

1983  
VERMONT  
FIRE PREVENTION  
AND  
BUILDING CODE

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DEPARTMENT OF LABOR AND INDUSTRY  
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1983 VERMONT FIRE PREVENTION AND BUILDING CODE

SECTION 1. TITLE

These rules are adopted under 21 V.S.A. §§ 252 and 262 and shall be known and cited as the 1983 Vermont Fire Prevention and Building Code.

SECTION 2. INTENT OF CODE

It is the intent of this Code to make rules regarding the construction of buildings, maintenance and operation of premises, and prevention of fires and removal of fire hazards and to prescribe standards necessary to protect the public, employees and property against harm arising out of or likely to arise out of fire.

SECTION 3. SCOPE AND CONSTRUCTION

(a) The 1983 Vermont Fire Prevention and Building Code shall apply to all public buildings and premises and to all manufacturing, storage, handling, transportation and use of hazardous, explosive and flammable petroleum products. For purposes of this Code, the words public building, building, premise, structure, or any part thereof, shall be construed to be the same as that prescribed for "public building" and "building" in Section 1301 of Title 18 of the Vermont Statutes Annotated.

(b) The 1983 Vermont Fire Prevention and Building Code shall apply equally to new and existing buildings, premises and conditions except that existing or new buildings, premises and conditions not in strict compliance with the terms of this code shall be permitted when, in the opinion of the Commissioner of Labor and Industry or a duly authorized representative, the exceptions do not constitute a distinct hazard to life or property.

(c) Nothing contained in the 1983 Vermont Fire Prevention and Building 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, or the Vermont Agency of Transportation with respect to the placarding, nor as applying to the military forces of the United States.

(d) It shall be unlawful to make any change in the use or occupancy of a public building or premise which would subject it to the provisions of this code without the approval of the Commissioner of Labor and Industry or a duly authorized representative.

(e) Alterations or repairs may be made to any structure without requiring the existing structure to comply with all the requirements of this code, provided such work conforms to that required of a new structure. Alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building. Alterations or repairs to an existing structure which are nonstructural and do not adversely affect any structural member or any part of the structure having a required fire resistance rating may be made with the same materials of which the structure is constructed.

(f) Nothing contained herein shall be construed to limit the authority of the Commissioner of Labor and Industry to establish priorities for enforcing these rules based on the relative risks to persons and property from fire of particular types of premises.

(g) In the event any part or provision of this Code is held to be illegal, this shall not have the effect of making void or illegal any of the other parts or provisions of this Code.

#### SECTION 4. ADOPTION OF NATIONALLY RECOGNIZED SAFETY STANDARDS

(a) The Commissioner of Labor and Industry for the purpose of making rules regarding the construction of buildings, maintenance and operation of premises, and prevention of fires and removal of fire hazards and prescribing standards necessary to protect the public, employees and property against harm arising out of or likely to arise out of fire, adopts the following nationally recognized safety standards:

- (1) The following Articles of The BOCA Basic Building Code/1981 and its 1983 Supplement:
  - Article 2 "DEFINITIONS" (all sections)
  - Article 3 "USE GROUP CLASSIFICATION" (all sections)
  - Article 4 "TYPES OF CONSTRUCTION CLASSIFICATION" (all sections)
  - Article 5 "GENERAL BUILDING LIMITATIONS" except for Section 515.0
  - Article 6 "SPECIAL USE AND OCCUPANCY REQUIREMENTS" except for Sections 604.0; 618.0; 620.0; 622.0; 623.0; 625.0; 626.0; 627.0
  - Article 7 "LIGHT, VENTILATION AND SOUND TRANSMISSION CONTROL" (all sections)
  - Article 8 "MEANS OF EGRESS" except for Section 804.2.1
  - Article 9 "STRUCTURAL LOADS AND STRESSES" (all sections)
  - Article 10 "FOUNDATION SYSTEMS" except for Section 1001.1

