

1 Department of Administration

2

3 Adopted Permanent Rules Relating to Plan Reviews

4

5 Rules as Adopted

6 1302.0100 TITLE.

7 This chapter shall be known as the "Construction Approval
8 Rules."

9 1302.0200 PURPOSE.

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

18 1302.0400 DEFINITIONS.

19 [For text of subps 1 to 4, see M.R.]

20 Subp. 5. Public building. "Public building" means:

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

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

26 Subp. 6. State building official. "State building
27 official" has the meaning given in part 1300.2400, subpart 11.

28 Subp. 7. State licensed facility. "State licensed
29 facility" means a building and its grounds that are licensed by
30 the state as a hospital, nursing home, supervised living
31 facility, free-standing outpatient surgical center, or
32 correctional facility.

33 1302.0500 RESPONSIBILITIES.

34 Subpart 1. General. In order to determine compliance with

1 the code, the state building official shall:

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

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

7 C. provide for the administration and enforcement of
8 the code in municipalities for which the state building official
9 undertakes administration of the code as authorized by the
10 commissioner in Minnesota Statutes, section 16B.62, subdivision
11 2.

12 Subp. 2. [See repealer.]

13 Subp. 3. [See repealer.]

14 1302.0600 FEES.

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

19 [For text of item A, see M.R.]

20 B. Other inspections and fees are:

21 (1) inspections outside of normal business hours
22 (minimum charge two hours), \$45 per hour¹;

23 (2) reinspection fees, \$45 per hour¹;

24 (3) inspections for which no fee is specifically
25 indicated (minimum charge one-half hour), \$45 per hour¹; and

26 (4) additional plan review required by changes,
27 additions, or revisions to approved plans (minimum charge
28 one-half hour), \$45 per hour¹.

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

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

1 percent of the building permit fee required in subpart 1.

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

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

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

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

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

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

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

27 1302.0700 PLAN REVIEW.

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

35 Subp. 2. **Information to be included.** A person who must

1 submit plans and specifications under this part shall include:

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

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

9 C. the appropriate fee established by part 1302.0600;
10 and

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

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

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

28 1302.0850 CODE ADMINISTRATION BY COMMISSIONER.

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

34 The state building official shall contract with a
35 municipality for code administration and enforcement services

1 for public buildings and state licensed facilities if the state
2 building official determines that the contracting municipality
3 has adequately trained and qualified personnel to provide
4 services for the construction project.

5 1302.0950 CODE ENFORCEMENT BY STATE BUILDING OFFICIAL.

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

18 REPEALER. Minnesota Rules, parts 1302.0300; 1302.0500, subparts
19 2 and 3; 1302.0800; and 1302.0900, are repealed.