

TOWN OF NARRAGANSETT

CHAPTER 1080

AN ORDINANCE IN AMENDMENT OF CHAPTER 26 OF THE CODE OF ORDINANCES OF THE TOWN OF NARRAGANSETT, RHODE ISLAND, ENTITLED "FIRE PREVENTION AND PROTECTION"

It is ordained by the Town Council of the Town of Narragansett as follows:

Section 1: That Chapter 26, Article I of the Code of Ordinances entitled "In General" is hereby amended by adding the underlined text:

ARTICLE I. - IN GENERAL

Sec. 26-1. - The fire chief, fire marshal and any other qualified members of the fire department designated by the fire chief shall constitute the Narragansett Bureau of Fire Prevention, hereinafter referred to as bureau of fire prevention. All members of the bureau of fire prevention shall be sworn constables of the town and shall uphold and enforce all Narragansett fire related ordinances and laws.

Sec. 26-2. - State code adopted.

There is adopted by the town for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the state Fire Safety Code, chapters 28.1 to 28.39 of title 23 of the General Laws of Rhode Island, 1956 as amended, and the Fire Safety Code sections 1 through 15 adopted by the Rhode Island Fire Safety Code Board of Appeal and Review pursuant to R.I.G.L. 23-28.3-3, which provisions are adopted and incorporated as fully as if set out in length herein, and from the date this section takes effect, the provisions thereof shall be controlling within the town.

Sec. 26-3. - Duty to enforce laws, ordinances, regulations.

(a) It shall be the duty of the bureau of fire prevention to enforce all laws of the state and ordinances of the town, and all regulations that have or shall be adopted by the town covering the following:

- (1) The prevention of fires.
- (2) The storage of petroleum and petroleum products in bulk, the storage of dangerous chemicals, the storage and use of all other explosive and flammables of whatever name or nature.
- (3) The installation and maintenance of automatic and other fire alarm systems, and fire extinguishing equipment.

(4) The condition and accessibility of exits in case of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theatres, amphitheatres, and all other places in which numbers of persons work, live or congregate, from time to time, for any purpose.

(5) The investigation of the cause, origin, and circumstances of fires.

(b) The bureau of fire prevention shall have such other powers and perform such other duties as are set forth in other sections of this Chapter 26 and as may be conferred and imposed from time to time by law and regulations adopted by said town of Narragansett. The chief of the fire department may delegate any of his/her powers or duties under this Chapter 26 to the Narragansett fire marshal.

Sec. 26-4. - Investigation of cause and origin of fires.

(a) The bureau of fire prevention shall investigate the cause, origin and circumstances of every fire occurring in the town by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of carelessness or design.

(1) Such investigations shall begin as soon as an investigator can respond, upon the occurrence of such a fire

(2) If it appears to the investigator making the investigation that the fire is of suspicious origin, the chief of the fire department shall be immediately notified of the fact; the investigator shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.

(b) The chief of the fire department or his/her designee, shall report any structure damaged by fire to the town building inspector, and furnish a basic fire report no later than twenty-four (24) hours following the extinguishment of the fire, accompanied by a recommendation with proposed measures to insure reasonable safety.

(c) Upon receipt of a report from the fire chief or his/her designee, regarding a structure damaged by fire, the building inspector, or a designee, shall inspect said structure no later than twenty-four (24) hours following the receipt of such a report.

(d) The building inspector shall ensure that any structure classified as a public safety hazard and/or a general safety threat to the community is secured immediately following such a classification and/or determination.

(1) The burden of securing such a structure shall be placed upon the owner of the property.

(2) The owner of a property classified as a public safety hazard and/or general safety threat to the community shall secure the said property within seven (7) days of such a classification.

(3) In the event that an owner of a structure classified as a public safety hazard and/or general safety threat fails to secure such property, the building inspector, or a designee, shall secure the structure and charge the owner of the aforementioned property with any and all applicable expenses necessary to secure the structure.

Sec. 26-4. 5. - Plans and rates for fire alarm equipment, boxes or cable.