- Article 11 "MATERIALS AND TESTS" (all sections)
- Article 12 "STEEL, MASONRY, CONCRETE, GYPSUM AND LUMBER CONSTRUCTION" (all sections)
- Article 13 "BUILDING ENCLOSURES, WALLS AND WALL THICKNESS" (all sections)
- Article 14 "FIRERESISTIVE CONSTRUCTION REQUIREMENTS" (all sections)
- Article 15 "CHIMNEYS, FLUES AND VENT PIPES" (all sections)
- Article 16 "MECHANICAL EQUIPMENT AND SYSTEMS" (all sections)
- Article 17 "FIRE PROTECTION SYSTEMS" (all sections)
- Article 18 "PRECAUTIONS DURING BUILDING OPERATIONS" except for Sections 1800.0; 1801.0; 1802.0; 1803.0; 1804.0; 1805.0; 1806.0; 1807.0; 1808.0; 1809.0; 1810.0; 1811.0; 1812.0; 1813.0; 1814.0; 1815.0; 1816.0; 1818.3; 1819.0; 1820.0; 1821.0; 1822.0
- Article 20 "ELECTRIC WIRING AND EQUIPMENT" except for Sections 2000.2; 2000.2.1; 2000.2.2; 2000.2.3; 2001.2; 2001.2.5; 2001.2.6; 2001.2.8; 2002.0; 2003.0; 2004.0; 2005.1
- Article 21 "ELEVATOR, DUMBWAITER AND CONVEYOR EQUIPMENT, INSTALLATION AND MAINTENANCE" except for Sections 2100.1; 2101.0; 2102.0; 2103.0; 2104.0; 2105.0; 2106.0; 2107.0; 2108.0; 2109.0; 2110.0; 2111.0; 2112.0; 2113.0; 2114.0; 2115.0; 2116.0; 2117.0; 2118.0
- Article 23 "PREFABRICATED CONSTRUCTION" (all sections)
- Article 24 "LIGHT TRANSMITTING PLASTIC CONSTRUCTION" (all sections)
- (2) The following Articles and Sections of The BOCA Basic Fire Prevention Code/1981 and its 1983 Supplement:
- Article 2 "DEFINITIONS" except for "Fire Official"
- Article 3 "GENERAL PRECAUTIONS AGAINST FIRE" except for F-301.0; F-303.0; F-305.0; F-306.0; F-307.0
- Article 4 "FIRE PROTECTION SYSTEMS" (all sections)
- Article 5 "MEANS OF EGRESS" (all sections)
- Article 6 "AIRPORTS, HELIPOINTS, AND HELISTOPS" except for F-600.2; F-603.0

- Article 7 "APPLICATION OF FLAMMABLE FINISHES" except for F-700.2
- Article 8 "BOWLING ESTABLISHMENTS" except for F-800.1
- Article 9 "DRY CLEANING PLANTS" except for F-900.2; F-903.0; F-904.0; F-905.0; F-906.0; F-907.0; F-908.0
- Article 10 "DUST EXPLOSION STANDARDS" except for F-1000.2
- Article 11 "FRUIT RIPENING PROCESSES" except for F-1100.2
- Article 13 "LUMBER YARDS AND WOODWORKING PLANTS" except for F-1300.2
- Article 14 "OIL BURNING EQUIPMENT" (all sections)
- Article 16 "PLACES OF ASSEMBLY" (all sections)
- Article 17 "SERVICE STATIONS AND GARAGES" except for F-1700.2
- Article 18 "TENTS AND AIR-SUPPORTED STRUCTURES" except for F-1800.1
- Article 19 "VEHICLE TIRE REBUILDING PLANTS" except for F-1900.2
- Article 23 "CELLULOSE NITRATE (PYROXLIN) PLASTICS" except for F-2300.2
- Article 24 "COMBUSTIBLE FIBERS" except for F-2400.2
- Article 25 "COMPRESSED GASES" except for F-2500.2
- Article 27 "EXPLOSIVES, AMMUNITION AND BLASTING AGENTS" except for F-2700.2; F-2700.2.1; F-2700.3
- Article 29 "FLAMMABLE AND COMBUSTIBLE LIQUIDS" except for F-2900.2
- Article 30 "HAZARDOUS MATERIALS AND CHEMICALS" except for F-3000.2; F-3004.0
- Article 31 "LIQUEFIED PETROLEUM GASES" except for F-3100.2

The term "Fire Official" used in the BOCA Basic Fire Prevention Code/1981 and its 1983 Supplement shall mean the Commissioner of Labor and Industry or his duly authorized representative. If the Commissioner of Labor and Industry has assigned responsibility for municipal enforcement pursuant to 21 V.S.A. §256, the "Fire Official" shall be the qualified official(s) appointed by the municipality to enforce the rules and standards of this code.

