

2012 -- S 2564 SUBSTITUTE A AS AMENDED

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LC01796/SUB A/3
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO HEALTH AND SAFETY-STATE FIRE CODE

Introduced By: Senators Walaska, Paiva Weed, Lynch, Bates, and Miller

Date Introduced: February 28, 2012

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-28.01-4 of the General Laws in Chapter 23-28.01 entitled
2 “Comprehensive Fire Safety Act” is hereby amended to read as follows:

3 **23-28.01-4. Powers and duties.** – The powers necessary to implement the provisions of
4 this act shall be vested in the fire marshal, as provided for in chapter 28.2 of this title as amended,
5 who shall have, except as specifically provided otherwise in this title, all of the powers of the
6 authority having jurisdiction as are set forth in the Uniform Fire Code (NFPA 1) and the Life
7 Safety Code (NFPA 101) of the National Fire Protection Association, Inc., 2003 editions, until
8 December 31, 2012, with annexes, as those are updated, amended, altered, or deleted, and by the
9 addition of certain provisions of the fire safety code board of appeal and review, and who may
10 delegate authority as provided by law, and in the Fire Safety Code Board of Appeal and Review,
11 as provided for in chapter 28.3 of this title, which shall provide by rules and regulations for the
12 efficient and reasonable implementation of the provisions of the fire safety code. Effective
13 January 1, 2013, the powers necessary to implement the provisions of this act shall be vested in
14 the fire marshal, as provided for in chapter 28.2 of this title as amended, who shall have, except as
15 specifically provided otherwise in this title, all of the powers of the authority having jurisdiction
16 as are set forth in the Fire Code (NFPA 1) and the Life Safety Code (NFPA 101), 2012 editions,
17 and the National Fire Alarm & Signaling Code (NFPA 72), 2010 edition, of the National Fire
18 Protection Association, Inc., with annexes, except as updated, amended, altered or deleted and by
19 the addition of certain provisions, as indicated in the rules and regulations adopted by the fire

1 safety code board. The Fire Safety Code Board of Appeal & Review is hereby granted the
2 authority to adopt and implement any or all of the above National Fire Protection Association
3 codes, with amendments, prior to January 1, 2013, pursuant to its rulemaking authority. If one or
4 more of the above-referenced NFPA codes is so adopted by the board, prior to January 1, 2013,
5 the state fire marshal shall have the above enforcement power on the effective date of the rules
6 and regulations adopted by the fire safety board.

7 SECTION 2. Sections 23-28.1-2 and 23-28.1-7 of the General Laws in Chapter 23-28.1
8 entitled "Fire Safety Code—General Provisions" are hereby amended to read as follows:

9 **23-28.1-2. Purposes.** – (a) Effective January 1, 2004 through December 31, 2012, the
10 Uniform Fire Code (NFPA 1) and the Life Safety Code (NFPA 101) of the National Fire
11 Protection Association, Inc., 2003 editions, with annexes, except as updated, amended, altered or
12 deleted and by the addition of certain provisions, as indicated in the rules and regulations adopted
13 by the fire safety code board, is hereby adopted as the "Rhode Island Fire Safety Code".
14 Effective January 1, 2013, the Fire Code (NFPA 1) and the Life Safety Code (NFPA 101) 2012
15 editions, and the National Fire Alarm & Signaling Code (NFPA 72), 2010 edition of the National
16 Fire Protection Association, Inc., with annexes, except as updated, amended, altered or deleted
17 and by the addition of certain provisions, as indicated in the rules and regulations adopted by the
18 fire safety code board, is hereby adopted as the "Rhode Island Fire Safety Code."

19 The Fire Safety Code Board of Appeal & Review is hereby granted the authority to adopt
20 and implement any or all of the above National Fire Protection Association codes, with
21 amendments, prior to the January 1, 2013, pursuant to its rulemaking authority.

22 The Fire Safety Code Board of Appeal and Review shall consider the following when
23 promulgating the aforementioned rules and regulations:

24 (1) For business, storage, mercantile and industrial occupancies, the board shall consider
25 alternative methods of code compliance, including, but not limited to, the use of vertical and
26 horizontal fire separation when determining the square footage for fire alarm and sprinkler
27 requirements; central station service monitoring of fire alarm systems which are approved by
28 factory mutual and/or underwriters laboratories as outlined in the NFPA 72, 2010 edition;
29 allowing non-monitored fire alarm systems to be installed in accordance with the methods
30 outlined in NFPA 72, 2010 edition, and shall further consider alternative methods to ensure the
31 consistent enforcement of the code.

