

1300.0230 BOARD OF APPEALS.

Subpart 1. Local board of appeals.

In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be designated by the governing body. Appeals hearings must occur within ten working days from the date the municipality receives a properly completed application for appeal. If an appeals hearing is not held within this time, the applicant may appeal directly to the State Building Code Appeals Board.

The board shall adopt rules of procedures for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official and to the state building official within five working days of the decision. For jurisdictions without a board of appeals, the appellant may appeal to an appeals board assembled by the state of Minnesota, Department of Labor and Industry's Construction Codes and Licensing Division.

Subp. 2. Qualifications.

The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the affected jurisdiction.

Subp. 3. Limitations on authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

Subp. 4. Final interpretive authority.

The state building official has final interpretive authority for all codes adopted as part of the code except for the plumbing code when enforced by the Commissioner of Health and the electrical code when enforced by the State Board of Electricity. A request for final interpretation must come from a local or state level building code board of appeals. The procedures for final interpretations by the state building official are as established in Minnesota Statutes, section [326B.127](#).

Statutory Authority: MS s [16B.59](#); [16B.61](#); [16B.64](#); [326B.101](#); [326B.106](#); [326B.13](#)

History: [27 SR 1471](#); [32 SR 5](#); L 2007 c 140 art 4 s 61; art 13 s 4