

LC03410

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2003**

**A N A C T**

**RELATING TO HEALTH AND SAFETY -- FIRE SAFETY CODE**

Introduced By: Senators Celona, Polisen, Lanzi, Algieri, and Irons

Date Introduced: June 10, 2003

Referred To: Senate Commerce, Housing & Municipal Government

It is enacted by the General Assembly as follows:

1           SECTION 1. Legislative dedication. -- The general assembly and the State of Rhode  
2   Island dedicate this act to all of the victims and the families of victims of The Station Nightclub  
3   fire of February 20, 2003, in West Warwick, Rhode Island. This act is also dedicated to all of the  
4   public safety officials, fire, police, rescue, medical, emergency management, state, local, non-  
5   profit, religious, and private sector personnel and volunteers, who assisted the victims and their  
6   families and the survivors of the fire. It is the intent of the general assembly, that with the  
7   passage of this act, Rhode Island will never again be the place of such a tragedy.

8           SECTION 2. Title 23 of the General Laws entitled "Health and Safety" is hereby  
9   amended by adding thereto the following chapter:

CHAPTER 23-28.01

COMPREHENSIVE FIRE SAFETY ACT

12           **23-28.01-1. Short title.** -- This act shall be known and may be cited as "The  
13 Comprehensive Fire Safety Act of 2003".

14           **23-28.01-2. Legislative findings.** -- The general assembly finds and declares that:

15           (a) Fires are a significant and preventable cause of the losses of life in the state;

16           (b) Catastrophic fires, while rare, have happened in the state with tragic loss of life;

17           (c) Fire safety and building codes can provide standards that substantially reduce the risk  
18 of death, injury, and property damage caused by fires;

19           (d) Compliance with codes is critical to their being an effective means for achieving the

1 reduction of both risks and losses;

2 (e) Codes are more effective when they are comprehensive in their application, up-to-  
3 date, and integrated;

4 (f) Rhode Island has a long history of developing, adopting, and implementing codes as  
5 conditions in the state have changed and the means and practice of fire safety have evolved; and

6 (g) Rhode Island, in 2003, wishes in response to the tragic fire at The Station Nightclub,  
7 in West Warwick, to improve fire safety throughout the state.

8 **23-28.01-3. Legislative purpose and intent.** – The purposes of this act are to make  
9 Rhode Island the safest state in the nation in terms of fire safety, to provide for the adoption and  
10 implementation of an up-to-date comprehensive system of codes for fire safety and to foster a  
11 culture of compliance with standards for fire safety, and to provide for amendments to title 23,  
12 chapters 23-28.1, 23-28.2, 23-28.3, 23-28.6, 23-28.11, and 23-28.25, which are made in the  
13 subsequent sections of the public law establishing this chapter.

14 **23-28.01-4. Powers and duties.** -- The powers necessary to implement the provision of  
15 this act shall be vested in the fire marshal, as provided for in chapter 23-28.2 as amended, who  
16 may delegate authority as provided by law, and in the Fire Safety Code Board of Appeal and  
17 Review, as provided for in chapter 23-28.3 as amended.

18 **23-28.01-5. Planning and reporting.** -- The system of fire safety codes, compliance,  
19 enforcement, and education, shall be regularly reviewed in order to maintain the use of best  
20 practices throughout Rhode Island and to plan for and implement professional, comprehensive,  
21 efficient and effective fire safety measures in the state.

22 (a) The fire marshal shall, in conjunction with the fire safety code board of appeal and  
23 review, the building code commission, the department of health, the economic development  
24 corporation, the department of elementary and secondary education, and representatives of local  
25 fire departments, prepare and approve by February 20, 2004, a comprehensive plan setting forth  
26 goals and implementation measures for improving fire safety in Rhode Island, which plan shall  
27 include recommendations regarding public, fire safety education. The plan may be periodically  
28 reviewed and amended and shall be updated at least once every five (5) years. The plan, and any  
29 amendments and updates, shall be submitted to the governor, the speaker of the house and the  
30 president of the senate. A copy of the plan shall be provided to the secretary of state, and the  
31 report shall be posted on the website of the fire marshal.

32 (b) The fire marshal shall submit a report on or before February 1, 2005, and annually not  
33 later than February 1 in each year thereafter, to the governor, the speaker of the house and the  
34 president of the senate on fire safety in Rhode Island, summarizing the incidence of fires in

1 Rhode Island, describing the status of fire safety efforts in Rhode Island and progress toward  
2 meeting goals set forth in the five (5) year plan, and recommending actions for improving fire  
3 safety. A copy of the report shall be provided to the secretary of state, and the report shall be  
4 posted on the website of the fire marshal.

5 (c) In order to increase public information about fire risks in places of assembly, the fire  
6 marshal shall make public the repeat and/or uncorrected fire safety code violations of all places of  
7 assembly that are in special amusement building and to provide this information on a website,  
8 effective February 20, 2004.

9 **23-28.01-6. Coordinated administration of Fire Safety and Building codes.** – (a) The  
10 fire marshal and the state building commissioner shall jointly advise by July 1, 2004, the joint  
11 committee on the rehabilitation building code for existing buildings and structures, established by  
12 chapter 23-29.1, with regard to any conflicts between fire safety codes and building codes and the  
13 enforcement thereof. The joint committee shall develop comprehensive recommendations by  
14 October 1, 2004, for resolving such conflicts, which recommendations shall be submitted to the  
15 Fire Safety Code Board of Appeal and Review and the State Building Code Standards  
16 Committee, as appropriate, for consideration and for implementation by rule or agreement by July  
17 1, 2005.

18 (b) The Fire Safety Code Board of Appeal and Review shall report by February 1, 2004,  
19 to the general assembly with regard to all provisions of the general and public laws that will be  
20 either superceded or made obsolete by the adoption of changes to the Fire Safety Code.

21 SECTION 3. Sections 23-28.1-1, 23-28.1-2, 23-28.1-5, 23-28.1-6 and 23-28.1-7 of the  
22 General Laws in Chapter 23-28.1 entitled "Fire Safety Code-General Provisions" are hereby  
23 amended to read as follows:

24 **23-28.1-1. Short title.** -- Chapters 28.1 -- 28.39 of this title, and all codes referenced  
25 therein and adopted thereunder, shall be known and may be cited as the "Fire Safety Code".

26 **23-28.1-2. Purposes – Rules of construction – General application.** – (a) Effective  
27 January 1, 2004, the Uniform Fire Code (NFPA 1) and the Life Safety Code (NFPA 101) of the  
28 National Fire Protection Association, Inc., 2003 editions, with appendices, except as updated,  
29 amended, altered or deleted and by the addition of certain provisions, as indicated in the rules and  
30 regulations adopted by the fire safety code board, is hereby adopted as the "Rhode Island Fire  
31 Safety Code". This code shall be liberally construed and applied to promote its underlying  
32 purposes and policies.

33 (b) The underlying purposes and policies of these chapters are:

34 (1) To simplify, clarify and modernize the law governing fires and fire prevention;

1 (2) To specify reasonable minimum requirements for fire safety in new and existing  
2 buildings and facilities, except in private dwellings occupied by one (1), two (2) or three (3)  
3 families, in the various cities towns in this state; provided, however, that after July 1, 2008, three  
4 (3) family dwellings shall be equipped with hard wired smoke and carbon monoxide detectors, in  
5 accordance with standards established by the Fire Safety Code Board of Appeal and Review; and

6 (3) Except as provided in subdivision (5) of this subsection, to permit the cities and  
7 towns to enact ordinances and orders relating to fire safety provided those ordinances and orders  
8 impose requirements equal to, additional to, or more stringent than those contained in this code  
9 which ordinances and orders shall be effective only upon the approval by rule of the Fire Safety  
10 Code Board of Appeal and Review. Any ordinance or order relating to fire safety enacted by any  
11 city or town shall be prospective in its application and shall be enacted after public hearing. The  
12 city or town shall cause printed notices of the time, place, and subject matter of the hearing to be  
13 posted in three (3) public places in the city or town, for three (3) weeks next preceding the time of  
14 the hearing, and shall advertise in a newspaper circulated in the city or town, if any there be, at  
15 least once a week for the same period of time;

16 (4) Jurisdiction for the interpretation of any city or town ordinance or order relating to  
17 fire safety shall be ~~in the division of fire safety~~ vested in the Fire Safety Code Board of Appeal  
18 and Review; provided, however, that the responsibility for the enforcement of the ordinance or  
19 order shall be with the local authorities and petitions for variations from the ordinance or order  
20 shall be heard by the state fire safety board of appeal and review in the manner prescribed in  
21 chapter 28.3 of this title; and

22 (5) Notwithstanding anything to the contrary contained herein, no city or town may enact  
23 any ordinance or order relating to the requirement for the handling of explosives pursuant to  
24 chapter ~~28.28~~ 23-28.28 or for the installation of, or specifications for, the fire alarm sections of  
25 this code, the fire protection systems as prescribed by chapter ~~28.25~~ 23-28.25, or for the  
26 possession and display of commercial fireworks or pyrotechnics pursuant to ~~of~~ this title, which  
27 chapter shall exclusively govern the requirements for the installation of, and specification for, fire  
28 protection systems, ~~and~~ the handling of explosives and possession and display of commercial  
29 fireworks or pyrotechnics. All such ordinances or orders relating to the requirements for the  
30 installation of and specifications for such fire protection systems, ~~or~~ the handling of explosives, or  
31 possession and display of commercial fireworks or pyrotechnics heretofore enacted by any city or  
32 town are of no force and effect.

33 (c) In this code, unless the context otherwise requires:

34 (1) Words in the singular number include the plural, and in the plural include the

1 singular; and

2 (2) Words of the masculine gender include the feminine and the neuter and, when the  
3 sense so indicates words of the neuter gender may refer to any gender.

4 **23-28.1-5. Definitions.** -- Unless otherwise expressly stated, the following terms shall,  
5 for the purpose of this ~~code~~ title, have the meanings indicated in this section: provided, however,  
6 that the terms used in NFPA 1 (Uniform Fire Code), in NFPA 101 (Life Safety Code) and in such  
7 other national codes as are authorized for adoption by the Fire Safety Code Board of Appeal and  
8 Review shall be given the definitions established in those codes unless another meaning is  
9 provided for in this title and is essential to implementing the purposes of this title, and the Fire  
10 Safety Code Board of Appeal and Review shall have authority to resolve any conflicts among  
11 definitions in order to achieve the purposes of this title and/or provide for the efficient  
12 administration of codes:

13 (1) Air supported structure. - A structural and mechanical system which is constructed of  
14 high strength fabric or film and achieves its shape, stability, and support by pretensioning with  
15 internal air pressure; air structures may be used for temporary applications.

