

1.1 **Department of Labor and Industry**

1.2 **Proposed Permanent Rules Relating to Building Code Administration**

1.3 **1300.0010 ADMINISTRATION.**

1.4 Subpart 1. This chapter provides administrative provisions for all Minnesota
1.5 State Building Code rule chapters identified in part 1300.0050. If specific administrative
1.6 provisions are provided in a statute or rule chapter, the specific administrative provisions
1.7 apply.

1.8 Subp. 2. Chapter 1315 shall be administered according to chapter ~~3800~~ 3801, and
1.9 the Minnesota Electrical Act, Minnesota Statutes, ~~sections 326B.31 to 326B.39~~ section
1.10 326B.399. Provisions of this chapter that do not conflict with the Minnesota Electrical
1.11 Act also apply.

1.12 Subp. 3. Chapter 4715, the Minnesota Plumbing Code, and applicable provisions
1.13 of this chapter, shall be administered and enforced statewide by the commissioner, under
1.14 Minnesota Statutes, section 326B.106, subdivision 3, unless an agreement exists between
1.15 the department and a municipality to enforce the Plumbing Code under Minnesota
1.16 Statutes, section 326B.43, subdivision 2.

1.17 **1300.0030 PURPOSE AND APPLICATION.**

1.18 Subpart 1. **Purpose.** The purpose of this code is to establish minimum requirements
1.19 to safeguard the public health, safety, and general welfare through structural strength,
1.20 means of egress facilities, stability, sanitation, adequate light and ventilation, energy
1.21 conservation, and safety to life and property from fire and other hazards attributed to the
1.22 built environment and to provide safety to firefighters and emergency responders during
1.23 emergency operations.

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

2.1 Subp. 2. **Application.**

2.2 A. The State Building Code is the standard that applies statewide for the
2.3 construction, reconstruction, alteration, and repair of buildings and other structures of the
2.4 type governed by the code, except as provided in Minnesota Statutes, sections ~~326B.112;~~
2.5 section 326B.121; ~~326B.16;~~ and ~~326B.184,~~ and. The State Building Code supersedes the
2.6 building code of any municipality. The State Building Code does not apply to agricultural
2.7 buildings except with respect to state inspections required or rulemaking authorized by
2.8 Minnesota Statutes, sections 103F.141, ~~subdivision 8,~~ and 326B.36. Translucent panels or
2.9 other skylights without raised curbs must be supported to have equivalent load bearing
2.10 capacity as the surrounding roof.

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

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

2.18 **1300.0040 SCOPE.**

2.19 The code applies to the design, construction, addition, alteration, moving, replacement,
2.20 demolition, repair, and equipment, installation, use and occupancy, location, maintenance,
2.21 and inspection of any building, structure, or building service equipment in a municipality,
2.22 except work located primarily in a public way, public utility towers and poles, mechanical
2.23 equipment not specifically regulated in the code, and hydraulic flood control structures.

2.24 Exception: When approved by the building official, buildings, structures, or portions
2.25 thereof, used exclusively by military personnel, police, fire, or first responders for training

3.1 purposes are permitted to be designed to reflect actual conditions that may be encountered
3.2 in field operations maneuvers, or tactics, however, structural provisions shall apply.

3.3 Structures classified under part 1300.0070, subpart ~~12a~~ 12b, as IRC-1, IRC-2, IRC-3,
3.4 and IRC-4 occupancies not more than three stories above grade plane in height with
3.5 separate means of egress shall comply with chapter 1309 and other applicable rules. Other
3.6 buildings and structures and appurtenances connected or attached to them shall comply
3.7 with chapter 1305 and other applicable rules.

3.8 Exception: The following structures that meet the scope of chapter 1305 shall be
3.9 permitted to be designed to comply with Minnesota Rules, chapter 1311:

3.10 (1) existing buildings undergoing repair, alteration, ~~or~~ change of occupancy, addition,
3.11 or being moved; and

3.12 (2) historic buildings.

