

CHAPTER 1300
DEPARTMENT OF ADMINISTRATION
MINNESOTA STATE BUILDING CODE
CODE ADMINISTRATION

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1300.0100 SEVERABILITY.

If any provision of these rules is held invalid, such invalidity shall not affect any other provisions of the rules which can be given effect without the invalid provision, and to this end, the provisions of these rules are declared to be severable.

Statutory Authority: *MS s 16B.59 to 16B.73*

1300.0200 PURPOSE.

Parts 1300.0100 to 1300.1100 govern responsibilities undertaken pursuant to Minnesota Statutes, sections 16B.59 to 16B.73. They relate to administration and enforcement of the Minnesota State Building Code and the requirements for certification.

Statutory Authority: *MS s 16B.59 to 16B.73*

History: *11 SR 1405*

1300.0300 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 1300.0100 to 1300.1100 shall have the following meanings.

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

Subp. 3. **Code.** "Code" means the Minnesota State Building Code pursuant to Minnesota Statutes, section 16B.60, subdivision 4.

Subp. 4. **Commissioner.** "Commissioner" means commissioner of administration.

Subp. 5. **Municipality.** "Municipality" means an entity as described in Minnesota Statutes, section 16B.60, subdivision 3.

Subp. 6. **State building inspector.** "State building inspector" means the per-

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son who, under the direction and supervision of the commissioner, administers the Minnesota State Building Code.

Statutory Authority: *MS s 16B.59 to 16B.73*

History: *11 SR 1405*

1300.0400 CODE ADOPTION AND AMENDMENTS.

Pursuant to 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 amendments thereto.

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

Statutory Authority: *MS s 16B.59 to 16B.73*

History: *11 SR 1405*

1300.0500 APPLICATION FOR APPEAL.

Subpart 1. Form of request. Pursuant to Minnesota Statutes, section 16B.67, any person aggrieved by the final determination of any municipality as to the application of the code may, within 30 working days of said decision, appeal to the commissioner. The request for appeal shall be accompanied by a cashiers check, certified check, money order, or equivalent, payable in the amount of \$20 to "Commissioner of Administration."

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

- A. name and address of applicant appealing the decision;
- B. attorney representing applicant, if any;
- C. municipality information including name of municipality, building official, and the local appeal board chairman;
- D. property description, including address of property involved;
- E. description of structure, including occupancy, size, construction type;
- F. a copy of the municipality's written decision;
- G. specific nature of appeal, including but not limited to the following: code section(s) which are applicable to the specific question; code section(s) that may indirectly apply; and listing of issues involved; and
- H. any other relevant information requested in writing by the commissioner.

Subp. 2a. Review de novo. The final decision of the involved municipality is subject to review de novo by the commissioner or the commissioner's designee.

Subp. 3. Hearing. The commissioner shall arrange for the Office of Administrative Hearings to conduct a hearing on said appeal pursuant to Minnesota Statutes, sections 14.57 to 14.69.

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

Statutory Authority: *MS s 16B.59 to 16B.73*

History: *11 SR 1405; L 1987 c 384 art 2 s 1*

1300.0600 STATE SURCHARGE FEES.

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

All surcharge fees imposed by the state shall be 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.59 to 16B.73*

History: *11 SR 1405*

1300.0700 MINNESOTA STATE BUILDING CODE INFORMATION AND ASSISTANCE.

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

Statutory Authority: *MS s 16B.59 to 16B.73*

History: *11 SR 1405*

1300.0800 EDUCATION AND TRAINING.

Within limitations of personnel and funds the state building inspector shall provide training programs for municipal building officials, legislative bodies, administrative staff persons, design professionals, construction industry, and the general public.

Information concerning training program availability may be obtained from the state building inspector by written or telephone inquiry.

Statutory Authority: *MS s 16B.59 to 16B.73*

1300.0900 BUILDING OFFICIAL CERTIFICATION.

Subpart 1. **Purpose.** This part establishes procedures for certification of building officials, establishes prerequisites for persons applying to be certified by examination, and establishes two classes of certification.

Subp. 2. **Forms of certification.** All building officials shall be certified in one of the following:

A. Class I certification shall permit building code administration limited to evaluation and inspection of one- and two-family dwellings and their accessory structures.

