

## DEFINITIONS

**RI (Add) 3.4.11 Funeral Establishment:** An assembly occupancy, as defined by RIGL 5-

33.2-1(k) as a “fixed place, establishment or premises, licensed by the department of health, devoted to the activities which are incident, convenient, or related to the care and preparation, arrangement, financial and otherwise, for the funeral, transportation, burial or other disposition of human bodies and including, but not limited to, a suitable room 79

with all instruments and supplies used for the storage and/or preparation of dead human bodies for burial or other disposition”.

**RI (Add) 3.4.12 Organized Dining Facility:** A place of public accommodation which is characterized as a facility where private events are held and where the primary source of revenue, in general, is derived from rental charges for use of the facility and service of food. Such a facility shall not provide for cover charges or have as a primary attraction any event where entertainment is provided by a live band or recorded music. Such a facility primarily provides for organized banquets, private parties, fund raisers, wedding receptions, ceremonial events and the like.

**RI (Add) 3.4.13 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.

**NFPA 101 3.3.188.2\* Assembly Occupancy.** An occupancy (1) used for a gathering of 50 or more persons for deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation, or similar uses; or (2) used as a special amusement building, regardless of occupant load.

**NFPA 101 A.3.3.188.2 Assembly Occupancy.** Assembly occupancies might include the following:

- (1) Armories
- (2) Assembly halls
- (3) Auditoriums
- (4) Bowling lanes
- (5) Club rooms
- (6) College and university classrooms, 50 persons and over
- (7) Conference rooms
- (8) Courtrooms
- (9) Dance halls

- (10) Drinking establishments
- (11) Exhibition halls
- (12) Gymnasiums
- (13) Libraries
- (14) Mortuary chapels
- (15) Motion picture theaters
- (16) Museums
- (17) Passenger stations and terminals of air, surface, underground, and marine public transportation facilities
- (18) Places of religious worship
- (19) Pool rooms
- (20) Recreation piers
- (21) Restaurants
- (22) Skating rinks
- (23) Special amusement buildings regardless of occupant load
- (24) Theaters

Assembly occupancies are characterized by the presence or potential presence of crowds with attendant panic hazard in case of fire or other emergency. They are generally open or occasionally open to the public, and the occupants, who are present voluntarily, are not ordinarily subject to discipline or control. Such buildings are ordinarily occupied by able-bodied persons and are not used for sleeping purposes. Special conference rooms, snack areas, and other areas incidental to, and under the control of, the management of other occupancies, such as offices, fall under the 50-person limitation.

Restaurants and drinking establishments with an occupant load of fewer than 50 persons should be classified as mercantile occupancies.

For special amusement buildings, see 12.4.7 and 13.4.7.

**NFPA 101 12/13.4.7\* Special Amusement Buildings.**

12/13.4.7.1\* General. Special amusement buildings, regardless of occupant load, shall meet the requirements for assembly occupancies in addition to the requirements of 12/13.4.7, unless the special amusement building is a multilevel play structure that is not more than 10ft. (3050 mm) in height and has aggregate horizontal projections not exceeding 160 ft<sup>2</sup> (15 m<sup>2</sup>).

**NFPA 1 3.3.30.10\* & NFPA 101 3.3.36.10\* Special Amusement Building.** A building that is temporary, permanent, or mobile that contains a device or system that conveys passengers or provides a walkway along, around, or over a course in any direction as a form of amusement arranged so that the egress path is not readily apparent due to visual or audio distractions or an intentionally confounded egress path; or is not readily available due to the mode of conveyance through the building or structure.

**NFPA 1 A.3.3.30.10 NFPA 101 A.3.3.36.10 Special Amusement Building.** Such structures include amusements such as a haunted house, a roller coaster-type ride within a building, a multilevel play structure within a building, a submarine ride, and similar amusements where the occupants are not in the open air.

## **CHAPTER 12 NEW ASSEMBLY OCCUPANCIES**

**RI (Add) 12.3.4.2.4** A manual fire alarm box shall be installed on every stage, near any fixed lighting control panel and in any projection booth.

**RI (Amd) 12.3.4.3.3** Audible occupant notification in places of assembly classified as theaters shall be by means of voice announcements in accordance with 9.6.3.9.

**RI (Amd) 12.3.4.3.6** Evacuation or relocation instructions shall be permitted to be made via

a voice communication or public address system in accordance with 9.6.3.9.2.

**RI (Add) 12.3.4.3.8** Upon the activation of any fire alarm system in any nightclub place of

assembly or theater, the fire alarm system shall be interconnected with the building systems so that all emergency lights or other appropriate lighting shall activate and that all other conflicting sounds and visuals shall cease.

**RI (Add) 12.3.4.4.2** In any assembly occupancy where the exemption to the requirement for

automatic sprinklers is utilized, the fire alarm system shall meet the requirements for total (complete) coverage.

