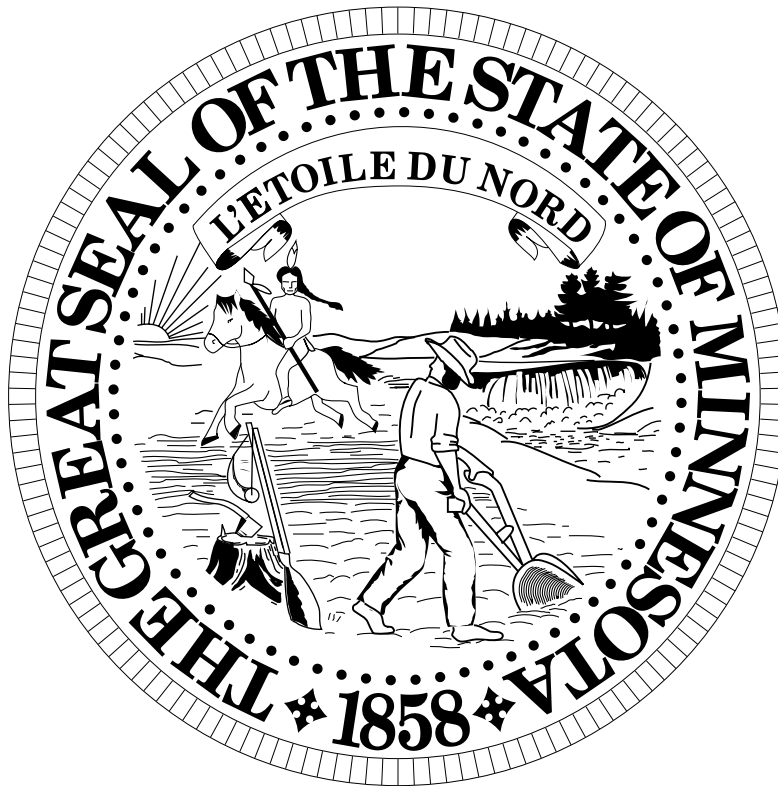


State of Minnesota

# State Register

Rules and Official Notices Edition



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# State Register

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- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
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#16	Monday 14 October	Noon Tuesday 8 October	Noon Wednesday 2 October
#17	Monday 21 October	Noon Tuesday 15 October	Noon Wednesday 9 October
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# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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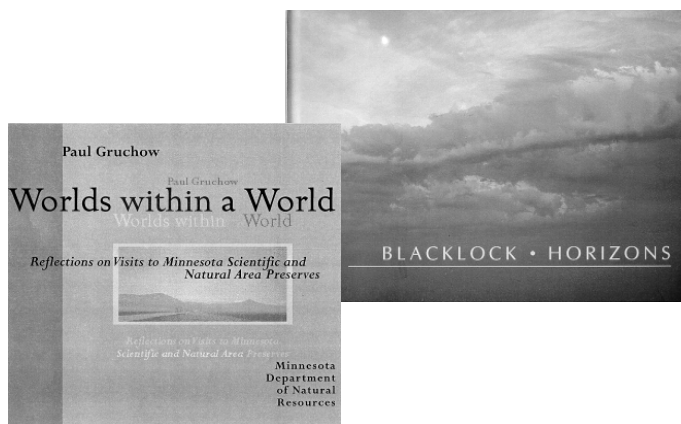
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# Proposed Rules

## Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

## Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

## Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

## Board of Dentistry

### Proposed Permanent Rules Relating to Duties of Dental Hygienists and Registered Dental Assistants

#### Notice of Intent to Adopt Rules Without Public Hearing

#### Proposed Amendments Governing the Permissible Duties of Dental Hygienists and Registered Dental Assistants, *Minnesota Rules* 3100.3600, 3100.8500, and 3100.8700

**Introduction.** The Board of Dentistry intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until November 7, 2002. Please note: a change in the proposal for amending *Minnesota Rules* 3100.8700 has been made since the Request for Comments was published, changing the supervision level from *indirect* to *general* for a hygienist to remove marginal overhangs.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Marshall Shragg at Minnesota Board of Dentistry, University Park Plaza, 2829 University Avenue SE, Suite 450, Minneapolis, Minnesota, 55414-3249, **phone:** (612) 617-2257, **fax:** (612) 617-2260, and may also be directed by **email:** [Marshall.Shragg@state.mn.us](mailto:Marshall.Shragg@state.mn.us)

**Subject of Rules and Statutory Authority.** The proposed rules are changes that would allow Dental hygienists and registered dental assistants to perform additional duties under general, direct and indirect supervision. These revisions would allow Dentists to focus on more complicated patients' concerns which will facilitate increased clinic efficiency and productivity. This rulemaking is necessary because the State is facing significant access to care issues. The patient would benefit the most from these changes as they allow hygienists and assistants to perform functions that will save time for the patient and dentist, improving the capacity of the office by allowing more patients to be seen.

The fiscal impact is negligible. The Board acknowledges that implementation of these rules will not generate additional costs to the agency or any other agency, and would not have any effect on state revenues.

The statutory authority to adopt the rules is *Minnesota Statutes*, §150A.04, subdivision 5. A copy of the proposed rules is published in the *State Register*.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.



## Proposed Rules

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**Comments.** You have until 4:30 p.m. on Thursday, November 7, 2002, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Thursday, November 7, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person and on the agency's website. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency.

**Adoption and Review of Rules.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 25 September 2002

Marshall Shragg  
Executive Director  
Minnesota Board of Dentistry

### 3100.3600 TRAINING AND EDUCATIONAL REQUIREMENTS TO ADMINISTER ANESTHESIA AND SEDATION.

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

Subp. 4. **Nitrous oxide inhalation analgesia.** A dentist may administer nitrous oxide inhalation analgesia only pursuant to items A to D and subpart 5, items A to C. A dental hygienist may administer nitrous oxide inhalation analgesia only pursuant to items C to E and subpart 5, item D. A registered dental assistant may administer nitrous oxide inhalation analgesia only after a maximum dosage has been prescribed by a dentist for a specific patient, and it is administered pursuant to items C, D, and E and subpart 5, item D.

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

C. A dentist ~~or~~ dental hygienist, or registered dental assistant must, at least every two years, complete an advanced or basic cardiac life support course recognized by the American Heart Association, the American Red Cross, or another agency whose courses are equivalent to the American Heart Association or American Red Cross courses.

D. A dentist ~~or~~ dental hygienist, or registered dental assistant may only use fail-safe anesthesia equipment capable of positive pressure respiration.

E. A dental hygienist or registered dental assistant may administer nitrous oxide inhalation analgesia only after satisfactorily completing a course on the administration of nitrous oxide inhalation analgesia from an institution accredited by the Commission on Accreditation. The course must include a minimum of 16 hours of didactic instruction and supervised clinical experience using fail-safe anesthesia equipment capable of positive pressure respiration.

Subp. 5. **Notice to board.** A dentist who administers a pharmacological agent for the purpose of general anesthesia, conscious sedation, or nitrous oxide inhalation analgesia shall submit to the board the information in items A to C.

[For text of items A to C, see M.R.]

D. A dental hygienist or registered dental assistant may administer nitrous oxide inhalation analgesia only after the dental hygienist or registered dental assistant has submitted the following information to the board on forms provided by it: the name, address, and telephone number of the institution at which the dental hygienist or registered dental assistant successfully completed the course required by subpart 4, item E; and a certified copy of the dental hygienist's or registered dental assistant's transcript or other official record from the institution verifying that the dental hygienist or registered dental assistant has successfully completed the advanced or basic cardiac life support course as required by subpart 4, item E. After this initial submission, the dental hygienist or registered dental assistant shall every year submit on the license renewal application or other form provided by the board a statement of the most recent course completed in advanced or basic cardiac life support.

[For text of subps 6 to 8, see M.R.]

### **3100.8500 REGISTERED DENTAL ASSISTANTS.**

Subpart 1. **Duties under general supervision.** A registered dental assistant may perform the following duties if a dentist has authorized the procedures and the registered dental assistant performs the procedures in accordance with the dentist's diagnosis and treatment plan in providing palliative treatment: ~~cut arch wires, remove loose bands, or remove loose brackets on orthodontic appliances to provide palliative treatment~~

A. cut arch wires on orthodontic appliances;

B. remove loose bands on orthodontic appliances;

C. remove loose brackets on orthodontic appliances;

D. re-cement intact temporary restorations; and

E. place temporary fillings, not including temporization of inlays, onlays, crowns, and bridges.

Subp. 1a. **Duties under indirect supervision.** A registered dental assistant, in addition to the services performed by the assistant, may perform the following services if a dentist is in the office, authorizes the procedures, and remains in the office while the procedures are being performed:

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

C. apply; topical medications to the oral cavity only that are physiologically reversible; topical fluoride; bleaching agents; and cavity varnishes; all of which must be prescribed by dentists;

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

M. dry root canals with paper points; ~~and~~

N. place cotton pellets and temporary restorative materials into endodontic access openings; and

O. etch appropriate enamel surfaces, apply and adjust pit and fissure sealants. Before the application of pit and fissure sealants, a registered dental assistant must have successfully completed a course in pit and fissure sealants at a dental school, dental hygiene school, or dental assisting school that has been accredited by the Commission on Accreditation.

Subp. 1b. **Duties under direct supervision.** A registered dental assistant may perform the following services if a dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure, and evaluates the performance of the auxiliary before dismissing the patient:

A. remove excess bond material from orthodontic appliances with hand instruments ~~only~~;

B. remove excess bonding material with rotary instruments after removal of orthodontic appliances. Before utilizing rotary instruments for the removal of bonding material, a registered dental assistant must have successfully completed a course in the use of rotary instruments for the express purpose of the removal of bonding material. The course must be one that is presented by a dental school, dental hygiene school, or dental assisting school that has been accredited by the Commission on Accreditation;

C. etch appropriate enamel surfaces before bonding of orthodontic appliances by a dentist;

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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~~C. etch appropriate enamel surfaces and apply pit and fissure sealants. Before the application of pit and fissure sealants, a registered dental assistant must have successfully completed a course in pit and fissure sealants at a dental school, dental hygiene school, or dental assisting school that has been accredited by the Commission on Accreditation;~~

- ~~D. make preliminary adaptation of fabricate, cement, and adjust temporary crowns restorations extraorally or intraorally; and~~
- E. remove temporary crowns restorations with hand instruments only;
- F. place and remove matrix bands; and
- G. administer nitrous oxide inhalation analgesia in accordance with part 3100.3600, subparts 4 and 5.

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

### 3100.8700 DENTAL HYGIENISTS.

Subpart 1. **Duties under general supervision.** A dental hygienist may perform the following services if a dentist has authorized them and the hygienist carries them out in accordance with the dentist's diagnosis and treatment plan:

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

- E. etch appropriate enamel surfaces, application and adjustment of pit and fissure sealants;
- F. removal of excess bond material from orthodontic appliances; ~~and~~
- G. replacement, cementation, and adjustment of intact temporary crowns or restorations ~~with temporary restorative materials prior to the placement of a permanent restoration. Replacement of restorations does not include the construction of temporary crowns extraorally or intraorally; and~~
- H. remove marginal overhangs.

Subp. 2. **Duties under indirect supervision.** A dental hygienist may perform the following procedures if a dentist is in the office, authorizes the procedures, and remains in the office while the procedures are being performed:

- A. ~~remove marginal overhangs;~~

~~B.~~ administer local anesthesia. Before administering local anesthesia, a dental hygienist must have successfully completed a didactic and clinical program sponsored by a dental or dental hygiene school accredited by the Commission on Accreditation, resulting in the dental hygienist becoming clinically competent in the administration of local anesthesia; and

- ~~C.~~ B. administer nitrous oxide inhalation analgesia according to part 3100.3600, subparts 4 and 5.

Subp. 2a. **Duties under direct supervision.** A dental hygienist may perform the following procedures if a dentist is in the office, personally diagnoses the condition to be treated, personally authorizes the procedure, and evaluates the performance of the dental hygienist before dismissing the patient:

- A. etch appropriate enamel surfaces before bonding of orthodontic appliances by a dentist;
- B. make preliminary adaptation of temporary crowns; ~~and~~
- C. remove temporary crowns with hand instruments only;
- D. fabricate, cement, and adjust temporary restorations; and
- E. place and remove matrix bands.

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



## **Minnesota Pollution Control Agency**

### **Policy and Planning Division**

#### **NOTICE OF HEARING on Proposed New Rules Governing Conditionally Insignificant and Conditionally Exempt Air Emissions to be Codified in *Minnesota Rules* ch. 7008, and Amendments to Rules Governing Permits and Offsets, *Minnesota Rules* ch. 7007, Amendments to Rules Governing Air Quality Division Definitions and Abbreviations, *Minnesota Rules* ch. 7005 and Amendments to Rules Governing Standards for Stationary Sources, *Minnesota Rules* ch. 7011**

**Public Hearing.** The Minnesota Pollution Control Agency (MPCA) intends to adopt rules after a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules* 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes* §§ 14.131 to 14.20. The MPCA will hold a public hearing on the above-entitled rules in the MPCA boardroom, 520 Lafayette Road North, St. Paul, Minnesota, 55155-4194. You will be required to show picture identification such as a Minnesota driver's license and sign-in with the security guard on duty at the main entrance to the MPCA. The rules hearing will begin at 9:00 a.m. on November 13, 2002, and continue until the hearing is completed. Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** The hearing will be conducted by Administrative Law Judge Beverly Jones Heydinger, who can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota, 55401-2138, **phone:** (612) 341-7606, and **fax:** (612) 349-2665. The rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules* 1400.2200 to 1400.2240. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

**Subject of Rules and Statutory Authority.** Air emission sources are required to obtain air permits based on "potential to emit." This rulemaking is intended to streamline and simplify the MPCA air quality permitting program by establishing conditions (and consolidating existing regulations) under which gasoline service stations or similar fueling facilities such as resorts and marinas, can avoid the requirement to obtain a permit if the facilities meet certain criteria intended to ensure that *actual* emissions do not exceed levels where a permit would be required. Owners and operators of very large gasoline service stations (MPCA estimates less than 50 in the state) would still be required to apply for and obtain an air emissions operating permit. The MPCA is also amending *Minnesota Rules* parts 7011.0850 to 7011.0860 which govern technical standards and record keeping for concrete manufacturing plants by renumbering, deleting redundant language, clarifying existing language and moving these parts to Chapter 7008.

The statutory authority to adopt these rules is found in *Minnesota Statutes* § 116.07, subd. 4 and 4a. The proposed rules were published in the *State Register* on April 15, 2002, and can be accessed on the Web at: [www.comm.media.state.mn.us](http://www.comm.media.state.mn.us) and clicking on *State Register*, then clicking on View Issues. Scroll down this section until you find April 2002 publications, click on the April 15, 2002 selection. A copy of the proposed rules can be obtained by contacting the agency contact person listed below and by checking the MPCA Web site at [www.pca.state.mn.us](http://www.pca.state.mn.us). Click on the New/Notices selection item to access this public notice and also the proposed rules and Statement of Need and Reasonableness.

**MPCA Contact Person.** The MPCA contact person is: Mike Mondloch at the MPCA, 520 Lafayette Road, St. Paul, Minnesota, 55155-4194, **phone:** (651) 297-8593, **fax:** (651) 297-8717, and **email:** [michael.mondloch@pca.state.mn.us](mailto:michael.mondloch@pca.state.mn.us). **TTY** users may call the MPCA at TTY (651) 292-5332 or 1 (800) 657-3867.

**Statement of Need and Reasonableness.** A statement of need and reasonableness (SONAR) is now available for review at the MPCA office in St. Paul and the Office of Administrative Hearings. This SONAR contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The SONAR may be reviewed and copies obtained at the cost of reproduction from the MPCA office in St. Paul. In addition, the MPCA has placed a copy of the SONAR on its **Web site** at: [www.pca.state.mn.us](http://www.pca.state.mn.us). Click on the News/Notices selection item to access the public notice that also contains the proposed rules.

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing, or in writing, at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the MPCA and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings.

The MPCA requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the MPCA contact person at the address stated above.

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the MPCA contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules* 1400.2110 has been followed. If the proposed rules affect you in any way, you are encouraged to participate.

**Adoption Procedure after the Hearing.** After the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the MPCA adopts the rules and the rules are filed with the Secretary of State, or ask to register with the MPCA to receive notice of future rule proceedings, and can make these requests at the hearing or in writing to the MPCA contact person stated above.

**MPCA Board Adoption.** *Minnesota Statutes* § 116.02, subd. 6(5) states that if a hearing is required on MPCA proposed rules, the MPCA Citizens' Board will make the final decision on whether to adopt the proposed rules. You may request to be notified when the MPCA Citizens' Board will meet to adopt the proposed rules by contacting the MPCA contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes* ch. 10A requires each lobbyist to register with the Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota, 55155, **phone:** (651) 296-5148 or 1 (800) 657-3889.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Karen A. Studders  
Commissioner

**Department of Public Safety  
State Fire Marshal Division****Proposed Permanent Rules Relating to the Minnesota State Fire Code****DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received**

**Proposed Amendments to Rules Governing the Fire Code, Minnesota Rules, Chapter 7510; Repeal of Minnesota Rules, parts 7510.3520, subparts 4,5, and 6; 7510.3540; 7510.3550; 7510.3560, subparts 1,6,7,11 and 16; 7510.3570; 7510.3580, subparts 5,6,7, and 8; 7510.3590; 7510.3600; 7510.3610, subparts 1,2,3, and 6; 7510.3620; 7510.3630; 7510.3640, subparts 2 and 3; 7510.3650, subpart 1; 7510.3660; 7510.3680; 7510.3690; 7510.3700; and 7510.3710, subparts 2,3,4,5,6,7,8,9, and 10**

**Introduction.** The Department of Public Safety intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Wednesday, November 6, 2002, a public hearing will be held in the Training Room at Bloomington Fire Station #1, 10 West 95th Street, Bloomington, Minnesota 55420-4305, starting at 10:00 a.m. on Tuesday, December 3, 2002. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after November 6, 2002, and before December 3, 2002.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Connie Weaver at Department of Public Safety, Fire Marshal Division, 444 Cedar Street, Suite 145, St. Paul, MN 55101-5145, **phone:** (651) 215-0504, **fax:** (651) 215-0525, and **email:** [Connie.Weaver@state.mn.us](mailto:Connie.Weaver@state.mn.us). **TTY** users may call the Department of Public Safety, Fire Marshal Division at (651) 282-6555.

**Subject of Rules and Statutory Authority.** The proposed rules are about the adoption of and amendments to the *2000 International Fire Code* (IFC). The IFC, which is intended to replace the *1997 Uniform Fire Code* currently in effect, is the result of efforts by three model code organizations to consolidate their individual sets of codes into a single national set of codes. It is designed to be compatible with the new building code proposed for adoption by the Department of Administration, State Building Codes and Standards Division - the *2000 International Building Code*. The IFC prescribes regulations consistent with nationally recognized good practice for the safeguarding of life and property, to a reasonable degree, from the hazards of fire and explosion. It is intended to address conditions that pose hazards to life or property in the use or occupancy of buildings or premises. It also addresses dangerous conditions arising from the storage, handling and use of hazardous materials and devices. In addition, the IFC contains provisions designed to assist emergency response personnel. The statutory authority to adopt the rules is *Minnesota Statutes*, section 299F.011, subdivision 1. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of the rules is also available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Wednesday, November 6, 2002, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, November 6, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled December 3, 2002, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 215-0504 after November 6, 2002, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge George Beck is assigned to conduct the hearing. Judge Beck can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **phone:** (612) 341-7601, and **fax:** (612) 349-2665.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency or by downloading the documents from the Fire Marshal's homepage found on the department's **website** at: [www.dps.state.mn.us](http://www.dps.state.mn.us)

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **phone:** (651) 296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 24 September 2002

Charles R. Weaver, Jr.  
Commissioner, Minnesota Department of Public Safety

#### **7510.3510 RULES AND STANDARDS ADOPTED BY REFERENCE.**

The ~~*Uniform International Fire Code 2000*~~, as promulgated by the International Conference of Building Officials and the Western Fire Chiefs Association and published by the International Fire Code Institute (Whittier, California, 1997); Code Council, Inc., (Falls Church, Virginia, December 1999), is incorporated by reference and made a part of *Minnesota Rules* pursuant to statutory authority, subject to the alterations and amendments in this chapter. The ~~*Uniform International Fire Code*~~ is not subject to frequent change and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

#### **7510.3520 ~~ARTICLE CHAPTER 1 - SEC. 101, CODE TITLE, GENERAL; SEC. 103, INSPECTION AND ENFORCEMENT; SEC. 105, PERMITS ADMINISTRATION.~~**

Subpart 1. ~~Sec. 101.1.~~ ~~See~~ Section 101.1 of the ~~*Uniform International Fire Code*~~ is amended to read:

**101.1 Title.** This code shall be known as the Minnesota ~~Uniform State~~ Fire Code, may be cited as such, and will be referred to herein as "this code."

Subp. 2. ~~Sec. 101.4~~ **101.6 Supplemental rules and regulations.** ~~See 101.4~~ Section 101 of the ~~*Uniform International Fire Code*~~ is amended by adding new Sections 101.6 and 101.6.1 to read:

~~101.4.1~~ **101.6 Local government amendments to Article Chapter 1.** Any jurisdiction which adopts this code is authorized to make amendments, by ordinance or regulation, to ~~Article Chapter~~ 1 of this code to provide a system for enforcement and administration within the jurisdiction. These amendments shall be equal to, in addition to, or more stringent than this code. None of the existing provisions of ~~Article Chapter~~ 1 shall be changed nor shall any amendment be made which interferes with the intent of the existing provisions nor the state fire marshal's duties and powers thereunder.

~~101.4.2~~ **101.6.1 Local government rules.** Any jurisdiction which adopts this code is authorized to adopt, by ordinance or regulation, rules for the prevention and control of fires and fire hazards as may be necessary from time to time, to carry out the intent of this code, and which may be more restrictive than this code when the rules are necessary to protect life or property in the community. The governing body may adopt this code by ordinance. One certified copy of the ordinance containing the rules shall be filed with the clerk of the jurisdiction and shall be in effect immediately thereafter, and additional copies shall be kept in the office of the fire department for distribution to the public.

Subp. 2a. ~~Sec. 102.6.~~ Section 102.6 of the ~~*International Fire Code*~~ is amended by adding a second paragraph to read:

Where the codes and standards referenced in Chapter 45 in turn reference other standards or documents, such secondary references shall not be considered part of this code.

Subp. 2b. ~~Sec. 102.6.1.~~ Section 102.6 of the ~~*International Fire Code*~~ is amended by adding a new Section 102.6.1 to read:

**102.6.1 References to ICC codes.** The references to the codes and standards promulgated by the International Code Council (listed under ICC in Chapter 45) are modified as follows:

1. Wherever this code references the ICC Electrical Code, it means the Electrical Code adopted pursuant to *Minnesota Rules*, chapter 1315.
2. Wherever this code references the *International Building Code*, it means the Minnesota State Building Code adopted pursuant to *Minnesota Statutes*, section 16B.61, subdivision 1.
3. Wherever this code references the *International Fuel Gas Code*, it means the Minnesota State Mechanical Code adopted pursuant to *Minnesota Statutes*, section 16B.61.
4. Wherever this code references the *International Mechanical Code*, it means the Minnesota State Mechanical Code adopted pursuant to *Minnesota Statutes*, section 16B.61.
5. Wherever this code references the *International Plumbing Code*, it means the Minnesota Plumbing Code adopted pursuant to *Minnesota Rules*, chapter 4715.

