

CHAPTER 1300
DEPARTMENT OF ADMINISTRATION
BUILDING CODE

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1300.0010 ADMINISTRATION.

This chapter provides administrative provisions for all Minnesota State Building Code rule chapters identified in part 1300.0050. If specific administrative provisions are provided in a statute or rule chapter, the specific administrative provisions apply.

Chapter 1315 shall be administered according to chapter 3800, and the Minnesota Electrical Act, Minnesota Statutes, sections 326.01, and 326.241 to 326.248. Provisions of this chapter that do not conflict with the Minnesota Electrical Act also apply.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0020 TITLE.

The chapters listed in part 1300.0050, including the standards they adopt by reference, are the Minnesota State Building Code and may be cited as or referred to as the “code.”

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0030 PURPOSE AND APPLICATION.

Subpart 1. Purpose. The purpose of the code is to provide minimum standards to safeguard life and limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all structures and equipment specifically covered by the code in a jurisdiction that adopts and enforces the code.

The purpose of the code is not to create, establish, or designate a particular class or group of persons who will or should be especially protected or benefited by the terms of the code.

Subp. 2. Application.

A. The code applies statewide except as provided in Minnesota Statutes, sections 16B.72 and 16B.73, and supersedes the building code of any municipality. The code does not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized by Minnesota Statutes, sections 103F.141, subdivision 8, and 326.244.

B. The codes and standards referenced in a rule chapter are considered part of the requirements of the code to the prescribed extent of each reference. If differences occur between provisions of the code and referenced codes and standards, the provisions of the code apply.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0040 SCOPE.

The code applies to the construction, alteration, moving, demolition, repair, and use of any building, structure, or building service equipment in a municipality, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in the code, and hydraulic flood control structures. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with chapter 1309 and other applicable rules. Other buildings and structures and appurtenances connected or attached to them shall comply with chapter 1305 and other applicable rules.

If different provisions of the code specify different materials, methods of construction, or other requirements, the most restrictive provision governs. If there is a conflict between a general requirement and a specific requirement, the specific requirement applies.

If reference is made in the code to an appendix, the provisions in the appendix do not apply unless specifically adopted by the code. Optional appendix chapters of the code identified in part 1300.0060 do not apply unless a municipality has specifically adopted them.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0050 CHAPTERS OF MINNESOTA STATE BUILDING CODE.

The Minnesota State Building Code adopted under Minnesota Statutes, section 16B.61, subdivision 1, includes the following chapters:

- A. 1300, Minnesota Building Code Administration;
- B. 1301, Building Official Certification;
- C. 1302, State Building Code Construction Approvals;
- D. 1303, Special Provisions;
- E. 1305, Adoption of the International Building Code;
- F. 1306, Special Fire Protection Systems;
- G. 1307, Elevators and Related Devices;
- H. 1309, Adoption of the International Residential Code;
- I. 1311, Minnesota Conservation Code for Existing Buildings;
- J. 1315, Adoption of the National Electrical Code;
- K. 1325, Solar Energy Systems;
- L. 1330, Fallout Shelters;
- M. 1335, Floodproofing Regulations;
- N. 1341, Minnesota Accessibility Code;
- O. 1346, Minnesota Mechanical Code;
- P. 1350, Manufactured Homes;
- Q. 1360, Prefabricated Structures;
- R. 1361, Industrialized/Modular Buildings;
- S. 1370, Storm Shelters (Manufactured Home Parks);
- T. 4715, Minnesota Plumbing Code; and
- U. 7670, 7672, 7674, 7676, and 7678, Minnesota Energy Code.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0060 OPTIONAL ADMINISTRATION.

The following chapters of the code are not mandatory but may be adopted without change by a municipality which has adopted the code:

- A. chapter 1306, Special Fire Protection Systems;
- B. grading, appendix chapter K, 2001 Supplements to International Building Code; and
- C. chapter 1335, Floodproofing Regulations, parts 1335.0600 to 1335.1200.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0070 DEFINITIONS.

Subpart 1. **Scope; incorporation by reference.** The definitions in this part apply to parts 1300.0010 to 1300.0250. For terms that are not defined through the methods authorized by this chapter, the Merriam-Webster Collegiate Dictionary, available at www.m-w.com, shall be considered as providing ordinarily accepted meanings. The dictionary is incorporated by reference, is subject to frequent change, and is available through the Minitex interlibrary loan system.

Subp. 2. **Administrative authority.** “Administrative authority” means a municipality’s governing body or its assigned administrative authority.

