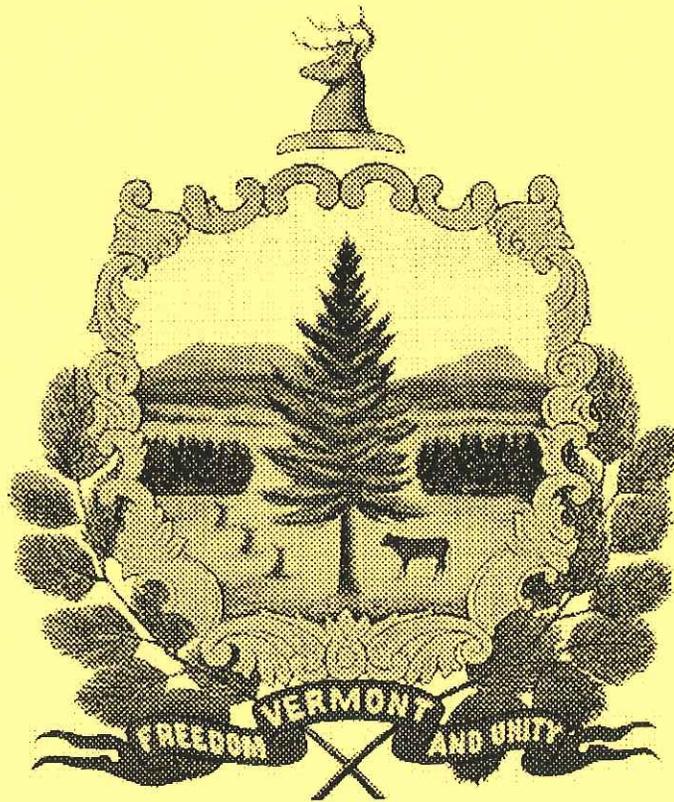


# Vermont Fire & Building Safety Code 2005

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VERMONT DEPARTMENT OF PUBLIC SAFETY

## **DIVISION OF FIRE SAFETY**

OFFICE OF THE FIRE MARSHAL AND FIRE ACADEMY

[vtfiresafety.org](http://vtfiresafety.org)

*Effective Date October 22, 2005*



# 2005 Vermont Fire & Building Safety Code

## *Introduction*

Since 1972 the State of Vermont has adopted nationally recognized safety standards to protect the public from fire and explosion hazards and establish standards for fire safety. Standards for boiler safety have been in place even longer. Vermont is able to benefit from the research and fire safety experience from experts across the nation in every area of expertise by using nationally recognized safety standards in this *Code*. The national standards are amended only when necessary to address conditions specific to Vermont, stay within the limits set by law or to clarify interpretations of certain sections.

The *2005 Vermont Fire & Building Safety Code* establishes the process to obtain a construction or operating permit, lists the codes and standards that are adopted and describes the process used to evaluate and grant a variance or exemption from the *Code*. The annexes to this *Code* are designed to help people understand the state laws related to fire, explosion, hazardous materials, structural safety and carbon monoxide, and enable people to understand and take advantage of the flexibility built into this *Code* for historic buildings.

This *Code* establishes separate minimum standards for new and existing buildings, and existing buildings that are used for a new purpose. This *Code* recognizes the need to protect the public when the use of a building changes putting more people at risk or introducing new hazards to a building. But, this *Code* is also written to facilitate the adaptive reuse of buildings recognizing certain limitations of existing buildings. This *Code* has less restrictive requirements for low risk occupancies and promotes the use of alternative solutions for safety.

The *Life Safety Code (NFPA 101)* is the most widely used standard adopted under this *Code* and applies to all buildings and premises regulated under this *Code*. The *Life Safety Code* regulates construction, fire protection and occupancy features necessary to minimize danger to life from fire and to allow escape from fire and non-fire emergencies.

The *Uniform Fire Code (NFPA 1)* applies to new and existing conditions including general fire safety provisions, fire protection including sprinkler systems, fire department access to buildings and special material and process fire hazards. The *Uniform Fire Code* functions as a guide to determine what other specialty codes and state amendments apply to a building, premise, or condition.

The *International Building Code (IBC)* applies to new construction and structural requirements. It is used to determine the allowable size of new construction, structural design features such as the snow load, and to ensure compliance with the performance requirements of other adopted standards.

The *National Board Inspection Code (NBIC)* is focused on the installation, maintenance and inspection of boilers and pressure vessels. The American Society of Mechanical Engineers (ASME) standards referenced in section 3 (b) regulates the design and manufacture of boilers and pressure vessels. Prior to this adoption of this *Code* there had been a separate set of rules for boilers and pressure vessels. By combining the boiler rules with the fire prevention rules there will be a simplified administrative process and better coordination for inspections regarding heating systems.

Information on how to contact the Division of Fire Safety and obtain copies of the adopted codes are in Annex V at the end of this *Code*.



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## Section 1.

### Title, Intent and Authority

(a) These rules are adopted under 20 V.S.A. Chapter 173, Subchapter 2 "Fire Safety Division", Subchapter 3 "Fire Hazards and Dangerous Substances", Subchapter 5 "Boilers and Pressure Vessels" and Chapter 177 "Explosives and Fireworks", and shall be known and cited as the Vermont Fire & Building Safety Code - 2005. It is the intent of these rules to provide for the public safety as directed by these sections of the law.

(b) This *Code* shall be administered and enforced by the Commissioner of Public Safety and staff members of the Division of Fire Safety that are hereby designated to enforce this *Code* and utilize discretionary authority regarding the details of the application of this *Code*. Hereafter the Commissioner, or designated representative, or in the case of a cooperative municipal inspection agreement, the approved inspector(s), are designated as the **Authority Having Jurisdiction** (AHJ). For the purpose of NFPA 1 section 1.13, Certificates of Fitness, the Commissioner and staff members of the Division of Fire Safety are designated as the AHJ.

(c) The AHJ may establish priorities for enforcing these rules and standards based on the relative risk to people and property.

## Section 2.

### Adoption of Nationally Recognized Standards

The following nationally recognized safety standards, as amended herein, are adopted for the purpose of making rules regarding the safeguarding of people and property in case of fire, explosion, hazardous materials, dangerous structural conditions and the generation of carbon monoxide.

This *Code* has been designed to minimize any conflict or difference between standards. Where there is a conflict between an adopted code and its referenced code or standard the adopted code shall apply. Where there is a conflict between the Life Safety Code (NFPA 101) and another code or standard the Life Safety Code shall apply. Where there is conflict between the Uniform Fire Code (NFPA 1) and the International Building Code or the National Board Inspection Code the Uniform Fire Code

shall apply. Where one code or standard has a requirement and another code or standard does not have a requirement the code or standard with a requirement shall apply. When there is a conflict between a general requirement and a specific requirement the specific requirement shall apply.

(a) National Fire Protection Association, standard **NFPA 1, Uniform Fire Code**, 2003 edition, including those standards referenced in Chapter 2 that shall be considered part of this *Code*.

*-delete-* section 1.8 Duties and Powers of the Incident Commander

*-delete & replace-* section 1.10 Appeals: Requests for variances, exemptions and reconsideration of the interpretation of this *Code*, shall be made and processed in accordance with Section 5 of this *Code*.

*-delete & replace-* section 1.13.1 Certificate of Fitness: A certificate of fitness is required for all individuals performing activities related to fire or life safety based on the qualifications as follows:

(1) Use of explosive materials – A current explosive license issued in accordance with Title 20 V.S.A. 3072 by the Vermont State Police is required for the use of explosive materials in Vermont.

(2) Blasting operations – A current explosive license issued in accordance with Title 20 V.S.A. 3072 by the Vermont State Police is required for blasting operations in Vermont.

(3) Fireworks displays – (Reserved)

(4) Inspection, servicing or recharging of portable fire extinguishers – (Reserved)

(5) Design, installation, inspection, servicing or recharging of **fixed fire extinguishing systems** – A current certificate from the National Institute for Certificate in Engineering Technologies (NICET) for fire suppression; or training by the manufacturer of fire suppression systems acceptable to the authority having jurisdiction. Eight hours of related instruction is required for certificate renewal.

(6) Design, installation, inspection, maintenance and testing of **fire alarm** and detection systems and equipment – A current master electrician, journeyman electrician or type S journeyman commercial fire alarm license, issued in accordance with Title 26 V.S.A. chapter 15. Eight hours of related instruction is required for certificate renewal. [72:4.3.3 is deleted and replace by this section]

(7) (a) **Delivery of liquid propane (LP) gas** – Successful completion of the LP gas Certified Employee Training Program (CETP) books 1.0, 2.2 and 2.4. [re-lighting a pilot light after an interruption of service is permitted under this certification]

- (b) **Plant Operations for LP gas** – Successful completion of CETP books 1.0, 3.1, 3.2, 3.3 & 3.4
- (c) **Design & Selection of LP gas Vapor Distribution System** – Successful completion of CETP books 1.0 & 4.1.
- (d) **Preparing & Installing of LP gas Vapor Distribution Components** – Successful completion of CETP books 1.0 & 4.2
- (e) **LP gas Transfer Systems operations** – Successful completion of CETP books 1.0 & 5.0
- (f) **Installation, Inspection and Service of LP gas Appliances** – Successful completion of CETP books 1.0, 4.2, 6.0 and 7.0. Eight hours of related instruction is required for certificate renewal including at least two hours regarding the prevention of CO leakage and the procedure for safety inspection of an existing appliance – NFPA 54 (annex H).
- (g) The installation, inspection and service of **both natural fuel gas systems and equipment, and LP gas systems and equipment** - Successful completion of the AGA course of study including "The Fundamentals of Combustion, Gas Appliance Venting, Electricity, Gas Controls, and Gas Appliances" and CETP books 1.0 and 4.2. Eight hours of related instruction is required for certificate renewal including at least two hours regarding the prevention of CO leakage and the procedure for safety inspection of an existing appliance – NFPA 54 (annex H).
- (h) Installation, inspection and service of **natural fuel gas** systems and equipment - Successful completion of the American Gas Association (AGA) course of study including "The Fundamentals of Combustion, Gas Appliance Venting, Electricity, Gas Controls, and Gas Appliances". Eight hours of related instruction is required for certificate renewal including at least two hours regarding the prevention of CO leakage and the procedure for safety inspection of an existing appliance – NFPA 54 (annex H)
- (i) Installation, inspection and service of **oil burning equipment** – A Silver certificate from the National Oilheat Research Alliance (NORA). Eight hours of related instruction is required for certificate renewal including at least two hours regarding the prevention of CO leakage and the procedure for inspection.
- (j) LIMITED installation, repair and maintenance of **oil burning equipment** not including placing a new unit in service – A Bronze certificate from NORA. Eight hours of related instruction is required for certificate renewal including at least two hours regarding the prevention of CO leakage and the procedure for inspection.
- (8) Cleaning, maintenance and evaluation of **chimneys** – A current certificate from the Chimney Safety Institute of America.
- (9) Installation, inspection or servicing of range hood systems - (Reserved)
- (10) **Calculations and design, for fire sprinkler and standpipe systems**, including private underground

and aboveground fire mains and fire pumps - A current level III certificate, or higher, for automatic fire sprinkler systems from NICET or a fire protection engineer license issued in accordance with Title 26 V.S.A. chapter 20. A person with a certificate of fitness under this section shall also be permitted to install, maintain, repair and test fire sprinkler and standpipe systems under section 1.13.1 (11).

(11) **Installation, maintenance, repair and testing for fire sprinkler and standpipe systems**, including private underground and aboveground fire mains and fire pumps – Completion of an approved fire sprinkler apprentice program or meeting the testing requirements established by the AHJ. Fifteen hours of related instruction is required for certificate renewal.

(12) LIMITED installation, maintenance, inspection and testing for **domestic fire sprinkler systems** with not more than 6 sprinklers for any isolated hazard area in accordance with 101:9.7.1.2 or an automatic fire sprinkler system in accordance with NFPA 13D, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, including multipurpose piping systems – Documented competency and experience acceptable to the AHJ. Eight hours of related instruction is required for certificate renewal.

(13) Installation, maintenance, repair and testing for **emergency generators** – Documented competency and experience through training by the manufacturer or acceptable by the AHJ. Eight hours of related instruction is required for certificate renewal.

*[Information on the periodic inspection & tests of fire protection systems is found in NFPA 1 amended section 4.5.8.4]*

-add- section 1.13.4.1 Experience & Training: The AHJ may accept successful completion of appropriate examination or certification other than those listed in this section when the examination or certification demonstrates an equivalent level of experience and training.

-add- section 1.13.8.1 Documentation for **Renewal**: An application for renewal shall include:

- (1) Documentation of having completed the required hours of approved related instruction regarding this Code during the previous certificate period, and
- (2) A completed and signed tax certification form in accordance with Title 32 V.S.A.3113, and
- (3) A completed and signed child support certification form in accordance with Title 15 V.S.A. section 795.

-add- section 1.13.12.4 Due Process: A person who has a certificate of fitness revoked or suspended shall be given written notification and the opportunity for a hearing following due process.

*-add referenced standards-* section 2.2 Referenced Publications: the following standards are added to section 2.2;

NFPA 53, Recommended Practice on Materials, Equipment, and Systems in Oxygen-Enriched Atmospheres, 1999 Edition.

NFPA 73, Residential Safety Code, as adopted by the Vermont Electrician's Licensing Board.

NFPA 92A, Recommended Practice for Smoke Control Systems, 1996 edition.

NFPA 92B, Guide for Smoke Management Systems in Malls, Atria and Large Areas, 2002 edition

NFPA 101A, A guide on Alternative Approaches to Life Safety 2001 edition.

NFPA 291, Recommended Practice for Fire Flow Testing and Marking of Hydrants, 2002 Edition.

NFPA 601, Standard for Security Services in Fire Loss, Loss Prevention, 2000 edition.

NFPA 720, Standard for the Installation of Carbon Monoxide Warning (CO) Equipment in Dwelling Units, 2005 edition.

NFPA 820 Standard for Fire Protection in Wastewater Treatment and Collection Facilities, 1999 edition.

NFPA 914, Code for Fire Protection of Historic Structures, 2001 edition

*-delete & replace in part -* section 2.2 Reference Publications:

Any reference to NFPA 5000, Building Construction and Safety Code, 2003 Edition, shall be to the International Building Code, 2003 edition, as amended in this *code*

*-cross-reference -* section 3.3.138.11 Health Care Occupancy to section 101:3.3.152.7 as amended

*-cross-reference -* section 3.3.138.22 Residential Board & Care Occupancy to 101.3.3.152.13 as amended

*-add-* section 4.5.2.1 **Historic Buildings:** NFPA 914, Code for Fire Protection of Historic Structures, 2001 edition, provides guidance to the AHJ in exercising the discretionary authority granted in section 4.5.2.

