

450-RICR-00-00-1

TITLE 450 – FIRE SAFETY CODE BOARD OF APPEAL AND REVIEW

CHAPTER 00 – N/A

SUBCHAPTER 00 – N/A

PART 1 – Fire Safety Code Sections 1 Through 6

1.1 DEDICATION

The Rhode Island Fire Safety Code, as outlined herein, is hereby dedicated, in loving memory to Fire Board Chairman Rene Coutu, to Fire Alarm Superintendent Martin Ballou, and to the Victims, Survivors and Families of the Station Nightclub Fire. May they be at peace with the knowledge that their sacrifices have significantly contributed to the establishment of Rhode Island as an international model for fire safety guiding not only other states but countries such as Argentina and China in the development of fire safety programs for the protection of their citizens.

1.2 DECLARATION OF POLICY

It is the policy of the State of Rhode Island to simplify, clarify and modernize the law governing fires and fire prevention, and to specify reasonable minimum requirements for fire safety. It is the statutory directive and policy of the Fire Safety Code Board of Appeal & Review to adopt rules and regulations to safeguard life and property from the hazards of fire and explosives in accordance with safe practice as embodied in widely recognized standards of good practice for fire prevention and fire protection.

1.3 CONSOLIDATION OF RHODE ISLAND FIRE SAFETY CODE

- A. The Fire Safety Code Parts 1 through 10 of this Subchapter, as adopted herein, along with the provisions of R.I. Gen. Laws Chapters 23-28.1 *et seq.* shall be known as the Rhode Island Fire Safety Code. The most recent amendments to the Rhode Island Fire Safety Code were posted on October 25, 2012 and scheduled for public hearing on November 27, 2012. Unless otherwise specified herein, the effective date of the most recent amendments to the Rhode Island Fire Safety Code shall be January 1, 2013.
- B. Notwithstanding any provision in the Rhode Island Fire Safety Code to the contrary, any building or structure that is in compliance with the 2003 editions of NFPA 1 and 101, under the 2003 Fire Safety Act as amended, shall not be required to comply with the 2012 editions of NFPA 1 and 101 until December 31, 2015 where such compliance would require additional expenditures. The aforementioned compliant buildings and/or structures

shall also not be required to comply with the 2010 edition of NFPA 72, as amended, until December 31, 2015. However, the above compliance exceptions shall not apply to any expenditures for the continued testing and maintenance of fire detection, protection and suppression systems, approved under the 2003 Fire Safety Act, provided those systems remain required under this Rhode Island Fire Safety Code.

1.4 AUTHORITY

The provisions of the Fire Safety Code Parts 1 through 10 of this Subchapter (Hereinafter also referred to as "Fire Safety Code" or "This Code") are adopted pursuant to R.I. Gen. Laws § 23-28.3-3, and R.I. Gen. Laws Chapter 12-337, in an effort to supplement, clarify, and modernize the minimum requirements for fire safety in new and existing buildings and facilities as outlined in R.I. Gen. Laws Chapter 23-28.1 *et seq.* The provisions of this code shall be interpreted consistently, with all current General Laws and Executive Orders, by the Fire Safety Code Board of Appeal & Review (Hereinafter also referred to as the "Fire Board" or "Board"). The provisions of this Code shall further be enforced consistently, with all current General Laws and Executive Orders, by the Office of the State Fire Marshal and its affiliates.

1.5 DEFINITIONS

- A. "Abatement" or to "Abate a condition" means 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, that present an "immediate danger to life", shall include improper management or use of flammable and combustible materials, liquids and gases, 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, the overcrowding of assembly occupancies and such other conditions as may be established by the Fire Safety Code Board of Appeal and Review.

- B. "Authority Having Jurisdiction (Enforcement)" (unless specifically defined to the contrary in this code) means the authority having jurisdiction for the enforcement of this code shall be the state fire marshal. The state fire marshal may delegate this enforcement authority to any deputy state fire marshal or assistant deputy state fire marshal that he or she certifies and appoints pursuant to R.I. Gen. Laws § 23-28.2-1 *et seq.* However, as a condition of their continued certification, all such appointed deputy state fire marshals and assistant deputy state fire marshals shall apply the code, consistently and uniformly across the state, under the guidance of the state fire marshal.

