

VERMONT FIRE PREVENTION CODE

SECTION 1. TITLE

These regulations are adopted pursuant to Title 20 V.S.A. Section 2721, and shall be known and cited as the Fire Prevention Code of the State of Vermont.

SECTION 2. INTENT OF CODE

It is the intent of this code to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

SECTION 3. SCOPE

(a) This code shall apply to all public buildings and facilities and to all storage, handling, and use of hazardous substances, materials, and devices.

(b) The provisions of this code shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this code shall be permitted to continue where in the opinion of the Marshal the exceptions do not constitute a distinct hazard to life or property.

(c) Nothing contained in this code shall be construed as applying to the transportation of any article or thing shipped under the jurisdiction of and in compliance with the regulations prescribed by the United States Department of Transportation, nor as applying to the military forces of the United States.

(d) Nothing contained in this code shall be construed to prevent the enforcement of other laws which prescribe more restrictive limitations.

SECTION 4. DEFINITIONS

(a) As used in the Vermont Fire Prevention Code:

(1) "Addition" means any extension or enlargement of a building.

(2) "Alteration" means a change or rearrangement in the structural parts of a building, or a change in required window or exit facilities, or in the building service equipment regulated by this code.

- (3) "Approved" means approved by the Marshal.
- (4) "Authority having jurisdiction" means the Marshal.
- (5) "Building" means public building as defined under Chapter 25, Title 18, V.S.A. §1301.

(6) "Building service equipment" is the mechanical, electrical, plumbing and elevator equipment, including piping, wiring, fixtures, and other accessories which constitute the sanitation, lighting, heating, ventilating, air conditioning, fire extinguishing, and transportation facilities provided or required in a building.

(7) "Marshal" means the State Fire Marshal or his authorized representative.

(8) "Repair" means the renewal, replacement, or reinforcement of any existing part of a building, in keeping with its existing type of construction, arrangement of parts and occupancy, for maintenance purposes, including replacements and reinforcements because of fire damage and damage caused by the force of objects and the elements against a building.

(9) "Repair, minor" is the renewal or replacement of any part of a building in keeping with the existing type of construction, arrangement of parts, and occupancy of the building, for maintenance purposes when the structural parts of the building are not affected.

(b) When terms are not defined in this section and are defined in the adopted National Safety Standards, they shall have the meaning ascribed to them in such Standards.

(c) Where terms are not defined under the provisions of this code or under the provisions of the adopted National Safety standards, they shall have ascribed to them their ordinary accepted meanings or such as the context herein may imply.

#### SECTION 5. ADOPTION OF NATIONAL SAFETY STANDARDS

(a) There is hereby adopted by the State Fire Marshal for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion in public buildings and facilities, the following nationally recognized safety standards, being particularly the specified edition thereof except such portions as are hereinafter deleted, modified, or amended, of which standards one copy is on file in the Office of the Secretary of State and the same are hereby adopted and incorporated as fully as if set out at length herein.

- (1) Standard for Water Tanks for Private Fire Protection - National Fire Protection Association Standard Number 22, 1971 Edition.
- (2) Flammable and Combustible Liquids Code - National Fire Protection Association Standard Number 30, 1969 Edition.
- (3) Standard for Spray Finishing Using Flammable and Combustible Materials - National Fire Protection Association Standard Number 33, 1969 Edition.
- (4) Standard for Dip Tanks Containing Flammable or Combustible Liquids, National Fire Protection Association Standard Number 34, 1971 Edition.
- (5) Standard for the Installation of Gas Appliances and Gas Piping - National Fire Protection Association Standard Number 54, 1969 Edition.
- (6) Standard for the Installation of Gas Piping and Gas Equipment on Industrial Premises and Certain Other Premises - National Fire Protection Association Standard Number 54A, 1969 Edition.
- (7) Standard for the Storage and Handling of Liquefied Petroleum Gases - National Fire Protection Association Standard Number 58, 1969 Edition.
- (8) Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants - National Fire Protection Association Standard Number 59, 1968 Edition.
- (9) Standard for the Production, Storage and Handling of Liquefied Natural Gas - National Fire Protection Association Standard Number 59A, 1971 Edition.
- (10) Lightning Protection Code - National Fire Protection Association Standard Number 78, 1968 Edition.
- (11) Standard for Prevention of Furnace Explosions in Natural Gas-fired Multiple Burner Boiler-Furnaces - National Fire Protection Association Standard Number 85B, 1971 Edition.
- (12) Standard for Prevention of Furnace Explosions in Fuel Oil-fired Multiple Burner Boiler-Furnaces - National Fire Protection Association Standard Number 85D, 1971 Edition.
- (13) Standard for Prevention of Furnace Explosions in Pulverized Coal-fired Multiple Burner Boiler-Furnaces - National Fire Protection Association Standard Number 85E, 1971 Edition.
- (14) Standard for Tank Vehicles for Flammable and Combustible Liquids - National Fire Protection Association Standard Number 385, 1971 Edition.