16 (2) Alteration. - As applied to a building or structure means a change or rearrangement in  
17 the structural parts or in the means of egress; or an enlargement, whether by extending on a side  
18 or by increasing in height; or the moving from one location or position to another.

19 (3) Apartment house. - (i) The term "apartment house" shall mean a building containing  
20 four (4) or more family units or apartments arranged such that a common means of egress is  
21 shared by two (2) or more family units or apartments.

22 (ii) A family unit or apartment shall be that part of an apartment house that is arranged  
23 for the use of one or more persons living and cooking together or alone as a single housekeeping  
24 unit.

25 (4) Area of refuge. - The term "area of refuge" shall mean a ground area, reasonably  
26 accessible from a building, of sufficient size and in safe condition for refuge by all building  
27 occupants at a safe distance from the building. When used in relation to areas within buildings,  
28 this term shall mean an area beyond a fire wall or smoke barrier of sufficient size to offer refuge  
29 to all occupants on the same floor of the building.

30 (5) Assisted living residence. - A publicly or privately operated residence, as defined in  
31 and regulated by chapter 23-17.4, for two (2) or more unrelated adults who are unrelated to the  
32 licensee, that provides lodging, meals and personal assistance.

33 (5) (6) Attic. - The space between the ceiling beams of the top habitable story and the  
34 roof rafters.

1           ~~(6)~~ (7) Attic (habitable). - A habitable attic is an attic which has a stairway as a means of  
2 access and egress and in which the ceiling area at a height of seven and one-third feet (7 1/3')  
3 above the attic floor is not more than one-third ( 1/3) the area of the floor next below.

4           ~~(7)~~ (8) Authority having jurisdiction. - Unless specifically defined to the contrary in the  
5 various occupancy chapters, the authority having jurisdiction shall be the state fire marshal, the  
6 deputy fire marshal, and assistant deputies.

7           ~~(8)~~ (9) Automatic. - As applied to fire protection devices, is a device or system providing  
8 an emergency function without the necessity of a human intervention and activated as a result of a  
9 predetermined temperature rise, rate of rise of temperature, or increase in the level of combustion  
10 products, such as incorporated in an automatic sprinkler system, automatic fire door, etc.

11           ~~(9)~~ (10) Automatic detecting device. - A device which automatically detects heat, smoke,  
12 or other products of combustion.

13           ~~(10)~~ (11) Automatic fire alarm system. - A manual fire alarm system containing  
14 automatic detecting device(s) which actuates a fire alarm signal.

15           ~~(11)~~ (12) Automatic fire door. - A fire door or other opening protective constructed and  
16 arranged so that, if open, it shall close when subjected to:

- 17           (i) A predetermined temperature,
- 18           (ii) A predetermined rate of temperature rise, or
- 19           (iii) Smoke or other products of combustion.

20           ~~(12)~~ (13) Automatic sprinkler. - A device, connected to a water supply system, that  
21 opens automatically at a predetermined fixed temperature and disperses a spray of water.

22           ~~(13)~~ (14) Automatic sprinkler system. - A sprinkler system, for fire protection purposes,  
23 is an integrated system of underground and/or overhead piping designed in accordance with fire  
24 protection engineering standards. The system includes a suitable water supply. The portion of the  
25 system above ground is a network of specially or hydraulically designed piping installed in a  
26 building, structure, or area, generally overhead, and to which automatic sprinklers are connected  
27 in a systematic pattern. The system is usually activated by heat from a fire and discharges water  
28 over the fire area.

29           ~~(14)~~ (15) Automatic water supply. - Water supplied through a gravity or pressure tank or  
30 automatically operated fire pumps, or from a direct connection to an approved municipal water  
31 main.

32           ~~(15)~~ (16) Basement. - The term "basement" shall mean that portion of a building, the  
33 floor of which is at least two feet (2') below the lowest adjacent ground level or sidewalk at any  
34 point, and is below ground level for more than fifty percent (50%) of its area to a depth greater

1 than fifty percent (50%) of its clear story height (floor to ceiling). (See "Story," "Cellar.")

2 ~~(16)~~ (17) Boarding homes. - The term "boarding home" shall mean a building used in  
3 whole or in part as a place for the boarding and care of five (5) or more persons, excluding a  
4 family group of a dwelling or home, and homes for the aged, but shall not include such places as  
5 are defined under the term "hospital," "convalescent home," "nursing home," "foster home," "rest  
6 home."

7 ~~(17)~~ (18) Building. - Any structure used or intended for supporting or sheltering any use  
8 or occupancy.

9 ~~(18)~~ (19) Building (Existing). - Any structure erected prior to the adoption of the  
10 appropriate code, or one for which a legal building permit has been issued.

11 ~~(19)~~ (20) Business building. - The term "business building" shall mean a building used  
12 for or planned for use in transacting business that does not involve the storage of stocks or goods,  
13 wares, or merchandise in large quantities, except such as are incidental to display purposes;  
14 included, among others shall be office buildings, civil administration activities, professional  
15 services, testing, and research laboratories, radio stations, telephone exchanges, gasoline stations  
16 having a storage capacity under twenty thousand (20,000) gallons, and similar establishments.

17 ~~(20)~~ (21) Cellar. - That portion of a building the ceiling of which is completely below  
18 ground level at all exterior walls. (See "Story," "Basement.")

19 ~~(21)~~ (22) Child day care center. - The term "child day care center" shall mean a room or  
20 group of rooms or spaces within a building used as a place for the care, guidance and/or  
21 supervision of a total of five (5) or more children not of common parentage, which term shall  
22 include all such places known as day nurseries, nursery schools, kindergarten schools, play  
23 schools, and preschools.

24 ~~(22)~~ (23) Chimney. - A primarily vertical enclosure containing one or more  
25 passageways.

26 ~~(23)~~ (24) Chimney connector. - A pipe which connects a fuel burning appliance to a  
27 chimney.

28 ~~(24)~~ (25) Classroom. - The term "classroom" shall mean a room used by a group of  
29 students to receive instructions or pursue studies.

30 ~~(25)~~ (26) Code. - The term "code" shall mean this Fire Safety Code established under the  
31 provisions of section 23-28.1-1.

32 ~~(26)~~ (27) Combustible. - The term "combustible" shall mean that which is not within the  
33 category of "noncombustible," as defined in this section of the code.

34 ~~(27)~~ (28) Convalescent home. - See intermediate care facility.

1           ~~(28)~~ (29) Covered mall. - A covered or roofed interior area used as a pedestrian public  
2 way and connecting buildings and/or a group of buildings housing individual or multiple tenants.

3           ~~(29)~~ (30) Dumbwaiters. - A "dumbwaiter" is a lifting and lowering mechanism with a  
4 floor area not exceeding nine (9) square feet, with a car top not more than four feet (4') above the  
5 car floor, the capacity not to exceed five hundred pounds (500 lbs.), which is used exclusively for  
6 carrying freight. No persons are permitted to ride on, in, or to step into the car.

7           ~~(30)~~ (31) Elevator. - An elevator is a hoisting and lowering mechanism equipped with a  
8 car platform which moves in guides in a substantially vertical direction which services two (2) or  
9 more floors of a building or structure.

10          ~~(31)~~ (32) Exit. - The term "exit" shall have the same meaning as "means of egress," as  
11 defined in this section.

12          ~~(32)~~ (33) Factory-built chimneys. - A chimney that is factory made, listed by a nationally  
13 recognized testing or inspection agency, for venting gas appliances, gas incinerators, and solid or  
14 liquid fuel burning appliances.

15          ~~(33)~~ (34) Family day care home. - The term "family day care home" means any home  
16 other than the child's home in which child day care in lieu of parental care and/or supervision is  
17 offered at the same time to at least four (4) but not more than eight (8) children who are not  
18 relatives of the care giver, and which is licensed by the state department of children, youth, and  
19 families and subject to the department's regulations.

20          ~~(34)~~ (35) Fire door. - The term "fire door" shall mean a door and its assembly with jamb,  
21 so constructed and assembled in place as to have a certified fire-resistant rating of at least the  
22 herein prescribed duration.

23          ~~(35)~~ (36) Fire retardant treated wood. - (i) The term "fire retardant treated wood" shall  
24 mean wood so treated by a pressure impregnation process as to reduce its combustibility. When  
25 permitted as a structural element, fire retardant treated wood shall be tested in accordance with  
26 Standards of N.F.P.A. 255, A.S.T.M.E.-84 and U.L. 723, and shall show a flamespread rating of  
27 no greater than twenty-five (25) when exposed for a period of not less than thirty (30) minutes  
28 with no evidence of significant progressive combustion. The material shall bear the identification  
29 of an accredited authoritative testing agency showing the performance thereof.

30           (ii) When used as an interior finish, material fire retardant treated wood shall meet the  
31 required flame spread ratings when tested in accordance with the test scale described in the  
32 definition of flamespread.

33           (iii) Such material shall not be used on the exterior of buildings where it will be exposed  
34 directly to the weather.



1           ~~(36)~~ (37) Fire wall. - The term "fire wall" shall mean a wall of brick, reinforced concrete,  
2 hollow masonry units or other approved noncombustible materials, which subdivides a building  
3 or separates a building to restrict the spread of fire; and shall have sufficient structural stability  
4 under fire conditions to allow collapse of construction on either side without collapse of the wall;  
5 and shall be continuous from foundation to two feet eight inches (2'8") above the roof surface,  
6 except the wall is permitted to terminate at the underside of the roof deck where the roof is of  
7 noncombustible construction and is properly firestopped at the wall or the roof sheathing or deck  
8 is constructed of approved noncombustible materials or approved fire-retardant treated wood and  
9 the wall is properly firestopped at the deck for a distance of four feet (4') on both sides of the wall  
10 and the roof covering has a minimum of a class C rating.

11           ~~(37)~~ (38) Flame resistance. - The property of materials or combinations of component  
12 materials which restricts the spread of flame as determined by the flame resistance tests specified  
13 in this code.

14           ~~(38)~~ (39) Flamespread. - The propagation of flame over a surface.

15           ~~(39)~~ (40) Flamespread rating. - The measurement of flamespread on the surface of  
16 materials or their assemblies as determined by tests conducted in compliance with recognized  
17 standards.

18           ~~(40)~~ (41) Flamespread rating. - The term "flamespread rating" shall mean the  
19 classification of materials in accordance with the method of testing the surface burning  
20 characteristics of building materials as described in N.F.P.A. pamphlet 255, A.S.T.M.E.-84, and  
21 U.L. 723, in which asbestos cement board rates zero (0) on the scale, and red oak lumber, one  
22 hundred (100).

23           ~~(41)~~ (42) Flammable. - Subject to easy ignition and rapid flaming combustion.

24           ~~(42)~~ (43) Floor furnace. - A self-contained, connected or vented furnace designed to be  
25 suspended from the floor of the space being heated taking air for combustion outside this heated  
26 space and with means for observing the flame and lighting the appliance from the space being  
27 heated.

