

**ARTICLE 45-18  
FIRE MARSHAL**

Chapter  
45-18-01            Fire Prevention

**CHAPTER 45-18-01  
FIRE PREVENTION**

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**45-18-01-01. 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 January 1, 2024.

**General Authority:** NDCC 18-01-04

**Law Implemented:** NDCC 18-01-02

**45-18-01-02. 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 January 1, 2024.

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

**Law Implemented:** NDCC 18-01-02

**45-18-01-03. 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" 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 makeup of this state.

**History:** Effective January 1, 2024.

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

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

#### **45-18-01-04. Fire prevention rules.**

The fire prevention rules for this state include the following:

**Fire code.** The State Fire Code includes:

1. The provisions of the State Building Code, effective January 1, ~~2023~~ 2026, providing for fire-safe construction and operation, as provided for in North Dakota Century Code section 54-21.3-03.
2. The provisions of the International Fire Code (IFC), ~~2024~~ 2024 edition International Code Council (ICC), with the following exceptions and modifications:
  - a. Chapter 1. Scope and administration.

**101.1 Title.** The words "[NAME OF JURISDICTION]" are replaced with "North Dakota".

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

**103.1 Creation of agency.** The words "[INSERT NAME OF DEPARTMENT]" is replaced with "North Dakota fire marshals division".

**104.8 Liability.** Any suit instituted against an officer or employee because of an act or omission performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be afforded all the protection provided by the city's insurance pool and immunities and defenses provided by other applicable state and federal laws and shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code. This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspection authorized by this code or any permits or certificates issued under this code.

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

**106.4 Retention of construction documents.** Remove the words "One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress."

**~~112.4 Violation penalties.~~ Administration.** Does not apply.

**113.4 Violation penalties.** Does not apply.

b. Chapter 2. Definitions.

**Commercial motor vehicle.** Commercial motor vehicle is amended to read as follows: "Refer to North Dakota Century Code section 39-06.2-02 for commercial motor vehicle definition."

**Fireworks.** Fireworks is amended to read as follows: "Refer to North Dakota Century Code chapter 23-15 for the fireworks definition."

**Residential child care building.** For the purposes of child care fire safety inspections, a residential child care building is defined as a maximum of 30 children in a building designed for residential purposes (i.e. single family dwelling, single apartment, etc.).

**Commercial child care or preschool building.** For the purposes of child care fire safety inspections, a commercial child care or preschool building is defined as any building licensed for over 30 children, or any building designed for commercial purpose regardless of the number of occupants.

c. Chapter 3. General requirements.

**304.1.1 Valet trash.** The word "not" shall be inserted between "shall" and "be". The words "only where approved. The owner and valet trash collection service provider shall comply with the rules and limitations established by the jurisdiction" are hereby removed. The words "Trash and recycling materials shall not be placed in the corridor of Group R occupancies" are inserted after the word "permitted".

~~**308.1.4 Open flame cooking devices.** Insert "or decks" after the word "balconies".~~

~~**Exception 3.** The words "2 ½ pounds [nominal 1 pound (0.454 kg)]" is replaced with "47.8 pounds [nominal 20 pounds (9 kg)]."~~

~~**308.1.6.3 308.1.7 Sky lanterns.** Does not apply.~~

**308.3 Group A occupancies.** Exception 1. The following is added: "1.4 Open-flame devices for food warming."

**314.4 Vehicles.** Insert "Batteries may remain connected if keys are not in ignition system." immediately after subsection 1's "safety features." as a subsection a. Delete "Fuel in fuel tanks does not exceed one-quarter tank or 5 gallons (19 L) (whichever is least)" and renumber accordingly.

d. 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".

e. Chapter 8. Interior finishes.

**806.1.1 Restricted occupancies.** Insert the following exception:

"3. For purposes of this provision, churches shall not be deemed public buildings and may utilize natural or resin-bearing cut trees in the alter area of the church. No electric lighting is allowed on the tree."

f. Chapter 9. Fire protection and life safety systems.

**903.2.8 Group R.** The following exception is added: after "fire area." add "Exception: Sprinklers are not required in single family dwellings or residential buildings that contain no more than two dwelling units and no higher risk occupancy within the same building."

**903.3.1.1.1 Exempt locations** is amended by adding the following exception:

"7. Elevator machine room and machinery spaces. Where sprinklers are not installed in elevator machine rooms, shunt trip required in accordance with IBC 3005.5 shall not be installed."

**903.3.5 Water supplies.** After the words "fire code official." add "Underground water supply piping shall be constructed of a material allowed by the North Dakota State Plumbing Code and shall be allowed to extend into the building through the slab or wall not more than 24 inches."

**905.1.1 Standpipe hose.** Add the following "The installation of the 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."

**907.8.3 Fire alarm system interface. Smoke detector sensitivity.** Delete this paragraph in its entirety.

g. Chapter 10. Means of egress.

**1004.9 Posting of occupant load.** Add "Existing A-2 Assembly occupancies shall comply with this section."

**1009.8.1 System requirements.** After the words "monitoring location" delete the words "or 9-1-1".

h. Chapter 11. Construction requirements for existing buildings.

**1103.5.1 Group A-2.** After the word "Where" remove the words "alcoholic beverages are consumed" and immediately add the words "a state liquor license is applied for or, renewed or in-place".

h. i. Chapter 23. ~~Wood.~~ Motor fuel-dispensing facilities and repair garages.

**2301.1 Scope.** After the words "in accordance with this chapter and" insert the words "/or". After the words "International Mechanical Code" insert the words "NFPA 30 and NFPA30A."

j. Chapter 31. Tents, temporary special event structures and other membrane structures.

**3107.2 General.** Insert words "with planned attendance exceeding 1,000 people" between the words "events" and "shall".

k. Chapter 41. Temporary heating and cooking operations.

**4104.2 Open-flame cooking devices.** Insert "or decks" after the word "balconies".

**Exception 3.** The words "2 ½ pounds [nominal 1 pound (0.454 kg)]" is replaced with "47.8 pounds (nominal 20 pounds (9 kg))."

l. Chapter 58. Flammable gases and flammable cryogenic fluids.

**5806.2 Limitations.** Add "Stationary containers shall be installed at least 300 feet from all residential areas."

m. Chapter 61. Liquefied petroleum gases.

**6101.3 Construction documents.** After the word "Where" delete "a single LP gas container is more than 2,000 gallons (750 L) in water capacity or".

**6108.1 General.** After the words "(15,140 L)" insert "at the request of the AHJ".

**6103.2.1.6 Use with self-contained torch assemblies.** Remove "2 ½ pounds (1 kg)" and replace with "12 pounds".

**History:** Effective January 1, 2024; amended effective July 1, 2026

**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, 23-15-03

**45-18-01-05. Availability of standards.**

The standards listed in section 45-18-01-04 are available from:

1. National Fire Protection Association  
Batterymarch Park  
Quincy, Massachusetts 02269  
(617) 328-9290
2. International Code Council, Inc.  
4051 West Flossmoor Road  
Country Club Hills, IL 60478-5795  
(800) 214-4321

**History:** Effective January 1, 2024.

**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, 23-15-03