

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 provisions 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.

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 amusements buildings and 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 or towns in this state; provided, however, this code shall provide
4 reasonable standards for the installation of smoke and carbon monoxide detectors in private
5 dwellings occupied by one (1), two (2), and three (3) families; provided, further, that after July 1,
6 2008, three (3) family dwellings shall be equipped with hard wired or supervised interconnected
7 UL approved wireless smoke and carbon monoxide detectors, in accordance with standards
8 established by the Fire Safety Code Board of Appeal and Review; and

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

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

25 (5) Notwithstanding anything to the contrary contained herein, no city or town may enact
26 any ordinance or order relating to the requirement for the handling of explosives pursuant to
27 chapter ~~28.28~~ 23-28.28 or for the installation of, or specifications for, the fire alarm sections of
28 this code, the fire protection systems as prescribed by chapter ~~28.25~~ 23-28.25, or for the
29 possession and display of commercial fireworks or pyrotechnics pursuant to chapter 23-28.11 ~~of~~
30 this title, which chapter shall exclusively govern the requirements for the installation of, and
31 specification for, fire protection systems, ~~and the~~ handling of explosives and possession and
32 display of commercial fireworks or pyrotechnics. All such ordinances or orders relating to the
33 requirements for the installation of and specifications for such fire protection systems, ~~or the~~
34 handling of explosives, or possession and display of commercial fireworks or pyrotechnics

1 heretofore enacted by any city or town are of no force and effect.

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

3 (1) Words in the singular number include the plural, and in the plural include the
4 singular; and

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

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

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

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

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

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

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

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

1 (6) 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) 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) Automatic. - As applied to fire protection devices, is a device or system providing an
8 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) Automatic detecting device. - A device which automatically detects heat, smoke, or
12 other products of combustion.

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

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

22 (13) Automatic sprinkler system. - A sprinkler system, for fire protection purposes, is an
23 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) 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) Basement. - The term "basement" shall mean that portion of a building, the floor of
33 which is at least two feet (2') below the lowest adjacent ground level or sidewalk at any point, and
34 is below ground level for more than fifty percent (50%) of its area to a depth greater than fifty

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

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

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

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

11 (19) Business building. - The term "business building" shall mean a building used for or
12 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) Cellar. - That portion of a building the ceiling of which is completely below ground
18 level at all exterior walls. (See "Story," "Basement.")

19 (21) 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) Chimney. - A primarily vertical enclosure containing one or more passageways.

25 (23) Chimney connector. - A pipe which connects a fuel burning appliance to a chimney.

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

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

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

32 (27) Convalescent home. - See intermediate care facility.

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

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

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

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

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

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

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

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

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

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

33 (36) Fire wall. - The term "fire wall" shall mean a wall of brick, reinforced concrete,
34 hollow masonry units or other approved noncombustible materials, which subdivides a building

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

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

12 (38) Flamespread. - The propagation of flame over a surface.

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

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

19 (41) Flammable. - Subject to easy ignition and rapid flaming combustion.

20 (42) Floor furnace. - A self-contained, connected or vented furnace designed to be
21 suspended from the floor of the space being heated taking air for combustion outside this heated
22 space and with means for observing the flame and lighting the appliance from the space being
23 heated.

24 (43) Forced warm air furnace. - A furnace equipped with a blower to provide the primary
25 means for circulating air.

26 (44) Grade. - A reference plane representing the average of finished ground level
27 adjoining the building at all exterior walls.

28 (45) Grade hallway, grade lobby, grade passageway. - An enclosed hallway or corridor
29 that is an element of an exitway, terminating at a street or an open space or court communicating
30 with a street.

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

34 (47) Group home I. - A "group home I" for children means a specialized facility for child

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

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

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

16 (50) Habitable space, minimum size. - A space with a minimum dimension of seven feet
17 (7') and a minimum area of seventy square feet (70 sq. ft.) between enclosing walls or partitions,
18 exclusive of closet and storage spaces.

19 (51) Halogenated extinguishing system. - A system of pipes, nozzles, and an actuating
20 mechanism and a container of halogenated agent under pressure.

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

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

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

30 (55) Hollow masonry unit. - A masonry unit whose net cross-sectional area in any plane
31 parallel to the bearing surface is less than seventy-five percent (75%) of its gross cross-sectional
32 area measured in the same plane.

