

4715.0330 ALTERNATE FIXTURES, APPURTENANCES, MATERIALS, AND METHODS.

Subpart 1. **Approval of alternate fixtures.** The administrative authority may approve the use of fixtures, appurtenances, materials, and methods of a type not expressly approved, nor expressly prohibited by, this code after determination that such fixtures, appurtenances, material, or method is of such design or quality, or both, as to appear to be suitable, safe, and sanitary for the use for which it is intended.

Subp. 2. **Proof of suitability of fixture.** Any person desiring to install or use a fixture, appurtenance, material, or method of a type not expressly authorized nor expressly prohibited by this code shall, prior to such installation or use, submit to the administrative authority such proof as may be required to determine whether such fixture, appurtenance, material, or method is of such design or quality, or both, as to appear to be suitable, safe, and sanitary for the use for which it is intended. If the administrative authority determines that it does appear to be suitable, safe, and sanitary for the use which it is intended, it may permit such use.

Subp. 3. **Tests.** When there is insufficient evidence to verify claims for alternate materials, the administrative authority may require as proof of suitability a test by a testing laboratory approved by the administrative authority, at the expense of the applicant, demonstrating that the performance characteristics of the alternate materials are substantially equal to or exceed those of authorized materials.

Tests shall be made in accordance with generally recognized standards; but in the absence of such standards, the administrative authority shall specify the test procedure.

The administrative authority may require tests to be repeated if at any time there is reason to believe that an alternate material no longer conforms to the requirements on which its approval was based.

Subp. 4. **Advisory council.** The administrative authority may appoint an advisory council to study and make recommendations concerning the uses of new fixtures, appurtenances, materials, and methods.

Statutory Authority: *MS s 326.37 to 326.45; 326B.43 to 326B.49*

History: *L 2007 c 140 art 6 s 15; art 13 s 4*

Published Electronically: *May 14, 2012*