(15) Standard for Portable Shipping Tanks - National Fire Protection Association Standard Number 386, 1970 Edition.

(16) Code for the Storage of Ammonium Nitrate - National Fire Protection Association Standard Number 490, 1970 Edition.

(17) Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents - National Fire Protection Association Standard Number 492, 1968 Edition.

(18) Standard for the Prevention of Dust Explosions in Woodworking and Wood Flour Manufacturing Plants - National Fire Protection Association Standard Number 664, 1971 Edition.

(19) Wherever practicable and pursuant to 18 V.S.A. §1305A, whenever federal, state, county and municipal funds are available Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped - American Standards Association Specification All7.1, dated 1961.

(b) Code for Life Safety from Fire in Buildings and Structures - National Fire Protection Association Standard Number 101, 1970 Edition.

#### APPENDIX:

- 10 Installation of Portable Fire Extinguishers, 1970.
- 10A Maintenance and Use of Portable Fire Extinguishers, 1970.
- 11 Foam Extinguishing Systems, 1970.
- 11A High Expansion Foam Systems, 1970.
- 12 Carbon Dioxide Extinguishing Systems, 1968.
- 12A Halogenated Fire Extinguishing Agent Systems, 1971.
- 13 Installation of Sprinkler systems, 1971.
- 13A Care and Maintenance of Sprinkler Systems, 1971.
- 14 Installation of Standpipe and Hose Systems, 1971.
- 15 Water Spray Fixed Systems for Fire Protection, 1969.
- 17 Dry Chemical extinguishing Systems, 1969.

- 20 Installation of Centrifugal Fire Pumps, 1971.
- 30 Flammable and Combustible Liquids Code, 1969.
- 31 Installation of Oil Burning Equipment, 1968.
- 32 Dry Cleaning Plants, 1970
- 35 Manufacture of Organic Coatings, 1971.
- 36 Solvent Extraction Plants, 1967.
- 40 Storage and Handling of Cellulose Nitrate Motion Picture Film, 1967.
- 54 Installation of Gas Appliances and Gas Piping in Buildings, 1969.
- 56A Inhalation Anesthetics Code, 1971.
- 56C Hospital Laboratories, 1970.
- 56D Hyperbaric Facilities, 1970.
- 56F Nonflammable Medical Gas Systems, 1970.
- 58 Storage and Handling of Liquefied Petroleum Gases, 1969.
- 61A Prevention of Dust Explosions in Starch Factories, 1971.
- 61B Prevention of Dust Explosions in Grain Elevators and Bulk Handling Facilities, 1970.
- 61C Prevention of Dust Explosions in Flour and Feed Mills, Allied Grain Storage Elevators, 1971.
- 62 Dust Hazards of Pulverized Sugar and Cocoa, 1967.
- 651 Prevention of Dust Explosions in Aluminum Powder Manufacture, 1967.
- 652 Explosion and Fire Protection in Plants Handling Magnesium Powder or Dust, 1968.
- 654 Prevention of Dust Explosions in the Plastics Industry, 1970.
- 656 Prevention of Dust Ignitions in Spice Grinding Plants, 1971.
- 657 Prevention of Dust Explosions in Confectionery Manufacturing Plants, 1967.
- 664 Prevention of Dust Explosions in Woodworking and Wood Flour Manufacturing Plants, 1971.

