

# **MINNESOTA STATE FIRE CODE APPLICATION AND ENFORCEMENT**

## **Introduction**

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. FAQs begin on page two.

## **Section 1 — The Minnesota State Fire Code**

### **1.1 Adoption**

The first Minnesota fire code was adopted Oct. 3, 1975, to safeguard 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 (SFMD), 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 *2020 Minnesota State Fire Code*, formally adopted March 31, 2020. It consists of the [2018 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 the code. 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 of March 31, 2020, is classified as new construction, while construction that occurred prior to March 31, 2020, 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.



# Minnesota Department of Public Safety State Fire Marshal Division

## Section 2 — Who is authorized to enforce the MSFC?

### 2.1 The Fire Code Official

The fire code official (fire chief, fire department representatives authorized by the fire chief, or other authority specifically designated by ordinance or regulation that is charged with the administration and enforcement of the code) 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 SFMD has statutory and/or contractual inspection responsibility for the following:

- Public school buildings (including charter schools) used for K-12 education.
- Hotels, motels, bed and breakfast, vacation rentals/resorts that contain 6 or more rental units.
- 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 (hospitals and nursing homes).
- 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

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

**Answer:** 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.

**Question:** What's the difference between the state fire code and state building code?

**Answer:** The Minnesota Building Code (MBC) is the standard that applies statewide for the construction, reconstruction, alteration, repair, and use of buildings and other structures governed by the code. More [information on the MBC](#) is online.



# Minnesota Department of Public Safety State Fire Marshal Division

The MSFC and MBC contain many of the same requirements for new construction. 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.

**Question:** Does the MBC apply statewide, or does it need to be adopted locally?

**Answer:** The MBC 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 MBC it must first be adopted, and a certified building official must be designated. However, even when the MBC has not been adopted within a jurisdiction, the requirements of the code still apply. A [list of Minnesota municipal and county building officials](#) is available online.

**Question:** Is my local fire code official required to conduct building inspections?

**Answer:** 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.

**Question:** Who do I contact to make a complaint regarding a possible fire code violation?

**Answer:** 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 SFMD at: [fire.code@state.mn.us](mailto:fire.code@state.mn.us). For all other occupancies, complaints should be first directed to the local fire chief or fire marshal.

**Question:** 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?

**Answer:** If your building is located within a building code jurisdiction, contact your building official. A [list of Minnesota municipal and county building officials](#) is online. 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. [This website](#) has more information on the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design statutes and rules.

**Question:** Where can I find a copy of the Minnesota State Fire Code?

**Answer:** The 2020 MSFC consists of the *2018 International Fire Code* (IFC), published by the International Code Council, Inc. (ICC), along with state amendments — Minn. Rules Chapter 7511. You can purchase complete [copy of the 2020 MSFC](#) through the ICC website. The [2020 MSFC](#) can be viewed online for free.