### **RI (Add) 12.4.11 Nightclubs**

#### **RI (Add) 12.4.11.1**

All nightclubs, as defined in section 3.4.13, shall comply with the requirements of 12.4.11.2 through 12.4.11.4 and shall be inspected annually by the AHJ.

#### **RI (Add) 12.4.11.2**

Each stage area, within a nightclub, shall be provided with two fire extinguishers maintained in accordance with NFPA 10, *Standard for Portable Fire Extinguishers* and approved by the AHJ.

#### **RI (Add) 12.4.7.11.3**

The responsible management of each nightclub shall provide an audible announcement of the location of emergency exits prior to each act or set.

#### **RI (Add) 12.4.7.11.4**

The responsible management of each nightclub shall have an emergency plan for the rapid evacuation of the premises approved by the state fire marshal. The plan shall identify the egress system of the building, explain, on a step-by-step basis, how the crowd manager on duty will complete the evacuation, and explain how the crowd manager will direct the occupants to safety in the event of one or more blocked exits.

#### **RI (Add) 12.7.1.4**

In places of assembly which have scheduled activities for recreational, educational, political, fraternal, social, or amusement purposes, the owner or management must inspect every exit from the building not more than ninety (90) minutes prior to the beginning of any meeting, concert, etc. If the inspection reveals blocked exits, the

scheduled presentation must not begin until the exits are cleared and made easily accessible, assuring the safety and welfare of the patrons.

**RI (Add) 12.7.3.1**

The use of open flame devices or pyrotechnic devices, outlined in 12.7.3, shall be limited to the places of assembly with occupancy loads in excess of 1000 persons and to those places of assembly, that are theaters, with occupancy loads of greater than 300 but less than 1001. All such places of assembly must be fully sprinkled and further protected by a fire alarm system providing emergency forces notification.

Exception: Places of Worship.

**RI (Amd) 12.7.6 Crowd Management**

**RI (Amd) 12.7.6.2**

The crowd manager shall receive appropriate training in emergency planning and basic crowd control techniques, by the state fire marshal, or his or her designee.

**RI (Add) 12.7.6.2.1**

The crowd manager(s) identified in 12.7.6.1 shall be in addition to the detail fire fighter(s) identified in 12.7.6.4 through 12.7.6.10.

**RI (Add) 12.7.6.3 Admissions supervised.**

Admissions to all places of assembly shall be supervised by the responsible management or by the person or persons delegated with the responsibility by the management, and the responsible person shall not allow admissions in excess of the maximum occupancy posted by the State Fire Marshal or his or her designee.

**RI (Add) 12.7.6.4**

All places of assembly with an occupancy load of greater than 1000 people shall have a uniformed fire fighter, and any additional uniformed fire fighters on duty when deemed necessary by the chief of the department.

**RI (Add) 12.7.6.5**

All places of assembly, of less concentrated use, with an occupancy load of greater than 300 people, but less than 1001 people, shall have a uniformed fire fighter and any additional uniformed fire fighters on duty when deemed necessary by the chief of the department.

**RI (Add) 12.7.6.6**

All places of assembly, of concentrated use, with an occupancy load of greater than 50 people, but less than 1001 people shall have a uniformed fire fighter and any additional uniformed fire fighters on duty when deemed necessary by the chief of the department except as provided under 12.7.6.7.

**RI (Add) 12.7.6.7**

All places of assembly, of concentrated or less concentrated use, with an occupancy load of greater than 50 people, but less than 1001 people, being utilized for activities that could potentially cause the place of assembly to be unsafe, dangerous or hazardous shall have one uniformed fire fighter on duty during such activity and any additional uniformed fire fighters on duty when deemed necessary by the chief of the department unless this requirement is specifically waived in writing for each such event.

**RI (Add) 12.7.6.8**

The cost of all fire fighters on duty under 12.7.6.4 through 12.7.6.7 shall be borne by the management of the facility.

**RI (Add) 12.7.6.9**

Fire fighter(s) assigned a detail pursuant to 12.7.6.4 through 12.7.6.7 shall be equipped with portable communication devices which shall be provided by the local fire department to allow direct communication to the dispatcher of the local fire department.

**RI (Add) 12.7.6.10**

The provisions of R.I.G.L. 23-28.2-17 shall apply to any fire fighter assigned a detail, to a place of assembly, pursuant to 12.7.6.4 through 12.7.6.7.

**RI (Add) 12.7.6.11**

Any building owner or occupant may request a partial or full exemption from the mandates of sections 12.7.6.2 through 12.7.6.10 by the State Fire Marshal and/or the Fire Safety Code Board of Appeal & Review.

**CHAPTER 13  
EXISTING ASSEMBLY OCCUPANCIES**

**RI (Amd) 13.3.5.1**

Unless exempted by another provision of this chapter, all existing places of assembly shall be completely protected by an approved, supervised automatic sprinkler system installed and maintained in accordance with 9.7.1.1(1).