28           ~~(43)~~ (44) Forced warm air furnace. - A furnace equipped with a blower to provide the  
29 primary means for circulating air.

30           ~~(44)~~ (45) Grade. - A reference plane representing the average of finished ground level  
31 adjoining the building at all exterior walls.

32           ~~(45)~~ (46) Grade hallway, grade lobby, grade passageway. - An enclosed hallway or  
33 corridor that is an element of an exitway, terminating at a street or an open space or court  
34 communicating with a street.

1           ~~(46)~~ (47) Grandstand. - Any structure, except movable seating and sectional benches,  
2 intended primarily to support individuals for the purposes of assembly, but this definition shall  
3 not apply to the permanent seating in theatres, churches, auditoriums, and similar buildings.

4           ~~(47)~~ (48) Group home I. - A "group home I" for children means a specialized facility for  
5 child care and treatment in a dwelling or apartment owned, rented or leased by a public child-  
6 placing agency, private licensed child-placing agency, a family and independent operator or  
7 private or public organization which receives no more than eight (8) children for care both day  
8 and night. A "group home I" shall be subject to the same fire and health regulations which apply  
9 to "homes for the boarding of children" licensed by the state department of children, youth, and  
10 families with a maximum total of eight (8) children as defined in chapter 28.13 of this title,  
11 sections 23-28.13-27 to 23-28.13-33, inclusive; provided, however, that the provisions of section  
12 23-28.30-13 shall also be applicable.

13           ~~(48)~~ (49) Habitable space. - Space in a structure for living, sleeping, eating, or cooking.  
14 Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not  
15 considered habitable space.

16           ~~(49)~~ (50) Habitable space, minimum height. - A clear height from finished floor to  
17 finished ceiling of not less than seven and one-half feet (7 1/2'), except that in attics and top half  
18 stories the height shall be not less than seven and one-third feet (7 1/3') over not less than one-  
19 third ( 1/3) the area of the floor when used for sleeping, study, or similar activity.

20           ~~(50)~~ (51) Habitable space, minimum size. - A space with a minimum dimension of seven  
21 feet (7') and a minimum area of seventy square feet (70 sq. ft.) between enclosing walls or  
22 partitions, exclusive of closet and storage spaces.

23           ~~(51)~~ (52) Halogenated extinguishing system. - A system of pipes, nozzles, and an  
24 actuating mechanism and a container of halogenated agent under pressure.

25           ~~(52)~~ (53) Health care facilities. - A place, however named, which is established, offered,  
26 maintained, or operated for the provision of organizing inpatient or ambulatory medical,  
27 diagnostic, therapeutic, nursing, rehabilitative, or preventive care of persons with physical,  
28 mental, or other disabling conditions or diseases; including, but not limited to, hospitals, skilled  
29 nursing facilities, and intermediate care facilities.

30           ~~(53)~~ (54) Heating appliance. - Any device designed or constructed for the generation of  
31 heat from solid, liquid, or gaseous fuel or electricity.

32           ~~(54)~~ (55) High rise. - Is a structure more than six (6) stories or which is more than  
33 seventy-five feet (75') in height above the basement or ground.

34           ~~(55)~~ (56) Hollow masonry unit. - A masonry unit whose net cross-sectional area in any

1 plane parallel to the bearing surface is less than seventy-five percent (75%) of its gross cross-  
2 sectional area measured in the same plane.

3 ~~(56)~~ (57) Horizontal exit. - The "horizontal exit" shall mean a doorway through or  
4 around a fire wall protected by a fire door, which door shall not be held in an open position by a  
5 device which will require more than one movement of normal strength to close. This term shall  
6 also include a bridge connecting two (2) buildings whose outside walls are of masonry  
7 construction.

8 ~~(57)~~ (58) Hospital. - A "hospital" is a health facility with an organized medical staff  
9 providing for twenty-four (24) hour inpatient services for the diagnosis, care and treatment of two  
10 (2) or more individuals unrelated by blood or marriage.

11 ~~(58)~~ (59) Hotel. - The term "hotel" shall mean a building or portion of a building used as  
12 a place where sleeping accommodations are furnished for hire or other consideration, with or  
13 without board, for twenty-one (21) or more guests or employees of the management, or in which  
14 eleven (11) or more sleeping rooms are maintained for such guests or employees. The term  
15 "hotel" shall include all clubs, schools, motels, dormitories, or other buildings which have similar  
16 sleeping accommodations, but shall not include apartment houses, hospitals, penal institutions, or  
17 buildings housing the insane.

18 ~~(59)~~ (60) Industrial building. - The term "industrial building" shall mean a building or  
19 structure used, or planned to be used for manufacturing primarily, or in which five (5) or more  
20 persons, at any one time, are engaged in performing work or labor in fabricating, assembling, or  
21 processing of products or materials. Included, among others, shall be factories, assembly plants,  
22 industrial laboratories, and all other industrial or manufacturing uses; excluding high hazard uses.  
23 This definition shall also apply to those industrial buildings the contents of which are classified as  
24 ordinary hazard or high hazard in accordance with section 23-28.17-7 regardless of the number of  
25 employees.

26 ~~(60)~~ (61) Interior finish. - (i) The term "interior finish" shall mean and include the  
27 material on walls, on partitions of fixed or movable type, on ceilings and on other exposed  
28 interior surfaces of buildings and any surfacing material including paint or wall coverings applied  
29 thereto. "Interior finish" includes materials affixed to the building structure as distinguished from  
30 decorations or furnishings which are not so affixed. Finish floors and floor coverings shall be  
31 considered a part of the interior finish.

32 (ii) The classification of interior finish materials shall be that of the basic material used,  
33 without regard to subsequently applied paint or paper or materials of no greater fire hazard than  
34 paper, provided such finish does not exceed one-twenty-eighth of an inch ( 1/28") in thickness

1 and is applied directly to a noncombustible base. Baseboards, chair rails, moulding, trim around  
2 openings, and other interior trim not more than twelve inches (12") in width and not exceeding  
3 ten percent (10%) of the exposed wall and ceiling surface of the area involved, may be Class A, B  
4 or C. Exposed portions of heavy timber members shall not be subject to interior finish  
5 regulations. Interior finish materials that give off smoke or gases more dense or more toxic than  
6 that given off by untreated wood under comparable exposure to heat or flame shall not be  
7 permitted.

8 (iii) Interior finish materials shall be grouped in accordance with their flamespread  
9 characteristics as follows:

10 (A) "Class A" includes any material classified at twenty-five (25) or less flamespread  
11 rating as established by the test scale described in the definition of flamespread rating. Any  
12 element thereof when so tested shall not continue to propagate flame.

13 (B) "Class B" includes any material classified at more than twenty-five (25) but not more  
14 than seventy-five (75) as established by the test scale as described in the definition of flamespread  
15 rating.

16 (C) "Class C" includes any material classified at more than seventy-five (75) but not  
17 more than two hundred (200) as established by the test scale described in the definition of  
18 flamespread rating.

19 ~~(61)~~ (62) Intermediate care -- Class I. - An intermediate care -- Class I is a physical  
20 structure properly equipped and employing sufficient appropriate personnel to render proper  
21 nursing care to patients with chronic conditions who do not require professional nursing service.

22 ~~(62)~~ (63) Intermediate care -- Class II. - An intermediate care -- Class II is a physical  
23 structure properly equipped and employing sufficient appropriate personnel capable of providing  
24 care for ambulatory persons requiring minimal or no specialized nursing service but in need of  
25 personal care and supervision.

26 ~~(63)~~ (64) Intermediate care facility. - An intermediate care facility is a health care facility  
27 or an identifiable unit or distinct part of a facility which provides twenty-four (24) hour inpatient  
28 preventive and supportive nursing care to two (2) or more persons unrelated by blood or marriage  
29 whose condition is stabilized but requires continued nursing care and supervision.

30 ~~(64)~~ (65) Labeled. - The word "labeled" used in connection with equipment throughout  
31 these regulations refers to equipment bearing the inspection label of the nationally recognized  
32 testing agency.

33 ~~(65)~~ (66) Limited area sprinkler system. - An automatic sprinkler system consisting of  
34 not more than twenty (20) sprinklers for use in a room or space enclosed by construction

1 assemblies as required by this code.

2 ~~(66)~~ (67) Liquefied natural gas. - A fluid in the liquid state composed predominantly of  
3 methane and which may contain minor quantities of ethane, propane, nitrogen or other  
4 components normally found in natural gas.

5 ~~(67)~~ (68) Liquefied petroleum gas. - The term "liquefied petroleum gas" and its symbol,  
6 "LP-Gas," as used in this code, shall mean and include any material which is composed  
7 predominantly of any of the following hydrocarbons, or mixtures of them; propane, propylene,  
8 butanes (normal butane or iso-butane), and butylenes.

9 ~~(68)~~ (69) Listed. - The word "listed" used throughout these regulations in connection  
10 with equipment refers to devices and materials that have been investigated by and meet the listing  
11 requirements of a nationally recognized testing agency. This equipment shall be identifiable by  
12 means of a label or other distinguishing marking specified in the current list published by the  
13 testing agency.

14 ~~(69)~~ (70) Lobby. - The enclosed vestibule between the principal entrance to the building  
15 and the doors to the main floor of the auditorium or assembly room of a theatre or place of  
16 assembly, or to the main floor corridor of a business building.

17 ~~(70)~~ (71) Masonry chimney. - A field constructed chimney of solid masonry units,  
18 bricks, stones, listed hollow masonry units, or reinforced concrete built in accordance with  
19 nationally recognized standards.

20 ~~(71)~~ (72) Means of egress. - A continuous and unobstructed path of travel from any point  
21 in a building or structure to a public space and consists of three (3) separate and distinct parts: (i)  
22 the exitway access; (ii) the exitway; and (iii) the exitway discharge. A means of egress comprises  
23 the vertical and horizontal means of travel and shall include intervening room spaces, doors,  
24 hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators,  
25 horizontal exits, courts, and yards.

26 ~~(72)~~ (73) Mercantile buildings. - The term "mercantile building" shall mean a building or  
27 structure used or intended to be used for the display or sale of goods, wares, and merchandise and  
28 in which people congregate, but involving only storage of stocks and goods that are incidental to  
29 display and merchandising, including among others, retail stores, shops, sales rooms, and  
30 markets, excluding high hazard contents.

31 ~~(73)~~ (74) Metal chimney (Smokestack). - A field constructed chimney made of metal and  
32 built in accordance with nationally recognized standards.

33 ~~(74)~~ (75) Mezzanine. - An intermediate level between the floor and ceiling of any story,  
34 and covering not more than thirty-three percent (33%) of the floor area of the room in which it is

1 located.