(b) The deletion of certain Articles and Sections of the BOCA Basic Building Code/1981 and the BOCA Basic Fire Prevention Code/1981 has been necessary to ensure consistency with existing regulatory authority. The failure to incorporate these codes in their entirety should not be construed to minimize the value of the BOCA Codes as effective standards with current technology.

(c) With respect to New and Existing Health Care Facilities, and New and Existing Detention and Correctional Occupancies, Chapters 12, 13, 14 and 15 of the NFPA 101 Life Safety Code (1981) shall be applied in conjunction with applicable provisions of this Code.

(d) Provisions and appendices which are referred to in the adopted Articles, Sections and Chapters shall be utilized to the extent necessary to effectuate the purpose of the adopted Articles, Sections and Chapters.

#### SECTION 5. POWERS OF THE COMMISSIONER OF LABOR AND INDUSTRY

The Commissioner of Labor and Industry or a duly authorized representative may:

- (1) Enter any public building or premise for the purpose of administering or enforcing this code.
- (2) Cause a written notice to be delivered to the owner of any property directing him to correct any condition where, in the opinion of the Commissioner, that condition constitutes a violation of this code.
- (3) Order the owner to stop work on the building or premise if it is proceeding in contravention of this code or if it is considered unsafe.
- (4) 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 the evidence or proof is necessary to determine whether the material, device, or construction meets the requirements of this code.
- (5) Revoke or refuse to issue an approval where, in the opinion of the Commissioner, the results of tests referred to in subsection (4) of this section are not satisfactory.
- (6) Order the removal of any building or equipment erected or placed in violation of this code.

#### SECTION 6. RESPONSIBILITY OF THE OWNER

Neither the granting of an approval of the drawings and specifications nor inspections made by the Commissioner or a duly authorized representative shall in any way relieve the owner of the public building or premise from full responsibility for carrying out the work or having the work carried out in accordance with the requirements of this Code.

## SECTION 7. DUTIES OF THE OWNER

The owner of a building or structure, or a duly authorized representative shall:

- (1) Permit the Commissioner or a duly authorized representative to enter any public buildings or premises at any reasonable time for the purpose of administering or enforcing this code.
- (2) Obtain approval of drawings and specifications from the Commissioner or a duly authorized representative for all construction or major alteration of public buildings or premises prior to starting work at the building site.
- (3) Give written notice to the Commissioner or a duly authorized representative fifteen days prior to desired occupancy or use of the building or premise described in the plans and specifications approved by the Commissioner or a duly authorized representative.
- (4) Obtain an occupancy approval from the Commissioner or a duly authorized representative prior to any:
  - (a) Occupancy of a building or part thereof after construction or alteration of that building or part, or
  - (b) Use of any building plant or equipment on the premises, or
  - (c) Change in the occupancy of any building or part thereof.

## SECTION 8. APPLICATION FOR APPROVAL

- (a) Before a building or premise or an addition to a building or premise is constructed or erected, and before a building or premise 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 this code and be submitted to the Commissioner or a duly authorized representative for review. No drawings or specifications need be filed for minor repairs.
- (b) Prior to beginning the construction or erection of any building for which drawings and specifications are required under this code, the building owner or his agent shall submit a copy of the drawings and specifications to the Commissioner or a duly authorized representative for approval.
- (c) Drawings required under this code shall be drawn to scale and shall be sufficiently clear, comprehensive, detailed and legible when submitted to the Commissioner or a duly authorized representative 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 to this code.