*-add-* section 4.5.7.3 Place of Assembly: A **place of assembly that changes ownership**, or increases the occupant load, shall not be occupied or used until a permit for use and occupancy has been issued by the authority having jurisdiction

*-delete & replace-* section 4.5.8.4 **Periodic Inspection and Test** of Fire Protection Systems: Inspections and tests of fire sprinkler (other than multipurpose piping systems), suppression, emergency electrical generation, alarm, detection and any other fire protection systems, devices and equipment shall be conducted for the owner by a technically qualified person who has obtained the required certificate of fitness according to section

1.13. Inspections and tests shall be conducted at least annually and cover all intervals of testing frequency for the system. Annual testing by a technically qualified person does not relieve the owner of the responsibility of maintenance, inspection and testing at more frequent intervals as required by this code. A technically qualified person shall file a written inspection report with the AHJ within 14 days of completion of each inspection.

*-add-* section 4.5.8.5 **Identification of fire protection systems:** A fire protection system identification number, provided by the AHJ, shall be affixed to the control panel, control valve or riser of the fire protection system to provide a unique identification number for the fire protection system.

*-add-* section 4.5.8.6 **Proof of Inspection:** Proof of inspection, approved by the AHJ shall be affixed by a technically qualified person to the control panel, control valve or riser of the fire protection system after the required inspection has been completed as evidence of that inspection. The proof of inspection fee for fire suppression, alarm, detection and any other fire protection systems shall be \$10.00.

*-add-* section 10.13.4 Truss Construction: All buildings containing truss construction assemblies shall be provided with signage permanently affixed at a height 4 feet above the ground located at the left side of the main entrance door on the address side of the building, at the location of the remote fire alarm annunciation panel or at the fire department connection for the fire sprinkler system. The sign shall be triangular in shape measuring 12 inches horizontally and 6 inches vertically and of contrasting color to the background containing the letter "F" for the truss floor assemblies, the letter "R" for truss roof assemblies and "FR" for truss floor and roof assemblies.

*-delete & replace-* Section 10.11.1 Permits for Open Fires & Burning: A permit is not required for an open fire where a permit has been obtained from the Town Forest Fire Warden in accordance with Title 10 V.S.A. chapter 83; 2645.

*-add-* section 10.15.1.1 **Combustible Vegetation:** In other than Health Care, Detention and Correctional occupancies, combustible vegetation, including natural cut Christmas trees otherwise prohibited under table 10.15.1 shall be permitted when located in areas protected by an approved automatic fire sprinkler system.

*-delete-* section 10.18.1 Permits for Parade Floats

*-cross-reference -* section 11.1.2 Electrical Installations to 101:9.1.2 as amended

[Information regarding natural fuel gas- section 11.4: The Department of Public Service regulates the

transportation of natural and other gas by **pipeline**. For additional information contact the Vermont Department of Public Service at (802) 828-2811]

~~-add-~~ section 11.5.1.4.2 **Interruption or Discontinuance of Gas Service:** Whenever service to a customer is discontinued one of the following must be complied with:

- (a) The valve that is closed to prevent the flow of gas to the customer must be provided with a locking device or other means designated to prevent the opening of the valve by persons other than those authorized by the operator.
- (b) A mechanical device or fitting that will prevent the flow of gas must be installed in the service line or in the meter assembly.
- (c) The customer's piping must be physically disconnected from the gas supply and the open pipe ends sealed. [reference 54:4.2.1 & 4.2.2]

~~-add-~~ section 11.5.1.4.3 **Change in LP Gas Delivery Service:** The building owner, tenant, or responsible party shall obtain a safety inspection that meets or exceeds NFPA 54 annex H, for gas utilization equipment in accordance with section 1.13, when new fuel delivery service is provided. [reference 54:8.1.2]

~~-add-~~ section 11.5.1.4.4 **Room Heater Installations: Unvented room heaters** and unvented fireplaces shall not be used in any building or structure regulated under this code. [54:9.23.1 is deleted & replaced by this subsection. It is not the intent of this section to prohibit heaters defined under NFPA 54 sections 3.3.67, Direct Gas-Fired Makeup Air Heater, 3.3.130, Industrial Air Heaters, Direct Gas-Fired Non-Recirculating, or 3.3.131, Industrial Air Heaters, Direct Gas-Fired Recirculating, used for large well ventilated areas.]

~~-add-~~ section 11.5.1.4.5 **Water Heater Installations:** Water heaters installed in bedrooms or bathrooms shall be of the direct vent type. [54:9.28.1.1 is deleted & replaced by this subsection]

~~-add-~~ section 13.3.1.2.1 **Approval of NFPA 13D Sprinkler Systems:** For all sprinkler systems designed in accordance with 13D, the technically qualified person certified under section 1.13 shall perform all required acceptance tests as required for NFPA 13R sprinkler systems, perform a water flow test for the most remote area, complete the Contractor's Material and Test Certificate(s), and forward the certificate(s) to the AHJ prior to asking for approval of the installation. Where the AHJ desires to be present during the conducting of acceptance tests, the installer shall provide the AHJ 15 day notification of the time and date of the testing. [13D:4.3 is deleted & replaced by this subsection]

~~-add-~~ section 13.3.1.2.2 **Arrangement of Fire Department Connections:** All new & existing fire department connections shall be arranged so that water from the fire department connection shall reach the sprinkler system regardless of any manually closed control valve. [NFPA 13:8.16.2.4.3 and 8.16.2.4.4 are amended by this section.]

~~-add-~~ section 13.3.1.3.1 **Fire Department Connections for Existing Sprinkler Systems:** Where there is no fire department connection for an existing NFPA 13 or 13R sprinkler system, or the threads do not meet NFPA 13 section 6.8, it shall be listed as a deficiency under NFPA 25: 5.1.1 by the technically qualified person conducting the annual inspection and corrected by the owner or occupant in accordance with NFPA 25: 4.1.4.

~~-add-~~ section 13.3.1.3.2 **Backflow Prevention for Existing Sprinkler Systems:** A backflow prevention device shall not be added to an existing fire sprinkler system that reduces the water supply or water pressure to a point lower than the minimum sprinkler system design. Sprinkler calculations verifying the modified sprinkler design shall be submitted to the AHJ.

~~-add-~~ section 13.3.2.1.1 **Sprinkler Protection for Elevator Hoistways:** Sprinkler protection for elevator hoistways shall be in accordance with NFPA 13 as amended in this section for 13:8.14.5:

8.14.5.1 Sidewall spray sprinklers shall be installed at the bottom of each elevator hoistway not more than 2' above the floor of the pit.

8.14.5.2 section deleted

8.14.5.3 Automatic sprinklers are not required for machine rooms constructed of noncombustible construction with the required fire protection rating.

8.14.5.4 Upright or pendent spray sprinklers shall be installed at the top of elevator hoistways. Automatic sprinklers at the top of hoistways shall be of ordinary or intermediate temperature rating.

8.14.5.5 In other than high rise buildings the sprinkler required at the top of the elevator hoistway by 8.14.5.4 shall not be required where the hoistway for passenger elevators is noncombustible and the car enclosure materials meet the requirements of ASME A17.1, Safety Code for Elevators and Escalators.

8.14.5.6 For the purpose of this section elevator hoistways serving 3 stories or less, and machine rooms, shall be considered noncombustible where constructed of independent metal framework and material meeting the definition for limited combustible material under 101:3.3.135.2.

~~-cross-reference-~~ section 13.3.2.14.2 **Sprinkler Systems in New Apartment Buildings with Direct Access to 101:30.3.5.2**

~~-add-~~ section 13.6.1.2.1 **Portable Fire Extinguishers for One and Two Family Dwellings:** Portable fire

extinguishers shall be provided in accordance with section 13.6 in dwelling units regulated under NFPA 101:24

*-cross-reference-* section 13.7.1.4.9.2.1 Power for Smoke Alarms to 101:9.6.2.10.2 as amended

*-cross-reference-* section 13.7.1.4.11.2 Means of Emergency Forces Notification by Fire Alarm to 101:9.6.4.2 as amended

*-add-* section 14.4.1.1 **Snow Removal:** All portions of the means of egress, including outside stairs and fire escapes, shall be kept clear of any accumulation of snow and ice at all times that the building is occupied. For multi-family dwellings with direct exit access to the outside and one and two family dwellings snow and ice shall be removed as soon as practicable.

*-cross-reference-* section 14.10.2 Impediments to Egress to 101:7.1.10.1.1

*-delete-* section 16.6.1 Permits for Torch Applied Roofing Systems

*-delete-* section 16.7.1.2 Permits for the Placement of Tar Kettles

*-delete-* section 16.8 Asbestos Removal: *[The Vermont Department of Health regulates the removal of asbestos containing materials, as well as the training for persons who remove asbestos containing materials. For additional information, contact the Vermont Department of Health, Health Protection Division (1-800-439-8550).]*

*-delete-* Chapter 17 Wildland Urban Interface

*-delete-* section 19.1.1 Commercial Rubbish-Handling Operations Permit

*-add-* section 20.1.4.6.5 **Means of Egress Inspection, Bars & Nightclubs:** The building owner or agent shall inspect all means of egress in assembly occupancies identified as bars, dance halls, discotheques, nightclubs or where festival seating is used, to ensure all means of egress are maintained free of obstructions, and correct any deficiencies found, prior to each opening of the building to the public. A record, available to the AHJ, shall be kept of all inspections, deficiencies found, and actions taken to correct them.

*-cross-reference-* section 20.2.3.1.2(1) Emergency Egress and Relocation Drills in Schools to 101:14.7.2.2(1)

*-add-* section 20.4.2.7 Alcohol-based Hand-rub Solutions: Alcohol-based Hand-rub solutions shall be

permitted in health care occupancies when used and stored in accordance with the following:

(1) The maximum individual dispenser fluid capacity shall be 0.3 gallons (1.2 liters) for dispensers in rooms, corridors and areas open to corridors.

(2) The location of dispensers in corridors shall be minimized.

(3) Where multiple dispensers are necessary the minimum horizontal spacing between dispensers shall be 4 ft.

(4) Dispensers shall not be installed over or directly adjacent to an ignition source.

(5) Storage of quantities greater than 5 gallons shall be in accordance with NFPA 30, Flammable & Combustible Liquids Code.

*-delete & replace-* sections 20.9.2.2, 20.10.2 & 20.11.2 Unvented Fuel-fired Heaters: Unvented fuel-fired heaters shall not be used. *[ 101: 30.5.2.2; 31.5.2.2; 26.5.2.2 and 24.5.1.2 are deleted and replaced by this section]*

*-delete-* section 22.2 Automobile Wrecking Yard Permit

*-delete & replace-* section 25.1.2 **Permits for Membrane Structures, Tents and Canopies:** Permits for an air-supported membrane structure, tent or canopy in excess of 1200 sq. ft. shall comply with 1.12.19.

*-add-* section 29.1.3 Ventilation for Occupied Spaces Adjacent or Accessory to Parking Structures: In addition to ventilation requirements under 88A:5.3 for enclosed parking structures, all connecting spaces or contained spaces such as offices, waiting areas, ticket booths and similar areas shall be maintained at a positive pressure. *(see section 7 for transition effective date)*

*-delete-* section 41.1.5 Permits for Welding, Cutting & other Hot Work

*-delete & replace-* section 42.2.3.3.2 Aboveground Storage Tanks for Fuel Dispensing: All aboveground storage tanks involved with fuel dispensing shall meet all applicable requirements of Chapter 2 and 3 of NFPA 30, Flammable and Combustible Liquids Code. All aboveground tanks storing Class I liquids shall be **fire resistant tanks** in accordance with Section 42.2.3.4.2.

*[30A:4.3.2 is deleted & replaced by this section]*

*-delete & replace-* section 42.2.3.3.2.4 Location of Aboveground Tanks for Fuel Dispensing: Tanks involved with fuel dispensing storing Class I liquids shall be located in accordance with Table 42.2.3.3.2.4. Tanks containing other liquids regulated under this chapter shall be permitted to be located with minimum separation requirements ½ of the

distances in Table 42.2.3.3.2.4. [30A:4.3.2.4 is deleted & replaced by this section]

*-add-* section 42.2.5.2.1.1 Lighting: Adequate lighting shall be provided for all fuel dispensing locations.

*-add-* section 50.1.1.1 Isolated **Cooking Operations**: The requirements for the hood, grease removal devices, duct and fixed fire extinguishing system may be modified by the AHJ for cooking operations in free standing tents, mobile units or other small buildings located greater than 30' from grandstands or other public buildings and occupied by employees only, when the clearance to combustibles, safety controls, portable fire extinguishers, staff training, fuel use, storage and shut-off, and electrical shut off for equipment are in compliance with this *Code*.

*-delete & replace-* section 51.1.2.1 Permits for Industrial Ovens and Furnaces: Permits for new installations, alterations or extensions to existing equipment shall comply with 1.12.19.

*-add-* section 53.4.1.1 Permits for Mechanical Refrigeration: A permit is not required for an existing facility that is in compliance with reporting requirements under the Vermont Community Right to Know Law, Title 20 V.S.A. Chapter 1.

*-add-* section 60.1.6.1.1 Permits for Hazardous Materials: A permit is not required for an existing facility that is in compliance with reporting requirements under the Vermont Community Right to Know Law, Title 20 V.S.A. Chapter 1.

[Information regarding chapter 65 **Explosives and Fireworks**- A license is required to possess, purchase, store, use, transport, give, transfer or sell explosives. For license applications or additional information contact the Division of State Police at (802) 244-8781.

The Division of Fire Safety regulates the safekeeping, storage, use, manufacturing, sale, handling, and other disposition of explosive material under this *Code*. The Division of Fire Safety also regulates the construction, manufacturing, storage, handling and use of fireworks for supervised public displays and pyrotechnic special effects under this *Code*.

It is unlawful for any person to offer for sale, sell at retail or wholesale, possess, use or explode any fireworks except as permitted for a supervised public display of fireworks.

A permit for a supervised public display of fireworks may be obtained from the Chief of the Fire Department, or in towns where there is no Fire Department from the board of selectman, where it is determined the display would not be hazardous to property or endanger the public. Application for a

permit must be made at least 15 days in advance of the public fireworks display.

**Sparklers** less than 14 inches long with no more than 20 grams of pyrotechnic mixture and novelty sparkling items limited to snakes, party poppers, glow worms, smoke devices, string poppers, snappers, or drop pops with no more than 0.25 grains of explosive mixture, that are in compliance with United States Consumer Product Safety Commission regulations, are legal for sale and use in Vermont.]

*-delete & replace -* section 65.2.3 **Permits for Public Fireworks Displays**: A permit for a supervised public display of fireworks shall be obtained from the chief of the fire department, or in towns where there is no fire department the board of selectmen, after determining the display would not be hazardous to property or endanger the public.

*-delete & replace-* section 65.11.1.1 **Consumer Fireworks**: The sale, handling and storage of consumer fireworks, including sparklers permitted for sale in Vermont, in both new and existing buildings, structures and facilities shall comply with NFPA 1124 and section 65.11.