- C. “Bed and Breakfast Home” means an owner and/or innkeeper occupied building that provides sleeping accommodations for up to sixteen (16) guests. Every “Bed and Breakfast Home” must further have originated as a private home and must have at least 300 square feet of common space (i.e., dining room, living room, etc.) for guest use, and must further provide breakfast. Finally, the owner and/or innkeeper must occupy the building twenty-four hours a day, seven days a week, while guests are utilizing the facility. The owner and/or innkeeper of the Bed and Breakfast Home shall have a plan of action, approved by the local official, to assure the safety of the guests in the event the owner or innkeeper is required to temporarily leave the facility unsupervised for limited periods during the day.
- D. “Certificate of Occupancy” means after the building official inspects the building or structure and, after consultation with the AHJ enforcing the provisions of this code, finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official issues an official document known as a “certificate of occupancy” that generally contains the following:
1. The building permit number.
 2. The address of the structure.
 3. The name and address of the owner.
 4. A description of that portion of the structure for which the certificate is issued.
 5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
 6. The name of the building official.
 7. The edition of the code under which the permit was issued.
 8. The use and occupancy, in accordance with the provisions of the State Building Code.
 9. The type of construction as defined in the State Building Code.
 10. The design occupant load.
 11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
 12. Any special stipulations and conditions of the building permit.

- E. "Citation System" means a system of enforcement outlined in R.I. Gen. Laws § 23-28.2-14.
- F. "Code" means this Fire Safety Code established under the provisions of R.I. Gen. Laws § 23-28.1-1.
- G. "Compliance Order" means 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.
- H. "Emergency Shelter Occupancy" means an occupancy or portion thereof used on a temporary and/or seasonal basis to provide sleeping accommodations for transient individuals who have no other shelter arrangements during periods of severe life-threatening weather or other natural or manmade disaster.
- I. "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.
- J. "Funeral Establishment" means an assembly occupancy, as defined by R.I. Gen. Laws § 5-33.2-1(11) 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 with all instruments and supplies used for the storage and/or preparation of dead human bodies for burial or other disposition".
- K. "Nightclub" means a place of public accommodation, which in general is characterized by all of the following:
 - 1. Provides entertainment by a live band or recorded music generating above normal sound levels.
 - 2. 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.
 - 3. Has an occupant load in total or in any single area or room of at least 100 patrons.

4. 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.
- L. "Organized Dining Facility" means 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.
- M. "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.
- N. "Suspended Ceiling" means a ceiling system consisting of a grid of channels or "T-bars" suspended from the structure above for readily removable acoustical tiles or lay-in panels.
- O. "Temporary Certificate of Occupancy" means the building official may issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.
- P. "Three Family Apartment Building" means a building or portion thereof containing three dwelling units with independent cooking and bathroom facilities. This code shall provide reasonable standards for the installation of smoke and carbon monoxide detectors in three family apartment buildings.

1.6 FIRE SAFETY CODE BOARD OF APPEAL & REVIEW

- A. The Fire Safety Code Board of Appeal & Review is an agency within the Executive Department administratively assigned to the Department of Administration. The Governor appoints all eleven (11) members with the advice and consent of the Senate. Of the members of the Fire Safety Code Board of Appeal & Review, one shall be a representative of the permanent fire chiefs, one shall be a representative of the building inspectors, one shall represent industry, one shall be a licensed professional engineer, one shall be a representative of the fire protection industry, one shall represent labor, one shall be a licensed architect, one shall be a representative of the volunteer fire chiefs, and three (3) shall be representatives of the public provided that one shall be an officer, partner or proprietor of a Rhode Island company that is a small business as defined by the United States Small

Business Administration. The Governor also designates a chairperson for a two (2) year term.