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

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

3.20 **1300.0050 CHAPTERS OF MINNESOTA STATE BUILDING CODE.**

3.21 The Minnesota State Building Code adopted under Minnesota Statutes, section
3.22 326B.106, subdivision 1, includes the following chapters:

3.23 A. 1300, Minnesota Building Code Administration;

3.24 B. 1301, Building Official Certification;

3.25 C. 1302, State Building Code Construction Approvals;

3.26 D. 1303, Special Minnesota Provisions of the State Building Code;

- 4.1 E. 1305, Adoption of the International Building Code;
- 4.2 F. 1306, Special Fire Protection Systems;
- 4.3 G. 1307, Elevators and Related Devices;
- 4.4 H. 1309, Adoption of the International Residential Code;
- 4.5 I. 1311, ~~Minnesota Conservation Code for Existing Buildings~~ Adoption of the
- 4.6 International Existing Building Code;
- 4.7 J. 1315, Adoption of the National Electrical Code;
- 4.8 K. 1325, Solar Energy Systems;
- 4.9 ~~L. 1330, Fallout Shelters;~~
- 4.10 ~~M~~L. 1335, Floodproofing Regulations;
- 4.11 ~~N~~M. 1341, Minnesota Accessibility Code;
- 4.12 ~~O~~N. 1346, Minnesota Mechanical Code;
- 4.13 ~~P~~O. 1350, Manufactured Homes;
- 4.14 ~~Q~~P. 1360, Prefabricated Structures;
- 4.15 ~~R~~Q. 1361, Industrialized/Modular Buildings;
- 4.16 ~~S~~R. 1370, Storm Shelters (Manufactured Home Parks);
- 4.17 ~~T~~S. 4715, Minnesota Plumbing Code; ~~and~~
- 4.18 ~~U~~T. ~~7670, 7672, 7674, 7676, and 7678, 1322 and 1323, Minnesota Energy Code.~~
- 4.19 Codes; and
- 4.20 U. Minnesota High Pressure Piping Systems.

4.21 **1300.0060 OPTIONAL ADMINISTRATION.**

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

5.1 A. chapter 1306, Special Fire Protection Systems; and

5.2 B. grading, IBC appendix chapter J; and

5.3 C. ~~chapter 1335, Floodproofing Regulations, parts 1335.0600 to 1335.1200.~~

5.4 **1300.0070 DEFINITIONS.**

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

5.11 Subp. 2. **Administrative authority.** "Administrative authority" means a municipality's
5.12 governing body or its assigned administrative authority.

5.13 Subp. 3. **Adult day care center.** "Adult day care center" means a facility that provides
5.14 adult day care to functionally impaired adults on a regular basis for periods of less than
5.15 24 hours a day in a setting other than a participant's home or the residence of the facility
5.16 operator.

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

5.21 B. "Class I" means any building or portion of a building used for adult day care
5.22 purposes, by more than five occupants, for those participants who are not capable of

5.23 taking appropriate action for self-preservation under emergency conditions as determined
5.24 according to part 9555.9730, and must meet Group I, Division 4 occupancy requirements.

6.1 Subp. 4. **Agricultural building.** "Agricultural building" means a building that meets
6.2 the requirements of Minnesota Statutes, section 326B.103, subdivision 3.

6.3 Subp. 5. **Building official.** "Building official" means the municipal building code
6.4 official certified under Minnesota Statutes, section 326B.133, subdivisions 2 and 3.

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

6.10 Subp. 7. **City.** "City" means a home rule charter or statutory city.

6.11 Subp. 8. **Code.** "Code" means the Minnesota State Building Code adopted under
6.12 Minnesota Statutes, section 326B.106, subdivision 1, and includes the chapters identified
6.13 in part 1300.0020.

6.14 Subp. 9. **Commissioner.** "Commissioner" means the commissioner of labor and
6.15 industry.

6.16 Subp. 10. **Designate.** "Designate" means the formal designation by a municipality's
6.17 administrative authority of a certified building official accepting responsibility for code
6.18 administration.

6.19 Subp. 10a. **Family adult day services.** "Family adult day services" means a program
6.20 providing services for up to eight functionally impaired adults for less than 24 hours per
6.21 day in the license holder's primary residence according to Minnesota Statutes, section
6.22 245A.143. This includes programs located in residences licensed by the Department of

6.23 Human Services for adult foster care, provided that not more than eight adults, excluding
6.24 staff, are present in the residence at any time.

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

7.5 Subp. 12. **Group day care home.** "Group day care home" means any residence or
7.6 portion of a residence licensed by the Department of Human Services under chapter
7.7 9502 for no more than 14 children at any one time, and must meet Group R, Division 3
7.8 occupancy requirements.

7.9 Subp. 12a. **Historical Building.** Any building or structure that is listed in the
7.10 National Register of Historic Places, designated as a historic property under local or state
7.11 designation law; certified as a contributing resource within a National Register listed or
7.12 locally designated historic district; or with an opinion or certification that the property is
7.13 eligible to be listed on the National or State Register of Historic Places either individually
7.14 or as a contributing building to a historic district by the State Historic Preservation Officer
7.15 or the Keeper of the National Register of Historic Places.