**RI (Add) 13.3.5.1.1**

The requirements of 13.3.5.1 shall not apply to the following:

- (1) Any place of assembly of less concentrated use, such as an organized dining facility, with occupancy of 300 or fewer people, calculated at 15 square feet per person. (The above fifteen square feet (15 sq. ft.) per person calculation shall be exclusive of any separately calculated limited incidental spaces designated as a waiting area by the AHJ. The above fifteen square feet (15 sq. ft.) per person calculation shall also not apply buildings, containing separately calculated booths or similar fixed seating, determined not to be concentrated occupancies by the AHJ.)
- (2) Any place of assembly of concentrated use, with an occupancy of 300 or fewer people, not meeting the definition of a nightclub as outlined in section 3.4.12.
- (3) Any place of assembly of concentrated use, meeting the definition of a nightclub, as outlined in section 3.4.12, with a posted maximum occupancy of less than 150 people.
- (4) Any existing building used exclusively as a place of worship as defined in 13.1.8. (This exemption shall include places of worship with incidental business offices, religious education programs, and other programs designed watch children during the limited period of time that their parents or guardians attend religious services in the building. It shall also include the temporary programs outlined in Chapter 27 of this Code. This exemption shall not include places of worship maintaining such licensed activities as child day care and bingo. Permission for limited one time or annual events may be sought from the AHJ in accordance with an approved plan of action. Denial of this permission may be appealed to the Fire Safety Code Board of Appeal & Review.)
- (5) Existing fully alarmed performance theaters, with occupancies of less than five hundred (500) patrons, equipped with operational stages, as defined in section 3.3.262 of NFPA 101, 2012 edition; provided that the theater maintains double the required remotely located egress calculated for the theater's maximum occupancy, and further provided that the theater's patrons discharge through code compliant exit doors

directly to grade; and finally provided that the stage, and other potentially hazardous areas, are protected by an approved properly engineered system of sprinkler heads, on or before January 1, 2013..

(6). All existing licensed “funeral establishments”, having an occupancy capacity of five hundred (500) or fewer persons, shall not be required to be sprinkled provided they install and maintain a full coverage fire alarm system, at the direction and to the satisfaction of the state or local fire marshal with jurisdiction.

As a further condition of the above relief, the Board directs that there shall be no smoking in all licensed “funeral establishments” and there shall be no open flame with the exception of approved gas log fireplaces having glass doors. Additionally, the Rhode Island Funeral Directors’ Association and the State Fire Marshal’s office will coordinate crowd management training for the owners and operators of all licensed “funeral establishments”.

The chemical storage in all embalming rooms shall comply with NFPA 1 – RIFC, 2012 edition and its referenced codes and standards. Additionally, all crematoriums shall be suitably separated and shall further comply with all Federal and State fire, mechanical, building and health code standards.

Any attached garage(s), not suitably separated in the opinion of the state or local fire marshal with jurisdiction, shall be further protected with approved heat detection connected to the fire alarm system protecting the facility. Existing boiler rooms may utilize properly engineered, domestically-supplied, sprinkler head(s), installed in accordance with local water board requirements (if any), in lieu of the enclosure requirements. All such facilities shall have egress approved for their maximum occupant load. Finally, any existing dimensional issue, determined to be a structural hardship by the state or local fire marshal with jurisdiction, may be granted a modification by that state or local fire marshal in accordance with the procedure outlined in 1.6.1.1.

**RI (Add) 13.3.5.5**

The occupancy of any place of assembly without a required fire alarm system and/or sprinkler system, shall have its maximum occupancy adjusted by minus ten percent (10%) for the absence of a fire alarm system and minus twenty (20%) for the absence of a sprinkler system, when sprinklers are required by law or regulation. Such downward adjustment in occupancy shall be cumulative and shall cease to apply when the premises are in compliance with the requirements for fire alarm systems and sprinklers, and shall not affect any other requirements of this Code, or the Fire Safety Code Board of Appeal and Review, applicable to the premises.

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**RI (Add) 13.3.5.5.1**

A place of assembly, with an occupancy of between one hundred fifty (150) and three hundred (300) people, may avoid the requirements of section 13.3.5.6 by requiring a fire fighter on duty, as outlined in section 13.7.6.6, during all hours of occupancy or by complying with an alternative plan of action approved by the AHJ. However, the occupancy re-adjustment with the required firefighter shall not alter the January 1, 2013 deadline for the installation of sprinklers.

**RI (Add) 13.4.4.1** Existing high-rise buildings shall be provided with a detection, alarm and

communication system in accordance with 11.8.4 and an emergency command center

complying with 11.8.6.

