**Section 100.3 Title; Jurisdiction; Powers; Responsibility of Owners, Occupants or Lessees; Penalties; Right of Entry; Reference to Documents; Fire Prevention and Safety Standards Equal to or Higher Than this Part**

a) Title

This Part shall be known and cited as the Fire Prevention and Safety Rules.

b) Jurisdiction

The provisions of this Part shall apply to localities within Illinois.

c) Powers

1) OSFM is authorized and directed to enforce the provisions of this Part (see subsection (f)). The State Fire Marshal shall make, or cause to be made, inspections of buildings, structures and premises to determine conformity of those buildings, structures and premises with this Part and to ensure safety to life and property from fire or other emergency requiring evacuation of the building, structure or premises.

2) *All local officers charged with the duty of investigating fires shall enforce* this Part, *under the direction of* OSFM, *except in those localities that have adopted fire prevention and safety standards equal to or higher than* the standards *adopted by* this Part [425 ILCS 25/9].

3) OSFM will inspect buildings based upon requests from agencies of State and local government, complaints from the public, known or observed violations, potential for loss of lives from fire in given occupancies where statutes or rules mandate inspections by OSFM or where an inspection of a structure or an occupancy is necessary to prevent fire or to minimize the dangers of fire. The inspections shall be conducted in accordance with this Part, subject to available resources.

4) OSFM shall allow the use of the edition of NFPA 101, Life Safety Code currently adopted by the federal Centers for Medicare and Medicaid Services (CMMS) in occupancies subject to CMMS regulatory authority or reimbursement requirements.

5) Except as otherwise provided by statute or interagency agreement, all State-owned buildings and buildings that fall under the scope of the Fire Sprinkler Dormitory Act [110 ILCS 47] and the Greek Housing Fire Safety Act [110 ILCS 130] are subject to inspection by OSFM and are required to comply with NFPA 101, Life Safety Code (2015) as adopted by this Part.

d) Responsibility of Owners, Occupants or Lessees

It is the responsibility of the owner, occupant or lessee to ensure his or her building and occupancy comply with this Part or a code that provides a degree of fire safety equal to or higher than that required by this Part.

e) Penalties

The penalties for violation of this Part shall be those stated in the Act [425 ILCS 25].

f) Right of Entry

*OSFM and the officers of cities, villages, towns, and fire protection districts* *charged with the duty of investigating fire* by the Act *shall, under the direction of OSFM, inspect and examine, at reasonable hours, any premises and the building and other structures on that premises* to determine whether there are any violations of this Part or of the local ordinances for the protection of life and property from fire or other dangerous condition [425 ILCS 25/9]. Local AHJs are empowered and directed to invoke any provisions of this Part to enforce correction of any condition hazardous to life and property from fire or other emergency.

g) Fire Prevention and Safety Standards Equal to or Higher Than This Part. OSFM may consider codes adopted by local AHJs to be equal to or higher than this Part (as that phrase is used in Section 9 of the Act) when the code meets one or more of the following six criteria:

1) The local AHJ has demonstrated, to the satisfaction of OSFM, that the code adopted by the local AHJ is identical in its entirety to this Part;

2) The local AHJ has demonstrated, to the satisfaction of OSFM, that the code adopted by the local AHJ incorporates every provision of this Part in its entirety, as well as providing more stringent requirements;

3) The local AHJ has demonstrated, to the satisfaction of OSFM, that the code adopted by the local AHJ incorporates a subsequent edition of NFPA 101, Life Safety Code in its entirety (see Section 100.9);

4) The code adopted by the local AHJ is the subject of an agreement between that local AHJ and OSFM in which OSFM has attested to the fact that the local AHJ's code is equal to or higher than this Part;

5) The model codes, listed in subsections (g)(5)(A) and (B) when adopted in their entirety by a unit of local government, will be considered as providing equivalent fire safety. The unit of local government may amend its adoption limited to all or part of the modifications found in 41 Ill. Adm. Code 100.7(c).

A) For new occupancies or construction:

i) Local jurisdictions that have adopted and enforce the International Code Council's International Building Code and International Fire Code; 2012 edition, 2015 edition, or 2018 edition.

ii) Local jurisdictions that have adopted and enforce NFPA 5000; 2012 edition, 2015 edition, or 2018 edition.

B) For existing occupancies or buildings:

i) Occupancies in those local jurisdictions that were constructed and maintained in accordance with the International Code Council's International Building Code and International Fire Code; 2000, 2003, 2006, 2009, 2012, 2015, or 2018 edition.

ii) Occupancies in those local jurisdictions that were constructed and maintained in accordance with NFPA 5000; 2003, 2006, 2009, 2012, 2015, or 2018 edition; or

6) The local AHJ has otherwise demonstrated, to the satisfaction of OSFM, that its local code is equal to or higher than this Part, based upon all of the following factors:

A) The Chief local official charged with the duty of investigating fires under the Act affirmatively asserts in writing that the local authority uses a fire and life safety code that, in its entirety, is equivalent with this Part when viewed holistically;

B) OSFM concurs that the local authority uses a fire and life safety code that, in its entirety, is equivalent with this Part when viewed holistically;

C) The local authority has a dedicated fire prevention inspection capability;

D) The local authority has its own dedicated administrative enforcement capability; and

E) The local authority has its own dedicated civil/criminal enforcement capability.

(Source: Amended at 43 Ill. Reg. 10008, effective January 1, 2020)