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State Fire Marshal Division

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APPLICATION AND ENFORCEMENT OF THE MINNESOTA STATE FIRE CODE

This information sheet explains how the Minnesota State Fire Code (MSFC) is applied and enforced, including jurisdictions in which the MSFC applies, and who is responsible for enforcement.

A complete list of referenced links is provided in Section 4.

FAQs begin on page 3.

SECTION 1 – THE MINNESOTA STATE FIRE CODE

1.1 Adoption. By legislative authority, the first fire code in Minnesota was adopted on October 3, 1975 for the purpose of safeguarding lives and property due to fire and other hazardous conditions. The adoption statute ([Minn. Statute §299F.011](#)) authorizes the Commissioner of Public Safety, through the State Fire Marshal Division, to create a state fire code through the [administrative rule-making process](#). As required by statute, a nationally recognized model code is adopted along with specific state amendments. To stay current with modern construction methods, technology and fire safety practices, the state fire code is periodically updated. The current version is the *2007 Minnesota State Fire Code*, formally adopted July 10, 2007. It consists of the [2006 International Fire Code](#), published by the International Code Council, Inc., along with state amendments. [Minn. Rules Chapter 7511](#).

1.2 Application. Per [Minn. Statute §299F.011](#), the MSFC applies throughout the state and in all Minnesota political subdivisions and municipalities. It applies to *all structures* — residential, commercial, private and public — whether or not a municipal, township or county government has adopted it. The MSFC is not enforceable on sovereign tribal land or federally owned property.



1.3 Provisions for New and Existing Buildings. The MSFC contains two sets of minimum requirements — one for buildings classified as new construction, and the other for existing construction. Construction that occurred on or after the MSFC adoption date (July 10, 2007) is classified as new construction, while construction that occurred prior to July 10, 2007 is classified as existing. There are a few exceptions to this rule:

- Administrative, operational and maintenance provisions may apply to both new and existing buildings.
- Changing use or occupancy classification of an existing building may require compliance with the provisions for “new construction.”
- Existing conditions that are deemed by the code official to constitute a distinct hazard may require compliance with “new construction” provisions.

SECTION 2 – WHO IS AUTHORIZED TO ENFORCE THE MSFC?

2.1 The Fire Code Official. The fire code official (fire chief of a jurisdiction or the chief’s authorized representative) has authority to enforce the MSFC, along with the State Fire Marshal or the State Fire Marshal’s representative.

2.2 The Minnesota State Fire Marshal Division. The State Fire Marshal has statutory and/or contractual inspection responsibility for the following:

- Public school buildings (including charter schools) used for K-12 education
- Short-term (transient) residential rental buildings containing 6 or more rental units (e.g. hotels and motels, vacation rentals, etc.)
- Child and adult care programs licensed by the Minnesota Department of Human Services, including
 - Child and adult care centers
 - Chemical dependency and residential treatment programs
 - Day training and habilitation services
 - Group/family child care (residential)
 - Child and adult foster care (residential)
- Certified Medicare or Medicaid health-care facilities
- State licensed health-care facilities
- Correctional facilities

For occupancies not listed above, the primary authority having jurisdiction would be the local fire chief or the chief's duly authorized representative.

SECTION 3 - FREQUENTLY ASKED QUESTIONS REGARDING THE MINNESOTA STATE FIRE CODE

1. My local unit of government has not adopted the MSFC. Does this mean the fire code does not apply in my community?

By state law, the MSFC applies throughout the state and in all political subdivisions and municipalities therein, regardless of whether or not it has been adopted locally. See Section 1.2 above.

2. What's the difference between the state fire code and state building code?

The Minnesota State Building Code (MSBC) is the standard that applies statewide for the construction, reconstruction, alteration, repair, and use of buildings and other structures governed by the code. For more information on the MSBC, [click here](#) or see Section 4.

