

Fire Code Statutes & Administration – Part 2

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Learning Objectives

- Continuation from the earlier session:
 - **Understand the legal basis for the Minnesota State Fire Code (MSFC)**
 - **Identify the legal authority for fire code enforcement**
 - **Discuss applicability of the MSFC**
 - **Discuss local fire code modifications**
 - **Review administrative provisions of the MSFC**

Previous Session

- In the previous session we discussed:
 - **Federal laws**
 - **State statutes**
 - **Differences between statutes and rules**
 - **Minnesota State Fire Code (MSFC) sections:**
 - 101
 - 102
 - 103
 - 104 (most of this section)

Chapter 1 – Scope and Administration

- 101-Scope and General Requirements
- 102-Applicability
- 103-Department of Fire Prevention
- 104-General Authority and Responsibilities
- 105-Permits
- 106-Fees (Permits)
- 107-Inspections
- 108-Maintenance
- 109-Board of Appeals
- 110-Violations
- 111-Unsafe Buildings
- 112-Stop Work Orders
- 113-Service Utilities

Intent – MSFC 101.3

The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or hazardous conditions in new and existing buildings, structures and premise and to provide safety to the firefighters and emergency responders during emergency operations

Intent – MSFC 101.3

The purpose of this code is to establish the **minimum requirements** consistent with nationally recognized good practice **for providing a reasonable level of life safety and property protection** from the hazards of fire, explosion or hazardous conditions **in new and existing buildings**, structures and premise and to provide safety to the firefighters and emergency responders during emergency operations

MSFC 104.7

Continuation from Previous Session

Technical Assistance – MSFC 104.7.2

- Fire code official can require outside technical assistance:
 - **Cost born by the owner or applicant**
 - **Prepared by engineer, specialist, consultant, or lab**
 - **Acceptable to the code official**
 - **Analyze the fire safety of the building or design**

Modifications – MSFC 104.8

- Fire code official can grant modifications:
 - **For individual cases**
 - **Where code compliance is not practical**
 - **Must meet code purpose and intent**
 - **Cannot lessen fire and life safety**
- Should be used sparingly
- Document the modification and reason (why was it impractical or unduly difficult?)

Alternate Materials / Methods – MSFC 104.9

- Code does not intend to prohibit new materials, products, or design methods
- Alternate must be approved by the fire code official
- Alternate must:
 - **Comply with the intent of the code**
 - **Not be less protection than prescribed in the code for:**
 - Strength
 - Effectiveness
 - Fire resistance

Hierarchy of Fire Protection Features

Fire Protection Feature	Goals Achieved	Type of Protection	What it Does	Comments
Automatic sprinklers (complete building protection)	Life safety, property protection, continuity of operations	Active	Suppresses fire, provides notification (in most cases)	Excellent track record. Keeps fire from spreading; limits products of combustion. Maintains tenable conditions for egress.
Other automatic extinguishing systems	Property protection, continuity of operations	Active	Suppresses fire	Usually only used for partial or localized protection.
Automatic sprinklers (partial building protection)	Property protection, continuity of operations	Active	Suppresses fire	Provides partial or localized protection.
Fire alarm system (automatic smoke detection)	Life safety	Active	Provides notification of occupants/F.D.	Alerts occupants to fire conditions in early stages. Particularly effective where persons are sleeping.
Smoke alarms (single or multiple station)	Life safety	Active	Provides notification of occupants	Alerts occupants to fire conditions in early stages. Particularly effective where persons are sleeping.

Hierarchy of Fire Protection Features

Fire Protection Feature	Goals Achieved	Type of Protection	What it Does	Comments
Compartmentation (fire-rated protection of means of egress)	Life safety	Passive	Resists fire spread	Does not suppress fire or notify occupants. Provides some limited time for occupant egress.
Compartmentation (fire-rated construction)	Property protection	Passive	Resists fire spread	Does not suppress fire or notify occupants. Intent is to lose that compartment in a fire.
Fire alarm systems (automatic heat detection)	Property protection (in some situations)	Active	Provides notification	Activates too late to be of life safety value; may provide limited property protection
Smoke control systems	Life safety	Active	Provides protection from smoke spread	Requires smoke detection to activate; may provide slight additional time for egress.
Standpipe systems – fire department use	Property protection, continuity of operations	Passive	Brings water supply inside building for firefighting purposes	Fire department must be notified and present at scene to use. Typically seen in large or tall buildings.
Staff training and response	Life safety, property protection, continuity of operations	Passive	Staff is required to take appropriate action (activate alarm, close doors, fight fire)	Some history of success in institutional occupancies; little to no value in other occupancies.