Subp. 3. **Adult day care center.** “Adult day care center” means a facility that provides adult day care to functionally impaired adults on a regular basis for periods of less than 24 hours a day in a setting other than a participant’s home or the residence of the facility operator.

A. “Class E” means any building or portion of a building used for adult day care purposes, by more than five occupants, for those participants who are capable of taking appropriate action for self-preservation under emergency conditions as determined according to part 9555.9730, and must meet Group E occupancy requirements.

B. “Class I” means any building or portion of a building used for adult day care purposes, by more than five occupants, for those participants who are not capable of taking appropriate action for self-preservation under emergency conditions as determined according to part 9555.9730, and must meet Group I, Division 4 occupancy requirements.

Subp. 4. **Agricultural building.** “Agricultural building” means a building that meets the requirements of Minnesota Statutes, section 16B.60, subdivision 5.

Subp. 5. **Building official.** “Building official” means the municipal building code official certified under Minnesota Statutes, section 16B.65, subdivisions 2 and 3.

Subp. 6. **Building service equipment.** “Building service equipment” refers to the plumbing, mechanical, electrical, and elevator equipment, including piping, wiring, fixtures, and other accessories, that provides sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use and occupancy.

Subp. 7. **City.** “City” means a home rule charter or statutory city.

Subp. 8. **Code.** “Code” means the Minnesota State Building Code adopted under Minnesota Statutes, section 16B.61, subdivision 1, and includes the chapters identified in part 1300.0020.

Subp. 9. **Commissioner.** “Commissioner” means the commissioner of administration.

Subp. 10. **Designate.** “Designate” means the formal designation by a municipality’s administrative authority of a certified building official accepting responsibility for code administration.

Subp. 11. **Family day care home.** “Family day care home” means a residence or portion of a residence licensed by the Department of Human Services under chapter 9502 for no more than ten children at one time of which no more than six are under school age, and must meet Group R, Division 3 occupancy requirements.

Subp. 12. **Group day care home.** “Group day care home” means any residence or portion of a residence licensed by the Department of Human Services under chapter

9502 for no more than 14 children at any one time, and must meet Group R, Division 3 occupancy requirements.

Subp. 13. **Mandatory terms.** “Mandatory terms” include “must” and “shall,” which have the same meaning.

Subp. 14. **Manufactured home.** “Manufactured home” has the meaning given in Minnesota Statutes, section 327.31, subdivision 3, and for the purpose of determining occupancy separations, is considered a Group R, Division 3 occupancy.

Subp. 15. **Master plan.** “Master plan” is a plan that has been reviewed for code compliance by the building official and stamped “Reviewed for Code Compliance.”

Subp. 16. **Mayor and city council.** “Mayor” and “city council” mean governing body whenever they appear in the code.

Subp. 17. **Municipality.** “Municipality” means a city, county, or town; the University of Minnesota; or the state of Minnesota for public buildings and state licensed facilities.

Subp. 18. **Outpatient clinic.** “Outpatient clinic” means a building or part of a building used to provide, on an outpatient basis, surgical treatment requiring general anesthesia, kidney dialysis, or other treatment that would render patients incapable of unassisted self-preservation under emergency conditions. “Outpatient clinic” includes outpatient surgical centers, but does not include doctors’ and dentists’ offices or clinics for the practice of medicine or the delivery of primary care. Outpatient clinics must meet Group B occupancy requirements.

Subp. 19. **Performance-based design.** An engineering approach to design elements of a building based on agreed upon performance goals and objectives, engineering analysis, and quantitative assessment of alternatives against the design goals and objectives, using accepted engineering tools, methodologies, and performance criteria.

Subp. 20. **Recyclable materials.** “Recyclable materials” means materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastic, metals, automobile oil, and batteries. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.

Subp. 21. **Recycling.** “Recycling” means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

Subp. 22. **Residential hospice facility.** “Residential hospice facility” means a facility located in a residential area that directly provides 24-hour residential and support services in a home-like setting for six to 12 persons who have been diagnosed as terminally ill with a probable life expectancy of under one year. A residential hospice facility must meet Group R-4 occupancy requirements.

Subp. 23. **Supervised living facility.** “Supervised living facility” means a facility in which there is provided supervision, lodging, meals, and according to the rules of the Minnesota Department of Human Services and the Minnesota Department of Health, counseling and developmental habilitative or rehabilitative services to persons who are mentally retarded, chemically dependent, adult mentally ill, or physically disabled.