33 (56) Horizontal exit. - The "horizontal exit" shall mean a doorway through or around a
34 fire wall protected by a fire door, which door shall not be held in an open position by a device

1 which will require more than one movement of normal strength to close. This term shall also
2 include a bridge connecting two (2) buildings whose outside walls are of masonry construction.

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

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

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

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

27 (ii) The classification of interior finish materials shall be that of the basic material used,
28 without regard to subsequently applied paint or paper or materials of no greater fire hazard than
29 paper, provided such finish does not exceed one-twenty-eighth of an inch (1/28") in thickness
30 and is applied directly to a noncombustible base. Baseboards, chair rails, moulding, trim around
31 openings, and other interior trim not more than twelve inches (12") in width and not exceeding
32 ten percent (10%) of the exposed wall and ceiling surface of the area involved, may be Class A, B
33 or C. Exposed portions of heavy timber members shall not be subject to interior finish
34 regulations. Interior finish materials that give off smoke or gases more dense or more toxic than

1 that given off by untreated wood under comparable exposure to heat or flame shall not be
2 permitted.

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

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

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

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

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

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

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

25 (64) Labeled. - The word "labeled" used in connection with equipment throughout these
26 regulations refers to equipment bearing the inspection label of the nationally recognized testing
27 agency.

28 (65) Limited area sprinkler system. - An automatic sprinkler system consisting of not
29 more than twenty (20) sprinklers for use in a room or space enclosed by construction assemblies
30 as required by this code.

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

34 (67) Liquefied petroleum gas. - The term "liquefied petroleum gas" and its symbol, "LP-

1 Gas," as used in this code, shall mean and include any material which is composed predominantly
2 of any of the following hydrocarbons, or mixtures of them; propane, propylene, butanes (normal
3 butane or iso-butane), and butylenes.

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

9 (69) Lobby. - The enclosed vestibule between the principal entrance to the building and
10 the doors to the main floor of the auditorium or assembly room of a theatre or place of assembly,
11 or to the main floor corridor of a business building.

12 (70) Masonry chimney. - A field constructed chimney of solid masonry units, bricks,
13 stones, listed hollow masonry units, or reinforced concrete built in accordance with nationally
14 recognized standards.

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

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

26 (73) Metal chimney (Smokestack). - A field constructed chimney made of metal and
27 built in accordance with nationally recognized standards.

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

31 (75) Motels. - See "hotels."

32 (76) Noncombustible. - The term "noncombustible" as applied to building construction
33 materials means material which, in the form in which it is used, falls in one of the following
34 groups (i) through (iii). No material shall be classed as noncombustible which is subject to

1 increase in combustibility or flamespread rating beyond the limits established in this code,
2 through the effects of age, moisture, or other atmospheric condition. Flamespread rating as used
3 herein refers to ratings established by the test scale described in the definition of flamespread
4 rating.

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

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

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

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

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

31 (iii) No material shall be classed as noncombustible which is subject to increase in
32 combustibility or flamespread rating beyond the limits established in this code through the effects
33 of age, moisture, or other atmospheric condition. Flamespread rating, as used in this code refers
34 to ratings obtained according to standard tunnel test methods of a nationally recognized

1 laboratory in which asbestos cement board rates zero (0) on the scale and red oak lumber one
2 hundred (100), in accordance with Standards of N.F.P.A. 255, A.S.T.M.E.-84 and U.L. 723.

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

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

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

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

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

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

28 (83) Proprietary system. - A protective signaling system under constant supervision by
29 competent and experienced personnel in a central supervision station at the property protected.
30 The system includes equipment and other facilities required to permit the operators to test and
31 operate the system and, upon receipt of a signal, to take such action as shall be required under the
32 rules established for their guidance by the authority having jurisdiction.

33 (84) Protected corridor. - A corridor or hallway in a building which extends from exit to
34 exit and which has walls or partitions of materials and construction having a fire resistant rating

1 of one hour or more.

2 (85) Public space. - A legal open space on the premises, accessible to a public way or
3 street, such as yards, courts, or open spaces permanently devoted to public use which abuts the
4 premises.

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

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

11 (88) Remote station system. - An electrical alarm system capable of automatically
12 notifying the public or private fire departments, or other approved constantly attended location,
13 when the system is activated.