The Fire Code and the Building Code contain many of the same requirements for new construction, such as means of egress, fire protection systems, fire-rated construction, and interior finishes. However, the MSFC contains specific provisions related to fire prevention, fire service features, hazardous materials, emergency planning, and various operational conditions and hazards. The MSFC also contains minimum requirements applicable to existing buildings.

3. Does the Minnesota State Building Code (MSBC) apply statewide, or does it need to be adopted locally?

The Minnesota State Building Code applies statewide to the construction, reconstruction, alteration, repair, and use of buildings and other structures of the type governed by the code ([Minn. Statute §326B.121](#)). For a municipality or county to *enforce* the MSBC it must first be adopted, and a certified building official must be designated. However, even when the

MSBC has not been adopted within a jurisdiction, the requirements of the code still apply. For a list of Minnesota municipal and county building officials, [click here](#) or see Section 4.

4. Is my local fire code official required to conduct building inspections?

The MSFC gives the fire code official authority to conduct building inspections for the purpose of enforcement, but the MSFC does not mandate that such inspections occur. Many jurisdictions do not have a building inspection program, as financial resources necessary to train and maintain inspectors may not be available.

5. Who do I contact to make a complaint regarding a possible fire code violation?

A complaint regarding one of the occupancy types inspected by the State Fire Marshal, as listed in Section 2.2 above, may be emailed to the Minnesota State Fire Marshal Division at: firecode@state.mn.us.

For all other occupancies, complaints should be first directed to the local fire chief or fire marshal.

6. I'm constructing a new building (or making changes to an existing building). How do I ensure the project complies with state fire and building codes?

If your building is located within a building code jurisdiction, first contact your building official. For a list of Minnesota municipal and county building officials, [click here](#) or see Section 4.

Even in areas without a designated building official, construction must comply with state fire and building codes. Most construction projects are required to have certified design plans prepared under the supervision of a Minnesota-licensed design professional (e.g. an architect or engineer). The design professional will conduct a code review to ensure that the project complies with all applicable state requirements. For more information on the Minnesota Board of Architecture, Engineering, Land Surveying,

Landscape Architecture, Geoscience and Interior Design statutes and rules, [click here](#) or see Section 4.

7. Where can I find a copy of the Minnesota State Fire Code?

The 2007 MSFC consists of the *2006 International Fire Code* (IFC), published by the International Code Council, Inc. (ICC), along with state amendments — Minn. Rules Chapter 7511. To purchase a complete copy of the 2007 MSFC through the ICC website, [click here](#) or see Section 4. The 2006 IFC and Minnesota amendments can be viewed online by clicking the links below. Complete web addresses are listed in Section 4.

[2006 International Fire Code](#)
[Minn. Rules Chapter 7511](#)

SECTION 4 – REFERENCED INTERNET LINKS

Minnesota State Fire Code Adoption Statute: §299F.011

<https://www.revisor.mn.gov/statutes/?id=299f.011>

Minnesota’s Administrative Rule-making Process

<https://www.revisor.leg.state.mn.us/rules/?view=info>

2006 International Fire Code

<http://publicecodes.cyberregs.com/icod/ifc/2006f2/index.htm>

Minnesota Rules Chapter 7511 – State Fire Code Amendments

<https://www.revisor.leg.state.mn.us/rules/?id=7511>

Minnesota State Building Code Information

<http://www.dli.mn.gov/cclD/Codes.asp>

Minnesota State Building Code Application and Enforcement: §326B.121

<https://www.revisor.mn.gov/statutes/?id=326B.121>

List of Minnesota Municipal and County Building Officials

http://www.dli.mn.gov/CCLD/PDF/bc_bo_list.pdf

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**Minnesota Board of Architecture, Engineering, Land Surveying, Landscape
Architecture, Geoscience and Interior Design: Statutes and Rules**

<http://mn.gov/aelslag/>

To purchase the Minnesota State Fire Code from the ICC website

<http://shop.iccsafe.org/codes/state-and-local-codes/minnesota/minnesota-state-fire-code.html>