*-delete & replace-* section 65.11.1.3.1 Exempt Amounts of **Consumer Fireworks**: Consumer fireworks retail sales facilities or stores where the fireworks and sparklers are in packages in accordance with the U. S. Consumer Product Safety Commission and where the total quantity of consumer fireworks and sparklers in the building does not exceed 125 lb (net) of pyrotechnic composition shall be exempt from the following sections:

-65.11.3[1124:7.3] Permits

-65.11.4[1124:7.4] Construction

-65.11.5.1[1124:7.5.1] Automatic Sprinkler System

-65.11.5.3[1124:7.5.3] Fire Alarms

-65.11.5.4[1124:7.5.4] Smoke Control

-65.11.7[1124:7.7] Separation distances

*-add-* section 66.1.5.1 Permits for Flammable & Combustible Liquids: A permit is not required for an **underground storage tank** regulated by the Agency of Natural Resources, Department of Environmental Conservation, according to NFPA 30. [The Agency of Natural Resources, Department of Environmental Conservation (DEC) regulates petroleum and chemical Underground Storage Tanks (USTs) that are 10 percent or more beneath the surface of the ground. All USTs are required to be registered with the Agency except for: (a) Tanks less than 1100 gallons containing fuel oil (#2-#6) which is used for on premises heating and domestic hot water, and (b) farm and residential tanks less than 1100 gallons containing motor fuel which is used for noncommercial purposes. In addition, certain

registered USTs are required to have permits for their operation and are subject to other operational standards. All USTs are subject to closure (removal) requirements upon being taken permanently out of service. For additional information contact the Vermont DEC at (802) 241-3888.]

*-add-* section 69.1.1.4 **Record of Installation for LP Gas Containers:** Installers shall maintain a record of all installations for which a permit is not required by section 69.1.1.3, but not including replacing of portable cylinders, available for inspection by the AHJ.

*- add-* section 69.3.2.6.5 LP Gas, Container Valves: Containers over 4,000 gallon (15.2m<sup>3</sup>) water capacity shall be equipped as required in section 58:2.3.3.2(b) (1) & (2). Internal valves with pneumatic shut-offs, or other approved safety designs, shall be required for new installations. [58:2.3.3.2(b) is amended by this section]

*-delete & replace-* section 69.3.2.4.2 **LP Gas Systems, Protection from Damage:** Where physical damage to LP Gas containers or systems of which they are a part, from vehicles is a possibility, physical protective barriers shall be provided to protect against such damage. [58:3.2.4.2 is deleted & replaced by this section]

*-add-* section 69.3.2.4.2.1 **Underground LP Gas Systems, Protection from Damage:** Where containers are installed underground within 10' of where vehicular traffic can be expected, physical protective barriers shall be provided for the fitting housing, housing cover, tank connections, and piping, to protect against vehicular damage. All other underground containers shall be provided with a reflective marker or other readily visible marker acceptable to the authority having jurisdiction, at 4' in height to mark the location of the housing cover. [58:3.2.9.1(c) is deleted & replaced by this subsection]

*-delete & replace-* Section 70.1.2.1 Permits for Oxidizers and Organic Peroxides: A permit is not required for an existing facility that is in compliance with reporting requirements under the Vermont Community Right to Know Law, Title 20 V.S.A. Chapter 1.

(b) National Fire Protection Association standard **NFPA 101, Life Safety Code**, 2003 edition, including those standards referenced in Chapter 2, that shall be considered part of this Code.

*-delete & replace in part-* section 2.2 National Electrical Code & Residential Electrical Safety Code: Any reference to NFPA 70 and 73 in this Code shall

be to the edition adopted by the Vermont Electricians Licensing Board.

*-delete & replace in part -* section 2.2 Reference Publications: Any reference to NFPA 5000, Building Construction and Safety Code, 2003 Edition, shall be to the International Building Code, 2003 edition, as amended in this code

*-delete & replace in part-* section 2.3.4 Safety Code for Elevators: Any reference to ASME 17.1 or 17.3 in this Code shall be to the edition adopted by Vermont Elevator Safety Review Board.

*-delete & replace-* section 3.3.152.7 Definition of **Health Care Occupancy:** An occupancy used for purposes of medical or other treatment or care of three or more persons where such occupants are mostly incapable of self-preservation due to age, physical or mental disability, or because of security measures not under the occupant's control.

*-delete & replace-* section 3.3.152.13 Definition of **Residential Board & Care Occupancy:** A building or portion thereof that is used for lodging or boarding of three or more residents, not related by blood or marriage to the owners or operators, for the purpose of providing personal care services.

*-add-* section 7.1.10.1.1 Clearance for **Inclined Lifts on Stairways:** Where a platform or chair lift is installed on an exit stair in an existing building the minimum clear width on the stair when the inclined lift is in the down position shall be

- 18" when the stair serves fewer than 10 people
- 22" where the stair serves fewer than 50 people
- as required by this Code when the stair serves 50 or more people.

Where a platform or chair lift is installed on an exit stair in a new building the minimum clear width on the stair when the inclined lift is in the down position shall be as required by this Code.

*-delete & replace-* section 7.2.2.6.5 Outside Stairs, Accumulation of Snow, Ice or Water: New outside stairs and landings, other than the primary entrance, shall be designed to minimize the accumulation of snow, ice and water by a roof or other approved means. [cross reference to 1:14.4.1.1]

*-cross-reference- amendments to NFPA 54, Fuel Gas Code, and NFPA 58, LP Gas Code, 1: 11.5.1.4*

*-add-* section 7.12.3 **Boiler Room Exits:** Two means of egress shall be provided for boiler rooms exceeding 500 sq. ft. floor area and containing one or more boilers having a fuel capacity of 1,000,000 BTU/HR or more. Each elevation shall be provided with at least two means of egress, each to be remotely located from the other. A platform at the top

of a single boiler is not considered an elevation. [reference NBIC I-2341]

*-delete & replace-* section 9.1.2 **Electrical Systems:** All electrical wiring and equipment shall installed and maintained in accordance with NFPA 70, National Electrical Code and NFPA 73, Residential Safety Code, as adopted by the Electricians' Licensing Board.

*-delete & replace-* section 9.6.2.10.2 **Power for Smoke Alarms:** All newly installed smoke alarms in one & two family dwellings, multiple unit dwellings, lodging or rooming houses, hotels and dormitories shall be directly wired to a non-dedicated electrical branch circuit for the building and by battery.

*- delete & replace-* section 9.6.4.2 Means of Emergency Forces Notification: Where fire department notification is required by another Section of this Code, the fire alarm system shall be arranged to transmit the alarm automatically via the most acceptable means available and in accordance with NFPA 72, *National Fire Alarm Code*.

Listed in order by the most acceptable to the least acceptable means of notification:

- (1) Fire Department Master or Radio Box.
  - (2) Leased direct line to the Fire Department.
  - (3) Leased direct line to the Police Department or dispatching agency for the Fire Department.
  - (4) Approved Central Station - UUFEX providing protective signaling services.
  - (5) Approved Central Station - CVSU providing monitoring services.
  - (6) Proprietary system.
  - (7) Recognized remote station.
  - (8) Digital dialer connected to approved remote station.
  - (9) Listed commercial digital dialer.
- [1:13.7.1.4.11.2 is deleted & replaced by this subsection]

*-cross-reference-* section 9.7.1 Back Flow Prevention for Existing Sprinkler Systems to 1:13.3.1.3.2

*-delete & replace-* section 9.7.4.1 **Portable Fire Extinguishers:** Portable fire extinguishers shall be located, installed, inspected and maintained in accordance with NFPA I section 13.6.

*-add-* section 9.9.1 **Carbon Monoxide Detection:** Where required by another section of this Code carbon monoxide alarms (detectors) shall be installed in accordance with NFPA 720, Standard for the Installation of Carbon Monoxide Warning (CO) Equipment in Dwelling Units, 2005 edition. NFPA 720 covers the selection, application, installation, location, testing and maintenance of carbon monoxide warning equipment in all buildings in

which people sleep. [section 720:1.1.2 is amended by this section]

*-add-* section 9.9.2 **Power for Carbon Monoxide Alarms:** All newly installed carbon monoxide alarms (detectors) in multiple unit dwellings, lodging or rooming houses, hotels and dormitories, or other buildings in which people sleep, shall be directly wired to a non-dedicated electrical branch circuit for the building and by battery. Carbon monoxide detectors in existing one-two family dwellings shall be permitted to be powered by any approved source. [for existing construction see section 7 for transition effective date]

*-add-* section 12.3.5.4 New Assembly Occupancies: In addition to the fire sprinkler requirements of 101:12.1.6 & 101:12.3.5 all assembly occupancies where the occupant load exceeds 100, identified as bars, dance halls, discotheques, **nightclubs** or where festival seating is used, shall be protected throughout by an approved, supervised, automatic fire sprinkler system.

*-cross-reference-* section 13.1 Permit for Place of Assembly with Change of Ownership to 1:4.5.7.3

*-add-* section 13.3.5.4 Existing Assembly Occupancies: In addition to the fire sprinkler requirements of 101:13.1.6 & 101:13.3.5 all assembly occupancies where the occupant load exceeds 100, identified as bars, dance halls, discotheques, **nightclubs** or where festival seating is used, shall be protected throughout by an approved, supervised, automatic fire sprinkler system (see section 7 for transition effective date)

[Bars, dance halls, discotheques, nightclubs and the use of festival seating (where no seating other than the floor is provided for the audience) are characterized by some or all of the following: a high density of people, alcohol consumption, late operating times, live or recorded entertainment, dance areas, low lighting levels and stage or platform areas for performing. A theater or opera house with fixed seating is not classified under this section]

*-delete & replace-* section 14.7.2.2(1) Emergency Egress and Relocation Drills: Not less than one emergency egress and relocation drill, in accordance with the school's emergency preparedness plan, shall be conducted every month the facility is in session.

*-delete & replace-* section 15.2.1.2 Student Occupied Space: Rooms normally occupied by preschool, kindergarten or first grade students shall be located on a level of exit discharge, unless otherwise permitted by 15.2.1.4. Rooms with 4 or fewer students, where the ratio of students to teachers or aides does not exceed 2:1 at any time, are not considered normally occupied by students in regards to this section.

*-delete & replace-* section 15.7.2.2(1) **Emergency Egress and Relocation Drills:** Not less than one emergency egress and relocation drill, in accordance with the school's emergency preparedness plan, shall be conducted every month the facility is in session.

*-add -* section 16.3.4.6 **Carbon Monoxide Detection in New Daycare:** Carbon Monoxide alarms (detectors) shall be installed in accordance with section 9.9.1 and 9.9.2 in the immediate vicinity of each separate sleeping area.

*-add -* section 17.3.4.6 **Carbon Monoxide Detection in Existing Daycare:** Carbon Monoxide alarms (detectors) shall be installed in accordance with section 9.9.1 and 9.9.2 in the immediate vicinity of each separate sleeping area.

*-add -* section 18.3.4.6 **Carbon Monoxide Detection in New Health Care:** Carbon Monoxide alarms (detectors) shall be installed in accordance with section 9.9.1 and 9.9.2 in each nursing station.

*-add -* section 19.3.4.6 **Carbon Monoxide Detection in Existing Health Care:** Carbon Monoxide alarms (detectors) shall be installed in accordance with section 9.9.1 and 9.9.2 in each nursing station.

*-delete & replace-* section 19.3.5.1 **Existing Health Care:** Existing health care facilities shall be protected throughout by an approved supervised automatic fire sprinkler system installed in accordance with section 9.7.

*-add -* section 22.3.4.5 **Carbon Monoxide Detection in New Detention and Correctional Facilities:** Carbon Monoxide alarms (detectors) shall be installed in accordance with section 9.9.1 and 9.9.2 in control rooms used by the facility.

*-delete-* section 22.4.4 **Renovations for Existing Non-sprinklered Detention and Correctional Facilities**

*-add -* section 23.3.4.5 **Carbon Monoxide Detection in Existing Detention and Correctional Facilities:** Carbon Monoxide alarms (detectors) shall be installed in accordance with section 9.9.1 and 9.9.2 in control rooms used by the facility.

*-delete and replace-* section 23.3.5.2 **Existing Detention & Correctional:** Existing detention & correctional facilities classified as Use Condition II, III, IV or V shall be protected throughout by an approved supervised automatic fire sprinkler system installed in accordance with section 9.7.

*-add-* section 24.1.1.1.1 **One & Two Family Dwellings used for Transient Lodging:** A building that provides sleeping accommodations for a total of

more than 6 people on a transient basis shall be classified as a lodging or rooming house or a hotel or dormitory under this code.

*-add-* section 24.2.2.3.1 **Existing Means of Escape:** The clear opening of an existing means of escape (*escape window*) under 24.2.2.3 (C) shall be permitted to be not less than 5.0 square feet.

*-add-* section 24.2.5.7 **Stair riser heights and tread depths:** Maximum riser heights of 7 ¾ in. and minimum tread depths of 10 in. shall be permitted in new construction.

*-add -* section 24.3.4.4 **Carbon Monoxide Detection, One-Two Family Dwellings:** Carbon Monoxide alarms (detectors) shall be installed in accordance with section 9.9.1 and 9.9.2 outside of each separate sleeping area in the immediate vicinity of the bedrooms. An additional carbon monoxide alarm (detector) shall be installed in any sleeping room that contains a fuel-burning appliance.

*[Manufactured housing that is built on a chassis to conform to the Housing and Urban Development (HUD) Standard are preempted by that federal standard and not subject to additional requirements under this Code. Manufactured housing built to the HUD standard has an identification plate. Smoke detectors installed in accordance with NFPA 501:5.8 are considered in compliance with Title 9 V.S.A. Chapter 77. An owner may contact the U.S. Department of Housing and Urban Development (HUD) in Washington, D.C. at 1-800-927-2891 or the Consumer Assistance Program of the Vermont Office of Attorney General at 1-800-649-2424 for additional information.]*

*-delete & replace-* section 24.5.1.2 **Unvented Fuel-fired Heaters:** Unvented room heaters and unvented fireplaces shall not be used.

*-add-* section 24.6 **Subdivision of Building Spaces in One-Two Family Dwellings:** New one-two family dwellings shall be provided with dwelling unit separation in accordance with 30.3.7.

*-add-* section 26.1.1.1.1 **Small Lodging & Rooming Houses:** A building that provides sleeping accommodations for a total of 6 or fewer persons, and is occupied by the proprietor, may be classified as a one and two family dwelling by the AHJ.

*-add -* section 26.3.3.5.4 **Carbon Monoxide Detection, Lodging & Rooming:** Carbon Monoxide alarms (detectors) shall be installed in accordance with section 9.9.1 and 9.9.2 outside of each separate sleeping area in the immediate vicinity of the bedrooms. An additional carbon monoxide alarm (detector) shall be installed in any bedroom that contains a fuel-burning appliance.

*-delete-* section 26.3.5.2 Exception for Automatic Sprinkler Protection for New Lodging & Rooming Houses with Direct Access

*-delete & replace-* section 26.5.2.2 Unvented Fuel-fired Heaters: Unvented room heaters and unvented fireplaces shall not be used.

*-add -* section 28.3.4.6 **Carbon Monoxide Detection in New Hotels & Dormitories:** Carbon Monoxide alarms (detectors) shall be installed in accordance with section 9.9.1 and 9.9.2 in any section of corridor or common area that is in the immediate vicinity of sleeping rooms, or where there is no corridor, in each sleeping room. An additional carbon monoxide alarm (detector) shall be installed in any sleeping room that contains a fuel-burning appliance.

