

ADVISORY COMMITTEE COMMENT FORM
FOR PROPOSED CODE CHANGES
(This form must be submitted electronically)

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1303 - #1

Proposed Code Change - Language

Scope

~~**General.** These radon control requirements apply only to new residential buildings. (MS MS §326B.106, subd.6.)~~

Intent

~~These provisions apply to new, single family dwellings, two-family dwellings, townhouses, apartment buildings, condominiums and or any a similar building intended to be occupied by persons for use as a residence.~~

~~**Exception:** Any new building where in which the residential portion of the building is an upper story of other other occupancies at least one story above another other occupancy such as, but not limited to, retail, mercantile, business, or a parking garage. This The residential occupancy shall be sealed, caulked or other otherwise atomospherically separated from at the occupancy below separation.~~

Scope

~~These radon control requirements apply to dwellings and townhouses constructed under Chapter 1309 of the Minnesota State Building Code. (MS §326B.106, subd.6.)~~

~~**Exception:** Dwellings and townhouses where the time of permit application for initial construction of the dwelling or townhouse is prior to June 1, 2009.~~

Proposed Code Change – Need and Reason

It is necessary that the rule have scoping requirements to provide direction to the public and code enforcement on application. In this case, the legislature has directed that rules be developed for radon control. That direction came in Minnesota Statute 326B.106 (language provided below for information). It seems clear that the legislative intent was to require radon control methods only for those uses regulated in the International

Residential Code (IRC) (dwellings and townhouses) because the legislature specified the IRC in the statute and the IRC only applies to dwellings and townhouses.

The draft rule **expands the legislative intent** to include apartments, condominiums, and mixed use buildings that are regulated by the International Building Code (IBC). I believe this violates the direction given by the legislature. The rules in the IRC were never intended to be put to use in a 20 story condominium or any other structure built under the IBC including mixed use buildings. There currently are no radon regulations in the IBC. The rules in the IRC were designed for the types of buildings constructed in the IRC. Rules in the IRC are intended for buildings not exceeding three stories in height and of unprotected construction. Buildings regulated by the IBC contain a series of regulations not found in the IRC, not the least of which are various ventilation requirements.

This proposal reiterates the intent of the legislative action by limiting its application to dwellings and townhouses. Additionally, this amendment clarifies that additions to dwellings and townhouses must comply with these rules if the current dwelling or townhouse has a radon system **required** by the code. It is necessary to include direction on this issue as homes built with passive radon systems undergo expansions. It seems reasonable to require the addition meet the same standard as the original dwelling.

The entire proposal is reasonable because it mirrors the language in 326B.106 and the IRC rules are designed and intended to be used for dwellings and townhouses, not other structures.

326B.106 GENERAL POWERS OF COMMISSIONER OF LABOR AND INDUSTRY. Subd. 6. Radon code. *The commissioner of labor and industry shall adopt rules for radon control as part of the State Building Code for all new residential buildings. These rules shall incorporate the radon control methods found in the International Residential Code appendix as the model language, with necessary amendments to coordinate with the other adopted construction codes in Minnesota.*

Proposed Code Change – Cost/Benefit Analysis

This proposal will reduce the cost of construction.

Other Factors to Consider Related to Proposed Code Change

1. Is this proposed code change meant to:

change language contained in a published code book? If so, list section(s).

change language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s).

Radon regulations "Scope"

delete language contained in a published code book? If so, list section(s).

delete language contained in an existing amendment in Minnesota Rule? If so, list Rule part(s).

neither; this language will be new language, not found in the code book or in Minnesota Rule.

2. Is this proposed code change required by a Minnesota Statute or new legislation? If so, please provide the citation to the Statute or legislation.

No

3. Will this proposed code change impact other sections of a published code book or of an amendment in Minnesota Rule? If so, please list the affected sections or rule parts.

No

4. Will this proposed code change impact other parts of the Minnesota State Building Code? If so, please list the affected parts of the Minnesota State Building Code.

No

5. Who are the parties affected or segments of industry affected by this proposed code change?

Code officials, building designers, contractors, building owners

6. Can you think of other means or methods to achieve the purpose of the proposed code change? If so, please explain what they are and why your proposed change is the preferred method or means to achieve the desired result.

No

7. Are you aware of any federal requirement or regulation related to this proposed code change? If so, please list the regulation or requirement.

No