



Short-Term Vacation Rental Application

Lake of the Woods County Land and Water Planning

206 8th Ave SE, Suite #290

Baudette, MN 56623

Phone: 218-634-1945

<http://www.co.lake-of-the-woods.mn.us>

Instructions to the Applicant

1. All items must be completed before this application will be processed. An incomplete application will not be accepted and will be returned to the applicant.
2. Applicant(s) must own the property and provide a copy of the deed(s) for the property on which the interim use is requested. If the property is in joint ownership, written permission of all owners is required. If the applicant(s) is using an agent, both the applicant(s) and the agent must sign the application.
3. A site plan must accompany the application. Refer to the provided examples for instructions and required information.
4. Provide written directions from Baudette to the property. Locate and mark property lines or corner markers on the ground, if applicable to the request.
5. Include a **non-refundable** filing fee of \$500.00 payable to the **Lake of the Woods County Treasurer**. Also, include a recording fee of \$46.00 payable to the **Lake of the Woods County Recorder**.
6. In accordance with the Lake of the Woods County Zoning Ordinance and the Lake of the Woods County SSTS Ordinance, a valid Certificate of Compliance for the septic system(s) must be submitted with the application. If you are applying between November 1 – April 30, or if the ground is still frozen, a signed Winter Agreement will be allowed in lieu of a Certificate of Compliance. It is the responsibility of the landowner to obtain a Certificate of Compliance and provide a copy to the Land and Water Planning Office prior to operation of the short-term rental of the property.
7. Applicant(s) must be present in person for the hearing of this application to explain the request and to answer any questions the Planning Commission has concerning the request.
8. Notice will be sent to the applicant verifying the date, time and location of the hearing.
9. The applicant(s) is/are responsible for securing additional state permits that may be required. The Minnesota Department of Health (MDH) may require a license to operate and their contact information is below. Also, a variance from the MDH standards may be required depending on the water supply and the water test results.

Minnesota Department of Health

705 5th St NW, Suite A

Bemidji, MN 56601

(218) 308-2100

10. Include additional information as needed to explain and depict the requested use such as maps and aerial photos.

11. When you have completed the application and all required information, mail or deliver it to the **Lake of the Woods County Land and Water Planning Office, 206 8th Avenue Southeast, Suite #290, Baudette, MN 56623-2867**. Applications and all required information must be completed and received prior to 4:00 p.m. on the deadline date in order to be placed on the corresponding Planning Commission meeting agenda. Applications that are found to be incomplete will be returned to the applicant.
12. **I have read and fully understand the above instructions. I hereby swear that all information that I have provided in this application is true and correct. By signing below, I am agreeing to allow the Planning Commission and associated staff from the Lake of the Woods County Land and Water Planning Office to conduct a site visit(s) on the property to obtain information pertaining to the request.**

Signature of applicant(s): _____ Date: _____
 _____ Date: _____
 _____ Date: _____
 _____ Date: _____

Signature of authorized agent: _____ Date: _____

- If a parcel(s) is in joint ownership written permission of all owners is required.
- When an agent is used, signature of both owner(s) and agent are required.

For Office Use

Date of application: _____	Filing acknowledgement by: _____	Application Receipt #: _____ Recording Fee Receipt #: _____	Application #: _____
Date, time, and place of public hearing: _____ 7:00 pm, Commissioner's Room at the Government Center, Baudette, MN			
Applicant and DNR notified on: _____			
Tentative date and place of County Board Hearing: _____ MN Commissioner's Room at the Government Center, Baudette,			
Decision of the County Board of Commissioners: Approval _____ Approval w/conditions _____ Denial _____			
Reason(s): _____			
Any aggrieved person or persons, any Department, Board, and Commission of the jurisdiction or of the State shall have the right to appeal within 30 days after receipt of notice of the decision, to the district court in the County in which the land is located on questions of law and fact.			
Chairperson's Signature: _____			Date: _____
Applicant and DNR notified on: _____			
Land and Water Planning Director's Signature: _____			Date: _____

Short-Term Rental Application Procedure

1. In order for Lake of the Woods County to comply with Minnesota Statute 15.99 (processing time deadlines for agency action), a pre-application meeting must be held between the applicant and the Land and Water Planning Office staff to discuss the following required information:

<p>Floor Plan of structure including dimensions of bedrooms and all other sleeping accommodations</p> <ul style="list-style-type: none"> Locations of smoke/carbon monoxide alarms Fire extinguisher locations Egress windows Evacuation plan and fire safety protocols <p>**See example on page 11</p> <p>Provide a list of local emergency contact numbers in visible location in dwelling</p> <p>Copy of Well Records (available on the MDH website or by calling MDH Well Management at (800)-383-9808)</p> <p>If no well is present on the property and potable water is to be provided.</p>	<p>Site Map depicting locations of:</p> <ul style="list-style-type: none"> Property lines Well location(s) Septic System(s) Accessory structures Parking areas Shore Recreational Facilities <p>**See example on pages 9 and 10</p> <p>A current Certificate of Compliance for the septic system or a signed Winter Agreement, if applying between November 1 – April 30</p> <p>Potable water test results obtained within the last year of the date of application, for the following:</p> <ul style="list-style-type: none"> Nitrates, E-Coli, Total Coliform Bacteria <p>If the well does not meet drinking water standards and potable water is to be provided.</p>
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The pre-application meeting was held on _____, 20____. It was acknowledged by the applicant(s) that the items checked above are required for this application to be complete.