7.16 Subp. 12a 12b. **International residential code (IRC) occupancy classifications.**

7.17 International residential code (IRC) occupancy classifications are as follows:

7.18 IRC-1 single-family dwellings;

7.19 IRC-2 two-family dwellings;

7.20 IRC-3 townhouses; and

7.21 IRC-4 accessory structures:

7.22 A. garages;

7.23 B. storage sheds; and

7.24 C. similar structures.

8.1 Subp. 13. **Mandatory terms.** "Mandatory terms" include "must" and "shall," which
8.2 have the same meaning.

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

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

8.8 Subp. 16. **Mayor and city council.** "Mayor" and "city council" mean governing
8.9 body whenever they appear in the code.

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

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

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

8.23 Subp. 20. **Recyclable materials.** "Recyclable materials" means materials that are
8.24 separated from mixed municipal solid waste for the purpose of recycling, including paper,

9.1 glass, plastic, metals, automobile oil, and batteries. Refuse-derived fuel or other material
9.2 that is destroyed by incineration is not a recyclable material.

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

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

9.12 Subp. 23. **Supervised living facility.** "Supervised living facility" means a facility in
9.13 which there is provided supervision, lodging, meals, and according to the rules of the
9.14 Minnesota Department of Human Services and the Minnesota Department of Health,
9.15 counseling and developmental habilitative or rehabilitative services to persons with
9.16 developmental disabilities, chemically dependent, adult mentally ill, or physically disabled.

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

9.22 B. "Class A-2 supervised living facility" means a supervised living facility
9.23 for ambulatory and mobile persons who are capable of taking appropriate action for
9.24 self-preservation under emergency conditions as determined by program licensure
9.25 provisions for seven to 16 persons, and must meet Group R, Division 4 occupancy

10.1 requirements. Facilities with more than 16 persons must meet Group I-1 occupancy
10.2 requirements.

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

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

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

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

10.20 Subp. 25. **State licensed facilities.** "State licensed facilities" means a building and
10.21 its grounds that are licensed by the state as a hospital, nursing home, supervised living
10.22 facility, free-standing outpatient surgical center, ~~or~~ correctional facility, boarding care
10.23 home, or residential hospice.

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

11.1 **1300.0110 DUTIES AND POWERS OF BUILDING OFFICIAL.**

11.2 Subpart 1. **General.** The building official ~~shall enforce the code~~ is authorized and
11.3 directed to enforce the provisions of this code. The building official ~~may~~ has the authority
11.4 to render interpretations of the code and adopt policies and procedures in order to clarify its
11.5 the application of the provisions. The interpretations, policies, and procedures shall ~~be in~~
11.6 ~~conformance~~ comply with the intent and purpose of the code. The policies and procedures
11.7 shall not have the effect of waiving requirements specifically provided for in the code.

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

11.12 Subp. 3. **Applications and permits.** The building official shall receive applications,
11.13 review construction documents, and issue permits for the erection, alteration, demolition,
11.14 moving, and repair of buildings and structures, including all other equipment and systems
11.15 regulated by the code. ~~The building official shall inspect the premises for which the~~
11.16 ~~permits have been issued and enforce compliance with the code.~~ When requested by
11.17 a permit applicant, the code official shall meet with the permit applicant prior to the
11.18 application for a construction permit to discuss plans for the proposed work. The meeting
11.19 shall be held at a mutually agreeable location.

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

11.24 Subp. 5. **Inspections.** The building official shall make all of the required inspections
11.25 or accept reports of inspection by approved agencies or individuals. Results of inspections
11.26 shall be documented on the job site inspection card and in the official records of the

12.1 municipality, including type of inspection, date of inspection, identification of the
12.2 responsible individual making the inspection, and comments regarding approval or
12.3 disapproval of the inspection. ~~The building official may engage expert opinion necessary to~~
12.4 ~~report upon unusual technical issues that arise.~~ The building official is authorized to engage
12.5 an expert opinion as deemed necessary to report on any unusual technical issues that arise.

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

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

12.19 Subp. 8. **Department records.** The building official shall be responsible for official
12.20 records of the Department of Building Safety for permit applications received, plans,
12.21 specifications, surveys, plot plans, plan reviews, permits and certificates issued, reports of
12.22 inspections, and notices and orders issued by the department. The records shall be ~~retained~~
12.23 ~~for the period required for the retention of public records under Minnesota Statutes, section~~
12.24 ~~138.17. Department records shall be maintained by the municipality and readily available~~
12.25 ~~for review according to Minnesota Statutes, section 13.37.~~ kept according to the records
12.26 management schedule of the municipality required by Minnesota Statutes, section 138.17.