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

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

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

28 (92) Sheltered care facility for adults. - A sheltered care facility for adults is any
29 establishment, facility, place, building, agency, institution, corporation or part thereof, or a
30 partnership whether public or private, whether organized for profit or not, used, operated, or
31 engaged in providing lodging or board or housekeeping in a protective environment, to two (2) or
32 more residents unrelated to the owner, excluding however, any privately operated establishment
33 or facility licensed pursuant to chapter 17 of this title, and those facilities licensed by the
34 department of mental health, retardation, and hospitals or any other state agency. A resident of a

1 sheltered care facility for adults is an individual who is an adult not requiring medical or nursing
2 care as provided in a health care facility and who has impairments as a result of age and/or
3 physical or mental limitations requiring lodging or board or housekeeping in a protective
4 environment but is capable of self preservation in emergency situations. The term sheltered care
5 facility for adults may include rooming houses or hotels which provide the above mentioned
6 services and whose residents meet the above mentioned criteria. The term shall not include health
7 care facility, boarding homes, group homes, or community residences as defined in this code.

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

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

21 (95) Special amusement building concentrated occupancy place of assembly. - The term
22 "special amusement building concentrated occupancy place of assembly" shall mean a Class A,
23 B, or C place of assembly with a maximum occupancy calculated on the basis of less than fifteen
24 square feet (15 sq. ft) per person and for which either there is a license issued pursuant to chapter
25 3-7 or there is entertainment or there are both a liquor license and entertainment.

26 ~~(95)~~ (96) Sprinklered. - The term "sprinklered" shall mean to be completely protected by
27 an approved system of automatic sprinklers installed and maintained in accordance with N.F.P.A.
28 Standards.

29 ~~(96)~~ (97) Stage. - A partially enclosed portion of an assembly building which is designed
30 or used for the presentation of plays, demonstrations, or other entertainment wherein scenery,
31 drops, or other effects may be installed or used, and where the distance between the top of the
32 proscenium opening and the ceiling of the stage is more than five feet (5').

33 ~~(97)~~ (98) Stairway. - One or more flights of stairs, and the necessary landings and
34 platforms connecting them, to form a continuous and uninterrupted passage from one floor to

1 another. A flight of stairs, for the purposes of this article, must have at least three (3) risers.

2 ~~(98)~~ (99) Standpipe. - A wet or dry fire pipe line, extending from the lowest to the
3 topmost story of a building or structure, equipped with a shut-off valve with hose outlets at every
4 story.

5 ~~(99)~~ (100) Storage building. - The term "storage building" shall mean a building or
6 structure used, or planned for use primarily for the storage of goods, wares, and merchandise, and
7 in which less than five (5) persons are employed in the labor of manufacturing or processing.
8 Included, among others, shall be warehouses, storehouses, and freight depots. Buildings in this
9 heading storing high hazard contents shall be protected as described and classified in the section
10 so headed.

11 ~~(100)~~ (101) Story. - The term "story" shall mean that portion of a building between a
12 floor and the floor next above; and shall apply to the basement. The first story shall be that story
13 which is of such height above ground level that it does not come within the definitions of a
14 basement or shall be that story located immediately above a basement. The second story shall
15 mean a story located immediately above the first story and upper stories shall be in numerical
16 sequence accordingly. (See also "Mezzanine.")

17 ~~(101)~~ (102) Story (First). - The lowermost story entirely above the grade plane.

18 ~~(102)~~ (103) Theatre. - The term "theatre" shall mean a building or part of a building ~~in~~
19 ~~which more than seventy five (75) persons may assemble in existing buildings and~~ in which fifty
20 (50) or more persons may assemble ~~in new building~~ for presentation of a theatrical stage
21 performance or motion picture presentation. All theatres shall comply with applicable
22 requirements for places of assembly.

23 ~~(103)~~ (104) Unit heater. - A factory assembled device designed to heat and circulate air.
24 Essential components are a heat transfer element, housing, and fan with driving motor. Normally
25 designed for free delivery of recirculated air.

26 ~~(104)~~ (105) Vertical opening. - An opening through a floor or roof.

27 ~~(105)~~ (106) Warm air furnace. - A solid, liquid, or gas fired appliance for heating air to
28 be distributed with or without duct systems to the space to be heated.

29 ~~(106)~~ (107) Winding stairs. - The term "winding stairs" shall mean a flight of two (2) or
30 more steps which, in changing direction, does so by benefit of variance in the width along each
31 tread. This term shall not include such stairs as have treads of uniform width throughout and
32 change direction by benefit of intermediate landings or platforms.