B. Class II certification shall permit building code administration including evaluation and inspection of all buildings and structures within the scope of the code.

Subp. 3. **Class I prerequisites.** Before making application for Class I certification each individual shall meet the following prerequisites:

A. three years' experience in any of the skilled construction trades; or

B. three years' experience in complete design of one- and two-family dwellings and accessory buildings thereto; or

C. two years' experience in municipal building construction inspection;

or

D. 24 credits in building inspection technology program in a community college system, plus one year's experience in item A, B, or C (building inspection technology courses must include courses in field inspection, plan review non-structural, plan review structural, administration, building codes and standards, and energy conservation); or

E. International Conference of Building Officials certification in building inspection, plus one year experience in item A, B, or C; or

F. two years' in post high school construction-oriented architectural or engineering courses, plus one year experience in item A, B, or C.

Subp. 4. **Class II prerequisites.** Before making application for Class II certification, each individual shall meet the following prerequisites:

A. five years' experience in one or a combination of the prerequisites

described in subpart 3, item A, B, or C; and two years of general construction supervision or building code administration experience which may be concurrent with the required five years' experience; or

B. 24 credits in building inspection technology program in a community college system, plus three years' experience in one, or a combination of prerequisites described in subpart 3, item A, B, or C; and two years of general construction supervision or building code administration experience which may be concurrent with the required three years' experience; or

C. International Conference of Building Officials certification in building inspection; and three years' experience in one or a combination of prerequisites described in subpart 3, item A, B, or C; and two years of general construction supervision or building code administration experience which may be concurrent with the required three years' experience; or

D. two years in a post high school course in construction or construction-oriented architectural or engineering courses plus three years' experience in one or a combination of prerequisites described in subpart 3, item A, B, or C; and two years of general construction supervision or building code administration experience which may be concurrent with the required three years' experience.

Subp. 5. Applying for certification. Each person seeking certification as a building official shall submit a completed application to the state building inspector with a \$20 fee payable to the state of Minnesota on application forms provided by the commissioner. The state building inspector shall review applications for compliance with prerequisites set forth in subparts 3 and 4. The state building inspector shall forward the application to the state Department of Employee Relations for examination if the prerequisites set forth in subparts 3 and 4 are satisfied.

Subp. 6. Examination. The examination shall be given by the state Department of Employee Relations pursuant to the rules of that department, as governed by and consistent with Minnesota Statutes, section 16B.65, subdivision 3 and the following.

If the applicant fails the examination, or fails to appear, the applicant shall be permitted to retake the examination or be scheduled for a second administration following 30 calendar days after test results notification.

If the applicant fails the examination a second time, or fails to appear for a second scheduled administration, the applicant shall wait six months and then may resubmit application pursuant to subpart 5.

Statutory Authority: *MS s 16B.59 to 16B.73*

1300.0940 AUTHORITY; PURPOSE.

Parts 1300.0940 to 1300.0948 are adopted by the commissioner of administration pursuant to Minnesota Statutes, section 16B.65, subdivision 7, to set continuing education standards for certified building officials.

Statutory Authority: *MS s 16B.61*

History: *12 SR 456*

1300.0942 DEFINITIONS.

Subpart 1. Applicability. When used in parts 1300.0940 to 1300.0948, the terms defined in this part have the meanings given them.

Subp. 2. Commissioner. "Commissioner" means the commissioner of administration.

Subp. 3. Continuing education unit. "Continuing education unit" means ten hours of educational instruction.

Subp. 4. State building inspector. "State building inspector" means the director of the Building Codes and Standards Division of the Department of Administration.

Subp. 5. Unit of instruction. "Unit of instruction" means three hours of structured educational participation in a program listed in part 1300.0946.

Statutory Authority: *MS s 16B.61*

History: *12 SR 456*

1300.0944 UNITS OF INSTRUCTION REQUIRED.

This part establishes the number of units of instruction required within a three-year period to maintain certification.

A. A Class I certified building official must receive credit for 18 units of instruction through any of the programs described in part 1300.0946, subpart 1 or 2.

B. A Class II certified building official must receive credit for 24 units of instruction through any of the programs described in part 1300.0946, subpart 1 or 2.