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

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

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

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

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

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

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

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

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

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

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

15.19 **1300.0120 PERMITS.**

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

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

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

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

16.13 A. Building:

16.14 (1) one-story detached accessory structures, used as tool and storage sheds,
16.15 playhouses, and similar uses, provided the floor area does not exceed ~~120~~ 200 square
16.16 feet (11.15 mm²);

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

16.18 (3) oil derricks;

16.19 (4) retaining walls that are not over four feet (1,219 mm) in height measured
16.20 from the bottom of the footing to the top of the wall, unless supporting a surcharge or
16.21 impounding Class I, II, or III-A liquids;

16.22 (5) water tanks supported directly upon grade if the capacity does not exceed
16.23 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1;

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

17.1 (7) decks and platforms not more than 30 inches (762 mm) above adjacent
17.2 grade and not attached to a structure with frost footings and which is not part of an
17.3 accessible route;

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

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

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

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

17.15 (12) movable cases, counters, and partitions not over five feet, nine inches
17.16 (1,753 mm) in height; and

17.17 ~~(13) agricultural buildings as defined in Minnesota Statutes, section 326B.103,~~
17.18 ~~subdivision 3; and~~

17.19 ~~(14)~~ (13) swings and other playground equipment.

17.20 Unless otherwise exempted, plumbing, electrical, and mechanical permits are required
17.21 for subitems (1) to ~~(14)~~ (13).

17.22 B. Gas:

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

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

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

18.3 C. Mechanical:

18.4 (1) portable heating appliances;

18.5 (2) portable ventilation appliances and equipment;

18.6 (3) portable cooling units;

18.7 (4) steam, hot, or chilled water piping within any heating or cooling equipment
18.8 regulated by this code;

18.9 (5) replacement of any part that does not alter approval of equipment or make
18.10 the equipment unsafe;

18.11 (6) portable evaporative coolers;

18.12 (7) self-contained refrigeration systems containing ten pounds (4.5 kg) or less
18.13 of refrigerant or that are actuated by motors of one horsepower (0.75 kW) or less; and

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

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

18.17 ~~E D. Electrical: an electrical permit is not required if work is inspected by the~~
18.18 ~~State Board of Electricity or is exempt from inspection under Minnesota Statutes, section~~
18.19 ~~326B.36. Obtaining a permit from the Board of Electricity does not exempt the work~~
18.20 ~~from other Minnesota State Building Code requirements relating to electrical equipment,~~
18.21 ~~its location, or its performance. a municipality must not require an electrical permit if~~
18.22 ~~the work falls under the jurisdiction of the commissioner or if the work is exempt from~~
18.23 ~~inspection under Minnesota Statutes, section 326B.36. This exemption does not exempt~~
18.24 ~~the work from other State Building Code requirements relating to electrical equipment.~~

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

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

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

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

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

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

19.21 D. indicate the type of construction;

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

19.24 F. state the valuation of the proposed work;

19.25 G. be signed by the applicant, or the applicant's authorized agent; and

20.1 H. give other data and information required by the building official.

20.2 Subp. 8. **Action on application.** The building official shall examine or cause to be
20.3 examined applications for permits and amendments within a reasonable time after filing.
20.4 If the application or the construction documents do not conform to the requirements of
20.5 pertinent laws, the building official shall reject the application and notify the applicant of
20.6 the reasons. The building official shall document the reasons for rejecting the application.
20.7 The applicant may request written documentation of the rejection and the reasons for the
20.8 rejection. When the building official is satisfied that the proposed work conforms to the
20.9 requirements of the code and applicable laws and ordinances, the building official shall
20.10 issue a permit.

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

20.17 Subp. 10. **Validity of permit.** The issuance or granting of a permit or approval of
20.18 plans, specifications, and computations, shall not be construed to be a permit for any
20.19 violation of the code or of any other ordinance of the jurisdiction. Permits presuming to
20.20 give authority to violate or cancel the provisions of the code or other ordinances of the
20.21 jurisdiction are not valid. ~~The issuance of a permit based on construction documents and
20.22 other data shall not prevent the building official from requiring the correction of errors
20.23 in the construction documents and other data. The building official may also prevent
20.24 occupancy or use of a structure that violates the code or any other ordinance of this
20.25 jurisdiction.~~ Any permit issued becomes invalid if the work authorized by the permit is

21.1 suspended or abandoned for more than 180 days. The 180 days commences the first
21.2 day the work was suspended or abandoned.

