

Office of the State Fire Marshal – Fire Prevention Division



References (s): K.S.A. 31-137, 31-139, 31-144

Page 1 of 1

The Office of the State Fire Marshal has jurisdiction over all buildings, other than one and two family dwellings and we are statutorily required to annually inspect some, but not all, of those occupancy types. The Office of the State Fire Marshal focuses our efforts on facilities posing distinct fire hazards and those places where the potential loss of life from fire is very high, including structures where the very young and very old live and congregate. This prioritization results in a OSFM annual inspection cycle of all USD schools, colleges, preschools, child care centers, hospitals, assisted living facilities, nursing homes, residential board and care homes, jail and detention facilities, and propane. We additionally inspect home daycares once in the life time of the license, and any building if a complaint is received.

OSFM routinely gets questions regarding whether or not their local fire department is authorized and able to conduct the fire inspections. Here are some highlights of that authority. For more detailed information, please see K.S.A. 31 “Kansas Fire Prevention Code”

31-137 Who has authority for enforcement; investigations; inspections; and reports?

- *The state fire marshal,*
- *Deputies of the fire marshal,*
- *The chief of any organized fire department, whether such fire department is regular or volunteer,*
- *Any member of any such fire department who has been duly authorized by the chief thereof,*
- *Inspection report must be filed with the Office of the State Fire Marshal*

31-139 Violation findings

All persons designated in K.S.A. 31-137 have authority to, upon finding a violation

- *Issue a notice of non-compliance*
- *File a criminal complaint with the attorney general or the district/county attorney*
- *Issue a cease and desist order to the owner*

31-144 School building inspections

Any building or structure operated or used for any purpose by, or located upon the land of, any school district, community college, vocational school, vocational technical school, institution under the state board of regents or any private or nonpublic school, college or university, whether or not operated for profit.

- *All school buildings shall be inspected at least once each year.*
- *In all cities of the first and second class in which there is a full-time fire chief or full-time fire inspector, the inspection of the school buildings shall be conducted by such chief/inspector.*

If my local fire department conducts the inspection, will OSFM have to conduct one as well?

No. If the local fire department conducts a fire inspection, then there is no need for a second inspection during that same year. However, if the local jurisdiction only inspects every other year, then we may have to inspect during the year that they skip.

In an effort to reduce inspection duplication, the Office of the State Fire Marshal has requested that any local fire department that is conducting inspections within their jurisdictions provide OSFM with a listing detailing which facility types will be inspected.

FIRE FACT 002 – LOCAL JURISDICTION