**RI (Add) 13.4.11 Nightclubs**

**RI (Add) 13.4.11.1**

All nightclubs, as defined in section 3.4.13, shall comply with the requirements of 13.4.11.2 through 13.4.11.4 and shall be inspected annually by the AHJ.

**RI (Add) 13.4.11.2**

Each stage area, within a nightclub, shall be provided with two fire extinguishers maintained in accordance with NFPA 10, *Standard for Portable Fire Extinguishers* and approved by the AHJ.

**RI (Add) 13.4.7.11.3**

The responsible management of each nightclub shall provide an audible announcement of the location of emergency exits prior to each act or set.

**RI (Add) 13.4.7.11.4**

The responsible management of each nightclub shall have an emergency plan for the rapid evacuation of the premises approved by the state fire marshal. The plan shall identify the egress system of the building, explain, on a step-by-step basis, how the crowd manager on duty will complete the evacuation, and explain how the crowd manager will direct the occupants to safety in the event of one or more blocked exits.

**RI (Add) 13.7.1.4**

In places of assembly which have scheduled activities for recreational, educational, political, fraternal, social, or amusement purposes, the owner or management must inspect every exit from the building not more than ninety (90) minutes prior to the beginning of any meeting, concert, etc. If the inspection reveals blocked exits, the scheduled presentation must not begin until the exits are cleared and made easily accessible, assuring the safety and welfare of the patrons.

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**RI (Add) 13.7.3.1**

The use of open flame devices or pyrotechnic devices, outlined in 13.7.3, shall be limited to the places of assembly with occupancy loads in excess of 1000 persons and to those places of assembly, that are theaters, with occupancy loads of greater than 300 but less than 1001. All such places of assembly must be fully sprinkled and further protected by a fire alarm system providing emergency forces notification.

Exception: Places of worship.

**RI (Amd) 13.7.6 Crowd Management**

**RI (Amd) 13.7.6.2**

The crowd manager shall receive appropriate training in emergency planning and basic crowd control techniques, by the state fire marshal, or his or her designee, on or before January 1, 2013.

**RI (Add) 13.7.6.2.1**

The crowd manager(s) identified in 13.7.6.1 shall be in addition to the detail fire fighter(s) identified in 13.7.6.4 through 13.7.6.10.

**RI (Add) 13.7.6.3 Admissions supervised.**

Admissions to all places of assembly shall be supervised by the responsible management or by the person or persons delegated with the responsibility by the management, and the responsible person shall not allow admissions in excess of the maximum occupancy posted by the State Fire Marshal or his or her designee.

**RI (Add) 13.7.6.4**

All places of assembly with an occupancy load of greater than 1000 people shall have a uniformed fire fighter, and any additional uniformed fire fighters on duty when deemed necessary by the designee of the state fire marshal in the local fire department.

**RI (Add) 13.7.6.5**

All places of assembly, of less concentrated use, with an occupancy load of greater than 300 people, but less than 1001 people, shall have a uniformed fire fighter and any additional uniformed fire fighters on duty when deemed necessary by the designee of the state fire marshal in the local fire department.

**RI (Add) 13.7.6.6**

All places of assembly, of concentrated use, with an occupancy load of greater than 50 people, but less than 1001 people shall have a uniformed fire fighter and any additional uniformed fire fighters on duty when deemed necessary by the designee of the state fire marshal in the local fire department except as provided under 13.7.6.7.

**RI (Add) 13.7.6.7**

All places of assembly, of concentrated or less concentrated use, with an occupancy load of greater than 50 people, but less than 1001 people, being utilized for activities that could potentially cause the place of assembly to be unsafe, dangerous or hazardous shall have one uniformed fire fighter on duty during such activity and any additional uniformed fire fighters on duty when deemed necessary by the designee of the state fire marshal in the local fire department unless this requirement is specifically waived in writing for each such event.

**RI (Add) 13.7.6.8**

The cost of all fire fighters on duty under 13.7.6.4 through 13.7.6.7 shall be borne by the management of the facility.

**10.15.11 Crop Maze.**

**10.15.11.1 Permits.** Permits, where required, shall comply with Section 1.12.

**10.15.11.2 General.**

**10.15.11.2.1** The owner or operator of a crop maze amusement attraction shall advise all employees of the fire and life safety regulations established in this subsection prior to the employees assuming their respective duties.

**10.15.11.2.2** The owner or operator of a crop maze or their employees shall provide safety instructions to the visitors and patrons of a crop maze prior to their entrance to the maze.

**10.15.11.2.3 Employee Monitor.**

**10.15.11.2.3.1** A minimum of two employees shall be on duty to monitor a crop maze during hours of operation.

**10.15.11.2.3.2** A minimum of one of the employees shall be located on an elevated platform a minimum of 10 ft (3 m) above the maze.

**10.15.11.2.4** The owner or operator of a crop maze shall contact the local fire department and provide the fire department with the opportunity to prepare a pre-plan of the crop maze amusement attraction prior to the start of seasonal operations.