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

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

21.14 Subp. 13. **Information and placement of permit.** The building permit or a copy
21.15 shall be kept on the site of the work until the completion of the project. The permit shall
21.16 specify the name and address of the applicant, and the general contractor, if one exists.
21.17 All construction permits shall be posted in a conspicuous and accessible place at the
21.18 premises or site of construction.

21.19 Subp. 14. **Responsibility.** Every person who performs work for the installation or
21.20 repair of building, structure, electrical, gas, mechanical, or plumbing systems, for which
21.21 the code is applicable, shall comply with the code. The person, firm, or organization
21.22 securing the permit is responsible for code compliance for the work being performed.

21.23 **1300.0130 CONSTRUCTION DOCUMENTS.**

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

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

22.4 The building officer may require plans or other data be prepared according to the rules
22.5 of the Board of Architecture, Engineering, Land Surveying, Landscape Architecture,
22.6 Geoscience and Interior Design, chapter 1800, and Minnesota Statutes, sections 326.02 to
22.7 326.15, and other state laws relating to plan and specification preparation by occupational
22.8 licenses. If special conditions exist, the building official may require additional
22.9 construction documents to be prepared by a licensed design professional.

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

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

22.19 Subp. 4. **Site plan.** The construction documents submitted with the application
22.20 for permit shall be accompanied by a site plan drawn to scale, showing the size and
22.21 location of new construction and existing structures on the site, distances from lot lines,
22.22 the established street grades, and the proposed finished grades, and it shall be drawn
22.23 according to an accurate boundary line survey. In the case of demolition, the site plan
22.24 shall show construction to be demolished and the location and size of existing structures
22.25 and construction that are to remain on the site or plot. The building official may waive

23.1 or modify the requirement for a site plan if the application for permit is for alteration or
23.2 repair or when otherwise warranted.

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

23.7 Subp. 6. **Approval of construction documents.**

23.8 A. If the building official issues a permit, the construction documents shall be
23.9 approved in writing or by a stamp, stating "Reviewed for Code Compliance," dated, and
23.10 signed by the building official or an authorized representative. One set of the construction
23.11 documents that were reviewed shall be retained by the building official. The other set shall
23.12 be returned to the applicant, kept at the site of the work, and open to inspection by the
23.13 building official or an authorized representative.

23.14 B. When construction documents have been prepared by a design professional,
23.15 licensed or certified under Minnesota Statutes, section 326B, code deficiencies identified
23.16 by the building official during the plan review process shall be addressed through a
23.17 comprehensive review letter. Plans not requiring a design professional, licensed or
23.18 certified under Minnesota Statutes, section 326B, must be marked up with the required
23.19 corrections or a comprehensive review letter must be written identifying all identified
23.20 deficiencies to document the required corrections. The issuance of a permit based on
23.21 construction documents and other data must not prevent the building official from
23.22 requiring the correction of errors in the construction documents and other data. All
23.23 sets of required construction documents, including the site copy, municipality copy, or
23.24 inspector copy, shall be marked identically with one copy retained by the municipality
23.25 after construction is completed. Work regulated by the code must be installed according to

24.1 the reviewed construction documents. Work not in compliance with approved construction
24.2 documents must not proceed until changes have been submitted and approved.

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

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

24.12 Subp. 9. **Design professional in responsible charge.**

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

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

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

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

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

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

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

25.17 **1300.0160 FEES.**

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

25.21 When submittal documents are required to be submitted by this chapter, a plan review
25.22 fee shall be required. The plan review fee shall be established by the fee schedule adopted
25.23 by the municipality.

25.24 **Exception:** The fee schedule adopted by the municipality may exempt minor work
25.25 from plan review fees.

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

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

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

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

26.13 B. prefabricated buildings with a Department of Labor and Industry prefabrication
26.14 label; and

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

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

26.18 **Exceptions:**

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

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

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

26.25 Subp. 5. **Plan review fees for similar plans.** When submittal documents for similar
26.26 plans are approved under subpart 6, plan review fees shall not exceed 25 percent of the

27.1 normal building permit fee established and charged by the jurisdiction for the same
27.2 structure.

