

## **Building, Electrical, Plumbing and Energy Codes**

### **Building Code**

MS § 16B.04 Subd. 2 (11) delegated to the Commissioner of the Department of Administration the authority and responsibility to “establish and administer a state building code”.

MS § 16B.59 states the policy and purpose of the state building code. MS § 16B.60 legally defines various terms used in the statutes.

MS § 16B.62 defines the required application of the state building code. Basically, the state building code:

1. applies state-wide
2. supercedes all previously existing municipality building codes
3. no municipal may adopt an ordinance or agreement for residential structures that are different from the State building code
4. a municipality may, with the approval of the “state building official”, adopt a more restrictive ordinance “where geological conditions warrant”

Interestingly, a city that has adopted the state code can exercise and enforce the code in its “two mile extraterritorial jurisdiction” of contiguous unincorporated territory, subject to certain notice requirements to the Commission of Administration, the county auditor and the town clerk(s) where it intends to enforce the code, if the municipality adopts the code after 3 June 1977.

MS § 16B.72 provides for non-metro counties as defined in MS §473.121 to opt out of the provisions of the State Building Code via a majority vote of those of its electorate residing outside of any of the municipalities within its borders. This same statute also describes the procedures the county must follow if it wishes to adopt the state building code.

And an interesting note, municipalities under 2500 have the local option to either adopt or not adopt the State Building Code if their county has not adopted the code.

MS § 16B.61 Subd. 1a. states, “the commissioner [of Administration] shall administer and enforce the State Building Code as a municipality with respect to public buildings and state licensed facilities in the state. The commissioner shall establish appropriate permit, plan review, and inspection fees for public buildings and state licensed facilities”. Thus although certain counties and cities may opt out of the State Building Code, their own buildings and other public facilities or public licensed facilities, if funded in part by the state, must comply with the codes.

### **Electrical Code**

The state electrical code is established by MS § 326.243. It is enforced state-wide. No local governmental unit may opt out. This scope is established by Minnesota Rules 1315.0200. MS § 16B.61, Subd. 2 places enforcement of the Electrical Code with the State Board of Electricity.

### **Plumbing Code**

MS § 326.34 authorizes the Commissioner of Health to prescribe minimum, uniform standards for plumbing “connected with any water or sewer disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building or any other place of business regardless of location or the population of the city or town in which located”. About the only use exempted is a single family home with its own well and septic system. MS § 16B.61, Subd. 2 places enforcement of the Plumbing Code with the Commissioner of health.

### **Energy Code**

Via Minnesota Rules Chapter 1300 beginning with 1300.2050, the Energy code is incorporated as part of the State Building Code. The code itself is developed by the Commissioner of Commerce pursuant to MS § 216C.19, subdivision 8.

The Energy Code not only establishes minimum construction standards for energy efficiency for residential structures – both single and multi-family but it also provides for minimum energy efficiency standards for a wide range of hardware/capital goods items i.e. fluorescent lighting ballasts, light bulbs, furnaces, refrigerators, air conditioners, etc.

The **Local Planning Assistance Center at the Department of Administration** helps local governments with planning efforts, including comprehensive planning, zoning, hazard mitigation planning, GIS applications and development issues.

Upon request, this document will be made available in an alternate format, such as Braille, large print or audiotape. For TTY, contact Minnesota Relay Service at 800-627-3529 and ask for the Department of Administration.

#### **Local Planning Assistance Center**

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