<p><b>KEY: PROPOSED RULES SECTION</b> — Underlining indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — Underlining indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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6. Wherever this code references the *International Property Maintenance Code*, that code shall not apply.

7. Wherever this code references the *International Residential Code*, it means the Minnesota State Building Code adopted pursuant to *Minnesota Statutes*, section 16B.61, subdivision 1.

Subp. 2c. **Sec. 102.10.** Section 102 of the *International Fire Code* is amended by adding a new Section 102.10 to read:

**102.10 Standards for existing Group I Occupancies.** The provisions of protection in existing Group I-2 Occupancies, and in existing Group I-3 Occupancies used as detention and correctional facilities, shall be in accordance with the applicable provisions of the Life Safety Code, ANSI/NFPA 101, referred to as Standard No. 101, issued by the National Fire Protection Association (Quincy, Massachusetts, 1997). Standard No. 101 is incorporated by reference, is not subject to frequent change and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

Construction provisions of Standard No. 101 which are more restrictive than those found in the Building Code shall not be applicable. For the purposes of Section 102.10, construction provisions shall include those relating to type of construction, automatic fire-extinguishing and standpipe systems, fire alarm and detection systems, vertical opening protection, escape windows, exits, smoke barriers, handicapped accessibility and hazardous area separations.

Subp. 2d. **Sec. 104.9.1.** Section 104.9 of the *International Fire Code* is amended by adding new Sections 104.9.1 through 104.9.1.3 to read:

**104.9.1 Performance-based fire and life safety design.** The code official is authorized to approve performance-based fire and life safety designs where the code official finds that the proposed design has been conducted by an approved method. Approved performance-based designs shall be deemed as evidence of compliance with the intent of this code. Approvals under the authority herein contained shall be subject to the approval of the building code official whenever the design involves matters regulated by the Building Code.

Sections 104.9.1.1 through 104.9.1.3 shall apply to performance-based designs.

**104.9.1.1 Goals, objectives and acceptance criteria.** Design goals, objectives and performance criteria shall be approved by the code official prior to the submission of a performance-based design report, calculations or analysis results. As a minimum, an approved performance-based design shall address the following objectives: life safety of occupants, firefighter safety, property protection, continuity of operations and safeguarding of the environment.

**104.9.1.2 Peer review.** To determine the acceptability of the performance-based design, the code official is authorized to request technical assistance in accordance with Section 104.7.2.

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

Subp. 2e. **Sec. 106.4.** Section 106 of the *International Fire Code* is amended by adding a new Section 106.4 to read:

**106.4 Approvals.** Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this code or of other ordinances of the jurisdiction shall not be valid.

Subp. 3. ~~Sec. 103.1.4~~ **108.** ~~Sec. 103.1.4~~ Section 108 of the *Uniform International Fire Code* is amended to read:

### **SECTION 108**

#### **APPEALS**

~~103.1.4~~ **108.1 Appeals to state fire marshal.** As outlined in *Minnesota Statutes*, section 299F.011, subdivisions 5 and 5b, any person may appeal an order issued to them by the state fire marshal or action taken by the local governing body on issues regulated by this code. Appeals can be made to determine the suitability of alternate materials and types of construction, to provide for reasonable interpretations of the provisions of this code, and to grant variances from orders issued by representatives of the state fire marshal. Persons wishing to present matters for appeal shall do so in writing and, in the case of persons who have received written orders, applications for variances shall be made prior to the expiration of the orders. Orders shall not be considered to be expired until any time extensions granted by the state fire marshal have elapsed. The state fire marshal shall not accept applications for variances after criminal action for noncompliance has been initiated pursuant to *Minnesota Statutes*, section 299F.011, subdivision 6.

Subp. 3a. **Secs. 108.2 and 108.3.** Sections 108.2 and 108.3 of the *International Fire Code* are deleted.

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. **Sec. 109.3.** Section 109.3 of the *International Fire Code* is amended to read:

**109.3 Violation penalties.** A person who violates a provision of this code shall be guilty of a misdemeanor.

**7510.3530 ARTICLE CHAPTER 2 - DEFINITIONS AND ABBREVIATIONS.**

Subpart 1. **Sec. ~~202-A~~ 202 Amendments - A.** ~~Sec. 202-A~~ Section 202 of the *Uniform International Fire Code* is amended by adding definitions to read:

**ADULT DAY CARE CENTER is.** A facility, licensed by the Department of Human Services under *Minnesota Rules*, parts 9555.9600 to 9555.9730, that provides a program of adult day care services to functionally impaired adults for periods of less than 24 hours per day in a setting other than a participant's home or the residence of the facility's operator.

**AISLE is** a path or route leading to an exit from occupied portions of a room or area formed by boundary elements on one or more sides, such as walls, seats, desks, tables, counters, storage, or equipment. See Section 1002.1.

**AUTHORITY HAVING JURISDICTION is.** Any municipal fire code official serving a particular jurisdiction or the state fire marshal or any of their authorized representatives.

**AUTOMATIC FIRE DETECTOR** is a device designed to detect the presence of smoke or fire and initiate action and includes heat, smoke, flame, and fire-gas detectors.

Subp. 1a. **Sec. 201.4.** Section 201.4 of the *International Fire Code* is amended to read:

**201.4 Terms not defined.** When terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings.

Subp. 1b. [See renumbering instruction.]

Subp. 2. **Sec. ~~203-B~~ 202 Amendments - B.** ~~Sec. 203-B~~ Section 202 of the *Uniform International Fire Code* is amended by ~~amending the following~~ adding a definition to read:

**BUILDING CODE is.** The Minnesota State Building Code adopted pursuant to *Minnesota Statutes*, section 16B.61, subdivision 1.

Subp. 3. **Sec. ~~204-C~~ 202 Amendments - C.** ~~Sec. 204-C~~ Section 202 of the *Uniform International Fire Code* is amended by amending and adding definitions to read:

**CHIEF is** the chief officer of the fire department serving the jurisdiction or the chief's authorized representatives. ~~For purposes of enforcing this code, the term chief also includes the state fire marshal and the state fire marshal's representatives.~~ See FIRE CHIEF.

**CORRIDOR is** an interior passageway having a length at least three times its width, having walls, partitions or other obstructions to exit travel over 6 feet in height on two opposing sides, and having openings from rooms or similar spaces. See Section 1002.1.

Subp. 3a. **Sec. 202 Amendments - D.** Section 202 of the *International Fire Code* is amended by adding a definition to read:

**DECORATIVE MATERIALS.** Combustible materials used for decorative effects such as curtains; draperies; streamers; surface coverings applied over building interior finishes for decorative, acoustical or other effect; cloth; cotton batting; paper; plastics; vegetation; hay; split bamboo; straw; vines; leaves; trees; moss; and similar materials used for decorative effect. Decorative materials do not include educational materials that are displayed in an approved manner, ordinary window shades, floor coverings, interior finish materials used as surface coverings (See Chapter 8 for regulations of such materials) and materials 1/28 inch (0.9 mm) or less in thickness applied directly to a noncombustible backing.

Subp. 4. **Sec. ~~207-F~~ 202 Amendments - F.** ~~Sec. 207-F~~ Section 202 of the *Uniform International Fire Code* is amended by ~~amending and adding a definition~~ definitions to read:

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

**FAMILY DAY CARE HOME is.** A residence, licensed by the Department of Human Services under *Minnesota Rules*, parts 9502.0315 to 9502.0445, in which no more than ten children at any one time receive care, maintenance and supervision by other than their relatives or legal guardians for less than 24 hours per day.

**FIRE CHIEF.** The chief officer of the fire department serving the jurisdiction or the chief's authorized representatives. For purposes of enforcing this code, the term fire chief also includes the state fire marshal and the state fire marshal's representatives.

Subp. 5. ~~Sec. 208-G 202 Amendments - G.~~ ~~Sec. 208-G~~ Section 202 of the *Uniform International Fire Code* is amended by adding definitions to read:

**GROUP DAY CARE HOME is.** A residence, licensed by the Department of Human Services under *Minnesota Rules*, parts 9502.0315 to 9502.0445, in which at least 11 but not more than 14 children receive care, maintenance and supervision by other than their relatives or legal guardians for less than 24 hours per day.

**GUEST ROOM is.** A room or rooms used or intended to be used for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.

Subp. 6. ~~Sec. 211-J 202 Amendments - J.~~ ~~Sec. 211-J~~ Section 202 of the *Uniform International Fire Code* is amended by adding definitions to read:

**JURISDICTION is.** Any municipality, district, or other political subdivision adopting this code for use in its jurisdictional area.

**JURISDICTIONAL AREA is.** The territory of the municipality, district, or other political subdivision adopting this code.

Subp. 7. ~~Sec. 214-M 202 Amendments - M.~~ ~~Sec. 214-M~~ Section 202 of the *Uniform International Fire Code* is amended by adding ~~and amending~~ definitions to read:

**MECHANICAL CODE is.** The Minnesota ~~Uniform State~~ Mechanical Code as adopted pursuant to *Minnesota Statutes*, section 16B.61.

**MUNICIPALITY is.** Any statutory or home rule charter city, county, or town meeting the requirements of *Minnesota Statutes*, section 368.01, subdivision 1, the University of Minnesota, or the state for public buildings.

Subp. 8. ~~Sec. 216-O 202 Amendments - O.~~ ~~Sec. 216-O~~ Section 202 of the *Uniform International Fire Code* is amended by amending ~~and adding~~ definitions to read:

**OCCUPANCY CLASSIFICATION.** This definition is amended by amending the definitions of Educational Group E; Institutional Groups I-1 and I-2; Institutional Group I-4 adult care facility; and Residential Groups R-1, R-3 and R-4, to read:

~~**Educational Group E Occupancies.** Educational Group E Occupancies shall be:~~

~~**Division 1.** occupancy includes any building used for educational purposes through the 12th grade by 50 six or more persons for more than 12 hours per week or four hours in any one day.~~

~~**Division 2.** Any building used for educational purposes through the 12th grade by less than 50 persons for more than 12 hours per week or four hours in any one day.~~

~~**Division 3.** Any building used for child care purposes~~

~~**Child day care.** The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than ten five children ; or for older than 2-1/2 years of age shall be classified as an E Occupancy.~~

~~**Adult day care.** An adult day care centers center serving four or more ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions shall be classified as an E Occupancy. See part 7510.3540 7510.3675 for the protection requirements for facilities serving both participants who are capable and not capable of taking appropriate action for self-preservation.~~

~~**Institutional Group I Occupancies:**~~

~~**Group I Occupancies I-1.** This occupancy shall be: include a building or part thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment but which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following: Class A-2 supervised living facilities housing more than 16 persons (excluding staff), residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers and convalescent facilities. A facility such as the above with five or fewer persons shall be classified as Group R-3. A facility such as the above, housing at least six and not more than 16 persons, shall be classified as Group R-4.~~

~~**Division 1-1 Group I-2.** Nurseries for the full-time care of children under the age of six, each accommodating This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour~~

basis of more than ~~four~~ five persons; and, who are not capable of self-preservation. This group shall include, but not be limited to, hospitals, ~~sanitariums~~, nursing homes (both intermediate care facilities and skilled nursing facilities), mental hospitals, detoxification facilities and similar buildings, each accommodating more than four persons.

~~Division 1.2. Health care centers for ambulatory patients receiving outpatient medical care which may render the patient incapable of unassisted self-preservation, each tenant space accommodating more than five patients.~~

~~Division 2. Detoxification centers; homes for children six years of age or over, each accommodating more than four persons; Class B-3 supervised living facilities; and, A facility such as the above with five or fewer persons shall be classified as Group R-3.~~

Nurseries. Nurseries providing care on a 24-hour basis to more than five children 2-1/2 years of age or less shall be classified as Group I-2.

**Group I-4, Day care facilities.**

Adult care facility. An adult day care center serving ambulatory, nonambulatory, mobile, or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions, each accommodating more than four persons shall be classified as an I-4 Occupancy. See part ~~7510.3540~~ 7510.3675 for the protection requirements for facilities serving both participants who are capable and not capable of taking appropriate action for self-preservation.

~~Division 3. Mental hospitals, mental sanitariums, jails, prisons, reformatories, and buildings where personal liberties of inmates are similarly restrained.~~

**Residential Group R Occupancies. Group R Occupancies shall be:**

~~Division 1. Hotels and apartment houses; congregate residences, each accommodating more than ten persons; and Class A-2 supervised living facilities licensed on or after April 11, 1983, and class B-2 supervised living facilities, defined in Sec. 220 S, for the mentally retarded, mentally ill, chemically dependent, and physically handicapped, each accommodating more than six persons.~~

~~Division 2. Not used.~~

~~Division 3. Dwellings and lodging houses; congregate residences accommodating ten persons or less; family day care; group family day care; and Class A-1, Class A-2, and Class B-1 supervised living facilities, defined in Sec. 220 S, having more than six but not more than 15 ambulatory or mobile disabled persons, duly licensed before April 11, 1983, and complying with the requirements for lodging and rooming houses as set forth in Standard No. 101 in the National Fire Codes, 1973, issued by the National Fire Protection Association (Boston, Massachusetts, 1973), are classified as Group R, Division 3 Occupancies. For purposes of this code, the requirements for lodging and rooming houses set forth in Standard No. 101 (1973) are incorporated by reference, are not subject to frequent change, and are available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.~~

**R-1. Residential occupancies where the occupants are primarily transient in nature (less than 30 days) including:**

1. Boarding houses (transient);
2. Hotels (including motels); and
3. Bed and breakfast facilities containing six or more guest rooms.

**R-3. Residential occupancies shall include dwellings containing not more than two dwelling units, bed and breakfast facilities containing not more than five guest rooms, family day care, group family day care, Class A-1 supervised living facilities, and Class B-1 supervised living facilities complying with the requirements set forth in Section 4604.1.3.**

**R-4. Residential occupancies shall include buildings arranged for occupancy as Residential Care/Assisted Living Facilities including more than five but not more than 16 occupants, excluding staff. Class A-2 supervised living facilities housing not more than 16 persons, excluding staff, and Class B-2 supervised living facilities complying with the requirements set forth in Section 4604.1.4 shall be classified as Group R-4.**

Group R-4 Occupancies shall meet the requirements for construction as defined for Group R-3 except for the height and area limitations provided in Section 503 of the Building Code.

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## Proposed Rules

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**OUTPATIENT CLINIC.** A building or part thereof used to provide, on an outpatient basis, surgical treatment requiring general anesthesia or other treatment of patients that would render them incapable of unassisted self-preservation under emergency conditions. This would include outpatient surgical centers and kidney dialysis units, but does not include doctors' and dentists' offices or clinics for the practice of medicine or the delivery of primary care.

Subp. 9. **Sec. ~~217-P~~ 202 Amendments - P.** ~~See. 217-P~~ Section 202 of the *Uniform International Fire Code* is amended by ~~amending a definition~~ adding definitions to read:

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

**POWER TAP is.** A device which is connected to an electrical receptacle, has built-in overcurrent protection and allows connection of one or more electrical plugs to supply electricity to other devices and equipment.

Subp. 10. **Sec. ~~219-R~~ 202 Amendments - R.** ~~See. 219-R~~ Section 202 of the *Uniform International Fire Code* is amended by ~~amending and~~ adding definitions to read:

**REQUIRED BY THE FIRE CHIEF means.** Determined by the fire chief to be directly related to the safeguarding of life and property from the hazards of fire and uniform for each class or kind of building, structure or property covered.

**RESIDENTIAL HOSPICE FACILITY.** A facility located in a residential area that directly provides 24-hour residential and support services in a home-like setting for at least six and not more than 12 persons who have been diagnosed as terminally ill with a probable life expectancy of under one year.

**ROOM is.** A space or area bounded by any obstructions over 6 feet in height which at any time enclose more than 80 percent of the perimeter of the area. In computing the unobstructed perimeter, openings less than 3 feet in clear width and less than 6 feet 8 inches high shall not be considered. Aisles and corridors shall not be construed to form rooms. ~~See LIQUID STORAGE ROOM and see Sec. 7903.2.3 for construction requirements for rooms where flammable and combustible liquids are used, dispensed or mixed in quantities exceeding exempt amounts.~~

Subp. 11. **Sec. ~~220-S~~ 202 Amendments - S.** ~~See. 220-S~~ Section 202 of the *Uniform International Fire Code* is amended by adding definitions to read:

**STATE FIRE MARSHAL is.** The Minnesota state fire marshal or the state fire marshal's authorized representatives.

**SUPERVISED LIVING FACILITY is.** A facility in which supervision, lodging, meals, and, in accordance with the rules of the Department of Human Services and the Department of Health, counseling and developmental habilitative or rehabilitative services are provided to persons who are mentally retarded, chemically dependent, adult mentally ill, or physically handicapped.

**Class A-1 supervised living facility is.** A supervised living facility for six or fewer ambulatory or mobile disabled persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

**Class A-2 supervised living facility is.** A supervised living facility for more than six ambulatory or mobile disabled persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

**Class B-1 supervised living facility is.** A supervised living facility for six or fewer ambulatory or nonambulatory, mobile or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

**Class B-2 supervised living facility is.** A supervised living facility for seven to 16 ambulatory or nonambulatory, mobile or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

**Class B-3 supervised living facility is.** A supervised living facility for 17 or more ambulatory or nonambulatory, mobile or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

### **7510.3532 CHAPTER 3 - GENERAL PRECAUTIONS AGAINST FIRE.**

Subpart 1. **Sec. 304.** Section 304 of the *International Fire Code* is amended by adding a new Section 304.4 to read:

**304.4 Commercial rubbish-handling operations.** Occupancies performing commercial rubbish handling or recycling shall maintain rubbish or product to be processed or recycled as follows:



1. In approved vaults;
2. In covered metal or metal-lined receptacles or bins; or
3. Completely baled and stacked in an orderly manner in an approved location.

Subp. 2. **Sec. 307.** Sections 307.1 through 307.3.1, 307.5, and 307.5.1 of the *International Fire Code* are deleted.

Subp. 3. **Sec. 313.1.** Section 313.1 of the *International Fire Code* is amended by deleting Exception 2.

Subp. 4. **Sec. 315.2.1.** Section 315.2.1 of the *International Fire Code* is amended by adding a paragraph to read:

Where more restrictive clearances between sprinkler head deflectors and storage are required by the sprinkler listing or NFPA 13, the more restrictive clearances shall apply.

Subp. 5. **Sec. 316.** Chapter 3 of the *International Fire Code* is amended by adding a new Section 316 to read:

#### **SECTION 316**

##### **CLEARANCE OF VEGETATION FROM STRUCTURES**

**316.1 General.** Land which is covered with grass, grain brush or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion shall comply with Section 316.2.

**316.2 Fire breaks.** Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining land covered with grass, grain brush or forest, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall comply at all times with all of the following requirements:

1. Maintain an effective fire break by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet (9144 mm) of such buildings or structures.

**Exception:** Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional fire protection or firebreak by removing brush, flammable vegetation and combustible growth located from 30 feet to 100 feet (9144 mm to 30480 mm) from such buildings or structures, when required by the fire chief because of extrahazardous conditions causing a firebreak of only 30 feet (9144 mm) to be insufficient to provide reasonable fire safety.

**Exception:** Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees which extend within 10 feet (3048 mm) of the outlet of a chimney.
4. Maintain trees adjacent to or overhanging a building free of deadwood.
5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.

#### **7510.3534 CHAPTER 4 - EMERGENCY PLANNING AND PREPAREDNESS.**

Subpart 1. **Sec. 405.7.** Section 405.7 of the *International Fire Code* is amended by adding an exception to read:

**Exception:** In Group A and R-1 Occupancies where only employees are required to participate in drills as specified in Table 405.2.

Subp. 2. **Sec. 408.3.5.** Section 408.3 of the *International Fire Code* is amended by adding a new Section 408.3.5 to read:

**408.3.5 Evacuation procedures.** Upon activation of the fire alarm system or the discovery of fire, staff members shall ensure that all occupants have evacuated from the room or area in accordance with the emergency plans required by Section 404. Staff members shall close all doors to the room when exiting the space.

Subp. 3. **Sec. 408.6.** Section 408.6 of the *International Fire Code* is amended by deleting the last sentence.

Subp. 4. **Sec. 408.10.4.** Section 408.10.4 of the *International Fire Code* is amended by deleting the last sentence.

Subp. 5. **Sec. 408.11.3.** Section 408.11.3 of the *International Fire Code* is amended by adding new Sections 408.11.3.1 and 408.11.3.2 to read:

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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**408.11.3.1 Minimum mall width.** The minimum width of the mall area in covered mall buildings shall be maintained in conformance with the Building Code.

**408.11.3.2 Kiosks.** Kiosks and similar structures, whether temporary or permanent, located in covered mall buildings shall be constructed, protected and located in conformance with the Building Code.

### **7510.3535 CHAPTER 5 - FIRE SERVICE FEATURES.**

**Sec. 509.1.** Section 509.1 of the *International Fire Code* is amended by adding an exception to read:

**Exception:** Fire command centers installed and maintained in conformance with the Building Code under which the building was constructed shall be considered as complying with this code.

### **7510.3536 CHAPTER 6 - BUILDING SERVICES AND SYSTEMS.**

**Subpart 1. Sec. 603.5.** Section 603.5 of the *International Fire Code* is amended by adding an exception to read:

**Exception:** Unlisted appliances may be installed where permitted by the code official, provided clearance from combustibles is maintained in accordance with the Mechanical Code.

**Subp. 2. Sec. 603.8.** Sections 603.8 through 603.8.5 of the *International Fire Code* are deleted.

**Subp. 3. Sec. 604.2.1.** Section 604.2.1 of the *International Fire Code* is deleted.

**Subp. 4. Sec. 607.** Section 607 of the *International Fire Code* is deleted.

**Subp. 5. Sec. 609.** Section 609 of the *International Fire Code* is amended to read:

#### **SECTION 609**

##### **COMMERCIAL KITCHEN HOODS**

**609.1 Ventilating hood and duct systems.** A ventilating hood and duct system shall be provided and maintained in accordance with the Mechanical Code for commercial-type food heat-processing equipment that produces grease-laden vapors.

**Subp. 6. Sec. 610.** Chapter 6 of the *International Fire Code* is amended by adding a new Section 610 to read:

#### **SECTION 610**

##### **MEZZANINES**

**610.1 Conform to Building Code.** Mezzanines in buildings shall conform to the requirements of the Building Code.

**Subp. 7. Sec. 611.** Chapter 6 of the *International Fire Code* is amended by adding a new Section 611 to read:

#### **SECTION 611**

##### **PEDESTRIAN WALKWAYS**

**611.1 Installation and maintenance.** Pedestrian walkways shall be installed and maintained in conformance with the Building Code.