- (d) Drawings and specifications submitted under this code shall bear the name of the person primarily responsible for their preparation. If the submittal is made by a person other than the owner of the building or structure, it shall be accompanied by a statement that the proposed work is authorized by the owner and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.
- (e) The Commissioner or a duly authorized representative shall examine the drawings and specifications for compliance with this code, and shall notify the applicant of his findings within a reasonable time after filing.
- (f) Drawings and specifications certified by a registered architect or professional engineer who prepared the same as conforming to the requirements of this code pertaining to design loads, stresses, strength and stability, or other requirements involving technical analysis, need be examined by the Commissioner or a duly authorized representative only to the extent necessary to determine conformity of the drawings and specifications with other requirements of this code.
- (g) The Commissioner or a duly authorized representative may issue a conditional approval for the construction of part of a building or structure before the entire drawings and specifications of the building or structure have been submitted or approved, provided adequate information and detailed statements have been submitted and have been found to comply with this code.
- (h) Any approval issued shall become invalid if the authorized work is not commenced within six months after issuance of the approval, or if the authorized work is suspended or abandoned for a period of one year after the time of commencing the work.
- (i) The Commissioner or a duly authorized representative may revoke an approval 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 is based.
- (j) Any information necessarily required by the Commissioner or a duly authorized representative which shall be of a confidential, proprietary or trade secret nature, shall be treated as confidential when so identified.
- (k) All work shall conform to the approved application and plans for which the approval has been issued and any approved amendments thereto.
- (l) A true copy of the approval shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work and until completion of the same.

(m) Where, in the opinion of the Commissioner or a duly authorized representative, the work covered by approved drawings and specifications involves construction or equipment which is hazardous or complex or for other reasons requires special or expert supervision, the Commissioner or a duly authorized representative may require the person who made the plans and 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 the person is not available, an architect or professional engineer, or other qualified person shall perform the required special inspection.

(n) If the drawings and specifications for the erection, construction, repair, alteration, relocating or equipment of a building are subject to inspection by the Commissioner or a duly authorized representative under this code, he may 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.

(o) The Commissioner or a duly authorized representative shall not be responsible for any damage to persons or property by reason of the inspection or reinspection authorized by this code or failure to inspect or reinspect or the approval of drawings and specifications as provided by this code or by reason of the approval or disapproval of any equipment authorized under this code.

#### SECTION 9. DRAWINGS AND SPECIFICATIONS, FEES

(a) Drawings and specifications submitted for review must be accompanied by the appropriate fee according to the schedule established in this section. Fees are based on the total valuation of the construction work to be done. Drawings and specifications will not be reviewed until the full fee has been paid.

(b) No fee shall be charged for the benefit of the state if the municipality in which the building or structure is located has assumed responsibility for reviewing and approving construction plans and drawings pursuant to 21 V.S.A. §256.

(c) The fee schedule is as follows:

<u>Valuation</u>	<u>Fee</u>
\$ 0 - 5,000	\$10 minimum fee
5,000 - 100,000	10 plus \$2/1000 over \$5,000
100,000 - 500,000	200 plus \$1.5/1000 over \$100,000
500,000 - 1,000,000	800 plus \$1/1000 over \$500,000
1,000,000 - 2,000,000	1,300 plus \$.75/1000 over \$1,000,000
2,000,000 - 5,000,000	2,050 plus \$.50/1000 over \$2,000,000
5,000,000 - 10,800,000	3,550 plus \$.25/1000 over \$5,000,000
10,800,000 and greater	5,000 maximum fee

(d) In the case of abandonment or discontinuance of a building project, the portion of the work actually completed shall be computed and any excess fee for the incompleting work, may be returned to the applicant upon written request.

(e) For purposes of assisting the Commissioner or a duly authorized representative in determining the validity of estimated valuation, reference may be made to the BOCA Building Valuation Data Report published annually by the Building Officials and Code Administrators (BOCA) International, Inc.

#### SECTION 10. APPROVAL

(a) A building or structure hereafter erected shall not be used or occupied in whole or in part until the approval of use and occupancy shall have been issued by the Commissioner or a duly authorized representative.

(b) A building or structure hereafter enlarged, extended or altered to change from one use group to another or to a different use within the same use group in whole or in part, and a building or structure hereafter altered for which an approval of use and occupancy has not been heretofore issued, shall not be occupied or used until the approval shall have been issued by the Commissioner or a duly authorized representative, certifying that the work has been completed in accordance with the provisions of the approved permit.

