

2011 -- S 0548

LC00457

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO HEALTH AND SAFETY -- FIRE SAFETY CODE--GENERAL PROVISIONS

Introduced By: Senators DaPonte, and DeVall

Date Introduced: March 10, 2011

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-28.1-2 of the General Laws in Chapter 23-28.1 entitled
2 "Comprehensive Fire Safety Act" is hereby amended to read as follows:

3 **23-28.01-2. Legislative findings.** -- The general assembly finds and declares that:

4 (a) Fires are a significant and preventable cause of the loss of life in the state;

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

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

8 (d) Compliance with codes is critical to their being an effective means for achieving the
9 reduction of both risks and losses;

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

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

14 (g) Rhode Island, in 2003, wishes in response to the tragic fire at "The Station"
15 nightclub, in West Warwick, to improve fire safety throughout the state.

16 **23-28.1-2. Purposes.** -- (a) Effective January 1, 2004, the Uniform Fire Code (NFPA 1)
17 and the Life Safety Code (NFPA 101) of the National Fire Protection Association, Inc., 2003
18 editions, with annexes, except as updated, amended, altered or deleted and by the addition of
19 certain provisions, as indicated in the rules and regulations adopted by the fire safety code board,

1 is hereby adopted as the "Rhode Island Fire Safety Code". This code shall be liberally construed
2 and applied to promote its underlying purposes and policies.

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

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

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

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

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 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would allow licensed home inspectors the authority to conduct fire plan reviews
- 2 in addition to the local fire authority and it would also exempt owner-occupied three (3) unit
- 3 dwellings from the one hundred seventy-five dollar (\$175) inspection fee.
- 4 This act would take effect upon passage.

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