**10.15.11.2.5** Motorized vehicles shall not be parked within 75 ft (23 m) of a crop maze.

**10.15.11.2.6** A fuel break of a minimum of 20 ft (6 m) wide shall be cleared between a crop maze and any vehicles or vegetation outside the maze.

**10.15.11.2.7 Public Address System.**

**10.15.11.2.7.1** A public address system shall be readily available to employees at a crop maze to assist them in making announcements to the visitors or patrons of a crop maze in the event of an emergency.

**10.15.11.2.7.2** A bull horn or loud speaker shall suffice as a public address system.

**10.15.11.2.8** The entrance and exit from a crop maze shall not be blocked or obstructed at any time the maze is open for business and occupied by the public.

**10.15.11.2.9** No more than 200 persons per acre, including adults and children, shall occupy the crop maze at any one time.

**10.15.11.3 Prohibited.**

**10.15.11.3.1\*** No open flame-producing devices or equipment shall be permitted within the confines of the crop maze.

**10.15.11.3.2** No smoking shall be permitted within the confines of the crop maze.

# TITLE 23

## Health and Safety

### CHAPTER 23-28.6

#### Places of Assembly

#### SECTION 23-28.6-5

**§ 23-28.6-5 Admissions restricted and supervised.** – (a) Admissions to all places of assembly shall be supervised by the responsible management or by the person or persons delegated with the responsibility by the management, and the responsible person shall not allow admissions in excess of the maximum occupancy as provided in § 23-28.6-3 [repealed], provided, subsections (c), (d), and (e) below do not apply to churches and places of worship, wherein patrons retain their outer clothing for immediate exit, and where they are confined for a period not exceeding two (2) hours duration. Only those portions of a building used exclusively for religious worship are included in this exception.

(b) The maximum occupancy of all areas shall be conspicuously posted by means of a sign furnished by the state fire marshal's office.

(c) All places of assembly with an occupancy load of greater than one thousand (1,000) people shall have one uniformed fire fighter, and any additional uniformed fire fighters on duty when deemed necessary by the chief of the local fire department or the designee of the state fire marshal in the local fire department except as provided under subsection (f) of this section.

(d) All places of assembly, with an occupancy load of greater than three hundred (300) up to one thousand (1,000) people, of less concentrated use shall have a uniformed fire fighter and any additional uniformed fire fighters on duty when deemed necessary by the chief of the local fire department or the designee of the state fire marshal in the local fire department.

(e) All places of assembly with occupancy loads of fifty (50) up to one thousand (1,000) people of concentrated use shall have one uniformed fire fighter on duty when deemed necessary by the chief of the local fire department or the designee of the state fire marshal in the local fire department.

(f) On an event-by-event basis, in the absence of an unusual hazard, the chief of the local fire department or the designee of the state fire marshal in the local fire department may waive, in writing, the fire fighter on duty requirement of subsections (c) and (e)

when the actual occupancy of a building for a specific event is substantially lower than the calculated occupancy of the building.

(g) All places of assembly with occupancy loads of fifty (50) up to one thousand (1,000) people of concentrated or less concentrated use being utilized for activities of unusual hazard shall have one uniformed fire fighter on duty during such activity, and any additional uniformed fire fighters on duty when deemed necessary by the chief of the local fire department or the designee of the state fire marshal in the local fire department unless this requirement is specifically waived in writing for each such event.

(h) The cost of all fire fighters on duty under subsections (c) through (f) of this section shall be borne by the management of the facility.

(i) The above assigned fire fighter(s) shall be equipped with portable communication devices which shall be provided for by the local fire department to allow direct communication to the dispatcher of the local fire department.

(j) Any person violating the provisions of this section shall be fined not exceeding five thousand dollars (\$5,000) for each offense.

(k) The provisions of § 23-28.2-17 shall apply to any fire fighter assigned to a place of assembly pursuant to this section.

**History of Section.**

(P.L. 1976, ch. 271, § 2; P.L. 1978, ch. 345, § 1; P.L. 1985, ch. 505, § 1; P.L. 1990, ch. 421, § 1; P.L. 2003, ch. 106, § 7; P.L. 2003, ch. 107, § 7; P.L. 2004, ch. 220, § 7; P.L. 2004, ch. 225, § 7.)

# **TITLE 23**

## **Health and Safety**

### **CHAPTER 23-28.6**

#### **Places of Assembly**

#### **SECTION 23-28.6-20**

**§ 23-28.6-20 Concerts and musical entertainment – Reserved seating required. –** Admissions to all indoor places of assembly seating over two thousand (2000) persons wherein musical concerts are to be performed shall be by reserved seating only. No proprietor of any place of assembly, and no managers or other person or persons in charge thereof shall sell or cause to be sold non-reserved seating for the performance. Any person violating the provisions of this section shall be fined not exceeding five thousand dollars (\$5,000) for each offense.