2 ~~(75)~~ (76) Motels. - See "hotels."

3 ~~(76)~~ (77) Noncombustible. - The term "noncombustible" as applied to building  
4 construction materials means material which, in the form in which it is used, falls in one of the  
5 following groups (i) through (iii). No material shall be classed as noncombustible which is  
6 subject to increase in combustibility or flamespread rating beyond the limits established in this  
7 code, through the effects of age, moisture, or other atmospheric condition. Flamespread rating as  
8 used herein refers to ratings established by the test scale described in the definition of  
9 flamespread rating.

10 (i) Materials no part of which will ignite and burn when subjected to fire.

11 (ii) Materials having a structural base of noncombustible material as defined in (i) with a  
12 surfacing material not over one-eighth inch ( 1/8") thick which has a flamespread rating not  
13 higher than fifty (50).

14 (iii) Materials, other than as described in (i) and (ii), having a surface flamespread rating  
15 not higher than twenty-five (25) without evidence of continued progressive combustion and of  
16 such composition that surfaces that would be exposed by cutting through the material in any way  
17 would not have a flamespread rating higher than twenty-five (25) without evidence of continued  
18 progressive combustion.

19 ~~(77)~~ (78) Noncombustible material. - (i) The term "noncombustible material" when used  
20 in relation to interior finish on walls or on partitions of fixed or movable type or on other exposed  
21 interior wall surfaces and any surface material such as paint or other wall coverings shall mean  
22 material which in the form it is used falls into clause (A) or (B): (A) Materials no part of which  
23 will ignite or burn when subjected to fire; (B) Materials other than described in clause (A) having  
24 a maximum surface flamespread rating on both front and back faces not higher than Class A  
25 without evidence of continued progressive combustion and of such composition that surfaces  
26 exposed by cutting through the material in any way would not have a flamespread rating higher  
27 than Class A without evidence of continued progressive combustion.

28 (ii) The term "noncombustible material" when used in relation to acoustical ceiling tile  
29 or other interior finish on ceilings shall mean materials having a maximum surface flamespread  
30 rating on both front and back faces not higher than Class A without evidence of continued  
31 progressive combustion and of such composition that surfaces exposed by cutting through the  
32 material in any way would not have a flamespread rating higher than Class A without evidence of  
33 continued progressive combustion and when used as a part of a ceiling assembly the assembly  
34 shall be of a design tested and listed by underwriters' laboratories, inc., as having a fire resistance

1 rating of not less than one hour.

2 (iii) No material shall be classed as noncombustible which is subject to increase in  
3 combustibility or flamespread rating beyond the limits established in this code through the effects  
4 of age, moisture, or other atmospheric condition. Flamespread rating, as used in this code refers  
5 to ratings obtained according to standard tunnel test methods of a nationally recognized  
6 laboratory in which asbestos cement board rates zero (0) on the scale and red oak lumber one  
7 hundred (100), in accordance with Standards of N.F.P.A. 255, A.S.T.M.E.-84 and U.L. 723.

8 (iv) The term "noncombustible" when used in relation to buildings in general and  
9 components of buildings shall mean that type of structure which is constructed completely of  
10 masonry, reinforced concrete, metal, or other materials having fire resistance rating of not less  
11 than two (2) hours. A building shall be termed "noncombustible" whether or not wood flooring  
12 has been laid over solid or slab masonry, and whether or not door and window assemblies are of  
13 wood.

14 ~~(78)~~ (79) Occupancy. - The term "occupancy" shall mean the use of space or rooms  
15 within a building by a person or group of persons.

16 ~~(79)~~ (80) Place of assembly. - The term "place of assembly" shall mean a room or space  
17 within a building in which the possible maximum occupancy is more than seventy-five (75)  
18 persons in existing buildings and in which more than fifty (50) persons assemble in new  
19 structures for religious, recreational, educational, political, fraternal, social or amusement  
20 purposes, or for the consumption of food or drink, except school classrooms, libraries,  
21 courtrooms, or any portion of a private dwelling. The room or space shall include adjacent rooms  
22 with intervening partitions, open or capable of being opened so as to allow for occupancy with a  
23 common purpose.

24 ~~(80)~~ (81) Place of outdoor assembly. - Premises used or intended to be used for public  
25 gatherings of two hundred (200) or more individuals in other than buildings.

26 ~~(81)~~ (82) Plastic, combustible. - A plastic material more than one-twentieth inches (  
27 1/20") in thickness which burns at a rate of not more than two and one-half inches (2 1/2") per  
28 minute when subjected to ASTM D 635, standard method of test of flammability of self-  
29 supporting plastics.

30 ~~(82)~~ (83) Posted sign. - The tablet, card, or plate which defines the use, occupancy, fire  
31 grading and floor loads of each story, floor or parts thereof for which the building or part thereof  
32 has been approved.

33 ~~(83)~~ (84) Proprietary system. - A protective signaling system under constant supervision  
34 by competent and experienced personnel in a central supervision station at the property protected.

1 The system includes equipment and other facilities required to permit the operators to test and  
2 operate the system and, upon receipt of a signal, to take such action as shall be required under the  
3 rules established for their guidance by the authority having jurisdiction.

4 ~~(84)~~ (85) Protected corridor. - A corridor or hallway in a building which extends from  
5 exit to exit and which has walls or partitions of materials and construction having a fire resistant  
6 rating of one hour or more.

7 ~~(85)~~ (86) Public space. - A legal open space on the premises, accessible to a public way  
8 or street, such as yards, courts, or open spaces permanently devoted to public use which abuts the  
9 premises.

10 ~~(86)~~ (87) Pyroxylin plastic. - Any nitro-cellulose product or compound soluble in a  
11 volatile, flammable liquid, including such substances as celluloid, pyroxylin, fiberloid, and other  
12 cellulose nitrates (other than nitrocellulose film) which are susceptible to explosion from rapid  
13 ignition of the gases emitted therefrom.

14 ~~(87)~~ (88) Recessed heater. - A completely self-contained heating unit usually recessed in  
15 a wall and located entirely above the floor of the space it is intended to heat.

16 ~~(88)~~ (89) Remote station system. - An electrical alarm system capable of automatically  
17 notifying the public or private fire departments, or other approved constantly attended location,  
18 when the system is activated.

19 ~~(89)~~ (90) Riser. - The vertical supply pipes in a sprinkler system or standpipe system.

20 ~~(90)~~ (91) Rooming houses. - The term "rooming house" shall mean any building which is  
21 used in whole or in part as a place where sleeping accommodations are furnished for hire or other  
22 consideration, with or without board, for not more than twenty (20) guests or employees of the  
23 management, or only ten (10) or less sleeping rooms are maintained for such guests or  
24 employees. This term shall include all tourist homes, lodging homes, convents, monasteries, and  
25 other nonprofit or charitable institutions which have accommodations as aforesaid, but shall not  
26 include private dwellings which accommodate not more than four (4) habitational guests or  
27 employees, or apartment houses, hotels, or convalescent homes, nursing home, home for the  
28 aged, or boarding home, as defined in this code.

29 ~~(91)~~ (92) Schools. - A school is a building used for the gathering of six (6) or more  
30 persons for the purpose of instruction. Exceptions: Child day care centers and proprietary schools  
31 for adults, which must conform to the provisions of the Rhode Island Fire Safety Code relating to  
32 the occupancies in which they are located.

33 ~~(92)~~ (93) Sheltered care facility for adults. - A sheltered care facility for adults is any  
34 establishment, facility, place, building, agency, institution, corporation or part thereof, or a



1 partnership whether public or private, whether organized for profit or not, used, operated, or  
2 engaged in providing lodging or board or housekeeping in a protective environment, to two (2) or  
3 more residents unrelated to the owner, excluding however, any privately operated establishment  
4 or facility licensed pursuant to chapter 17 of this title, and those facilities licensed by the  
5 department of mental health, retardation, and hospitals or any other state agency. A resident of a  
6 sheltered care facility for adults is an individual who is an adult not requiring medical or nursing  
7 care as provided in a health care facility and who has impairments as a result of age and/or  
8 physical or mental limitations requiring lodging or board or housekeeping in a protective  
9 environment but is capable of self preservation in emergency situations. The term sheltered care  
10 facility for adults may include rooming houses or hotels which provide the above mentioned  
11 services and whose residents meet the above mentioned criteria. The term shall not include health  
12 care facility, boarding homes, group homes, or community residences as defined in this code.

13 ~~(93)~~ (94) Skilled nursing facility. - A health facility or unit thereof that provides twenty-  
14 four (24) hour inpatient skilled nursing, therapeutic or restorative care services for two (2) or  
15 more patients unrelated by blood or marriage with a rehabilitative potential or condition requiring  
16 skilled care.

17 ~~(94)~~ (95) Smoke barrier. - The term "smoke barrier" shall mean a partition with a fire-  
18 resistance rating of not less than one-half ( 1/2) hour with any door openings therein equipped  
19 with a door so hung as to be reasonably smoke and gas tight when closed. Any such door shall be  
20 at least equivalent to a one and three-eighth inch (1 3/8") solid bonded core wood door. The door  
21 shall not be fastened in an open position by a device which will require more than one movement  
22 of normal strength to swing the door to a closed position. The barrier shall be located to provide  
23 ample area of refuge on each side of the partition of all occupants of the story secured by the  
24 barrier and shall extend through any dropped ceiling to the floor or roof above. The barrier may  
25 have wire-glass panels each not to exceed six square feet.

26 (96) Special amusement building concentrated occupancy place of assembly. - The term  
27 "special amusement building concentrated occupancy place of assembly" shall mean a Class A,  
28 B, or C place of assembly with a maximum occupancy calculated on the basis of less than fifteen  
29 square feet (15 sq. ft) per person and for which either there is a license issued pursuant to chapter  
30 3-7 or there is entertainment or there are both a liquor license and entertainment.

31 ~~(95)~~ (97) Sprinklered. - The term "sprinklered" shall mean to be completely protected by  
32 an approved system of automatic sprinklers installed and maintained in accordance with N.F.P.A.  
33 Standards.

34 ~~(96)~~ (98) Stage. - A partially enclosed portion of an assembly building which is designed

1 or used for the presentation of plays, demonstrations, or other entertainment wherein scenery,  
2 drops, or other effects may be installed or used, and where the distance between the top of the  
3 proscenium opening and the ceiling of the stage is more than five feet (5').

4 ~~(97)~~ (99) Stairway. - One or more flights of stairs, and the necessary landings and  
5 platforms connecting them, to form a continuous and uninterrupted passage from one floor to  
6 another. A flight of stairs, for the purposes of this article, must have at least three (3) risers.

7 ~~(98)~~ (100) Standpipe. - A wet or dry fire pipe line, extending from the lowest to the  
8 topmost story of a building or structure, equipped with a shut-off valve with hose outlets at every  
9 story.

10 ~~(99)~~ (101) Storage building. - The term "storage building" shall mean a building or  
11 structure used, or planned for use primarily for the storage of goods, wares, and merchandise, and  
12 in which less than five (5) persons are employed in the labor of manufacturing or processing.  
13 Included, among others, shall be warehouses, storehouses, and freight depots. Buildings in this  
14 heading storing high hazard contents shall be protected as described and classified in the section  
15 so headed.

16 ~~(400)~~ (102) Story. - The term "story" shall mean that portion of a building between a  
17 floor and the floor next above; and shall apply to the basement. The first story shall be that story  
18 which is of such height above ground level that it does not come within the definitions of a  
19 basement or shall be that story located immediately above a basement. The second story shall  
20 mean a story located immediately above the first story and upper stories shall be in numerical  
21 sequence accordingly. (See also "Mezzanine.")

22 ~~(401)~~ (103) Story (First). - The lowermost story entirely above the grade plane.

23 ~~(402)~~ (104) Theatre. - The term "theatre" shall mean a building or part of a building ~~in~~  
24 ~~which more than seventy five (75) persons may assemble in existing buildings and~~ in which fifty  
25 (50) or more persons may assemble ~~in new building~~ for presentation of a theatrical stage  
26 performance or motion picture presentation. All theatres shall comply with applicable  
27 requirements for places of assembly.

28 ~~(403)~~ (105) Unit heater. - A factory assembled device designed to heat and circulate air.  
29 Essential components are a heat transfer element, housing, and fan with driving motor. Normally  
30 designed for free delivery of recirculated air.

31 ~~(404)~~ (106) Vertical opening. - An opening through a floor or roof.

32 ~~(405)~~ (107) Warm air furnace. - A solid, liquid, or gas fired appliance for heating air to  
33 be distributed with or without duct systems to the space to be heated.

34 ~~(406)~~ (108) Winding stairs. - The term "winding stairs" shall mean a flight of two (2) or

1 more steps which, in changing direction, does so by benefit of variance in the width along each  
2 tread. This term shall not include such stairs as have treads of uniform width throughout and  
3 change direction by benefit of intermediate landings or platforms.

4 **23-28.1-6. Applicability to new or existing structures.** – ~~Unless otherwise expressly~~  
5 ~~provided, all~~ All regulations contained in this code apply to all ~~new~~ structures unless specifically  
6 exempted. Prior to a building permit being issued, all plans for buildings regulated under this  
7 code shall be submitted to the authority having jurisdiction. The authority having jurisdiction ~~has~~  
8 shall fifteen (15) days after submission to review and approve or disapprove the completed set of  
9 plans within forty-five (45) days after the submission of the completed set of plans, unless a  
10 longer time period is required due to the complexity of the project. When a change of use or type  
11 of occupancy is made in an existing building, the building shall conform to the requirements  
12 established by the rehabilitation building and fire code for existing buildings and structures, or if  
13 the rehabilitation building and fire code for existing structures is not applicable, to the  
14 requirements for new structures as related to the proposed use or type of occupancy.

15 **23-28.1-7. Conformity required.** -- (a) No building shall be constructed for, used for, or  
16 converted to, any occupancy regulated by the code, and no addition shall be made to a building  
17 except in accordance with the applicable provisions of the code or the rehabilitation building and  
18 fire code for existing buildings and structures, as applicable. In case two (2) or more classes of  
19 occupancy occur in the same building, the most hazardous occupancy or the class of occupancy  
20 calling for the most stringent requirements for life safety under the code shall govern the  
21 classification of the entire building, unless suitable separation or other acceptable fire safety  
22 provisions are afforded by compliance with other pertinent codes.

23 (b) Any existing structure that is not in conformity with the provisions of this code is  
24 governed by the following:

25 (1) The authority having jurisdiction is authorized to give building owners a reasonable  
26 notice of fire safety code violations and establish a timetable for compliance or, in cases of  
27 practical difficulty, establish a time by which the owner must petition to the fire safety code board  
28 for a variation.

29 (2) The fire marshal, or designee, within the division or a nonsalaried deputy state fire  
30 marshal in accordance with guidelines established by the fire marshal with the approval of the  
31 chairperson of the board of appeal and review, has the authority to summarily abate any condition  
32 which is in violation of any provision of this code and which presents immediate danger to life,  
33 which conditions shall include improper management or use of flammable and combustible  
34 materials, liquids and gasses, pyrotechnics, fireworks or explosives, malfunctioning automatic

1 sprinklers, fire alarms and emergency lighting, malfunctioning heating and electrical systems, and  
2 blocked or inadequate exits or means of egress, and such other conditions as may be established  
3 by the Fire Safety Code Board of Appeal and Review. A failure to abate a condition that presents  
4 a clear and immediate danger to life shall be grounds, for the person issuing the order to abate, to  
5 require that the premises be vacated, which action shall be either authorized by the fire marshal or  
6 a designee of the fire marshal who has been given advanced written authority by the fire marshal  
7 to approve such actions.

8 (3) ~~All existing buildings which are deemed to be in compliance with specific provisions~~  
9 ~~of the code prior to any 1978 amendment are exempt from the amendment unless there is a~~  
10 ~~change of occupancy or more than fifty percent (50%) of the total valuation of the building is to~~  
11 ~~be changed within a one year period or unless the rehabilitation building and fire code for existing~~  
12 ~~buildings and structures is applicable. Those requirements not met prior to 1978 are subject to the~~  
13 ~~latest amendment. All new buildings and structures, for which a building permit is issued on or~~  
14 ~~after February 20, 2004, shall be subject to the provisions of the Rhode Island Fire Safety Code~~  
15 ~~addressing the new occupancy. All existing building and structures, and those building and~~  
16 ~~structures for which a building permit was issued prior to February 20, 2004, shall be subject to~~  
17 ~~the provisions of the Rhode Island Fire Safety Code addressing the existing occupancy. Any~~  
18 ~~existing building or structure, subject to the provisions of the Rehabilitation Building and Fire~~  
19 ~~Code for Existing Buildings and Structures, shall also comply with the existing occupancy~~  
20 ~~provisions of the Rhode Island Fire Safety Code addressing the current or proposed occupancy.~~  
21 All active fire protection systems, such as sprinklers, fire alarms, emergency lighting and exit  
22 signs, previously required and installed in existing buildings, shall continue to be required under  
23 the Rhode Island Fire Safety Code and shall be properly maintained.

24 SECTION 4. Sections 23-28.2-4, 23-28.2-14, 23-28.2-20 and 23-28.2-21 of the General  
25 Laws in Chapter 28.2 entitled "Division of Fire Safety" are hereby amended to read as follows:

26 **23-28.2-4. Duties and responsibilities of state fire marshal.** -- The state fire marshal  
27 shall have the authority to enforce and perform the duties required by the Fire Safety Code,  
28 chapters 28.1 - 28.39 of this title, and all other provisions of the general laws and public laws  
29 insofar as such powers and duties relate to fires, fire prevention, fire protection, fire inspection,  
30 and fire investigation. It shall also be the duty of the state fire marshal to enforce all laws of this  
31 state in regard to:

32 (1) The keeping, storage, use, manufacture, sale, handling, transportation, or other  
33 disposition of explosives and inflammable materials.

1 (2) Conducting and supervising fire safety inspections of all buildings regulated by the  
2 code within the state.

3 (3) It shall be the duty of the state fire marshal and his or her deputies to certify to any  
4 state or federal agency whether or not any building covered satisfies the requirements of chapters  
5 28.1 - 28.39 of this title.

6 (4) It shall the duty of the fire marshal to plan for and oversee the comprehensive,  
7 professional enforcement of the fire safety code.

8 **23-28.2-14. Enforcement.** -- (a) Within the division, there shall be an enforcement unit  
9 responsible for the initiation of criminal prosecution of any person(s) in violation of the state Fire  
10 Safety Code or failure to comply with an order to abate conditions that constitute a violation of  
11 the Fire Safety Code, chapters 28.1 - 28.39 of this title, and/or the general public laws of the state  
12 as they relate to fires, fire prevention, fire inspections, and fire investigations. This unit will  
13 consist of the state fire marshal, chief deputy state fire marshal, chief of technical services,  
14 explosive technician, assistant explosive technicians, and the arson investigative staff, each of  
15 whom must satisfactorily complete at the Rhode Island state police training academy an  
16 appropriate course of training in law enforcement or must have previously completed a  
17 comparable course. To fulfill their responsibilities, this unit shall have and may exercise in any  
18 part of the state all powers of sheriffs, deputy sheriffs, town sergeants, chiefs of police, police  
19 officers, and constables.

20 (b) The fire marshal shall have the power to implement a system of civil enforcement to  
21 achieve compliance with the Fire Safety Code, which shall include inspections as provided for in  
22 section 23-28.2-20, the issuance of citations in a form approved by the fire marshal, and the  
23 issuance of formal notices of violation. The Fire Safety Code Board of Appeal and Review, with  
24 recommendations from the fire marshal, shall by February 20, 2004, adopt rules establishing, for  
25 those categories of violation of the Fire Safety Code that can be identified through inspection,  
26 citations requiring correction of the violation within a reasonable time period. The Fire Safety  
27 Code Board of Appeal and Review shall recommend a system of penalties for violations subject  
28 to citation for adoption by the general assembly, which fines would be used for fire prevention  
29 purposes by the jurisdiction that issues the citation.

30 **23-28.2-20. Right of entry.** – (a) In the discharge of its duties, the authority having  
31 jurisdiction shall have the authority to enter at any reasonable hour, any building, structure, or  
32 premises in the state to enforce the provisions of the Fire Safety Code, chapters 28.1 - 28.39 of  
33 this title. If any owner, occupant, or other person refuses, impedes, inhibits, interferes with,

1 restricts, or obstructs entry and free access to every part of the structure, operation, or premise  
2 where inspection authorized by this code is sought, the authority having jurisdiction may:

3 (1) Seek in a court of competent jurisdiction a search warrant so as to apprise the owner,  
4 occupant, or other person concerning the nature of the inspection and justification for it, and may  
5 seek the assistance of police authorities in presenting the warrant; and/or

6 (2) Revoke or suspend any license, permit, or other permission regulated under this code  
7 where inspection of the structures, operation or premises, is sought to determine compliance with  
8 this code.

9 (3) Enter, examine or survey at any reasonable time such places as the fire marshal or his  
10 or her designee deems necessary to carry out his or her responsibilities under any provision of law  
11 subject to the provisions set forth below. For places of assembly as defined in section 23-28.1-5,  
12 including special amusement building concentrated occupancy places of assembly inspections  
13 shall be reasonable during actual hours of maximum operation, regardless of the time, and such  
14 inspections for special amusement building concentrated occupancy places of assembly shall be  
15 conducted at least annually.

