

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 937

(SENATE AUTHORS: BROWN)

DATE	D-PG	OFFICIAL STATUS
02/19/2015	358	Introduction and first reading Referred to State and Local Government

A bill for an act  
relating to the State Building Code; modifying municipal enforcement  
requirements; amending Minnesota Statutes 2014, section 326B.121, subdivision  
2, by adding a subdivision.

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

Section 1. Minnesota Statutes 2014, section 326B.121, subdivision 2, is amended to  
read:

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

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

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

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

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

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

(f) A municipality may enforce the State Building Code by any means that are convenient and lawful, including entering into contracts with other municipalities under section 471.59 and with qualified individuals. The other municipalities or qualified individuals may be reimbursed by retention or remission of some or all of the building permit fee collected or by other means. If a municipality has no qualified employees of the municipality or other municipalities or qualified individuals available to carry out inspection and enforcement, the commissioner shall train and designate individuals available to carry out inspection and enforcement. The commissioner may be reimbursed for the inspection by retention or 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  
3.2 relating to zoning, subdivision, or planning unless the ordinance conflicts with a provision  
3.3 of the State Building Code that regulates components or systems of any structure.

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

3.5 Sec. 2. Minnesota Statutes 2014, section 326B.121, is amended by adding a  
3.6 subdivision to read:

3.7 Subd. 2a. **Mille Lacs County.** Notwithstanding subdivision 2, paragraph (a), Mille  
3.8 Lacs County may rescind the local ordinance adopted on September 2, 2003, and filed in the  
3.9 Mille Lacs County Recorder's Office as Document number 304899 on October 23, 2003,  
3.10 establishing local application, administration, and enforcement of the State Building Code.

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