

1 Department of Labor and Industry

2 Adopted Permanent Rules Relating to Building Code Administration

3 1300.0030 PURPOSE AND APPLICATION.

4 Subpart 1. Purpose. The purpose of this code is to  
5 establish minimum requirements to safeguard the public health,  
6 safety, and general welfare through structural strength, means  
7 of egress facilities, stability, sanitation, adequate light and  
8 ventilation, energy conservation, and safety to life and  
9 property from fire and other hazards attributed to the built  
10 environment and to provide safety to fire fighters and emergency  
11 responders during emergency operations.

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

16 Subp. 2. Application.

17 [For text of items A and B, see M.R.]

18 C. In the event that a new edition of the code is  
19 adopted after a permit has been issued, the edition of the code  
20 current at the time of permit application shall remain in effect  
21 throughout the work authorized by the permit.

22 1300.0040 SCOPE.

23 The code applies to the construction, alteration, moving,  
24 demolition, repair, and use of any building, structure, or  
25 building service equipment in a municipality, except work  
26 located primarily in a public way, public utility towers and

1 poles, mechanical equipment not specifically regulated in the  
2 code, and hydraulic flood control structures. Structures  
3 classified under part 1300.0070, subpart 12a, as IRC-1, IRC-2,  
4 IRC-3, and IRC-4 occupancies not more than three stories above  
5 grade plane in height with separate means of egress shall comply  
6 with chapter 1309 and other applicable rules. Other buildings  
7 and structures and appurtenances connected or attached to them  
8 shall comply with chapter 1305 and other applicable rules.

9 Exception: The following structures that meet the  
10 scope of chapter 1305 shall be designed to comply with  
11 Minnesota Rules, chapter 1311:

- 12 (1) existing buildings undergoing repair, alteration,  
13 or change of occupancy; and  
14 (2) historic buildings.

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

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

#### 25 1300.0060 OPTIONAL ADMINISTRATION.

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

1 adopted the code:

2 A. chapter 1306, Special Fire Protection Systems;

3 B. grading, IBC appendix chapter J; and

4 C. chapter 1335, Floodproofing Regulations, parts  
5 1335.0600 to 1335.1200.

6 1300.0070 DEFINITIONS.

7 [For text of subps 1 to 10, see M.R.]

8 Subp. ~~11~~ 10a. Family adult day services. "Family adult  
9 day services" means a program providing services for up to eight  
10 functionally impaired adults for less than 24 hours per day in  
11 the license holder's primary residence according to Minnesota  
12 Statutes, section 245A.143. This includes programs located in  
13 residences licensed by the Department of Human Services for  
14 adult foster care, provided that not more than eight adults,  
15 excluding staff, are present in the residence at any time.

16 [For text of subp subps 11 and 12, see M.R.]

17 Subp. 12a. International residential code (IRC) occupancy  
18 classifications. International residential code (IRC) occupancy  
19 classifications are as follows:

20 IRC-1 single-family dwellings;

21 IRC-2 two-family dwellings;

22 IRC-3 townhouses; and

23 IRC-4 accessory structures:

24 A. garages;

25 B. storage sheds; and

26 C. similar structures.

27 [For text of subp 13, see M.R.]

1           Subp. 14. **Manufactured home.** "Manufactured home" has the  
2 meaning given in Minnesota Statutes, section 327.31, subdivision  
3 3, and for the purpose of determining occupancy separations, is  
4 considered a Group IRC-1 occupancy.

5                           [For text of subps 15 to 21, see M.R.]

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

13                           [For text of subps 23 to 26, see M.R.]

14 1300.0110 DUTIES AND POWERS OF BUILDING OFFICIAL.

15                           [For text of subps 1 to 3, see M.R.]

16           Subp. 4. **Notices and orders.** The building official shall  
17 issue all necessary notices and orders to ensure compliance with  
18 the code. Notices and orders shall be in writing unless waived  
19 by the permit applicant, contractor, owner, or owner's agent.  
20 Notices and orders shall be based on the edition of the code  
21 under which the permit has been issued.

22           Subp. 5. **Inspections.** The building official shall make  
23 all of the required inspections or accept reports of inspection  
24 by approved agencies or individuals. Results of inspections  
25 shall be documented on the job site inspection card and in the  
26 official records of the municipality, including type of  
27 inspection, date of inspection, identification of the

1 responsible individual making the inspection, and comments  
2 regarding approval or disapproval of the inspection. The  
3 building official may engage expert opinion necessary to report  
4 upon unusual technical issues that arise.

5 [For text of subps 6 and 7, see M.R.]