*-delete -* section 28.3.5.2 Exception for Automatic Sprinkler Protection for New Hotels & Dormitories with Direct Access

*add-* section 29.3.4.4 Detection for Existing Hotels & Dormitories: A corridor smoke detection system in accordance with section 9.6 shall be installed in existing hotels & dormitories other than those protected throughout by an approved supervised automatic sprinkler system in accordance with section 9.7.

*-add -* section 29.3.4.6 **Carbon Monoxide Detection in Existing Hotels & Dormitories:** Carbon Monoxide alarms (detectors) shall be installed in accordance with section 9.9.1 and 9.9.2 in any section of corridor or common area that is in the immediate vicinity of sleeping rooms, or where there is no corridor, in each sleeping room. An additional carbon monoxide alarm (detector) shall be installed in any sleeping room that contains a fuel-burning appliance.

*-delete & replace-* section 30.3.4.5.2 **Smoke Alarms in Sleeping Rooms:** Approved smoke alarms shall be provided in each sleeping room in accordance with 9.6.2.10.

*-add -* section 30.3.4.6 **Carbon Monoxide Detection, New Apartment Buildings:** Carbon Monoxide alarms (detectors) shall be installed in accordance with section 9.9.1 and 9.9.2 outside of each separate sleeping area in the immediate vicinity of the bedrooms. An additional carbon monoxide alarm (detector) shall be installed in any bedroom that contains a fuel-burning appliance.

*-delete & replace-* section 30.5.2.2 Unvented Fuel-fired Heaters: Unvented room heaters and unvented fireplaces shall not be used.

*-add -* section 31.3.4.6 **Carbon Monoxide Detection, Existing Apartment Buildings:** Carbon Monoxide alarms (detectors) shall be installed in accordance with section 9.9.1 and 9.9.2 outside of each separate sleeping area in the immediate vicinity of the bedrooms. An additional carbon monoxide alarm (detector) shall be installed in any bedroom that contains a fuel-burning appliance.

*-delete & replace-* section 31.5.2.2 Unvented Fuel-fired Heaters: Unvented room heaters and unvented fireplaces shall not be used.

*-add-* section 32.1.1.2 **Assisted Living Facilities:** In addition to the requirements of this chapter a facility licensed under the Department of Aging & Disabilities Rules for Assisted Living Residences shall comply with the following:

(1) All facilities shall be fully sheathed (15 min. fire rating) in addition to having complete automatic fire sprinkler protection.

(2) Emergency lighting shall be provided for the means of egress and in the vicinity of doors equipped with delayed egress locks.

(3) & (4) (reserved)

(5) The fire alarm system shall provide emergency forces notification.

(6) All automatic fire sprinkler systems shall be electronically supervised.

(7) (reserved)

(8) Corridors for large facilities shall not be less than 48".

(9) Subdivision of building spaces in accordance with 101:18.2.2.5 shall be provided in common areas of large facilities using the same criteria as used for limited care facilities (15 square feet per resident).

*-add -* section 32.1.1.2.1 **Carbon Monoxide Detection in New Residential Care:** Carbon Monoxide alarms (detectors) shall be installed in accordance with section 9.9.1 and 9.9.2 in any section of a corridor or common area that is in the immediate vicinity of sleeping rooms.

*-delete & replace-* section 32.2.3.5.1 **New Residential Board & Care:** All new residential board & care facilities shall be protected throughout by an approved supervised automatic fire sprinkler system installed in accordance with section 9.7.

*-delete-* section 32.2.3.5.2 Exception for Sprinkler Protection for New Small Board and Care Facilities

*-add -* section 33.1.1.2.1 **Carbon Monoxide Detection in Existing Residential Care:** Carbon Monoxide alarms (detectors) shall be installed in accordance with section 9.9.1 and 9.9.2 in any section of corridor or common area that is in the immediate vicinity of sleeping rooms.

*-delete & replace-* section 33.2.3.4.3.1 **Smoke Alarms in Sleeping Rooms:** Approved smoke alarms shall be provided in each sleeping room in accordance with 9.6.2.10.

*-delete-* section 33.2.3.4.3.5 Exception for Smoke Alarms in Residential Care with Sprinkler Protection

*-delete-* section 33.2.3.4.3.6 Exception for Smoke Alarms in Residential Care with Sprinkler Protection – Battery Operated

*-add-* section 38.2.4.2.1 **Single exit for New Small Business:** A single exit shall be permitted to be unenclosed in two-story buildings when the travel distance does not exceed 75' and all areas opening to the exit access stairs are provided with smoke alarms in accordance with 9.6.2.10.

*-add-* section 38.3.1.1(3) **Protection of Vertical-Opening in New Small Business:** Unenclosed vertical openings shall be permitted to be unenclosed in two-story buildings when the travel distance does not exceed 75' and all areas opening to the exit access stairs are provided with smoke alarms in accordance with 9.6.2.10.

*-add-* section 39.2.4.2.1 **Single Exit for Existing Small Business:** A single exit shall be permitted to be unenclosed in two-story buildings when the travel distance does not exceed 75' and all areas opening to the exit access stairs are provided with smoke alarms in accordance with 9.6.2.10.

*-add-* section 39.3.1.1 (4) **Exception for Protection of Vertical Openings for Existing Small Business:** Exit access stairs shall be permitted to be unenclosed in two-story buildings when the travel distance does not exceed 75' and all areas opening to the exit access stairs are provided with smoke alarms in accordance with 9.6.2.10.

(c) National Board of Boiler and Pressure Vessel Inspectors, **National Board Inspection Code**, Part RA – RE, Appendix 1-9 and A-K, 2004 edition

*-delete & replace-* section I-3724(a) **Low Water Cutoff:** Each automatically fired low pressure hot water boiler shall have an automatic low-water fuel cutoff which has been designed for hot water service, and it shall be so located as to automatically cut off the fuel supply when the surface of the water falls to the level established in I-3724(b).

(d) International Code Council, **International Building Code (IBC)**, 2003 edition, including those standards referenced in Chapter 35 to the prescribed extent of each reference by adopted sections of the IBC. The IBC is adopted to the extent necessary to ensure compliance with the performance

requirements of this *Code* and the intent of this *Code* regarding safeguarding of people and property in case of fire, explosion, dangerous structural conditions and the generation of carbon monoxide.

*-delete-* chapter 1 Administration except for section 106.3.4 and the following sections:

*-delete & replace-* section 101.4 Referenced Codes: Where referenced under the IBC any reference to the:  
\* **ICC Electrical Code**, shall be to the National Electrical Code, NFPA 70, as adopted by the Electricians Licensing Board

\* **International Fuel Gas Code**, shall be to the National Fuel Gas Code, NFPA 54, 2002 edition, as adopted under this *Code*

\* **International Mechanical Code**, shall be to the Uniform Fire Code, NFPA 1, 2003 edition, including NFPA 90A, as adopted under this *Code*

\* **International Plumbing Code** shall be as adopted by the Plumbers Examining Board

\* **International Property Maintenance Code**, shall be to the Uniform Fire Code, NFPA 1, 2003 edition and the Life Safety Code, NFPA 101, 2003 edition, as adopted under this *Code*

\* **International Fire Code**, shall be to the Uniform Fire Code, NFPA 1, 2003 edition, as adopted under this *Code*

\* **International Energy Code**, shall be to the Vermont Guidelines for Energy Efficient Construction, as published by the Vermont Department of Public Service, and shall only apply to new state-funded buildings or additions

\* **International Residential Code**, or to R-3 Occupancy Classification for one & two family dwellings, shall be to the Life Safety Code, NFPA 101, 2003 edition as adopted under this *Code*

*-delete & replace-* section 105 Construction Permits: Permits shall be obtained in accordance with section 4 of the Vermont Fire & Building Safety Code

*-delete & replace-* section 308.2 Group I-1, Residential Board & Care Facilities: Assisted Living Facilities and similar use: Residential care facilities, assisted living facilities and similar use in which three or more clients receive care shall be classified and regulated in accordance with the Life Safety Code, NFPA 101, and the IBC, chapter 16.

*-delete & replace-* section 308.5 Day Care Facilities: Day care facilities in which four or more clients receive care shall be classified and regulated in accordance with the Life Safety Code, NFPA 101, and the IBC, chapter 16.

*-delete & replace-* section 310.1 R-3 Detached one & two Family Dwellings: Detached one & two family dwellings shall be classified and regulated in accordance with the Life Safety Code, NFPA 101.

*-delete & replace-* section 415.9.1 Protection of **Semiconductor Fabrication Facilities**: In addition to requirements set elsewhere in this code semiconductor fabrication facilities shall be in accordance with the Uniform Fire Code, NFPA 1, and NFPA 318.

*- Construction Correlation Table -*

**96 NBC   03 IBC   101/1 NFPA**

1A	none	I(443)
1B	IA	I(332)
2A	IB	II(222)
2B	IIA	II(111)
2C	IIB	II(000)
3A	IIIA	III(211)
3B	IIIB	III(200)
4	IV	IV(2HH)
5A	VA	V(111)
5B	VB	V(000)

*-delete & replace-* section 506.2.2 Open Space for Area Increase: Such open space shall be either on the same lot or dedicated for public use, clear and unobstructed at all times, usable for fire department operations and accessed from a street or fire department access road in accordance with NFPA 1: chapter 18.

*-add-* section 507.10 Open Space for Unlimited Area Buildings: Open space required under section 507 shall be either on the same lot or dedicated for public use, clear and unobstructed at all times, usable for fire department operations and accessed from a street or fire department access road in accordance with NFPA 1: chapter 18.

*-delete & replace-* section 705 **Fire Walls**: The design and construction of new firewalls shall be in accordance with NFPA 1:12.3 and NFPA 221. The minimum fire resistance ratings of firewalls located in a building with a complete automatic sprinkler system shall be two hours and the minimum fire resistance ratings of firewalls located in a building without a complete automatic sprinkler system shall be three hours.

*-delete & replace-* chapter 8 Interior Finishes: Interior finishes shall be in accordance with the Life Safety Code, NFPA 101, as adopted under this Code.

*-delete & replace-* chapter 10 Means of Egress: Means of Egress shall be in accordance with the Life Safety Code, NFPA 101, as adopted under this Code.

*-delete & replace-* chapter 11 **Accessibility**: All new construction and alterations shall be in accordance with the "Accessibility in Public Buildings - Rules for New Construction and for Alterations to Existing Buildings" as adopted by the Vermont Access Board and 20 V.S.A. 2907 regarding residential construction.

*-delete-* chapter 12 Interior Environment except for section 1209 Access to Unoccupied Spaces

*-delete- & replace-* chapter 13 **Energy Efficiency**: New state-funded buildings or additions shall be designed in accordance with the Vermont Guidelines for Energy Efficient Construction, as published by the Vermont Department of Public Service. [The Department of Public Service provides technical assistance and expert advice regarding the energy standard requirements for new construction. This includes criteria that builders may use in lieu of computer or systems analysis of the building. For additional information contact the Vermont Department of Public Service at 1-888-373-2255.]

*-add-* section 1608.2.1 Local **Snow Load**: The Minimum Ground Snow Load Map and the Average Yearly Snowfall Map shall be used in determining the ground snow load. [The snow load map is located in the Annex to this Code]

*-add-* section 1608.3.6 Minimum **Snow Load**: The resultant flat roof snow load on a roof with a slope equal to or less than 5 degrees shall not be less than 40 pounds/square foot.

*-delete & replace-* sections 2111 through 2113: **Masonry Fireplaces, Heaters and Chimneys**: Masonry fireplaces, heaters and chimneys shall be in accordance with the Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances, NFPA 211, as adopted under this Code

*-delete & replace-* chapter 27 **Electrical**: Electrical components, equipment and systems shall be in accordance with the National Electrical Code, NFPA 70, as adopted by the Electricians' Licensing Board

*-delete & replace-* chapter 28 **Mechanical Systems**: Mechanical equipment and systems shall be installed in accordance with the Uniform Fire Code, NFPA 1, including NFPA 90A as adopted under this Code.

*-delete & replace-* chapter 29 Plumbing Systems: Plumbing work is regulated under the International Plumbing Code as adopted by the Plumbers Examining Board.

*-delete & replace-* chapter 30 **Elevators** and Conveying Systems, except sections 3002.1, Hoistway Enclosure Protection, 3004, Hoistway Venting and 3006, Machine Room Enclosure: Elevator and conveyance work is regulated under the Elevator Safety Rules as adopted by the Elevator Safety Review Board.

*-delete-* section 3108 Radio and television Towers

*-delete-* section 3109 Swimming Pool Enclosure and Safety Devices

*-delete-* chapter 32 Encroachments into the Public Right-of-Way

*-delete & replace -* chapter 33 Safeguards During Construction: Safety during construction shall be in accordance with the Standard for Safeguarding Construction, Alteration and Demolition Operations, NFPA 241, as adopted under this *Code*.

*-delete & replace-* chapter 34 **Existing Buildings**: Existing buildings shall be in accordance with section 3403.2, the Life Safety Code and the Uniform Fire Code. An existing building plus additions shall comply with the height and area provisions of Chapter 5.

### Section 3.

#### Boiler and Pressure Vessel Inspection

(a) A boiler is defined as a closed vessel in which water is heated, steam is generated, steam is super heated, or any combination thereof, under pressure or vacuum by the direct application of heat from the combustion of fuel or from electricity. The term includes a fired unit for the heating or vaporizing of liquids other than water where the unit is separate from a processing system and is complete within itself. An unfired pressure vessel is defined as a container of pressure obtained from an external source that exceeds 15 psi. This section shall apply to all boilers, and pressure vessels identified in the National Board Inspection Code except:

(1) A boiler or pressure vessel located on a common carrier subject to regulations under the Surface Transportation Board, Department of Transportation, Federal Railroad Administration or Nuclear Regulatory Commission.

(2) Pressure containers that are integral parts or components of rotating or reciprocating mechanical devices such as pumps, compressors, turbines, generators, engines and hydraulic or pneumatic cylinders where the primary design consideration and /or stress is derived from the functional requirements of the device.

(3) Hot **water heaters** and portable water storage tanks with a heat input of less than 200,000 BTU/HR, water temperature less than 210 degrees (F) and less than 120 gallons aggregate water capacity. Units otherwise exempted under this section shall be equipped with approved pressure/temperature safety relief devices in accordance with NBIC I 3837.

(4) Steam cleaners or coil type boilers without steam space where water flashes into steam when manually released through a nozzle for cleaning machinery, equipment, etc.; when the water capacity is less than 6 gallons and the water temperature less than 350 degrees (F). Units otherwise exempted under this section shall be equipped with approved pressure/temperature safety relief devices in accordance with NBIC.

(b) All boilers and pressure vessels shall be manufactured, constructed and assembled in accordance with the appropriate American Society of Mechanical Engineers (**ASME standards**), or equivalent standard recognized by the National Board of Boiler & Pressure Vessel Inspectors, in place at the time of manufacture. The manufacturer of a boiler or pressure vessel shall register the type of unit with the National Board of Boiler and Pressure Vessel Inspectors.