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

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

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

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

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

27.9 **Exception:** The following modifications to the master plan are not considered to
27.10 be significant modifications, according to Minnesota Statutes, section 326B.106,
27.11 ~~subdivision 1~~, and are permitted for dwelling units and their accessory structures
27.12 built to the International Residential Code, and residential occupancies built to the
27.13 International Building Code that are three stories or less in height and their accessory
27.14 structures:

27.15 (a) foundation types to include configurations of walkout, lookout, and full basement
27.16 basements;

27.17 (b) alternate foundation materials to include poured concrete, masonry units, and
27.18 ~~wood~~ approved by the building official;

27.19 ~~(e) garage dimensions~~;

27.20 ~~(d)~~ (c) roof design changed by a revised truss plan approved by the building official;
27.21 and

27.22 ~~(e) bays or cantilevered floor areas~~;

27.23 ~~(f) decks and porches~~; and

27.24 ~~(g) other modifications approved by the building official~~;

27.25 (d) other modifications approved by the building official;

28.1 (4) occupancy groups other than those identified in the exceptions listed in part
28.2 1300.0160, subpart 6, item A, subitem (3), must be the same type of construction and
28.3 occupancy classification and must have the same exit system;

28.4 Exception: Minor changes to the exit access; and

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

28.7 B. Plan review fees for similar building plans must be based on the costs
28.8 commensurate with the direct and indirect cost of the service, but must not exceed 25
28.9 percent of the normal building permit fee established and charged by the municipality for
28.10 the same structure.

28.11 C. The plan review fee charged for similar building plans applies to all
28.12 buildings regulated by the code regardless of occupancy classification including
28.13 industrialized/modular buildings constructed under a program specified in Minnesota
28.14 Statutes, section 326B.194.

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

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

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

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

29.1 Subp. 10. **State surcharge fees.** All municipal permits issued for work under the code
29.2 are subject to a surcharge fee. The fees are established by Minnesota Statutes, section
29.3 326B.148. Reports and remittances by municipalities must be filed with the commissioner,
29.4 directed to the attention of the state building official.

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

29.8 **1300.0170 STOP WORK ORDER.**

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

29.12 The stop work order shall be in writing and issued to the owner of the property
29.13 involved, to the owner's agent, or to the person doing the work. Upon issuance of a stop
29.14 work order, the cited work shall immediately cease. Any person who continues any work
29.15 after having been served with a stop work order, except for work that the person is
29.16 directed to perform to remove a violation or unsafe condition, may be subject to penalties
29.17 as prescribed by law. The stop work order shall state the reason for the order and the
29.18 conditions under which the cited work will be permitted to resume.

29.19 **1300.0180 UNSAFE BUILDINGS OR STRUCTURES.**

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

29.23 Building service equipment that is regulated by the code is unsafe, for purposes of
29.24 this part, if it is a fire, electrical, or health hazard; an unsanitary condition; or otherwise
29.25 dangerous to human life. Use of a building, structure, or building service equipment
29.26 constituting a hazard to safety, health, or public welfare by reason of inadequate
30.1 maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is,

30.2 for the purposes of this part, an unsafe use. Parapet walls, cornices, spires, towers, tanks,
30.3 statuary, and other appendages or structural members that are supported by, attached to, or
30.4 a part of a building and that are in deteriorated condition or otherwise unable to sustain the
30.5 design loads that are specified in the code are unsafe building appendages.

30.6 The building official may order any building or portion of a building to be vacated if
30.7 continued use is dangerous to life, health, or safety of the occupants. The building official
30.8 shall have the authority to order disconnection of utility services to the building, structure,
30.9 or system, regulated by the code, in case of an emergency to eliminate a hazard to life or
30.10 property. The order shall be in writing and state the reasons for the action.

30.11 **Exception:** Electrical systems under the jurisdiction of the commissioner.

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

30.15 **1300.0190 TEMPORARY STRUCTURES AND USES.**

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

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

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

31.1 **1300.0210 INSPECTIONS.**

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

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

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

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

32.1 Subp. 5. **Approval required.** Work shall not be done beyond the point indicated in
32.2 each successive inspection without first obtaining the approval of the building official.
32.3 The building official, upon notification, shall make the requested inspections and shall
32.4 either indicate the portion of the construction that is satisfactory as completed or notify the
32.5 permit holder or an agent of the permit holder of any failures to comply with the code.
32.6 Any portion that does not comply shall be corrected and the portion shall not be covered
32.7 or concealed until authorized by the building official.

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

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

32.15 B. Foundations:

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

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

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

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

33.1 D. Rough-in inspection of plumbing, mechanical, gas, sprinklers, alarms, and
33.2 electrical systems shall be made before covering or concealment, before fixtures or
33.3 appliances are set or installed, and before framing inspection.

33.4 E. Inspection of framing and masonry construction shall be made after the roof,
33.5 masonry, framing, firestopping, draftstopping, and bracing are in place and after the
33.6 plumbing, mechanical, and electrical rough inspections are approved.

