

CHAPTER 1360
DEPARTMENT OF LABOR AND INDUSTRY
PREFABRICATED BUILDINGS

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1360.0100 SCOPE.

Subpart 1. [Repealed, 20 SR 2290(NO. 43)]

Subp. 2. **Purpose.** The purpose of this chapter is to govern the construction of, and provide for the certification of, prefabricated buildings for those manufacturers who construct not more than three prefabricated buildings for permanent installation in Minnesota in a calendar year. Manufacturers of prefabricated buildings other than those regulated by this chapter or that produce more than three prefabricated buildings for permanent installation in Minnesota in a calendar year, must comply with the industrial/modular buildings rules, chapter 1361.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; 20 SR 2290(NO. 43); L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.0200 DEFINITIONS.

Subpart 1. **Scope.** Unless otherwise expressly stated, the following terms, for the purpose of this code, have the meaning indicated in this part.

Subp. 2. **Approved.** "Approved" as it applies to off-site construction of prefabricated buildings means approved by the state building inspector.

Subp. 3. [Repealed, 20 SR 2290(NO. 43)]

Subp. 4. [Repealed, 20 SR 2290(NO. 43)]

Subp. 5. **Closed construction.** "Closed construction" means any building manufactured in such a manner that all portions cannot be readily inspected at the installation site without disassembly, damage to, or destruction thereof.

Subp. 6. **Code.** "Code" means the Minnesota State Building Code.

Subp. 7. **Compliance certificate and data plate.** "Compliance certificate and data plate" means the certificate provided by the state building inspector to the manufacturer which when signed by the manufacturer warrants that the prefabricated building complies with the code.

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of labor and industry.

Subp. 9. [Repealed, 20 SR 2290(NO. 43)]

Subp. 10. [Repealed, 20 SR 2290(NO. 43)]

Subp. 11. [Repealed, 20 SR 2290(NO. 43)]

Subp. 12. **Installation.** "Installation" means the process of affixing, or assembling and affixing, prefabricated buildings on the building site, or to an existing building.

Subp. 13. [Repealed, 11 SR 1405]

Subp. 14. **Local enforcement agency.** "Local enforcement agency" means an agency of a municipality which enforces the code.

Subp. 14a. **Manufacturer.** "Manufacturer" means any person or firm engaged in the manufacturing of not more than three prefabricated buildings per single location for permanent installation in Minnesota in a calendar year.

Subp. 15. **Prefabricated building.** "Prefabricated building" means any building or building module intended for use as an R-3, one- or two-family dwelling, or a U-1, accessory building, which is of closed construction and which is constructed, on or off the building site, for installation, or assembly and installation, on the building site, but does not include relocatable contractors offices or storage buildings that are 1,500 square feet or less in floor area, that are designed for temporary use by a contractor at a construction site, that are not to be used by the general public or as a sales office, and that will be removed prior to or upon completion of the construction project.

Subp. 16. **Open construction.** "Open construction" means any building manufactured in such a manner that all portions can be readily inspected at the installation site without disassembly, damage to, or destruction of the building.

Subp. 17. [Repealed, 20 SR 2290(NO. 43)]

Subp. 18. [Repealed, 20 SR 2290(NO. 43)]

Subp. 19. **Seal.** "Seal" means a device or insignia issued to the manufacturer by the state building inspector evidencing the manufacturer's certification that the prefabricated building or module bearing the seal was produced in accordance with the code.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; 20 SR 2290(NO. 43); L 2007 c 140 art 1 s 1; art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

Published Electronically: *February 23, 2009*

1360.0300 APPROVAL.

Subpart 1. **Responsibility; plan review.** The state building inspector has the responsibility for approving prefabricated buildings for compliance with the code. This responsibility may be delegated to approved local enforcement agencies.

Approvals expire when there are revisions to the code under which the approval was granted. At that time the manufacturer must submit entire new documentation for evaluation and approval, or submit evidence that the plans as approved are in compliance with the code as revised.