Signature of applicant(s): _____ Date: _____

Signature of staff: _____ Date: _____

2. Submit a complete application along with the appropriate fees to the Lake of the Woods County Land and Water Planning Office. If the Land and Water Planning Office determines that the application is complete, it will be placed on the next available Planning Commission meeting agenda. If the application is not deemed complete, the Land and Water Planning Office will send written notice to the applicant stating the reasons why the application is not complete.
3. The Planning Commission members and the Land and Water Planning staff will visit the property on which the proposed use is to be located.
4. Once the Planning Commission acts on your application, it is then placed on the next available County Board meeting agenda. You will receive notice of the meeting date, time, and location. **The County Board has final authority to approve, approve with conditions, table, or deny your application.**
5. Upon consideration of the facts relating to the request, the County Board may attach such conditions in addition to those required by the Lake of the Woods County Zoning Ordinance, which they deem necessary for the furthering of the purposes set forth in the Ordinance. Such conditions attached to the issuance of an interim use permit may include, but are not limited to the following:

<ul style="list-style-type: none"> specified sewage treatment and water supply facilities periods and/or hours of operation location of piers, docks, parking and signs 	<ul style="list-style-type: none"> landscaping and vegetative screening deed restrictions any other reasonable requirement necessary to fulfill the purpose and intent of the Ordinance
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GENERAL INFORMATION

Applicant(s) Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Property Address (if different from above): _____

City: _____ State: _____ Zip: _____

Phone #: _____

Fax #: _____

Email: _____

Applicant(s) Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone #: _____

Fax #: _____

Email: _____

Emergency Contact Name: _____

Phone #: _____

Fax #: _____

Email: _____

PROPERTY INFORMATION

Section _____ Township _____ Range _____ Township Name _____

Parcel #: _____ Lot Width _____ feet Lot Depth _____ feet

Shoreland Yes _____ No _____ Lake/River Name: _____ Lake/River #: _____

Lake/River Classification: _____ Acreage: _____

Current Zoning Classification: _____ Floodplain Yes _____ No _____

PROJECT INFORMATION

General

1. Provide a detailed description of the request: provide details of the purpose of the request and any other relevant information regarding the proposed use. Attach additional sheets labeled if necessary.

2. Is the proposed use consistent with the Lake of the Woods County Comprehensive Land Use Plan? Explain why or why not?

3. Is the proposed use consistent with maintaining the public health, safety, and welfare? Explain why or why not?

4. Is the proposed use compatible with adjacent land uses? Explain why or why not? (Describe adjacent land use and any Covenants and Restrictions on the property)

5. Is the site in harmony with existing and/or proposed access to the property? Explain why or why not?

6. Will the proposed use increase traffic to and from the site? Explain why or why not?

7. Is there sufficient parking area on the property for vehicles, fish houses, trailers, boats, etc.? Explain why or why not?

8. Is there, or will there be, fencing and/or other screening provided to buffer the use from adjacent properties? Explain why or why not?

9. Will there be signage associated with the use? If yes, explain and include the total number proposed, dimensions, location and if the sign(s) will be illuminated.

10. What is the proposed maximum number of occupants allowed?

11. What are the periods of use and operation? (Examples: Friday to Monday from May – September)

12. What are the established quiet hours? (Example: 10:00 pm to 7:00 am)

13. Does the water supply meet drinking water standards? If not, explain how potable water will be available.

14. Who will be the local contact person? Include their contact information, address and distance from the property.

15. Describe additional information that is deemed appropriate to the request.

SITE PLAN SKETCH

The purpose of the sketch is to graphically illustrate the information included in your application. Please identify the following:

- | | | |
|---|--|---|
| <input type="checkbox"/> Parking Areas | <input type="checkbox"/> Fire Pit, Swing Set, Playground, Pool | <input type="checkbox"/> Main Dwelling |
| <input type="checkbox"/> Septic System Location | <input type="checkbox"/> Beach, Swimming Area | <input type="checkbox"/> Accessory Structures |
| <input type="checkbox"/> Well Location | <input type="checkbox"/> Docks | <input type="checkbox"/> Roadways |
| <input type="checkbox"/> Property Lines | <input type="checkbox"/> Garbage Location | <input type="checkbox"/> Sign Location |

