

Fire Safety Code



TITLE 23

Health and Safety

CHAPTER 23-28.1

Fire Safety Code – General Provisions

SECTION 23-28.1-1

§ 23-28.1-1. Short title.

Chapters 28.1 – 28.39 of this title, and all codes referenced therein and adopted thereunder, shall be known and may be cited as the "Fire Safety Code".

History of Section.

(P.L. 1966, ch. 216, § 1; P.L. 1985, ch. 332, § 2; P.L. 1989, ch. 542, § 57; P.L. 2003, ch. 106, § 3; P.L. 2003, ch. 107, § 3.)

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§ 23-28.1-2. Purposes.

(a) The Fire Code (NFPA 1) and the Life Safety Code (NFPA 101) of the National Fire Protection Association, Inc., with annexes, except as updated, amended, altered, or deleted, and by the addition of certain provisions, as indicated in the rules and regulations adopted by the fire safety code board, is hereby adopted as the "Rhode Island fire safety code".

The fire safety code board of appeal and review shall consider the following when promulgating the aforementioned rules and regulations:

(1) For business, storage, mercantile, and industrial occupancies, the board shall consider alternative methods of code compliance, including, but not limited to, the use of vertical and horizontal fire separation when determining the square footage for fire alarm and sprinkler requirements; allowing non-monitored fire alarm systems to be installed in accordance with the methods outlined in NFPA 72, and shall further consider alternative methods to ensure the consistent enforcement of the code.

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

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

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

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

(2)(i) To specify reasonable, minimum requirements for fire safety in new and existing buildings and facilities, except in private dwellings occupied by one, two (2), or three (3) families, in the various cities or towns in this state; provided, however, this code shall provide reasonable standards for the installation of smoke alarms and carbon monoxide alarms in private dwellings occupied by one, two (2), and three (3) families; provided, further, that three-family (3) dwellings shall be equipped with smoke alarms and carbon monoxide alarms, in accordance with standards established by the fire safety code board of appeal and review; provided further that

(ii) The local fire authority that performs smoke alarm and carbon monoxide alarm plan review and inspection for the installation of smoke alarm and/or carbon monoxide detection in any new and

existing private dwelling occupied by one, two (2), and three (3) families shall charge no more than a seventy-five dollar (\$75.00) fee for a one-family unit, a one hundred twenty-five dollar (\$125) fee for a two-family (2) unit and a one-hundred seventy-five dollar (\$175) fee for a three-family (3) unit for the smoke alarm and carbon monoxide alarm plan review together with any subsequent detection inspections.

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

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

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

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

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

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

History of Section.

(P.L. 1966, ch. 216, § 1; P.L. 1968, ch. 2, § 1; P.L. 1975, ch. 165, § 1; P.L. 1981, ch. 229, § 1; P.L. 1982, ch. 269, § 1; P.L. 1994, ch. 354, § 1; P.L. 1994, ch. 425, § 1; P.L. 2003, ch. 106, § 3; P.L. 2003, ch. 107, § 3; P.L. 2004, ch. 220, § 1; P.L. 2004, ch. 225, § 1; P.L. 2007, ch. 255, § 1; P.L. 2007, ch. 291, § 1; P.L. 2012, ch. 294, § 2; P.L. 2012, ch. 337, § 2; P.L. 2016, ch. 468, § 2; P.L. 2016, ch. 472, § 2.)

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§ 23-28.1-3. Codification.

General subjects are regulated under chapters and to further facilitate reference each section of each chapter is titled and in numerical order.

History of Section.

(P.L. 1966, ch. 216, § 1; P.L. 2004, ch. 220, § 1; P.L. 2004, ch. 225, § 1.)

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§ 23-28.1-4. Interpretations.

In this code:

(1) The titles and headings of chapters shall be deemed to be a part of those chapters; provided, however, that the titles and heading of sections shall not be considered a part thereof.

(2) Where in this code such terms as "proper", "adequate", "sufficient", "ample", "suitable", "substantial", "necessary", "dangerous", and the like or derivatives thereof are used, they shall be understood to mean proper, adequate, etc., to the satisfaction or in the opinion of the authority having enforcement jurisdiction; and such terms as "where practicable", "where required", "as far as possible", shall have a like significance.

History of Section.

(P.L. 1966, ch. 216, § 1; P.L. 1968, ch. 2, § 2; P.L. 1975, ch. 165, § 1; P.L. 2004, ch. 220, § 1; P.L. 2004, ch. 225, § 1.)

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§ 23-28.1-5. Definitions.

