

Construction Codes and Licensing Division

Effects of 2008 Legislation – The Minnesota State Building Code

The 2008 Minnesota Legislature passed legislation that will have a significant positive impact on construction in Minnesota. In part, this legislation, carried by the Builders Association of Minnesota, has the following effects.

The statewide construction standard is now the Minnesota State Building Code

The Minnesota State Building Code has now been established as the minimum construction standard throughout all of Minnesota including all cities, townships, and counties. Although it is not enforceable by municipalities unless it is adopted by local ordinance, this law creates a level playing field for the construction industry by establishing the Minnesota State Building Code as the standard for the construction of all buildings in the state. Following are excerpts of the new law that will be contained in Minnesota Statute 16B.62 Subdivisions 1a and 1b:

Application (1a)

The state building code is the standard that applies statewide for the construction, reconstruction, alteration, and repair of buildings and other structures of the type governed by the code. The State Building Code supersedes the building code of any municipality. The State Building Code does not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized by sections 103F.141; 216C.19, subdivision 9; and 326.244.”

Municipal enforcement (1b)

- (a) If, as of January 1, 2008, a municipality has in effect an ordinance adopting the State Building Code, that municipality must continue to administer and enforce the State Building Code within its jurisdiction. The municipality is prohibited from repealing its ordinance adopting the State Building Code. This paragraph does not apply to municipalities with a population of less than 2,500 according to the last federal census that are located outside of a metropolitan county, as defined in section 473.121, subdivision 4.
- (b) If a municipality is not required by paragraph (a) to administer and enforce the State Building Code, the municipality may choose to administer and enforce the State Building Code within its jurisdiction by adopting the code by ordinance [appointing a certified building official, and establishing a fee schedule]

Some existing state building code provisions remain where enforcement is still mandatory throughout the state. These include electrical, elevator, accessibility, high pressure piping, boiler, manufactured home, bleacher safety and commercial plumbing. With the exception of accessibility, these codes are enforced by the Construction Codes and Licensing Division in areas of the state where the code has not been adopted locally. The responsibility for enforcement of bleacher codes and the Accessibility Code rests with a statutory or home rule charter city or a county where there is no local ordinance in effect adopting the State Building Code.

Use of ungraded lumber

The Minnesota State Building Code currently controls the structural use of lumber used in the construction of buildings. Municipalities that have adopted the building code will continue to enforce the provisions for lumber use found in the code. However a provision was added by the legislature that addresses the use of lumber in areas of the state that had not adopted the state building code. It says, “The code must allow the use of ungraded lumber in geographic areas of the state where the code did not generally apply as of April 1, 2008, to the same extent that ungraded lumber could be used in that area before April 1, 2008.”