Sample Short-term Vacation Rental Site Plan



Sample Short-term Vacation Rental Site Plan



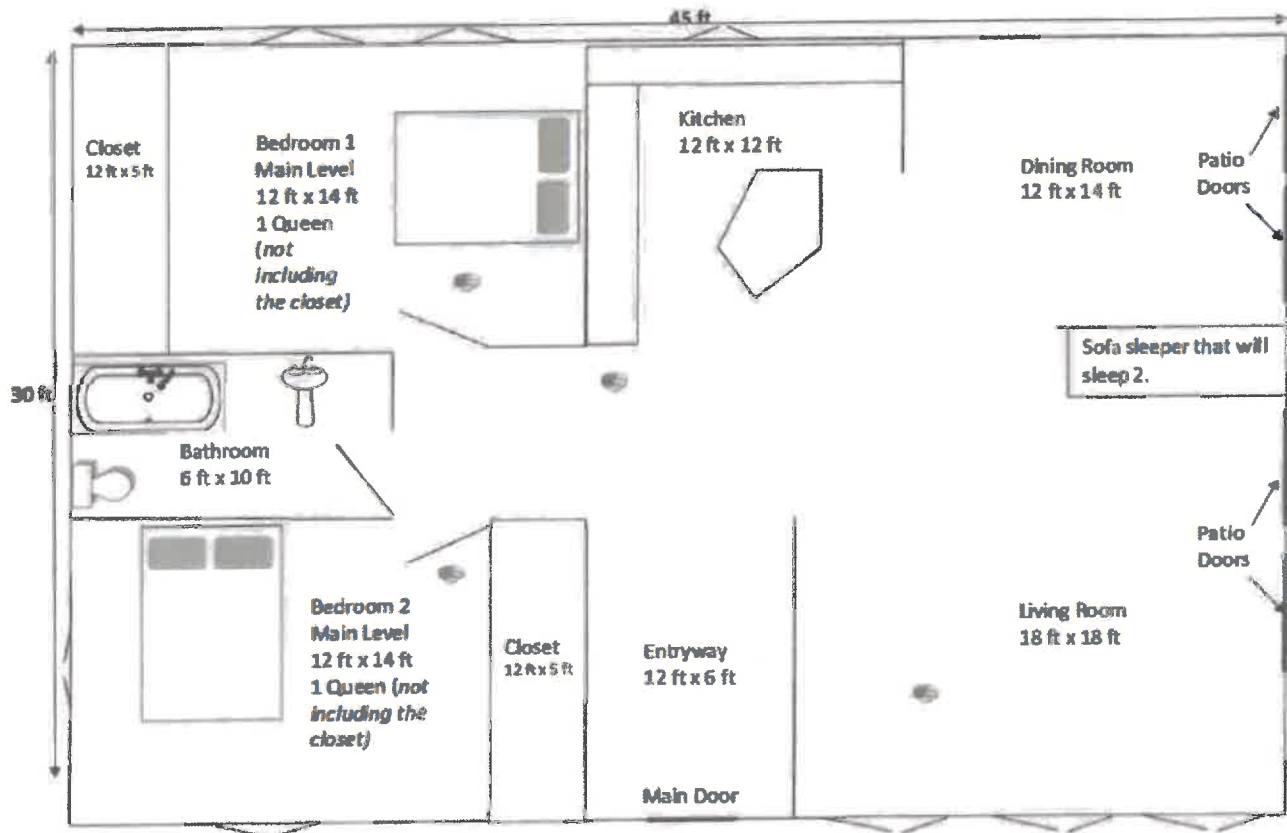
Sample Short-term Vacation Rental Floor Plan

MAIN LEVEL FLOOR PLAN

For 209 Second St. NW, Baudette (Rainy River)

- Overall building dimensions are 30 ft x 45 ft
- Total 1,350 sq ft with two bedrooms
- Bedrooms are each 12 ft x 17 ft (see window worksheet for window style and sizing)
- Each bedroom has one queen bed
- 4 hard-wired and interconnected combination smoke/carbon monoxide alarms

EXAMPLE



EMERGENCY CONTACT INFORMATION

Short Term Vacation Rental (STVR)

Lake of the Woods County

About: The permittee/owner/operator shall post with the rental the rules and regulations and emergency contact information for police, fire, hospital, septic tank pumper, local contact person, and permittee/owner/operator.

