The Fire Department, the Fire Chief and Their Role as Fire Code Officials

Purpose
This information sheet provides guidance to fire chiefs regarding their role as the fire code official in their community and communities they contract with for fire protection.

Minnesota State Fire Code (MSFC) important definitions
- AUTHORITY HAVING JURISDICTION: Any municipal fire code official serving within their appointed jurisdiction or the state fire marshal or any of their authorized representatives.
- FIRE DEPARTMENT: A regularly organized fire department, fire protection district or fire company regularly charged with providing firefighting or fire protection services to the state or a political subdivision.
- FIRE CHIEF: The chief officer of the fire department serving the jurisdiction or the chief’s authorized representatives.
- FIRE CODE OFFICIAL: The state fire marshal, the state fire marshal’s authorized representative, fire chief, fire department representatives authorized by the fire chief, or other authority specifically designated by ordinance or regulation who is charged with the administration and enforcement of the code. The appointing authority shall ensure that the fire code official is competent by virtue of certification as a fire inspector, training, or experience in fire prevention inspections and enforcement.

What is a Minnesota fire department?
Per Minnesota Statute 299F.04, fire departments are issued an FDID to report incidents to the Minnesota State Fire Marshal Division (SFMD). A fire department is one of the following:
- A municipal fire department as stated in city ordinance.
- A fire protection district.
- A private fire company.

The fire code official
The MSFC defines who the fire chief and fire code official are. They can be the same person or two separate people depending on the organization’s structure. In some cases the fire code official for the jurisdiction is a fire marshal, fire inspector(s) or a general inspector. The appointment may come from the fire chief, city council or a city manager. Whoever makes the appointment must ensure that the appointed fire code official is competent.
Before the adoption of the 2000 International Fire Code, the fire chief was always the fire code official. It became clear however that even when there is someone else making fire code decisions such as a fire marshal, some issues require the input and awareness of the fire chief. Those issues can include emergency planning, approval of security gates across fire access roads, and location of fire command centers in buildings. These types of situations require the input and knowledge of the person responsible for emergency response. Other fire code and prevention issues are left up to the fire code official, whether that is also the fire chief or another designee.

My city doesn't adopt the fire code. Do I still have to be the fire code official?
Minnesota Statute 299F.011 subdivision 4 states in part the MSFC shall be applicable throughout the state and in all political subdivisions and municipalities. This means even though your city or county does not adopt the fire code, the MSFC still applies and must be complied with. It also means there is always an authority having jurisdiction over the fire code, and unless someone else has been appointed, that is the local fire chief. By city ordinance, you can amend portions of the MSFC that are not part of the Minnesota Building Code such as Chapter 9 and 10 requirements.

Does this mean I have to start inspecting buildings and enforcing the fire code?
No. The MSFC gives the fire code official authority to conduct building inspections for the purpose of enforcement, but it does not mandate them. Many jurisdictions do not have a building inspection program, as financial resources necessary to train and maintain inspectors may not be available.

What does this mean for me as the local fire chief?
The two most critical issues the code official should be involved with are: 1) ensuring required fire protection systems and features are provided for new building construction projects and 2) responding to fire code complaints. For new construction, you should be involved in fire response issues such as fire access roads, water supplies, fire department building access and fire department connection locations. You would also want to assure that proper fire suppression and fire alarm systems are being installed when required.

You may also need to respond to a complaint of a possible fire code violation or fire hazard. The SFMD will handle complaints on properties it inspects, such as hotels, public schools, health care facilities, and correctional facilities. For other facilities the local fire code official will generally be the authority having jurisdiction. If the SFMD receives a specific fire code complaint, it will refer the reporting party to the local fire chief or local fire code official.

Contractual fire protection agreements with townships and other cities
Some fire departments have contractual agreements to provide fire protection services to surrounding communities, townships or unincorporated areas that do not have their own fire department. The terms of the fire protection contract will determine the role of the fire chief or fire department in fire code inspections and enforcement. For example, if the contract is only for firefighting or fire suppression services, the chief's role in fire code inspections and enforcement is limited to considerations involving response (access roads, water supplies, etc.). If the contract includes fire inspection duties, the fire chief becomes the fire code official. The fire department is not required to start an inspection program in those communities or contracted areas, but, from a liability standpoint, it has an obligation to respond to fire code complaints.
I am a part-time fire chief without fire code experience. Where can I get assistance?
The SFMD has fire code specialists and in some cases regional inspectors who can assist you. They will help you determine if there is a fire code violation. While well meaning, not all complaints are actual fire code violations. Sometimes an issue just requires a personal contact and explanation of fire safety. If there is a violation, SFMD staff can help you write a proper order of correction and walk you through the process. In some special situations, at the request of the local fire chief, SFMD staff will make site visits and provide additional assistance.

Technical assistance
The MSFC Section 104.7.2 has some powerful language allowing you to require a technical opinion and report prepared by a qualified person and approved by you at the owner’s expense:

[A]104.7.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the fire code official, the fire code official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The fire code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

More information
Information sheets and inspection checklists are online at sfm.mn.gov under the “fire code” tab.

You may also email the SFMD Fire Code Team at fire.code@state.mn.us or the SFMD Fire Sprinkler Team at fm.fire.sprinkler@state.mn.us.