

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF EAST GREENWICH, TO ADD CHAPTER 100, SECTION 100-27, "FIRE PREVENTION, INSPECTION AND INVESTIGATION (FIRE MARSHAL)".

The Town Council of the Town of East Greenwich hereby ordains:

Section 1. The Code of the Town of East Greenwich is hereby amended to add a new chapter as follows:

Chapter 100
Fire Prevention, Inspection and Investigation (Fire Marshal)

GENERAL REFERENCES

Permanent Fire Department — See Charter § C-109.

Article I

Fire Prevention, Inspection and Investigation

§ 100-27 Fire Prevention, Inspection and Investigation Division (Fire Marshal)

A. Summary. Under the authority of the Rhode Island State Fire Marshal, there shall be a Fire Marshal who shall enforce and perform the duties required by the Comprehensive Fire Safety Act, and all other provisions of the general and public laws insofar as such powers and duties relate to fires, fire prevention, fire protection, fire inspection, fire investigation, fire training and public education programs. The Fire Marshal also serves as the fire department representative at all Technical Review Committee meetings to ensure early development input. The mission of the Fire Marshal is the comprehensive, professional, and consistent enforcement of the Fire Safety Code to ensure that the minimum requirements necessary for fire and life safety are met. This requires the Fire Marshal to perform the roles of code enforcement official, fire investigator and educator.

Fire prevention activities that are provided by the town are part of a comprehensive plan to protect life and property from fire and other hazards. Code enforcement, pre-construction plan review, public fire education and the investigation of fires are all components of the prevention plan. The Fire Marshal, or his or her qualified designee are responsible for implementing and managing activities under this section. The Office of State Fire Marshal certifies staff serving in these positions.

Inspections of commercial occupancies are conducted to monitor and rectify conditions that may cause fire situations or the spread of fire. The primary objective of these inspections is to ensure the safe egress of occupants or employees who may be endangered by fire or its byproducts. The Fire Marshal, or his or her qualified designee shall work in cooperation with building, planning and zoning and, potential commercial and residential property owners to facilitate proper certifications for occupancy. It is also the responsibility of the Fire Marshal, or his or her qualified designee shall to enforce all aspects of local, state and federal regulations/codes pertaining to fire and life safety compliance.

- B. Plan Review. Any person, including any partnership, corporation or association, undertaking the erection, extension, alteration, repair, or moving of a structure, or undertaking any changes that may affect the fire safety or fire alarm system of a building or any portion thereof, shall be required to make application for plan review to the Fire Marshal, or his or her qualified designee. Said application shall be made prior to the start of any construction or work and shall be accompanied by the proper fee or fees as described in subsection hereof. All rough and final inspections, as necessary shall be considered as part of the plan review fee and will not be charged separately. No construction or work shall be started until the required application has been approved by the Fire Marshal, or his or her qualified designee.

A plan review application must be submitted along with the initial plans. When filling out this application, be sure to fill out all sections completely before submitting. In his code enforcement role, the Fire Marshal, or his or her qualified designee conducts a review of all submitted plans to determine the adequacy of the plans before starting a formal review. If the plans submitted are complete and satisfactory, they will be accepted, and the formal review process will begin. All fees for such reviews shall be in accordance with RIGL 23-28.2-26 Plan review fees.

- ☐ In all matters relating to plan review, the interpretations and decisions of the Town's Fire Marshal, or his or her qualified designee, shall be binding. If the applicant disagrees with the decision of the Fire Marshal, or his or her qualified designee, the applicant may request a variance or seek appeal to the Rhode Island Fire Safety Code Board of Appeal and Review.
- ☐ The Fire Marshal, or his or her qualified designee shall perform smoke and carbon monoxide detector inspections in all residential occupancies shall, at the time of inspection, be allowed to charge a thirty-dollar (\$30.00) fee for the inspection of any residential occupancy. The responsibility of this charged fee will be borne by the seller on each occurrence before title to the property is transferred. A thirty-dollar (\$30.00) fee will be allowed for any subsequent re-inspection of the same residential occupancy due to improper installation, wrong location, improper wiring method, or the seller's failure to maintain a mutually agreed upon appointment with the fire marshal. The fees collected by the Fire Marshal, or his or her qualified designee shall be used for fire prevention purposes.

The following residential/commercial/businesses are inspected by the East Greenwich Fire Marshal, or his or her qualified designee:

- ☐ All elementary, secondary and high schools (K-12).
- ☐ Private colleges
- ☐ Retail gas stations and service stations
- ☐ Apartment houses
- ☐ Theaters
- ☐ Hotels and motels

- ☐ Bed and breakfast buildings
- ☐ Lodging or rooming houses
- ☐ All industrial occupancies
- ☐ All private business occupancies
- ☐ All private mercantile occupancies
- ☐ All private storage occupancies
- ☐ All Town licensed and registered businesses per Town ordinance
- ☐ Rough and final commercial and residential inspections from plan review
- ☐ Complaints related to code violations

C. Investigations

The Fire Marshal, or his or her qualified designee is authorized by statute to respond to any fire or apparently attempted fire and investigate the cause or origin of the fire. The Fire Marshal, or his or her qualified designee will also request the State Fire Marshal respond to every fire of suspicious origin and any fire that results in a fatality. The Fire Marshal, or his or her qualified designee responds to all building fires as well as when requested by the responding fire officer. All investigators follow industry guidelines to establish the cause and determine whether the fire will be classified as accidental, incendiary, natural, or undetermined. Due to the complex nature of fire investigation, the Fire Marshal, or his or her qualified designee often works closely with other local, state, and federal agencies.

The investigations of all fires are conducted to determine cause and origin of ignition. This information is required to prevent the occurrence of future fires or at the least, reduce the severity of such incidents. If a fire is determined to be of suspicious origin, a thorough investigation is intended to prosecute the guilty party. In this case, the investigation becomes a deterrent to the crime of arson. When necessary, the Fire Marshal, or his or her qualified designee may utilize the expertise of mutual aid fire investigators, members of the Rhode Island State Fire Marshal's Office or agents from the Bureau of Alcohol, Tobacco and Firearms or Federal Bureau of Investigation.