Permittee/Owner/Operator

Name: _____

Address: _____

Email: _____ **Phone:** _____

Site Address of the STVR: _____

Local Contact Person

Name: _____

Address: _____

Email: _____ **Phone:** _____

Police

Station Name: _____

Address: _____

Non-Emergency Phone: _____ **Emergency:** _____

Fire

Station Name: _____

Address: _____

Non-Emergency Phone: _____ **Emergency:** _____

Hospital

Name: _____

Address: _____

Phone: _____

Septic Tank Pumper

Business Name: _____

Contact Person: _____

Address: _____

Email: _____ **Phone:** _____

Escape Window Worksheet for Windows Installed Before July 10, 2007

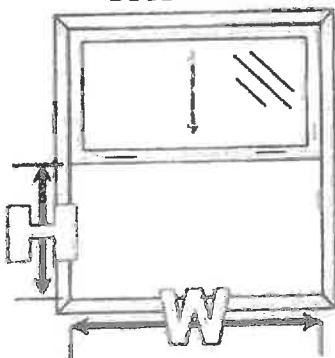
1) Check Window Height and Width

Address/Building: _____

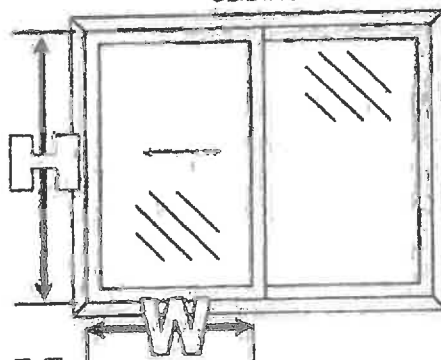
Date: _____

Room: _____

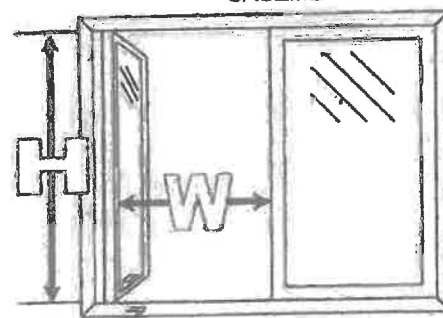
DOUBLE HUNG



SLIDING



CASEMENT



Is the clear openable height, **H** at least 20 inches?

Yes ☐ No ☐

Is the clear openable width, **W** at least 20 inches?

Yes ☐ No ☐

2) Check Window Opening Area (fill in the three blanks)

H _____
Openable height (inches)

X

W _____
Openable width (inches)

=

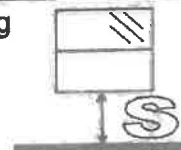
A _____
Openable area (square inches)

Is the clear openable area, **A** at least 648 square inches?

Yes ☐ No ☐

3) Check the distance from the floor to the bottom of opening

Is the distance, **S** from the floor to the finished sill
(bottom of opening) 48 inches or less?



Yes ☐ No ☐

If you answered yes to all questions then the window should comply with the 2007 Minnesota State Fire Code.
For assistance: Minnesota State Fire Marshal Division (651) 201-7200; TTY: (651) 282-6555; firecode@state.mn.us

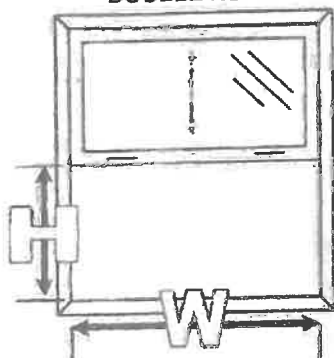
1) Check Window Height and Width

Address/Building: _____

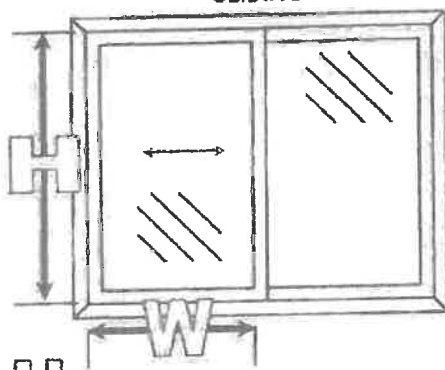
Date: _____

Room: _____

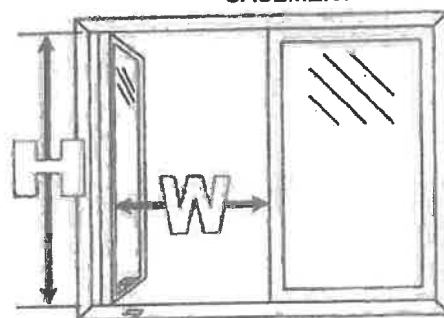
DOUBLE HUNG



SLIDING



CASEMENT



Is the clear openable height, **H** at least 24 inches?

Yes ☐ No ☐

Is the clear openable width, **W** at least 20 inches?

Yes ☐ No ☐

2) Check Window Opening Area (fill in the three blanks)

H _____
Openable height (inches)

X

W _____
Openable width (inches)

=

A _____
Openable area (square inches)

Is the clear openable area, **A** at least 820 square inches?

Yes ☐ No ☐

3) Check the distance from the floor to the bottom of opening

Is the distance, **S** from the floor to the finished sill
(bottom of opening) 44 inches or less?



