

CHAPTER 1302
DEPARTMENT OF LABOR AND INDUSTRY
CONSTRUCTION APPROVALS

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1302.0100 TITLE.

This chapter shall be known as the “Construction Approval Rules.”

Statutory Authority: *MS s 16B.61*

History: *15 SR 74; 19 SR 1735*

1302.0200 PURPOSE.

The purpose of this chapter is to establish fees; establish procedures for the review of building plans, specifications, and related documents; and provide for code administration including plan review and inspection services for public buildings, state licensed facilities, and municipalities for which the commissioner undertakes code administration as authorized in Minnesota Statutes, section 16B.62, subdivision 2, to determine compliance with the code.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74; 19 SR 1735*

1302.0300 [Repealed, 19 SR 1735]**1302.0400 DEFINITIONS.**

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

Subp. 2. **Certification.** “Certification” means the certification and signature of the designing professional who has prepared the plans, specifications, and other documents in accordance with part 1800.4200.

Subp. 3. **Code.** “Code” has the meaning given in part 1300.2400, subpart 6.

Subp. 4. **Municipality.** “Municipality” has the meaning given in part 1300.2400, subpart 10.

Subp. 5. **Public building.** “Public building” means:

A. a building and its grounds, the cost of which is paid for by the state or a state agency, regardless of its cost; and

B. a school district building project the cost of which is \$100,000 or more.

Subp. 6. **State building official.** “State building official” has the meaning given in part 1300.2400, subpart 11.

Subp. 7. **State licensed facility.** “State licensed facility” 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.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74; 19 SR 1735*

1302.0500 RESPONSIBILITIES.

Subpart 1. **General.** In order to determine compliance with the code, the state building official shall:

A. provide for the review of building plans, specifications, and related documents for public buildings and state licensed facilities;

B. provide for the inspection of public buildings and state licensed facilities; and

C. provide for the administration and enforcement of the code in municipalities for which the state building official undertakes administration of the code as authorized by the commissioner in Minnesota Statutes, section 16B.62, subdivision 2.

Subp. 2. [Repealed, 19 SR 1735]

Subp. 3. [Repealed, 19 SR 1735]

Statutory Authority: *MS s 16B.61*

History: *15 SR 74; 19 SR 1735*

1302.0600 FEES.

Subpart 1. **Building permits.** Fees for building permits submitted as required in part 1302.0500, subpart 1, must be paid as set forth in the following fee schedule or as adopted by a municipality.

A. The total valuation and fee schedule is:

- (1) \$1 to \$500, \$15;
- (2) \$501 to \$2,000, \$15 for the first \$500 plus \$2 for each additional \$100 or fraction thereof, to and including \$2,000;
- (3) \$2,001 to \$25,000, \$45 for the first \$2,000 plus \$9 for each additional \$1,000 or fraction thereof, to and including \$25,000;
- (4) \$25,001 to \$50,000, \$252 for the first \$25,000 plus \$6.50 for each additional \$1,000 or fraction thereof, to and including \$50,000;
- (5) \$50,001 to \$100,000, \$414.50 for the first \$50,000 plus \$4.50 for each additional \$1,000 or fraction thereof, to and including \$100,000;
- (6) \$100,001 to \$500,000, \$639.50 for the first \$100,000 plus \$3.50 for each additional \$1,000 or fraction thereof;
- (7) \$500,001 to \$1,000,000, \$2,039.50 for the first \$500,000 plus \$3 for each additional \$1,000 or fraction thereof, to and including \$1,000,000; and
- (8) \$1,000,001 and up, \$3,539.50 for the first \$1,000,000 plus \$2 for each additional \$1,000 or fraction thereof.

B. Other inspections and fees are:

- (1) inspections outside of normal business hours (minimum charge two hours), \$45 per hour¹;
- (2) reinspection fees, \$45 per hour¹;
- (3) inspections for which no fee is specifically indicated (minimum charge one-half hour), \$45 per hour¹; and
- (4) additional plan review required by changes, additions, or revisions to approved plans (minimum charge one-half hour), \$45 per hour¹.