33 **23-28.1-6. Applicability to new or existing structures.** - ~~Unless otherwise expressly~~
34 ~~provided, all~~ All regulations contained in this code apply to all ~~new~~ structures unless specifically

1 exempted. Prior to a building permit being issued, all plans for buildings regulated under this
2 code shall be submitted to the authority having jurisdiction. The authority having jurisdiction ~~has~~
3 ~~shall fifteen (15) days after submission to review and~~ approve or disapprove the completed set of
4 plans within a reasonable time, not to exceed ninety (90) days. When a change of use or type of
5 occupancy is made in an existing building, the building shall conform to the requirements
6 established by the rehabilitation building and fire code for existing buildings and structures, or if
7 the rehabilitation building and fire code for existing structures is not applicable, to the
8 requirements for new structures as related to the proposed use or type of occupancy.

9 **23-28.1-7. Conformity required.** -- (a) No building shall be constructed for, used for, or
10 converted to, any occupancy regulated by the code, and no addition shall be made to a building
11 except in accordance with the applicable provisions of the code or the rehabilitation building and
12 fire code for existing buildings and structures, as applicable. In case two (2) or more classes of
13 occupancy occur in the same building, the most hazardous occupancy or the class of occupancy
14 calling for the most stringent requirements for life safety under the code shall govern the
15 classification of the entire building, unless suitable separation or other acceptable fire safety
16 provisions are afforded by compliance with other pertinent codes.

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

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

23 (2) The fire marshal, or his or her designee within the division, or a nonsalaried deputy
24 state fire marshal in accordance with guidelines established by the fire marshal with the approval
25 ~~of the chairperson of the board of appeal and review~~, has the authority to summarily abate any
26 condition ~~which is in violation of any provision of this code and~~ which presents immediate
27 danger to life, which conditions shall include improper management or use of flammable and
28 combustible materials, liquids and gasses, pyrotechnics, fireworks or explosives, malfunctioning
29 automatic sprinklers, fire alarms and emergency lighting, malfunctioning heating and electrical
30 systems, and blocked or inadequate exits or means of egress, and such other conditions as may be
31 established by the Fire Safety Code Board of Appeal and Review. A failure to abate a condition
32 that presents a clear and immediate danger to life shall be grounds for the person issuing the order
33 to abate, to require that the premises be vacated, which action shall be either authorized by the

1 fire marshal or a designee of the fire marshal who has been given advanced written authority by
2 the fire marshal to approve such actions.

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

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

21 **23-28.2-4. Duties and responsibilities of state fire marshal.** -- The state fire marshal
22 shall have the authority to enforce and perform the duties required by the Fire Safety Code,
23 chapters 28.1 - 28.39 of this title, and all other provisions of the general laws and public laws
24 insofar as such powers and duties relate to fires, fire prevention, fire protection, fire inspection,
25 and fire investigation. It shall also be the duty of the state fire marshal to enforce all laws of this
26 state in regard to:

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

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

31 (3) It shall be the duty of the state fire marshal and his or her deputies to certify to any
32 state or federal agency whether or not any building covered satisfies the requirements of chapters
33 28.1 - 28.39 of this title.

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

3 **23-28.2-14. Enforcement.** -- (a) Within the division, there shall be an enforcement unit
4 responsible for the initiation of criminal prosecution of any person(s) in violation of the state Fire
5 Safety Code or failure to comply with an order to abate conditions that constitute a violation of
6 the Fire Safety Code, chapters 28.1 - 28.39 of this title, and/or the general public laws of the state
7 as they relate to fires, fire prevention, fire inspections, and fire investigations. This unit will
8 consist of the state fire marshal, chief deputy state fire marshal, chief of technical services,
9 explosive technician, assistant explosive technicians, and the arson investigative staff, each of
10 whom must satisfactorily complete at the Rhode Island state police training academy an
11 appropriate course of training in law enforcement or must have previously completed a
12 comparable course. To fulfill their responsibilities, this unit shall have and may exercise in any
13 part of the state all powers of sheriffs, deputy sheriffs, town sergeants, chiefs of police, police
14 officers, and constables.