Yes ☐ No ☐

If you answered yes to all questions then the window should comply with the 2007 Minnesota State Fire Code.
For assistance: Minnesota State Fire Marshal Division (651) 201-7200; TTY: (651) 282-6555; firecode@state.mn.us

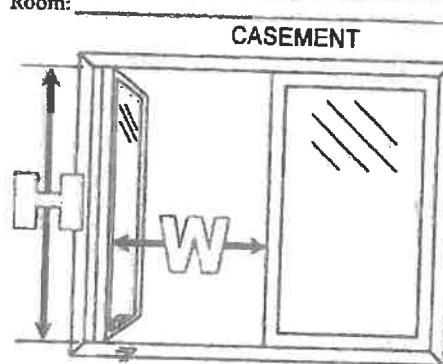
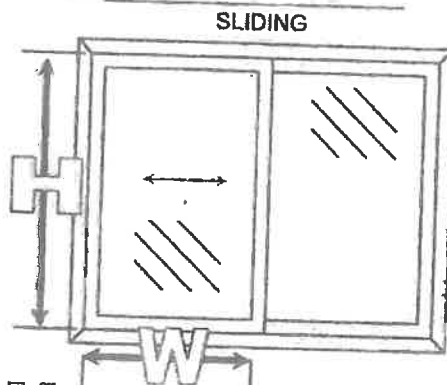
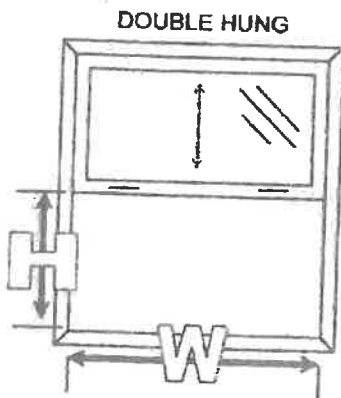
Escape Window Worksheet for Ground Floor Windows Installed On or After July 10, 2007

1) Check Window Height and Width

Address/Building: _____

Date: _____

Room: _____



Is the clear openable height, **H** at least 24 inches?

Yes ☐ No ☐

Is the clear openable width, **W** at least 20 inches?

Yes ☐ No ☐

2) Check Window Opening Area (fill in the three blanks)

H _____
Openable height (inches)

X

W _____
Openable width (inches)

=

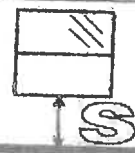
A _____
Openable area (square inches)

Is the clear openable area, **A** at least 720 square inches?

Yes ☐ No ☐

3) Check the distance from the floor to the bottom of opening

Is the distance, **S** from the floor to the finished sill
(bottom of opening) 44 inches or less?



Yes ☐ No ☐

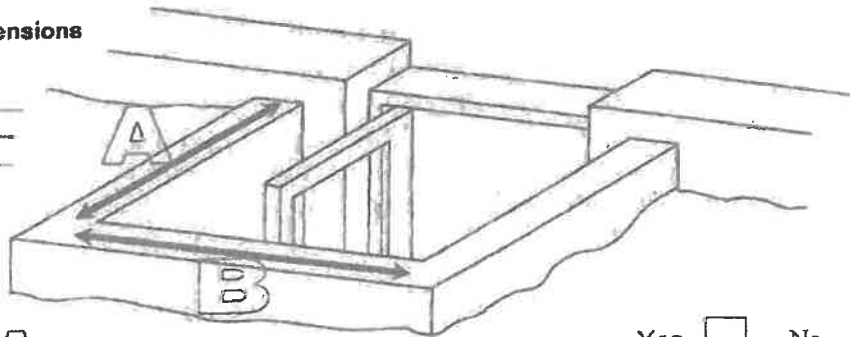
If you answered yes to all questions then the window should comply with the 2007 Minnesota State Fire Code.
For assistance: Minnesota State Fire Marshal Division (651) 201-7200; TTY: (651) 282-6555; firecode@state.mn.us

Window Well Worksheet

1) Check Window Well Dimensions

Address/Building: _____

Date: _____



Is the clear horizontal distance, **A** at least 36 inches?

Yes ☐ No ☐

Is the clear horizontal distance, **B** at least 36 inches?

Yes ☐ No ☐

2) Check Window Well Opening Area (fill in the three blanks)

A _____

Horizontal distance (inches)

x

B _____

Horizontal distance (inches)

=

Area _____

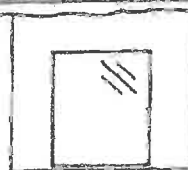
Net horizontal opening (square inches)

Is the **Area** at least 1,296 square inches?

Yes ☐ No ☐

3) Check the vertical depth of the window well

If the distance, **D** from the bottom of the well to the top at grade is more than 44 inches, a ladder is required.
If a ladder is required, is one provided?



