

MEMORANDUM OF UNDERSTANDING

BETWEEN

STATE OF DELAWARE

OFFICE OF STATE FIRE MARSHAL

AND

TOWN OF TOWNSEND



## **PURPOSE**

The purpose of this Memorandum of Understanding is to establish a document which will enhance the delivery of public services to the citizens of the State of Delaware in their contacts with the **FIRE OFFICIAL** and with the **BUILDING OFFICIAL**, with respect to building construction, additions, or alterations, and the need for permits and Certificates of Occupancy. This Memorandum of Understanding is between the State of Delaware's Office of State Fire Marshal, hereafter referred to as the **FIRE OFFICIAL**, and the Town of Townsend, hereafter referred to as the **BUILDING OFFICIAL**.

## **SCOPE**

The scope of this Memorandum of Understanding is:

1. To define the areas of responsibility for the FIRE OFFICIAL in the application and enforcement of the Delaware State Fire Prevention Regulations (DSFPR); and
2. To define the areas of responsibility for the BUILDING OFFICIAL in the application and enforcement of the Building Code.

## APPLICATION

The application of this Memorandum of Understanding will provide a method for the FIRE OFFICIAL and for the BUILDING OFFICIAL to:

1. Provide consultation to perspective clients, during preliminary submission of plans and specifications pertaining to construction projects in the BUILDING OFFICIAL's jurisdiction, which will enhance the prospective client's awareness of the applicable regulations and codes and the applicable authority having jurisdiction.
2. Establish and implement a process to receive applications for building permits by the BUILDING OFFICIAL and applications for review and approval by the FIRE OFFICIAL, and to facilitate the initiation of all such projects requiring the issuance of permits, reviews and approvals, and issuance of Certificates of Occupancy.
3. Establish, implement, and carry into daily practice a dialogue that will serve to enhance the resolution of any issue under the jurisdiction of the Fire Marshal that may place impediments in the permitting process or in the issuance of a Certificate of Occupancy by the BUILDING OFFICIAL.

**BUILDINGS, STRUCTURES, OCCUPANCIES, SYSTEMS &  
OPERATIONS REQUIRED TO HAVE PLANS SUBMITTED FOR  
REVIEW & APPROVAL BY THE STATE FIRE MARSHAL'S OFFICE  
PRIOR TO THE ISSUANCE OF A BUILDING PERMIT**

1. All new construction;
2. Any building, or part thereof, undergoing repairs as a result of fire, explosion, or any other form of damage;
3. All additions, alterations, renovations to existing structures, systems, occupancies, operations;
4. Any revisions to the original construction documents or plan submittals;
5. All buildings, structures, occupancies, systems, or operations undergoing an occupancy change;
6. Tenant fit-outs; and
7. Site plans.
  - Townhouse site plans shall show 2-hour listed separation wall in order for the FIRE OFFICIAL to approve
8. All fire protection system plans that are required by the BUILDING OFFICIAL.

Exceptions:

1. One and two-family dwellings, and any additions, alterations, renovation, sheds, storage buildings and garages incidental to such dwellings
2. Farm structures used exclusively for agricultural purposes.

## **BUILDING PERMITS ISSUED BY THE BUILDING CODE OFFICIAL**

1. A building permit shall not be issued without a signed approval from the FIRE OFFICIAL.
2. Approval from the FIRE OFFICIAL is required to allow the issuance of a permit by the BUILDING OFFICIAL to only permit the excavation and construction of a foundation and erection of structural steel.
3. Upon client request, the FIRE OFFICIAL preliminary approval/footer & foundation permit can be issued within two (2) working days. Preliminary approval will be issued if the site is approved and the plans status is assessed complete.
4. The FIRE OFFICIAL will complete all Technical Service review processes on any normal plan submission within fifteen (15) working days of the plan having been received. The client is responsible to provide the BUILDING OFFICIAL with the FIRE OFFICIAL'S plan approval.
5. The FIRE OFFICIAL may issue approvals to allow projects being constructed in a "Fast Track" or "Design Built" format to proceed. The FIRE OFFICIAL will monitor construction, providing an ongoing review and issue periodic updates to the BUILDING OFFICIAL.