16 (1) For criminal investigations, the fire marshal shall, pursuant to chapter 5 of title 12,  
17 seek a search warrant from an official of a court authorized to issue warrants, unless a search  
18 without a warrant is otherwise allowed or provided by law;

19 (2) (a) All administrative inspections shall be conducted pursuant to administrative  
20 guidelines promulgated pursuant to chapter 42-35, the "Administrative Procedures Act" with  
21 chapter 35 of title 42.

22 (b) A warrant shall not be required for administrative inspections if conducted under the  
23 following circumstances, in accordance with the applicable constitutional standards:

24 (i) For closely regulated industries;

25 (ii) In situations involving open fields or conditions that are in plain view;

26 (iii) In emergency situations;

27 (iv) In situations presenting an imminent threat to the environment or public health,  
28 safety or welfare;

29 (v) If the owner, operator, or agent in charge of the facility, property, site or location  
30 consents; or

31 (vi) In other situations in which a warrant is not constitutionally required.

32 (c) Whenever it shall be constitutionally or otherwise required by law, or whenever the  
33 director in his or her discretion deems it advisable, an administrative search warrant, or its  
34 functional equivalent, may be obtained by the fire marshal from a neutral magistrate for the

1 purpose of conducting an administrative inspection. The warrant shall be issued in accordance  
2 with the applicable constitutional standards for the issuance of administrative search warrants.  
3 The administrative standard of probable cause, not the criminal standard of probable cause, shall  
4 apply to applications for administrative search warrants.

5 (i) The need for, or reliance upon, an administrative warrant shall not be construed as  
6 requiring the fire marshal to forfeit the element of surprise in its inspection efforts.

7 (ii) An administrative warrant issued pursuant to this subsection must be executed and  
8 returned within ten (10) days of its issuance date unless, upon a showing of need for additional  
9 time, the court orders otherwise.

10 (iii) An administrative warrant may authorize the review and copying of documents that  
11 are relevant to the purpose of the inspection. If documents must be seized for the purpose of  
12 copying, and the warrant authorizes such seizure, the person executing the warrant shall prepare  
13 an inventory of the documents taken. The time, place and manner regarding the making of the  
14 inventory shall be set forth in the terms of the warrant itself, as dictated by the court. A copy of  
15 the inventory shall be delivered to the person from whose possession or facility the documents  
16 were taken. The seized documents shall be copied as soon as feasible under circumstances  
17 preserving their authenticity, then returned to the person from whose possession or facility the  
18 documents were taken.

19 (iv) An administrative warrant may authorize the taking of samples of materials that are  
20 part of, or are generated, stored or treated at the facility, property, site or location. Upon request,  
21 the fire marshal shall make split samples available to the person whose facility, property, site or  
22 location is being inspected.

23 (v) Service of an administrative warrant may be required only to the extent provided for  
24 in the terms of the warrant itself by the issuing court.

25 (d) Penalties. Any willful and unjustified refusal of right of entry and inspection pursuant  
26 to an administrative warrant shall constitute a contempt of court and shall subject the refusing  
27 party to sanctions, which in the court's discretion may result in up to six (6) months imprisonment  
28 and/or a monetary fine of up to ten thousand dollars (\$10,000) per refusal.

29 **23-28.2-20.1 Notices of violation.** -- The fire marshal and persons designated specifically  
30 in writing by the fire marshal shall have the power to issue notices of violation as herein provided  
31 for, and the powers herein established shall be in addition to other powers of inspection and  
32 enforcement of the Fire Safety Code provided for in this title. The Fire Marshal or authorized  
33 designee of the Fire Marshal shall have the power to give notice of an alleged violation of law to  
34 the person responsible therefor whenever the Fire Marshal or authorized designee determines that

1 there are reasonable grounds to believe that there is a violation of any provision of law within his  
2 or her jurisdiction or of any rule or regulation adopted pursuant to authority granted to him or her,  
3 unless other notice and hearing procedure is specifically provided by that law. Nothing in this  
4 chapter shall limit the authority of the attorney general to prosecute offenders as required by law.

5 (A) The notice shall provide for a time within which the alleged violation shall be  
6 remedied, and shall inform the person to whom it is directed that a written request for a hearing  
7 on the alleged violation may be filed with the director within ten (10) days after service of the  
8 notice. The notice will be deemed properly served upon a person if a copy thereof is served him  
9 or her personally, or sent by registered or certified mail to his or her last known address, or if he  
10 or she is served with notice by any other method of service now or hereafter authorized in a civil  
11 action under the laws of this state. If no written request for a hearing is made to the director  
12 within ten (10) days of the service of notice, the notice shall automatically become a compliance  
13 order.

14 (B) (1) Whenever the Fire Marshal or authorized designee determines that there exists a  
15 violation of any law, rule, or regulation within his or her jurisdiction which requires immediate  
16 action to protect public safety or property, he or she may, without prior notice of violation or  
17 hearing, issue an immediate compliance order stating the existence of the violation and the action  
18 he or she deems necessary. The compliance order shall become effective immediately upon  
19 service or within such time as is specified by the director in such order. No request for a hearing  
20 on an immediate compliance order may be made.

21 (2) Any immediate compliance order issued under this section without notice and prior  
22 hearing shall be effective for no longer than forty-five (45) days, provided, however, that for good  
23 cause shown the order may be extended one additional period not exceeding forty-five (45) days.

24 (C) If a person upon whom a notice of violation has been served under the provisions of  
25 this section or if a person aggrieved by any such notice of violation requests a hearing before the  
26 Fire Safety Code Board of Appeal and Review within ten (10) days of the service of notice of  
27 violation, the Board shall set a time and place for the hearing, and shall give the person requesting  
28 that hearing at least five (5) days written notice thereof. After the hearing, the Board may make  
29 findings of fact and shall sustain, modify, or withdraw the notice of violation. If the Board  
30 sustains or modifies the notice, that decision shall be deemed a compliance order and shall be  
31 served upon the person responsible in any manner provided for the service of the notice in this  
32 section.



1           (D) The compliance order shall state a time within which the violation shall be remedied,  
2 and the original time specified in the notice of violation shall be extended to the time set in the  
3 order.

4           (E) Whenever a compliance order has become effective, whether automatically where no  
5 hearing has been requested, where an immediate compliance order has been issued, or upon  
6 decision following a hearing, the Fire Marshal may institute injunction proceedings in the  
7 superior court of the state for enforcement of the compliance order and for appropriate temporary  
8 relief, and in that proceeding the correctness of a compliance order shall be presumed and the  
9 person attacking the order shall bear the burden of proving error in the compliance order, except  
10 that the director shall bear the burden of proving in the proceeding the correctness of an  
11 immediate compliance order. The remedy provided for in this section shall be cumulative and not  
12 exclusive and shall be in addition to remedies relating to the removal or abatement of nuisances  
13 or any other remedies provided by law.

14           (F) Any party aggrieved by a final judgment of the superior court may, within thirty (30)  
15 days from the date of entry of such judgment, petition the supreme court for a writ of certiorari to  
16 review any questions of law. The petition shall set forth the errors claimed. Upon the filing of the  
17 petition with the clerk of the supreme court, the supreme court may, if it sees fit, issue its writ of  
18 certiorari.

19           **23-28.2-21. National Fire Code.** -- Except wherever herein specifically defined or  
20 covered in this code, the provisions of the N.F.P.A. Standards included in the National Fire Code,  
21 ~~1990~~ 2003 edition, shall be used by the authority having jurisdiction as the accepted standard with  
22 regard to fire safety regarding any unforeseen condition.

23           SECTION 5. Sections 23-28.3-1, 23-28.3-3, 23-28.3-3.1, and 23-28.3-5 in chapter 23-  
24 28.3 of the general laws entitled "Fire Safety Code Board of Appeal and Review" are hereby  
25 amended to read as follows:

26           **23-28.3-1. Definitions.** -- When used in this chapter:

27           (1) "Amendment" means any modification or change in the code that shall be formulated,  
28 adopted, and issued by the board;

29           (2) "Board" means the fire safety code board created by this chapter;

30           (3) "Building" includes new and existing buildings and facilities, except private dwellings  
31 occupied by one, two (2), or three (3) families, in the various cities and towns in this state;

32           (4) "Code" means the minimum standard body of rules for fire safety known as the Fire  
33 Safety Code, chapters 28.1 - 28.39 of this title, or the rehabilitation building and fire code for  
34 existing buildings and structures, chapter 29.1 of this title;

1 (5) "Variation or Variance" means a special limited modification or change in the code  
2 which is applicable only to a particular type of building, ~~or~~ facility, regulated process or  
3 hazardous activity upon the petition of the person owning the building or facility, or maintaining  
4 the regulated process or hazardous activity. All variances shall be in keeping with recognized  
5 national standards; and

6 (6) "Blanket Variance" is generalized relief from any provision of the fire safety  
7 code when, in the opinion of the fire safety code board, these provisions have been  
8 rendered obsolete and/or impose an unanticipated hardship upon the general public, and  
9 the board finds that the decision to grant a blanket variance will not conflict with the  
10 general objectives of the code. All blanket variances shall only be effective until the next  
11 code adoption process by the board.

12 **23-28.3-3. Rules and regulations.** -- (a) The state fire safety code board has the power  
13 to promulgate, amend, and repeal rules and regulations to safeguard life and property from the  
14 hazards of fire and explosives consistent with the provisions of the Fire Safety Code, chapters  
15 28.1 through 28.39 of this title, and consistent with the rehabilitation building and fire code for  
16 existing buildings and structures, chapter 29.1 of this title. The regulations, amendments, or  
17 repeals shall be in accordance with standard safe practice as embodied in widely recognized  
18 standards of good practice for fire prevention and fire protection. The rules and regulations  
19 promulgated by the board, which are known as the state Fire Safety Code, are in effect in all the  
20 cities, towns, counties, and political subdivisions in the state. Whenever the provisions of any  
21 other statute or local regulation are more stringent or impose higher standards than the state fire  
22 safety code, that statute or local regulations will govern, unless it is not consistent with the state  
23 code or contrary to recognized standards or good engineering practices. The board determines the  
24 relative priority of the regulations.

25 (b) ~~Prior to the promulgation, amendment, or repeal of any regulation, the state fire~~  
26 ~~safety code board shall hold a public hearing on the proposed changes, amendments, notice of~~  
27 ~~which hearing shall be published fifteen (15) days before the date of the hearing in a newspaper~~  
28 ~~or newspapers of general circulation throughout the state. A copy of the notice shall be sent at the~~  
29 ~~same time to every city and town clerk and every person, firm, or corporation who shall have~~  
30 ~~registered with the state fire safety code board a request to be so notified. The notice shall contain~~  
31 ~~the time and place of hearing, subjects to be discussed, and shall specify the place and time at~~  
32 ~~which the proposed regulation, amendment, or repeal may be examined.~~ All rules and regulations  
33 adopted by the state fire safety code board shall be adopted in accordance with the Administrative  
34 Procedures Act (R.I.G.L. 42-35-1 et seq.).