Yes ☐ No ☐

If you answered yes to all questions then the window should comply with the 2007 Minnesota State Fire Code
For assistance: Minnesota State Fire Marshal Division (651) 201-7200; TTY: (651) 282-6555; firecode@state.mn.us

Fall Protection Devices

For second story windows, below is additional information on fall protection devices. This is only required if the lowest part of the window is located less than 36 inches from the floor.

R312.2 Window fall protection. Window fall protection shall be provided in accordance with Sections R312.2.1 and R312.2.2.

R312.2.1 Window sills. In dwelling units, the lowest part of the window opening shall be a minimum of 36 inches (914 mm) above the finished floor of the room in which the window is located. Operable sections of windows shall not permit openings that allow passage of a 4-inch diameter (102 mm) sphere where such openings are located within 36 inches (914mm) of the finished floor.

R312.2.2 Window opening control devices. Window opening control devices shall comply with ASTM F 2090. The window opening control device, after operation to release the control device allowing the window to fully open, shall not reduce the minimum net clear opening area of the window unit to less than the area required by Section R310.1.1.

Please contact the State Fire Marshal's Office with any questions at:
Phone: (651) 201-7200

PUBLIC NOTICE

DRINKING WATER WARNING



DO NOT USE THE WATER FOR:

- **Drinking**
- **Food Preparation**
- **Making Ice**
- **Brushing Teeth**
- **Manual Dishwashing**

All water taps in this establishment are currently served by untreated lake water. To protect public health while untreated lake water is in use, the Minnesota Department of Health (MDH) has put in place the water use restrictions listed in the bullets above.

Possible Health Effects

- Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause short-term effects such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly and people with severely compromised immune systems.

Take Special Precautions for Hand Washing, Bathing, and Showering

- If untreated lake water is used for hand washing, a commercially produced hand sanitizer wipe, lotion, or cream should be used following hand washing. Infants and young children should not bathe using untreated lake water, since they may ingest water during bathing.

Use Bottled Water for Drinking, Food Preparation, Making Ice, Brushing Teeth, and Manual Dishwashing

Bottle water is available and should be used for all uses listed above.



CARBON MONOXIDE ALARMS – MINNESOTA STATUTE §299F.50

Approved carbon monoxide (CO) alarms are required in all single family homes and multifamily apartment units with effective dates as follows:

- All new construction single family homes and multi-family dwellings where building permits were issued on or after January 1, 2007.
- All existing single family homes effective August 1, 2008.
- All existing multi-family or apartment dwelling units effective August 1, 2009

Listing Required

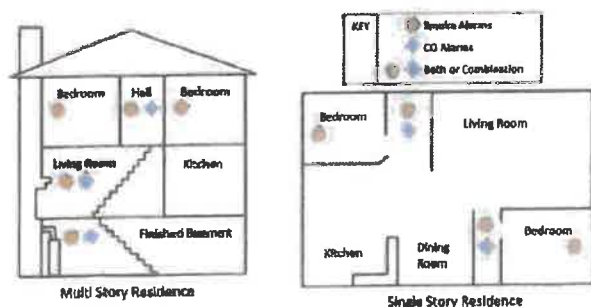
All carbon monoxide alarms must be certified by a nationally recognized testing laboratory that conform to the latest Underwriters Laboratories (U/L) Standards known as UL-2034.

It is important to recognize the differences between a smoke alarm and carbon monoxide (CO) alarm. CO alarms activate based on the concentration of CO over a period of time; this allows for a brief period to ensure that everyone is alright and for the occupant(s) to investigate possible sources of CO accumulation within the home.



When a smoke alarm sounds, all occupants should immediately vacate the premise and call 911. Alternatively, if a CO alarm sounds in the residence a person should verify that the occupants are not showing signs of CO poisoning (headache, nausea, vomiting, disorientation, etc.). If anyone in the home has symptoms of CO poisoning, call 911 immediately. If no one has symptoms of CO poisoning, open windows or doors to allow fresh air to enter and contact the utility company or appliance repair company as soon as possible.

There is a difference between smoke alarms and carbon monoxide alarms and they shall not be used interchangeably, however combination smoke alarm/carbon monoxide alarms are acceptable.



© Preparedness Advice Blog

Location

Every single family dwelling and every multifamily dwelling unit shall be provided with a minimum of one approved and fully operational carbon monoxide alarm installed within ten (10) feet of each room lawfully used for sleeping purposes.

If bedrooms are located on separate floors additional carbon monoxide alarms would be necessary within ten feet of these areas. If bedrooms are located in separate areas (on the same level), additional carbon monoxide alarms would be necessary within ten (10) feet of these areas. In lieu of installing multiple CO alarms in the hallway, a separate CO could be installed inside each sleeping room.

It is important that these devices be installed in accordance with the manufacturer's installations instructions and not be placed in 'dead' air pockets such as corners of rooms, at the junction of walls and ceilings or within thirty-six (36) inches of ventilation ducts.

Multifamily dwellings

In multifamily dwellings it is the owner's responsibility to:

- (1) provide and install one approved and operational carbon monoxide alarm within ten feet of each room lawfully used for sleeping and,
- (2) replace any required carbon monoxide alarm that has been stolen, removed, found missing, or rendered inoperable during a prior occupancy of the dwelling unit and which has not been replaced by the occupant prior to the commencement of a new occupancy of a dwelling unit.

Battery removal and tampering prohibited

No person shall remove batteries from, or in any way render inoperable, a required carbon monoxide alarm.



Questions should be directed to the Minnesota State Fire Marshal Division
651-201-7200, www.fire.state.mn.us or firecode@state.mn.us.

Minnesota Department of Public Safety State Fire Marshal Division

Smoke Alarms

Purpose

Provide information on smoke alarm requirements in residential occupancies based on when the building was constructed and if the building had any existing smoke alarms.

Acronyms

- Minnesota Residential Code (MRC).
- Minnesota State Fire Code (MSFC).

Residential occupancies defined

- Single family home, two-family home, townhouses (MRC buildings).
- Apartment/condominium buildings (MSFC Group R-2 buildings).
- Hotels, motels, bed and breakfast (MSFC Group R-1 buildings).
- Housing with services, assisted living, other care facilities (MSFC Group I-1 buildings).
- Board and care, family day cares (MSFC Group R-3 or R-4 buildings).

Smoke alarms defined

- Single-station: One smoke alarm powered by a home electrical system and/or battery that sounds an alarm from the device when smoke is detected.
- Multiple-station: Two or more single station smoke alarms powered by a home electrical system and batteries that are interconnected and sound an alarm from all devices when smoke is detected in anyone of the devices
- Multiple-station wireless: Two or more single station smoke alarms powered by a home electrical system or batteries that are interconnected wirelessly and when a device detects smoke all devices sound an alarm via a wireless network created by the devices.

Required maintenance for smoke alarms

- Smoke alarms shall be tested once a month using the testing method recommended by the manufacturer. Typically this is accomplished by pushing the test button on the alarm.
- Replace batteries annually (or when alarm chirps, warning batteries are nearing the end of their life) unless the smoke alarm uses long-life batteries. Long-life smoke alarms with batteries sealed inside shall be replaced immediately when alarm chirps warning batteries are nearing end of life.



Minnesota Department of Public Safety State Fire Marshal Division

Replacement of smoke alarms

- Smoke alarms are required by the fire code to be replaced when they exceed 10 years from the date of manufacture. The date is located on the back of the alarm. If there is no date the smoke alarm is over 10 years old.
- Replace when the smoke alarm fails an operability test.
- Smoke alarms shall be replaced with the same type of power supply. This does not prevent replacing battery powered alarms with electrically powered alarms with battery backup.

Local municipality's rules

Local municipalities are allowed to adopt ordinances having more restrictive smoke alarm requirements for single family homes. This must be done through a formal ordinance; not through a policy or interpretation. Check with the city code officials to see if more restrictive smoke alarm ordinances are in effect in the community.

Requirements for new construction

- New construction shall comply with MSFC Section 907.2.10.
- New homes constructed to the MRC shall comply with Section R314.

CONDITION	LOCATION	POWER SUPPLY	INTERCONNECTION REQUIRED
New buildings (constructed on or after 3/31/2020).	In hallways outside sleeping rooms. In sleeping rooms. On each level of the building and in basements. Ceiling or wall (not more than 12 inches below ceiling). On center of ceiling above stairways	Hard-wired (120 volt). Battery back-up also required.	Yes; must sound in all areas when activated.

Requirements for existing buildings

- Existing hotel guest rooms or lodging houses shall comply with Minnesota Statute 299F.362 Subd. 4. This requires a single-station smoke alarm in the guest room used for sleeping purposes.
- Existing residential buildings shall comply with MSFC Section 1103.8 and Table 1103.8.



Minnesota Department of Public Safety State Fire Marshal Division

**TABLE 1103.8
SMOKE ALARM REQUIREMENTS**

CONDITION	LOCATION	POWER SUPPLY	INTERCONNECTION REQUIRED
Existing buildings that do not have any smoke alarms (same as new).	In hallways outside sleeping rooms. In sleeping rooms. On each level of the building and in basements. On ceiling or wall (less than 12 inches below ceiling). On center of ceiling above stairways.	If constructed on or after 8/1/1989, smoke alarms are required to be hard-wired (120 volt). If constructed before 8/1/1989, smoke alarms can be battery-powered.	No interconnection is required for battery-powered alarms.
Existing buildings (constructed on or after 8/1/1989).	In hallways outside sleeping rooms. On each level and in basements. On ceiling or wall (less than 12 inches below ceiling).	Smoke alarms are required to be hard-wired (120 volt).	No interconnection is required.
Existing buildings (constructed before 8/1/1989).	In hallways outside sleeping rooms. On each level and in basements. On ceiling or wall (less than 12 inches below ceiling).	Smoke alarms can be battery-powered.	No interconnection is required.
Replacement of smoke alarms in existing buildings.	Smoke alarms must be installed in same locations as originally installed.	Power supply must be the same as the smoke alarms being replaced.	Interconnection must be provided if the smoke alarms being replaced were interconnected.