- 68 Explosion Venting Guide, 1954
- 70 National Electrical Code, 1971.
- 71 Central Station Protective Signaling Systems, 1970.
- 72A Local Protective Signaling Systems, 1967.
- 72B Auxiliary Protective Signaling Systems, 1967.
- 72C Remote Station Protective Signaling Systems, 1967.
- 72D Proprietary Protective Signaling Systems, 1967.
- 76A Essential Electrical Systems for Hospitals, 1971.
- 80 Fire Doors and Windows, 1970.
- 82 Incinerators and Rubbish Handling, 1971.
- 85 Prevention of Furnace Explosions in Fuel Oil and Natural Gas-Fired Watertube Boiler-Furnaces with One Burner, 1967.
- 87 Construction and Protection of Piers and Wharves, 1971.
- 88 Garages, 1968.
- 89M Clearances for Heat Producing Appliances, 1971.
- 90A Air Conditioning and Ventilating Systems, 1971.
- 90B Installation of Residence Warm Air Heating and Air Conditioning Systems, 1971.
- 91 Installation of Blower and Exhaust Systems for Dust Stock and Vapor Removal or Conveying, 1961.
- 96 Vapor Removal from Commercial Cooking Equipment, 1971.
- 102 Tents, Grandstands, and Air-Supported Structures Used for Places of Assembly, 1967.
- 204 Smoke and Heat Venting Guide, 1968.
- 211 Chimneys, Fireplaces and Venting Systems, 1971.

- 220 Standard Types of Building Construction, 1961.
- 231 Indoor General Storage, 1970.
- 241 Standard for Safeguarding Building Construction Operations, 1968.
- 251 Methods of Fire Tests of Building Construction and Materials, 1969.
- 252 Methods of Fire Tests of Door Assemblies, 1969.
- 255 Tests of Surface Burning Characteristics of Building Materials, 1969.
- 409 Aircraft Hangers, 1971.
- 501A Mobile Home Parks, 1971.
- 501B Mobile Homes, 1971.
- 701 Fire Tests for Flame Resistant Textiles and Films, 1969.
- 703 Fire Retardant Treatments for Building Materials, 1961.

(c) All existing Fire Prevention regulations are rescinded except this code shall include the following Vermont Fire Prevention regulations promulgated by the State Fire Marshal of which regulations one copy is on file in the Office of the Secretary of State and the same are incorporated as fully as if set out at length herein.

- (1) Fireworks, 1953 Edition as amended.
- (2) Small Heating and Cooking Appliances, 1957 Edition.
- (3) Explosives, 1961 Edition.

#### SECTION 6. REFERENCE DOCUMENTS

(a) The specifications for the regulations set forth in Section 5 shall be found in the following reference documents:

- (1) Underwriters' Laboratories, Inc. - Fire Protection Equipment List, 1971 Edition as amended.
- (2) Underwriters' Laboratories, Inc - Building Materials List, 1971 Edition as amended.

(3) Underwriters' Laboratories, Inc. - Gas and Oil Equipment List, 1970 Edition as amended.

(4) American Insurance Association - National Building Code, 1967 Edition.

(5) Factory Mutual Engineering Corporation - Factory Mutual Approval Guide, 1972 Edition.

(6) Sheet Metal and Air Conditioning Contractors' National Association, Inc. - Fire Damper Guide for Air Handling Systems, 1972 Edition.

(7) National Electrical Code - National Fire Protection Association Standard Number 70, 1971 Edition.

(8) Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines - National Fire Protection Association Standard Number 37, 1970 Edition.

(9) Retail and Wholesale Lumber Storage Yards - National Fire Protection Association Standard Number 47, 1961 Edition.

(10) Standard for Gaseous Hydrogen Systems at Consumer Sites - National Fire Protection Association Standard Number 50A, 1969 Edition.

(11) Standard for Liquefied Hydrogen Systems at Consumer Sites - National Fire Protection Association Standard Number 50B, 1971 Edition.

(12) Standard for the Installation and Operation of Oxygen-Fuel Gas Systems for Welding and Cutting - National Fire Protection Association Standard Number 51, 1969 Edition.

(13) Standard for Fumigation - National Fire Protection Association Standard Number 57, 1968 Edition

(14) Standard for the Installation, Maintenance and Use of Municipal Fire Alarm Systems - National Fire Protection Association Standard Number 73, 1967 Edition.

(15) Standard for the Protection of Electronic Computer/Data Processing Equipment - National Fire Protection Association Standard Number 75, 1968 Edition.

(16) Standard for Ovens and Furnaces - National Fire Protection Association Standard Number 86A, 1971 Edition.

(17) Standard for Industrial Furnaces - National Fire Protection Association Standard Number 86B, 1971 Edition.

(18) Manual on Roof Coverings - National Fire Protection Association Standard Number 203M, 1970 Edition.

(19) Guide on Building Areas and Heights - National Fire Protection Association Standard Number 206M, 1970 Edition.

(20) Homes and Camps in Forest Areas - National Fire Protection Association Standard Number 224, 1969 Edition.

(21) Standard for Storage of Cellular Rubber and Plastic Materials - National Fire Protection Association Standard Number 231B, 1968 Edition.