- (a) Any plans involving relocation or adjustment of fire alarm equipment, boxes or cable required by building, road construction, road reconstruction, cable television or utilities shall be submitted to the fire department. All pertinent information of the work to be performed and material requirements shall be included.
- (b) The town council shall establish by resolution and amend from time to time standard rates to be used when computing charges.
- (c) Transition to radio transmitting and receiving devices:
All current and future town businesses required by the Rhode Island Fire Code to maintain Emergency Forces Notification (master boxes) shall upgrade their system to conform to Narragansett fire regulations within a 5-year timeframe. The Narragansett fire department will no longer maintain or receive signals on the current 100-milliamper wired system starting on January 1st of 2025. Any premise that requires this upgrade shall have a new radio master box installed and operating by December 31, 2024. (See the Radio Box guidance and regulations on file with the Narragansett fire department for details.)
- (d) There shall be a yearly maintenance and registration fee for all master boxes and a registration fee for local alarms made payable to the town at the time the business license is renewed. This fee will be accompanied by an application and approval by the fire chief or his/her designee.
- (e) Town not liable for losses:
The town shall not be responsible or liable and no cause of action shall arise or be asserted against the town as a result of any losses, damages or injuries or any type whatsoever, to life or property, which may arise or occur to the applicant, his heirs, successors or assigns as a result of the failure of the applicant's fire alarm system to function properly or of the town's fire alarm system to function properly, whether considered jointly or severally and further the town shall in no way be held liable or responsible for any damages, losses or injuries to persons or property, which may be occasioned or arise by reason of the applicant's fire alarm system being connected to the town fire alarm system, and in any such event the town shall be held harmless.

Sec. 26-6. - Fire prevention inspection fees.

These fees are governed by RIGL chapter 23-28.2, section 23-28.2-27 and are subject to change if alternate fees are adopted

The fire department shall assess an inspection fee for any inspection performed by the department pursuant to any provision of the state fire code including any rule or regulation of the state fire marshal. In the case of any commercial, industrial, manufacturing, educational, religious or governmental use, the fee shall be payable by the licensee of the property inspected if the occupant of the property inspected holds any license issued by the board of licenses, otherwise the fee shall be payable by the lessee of the property inspected or, if none, then by the owner of the property. In the case of any residential property, the fee shall payable by the owner of the property.

The fee shall be waived if, after inspection, no violation of any provision of the Narragansett Code of Ordinances or the Rhode Island State Fire Code including any rule or regulation of the state fire marshal has been found. Each subsequent re-inspection shall constitute an inspection for which a separate fee shall be payable if continuing violations are found. No inspection fee shall be assessed against the town, or any department, board, or commission thereof.

Section 2: That Chapter 26, Article II of the Code of Ordinances entitled “Fire Code and Regulations” is hereby amended by adding the underlined text:

DIVISION 1. – TANKS

Sec. 26-21. - Installation of tanks for combustibles.

- (a) Reserved.
- (b) Any such installation shall be subject to the provisions of the state fire code and all other applicable state or federal regulations and ordinances of the town.

DIVISION 2. - REGULATION OF OPEN FIRES

Sec. 26-23. - Purpose.

The purpose of this division is to regulate open fires consistent with but outside the control of G.L. 1956, §§ 23-23-1 et seq. and 23-23.1-1 et seq., the Rhode Island Clean Air Act, and G.L. 1956, § 2-12-1 et seq., forest fires and prevention.

Pursuant to § 23-23-18(b) and (c) of the Rhode Island General Laws, the town may regulate and prohibit open fires for the health, safety and protection of its residents.

- (1) In the event that an open fire or smoke emanating from any open fire, including but not limited to those exempt herein, is determined to cause an annoyance and nuisance to owners, lessees, occupants or persons in general, by way of fumes, soot, ashes, dust, smoke, odors, sparks and the like, then in such event, said fire shall be extinguished immediately upon notification by the fire chief or his/her designee.
- (2) If a determination is made that an open fire is causing an annoyance and nuisance and the open fire is not extinguished immediately, the fire chief or his/her designee may enter upon the property and extinguish said fire.
- (3) The Narragansett fire department shall enter and extinguish illegal fires upon private land and shall report the same to the fire prevention bureau or police department for prosecution.

Sec. 26-24. - Definitions.

Bonfire. A large fire built in the open air, for warmth, entertainment, or celebration, etc., or as a signal.

Open fire. The term open fire as used in ~~this~~ Chapter 26 shall be held to mean any fire from which the products of combustion are emitted directly into the open air without passing through a stack or chimney.

Permit. Official permit to kindle fire from the state department of environmental management, division of forest environment.

Solid waste. Garbage, refuse and other discarded solid material generated by residential, institutional, commercial, industrial and agricultural sources, but does not include solids or dissolved material in domestic sewage or sewage sludge, nor does it include hazardous waste as defined in the state hazardous waste management act, as amended.