(c) The owner or person installing a boiler or pressure vessel shall report to the AHJ the location, type, capacity, age and date of installation of any boiler or pressure vessel.

(d) Prior to being placed in service **any boiler or pressure vessel shall be inspected** by a commissioned inspector. When the boiler or pressure vessel is found to be in compliance with this *Code* the commissioned inspector shall attach an identification number, approved by the AHJ, and an initial inspection certificate issued by the AHJ. The inspection certificate shall be posted at the site of operation. The identification number, initial inspection by a commissioned inspector and operating certificate shall not be required for boilers designed to heat individual dwelling units in buildings containing less than 6 dwelling units.

(e) The **periodic inspection of boilers and pressure vessels** shall be performed by a commissioned inspector at intervals listed in this section. A commissioned inspector may require additional external (an inspection made when a boiler or pressure vessel is fully intact so all safety features can be inspected) or internal (an inspection made when a boiler or pressure vessel is shut down and handholes, manholes or other inspection openings are opened for inspection of the interior) inspections when unsafe conditions or operations are observed or suspected. The AHJ may order the owner or user to stop operation of a boiler or pressure vessel operating in violation of this *Code*.

(1) Each high pressure power boiler in which steam is generated at a pressure of more than 15 pounds per square inch shall be inspected both internally and externally while not under pressure on an annual basis, and externally, while under pressure, approximately six months from the internal inspection.

(2) Each low-pressure hot water heating boiler installed to operate at pressures not to exceed 160 pounds per square inch and/or temperatures not exceeding 250 degrees (F), and each steam heating boiler operating at a pressure not exceeding 15 pounds per square inch, shall be inspected externally, and internally where construction permits, every two years. An inspection shall not be required for boilers designed to heat individual dwelling units in buildings containing less than 6 dwelling units.

(3) Each pressure vessel greater than 5 cubic feet and operating with a relieving pressure greater than 125 pounds per square inch shall be inspected externally, and internally where construction permits, every three years. An internal inspection is not required for a rubber lined pressure vessel.

(f) An employee of an insurance company, licensed to insure boilers and pressure vessels in Vermont, shall obtain a current Vermont commission to inspect boilers and pressure vessels prior to conducting any inspections. A current certification from the National Board of Boiler and Pressure Vessel Inspectors is required to obtain a Vermont commission. A Vermont commission may be revoked or suspended for violation or misrepresentation of responsibilities established under this *Code*. A person who has a Vermont commission revoked or suspended shall be given written notification and the opportunity for a hearing following due process.

(g) An employee of an insurance company, licensed to insure boilers and pressure vessels in Vermont, who has obtained a Vermont commission, and/or the insurance company, licensed to insure boilers and pressure vessels in Vermont shall:

(1) Inspect all boilers and pressure vessels insured by the insurance company in accordance with this *Code* and at time frames established under this *Code*.

(2) Report the results of all inspections to the AHJ within 30 days of the inspection in a format approved by the AHJ.

(3) Notify the AHJ of new boilers or pressure vessels insured, insurance cancelled or not renewed or refused within 30 days.

(4) Participate in training as may be directed by the AHJ.

(5) Not engage in the sale of, or have any interest in, any appliance or device related in any way to the construction, operation or maintenance of boilers and pressure vessels covered under this *Code*.

(h) The owner, user or commissioned inspector shall immediately **report any accident, incident or explosion** involving a boiler or pressure vessel that involves personal injury to the AHJ at 1-800-347-0488 and secure the scene to prevent any change that would hamper the investigation of the incident. Where the accident, incident or explosion does not involve personal injury the report shall be made within 48 hours.

(i) The insurance company of record shall pay a fee of \$20.00 to the Division of Fire Safety for each **inspection certificate** or periodic inspection sticker

## **Section 4.**

### **Application for a Construction Permit**

(a) The owner, or a designated representative, of a building or premises shall obtain a construction permit before beginning any construction, addition, alteration, demolition or installation of fixed building equipment at the building site unless specifically waived by the AHJ.

(b) To obtain a construction permit the applicant shall:

(1) Complete a Construction Permit Application form and submit it along with the required construction permit fee to the Division of Fire Safety regional office.

(2) Provide construction documents relating to the construction work and equipment under consideration unless specifically waived by the AHJ based on the size, use, occupancy or complexity of the work.

(3) For buildings where the applicant is requesting special consideration for a **historic building, documentation** shall be included on the historic designation of the building, including identification and evaluation of historic adjacent structures and site elements such as sheds, walkways, and fencing; historic construction features such as sheathing, facade or roofing materials, chimneys, skylights, cornices or molding, windows or doors, wainscoting, cabinets and finishes; and historic spaces such as archways, lobbies or rooms which are important to the understanding and application of the building.

(c) The **construction documents shall include an express certification that the design meets or exceeds this code** as indicated in the following sections. Construction documents stamped and signed by an architect or professional engineer consistent with the professional licensing and registration laws of Vermont meets the intent of this section without additional certification.

(1) For new state-funded buildings and additions; certification indicating compliance with the "Vermont Guidelines for Energy Efficient Commercial Construction" as published by the Department of Public Service.

(2) For new buildings and additions; certification indicating the building is designed to prevent normally anticipated unstable or dangerous structural conditions.

(d) Plans required under this *Code* shall be drawn to scale, using customary inch-pound units and English language, and shall be sufficiently clear, comprehensive, detailed and legible when submitted to the AHJ so that, together with any accompanying specifications and data, the AHJ can readily determine whether or not the proposed building, addition, or alteration, and all proposed building equipment will conform to this *Code*.

(e) The AHJ shall review the application for a construction permit and the construction

documents where applicable and shall issue a permit, a conditional permit with specific terms and conditions, or deny the application. The AHJ may require additional information before issuing, or denying the application for a construction permit. Any conditions of the permit or reasons for denial of the permit shall be transmitted to the applicant in writing.

(f) The AHJ may provide consultation or preliminary plan review for proposed construction to identify high priority code issues when deemed warranted by the significance or complexity of the project.

(g) A construction permit shall expire if the work authorized under the permit is not commenced, or is suspended or abandoned, for a time period of 12 months.

(h) Construction permit fees are established by the Vermont Legislature under Title 20 V.S.A. section 2731. The current construction permit fees are available on the Division's website or by contacting any office of the Division.

(1) The Commissioner or designated representative may rebate up to \$2,000 of the construction permit fee paid the department toward the cost of a qualified fire sprinkler system installed in an existing building in a designated downtown area.

(2) In the case of abandonment or discontinuance of a building project involving a construction permit fee greater than \$150 the construction permit fee may be refunded, upon written request to the AHJ, prorated on construction work, services, reviews and inspections conducted prior to such abandonment. Such request shall be received within 12 months of the date that the construction permit was issued.

(3) The AHJ may refuse to issue a construction or occupancy permit if the owner or a designated representative owes the Department fees or penalties.

(j) The AHJ shall be authorized to require the owner to engage, and designate on the construction permit application, a registered design professional who shall act as the **design professional in responsible charge** in accordance IBC 106.3.4, who shall be responsible for reviewing and coordinating submittal documents prepared by others for compatibility with the approved design of the building.

(k) The AHJ shall be authorized to order all, or part of, work regulated under this *Code* to stop when the work is unsafe or being performed contrary to the provisions of this *Code*.

## **Section 5.**

### **Variance, Exemption and Reconsideration**

(a) The Commissioner may grant a variance approving a different solution to compliance that meets the intent of this code, or may exempt a portion of a building, or equipment including non-standard boilers and pressure vessels, from the requirements of this Code. It is the policy of the Commissioner that whenever possible the determination of a variance or exemption request be made by the Regional Managers or Chief Fire Prevention Officer.

(b) In order for a variance or exemption request to be reviewed the owner or designated representative shall submit:

1. Evidence that the proposed or existing building or premises is not in compliance with this Code.
2. Evidence, letters, statements, test results, construction documents, computations, chemical and physical properties or other supporting information as prepared by licensed or certified professionals that is required to justify the request.
3. Evidence that strict compliance with the Code would entail practical difficulty, unnecessary hardship or otherwise found unwarranted.
4. Evidence that any such variance or exemption secures the public safety and health and that the methods, means or practices proposed provide equal protection of the public safety and health.

(c) Review of the variance or exemption request shall consider evidence that the code or standard from which the variance or exemption is sought has not been promulgated as a rule or standard under the Vermont Occupational Safety and Health Act.

(d) The determination on the variance or exemption request shall be made in writing to

the applicant and shall advise the applicant of the reconsideration process as contained in Section (e).

(e) The Director may reconsider an interpretation or decision made by a designated representative pursuant to this Section. To request reconsideration the owner or designated representative shall submit a written request including:

1. Evidence the proposed or existing building or premises is not in compliance with this Code.
2. Evidence, letters, statements, test results, construction documents or other supporting information as required to justify the request.
3. Evidence that the true intent of the Code has been incorrectly interpreted, or the provisions of the Code do not fully apply; or the decision is unreasonable or arbitrary as it applies to alternatives or new materials.

(f) The request for reconsideration shall be submitted no later than 30 days after receiving the variance or exemption decision.

(g) A request for variance, exemption, or reconsideration shall not relieve a person from complying with this *Code*, permit or occupancy requirements, unless the Commissioner expressly authorizes an extension of compliance period pending review of the request.

(h) A request for a variance relating to access to a public building for people with disabilities shall be referred for decision to the Access Board established under Title 20 V.S.A. chapter 174.

(i) A request for a variance from this *Code* for historical buildings that is not resolved under section 5(a) shall be determined by the Historic Variance Appeals Board as established by 20 V.S.A. 2732.

## **Section 6.**

### **Municipal Enforcement and Coordination**

(a) Each municipality shall provide information regarding building permits issued by the municipality to the AHJ upon request.

(b) The Commissioner may assign the responsibility for the enforcement of all or part of these rules to municipalities that meet the qualifications established in 20 V.S.A. sections 2736 and 2884.

(c) Any fire, building or similar code standards adopted by any municipality shall be consistent with the standards adopted under this *Code*.

## **Section 7.**

### **Effective Dates and Severability**

(a) (a) These rules shall take effect October 22, 2005 and shall be known as the Vermont Fire & Building Safety Code - 2005.

(b) (b) To achieve an orderly transition for compliance with these rules:

- NFPA 1 section 29.1.3 shall take effect October 1, 2006
- NFPA 101 section 9.9.2 shall take effect October 1, 2007
- NFPA 101 section 13.3.5.4 shall take effect October 1, 2007 where the occupant load exceeds 300
- NFPA 101 section 13.3.5.4 shall take effect October 1, 2009 where the occupant load exceeds 100

(c) This *Code* shall not require changes in the construction documents or construction of a building or portions of a building for which a construction permit has been issued and construction has started within 90 days of the effective date of this *Code*, or as otherwise approved by the AHJ, provided that the building or portions of the building meet or exceed the requirements for existing buildings under this *Code*.

(d) In the event any part or provision of these rules is held to be illegal, this shall not have the

effect of making void or illegal any of the other parts or provisions of these rules. Under section 2 of this *code* certain Vermont amendments have been cross-referenced for clarity and ease of use. Failure to cross-reference an amendment does not affect the enforcement of that amendment.

(e) Upon adoption of the Vermont Fire & Building Safety Code - 2005 the "Vermont Fire Prevention and Building Code - 1999" and the "1990 Vermont Boiler & Pressure Vessel Rules" are repealed.

## ***Annex I – Excerpts from Vermont Law Pertaining to the Vermont Fire & Building Safety Code***

### ***Chapter 173: PREVENTION AND INVESTIGATION OF FIRES***

#### **§ 2729. General provisions**

(a) A person shall not build or cause to be built any structure that is unsafe or likely to be unsafe to other persons or property in case of fire or generation and leakage of carbon monoxide.

(b) A person shall not maintain, keep or operate any premises or any part thereof, or cause or permit to be maintained, kept, or operated, any premises or part thereof, under his or her control or ownership in a manner that causes or is likely to cause harm to other persons or property in case of fire or generation and leakage of carbon monoxide.

(c) On premises under a person's control, excluding single family owner-occupied houses and premises, that person shall observe rules adopted under this subchapter for the prevention of fires and carbon monoxide leakage that may cause harm to other persons or property.

(d) Any condominium or multiple unit dwelling using a common roof, or row houses so-called, or other residential buildings in which people sleep, including hotels, motels, and tourist homes, excluding single family owner-occupied houses and premises, whether the units are owned or leased or rented, shall be subject to the rules adopted under this subchapter and shall be provided with one or more carbon monoxide detectors, as defined in 9 V.S.A. section 2881(3), properly installed according to the manufacturer's requirements..

### § 2730. Definitions

(a) As used in this subchapter, "**public building**" means:

(1)(A) a building owned or occupied by a public utility; hospital; school; house of worship; convalescent center or home for the aged, infirm, or disabled; nursery; kindergarten; or day care;

(B) a building in which two or more persons is employed, or occasionally enter as part of their employment or are entertained, including private clubs and societies;

(C) a cooperative or condominium; [*A condominium is described as a building or complex in which units of property, such as apartments, are owned by individuals and common parts of the property, such as the grounds and building structure, are owned jointly by the unit owners. A unit in such a complex.*]

(D) a building in which people rent accommodations, whether overnight or for a longer term;

(E) a restaurant, retail outlet, office or office building, hotel, tent, or other structure for public assembly, including outdoor assembly, such as a grandstand;

(F) a building owned or occupied by the state of Vermont, a county, a municipality, a village, or any public entity, including a school or fire district.

(2) Use of any portion of a building in a manner described in this subsection shall make the entire building a "public building" for purposes of this subsection. For purposes of this subsection, a "person" does not include an individual who is directly related to the employer and who resides in the employment-related building.

(b) The term "public building" does not include:

(1) an owner-occupied single family residence, unless used for a purpose described in subsection (a) of this section;

(2) a family residence registered as a day care home under chapter 35 of Title 33, or specifically exempted from registration by subdivision 3502(b)(1) of Title 33;

(3) farm buildings on a working farm or farms. For purposes of this subchapter and subchapter 3 of this chapter, the term "working farm or farms" means farms with fewer than the equivalent of 10 full-time employees who are not family members and who do not work more than 26 weeks a year. In addition, the term means a farm or farms:

(A) whose owner is actively engaged in farming; or

(B) if the farm or farms are owned by a partnership or a corporation, one which includes at least one partner or principal of the corporation who is actively engaged in farming;

(C) where the farm or farms are leased, the lessee is actively engaged in farming. The term "farming" means:

(i) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops;

(ii) the raising, feeding, or management of livestock, poultry, equines, fish, or bees;

(iii) the production of maple syrup;

(iv) the operation of greenhouses;

(v) the on-site storage, preparation, and sale of agricultural products principally produced on the farm. Notwithstanding this definition of farming, housing provided to farm employees other than family members shall be treated as rental housing and shall be subject to the provisions of this chapter. In addition, any farm building which is open for public tours and for which a fee is charged for those tours shall be considered a public building.

