
3.10 1303.1600, subpart 1.

3.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.