Alternate Materials / Methods – MSFC 104.9

- Data to support approval of materials to be from approved source – MSFC 104.9.1
- Fire code official can require additional tests to validate alternate materials / methods – MSFC 104.9.2
- Performance-based designs – MSFC 104.9.3:
 - **Goals, objectives, and acceptance – MSFC 104.9.3.1**
 - **Peer review – MSFC 104.9.3.2**
 - **Engineer of record – MSFC 104.9.3.3**
 - **Annual recertification of design – MSFC 104.9.3.4**

Authority at Fires / Emergencies – MSFC 104.11

- Fire chief / FD officer can control operations necessary for firefighting or rescue
- Can prohibit persons or vehicles from entering the scene
- Can remove items impeding or interfering with the operations
- Includes placing of barricades, guards or other obstructions to prevent accidents or interference – MSFC 104.11.1

Authority at Fires / Emergencies – MSFC 104.11

- Shall not obstruct fire department operations or disobey lawful order – MSFC 104.11.2
- Shall not turn off or disconnect fire protection devices or equipment during an emergency – MSFC 104.11.3
 - **Except when authorized by the fire chief or FD officer**

MSFC Section 105

Permits

Permits – MSFC 105

- MSFC 104.2 allows the fire code official to require permits
- MSFC 105 contains specific requirements for permits
- Permit types (MSFC 105.1.2):
 - **Operational permit – MSFC 105.6 (50 different types)**
 - **Construction permit – MSFC 105.7 (24 different types)**
- Since permits are optional per MSFC 104.2, this presentation will not spend a great deal of time on the issue

Permits – MSFC 105

- Remember: “permit” is short for permission
- Can place conditions on permits (MSFC 105.3)
- Permit expiration (MSFC 105.3.1):
 - **Construction permits: 180 days unless work started**
 - **Other permits: for the time period specified**
 - **Permits are not transferrable**
- Can issue conditional permits (MSFC 105.3.4)
- Permits to be available for inspection (MSFC 105.3.5)

Permit Fees – MSFC 106

- Payment of fees required (MSFC 106.1)
- Fee schedule to be developed (MSFC 106.2)
- Fee penalty assessed if work commences before permit issuance (MSFC 106.3)
- Development of a refund policy (MSFC 106.5)