Questions

Contact the Minnesota State Fire Marshal Division at 651-201-7221 or email the fire code team at fire.code@state.mn.us.



Created November 2016
Updated September 2020

Minnesota Department of Public Safety State Fire Marshal Division

Emergency Escape and Rescue Openings

Minnesota State Fire Code (MSFC) requirements

MSFC requirements for emergency escape and rescue openings, otherwise known as egress windows, in sleeping rooms below the fourth story in residential occupancies (Group R and I-1) is broken down into three categories.

1. Existing occupancies when either:
 - a. Constructed after July 1, 1972.
 - b. Licensed by State of Minnesota.
 - c. Used as transient lodging.
2. New occupancies with sleeping rooms on main floor (level of exit discharge).
3. New occupancies with sleeping rooms in basements or above the main floor.

Existing occupancies

State Fire Marshal Division (SFMD) staff participated in an egress window study at a major window manufacturer in 2010 to determine the absolute minimum size that would be acceptable for occupants to safely egress and firefighters to enter for rescue in existing residential occupancies. The study led to an updated policy for licensed occupancies such as home daycares. This policy is now code language in the 2020 MSFC Section 1104.26.

The minimum required opening for existing sleeping rooms on any level of the residence up to and including third floor is 4.5 square feet or 648 square inches. This [PowerPoint](#) or [PDF](#) will show how the measurements are taken to determine if the existing window opening complies with MSFC Section 1104.26.

Window opening size not in compliance with MSFC Section 1104.26.2 shall be replaced with windows complying with the requirements for existing residential occupancies in MSFC Section 1104.26.6. In many cases a double hung or sliding window can be replaced with a casement insert and meet the requirements for egress windows.

Where not required in existing residential occupancies

- The sleeping room has a door directly to the exterior of the building.
- Dwellings or structures constructed prior to July 1, 1972 (first state building code), provided they are not licensed by Minnesota or used for transient lodging.
- Buildings protected throughout by an approved automatic fire sprinkler system.
- Sleeping rooms of existing buildings having two separate and independent means of egress that pass through only one adjacent non-lockable room or area.
- Hotels or motels constructed prior to April 11, 1983.



Minnesota Department of Public Safety State Fire Marshal Division

Windows under decks and porches

Egress windows are allowed to be installed under decks and porches provided the location of the deck allows the egress window to be fully opened and provides a path not less than 36 inches in height to a yard or court.

New construction or change in occupancy use

New windows on the grade level main floor, known as the level of exit discharge (LED), need a window opening of 5 square feet. This [PowerPoint](#) or [PDF](#) show how to measure the opening size and maximum height above the finished floor. New windows above or below the LED need a window opening of 5.7 square feet. This [PowerPoint](#) or [PDF](#) show how to measure the opening size and maximum height above the finished floor and information on window wells for basement egress.

SFMD policy on escape window opening height

SFMD policy INS-04 allows escape windows with openings up to 52 inches off the floor. Those windows may meet the height requirement for existing buildings by:

- Securing a step, platform or bed to the wall directly underneath the window
 - This step, platform or bed shall be no more than 44 inches below the opening and must be strong enough to support the weight of the person
 - The minimum acceptable width shall be the same as the window opening
 - The minimum acceptable depth away from the wall shall be 18 inches.

SFMD policy on coverings on escape windows

SFMD policy INS-04 allows plastic coverings to cover egress windows (and exterior doors) if the plastic covering meets the following requirements.

- The plastic covering is transparent. The occupant can see rescuers outside and rescuers can see people on the inside.
- The plastic covering may only be attached on the inside and can only be attached to the window frame or structure with two-sided tape, hook and loop (Velcro) or static cling.
- The plastic shall have enough material overhanging the attachment on all sides, top and bottom to facilitate grabbing it from any direction and allow easy removal.

SFMD policy on covers over window wells

SFMD policy INS-04 allows window wells to be covered to keep them clear of debris, snow, and rain, and to help prevent people from falling in. The cover must comply with the following requirements:

- The covering does not interfere with the opening of the window in any way.
 - The covering is supported so it cannot freeze to the ground, window well or structure.
- The covering is removable without the use of tools or special knowledge of the window well area by the building occupants.



Developed December 2018
Updated September 2020