(c) Upon written request from the owner of an existing building or structure, the Commissioner or a duly authorized representative shall issue an approval of use and occupancy, provided there are not violations of law or orders of the Commissioner or a duly authorized representative pending, and it is established after inspection and investigation that the alleged use of the building or structure has heretofore existed. This code shall not require the removal, alteration or abandonment of, or prevent the continuance of, the use and occupancy of a lawfully existing building or structure, unless such use is deemed to endanger public safety and welfare.

(d) After a change of use has been made in a building or structure, the reestablishment of a prior use that would not have been legal in a new building of the same type of construction is prohibited unless the building complies with all applicable provisions of this code. A change from one prohibited use, for which a permit has been granted, to another prohibited use shall be deemed a violation of this code.

(e) Upon the request of the holder of a permit, the Commissioner or a duly authorized representative may issue a temporary approval of occupancy for a building or structure, or part thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of the building or structure without endangering life or public welfare.

- (f) All materials, equipment and devices approved for use by the Commissioner or a duly authorized representative shall be constructed and installed in accordance with such approval.
- (g) When there are practical difficulties involved in carrying out structural or mechanical provisions of this code or of an approved rule, the Commissioner or a duly authorized representative may vary or modify such provision upon application of the owner or the owner's representative, provided that the spirit and intent of the code shall be covered and public welfare and safety be assured.
- (h) Used materials, equipment and devices may be used provided they have been reconditioned, tested and placed in good and proper working condition and approved for use by the Commissioner or a duly authorized representative.
- (i) The provisions of this code are not intended to prevent the use of any material or method of construction not specifically prescribed by this code, provided any such alternative has been approved. The Commissioner or a duly authorized representative may approve any such alternative provided the Commissioner or a duly authorized representative finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.
- (j) The Commissioner or a duly authorized representative shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly, and if it is determined that the evidence submitted is satisfactory proof of performance for the use intended, the Commissioner or a duly authorized representative may approve its use subject to the requirements of this code. The costs of all tests, reports and investigations required under these provisions shall be paid by the applicant.
- (k) The Commissioner or a duly authorized representative may accept as supporting data to assist in the determination duly authenticated research reports from the Building Officials and Code Administrators International or from other approved sources for all materials or assemblies proposed for use which are not specifically provided for in this code.
- (l) All work shall be conducted, installed and completed in a workmanlike manner so as to secure the results intended by this code.

## SECTION 11. ADVISORY BOARD

- (a) The Commissioner of Labor and Industry may convene an Advisory Board at the request of the owner of a building or other person having a direct interest in a decision of the Commissioner or his authorized representative when the request claims that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction can be used.

- (b) The Advisory Board shall consist of three members each of whom shall be appointed by and serve at the pleasure of the Commissioner. Each member shall be a licensed professional engineer or architect or shall be experienced in building construction.
- (c) The Advisory Board shall select one of its members to serve as Chairman. The Commissioner of Labor and Industry shall designate an employee of the Department of Labor and Industry to serve as Secretary to the Board.
- (d) A member of the Board shall not pass on any question in which that member is engaged as contractor or material dealer, or in the preparation of plans or specifications, or in which the Board member has any personal interest.
- (e) The Board shall, by a concurring vote of at least two members, advise the Commissioner to affirm, modify, or reverse the decision appealed from. The recommendation shall be in writing and shall explain the reasons for the recommendation.
- (f) In the event the Commissioner of Labor and Industry rejects the recommendation of the Advisory Board, the Commissioner or a duly authorized representative shall make available for public inspection a written explanation of the reason(s) for not accepting the recommendation.
- (g) Nothing contained in this section shall be construed to limit the authority of the Commissioner of Labor and Industry to grant variances or exemptions pursuant to 21 V.S.A. §252.

## SECTION 12. EFFECTIVE DATES

The 1979 Fire Prevention Code of the State of Vermont shall be repealed upon the effective date of these rules.

These rules shall take effect May 1, 1983 and shall be known as the 1983 Vermont Fire Prevention and Building Code. Any building or premise upon which public construction, reconstruction or renovation was begun within two years prior to the effective date of this code or for which plans, drawings or specifications were approved within six months of the effective date of this code and which was in compliance with the 1979 Vermont Fire Prevention Code shall be considered in compliance with the 1983 Vermont Fire Prevention and Building Code.

Jeffrey L. Amestoy  
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