A. “Class A-1 supervised living facility” means a supervised living facility for ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for six or fewer persons, and must meet Group R, Division 3 occupancy requirements.

B. “Class A-2 supervised living facility” means a supervised living facility for ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for seven to 16 persons, and must meet Group R, Division 4 occupancy requirements. Facilities with more than 16 persons must meet Group I-1 occupancy requirements.

C. "Class B-1 supervised living facility" means a supervised living facility for ambulatory, nonambulatory, mobile, or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for six or fewer persons, and must meet Group R, Division 3 occupancy requirements.

D. "Class B-2 supervised living facility" means a supervised living facility for ambulatory, nonambulatory, mobile, or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for seven to 16 persons, and must meet Group R, Division 4 occupancy requirements.

E. "Class B-3 supervised living facility" means a supervised living facility for ambulatory, nonambulatory, mobile, or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions for over 16 persons, and must meet Group I, Division 2 occupancy requirements.

Subp. 24. **State building official.** "State building official" means the person who, under the direction and supervision of the commissioner, administers the code.

Subp. 25. **State licensed facilities.** "State licensed facilities" means a building and its grounds that are licensed by the state as a hospital, nursing home, supervised living facility, free-standing outpatient surgical center, or correctional facility.

Subp. 26. **State-owned buildings.** "State-owned buildings" means buildings and structures financed in whole or in part by state funds that are under the exclusive jurisdiction and custodial control of one or more state department or agency.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0080 CODE ADOPTION AND AMENDMENTS.

Under Minnesota Statutes, section 16B.61, the code is adopted and periodically updated to include current editions of national model codes in general use and existing statewide specialty codes and their amendments.

Under Minnesota Statutes, section 16B.64, subdivisions 5 and 6, amendments to the code may be proposed and initiated by any interested person. Proposed amendments must be submitted in writing on a form provided by the commissioner.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0090 DEPARTMENT OF BUILDING SAFETY.

Subpart 1. **Creation of enforcement agency.** There is hereby established in the municipality a code enforcement agency and the official in charge is the designated building official. The agency is referred to in the code as the "Department of Building Safety."

Subp. 2. **Appointment.** The building official shall be designated by the municipality according to Minnesota Statutes, section 16B.65.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0100 [Repealed, 19 SR 1340]

1300.0110 DUTIES AND POWERS OF BUILDING OFFICIAL.

Subpart 1. **General.** The building official shall enforce the code. The building official may render interpretations of the code and adopt policies and procedures in order to clarify its application. The interpretations, policies, and procedures shall be in conformance with the intent and purpose of the code. The policies and procedures shall not have the effect of waiving requirements specifically provided for in the code.

Subp. 2. **Deputies.** According to the prescribed procedures of the municipality and with the concurrence of the appointing authority, the building official may designate a deputy building official and related technical officers, inspectors, plan examiners, and other employees. The employees have the powers delegated by the building official.

Subp. 3. **Applications and permits.** The building official shall receive applications, review construction documents, and issue permits for the erection, alteration, demolition, moving, and repair of buildings and structures, including all other equipment and systems regulated by the code. The building official shall inspect the premises for which the permits have been issued and enforce compliance with the code.

Subp. 4. **Notices and orders.** The building official shall issue all necessary notices or orders to ensure compliance with the code.

Subp. 5. **Inspections.** The building official shall make all of the required inspections or accept reports of inspection by approved agencies or individuals. Reports of inspections shall be documented on the job site inspection card and kept on file at the jurisdiction including type of inspection, date of inspection, identification of the responsible individual making the inspection, and comments regarding approval or disapproval of the inspection. The building official may engage expert opinion necessary to report upon unusual technical issues that arise.

Subp. 6. **Identification.** The building official and deputies shall carry proper identification when inspecting structures or premises in the performance of duties under the code.

Subp. 7. **Right of entry.** If it is necessary to make an inspection to enforce the code or if the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition contrary to or in violation of the code that makes the structure or premises unsafe, dangerous, or hazardous, the building official or designee may enter the structure or premises at reasonable times to inspect or to perform the duties imposed by the code, provided that if the structure or premises is occupied, credentials must be presented to the occupant and entry requested. If the structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

Subp. 8. **Department records.** The building official shall keep official records of applications received, plans, specifications, surveys, plot plans, plan reviews, permits and certificates issued, reports of inspections, and notices and orders issued. The records shall be retained in the official records for the period required for the retention of public records under Minnesota Statutes, section 138.17. Department records shall be maintained by the municipality and readily available for review according to Minnesota Statutes, section 13.37.