(4) a single family residence with an **accessory dwelling unit** as permitted under subdivision 4406(4)(D) of Title 24. [*reference 24 vsa 4412(E) An accessory dwelling unit is an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, and does not exceed 30 percent of the total habitable floor area of the single-family dwelling.*]

(c) For the purpose of this subchapter, subchapter 3 of this chapter, and chapter 174 of Title 20, the words "premises," "building," and "structure," or any part thereof shall mean "public building" as defined in this section.

*[Buildings classified as public buildings and owned by a federal agency are not exempt from state and municipal codes but there are limitations on how this Code is applied. 40 U.S.C.A, section 3312 requires that a federal agency consult with local code officials, submit plans for review and permit inspection of the construction project. The federal agency is required to give due consideration to any recommendations made by the local code official and build in compliance with nationally recognized building, electrical, fire, life safety and plumbing codes. A federal agency is exempt from any fees and no enforcement action can be brought against the federal agency for failure to comply with the law.]*

(d) "**Historic building**" or "historic structure" means any structure which has been listed in the National Register of Historic Places or the state register of historic properties or which has been determined to be historically significant by the Vermont advisory council on historic preservation or which meets the standards adopted by the division for historic preservation pursuant to subsection 723(a) of Title 22.

(e) The phrase "damage or destroy the historic architectural integrity of the historic building or structure" means to have an undue adverse impact on historically significant features of the historic architectural integrity of the building.

### **§ 2731. Rules; inspections; variances**

(a) The commissioner is authorized to adopt 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.

(b) The commissioner shall conduct inspections of premises to assure that the rules adopted under this subchapter are being observed and may establish priorities for enforcing these rules and standards based on the relative risks to persons and property from fire of particular types of premises. The commissioner may also conduct inspections to assure that buildings are constructed in accordance with approved plans and drawings.

(c) The following fire prevention and building code fees are established:

(1) The permit application fee for a construction plan approval shall be:

(A) based on **\$4.50 per each \$1,000.00** of the total valuation of the construction work proposed to be done for renovation to buildings constructed before 1983, but in no event shall the permit application fee exceed \$135,000.00;

(B) based on **\$5.50 per each \$1,000.00** of the total valuation of the construction work proposed to be done for all other buildings, but in no event shall the permit application fee exceed \$135,000.00.

(2) When an inspection is required due to the **change in use** of a public building, the fee shall be \$25.00.

(3) The **proof of inspection fee** for fire suppression, alarm, detection, and any other fire protection systems shall be \$10.00.

(d) The commissioner shall make all practical efforts to process permits in a prompt manner. The commissioner shall establish time limits for permit processing as well as procedures and time periods within which to notify applicants whether an application is complete.

(e) The commissioner may grant variances or exemptions from rules adopted under this subchapter where strict compliance would entail practical difficulty, unnecessary hardship, or is otherwise found unwarranted, provided that:

(1) any such variance or exemption secures the public safety and health; and

(2) any petitioner for such a variance or exemption can demonstrate that the methods, means, or practices proposed to be taken in lieu of compliance with the rule or rules provide, in the opinion of the commissioner, equal protection of the public safety and health as provided by the rule or rules; and

(3) the rule or rules from which the variance or exemption is sought has not also been adopted as a rule or standard under subchapters 4 and 5 of chapter 3 of Title 21; and

(4) any such variance or exemption does not violate any of the provisions of chapters 3 and 20 of Title 26 or any rules adopted thereunder.

(f) The commissioner shall, in state-funded buildings or new additions to state-funded buildings on which construction is begun after June 30, 2001, meet the standards contained in "The Vermont Guidelines for Energy Efficient Commercial Construction" as published in its most recent edition by the department of public service.

(h) A building owner or contractor engaged in an older and historic renovation project may propose innovative, performance-based alternatives in lieu of strict fire and building code compliance. The commissioner shall consider such alternatives and shall accept those that provide equivalent protection of the public safety and health. A decision to accept or deny a proposed alternative shall be in writing and explain the reasons for accepting or denying the alternative.

(i)(1) The department approves stamped architectural plans by issuing a plan review letter. If, upon final inspection, the department requires structural changes, additional life safety modifications, or state-mandated accessibility modifications, and the modifications or changes are not the result of design or construction changes by the owner, the owner or architect:

(A) may apply for a variance or exemption as provided in subsection (e) of this section, section 2732 of this title, and section 2902 of this title; and

(B) if the variance or exemption request is denied, upon the completion of the structural changes or additional life safety, or state-mandated accessibility modifications, as the case may be, may apply to the commissioner for a reimbursement of some or all of the plan review fee paid for the project.

(2) The decisions of the commissioner, pursuant to this subsection, shall be final. The commissioner shall adopt rules to carry out the provisions of this subsection. This subsection shall not apply to design or construction changes necessary to comply with an alternative method of life safety code or state-mandated accessibility compliance requested by the owner after the plan review.

### **§ 2732. Historic variance appeals board; variances; exemptions**

(a) An historic variance appeals board is created. The board shall consist of the following three members: the commissioner of public safety or designee, who shall be chair; the state historic preservation officer or designee; and a representative of the Vermont historic preservation community appointed by the governor. A board member who is not a state employee shall be entitled to compensation and expenses as provided by section 1010 of Title 32.

(b) The board shall hear and determine all requests for variances or exemptions from the rules adopted by the commissioner under this subchapter for historic buildings and structures. A request for a variance or exemption may be granted where an applicant has demonstrated that strict compliance would entail practical difficulty, or unnecessary hardship, or would damage or destroy the historic architectural integrity of the historic building or structure, or is otherwise found unwarranted, provided that:

(1) any such variance or exemption secures the public safety and health;

(2) any petitioner for such a variance or exemption can demonstrate that the methods, means, or practices proposed to be taken in lieu of compliance with the rule or rules provide, in the opinion of the board, equal protection of the public safety and health as provided by rule or rules;

(3) the rule or rules from which the variance or exemption is sought have not also been adopted as a rule or standard under subchapters 4 and 5 of chapter 3 of Title 21; and

(4) any such variance or exemption does not violate any of the provisions of chapters 3 and 20 of Title 26 or any rules adopted thereunder.

(c) The board may permit a person seeking a variance or exemption to phase in compliance with the rules adopted under this subchapter in lieu of or in addition to granting the variance or exemption requested. The period of phased in compliance shall be reasonable but shall state a date by which compliance shall be achieved.

(d) Any person seeking a variance or exemption for work involving an historic building shall file a written request with the commissioner. The request shall describe the rule or rules from which the variance or exemption is sought, the reasons why a variance or exemption is sought, and a description as to how any alternative means of protecting the public safety and health is to be provided. The board shall meet and consider such requests within 15 working days of the request being filed with the commissioner. In deciding whether to grant or deny the request, the board shall take testimony or receive information from the applicant or his or her representatives, and from fire safety division staff. A decision of the board based on a majority vote of those members present shall be binding. The board shall issue a written determination granting or denying, in whole or in part, any variance or exemption request, or permission to phase in compliance, within 60 days of hearing the request. If a grant is conditional, the condition shall be clearly stated in writing. Failure to act on a request within 60 days shall be deemed approval of the request, provided that the public safety and health is not imminently threatened.

(e) The board may adopt, amend, or repeal procedural rules to carry out the provisions of this section.

(f) The board is attached to the department of public safety for administrative purposes.

(g) The board shall be subject to the requirements of subchapters 2 and 3 of chapter 5 of Title 1.

### **§ 2733. Orders to repair, rehabilitate, or remove structure**

(a) Whenever the commissioner finds that premises or any part of them does not meet the standards adopted under this subchapter, the commissioner may order it repaired or rehabilitated. If it is not repaired or rehabilitated within a reasonable time as specified by the commissioner in his or her order, the commissioner may order the premises or part of them closed, if by doing so the public safety will not be imperiled; otherwise he or she shall order demolition and removal of the structure, or fencing of the premises. Whenever a violation of the rules is deemed to be imminently hazardous to persons or property, the commissioner shall order the violation corrected immediately. If the violation is not corrected, the commissioner may then order the premises or part of them immediately closed and to remain closed until the violation is corrected.

(b) Whenever a structure, by reason of age, neglect, want of repair, action of the elements, destruction, either partial or total by fire or other casualty or other cause, is so dilapidated, ruinous, decayed, filthy, unstable, or dangerous as to constitute a material menace or damage in any way to adjacent property, or to the public, and has so remained for a period of not less than one week, the commissioner may order such structure demolished and removed.

(c) Orders issued under this section shall be served by certified mail with return receipt requested or in the discretion of the commissioner, shall be served in the same manner as summonses are served under the Vermont Rules of Civil Procedure promulgated by the supreme court, to all persons who have a recorded interest in the property recorded in the place where land records for the property are recorded, including owners, tenants, mortgagees, attaching creditors, lien holders, and public utilities or water companies serving the premises.

#### **§ 2734. Penalties**

(a) A person who violates any provision of this subchapter or any order or rule issued pursuant thereto shall be fined not more than \$10,000.00. The state's attorney of the county in which such violation occurs shall prosecute the violation and may commence a proceeding in the superior court to compel compliance with such order or rule, and such court may make orders and decrees therein by way of writ of injunction or otherwise.

(b) A person who fails to comply with a lawful order issued under authority of this subchapter in case of sudden emergency shall be fined not more than \$20,000.00. A person who fails to comply with an order requiring notice shall be fined \$200.00 for each day's neglect commencing with the effective date of such order or the date such order is finally determined if an appeal has been filed.

(c) The commissioner may, after notice and opportunity for hearing, assess an administrative penalty of not more than \$1,000.00 for each violation of this subchapter or any rule adopted under this subchapter. Penalties assessed pursuant to this subsection shall be based on the severity of the violation. An election by the commissioner to proceed under this subsection shall not limit or restrict the commissioner's authority under subsection (a) of this section.

(d) Violation of any rule adopted under this subchapter shall be prima facie evidence of negligence in any civil action for damage or injury which is the result of the violation.

#### **§ 2736. Municipal enforcement**

(a) The legislative body of a municipality may appoint one or more trained and qualified officials and may establish procedures to enforce rules and standards adopted under subsection 2731(a) of this title. After considering the type of buildings within the municipality, if the commissioner determines that the training, qualifications and procedures are sufficient, he or she may assign responsibility to the municipality for enforcement of some or all of these rules and standards. The commissioner may also assign responsibility for enforcement of the rules of the access board adopted under section 2902 of this title. The commissioner shall provide continuing review, consultation, and assistance as may be necessary. The assignment of responsibility may be revoked by the commissioner after notice and an opportunity for hearing if the commissioner determines that the training, qualifications, or procedures are insufficient. The assignment of responsibility shall not affect the commissioner's authority under this subchapter.

(b) If a municipality assumes responsibility under subsection (a) of this section for performing any functions that would be subject to a fee established under subsection 2731(a) of this title, the municipality may establish and collect reasonable fees for its own use, and no fee shall be charged for the benefit of the state.

(c) Subject to rules adopted under section 2731 of this title, municipal officials appointed under this section may enter any premises in order to carry out the responsibilities of this section. The officials may order the repair, rehabilitation, closing, demolition, or removal of any premises to the same extent as the commissioner may under section 2732 of this title.

(d) Upon a determination by the commissioner that a municipality has established sufficient procedures for granting variances and exemptions, such variances and exemptions may be granted to the same extent authorized under subsection 2731(b) of this title.

(e) The results of all activities conducted by municipal officials under this section shall be reported to the commissioner periodically upon request.

(f) Nothing in this section shall be interpreted to decrease the authority of municipal officials under other laws, including laws concerning building codes and laws concerning housing codes

*Current cooperative municipal inspection agreements include:*

**Barre** - Responsibility for the enforcement of the Code for existing one-two family dwellings.

**Bellows Falls** - Responsibility for the enforcement of the Code for all existing public buildings except federally certified health care facilities, high-rise buildings, state owned buildings, and the testing and reporting of fire protection systems by technically qualified people.

**Bennington** - Responsibility for the enforcement of the Code for all new & existing public buildings except federally certified health care facilities, high-rise buildings, state owned buildings, and the testing and reporting of fire protection systems by technically qualified people.

**Brattleboro** - Responsibility for the enforcement of the Code for all existing public buildings except federally certified health care facilities, high-rise buildings, state owned buildings, and the testing and reporting of fire protection systems by technically qualified people.

**Burlington** - Responsibility for the enforcement of the Code for all new and existing public buildings except federally certified health care facilities, state owned buildings, and the testing and reporting of fire protection systems by technically qualified people.

**Hartford** - Responsibility for the enforcement of the Code for all new and existing public buildings except federally certified health care facilities, state owned buildings, and the testing and reporting of fire protection systems by technically qualified people.

**Winooski** - Responsibility for the enforcement of the Code for existing public buildings with selected uses.

### **§ 2737. Building permits**

Each municipality shall provide to the commissioner upon request information regarding building permits issued by the municipality.

### **§ 2799. Definitions**

As used in this subchapter:

(1) "Explosive material" includes "explosives," "explosive material," "blasting agents," and "detonators," as defined in section 841 of Title 18 of the United States Code, as amended at any time, and regulations promulgated thereunder.

(2) "Flammable material" means, in addition to its ordinary meaning, motion picture film.

(3) "Hazardous material" means any substance having such properties that it may spontaneously or acting under the influence of any thing contiguous or of any chemical or physical agency ignite or generate flammable or explosive vapors or gases to a dangerous extent.

(4) "Petroleum product" includes without limitation liquid petroleum gas, explosive flammable gases, and flammable fluids, compounds, or tablets, derived in whole or in part from petroleum.

### **§ 2800. Rules and standards**

The commissioner may adopt rules and standards for explosion prevention, fire prevention, and public safety with respect to the safekeeping, storage, use, manufacturing, sale, handling, transportation, and other disposition of explosive materials, flammable materials, hazardous materials, petroleum, and petroleum products. The commissioner may prescribe the location, materials, and construction of buildings and other facilities to be used for these purposes.

### **§ 2801. Seizure of materials**

Without warrant, the commissioner, a member of the state police, a sheriff, a deputy sheriff, a police officer, or a constable may seize materials held by a person in violation of rules adopted under this subchapter and hold the same subject to the order of the court taking jurisdiction of the offense.

### **§ 2802. Orders**

After an inspection, the commissioner may issue an appropriate order to remove or abate a condition dangerous to persons or property involving explosive materials, flammable materials, or hazardous materials. This order shall be served on the owner or occupant of the premises on which the condition exists.

### **§ 2685. Record of fires**

The fire marshal shall keep in his office a record of every fire occurring in this state which causes serious injury to any person or loss or damage to property in excess of \$200.00. He shall record all the facts concerning these fires, including statistics as to their extent and the damage caused thereby, and whether the losses were covered by insurance and, if so, in what amount. The record shall be made daily from the reports made to him under the provisions of this chapter. All such records shall be public, except information and testimony taken where arson is suspected.

### **§ 2833. Reports to fire marshal**

(a) The chief of a volunteer or paid fire department or, if there is no fire department, the first selectman of a town, shall within five days of the occurrence of a fire within his jurisdiction which causes serious injury to any person or loss or damage to property which exceeds \$200.00, forward a report of the fire to the state fire marshal on forms to be furnished by him. If the reporting officer has reason to believe that a fire is of suspicious origin, he shall report that fact to the state fire marshal immediately. No fee shall be paid or allowed any officer for rendering the report required by this subsection.