### **7510.3538 CHAPTER 7 - FIRE-RESISTANCE-RATED CONSTRUCTION.**

**Subpart 1. Sec. 703.1.** Section 703.1 of the *International Fire Code* is amended to read:

**703.1 Fire-resistive construction.** Required fire-resistive construction, including occupancy separations, area separation walls, exterior walls due to location on property, draft-stop partitions, separations of special hazards and hazardous areas, vertical-opening protection and smoke barriers, shall be provided and maintained as specified in the Building Code and this code and shall be properly repaired, restored or replaced when damaged, altered, breached, penetrated, removed or improperly installed. When buildings regulated by the Building Code are remodeled or renovated, all materials used must meet the fire-resistive requirements of the Building Code based on the type of construction.

**Exception:** Fire-resistive construction installed and maintained in conformance with the code under which the building was constructed shall be considered as complying with this code unless, in the opinion of the code official, the existing conditions constitute a distinct hazard to life or property.

**Subp. 2. Sec. 703.2.** Section 703.2 of the *International Fire Code* is amended to read:

**703.2 Installation and maintenance.** Required fire assemblies shall be provided, installed and maintained as specified in the Building Code and this code. These assemblies shall bear an approved label or other identification showing their rating and shall be properly installed, repaired, restored or replaced when lacking, damaged, altered, breached, penetrated, removed or improperly installed. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable. Fire door assemblies shall not be modified.

**Exception:** Fire assemblies installed and maintained in conformance with the code under which the building was constructed shall be considered as complying with this code unless, in the opinion of the code official, the existing conditions constitute a distinct hazard to life or property.

Subp. 3. Secs. 704.2 and 704.3. Section 704 of the *International Fire Code* is amended by adding new Sections 704.2 and 704.3 to read:

**704.2 Atria.** Atria in buildings shall conform to the requirements of the Building Code.

**Exception:** Existing atria which conformed to the requirements of the code in effect at the time they were constructed are allowed to continue.

**704.3 Escalators.** Escalator enclosures shall be installed and maintained in conformance with the Building Code. NOTE: See Section 1010.2.

Subp. 4. Sec. 705. Chapter 7 of the *International Fire Code* is amended by adding a new Section 705 to read:

## **SECTION 705**

### **SEPARATION OF OCCUPANCIES AND HAZARDOUS AREAS**

**705.1 General.** Mixed occupancies within the same building and hazardous areas shall be separated in accordance with Sections 705.2 through 705.3.

**705.2 Occupancy separations.** Occupancy separations shall be provided in buildings containing Group I and Group R Occupancies as specified in Sections 705.2.1 through 705.2.3. These separations shall be constructed and maintained in accordance with the Building Code. When approved by the fire chief, existing wood lath and plaster in good condition or 1/2-inch (12.7 mm) gypsum wallboard may be acceptable where one-hour occupancy separations are required.

**Exception:** Where one-hour fire-resistant construction is required, openings shall be protected by listed fire doors, insulated steel doors, 1-3/8-inch thick (35 mm) or 1-3/4-inch thick (45 mm) solid wood doors, or fixed wired glass set in steel frames. Doors shall be self-closing or automatic-closing by smoke detection.

**705.2.1 Group I-1 and Group I-2 Occupancies.** Group I-1 and Group I-2 Occupancies shall be separated from other occupancies as specified in the Building Code.

**705.2.2 Group I-3 Occupancies.** Group I-3 Occupancies shall be separated from other occupancies as specified in the Building Code.

**Exceptions:**

1. In buildings which are protected throughout by an approved automatic sprinkler system, one-hour fire-resistance-rated construction is permitted.

2. In buildings which are protected throughout by an approved automatic sprinkler system, openings for the passage of materials between the Group I-3 and adjacent occupancies are not required to be fire-rated when such openings are not more than 4 feet (1219 mm) above the floor and are provided with a metal cover or door.

**705.2.3 Group R Occupancies.** Group R Occupancies and the exits therefrom shall be separated from Group A, B, M, S and U Occupancies by at least one-hour fire-resistance-rated construction. Group R Occupancies shall be separated from all other occupancies as specified in the Building Code.

**Exceptions:**

1. In buildings which are protected throughout by an approved automatic sprinkler system, one-hour occupancy separations need not be provided.

2. An occupancy separation need not be provided between Group A and Group R Occupancies if the building is provided with a fire alarm system having automatic smoke detection throughout the Group A Occupancy.

3. Fire-rated opening protection need not be provided between Group A and Group R Occupancies when such openings are designed to resist the passage of smoke and the openings are protected by an approved automatic sprinkler system.

4. An occupancy separation need not be provided where two or more occupancies occur in the same building or structure and are so intermingled that separations are impracticable provided that the exit provisions and protection requirements for the more restrictive occupancy are provided.

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5. An occupancy separation need not be provided between a Group R-3 Occupancy with sleeping accommodations for ten or fewer persons and Group B or Group M Occupancies which are accessory if interconnected smoke detectors are provided. At least one smoke detector shall be located in the Group B or Group M Occupancy and additional detectors may be needed in accordance with manufacturer's instructions. Smoke detectors in the sleeping areas shall be located as specified in Section 907.2.10 and shall be audible in all sleeping areas.

**705.3 Incidental use areas.** Shops, laboratories containing hazardous materials, storage rooms exceeding 100 square feet in size and rooms containing boilers or central heating plants in Groups A, B, E, F, H, I, M, R-1, R-2 and S Occupancies shall be separated from the rest of the building by not less than a one-hour occupancy separation. When approved by the fire chief, existing wood lath and plaster in good condition or 1/2-inch (12.7 mm) gypsum wallboard may be acceptable where one-hour occupancy separations are required.

**Exceptions:**

1. In Groups A, B, E, F, I, M and S Occupancies, a separation need not be provided where the largest piece of fuel equipment does not exceed 400,000 Btu's per hour input.

2. In Group R-2 Occupancies, a separation need not be provided for such rooms with equipment serving only one dwelling unit.

3. In Groups A, B, E, F, I, M, R and S Occupancies, a separation need not be provided if the hazardous area is protected with automatic sprinklers and the doors to such areas are solid-core wood doors or insulated steel doors. Doors shall be self-closing or automatic-closing by smoke detection.

### **7510.3542 CHAPTER 8 - INTERIOR FINISH, DECORATIVE MATERIALS AND FURNISHINGS.**

Subpart 1. **Sec. 801.1.1.** Section 801.1 of the *International Fire Code* is amended by adding a new Section 801.1.1 to read:

**801.1.1 Newly installed interior finish.** Newly installed interior floor, wall and ceiling finishes shall be in accordance with the Building Code.

Subp. 2. **Sec. 803.3.1.** Section 803.3.1 of the *International Fire Code* is amended by deleting Exception 2.

Subp. 3. **Sec. 803.4.1.** Section 803.4.1 of the *International Fire Code* is amended by deleting Exception 2.

Subp. 4. **Sec. 804.1.1.** Section 804.1.1 of the *International Fire Code* is amended, and new Sections 804.1.1.1 and 804.1.1.2 are added, to read:

**804.1.1 Christmas trees.** The use, display or storage of natural or resin-bearing Christmas trees or decorations is prohibited.

**Exceptions:**

1. The use and display of natural or resin-bearing Christmas trees or decorations inside individual dwelling units of Group R-2 and R-3 Occupancies is permitted.

2. Natural or resin-bearing trees without open flames or electric lights are allowed in Group E Occupancies, Group A Occupancies used for worship purposes, Group R-1 Occupancies used for hotels and congregate residences, Group B Occupancies and Group M Occupancies.

**804.1.1.1 Use of artificial Christmas trees.** The use or display of flame-retardant artificial trees with listed electric light decorations is allowed in all occupancies.

**804.1.1.2 Location.** Christmas trees shall not block access to required exits or obstruct, impair or block access to any fire-protection device, appliance or equipment.

Subp. 5. **805.1.** Section 805.1 of the *International Fire Code* is amended to read:

**805.1 General.** In Group A and Group I Occupancies, curtains, drapes, hangings and other decorative materials suspended from walls or ceilings shall be flame resistant in accordance with Section 805.2 or shall be noncombustible.

Subp. 6. **Secs. 805.1.1, 805.1.2, and 805.3 to 805.5.** Sections 805.1.1, 805.1.2, 805.3, 805.4, and 805.5 of the *International Fire Code* are deleted.

### **7510.3560 ~~ARTICLE 10~~ CHAPTER 9 - FIRE PROTECTION SYSTEMS AND EQUIPMENT.**

Subpart 1. [See repealer.]

Subp. 1a. **Sec. 901.6.1.** Section 901.6.1 of the *International Fire Code* is amended by adding an exception to read:

**Exception:** Fire alarm and automatic fire-extinguishing systems shall be inspected and tested at least annually. Inspections and testing shall be conducted in accordance with the procedures specified in the referenced standards listed in Table 901.6.1.

Subp. 2. **Sec. ~~1003.2.9.1~~ 903.2.8.1.** See ~~1003.2.9~~ Section 903.2.8 of the *Uniform International Fire Code* is amended by adding a new Section 903.2.8.1 to read:

~~1003.2.9.1~~ **903.2.8.1 Area separation walls.** For the purposes of Section ~~1003.2.9~~ 903.2.8, area separation walls or fire walls shall not define separate buildings or fire areas.

**Exception:** Buildings not exceeding three stories in height and having area separation walls or fire walls of a four-hour fire-resistance rating in conformance with the Building Code without openings, doors or penetrations.

Subp. 2a. **Sec. 903.2.9.1.** Section 903.2.9 of the *International Fire Code* is amended by adding a new Section 903.2.9.1 to read:

**903.2.9.1 Group R-4 residential hospice facilities.** An automatic sprinkler system installed in accordance with NFPA 13 shall be provided throughout all buildings with a Group R-4 fire area containing a residential hospice facility.

**Exception:** An automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed provided all habitable spaces and closets are sprinklered.

Subp. 2b. **Sec. 903.3.1.** Section 903.3.1 of the *International Fire Code* is amended by adding exceptions to read:

**Exceptions:**

1. Automatic sprinkler systems may be connected to the domestic water supply main when approved by the fire chief, provided that the domestic water supply is of adequate pressure, capacity and sizing for the combined domestic and sprinkler requirements. In such case, the sprinkler system connection shall be made between the public water main or meter and the building shutoff valve, and there shall be no intervening valves or connections. The fire department connection required by NFPA 13 may be omitted when approved by the fire chief.

2. When, in the opinion of the fire chief, an adequate alternate water supply for hose stream requirements is provided or available, the water supply requirements for the sprinkler system hose stream demands may be modified.

Subp. 2c. [See renumbering instruction.]

Subp. 2d. **Sec. 903.3.1.4.** Section 903.3.1 of the *International Fire Code* is amended by adding new Sections 903.3.1.4 and 903.3.1.5 to read:

**903.3.1.4 Buildings of undetermined use.** When fire sprinkler systems are required in buildings of undetermined use, they shall be designed and installed to have a sprinkler density of not less than that required for an Ordinary Hazard Group 2 use with a minimum design area of 3,000 square feet (279 m<sup>2</sup>).

Use is considered undetermined if not specified at the time a permit is issued.

Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the owner to upgrade the system to the required density for the new hazard, use or occupancy.

**903.3.1.5 Special sprinkler design criteria.** When fire sprinkler systems are required in areas containing the following uses, they shall be designed and installed to have a sprinkler density of not less than that required for an Ordinary Hazard Group 2 use:

1. Bowling alleys;
2. Chemistry labs in Group E Occupancies;
3. Gymnasiums;
4. Ice rinks and ice arenas;
5. Sports arenas; or
6. Wrestling rooms in Group E Occupancies.

Subp. 3. **Sec. ~~1003.3~~ 903.4.1.** ~~Sec. 1003.3~~ Section 903.4.1 of the *Uniform International Fire Code* is amended by adding an exception to read:

**~~1003.3 Sprinkler System Security, Monitoring and Alarms.~~**

**~~1003.3.1 Where required.~~** ~~All valves controlling the water supply for automatic sprinkler systems and water flow switches on all sprinkler systems serving 20 or more sprinklers shall be electrically monitored.~~

**~~EXCEPTION:~~**

3. For existing sprinkler systems, monitoring is required when the number of sprinklers is 100 or more.

~~Valve monitoring and water flow alarm and trouble signals shall be distinctively different and shall be automatically transmitted to an approved central station, remote station or proprietary station or, when approved by the chief, shall sound an alarm at a constantly attended location.~~

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**EXCEPTION:** ~~Underground key or hub valves in roadway boxes provided by the municipality or public utility need not be monitored.~~

~~**1003.3.2 Alarms.** An approved audible sprinkler flow alarm shall be provided on the exterior of the building in an approved location. An approved audible sprinkler flow alarm to alert the occupants shall be provided in the interior of the building in a normally occupied location. Actuation of the alarm shall be as set forth in the Building Code (see UBC Standard 9-1).~~

~~**EXCEPTION:** An audible alarm inside the building is not required when the sprinkler system is electrically monitored and alarm signals are transmitted to an approved central station, remote station or proprietary station.~~

Subp. 3a. **Sec. 903.4.4.** Section 903.4 of the *International Fire Code* is amended by adding a new Section 903.4.4 to read:

~~**1003.3.3 903.4.4 Valve security.** All valves controlling water supplies for automatic ~~sprinkler systems~~ sprinklers shall be locked or secured in the open position.~~

**Exception:** Valves located in a room or space when access is limited to essential personnel only.

Subp. 4. **Sec. ~~1003.4. 903.3.1.1.1.~~ Sec. 1003.4** Section 903.3.1.1.1 of the *Uniform International Fire Code* is amended by adding ~~three~~ two items to read:

~~6. At the top of elevator shafts when the shaft is of noncombustible construction.~~

~~7. In the machine rooms of traction-type elevators which are located on top of the elevator shaft and are separated from other areas of the building, other than the shaft, by not less than a one-hour fire-resistive occupancy separation.~~

~~8. 7. On the ceiling of rooms containing swimming pools when the pool area is used exclusively for swimming purposes and when sprinklers are provided around the perimeter of the pool area.~~

Subp. 4a. **Sec. 903.6.2.** Section 903.6 of the *International Fire Code* is amended by adding a new Section 903.6.2 to read:

**903.6.2 Basement access or sprinkler protection.** An approved automatic sprinkler system shall be provided in the following basements when such areas exceed 2,500 square feet (232.3 m<sup>2</sup>) in size and do not have 20 square feet (1.86 m<sup>2</sup>) of opening entirely above the adjoining ground level in each 50 lineal feet (15240 mm) or fraction thereof of exterior wall on at least one side of the building:

1. Group A Occupancies used as commercial drinking and dining establishments.

2. Group A Occupancies used as bowling alleys.

3. Group E Occupancies used for student occupancy.

4. Group I Occupancies.

5. Group R-1 and R-2 Occupancies having dwelling units or guest rooms.

Openings required by this section shall have a minimum dimension of 30 inches (762 mm). If any portion of the basement is located more than 75 feet (22860 mm) from required openings, the basement shall be provided with an approved automatic sprinkler system throughout.

Subp. 4b. **Sec. 903.6.3.** Section 903.6 of the *International Fire Code* is amended by adding a new Section 903.6.3 to read:

**903.6.3 Existing rubbish and linen chutes.** Existing rubbish and linen chutes shall be protected with automatic sprinklers installed and maintained in conformance with Section 903.2.12.2.

Subp. 4c. **Sec. 904.2.1.1.** Section 904.2.1 of the *International Fire Code* is amended by adding a new Section 904.2.1.1 to read:

**904.2.1.1 Protection of existing cooking equipment.** Approved automatic fire-extinguishing systems shall be provided for the protection of existing commercial-type cooking equipment.

**Exception:** The requirement for protection does not include steam kettles and steam tables or equipment which as used does not create grease-laden vapors.

Subp. 5. **Sec. ~~1004.1.3. 905.2.1.~~ Sec. 1004.1** Section 905.2 of the *Uniform International Fire Code* is amended by adding a new Section 905.2.1 to read:

**1004.1.3 905.2.1 Modification to standards.** In buildings four or less stories in height which are protected throughout by an automatic sprinkler system, a Class I or III standpipe system need only meet the pressure requirements for the sprinkler system.

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 7a. **Sec. 905.3.3.1.** Section 905.3.3 of the *International Fire Code* is amended by adding a new Section 905.3.3.1 to read:

**905.3.3.1 Group A exhibition.** Class III automatic standpipes shall be provided in Group A-3 Occupancies over 12,000 square feet (1115 m<sup>2</sup>) in area used for exhibition.

Subp. 7b. **Sec. 905.3.4.** Section 905.3.4 of the *International Fire Code* is amended to read:

**905.3.4 Covered mall buildings.** Covered mall buildings shall be equipped throughout with a Class I automatic wet standpipe system.

Subp. 7c. **Secs. 905.3.5 and 905.3.5.1.** Sections 905.3.5 and 905.3.5.1 of the *International Fire Code* are deleted.

Subp. 7d. **Sec. 905.3.7.** Section 905.3 of the *International Fire Code* is amended by adding a new Section 905.3.7 to read:

**905.3.7 Detention and correctional facilities.** Regardless of the height of the building or number of stories, every building in a Group I-3 detention and correctional facility, where 50 or more persons are under restraint or security under Occupancy Condition 3, 4 or 5, shall be provided with a Class III automatic wet or semiautomatic dry standpipe system.

**Exception:** Combined systems meeting the provisions of Section 905.2 may be used.

When acceptable to the fire chief, the fire department connections may be located inside all security walls or fences on the property. Standpipes shall be located in accordance with Section 905. In addition, standpipes shall be located so that it will not be necessary to extend hose lines through smoke barriers. When located in cell complexes, standpipes may be located in secured pipe chases.

Subp. 7e. **Sec. 905.5.1.** Section 905.5.1 of the *International Fire Code* is deleted.

Subp. 8. **Sec. ~~1007.2.1.1~~, 907.2.** ~~Sec. 1007.2.1.1~~ Section 907.2 of the *Uniform International Fire Code* is amended to read:

**~~1007.2.1.1~~ When 907.2 Where required in new buildings and structures.** An approved manual, automatic, or manual and automatic fire alarm system shall be provided in new buildings and structures in accordance with ~~Section 1007.2~~ Sections 907.2.1 through 907.2.24 and NFPA 72. For the purposes of Sections 907.2.1 through 907.2.24, area separation walls or fire walls shall not define separate buildings.

**Exception:** In areas protected by an approved, supervised automatic sprinkler system, heat detectors required by Section ~~1007.2~~ 907.2 need not be provided.

Subp. 9. **Sec. ~~1007.2.2.1~~, 907.2.1.** ~~Sec. 1007.2.2.1~~ Section 907.2.1 of the *Uniform International Fire Code* is amended to read:

**~~1007.2.2.1~~ General 907.2.1 Group A, general.** A fire alarm system shall be installed in accordance with Sections 907.2.1 through 907.2.1.3 in Group A, Divisions 1, 2 and 2.1 Occupancies ~~shall be provided with an automatic fire alarm system in accordance with Section 1007.2.2~~ having an occupant load of 300 or more.

**Exceptions:**

1. Assembly areas used solely for worship purposes.
  2. ~~Automatic~~ A fire alarm ~~systems are~~ system is not required when an approved automatic fire-extinguishing system is installed throughout the building.
  3. Group A Occupancy portions of Group E Occupancies are allowed to have alarms as required for the Group E Occupancy.
  4. Group A-5 Occupancies.
- See also Section ~~1007.2.12~~ 907.2.11.

Subp. 10. **Sec. ~~1007.2.2.2~~ 907.2.1.1.** ~~Sec. 1007.2.2.2~~ Section 907.2.1.1 of the *Uniform International Fire Code* is amended to read:

**~~1007.2.2.2~~ Fire detectors 907.2.1.1 Initiation.** Initiation of the fire alarm system shall be by automatic means. Approved automatic fire detectors shall be installed in laundry rooms, boiler and furnace rooms, mechanical and electrical rooms, shops, kitchens, trash-collection rooms, storage rooms and similar areas.

Subp. 10a. **Sec. 907.2.1.2.** Section 907.2.1.2 of the *International Fire Code* is amended to read:

**907.2.1.2 Notification.** The required fire alarm system shall activate an audible and visible notification appliance at a constantly attended location within the building for the purposes of initiating emergency action. A presignal feature and positive alarm sequencing in accordance with NFPA 72 are permitted.

Occupant notification shall be by means of voice announcements, either live or prerecorded, initiated by the person in the constantly attended location.

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**Exception:** Where no constantly attended location exists, an automatic fire alarm system providing a general evacuation signal or an approved emergency voice/alarm communications system is permitted.

Subp. 10b. **Sec. 907.2.1.3.** Section 907.2.1 of the *International Fire Code* is amended by adding a new Section 907.2.1.3 to read:

**907.2.1.3 System initiation in Group A Occupancies with occupant load of 1,000 or more.** Activation of the fire alarm system in Group A Occupancies with an occupant load of 1,000 or more shall immediately initiate an approved prerecorded message announcement using an approved emergency voice/alarm communications system in accordance with NFPA 72.

**Exception:** Where approved, the prerecorded announcement is allowed to be manually deactivated for a period of time, not to exceed three minutes, for the sole purpose of allowing a live voice announcement from an approved, constantly attended location.

Subp. 11. [See repealer.]

Subp. 11a. **Sec. 907.2.2.** Section 907.2.2 of the *International Fire Code* is amended, and new Sections 907.2.2.1 to 907.2.2.3 are added, to read:

**907.2.2 Group B, general.** A fire alarm system shall be installed in accordance with Sections 907.2.2 through 907.2.2.3 in Group B Occupancies where:

1. The building has an occupant load of 500 or more persons;
2. The building has an occupant load of more than 100 persons above or below the lowest level of exit discharge; or
3. The building contains an outpatient clinic.

When automatic sprinkler systems or automatic fire detectors are installed in outpatient clinics, such systems or detectors shall be connected to the building fire alarm system.

**Exception:** In other than outpatient clinics, a fire alarm system is not required when an approved automatic fire-extinguishing system is installed throughout the building.

**907.2.2.1 Initiation.** Initiation of the fire alarm system shall be by automatic means. Approved automatic fire detectors shall be provided in boiler and furnace rooms, shops, kitchens, mechanical and electrical rooms, trash-collection rooms, storage rooms and similar areas. In outpatient clinics, initiation of the fire alarm system shall also be by manual means.

**907.2.2.2 Notification.** Activation of the fire alarm system shall initiate a general evacuation signal.

**Exception:** In lieu of audible notification appliances, visible notification appliances shall be permitted to be used in patient care areas.

**907.2.2.3 Outpatient clinics.** Corridors in outpatient clinics and spaces open to the corridors shall be protected by an automatic smoke detection system.

Subp. 12. ~~Sec. 1007.2.4.1~~ **907.2.3.** ~~Sec. 1007.2.4.1~~ Section 907.2.3 of the *Uniform International Fire Code* is amended, and new Sections 907.2.3.1 through 907.2.3.3 are added, to read:

~~1007.2.4.1 General~~ **907.2.3 Group E, general.** A fire alarm system shall be installed in accordance with Sections 907.2.3 through 907.2.3.3 in Group E, Divisions 1 and 3 Occupancies having an occupant load of 50 or more ~~shall be provided with an approved manual and automatic fire alarm system.~~ When automatic sprinkler systems are installed or automatic fire detectors are installed, these systems or detectors shall be connected to the building fire alarm system.