Subp. 9. **Liability.** The building official, member of the Board of Appeals, or employee charged with the enforcement of the code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by the code or other pertinent laws or ordinances, is not rendered personally liable and is relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate is not liable for cost in any action, suit, or proceeding that is instituted in pursuance of the code.

Subp. 10. **Approved materials and equipment.** Materials, equipment, and devices approved by the building official shall be constructed and installed in the approved manner.

Subp. 11. **Used material and equipment.** The use of used materials that meet the requirements of the code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

Subp. 12. **Modifications.** If there are practical difficulties involved in carrying out the provisions of the code, the building official may grant modifications for individual cases, upon application by the owner or owner's representative, provided the building official finds that special individual reason makes the strict letter of the code impractical, the modification is in compliance with the intent and purpose of the code, and the modification does not lessen health, life, and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Department of Building Safety.

Subp. 13. **Alternative materials, design, and methods of construction and equipment.** The code is not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the code, provided that any alternative has been approved. An alternative material, design, or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the code, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the code in quality, strength, effectiveness, fire resistance, durability, and safety. The details of any action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.

Subp. 14. **Performance-based fire and life safety design.** The code official may approve performance-based fire and life safety designs if the code official finds that the proposed design has been conducted by an approved method. Approved performance-based designs are evidence of compliance with the intent of the code. Approvals under this subpart are subject to the approval of the building code official whenever the design involves matters regulated by the building code.

A. Design goals, objectives, and performance criteria shall be approved by the code official before submission of a performance-based design report, calculations, or analysis results. As a minimum, an approved performance-based design shall address the following objectives:

- (1) life safety of occupants;
- (2) firefighter safety;
- (3) property protection;
- (4) continuity of operations; and
- (5) safeguarding of the environment.

B. To determine the acceptability of a performance-based design, the code official may require the owner or agent to provide, without charge to the jurisdiction, a technical opinion and report. The code official may require the technical opinion and report to be prepared by, and bear the stamp of, a licensed design professional.

C. Performance-based designs shall be prepared by, and bear the stamp of, a licensed design professional competent in the area of work. The design professional shall provide written confirmation to the code official before a certificate of occupancy is issued that the performance-based design has been properly implemented, the operation or use of the building is within the limitations of the design, and adequate controls are in place to maintain compliance with the conditions of the design throughout the life of the building.

Subp. 15. **Tests.** If there is insufficient evidence of compliance with the code, or evidence that a material or method does not conform to the requirements of the code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the municipality. Test methods shall be as specified in the code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be

performed by an approved agency. Reports of the tests shall be retained by the building official.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0120 PERMITS.

Subpart 1. Required. An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure; erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit.

Subp. 2. Annual permit. In lieu of an individual permit for each alteration to an already approved building or electrical, gas, mechanical, or plumbing installation, the building official may issue an annual permit upon application for the permit to any person, firm, or corporation regularly employing one or more qualified trade persons in the building, structure, or on the premises owned or operated by the applicant for the permit.

Subp. 3. Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under the annual permit. The building official shall have access to the records at all times or the records shall be filed with the building official as designated.

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 mm²);

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

(3) oil derricks;

(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) 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;

(6) sidewalks and driveways that are not part of an accessible route;

(7) 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;

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

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

(10) prefabricated swimming pools 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 are 24 inches (610 mm) or less in depth, do not exceed 5,000 gallons (19,000 L) and are installed entirely above ground;

(11) window awnings supported by an exterior wall of Group R-3, and Group U occupancies;

(12) movable cases, counters, and partitions not over five feet, nine inches (1,753 mm) in height; and

(13) agricultural buildings as defined in Minnesota Statutes, section 16B.60, subdivision 5.

Unless otherwise exempted, plumbing, electrical, and mechanical permits are required for subitems (1) to (13).

B. Gas:

(1) portable heating, cooking, or clothes drying appliances; and

(2) replacement of any minor part that does not alter approval of equipment or make the equipment unsafe.

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; and

(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.

D. Plumbing: the clearing of stoppages, provided the work does not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

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.

Subp. 5. Emergency repairs. If equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted to the building official within the next working business day.