(22) Standard for the Protection of Records - National Fire Protection Association Standard Number 232, 1970 Edition.

(23) Fire Protection Standard for Marinas and Boatyards - National Fire Protection Association Standard Number 303, 1969 Edition.

(24) Standard on Basic Classification of Flammable and Combustible Liquids - National Fire Protection Association Standard Number 321, 1969 Edition.

(25) Standard Procedures for Cleaning or Safeguarding Small Tanks and Containers - National Fire Protection Association Standard Number 327, 1970 Edition.

(26) Standard for Aircraft Fuel Servicing - National Fire Protection Association Standard Number 407, 1971 Edition.

(27) Standard on Aircraft Ramp Fire Hazard Classification and Precautions - National Fire Protection Association Standard Number 411, 1970 Edition.

(28) Fire Protection Practice for Facilities Handling Radioactive Materials - National Fire Protection Association Standard Number 801, 1970 Edition.

(b) The Fire Marshal may:

(1) Direct that tests of materials, devices, or structural assemblies be made, or sufficient evidence or proof be submitted, at the expense of the owner, where such evidence or proof is necessary to determine whether the material, device, or construction meets the requirements of this code.

(2) Revoke or refuse to issue an approval where in the opinion of the Marshal the results of tests referred to in subsection (1) are not satisfactory.

(c) In the case of any conflict between the provisions of this code and those of any reference document, the provisions of this code will always take precedence.

#### SECTION 7. INDEPENDENT SECTIONS: VALIDITY OR CONSTITUTIONALITY

Each section of this code and every part of each section is an independent section and the holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause does not affect the validity or constitutionality of any other section or part thereof.

#### SECTION 8. ANNUAL HEARING

Annually, on or before October 1, a hearing shall be conducted by the Fire Marshal's Office pursuant to the Administrative Procedures Act for the purpose of amending, or adopting newly amended sections of the appropriate sections of the NFPA Code or such other sections of this code as the Fire Marshal deems appropriate.

#### SECTION 9. RESPONSIBILITY OF THE OWNER

Neither the granting of an approval of the drawings and specifications nor inspections made by the Marshal shall in any way relieve the owner or lessee of such public building or premises from full responsibility for carrying out the work or having the work carried out in accordance with the requirements of this code.

#### SECTION 10. DUTIES OF THE OWNERS

Every owner or lessee of public property or premises shall:

(a) Permit the Marshal to enter any public building or premises at any reasonable time for the purpose of administering or enforcing this code.

(b) Obtain approval of drawings and specifications from the Marshal for all construction or major alteration of public buildings or premises prior to starting work on the building site.

(c) Give written notice to the Marshal 30 days prior to desired occupancy or use of the building or premises described in the plans and specifications approved by the Marshal.

(d) Obtain an occupancy approval from the Marshal prior to any:

(1) Occupancy of a building or part thereof after construction or alteration of that building or part, or

(2) Use of any plant or equipment on the premises, or

(3) Change in the class of occupancy of any building or part thereof.

#### SECTION 11. DRAWINGS AND SPECIFICATIONS, WHEN REQUIRED.

Where this code is applicable under Section 3 and before a building or facility or an addition to a building or facility is constructed or erected, and before a building or facility is altered or relocated, or building equipment is installed therein, drawings and specifications relating to the work and equipment under consideration shall be prepared in conformity with Section 13 of this code and be submitted to the Marshal for inspection, except that no drawings or specifications need be filed for alterations to or extensions of building service equipment which are performed under the supervision or direction of a professional engineer or registered architect, or for minor repairs.

#### SECTION 12. DRAWINGS AND SPECIFICATIONS, WHEN AND WHERE TO FILE

Prior to beginning the construction or erection of any building or facility for which drawings and specifications are required under Section 11 of this code, the owner thereof or his agent shall submit not less than two copies of said drawings and specifications to the State Fire Marshal, Montpelier, Vermont, for approval.

#### SECTION 13. DRAWINGS AND SPECIFICATIONS TO BE ADEQUATE.

(a) Drawings required under Section 11 shall be drawn to scale and shall be sufficiently clear, comprehensive, detailed and legible when submitted to the Marshal so that, together with any accompanying specifications and data, a person who is competent in such matters can readily determine whether or not the proposed building, addition, or alteration, and all proposed building equipment will conform in safety to all applicable provisions of this code.

(b) The live loads used in the design of the building shall be tabulated on the drawings for all work to which such drawings apply.