**907.2.3.1 Initiation.** Initiation of the fire alarm system shall be by manual and automatic means. Approved automatic fire detectors shall be provided in laundry rooms, boiler and furnace rooms, mechanical and electrical rooms, shops, laboratories, kitchens, locker rooms, janitors' closets, trash-collection rooms, storage rooms, lounges and similar areas.

**Exceptions:**

1. In buildings protected throughout by an approved, supervised fire sprinkler system ~~having a local alarm to notify all occupants,~~ manual fire alarm boxes are only required in the main office and in a custodial area.
2. Where all corridors are protected by an approved automatic fire alarm system having smoke detection with alarm verification, manual fire alarm pull boxes are only required near exits serving shops, chemistry and physics laboratories, boiler rooms, industrial technology and industrial arts rooms, kitchens, custodian's office, and main office.

~~1007.2.4.1.1 System initiation.~~ When automatic sprinkler systems are installed or where automatic fire detectors are provided in accordance with Section 1007.2.4.2, such systems or detectors shall be connected to the building's fire alarm system and shall sound the fire alarm signal when activated.

Subp. 13. ~~Sec. 1007.2.4.2.~~ Sec. 1007.2.4.2 of the *Uniform Fire Code* is amended to read:

~~1007.2.4.2 Fire detectors.~~ Approved automatic fire detectors shall be installed in laundry rooms, boiler and furnace rooms, mechanical and electrical rooms, shops, laboratories, kitchens, locker rooms, janitors' closets, storage rooms, lounges and similar areas.

~~1007.2.4.2.1 Increased travel distance.~~ Smoke detectors shall be installed when required by the Building Code for increased travel distance to exits.

~~1007.2.4.2.2 Exits~~ **907.2.3.2 Travel through adjoining rooms.** Where the only means of egress travel from an interior room or rooms having an aggregate occupant load of more than 10 occupants is through an adjoining or intervening room, automatic smoke detectors shall be installed ~~when required by the Building Code to allow the only means of egress from a room to be through adjoining or intervening rooms~~ throughout the common atmosphere through which the path of egress travel passes.

**907.2.3.3 Notification.** Activation of the fire alarm system or automatic sprinkler system shall initiate a general evacuation signal.

Subp. 13a. **Sec. 907.2.4.** Section 907.2.4 of the *International Fire Code* is amended, and new Sections 907.2.4.1 and 907.2.4.2 are added, to read:

**907.2.4 Group F, general.** A fire alarm system shall be installed in accordance with Sections 907.2.4 through 907.2.4.2 in Group F Occupancies that are two stories or more in height and have an occupant load of 500 or more above or below the lowest level of exit discharge.

**Exception:** A fire alarm system is not required when an approved automatic fire-extinguishing system is installed throughout the building.

**907.2.4.1 Initiation.** Initiation of the fire alarm system shall be by manual and automatic means. Approved automatic fire detectors shall be provided in boiler and furnace rooms, trash-collection rooms, kitchens, mechanical and electrical rooms and similar areas.

**907.2.4.2 Notification.** Activation of the fire alarm system shall initiate a general evacuation signal.

Subp. 13b. **Sec. 907.2.5.** Section 907.2.5 of the *International Fire Code* is amended, and new Sections 907.2.5.1 and 907.2.5.2 are added, to read:

**907.2.5 Group H, general.** A fire alarm system shall be installed in accordance with Sections 907.2.5 through 907.2.5.2 in Group H-5 Occupancies, occupancies used for the manufacture of organic coatings and, when required by Chapters 37, 39 and 40, the following locations:

1. Rooms or areas where highly toxic compressed gases are stored or used;
2. Rooms or areas where Class I, II or III organic peroxides are stored; and
3. Liquid and solid oxidizer storage areas.

**907.2.5.1 Initiation.** Initiation of the fire alarm system in Group H-5 Occupancies and in occupancies used for the manufacture of organic coatings shall be by manual means. Initiation of fire alarm systems installed for highly toxic gases, organic peroxides and oxidizers shall be by automatic means, as specified in Chapters 37, 39 and 40.

**907.2.5.2 Notification.** Activation of the fire alarm system in Group H-5 Occupancies and in occupancies used for the manufacture of organic coatings shall initiate a general evacuation signal. Activation of the automatic detection systems installed for highly toxic gases, organic peroxides and oxidizers shall sound a local alarm.

Subp. 14. **Sec. ~~1007.2.7.1.3~~ 907.2.6.** ~~Sec. 1007.2.7.1~~ Sections 907.2.6, 907.2.6.1, and 907.2.6.2 of the *Uniform International Fire Code* is ~~are~~ amended ~~by adding a section,~~ and new Sections 907.2.6.3 through 907.2.6.4.3 are added, to read:

**907.2.6 Group I, general.** A fire alarm system shall be installed in accordance with Sections 907.2.6 through 907.2.6.4.3 in Group I Occupancies.

~~1007.2.7.1.3 Fire detectors~~ **907.2.6.1 Initiation.** Initiation of the fire alarm system shall be by manual and automatic means. Approved automatic fire detectors shall be installed in laundry and soiled linen rooms, boiler and furnace rooms, mechanical and electrical rooms, shops, laboratories, kitchens, locker rooms, janitors' closets, trash\_ collection rooms, storage rooms, lounges, gift shops and similar areas. Automatic smoke detectors shall be provided in waiting areas that are open to corridors.

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Subp. 15. ~~Sec. 1007.2.7.2.4.~~ Sec. 1007.2.7.2.4 of the *Uniform Fire Code* is amended to read:

**Exception:** Manual fire alarm boxes in patient sleeping areas of Group I-1 and I-2 Occupancies shall not be required at exits if located at all nurses' stations or other constantly attended staff locations, provided such fire alarm boxes are visible and continuously accessible and that travel distances required by Section 907.4.1 are not exceeded.

**907.2.6.2 Notification.** Activation of the fire alarm system or automatic sprinkler system shall initiate a general evacuation signal. In addition, activation of the fire alarm system shall immediately transmit an alarm to an approved central station or remote station service.

**Exceptions:**

1. In lieu of audible notification appliances, visible notification appliances shall be allowed to be used in critical care areas.

2. Where occupants are incapable of evacuating themselves because of age, physical/mental disabilities or physical restraint, only the attendants or other personnel required to evacuate occupants from a zone, area, floor or building shall be required to be notified. This notification shall include means to readily identify the zone, area, floor or building in need of evacuation.

**907.2.6.3 Group I-2 Occupancies.** Corridors in hospitals, nursing homes (both intermediate care and skilled nursing facilities), board and care homes and detoxification facilities and spaces open to the corridors shall be protected by an automatic smoke-detection system.

**907.2.6.3.1 Patient room smoke detectors.** Smoke detectors which receive their primary power from the building wiring shall be installed in patient sleeping rooms of hospitals and nursing homes. Actuation of such detectors shall cause a visual display on the corridor side of the room in which the detector is located and shall cause an audible and visual alarm at the nurse's station attending the room.

**907.2.6.4 Group I-3 Occupancies.** Group I-3 Occupancies shall be provided with a fire alarm system installed for alerting staff.

~~1007.2.7.2.4 Fire detectors~~ **907.2.6.4.1 Initiation.** Initiation of the fire alarm system shall be by manual and automatic means. Approved automatic fire detectors shall be installed in laundry and soiled linen rooms, boiler and furnace rooms, mechanical and electrical rooms, shops, laboratories, kitchens, locker rooms, janitors' closets, trash\_ collection rooms, storage rooms, lounges, gift shops, commissaries and similar areas. Actuation of an automatic fire-extinguishing system, a manual fire alarm box or a fire detector shall initiate an approved fire alarm signal, which automatically notifies staff. Presignal systems shall not be used.

**907.2.6.4.2 Manual fire alarm boxes.** Manual fire alarm boxes are not required to be located in accordance with Section 907.4 where the fire alarm boxes are provided at staff-attended locations having direct supervision over areas where manual fire alarm boxes have been omitted.

Manual fire alarm boxes are permitted to be locked in areas occupied by detainees, provided that staff members are present within the subject area and have keys readily available to operate the manual fire alarm boxes.

**907.2.6.4.3. Smoke detectors.** An approved ~~smoke detection~~ automatic smoke detection system shall be installed throughout resident housing areas, including sleeping ~~rooms~~ areas and contiguous day rooms, group activity spaces and other common spaces normally accessible to residents.

**EXCEPTION Exceptions:**

1. Other approved smoke-detection arrangements providing equivalent protection, such as placing detectors in exhaust ducts from cells or behind protective grills, are allowed when necessary to prevent damage or tampering.

2. Smoke detectors are not required in sleeping rooms with 4 or fewer occupants in smoke compartments that are equipped throughout with an approved automatic sprinkler system.

Subp. 16. [See repealer.]

Subp. 17. **Sec. 907.2.7.** Sections 907.2.7 and 907.2.7.1 of the *International Fire Code* are deleted.

Subp. 18. **Sec. 907.2.8.** Sections 907.2.8 and 907.2.8.1 of the *International Fire Code* are amended, and new Sections 907.2.8.2 and 907.2.8.3 are added, to read:

**907.2.8 Group R-1, general.** A fire alarm system shall be installed in accordance with Sections 907.2.8 through 907.2.8.3 in Group R-1 Occupancies.



**Exceptions:**

1. A fire alarm system is not required in buildings not over two stories in height where all individual guest rooms and contiguous attic and crawl spaces are separated from each other and public or common areas by at least one-hour fire partitions and each guest room has an exit directly to a public way, exit court or yard.

2. Buildings containing five or fewer guest rooms shall be allowed to be equipped with approved, multiple-station smoke detectors installed as required for Group R-3 Occupancies. Installation shall be in accordance with Section 907.2.10.

**907.2.8.1 Initiation.** Initiation of the fire alarm system shall be by automatic means. Approved automatic fire detectors shall be provided in boiler and furnace rooms, shops, laundry rooms, mechanical and electrical rooms, trash-collection rooms, storage rooms, gift shops, locker rooms and similar areas. Automatic smoke detectors shall be provided in all common areas and interior corridors serving as a required means of egress.

**Exception:** System fire and smoke detectors are not required when an approved automatic fire-extinguishing system is installed throughout the building and manual activation is provided at a constantly attended location.

**907.2.8.2 Notification.** Activation of the fire alarm system or automatic sprinkler system shall initiate a general evacuation signal.

**907.2.8.3 Guest room detectors.** Guest room smoke detectors required by Section 907.2.10 shall not be connected to a fire alarm system.

**Exception:** Connection of such detectors for annunciation only.

Subp. 19. **Sec. 907.2.9.** Section 907.2.9 of the *International Fire Code* is amended, and new Sections 907.2.9.1 and 907.2.9.2 are added, to read:

**907.2.9 Group R-2, general.** A fire alarm system shall be installed in accordance with Sections 907.2.9 through 907.2.9.2 in Group R-2 Occupancies where:

1. Any guest room or dwelling unit is located three or more stories above the lowest level of exit discharge;

2. Any guest room or dwelling unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit;

3. The building contains more than 16 dwelling units or guest rooms; or

4. The building has an occupant load of 20 or more.

**Exception:** A fire alarm system is not required in buildings not over two stories in height where all dwelling units and contiguous attic and crawl spaces are separated from each other and public or common areas by at least one-hour fire partitions and each dwelling unit has an exit directly to a public way, exit court or yard.

**907.2.9.1 Initiation.** Initiation of the fire alarm system shall be by automatic means. Automatic fire detectors shall be provided in boiler and furnace rooms, trash-collection rooms, shops, laundry rooms, mechanical and electrical rooms, storage rooms and similar areas. Automatic smoke detectors shall be provided in all common areas and interior corridors serving as a required means of egress.

**Exception:** System fire and smoke detectors are not required when an approved automatic fire-extinguishing system is installed throughout the building.

**907.2.9.2 Notification.** Activation of the fire alarm system or automatic sprinkler system shall initiate a general evacuation signal.

Subp. 20. **Sec. 907.2.10.2.** Section 907.2.10.2 of the *International Fire Code* is amended by adding an Exception 3 to read:

3. Smoke alarms are not required to be equipped with battery backup in Group R-2 Occupancies equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

Subp. 21. **Sec. 907.2.24.** Section 907.2 of the *International Fire Code* is amended, and new Sections 907.2.24.1 and 907.2.24.2 are added, to read:

**907.2.24 Residential hospices.** A fire alarm system shall be installed in accordance with Section 907.2.24 in residential hospices. When automatic sprinkler systems or automatic fire detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

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**907.2.24.1 Initiation.** Initiation of the fire alarm system shall be by manual and automatic means. Approved automatic fire detectors shall be provided in boiler and furnace rooms, kitchens, laboratories, shops, gift shops, commissaries, laundry and soiled linen rooms, mechanical and electrical rooms, locker rooms, storage rooms, janitors' closets, trash-collection rooms, lounges and similar areas. Automatic smoke detectors shall be provided in sleeping rooms, corridors and spaces open to the corridors.

**Exception:** Manual fire alarm boxes are not required at exits if manual fire alarm boxes are located at all nurses' stations or other constantly attended staff locations, provided such fire alarm boxes are visible and continuously accessible and that travel distances required by Section 907.4.1 are not exceeded.

**907.2.24.2 Notification.** Activation of the fire alarm system or automatic sprinkler system shall initiate a general evacuation signal. In addition, the fire alarm system shall be monitored by an approved central station service in accordance with Section 903.4.1.

**Exception:** In lieu of audible notification appliances, visible notification appliances shall be allowed to be used in sleeping areas.

Subp. 22. **Sec. 907.3.** Sections 907.3 through 907.3.1.2 of the *International Fire Code* are amended to read:

**907.3 Where required in existing buildings and structures.** An approved manual, automatic, or manual and automatic fire alarm system shall be provided in existing buildings and structures in accordance with Sections 907.3.1 through 907.3.6 and NFPA 72. For the purposes of this section, area separation walls or fire walls shall not define separate buildings.

**Exception:** In areas protected by an approved, supervised automatic sprinkler system, heat detectors required by Section 907.3 need not be provided.

**907.3.1 Group A, general.** A fire alarm system shall be installed in accordance with Sections 907.3.1 through 907.3.1.2 in existing Group A Occupancies having an occupant load of 300 or more.

**Exceptions:**

1. Assembly areas used solely for worship purposes.
2. A fire alarm system is not required when an approved automatic fire-extinguishing system is installed throughout the building.
3. Group A Occupancy portions of Group E Occupancies are allowed to have alarms as required for the Group E Occupancy.
4. A-5 Occupancies.

**907.3.1.1 Initiation.** Initiation of the fire alarm system shall be by automatic means. Approved automatic fire detectors shall be installed in laundry rooms, boiler and furnace rooms, mechanical and electrical rooms, shops, kitchens, trash-collection rooms, storage rooms and similar areas.

**907.3.1.2 Notification.** The required fire alarm system shall activate an audible and visible notification appliance at a constantly attended location within the building for the purposes of initiating emergency action. A presignal feature and positive alarm sequencing in accordance with NFPA 72 are permitted.

Occupant notification shall be by means of voice announcements, either live or prerecorded, initiated by the person in the constantly attended location.

**Exception:** Where no constantly attended location exists, an automatic fire alarm system providing a general evacuation signal or an approved emergency voice/alarm communications system is permitted.

Subp. 23. **Secs. 907.3.1.3 to 907.3.1.9.** Sections 907.3.1.3 through 907.3.1.9 of the *International Fire Code* are deleted.

Subp. 24. **Secs. 907.3.2 to 907.3.2.3.** Section 907.3 of the *International Fire Code* is amended by adding new Sections 907.3.2 through 907.3.2.3 to read:

**907.3.2 Group E, general.** A fire alarm system shall be installed in accordance with Sections 907.3.2 through 907.3.2.3 in existing Group E Occupancies having an occupant load of 50 or more. When automatic sprinkler systems or automatic fire detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

**Exception:** A building with a maximum area of 1,000 square feet (93 m<sup>2</sup>) that contains a single classroom and is located no closer than 20 feet (15240 mm) from another building.

**907.3.2.1 Initiation.** Initiation of the fire alarm system shall be by manual and automatic means. Approved automatic fire detectors shall be provided in laundry rooms, boiler and furnace rooms, mechanical and electrical rooms, shops, laboratories, kitchens, locker rooms, janitors' closets, trash-collection rooms, storage rooms, lounges and similar areas.

**Exceptions:**

1. In buildings equipped throughout by an approved, supervised fire sprinkler system, manual fire alarm boxes are only required in the main office and in a custodial area.

2. In buildings which are protected with automatic smoke detectors with alarm verification throughout the exit system, manual fire alarm boxes are only required at exit doors from shops, chemistry and physics laboratories, boiler rooms, industrial technology and industrial arts rooms, kitchens, custodian's office and main office.

**907.3.2.2 Travel through adjoining rooms.** Where the only means of egress travel from an interior room or rooms having an aggregate occupant load of more than 10 occupants is through an adjoining or intervening room, automatic smoke detectors shall be installed throughout the common atmosphere through which the path of egress travel passes.

**907.3.2.3 Notification.** Activation of the fire alarm system or automatic sprinkler system shall initiate a general evacuation signal.

Subp. 25. **Secs. 907.3.3 to 907.3.3.3.3.** Section 907.3 of the *International Fire Code* is amended by adding new Sections 907.3.3 through 907.3.3.3.3 to read:

**907.3.3 Group I, general.** A fire alarm system shall be installed in accordance with Sections 907.3.3 through 907.3.3.3.3 in existing Group I Occupancies.

**907.3.3.1 Initiation.** Initiation of the fire alarm system shall be by manual and automatic means. Approved automatic fire detectors shall be provided in laundry and soiled linen rooms, boiler and furnace rooms, mechanical and electrical rooms, shops, laboratories, kitchens, locker rooms, janitors' closets, trash-collection rooms, storage rooms, lounges, gift shops and similar areas. Automatic smoke detectors shall be provided in waiting areas which are open to corridors.

**Exception:** Manual fire alarm boxes in patient sleeping areas of Group I-1 and I-2 Occupancies are not required at exits if manual fire alarm boxes are located at all nurses' stations or other constantly attended staff locations, provided such fire alarm boxes are visible and continuously accessible and that travel distances required by Section 907.4.1 are not exceeded.

**907.3.3.2 Notification.** Activation of the fire alarm system or automatic sprinkler system shall initiate a general evacuation signal. In addition, activation of the fire alarm system shall immediately transmit an alarm to an approved central station or remote station service.

**Exceptions:**

1. In lieu of audible notification appliances, visible notification appliances shall be allowed to be used in critical care areas.

2. Where occupants are incapable of evacuating themselves because of age, physical/mental disabilities or physical restraint, only the attendants or other personnel required to evacuate occupants from a zone, area, floor or building shall be required to be notified. This notification shall include means to readily identify the zone, area, floor or building in need of evacuation.

**907.3.3.3 Group I-3 Occupancies, general.** Existing Group I-3 Occupancies shall be provided with a fire alarm system installed for alerting staff. In addition, activation of the fire alarm system shall immediately transmit an alarm to an approved central station or remote station service.

**907.3.3.3.1 Initiation.** Initiation of the fire alarm system shall be by manual and automatic means. Approved automatic fire detectors shall be provided in laundry and soiled linen rooms, boiler and furnace rooms, mechanical and electrical rooms, shops, laboratories, kitchens, locker rooms, janitors' closets, trash-collection rooms, storage rooms, lounges, gift shops, commissaries and similar areas. Actuation of an automatic fire-extinguishing system, a manual fire alarm box or a fire detector shall initiate an approved fire alarm signal, which automatically notifies staff. Presignal systems shall not be used.

**907.3.3.3.2 Manual fire alarm boxes.** Manual fire alarm boxes are not required to be located in accordance with Section 907.4 where the fire alarm boxes are provided at staff-attended locations having direct supervision over areas where manual fire alarm boxes have been omitted.

Manual fire alarm boxes are permitted to be locked in areas occupied by detainees, provided that staff members are present within the subject area and have keys readily available to operate the manual fire alarm boxes.

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## Proposed Rules

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**907.3.3.3.3 Smoke detectors.** An approved automatic smoke detection system shall be installed throughout resident housing areas, including sleeping areas and contiguous day rooms, group activity spaces and other common spaces normally accessible to residents.

**Exceptions:**

1. Other approved smoke-detection arrangements providing equivalent protection, such as placing alarms in exhaust ducts from cells or behind protective guards, listed for the purpose, are allowed when necessary to prevent damage or tampering.
2. Smoke detectors are not required in sleeping rooms with 4 or fewer occupants in smoke compartments that are equipped throughout with an approved automatic sprinkler system.

Subp. 26. Secs. 907.3.4 to 907.3.4.3. Section 907.3 of the *International Fire Code* is amended by adding new Sections 907.3.4 through 907.3.4.3 to read:

**907.3.4 Group R-1, general.** A fire alarm system shall be installed in accordance with Sections 907.3.4 through 907.3.4.3 in existing Group R-1 Occupancies three or more stories in height or with 20 or more guest rooms.

**Exception:** A fire alarm system is not required in buildings that do not have interior corridors serving guest rooms and where each guest room has an exit door opening directly to an exterior exit access that leads directly to the exits.

**907.3.4.1 Initiation.** Initiation of the fire alarm system shall be by automatic means. Approved automatic fire detectors shall be provided in boiler and furnace rooms, shops, laundry rooms, mechanical and electrical rooms, trash-collection rooms, storage rooms, gift shops, locker rooms and similar areas. Automatic smoke detectors shall be provided in all common areas and interior corridors serving as required means of egress.

**Exception:** System fire and smoke detectors are not required when an approved automatic fire-extinguishing system is installed throughout the building and manual activation is provided at a constantly attended location.

**907.3.4.2 Notification.** Activation of the fire alarm system or automatic sprinkler system shall initiate a general evacuation signal.

**907.3.4.3 Guest room detectors.** Guest room smoke detectors required by Section 907.2.10 shall not be connected to a fire alarm system.

**Exception:** Connection of such detectors for annunciation only.

Subp. 27. Secs. 907.3.5 to 907.3.5.2. Section 907.3 of the *International Fire Code* is amended by adding new Sections 907.3.5 through 907.3.5.2 to read:

**907.3.5 Group R-2, general.** A fire alarm system shall be installed in accordance with Sections 907.3.5 through 907.3.5.2 in existing Group R-2 Occupancies where:

1. Any guest room or dwelling unit is located three or more stories above the lowest level of exit discharge;
2. Any guest room or dwelling unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit;
3. The building contains more than 16 dwelling units or guest rooms; or
4. The building has an occupant load of 20 or more.

**Exception:** A fire alarm system is not required in buildings that do not have interior corridors serving guest rooms and where each dwelling unit has an exit door opening directly to an exterior exit access that leads directly to the exits.

**907.3.5.1 Initiation.** Initiation of the fire alarm system shall be by automatic means. Approved automatic fire detectors shall be provided in boiler and furnace rooms, shops, laundry rooms, mechanical and electrical rooms, trash-collection rooms, storage rooms and similar areas. Automatic smoke detectors shall be provided in all common areas and interior corridors serving as required means of egress.

**Exception:** System fire and smoke detectors are not required when an approved automatic fire-extinguishing system is installed throughout the building.