Subp. 2. **Dwellings manufactured for use in specific municipality.** A local unit of government may authorize the construction of a one-family or two-family detached dwelling manufactured at a location in the municipality other than the site of installation in the same municipality, if:

A. the manufacturer applies to the state building inspector, on a form specified by the commissioner, to construct a dwelling in the municipality;

B. the building official endorses the application and agrees to provide the same plan review and inspection services that would be provided if the home were built on site;

C. the manufacturer agrees not to apply for a Minnesota prefabricated building seal at a future date;

D. the completed form and a copy of the local building permit application must be forwarded to the Department of Labor and Industry for acceptance; and

E. the Department of Labor and Industry accepts the proposal and notifies the manufacturer and the building official in writing.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; 20 SR 2290(NO. 43); L 2007 c 140 art 1 s 1; art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.0400 INSPECTION.

The state building inspector reserves the responsibility for inspecting prefabricated buildings and building components for compliance with the code. The state building inspector may delegate such responsibility to approved local enforcement agencies.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *17 SR 1279; 20 SR 2290(NO.43); L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.0500 CERTIFICATION.

Prefabricated buildings which are sold, offered for sale, or installed in the state must bear a seal or seals and a compliance certificate and data plate evidencing the manufacturer's certification of code compliance. That certification is conclusive on all agencies, instrumentalities, and municipalities of the state.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.0600 [Repealed, 20 SR 2290(NO. 43)]

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1360.0700 MODIFICATION.

Prefabricated buildings bearing a state seal must not in any way be modified unless a written request is made and written approval obtained from the state building inspector or municipal building official.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.0800 TESTING.

The state building inspector may require that specific components, systems, or processes be tested. Tests must be performed by a qualified testing agency. The tests and procedures must be reviewed by the state building inspector to assure compliance with the code.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; 20 SR 2290(NO. 43); L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.0900 INSPECTION.

Subpart 1. **General.** The state building inspector shall make, or cause to be made, inspections of the entire process of manufacturing, certifying, handling, storing, and transporting of prefabricated buildings produced pursuant to approved documents which the state building inspector deems necessary.

Subp. 2. [Repealed, 20 SR 2290(NO. 43)]

Subp. 3. [Repealed, 20 SR 2290(NO. 43)]

Subp. 4. **Damaged prefabricated buildings.** Prior to the installation of a damaged prefabricated building, the installer, transporter, building official, owner, or manufacturer shall notify the state building inspector who shall inspect, or cause to be inspected, prefabricated buildings which have been damaged and take action with regard to those buildings.

The state building inspector shall require prefabricated buildings which are so damaged as to no longer comply with the code to be brought into compliance promptly. If those buildings are not brought into compliance with the code within a reasonable time, or if they are so damaged that they cannot be brought into compliance, the state building inspector shall order that the seals be removed from the buildings. Irreparably damaged buildings must be disposed of in accordance with applicable law.

Subp. 5. [Repealed, 20 SR 2290(NO. 43)]

Subp. 6. [Repealed, 20 SR 2290(NO. 43)]

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; 15 SR 74; 17 SR 1279; 20 SR 2290(NO. 43); L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.1000 ON-SITE INSPECTION BY LOCAL CODE ENFORCEMENT AGENCY.

Local code enforcement agencies are required to inspect the installation of prefabricated buildings and are responsible for determining that each installation is completed in accordance with its certification. The local enforcement agency may inspect, to the maximum extent possible without causing undue delay, prefabricated buildings at the installation site for compliance with the code. This inspection must not require the removal of permanent parts of the structure. Evidence of noncompliance with the certification must be reported to the state building inspector.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.1100 LOCAL ZONING.

Enforcement of land use zone requirements, building setback, side and rear yard requirements, site development, and property line requirements are specifically and entirely reserved to local municipalities.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.1200 STANDARDS AND REQUIREMENTS.

The standards and requirements for manufacture and installation of prefabricated buildings must be the current Minnesota State Building Code.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.1300 BUILDING PERMITS.