Statutory Authority: *MS s 16B.61*

History: *12 SR 456*

1300.0946 CREDIT FOR INSTRUCTION.

Subpart 1. Approved programs. The following programs are approved for the indicated number of units of instruction:

A. annual Building Official Institute of Minnesota, 2 units per day of attendance;

B. State Building Codes and Standards Division seminars, 2.5 units per day of attendance;

C. International Conference of Building Officials seminars, 3 units per continuing education unit earned;

D. International Conference of Building Officials Annual Education and Code Development Conference, 2 units per day;

E. State International Conference of Building Officials chapter meetings, 1 unit per meeting with a minimum three-hour educational program;

F. regional building official meetings, 1 unit per meeting with a minimum three hour educational program;

G. area building official luncheon meetings, 0.25 unit per meeting;

H. community college building inspection technology and related courses, 3 units per credit earned;

I. area vocational technical training institute courses in construction, management, or supervision, 1 unit per three hours' instruction or related shop work;

J. certification in an International Conference of Building Officials certificate program taken after January 1, 1985, 4 units per certificate;

K. certification as a "Certified Building Official" by the Council of American Building Officials, after January 1, 1985, 6 units; and

L. teaching a course at the community college level in the building inspection technology program or a course at a technical college, 1 unit per three hours of instruction.

Subp. 2. Other courses. Courses offered by other states, correspondence schools, universities, or other institutes of learning which offer building code administration and enforcement related courses must be considered on an individual basis. Each building official must prearrange for unit approval with the state building inspector in order to receive credit. Units must be approved on the basis of comparison with the items identified in subpart 1.

Subp. 3. Mandatory courses. The state building inspector shall require that specific courses be taken, if necessary, to ensure continuing education in relevant

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code application, administration, or enforcement practices. The requirement may include training courses when new codes or legislative mandates are promulgated.

Subp. 4. **Credit for repeat of courses.** Credit for an educational offering will be allowed only once during a three year cycle.

Subp. 5. **Review of courses.** All continuing education courses are subject to periodic review and evaluation by the commissioner or the commissioner's designee.

Statutory Authority: *MS s 16B.61*

History: *12 SR 456; L 1987 c 258 s 12; L 1989 c 246 s 2*

1300.0948 REQUIREMENTS FOR RECERTIFICATION.

Subpart 1. **Submission of information.** Each certified building official must provide evidence to the state building inspector on forms approved by the state building inspector and provided by the Building Codes and Standards Division of attendance or participation in an educational offering and indicate the number of units of instruction earned. The information must be submitted to the state building inspector within 60 days of the last day of the third calendar year following the date of the last certification issued. For persons certified prior to January 1, 1985, the last day of the third calendar year is December 31, 1987.

Subp. 2. **Certificate of renewal.** The commissioner shall issue a certificate of renewal, which is valid for three years, to each applicant who has provided the evidence of units of instruction earned and has submitted the fee within the time indicated in subpart 1. The fee is \$20.

Subp. 3. **Extension of time for compliance.** The state building inspector may grant an extension of time for compliance with parts 1300.0940 to 1300.0948 if the person requesting the extension of time shows cause for the extension. The extension does not relieve the building official from complying with the continuing education requirements for the immediate subsequent three-year period.

Subp. 4. **Reinstatement of certificate.** A building official who has let certification lapse must be reinstated based upon proof of earning continuing educational units, as required, if no more than three years has passed since the certification has lapsed, or taking the test provided for certification as a building official. In either case the appropriate fee must be submitted with the application.

Statutory Authority: *MS s 16B.61*

History: *12 SR 456*

1300.1000 REMOVAL FROM OFFICE AND REVOCATION OF CERTIFICATION.

Pursuant to Minnesota Statutes, section 16B.65, subdivision 5, upon notice and hearing, a building official may be removed from office and his certification shall be revoked, when competent evidence is submitted to the commissioner indicating that a building official has consistently failed to act in the public interest in performance of his duties. A hearing shall be held pursuant to the provisions of Minnesota Statutes, chapter 14 governing contested case proceedings.

Statutory Authority: *MS s 16B.59 to 16B.73*

1300.1100 PLAN REVIEW FUNCTION.

Subpart 1. **General.** Within the limitations of personnel and funds, or as required by law the state building inspector shall review plans, specifications, and related documents for compliance with the code.