**907.3.5.2 Notification.** Activation of the fire alarm system or automatic sprinkler system shall initiate a general evacuation signal.

Subp. 28. 907.3.6. Section 907.3 of the *International Fire Code* is amended by adding a new Section 907.3.6 to read:

**907.3.6 Single- or multiple-station smoke alarms.** Existing Group R Occupancies not already provided with single- or multiple-station smoke alarms shall be provided with approved single- or multiple-station smoke alarms installed and maintained in accordance with Section 907.2.10.

**Exception:** For buildings constructed prior to August 1, 1989, detectors can receive their power from a battery supply. For buildings constructed on or after August 1, 1989, detectors shall be connected to a centralized power source.

**Subp. 29. Sec. 907.4.1, Exception.** The Exception to Section 907.4.1 of the *International Fire Code* is deleted.

**Subp. 30. Sec. 907.20.2.** Section 907.20.2 of the *International Fire Code* is amended to read:

**907.20.2 Testing.** Fire alarm systems shall be inspected and tested at least annually in accordance with NFPA 72 or more frequently where required by the code official.

**Exception:** Devices or equipment that are inaccessible for safety considerations shall be tested during scheduled shut-downs where approved by the code official, but not less than every 18 months.

**Subp. 31. Sec. 909.22.** Section 909 of the *International Fire Code* is amended by adding a new Section 909.22 to read:

**909.22 High-rise and covered mall smoke-exhaust systems.** High-rise buildings and covered mall buildings exceeding 50,000 square feet (4645 m<sup>2</sup>) in floor area, excluding anchor stores, shall be equipped with a post-fire smoke-exhaust system installed and maintained in accordance with the Building Code.

**Subp. 32. Sec. 910.1.** Section 910.1 of the *International Fire Code* is amended by adding new Sections 910.1.1 through 910.1.3 to read:

**910.1.1 Required venting method.** Required smoke and heat venting shall be accomplished with mechanical smoke exhaust according to Section 910.4.

**Exceptions:**

1. Calculated engineering design of mechanical smoke exhaust in accordance with Section 910.5 shall be permitted for buildings sprinklered throughout.

2. For nonsprinklered buildings, smoke and heat vents as specified in Section 910.3 shall be permitted.

3. Where approved by the code official, smoke and heat vents as specified in Section 910.3 shall be permitted in sprinklered buildings.

**910.1.2 Listing.** Smoke and heat vents and mechanical smoke exhaust fans shall be listed for the intended purpose.

**910.1.3 Curtain boards.** When mechanical smoke exhaust is provided in accordance with Section 910.4 or 910.5, curtain boards are only required at the separation between areas protected with early suppression fast response (ESFR) sprinklers and conventional sprinkler systems.

**Subp. 33. Sec. 910.4.** Section 910.4 of the *International Fire Code* is amended to read:

**910.4 Mechanical smoke exhaust.** Mechanical smoke exhaust shall be in accordance with Sections 910.4.1 through 910.4.6.

**Subp. 34. Sec. 910.4.3.** Section 910.4.3 of the *International Fire Code* is amended to read:

**910.4.3 Operation.** Mechanical smoke exhaust fans shall be automatically activated upon sprinkler system water flow. A 5- to 10-minute delay shall be provided between the sprinkler water flow signal and activation of the exhaust fans. In addition, individual manual controls of each fan unit shall also be provided.

**Exception:** When required by the code official, initiation of mechanical smoke exhaust fans shall be only through manual activation.

**Subp. 35. Sec. 910.4.5.** Section 910.4.5 of the *International Fire Code* is amended to read:

**910.4.5 Supply air.** Supply air for exhaust fans shall be sized to provide a minimum of 50 percent of the required exhaust. Air velocity at each supply air opening shall not exceed an average of 200 feet per minute when measured 4 feet (1219 mm) in front of the opening. Openings for supply air shall be uniformly distributed around the periphery of the area served and be located or ducted to a position not more than one-half the storage height above the floor. Supply air openings shall open automatically upon operation of the smoke-exhaust system and shall not require a manual action at each supply opening for operation. Supply air openings shall be kept clear of storage or obstructions to airflow for at least 4 feet (1219 mm) in front of the opening. Supply air openings shall be separated from exhaust fans and exterior combustibles to prevent introduction of smoke into the building.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.



## Proposed Rules

**Subp. 36. Sec. 910.5.** Section 910 of the *International Fire Code* is amended by adding new Sections 910.5 through 910.5.5 to read:

**910.5 Calculated engineering design of mechanical smoke exhaust.** Calculated engineering design of mechanical smoke exhaust shall be in accordance with Sections 910.5.1 through 910.5.5.

**910.5.1 Methodology.** An engineering analysis shall be conducted based on a design fire with a minimum heat release rate as specified in Section 910.5.2.1. The engineering analysis shall include the characteristics of the fuel load, commodity classification, commodity storage arrangements, fan spacing, make-up air requirements and building parameters.

Mechanical smoke-exhaust systems shall be designed to remove smoke after a fire is extinguished and to assist the fire department during suppression operations or during marginal sprinkler control situations. They are not considered life safety systems and are not designed for occupant safety.

**910.5.2 Calculation method.** Volumetric flow rate calculations for the engineering design of mechanical smoke-exhaust systems shall be in accordance with Sections 910.5.2.1 through 910.5.2.7.

**910.5.2.1 Heat release rate.** The minimum heat release rate for calculated design of engineered mechanical smoke removal shall be based on either Section 910.5.2.1.1 or 910.5.2.1.2.

**910.5.2.1.1 Heat release rate for suppression mode (ESFR) sprinklers.** For high-piled storage or occupancies protected with suppression mode (ESFR) sprinklers, a minimum convective heat release rate,  $Q_c$ , of 4,200 Btu's (4430 kW) shall be used for all occupancies or commodities permitted by NFPA 13 to be protected by ESFR sprinklers.

**910.5.2.1.2 Heat release rate for all other configurations.** For high-piled storage protected with control mode (non-ESFR) sprinklers, a minimum convective heat release rate,  $Q_c$ , shall be in accordance with Table 910.5.2.1.2.

Table 910.5.2.1.2

Minimum Heat Release Rates for Control Mode Sprinklers

<u>Classification</u>	<u>Minimum convective heat release rate, <math>Q_c</math>, in BTU/sec (kW)</u>
<u>High-Piled Storage - Commodity Class I</u>	<u>4,200 BTU/sec (4,430 kW)</u>
<u>High-Piled Storage - Commodity Class II</u>	<u>4,900 BTU/sec (5,170 kW)</u>
<u>High-Piled Storage - Commodity Class III</u>	<u>5,600 BTU/sec (5,900 kW)</u>
<u>High-Piled Storage - Commodity Class IV</u>	<u>7,000 BTU/sec (7,380 kW)</u>
<u>High-Piled Storage - High Hazard</u>	<u>10,500 BTU/sec (11,070 kW)</u>
<u>F-1 and S-1 Occupancies without high-piled storage</u>	<u>5,600 BTU/sec (5,900 kW)</u>
<u>Group H Occupancies</u>	<u>10,500 BTU/sec (11,070 kW)</u>

**910.5.2.2 Sprinkler effectiveness.** A calculated engineering exhaust system shall be based on a heat release rate not less than that given in Section 910.5.2.1. The fire growth rate shall not be halted until a heat release rate equal to or exceeding that given in Section 910.5.2.1 is reached.

**910.5.2.3 Smoke layer height.** For input to the calculations in Section 909.8.2, the height from top of fuel surface to bottom of smoke layer is defined as the smoke layer height,  $z$ . For mechanical smoke exhaust of high-piled storage,  $z$  shall not be less than the distance from the floor to the top of the commodity storage. For Group F-1, S-1 and H Occupancies,  $z$  shall not be less than one-half the ceiling height.

**910.5.2.4 Volumetric flow rate.** The aggregate capacity of smoke exhaust fans shall be determined using the method for an axisymmetric plume given in Section 909.8.2. For input to the calculations in Section 909.8.2, the convective heat release rate,  $Q_c$ , shall be as required by Section 910.5.2.1. The height of the smoke layer shall be maintained at least above  $z$  as defined in Section 910.5.2.3.

**Exception:** When approved by the code official, fire modeling programs are allowed to calculate the required volumetric flow rate for mechanical smoke exhaust. For input to the modeling program, the convective heat release rate shall be as required by Section 910.5.2.1. The height of the smoke layer shall be maintained at least above  $z$  as defined in Section 910.5.2.3.

**910.5.2.5 Smoke density.** Equation 9-4 shall be used to convert from the calculated plume mass flow rate to a volumetric flow rate and the density of air at the temperature of the smoke layer shall be used. The temperature shall be based on either an average upper layer temperature or sprinkler activation temperature. It need not be based on the fire plume centerline temperature.

**910.5.2.6 Safety factor.** A calculated engineering mechanical smoke-exhaust system design shall include a 10 percent safety factor to the final calculated exhaust rate. No safety factor need be applied to the minimum system size required by Section 910.5.2.7.

**910.5.2.7 Minimum system size.** In no case shall a calculated engineering exhaust system be permitted that provides less than 3 air changes per hour. When only a portion of a space is used for high-piled storage requiring smoke exhaust, the volume to be extracted shall be based on the ceiling height multiplied by the actual gross area for storage.

**910.5.3 Operation.** Mechanical smoke exhaust fans shall be automatically activated upon sprinkler system water flow. A 5- to 10-minute delay shall be provided between the sprinkler water flow signal and activation of the exhaust fans. In addition, individual manual controls of each fan unit shall also be provided.

**Exception:** When required by the code official, initiation of mechanical smoke exhaust fans shall be only through manual activation.

**910.5.4 Supply air.** Supply air for exhaust fans shall be sized to provide a minimum of 50 percent of the required exhaust. Air velocity at each supply air opening shall not exceed an average of 200 feet per minute when measured 4 feet (1219 mm) in front of the opening. Openings for supply air shall be uniformly distributed around the periphery of the area served and be located or ducted to a position not more than one-half the storage height above the floor. Supply air openings shall open automatically upon operation of the smoke-exhaust system and shall not require a manual action at each supply opening for operation. Supply air openings shall be kept clear of storage or obstructions to airflow for at least 4 feet (1219 mm) in front of the opening. Supply air openings shall be separated from exhaust fans and exterior combustibles to prevent introduction of smoke into the building.

**910.5.5 Equipment.** Wiring and controls shall be as required in Section 910.4.4. Interlocks shall be as required in Section 910.4.6. Exhaust fans shall be uniformly spaced and each fan shall have a maximum individual capacity of 30,000 cfm.

Subp. 37. **Sec. 910.6.** Section 910 of the *International Fire Code* is amended by adding new Sections 910.6 through 910.6.4 to read:

**910.6 Testing and maintenance.** Mechanical smoke-exhaust systems shall be tested and maintained as required in Sections 910.6.1 through 910.6.4.

**910.6.1 Acceptance testing.** Mechanical smoke-exhaust systems shall be acceptance tested as required by Sections 909.18.2 through 909.18.5 and 909.19

**910.6.1.1 Controls.** For testing purposes, each smoke-exhaust system equipped for automatic activation shall be put into operation by the actuation of the automatic initiating device. Control sequences shall be verified throughout the system, including verification of override from the firefighter's control panel when systems are equipped for automatic activation.

**910.6.2 Special inspections.** Special inspections for mechanical smoke exhaust shall be conducted according to Section 909.18.8.

**910.6.3 Maintenance.** Mechanical smoke-exhaust systems, including exhaust fans, supply air openings and controls, shall be maintained and unobstructed.

**910.6.4 Operational testing.** Operational testing of the smoke-exhaust system shall include all equipment such as initiating devices, fans, dampers, controls and supply air openings. Mechanical smoke-exhaust systems shall be operated and tested under each control sequence at least annually.

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## Proposed Rules

### 7510.3580 ~~ARTICLE 12~~ CHAPTER 10 - MAINTENANCE OF MEANS OF EGRESS AND EMERGENCY ESCAPES.

Subpart 1. ~~Sec. 1201.3~~ **1001.3.** ~~Sec. 1201~~ Section 1001 of the *Uniform International Fire Code* is amended by adding a new Section 1001.3 to read:

~~1201.3~~ **1001.3 Special exiting provisions for younger students.** Rooms in Group E, ~~Divisions 1 and 2~~ Occupancies used by preschool, kindergarten, or first- or second-grade pupils, ~~and Group E, Division 3 Occupancies~~ shall be located as required by the Building Code.

Subp. 1a. ~~Sec. 1001.1.~~ Section 1001.1 of the *International Fire Code* is amended by deleting the Exception.

Subp. 1b. [See renumbering instruction.]

Subp. 1c. ~~Sec. 1002.~~ Section 1002 of the *International Fire Code* is amended by amending and adding definitions to read:

**AISLE.** That portion of an exit access that connects an aisle access way to an exit access doorway, corridor or exit.

**CORRIDOR.** An interior passageway having a length at least three times its width, having walls, partitions or other obstructions to exit travel over 6 feet (1829 mm) in height on two opposing sides and having openings from rooms or similar spaces.

Subp. 1d. ~~Sec. 1003.2.12.1.1.~~ Section 1003.2.12.1 of the *International Fire Code* is amended by adding a new Section 1003.2.12.1.1 to read:

**1003.2.12.1.1 Height of guards in residential occupancies.** The top of a guard for a Group R-3 Occupancy, a Group U Occupancy which is accessory to a Group R-3, and within dwelling units or guest rooms of Group R-2 Occupancies may be constructed not less than 36 inches (914 mm) in height.

Subp. 1e. ~~Sec. 1003.2.13.~~ Sections 1003.2.13 through 1003.2.13.7.1 of the *International Fire Code* are deleted.

Subp. 2. ~~Sec. 1206~~ **1009.1.** ~~Sec. 1206~~ Section 1009.1 of the *Uniform International Fire Code* is amended, and a new Section 1009.1.1 is added, to read:

#### ~~SECTION 1206~~ EMERGENCY ESCAPES

~~1206.1 General.~~ Emergency escape or rescue windows, doors or window wells required by the Building Code for sleeping rooms of Group R Occupancies shall be maintained free of any obstruction, including bars, grates or similar devices which would impair egress.

~~EXCEPTION:~~ Bars, grills, grates or similar devices are allowed, provided that these devices are equipped with approved release mechanisms which are operable from the inside without the use of a key or special knowledge or effort, the release mechanisms are maintained operable, and the building is equipped with smoke detection installed in conformance with this code.

~~1206.2~~ **1009.1 Escape windows.** In Group R and Group I-1 Occupancies, escape windows shall be provided, installed and maintained in sleeping rooms and rooms used for family day care, group family day care and foster care in conformance with the Building Code.

#### Exceptions:

1. An escape window is not required if the room has a door that leads directly to the exterior of the building.
2. Escape windows installed prior to April 11, 1983 and having a clear opening not less than 20 inches (508 mm) in width, 24 inches (610 mm) in height and 5 square feet (0.46 m<sup>2</sup>) in area with a finished sill height not more than 48 inches (1219 mm) above the floor may be allowed to continue.
3. An escape window is not required if the building is protected throughout by an approved, automatic sprinkler system.
4. Escape windows need not be installed from rooms of existing buildings having two separate means of escape, provided that the means of escape are independent of each other and they pass through only one adjacent nonlockable room or area.
5. Existing escape windows at single-story resort buildings installed prior to October 3, 1975, and having a clear opening not less than 20 inches (508 mm) in width, 20 inches (508 mm) in height and 4.5 square feet (0.41<sup>2</sup>) in area with a finished sill height not more than 36 inches (914 mm) above the floor may be allowed to continue.
6. Escape windows are not required in Group R hotels or motels constructed prior to April 11, 1983.

**1009.1.1 Maintenance.** Emergency escape or rescue windows, doors or window wells required by the Building Code for sleeping rooms of Group R and Group I-1 Occupancies shall be maintained free of any obstruction, including bars, grates or similar devices which would impair egress.

**Exception:** Bars, grills, grates or similar devices installed in accordance with Section 1009.4 are allowed, provided that the release mechanisms are maintained operable.

Subp. 3. ~~Sec. 1207.3~~ **1003.3.1.8.** ~~Sec. 1207.3~~ Section 1003.3.1.8 of the *Uniform International Fire Code* is amended to read:

~~1207.3~~ **1003.3.1.8 Locking devices.** Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Exit doors shall not be locked, chained, bolted, barred, latched or otherwise rendered unusable. All locking devices shall be of an approved type.

**Exceptions:**

1. In ~~Groups~~ Group A, Division 3 Occupancies having an occupant load of 300 or less; Groups B<sub>1</sub>, F<sub>1</sub>, M<sub>1</sub> and S Occupancies; and in all churches, key-locking hardware may be used on the main exit when the main exit consists of a single door or pair of doors if there is a readily visible durable sign on or adjacent to the door stating "THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS." The sign shall be in letters not less than 1 inch (25.4 mm) high on a contrasting background. When unlocked, the single door or both leaves of a pair of doors must be free to swing without operation of a latching device. The use of this exception may be revoked by the fire chief or building official for due cause.

2. Exit doors from individual dwelling units; ~~Group R, Division 3 R-3~~ congregate residences care facilities; and guest rooms of Group R Occupancies having an occupant load of 10 or less may be provided with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key or tool and mounted at a height not to exceed 48 inches (~~4,219~~ 1219 mm) above the finished floor.

3. Listed egress-control devices, installed and maintained in conformance with the Building Code, are allowed in ~~Group E, Division 4~~ Occupancies and Group A Occupancies in conjunction with Group E, Division 4 Occupancies.

4. Door-locking arrangements installed and maintained in conformance with the Building Code are allowed in Group R-3 and Group R-4 congregate care facilities and in Group I Occupancies.

5. Existing door-locking arrangements in Group I Occupancies which were installed prior to March 20, 1995, and comply with Appendix ~~H-L~~ I may be allowed to continue.

6. In rooms, other than cells, where occupants are being restrained for safety or security reasons, special locking arrangements which comply with the requirements of Section ~~1207.8~~ 1003.3.1.8.5 are permitted.

Subp. 3a. **Sec. 1003.3.1.8.1.** Section 1003.3.1.8.1 of the *International Fire Code* is amended to read:

**1003.3.1.8.1 Bolt locks.** Manually operated edge- or surface-mounted flush bolts and surface bolts are prohibited. When exit doors are used in pairs and approved automatic flush bolts are used, the door leaf having the automatic flush bolts shall have no door knob or surface-mounted hardware. The unlatching of any leaf shall not require more than one operation.

**Exceptions:**

1. ~~Group R, Division 3 R-3~~ Occupancies.

2. When a pair of doors serving a room not normally occupied is needed for the movement of equipment, manually operated edge or surface bolts may be used and a door closer need not be provided on the inactive leaf.

Subp. 3b. **Sec. 1003.3.1.8.2.** Section 1003.3.1.8.2 of the *International Fire Code* is amended to read:

**1003.3.1.8.2 Delayed egress locks.** Approved, listed, delayed egress locks shall be permitted to be installed on doors serving any occupancy except Group A and Group H Occupancies in buildings which are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke detection system installed in accordance with Section 907, provided that the doors unlock in accordance with Items 1 through 6 below. A building occupant shall not be required to pass through more than one door equipped with a delayed egress lock before entering an exit.

1. The doors unlock upon actuation of the automatic sprinkler system or automatic fire detection system.

2. The doors unlock upon loss of power controlling the lock or lock mechanism.

3. The door locks have the capability of being unlocked by a signal from the fire command center.

4. The initiation of an irreversible process which will release the latch in not more than 15 seconds when a force of not more than 15 pounds (66 N) is applied for 1 second to the release device. Initiation of the irreversible process shall activate an audible signal in the vicinity of the door. Once the door lock has been released by the application of force to the releasing device, relocking shall be by manual means only.

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**Exception:** Where approved, a delay of not more than 30 seconds shall be permitted.

5. A sign shall be provided on the door located above and within 12 inches (305 mm) of the release device reading: PUSH UNTIL ALARM SOUNDS. DOOR CAN BE OPENED IN 15 SECONDS.

6. Emergency lighting shall be provided at the door.

Subp. 4. ~~Sec. 1207.8 1003.3.1.8.5.~~ ~~See 1207 Section 1003.3.1.8 of the *Uniform International Fire Code* is amended by adding new Sections 1003.3.1.8.5 through 1003.3.1.8.5.5 to read:~~

~~1207.8 1003.3.1.8.5~~ **Special locking arrangements.** Special locking arrangements meeting the requirements of ~~this section~~ Sections 1003.3.1.8.5 through 1003.3.1.8.5.5 are permitted for rooms, other than cells ~~as defined in the Building Code, Appendix Chapter 3,~~ where the occupants are being restrained for safety or security reasons. The use of ~~this section~~ Sections 1003.3.1.8.5 through 1003.3.1.8.5.5 may be revoked by the fire chief or building official for due cause.

~~1207.8.1 1003.3.1.8.5.1~~ **Locking hardware.** Locking devices shall release upon any of the following conditions:

1. Activation of the automatic sprinkler system,
2. Activation of any automatic fire detection device,
3. Automatic fire alarm system,
4. Loss of electrical power to the locking device or the fire alarm system, or
5. Activation of the fire alarm trouble signal.

All locking devices shall be designed to fail in the open position. Following the release of the locking devices for any of the conditions specified above, relocking of the devices shall be by manual means only at the door.

~~1207.8.2 1003.3.1.8.5.2~~ **Fire-extinguishing system.** When special locking arrangements are used, the room or area being secured must be protected with quick-response sprinklers.

~~1207.8.3 1003.3.1.8.5.3~~ **Fire alarm and detection.** When special locking arrangements are used, the room or area and spaces between the room or area and an outside exit door shall be protected with automatic smoke detection connected to the building's fire alarm system. If the walls of the room or area do not extend to the ceiling, automatic smoke detection can be provided in the adjacent room or area, provided that there are no substantial obstructions to delay activation of the smoke detection.

~~1207.8.4 1003.3.1.8.5.4~~ **Construction.** Rooms or areas containing these special locking arrangements shall be constructed of noncombustible materials having a minimum of one-hour fire-resistive construction. Doors separating the room from other spaces must swing with egress travel from the room and have a fire-protection rating of not less than 20 minutes. Doors need not be self-closing. The interior finish of the wall and ceiling surfaces must not exceed a Class III (or Class C) flame spread rating.

~~1207.8.5 1003.3.1.8.5.5~~ **Testing of devices.** Special locking arrangements shall be tested at least monthly to ensure that they will release under the conditions set forth in ~~this section~~ Sections 1003.3.1.8.5.1 through 1003.3.1.8.5.5. Locking arrangements which are found not to comply with the requirements of ~~this section~~ Sections 1003.3.1.8.5.1 through 1003.3.1.8.5.5 shall not be used.

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

Subp. 9. **Sec. 1003.3.3.** Sections 1003.3.3 and 1003.3.3.1 of the *International Fire Code* are amended to read:

**1003.3.3 Stairways.** Stairways shall be constructed and maintained in conformance with the Building Code.

**1003.3.3.1 Press box roof access.** Press box roofs used as camera, video or security platforms or similar uses having an occupant load of 9 or less shall have access to not less than one means of egress designed in accordance with Section 1003.3.3. Press box roofs having an occupant load of more than 9 shall have access to at least two means of egress designed in accordance with Chapter 10.