33.7 F. Energy efficiency inspections shall be made to determine compliance with
33.8 Minnesota Energy Code requirements.

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

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

33.14 H. Protection of joints and penetrations in fire-resistance-rated or
33.15 smoke-resistance-rated assemblies shall not be concealed from view until inspected and
33.16 approved.

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

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

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

33.24 L. Special inspections shall be as required by the code.

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

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

34.6 **1300.0215 PLUMBING INSPECTIONS.**

34.7 Subpart 1. **Inspections, testing, and permits.** ~~New plumbing systems and parts
34.8 of existing systems which have been altered, extended, or repaired shall be inspected
34.9 and tested by the proper administrative authority to ensure compliance with all the
34.10 requirements of this code and the installation and construction of the system in accordance
34.11 with the approved plan and the permit, except that testing may be waived for work which
34.12 does not include addition to, replacement, alteration, or relocation of any water supply,
34.13 drainage, or vent piping.~~

34.14 ~~All the piping shall be tested and after the plumbing fixtures have been set, and before
34.15 the system is put into use, the system shall be given a final inspection and test by the
34.16 proper administrative authority.~~

34.17 ~~The equipment, material, power, and labor necessary for the inspection must be
34.18 furnished by the plumbing contractor.~~

34.19 A. Except as provided in item B, new plumbing systems or parts of existing
34.20 plumbing systems that have been altered, extended, or repaired shall be tested and
34.21 approved by the administrative authority before the plumbing system is put into use.
34.22 According to subpart 2, the administrative authority shall perform the final inspection
34.23 and witness the test. The administrative authority shall approve the plumbing system if
34.24 the system complies with the requirements of this code, any permit requirements, and
34.25 the requirements of any plan approved pursuant to subpart 6. Plumbing system tests
34.26 shall comply with part 4715.2820.

35.1 B.

35.2 (1) The administrative authority may waive the permit, inspection, and testing
35.3 requirements for the following plumbing work conducted in one- and two-family dwellings:

35.4 (a) the reconnection of an existing water supply line to a replacement
35.5 appliance that does not involve the replacement or alteration of the existing water supply
35.6 line;

35.7 (b) replacement of the internal working components of existing water
35.8 closets, faucets, or valves;

35.9 (c) replacement of sink faucets when the work does not include alteration to
35.10 the existing plumbing piping system; or

35.11 (d) replacement or resetting of water closets when the work does not
35.12 include alterations to the existing plumbing piping systems.

35.13 (2) The administrative authority may waive testing requirements for plumbing
35.14 work that does not include any addition to or replacement, alteration, or relocation of
35.15 any water supply, drainage, or vent piping.

35.16 (3) Licensing requirements for such plumbing work shall not be waived.

35.17 Subp. 2. **Notifications.** It shall be the duty of the plumbing contractor to notify the
35.18 proper administrative authority and the owner or the owner's authorized agent orally, by
35.19 telephone, or in writing, not less than eight working hours between the hours of 8:00 a.m.
35.20 and 4:00 p.m. before the work is to be inspected or tested. It shall be the duty of the
35.21 plumbing contractor to make sure that the work will stand the test prescribed before giving
35.22 the above notification. If the proper administrative authority finds that the work will not
35.23 stand the test, the plumbing contractor shall be required to renotify as above. If the proper
35.24 administrative authority does not appear for an inspection within 24 hours of the time set,
35.25 excluding Saturdays, Sundays, and holidays, the inspection or test shall be deemed to have

36.1 been made, and the plumbing contractor is required to file an affidavit with the proper
36.2 administrative authority that the work was installed in accordance with the code, the
36.3 approved plans and permit, and that it was free from defects and that the required tests had
36.4 been made and the system found free from leaks; also whether the owner or the owner's
36.5 authorized agent was present when such inspection or test was made.

36.6 Subp. 3. **Covering of work.** No building drainage or plumbing system or part thereof
36.7 shall be covered until it has been inspected, tested, and approved as herein prescribed.

36.8 If any building drainage or plumbing system or part thereof is covered before being
36.9 regularly inspected, tested, and approved, as herein prescribed, it shall be uncovered upon
36.10 the direction of the proper administrative authority.

36.11 Subp. 4. **Building sewer.** The building sewer shall be inspected by the proper
36.12 administrative authority to ensure compliance with the provisions of the code.

36.13 Subp. 5. **Certificate of approval.** Upon the satisfactory completion and final
36.14 inspection of the plumbing system, a certificate of approval shall be issued by the proper
36.15 administrative authority.