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

25 **23-28.2-20. Right of entry.** – (a) In the discharge of its duties, the authority having
26 jurisdiction shall have the authority to enter at any reasonable hour, any building, structure, or
27 premises in the state to enforce the provisions of the Fire Safety Code, chapters 28.1 - 28.39 of
28 this title. If any owner, occupant, or other person refuses, impedes, inhibits, interferes with,
29 restricts, or obstructs entry and free access to every part of the structure, operation, or premise
30 where inspection authorized by this code is sought, the authority having jurisdiction may:

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

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

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

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

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

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

- 19 (i) For closely regulated industries;
- 20 (ii) In situations involving open fields or conditions that are in plain view;
- 21 (iii) In emergency situations;
- 22 (iv) In situations presenting an imminent threat to the environment or public health,
23 safety or welfare;

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

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

27 (c) Whenever it shall be constitutionally or otherwise required by law, or whenever the
28 fire marshal in his or her discretion deems it advisable, an administrative search warrant, or its
29 functional equivalent, may be obtained by the fire marshal from a judge or magistrate for the
30 purpose of conducting an administrative inspection. The warrant shall be issued in accordance
31 with the applicable constitutional standards for the issuance of administrative search warrants.
32 The administrative standard of probable cause, not the criminal standard of probable cause, shall
33 apply to applications for administrative search warrants.

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

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

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

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

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

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

25 **23-28.2-21. National Fire Code.** – Except wherever herein specifically defined or
26 covered in this code, the provisions of the N.F.P.A. Standards included in the National Fire Code,
27 ~~1990~~ 2003 edition, shall be used by the authority having jurisdiction as the accepted standard
28 with regard to fire safety regarding any unforeseen condition.

29 SECTION 5. Chapter 23-28.2 of the General Laws entitled “Division of Fire Safety,” is
30 hereby amended by adding thereto the following section:

31 **23-28.2-20.1 Notices of violation.** – The fire marshal and persons designated specifically
32 in writing by the fire marshal shall have the power to issue notices of violation as herein provided
33 for, and the powers herein established shall be in addition to other powers of inspection and
34 enforcement of the Fire Safety Code provided for in this title. The fire marshal or authorized

1 designee of the fire marshal shall have the power to give notice of an alleged violation of law to
2 the person responsible therefor whenever the fire marshal or authorized designee determines that
3 there are reasonable grounds to believe that there is a violation of any provision of law within his
4 or her jurisdiction or of any rule or regulation adopted pursuant to authority granted to him or her,
5 unless other notice and hearing procedure is specifically provided by that law. Nothing in this
6 chapter shall limit the authority of the attorney general to prosecute offenders as required by law.

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

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

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

26 (C) If a person upon whom a notice of violation has been served under the provisions of
27 this section or if a person aggrieved by any such notice of violation requests a hearing before the
28 Fire Safety Code Board of Appeal and Review within ten (10) days of the service of notice of
29 violation, the Board shall set a time and place for the hearing, and shall give the person requesting
30 that hearing at least ten (10) days written notice thereof, unless waived by the requesting person.
31 After the hearing, the Board may make findings of fact and shall sustain, modify, or withdraw the
32 notice of violation. If the Board sustains or modifies the notice, that decision shall be deemed a
33 compliance order and shall be served upon the person responsible in any manner provided for the
34 service of the notice in this 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 superior
7 court of the state for enforcement of the compliance order and for appropriate temporary relief,
8 and in that proceeding the correctness of a compliance order shall be presumed and the person
9 attacking the order shall bear the burden of proving error in the compliance order, except that the
10 fire marshal shall bear the burden of proving in the proceeding the correctness of an immediate
11 compliance order. The remedy provided for in this section shall be cumulative and not exclusive
12 and shall be in addition to remedies relating to the removal or abatement of nuisances or any
13 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 SECTION 6. Sections 23-28.3-1, 23-28.3-3, 23-28.3-3.1, and 23-28.3-5 in chapter 23-
20 28.3 of the general laws entitled "Fire Safety Code Board of Appeal and Review" are hereby
21 amended to read as follows:

22 **23-28.3-1. Definitions.** -- When used in this chapter:

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

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

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

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

31 (5) "Variation or Variance" means a special limited modification or change in the code
32 which is applicable only to a particular type of building, ~~or~~ facility, regulated process or
33 hazardous activity upon the petition of the person owning the building or facility, or maintaining

1 the regulated process or hazardous activity. All variances shall be in keeping with recognized
2 national standards; and

