

**2945.0120 INTENDED USE; NONCONFORMANCE; LIMITATIONS OF RULES.**

Subpart 1. **Intended use.** A facility should be used only for classifications for which it is intended. This chapter does not regulate municipal police facilities or court holding rooms.

A. Class I municipal holding facilities must meet the standards of chapter 2910.

B. Class II municipal holding facilities must meet all parts, subparts, items, and subitems which are designated as mandatory standards in this chapter and 70 percent of all parts, subparts, items, and subitems in this chapter which are directory standards.

C. Class III municipal holding facilities must meet all parts, subparts, items, and subitems which are designated as mandatory standards in this chapter and 70 percent of all parts, subparts, items, and subitems in this chapter which are directory standards and which are applicable to Class III municipal holding facilities.

D. Class IV municipal holding facilities must meet all parts, subparts, items, and subitems which are designated as mandatory standards in this chapter and 70 percent of all parts, subparts, items, and subitems in this chapter which are directory standards and which are applicable to Class IV municipal holding facilities.

E. When "shall" or "must" are used in conjunction with a directory standard, the mandatory implications of those terms are limited to the extent part 2945.0100, subpart 36, defines the requirement of 70 percent directory standard compliance as a prerequisite for facility licensing.

Subp. 2. **Nonconformance, unsafe, unsanitary, or illegal conditions.** When conditions do not substantially conform to this chapter or where specific conditions endanger the health, welfare, or safety of prisoners or staff, the commissioner shall find the facility in nonconformance and condemn it by written order that it shall not be further used while the order is in force according to Minnesota Statutes, section 642.10.

**Statutory Authority:** *MS s 241.021*

**History:** *17 SR 711*

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