



DELEGATION OF AUTHORITY
 OFFICE OF ATTORNEY GENERAL
 NORTH DAKOTA STATE FIRE MARSHAL
 SFN 60190 (12-2020)

Fire Department Identification Number	Fire Department/District Political Subdivision	Effective Date	
Address	City	State	ZIP Code

Authority

Authority for this delegation is found in section 18-01-03.2 of the North Dakota Century Code which states the state fire marshal may delegate to the state department of health or any political subdivision the authority to conduct investigations, surveys, or inspections, and the authority to enforce compliance where violations are discovered, which become the responsibility of the state department of health or any political subdivision and otherwise would be the responsibility of the state fire marshal. This delegation of authority may be withdrawn by the State Fire Marshal (SFM) with cause at any time and may be refused by a political subdivision at any time. This delegation becomes effective when signed by both the State Fire Marshal and the department/district/political subdivision official being delegated the authority.

Definitions for the Purpose of the Delegation of Authority

- "Fire inspection" is a procedure performed in accordance with the standards set forth in the State Building Code and State Fire Code, or the equivalent code within the local jurisdiction.
- "State Building" refers to those buildings owned by the State of North Dakota.
- "Residential State Building" includes all state-owned buildings used in whole or in part for providing overnight sleeping accommodations to one or more persons on a regular or occasional basis, except for single-family dwellings.
- "Schools" refers to any public or private K-12 school in the State of North Dakota.
- "Minimum certifications" refers to required State Deputy Fire Marshal certification levels or equivalent recognized by the State Fire Marshal: international Code Council Fire Inspector I, International Association of Arson Investigators Fire Investigation Technician.
- "Delegation Annual Report" refers to the form distributed by the State Fire Marshal to all jurisdictions covered under this Delegation of Authority for the purposes of recording and verifying building inspections completed under this program.

SFM Requirements for Delegation of Authority

- Fire Department/District/Political Subdivision will assign personnel with the knowledge, skill, and abilities capable of carrying out those duties defined under this delegation of authority.
- Fire Department/District/Political Subdivision will assign staff that meet minimum certifications required by the State Fire Marshal's Office.
- Fire Department/District/Political Subdivision will complete the "Delegation Annual Report" of completed inspections to the State Fire Marshal's Office.
- State Fire Marshal will adopt and communicate the current State Fire Code. This does not preclude a local jurisdiction from adopting and enforcing an equivalent or more restrictive code within their district boundaries.
- State Fire Marshal will provide to the fire Department/District/Political Subdivision a list of buildings required to be inspected under the delegation of authority.
- State Fire Marshal will communicate to the Fire Department/district/Political Subdivision annual and tri-annual inspection requirements, in accordance with North Dakota Century Code, for buildings covered under this delegation of authority.

Details

- Schools and State Buildings (non-residential are required to be inspected once every three years.
- Residential State Building are required to be inspected annually.
- Annual report of completed inspections, notification of problem violations, or other notifications related to the delegation of authority should be emailed to infofm@nd.gov.
- The current North Dakota State Fire Code is the International Fire Code, 2018 Edition, as adopted and amended under North Dakota Administrative Rule 10-07-01-04.
- This Delegation of Authority agreement will be reviewed and revisited every three years (after each new code adoption), but will remain in effect until a new agreement is signed or until either party revokes the agreement.

Signature of State Fire Marshal	SFM Printed Name	Date
Signature of Department/District/Political Subdivision	Official Printed name	Date