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

9 **23-28.3-3. Rules and regulations.** -- (a) The state fire safety code board has the power
10 to promulgate, amend, and repeal rules and regulations to safeguard life and property from the
11 hazards of fire and explosives consistent with the provisions of the Fire Safety Code, chapters
12 28.1 through 28.39 of this title, and consistent with the rehabilitation building and fire code for
13 existing buildings and structures, chapter 29.1 of this title. The regulations, amendments, or
14 repeals shall be in accordance with standard safe practice as embodied in widely recognized
15 standards of good practice for fire prevention and fire protection. The rules and regulations
16 promulgated by the board, which are known as the state Fire Safety Code, are in effect in all the
17 cities, towns, counties, and political subdivisions in the state. Whenever the provisions of any
18 other statute or local regulation are more stringent or impose higher standards than the state fire
19 safety code, that statute or local regulations will govern, unless it is not consistent with the state
20 code or contrary to recognized standards or good engineering practices. The board determines the
21 relative priority of the regulations.

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

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

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

3 **23-28.3-3.1. Rules and regulations, rehabilitation of existing buildings and**

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

14 **23-28.3-5. Assistance to building owners -- Petition for variations.** -- (a) Any building

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

25 (b) The board shall fix a day for hearing on the petition and shall give reasonable notice
26 of the hearing to the petitioner and the property owners within two hundred feet (200') of the
27 petitioner's building or structure when, in the board's discretion, it may have an adverse effect on
28 neighboring properties. A properly indexed record of all variations made shall be kept in the
29 office of the state fire marshal and shall be open to public inspection. Any building owner may
30 file a petition for a variance to the board by registered mail, and a hearing date shall be set by the
31 board within thirty (30) days of filing a completed application including a filing fee, established
32 in accordance with the following fee schedule:

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

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

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

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

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

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

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

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

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

18 (d) The fire safety code board may grant a blanket variance when, in the opinion of the
19 fire safety code board, any specific provision of the fire safety code has been rendered obsolete
20 and/or imposes an unanticipated, unreasonable hardship upon the general public, and the board
21 finds that the decision to grant a blanket variance will not conflict with the general objectives of
22 the code. All blanket variances shall only be effective until the next code adoption process by the
23 board.

24 SECTION 7. Sections 23-28.6-1, 23-28.6-2, 23-28.6-4, 23-28.6-5, and 23-28.6-18, in
25 chapter 23-28.6 of the general laws entitled "Places of Assembly" are hereby amended to read as
26 follows:

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

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

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

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

33 ~~(4) Class C, capacity seventy six (76) to three hundred (300) persons in existing~~
34 ~~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 an amount in
12 accordance with a schedule of fines approved by the general assembly not exceeding five
13 thousand dollars (\$5,000) for each offense.

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

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

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

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

32 (c) All Class A places of assembly shall have one uniformed fire fighter, and any
33 additional uniformed fire fighters on duty when deemed necessary by the chief of the local fire
34 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 8. 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. Sprinklers required.** -- (a) All new and existing places of assembly shall be
3 completely protected by an approved system of automatic sprinklers installed and maintained in
4 accordance with N.F.P.A. Standard 13, 2002 Edition and its related standards pursuant to the
5 schedule outlined in subsection (d).

6 (b) The requirements of subsection (a) shall not apply to:

7 (i) Any Class “C” place of assembly of less concentrated use, exclusively calculated at
8 fifteen (15) square feet per person;

9 (ii) Any Class “C” place of assembly of concentrated use not classified as a “special
10 amusement building concentrated occupancy place of assembly”;

11 (iii) Any Class “C” place of assembly of concentrated use, classified as a “special
12 amusement building concentrated occupancy place of assembly” with a posted maximum
13 occupancy of less than one hundred fifty (150) people;

14 (iv) Any existing fully alarmed building used exclusively as a place of worship.

15 (c) Alternatively engineered sprinkler systems, approved by the Fire Safety Code Board
16 of Appeal and Review, shall be allowed in the retrofitting of an existing place of assembly with
17 sprinklers.

18 (d) All Class A and B places of assembly shall be fully sprinkled in accordance with the
19 above standards on or before July 1, 2005. All Class “C” special amusement buildings
20 concentrated occupancy places of assembly” with a posted maximum occupancy of one hundred
21 fifty (150) or more people, shall be fully sprinkled in accordance with the above standards on or
22 before July 1, 2006.