(b) An officer referred to in subsection (a) of this section who wilfully neglects to comply with any of the requirements of this subchapter shall be fined not more than \$100.00.

### **§ 2881. General provisions**

(a) A person shall not install or maintain a boiler or pressure vessel which is unsafe or likely to be unsafe to other persons or property.

(b) A person shall not operate, cause to be operated, or permit to be operated any boiler or pressure vessel under his or her control or ownership, in a manner which causes or is likely to cause harm to other persons or property.

### **§ 2882. Rules**

The commissioner may adopt rules pertaining to boilers and pressure vessels, and standards to be observed, necessary for the safety and protection of the public, employees and property. All standards adopted by the commissioner shall conform to the codes of the American Society of Mechanical Engineers and the National Board of Boiler and Pressure Vessel Inspectors. The commissioner may provide for operating certificates to be issued before a boiler or pressure vessel may be used.

### **§ 2883. Inspections by insurance companies**

The commissioner has authority to obtain specific information from boiler insurance companies, on forms furnished by them, which shall first be approved by the commissioner. The commissioner may authorize qualified inspectors in the employ of insurance companies to conduct inspections under his or her control and under such rules as the commissioner may prescribe. In case the inspection is made by such an inspector, no fee shall be charged, except a process fee of \$20.00 for issuance of an operating certificate.

### **§ 2884. Qualifications of inspectors**

All boiler inspectors, employed by the state and insurance companies, shall have passed the examination required by the National Board of Boiler and Pressure Vessel Inspectors, and hold annual certification from such board.

### **§ 2885. Penalties**

The commissioner may assess penalties pursuant to section 2734 of this title against a person who violates this subchapter or any rule adopted under this subchapter

### **Chapter 177 § 3131. Definitions**

The term "fireworks" means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, including blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons that are propelled by explosives, firecrackers, torpedoes, sky rockets, Roman candles, cherry bombs, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except sparklers. The term "fireworks" does not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing 0.25 grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for use, and toy pistol paper caps that contain less than 0.2 grains of explosive mixture. The term "fireworks" does not include fixed ammunition for firearms, or primers for firearms. The term "sparkler" means a sparkling item that is in compliance with the United States Consumer Product Safety Commission regulations and is one of the following:

### **3132. Prohibitions; permits**

(a) Except as provided in this section, it shall be unlawful for any person, firm, co-partnership, or corporation to do any of the following:

(1) Offer for sale, expose for sale, sell at retail or wholesale, or possess fireworks unless the person has been issued a permit by both the U.S. Bureau of Alcohol, Tobacco, and Firearms and the municipality in which the person offers for sale and stores the fireworks.

(2) Use, possess, or explode any fireworks unless the person has been issued a permit to display fireworks pursuant to subsection (c) of this section.

(3) Transport fireworks except in interstate commerce.

(4) Offer for sale or sell hand-held sparklers as described in subdivision 3131(1) of this title to a minor.

(5) Offer for sale or sell sparklers that are not in compliance with the United States Consumer Product Safety Commission regulations.

(b) The state fire marshal shall have power to adopt reasonable rules and regulations for granting permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals.

(c) Any display for which a permit is issued shall be handled by a competent operator to be approved by the chiefs of police and fire departments of the municipality in which the display is to be held and shall be of a character, and so located, discharged or fired as, in the opinion of the chief of the fire department, or in a municipality with no fire department, the selectboard, after proper inspection, shall not be hazardous to property or endanger any person or persons.

(d) Application for permits shall be made to the chief of the fire department, or in municipalities with no fire department, the selectboard, in writing, at least 15 days in advance of the date of the display. After the permit has been granted, sales, possessions, use and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted under this section shall be transferable.

### **§ 3136. Construction**

Being in the interest of public safety the provisions of this subchapter shall be liberally construed.

## ***Annex II – Excerpts from the Architects and Professional Engineering Licensing and Registration Laws***

## **§ 121. Definitions**

(5) The "practice of architecture" means providing professional services such as consultation, investigation, evaluation, planning, designing (including structural design), or responsible supervision of construction in connection with any building or structure which has as its principal purpose human occupancy or habitation.

## **§ 124. Construction; exemptions**

(a) This chapter shall not be construed to affect or prevent:

(1) the practice of engineering by a professional engineer licensed under the laws of this state;

(2) the preparation of working drawings, details and shop drawings by persons other than architects for use in connection with the execution of their work;

(3) employees of those lawfully practicing as architects under the provisions of this chapter from acting under the instruction, control, or supervision of their employers;

(4) supervision by builders or superintendents employed by such builders, of the construction or structural alteration of buildings or structures;

(5) design and construction, and the provision of services related thereto, of the following if the structure is:

(A) a detached single, two-family, three-family, or four-family dwelling, or a shed, storage building or garage incidental to that dwelling;

(B) a farm building, including barns, silos, sheds or housing for farm equipment and machinery, livestock, poultry or storage; or

(C) a pre-engineered building, or a building, plans for which have been stamped or sealed by a licensed professional in the appropriate field.

(b) The provisions of this section shall not be construed to permit any person not licensed as provided in this chapter to use the title architect, or any title, sign, card, or device to indicate that such person is an architect.

(c) This chapter shall not be construed to limit or restrict in any manner the right of a practitioner of another profession or occupation from carrying on in the usual manner any of the functions incidental to that profession or occupation.

## **§ 208. Seal**

Each licensee shall obtain a seal of such design as the board shall authorize and direct. Plans and specifications prepared by, or under the direct supervision of, a licensed architect shall be stamped with the licensee's seal.

## **§ 1161. Definitions**

(2) "Professional engineering services" means any service or creative work, the adequate performance of which requires engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering sciences. This includes consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and water and accomplishing engineering surveys. Such services or work may be either for public or private purposes, and may be performed in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and equipment systems of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property.

(6) "Professional engineer" means a person licensed under this chapter.

## **§ 1163. Exemptions**

(a) Persons exempt. Section 1162 of this title does not prohibit acts constituting the practice of engineering performed as a necessary part of the duties of:

- (1) An officer or employee of the federal government.
- (2) An officer or a full-time employee of the state.
- (3) An officer or full-time employee of a municipality.
- (4) Certain classes of licensed potable water supply and wastewater system designers, as designated by rule of the secretary of the agency of natural resources, who design supplies or systems with a design flow of up to 1,350 gallons per day and who are licensed under chapter 64 of Title 10.
- (5) An officer or employee of a corporation engaged in interstate commerce as defined in the act of Congress entitled "An Act to Regulate Commerce" approved February 4, 1887, as amended.
- (6) An officer or employee of a corporation in interstate communications as defined in the act of Congress entitled "Communications Act of 1934" or of a telephone company under the supervision and regulation of the department of public service.
- (7) An employee of a professional engineer.
- (8) Students of engineering acting under the supervision of a professional engineer.

(b) Other professions. Section 1162 does not prohibit acts constituting the practice of any other legally recognized profession or occupation, including the activity of site technicians licensed by the agency of natural resources.

(b) Other professions. Section 1162 of this title does not prohibit acts constituting the practice of any other legally recognized profession or occupation.

(c) Purposes exempt. Section 1162 does not prohibit any person from performing acts constituting the practice of engineering for the purpose of:

- (1) Designing or fabricating a manufactured product.
- (2) Designing or constructing a building which is not a public building as defined in Title 18.
- (3) Designing or constructing a building which contains only one, two or three dwelling units, or accessory outbuildings.
- (4) Construction of public works by a municipality.
- (5) Designing or constructing recreational trails and trail-related structures by a not-for-profit organization whose trails have been recognized by the agency of natural resources as part of the Vermont trails system; provided such organization purchases and maintains liability insurance in the amount required by law or under a contract with the state of Vermont, but in no event in an amount that is less than \$100,000.00.

(e) Temporary practice. Section 1162 does not prohibit a person who has become a resident of this state within the preceding six months from performing acts constituting the practice of engineering, provided that:

- (1) the person has filed an application for a license under this chapter; and
- (2) the person is licensed or registered as a professional engineer in another state which, in the opinion of the board, has licensing standards substantially equivalent to those applicable under this chapter.

#### **§ 1181a. Transient practice**

A person who is not a resident of this state may obtain a transient practice permit to perform acts constituting the practice of engineering, provided that:

- (1) the practice in this state does not exceed 30 days in any calendar year; and

(2) the person is licensed or registered as a professional engineer in another state which, in the opinion of the board, has regulatory standards substantially equivalent to those applicable under this chapter.

#### **§ 1188. Seal**

(a) Each licensee shall obtain a seal of a design authorized or approved by the board. The seal shall bear the licensee's name and the title "professional engineer."

(b) Plans, specifications, plats and reports issued by a licensee shall be stamped with his seal and shall also be signed by the licensee.

### ***Annex III - Smoke & Carbon Monoxide Detection for Single-Family Owner Occupied Dwellings***

#### **§ 2881. Definitions**

For the purpose of this chapter:

(1) "Single-family dwelling" means any building or structure in which a family, families or households reside that contains sleeping facilities and is not otherwise classified as a "public building" as defined in section 20 V.S.A. section 2730 or as a "condominium" or "multiple unit dwelling" as defined in section 20 V.S.A. section 2729(d).

(2) "Smoke detector" means a device that detects visible or invisible particles of combustion and sounds a warning alarm, is operated from a power supply, within the unit or wired to it from an outside source, and is approved or listed for the purpose by Underwriters Laboratory or by another nationally recognized independent testing laboratory.

(3) "Carbon monoxide detector" means a device with an assembly that incorporates a sensor control component and an alarm notification that detects elevations in carbon monoxide levels and sounds a warning alarm, is operated from a power supply within the unit or wired to it from an outside source, and is approved or listed for the purpose by Underwriters Laboratory or by another nationally recognized independent testing laboratory.

#### **§ 2882. Installation**

(a) A person who constructs a single-family dwelling shall install one or more smoke detectors, and one or more carbon monoxide detectors in the vicinity of any bedrooms in the dwelling in accordance with the manufacturer's instructions. In a dwelling provided with electrical power, the detectors shall be powered by the electrical service in the building and by battery.

(b) A single-family dwelling transferred by sale or exchange shall contain one or more smoke detectors, and one or more carbon monoxide detectors powered by the electrical service in the building or by battery, or by a combination of both, and installed in accordance with the manufacturer's instructions.

(c) Nothing in this section shall require an owner or occupant of a single-family dwelling to maintain or use a smoke detector or a carbon monoxide detector after installation.

#### **§ 2883. Requirements for transfer of dwelling**

(a) The seller of a single-family dwelling, whether by sale or exchange, shall certify to the buyer at the closing of the transaction that the dwelling is provided with one or more smoke detectors and one or more carbon monoxide detectors in accordance with this chapter. This certification shall be signed and dated by the seller.

(b) If the buyer notifies the seller within ten days by certified mail from the date of conveyance of the dwelling that the dwelling lacks a smoke detector or a carbon monoxide detector or that either detector is not operable, the seller shall comply with this chapter within ten days after notification.

(c) Violation of this section or of the installation requirements of section 2882 shall not create a defect in title.

## ***Annex IV - Information for Historic Buildings***

Vermont has an unusually high proportion of older buildings. These buildings contribute substantially to the sense of community and place that makes Vermont unique. At the same time, these buildings may be particularly challenging to adaptively reuse. Owners of older and historic buildings should seek the assistance of experienced designers specializing in the preservation of these structures. Division for Historic Preservation and Division of Fire Safety staff will assist in using the features of this *Code* to preserve and enhance historic buildings. Clear and comprehensive information on the significant historic features needs to be provided to the Division to facilitate review.

There are a number of codes that are part of this *Code* specifically written for existing and historic buildings;

\* NFPA 1, Fire Prevention Code, primarily addresses maintenance and the operation of buildings with performance guidelines for historic buildings.

\* NFPA 73, Residential Electrical Code, addresses electrical code requirements in existing residential units.

\* NFPA 101, Life Safety Code, principally addresses life safety issues and has specific chapters for existing buildings.

\* NFPA 909, Protection of Cultural Resources including Museums, Libraries and places of worship, brings together the design and implementation of fire protection plans designed to protect both people and property.

\*NFPA 914, Code for Fire Protection of Historic Structures, addresses the identification of existing conditions, planning and fire protection practices for historic buildings.

The regional offices of the Division of Fire Safety are staffed with safety professionals who have training and experience in developing solutions to meet both safety and historic preservation concerns. If a solution to a problem has not been developed after plan review or inspection, the owner or designated representative should contact the regional manager for assistance. With more experience and resources to draw on the regional manager often will develop a solution without requesting a formal variance.

For many buildings there are alternatives for certain code requirements that will provide an equivalent level of safety for the people using the building. To facilitate the review process for historic buildings, a fire safety plan should be developed. Guidance for that plan is found in Section 11.3.2 of NFPA 914 and Section 2.2 of NFPA 909. Additional flexibility is provided for historic buildings having the option to use the Alternative Approaches to Life Safety contained in NFPA 101A.

### **Fire Alarm and Detection Systems**

Fire alarm and detection systems provide early warning of a fire allowing for safe evacuation of the building and a prompt response of fire suppression activities. There are numerous types, styles and designs of fire alarm and detection equipment that provide options and flexibility for sympathetic installation in historic buildings.

(See NFPA 914, Appendix F or NFPA 909, Appendix F for a general discussion of fire alarm systems and NFPA 101 Section 9.6)

### **Fire Extinguishing Systems**

Automatic fire sprinkler systems and other types of automatic fire extinguishing systems provide early warning of a fire allowing for safe evacuation of the building and provide prompt suppression of the fire using a minimal amount of water. Each sprinkler head has to be heated to a certain temperature by a fire before water is released. Most fires are extinguished by the operation of just one or two sprinkler heads due to the prompt response by the sprinkler system. The amount of water applied to a fire is much less than what would need to be applied by a fire hose line.

(See NFPA 914, Appendix F or NFPA 909 Appendix F for a general discussion of fire extinguishing systems and NFPA 101 Section 9.7)

Automatic fire sprinkler systems have an excellent record of success in saving both people and property. Because of the excellent experience of automatic fire sprinkler systems the Codes have fewer requirements for buildings that have automatic fire sprinkler systems. For example, the Codes would drop or “trade off” certain requirements for historic buildings that have an automatic fire sprinkler system.

To promote the installation of fire sprinkler systems in existing buildings in designated downtown areas, a rebate of up to \$2,000 of the construction permit fee is available to applicants where a complete fire sprinkler system is installed. The process for receiving the rebate includes providing documentation from the City or Town Clerk that the building is in a designated downtown area; completion of the fire sprinkler system in accordance with appropriate codes and final acceptance testing and approval of the fire sprinkler system. Vermont tax credits are also available for the installation of sprinkler systems and elevators in designated downtown areas, contact the Agency of Commerce & Community Development at 800-622-4553.