1 (c) For the purpose of any public hearing under this chapter, the state fire safety code  
2 board has the power to summon witnesses and administer oaths for the purpose of giving  
3 testimony.

4 (d) The board shall provide for reasonable interpretation of the provisions of this code,  
5 and rule on appeals from decisions of the fire marshal.

6 **23-28.3-3.1. Rules and regulations, rehabilitation of existing buildings and**  
7 **structures.** – The state fire safety code board has the power to adopt, promulgate, amend,  
8 and repeal the fire safety code elements of the rehabilitation building and fire code for  
9 existing buildings and structures, which shall be administered as a sub-code of the fire  
10 safety code. and shall supercede other codes and regulations pertaining to the  
11 rehabilitation and change of use of existing buildings and structures, unless the provisions  
12 of those other codes and regulations are not inconsistent with the provisions of the  
13 rehabilitation building and fire code for existing buildings and structures. Any existing  
14 building or structure, subject to the provisions of the rehabilitation building and fire code  
15 for existing buildings and structures, shall also comply with the existing occupancy  
16 provisions of the Rhode Island Fire Safety Code addressing the current or proposed  
17 occupancy.

18 **23-28.3-5. Assistance to building owners -- Petition for variations.** -- (a) Any building  
19 owner, and/or the operator of any regulated process or hazardous activity, may consult with the  
20 authority having jurisdiction for advice and assistance in complying with the provisions of the fire  
21 safety code adopted pursuant to chapters 28.1 -- 28.39 and chapter 29.1 of this title, or any  
22 amendments to those codes or any codes adopted under them. In case of practical difficulties, the  
23 authority having jurisdiction shall refer all requests for variations from particular provisions of  
24 the fire safety code adopted pursuant to chapters 28.1 to 28.39 of this title or any code adopted  
25 under them to the fire safety code board. All requests for variations from the particular provisions  
26 of the fire safety code adopted pursuant to chapter 29.1 of this title shall be referred to the joint  
27 committee pursuant to the provisions of section 23-29.1-4. The petitioner shall set forth in his or  
28 her petition to the board the grounds or reasons for requesting the variations.

29 (b) The board shall fix a day for hearing on the petition and shall give reasonable notice  
30 of the hearing to the petitioner and the property owners within two hundred feet (200') of the  
31 petitioner's building or structure when, in the board's discretion, it may have an adverse effect on  
32 neighboring properties. A properly indexed record of all variations made shall be kept in the  
33 office of the state fire marshal and shall be open to public inspection. Any building owner may

1 file a petition for a variance to the board by registered mail, and a hearing date shall be set by the  
2 board within thirty (30) days of filing a completed application including a filing fee, established  
3 in accordance with the following fee schedule:

4 (1) Petitions related to existing covered occupancies, not involving construction,  
5 alteration, and/or renovation . . . . \$100 filing fee.

6 (2) Petitions related to construction, alteration, renovation, and/or conversion or other  
7 buildings and structures:

8 (i) not more than 8,000 square feet . . . \$100 filing fee

9 (ii) more than 8,000 square feet but not more than 25,000 square feet . . . \$300 filing fee

10 (iii) more than 25,000 square feet but not more than 50,000 square feet . . . \$500 filing fee

11 (iv) more than 50,000 square feet . . . \$1,000 filing fee

12 (3) Petitions related to maintenance or use of buildings or materials and any petition not  
13 otherwise provided for above . . . \$100 filing fee.

14 (4) The term "square feet", as used in this chapter, is the total floor space and/or storage  
15 capacity of the subject building or structure, as determined and certified by the state fire marshal  
16 or his or her designee, subject to review by the board. The board chairperson may delegate a  
17 subcommittee of the board to conduct a hearing and take testimony from the petitioner. The  
18 subcommittee shall make recommendations to the board as to their findings, and a decision shall  
19 be rendered within ten (10) days of the subcommittee's report. If the petitioner is aggrieved by the  
20 subcommittee's recommendations, the petitioner has the right of hearing before the entire board  
21 within thirty (30) days of the rendered decision.

22 (c) The application filing fee income shall be deposited as general revenue.

23 SECTION 6. Sections 23-28.6-1, 23-28.6-2, 23-28.6-4, 23-28.6-5, and 23-28.6-18, in  
24 chapter 23-28.6 of the general laws entitled "Places of Assembly" are hereby amended to read as  
25 follows:

26 **23-28.6-1. Applicability.** -- (a) The regulations contained in this chapter shall apply to  
27 all places of assembly as defined in § 23-28.1-5, ~~except only such places as are expressly exempt~~  
28 ~~in accordance with the provisions of this code.~~

29 (1) Class A, capacity one thousand one (1001) persons or more.

30 (2) Class B, capacity three hundred one (301) to one thousand (1000) persons.

31 (3) Class C, capacity fifty (50) to three hundred (300) persons ~~in new buildings.~~

32 (4) ~~Class C, capacity seventy six (76) to three hundred (300) persons in existing~~  
33 ~~buildings.~~

1 (b) Fire escapes and other outdoor stairways, heating, and ventilating facilities, and the  
2 use of electric wiring and appliances, shall be governed by special articles related thereto.

3 **23-28.6-2. Egress facilities required - Inspection by owner.** -- (a) All places of  
4 assembly shall be provided with approved egress facilities as determined under the provisions of  
5 section 23-28.6-6.

6 (b) In places of assembly which have scheduled activities for recreational, educational,  
7 political, fraternal, social, or amusement purposes, the owner or management must inspect every  
8 exit from the building not more than ninety (90) minutes prior to the beginning of any meeting,  
9 concert, etc. If the inspection reveals blocked exits, the scheduled presentation must not begin  
10 until the exits are cleared and made easily accessible, assuring the safety and welfare of the  
11 patrons. Any person or entity violating the provisions of this section shall be fined not exceeding  
12 five thousand dollars (\$5,000) for each offense.

13 **23-28.6-4. Standing conditions.** -- (a) Standing patrons may be allowed, in approved  
14 waiting areas, in places of assembly at the rate of one person for each five square feet (5 sq. ft.) of  
15 area available for standing; provided, that aisle area, except rear cross aisles, shall not be  
16 considered in determining the number of standing patrons allowed.

17 (b) The provisions in this section do not apply to churches and places of worship,  
18 wherein patrons retain their outer clothing for immediate exit, and where they are confined for a  
19 period not exceeding two (2) hours duration. Only that part of the building directly accessible to  
20 doors for hasty exit may be used in this manner.

21 **23-28.6-5. Admissions restricted and supervised.** -- (a) Admissions to all places of  
22 assembly shall be supervised by the responsible management or by the person or persons  
23 delegated with the responsibility by the management, and the responsible person shall not allow  
24 admissions in excess of the maximum occupancy as provided in section 23-28.6-3, provided,  
25 subsections (c), (d), and (e) below do not apply to churches and places of worship, wherein  
26 patrons retain their outer clothing for immediate exit, and where they are confined for a period  
27 not exceeding two (2) hours duration. Only those portions of a building used exclusively for  
28 religious worship are included in this exception.

29 (b) The maximum occupancy of all areas shall be conspicuously posted by means of a  
30 sign furnished by the state fire marshal's office.

31 (c) All Class A places of assembly shall have one uniformed fire fighter, and any  
32 additional uniformed fire fighters on duty when deemed necessary by the chief of the local fire  
33 department.

1 (d) All Class B places of assembly of less concentrated use shall have a uniformed fire  
2 fighter and any additional uniformed fire fighters on duty when deemed necessary by the chief of  
3 the local fire department.

4 (e) All Class B and C places of assembly of concentrated use shall have one uniformed  
5 fire fighter on duty when deemed necessary by the chief of the local fire department except as  
6 provided under subsection (f) of this section.

7 (f) All Class B and C places of assembly of concentrated or less concentrated use being  
8 utilized for activities ~~of unusual hazard~~, that would cause the place of assembly to be unsafe,  
9 dangerous or hazardous shall have one uniformed fire fighter on duty during such activity, and  
10 any additional uniformed fire fighters on duty when deemed necessary by the chief of the local  
11 fire department unless this requirement is specifically waived in writing for each such event.

12 (g) The cost of all fire fighters on duty under subsections (c) through (f) of this section  
13 shall be borne by the management of the facility.

14 (h) The above assigned fire fighter(s) shall be equipped with portable communication  
15 devices which shall be provided for by the local fire department to allow direct communication to  
16 the dispatcher of the local fire department.

17 (i) Any person violating the provisions of this section shall be fined not exceeding five  
18 thousand dollars (\$5,000) for each offense.

19 (j) The provisions of section 23-28.2-17 shall apply to any fire fighter assigned to a place  
20 of assembly pursuant to this section.

21 **23-28.6-18. Alarm systems.** -- (a) A fire alarm system as prescribed in section 23-28.25-  
22 4(a), and in accordance with requirements adopted by the fire safety code board of appeal and  
23 review, shall be installed in all Class 'C' places of assembly.

24 (b) A fire alarm system as prescribed in section 23-28.25-4(b) and in accordance with  
25 requirements adopted by the Fire Safety Code Board of Appeal and Review shall be installed in  
26 all Class 'A' and 'B' places of assembly.

27 (c) In addition to the locations prescribed in chapter 28.25 of this title, and in accordance  
28 with requirements adopted by the Fire Safety Code Board of Appeal and Review, a manual alarm  
29 station shall be installed on every stage and near any fixed lighting control panel and any  
30 projection booth.

31 (d) A ~~one hundred thirty five degrees (135°) to one hundred forty degrees (140°) F.~~ rate  
32 of rise or fixed temperature detector or detectors approved by the authority having jurisdiction  
33 shall be installed above all stage areas and below all accessible stage areas and projection booths.

34 SECTION 7. Chapter 23-28.6 of the General Laws entitled "Places of Assembly" is

1 hereby amended by thereto the following sections:

2 **23-28.6-21. Special amusement building concentrated occupancy places of**  
3 **assembly. -- Every special amusement building concentrated occupancy place of assembly as**  
4 **defined in section 23-28.1-5, shall comply with following requirements, consistent with**  
5 **requirements related thereto established by the Fire Safety Code Board of Appeal and Review and**  
6 **the State Fire Marshall:**

7 (a) Have fire alarms that are municipally connected for occupancies of one hundred fifty  
8 (150) or greater and for all Class A and B places of assembly by July 1, 2004. Such fire alarm  
9 systems shall be tested no less than quarterly.