Subp. 6. Repairs. Application or notice to the building official is not required for ordinary repairs to structures. The repairs shall not include the cutting away of any wall, partition, or portion of a wall or partition, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

Subp. 7. Application for permit. To obtain a permit, the applicant shall file an application in writing on a form furnished by the Department of Building Safety for that purpose. The application shall:

A. identify and describe the work to be covered by the permit for which application is made;

B. describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work;

C. indicate the use and occupancy for which the proposed work is intended;

D. indicate the type of construction;

E. be accompanied by construction documents and other information as required by the code;

- F. state the valuation of the proposed work;
- G. be signed by the applicant, or the applicant's authorized agent; and
- H. give other data and information required by the building official.

Subp. 8. **Action on application.** The building official shall examine or cause to be examined applications for permits and amendments within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject the application and notify the applicant, in writing, stating the reasons for the rejection. If the building official is satisfied that the proposed work conforms to the requirements of the code and applicable laws and ordinances, the building official shall issue a permit.

Subp. 9. **Time limitation of application.** An application for a permit for any proposed work shall be considered abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Subp. 10. **Validity of permit.** The issuance or granting of a permit or approval of plans, specifications, and computations, shall not be construed to be a permit for any violation of the code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the code or other ordinances of the jurisdiction are not valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official may also prevent occupancy or use of a structure that violates the code or any other ordinance of this jurisdiction.

Subp. 11. **Expiration.** Every permit issued shall become invalid unless the work authorized by the permit is commenced within 180 days after its issuance, or if the work authorized by the permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official may grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Subp. 12. **Suspension or revocation.** The building official may suspend or revoke a permit issued under the code if the permit is issued in error; on the basis of incorrect, inaccurate, or incomplete information; or in violation of any ordinance or regulation or the code.

Subp. 13. **Placement of permit.** The building permit or a copy shall be kept on the site of the work until the completion of the project.

Subp. 14. **Responsibility.** Every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical, or plumbing systems, for which the code is applicable, shall comply with the code.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0130 CONSTRUCTION DOCUMENTS.

Subpart 1. **Submittal documents.** Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit.

Exception: The building official may waive the submission of construction documents and other data if the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with the code.

The building officer may require plans or other data be prepared according to the rules of the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design, chapter 1800, and Minnesota Statutes, sections

326.02 to 326.15, and other state laws relating to plan and specification preparation by occupational licenses. If special conditions exist, the building official may require additional construction documents to be prepared by a licensed design professional.

Subp. 2. Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the code and relevant laws, ordinances, rules, and regulations, as determined by the building official.

Subp. 3. Manufacturer's installation instructions. When required by the building official, manufacturer's installation instructions for construction equipment and components regulated by the code, shall be available on the job site at the time of inspection.

Subp. 4. Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan drawn to scale, showing the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades, and the proposed finished grades, and it shall be drawn according to an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official may waive or modify the requirement for a site plan if the application for permit is for alteration or repair or when otherwise warranted.

Subp. 5. Examination of documents. The building official shall examine or cause to be examined the accompanying construction documents to ascertain whether the construction indicated and described complies with the requirements of the code and other pertinent laws and ordinances.

Subp. 6. Approval of construction documents. If the building official issues a permit, the construction documents shall be approved in writing or by stamp, as "Reviewed for Code Compliance." One set of the construction documents that were reviewed shall be retained by the building official. The other set shall be returned to the applicant, kept at the site of the work, and open to inspection by the building official or an authorized representative.

Subp. 7. Previous approvals. The code in effect at the time of application shall be applicable.

Subp. 8. Phased approval. The building official may issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the code. The holder of the permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

Subp. 9. Design professional in responsible charge.

A. The building official may require the owner to engage and designate on the building permit application a licensed design professional who shall act as the licensed design professional in responsible charge. If the circumstances require, the owner shall designate a substitute licensed design professional in responsible charge who shall perform the duties required of the original licensed design professional in responsible charge. The building official shall be notified in writing by the owner if the licensed design professional in responsible charge is changed or is unable to continue to perform the duties.

The licensed design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

When structural observation is required by the code, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

B. For the purposes of this part, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official. The licensed design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Submittal documents for deferred submittal items shall be submitted to the licensed design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the building official.

C. Work regulated by the code shall be installed according to the reviewed construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0140 VIOLATIONS.

It is unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by the code, or cause any of those actions, in conflict with or in violation of the code. The building official may serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of the code, or in violation of a permit or certificate issued under the code. The order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0150 VIOLATIONS, PENALTY.

A violation of the code is a misdemeanor under Minnesota Statutes, section 16B.69.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0160 FEES.