### **Maintenance and Testing of Fire Protection Systems**

To help assure that fire protection systems will function properly when needed, all fire protection systems such as a fire alarm, sprinkler or kitchen hood exhaust systems are required to be tested periodically by a technically qualified person who is certified by the Division of Fire Safety. Upon completion of the test, the technically qualified person will affix an inspection sticker and notify the Division of Fire Safety of the results of the inspection.

### **Use of Archaic Building Materials**

Building materials used within buildings are evaluated for “interior finish ratings” and “fire resistance ratings.”

1) Interior finish ratings include evaluations for flame spread, fuel contribution and smoke development. Interior finish ratings are classified as A, B or C. Common archaic finish material such as plaster, tile flooring, wood flooring and metal ceilings will normally meet the standards for interior finish. Wood trim and incidental finish which is less than 10% of the aggregate wall and ceiling areas will also meet the standards for interior finish. Wood paneling which consists of more than 10% of the aggregate wall and ceiling areas will also meet the standards for interior finish in a number of historic buildings such as a bed and breakfast with 16 or fewer guests. However, in some buildings such as schools, the wood paneling would need to be treated with a fire retardant finish. The fire retardant finishes are available in both clear and solid color. The application of a fire retardant finish would not be required for wood paneling in a building provided with an automatic fire sprinkler system.

2) Fire resistance ratings evaluate building walls, ceilings or doors for the amount of time that it would resist the passage of fire. Construction assemblies can be evaluated by standard tests, rating guidelines published by nationally recognized authorities or by engineering analysis. Many common archaic construction assemblies have substantial resistance ratings while other assemblies may need to be enhanced to meet fire resistance requirements. Fire resistance requirements are commonly found in the code for separation walls that separate a more hazardous area from the rest of the building, such as a boiler room or stairway walls which protect the means of egress from a building. The requirements for construction or wall assemblies with fire resistance ratings in a building are reduced or totally eliminated for existing buildings with an automatic fire sprinkler system.

### **Field Guide for Historic Buildings**

The Field Guide is designed to be used by those involved at all levels in the alteration process of historic and older buildings, including: trades persons, planners, architects, engineers, and property owners. The purpose of the Field Guide is to illustrate and describe successful examples of code compliance that reconcile safety considerations with preservation goals. In addition to explaining the code requirements and listing sources for further referencing, this guide also encourages and outlines the early and continued cooperation between those directly involved in the project with local code and preservation officials.

### ***Annex V – Contact Information:***

**The Division of Fire Safety's four regional offices are located in:**

**Barre**

**Rutland**

McFarland State Office Bldg.  
5 Perry Street, Suite 200  
Barre, VT 05641  
802.479.4434  
Fax: 802.479.4446

Fourth Floor  
Asa Bloomer Build Suite 430  
88 Merchants Row  
Rutland, VT 05701  
802.786.5867  
Fax: 802.786.5872

**Springfield**

100 Mineral Street, Suite 307 Springfield, VT 05156  
802.885.8883  
Fax: 802.885.8885

**Williston**

372 Hurricane Lane, Suite 102  
Williston, VT 05495-7151  
802.879.2300  
Fax: 802.879.2312

**The Vermont Fire Academy** is located at:

317 Sanitorium Road  
Pittsford, VT 05763  
802.483.2755  
Toll Free 800.615.3473  
Fax: 802.483.2464

**The Division of Fire Safety Main Office** is located at:

1311 U. S. Route 302 - Berlin  
Suite 600  
Barre, Vermont 05641-2351  
802.479.7561  
Toll Free 800.640.2106  
Fax: 802.479.7562

Codes and Standards Adopted and referenced under this *Code* are available at:

National Fire Protection Association  
1 Batterymarch Park  
Quincy Mass 02169-9101  
1-800-344-3555  
[www.nfpa.org/](http://www.nfpa.org/)

550 N.W. Lejunne Road  
P.O. Box 351040  
Miami FL 33135  
1-800-443-9353  
[www.aws.com](http://www.aws.com)

American Society of Heating Refrigeration  
and Air Condition Engineers  
1791 Tullie Circle N.E.  
Atlanta, GA 30329  
404-636-8400  
[www.ashrae.org/](http://www.ashrae.org/)

Compressed Gas Association, Inc.  
4221 Walney Road, 5<sup>th</sup> Floor  
Chantilly, VA 20151-2923  
703-788-2700  
[www.cganet.com/default.html](http://www.cganet.com/default.html)

American Society of Mechanical Engineers  
22 Law Drive, Box 2900  
Fairfield, NJ 07007  
1-800-843-2763  
[www.asme.org/](http://www.asme.org/)

International Code Council, Publications  
4051 West Flossmoor Road  
Country Club Hills  
Illinois, 60478-5795  
888-422-7233

American Society for Testing and Materials  
100 Barr Harbor Drive  
West Conshohocken PA 19428-2959  
610-832-9585  
[www.astm.org/](http://www.astm.org/)

National Board of Boiler & Pressure Vessel Inspectors  
1055 Crupper Ave.  
Columbus, Ohio 43229-1183  
614-888-8320  
[nationalboard.org](http://nationalboard.org)

American Welding Society, Inc.

Petroleum Equipment Institute

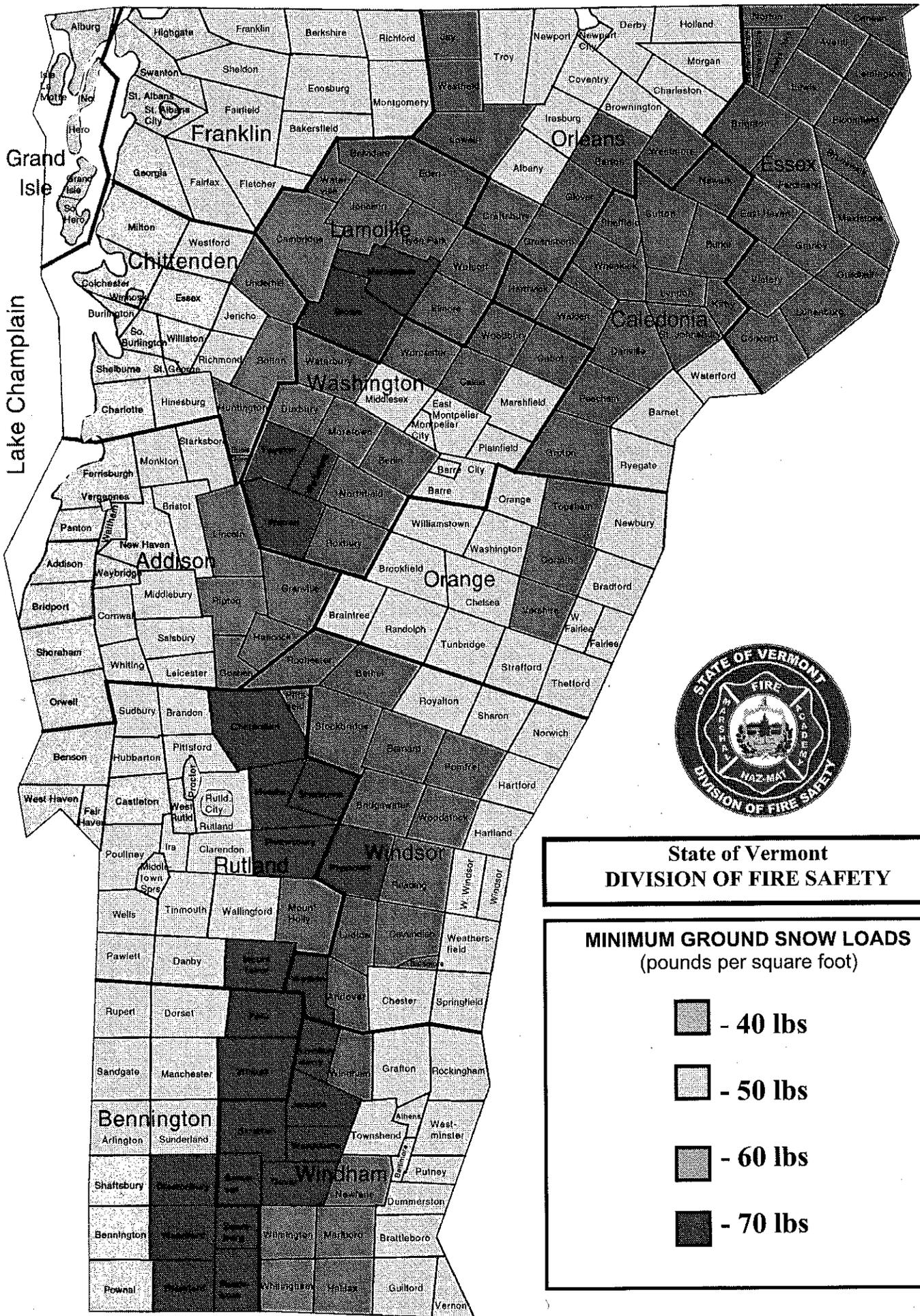
P.O. Box 2380  
Tulsa OK 74101-2380  
1-918-494-9696  
www.pei.org

Underwriters Laboratories Inc.  
333 Pfingsten Road  
Northbrook IL 60062  
847-272-8800  
www.ul.com/

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**State of Vermont  
DIVISION OF FIRE SAFETY**

**MINIMUM GROUND SNOW LOADS**  
(pounds per square foot)

-  - 40 lbs
-  - 50 lbs
-  - 60 lbs
-  - 70 lbs

VERMONT DEPARTMENT OF PUBLIC SAFETY  
**DIVISION OF FIRE SAFETY**  
OFFICE OF THE FIRE MARSHAL AND FIRE ACADEMY  
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## **Rule for Automatic Fire Suppression Systems at Gasoline Stations**

1.1 Purpose: This rule is adopted to formalize an agreement entered into by the Department of Labor and Industry and the Vermont Petroleum Association in May of 2002. This rule is adopted under the authority granted by 20 V.S.A. section 2731 and 2800.

1.2 Need: The existing agreement requires the owner of a fuel dispensing facility to go through the formality of applying for a variance in order to waive the requirement for an automatic fire suppression system. This rule will eliminate the variance requirement and facilitate the timely construction of fuel dispensing facilities.

1.3 Rationale: Automatic fire suppression systems at fuel dispensing facilities are designed to discharge a fire-extinguishing agent when activated by either an automatic heat detector or a manual pull station. Due to the cost, maintenance and inherent practical limitations associated with such systems, their use may not be appropriate for all fuel dispensing facilities.

### 2.1 Definitions:

2.1.1 Authority Having Jurisdiction: The Commissioner of Public Safety, staff members of the Division of Fire Safety or other designated representatives of the Commissioner, or in the case of a cooperative inspection agreement an official of a municipality that has entered into a valid municipal agreement as authorized by 20 V.S.A. section 2736.

2.1.2 Class 1 Flammable Liquid: Any liquid that has a closed-cup flash point below 100°F (37.8°C) and a Reid vapor pressure of not exceeding 40 psia (2068.6 mm Hg) at 100°F (37.8°C) as determined by ASTM D 323, *Standard Method of Test for Vapor Pressure of Petroleum Products (Reid Method)*. For purposes of this rule, the Class 1 flammable liquid of primary concern is gasoline.

2.1.3 Fuel Dispensing Facility: That portion of a property where liquids used as motor fuels are stored and dispensed from fixed, approved dispensing equipment into the fuel tanks of motor vehicles, commonly referred to as gasoline stations.

### 3.1 Automatic Fire Suppression Systems Required:

3.1.1 Approved automatic fire suppression systems shall be required at all unattended self-service fuel dispensing facilities including **card-lock, key-lock and fleet-refueling facilities** where non-employee third parties are allowed to dispense Class 1 flammable liquids. All such systems installed after May 31, 2002, shall be approved by the authority having jurisdiction, be installed in accordance with the appropriate NFPA standard, manufacturers' instructions, and the listing requirements of UL 1254. [reference NFPA 1:42.2.6.4.1 & 42.2.7.5.3]

3.1.2 Approved automatic fire suppression systems shall also be required where **unique and special circumstances** constituting a serious risk to public safety require the use of such systems in order to adequately protect users, as determined by the authority having jurisdiction.

### 3.2 Automatic Fire Suppression Systems Not Required:

3.2.1 Approved automatic fire suppression systems shall not be required at any full-service or self-service fuel dispensing facility where an employee is on duty during all hours of operation, and where such employee is able to **view and supervise all fuel dispensing operations**, in accordance with the Uniform Fire Code. [reference NFPA 1:42.2.7.10]

3.2.2 The gasoline dispensing area shall be **clearly visible** to the attendant so that the attendant can supervise, observe and control the fuel dispensing. [reference NFPA 1:42.2.7.10.2]

3.2.3 All attendants for self-service fuel dispensing facilities shall receive **initial and periodic training** regarding the requirements of the Uniform Fire Code including preventing the dispensing of gasoline into unapproved portable containers, making sure that the portable container is on the ground while filling, controlling sources of ignition such as smoking and requiring the motor of the vehicle to be shut off, activating emergency controls and notifying the fire department of any fire, and handling accidental spills and fire extinguishers as needed. [reference NFPA 1:42.2.7.5 & 42.2.7.10]

3.2.4 An attendant for a self-service fuel dispensing facility shall **disconnect the power to any pump** when the attendant observes the dispensing of gasoline into an unapproved portable container, filling of a portable container that is not on the ground, the motor of the vehicle had not been stopped, smoking materials are being used within 20 ft. of the fuel dispensing, a person has blocked open the hose nozzle valve or a person has left the pump unattended, and the power shall not be restored until the violation is abated.

3.2.5 Where otherwise exempted under this section a fire suppression system shall be permitted to be installed in accordance with the appropriate **NFPA standard and the manufacturers' instructions** that do not meet the listing requirements of UL1254.

### 4.1 Existing Automatic Fire Suppression Systems:

4.2 Systems currently in use that were installed prior to May 31, 2002, shall be **inspected and certified annually**, and shall continue to meet the standards for installation and operation incorporated into the Vermont Fire & Building Safety Code.

4.3 A system installed prior to May 31, 2002 that is no longer operable **may be replaced** with a system that does not meet the listing requirements of UL1254.

### 5.1 Force and Effect of Rule:

5.1.1 Unless modified under these rules all fuel dispensing facilities shall be constructed, operated and maintained in accordance with the Vermont Fire & Building Safety Code.

5.1.2 These rules do not prohibit the use of other fire suppression systems for fuel dispensing facilities acceptable to the authority having jurisdiction as an **alternative, equivalent or variance** in accordance with the Vermont Fire & Building Safety Code.

5.1.3 In the event of a conflict between this rule and other rules, codes or standards adopted or referenced by the Vermont Fire & Building Safety Code, the terms of this rule shall govern. Future revisions of the Vermont Fire & Building Safety Code shall conform, as nearly as possible, to the terms of this rule.

5.1.4 A copy of the **Material Safety Data Sheet (MSDS)** for the extinguishing agent shall be kept at all locations where automatic fire suppression systems are installed.

### 6.1 Effective Date and Severability:

6.2 This rule shall take effect on **November 1, 2005**.

6.3 In the event any part or provision of these rules is held to be illegal, this shall not have the effect of making void or illegal any other parts or provisions of these rules.