History of Section.  
(P.L. 1980, ch. 389, § 1.)

# **TITLE 23**

## **Health and Safety**

### **CHAPTER 23-28.6**

#### **Places of Assembly**

##### **SECTION 23-28.6-21**

**§ 23-28.6-21 Sprinklers required.** – (a) All new and existing places of assembly shall be completely protected by an approved system of automatic sprinklers installed and maintained in accordance with N.F.P.A. Standard 13, 2002 Edition and its related standards pursuant to the schedule outlined in subsection (d) of this section.

(b) The requirements of subsection (a) of this section shall not apply to:

(1) Any place of assembly with an occupancy load of fifty (50) to three hundred (300) people of less concentrated use, exclusively calculated at fifteen (15) square feet per person;

(2) Any place of assembly with an occupancy load of fifty (50) to three hundred (300) people of concentrated use not classified as a "nightclub";

(3) Any place of assembly with an occupancy load of fifty (50) to three hundred (300) people of concentrated use, classified as a "nightclub" with a posted maximum occupancy of less than one hundred fifty (150) people;

(4) Any existing building used primarily as a place of worship that is in compliance with the requirements for places of worship established pursuant to § 23-28.6-24;

(5) The open assembly areas in existing unheated buildings used on a seasonal basis provided the building is protected by a properly maintained total (complete) fire alarm system during all periods of occupancy; and

(6) Student occupied assembly areas, such as auditorium(s), library(s), cafeteria(s) and gymnasium(s), within any existing building, classified as either an educational occupancy, or an institution of higher education such as a community college, a college and/or university, that is protected by a properly maintained total (complete) fire alarm system. In the event the owner or management of such a building plans to use one or more of the above assembly areas, in a manner inconsistent with the traditional educational use, for example a community meeting, a dance or a play, the owner or responsible management must first consult with the state fire marshal's designee, in the

local fire department, and develop a plan of action for such use. The proposed event shall only be conducted pursuant to the above plan of action. This exception shall not apply to any such existing higher education assembly area(s) used generally for commercial purposes such as an arena, restaurant, bar or lounge.

(c) Alternatively engineered sprinkler systems, approved by the Fire Safety Code Board of Appeal and Review, shall be allowed in the retrofitting of an existing place of assembly with sprinklers.

(d) All places of assembly with a maximum occupancy of more than three hundred (300) people shall be fully sprinkled in accordance with the above standards on or before July 1, 2005. All "nightclubs" with a posted maximum occupancy of one hundred fifty (150) or more people, and up to three hundred (300) people shall be fully sprinkled in accordance with the above standards on or before July 1, 2006. For good cause shown, the above deadlines may be extended by the Fire Safety Code Board of Appeal & Review.

(e) The occupancy of any place of assembly without a fire alarm system and/or sprinkler system after July 1, 2004, shall have its maximum occupancy adjusted by minus ten percent (10%) for the absence of a fire alarm system and minus twenty percent (20%) for the absence for the sprinklers, when fire alarm systems and/or sprinklers are required by law or regulation. Such downward adjustment in occupancy shall be cumulative and shall cease to apply when the premises are in compliance with requirements for fire alarms systems and sprinklers, and shall not affect any other requirements of the Fire Safety Code Board of Appeal and Review applicable to the premises. The ten percent (10%) and twenty percent (20%) reductions in maximum occupancy, herein set forth, may be waived, in writing, by the state fire marshal, assistant state fire marshal, deputy state fire marshals, the local fire chief of the jurisdiction in which the place of assembly is located, or an assistant deputy state fire marshal as designated by the local fire chief. Provided, however, that the owner or management responsible for the operation of the facility shall be required to operate said facility under an alternative plan of action for fire safety, which plan shall require the approval of the state fire marshal, the assistant state fire marshal, deputy state fire marshals, the local fire chief of the jurisdiction in which the place of assembly is located, or an assistant deputy state fire marshal as designated by the local fire chief, in order to qualify for the waiver provided for herein.

(f) A place of assembly with an occupancy of one hundred fifty (150) or greater and up to three hundred (300) may avoid the above occupancy adjustment by requiring a fire fighter to be on duty during all hours of occupancy. In no event shall the occupancy adjustment to the firefighter requirement alter the July 1, 2006 deadline for the installation of sprinklers.

(g) All places of assembly with an occupancy of less than one hundred fifty (150) shall use fire retardant paints or other coverings, to a standard acceptable to the Fire Safety Code Board of Appeal and Review, unless the building has sprinklers by July 1, 2006.

(h) The provisions of this section, in its entirety, shall not apply to places of worship except as may be required by the Fire Safety Code Board of Appeal and Review pursuant to § 23-28.6-24.

