



2015 Minnesota State Fire Code

Based on the 2012
International Fire Code®



SECTION 104 GENERAL AUTHORITY AND RESPONSIBILITIES

[A] **104.1 General.** The *fire code official* is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

[A] **104.2 Applications and permits.** The *fire code official* is authorized to receive applications, review *construction documents* and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] **104.3 Right of entry.** Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the *fire code official* has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, dangerous or hazardous, the *fire code official* shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the *fire code official* by this code. If such building or premises is occupied, the *fire code official* shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the *fire code official* shall first make a reasonable effort to locate the *owner* or other person having charge or control of the building or premises and request entry. If entry is refused, the *fire code official* has recourse to every remedy provided by law to secure entry.

[A] **104.3.1 Warrant.** When the *fire code official* has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an *owner* or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the *fire code official* for the purpose of inspection and examination pursuant to this code.

[A] **104.4 Identification.** The *fire code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] **104.5 Notices and orders.** The *fire code official* is authorized to issue such notices or orders as are required to affect compliance with this code in accordance with Sections 109.1 and 109.2.

[A] **104.6 Official records.** The *fire code official* shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than five years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

[A] **104.6.1 Approvals.** A record of approvals shall be maintained by the *fire code official* and shall be available

for public inspection during business hours in accordance with applicable laws.

[A] **104.6.2 Inspections.** The *fire code official* shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

[A] **104.6.3 Fire records.** The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the *fire code official*.

[A] **104.6.4 Administrative.** Application for modification, alternative methods or materials and the final decision of the *fire code official* shall be in writing and shall be officially recorded in the permanent records of the *fire code official*.

[A] **104.7 Approved materials and equipment.** All materials, equipment and devices *approved* by the *fire code official* shall be constructed and installed in accordance with such approval.

[A] **104.7.1 Material and equipment reuse.** Materials, equipment and devices shall not be reused or reinstalled unless such elements have been reconditioned, tested and placed in good and proper working condition and *approved*.

[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.

[A] **104.8 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the *fire code official* shall have the authority to grant modifications for individual cases, provided the *fire code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention.

[A] **104.9 Alternative materials and methods.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. The *fire code official* is autho-

ized to approve an alternative material or method of construction where the *fire code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety.

[A] **104.9.1 Research reports.** Supporting data, when necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

[A] **104.9.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *fire code official* shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *fire code official* shall approve the testing procedures. Tests shall be performed by an *approved* agency. Reports of such tests shall be retained by the *fire code official* for the period required for retention of public records.

104.9.3 Performance-based fire and life safety design.

The code official is authorized to approve performance-based fire and life safety designs where the code official finds that the proposed design has been conducted by an approved method. Approved performance-based designs shall be deemed as evidence of compliance with the intent of this code. Approvals under the authority herein contained shall be subject to the approval of the building code official whenever the design involves matters regulated by the Building Code. Sections 104.9.3.1 through 104.9.3.4 shall apply to performance-based designs.

104.9.3.1 Goals, objectives and acceptance criteria.

Design goals, objectives and performance criteria shall be approved by the code official prior to the submission of a performance-based design report, calculations or analysis results. As a minimum, an approved performance-based design shall address the following objectives: life safety of occupants, firefighter safety, property protection, continuity of operations and safeguarding of the environment.

104.9.3.2 Peer review. To determine the acceptability of the performance-based design, the code official is authorized to request technical assistance in accordance with Section 104.7.2.

104.9.3.3 Engineer of record. Performance-based designs shall be prepared by, and bear the stamp of, a licensed design professional competent in the area of work. The design professional shall provide written confirmation to the code official before a certificate of occupancy is issued that the performance-based design has been properly implemented, that the operation or use of the building is within the limitations of the design and that adequate controls are in place to main-

tain compliance with the conditions of the design throughout the life of the building.

104.9.3.4 Annual recertification of performance-based design. Where a performance-based design has been approved and used, the property owner shall annually certify that the design features and systems have been maintained in accordance with the approved original performance-based design and assumptions and any subsequent approved changes or modifications to the original performance-based design.

[A] **104.10 Fire investigations.** The *fire code official*, the fire department or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be made part of the public record, except as directed by a court of law.

[A] **104.10.1 Assistance from other agencies.** Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires when requested to do so.

[A] **104.11 Authority at fires and other emergencies.** The fire chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property, or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the fire chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene, and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing which could impede or interfere with the operations of the fire department and, in the judgment of the fire chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

[A] **104.11.1 Barricades.** The fire chief or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

[A] **104.11.2 Obstructing operations.** No person shall obstruct the operations of the fire department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

[A] **104.11.3 Systems and devices.** No person shall render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident.