

ARTICLE 10-07

FIRE MARSHAL

Chapter
10-07-01 Fire Prevention

**CHAPTER 10-07-01
FIRE PREVENTION**

Section
10-07-01-01 Fire Prevention Rules – Intent
10-07-01-02 Fire Prevention Rules – Scope
10-07-01-03 Definitions
10-07-01-04 Fire Prevention Rules
10-07-01-05 Availability of Standards

10-07-01-01. Fire prevention rules – Intent. It is the intent of this chapter to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from the hazards of fire and explosions.

History: Effective November 1, 1983.

General Authority: NDCC 18-01-04

Law Implemented: NDCC 18-01-02

10-07-01-02. Fire prevention rules – Scope.

1. This chapter supplements all laws defined within the North Dakota Century Code relating to fire safety and applies to all persons without restrictions, unless specifically exempted.
2. This chapter applies to existing conditions, as well as to conditions arising after the adoption of this chapter, except that conditions legally in existence at the time of adoption of this chapter and, not in strict compliance with this chapter, shall be permitted to continue only if, in the opinion of the state fire marshal, they do not constitute a distinct hazard to life or property.
3. Where there is a conflict between this chapter and those provisions of the North Dakota Century Code, the provisions of the North Dakota Century Code shall prevail.

History: Effective November 1, 1983

General Authority: NDCC 18-01-04, 18-01-33

Law Implemented: NDCC 18-01-02

10-07-01-03. Definitions. The following definitions shall be used when referred to in the content of this chapter:

1. "Authority having jurisdiction", "bureau of fire prevention", "chief", "chief of the fire department", "chief of the fire prevention bureau", "fire chief", "fire code official", "fire department", "fire marshal", "fire marshal's office", "fire prevention bureau", "fire prevention engineer", "fire prevention inspector", "fire protection engineer", "inspector", or "office of the fire marshal" refers to the state fire marshal or any representative of the state fire marshal's office.
2. "City" or "jurisdiction" refers to the state of North Dakota.
3. "Fire prevention code", "fire prevention rules", or "state fire code" or refers to the rules provided for within this chapter.
4. "Local jurisdiction" refers to any agency of local or state government which has a defined responsibility for any population, group of persons, land area, occupancy type, class of persons, or municipality located within this state which is less than the entire land area, population or geographical make-up of this state.

History: Effective November 1, 1983; amended effective January 1, 2015.

General Authority: NDCC 18-01-04, 18-01-33

Law Implemented: NDCC 18-01-04, 18-01-33

10-07-01-04 Fire prevention rules. The fire prevention rules for this state include, but are not limited to, the following:

1. **Fire code.** The State Fire Code includes:
 - a. The provisions of the ~~present~~ State Building Code, effective January 1, 2020, providing for fire-safe construction and operation, as provided for in North Dakota Century Code section 54-21.3-03.
 - b. The provisions of the International Fire Code (IFC), 2018 Edition International Code Council (ICC), with the following exceptions and modifications: current published edition to correspond to the year presently in use with the State Building Code, with the following deletions and exceptions:
 - (1) ~~Section 103 Department of Fire Prevention.~~
 - (2) ~~Section 105 Permits and any reference to.~~
 - (3) ~~Section 108 Board of Appeals.~~
 - (4) ~~Section 109 Violations.~~
 - (5) ~~Section 113 Fees.~~

(1) Chapter 1. Scope and Administration:

101.1 Title. The words “[NAME OF JURISDICTION]” are replaced with “North Dakota”.

102.1 Construction and design provisions. Subsection 3 does not apply.

102.4 Application of building code. Insert “as amended by the State of North Dakota” after the words “International Building Code” in both instances.

102.6 Historic buildings. Does not apply.

105.1.1 Permits required. The words “obtain the required permit” are replaced with “may be required to obtain a permit”.

110.4 Violation penalties. Does not apply.

(2) Chapter 2. Definitions.

Fireworks, 1.4G. After “1507” insert “, or otherwise listed and defined in North Dakota Century Code section 23-15-01”.

[BG] Group E, day care facilities. The word “five” is replaced with “twelve”.

[BG] Five or fewer children. The word “five” is replaced with “twelve” in both instances in this paragraph.

[BG] Five or fewer children in a dwelling unit. The word “five” is replaced with “twelve” in both instances in this paragraph

[BG] Institutional Group I-4, day care facilities. The word “five” is replaced with “twelve”.