- B. The Fire Safety Code Board of Appeal & Review is the sole authority having jurisdiction for administration and the State Fire Marshal is the sole authority having jurisdiction for enforcement of the Fire Safety Code.
- C. Except as outlined below, the Fire Safety Code Board of Appeal & Review is the sole authority having jurisdiction to grant variances, waivers and amendments from, or to review and accept any proposed fire safety equivalencies and alternatives to, the strict adherence to the provisions of the Fire Safety Code and all referenced standards therein as previously enacted and/or adopted, herein and hereafter amended. Notwithstanding the above, the State Fire Marshal and his or her designees are hereby authorized to approve dimensional relief within the egress systems of any existing building in accordance with NFPA 101 and its annexes. Such dimensional relief shall be known as "AHJ modifications". All "AHJ modifications" must be in writing and submitted to the State Fire Marshal's Office for recording. Once recorded by the State Fire Marshal's Office, the "AHJ modification" shall remain as permanent relief for the building as long as the use and/or occupancy of the building remains the same. Any change of use and/or occupancy shall subject the building to review under the relevant codes and reconsideration of the "AHJ modification" in light of the new use or occupancy.
- D. The Fire Safety Code Board of Appeal & Review is also the authority having initial jurisdiction to hear all appeals from any action taken by the State Fire Marshal's Office in its capacity as the authority having jurisdiction for the strict enforcement of the provisions of the Fire Safety Code and all referenced standards therein as previously enacted and/or adopted, herein and hereafter amended.

1.7 ADMINISTRATIVE POWERS OF THE FIRE SAFETY CODE BOARD OF APPEAL & REVIEW

1.7.1 ADMINISTRATIVE APPEALS

- A. Any building owner may consult with the authority having enforcement jurisdiction for advice and assistance in complying with the provisions of the State Fire Safety Code. The authority having enforcement jurisdiction may grant an "AHJ modification" covering dimensional relief within the egress system of an existing building as outlined in § 1.6 of this Part (Fire Safety Code Section 5). An AHJ modification becomes effective once it is submitted to, and recorded by, the State Fire Marshal. In all other cases of practical difficulty, the authority having enforcement jurisdiction shall refer all requests for variations, waivers, modifications and amendments from particular provisions of the State Fire Safety Code to the Board of Appeal & Review.

- B. All requests for proposed fire safety equivalencies and alternatives to strict compliance with the State Fire Safety Code shall likewise be referred to the Board of Appeal & Review.
- C. Any person aggrieved by an initial interpretation of any provision of the State Fire Safety Code, by the authority having enforcement jurisdiction of that code provision, may petition the Board of Appeal & Review for review of the initial interpretation. Review of the initial interpretation may be formal or informal at the sole discretion of the Board. In cases of widespread interest, the Board may choose to publish its interpretation.
- D. The Board of Appeal & Review shall provide for reasonable interpretation of the provisions of the Fire Safety Code, and rule on appeals from decisions of the authority having enforcement jurisdiction as outlined above.
- E. All appeals shall be commenced by the filing of an appeal application form available at the offices of the Board of Appeal & Review and the State Fire Marshal.
- F. The authority having enforcement jurisdiction shall assist the applicant by providing all code cites and documentation necessary to complete the application form.
- G. When applicable, the authority having enforcement jurisdiction shall verify the approximate total square footage of a subject facility on the application form.
- H. To be considered a completed application, the application form shall be completely filled out and signed by the owner or an authorized representative. The application shall further be signed by the State Fire Marshal and/or local fire marshal accompanied by a filing fee and written inspection report, plan review report, interpretation or other related documentation generated by the authority having enforcement jurisdiction unless this requirement is waived by the Board.
- I. Filing fees for applications involving specific existing or proposed buildings shall be set in accordance with the schedule outlined in R.I. Gen. Laws § 23-28.3-5(b)(1) through (2). Filing fees for all other appeals shall be set in accordance with the provisions of R.I. Gen. Laws § 23-28.3-5(b)(3).
- J. The requirement of a written inspection report, plan review report or other related documentation may be waived by the executive director and the chairperson, upon consultation with the State Fire Marshal and/or local fire marshal, when, in the opinion of the executive director and the chairperson, compliance with this requirement would impose a hardship on the applicant and/or the authority having enforcement jurisdiction.
- K. Any person, other than an attorney at law, who signs an application form as an authorized representative, shall provide the Board of Appeal & Review

with a letter of authorization signed by the owner of the subject facility unless this requirement is waived by the Board.