## **CERTIFICATE OF OCCUPANCY**

1. The issuance of the Certificate of Occupancy is the sole responsibility of the BUILDING OFFICIAL.
2. The FIRE OFFICIAL's final inspection shall be performed prior to the final inspection being performed by the BUILDING OFFICIAL.
3. The BUILDING OFFICIAL will not issue a Certificate of Occupancy without a signed approval from the FIRE OFFICIAL. This approval shall be in the form of a sticker on the electric service panel, or a stamp on the plans, or letter. The sticker will have the FIRE OFFICIAL's plan review number, initials, and date of inspection. The stamped plans or letter shall be for minimal or no impact projects and shall state that the FIRE OFFICIAL will not be conducting a final inspection at the site. The client shall give the stamped plans or letter to the BUILDING OFFICIAL at time of permit approval.
4. The BUILDING OFFICIAL shall conduct all inspections on townhouse separation walls. When the BUILDING OFFICIAL deems necessary the FIRE OFFICIAL may assist on the inspection.
5. The FIRE OFFICIAL may recommend to the BUILDING OFFICIAL that a temporary Certificate of Occupancy be issued when deficiencies exist which prevent the FIRE OFFICIAL from issuing a final approval. The deficiencies shall be minor in nature and not involve life safety control or affect the intended use of the structure. The FIRE OFFICIAL shall receive a written commitment from the client to perform the required improvements within a specific time frame acceptable to the FIRE OFFICIAL. The FIRE OFFICIAL shall be responsible to see the improvements are executed and notify the BUILDING OFFICIAL. Notwithstanding the foregoing, the BUILDING OFFICIAL shall have no obligation to issue

a Certificate of Occupancy recommended by the FIRE OFFICIAL under the terms of this paragraph.

6. Items such as, but not limited to, non-operational Fire Alarm Signaling Systems and Fire Suppression Systems shall be cause for the FIRE OFFICIAL to deny final approval to the BUILDING OFFICIAL, thereby ensuring that a Certificate of Occupancy is not issued.
7. The BUILDING OFFICIAL shall accept all responsibility for all buildings when a Certificate of Occupancy is issued without final approval from the FIRE OFFICIAL for those projects that are required to be reviewed and approved by the FIRE OFFICIAL.



## **LICENSING OF FIRE PROTECTION SYSTEM CONTRACTORS**

The FIRE OFFICIAL is responsible for the licensing of all Fire Alarm Signaling System, Fire Suppression System, Central Station and Remote Station Monitoring and Portable Fire Extinguisher contractors.

**BUILDING SAFETY, STRUCTURAL INTEGRITY, HABITABLE BUILDING**

The FIRE OFFICIAL shall defer to the BUILDING OFFICIAL to make final the determination whether a damaged structure is safe for occupancy.

**CONFLICT BETWEEN THE STATE FIRE PREVENTION REGULATIONS  
AND THE BUILDING CODES**

When a conflict exists between the DSFPR and the Building Codes, the more restrictive of the regulation, code or specification will control, and the authority who administers the more restrictive regulation, code, or specification has the responsibility to ensure compliance with said regulation, code, or specification.

This Memorandum of Understanding will be effective immediately. This Memorandum of Understanding can be dissolved by either of the parties, upon written notification to the other party, at their discretion.

DATE \_\_\_\_\_ BY \_\_\_\_\_  
SCOTT LOBDELL, MAYOR  
TOWN OF TOWNSEND

ATTEST \_\_\_\_\_

DATE \_\_\_\_\_ BY \_\_\_\_\_  
JULIE GOODYEAR, TOWN MANAGER  
TOWN OF TOWNSEND

ATTEST \_\_\_\_\_

DATE \_\_\_\_\_ BY \_\_\_\_\_  
ROBERT L. FOX, STATE FIRE MARSHAL  
OFFICE OF STATE FIRE MARSHAL

ATTEST \_\_\_\_\_