SECTION 1. TITLE

These regulations are adopted pursuant to Title 21 VSA, Section 252 & 262 and shall be known and cited as the Fire Prevention Code of the State of Vermont.

SECTION 2. INTENT OF CODE

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

SECTION 3. SCOPE

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

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

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

(d) Nothing contained in this code shall be construed to prevent the enforcement of other laws which prescribe more restrictive limitations.
SECTION 4. DEFINITIONS

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

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

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

(3) "Approved" means approved by the Commissioner.

(4) "Authority having jurisdiction" means the Commissioner.

(5) "Building" means public building as defined under Chapter 25, Title 18, V.S.A. 1301.

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

(7) "Commissioner" means the Commissioner of Labor & Industry or his authorized representative.

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

(9) "Repair, minor" is the renewal or replacement of any part of a building in keeping with the existing type of construction, arrangement of parts, and occupancy of the building, for maintenance purposes when the structural parts of the building are not affected.
(b) When terms are not defined in this section and defined in the adopted National Safety Standards, they shall have the meaning ascribed to them in such standards.

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

SECTION 5. ADOPTION OF NATIONAL SAFETY STANDARDS

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


10 Installation of Portable Fire Extinguishers, 1972.
17 Dry Chemical Extinguishing Systems, 1969.
32 Dry Cleaning Plants, 1970.
40 Storage and Handling of Cellulose Nitrate Motion Picture Film, 1967.
56C Hospital Laboratories, 1972.
56F Non-flammable Medical Gas Systems, 1970.
652 Explosion and Fire Protection in Plants Handling Magnesium Powder or Dust, 1968.
70 National Electrical Codes, 1971.
71 Central Station Protective Signaling Systems, 1972.
72A Local Protective Signaling Systems, 1972.
National Fire Protection Association Standards Numbers

74  Household Fire Warming Equipment, 1972.
82  Incinerators and Rubbish Handling, 1972.
85  Prevention of Furnace Explosions in Fuel Oil and Natural Gas-fired
    Watertube Boiler-Furnaces with One Burner, 1972.
88  Garages, 1968.
90B Installation of Residence Warm-Air Heating and Air Conditioning
91  Installation of Blower and Exhaust Systems for Dust Stock and
    Vapor Removal or Conveying, 1972.
102  Tents, Grandstands and Air-Supported Structures Used for Places
    of Assembly, 1972.
231  Indoor General Storage, 1972.
409  Aircraft Hangars, 1972.
501B Mobile Homes, 1972.

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

SECTION 6. REFERENCE DOCUMENTS

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


Reference Documents (continued)


(b) The Commissioner may:

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

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

(c) In the case of any conflict between the provisions of this code and those of any reference document, the provisions of this code will always take precedence.
SECTION 7. INDEPENDENT SECTIONS: VALIDITY OR CONSTITUTIONALITY

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

SECTION 8. ANNUAL HEARING

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

SECTION 9. RESPONSIBILITY OF THE OWNER

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

SECTION 10. DUTIES OF THE OWNERS

Every owner or lessee of public property or premises shall:

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

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

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

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

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

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

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

SECTION 11. DRAWINGS AND SPECIFICATIONS, WHEN REQUIRED

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

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

Prior to beginning the construction or erection of any building or facility for which drawings and specifications are required under SECTION 11 of this code, the owner thereof or his agent shall submit not less than two copies of said drawings and specifications to the Commissioner of Labor and Industry, Montpelier, Vermont for approval.
SECTION 13. DRAWINGS & SPECIFICATIONS TO BE ADEQUATE

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

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

SECTION 14. DRAWINGS AND SPECIFICATIONS, REQUIRED EVIDENCE OF RESPONSIBILITY

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

SECTION 15. DRAWINGS AND SPECIFICATIONS, INSPECTION OF

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

SECTION 16. DRAWINGS AND SPECIFICATIONS, APPROVAL OF

(a) When the Commissioner finds that the drawings and specifications submitted to him for approval under SECTION 11 conform to the applicable provisions of this code, he shall endorse or stamp such drawings and specifications as approved by the Commissioner.
SECTION 16.  (cont'd)

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

(c) Every approval issued is conditioned upon:

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

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

SECTION 17.  DRAWINGS & SPECIFICATIONS, REVOCATION OF APPROVAL OF

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

SECTION 18.  DRAWINGS AND SPECIFICATIONS, APPROVED SET REQUIRED

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

(b) The Commissioner shall stamp or endorse additional sets of drawings and specifications which have been approved by him, in addition to the two sets required under SECTION 12, when so requested by the owner or his agent.
SECTION 19. DRAWINGS AND SPECIFICATIONS, CONFORMITY TO

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

SECTION 20. SPECIAL SUPERVISION, WHERE REQUIRED

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

SECTION 21. INSPECTION

If the drawings and specifications for the erection, construction, repair, alteration, relocating or equipment of a building are subject to inspection by the Commissioner under SECTION 11, he shall make or cause to be made such inspection, investigations, and determinations as are necessary to determine whether or not the work which has been performed and the installations which have been made are in conformity with the approved drawings and specifications relating thereto, except to the extent special inspection is provided under SECTION 20.
SECTION 22. LIABILITY FOR DAMAGES

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

SECTION 23. PENALTIES

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

SECTION 24. CONFIDENTIAL INFORMATION

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

SECTION 25. EFFECTIVE DATE

(a) These rules and regulations shall become effective July 11, 1973 and shall not be retroactive except when conditions exist which are inimical to fire prevention and public safety. (20 V.S.A. 251-264)

(b) These rules shall not apply:

(1) To designs begun before January 1, 1972, if such design will be completed and submitted for approval to the Fire Marshal or before June 30, 1972 and a letter of intent to submit such designs is received by the Fire Marshal or before the effective date of these rules;
SECTION 25 Effective Date (cont'd)

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

These regulations have been adopted by the Commissioner of Labor and Industry pursuant to 21 V.S.A. 252 & 262. They shall become effective on July 11, 1973.

LOUIS LAVIN,  
Commissioner
Honorable Richard Thomas  
Secretary of State  
Pavilion  
Montpelier, Vermont  

June 22, 1973

Dear Secretary Thomas:

Pursuant to Title 3, VSA, Section 804, the attached rules and regulations are adopted to be effective July 11, 1973, as follows:

1. PART 1903 - Inspections, Citations and Proposed Penalties  
2. PART 1904 - Recording & Reporting Occupational Injuries & Illnesses  
3. PART 1905 - Rules of Practice for Variances, Limitations, Variations, Tolerances and Exemptions  
4. PART 1000 - Work-Life Standard  
5. Safety & Health Standards for Maritime Employment  
6. Safety & Health Regulations for Construction  

Items 1 thru 7 are adopted jointly by the Secretary of Human Services and the Commissioner of Labor & Industry.

8. Regulations for Elevators, Escalators, Dumbwaiters and Moving Walkways  
10. Boiler and Unfired Pressure Vessel Rules & Regulations  

Items 8 thru 10 are adopted solely by the Commissioner of Labor & Industry.

Sincerely,

LOUIS LAVIN  
Commissioner  
Department of Labor & Industry

THOMAS DAVIS  
Secretary  
Agency of Human Services