10 (b) Have sprinklers in Class C places of assembly of 150 or greater by July 1, 2006 and in  
11 Class A and B places of assembly by July 1, 2005; provided, however, that this requirement shall  
12 not apply to fully alarmed places of worship and state and municipal buildings used for  
13 governmental purposes, where patrons are not confined for a period exceeding two (2) hours  
14 duration. The occupancy of any place of assembly without sprinklers after July 1, 2004, shall  
15 have its maximum occupancy adjusted by minus ten percent (10%) for the absence of sprinklers  
16 and minus twenty percent (20%) for the absence for the sprinklers, when sprinklers are required  
17 by law or regulation. Such downward adjustment in occupancy shall be cumulative and shall  
18 cease to apply when the premises is compliance with requirements with fire alarms and  
19 sprinklers, and shall not affect any other requirements of the Fire Safety Code applicable to the  
20 premises. In lieu of the these occupancy adjustments, a Class C place of assembly with an  
21 occupancy of one hundred fifty (150) or greater may provide for a fire fighter to be on duty. All  
22 places of assembly with an occupancy of less than one hundred fifty (150) shall use fire retardant  
23 paints or other coverings, to a standard acceptable to the Fire Safety Code Board of Appeal and  
24 Review, unless the building has sprinklers, by July 1, 2006.

25 (c) Have alarm systems sound, and on the actuation of any smoke detector or fire alarm,  
26 that emergency lighting or other appropriate lighting be activated and that any conflicting sounds  
27 or visuals stop, by February 20, 2004.

28 (d) Have two (2) fire extinguishers, which shall be at least twenty (20) pounds or such  
29 other size as may be established as appropriate by the Fire Safety Code Board of Appeal and  
30 Review, in each stage area, by February 20, 2004.

31 (e) Have floor proximity exit signs for all occupancies greater than one hundred fifty  
32 (150) by February 20, 2005.

33 (e) Shall provide an audible announcement of the location of emergency exits prior to  
34 each act or set.

1           (f) Have an emergency plan for the premises, approved by a fire marshal and consistent  
2 with rules established by the Fire Safety Code Board of Appeal and Review by July 1, 2004, and  
3 provide in every occupancy of three hundred (300) or greater, an on duty or a crowd manger on  
4 duty, who has been trained by the Fire Marshal with regard to the emergency plan and basic  
5 crowd management techniques, by October 1, 2004. This requirement shall be in addition to the  
6 current requirement for a detail fire fighter.

7           **23-28.6-22. Prohibited activities in places of assembly. -- (a) Pyrotechnics. The**  
8 storage, handling, use or display of pyrotechnics is prohibited in all Class B and C places of  
9 assembly. Pyrotechnics may be permitted only in class A places of assembly that are fully fire  
10 alarmed and sprinklered and in Class B places of assembly that are theatres and are fully fire  
11 alarmed and sprinklered and have specific advanced approval from the fire marshal, or his  
12 designee, for the use of such pyrotechnics in accordance with requirements established by the  
13 Fire Safety Code Board of Appeal and Review.

14           (b) The use of decorative or acoustical materials that are not certified, consistent with  
15 NFPA requirements or such other requirements as may be established by the Fire Safety Code  
16 Board of Appeal and Review is prohibited. Any person or entity violating the provisions of this  
17 section shall be fined in an amount not exceeding five thousand dollars (\$5,000) for each offense.

18           SECTION 8. Sections 23-28.11-3, 23.28.6-4, 23-28.6-7, and 23-28.6-9 in chapter 23-  
19 28.6 of the General Laws entitled 'Fireworks and Pyrotechnics are hereby amended to read as  
20 follows:

21           ~~23-28.11-3. Permits.~~ **23-28.11-3. Permits for storage, handling, transportation and**  
22 **display of fireworks and pyrotechnics. -- (a) All storage, handling, transportation and display**  
23 of fireworks shall be in accordance with the National Fire Protection Association (NFPA)  
24 Standard 1123 entitled “Code for Fireworks Display”, and NFPA Standard 1124 entitled “Code  
25 for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic  
26 Articles” 2003 Edition, and the requirements of this chapter.

27           (b) All storage, handling, transportation and display of pyrotechnics shall be in  
28 accordance with the National Fire Protection Association (NFPA) Standard 1126 entitled  
29 “Standard for the Use of Pyrotechnics before a Proximate Audience”, and NFPA Standard 1124  
30 entitled “Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and  
31 Pyrotechnic Articles” 2003 Edition, and the requirements of this chapter.

32           (c) Permits to possess and display commercial fireworks or pyrotechnics shall be  
33 issued by the local fire authority on forms provided by the state fire marshal.



1           ~~(b)~~ (d) No permit to possess and display fireworks or pyrotechnics shall be issued by the  
2 local fire authority until the applicant has first obtained a valid certificate of competency from the  
3 state fire marshal. For the purposes of this chapter, 'pyrotechnics' means a chemical mixture,  
4 including pyrotech-compositions, intended to produce a visible and/or audible effect by  
5 combustion, deflagration or detonation before a proximate audience closer than allowed for  
6 outdoor fireworks displays as permitted under this chapter. All pyrotechnics shall be in  
7 accordance with the requirements of the National Fire Protection Association Standard 1126,  
8 entitled 'Use of Pyrotechnics Before A Proximate Audience', 1992 Edition, and the requirements  
9 of this chapter.

10           **23-28.11-4. Certificate of competency.** -- (a) Every person desiring to obtain a  
11 certificate of competency to possess and display commercial fireworks and/or pyrotechnics shall  
12 make application to the state fire marshal. A fee of ten dollars (\$10.00) shall accompany each  
13 application and shall be for processing the application and for examination to be given within  
14 ninety (90) days of receipt of application to determine applicant's experience and ability to  
15 conduct commercial fireworks and/or pyrotechnics demonstrations. Separate applications,  
16 examinations and certificates shall be issued by the state fire marshal for fireworks and  
17 pyrotechnics and shall be in such form as the state fire marshal may require. The examinations  
18 herein provided for shall require the applicant to demonstrate adequate understanding of  
19 applicable NFPA requirements.

20           (b) Each applicant found to be qualified by examination shall forthwith be issued a  
21 certificate of competency upon payment of fifty dollars (\$50.00) and submission of certification  
22 indicating satisfactory completion of psychiatric examination administered by a qualified  
23 physician within the previous year. All fees collected pursuant to this section shall be deposited as  
24 general revenue.

25           **23-28.11-5. Duration -- Expiration -- Renewal -- Duplication.** -- Every certificate  
26 issued shall be valid for one year, and shall be renewable without examination, except as herein  
27 provided, on March first after the original date of issue upon payment of fifty dollars (\$50.00).  
28 Any holder of a certificate whose certificate was lost, misplaced, or stolen may obtain a duplicate  
29 certificate from the state fire marshal upon payment of ten dollars (\$10.00). No renewal shall be  
30 issued after July 1, 2003, unless the applicant for the renewal shall demonstrate adequate  
31 familiarity to the satisfaction of the Fire Marshal with applicable NFPA requirements, which  
32 demonstration may be made by passing an appropriate examination.

33           **23-28.11-7. Financial responsibility.** -- No permit shall be issued to any applicant  
34 desiring to possess and display fireworks and/or pyrotechnics until the applicant furnishes to the

1 local fire authority satisfactory proof of financial responsibility in an amount not less than  ~~fifty~~  
2  ~~thousand dollars (\$50,000)~~  one million dollars(\$1,000,000) to satisfy claims for damage to  
3 property or persons resulting from the possession or use of fireworks and/or pyrotechnics. The  
4 local fire authority may require additional financial responsibility as he or she may deem  
5 necessary due to existing conditions.

6 **23-28.11-9. Violations.** -- (a) Any person found to be in violation of the provisions of  
7 this chapter relating to possession of commercial fireworks or pyrotechnics shall be fined not less  
8 than one hundred (\$100) nor more than five hundred dollars (\$500) or imprisoned for not more  
9 than one year. Any person found to be in violation of the provisions of this chapter relating to use  
10 or display of commercial fireworks or pyrotechnics shall be guilty of a felony, and shall be fined  
11 not less than one thousand dollars (\$1,000), or imprisoned for not more than five (5) years, or  
12 both.

13 (b) The state fire marshal or the fire marshal's deputies or any officer qualified to serve  
14 criminal process may arrest without a warrant any person found in violation of this chapter and  
15 shall seize immediately any and all of the fireworks and/or pyrotechnics in illegal use, possession,  
16 or under that person's control, and the fireworks seized shall upon conviction of the person be  
17 forfeited to the state.

18 (c) Notice of the seizure of the fireworks and/or pyrotechnics shall immediately be sent  
19 to the marshal by the officer making the seizure and the fireworks and/or pyrotechnics seized  
20 shall be held and securely stored by that department until the marshal or the marshal's authorized  
21 explosives technician takes them into his or her possession for disposal.

22 SECTION 9. Section 23-28.5-1 in chapter 23-28.25 of the General Laws entitled "Fire  
23 Alarm Systems" is hereby amended to read as follows:

24 **23-28.25-1. Applicability.** -- ~~(a) This chapter and the fire alarm sections of the several~~  
25 ~~occupancy chapters which refer to this chapter shall apply to pertinent new buildings, to buildings~~  
26 ~~where there is a change of occupancy to one which will require a fire alarm system, and to~~  
27 ~~existing buildings which are altered or renovated to an extent equal to or in excess of fifty percent~~  
28 ~~(50%) of market value in a one year period as determined by a qualified appraiser. Existing~~  
29 ~~buildings which have a fire alarm system which was in compliance with the requirements of the~~  
30 ~~earlier edition of the Fire Safety Code, chapters 28.1—28.39 of this title, shall not be required to~~  
31 ~~comply with this chapter or the fire alarm sections of the several occupancy chapters which refer~~  
32 ~~to this chapter.~~

33 ~~(b) Existing buildings which are not in compliance with the fire alarm system~~  
34 ~~requirements of the earlier edition of the Fire Safety Code shall be required to install fire alarm~~

1 ~~systems in accordance with this chapter and the fire alarm sections of the several occupancy~~  
2 ~~chapters.~~ All buildings and facilities covered under the Fire Safety Code, and all codes adopted  
3 pursuant thereto, shall be equipped with an approved fire alarm system installed and maintained  
4 in accordance with this chapter and any updated fire alarm regulations adopted by the Fire Safety  
5 Code Board of Appeal & Review.

6 SECTION 10. This act shall take effect upon passage.

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LC03410  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY -- FIRE SAFETY CODE

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1           This act would create the "Comprehensive Fire Safety Act of 2003" for the purpose of  
2 providing for the adoption and implementation of a current comprehensive system of codes for  
3 fire safety to be administered by the state fire marshal and a newly created Fire Safety Code  
4 Board of Appeal and Review.

5           This act would take effect upon passage.

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LC03410  
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