**History of Section.**

(P.L. 2003, ch. 106, § 8; P.L. 2003, ch. 107, § 8; P.L. 2004, ch. 220, § 7; P.L. 2004, ch. 225, § 7; P.L. 2005, ch. 151, § 6; P.L. 2005, ch. 155, § 6; P.L. 2006, ch. 311, § 2; P.L. 2006, ch. 506, § 2; P.L. 2008, ch. 142, § 1; P.L. 2008, ch. 180, § 1; P.L. 2012, ch. 415, § 24.)

# **TITLE 23**

## **Health and Safety**

### **CHAPTER 23-28.6**

#### **Places of Assembly**

##### **SECTION 23-28.6-22**

**§ 23-28.6-22 Nightclubs.** – Every special amusement building concentrated occupancy place of assembly nightclub as defined in § 23-28.1-5 shall comply with the following requirements, consistent with requirements related thereto established by the Fire Safety Code Board of Appeal and Review and the state fire marshal. All such buildings shall:

(1) Have fire alarms that are municipally connected for occupancies of one hundred fifty (150) or greater and for all Class A and B places of assembly by July 1, 2004. These fire alarm systems shall be tested no less than quarterly.

(2) Have sprinklers in Class C places of assembly of one hundred fifty (150) or greater with an occupancy load of one hundred fifty (150) up to three hundred (300) people by July 1, 2006 and in Class A and B places of assembly with an occupancy load of greater than three hundred (300) people by July 1, 2005; provided, however, that this requirement shall not apply to fully alarmed buildings used exclusively as places of worship.

(3) Have alarm systems sound and upon the actuation of any smoke detector or fire alarm, have emergency lighting or other appropriate lighting activate, and require that any conflicting sounds or visuals cease, by February 20, 2004.

(4) Have two (2) fire extinguishers, which shall be at least twenty (20) pounds or such other size as may be established as appropriate by the Fire Safety Code Board of Appeal and Review, in each stage area, by February 20, 2004.

(5) Have floor proximity exit signs for all occupancies greater than one hundred fifty (150) by February 20, 2005.

(6) Provide an audible announcement of the location of emergency exits prior to each act or set.

(7) Have an emergency plan for the premises, approved by a fire marshal and consistent with rules established by the Fire Safety Code Board of Appeal a person on duty or a crowd manager on duty, who has been trained by the fire marshal with regard to the

emergency plan and basic crowd management techniques by October 1, 2004. This requirement shall be in addition to the requirement for a detail fire fighter.

**History of Section.**

(P.L. 2003, ch. 106, § 8; P.L. 2003, ch. 107, § 8; P.L. 2004, ch. 220, § 7; P.L. 2004, ch. 225, § 7; P.L. 2012, ch. 415, § 24.)

# **TITLE 23**

## **Health and Safety**

### **CHAPTER 23-28.6**

#### **Places of Assembly**

##### **SECTION 23-28.6-23**

**§ 23-28.6-23 Prohibited activities in places of assembly.** – (a) Pyrotechnics. The storage, handling, use of display of pyrotechnics is prohibited in all places of assembly, except as may be authorized below. Pyrotechnics may be permitted only in places of assembly with an occupancy load of greater than one thousand (1000) people that are fully fire alarmed and sprinklered and in places of assembly with an occupancy load of three hundred (300) up to one thousand (1000) people that are theatres and are fully fire alarmed and sprinklered and have specific advanced approval from the fire marshal, or his designee, for the use of such pyrotechnics in accordance with requirements established by the Fire Safety Code Board of Appeal and Review.

(b) The use of decorative or acoustical materials that are not certified, consistent with NFPA requirements or such other requirements as may be established by the Fire Safety Code Board of Appeal and Review is prohibited. Any person or entity violating the provisions of this section shall be fined in an amount not exceeding five thousand dollars (\$5,000) for each offense.

History of Section.

(P.L. 2003, ch. 106, § 8; P.L. 2003, ch. 107, § 8; P.L. 2004, ch. 220, § 7; P.L. 2004, ch. 225, § 7.)

# TITLE 23

## Health and Safety

### CHAPTER 23-28.2

#### Division of Fire Safety

#### SECTION 23-28.2-14

*(5 Ticketed Offenses)*

§ 23-28.2-14 **Enforcement.** – (a) Within the division, there shall be an enforcement unit responsible for the initiation of criminal prosecution of or civil proceedings against any person(s) in violation of the state Fire Safety Code or failure to comply with an order to abate conditions that constitute a violation of the Fire Safety Code, chapters 28.1 – 28.39 of this title, and any rules or regulations added thereunder and/or the general public laws of the state as they relate to fires, fire prevention, fire inspections, and fire investigations. This unit will consist of the state fire marshal, chief deputy state fire marshal, chief of technical services, explosive technician, assistant explosive technicians, and the arson investigative staff, each of whom must satisfactorily complete at the Rhode Island state police training academy an appropriate course of training in law enforcement or must have previously completed a comparable course. To fulfill their responsibilities, this unit shall have and may exercise in any part of the state all powers of sheriffs, deputy sheriffs, town sergeants, chiefs of police, police officers, and constables.

