

# MN State Building Code

## Informational Fact Sheet

**Purpose:** To clarify where and how the MN State Building Code applies.

Here are the facts:

- 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, except as provided in Minnesota Statutes, Section 326B.121.
- There are 482 municipalities located within 21 of 87 counties in Minnesota where the State Building Code has been adopted.
- The State Building Code supersedes the building code of any municipality but does not apply to agricultural buildings, with some exceptions.
- If, as of January 1, 2008, a municipality with a population more than 2500 has adopted the State Building Code by ordinance, that municipality must continue to administer and enforce the State Building Code within its jurisdiction.
- If a municipality is not required to administer and enforce the State Building Code, the municipality may still choose to do so by adopting the code by ordinance.
- A municipality cannot enforce building codes that are different from the State Building Code. However, a municipality may, with approval of the state building official, adopt an ordinance that is more restrictive than the State Building Code where geological conditions warrant a more restrictive ordinance.
- A municipality may by ordinance require existing components or systems of any structure to be maintained in a safe and sanitary condition or in good repair, but not exceed the standards under which the structure was built, or the component or system was installed unless retroactive provisions for existing buildings were adopted as part of the State Building Code.
- A city may by ordinance with permission of the township board extend enforcement of the code to areas not more than two miles distant from its corporate limits in any direction, if the code is not already enforced in that area.
- A city cannot begin enforcement of the code outside of its jurisdiction until it has provided written notice to the state commissioner, the county auditor, and the town clerk of each town in which it intends to administer and enforce the code.
- A municipality may enforce the State Building Code by any means that are convenient and lawful, including entering into contracts with other municipalities and qualified individuals.
- If the state commissioner determines that a municipality that has adopted the State Building Code is not properly administering and enforcing the code, the commissioner may have the state administer and enforce the code in that municipality by the state building official or by another building official certified by the state.
- **Important to remember:** It does not matter if the municipality where a construction project is located is enforcing the code and issuing permits or not. It does not change the fact that all construction projects in the state must still comply with MN State Building Code requirements.