- L. Any of the above application procedures may be modified, by formal vote of the Fire Safety Code Board of Appeal & Review where such modification would allow for the streamlining or upgrading of the application process. This would include, but not be limited to, allowing for the electronic filing of applications and/or the payment of fees, participating in departmental or multi-agency expedited construction programs, and/or participating in programs established for the purpose of coordinating “one stop shopping” multi-agency services for the public.

1.7.2 HEARINGS AND COURT APPEALS

- A. The Board of Appeal & Review shall make a good faith effort to schedule all hearings within thirty (30) days of the receipt of a completed application sent to the Board by registered mail. The filing of a fire board administrative appeal shall automatically stay further enforcement action by the AHJ and the building shall be considered in compliance with the code while on appeal, until the case is heard or abatement procedures are implemented. However, where the AHJ advises that such an automatic stay would endanger the public and/or the owner’s tenants or employees, the chairman of the board, or his or her designee may, for such good cause shown, suspend the automatic stay pending review by the full board.
- B. Completed applications shall be scheduled, as far as practicable, in the order they were received by the Board of Appeal & Review. Multiple hearings from the same jurisdiction may be consolidated on a single hearing date in an effort to promote the efficient use of state and municipal resources. Requests for expedited hearings, as outlined in § 1.7.2(C) of this Part, shall be given priority.
- C. For good cause shown, a completed application may be scheduled for an expedited hearing by the executive director and the chairman, upon the request of the applicant and/or the AHJ, any state or municipal official and/or a court of competent jurisdiction.
- D. For the purposes of § 1.7.2(C) of this Part, some examples of good cause would be hearings which may directly or indirectly result in the issuance or denial of a building permit, a certificate of occupancy, a license, major funding, and hearings which, if delayed, would significantly interfere with a set construction schedule or a real estate closing.
- E. The chairman may delegate a subcommittee of the Board of Appeal & Review to conduct a hearing and take testimony from the petitioner.
- F. A subcommittee shall consist of three or more Board of Appeal & Review members accompanied by the executive director.

- G. A subcommittee meeting may be administrative or onsite in nature. An administrative subcommittee meeting may involve the scheduling of cases, drafting of rules and regulations and/or the day-to-day administration of the office. An onsite subcommittee meeting involves a physical tour of the subject facility with notice to both the applicant and the authority having enforcement jurisdiction. The notes of the executive director, along with any tape recordings, shall serve as the record of the subcommittee meeting.
- H. When appropriate for an administrative subcommittee, and in each case where an onsite subcommittee is assigned, the subcommittee shall make a good faith effort to submit its recommendations to the Board of Appeal & Review as to their findings within ten (10) days.
- I. If the applicant is aggrieved by the subcommittee's recommendations, as accepted, modified and/or rejected by the decision rendered by the Board of Appeal & Review, the applicant shall have the right to petition the Board of Appeal & Review, within thirty (30) days of the mailing date of the rendered decision. The applicant shall thereupon be scheduled for hearing before the full Board of Appeal & Review.
- J. All full Board of Appeal & Review hearings shall be conducted in accordance with the provisions of R.I. Gen. Laws § 42-35-9 of the Administrative Procedures Act. Failure of the Applicant to either attend a scheduled hearing, or send an authorized representative in his or her place, shall result in automatic dismissal of the variance application, unless the Board determines that there is good cause to reschedule the hearing.
- K. If during a hearing, it becomes apparent to the Board that there may be personality or other non-fire-code issues between the applicant and the AHJ, the Board shall have the discretion to table the case and request that the State Fire Marshal's Office conduct an investigation as to these non-fire-code issues, prior to the re-commencement of the hearing.
- L. A draft Decision shall be prepared by the Executive Director and submitted to the person who chaired the particular hearing (either the Chairperson, or the Vice Chairperson, or the Board Member chairing the particular hearing as Acting Chairperson) for review and approval.
- M. The draft Decision shall be reviewed by the person who chaired the particular hearing and then either be returned to the Executive Director with proposed modifications or with that person's approval and signature.
- N. A copy of any non-emergency Decision signed by the person who chaired the hearing and the Executive Director shall then be available for review by the members of the Fire Board for a period of not less than twenty-four (24) hours prior to the Decision being mailed. Any emergency Decision, as designated by the Chairperson and/or Executive Director may be issued and mailed immediately and corrected, if necessary, pursuant to § 1.7.2(O) of this Part.