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

15 [For text of subps 9 to 12, see M.R.]

16 Subp. 13. **Alternative materials, design, and methods of**  
17 **construction and equipment.** The code is not intended to prevent  
18 the installation of any material or to prohibit any design or  
19 method of construction not specifically prescribed by the code,  
20 provided that any alternative has been approved. An alternative  
21 material, design, or method of construction shall be approved  
22 where the building official finds that the proposed design is  
23 satisfactory and complies with the intent of the code, and that  
24 the material, method, or work offered is, for the purpose  
25 intended, at least the equivalent of that prescribed in the code  
26 in quality, strength, effectiveness, fire resistance,  
27 durability, and safety. The details of any action granting

1 approval of an alternate shall be recorded and entered in the  
2 files of the Department of Building Safety.

3 [For text of subps 14 and 15, see M.R.]

4 1300.0120 PERMITS.

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

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

20 [For text of subp 3, see M.R.]

21 Subp. 4. **Work exempt from permit.** Exemptions from permit  
22 requirements of the code do not authorize work to be done in any  
23 manner in violation of the code or any other laws or ordinances  
24 of this jurisdiction. Permits shall not be required for the  
25 following:

26 A. **Building:**

27 [For text of subitems (1) to (9), see M.R.]

1 (10) prefabricated swimming pools installed  
2 entirely above ground accessory to dwelling units constructed to  
3 the provisions of the International Residential Code or R-3  
4 occupancies constructed to the provisions of the International  
5 Building Code, which do not exceed both 5,000 gallons in  
6 capacity (18,925 L) and a 24-inch (610 mm) depth;

7 (11) window awnings supported by an exterior wall  
8 that do not project more than 54 inches (1,372 mm) from the  
9 exterior wall and do not require additional support, when  
10 constructed under the International Residential Code or Group  
11 R-3 and Group U occupancies constructed to the provisions of the  
12 International Building Code;

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

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

17 (14) swings and other playground equipment.

18 Unless otherwise exempted, plumbing, electrical, and  
19 mechanical permits are required for subitems (1) to (14).

20 B. Gas:

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

23 (2) replacement of any minor part that does not  
24 alter approval of equipment or make the equipment unsafe; and

25 (3) portable fuel cell appliances that are not  
26 connected to a fixed piping system and are interconnected to a  
27 power grid.

1 C. Mechanical:

2 [For text of subitems (1) to (5), see M.R.]

3 (6) portable evaporative coolers;

4 (7) self-contained refrigeration systems

5 containing ten pounds (4.5 kg) or less of refrigerant or that  
6 are actuated by motors of one horsepower (0.75 kW) or less; and

7 (8) portable fuel cell appliances that are not  
8 connected to a fixed piping system and are not interconnected to  
9 a power grid.

10 D. Plumbing: See chapter 4715 for plumbing work that  
11 is exempt from a permit.

12 [For text of item E, see M.R.]

13 [For text of subps 5 to 7, see M.R.]

14 Subp. 8. **Action on application.** The building official  
15 shall examine or cause to be examined applications for permits  
16 and amendments within a reasonable time after filing. If the  
17 application or the construction documents do not conform to the  
18 requirements of pertinent laws, the building official shall  
19 reject the application and notify the applicant of the reasons.  
20 The building official shall document the reasons for rejecting  
21 the application. The applicant may request written  
22 documentation of the rejection and the reasons for the  
23 rejection. When the building official is satisfied that the  
24 proposed work conforms to the requirements of the code and  
25 applicable laws and ordinances, the building official shall  
26 issue a permit.

27 [For text of subps 9 to 14, see M.R.]



1 1300.0130 CONSTRUCTION DOCUMENTS.

2 [For text of subps 1 to 5, see M.R.]

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

12 [For text of subps 7 to 9, see M.R.]

13 1300.0160 FEES.

14 Subpart 1. Schedule of permit fees. The applicant for a  
15 permit for a building; structure; or electrical, gas,  
16 mechanical, or plumbing system or alterations requiring a permit  
17 shall pay the fee set forth by a fee schedule adopted by the  
18 municipality.

19 When submittal documents are required to be submitted by  
20 this chapter, a plan review fee shall be required. The plan  
21 review fee shall be established by the fee schedule adopted by  
22 the municipality.

23 Exception: The fee schedule adopted by the  
24 municipality may exempt minor work from plan review  
25 fees.

26 Subp. 2. Fees commensurate with service. Fees established

1 by the municipality must be by legal means and must be fair,  
2 reasonable, and proportionate to the actual cost of the service  
3 for which the fee is imposed.

4 [For text of subps 3 to 5, see M.R.]