32 (2) For occupancy groups previously granted relief including, but not limited to, existing
33 apartments, places of worship, marinas and the marine trade industry, funeral homes, restaurants
34 and non-residential barns, the board shall consider the appropriateness of the reincorporation of

1 [this relief into the 2012 codes.](#)

2 This code shall be liberally construed and applied to promote its underlying purposes and
3 policies.

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

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

6 (2) To specify reasonable minimum requirements for fire safety in new and existing
7 buildings and facilities, except in private dwellings occupied by one, two (2) or three (3) families,
8 in the various cities or towns in this state; provided, however, this code shall provide reasonable
9 standards for the installation of smoke and carbon monoxide detectors in private dwellings
10 occupied by one, two (2), and three (3) families; provided, further, that after July 1, 2008, three
11 (3) family dwellings shall be equipped with hard wired or supervised interconnected UL
12 approved wireless smoke and carbon monoxide detectors, in accordance with standards
13 established by the Fire Safety Code Board of Appeal and Review; provided further that

14 (ii) The local fire authority that performs smoke detector and carbon monoxide detector
15 plan review and inspection for the installation of smoke detector and/or carbon monoxide
16 detection in any new and existing private dwelling occupied by one, two (2) and three (3) families
17 shall charge no more than a seventy-five dollar (\$75.00) fee for a one family unit, a one hundred
18 twenty-five dollar (\$125) fee for a two (2) family unit and a one hundred seventy-five dollar
19 (\$175) fee for a three (3) family unit for the smoke detector and carbon monoxide detector plan
20 review together with any subsequent detection inspections.

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

31 (4) Jurisdiction for the interpretation of any city or town ordinance or order relating to
32 fire safety shall be vested in the Fire Safety Code Board of Appeal and Review; provided,
33 however, that the responsibility for the enforcement of the ordinance or order shall be with the
34 local authorities and petitions for variations from the ordinance or order shall be heard by the

1 state fire safety board of appeal and review in the manner prescribed in chapter 28.3 of this title;
2 and

3 (5) Notwithstanding anything to the contrary contained herein, no city or town may enact
4 any ordinance or order relating to the requirement for the handling of explosives pursuant to
5 chapter 28.28 of this title or for the installation of, or specifications for, the fire alarm sections of
6 this code, the fire protection systems as prescribed by chapter 28.25 of this title, or for the
7 possession and display of commercial fireworks or pyrotechnics pursuant to chapter 28.11 of this
8 title, which chapter shall exclusively govern the requirements for the installation of, and
9 specification for, fire protection systems, the handling of explosives and possession and display
10 of commercial fireworks or pyrotechnics. All such ordinances or orders relating to the
11 requirements for the installation of and specifications for such fire protection systems, the
12 handling of explosives, or possession and display of commercial fireworks or pyrotechnics
13 heretofore enacted by any city or town are of no force and effect.

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

15 (1) Words in the singular number include the plural, and in the plural include the
16 singular; and

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

19 **23-28.1-7. Conformity required.** – (a) No building shall be constructed for, used for, or
20 converted to, any occupancy regulated by the code, and no addition shall be made to a building
21 except in accordance with the applicable provisions of the code or the rehabilitation building and
22 fire code for existing buildings and structures, as applicable.

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

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

29 (2) The fire marshal, or his or her designee within the division, or a nonsalaried deputy
30 state fire marshal in accordance with guidelines established by the fire marshal, has the authority
31 to summarily abate any condition which presents immediate danger to life, these conditions shall
32 include improper management or use of flammable and combustible materials, liquids and gasses,
33 pyrotechnics, fireworks or explosives, malfunctioning automatic sprinklers, fire alarms and
34 emergency lighting, malfunctioning heating and electrical systems, and blocked or inadequate

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

7 (3) All new buildings and structures, for which a building permit is issued on or after
8 February 20, 2004, shall be subject to the provisions of the Rhode Island Fire Safety Code
9 addressing the new occupancy. All existing buildings and structures, and those buildings and
10 structures for which a building permit was issued prior to February 20, 2004, shall be subject to
11 the provisions of the Rhode Island Fire Safety Code addressing the existing occupancy. Any
12 existing building or structure, subject to the provisions of the Rehabilitation Building and Fire
13 Code for Existing Buildings and Structures, shall also comply with the existing occupancy
14 provisions of the Rhode Island Fire Safety Code addressing the current or proposed occupancy.
15 All active fire protection systems, including but not limited to sprinklers, fire alarms, emergency
16 lighting, smoke detectors and exit signs, previously required and installed in existing buildings,
17 shall continue to be ~~required under the Rhode Island Fire Safety Code and shall be~~ properly
18 maintained.

19 (4) Any building and/or structure that is in compliance on December 31, 2012 with the
20 2003 edition of the NFPA 1 and 101 as adopted and/or amended under the 2003 Comprehensive
21 Fire Safety Act shall be deemed compliant. Such compliant building and/or structure shall not be
22 required to comply with the 2012 edition of the NFPA 1 and 101 as adopted and/or amended
23 pursuant to Rhode Island general laws section 23-28.01-4 that would require additional
24 expenditures until December 31, 2015. The aforementioned compliant buildings and/or structures
25 shall not be further required to comply with the 2010 edition of the NFPA 72 until December 31,
26 2015.

27 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO HEALTH AND SAFETY-STATE FIRE CODE

1 This act would grant The Fire Safety Code Board of Appeal & Review the authority to
2 adopt and implement any or all of the National Fire Protection Association codes, with
3 amendments, prior to January 1, 2013, pursuant to its rulemaking authority.

4 The act would take effect upon passage.

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Presented by