- O. Any time after the Board hearing, but before a final decision is mailed, the Board of Appeal & Review may reopen a case at the request of either a Board Member, the applicant or the authority having enforcement jurisdiction, for purpose of taking additional previously unavailable testimony and/or evidence and uphold, modify and/or reverse its original decision.
- P. Any time after the final decision is mailed, the Board may, at the request of either a Board Member, the applicant or the authority having enforcement jurisdiction, and upon review of the record of the case, correct any administrative, clerical or other mistakes in the written decision to accurately reflect the record of the case. The resulting decision shall be entitled "Amended Decision".
- Q. Unless otherwise specified in the Decision, all listed timeframes shall be deemed to commence upon the listed mailing date of the Decision also identified therein as "the date of this Decision".
- R. Any building owner aggrieved by any decision, modified decision or amended decision of the Board of Appeal & Review may, within thirty (30) days after the mailing date of the decision, modified decision or amended decision, commence an action in the Sixth Division of the District Court, as outlined in R.I. Gen. Laws § 23-28.3-6, for review of the decision. Upon formal notification by the State Fire Marshal's Office that this case has been appealed, the Board shall take no action on any case that is currently pending before the Rhode Island District Court, until such time as a decision has been rendered by the court, or the case has been remanded back to the Board from the District Court for additional action by the Board.
- S. The findings of the Board of Appeal & Review shall be conclusive unless clearly erroneous.
- T. A party aggrieved by a final order of the Court may seek review thereof in the Supreme Court by petition for certiorari in accordance with the procedures contained in R.I. Gen. Laws § 42-35-16.
- U. Commencement of a Court appeal of the Board of Appeal & Review's decision does not operate as an automatic stay of the decision. (R.I. Gen. Laws § 42-35-15(c))
- V. The decisions of the Board of Appeal & Review covering specific facilities shall be considered comprehensive, integrated plans of fire safety for the subject facilities under the current use of occupancy. Accordingly, every variance granted is conditioned upon the applicant's timely and continued compliance with all of the directives of the Board of Appeal & Review. Every variance is further conditioned upon the continued use or occupancy of the subject facility under the occupancy classification reviewed by the Board in rendering its decision.

- W. Failure of the applicant to initially comply with the full decision of the Board of Appeal & Review within the stated time frame shall void all variances granted in the Decision. If the Board, in its sole discretion, determines that there is good cause shown to rehear a case in which the time frame has been exceeded, the Board, after rehearing the case, may reinstate any variances it deems to be appropriate.
- X. In the event of complete, timely and continued compliance with the full decision of the Board of Appeal & Review, all variances shall be deemed vested in the facility as long as the facility remains within the occupancy classification reviewed by the Board of Appeal & Review. If the use or occupancy of the facility changes, or the General Assembly adopts new standards covering all existing occupancies, the variances shall then be considered voided unless preserved by statute and/or Board directive.
- Y. In the event the use or occupancy classification of the subject facility is changed, as outlined in R.I. Gen. Laws § 23-28.1-6, all variances granted under the original use or occupancy are void and the facility shall be reviewed under the provisions of the State Fire Safety Code and/or the Rehabilitation Building and Fire Code for Existing Buildings and Structures (Rehabilitation Code) covering the newly created use or occupancy.
- Z. Any of the above administrative procedures may be modified, by formal vote of the Fire Safety Code Board of Appeal & Review, where such modification would allow for the implementation of any statutory revision to either the Administrative Procedures Act (R.I. Gen. Laws § 42-35-1, *et seq.*), the Comprehensive Fire Safety Act (R.I. Gen. Laws § 23-28.1-1, *et seq.*) and/or any other provision of the Rhode Island General Laws.

