

**ARTICLE 10-07**

**FIRE MARSHAL**

Chapter  
10-07-01 Fire Prevention

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

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**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. "~~Bureau~~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.

**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 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 ~~Uniform Fire Code and its appendices, International Conference of Building Officials~~International Fire Code (IFC), International Code Council (ICC), current published edition to correspond to the year presently in use with the State Building Code, with the following deletions and exceptions:
    - (1) ~~Article 4—Permits and Certificates~~Section 103 Department of Fire Prevention
    - (2) ~~Appendix VI-B—Model Citation Program~~Section 105 Permits and any reference to
    - (3) Section 108 Board of Appeals
    - (4) Section 109 Violations

(5) Section 113 Fees.

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 statues 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.

**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, Massachusetts 02269  
(617) 328-9290
2. ~~International Conference of Building Officials~~Code Council, Inc.  
~~5360 South Workman Mill Road~~4051 West Flossmoor Road  
~~Whittier, California 90601~~Country Club Hills, IL 60478-5795  
~~(213) 699-0541~~(800) 214-4321
3. ~~Bureau of Alcohol, Tobacco and Firearms~~  
~~e/o Department of Treasury~~  
~~Washington, D.C. 20226~~

**History:** Effective November 1, 1983.

**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