Subpart 1. **Application for permit.** An application for a building permit to a local building official for the installation of prefabricated buildings pursuant to this code must in addition to any other requirements contain:

A. a statement that application is made for permission to install prefabricated buildings in accordance with the provisions of the code, signed by the applicant or the applicant's agent with the appropriate address;

B. a copy of the site and building plans and specifications and evidence of plan approval by the state building inspector; and

C. the information required on the data plate (part 1360.2400).

Subp. 2. **Issuance.** The local building official must issue a permit, license, certificate, authorization, or other required document, as the case may be, for the installation of the prefabricated building if the application is submitted in accordance with this code. The manufacturer shall submit evidence to assure that the design loads are in accordance with the appropriate provisions of the code. Foundation plans, all utility installations and connections, and all provisions of part 1360.1100 are subject to local approval.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; 17 SR 1279; 20 SR 2290(NO. 43); L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.1400 CERTIFICATE OF OCCUPANCY.

Upon completion of the installation of any prefabricated building the owner, manufacturer, builder, architect, lessee, tenant of their agent, or other interested person may, upon showing of compliance with the code, demand and obtain, upon proper payment being made for it in appropriate cases, any permit, license, certificate, authorization, or other required document the issuance of which is authorized pursuant to any state or local building regulation.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.1500 CHANGES TO APPROVED PLANS.

A manufacturer who proposes or is required to change approved plans or installation instructions shall request approval of the changes in writing and work may not commence until written approval is received.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; 20 SR 2290(NO. 43); L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.1600 CHANGE OF OWNERSHIP, NAME, OR ADDRESS.

In the event of a change in the ownership, name, or office address of any manufacturer, the manufacturer shall notify the state building inspector or the local enforcement agency in writing within ten days.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *17 SR 1279; 20 SR 2290(NO. 43); L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.1700 [Repealed, 20 SR 2290(NO. 43)]

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1360.1800 NONCOMPLIANCE.

Noncompliance with the provisions of the code or unauthorized deviation from the approved plans or production procedures may be cause for revocation of the plan approval.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; 20 SR 2290(NO. 43); L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.1900 SEALS.

Subpart 1. **R-3 and U-1 occupancies.** For R-3 and U-1 occupancies, each prefabricated building manufactured pursuant to the code must have permanently attached in a location shown on the approved plans a state seal evidencing certification of compliance with the code by the manufacturer.

Subp. 2. [Repealed, 20 SR 2290(NO. 43)]

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; 20 SR 2290(NO. 43); L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.2000 ISSUANCE.

A seal must be issued by the state building inspector to the manufacturer upon final inspection approval. All seals must be serially numbered.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; 20 SR 2290(NO. 43); L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.2100 [Repealed, 20 SR 2290(NO. 43)]

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1360.2200 [Repealed, 20 SR 2290(NO. 43)]

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1360.2300 [Repealed, 20 SR 2290(NO. 43)]

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1360.2400 MANUFACTURER'S COMPLIANCE CERTIFICATE.

The compliance certificate form furnished by the state building inspector must contain but is not limited to the following information, and must be placed by the manufacturer in the vicinity of the electrical distribution panel or in some other approved designated location that is readily accessible for inspection:

- A. manufacturer's name and address;
- B. serial number of the unit;
- C. model designation and name of manufacturer of major factory-installed appliances;
- D. where applicable, identification of permissible type of gas for appliances and directions for water and drain connections;
- E. name and date of standards complied with;
- F. seal serial number;
- G. design loads;
- H. special conditions or limitations of the unit;
- I. date of manufacture; and
- J. electrical ratings-instructions and warnings on voltage, phase, size and connections of units, and grounding requirements.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.2500 PLAN APPROVAL PROCEDURES.

Plan approval must be obtained from the state building inspector for all prefabricated buildings.

Applications, plans, specifications, and other documentation must be submitted in sufficient copies as required. Applications must be made in letter form. All documentations and plans must indicate the manufacturer's name, office address, and address of manufacturing facility.

Manufacturers shall submit plans showing all elements relating to specific systems on properly identifiable sheets. Each plan must bear the signature and seal of an approved registered architect or professional engineer where required. The plan must indicate the method of evaluation and inspection for

all required on-site testing of the systems. Plans must designate all work to be performed on site, including connections of all systems, equipment, and appliances and all work performed in the plant. A three-inch by four-inch clear rectangular space must be provided on all sheets of plans near the title box for the stamp of approval.

The design of plumbing, electrical, heating, and mechanical systems or any structural design or method of construction and data must be in accordance with the Minnesota State Building Code. Grade, quality, and identification of all materials must be specified. Design calculations and test reports must be submitted when required. Plans must be drawn to scale and indicate the location of the approved seal and data plate.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; 20 SR 2290(NO. 43); L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.2600 PRODUCTS MANUFACTURED IN MORE THAN ONE LOCATION.

If the manufacturer produces the same products at more than one facility, the manufacturer shall provide such additional copies of documentation as may be required.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *20 SR 2290(NO. 43); L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.2700 NONCONFORMING APPLICATION AND PLANS.

In the event that an application is determined to be unsuitable for processing prior to plan check, the applicant must be notified in writing of the unsuitability and the reason for the unsuitability within 30 days of the date the application is received by the state building inspector.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; 20 SR 2290(NO. 43); L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.2800 EVIDENCE OF PLAN APPROVAL.

Plan approvals must be evidenced by the stamp of approval of the state building inspector or the approved local enforcement agency if delegated as authorized by part 1360.0300, subpart 1. One copy of all approved documentation must be returned to the manufacturer.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; 20 SR 2290(NO. 43); L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.2900 [Repealed, 20 SR 2290(NO. 43)]

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1360.2910 [Repealed, 20 SR 2290(NO. 43)]

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1360.3000 [Repealed, 20 SR 2290(NO. 43)]

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1360.3100 REQUIREMENTS FOR MANUFACTURER.

Subpart 1. [Repealed, 20 SR 2290(NO. 43)]

Subp. 2. [Repealed, 20 SR 2290(NO. 43)]

Subp. 3. **Service and repair.** The manufacturer or the manufacturer's agent is responsible for timely and effective performance of service and repairs related to code compliance.

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; 17 SR 1279; 20 SR 2290(NO. 43); L 2007 c 140 art 4 s 61; art 13 s 4; L 2008 c 337 s 64*

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1360.3200 [Repealed, 20 SR 2290(NO. 43)]

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1360.3300 [Repealed, 20 SR 2290(NO. 43)]

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1360.3400 [Repealed, 20 SR 2290(NO. 43)]

Published Electronically: *February 23, 2009*

1360.3500 [Repealed, 20 SR 2290(NO. 43)]

Published Electronically: *February 23, 2009*

1360.3600 FEES.

Subpart 1. **Form and amount of payment.** All fees must be in the form of checks or money orders payable to "Minnesota Commissioner of Management and Budget" and addressed to: Department of Labor and Industry, 443 Lafayette Road North, Saint Paul, Minnesota 55155.

The seal fee is \$30 per seal. The replacement seal fee for damaged or lost seals is \$10 per seal. For all other work performed by the Department of Labor and Industry such as, but not limited to, the review of plans, specifications, and inspection, fees must be charged based on the fee schedule in part 1302.0600. Travel expense must be charged at the rates established for state employees by the commissioner of administration.

Subp. 2. [Repealed, 20 SR 2290(NO. 43)]

Statutory Authority: *MS s 16B.59 to 16B.73; 326B.101 to 326B.151*

History: *11 SR 1405; 15 SR 74; 20 SR 2290(NO. 43); L 2003 c 112 art 2 s 50; L 2007 c 140 art 1 s 1; art 4 s 61; art 13 s 4; L 2008 c 337 s 64; L 2009 c 101 art 2 s 109*

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1360.3700 [Repealed, 11 SR 1405]

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