Sec. 26-25. - Prohibited.

The following activities are prohibited:

- (a) During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the property or in the immediate vicinity.
- (b) The burning of solid waste.
- (c) The burning of wood that has been treated with chemicals, paint, stain, or other finishing materials.
- (d) Open fires on any commercial property.

The bureau of fire prevention may, in writing, order every owner, lessee, occupant or any person having charge of premises described in this article, to remove materials, waste, or rubbish or accumulations thereof, from said premises within three (3) days from the receipt of said order.

Sec. 26-26. - Permit required.

The following activities require a permit issued by the fire department:

- (a) Permit required on public grounds. No person shall set or maintain any bonfire or other open fire of any kind or authorize any such fire to be set or maintained on any public ground without a permit issued by the chief of the fire department or his/her designee. The permit may set such limitations or conditions as determined appropriate by the chief or his/her designee.
- (b) Permit required for bonfires on private land.
- (c) Permit required for the burning of cut brush and leaves.

Sec. 26-27. - Permit not required.

The following activities do not require a permit issued by the fire department:

- (a) A person may burn combustible material on any private residential land if the fire is contained in a burner with a closed or properly screened top, approved by the fire

prevention bureau, including chimeneas or other movable, closed fire containers available for retail purchase. Fire rings and stone rings shall be allowed as long as all combustible materials are cleared to a minimum of seven feet away and the ring is less than 30 inches in diameter. Such fire containers are to be located safely on private residential property no less than 15 feet from any structure and ten feet from any property line or combustible fence.

(b) Gas and charcoal fired grills.

(c) Residential fires are limited to the period from sunrise to midnight.

Sec. 26-28. - Attendance at fires.

Every bonfire or other open or closed fire shall be constantly attended by a competent person until such fire is extinguished. A garden hose connected to a water supply or other fire extinguishing equipment shall be readily available for use.

Sec. 26-29. - Exceptions.

(a) The chief of the fire department or his/her designee may prohibit any and all outdoor bonfires or other open fires whenever atmospheric conditions or other local circumstances may make such fires hazardous. The chief or his/her designee shall have the authority to order extinguished any fire determined to be a public safety risk.

(b) The chief of the fire department may authorize exceptions to this division and allow additional burning when the chief deems it necessary for the public convenience or welfare.

Sec. 26-30. - Complaints on open burning.

Upon receiving a formal complaint of open burning (name and address of complainant provided), the fire department will respond and investigate. If the officer in charge deems that the burning is a nuisance, as that term is defined in G.L. § 11-30-13, the fire shall be put out. If the complainant does not wish to file a formal complaint, then the fire department shall only do a safety check of the open burning.

Sec. 26-31. - Penalties for violation.

Any person found guilty of violating any section of this division shall, upon conviction, be punished in accordance with section 1-14 of this Code.

DIVISION 3. – PERMITTING

Sec. 26-32. - Permitting requirements.

1. No building permit may be issued in the town without the review and prior approval of the chief of the fire department or his/her designee.

2. No mechanical permit for the modification or installation of liquefied petroleum gas may be issued in the town without the review and prior approval of the chief of the fire department or his/her designee.
3. No mechanical permit for the modification or installation of any fire suppression system may be issued in the town without the review and prior approval of the chief of the fire department or his/her designee.
4. No mechanical permit for the modification or installation of combustible or flammable liquids may be issued in the town without the review and prior approval of the chief of the fire department or his/her designee.
5. No electrical permit for the modification or installation of fire alarms may be issued in the town without the review and prior approval of the chief of the fire department or his/her designee.
6. No permit may be issued for the erection of a tent or air-supported structure in the town without the review and prior approval of the chief of the fire department or his/her designee.
7. No permit, certificate or license may be issued for any structure or process that is regulated by the provisions of the state Fire Safety Code in the town without the review and prior approval of the chief of the fire department or his/her designee.
8. No permit for the display of outdoor fireworks or indoor pyrotechnics may be issued without a complete review and approval by the chief of the fire department or his/her designee.
9. Any property owner, lessee or other person who violates or fails, or refuses to comply with the provisions of the state Fire Safety Code or the provisions of Chapter 26 shall be subject to prosecution in the municipal court or will be assessed a fine in accordance with this section prior to the issuance of their permit.
10. No permit shall be issued for construction requiring hot work without a HOT WORK PERMIT issued by the chief of the fire department or his/her designee.

Sec. 26-33. – Penalties for violation of permitting requirements.