23 (e) The occupancy of any place of assembly without a fire alarm system and/or sprinkler
24 system after July 1, 2004, shall have its maximum occupancy adjusted by minus ten percent
25 (10%) for the absence of a fire alarm system and minus twenty percent (20%) for the absence for
26 the sprinklers, when sprinklers are required by law or regulation. Such downward adjustment in
27 occupancy shall be cumulative and shall cease to apply when the premises are in compliance with
28 requirements for fire alarms systems and sprinklers, and shall not affect any other requirements of
29 the Fire Safety Code Board of Appeal and Review applicable to the premises.

30 (f) A Class “C” place of assembly with an occupancy of one hundred fifty (150) or
31 greater may avoid the above occupancy adjustment by requiring a fire fighter to be on duty during
32 all hours of occupancy. In no event shall the occupancy adjustment to the firefighter requirement
33 alter the July 1, 2006 deadline for the installation of sprinklers.

1 (g) All places of assembly with an occupancy of less than one hundred fifty (150) shall
2 use fire retardant paints or other coverings, to a standard acceptable to the Fire Safety Code Board
3 of Appeal and Review, unless the building has sprinklers by July 1, 2006.

4 **23-28.6-22. Special amusement building concentrated occupancy places of assembly.**

5 – Every special amusement building concentrated occupancy place of assembly as defined in
6 section 23-28.1-5 shall comply with following requirements, consistent with requirements related
7 thereto established by the Fire Safety Code Board of Appeal and Review and the state fire
8 marshal. All such buildings shall:

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

12 (b) Have sprinklers in Class C places of assembly of one hundred fifty (150) or greater by
13 July 1, 2006 and in Class A and B places of assembly by July 1, 2005; provided, however, that
14 this requirement shall not apply to fully alarmed buildings used exclusively as places of worship.

15 (c) Have alarm systems sound and upon the actuation of any smoke detector or fire
16 alarm, have emergency lighting or other appropriate lighting activate, and require that any
17 conflicting sounds or visuals cease, by February 20, 2004.

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

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

23 (f) Shall provide an audible announcement of the location of emergency exits prior to
24 each act or set.

25 (g) Have an emergency plan for the premises, approved by a fire marshal and consistent
26 with rules established by the Fire Safety Code Board of Appeal a person on duty or a crowd
27 manager on duty, who has been trained by the fire marshal with regard to the emergency plan and
28 basic crowd management techniques by October 1, 2004. This requirement shall be in addition to
29 the requirement for a detail fire fighter.

30 **23-28.6-23. Prohibited activities in places of assembly. -- (a) Pyrotechnics. The**

31 storage, handling, use or display of pyrotechnics is prohibited in all Class B places of assembly,
32 except as may be authorized below, and in all Class C places of assembly. Pyrotechnics may be
33 permitted only in class A places of assembly that are fully fire alarmed and sprinklered and in
34 Class B places of assembly that are theatres and are fully fire alarmed and sprinklered and have

1 specific advanced approval from the fire marshal, or his designee, for the use of such
2 pyrotechnics in accordance with requirements established by the Fire Safety Code Board of
3 Appeal and Review.

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

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

11 **23-28.11-3. Permits. 23-28.11-3. Permits for storage, handling, transportation and**
12 **display of fireworks and pyrotechnics. -- (a) All storage, handling, transportation and display**
13 **of fireworks shall be in accordance with the National Fire Protection Association (NFPA)**
14 **Standard 1123 entitled "Code for Fireworks Display", and NFPA Standard 1124 entitled "Code**
15 **for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic**
16 **Articles" 2003 Edition, and the requirements of this chapter.**

17 (b) All storage, handling, transportation and display of pyrotechnics shall be in
18 accordance with the National Fire Protection Association (NFPA) Standard 1126 entitled
19 "Standard for the Use of Pyrotechnics before a Proximate Audience", and NFPA Standard 1124
20 entitled "Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and
21 Pyrotechnic Articles" 2003 Edition, and the requirements of this chapter.