Subpart 1. **Schedule of permit fees.** The applicant for a permit for a building; structure; or electrical, gas, mechanical, or plumbing system or alterations requiring a permit shall pay the fee by the municipality.

Subp. 2. **Fees commensurate with service.** Fees established by the municipality must be by ordinance and must be fair, reasonable, and proportionate to the actual cost of the service for which the fee is imposed.

Subp. 3. **Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of all construction work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. Building permit valuation shall be set by the building official.

Exceptions: Building permit valuations for the following structures shall be based on the valuation of on-site work only:

A. manufactured homes containing a Housing and Urban Development (HUD) certification label;

B. prefabricated buildings with a Minnesota Building Codes and Standards Division prefabrication label; and

C. industrialized/modular buildings with an Industrialized Building Commission (IBC) label.

Subp. 4. **Building permit fees.** Building permit fees shall be based on valuation. Exceptions:

A. one- and two-family dwelling maintenance permits for roofing, siding, windows, doors, or other minor projects may be charged a fixed fee;

B. permits for plumbing, mechanical, electrical, or other building service equipment systems may be based on valuation or charged a fixed fee; and

C. replacement of a residential fixture or appliance cannot exceed the permit fee limitation established by Minnesota Statutes, section 16B.665.

Subp. 5. **Plan review fees for similar plans.** When submittal documents for similar plans are approved under subpart 6, plan review fees shall not exceed 25 percent of the normal building permit fee established and charged by the jurisdiction for the same structure.

Subp. 6. **Plan review of similar plans.**

A. Any number of similar buildings may be built from a master plan if:

(1) plan review fees have been paid for the master plan;

(2) a code change has not occurred that impacts the design of a master plan;

(3) the similar building has the same physical dimensions and structural design as the master plan;

Exception: The following modifications to the master plan are not considered to be significant modifications, according to Minnesota Statutes, section 16B.61, subdivision 1, and are permitted for "U" occupancies, and dwelling units built to the International Residential Code, and residential occupancies built to the International Building Code that are three stories and less in height:

(a) foundation types to include walkout, lookout, and full basement;

(b) foundation materials to include poured concrete, masonry units, and wood;

(c) garage dimensions;

(d) roof design changed by a revised truss plan approved by the building official;

(e) bays or cantilevered floor areas;

(f) decks and porches; and

(g) other modifications approved by the building official;

(4) occupancy groups other than those identified in the exceptions listed in part 1300.0160, subpart 6, item A, subitem (3), must be the same type of construction and occupancy classification and must have the same exit system;

Exception: Minor changes to the exit access; and

(5) the similar plan is based on a master plan for which the municipality has issued a permit within the last 12 months.

B. Plan review fees for similar building plans must be based on the costs commensurate with the direct and indirect cost of the service, but must not exceed 25

percent of the normal building permit fee established and charged by the municipality for the same structure.

C. The plan review fee charged for similar building plans applies to all buildings regulated by the code regardless of occupancy classification including industrialized/modular buildings constructed under a program specified in Minnesota Statutes, section 16B.75.

D. The applicant must submit a new plan set and other information as required by the building official for each building reviewed as a similar building.

Subp. 7. **Payment of fees.** A permit shall not be issued until the fees prescribed by the municipality have been paid.

Subp. 8. **Work commencing before permit issuance.** If work for which a permit is required by the code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for the work. An investigation fee established by the municipality shall be collected and is in addition to the required permit fees, but it may not exceed the permit fee.

Subp. 9. **Fee refunds.** The municipality shall establish a permit and plan review fee refund policy.

Subp. 10. **State surcharge fees.** All municipal permits issued for work under the code are subject to a surcharge fee. The fees are established by Minnesota Statutes, section 16B.70. Reports and remittances by municipalities must be filed with the commissioner, directed to the attention of the state building official.

Surcharge fees imposed by the state are in addition to municipal permit fees. Surcharge report forms and information may be obtained by writing the commissioner, to the attention of the state building official.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: 27 SR 1471

1300.0170 STOP WORK ORDER.

If the building official finds any work regulated by the code being performed in a manner contrary to the provisions of the code or in a dangerous or unsafe manner, the building official may issue a stop work order.

The stop work order shall be in writing and issued to the owner of the property involved, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: 27 SR 1471

1300.0180 UNSAFE BUILDINGS OR STRUCTURES.

A building or structure regulated by the code is unsafe, for purposes of this part, if it is structurally unsafe, not provided with adequate egress, a fire hazard, or otherwise dangerous to human life.

