

2016 -- S 2758

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO HEALTH AND SAFETY - FIRE SAFETY

Introduced By: Senator Ryan W. Pearson

Date Introduced: March 10, 2016

Referred To: Senate Housing & Municipal Government

(Administration)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-28.01-4 of the General Laws in Chapter 23-28.1 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 "Comprehensive Fire Safety Act" 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~~ The 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". ~~Effective~~
14 ~~January 1, 2013, the Fire Code (NFPA 1) and the Life Safety Code (NFPA 101) 2012 editions,~~
15 ~~and the National Fire Alarm & Signaling Code (NFPA 72), 2010 edition of the National Fire~~
16 ~~Protection Association, Inc., with annexes, except as updated, amended, altered or deleted and by~~
17 ~~the addition of certain provisions, as indicated in the rules and regulations adopted by the fire~~
18 ~~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~~
20 ~~adopt 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; allowing non-monitored fire alarm systems to be installed in accordance with the
28 methods outlined in NFPA 72, ~~2010 edition,~~ and shall further consider alternative methods to
29 ensure the consistent enforcement of the code.

30 (2) For occupancy groups previously granted relief including, but not limited to, existing
31 apartments, places of worship, marinas and the marine trade industry, funeral homes, restaurants
32 and non-residential barns, the board shall consider the appropriateness of the reincorporation of
33 this relief into the ~~2012 codes~~ code.

34 This code shall be liberally construed and applied to promote its underlying purposes and

1 policies.

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

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

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

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

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

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

1 and

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

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

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

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

18 **23-28.1-7. Conformity required.** -- (a) No building shall be constructed for, used for, or
19 converted to, any occupancy regulated by the code, and no addition shall be made to a building
20 except in accordance with the applicable provisions of the code or the rehabilitation building and
21 fire code for existing buildings and structures, as applicable.

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

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

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

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

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

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

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

27 **23-28.2-21. National Fire Code.** -- Except wherever herein specifically defined or
28 covered in this code, the provisions of the ~~N.F.P.A.~~ [NFPA](#) Standards included in the National Fire
29 Code, ~~2003 edition~~ [as referenced by the edition of the Life Safety Code in effect at the time](#), shall
30 be used by the authority having jurisdiction as the accepted standard with regard to fire safety
31 regarding any unforeseen condition.

32 SECTION 4. 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 - FIRE SAFETY

- 1 This act would make several updates to the state fire code and its reference to the term
- 2 and adoption of portions of the national fire codes.
- 3 This act would take effect upon passage.

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