

CHAPTER 1300
DEPARTMENT OF ADMINISTRATION
MINNESOTA STATE BUILDING CODE
CODE ADMINISTRATION

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1300.2100 PURPOSE AND APPLICATION:

Subpart 1. **Purpose.** Parts 1300.2100 to 1300.3100 govern responsibilities undertaken pursuant to Minnesota Statutes, sections 16B.59 to 16B.73. They relate to the administration and enforcement of the Minnesota State Building Code.

The purpose of the code is to provide minimum standards to safeguard life and limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all structures within a jurisdiction that adopts and enforces the code, and certain equipment specifically covered by the code.

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

Subp. 2. **Application.** The code applies statewide and supersedes the building code of any municipality. The code does not apply to agriculture buildings except with respect to state inspections required or rulemaking authorized.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

1300.2300 SCOPE.

The code applies to the construction, alteration, moving, demolition, repair, and use of any building or structure within a municipality, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in the code, and hydraulic flood control structures.

If different sections of the code specify different materials, methods of construction, or other requirements, the most restrictive section governs. If there is a conflict between a general requirement and a specific requirement, the specific requirement applies.

If reference is made in the code to the appendix, the provisions in the appendix do not apply unless a local authority has specifically adopted them.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

1300.2400 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1300.2100 to 1300.3100.

Subp. 2. **Administrative authority.** "Administrative authority" means building official.

Subp. 3. **Agricultural building.** "Agricultural building" means a building that meets the requirements of Minnesota Statutes, section 16B.60, subdivision 5.

Subp. 4. **Building official.** "Building official" means the municipal building code administrative authority certified under Minnesota Statutes, section 16B.65, subdivisions 2 and 3.

Subp. 5. **City.** "City" means a home rule charter or statutory city.

Subp. 6. **Code.** "Code" means the Minnesota State Building Code adopted under Minnesota Statutes, section 16B.61, subdivision 1, including chapters 1300, Code Administration; 1301, Certification; 1302, Public Building Approvals; 1305, Adoption of the Uniform Building Code with certain amendments; 1310, Building Security; 1315, Adoption of the National Electrical Code; 1320, Adoption of ANSI/ASME A17.1 Safety Codes for Elevators and Escalators with certain amendments; 1330, Fallout Shelters; 1335, Floodproofing Regulations; 1340, Facilities for the Handicapped; 1346, Mechanical Systems; 1350, Manufactured Homes; 1355, Plumbing; 1360, Prefabricated Buildings; and 1365, Appendix on Snow Loads.

Subp. 7. **Commissioner.** "Commissioner" means the commissioner of administration.

Subp. 8. **Mandatory terms.** Mandatory terms include "must" and "shall," which have the same meaning.

Subp. 9. **Mayor and city council.** "Mayor" and "city council" mean governing body whenever they appear in the code.

Subp. 10. **Municipality.** "Municipality" means a city, county, or town meeting the requirements of Minnesota Statutes, section 368.01, subdivision 1, the University of Minnesota, or the state of Minnesota for public buildings.

Subp. 11. **State building inspector.** "State building inspector" means the person who, under the direction and supervision of the commissioner, administers the code.

Subp. 12. **State-owned buildings.** "State-owned buildings" means buildings and structures financed in whole or in part by state funds that are under the exclusive jurisdiction and custodial control of one or more state departments or agencies.

Subp. 13. **Town.** "Town" means a town meeting the requirements of Minnesota Statutes, section 368.01.

Subp. 14. **UBC.** "UBC" means the Uniform Building Code, as promulgated by the International Conference of Building Officials, Whittier, California, 1988 edition.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

1300.2500 CODE ADOPTION AND AMENDMENTS.

Under Minnesota Statutes, section 16B.61, the code is adopted and periodically updated to include current editions of national model codes in general use and existing statewide specialty codes and their amendments.

Under Minnesota Statutes, section 16B.64, subdivisions 5 and 6, amendments to the code may be proposed and initiated by any interested person. Proposed amendments must be submitted in writing on a form provided by the commissioner.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

1300.2600 APPLICATION FOR APPEAL.

Subpart 1. **Form of request.** Under Minnesota Statutes, section 16B.67, a person aggrieved by the final determination of a municipality as to the application of the code may, within 180 working days of that determination, appeal to the commissioner. The appeal must be accompanied by a cashier's check, certified

check, money order, or equivalent, payable in the amount of \$70 to the "Commissioner of Administration."

Subp. 2. Contents of request. The appeal must contain the following:

A. the name and address of the applicant appealing the decision;

B. the attorney representing the applicant, if any;

C. municipality information, including the name of the municipality, the building official, and the local appeal board chair;

D. a description of the property, including the address of property involved;

E. a description of the structure, including occupancy, size, and construction type;

F. a copy of the municipality's written decision;

G. the specific nature of the appeal, including but not limited to code sections that are applicable to the specific question, code sections that may indirectly apply, and a listing of issues involved; and

H. any other relevant information requested in writing by the commissioner.

Subp. 3. Hearing. The commissioner shall arrange for the Office of Administrative Hearings to conduct a hearing on an appeal under Minnesota Statutes, sections 14.57 to 14.69. The party not prevailing shall pay the costs of the contested case hearing, including fees charged by the Office of Administrative Hearings and the expenses of transcript preparation. Costs under this subpart do not include attorney fees.

Subp. 4. Copies of determinations. Copies of final determinations of the commissioner must be sent to the appellant and the municipality involved or the attorney representing the appellant or municipality.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

1300.2700 STATE SURCHARGE FEES.

All municipal permits issued for work under the code are subject to a surcharge fee. The fees are established by Minnesota Statutes, section 16B.70. Reports and remittances by municipalities must be filed with the commissioner, directed to the attention of the state building inspector.

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

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

1300.2800 MINNESOTA STATE BUILDING CODE INFORMATION AND ASSISTANCE.

Building code information or assistance may be obtained by contacting the state building inspector in writing or by telephone.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

1300.2900 REQUIRED AND OPTIONAL ADMINISTRATION.

Subpart 1. Administration required. The following chapters of the code must be administered by a municipality:

A. chapter 1315, electrical code, except when administered by the Board of Electricity;

B. chapter 1305, elevators and related machines, except when administered by the Department of Labor and Industry;

- C. chapter 1330, technical requirements for fallout shelters;
- D. chapter 1340, facilities for the handicapped;
- E. chapter 1346, Minnesota Uniform Mechanical Code;
- F. chapter 1350, manufactured homes;
- G. chapter 1355, plumbing code;
- H. chapter 1360, prefabricated structures; and
- I. chapter 1365, variation on snow loads.

Subp. 2. **Administration optional.** The following chapters of the code are not mandatory but may be adopted without change by a municipality:

- A. chapter 1310, building security; and
- B. chapter 1335, floodproofing regulations, parts 1335.0300 to 1335.3100, sections 200.2 to 1405.3.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

1300.3000 DISCLAIMER CLAUSE.

The inclusion of specific requirements relative to the manner of installation of any plant or equipment in one or more parts of the code does not limit this procedure to any particular type of installer or provide a basis upon which determination of the right to perform a procedure shall be made. The authority for this determination is in the various licensing statutes or ordinances for each type of installer who performs the work.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*

1300.3100 SEVERABILITY.

If any provision of the Minnesota State Building Code is held invalid, the invalidity does not affect any other provisions of the code that can be given effect without the invalid provision, and to this end, the provisions of the code are declared to be severable.

Statutory Authority: *MS s 16B.61*

History: *15 SR 74*