Building service equipment that is regulated by the code is unsafe, for purposes of this part, if it is a fire, electrical, or health hazard; an unsanitary condition; or otherwise dangerous to human life. Use of a building, structure, or building service equipment constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is, for the purposes of this part, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members that are supported by, attached to, or a part of a building and that are in deteriorated condition or otherwise unable to sustain the design loads that are specified in the code are unsafe building appendages.

The building official may order any building or portion of a building to be vacated if continued use is dangerous to life, health, or safety of the occupants. The order shall be in writing and state the reasons for the action.

All unsafe buildings, structures, or appendages are public nuisances and must be abated by repair, rehabilitation, demolition, or removal according to Minnesota Statutes, sections 463.15 to 463.26.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0190 TEMPORARY STRUCTURES AND USES.

Subpart 1. **General.** The building official may issue a permit for temporary structures and temporary uses. The permit shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official may grant extensions for demonstrated cause.

Subp. 2. **Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of the code as necessary to ensure the public health, safety, and general welfare.

Subp. 3. **Termination of approval.** The building official may terminate the permit for a temporary structure or use and order the temporary structure or use to be discontinued if the conditions required in this part have not been complied with.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0200 [Repealed, 19 SR 1340]

1300.0210 INSPECTIONS.

Subpart 1. **General.** Construction or work for which a permit is required is subject to inspection by the building official and the construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection is not approval of a violation of the code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of the code or of other ordinances of the jurisdiction are not valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction is liable for expense entailed in the removal or replacement of any material required to allow inspection.

Subp. 2. **Preliminary inspection.** Before issuing a permit, the building official may examine, or cause to be examined, buildings, structures, and sites for which an application has been filed.

Subp. 3. **Inspection record card.** The building official shall identify which inspections are required for the work requiring a permit. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available an inspection record card that allows the building official to conveniently make all required entries regarding inspection of the work. This card shall be maintained and made available by the permit holder until final approval has been granted by the building official.

Subp. 4. **Inspection requests.** The building official shall provide the applicant with policies, procedures, and a timeline for requesting inspections. The person doing the work authorized by a permit shall notify the building official that the work is ready for inspection. The person requesting an inspection required by the code shall provide access to and means for inspection of the work.

Subp. 5. **Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall

either indicate the portion of the construction that is satisfactory as completed or notify the permit holder or an agent of the permit holder of any failures to comply with the code. Any portion that does not comply shall be corrected and the portion shall not be covered or concealed until authorized by the building official.

Subp. 6. **Required inspections.** The building official, upon notification, shall make the inspections in this part. In addition to the inspections identified in this subpart, see applicable rule chapters in part 1300.0050 for specific inspection and testing requirements.

A. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except that concrete need not be on the job if the concrete is ready mixed according to approved nationally recognized standards. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment. If the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official.

B. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories, and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

C. Rough-in inspection of plumbing, mechanical, gas, and electrical systems shall be made before covering or concealment, before fixtures or appliances are set or installed, and before framing inspection.

D. Framing inspections shall be made after the roof, all framing, fire blocking, and bracing are in place and all pipes, chimneys, and vents are complete and the rough electrical, plumbing, gas, heating wires, pipes, and ducts are approved.

E. Energy efficiency inspections shall be made to determine compliance with Minnesota Energy Code requirements.

F. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, are in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistive assembly or a shear assembly.

G. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

H. Installation of manufactured homes (mobile homes) shall be made after the installation of the support systems and all utility service connections are in place, but before any covering material or skirting is in place. Evaluation of an approved anchoring system is part of the installation inspection.

I. Fireplaces must be inspected for compliance with applicable requirements of the code and the manufacturer's installation instructions.

J. A final inspection shall be made for all work for which a permit is issued.

K. Special inspections shall be as required by the code.

L. In addition to the inspections in items A to J, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the code and other laws that are enforced by the Department of Building Safety.

Subp. 7. **Inspection agencies.** The building official is authorized to accept inspection reports by approved agencies.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0220 CERTIFICATE OF OCCUPANCY.

Subpart 1. **Use and occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building, structure, or portion of a building or structure shall be made until the building official has issued a certificate of occupancy for the building or structure under this part. Issuance of a certificate of occupancy is not approval of a violation of the code or other ordinances of the municipality. Certificates presuming to give authority to violate or cancel the code or other ordinances of the municipality are not valid.