Subp. 2. **Types of review.** Types of plan review include:

A. plans of buildings required to be submitted to any state agency including, but not limited to, state-owned buildings, buildings licensed by state agencies, and buildings financed in whole or in part by state funds;

B. prefabricated buildings in which all elements of the total assembly cannot be visually inspected on site; and

C. plans submitted by municipal inspection departments for review.

Subp. 3. Content of plan review. The plan review function, for structures in subpart 2, items A and C, applies to nonstructural code requirements. The structural portion of a plan must be reviewed to determine that the professional engineer has considered the minimum loading requirements of the code, but must not include review for accuracy of structural design and calculations.

The plan review function for subpart 2, item B structures applies to all aspects of code application and must be marked approved by the state building inspector as indicated in part 1360.2500.

Subp. 4. Materials to be submitted. For plan review the following material shall be submitted:

One set of plans, specifications, and other relevant documents necessary to evidence code compliance, together with a transmittal letter shall be sent to the state building inspector. Prefabricated building plans submittals must be in accordance with part 1360.2500.

Subp. 5. Review and comment. The state building inspector shall review submittals and forward written comments on items not in compliance with the code. The letter shall be mailed to the following: municipal building official, designer of plans and specifications, and state agencies involved, if applicable.

Subp. 6. Contracting for plan review. The state building inspector may contract for plan review as required by this part with any municipality the state building inspector determines is properly staffed and qualified to perform the plan review function. No fees shall be paid by the state to any municipality performing said contract function. The municipality shall charge its standard plan review fee directly to the applicant for a building permit.

Subp. 7. Fees. No fee shall be charged for the review of submittals listed in subpart 2, item A. Fees shall be charged for review of plans submitted as described in subpart 2, items B and C. Fees shall be as required in parts 1300.1700 and 1360.3600.

Statutory Authority: *MS s 16B.59 to 16B.73*

History: *11 SR 1405*

1300.1150 [Repealed, 11 SR 1405]

1300.1200 TITLE AND RULES.

The rules contained in this code and rules and standards adopted by reference therein shall be collectively known as the Minnesota State Building Code, and may be cited as such and will be referred to herein as "this code." The administrative chapters of the UBC (chapters 1, 2, and 3), as amended herein, shall govern the application of the code.

Statutory Authority: *MS s 16B.59 to 16B.73*

1300.1300 PURPOSE AND APPLICATION.

The purpose of the code is to provide uniform standards to safeguard life or limb, health, property, and public welfare by regulating and controlling design, construction, quality of materials, use, and occupancy of all buildings and structures.

The code shall apply statewide and supersede the building code of any municipality. The code shall not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized.

Statutory Authority: *MS s 16B.59 to 16B.73*

History: *11 SR 1405*

1300.1400 DEFINITIONS.

Subpart 1. **Administrative Authority.** The term "administrative authority" means "building official" wherever it appears in this code.

Subp. 1a. **Agricultural building.** "Agricultural building" means a building which meets the requirements of Minnesota Statutes, section 16B.60, subdivision 5.

Subp. 2. **City.** "City" means a home rule charter or statutory city.

Subp. 3. **Code.** "Code" means the Minnesota State Building Code or any amendments thereof.

Subp. 4. **Mandatory terms.** "Must" and "shall" have the same meaning and are both mandatory terms.

Subp. 5. **Mayor and city council.** The terms "mayor" and "city council" mean "governing body" whenever they appear in this code.

Subp. 6. **Municipality.** "Municipality" means any city, county, or town.

Subp. 7. **Town.** "Town" shall be defined as a town meeting the requirements of Minnesota Statutes, section 368.01.

Subp. 8. **UBC.** "UBC" means the Uniform Building Code, as promulgated by the International Conference of Building Officials, Whittier, California, 1985 edition.

Statutory Authority: *MS s 16B.59 to 16B.73*

History: *9 SR 1557; 11 SR 1405*

1300.1500 SCOPE.

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

Where, in any specific case, different sections of the code specify different materials, methods of construction, or other requirements, the most restrictive governs. Where there is a conflict between a general requirement and a specific requirement, the specific requirement is applicable.

Wherever in the code reference is made to the appendix, the provisions in the appendix do not apply unless they have been specifically adopted.