C. Footnote to item B: ¹Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost includes supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

Subp. 2. **Plan review.** Fees for the review of building plans, specifications, and related documents submitted as required in part 1302.0500, subpart 1, must be paid based on 65 percent of the building permit fee required in subpart 1.

Subp. 3. **Surcharge.** Surcharge fees are required for permits issued on all buildings including public buildings and state licensed facilities as required by Minnesota Statutes, section 16B.70.

Subp. 4. **Distribution.** This subpart establishes the fee distribution between the state and municipalities contracting for plan review and/or inspection of public buildings and state licensed facilities.

A. If plan review and inspection services are provided by the state building official, all fees for those services must be remitted to the state.

B. If plan review services are provided by the state building official and inspection services are provided by a contracting municipality:

(1) the state shall charge 75 percent of the plan review fee required by the state's fee schedule in this part; and

(2) the municipality shall charge 25 percent of the plan review fee required by the municipality's adopted fee schedule, for orientation to the plans, in addition to the permit and other customary fees charged by the municipality.

C. If plan review and inspection services are provided by the contracting municipality, all fees for those services must be remitted to the municipality in accordance with their adopted fee schedule.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74; 19 SR 1735*

1302.0700 PLAN REVIEW.

Subpart 1. **Materials to be submitted.** When a municipality does not contract with the state for code administration and enforcement services on public buildings and state licensed facilities as referred to in part 1302.0850, plans, specifications, and related documents for new construction, additions, and remodeling must be submitted to the state building official.

Subp. 2. **Information to be included.** A person who must submit plans and specifications under this part shall include:

A. two complete sets of drawings, specification books, and other relevant documents necessary to evidence code compliance, with appropriate certification on each sheet of the drawings and the title page of the specifications book;

B. a completed plan review and construction authorization application form provided by the state building official;

C. the appropriate fee established by part 1302.0600; and

D. a reference to any optional chapters of the code as identified in part 1300.2900 adopted by the municipality and any optional appendix chapters of the Uniform Building Code as identified in part 1305.0020 adopted by the municipality.

Subp. 3. **State building official's duties.** The state building official or the official's agent shall review submittals and prepare written comments defining items not in compliance with the code. The written comments must be mailed to the submitting designer with copies to the municipal building official, when applicable, and the owner, and a copy must be kept on file by the state building official. The submitting designer shall respond to the review comments of the state building official within 14 days, describing the methods of correcting the errors or omissions in compliance with the comments of the state building official or the official's agent.

Authorization for construction must be granted when compliance with the requirements of the code is documented.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74; 19 SR 1735*

1302.0800 [Repealed, 19 SR 1735]

1302.0850 CODE ADMINISTRATION BY COMMISSIONER.

The commissioner shall administer and enforce the code as a municipality with respect to public buildings and state licensed facilities as authorized in Minnesota Statutes, section 16B.61, subdivision 1a. This includes the issuance of building permits and performing plan review and inspection.

The state building official shall contract with a municipality for code administration and enforcement services for public buildings and state licensed facilities if the state building official determines that the contracting municipality has adequately trained and qualified personnel to provide services for the construction project.

Statutory Authority: *MS s 16B.61*

History: *19 SR 1735*

1302.0900 [Repealed, 19 SR 1735]

1302.0950 CODE ENFORCEMENT BY STATE BUILDING OFFICIAL.

In accordance with Minnesota Statutes, section 16B.62, subdivision 2, the state building official shall undertake the administration and enforcement of the code in municipalities where the commissioner determines the code is not being properly administered and enforced and in municipalities that determine not to administer and enforce the code when required by Minnesota Statutes, sections 16B.59 to 16B.75. The commissioner may also contract with other certified building officials to provide the required code administration and enforcement. Any cost to the state arising from the state administration and enforcement of the code shall be borne by the subject municipality.

Statutory Authority: *MS s 16B.61*

History: *19 SR 1735*