Exception: A municipality has the option of requiring certificates of occupancy for Group U occupancies and manufactured homes.

Subp. 2. **Existing structures.** The legal occupancy of any structure existing on the date of adoption of the code shall be permitted to continue without change except as specifically required in chapter 1311.

Subp. 3. **Change in use.** Changes in the character or use of an existing structure shall not be made except as specified in chapter 1311.

Subp. 4. **Moved buildings.** Buildings or structures moved into a jurisdiction shall comply with the provisions of the code for new buildings or structures.

Exception: A residential building relocated within or into a municipality need not comply with the Minnesota Energy Code or Minnesota Statutes, section 326.371.

Subp. 5. **Certificate issued.** After the building official inspects a building or structure and finds no violations of the code or other laws that are enforced by the Department of Building Safety, the building official shall issue a certificate of occupancy containing the following:

- A. the building permit number;
- B. the address of the structure;
- C. the name and address of the owner;
- D. a statement that the described portion of the structure has been inspected for compliance with the requirements of the code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified;
- E. the name of the building official;
- F. the edition of the code under which the permit was issued;
- G. the use and occupancy classification;
- H. the type of construction;
- I. if an automatic sprinkler system is provided; and
- J. any special stipulations and conditions of the building permit.

Subp. 6. **Temporary occupancy.** The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that the portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

Subp. 7. **Revocation.** The building official may issue a written suspension or revocation of a certificate of occupancy issued under the code if the certificate is issued in error or on the basis of incorrect information supplied, or if the building or use of the building, structure, or portion of the building or structure is in violation of any ordinance or regulation or a provision of the code.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0230 BOARD OF APPEALS.

Subpart 1. **Local board of appeals.** In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application

and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be designated by the governing body. Appeals hearings for one- and two-family buildings requested up to the time of permit issuance must occur within 15 working days of the application for appeal. Appeals hearings for one- and two-family buildings requested from the time of permit issuance through the issuance of the certificate of occupancy must occur within ten working days of the application for appeal.

Appeals hearings for other buildings or structures requested up to the time of permit issuance must occur within 30 working days of the application for appeal. Appeals hearings for other buildings or structures requested from the time of permit issuance through the issuance of the certificate of occupancy must occur within 20 working days of the application for appeal. The board shall adopt rules of procedures for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official and to the state building official within 15 days of the decision. For jurisdictions without a board of appeals, the appellant may appeal to an appeals board assembled by the state of Minnesota, Department of Administration's Building Codes and Standards Division.

Subp. 2. **Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the affected jurisdiction.

Subp. 3. **Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

Subp. 4. **Final interpretive authority.** The state building official has final interpretive authority for all codes adopted as part of the code except for the plumbing code when enforced by the Commissioner of Health and the electrical code when enforced by the State Board of Electricity. A request for final interpretation must come from a local or state level building code board of appeals. The procedures for final interpretations by the state building official are as established in Minnesota Statutes, section 16B.63.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0240 DISCLAIMER CLAUSE.

The inclusion of specific requirements relative to the manner of installation of any building or portion of any building or building equipment in one or more parts of the code does not limit this procedure to any particular type of installer or provide a basis upon which determination of the right to perform a procedure shall be made. The authority for this determination is in the various licensing statutes or ordinances for each type of installer who performs the work.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0250 SEVERABILITY.

The invalidity of any provision of the Minnesota State Building Code does not affect any other provisions of the code that can be given effect without the invalid provision and, to this end, the provisions of the code are declared to be severable.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64*

History: *27 SR 1471*

1300.0300 [Repealed, 19 SR 1340]

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- 1300.0400 [Repealed, 19 SR 1340]
- 1300.0500 [Repealed, 19 SR 1340]
- 1300.0600 [Repealed, 19 SR 1340]
- 1300.0700 [Repealed, 19 SR 1340]
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- 1300.0946 [Repealed, 19 SR 1340]
- 1300.0948 [Repealed, 19 SR 1340]
- 1300.1000 [Repealed, 19 SR 1340]
- 1300.1100 [Repealed, 19 SR 1340]
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- 1300.2100 [Repealed, 27 SR 1471]
- 1300.2300 [Repealed, 27 SR 1471]
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- 1300.2500 [Repealed, 27 SR 1471]
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- 1300.3000 [Repealed, 27 SR 1471]

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1300.6100 [Repealed, 27 SR 1471]

1300.6300 [Repealed, 27 SR 1471]