(b) The State Fire Marshal shall have the power to implement a system of enforcement to achieve compliance with the fire safety code, which shall include inspections as provided for in § 23-28.2-20, the issuance of formal notices of violation in accordance with § 23-28.2-20.1, and the issuance of citations in a form approved by the State Fire Marshal and the Chief Judge of the District Court. The State Fire Marshal, and his or her designee(s) as outlined in this chapter, may use the above systems of enforcement individually or in any combination to enforce the State Fire Safety Code.

(c) The State Fire Marshal and all persons designated specifically in writing by the State Fire Marshal shall have the power to issue the citations referenced in this chapter.

(d) The following categories of violation of the Fire Safety Code that can be identified through inspection shall be considered criminal violations of the Fire Safety Code and be subject to the above issuance of citations:

**(1) Impediments to Egress:**

(A) Exit doors locked so as to prevent egress.

(B) Blocked means of egress (other than locking and includes any portion of the exit access, exit or exit discharge).

(C) Marking of exits or the routes to exits has become obstructed and is not clearly visible.

(D) Artificial lighting needed for orderly evacuation is not functioning properly (this section does not include emergency lighting).

**(2) Maintenance:**

(A) Required devices, equipment, system, condition, arrangement, or other features not continuously maintained.

(B) Equipment requiring periodic testing or operation, to ensure its maintenance, is not being tested or operated.

(C) Owner of building where a fire alarm system is installed has not provided written evidence that there is a testing and maintenance program in force providing for periodic testing of the system.

(D) Twenty-four hour emergency telephone number of building owner or owner's representative is not posted at the fire alarm control unit or the posted number is not current.

**(3) Fire Department Access and Water Supply:**

(A) The required width or length of a previously approved fire department access road (fire lane) is obstructed by parked vehicles or other impediments.

(B) Fire department access to fire hydrants or other approved water supplies is blocked or impeded.

**(4) Fire Protection Systems:**

(A) Obstructions are placed or kept near fire department inlet connections or fire protection system control valves preventing them from being either visible or accessible.

(B) The owner, designated agent or occupant of the property has not had required fire extinguishers inspected, maintained or recharged.

**(5) Admissions supervised:**

(A) Persons responsible for supervising admissions to places of assembly, and/or any sub-classifications thereof, have allowed admissions in excess of the maximum occupancy posted by the State Fire Marshal or his or her designee.

The terms used in the above categories of violation are defined in the definition sections of NFPA 1 and NFPA 101 as adopted pursuant to § 23-28.1-2 of this title.

(e) A building owner, responsible management, designated agent or occupant of the property receiving a citation may elect to plead guilty to the violation(s) and pay the fine(s) through the mail within ten (10) days of issuance, or appear in district court for an arraignment on the citation.

(f) Notwithstanding subsection (e) above, all recipients of third or subsequent citations, within a sixty (60) month period, shall appear in district court for a hearing on the citation. If not paid by mail he, she or it shall appear to be arraigned on the criminal complaint on the date indicated on the citation. If the recipient(s) fails to appear, the district court shall issue a warrant of arrest.

(g) The failure of a recipient to either pay the citation through the mail within ten (10) days, where permitted under this section, or to appear in district court on the date specified shall be cause for the district court to issue a warrant of arrest with the penalty assessed and an additional five hundred dollar (\$500) fine.

(h) A building owner, responsible management, designated agent or occupant of the property who receives the citation(s) referenced in this section shall be subject to civil fine(s), which fine(s) shall be used for fire prevention purposes by the jurisdiction that issues the citation(s), as follows:

(1) A fine of two hundred fifty dollars **(\$250)** for the first violation within any sixty (60) month period;

(2) A fine of five hundred dollars **(\$500)** for the second violation within any sixty (60) month period;

(3) A fine of one thousand dollars **(\$1,000)** for the third and any subsequent violation(s) within any sixty (60) month period;

(i) No citation(s) as defined in this section, shall be issued pursuant to a search conducted under an administrative search warrant secured pursuant to § 23-28.2-20(c) of this code. Any citation mistakenly issued in violation of this subsection (i) shall be void and unenforceable.

(j) The District Court shall have full equity power to hear and address these matters.

(k) All violations, listed within subsection (d) above, shall further be corrected within a reasonable period of time established by the State Fire Marshal or his or her designee.

#### History of Section.

(P.L. 1975, ch. 165, § 9; P.L. 1980, ch. 278, § 1; P.L. 2003, ch. 106, § 4; P.L. 2003, ch. 107, § 4; P.L. 2004, ch. 220, § 3; P.L. 2004, ch. 225, § 3.)