36.16 Subp. 6. **Plans and specifications.** Prior to the installation by any person, corporation,
36.17 or public agency, of a system of plumbing that serves the public or that serves any
36.18 considerable number of persons, or any plumbing system that shall affect the public health
36.19 in any manner, complete plans and specifications, together with any additional information
36.20 that the commissioner of ~~health~~ labor and industry may require, shall be submitted in
36.21 duplicate and approved by the commissioner. The appraisal of the commissioner shall
36.22 reflect the degree to which these plans and specifications affect the public health and
36.23 conform to the provisions of the Minnesota Plumbing Code. No constructions shall
36.24 proceed except in accordance with approved plans and specifications. Any material
36.25 alteration or extension of the existing system shall be subject to these same requirements.
36.26 This rule shall not apply to cities of the first class, except those plumbing installations in

37.1 ~~hospitals~~ state licensed health care facilities or in buildings in these cities owned by the
37.2 ~~federal or the state government.~~

37.3 Except as approved in chapter 4715, there shall be no physical connection between
37.4 water supply systems that are safe for domestic use and those that are unsafe for domestic
37.5 use. There shall be no apparatus through which unsafe water may be discharged or drawn
37.6 into a safe water supply system.

37.7 **1300.0220 CERTIFICATE OF OCCUPANCY.**

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

37.15 **Exception:** A municipality has the option of requiring certificates of occupancy for:

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

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

37.18 C. used manufactured homes moved into or within a jurisdiction.

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

37.22 Subp. 3. **Change in use.** Changes in the character or use of an existing structure
37.23 shall ~~not be made except as specified in chapter 1311~~ comply with the Minnesota State
37.24 Building Code or chapter 1311.

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

38.1 **Exception:**

38.2 A. buildings that comply with chapter 1311; or

38.3 B. a residential building relocated within or into a municipality need not comply with
38.4 the Minnesota Energy Code or Minnesota Statutes, section 326B.439.

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

38.9 A. the building permit number;

38.10 B. the address of the structure;

38.11 C. the name and address of the owner;

38.12 D. a statement that the described portion of the structure has been inspected for
38.13 compliance with the requirements of the code for the occupancy and division of occupancy
38.14 and the use for which the proposed occupancy is classified;

38.15 E. the name of the building official;

38.16 F. the edition of the code under which the permit was issued;

38.17 G. the use and occupancy classification;

38.18 H. the type of construction;

38.19 I. if an automatic sprinkler system is provided; and

38.20 J. any special stipulations and conditions of the building permit.

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

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

39.6 **1300.0225 MAINTENANCE.**

39.7 All buildings and structures, both existing and new, and all parts of the buildings or
39.8 structures, shall be maintained in a safe and sanitary condition. All devices or safeguards
39.9 required by this code shall be maintained in conformance with the code editions under
39.10 which the devices or safeguards are installed. The owner or the owner's designated agent
39.11 shall be responsible for the maintenance of buildings and structures. A building official
39.12 may require reinspection of a building or structure if the building official is unable to
39.13 determine whether or not the building or structure complies with this part.

39.14 **1300.0230 BOARD OF APPEALS.**

39.15 Subpart 1. **Local board of appeals.** In order to hear and decide appeals of orders,
39.16 decisions, or determinations made by the building official relative to the application and
39.17 interpretation of this code, there shall be and is hereby created a board of appeals. The
39.18 building official shall be an ex officio member of said board but shall have no vote on any
39.19 matter before the board. The board of appeals shall be designated by the governing body.
39.20 Appeals hearings must occur within ten working days from the date the municipality
39.21 receives a properly completed application for appeal. If an appeals hearing is not held
39.22 within this time, the applicant may appeal directly to the State Building Code Appeals
39.23 Board.

39.24 The board shall adopt rules of procedures for conducting its business and shall render
39.25 all decisions and findings in writing to the appellant with a duplicate copy to the building
39.26 official and to the state building official within five working days of the decision. For

40.1 jurisdictions without a board of appeals, the appellant may appeal to an appeals board
40.2 assembled by the state of Minnesota, Department of Labor and Industry's Construction
40.3 Codes and Licensing Division.

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

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

40.12 Subp. 4. [Repealed, L 2012 c 295 art 1 s 17]

40.13 Subp. 5. **Final interpretive authority.** Final interpretive authority is established
40.14 in Minnesota Statutes, section 326B.127.

40.15 **REPEALER.** Minnesota Rules, part 1300.0215, subpart 2, is repealed.