Statutory Authority: *MS s 16B.59 to 16B.73*

History: *11 SR 1405*

1300.1600 STATE-OWNED BUILDINGS.

"State-owned buildings" shall mean all buildings and structures financed in whole or in part by state funds and which are under the exclusive jurisdiction and custodial control of one or more state departments or agencies.

Statutory Authority: *MS s 16B.59 to 16B.73*

1300.1700 STATE PLAN REVIEW FEES.

Subpart 1. **General.** Plan checking of buildings or structures conducted by the division shall have a fee based on valuation in accordance with subpart 2. "Valuation" means the total cost of construction exclusive of site work not related to the construction.

When the plan review is limited to nonstructural aspects, the fee is 75 percent of that in subpart 2.

There is no additional fee charge for consultation with designers, or for rechecking if no substantial change in the design has been made. When a determination is made by the division that a substantial change has been made in the design, the rechecking fee is \$15 per hour or fraction of an hour. No fee shall be charged for state-owned buildings.

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Subp. 2. Table of fees.

Valuation	Plan-checking Fee
\$ 3,000.00 or less	No Charge
3,001.00 to 5,000.00	\$ 21.00
5,001.00 to 10,000.00	34.00
10,001.00 to 15,000.00	47.00
15,001.00 to 20,000.00	60.00
20,001.00 to 25,000.00	72.00
25,001.00 to 30,000.00	83.00
30,001.00 to 35,000.00	93.00
35,001.00 to 40,000.00	102.00
40,001.00 to 45,000.00	112.00
45,001.00 to 50,000.00	122.00
50,001.00 to 55,000.00	129.00
55,001.00 to 60,000.00	135.00
60,001.00 to 65,000.00	142.00
65,001.00 to 70,000.00	148.00
70,001.00 to 75,000.00	155.00
75,001.00 to 80,000.00	161.00
80,001.00 to 85,000.00	168.00
85,001.00 to 90,000.00	174.00
90,001.00 to 95,000.00	181.00
95,001.00 to 100,000.00	187.00
100,001.00 to 500,000.00	187.00 for the first \$100,000.00 plus \$1.00 for each additional \$1,000.00 or fraction of \$1,000.00.
500,001.00 and up	587.00 for the first \$500,000.00 plus \$.65 for each additional \$1,000.00 or fraction of \$1,000.00.

Statutory Authority: *MS s 16B.59 to 16B.73*

1300.1800 DISCLAIMER CLAUSE.

The inclusion of specific requirements relative to the manner of installation of any plant or equipment in any one or more parts of said code shall not limit this procedure to any particular type of installer nor provide a basis upon which determination of the right to perform such procedures shall be made. The authority for such determination will be found in the various licensing statutes or ordinances for each type of installer who performs the work.

Statutory Authority: *MS s 16B.59 to 16B.73*

1300.1900 REQUIRED AND OPTIONAL ADMINISTRATION.

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

A. chapter 1315, Electrical Code, except where administered by the Minnesota Board of Electricity;

B. chapter 1320, Elevators and Related Machines, except where administered by the Minnesota Department of Labor and Industry;

- C. chapter 1330, Technical Requirements for Fallout Shelters;
- D. chapter 1340, Facilities for the Handicapped;
- E. chapter 1350, Manufactured Homes;
- F. chapter 1355, Plumbing Code;
- G. chapter 1360, Prefabricated Structures; and
- H. 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 any municipality:

- A. chapter 1310, Building Security;
- B. chapter 1335, Floodproofing Regulations, parts 1335.0300 to 1335.1200, sections 200.2 to 205.3.

Statutory Authority: *MS s 16B.59 to 16B.73*

History: *9 SR 1557; 11 SR 1405*

1300.2000 ABBREVIATIONS AND ADDRESSES OF TECHNICAL ASSOCIATIONS.

AA; Aluminum Association, 818 Connecticut Ave. N.W., Washington, D.C. 20006.

ACI; American Concrete Institute, 18263 W. McNichols Road, Detroit, Michigan 48219.

AGA; American Gas Association, 1515 Wilson Blvd., Arlington, Virginia 22209.

AIEE; American Institute of Electrical Engineers, 33 West 39th Street, New York, New York, 10018.

AISC; American Institute of Steel Construction, 101 Park Avenue, New York, New York 10017.