SECTION 14. DRAWINGS AND SPECIFICATIONS, REQUIRED EVIDENCE OF RESPONSIBILITY

Drawings and specifications, when submitted for inspection as required under Section 11, shall bear the identification of the person primarily responsible for their preparation and for the provisions for safety shown therein.

SECTION 15. DRAWINGS AND SPECIFICATIONS, INSPECTION OF

The Marshal shall examine drawings and specifications for compliance with this code when they are submitted to him for approval. Within 60 days from date of receipt, the marshal's office shall have an initial contact with the applicant for the purpose of granting approval, conditional approval with recommendations, if any, or disapproval as the case may be. Such contact however made shall always be confirmed in writing.

SECTION 16. DRAWINGS AND SPECIFICATIONS, APPROVAL OF.

(a) When the Marshal finds that the drawings and specifications submitted to him for approval under Section 11 conform to the applicable provisions of this code, he shall endorse or stamp such drawings and specifications as approved by the Marshal.

(b) Nothing in this code shall be construed to prevent the Marshal from issuing a conditional approval for the construction of part of a building or structure before the entire drawings and specifications of said building or structure have been submitted or approved, provided adequate information and detailed statements have been submitted for the same and have been found to comply with this code.

(c) Every approval issued is conditioned upon:

(1) Construction being started within six months from the issue date of the approval.

(2) Construction not being discontinued or suspended for a period of more than one year.

SECTION 17. DRAWINGS AND SPECIFICATIONS, REVOCATION OF APPROVAL OF

The Marshal may revoke an approval issued if any violation of this code is found upon inspection or in case there has been any false statement or misrepresentation as to a material fact in the drawings and specifications on which the approval was based.

SECTION 18. DRAWINGS AND SPECIFICATIONS, APPROVED SET REQUIRED

(a) One set of drawings and specifications approved under Section 16 shall be returned to the owner and shall be kept at the site of the work for which the drawings and specifications were approved and shall be available for reference by the Marshal at all times during working hours while such work is in progress.

(b) The Marshal shall stamp or endorse additional sets of drawings and specifications which have been approved by him, in addition to the two sets required under Section 12, when so requested by the owner or his agent.

SECTION 19. DRAWINGS AND SPECIFICATIONS, CONFORMITY TO

The construction, erection, and alteration of a building, and any addition thereto, and the equipment and maintenance thereof shall conform to required drawings and specifications which have been approved by the Marshal, except for minor deviations which do not involve a violation of this code.

SECTION 20. SPECIAL SUPERVISION, WHERE REQUIRED

Where, in the opinion of the Fire Marshal, the work covered by approved drawings and specifications involves construction or equipment which is hazardous or complex or for other good reason requires special or expert supervision, the Fire Marshal may require the architect who signed such drawings and specifications or professional engineer who affixed his seal thereto, or made the plans or computations for such work, to provide special inspection of the work involved and to certify upon completion that the work is done in substantial conformity with the approved drawings and specifications as they relate to safety. Where such architect or professional engineer is not available, another architect or professional engineer, or other qualified person shall perform the required special inspection.

## SECTION 21. INSPECTION

If the drawings and specifications for the erection, construction, repair, alteration, relocating, or equipment of a building are subject to inspection by the Marshal, under Section 11, he shall make or cause to be made such inspections, investigations, and determinations as are necessary to determine whether or not the work which has been performed and the installations which have been made are in conformity with the approved drawings and specifications relating thereto, except to the extent special inspection is provided under Section 20.

## SECTION 22. LIABILITY FOR DAMAGES

The code shall not be construed to hold the Marshal responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or the approval of drawings and specifications as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

## SECTION 23. PENALTIES

Every person who fails to comply with any provisions of this code or who fails to carry out an order made under this code or any condition attached to an approval or to which an approval is subject is guilty of an offense and shall be subject to prosecution as provided for in Title 20 V.S.A. §2727, or §3021(g), as the case may be.

## SECTION 24. CONFIDENTIAL INFORMATION

Any information necessarily required by the Fire Marshal or his representative which shall be of a confidential, proprietary or trade secret nature, shall be treated as confidential when so identified.

## SECTION 25. EFFECTIVE DATE

(a) These rules and regulations shall become effective June 1, 1972 and shall not be retroactive except when conditions exist which are inimical to fire prevention and public safety. (20 V.S.A. §2721(d) and 20 V.S.A. §3021(d)).

