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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO HEALTH AND SAFETY - COMPREHENSIVE FIRE SAFETY ACT

Introduced By: Representatives Morin, Craven, Johnston, Ackerman, and Lombardi

Date Introduced: February 05, 2015

Referred To: House Municipal Government

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 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~~ 2012 editions,
8 until ~~December 31, 2012~~ December 31, 2015, with annexes, as those are updated, amended,
9 altered, or deleted, and by the addition of certain provisions of the fire safety code board of
10 appeal and review, and who may delegate authority as provided by law, and in the Fire Safety
11 Code Board of Appeal and Review, as provided for in chapter 28.3 of this title, which shall
12 provide by rules and regulations for the efficient and reasonable implementation of the provisions
13 of the fire safety code. Effective ~~January 1, 2013~~ January 1, 2016, the powers necessary to
14 implement the provisions of this act shall be vested in the fire marshal, as provided for in chapter
15 28.2 of this title as amended, who shall have, except as specifically provided otherwise in this
16 title, all of the powers of the authority having jurisdiction as are set forth in the Fire Code (NFPA
17 1) and the Life Safety Code (NFPA 101), ~~2012~~ 2015 editions, and the National Fire Alarm &
18 Signaling Code (NFPA 72), ~~2010~~ 2013 edition, of the National Fire Protection Association, Inc.,
19 with annexes, except as updated, amended, altered or deleted and by the addition of certain

1 provisions, as indicated in the rules and regulations adopted by the fire safety code board. The
2 Fire Safety Code Board of Appeal & Review is hereby granted the authority to adopt and
3 implement any or all of the above National Fire Protection Association codes, with amendments,
4 prior to ~~January 1, 2013~~ January 1, 2016, pursuant to its rulemaking authority. If one or more of
5 the above-referenced NFPA codes is so adopted by the board, prior to ~~January 1, 2013~~ January 1,
6 2016, the state fire marshal shall have the above enforcement power on the effective date of the
7 rules and regulations adopted by the fire safety board.

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

10 **23-28.1-2. Purposes.** -- (a) Effective ~~January 1, 2004~~ January 1, 2013 through ~~December~~
11 ~~31, 2012~~ December 31, 2015, the ~~Uniform~~ Fire Code (NFPA 1) and the Life Safety Code (NFPA
12 101) of the National Fire Protection Association, Inc., ~~2003~~ 2012 editions, with annexes, except
13 as updated, amended, altered or deleted and by the addition of certain provisions, as indicated in
14 the rules and regulations adopted by the fire safety code board, is hereby adopted as the "Rhode
15 Island Fire Safety Code". Effective ~~January 1, 2013~~ January 1, 2016, the Fire Code (NFPA 1) and
16 the Life Safety Code (NFPA 101) ~~2012~~ 2016 editions, and the National Fire Alarm & Signaling
17 Code (NFPA 72), ~~2010~~ 2013 edition of the National Fire Protection Association, Inc., with
18 annexes, except as updated, amended, altered or deleted and by the addition of certain provisions,
19 as indicated in the rules and regulations adopted by the fire safety code board, is hereby adopted
20 as the "Rhode Island Fire Safety Code."

21 The Fire Safety Code Board of Appeal & Review is hereby granted the authority to
22 adopt and implement any or all of the above National Fire Protection Association codes, with
23 amendments, prior to the ~~January 1, 2013~~ January 1, 2016, pursuant to its rulemaking authority.

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

26 (1) For business, storage, mercantile and industrial occupancies, the board shall consider
27 alternative methods of code compliance, including, but not limited to, the use of vertical and
28 horizontal fire separation when determining the square footage for fire alarm and sprinkler
29 requirements; allowing non-monitored fire alarm systems to be installed in accordance with the
30 methods outlined in NFPA 72, ~~2010~~ 2013 edition, and shall further consider alternative methods
31 to ensure the 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~~ [2015](#) 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) (i) 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 [alarms](#) and carbon monoxide ~~detectors~~ [alarms](#) in private
10 dwellings occupied by one, two (2), and three (3) families; provided, further, that ~~after July 1,~~
11 ~~2008,~~ three (3) family dwellings shall be equipped with hard wired or supervised interconnected
12 UL approved wireless smoke [alarms](#) and carbon monoxide ~~detectors~~ [alarms](#), in accordance with
13 standards established by the Fire Safety Code Board of Appeal and Review; provided further that

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

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

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

1 local authorities and petitions for variations from the ordinance or order shall be heard by the
2 state fire safety board of appeal and review in the manner prescribed in chapter 28.3 of this title;
3 and

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

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

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

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

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

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

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

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

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

8 (3) All new buildings and structures, for which a building permit is issued on or after
9 ~~February 20, 2004~~ [January 1, 2016](#), shall be subject to the provisions of the Rhode Island Fire
10 Safety Code addressing the new occupancy. All existing buildings and structures, and those
11 buildings and structures for which a building permit was issued prior to ~~February 20, 2004~~
12 [January 1, 2016](#), shall be subject to the provisions of the Rhode Island Fire Safety Code
13 addressing the existing occupancy. Any existing building or structure, subject to the provisions of
14 the Rehabilitation Building and Fire Code for Existing Buildings and Structures, shall also
15 comply with the existing occupancy provisions of the Rhode Island Fire Safety Code addressing
16 the current or proposed occupancy. All active fire protection systems, including but not limited to
17 sprinklers, fire alarms, emergency lighting, smoke detectors and exit signs, previously required
18 and installed in existing buildings, shall continue to be properly 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 § 23-28.01-4 that would require additional expenditures~~
24 ~~until December 31, 2015. The aforementioned compliant buildings and/or structures shall not be~~
25 ~~further required to comply with the 2010 edition of the NFPA 72 until December 31, 2015.~~

26 SECTION 3. Section 23-28.2-21 of the General Laws in Chapter 23-28.2 entitled
27 "Division of Fire Safety" is hereby amended to read as follows:

28 **23-28.2-21. National Fire Code.** -- Except wherever herein specifically defined or
29 covered in this code, the provisions of the N.F.P.A. Standards included in the National Fire Code,
30 ~~2003~~ [2015](#) edition, shall be used by the authority having jurisdiction as the accepted standard with
31 regard to fire safety regarding any unforeseen condition.

32 SECTION 4. Section 23-28.22-13 of the General Laws in Chapter 23-28.22 entitled
33 "Flammable and Combustible Liquids" is hereby amended to read as follows:

34 **23-28.22-13. Delivery nozzles.** -- Hose nozzle valves used at self service islands shall be

1 ~~the approved automatic closing type without a latch open device~~ in accordance with Rhode Island
2 fire code (NFPA 1, 2015) § 42.5.6; provided, however, that existing installations shall be
3 permitted to remain in use.

4 SECTION 5. 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 - COMPREHENSIVE FIRE SAFETY ACT

1 This act would change various dates pertaining to safety code editions, and would make
2 word substitutions, alarm for detector, and would require delivery nozzles to comply with the
3 Rhode Island Fire Code.

4 This act would take effect upon passage.

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