

**Email regarding CO Detector Enforcement by
Inspection Personnel from the MN State Building
Codes And Standards Division.**

-----Original Message-----

From: Paul Heimkes [<mailto:Paul.Heimkes@state.mn.us>]

Sent: Tuesday, January 09, 2007 10:45 AM

To:

Subject: Re: co detectors

As you are aware, the statutory requirements for CO detector installations went into affect on January 1, 2007, for new home construction. Since then, I/we have been receiving many questions regarding the application and/or enforcement of these state statutory requirements. Here is what we (the Division) have been saying to date:

The CO detector requirements are separate State Statute requirements. They are currently not part of the State Building or State Fire Codes; therefore, according to the DLI Attorney's, we (building officials/fire officials) are not responsible for enforcing the requirements whatsoever. You should not be "requiring" them - by code, you should not be dictating where they are installed - by code, and you should not be holding up building permits or Certificate's of Occupancy (based on CO installation/non-installations) - per code.

The Division is currently promoting the concept of you (plan review staff) indicating that CO detectors are required by a separate "state statute," ...and that the building permit applicant is responsible for meeting statutory requirements for their installation. In doing so, we believe it would be a good idea to make a note on your plan review (contractors copy of the plan set) referring to the statute requirements for CO detectors. You could also create a separate handout on the new statutory CO detector requirements. This may prove to be useful/appropriate and/or be good for public relations too. You could then possibly hand this information out separately at the front desk upon the issuance of any permit. Just remember though, the statutory CO detector requirements are not "building code" requirements - and that you cannot legally "enforce" the requirement through the State Building Code in any way.

The state statute requirements for CO detectors may possibly be tweaked by the legislature this session to better clarify "who" is responsible for enforcing the requirements. Until that is done however, our attorney's say that is totally up to the building owner or the building contractor to comply with the requirements - and that we (as code officials) are not responsible for the enforcement of these types of "other" statutory mandates through our regular building code administration processes. You may also want to verify this condition with your own City Attorney just to be sure of your local/jurisdictional responsibilities.

See this link off our web site home page for a letter from the State Building & Fire Official's regarding this issue:
[http://www.doli.state.mn.us/pdf/bcs co detectors joint memo july06.pdf](http://www.doli.state.mn.us/pdf/bcs%20co%20detectors%20joint%20memo%20july06.pdf)

If you have any questions or need further clarification, feel free to contact me at the number below.
Thanks.

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Staff Opinion: Unless otherwise noted, the response or reply contained in this message is a CCLD/BCSU staff opinion only. A staff opinion is the opinion of one staff member about the correct answer to a specific question generated by a customer. A staff opinion is not binding in any way. A customer may request a "Division Opinion" which involves a formal process where the Building Codes and Standards Unit responds in writing to a specific written request by a customer. For details, visit our web site at <http://www.doli.state.mn.us>. Click on "Building Codes and Standards" on the first page and then then click on "Code Opinions and Policy" at the top of the second page (grey area).