When only one stairway to the roof is required, access may be by means of a roof hatch, scuttle or bulkhead having a minimum net clear openable area of 20 square feet (1.86 m<sup>2</sup>) and a minimum net clear openable dimension of 36 inches (914 mm). Occupied press box roofs shall be provided with guards in accordance with Section 1003.2.12.

Subp. 10. **Secs. 1003.3.3.2 to 1003.3.3.12.1.** Sections 1003.3.3.2 through 1003.3.3.12.1 of the *International Fire Code* are deleted.



Subp. 11. **Sec. 1003.3.4.7.2.** Section 1003.3.4.7.2 of the *International Fire Code* is amended to read:

**1003.3.4.7.2 Outdoor conditions.** Outdoor ramps and associated landings and approaches shall be designed so that water will not accumulate on walking surfaces.

Subp. 12. **Sec. 1004.2.1.** Section 1004.2.1 of the *International Fire Code* is amended by adding an Item 3 to read:

3. The space is located in a Group E Occupancy, exceeds 500 square feet (46.5 m<sup>2</sup>) in floor area and is used as a laboratory containing hazardous materials.

Subp. 13. **Sec. 1004.3.1.1.** Section 1004.3.1.1 of the *International Fire Code* is amended by adding an Exception to read:

**Exception:** Aisle access ways complying with Sections 1004.3.1.3.2 and 1004.3.1.3.3 are permitted.

Subp. 14. **Sec. 1008.5.4.** Section 1008.5 of the *International Fire Code* is amended by adding a new Section 1008.5.4 to read:

**1008.5.4 Width of means of egress for bleachers.** Aisles for bleachers shall not be required to be more than 66 inches (1676 mm) in width when calculated in accordance with Section 1008.5.1 or 1008.5.3, provided the following conditions are met:

1. The seating area served by such aisles is composed entirely of bleachers;
2. The row-to-row dimension is 28 inches (711 mm) or less; and
3. Egress at the front of the bleachers is not limited.

Subp. 15. **Sec. 1008.7.5.** Section 1008.7.5 of the *International Fire Code* is amended by adding an Exception 5 to read:

5. Aisles serving bleachers in compliance with Section 1008.5.4.

Subp. 16. [See renumbering instruction.]

Subp. 17. **Sec. 1010.17.** Section 1010.17 of the *International Fire Code* is amended to read:

**1010.17 Corridors.** Corridors serving a Group I, R-1, or R-2 Occupancy having an occupant load of 10 or more and corridors serving other occupancies having an occupant load of 30 or more shall have walls and ceilings of not less than one-hour fire-resistive construction as required by the Building Code. Existing walls surfaced with wood lath and plaster in good condition or 1/2-inch gypsum wallboard or openings with fixed wired glass set in steel frames are permitted for corridor walls and ceilings and occupancy separations when approved. Doors opening into such corridors shall be protected by 20-minute fire assemblies or solid wood doors not less than 1-3/4 inches (45 mm) thick. Where the existing frame will not accommodate the 1-3/4 inches (45 mm) thick door, a 1-3/8 inches (35 mm) thick solid bonded wood core door or equivalent insulated steel door shall be permitted. Doors shall be self-closing or automatic-closing by smoke detection. Transoms and openings other than doors from corridors to rooms shall comply with the Building Code or shall be covered with a minimum of 3/4-inch (19 mm) plywood or 1/2-inch (13 mm) gypsum wallboard or equivalent material on the room side.

**Exceptions:**

1. Existing corridor walls, ceilings and opening protection not in compliance with the above may be continued when such buildings are protected with an approved automatic sprinkler system throughout. Such sprinkler system may be supplied from the domestic water system if it is of adequate volume and pressure.
2. Existing corridor walls, ceilings and opening protection in Group E Occupancies not in compliance with the above may be continued when such buildings are protected with an approved automatic fire alarm system which is monitored by a central, proprietary or remote station service. The fire alarm system shall include automatic smoke detection throughout the exit system and approved detection in all rooms and areas other than classrooms and offices.

Subp. 18. **Sec. 1010.17.1.** Section 1010.17.1 of the *International Fire Code* is deleted.

Subp. 19. **Sec. 1010.17.2.** Section 1010.17.2 of the *International Fire Code* is amended to read:

**1010.17.2 Dead ends.** Where more than one exit or exit access doorway is required, the exit access shall be arranged such that dead ends do not exceed the limits specified in Table 1010.17.2.

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### **Exceptions:**

1. A dead-end passageway or corridor shall not be limited in length where the length of the dead-end passageway or corridor is less than 2.5 times the least width of the dead-end passageway or corridor.
2. In Group E Occupancies constructed prior to October 3, 1975, dead ends of up to 35 feet (10668 mm) in length are allowed, provided the building is protected with an approved automatic sprinkler system throughout.

### **7510.3585 CHAPTER 14 - FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION.**

**Sec. 1408.8.** Section 1408 of the *International Fire Code* is amended by adding a new Section 1408.8 to read:

**1408.8 Construction barriers.** Where construction, remodeling or demolition is taking place involving the use of cutting and welding, temporary heating with open flames, or flammable-liquid-fueled equipment, such areas shall be separated from occupied areas of a building by materials that will resist the spread of fire and smoke as specified for draft-stopping materials in the Building Code.

### **7510.3610 ~~ARTICLE 52 — MOTOR VEHICLE FUEL DISPENSING~~ CHAPTER 22 - SERVICE STATIONS AND REPAIR GARAGES.**

Subpart 1. [See repealer.]

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. **Sec. ~~5202.3.1~~ 2206.2.3.** ~~Sec. 5202.3.1~~ Section 2206.2.3 of the *Uniform International Fire Code* is amended by adding an exception to read:

**2206.2.3 Dispensing from aboveground tanks.** Class I or II liquids shall not be dispensed into the fuel tank of a motor vehicle from aboveground tanks.

#### **EXCEPTION Exceptions:**

1. Except as permitted by Section ~~5202.4.1~~ 2206.2.7.
2. Dispensing of Class I and Class II liquids from aboveground tanks installed and maintained in conformance with Section 3406.2 and not exceeding 560 gallons (2120 L) in individual capacity or 1,100 gallons (4164 L) in aggregate capacity shall be allowed at resorts.

Tanks located at farms, construction projects or rural areas shall comply with Section 3406.2.

Subp. 5. **Sec. ~~5202.4.1~~ 2206.2.7.** ~~Sec. 5202.4.1~~ Section 2206.2 of the *Uniform International Fire Code* is amended by adding new Sections 2206.2.7 through 2206.2.7.1.10 to read:

**~~5202.4.1~~ 2206.2.7 Aboveground tanks.** When approved by the fire chief, Class I and Class II liquids are permitted to be dispensed into the fuel tanks of a motor vehicle from aboveground tanks when such tanks are installed inside special enclosures in accordance with ~~Sec. 5202.3.6~~ Section 2206.2.6, from protected aboveground tanks conforming with ~~Appendix H-F~~ Section 3404.2.9.6 or when such dispensing systems meet the requirements of ~~this section~~ Sections 2206.2.7.1 through 2206.2.7.1.10.

**~~5202.4.1.1~~ 2206.2.7.1 Aboveground tank dispensing systems.** When approved by the fire chief, the dispensing of Class I and Class II liquids from a fuel dispensing system supplied by exterior aboveground tanks may be permitted under the conditions set forth in Sections ~~5202.4.1.1.1~~ 2206.2.7.1.1 through ~~5202.4.1.1.10~~ 2206.2.7.1.10.

**~~5202.4.1.1.1~~ 2206.2.7.1.1 Number of tanks.** Not more than three aboveground storage tanks shall be used for dispensing at any single dispensing site.

**~~5202.4.1.1.2~~ 2206.2.7.1.2 Capacity of tanks.** Tanks storing Class I liquids shall not exceed 6,000 gallons (22712 L) individual capacity. Tanks storing Class II liquids shall not exceed 10,000 gallons (37850 L) individual capacity.

**Exception:** Tank capacity is allowed to be increased to up to a maximum of 12,000 gallons (45420 L) when Class I and II liquids are stored in protected aboveground tanks.

**~~5202.4.1.1.3~~ 2206.2.7.1.3 Fuel delivery method.** Fuel delivery from aboveground tanks shall be from the top of the tank with the dispensing line equipped with an approved antisiphon system.

**~~5202.4.1.1.4~~ 2206.2.7.1.4 Dispensing lines.** Dispensing lines between the diked area and the dispenser shall be located underground and shall be completely enclosed in an approved secondary containment piping system. These lines shall also be equipped with an approved, normally closed solenoid valve at each dispenser located below the impact valve.

**~~5202.4.1.1.5~~ 2206.2.7.1.5 Fill pipe and fill openings.** The fill pipe between the fill opening and the diked area shall be underground. In addition to the normal valving requirements of the code, there shall be a manually operated, mechanical shut-off valve on the fill line inside the diked area which is operated from a location outside the dike.

**5202.4.1.1.6 2206.2.7.1.6 Safety precautions.** The tanks and piping shall be safeguarded against collision, spillage, and overflow. The fire chief may require additional safeguards on tanks and piping against collision, spillage, and overflow. Dispensing lines and fill piping shall not penetrate the dike.

**5202.4.1.1.7 Lightning protection 2206.2.7.1.7 Grounding.** Tanks shall be ~~provided with lightning protection~~ grounded as specified in National Fire Protection Association Standard 780, *Lightning Protection Code*, by the National Fire Protection Association (Quincy, Massachusetts, 1994). Standard 780 is incorporated by reference, is not subject to frequent change, and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

**5202.4.1.1.8 2206.2.7.1.8 Tank location and distance from dispenser.** Tank location and distance from the tank to the dispenser shall be at least 30 feet (9144 mm).

**Exceptions:**

1. For operations not open to the public and for resort operations serving registered guests only, dispensing of Class I liquids from one tank having a capacity of 560 gallons (2120 L) or less having the dispenser located on or adjacent to the tank is permitted.
2. For operations not open to the public, dispensing of Class II liquids from two tanks having a capacity of 1,000 gallons (3785 L) or less having the dispenser located on or adjacent to the tank is permitted.
3. Special tank enclosures complying with ~~Sec. 5202.3.6~~ Section 2206.2.6 of this code having the dispenser located on or adjacent to the tank are permitted.
4. Dispensing devices are permitted to be installed on top of or adjacent to a ~~listed, two-hour fire protected~~ protected aboveground tank system.

**5202.4.1.1.9 2206.2.7.1.9 Location of tank.** Tanks shall be located not less than 50 feet (15240 mm) from the nearest side of any public way, property line, building, or combustible storage located on the same property and at least 3 feet (914 mm) from adjacent tanks.

**EXCEPTION Exceptions:**

1. Aboveground tanks which have a separation distance of at least 30 feet (9144 mm) between the tank and the dispenser may reduce the distances between the tank, the public way, property line, building, or combustible storage to 30 feet (9144 mm).
2. When protected aboveground tanks having a capacity of 6,000 gallons (22710 L) or less are used, the distances between the tank and the property line or combustible storage may be reduced to 15 feet (4572 mm) and the distance between the tank and the public way or building may be reduced to 5 feet (1524 mm).
3. When protected aboveground tanks having a capacity greater than 6,000 gallons (22710 L) are used, the distances between the tank and the property line or combustible storage may be reduced to 25 feet (7620 mm) and the distance between the tank and the public way or building may be reduced to 15 feet (4572 mm).

**5202.4.1.1.10 2206.2.7.1.10 Fire protection for multiple tanks.** Where more than one tank is used, all aboveground tanks shall be protected by an approved fire-protection system when required by the fire chief.

Subp. 6. [See repealer.]

Subp. 7. **Table 2206.2.3.** Table 2206.2.3 of the *International Fire Code* is deleted.

Subp. 8. **Sec. 2209.3.1.** Section 2209.3.1 of the *International Fire Code* is deleted.

**7510.3611 CHAPTER 23 - HIGH-PILED COMBUSTIBLE STORAGE.**

**Sec. 2306.1.** Section 2306.1 of the *International Fire Code* is amended to read:

**2306.1 General.** Fire-protection and life-safety features for high-piled storage areas shall be in accordance with Section 2306. Nationally recognized standards or guidelines, as applicable, are allowed to be used when approved by the fire chief.

**Exception:** Limited high-piled storage areas in Group M Occupancies not exceeding five percent of the total square footage of the building or not exceeding 2,500 square feet (232 m<sup>2</sup>) in size, whichever is less, need not be separated by fire-rated construction and need not comply with the smoke-venting and curtain board requirements of this article when these buildings are protected throughout by an approved automatic sprinkler system.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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### **7510.3625 CHAPTER 27 - HAZARDOUS MATERIALS - GENERAL PROVISIONS.**

Subpart 1. **Sec. 2703.8.2.3.** Section 2703.8.2.3 of the *International Fire Code* is amended to read:

**2703.8.2.3 Separation.** The required fire-resistance rating for fire barrier assemblies shall be in accordance with Table 2703.8.2.2.

Subp. 2. **Sec. 2703.8.2.5.** Section 2703.8.2 of the *International Fire Code* is amended by adding a new Section 2703.8.2.5 to read:

**2703.8.2.5 Hazardous materials above the third floor in laboratories in Group B, E or I-2 Occupancies.** Control areas containing laboratories located above the third floor in Group B, E or I-2 Occupancies may be exempted from the provisions of Sections 2703.8.2.1 through 2703.8.2.3 provided the following conditions are met:

1. The buildings containing the laboratories are equipped throughout with automatic sprinkler protection installed in accordance with Section 903.3.1.1.
2. Control areas containing laboratories located above the third floor are separated from each other and other portions of the building by a fire barrier having a fire-resistance rating of not less than two hours.
3. The maximum amount of hazardous materials in storage and use in control areas containing laboratories does not exceed 10 percent of the maximum allowable quantities listed in Tables 2703.1.1(1) and 2703.1.1(2) with all increases allowed in the footnotes of those tables.
4. The maximum number of control areas containing laboratories shall not exceed 5 per floor.

### **7510.3640 ~~ARTICLE 78~~ CHAPTER 33 - ~~EXPLOSIVES AND FIREWORKS AND PYROTECHNIC SPECIAL EFFECTS MATERIAL.~~**

Subpart 1. **Sections 3301.2 through 3301.2.4.2.** Sections 3301.2 through 3301.2.4.2 of the *International Fire Code* are deleted.

Subp. 4. **Sec. ~~7801.3.1.2~~ 3308.1.1.** ~~Sec. 7801.3.1.2~~ Section 3308.1 of the *Uniform International Fire Code* is amended by adding a new Section 3308.1.1 to read:

**~~7801.3.1.2~~ 3308.1.1 Displays.** Permits are required to conduct a fireworks display. A fireworks display is only permitted when supervised by a pyrotechnic operator certified by the state fire marshal. Unless specifically exempted by the jurisdiction, the sponsor of the proposed fireworks display must submit a written application for permit at least fifteen (15) days in advance of the date of the display. ~~In addition to the information required in Section 3308.2, the permit application shall include a diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged; the number, type, and size of the fireworks to be discharged; the location of all buildings, highways, communication lines, and other possible overhead obstructions; and the lines behind which the audience will be restrained.~~ For proximate audience displays, the ~~diagram plans~~ plans required by Section 3308.2 shall also show the fallout radius for each pyrotechnic device used during the display. At the time of permit application, the fire chief shall be consulted regarding requirements for standby fire apparatus and personnel.

**Exception:** Jurisdictions are authorized to not require permits for displays involving the use of smoke pots, flash pots, and theatrical flash powder for ceremonial, theatrical, and musical productions. Such displays must be conducted in accordance with this code.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 5. **Sec. 3308.11.** Section 3308.11 of the *International Fire Code* is deleted.

### **7510.3650 ~~ARTICLE 79~~ CHAPTER 34 - FLAMMABLE AND COMBUSTIBLE LIQUIDS.**

Subpart 1. [See repealer.]

Subp. 1a. **Sec. 3401.6.** Section 3401 of the *International Fire Code* is amended by adding a new Section 3401.6 to read:

**3401.6 Plans.** When required by the code official, plans shall be submitted for review and approval prior to the installation of any aboveground or underground tank intended for the storage, handling or use of flammable or combustible liquids. As a minimum, the plans shall indicate the method of storage; class of liquid and quantities to be stored; distances from buildings, property lines and public ways; type, location and layout of dispensing, pumping, loading and unloading equipment; and provisions for spill control and secondary containment.

Subp. 1b. **Sec. 3402.1.** Section 3402.1 of the *International Fire Code* is amended by adding a definition to read:

**INTERMEDIATE BULK CONTAINER (IBC).** A storage container meeting the requirements of Chapter 1, Title 49, Part 178, Subpart N of the *Code of Federal Regulations* (U.S. Department of Transportation Hazardous Material Regulations), dated October 1, 1997, or the United Nations Recommendations for the Transport of Dangerous Goods, Ninth Edition, Chapter 16.

Subp. 1c. **Sec. 3404.1.1.** Section 3404.1 of the *International Fire Code* is amended by adding a new Section 3404.1.1 to read:

**3404.1.1 Application of sprinkler protection tables.** Tables 3404.3.6.3(4) through 3404.3.6.3(8) shall only apply to liquids stored in metal containers and tanks. For liquids stored in nonmetallic containers, nonmetallic portable tanks or intermediate bulk containers (IBCs), sprinkler protection shall be designed and installed in accordance with criteria based on full-scale fire testing conducted at an approved testing laboratory or based on other nationally recognized fire safety standards approved by the code official.

Subp. 1d. **Sec. 3404.3.3.11.** Section 3404.3.3 of the *International Fire Code* is amended by adding a new Section 3404.3.3.11 to read:

**3404.3.3.11 Fire-extinguishing systems.** Automatic sprinkler and foam-water systems provided for the protection of container, intermediate bulk container (IBC) and portable tank storage shall be of the wet pipe, deluge or preaction type. If preaction systems are used, they shall be designed so that water or foam solution discharges immediately from sprinklers opened by heat from a fire.

Subp. 1e. **Sec. 3406.5.1.18.** Section 3406.5.1.18 of the *International Fire Code* is amended by adding an Exception 4 to read:

4. Facilities where all control valves are locked in the closed position or the power supply to the pumps is locked in the off position in an approved manner to prevent the dispensing of liquids by unauthorized persons.

Subp. 2. **Sec. ~~7904.5.4.2.1~~ 3406.5.4.** ~~Sec. 7904.5.4.2.1~~ Section 3406.5.4 of the *Uniform International Fire Code* is amended to read:

~~7904.5.4.2.1~~ **3406.5.4 General.** Class I liquids shall be transferred from a tank vehicle or tank car only into an approved atmospheric tank or approved portable tank, except as provided in Sections ~~7904.5.4.2.2~~ 3406.5.4.1 through ~~7904.5.4.2.6~~ 3406.5.4.4. Class II and III-A liquids shall be transferred from a tank vehicle or tank car only into an approved atmospheric tank, approved container or approved portable tank, except ~~a~~ as provided in Sections ~~7904.5.4.2.2~~ 3406.5.4.1 through ~~7904.5.4.2.6~~ 3406.5.4.4.

Subp. 3. **Sec. ~~7904.5.4.2.2~~ 3406.5.4.1.** ~~Sec. 7904.5.4.2.2~~ Section 3406.5.4.1 of the *Uniform International Fire Code* is amended to read:

~~7904.5.4.2.2~~ **3406.5.4.1 Marine craft and special equipment.** Liquids intended for use as motor fuels are allowed to be transferred from tank vehicles into the fuel tanks of marine craft and motor vehicles when approved by the fire chief, and when:

1. The tank vehicle's specific function is that of supplying fuel to motor vehicles;
2. The operation is not performed where the public has access or where there is unusual exposure to life or property;
3. The distance between the tank vehicle and vehicle being refueled does not exceed 50 feet in length; and
4. All equipment is approved for use with the fuel being transferred.

#### **7510.3670 ~~ARTICLE 82~~ CHAPTER 38 - LIQUEFIED PETROLEUM GASES.**

~~Article 82~~ Chapter 38 of the *Uniform International Fire Code* is deleted in its entirety and replaced with the following:

**ARTICLE 82 CHAPTER 38**  
**LIQUEFIED PETROLEUM GASES**  
**SECTION ~~8201~~— 3801**

**NFPA STANDARD NO. 58 INCORPORATED.**

**3801.1 Incorporation by reference.** The storage, handling, transportation, and use of liquefied petroleum gas and the installation of all equipment pertinent to systems for such uses shall be designed, constructed, installed, operated, and maintained in accordance with the provisions of the National Fire Protection Association Standard No. 58, Standard for the Storage and Handling of Liquefied Petroleum Gases (Quincy, Massachusetts, ~~1995~~ 2001). Standard No. 58, as amended by Section ~~8202~~ 3802, is incorporated by reference, is not subject to frequent change, and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

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# Proposed Rules

## SECTION 8202- 3802

### AMENDMENTS TO NFPA STANDARD NO. 58

**3802.1 Amendments.** NFPA 58 shall apply to the storage, handling, transportation and use of liquefied petroleum gas and the installation of all equipment pertinent to systems for such uses, except as amended by this section.

1. ~~Section 3-1.3 3.1.1.2.~~ Section ~~3-1.3 3.1.1.2~~ of NFPA Standard No. 58 is amended to read:

~~3-1.3 3.1.1.2.~~ LP-Gas systems shall be installed in accordance with nationally recognized standards that may apply.

2. ~~Section 3-2.2.7(e) 3.2.2.6(e).~~ Section ~~3-2.2.7(e) 3.2.2.6(e)~~ of NFPA Standard No. 58 is amended to read:

(e) The minimum horizontal separation between aboveground LP-Gas containers and aboveground tanks containing liquids having flash points below 200 degrees F. (93.4 degrees C.) shall be 20 ft (6 m). No horizontal separation shall be required between aboveground LP-Gas containers and underground tanks containing flammable or combustible liquids installed in accordance with ~~Article 79 Chapter 34~~ of the *Uniform International Fire Code*.

**Exception:** This provision shall not apply when LP-Gas containers of 125 gal (0.5 m<sup>3</sup>) or less water capacity are installed adjacent to fuel oil supply tanks of 660 gal (2.5 m<sup>3</sup>) or less capacity.

3. ~~Section 3-2.2.7(g) 3.2.2.6(g).~~ Section ~~3-2.2.7(g) 3.2.2.6(g)~~ of NFPA Standard No. 58 is amended to read:

(g) The minimum separation between LP-Gas containers and liquefied hydrogen containers shall be in accordance with ~~Article 75 Chapter 32~~ of the *Uniform International Fire Code*.

4. ~~Table 3-2.3.3 3.2.3.3.~~ Footnotes 2 and 5 of Table ~~3-2.3.3 3.2.3.3~~ of NFPA Standard No. 58 are amended to read:

2. Walls constructed of noncombustible materials having a fire rating of at least one hour as determined by the Building Code.

5. See ~~Article 79 Chapter 34~~ of the *Uniform International Fire Code* for definitions of flammable and combustible liquids.

5. ~~Section 3.2.10.~~ Section 3.2.10.1 of NFPA Standard No. 58 is amended to read: 3.2.10.1. Installation of containers on roofs of buildings shall be prohibited.