MSFC Section 107

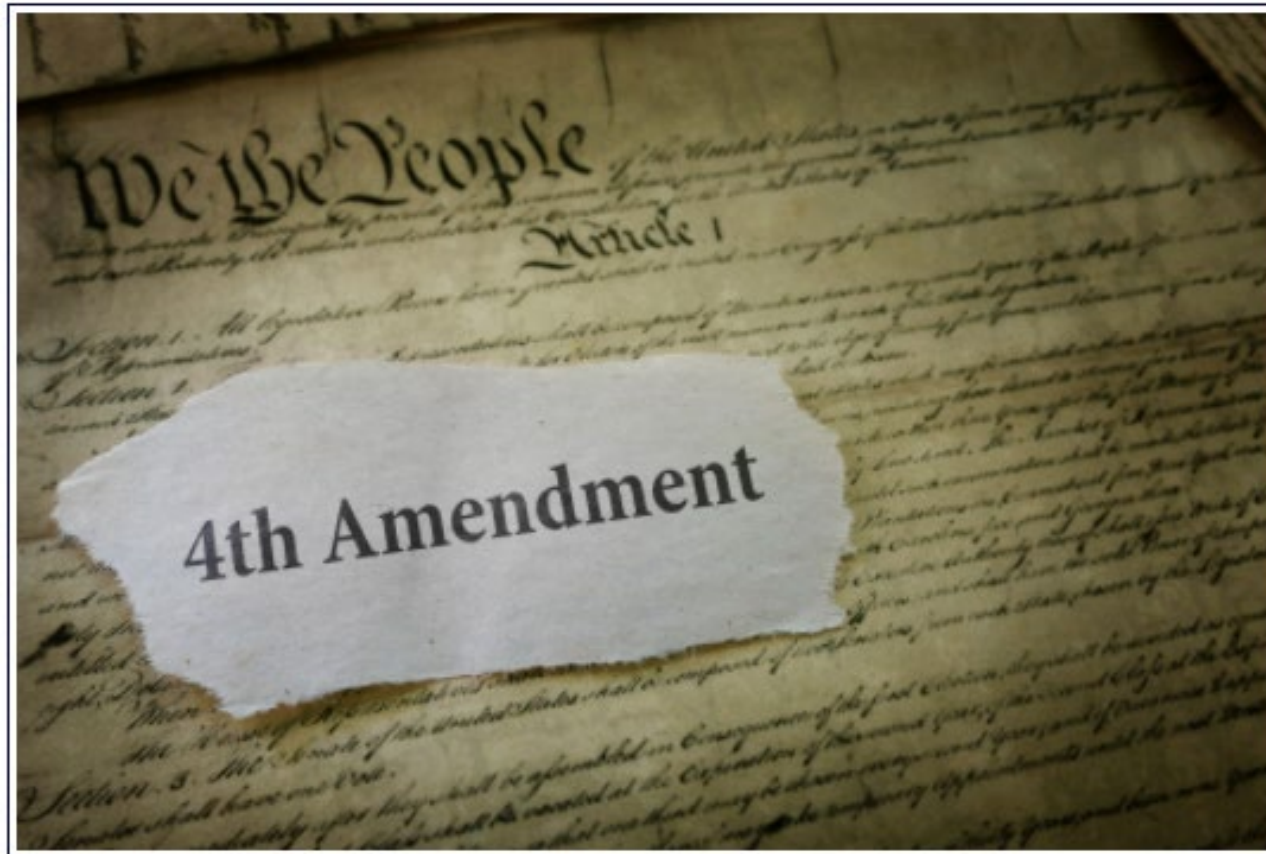
Inspections

Inspection Authority – MSFC 107.1

- Fire code official has authority to conduct inspections for purpose of code compliance
- Refers to MSFC Section 104.3 (Right of Entry)
- Regardless of the wording in the code, the Constitution and Bill of Rights govern inspection authority:
 - **Owner / occupant can grant permission**
 - **Owner / occupant can deny permission (all or part of the inspection)**
 - **Code official can obtain administrative search warrant**

4th Amendment

- “Why should I care about the 4th Amendment, I’m not a cop; I’m a fire inspector?”



Constitution – 4th Amendment

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Inspections – MSFC 107.2

- Authorizes inspections to determine code compliance
 - **Includes receipt of reports from others**
- Fire code official can seek expert opinions
- This section is not intended to:
 - **Require that inspections be conducted**
 - **Determine inspection priorities**
 - **Establish an inspection frequency**
- Those are local governing body decisions

Inspections – MSFC 107.2

- Permittee to arrange for required inspections – MSFC 107.2.1
- Approval of the fire code official is required for work beyond what has been inspected – MSFC 107.2.2
- Work to be visible and accessible – MSFC 107.3
- Any approvals are not valid if they violate a provision of the code – MSFC 107.4

MSFC Section 108

Maintenance

Maintenance of Safeguards – MSFC 108.1

- Maintain features that are required by this code
- Examples:
 - **Devices**
 - **Equipment**
 - **System**
 - **Condition**
 - **Arrangement**
 - **Level of protection**



Testing & Operation – MSFC 108.2

- Periodic testing or operations are required
- Goal: verify that fire protection equipment can be expected to operate when needed
- Follow-up inspections or retesting may be required when equipment did not pass initial inspection or test (MSFC 108.2.1):
 - **Includes corrective work that needs to be conducted**

Recordkeeping – MSFC 108.3

- Owner to keep inspection, testing and maintenance (ITM) records
- Length of time: kept for at least three years
- Available for fire code official review
- Fire code official can request that copies of inspection records be provided:
 - **Question: Does this provision allow the AHJ to institute a third-party inspection program?**
 - **Opinion: No; that needs to be done via local ordinance**

Maintenance – MSFC 108

- Responsible person needed for maintenance and testing (MSFC 108.4)
- Fire protection equipment or systems shall not be rendered inoperative (MSFC 108.5)
 - **Exceptions for emergencies, maintenance, repairs, testing**

Overcrowding – MSFC 108.6

- Overcrowding is not allowed:
 - **Includes allowing entrance in excess of the approved capacity**
- Fire code official can stop the event to correct the overcrowding
- Overcrowding is based on egress capacity
- Enforcement involves applying good judgement



STATE OF MINNESOTA
Department of Public Safety
State Fire Marshal Division

Occupant Load Certificate

Minnesota State Fire Code Section 1004.9 requires that the maximum number of people permitted in an assembly occupancy be posted.