AITC; American Institute of Timber Construction, 333 West Hampden Avenue, Englewood, Colorado 80110.

AInsA; American Insurance Association, 85 John Street, New York, New York 10038.

AISI; American Iron and Steel Institute, 150 East 42nd Street, New York, New York 10017.

ANSI; American National Standards Institute, Formerly (United States of America Standards Institute), Formerly (American Standards Association), 1430 Broadway, New York, New York, 10018.

API; American Petroleum Institute, 1625 K Street NW, Washington, D.C. 20005.

APA; American Plywood Association, P.O. Box 11700, Tacoma, Washington 98401.

APHA; American Public Health Association, 1790 Broadway, New York, New York 10017.

ARI; Air-Conditioning and Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Virginia 22209.

ASHRAE; American Society of Heating, Refrigerating and Air-conditioning Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017.

ASME; American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017.

ASTM; American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

AWPI; American Wood Preservers Institute, 2600 Virginia Avenue NW, Washington D.C. 20037.

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AWS; American Welding Society, United Engineering Center, 345 East 47th Street, New York, New York 10017, and 33 West 39th Street, New York, New York 10018.

AWWA; American Water Works Association, 2 Park Avenue, New York, New York 10016.

FMED; Factory Mutual Engineering Division, Standards - Laboratories Department, 1151 Boston - Providence Turnpike, Norwood, Massachusetts 02062.

FS; Federal Specifications, Superintendent of Documents, Department of Commerce, Government Printing Office, Washington, D.C. 20234.

GPO; Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

HVI; Home Ventilating Institute, 230 N. Michigan Ave., Chicago, Illinois 60601.

IAPMO; International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California 90032.

IBR; Institute of Boiler and Radiator Manufacturers, 393 Seventh Avenue - 10th Floor, New York, New York 10001.

ICC; Interstate Commerce Commission, 12th Street and Constitution Avenue, Washington, D.C. 20423.

IIA; Incinerator Institute of America, 60 East 42nd Street - Suite 1914, New York, New York 10017.

NASFCFA; National Automatic Sprinkler and Fire Control Association, Inc., 2 Halland Avenue, White Plains, New York 10603.

NBS; National Bureau of Standards, Department of Commerce, Washington, D.C. 20234.

NFPA; National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

NFPA; National Forest Products Association, 1619 Massachusetts Avenue NW, Washington, D.C. 20036.

NLPGA; National L-P Gas Association, 79 West Monroe Street, Chicago, Illinois 60603.

NOFI; National L-P Gas Association, 1301 W. 22nd Street, Oak Brook, Illinois 60521.

NSFTL; National Sanitation Foundation Testing Laboratory, Inc., School of Public Health, P.O. Box 1468, Ann Arbor, Michigan 48106.

PCA; Portland Cement Association, 5420 Old Orchard Road, Skokie, Illinois 60076.

PS; Product Standards Section, Office Engineering Standards Service, National Bureau of Standards, Washington, D.C. 20234.

SCPI; Structural Clay Products Institute, 1520 18th Street NW, Washington, D.C. 20036.

SFPA; Southern Forest Products Association, P.O. Box 52468, New Orleans, Louisiana 70150.

SJI; Steel Joist Institute, DuPont Circle Building, 1346 Connecticut Avenue NW, Washington, D.C. 20036.

SMACNA; Sheet Metal and Air Conditioning Contractors National Association, Inc., 8224 Old Courthouse Road, Tysqne Corner, Vienna, Virginia 22180.

TPI; Truss Plate Institute, 7100 Baltimore Avenue, College Park, Maryland 20740.

UL; Underwriters Laboratories, Inc., 207 East Ohio Street, Chicago, Illinois 60611. 2550 Dundee Road, Box 247, Northbrook, Illinois 60062. 1285 Walt

Whitman Road, Melville, L.I., New York 11749. 1655 Scott Lane, Santa Clara, California 95050.

USBM; United States Bureau of Mines, Department of Interior, Washington, D.C. 20240.

USDA; United States Department of Agriculture, Washington, D.C. 20251.

USDC; United States Department of Commerce, Constitution Division, Washington, D.C. 20225.

Statutory Authority: *MS s 16B.59 to 16B.73*

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*