(b) These rules shall not apply:

(1) To designs begun before January 1, 1972, if such design will be completed and submitted for approval to the Fire Marshal on or before June 30, 1972 and a letter of intent to submit such designs is received by the Fire Marshal on or before the effective date of these rules;

(2) To construction begun on or before January 1, 1972 and completed by June 30, 1972, when design plans for such construction were submitted to and approved by the Fire Marshal before the effective date of the rules and no subsequent changes have been made.

## REVISION NOTES

Attached hereto are the proposed fire regulations as amended, which include suggestions made at the last hearing together with changes deemed necessary by the fire marshal's office. We have taken the rules as previously drafted, bracketed material that we will delete, underlined materials that we are proposing to add. In the case of section 5 considerable change was effected which was somewhat complicated. Consequently, the material is not underlined. Its inclusion follows the following format:

Section 5A includes those NFPA pamphlets which are being adopted as regulations. A number of the original pamphlets have been deleted but appear in

Section 5B which separates Life Safety Code Number 101 and makes specific reference to its appendix volumes. 5C provides for the retention of three current fire marshal regulation books.

Section 6, previously restricted to a small number of pamphlets entitled Standards has been expanded, including many of the pamphlets that were included under the original section 5A. It should be noted that these pamphlets are designed as guides (not regulations) for the conformation to regulations spelled out in the pamphlets sections 5A and 5B.

Some objections were raised at the hearing or in writing which we cannot validly amend in view of certain statutory requirements or recognition of particular working conditions. They are as follows:

a. Objection to use of the definition of public buildings as incorporated in Title 18. Unfortunately, Title 20 requires that we use this particular definition and until it is changed by the legislature, it is the one that we must go by.

b. Failure of the regulations to require the marshal to respond within a limited period of time. Unfortunately, we must consider the size of the marshal's staff...at the moment we cannot commit the marshal's staff to answering or responding within a limited time period since the staff is not large enough to carry this kind of requirement out without endangering the kind of buildings we approve. Minimum time response would probably result in rejection of the plans within the time required, causing the architect to resubmit them. It seems a lot simpler for the architect to submit the drawings once and wait a little longer, than to have to go through the whole procedure more than once.

c. The objection to incorporation of rules and regulations by reference is without merit unless the incorporation is not specific. In the instant case all regulations adopted are done so specifically and will continue to be in effect even if they are superseded by new NFPA regulations, unless the fire marshal's office, at the annual hearing provided for in the regulations, adopts the new regulations. In each instance the general public will have an opportunity to object or confirm the adoption of these regulations. Consequently, the fire marshal's office and the general public are not relinquishing their right to adopt regulations to an independent out-of-state agency.

d. Although the requirements of section 13B provide that live loads used in the design of the building be listed it should be remembered that the fire marshal has no authority to regulate such load. It was the intention here to be able to point out where such loads may be inadequate, based on the accumulated knowledge of the fire marshal's office.

e. Evidence of responsibility and certification of architects required in section 14 has been dropped in view of the fact that architects are committing themselves, when they use their seal, to following required regulation, standards and codes.

f. The objection to the incorporation in the rules of the American Standards Association specification on facilities to be used by the physically handicapped have been qualified by reference to the fact that such requirements are necessary when federal, state, county and municipal funds are available for the building. In view of the terminology "whenever practicable" it should be assumed that such regulations will not be applied where impracticable.

Some changes were made based on requests to do so which indicate first of all when the new rules will go into effect and secondly how they will be applied to drawings and buildings already in progress (see section 25). Pursuant to suggestion, section 24 was added to preserve confidential information when so identified.

We have also provided for an annual hearing (see section 8) which the marshal is required to conduct pursuant to the administrative procedures act. Such hearing will amend or adopt newly amended sections of the appropriate sections of the NFPA. It is conceivable that at an annual hearing new regulations of the NFPA may be rejected and old ones retained. This would usually be based upon the needs of Vermont in particular.

Certain powers of fire marshal as spelled out in section 8 have been deleted for the following reasons:

1. Certain of these powers are assumed pursuant to the authority established by the statutes. Other are clearly outside the scope of his authority. Consequently, you will notice that section 8, paragraphs "d" and "e" are now included under subsection "d" of section 6.

It should also be noted that under the statutory provisions, the fire marshal may exercise discretion in application of these rules, where, in the language of the Statute (2721(e)) "strict compliance with such provisions would entail practical difficulty or unnecessary hardship or is otherwise found to be unwarranted, provided that such variation or exemption or approved equivalent or alternate compliance secures the public safety".

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