6. ~~Section 3.2.10.2.~~ Section 3.2.10.2 of NFPA Standard No.58 is deleted.

7. ~~Section 3.4.9.1.~~ Section 3.4.9.1 of NFPA Standard No. 58 is deleted.

8. ~~Section 3-5.2 3.5.2.~~ Section ~~3-5.2 3.5.2~~ of NFPA Standard No. 58 is amended to read:

~~3-5.2 3.5.2~~ **Reference standards.** LP-Gas appliances shall be installed in accordance with this standard and other nationally recognized standards which may apply.

6- ~~9.~~ ~~Section 3-7.2.1 3.7.2.1.~~ Section ~~3-7.2.1 3.7.2.1~~ of NFPA Standard No. 58 is amended to read:

~~3-7.2.1 3.7.2.1~~ Electrical equipment and wiring shall be of a type specified by and shall be installed in accordance with the Electrical Code for ordinary locations except that fixed electrical equipment in classified areas shall comply with ~~3-7.2.2 3.7.2.2.~~

7- ~~10.~~ ~~Section 3-7.2.2 3.7.2.2.~~ The first sentence of Section ~~3-7.2.2 3.7.2.2~~ of NFPA Standard No. 58 is amended to read:

~~3-7.2.2 3.7.2.2~~ Fixed electrical equipment and wiring installed within the classified areas specified in Table ~~3-7.2.2 3.7.2.2~~ shall comply with Table ~~3-7.2.2 3.7.2.2~~ and shall be installed in accordance with the Electrical Code.

8- ~~11.~~ ~~Section 7-2.3 7.2.3.~~ Section ~~7-2.3 7.2.3~~ of NFPA Standard No. 58 is amended to read:

~~7-2.3 7.2.3~~ Structure or building heating. Heating shall be by steam or hot water radiation or other heating transfer medium with the heat source located outside the building or structure (see Section ~~3-7 3.7,~~ Ignition Source Control), or by electrical appliances listed for Class I, Group D, Division 2 locations, in accordance with the Electrical Code.

9- ~~12.~~ ~~Chapter 11 13.~~ Chapter ~~11 13~~ of NFPA Standard No. 58 is deleted.

#### **Submittal of Plans.**

### SECTION 8203—INSTALLATION OF CONTAINERS

~~Where an underground container is permitted, plans of its installation, regardless of capacity, shall be submitted for review to the state fire marshal before construction.~~

~~For any installation utilizing aboveground storage containers of over 2,000 gallons water capacity, or when aggregate water capacity of all aboveground containers exceeds 4,000 gallons, plans shall be submitted to the state fire marshal before construction.~~

#### **7510.3674 CHAPTER 45 - REFERENCED STANDARDS.**

Chapter 45 of the *International Fire Code* is amended by changing the effective date of the following NFPA standards as follows:

1. NFPA 13 - 1999

2. NFPA 13D - 1999
3. NFPA 13R - 1999
4. NFPA 58 - 2001
5. NFPA 72 - 1999
6. NFPA 96 - 2001
7. NFPA 1123 - 2000

**7510.3675 CHAPTER 46 - ADULT DAY CARE CENTERS, RESIDENTIAL HOSPICE FACILITIES AND SUPERVISED LIVING FACILITIES.**

The *International Fire Code* is amended by adding Chapter 46 to read:

**CHAPTER 46**  
**ADULT DAY CARE CENTERS, RESIDENTIAL HOSPICE FACILITIES**  
**AND SUPERVISED LIVING FACILITIES**  
**SECTION 4601**  
**GENERAL**

**4601.1 Requirements.** Adult day care centers, residential hospice facilities and supervised living facilities shall meet the requirements of this chapter.

**SECTION 4602**  
**ADULT DAY CARE CENTERS**

**4602.1 Classification of adult day care centers.** Adult day care centers are classified in accordance with the following and must meet the fire safety requirements for the designated occupancy classification.

**4602.1.1 Serving only participants capable of self-preservation.** Centers serving only participants who are capable of taking appropriate action for self-preservation under emergency conditions shall meet all applicable requirements for Group E Occupancies.

**4602.1.2 Serving only participants not capable of self-preservation.** Centers serving only participants who are not capable of taking appropriate action for self-preservation under emergency conditions shall meet all applicable requirements for Group I-4 Occupancies.

**4602.1.3 Serving both participants capable and participants not capable of self-preservation.** Centers serving a population that includes both participants who are capable and participants who are not capable of taking appropriate action for self-preservation under emergency conditions shall meet the occupancy requirements for Group I-2 or Group E Occupancies. In addition to the requirements for Group E Occupancies, the center shall meet the requirements set forth in Sections 4602.1.3.1 through 4602.1.3.4.

**4602.1.3.1 Population.** Not more than 50 percent of the center's licensed capacity shall be made up of participants who are not capable of taking appropriate action for self-preservation under emergency conditions.

**4602.1.3.2 Location.** The center must be located on a floor level with all exits directly to grade without any intervening stairs.

**4602.1.3.3 Fire alarm and detection.** The center shall be protected with a complete automatic fire detection system consisting of automatic smoke detection in all corridors and at the top of all stairways and automatic detection in boiler and furnace rooms, kitchens, storage rooms, janitor closets, laundries, and other hazardous areas. In buildings equipped with manual fire alarm systems, the manual fire alarm and automatic detection systems shall be electrically interconnected.

**4602.1.3.4 Evacuation time.** The center shall demonstrate the ability to evacuate the entire population of the center within three minutes.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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### SECTION 4603

#### RESIDENTIAL HOSPICE FACILITIES

**4603.1 Classification of residential hospice facilities.** Residential hospice facilities meeting the fire-protection provisions of Chapter 22 of the National Fire Protection Association Standard No. 101 (Quincy, Massachusetts, 1997) for impractical evacuation capabilities shall be classified as Group R-4 Occupancies. For purposes of this section, Standard No. 101 (1997) Chapter 22 is incorporated by reference, is not subject to frequent change and is available at the State Law Library, 25 Constitution Avenue, St. Paul, Minnesota 55155.

### SECTION 4604

#### SUPERVISED LIVING FACILITIES

**4604.1 Classification of supervised living facilities.** Supervised living facilities are classified in accordance with Chapter 2 and must meet the fire safety requirements for the designated occupancy classification.

**4604.1.1 Class A-1 supervised living facilities.** Class A-1 supervised living facilities must meet Group R-3 Occupancy requirements.

**4604.1.2 Class A-2 supervised living facilities.** Class A-2 supervised living facilities housing not more than 16 persons, excluding staff, must meet Group R-4 Occupancy requirements. Class A-2 supervised living facilities housing more than 16 persons, excluding staff, must meet Group I-1 Occupancy requirements.

**4604.1.3 Class B-1 supervised living facilities.** Class B-1 supervised living facilities meeting the fire-protection provisions of Chapter 21 of the National Fire Protection Association Standard No. 101 (Quincy, Massachusetts, 1985) for impractical evacuation capabilities shall be classified as Group R-3 Occupancies. For the purposes of Sections 4604.1.3 and 4604.1.4, Standard No. 101 (1985) Chapter 21 is incorporated by reference, is not subject to frequent change and is available at the State Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

**4604.1.4 Class B-2 supervised living facilities.** Class B-2 supervised living facilities meeting the fire-protection provisions of Chapter 21 of the National Fire Protection Association Standard No. 101 (Quincy, Massachusetts, 1985) for impractical evacuation capabilities shall be classified as Group R-4 Occupancies.

**4604.1.5 Class B-3 supervised living facilities.** Class B-3 supervised living facilities must meet Group I-2 Occupancy requirements.

#### 7510.3710 AMENDMENTS TO APPENDICES OF UNIFORM INTERNATIONAL FIRE CODE.

Subpart 1. **Adoption.** Appendices I A, I C, II A, II B, II C, II F, II L, IV A and VI D Appendix I of the *Uniform International Fire Code*, as amended by this part, shall be deemed a part of this code and shall be enforced as such.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

Subp. 10. [See repealer.]

Subp. 11. **Appendix ~~H-K~~ H.** The *Uniform International Fire Code* is amended by adding an Appendix ~~H-K~~ H to read:

**APPENDIX ~~H-K~~ H****FIRES OR BARBECUES ON BALCONIES OR PATIOS****SECTION 1 - OPEN FLAME AND FUEL STORAGE PROHIBITED**

**1.1 Open Flame Prohibited.** In any structure containing three or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, or on any ground floor patio within 15 feet (4572 mm) of the structure.

**1.2 Fuel Storage Prohibited.** No person shall store or use any fuel, barbecue, torch, or other similar heating or lighting chemical or device in the locations designated in ~~See~~ Section 1.1.

**Exception:** Listed electric or gas-fired barbecue grills that are permanently mounted and wired or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches (457 mm) on all sides, unless listed for lesser clearances, may be installed on balconies and patios when approved by the fire chief.

Subp. 12. **Appendix ~~H-L~~ I.** The ~~Uniform~~ International Fire Code is amended by adding an Appendix ~~H-L~~ I to read:

**APPENDIX ~~H-L~~ I****SPECIAL LOCKING ARRANGEMENTS FOR GROUP I OCCUPANCIES****SECTION 1 - GENERAL**

When approved by the fire chief and where there is a demonstrated safety or security concern for the patients or residents, existing door-locking arrangements conforming to this appendix are permitted in Group I, ~~Divisions 1-1, 1-2 and 2 I-2~~ Occupancies.

**1.1 Arrangement.** Each egress path shall have not more than one such locking arrangement.

**1.2 Public Use of Space.** Public assembly space is not permitted within the secured area.

**SECTION 2 - SUPERVISION**

Patients or residents shall be supervised by staff personnel at all times. Keys or devices which function like keys to unlock the doors shall be carried by staff at all times.

**SECTION 3 - FIRE DETECTION**

The building must be provided throughout with an approved fire alarm system having automatic smoke detection installed throughout the exit corridor system.

**SECTION 4 - RELEASE OF LOCKING DEVICES**

All locking devices shall be designed to fail in the open or unlocked position. The locking devices shall immediately release upon any one or more of the following conditions:

1. Activation of the fire alarm system,
2. Activation of any automatic fire detector,
3. Activation of an automatic sprinkler system,
4. Activation of the fire alarm system's trouble signal,
5. Loss of electrical power to the device or the fire alarm system, or
6. Activation of an unlocking arrangement from an approved location within the secured area.

**SECTION 5 - RELOCKING OF DEVICES**

Relocking of the locking devices can only be by manual means ~~at the door which is being secured~~ from an approved location within the secured area.

**SECTION 6 - TESTING OF DEVICES AND SYSTEMS**

Special locking arrangements shall be tested at least monthly in conjunction with the fire alarm system to ensure that they will release under the conditions as set forth above.

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# Proposed Rules

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## SECTION 7 - SYSTEMS NOT IN COMPLIANCE

The use of special locking arrangements and related systems which are found to not comply with the requirements of this chapter shall be immediately discontinued until such time that the necessary repairs or modifications can be made.

**RENUMBERING INSTRUCTION.** The revisor of statutes shall renumber the part or subpart listed in column A as the part or subpart listed in column B, as amended in these rules.

<u>Column A</u>	<u>Column B</u>
<u>7510.3530, subp 1</u>	<u>7510.3530, subp 1b</u>
<u>7510.3560, subp 4</u>	<u>7510.3560, subp 2c</u>
<u>7510.3580, subp 1</u>	<u>7510.3580, subp 1b</u>
<u>7510.3580, subp 2</u>	<u>7510.3580, subp 16</u>

**REPEALER.** Minnesota Rules, parts 7510.3520, subparts 4, 5, and 6; 7510.3540; 7510.3550; 7510.3560, subparts 1, 6, 7, 11, and 16; 7510.3570; 7510.3580, subparts 5, 6, 7, and 8; 7510.3590; 7510.3600; 7510.3610, subparts 1, 2, 3, and 6; 7510.3620; 7510.3630; 7510.3640, subparts 2 and 3; 7510.3650, subpart 1; 7510.3660; 7510.3680; 7510.3690; 7510.3700; and 7510.3710, subparts 2, 3, 4, 5, 6, 7, 8, 9, and 10, are repealed.

**INCORPORATIONS BY REFERENCE:** Part 7510.3510: *The International Fire Code 2000*, as promulgated by the International Code Council, Inc., (Falls Church, Virginia, December 1999); Part 7510.3520, section 102.10: *Life Safety Code*, ANSI/NFPA 101, referred to as Standard No. 101, issued by the National Fire Protection Association (Quincy, Massachusetts, 1997); Part 7510.3670, section 3801.1: National Fire Protection Association Standard No. 58, Standard for the Storage and Handling of Liquefied Petroleum Gases (Quincy, Massachusetts, 2001), as amended by Section 3802; Part 7510.3675, section 4603.1: Chapter 22 of the National Fire Protection Association Standard No. 101 (Quincy, Massachusetts, 1997), and section 4604.1.3: Chapter 21 of the National Fire Protection Association Standard No. 101 (Quincy, Massachusetts, 1985). All of the above are available at the State Law Library.



## Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

### Expedited and Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

## Bureau of Mediation Services

### Adopted Permanent Rules Relating to Mediation Services; Arbitration Roster

The rules proposed and published at *State Register*, Volume 26, Number 49, pages 1648-1649, May 28, 2002 (26 SR 1648), are adopted as proposed.

## Department of Natural Resources

### Adopted Permanent Rules Relating to Public Waters Work Permits

The rules proposed and published at *State Register*, Volume 26, Number 48, pages 1557-1589, May 20, 2002 (26 SR 1557), are adopted with the following modifications:

#### 6115.0170 DEFINITIONS.

Subp. 8. **Drainage.** "Drainage" means any method for removing or diverting waters from public ~~waters~~ waterbasins or public water wetlands. The methods include, but are not limited to, excavation of an open ditch, installation of subsurface drainage tile, filling, diking, or pumping.

#### 6115.0201 SPECIFIC STANDARDS; EXCAVATION.

##### Subp. 5. **Harbors and boat slips.**

E. Excavations for development of inland harbors shall be limited to those waters described in item C and shall meet the following additional requirements:

(3) Additional requirements applicable to specific types of harbors. Private inland harbors serving two or more single family residential riparian lots shall, if practical, be located along the mutual boundary of properties to be served.

Private inland harbors for proposed multifamily or cluster developments, residential planned unit developments, or for resorts, campgrounds, or other commercial purposes. The development plan shall be approved by the local governmental unit. The permit shall be of the title-registration type including a provision that the individual waterfront lots in the development have priority rights to the available mooring spaces thus obviating issuance of future permits for individual harbors for these lots. The harbor shall be appropriately sized, consistent with the number of watercraft to be served. For residential and commercial planned unit developments, the number of mooring spaces to be permitted shall be consistent with part 6120.3800.

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## Adopted Rules

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Public inland harbor projects must be justified by:

(d) the harbor may extend more than 200 feet inland provided the plans minimize the total length by which the ~~protected~~ public water is proposed to be extended in keeping with the number of watercraft to be served and the topography.

### 6115.0211 SPECIFIC STANDARDS; STRUCTURES.

Subp. 4. **Breakwaters.** A permit is required for the construction or reconstruction of all offshore breakwaters. These structures shall be approved if the following general conditions and the additional listed specific conditions are met:

E. the structure is designed in a compact fashion so as to blend in with the surrounding shoreline and so that all mooring and maneuvering activities can be normally confined to an area bounded by the property lines as extended into the public waters while minimizing the surface area occupied in relation to the number of watercraft to be served; and

Subp. 6b. **Energy exchangers.** A permit is required for the construction, reconstruction, relocation, or repair of energy exchangers located on the bed of a public water. The permit shall be granted if the following general conditions and the additional listed specific conditions are met:

G. the facility will not take threatened or endangered species identified in chapter 6134 without authorization by the commissioner according to parts 6212.1800 to 6212.2300; ~~and~~

H. the facility will not contain substances, if released into public waters, that would be detrimental to water quality or plant or animal life forms; and

I. the construction, relocation, or reconstruction of privately owned structures shall be permitted only when a federal, state, or local governmental agency accepts responsibility for future maintenance of the facility or its removal in the event that the private owner fails to maintain or abandons the facility.

### 6115.0215 RESTORATION OF PUBLIC WATERS.

Subp. 3. **Prohibited work.** Public waters alteration, protection, or restoration work is prohibited when the work:

A. is detrimental to ~~publicly owned habitats without obtaining the permission or rights of the interested owners~~ significant fish and wildlife habitat and there are no feasible, practical, or ecologically acceptable means to mitigate the effects;

### 6115.0220 WATER LEVEL CONTROLS.

Subp. 5. **Permits required.** Permits are required for the construction, repair, reconstruction, or abandonment of any water level control structure, except as provided in subparts 3 and 4, and a project must meet the following general criteria:

F. the construction or reconstruction of water level control structures or changing the level of an existing structure ~~affecting~~ public waterbasins shall be approved only to:

### 6115.0231 SPECIFIC STANDARDS; BRIDGES, CULVERTS, INTAKES, AND OUTFALLS.

Subp. 3. **Intakes and outfalls.** The construction, reconstruction, or relocation of all water intake and sewer outfall structures placed in public waters shall be approved if all of the following criteria are met:

I. outfall structure design:

(2) when feasible, utilizes discharge to stormwater treatment ponds, ~~natural or~~ artificial stilling or sedimentation basins, or other devices for entrapment of floating trash and litter, sand, silt, debris, and organic matter prior to discharge to public waters; and

Subp. 3. **Information required.** Pursuant to *Minnesota Statutes*, section 103G.305, an application is complete when:

C. it includes a brief statement regarding the following points:

(5) a demonstration by the applicant that the proposed activity authorized by part 6115.0190, subpart 5; 6115.0200, subpart 5; 6115.0210, subpart 5; 6115.0215, subpart 5; 6115.0220, subpart 5; 6115.0230, subpart 5; 6115.0270, subpart 4; or 6115.0280, subpart 4, complies with all the following principles in descending order of priority:

(e) for a major change in the ~~resource~~ public waters, replaces unavoidable impacts to the public water by restoring degraded or impacted public waters having equal or greater public value or, if public waters restoration opportunities are not reasonably available, creating and protecting additional replacement water areas having greater public value;

### 6115.0250 PERMIT REVIEW.

Subp. 6. **Wetland areas of public waters affected by public road permit projects.**

A. For purposes of this subpart, "wetland areas of public waters" means areas ~~within public waterbasins~~ that are contiguous with the ordinary high water level ~~of the public waterbasins~~ and that generally exhibit emergent vegetation within:

(1) public waterbasins;

(2) public water wetlands assigned a shoreland classification;

(3) public water wetlands classified as lacustrine wetlands or deepwater habitats according to the document under item C;

or

(4) public water wetlands where the state or federal government has become titleholder to any of the beds or shores of the public water wetlands subsequent to the preparation of the public water inventory maps on file with the auditor of the county and where the responsible state or federal agency declares that the water is necessary for purposes of public ownership.

~~**EFFECTIVE DATE.** The amendments in *Minnesota Rules*, parts 6115.0150 to 6115.0280, and the repealer are effective August 1, 2002.~~

## Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

## Minnesota Department of Health

### Executive Office

#### Notice of Public Meeting and Opportunity to Comment on Emergency Health Powers Study - Antibiotic Effectiveness

**NOTICE IS HEREBY GIVEN** that, under section 20 of the Minnesota Emergency Health Powers Act, *Minnesota Laws 2002*, chapter 402, the Minnesota Department of Health is conducting a study and seeking public comments on how to improve Minnesota's ability to respond to public health emergencies. Section 20 directs the Department of Health to study, among other topics, "ways to preserve the effectiveness of fluoroquinolones and other antibiotics that are vital to protecting human health." Once the study is completed, the Department of Health will publish its recommendations, collect further public comment, and then report to the legislature on statutory recommendations to address these concerns.

The public is invited to a meeting scheduled to learn about current efforts by state agencies in the area of antibiotic effectiveness, hear an update on national activities and directions, and discuss possible recommendations for preserving antibiotic effectiveness in Minnesota. The meeting will be held as follows:

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## Official Notices

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Date: Monday, October 28, 2002  
Time: 1:00 p.m. to 4:00 p.m.  
Location: Snelling Office Park, Mississippi Room, 1645 Energy Park Drive, St. Paul, MN (Located just west of the intersection of Snelling Avenue and Energy Park Drive)

Further directions can be found at <http://www.health.state.mn.us/about/sop.html#drive>. If you would like to attend the meeting and participate in the discussion, please contact Yvette Young at **phone:** (651) 215-5805 or [Yvette.Young@health.state.mn.us](mailto:Yvette.Young@health.state.mn.us) so that the Department of Health assure adequate space and materials. A more detailed agenda and background materials will be sent advance of the meeting to persons registering. If you are unable to attend, the Department of Health also invites written comments from all interested or affected persons and organizations. Please direct written comments to Aggie Leitheiser, Assistant Commissioner, at 85 E. 7th Place, St. Paul, Minnesota 55101.

Interested persons may find helpful a pilot project on appropriate precautionary actions to protect public health from the emerging health risk posed by using antibiotics in animal agriculture. Information on this pilot project is available at <http://www.health.state.mn.us/divs/eh/risk/> or by calling Amy Lockheart at **phone:** (651) 215-0920.

## Minnesota Department of Health

### Executive Office

#### Notice of Public Meeting and Opportunity to Comment on Emergency Health Powers Study - Review of Limitations on Liability of Health Care Providers and Other Responders to a Public Health Emergency

**NOTICE IS HEREBY GIVEN** that, under section 20 of the Minnesota Emergency Health Powers Act, *Minnesota Laws 2002*, chapter 402, the Minnesota Department of Health is conducting a study and seeking public comments on how to improve Minnesota's ability to respond to public health emergencies. Section 20 directs the Department of Health to study, among other topics, legal immunity from liability for health care providers and other responders during such an emergency. Once the study is completed, the Department of Health will publish its recommendations, collect further public comment, and then report to the legislature on statutory recommendations to address these concerns.

The public is invited to a meeting to explore whether current statutes and legal doctrines governing liability and legal immunity need legislative attention. Proposals for alternatives to traditional tort liability, such as a state compensation fund, may also be considered. The meeting will be held as follows:

Date: Thursday, October 31, 2002  
Time: 8:30 a.m. to 12:00 (noon)  
Location: Snelling Office Park, Mississippi Room, 1645 Energy Park Drive, St. Paul, MN (Located just west of the intersection of Snelling Avenue and Energy Park Drive)

Further directions can be found at <http://www.health.state.mn.us/about/sop.html#drive>. If you would like to attend the meeting and participate in the discussion, please contact Yvette Young at **phone:** (651) 215-5805 or [Yvette.Young@health.state.mn.us](mailto:Yvette.Young@health.state.mn.us) so that the Department of Health can assure adequate space and materials. A more detailed agenda and background materials will be sent advance of the meeting to persons registering. If you are unable to attend, the Department of Health also invites written comments from all interested or affected persons and organizations. Please direct written comments to Aggie Leitheiser, Assistant Commissioner, at 85 E. 7th Place, St. Paul, Minnesota 55101.