The terms used in NFPA 1 (Uniform Fire Code), in NFPA 101 (Life Safety Code) and in such other national codes as are authorized for adoption by the Fire Safety Code Board of Appeal and Review shall be given the definitions established in those codes unless another meaning is provided for in this title and is essential to implementing the purposes of this title, and the Fire Safety Code Board of Appeal and Review shall have authority to resolve any conflicts among definitions in order to achieve the purposes of this title and/or provide for the efficient administration of codes:

(1) *Abatement or to abate a condition.* Abatement, or to abate a condition, is the reduction, decrease, or diminution of a hazardous condition that presents immediate danger to life. The term "immediate" denotes that action is or must be taken either instantly or without any considerable loss of time. The condition may be singular or may be a set of conditions that in combination present an immediate danger to life. Such conditions shall include improper management or use of flammable and combustible materials, liquids and gasses, pyrotechnics, fireworks or explosives, malfunctioning automatic sprinklers, fire alarms and emergency lighting, malfunctioning heating and electrical systems, blocked or inadequate exits or means of egress, and such other conditions as may be established by the Fire Safety Code Board of Appeal and Review.

(2) *Authority having jurisdiction.* Unless specifically defined to the contrary in this code, the authority having jurisdiction for the enforcement of this code shall be the state fire marshal, the deputy fire marshals, and assistant deputies.

(3) *Code.* The term "code" means this Fire Safety Code established under the provisions of § 23-28.1-1.

(4) *Compliance order.* For the purposes of this Code, a compliance order is defined as a command or direction authoritatively given to a building owner or occupant to provide conformance with the Fire Safety Code. A compliance order takes effect when a building owner or occupant, after proper notice, has exhausted his/her administrative appeals or has failed to avail himself/herself of appropriate administrative appeals within a reasonable period of time after receiving proper notice.

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

(6) *Nightclub*. A place of public accommodation, which in general is characterized by all of the following:

- (i) Provides entertainment by a live band or recorded music generating above normal sound levels.
- (ii) Has as its primary source of revenue, in general, the sale of beverages of any kind for consumption on the premises and/or cover charges. Food, if served, is considered a secondary attraction.
- (iii) Has an occupant load in total or in any single area or room of at least 100 patrons.

Nothing in this definition shall be construed to include any place of public accommodation or any event within a place of public accommodation, which is in its nature distinctly private.

(7) "Place of worship" means a building or structure, or an area thereof, the occupancy of which is for the religious rites and services and communal functions of a congregation, and which shall include sanctuaries, gathering halls, meeting rooms and offices and related facilities of the congregation, which may be located in the same, in connected, or in proximate structures.

History of Section.

(P.L. 1976, ch. 271, § 1A; P.L. 1978, ch. 43, § 1; P.L. 1978, ch. 155, § 1; P.L. 1981, ch. 351, § 1; P.L. 1984, ch. 63, § 2; P.L. 1986, ch. 91, § 1; P.L. 1986, ch. 146, § 3; P.L. 1986, ch. 158, § 1; P.L. 1991, ch. 158, § 1; P.L. 2003, ch. 106, § 3; P.L. 2003, ch. 107, § 3; P.L. 2004, ch. 220, § 1; P.L. 2004, ch. 225, § 1; P.L. 2006, ch. 311, § 1; P.L. 2006, ch. 506, § 1.)

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§ 23-28.1-6. Applicability to new or existing structures.

(a) All regulations contained in this code apply to all structures unless specifically exempted. Prior to a building permit, other than a foundation permit, being issued, all plans for buildings regulated under this code shall be submitted to the authority having jurisdiction. The authority having jurisdiction shall approve or disapprove the completed set of plans within a reasonable time not to exceed fifteen (15) days for fire alarm, smoke detection and/or carbon monoxide detector plans. The authority having jurisdiction shall further approve or disapprove a completed set of plans, covering any other project, within the specific time lines recommended by the state fire marshal, and established on or before October 15, 2010 within the rules and regulations of the state fire safety code board. In no case shall the authority having jurisdictional review of a completed set of plans exceed ninety (90) days to complete that review without the express written approval of the state fire marshal. The failure of an authority having jurisdiction to comply within the timelines established pursuant to this section, may result in the issuance of a building permit. The above examination of plans may be waived by the authority having jurisdiction when the plans for the erection or alteration of a building are prepared by a professional engineer or architect, licensed and/or registered by the State of Rhode Island, and the professional engineer or architect has stated in a written, signed and stamped document, that he or she has supervised the preparation of the applicable architectural, structural, electrical, mechanical, fire alarm and/or sprinkler design contract documents, and that he or she will review and approve all working drawings for construction, conduct on-site supervision of the construction process throughout the project, and that the project shall, to the best of his or her knowledge conform to all provisions of the fire safety code, and all rules and regulations, formal interpretations and blanket variances adopted under its provisions. When a change of use or type of occupancy is made in an existing building, the building shall conform to the requirements established by the rehabilitation building and fire code for existing buildings and structures, or if the rehabilitation building and fire code for existing structures is not applicable, to the requirements for new structures as related to the proposed use or type of occupancy.

(b) In existing structures, since it is not always practical or efficient to strictly apply all of the provisions of the code, the authority having jurisdiction shall have the power to implement and enforce the provisions of the code as provided for in the Uniform Fire Code (NFPA 1) and the Life Safety Code (NFPA 101) with annexes, as applicable to existing structures, consistent with such rules and regulations as may be adopted and such decisions as may be rendered by the Fire Safety Code Board of Appeal and Review.