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

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

33 **23-28.11-4. Certificate of competency. -- (a) Every person desiring to obtain a**
34 **certificate of competency to possess and display commercial fireworks and/or pyrotechnics shall**

1 make application to the state fire marshal. A fee of ten dollars (\$10.00) shall accompany each
2 application and shall be for processing the application and for examination to be given within
3 ninety (90) days of receipt of application to determine applicant's experience and ability to
4 conduct commercial fireworks and/or pyrotechnics demonstrations. Separate applications,
5 examinations and certificates shall be issued by the state fire marshal for fireworks and
6 pyrotechnics and shall be in such form as the state fire marshal may require. The examinations
7 herein provided for shall require the applicant to demonstrate adequate understanding of
8 applicable NFPA requirements.

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

14 **23-28.11-5. Duration -- Expiration -- Renewal -- Duplication. --** Every certificate
15 issued shall be valid for one year, and shall be renewable without examination, except as herein
16 provided, on March first after the original date of issue upon payment of fifty dollars (\$50.00).
17 Any holder of a certificate whose certificate was lost, misplaced, or stolen may obtain a duplicate
18 certificate from the state fire marshal upon payment of ten dollars (\$10.00). No renewal shall be
19 issued after July 1, 2003, unless the applicant for the renewal shall demonstrate adequate
20 familiarity to the satisfaction of the Fire Marshal with applicable NFPA requirements, which
21 demonstration may be made by passing an appropriate examination.

22 **23-28.11-7. Financial responsibility. --** No permit shall be issued to any applicant
23 desiring to possess and display fireworks and/or pyrotechnics until the applicant furnishes to the
24 local fire authority satisfactory proof of financial responsibility in an amount not less than ~~fifty~~
25 ~~thousand dollars (\$50,000)~~ one million dollars(\$1,000,000) to satisfy claims for damage to
26 property or persons resulting from the possession or use of fireworks and/or pyrotechnics. The
27 local fire authority may require additional financial responsibility as he or she may deem
28 necessary due to existing conditions.

29 **23-28.11-9. Violations. --** (a) Any person found to be in violation of the provisions of
30 this chapter relating to possession of commercial fireworks or pyrotechnics shall be fined not less
31 than one hundred (\$100) nor more than five hundred dollars (\$500) or imprisoned for not more
32 than one year. Any person found to be in violation of the provisions of this chapter relating to use
33 or display of commercial fireworks or pyrotechnics shall be guilty of a felony, and shall be fined

1 not less than one thousand dollars (\$1,000), or imprisoned for not more than five (5) years, or
2 both.

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

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

12 SECTION 10. Section 23-28.5-1 in chapter 23-28.25 of the General Laws entitled "Fire
13 Alarm Systems" is hereby amended to read as follows:

14 **23-28.25-1. Applicability.** -- ~~(a) This chapter and the fire alarm sections of the several~~
15 ~~occupancy chapters which refer to this chapter shall apply to pertinent new buildings, to buildings~~
16 ~~where there is a change of occupancy to one which will require a fire alarm system, and to~~
17 ~~existing buildings which are altered or renovated to an extent equal to or in excess of fifty percent~~
18 ~~(50%) of market value in a one year period as determined by a qualified appraiser. Existing~~
19 ~~buildings which have a fire alarm system which was in compliance with the requirements of the~~
20 ~~earlier edition of the Fire Safety Code, chapters 28.1—28.39 of this title, shall not be required to~~
21 ~~comply with this chapter or the fire alarm sections of the several occupancy chapters which refer~~
22 ~~to this chapter.~~

23 ~~(b) Existing buildings which are not in compliance with the fire alarm system~~
24 ~~requirements of the earlier edition of the Fire Safety Code shall be required to install fire alarm~~
25 ~~systems in accordance with this chapter and the fire alarm sections of the several occupancy~~
26 ~~chapters. All buildings and facilities covered under the Fire Safety Code, and all codes adopted~~
27 ~~pursuant thereto, shall be equipped with an approved fire alarm system installed and maintained~~
28 ~~in accordance with this chapter and any updated fire alarm regulations adopted by the Fire Safety~~
29 ~~Code Board of Appeal & Review. Any building that is not a place of assembly, that is required to~~
30 ~~be equipped with a fire alarm system pursuant to the Rhode Island Fire Safety Code, shall be so~~
31 ~~equipped on or before July 1, 2005.~~

32 SECTION 11. This act shall take effect upon passage.

33

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

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 the Fire Safety Code Board of Appeal
4 and Review.

5 This act would take effect upon passage.

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LC03410/SUB A
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