Classification as Group E. The word “five” is replaced with “twelve”.

[BG] Five or fewer occupants receiving care. The word “five” is replaced with “twelve” in both instances in this paragraph.

[BG] Five or fewer occupants receiving care in a dwelling unit. The word “five” is replaced with “twelve” in both instances in this paragraph.

[BG] Care facilities within a dwelling. The word “five” is replaced with “twelve” and the words “provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or Section P2904 of the International Residential Code” are deleted.

(3) Chapter 3. General Requirements

308.1.4 Open-flame cooking devices. Exception 3. The words “2 ½ pounds [nominal 1 pound (0.454 kg) LP-gas capacity]” is replaced with “20 pounds (9.07 kg)”.

308.1.3 Sky lanterns. Does not apply.

308.3 Group A occupancies. Exception 1. The following is added:

“1.4 Open-flame devices for food warming.”

(4) Chapter 5. Fire Service Features

510.1 Emergency responder radio coverage in new buildings. In the first sentence, replace “New” with “Where required by the fire code official, new”.

(5) Chapter 9. Fire Protection and Life Safety Systems

The following is added:

“905.1.1 Standpipe hose. The installation of fire hose on standpipes may be omitted when approved by the fire code official. Approved standpipe hose valves and connections shall be provided where required.”

907.2.10.2 Groups R-2, R-3, R-4 and I-1. The following subsection is added:

“4. In dwelling units where the ceiling height of a room open to the hallway serving the sleeping rooms exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors must be installed in the hallway and in the adjacent room.”

(6) Chapter 10. Means of Egress

1010.1.9.4 Locks and Latches. The following is added:

“7. Egress doors from occupied roofs, or doors used to gain access to the interior of the building may be locked from the outside if all of the following are provided:

7.1 Compliance with all aspects of Section 1010.1.9.4 subsection 2.

7.2 Compliance with section 1009.8.

7.3 The door locks must unlock on actuation of the automatic sprinkler system and automatic fire detection system and the door locking system must be installed to have the capability of being unlocked by a switch located at the fire command center.”

1011.1 General. The following is added as an Exception:

“Stairways used only to attend equipment or private stairways serving an occupant load of ten or fewer persons and which are not accessible to the public need not comply with sections 1011.2 through 1011.13.”

1030.3. Maximum height from floor. The words “44 inches (1118 mm)” are replaced with “48 inches (1219.2 mm)”.

(7) Chapter 61, Liquefied Petroleum Gases

6103.2.1.6 Use with self-contained torch assemblies. The words “2.7 pounds (1.2 kg)” are replaced with “12 pounds (5.44 kg)”.

- ~~2. **Fire protection equipment.** The applicable standards of the national fire protection association shall be utilized for planning, installation, maintenance, and testing of all fire protection, alarm, extinguishing, and fire extinguishers in all instances.~~
- ~~3. **Explosives.** The standards, as defined within the regulations of the bureau of alcohol, tobacco and firearms under federal statutes and all standards for explosives as published by the national fire protection association shall be utilized in all applicable situations involving explosives or defined components.~~
- ~~4. **Fireworks.** The rules for public fireworks display as defined in National Fire Protection Association Standard No. 1123 shall be used.~~
- ~~5. **Liquefied petroleum gases.** Regulations for the storage and handling of liquefied petroleum gases as defined within national fire protection standards shall be utilized in all applicable situations.~~
- ~~6. **Flammable and combustible liquids.** The standards for storage and handling of flammable and combustible liquids as defined within national fire protection association standards shall be utilized in all applicable situations.~~

History: Effective November 1, 1983; amended effective January 1, 2015.

General Authority: NDCC 18-01-04, 18-01-33, 18-09-02, 23-15-03

Law Implemented: NDCC 18-01-02, 18-01-04, 18-01-33, 18-09-02, and 23-15-03

10-07-01-05. Availability of standards. The standards listed in section 10-07-01-04 are available from:

1. National Fire Protection Association
Batterymarch Park
Quincy, MA 02269
(617) 328-9290

2. International Code Council, Inc.
4051 West Flossmoor Road
Country Club Hills, IL 60478-5795
(800) 214-4321

History: Effective November 1, 1983; amended effective January 1, 2015.

General Authority: NDCC 18-01-04, 18-01-33, 18-09-02, 23-15-03

Law Implemented: NDCC 18-01-02, 18-01-04, 18-01-33, 18-09-02, and 23-15-03