(c) Application of the code to new and existing structures shall be consistent with such blanket variances, variances, and rules, as may be approved by the Fire Safety Code Board of Appeal and

Review, and such modifications as may be issued in writing by the authority having jurisdiction, in accordance with NFPA 101, with annexes.

History of Section.

(P.L. 1966, ch. 216, § 1; P.L. 1975, ch. 165, § 1; P.L. 1978, ch. 43, § 1; P.L. 2000, ch. 185, § 3; P.L. 2000, ch. 290, § 3; P.L. 2003, ch. 106, § 3; P.L. 2003, ch. 107, § 3; P.L. 2005, ch. 151, § 3; P.L. 2005, ch. 155, § 3; P.L. 2007, ch. 159, § 2; P.L. 2007, ch. 275, § 2; P.L. 2010, ch. 80, § 1; P.L. 2010, ch. 83, § 1.)

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§ 23-28.1-7. Conformity required.

(a) No building shall be constructed for, used for, or converted to, any occupancy regulated by the code, and no addition shall be made to a building except in accordance with the applicable provisions of the code or the rehabilitation building and fire code for existing buildings and structures, as applicable.

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

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

(2) The fire marshal, or his or her designee within the division, or a nonsalaried deputy state fire marshal in accordance with guidelines established by the fire marshal, has the authority to summarily abate any condition that presents immediate danger to life, these conditions shall include improper management or use of flammable and combustible materials, liquids and gasses, pyrotechnics, fireworks or explosives, malfunctioning automatic sprinklers, fire alarms and emergency lighting, malfunctioning heating and electrical systems, and blocked or inadequate exits or means of egress, and such other conditions as may be established by the fire safety code board of appeal and review. A failure to abate a condition that presents a clear and immediate danger to life shall be grounds for the person issuing the order to abate, to require that the premises be vacated, this action shall be either authorized by the fire marshal or a designee of the fire marshal who has been given advanced written authority by the fire marshal to approve such actions.

(3) All new buildings and structures, for which a building permit is issued on or after the effective date of the adopted code, shall be subject to the provisions of the Rhode Island fire safety code addressing the new occupancy. All existing buildings and structures, and those buildings and structures for which a building permit was issued prior to the effective date of the adopted code, shall be subject to the provisions of the Rhode Island fire safety code addressing the existing occupancy. Any existing building or structure, subject to the provisions of the rehabilitation building and fire code for existing buildings and structures, shall also comply with the existing occupancy provisions of the Rhode Island fire safety code addressing the current or proposed occupancy. All active fire-protection systems, including, but not limited to: sprinklers, fire alarms, emergency lighting, smoke detectors and exit signs, previously required and installed in existing buildings, shall continue to be properly maintained.

(4) [Deleted by P.L. 2016, ch. 468, § 2 and P.L. 2016, ch. 472, § 2].

History of Section.

(P.L. 1966, ch. 216, § 1; P.L. 1973, ch. 9, § 1; P.L. 1973, ch. 176, § 1; P.L. 1974, ch. 124, § 1; P.L. 1975, ch. 165, § 1; P.L. 1976, ch. 271, § 1B; P.L. 1978, ch. 43, § 1; P.L. 2000, ch. 185, § 3; P.L. 2000, ch. 290, § 3; P.L. 2003, ch. 106, § 3; P.L. 2003, ch. 107, § 3; P.L. 2004, ch. 220, § 1; P.L. 2004, ch. 225, § 1; P.L. 2012, ch. 294, § 2; P.L. 2012, ch. 337, § 2; P.L. 2016, ch. 468, § 2; P.L. 2016, ch. 472, § 2.)

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SECTION 23-28.1-7.1

§ 23-28.1-7.1. Compliance extension for public school buildings.

Notwithstanding any statute, rule, or regulation to the contrary, any provision of the code applicable to any public school building which requires compliance by a date certain shall be extended to a date no earlier than January 1, 2011.

History of Section.

(P.L. 2009, ch. 337, § 1; P.L. 2009, ch. 338, § 1.)

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SECTION 23-28.1-8

§ 23-281-8, 23-28.1-9. Repealed.

History of Section.

(P.L. 1985, ch. 493, § 1; P.L. 1987, ch. 153, § 1; P.L. 1987, ch. 180, § 1; P.L. 1997, ch. 326, § 68; P.L. 1996, ch. 407, § 1; Repealed by P.L. 2004, ch. 220, § 2, and by P.L. 2004, ch. 225, § 2, effective June 30, 2004.)

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§ 23-28.1-10. Issuance and validity of certificates.

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Notwithstanding any law, regulation or practice to the contrary, smoke detector and carbon monoxide detector certificates issued by any state or local authority shall be valid for such period as the issuing authority may specify, but in no event for less than a period of one hundred twenty (120) days from the date of issuance.

SECTION 23-28.1-8

History of Section.

(P.L. 2009, ch. 334, § 1.)