## Minnesota Historical Society

### State Review Board Regular Meeting

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of Historic Places will be held on Tuesday, October 22, 2002, in the Cargill Commons, MacMillan Education Wing, Minnesota Historical Society History Center, St. Paul, Minnesota. The State Review Board will meet at 7:00 p.m., for an informational presentation on program activities made by the Preservation Office staff. The meeting will be called to order and consideration of the meeting's agenda will begin at 7:30 p.m. A sign language interpreter is available with one weeks notice, and auxiliary aids are available with two weeks notice. **Phone:** (651) 296-5434, or **TTY:** 1-800-627-3529. For further information contact the State Historic Preservation Office, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102, **phone:** (651) 296-5434.

## Minnesota Housing Finance Agency

### Notice of Hearing on Bond Issuance

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency will hold a public hearing at 9:00 a.m., on October 22, 2002, at the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public testimony regarding the issuance of its Rental Housing Bonds in the maximum principal amount set forth below. The Bonds may be issued in one or more series and will be issued to fund mortgage loans to pay for all or a portion of the costs of construction of the following development, including facilities related and subordinate thereto, for residential rental housing as defined in the Agency's Rental Housing Bond Resolution. The development to be assisted is:

Initial Owner or Operator	Facility	Address	Maximum Bond Amount
Cedar Villas Limited Partnership, the managing partner of which will be Cedar Villas Limited Liability Company	New Construction of 104 unit townhouse development, to be named Cedar Villas	NW Corner of Nichols Road and Erin Drive Eagan, MN	\$14,500,000

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Sharon Bjostad (651) 282-2577. Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Katherine Hadley  
 Commissioner  
 Minnesota Housing Finance Agency

## Public Employees Retirement Association

### Notice of Meeting of the Board of Trustees

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, October 10, 2002, at 9:30 a.m., in the PERA offices, 60 Empire Drive, Room 117, St. Paul, Minnesota.



## State Contracts

**Informal Solicitations:** Effective March 1, 2002, informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) website. Interested vendors are encouraged to monitor the P/T Contract section of the MMD website at [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us) for informal solicitation announcements.

**Formal Solicitations:** Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

## Minnesota State Arts Board

### Request for Proposals for Strategic Planning

The Minnesota State Arts Board is seeking proposals from qualified parties to work with agency staff and board in a strategic planning process that will set goals and directions for the agency for the next three years (fiscal years 2004 - 2006). The board is dedicated to enriching the cultural lives of all Minnesotans by offering grants and services to individual artists, arts organizations, and schools throughout the state.

Proposals must be received no later than **4:30 p.m., Monday, October 28, 2002**. The contract will begin no earlier than November 1, 2002, and end no later than September 30, 2003. The board estimates that the entire cost of this contract, for all tasks and related expenses, will not exceed \$72,000.

Interested vendors are encouraged to download the complete RFP from the Arts Board's **website:** <http://www.arts.state.mn.us>, or contact the Arts Board to request a copy of the RFP via U.S. mail.

#### Contact for RFP inquiries:

James A. Dusso, assistant director  
Minnesota State Arts Board  
Park Square Court, Suite 200  
400 Sibley Street  
St. Paul, MN 55101-1928  
**Phone:** (651) 215-1600 / 1-800-8MN-ARTS  
**Fax:** (651) 215-1602  
**Email:** [james.dusso@arts.state.mn.us](mailto:james.dusso@arts.state.mn.us)

## Minnesota Historical Society

### Request for Bids for Construction of an Interpretive Center Addition – Split Rock Lighthouse Historic Site

#### S.P. 94-595-08: Minnesota Project. No. MHS MUSM (007)

The Minnesota Historical Society is seeking bids from qualified firms and individuals for Construction of an Interpretive Center Addition at the Split Rock Lighthouse Historic Site in Two Harbors, Minnesota. **A MANDATORY PRE-BID MEETING will be held at the Split Rock Lighthouse Historic Site at 1:00 p.m., Local Time, on Wednesday, October 2, 2002.** The Request for Bids is available by calling or writing Mary Green-Toussaint, Contracting and Procurement Assistant, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102. **Phone:** (651) 297-7007, **email:** [mary.green-toussaint@mnhs.org](mailto:mary.green-toussaint@mnhs.org)

Bids must be submitted in the format that will be described in the Request for Bids. **Sealed bids must be received by Chris M. Bonnell, Contracting Officer, or an authorized agent, at the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102, by 2:00 p.m., Local Time, Wednesday, October 16, 2001. Late bids will not be accepted.**

Minimum wage rates to be paid by the Contractors have been predetermined and are subject to the Work Hours Act of 1962, P.L. 87-581 and implementing regulations.

**READ CAREFULLY THE WAGE SCALES AND DIVISION A OF THE SPECIAL PROVISIONS AS THEY AFFECT THIS/THESE PROJECT/PROJECTS**

The Minnesota Department of Transportation hereby notifies all bidders:

In accordance with Title VI of the Civil Rights Act of 1964 (Act), as amended and Title 49, *Code of Federal Regulations* Subtitle A Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, it will affirmatively assure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded maximum opportunity to participate and/or to submit bids in response to this invitation, and will not be discriminated against on the grounds of race, color, disability, age, religion, sex or national origin in consideration for an award;

In accordance with Title VI of the Civil Rights Act of 1964 as amended, and Title 23, *Code of Federal Regulations*, Part 230 Subpart A-Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (including supportive services), it will affirmatively assure increased participation of minority groups and disadvantaged persons and women in all phases of the highway construction industry, and that on any project constructed pursuant to this advertisement equal employment opportunity will be provided to all persons without regard to their race, color, disability, age, religion, sex or national origin;

In accordance with the Minnesota Human Rights Act, *Minnesota Statute* 363.03 Unfair discriminatory Practices, it will affirmatively assure that on any project constructed pursuant to this advertisement equal employment opportunity will be offered to all persons without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age;

In accordance with the Minnesota Human Rights Act, *Minnesota Statute* 363.073 Certificates of Compliance for Public Contracts, and 363.074 Rules for Certificates of Compliance, it will assure that appropriate parties to any contract entered into pursuant to this advertisement possess valid Certificates of Compliance.

If you are not a current holder of a compliance certificate issued by the Minnesota Department of Human Rights and intend to bid on any job in this advertisement you must contact the Department of Human Rights immediately for assistance in obtaining a certificate. The following notice from the Minnesota Department of Human Rights applies to all contractors:

“It is hereby agreed between the parties that *Minnesota Statutes*, section 363.073 and *Minnesota Rules*, parts 5000.3400 to 5000.3600 are incorporated into any contract between these parties based on this specification or any modification of it. A copy of *Minnesota Statute* 363.073 and *Minnesota Rules*, parts 5000.3400 to 5000.3600 is available upon request from the contracting agency.”

“It is hereby agreed between the parties that this agency will require affirmative action requirements be met by contractors in relation to *Minnesota Statute* 363.073 and *Minnesota Rules* 5000.3600. Failure by a contractor to implement an affirmative action plan or make a good faith effort shall result in revocation of its certificate or revocation of the contract (*Minnesota Statute* 363.073, Subd. 2 and 3).”

A minimal goal of 6.52% Good Faith Effort to be subcontracted to disadvantaged Business Enterprises.

## **Minnesota Historical Society**

### **Notice of Request for Bids for Changing Exhibit Gallery Trade Construction**

**October 7, 2002**

The Minnesota Historical Society is seeking bids from qualified vendors for trade construction of a new changing exhibit gallery (approximately 1,650 s.f.) in the History Center. This work involves the demolition of existing walls, new wall construction, acoustic ceiling, hanging grid, flooring, and painting.

The Request for Bids is available by calling or writing Mary Green-Toussaint, Contracting and Procurement Assistant, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102. **Phone:** (651) 297-7007 or **email:** [mary.green-toussaint@mnh.org](mailto:mary.green-toussaint@mnh.org). Complete specifications, bid format and details concerning submissions requirements are included.

Sealed bids must be received no later than **2:00 p.m., Local Time, Wednesday, November 6, 2002. No late bids will be accepted.**

### State Board of Investment

#### Official Notice for Private Money Management Firms to Manage Pension Assets

The Minnesota State Board of Investment (MSBI) retains private money management firms to manage a portion of the pension assets and other accounts under its control. Firms interested in managing domestic stock, international stock, domestic bond or global bond portfolios for the MSBI are asked to write to the following address for additional information:

External Manager Program  
Minnesota State Board of Investment  
60 Empire Drive, Suite 355  
St. Paul, MN 55103-3555  
**Phone:** (651) 296-3328  
**Fax:** (651) 296-9572  
**Email:** *minn.sbi@state.mn.us*

Please refer to this notice in your written request.

### Minnesota Technology, Inc.

#### Request for Letters of Interest in Conducting Delphi Studies on Emerging Technologies

Minnesota Technology, Inc., is issuing a request for letters of interest from researchers experienced in the Delphi study methodology. Minnesota Technology, Inc., is planning a focused Delphi Study in each of the following areas:

- 1) **Technologies in the Life Sciences Industry**
- 2) **Technologies in the Advanced Manufacturing Sector**

Minnesota Technology, Inc., is the state's technology-based economic development agency. It is part of the U.S. Department of Commerce/National Institute of Standards and Technology, Manufacturing Extension Partnership network of more than 60 centers providing technology assistance to America's manufacturers and technology companies. The organization's mission is to contribute to the growth of Minnesota's economy through technology.

Minnesota Technology, Inc., is the key information resource for the technology community and provides unbiased analyses of technology data and trends. Keeping up with the constantly changing world of technology and how it impacts operations is challenging for big and small companies alike. In 1996, Minnesota Technology, Inc., commissioned a Delphi Study in order to provide policymakers and companies with a guide for making decisions regarding technology. The Delphi Study identified key emerging technologies and asked experts to rate them for how likely they were to become reality by 2002 and how they would likely impact the organizations that adopted them.

Now that we are nearing the end of 2002, it is critical that we evaluate the next wave of emerging technologies. Minnesota Technology, Inc., is looking to discover both interest and available resources for conducting Delphi Studies. We seek professional researchers or research teams to conduct two focused Delphi studies on the future of specific technologies and how they might impact Minnesota's economy. Optimally, the same researcher or research team will conduct both studies in order to establish consistency in methodology. One study will examine technologies in the life sciences industry; the second study will focus on technologies as they relate to advanced manufacturing. The main objective of these studies is to provide policymakers and companies with an awareness of what technologies might become available and what experts perceive as they likely impact those technologies on Minnesota's economy.

Individuals or firms who are experienced in the Delphi Study methodology and who might be interested in doing the projects described above should contact Rachel Walker, Special Projects Coordinator, at the following address by **October 21, 2002**.

Minnesota Technology, Inc.  
111 Third Avenue South, Suite 400  
Minneapolis, MN 55401  
**Phone:** (612) 373-2900  
**Toll Free:** 1-800-325-3073  
**Fax:** (612) 373-2901  
**Email:** *rwalker@mntech.org*

Please note that we are seeking letters or emails of interest **only** at this time. Full proposals are not requested.

## Minnesota Department of Public Safety Bureau of Criminal Apprehension (BCA)

### Notice of Request for Proposals for Remedy Action Request System (ARS) Implementation Project

The Department of Public Safety, Bureau of Criminal Apprehension is in need of a Remedy engineer and trainer to complete a previously started Remedy Action Request System (ARS) Implementation Project.

This current effort will be to finish the customization and implementation of the Remedy Help Desk 4.0 automated problem resolution/tracking system. This system will utilize the Action Request System (ARS) 4.5 to assist the BCA Criminal Justice Information System (CJIS) Computer Support Staff (CSS) to: respond, document, resolve, and track customer requests for assistance. This system will also be used to track CJIS departmental assets.

This project will involve:

- BCA personnel, including managers, a systems analyst, help desk personnel, trainers, the Remedy project manager, the CCD database administrator, and the BCA Remedy administrator.
- Minnesota Department of Administration, InterTechnologies Group, Remedy personnel.

Details are contained in a complete Request for Proposal, which may be obtained by calling or writing:

Colleen A. Adams  
Bureau of Criminal Apprehension - CJIS Section  
444 Cedar Street, Suite 140, Town Square  
St. Paul, Minnesota 55101  
**Phone:** (651) 282-6594  
**Email:** [colleen.adams@state.mn.us](mailto:colleen.adams@state.mn.us)

All questions concerning this RFP must be in writing and should be submitted to the above address no later than **2:00 p.m., Central Daylight Time, October 16, 2002**. All answers to questions will be in writing and sent to all entities requesting a complete RFP. Final date for submitting proposals is **2:00 p.m., Central Daylight Time on October 28, 2002**. **Late proposals will not be considered.**

This Request for Proposal does not obligate the State to complete the proposed project, and the State reserves the right to cancel the solicitation if it is considered to be in the State's best interest. All expenses incurred in responding to this notice shall be borne by the responder.

## Minnesota Department of Transportation

### Notice of Availability of Contract for Voice Routing for MayDay Field Operational Test

The Minnesota Department of Transportation is requesting proposals for the purpose of: Participation in the development of a voice routing interface between private sector Telematics Service Providers and Public Safety Answering Points.

Work is proposed to start after November 1, 2002.

A Request for Proposals will be available from this office through Friday, October 25, 2002. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** The Name of Requester, Company Name, Mailing Address, Phone Number and E-mail Address are required in the written request for the Request for Proposal.

The Request for Proposal can be obtained from:

Susan Sheehan, Contract Administrator  
Mn/DOT, Office of Traffic Engineering and ITS  
395 John Ireland Blvd., Mailstop 725  
St. Paul, MN 55155  
**Fax:** (651) 215-0409

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **3:00 p.m., Central Time on Monday, October 28, 2002**. **Late proposals will not be considered.** No time extensions will be granted.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## State Contracts

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### Department of Transportation

#### Program Support Group

#### Notice Concerning Professional/Technical Contract Opportunities

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult)

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

### Veterans Homes Board

#### Request for Proposals for Long-Term Care Clinical Software

The Minnesota Veterans Homes Board Agency is seeking requests for proposals for a long-term care clinical software application for our five nursing care and board and care facilities in the state.

Proposals must be received no later than **3:00 p.m., January 10, 2003**. Copies of the RFP may be obtained from:

Kathy Hokanson  
Director of Quality Assurance  
Minnesota Veterans Homes Board  
**Phone:** (651) 297-5255  
**Fax:** (651) 296-6177

or

Vi Nicholas  
Administrative Assistant  
Minnesota Veterans Homes Board  
**Phone:** (651) 215-9012

Stephen Musser  
Executive Director  
Minnesota Veterans Homes Board



## Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

## Metropolitan Council

### Notice of Request for Proposals (RFP) for Architectural/Engineering Services for Station Area Planning, Station Design, Bidding Related Activities and Construction Support for the Northwest Corridor Project

#### RFP No. 02P114

The Metropolitan Council is requesting proposals for Architectural/Engineering Services for Station Area Planning, Station Design, Bidding Related Activities and Construction Support for the Northwest Corridor Project. The Northwest Corridor Project is bus rapid transit system that will run from downtown Minneapolis to the City of Rogers, MN. Along the 22-mile corridor, a total of 26 stations (with 51 shelters) and 5 park and ride lots are proposed. The following is the proposed schedule:

<b>RFP Release Date</b>	<b>October 7, 2002</b>
<b>Proposals Due</b>	<b>October 30, 2002</b>
<b>Evaluation of Proposals</b>	<b>November 11, 2002</b>
<b>Contract negotiated, executed, NTP</b>	<b>December 19, 2002</b>

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest with point of contract, name, title, company, phone, fax, mobile, email information to:

Harriet Simmons, Senior Administrative Assistant  
Metropolitan Council Environmental Services  
230 East Fifth Street  
Mears Park Centre  
St. Paul, MN 55101  
**Phone:** (651) 602-1086  
**Fax:** (651) 602-1138  
**Email:** [harriet.simmons@metc.state.mn.us](mailto:harriet.simmons@metc.state.mn.us)

*Minnesota Statutes*, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

## Paul Bunyan Scenic Byway Association

### Request for Proposals for Development of an Interpretive Plan

The Paul Bunyan Scenic Byway Association is seeking proposals for development of an interpretive plan (IP) for the Paul Bunyan Scenic Byway (PBSB) located in northern Crow Wing County of Central Minnesota. The IP will carry forward the suggested interpretive foundation found in the Paul Bunyan Scenic Byway's Corridor Management Plan (CMP) and will include a strong emphasis on weaving together the past and present local stories within the framework of the IP. The IP should also include an analysis of relevant surveys and studies, development of a local sensitive template for assessing interpretive value of sites and information, establishment of a strong overall PBSB theme and sub-themes, if appropriate. Further, the IP should match a broad array of dissemination methods to the interpretive information. A clearly delineated implementation timeline for the IP is also required. Proposals must include time for attendance at up to three meetings per month, varying from 1-3 hours in length, and phone/email correspondence time of up to 10 hours per month.

Detailed specifications and submission requirements are available by contacting Lynn Scharenbroich, chairperson, Paul Bunyan Scenic Byway Association, P.O. Box 401, Pequot Lakes, MN 56472, or **email:** [info@paulbunyan scenicbyway.org](mailto:info@paulbunyan scenicbyway.org). Complete proposals must be returned to the above address by **4:00 p.m., CST, October 10, 2002**.

## Non-State Contracts & Grants

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### University of Minnesota

#### Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at [bidinfo.umn.edu](http://bidinfo.umn.edu) or call the BIS Coordinator at (612) 625-5534.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

### University of Minnesota

#### Request for Proposal

##### I. Notice of Request for Proposal to Maintain and Rehabilitate the Southeast Steam Plant Main Building

The University's objective is to determine what is necessary to maintain and rehabilitate the Southeast Steam Plant main building, its additions, and site for their continued function as a steam and co-generation plant, and to maintain its status on the National Register of Historic Places.

The University has developed a plan to rehabilitate the main building, additional structures, and site following the Secretary of Interior's Standards for Rehabilitation. Rehabilitation acknowledges the need to add to or alter a building to accommodate necessary changes relative to present-day function while maintaining and retaining the historic value and character of the property. Rehabilitation begins with protecting and stabilizing, specifically including the restoration and possible replacement of building materials, windows and doors, walls, roof, and structure. Any changes made to the main building or surrounding structures and site require complete documentation as outlined by the Secretary of the Interior's Standards for Rehabilitation, including an archeological review of the site consisting of a literature search, site testing and a report on the potential of archeological resources.

Rehabilitation of the Southeast Steam Plant is necessary to repair failing building systems, such as crumbling masonry, a failing retaining wall and other unsafe conditions.

This Phase 1 project consists of six immediate priority projects.

All improvements to the Main Plant Building- Predesign Project #5 (repair and replace exterior brick walls, interior wall changes, exterior windows and louver replacement, roof replacement, penthouse improvements, and interior heat/humidity control).

All improvements to the Mid- Level Site- Predesign Project #1 (remove trestle west of access drive, remove below level storage facilities, provide new retaining wall, and provide new access parking and delivery area).

All Improvements to the North Grounds- Predesign project #3 (including site drainage, repairs to the northwest retaining wall, removal and repair of the northeast retaining wall, resurfacing, and reconstructing the Dozer Shed).

All improvements to the West Building Additions- Predesign Project #7 (including removal of the gas house, replacing west vestibule with a new landing, removal and rebuilding of the stair enclosure, and modifications to the Filtration building).

Selected improvements to the shops buildings- Predesign Project #6 (including removal of the upper shops, exterior improvements, interior welding area improvements, but eliminating the office improvements and other ventilation improvements).

**NOTE:** In the process of completing the Predesign, demolition of these structures and constructing new facilities in their place was reviewed. Demolition/construction costs were an additional \$2,500,000.

All Site Signage improvements - Predesign Project #2

All of the above priority projects are described in considerable detail in the Predesign document

Email or call Chip Foster in Facilities Management Purchasing Services with your request for the full RFP, which will be sent free of charge to interested vendors.

II. CONTACT FOR RFP INQUIRIES:

Refer questions to:

**PURCHASING SERVICES:**

Chip Foster  
Facilities Management  
400 Donhowe Building  
319 15th Ave. SE  
Minneapolis, MN 55455-1082  
**Phone:** (612) 626-8757  
**Fax:** (612) 624-5796  
**Email:** *fosterc@facm.umn.edu*

III. TENTATIVE SCHEDULE OF EVENTS

Be advised that these dates are subject to change, as University officials deem necessary.

<i>Ad for Request for Proposals</i>	<b>October 7, 2002, Monday</b>
<i>RFP Document Issued</i>	<b>October 8, 2002, Tuesday</b>
<i>Mandatory Pre-Proposal Meeting/site visit (Meet at Phillips Wagensteen Bldg, Room 2-365 University Of Minnesota. @11:00 a.m.)</i>	<b>October 17, 2002, Thursday</b>
<i>All Questions/Inquiries deadline</i>	<b>October 22, 2002, Tuesday Noon</b>
<i>RFP Response Due at 2:00 p.m.</i>	<b>October 29, 2002, Tuesday Noon</b>
<i>Evaluation, Selection of Shortlisted Finalists</i>	<b>November 1, 2002, Thursday</b>
<i>Respondents Presentations and Negotiations</i>	<b>November 6, 2002, Monday</b>
<i>Design Services Award</i>	<b>November 8, 2002, Friday</b>
<i>Substantial Completion of Construction</i>	<b>October 31, 2004</b>

The University reserves the right, in its sole discretion, to reject any and all proposals, accept any proposal, waive informalities in proposals submitted, and waive minor discrepancies between a proposal and these proposal instructions, as it deems to be in its best interest. Any waiver of the University with respect to the requirements of these proposal instructions shall apply only to the particular instance for which it was made or given, and no such waiver shall constitute a permanent or future waiver of such requirements.

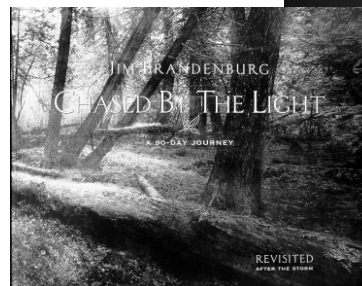
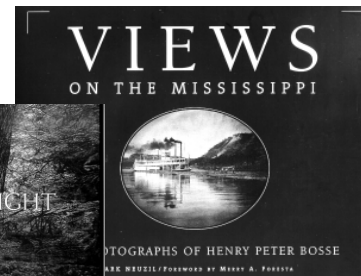
**Available at Minnesota Bookstore**

Order form on back page

**Views on the Mississippi:**

***The Photographs of Henry Peter Bosse***

So unassuming and original, these photographs are a record of the great Mississippi's topography when the river was turning from frontier territory to a route for human commerce and convenience. A total of 84 photo plates fill the book's center. Narrative about the life and photographs of Bosse accompany the photo selection as does one of Bosse's maps, an 1887-88 map of the Mississippi River from the Falls of St. Anthony to the Junction of the Illinois River (27 sheets). Hardcover, 253pp.  
**Stock No. 19-136 \$39.95**



**Chased by the Light Revisited:**

***A 90-Day Journey***

This popular release by photographer Jim Brandenburg features the stunning color photos first published in the National Geographic. Shooting only one exposure each day over a 90 day period, Brandenburg has captured the essence of Minnesota's breathtaking nature and wildlife from autumn to the winter solstice. Brandenburg also shares his innermost thoughts with passionate essay. Hardcover, 128pp. **Stock No. 19-72 \$35.00**

Prices shown do NOT include shipping or applicable sales tax.

*...for the coffee table*