5 Subp. 6. Plan review of similar plans.

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

8 [For text of subitems (1) and (2), see M.R.]

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

11 Exception: The following modifications to the master  
12 plan are not considered to be significant  
13 modifications, according to Minnesota Statutes,  
14 section 16B.61, subdivision 1, and are permitted for  
15 dwelling units and their accessory structures built to  
16 the International Residential Code, and residential  
17 occupancies built to the International Building Code  
18 that are three stories or less in height and their  
19 accessory structures:

20 [For text of units (a) to (g), see M.R.]

21 [For text of subitems (4) and (5), see M.R.]

22 [For text of items B to D, see M.R.]

23 [For text of subps 7 to 10, see M.R.]

24 1300.0210 INSPECTIONS.

25 [For text of subps 1 to 5, see M.R.]

26 Subp. 6. Required inspections. The building official,  
27 upon notification, shall make the inspections in this part. In

1 addition to the inspections identified in this subpart, see  
2 applicable rule chapters in part 1300.0050 for specific  
3 inspection and testing requirements.

4           A. Footing inspections shall be made after  
5 excavations for footings are complete and any required  
6 reinforcing steel is in place. Materials for the foundation  
7 shall be on the job, except that concrete need not be on the job  
8 if the concrete is ready mixed according to approved nationally  
9 recognized standards.

10           B. Foundations:

11                 (1) Foundation inspections for poured walls  
12 shall be made after all forms are in place with any required  
13 reinforcing steel and bracing is in place, and prior to pouring  
14 concrete.

15                 (2) All foundation walls shall be inspected  
16 prior to backfill for specific code requirements.

17                 (3) The foundation inspection shall include  
18 excavations for thickened slabs intended for the support of  
19 bearing walls, partitions, structural supports, or equipment.

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

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

1 and before framing inspection.

2 E. Inspection of framing and masonry construction  
3 shall be made after the roof, masonry, framing, firestopping,  
4 draftstopping, and bracing are in place and after the plumbing,  
5 mechanical, and electrical rough inspections are approved.

6 F. Energy efficiency inspections shall be made to  
7 determine compliance with Minnesota Energy Code requirements.

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

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

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

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

22 J. Fireplaces must be inspected for compliance with  
23 applicable requirements of the code and the manufacturer's  
24 installation instructions.

25 K. A final inspection shall be made for all work for  
26 which a permit is issued.

27 L. Special inspections shall be as required by the

1 code.

2 M. In addition to the inspections in items A to K,  
3 the building official is authorized to make or require other  
4 inspections of any construction work to ascertain compliance  
5 with the code and other laws that are enforced by the Department  
6 of Building Safety.

7 [For text of subp 7, see M.R.]

8 1300.0220 CERTIFICATE OF OCCUPANCY.

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

19 Exception: A municipality has the option of requiring  
20 certificates of occupancy for:

21 A. "U" occupancies constructed under the  
22 International Building Code;

23 B. accessory structures constructed under the  
24 International Residential Code; or

25 C. used manufactured homes moved into or within a  
26 jurisdiction.

27 [For text of subps 2 and 3, see M.R.]

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

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

7 [For text of subps 5 to 7, see M.R.]

8 1300.0230 BOARD OF APPEALS.

9 Subpart 1. **Local board of appeals.** In order to hear and  
10 decide appeals of orders, decisions, or determinations made by  
11 the building official relative to the application and  
12 interpretation of this code, there shall be and is hereby  
13 created a board of appeals. The building official shall be an  
14 ex officio member of said board but shall have no vote on any  
15 matter before the board. The board of appeals shall be  
16 designated by the governing body. Appeals hearings must occur  
17 within ten working days from the date the municipality receives  
18 a properly completed application for appeal. If an appeals  
19 hearing is not held within this time, the applicant may appeal  
20 directly to the State Building Code Appeals Board.

21 The board shall adopt rules of procedures for conducting  
22 its business and shall render all decisions and findings in  
23 writing to the appellant with a duplicate copy to the building  
24 official and to the state building official within five working  
25 days of the decision. For jurisdictions without a board of  
26 appeals, the appellant may appeal to an appeals board assembled  
27 by the state of Minnesota, Department of Administration's

04/10/07

[REVISOR ] CEL/JC AR3587

1 ~~Building-Codes-and-Standards~~ Labor and Industry's Construction  
2 Codes and Licensing Division.

3 [For text of subps 2 to 4, see M.R.]

4 **EFFECTIVE DATE.** These amendments are effective May 31, 2007, or  
5 five working days after the notice of adoption is published in  
6 the State Register, whichever occurs later.