Facility Name: Jon's Pretty Good Bar & Grill
Facility Address: 1234 West Main Street
City, State, Zip Code: Anytown, MN 55555
Occupancy Classification: A-2 – Drinking & Dining
Date Issued: February 2, 2022

The maximum number of persons permitted in this space has been determined to be:

219

Exceeding the maximum number of people stated above is a violation of the Minnesota State Fire Code. Fire code violations are misdemeanor criminal penalties pursuant to Minn. Stat. § 299F.011, subdivision 6.

This certificate is to be posted in a conspicuous location near the main exit from the room or space at all times.

MSFC Section 109

Appeals

Appeals – MSFC 109.1

- This section has been amended
- Appeals are governed in state statute
- This section addresses appeals to the State Fire Marshal
- The un-amended wording in IFC Section 109 requires:
 - **Establishment of a Board of Appeals**
 - **Authority and limitations of the Board of Appeals**
 - **Qualifications of members**

MSFC Section 110

Violations

Violations – MSFC 110

- Unlawful to do things in violation of the code (MSFC 110.1)
- Owner / owner's representative is responsible for correcting or abating code violations (MSFC 110.2)
 - **Occupants are responsible for correcting conditions that they create**

Violation Notice – MSFC 110.3

- Fire code official is authorized to issue violation notices:
 - **In writing**
 - **Identifying conditions that are unsafe**
 - **Time to comply**
- Question: Does the violation notice have to include a copy of the applicable code section?

Service of Violation Notice – MSFC 110.3.1

- Violation notices to be served on:
 - **Owner**
 - **Owner's representative**
 - **Operator**
 - **Occupant**
 - **Person responsible for the violation**



Method of Violation Notice Service

- Methods specified in fire code:
 - **Personal service to owner or occupant**
 - **Mail:**
 - Certified mail with return receipt
 - First class mail
 - E-mail (?)
 - **Posting at the premises**

Violation Notice – MSFC 110

- Owner or owner's representative is required to comply (MSFC 110.3.2)
- Can prosecute for failure to comply (MSFC 110.3.3)
- Tampering with signs, tags, or seals posted by the fire code official is prohibited (MSFC 110.3.4)
- Penalty is misdemeanor (MSFC 110.4)
- Fire code official has authority to correct conditions that continue (MSFC 110.4.1) – **urge extreme caution!!**

MSFC Section 111

Unsafe Buildings

Unsafe Buildings – General – MSFC 111.1

- For conditions presenting clear and inimical threat to life, the fire code official can:
 - **Issue orders to remove the hazard**
 - **Refer the issue to the building department for repairs, alterations, remodeling, removal, or demolition necessary**

Unsafe Conditions – MSFC 111.1.1

- Provides examples of unsafe conditions:
 - **Inadequate egress features**
 - **Presence of fire hazards**
 - **Illegal or improper occupancy**
 - **Inadequate maintenance**
 - **Otherwise dangerous to life**
- Specifically states that unsecured vacant structures are unsafe

Worcester, MA Abandoned Building Fire

- Six firefighters killed



Structural Hazards – MSFC 111.1.2

- Fire code official is to notify the building code official upon discovery of structural hazards due to:
 - **Faulty installation**
 - **Improper operation**
 - **Malfunction**



Evacuation – MSFC 111.2

- Fire code official (or FD officer) can order the immediate evacuation of a building:
 - **Deemed unsafe**
 - **Where conditions pose imminent danger to life**
- Occupants are to immediately leave the building
- Occupants are not to re-enter unless authorized to do so

Summary Abatement – MSFC 111.3 & 111.4

- The fire code official is authorized to abate conditions deemed hazardous to life or property (MSFC 111.3)
- Owner (or owner's representative) to abate or correct unsafe conditions identified by the fire code official (MSFC 111.4)



MSFC Section 112

Stop Work Order

Stop Work Order – MSFC 112

- Fire code official is authorized to issue stop work order for work performed in:
 - **Manner contrary to code**
 - **Dangerous or unsafe manner (MSFC 112.1)**
- Stop work order to be in writing and state the reason for the order (MSFC 112.2)
- All activities related to the order are to cease
- Exception to written notice in emergencies (MSFC 112.3)

MSFC Section 113

Service Utilities

Authority to Disconnect – MSFC 113.1

- Can authorize disconnection of utility services in an emergency
- Prior to disconnection, shall notify the:
 - **Utility company**
 - **Owner / owner's representative**
 - **Building's occupants**
- Except where disconnection notification is impractical:
 - **Notify in writing soon thereafter**



Questions

Website: <https://sfm.dps.mn.gov>



Thank you

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