1.7.3 RULES AND REGULATIONS

- A. The State Fire Safety Code Board of Appeal & Review shall have the power to promulgate, amend, and repeal rules and regulations to safeguard life and property from hazards of fire and explosives, consistent with the standards outlined in R.I. Gen. Laws §§ 23-28.3-3 and 42-35-1 through 8.
- B. There shall be established a standing subcommittee of the Board to review all proposed rules and regulations, amendments and deletions to the State Fire Safety Code.
- C. The standing rules and regulations subcommittee shall be chaired by the vice chairperson of the Board of Appeal & Review.
- D. The chairperson and executive director shall be permanent members of the rules and regulations subcommittee along with any additional board members appointed by the chairperson.
- E. The rules and regulations subcommittee shall report its findings, recommendations and proposed rules to the Board of Appeal & Review.

1.7.4 CODE INTERPRETATIONS BY THE BOARD

- A. The Board of Appeal & Review, at the request of any party, may provide interpretations of both the statutory provisions and the rules and regulations which comprise the State Fire Safety Code.
- B. Any party requesting an interpretation shall outline the specific request, along with all supporting documentation, in a letter addressed to the Chairperson of the Fire Safety Code Board of Appeal & Review.
- C. The review of a request for interpretation may be formal or informal at the sole discretion of the Board. If the Board determines that a formal interpretation is appropriate, the chairperson, upon consultation with the executive director, shall produce a draft interpretation to be presented to the full Board of Appeal & Review.
- D. The full Board may adopt, amend, or reject the proposed formal interpretation. The final formal interpretation, agreed upon by the full Board, shall be issued and numbered under a separate filing system for Board Interpretations.
- E. Effective January 1, 2013, and within forty-eight (48) hours, exclusive of weekends and holidays, of the chairperson's execution of every written blanket variance and/or formal interpretation issued thereafter, copies of the blanket variance and/or formal interpretation shall be placed on the Fire Safety Code Board's website and the State Fire Marshal shall take all steps necessary to immediately disseminate the blanket variance and/or formal interpretation to all assistant deputy state fire marshals.
- F. There shall be no filing fee charged for Board Interpretations.

1.7.5 ABATEMENT

- A. The State Fire Marshal, or his or her designee within the division, or a non-salaried assistant deputy state fire marshal in accordance with guidelines established by the State Fire Marshal, has the authority to summarily abate any condition which presents immediate danger to life, which conditions shall include improper management or use of flammable and combustible materials, liquids and gases, 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 & 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. Any such order to vacate the premises shall be either pre-approved in writing by the State Fire Marshal or a designee of the State Fire Marshal who has been given advanced written authority by the State Fire Marshal to approve such actions.

- B. Upon the request of a building owner, or other party in interest, any abatement action, taken under the provisions of § 1.7.5(A) of this Part, shall be subject to review by the Board of Appeal & Review on an expedited basis at the next scheduled hearing or considered on an emergency basis by the chairperson or his or her designee, with appeal to the Fire Board.
- C. The chairperson, on an emergency basis, or the Fire Board, on an expedited basis, may uphold, modify or vacate any order issued pursuant to § 1.7.5(A) of this Part. Any such action by the chairperson may be appealed to the Fire Board. Any such action by the board may be appealed to the District Court.