Any person found to be in violation of this code shall be fined up to but not exceeding \$250 dollars to be paid in full prior to the issuance of that entity's certificate of occupancy.

DIVISION 4. - EXCESSIVE AVOIDABLE FALSE FIRE ALARMS AND MALFUNCTIONS

Sec. 26-34. – Definitions.

Avoidable false alarm means the activation of any alarm which results in the response of the fire department and is caused by the negligence or intentional misuse (including such activation caused by heat, smoke or fire) of the system by the owner or his/her/its employees, servants, agents or guests or any other activation including activation caused by heat, smoke or fire.

Avoidable fire alarm malfunction means the activation of any alarm which results in the response of the fire department and such activation is caused by mechanical failure, malfunction, improper installation or lack of proper maintenance; and for any other

response for which the fire department personnel are unable to gain access to the premises for any reason, or are unable to determine, after reasonable inquiry, the apparent cause of the alarm activation.

The owner of any premises shall be responsible for any avoidable false alarms and avoidable false alarm malfunctions occurring at those premises. Incidents shall be cumulative for all realty held in that name, and fines for avoidable false alarms and avoidable false alarm malfunctions will be assessed to the owner of the premises according to the Narragansett fire department fee schedule.

After three (3) avoidable false alarms or avoidable false alarm malfunctions in one (1) twelve-month period, the owner of the premises will be notified via certified mail that subsequent avoidable false alarms will cause the owner to be assessed fines according to the fine schedule referenced in this section.

DIVISION 5 - KEY ACCESS BOXES

Sec. 26-35. - All commercial, large multi-unit residential structures, and 1, 2, and 3 family homes with a monitored alarm system in the town are required to provide emergency access to their building as outlined in the Narragansett Fire Department Key Access Box Standard. All applicable buildings shall install an approved key access box, provide updated keys for their premises, and maintain these boxes to the aforementioned standard. (See the Key Access Regulations on file with the Narragansett fire department for details.)

DIVISION 6 - CROWD MANAGEMENT AND FIRE/FIRE WATCH DETAILS

Sec. 26-36. - In accordance with the Rhode Island Fire Code all places of assembly shall have a minimum of one uniformed fire fighter, and any additional uniformed fire fighters on duty when deemed necessary by the chief of the local fire department or his/her designee and shall be enforced as outlined in chapters twelve and thirteen in the Rhode Island Life Safety Code.

Furthermore, the fire chief or his/her designee shall have the authority to require a fire watch or fire detail as outlined in NFPA 1 and adopted by the State of Rhode Island as the Rhode Island Fire Code.

1.7.17 Standby and Fire Watch Personnel.

1.7.17.1

The AHJ shall have the authority to require standby fire personnel or an approved fire watch when potentially hazardous conditions or a reduction in a life safety feature exist due to the type of performance, display, exhibit, occupancy, contest, or activity; an impairment to a fire protection feature; or the number of persons present.

1.7.17.2

The owner, agent, or lessee shall employ one or more qualified persons, as required and approved, to be on duty.

1.7.17.2.1

The cost of standby fire personnel shall be at no cost to the AHJ.

1.7.17.3 *

Such standby fire personnel or fire watch personnel shall be subject to the AHJ's orders at all times and shall be identifiable and remain on duty during the times such places are open to the public, when such activity is being conducted, or as required by the AHJ.

[AHJ: authority having jurisdiction]

DIVISION 7 - FEE TABLES

Sec. 26-37. - Plan Review Fee Table

This fee schedule is governed by RIGL chapter 23-28.2, section 23-28.2-26 and is subject to change if an alternate fee schedule is adopted.

Inspection Type	Fee	
Plan review—New single-family	\$75.00	
Plan review—New two-family	\$125.00	
Plan review—New three-family	\$175.00	
Renovations, additions, alterations—Residential	\$50.00	
Plan review—Commercial	Cost of Construction	Fee
	\$500 or less	\$25.00
	Over \$500 but not over \$1,000	\$35.00
	Over \$1,000 but not over \$2,000	\$45.00
	Over \$2,000 but not over \$500,000	\$45.00+ (plus \$6.00 per \$1,000 or fraction thereof over \$2,000)
	Over \$500,000	\$3,033.00+ (plus \$4.00 per \$1,000 or fraction thereof over \$500,000)
Re-inspection Fee (If failed twice)	\$50.00	
Tent permits (greater than 350 sq. ft.)	\$30.00	
Fireworks	\$50.00	
Underground tank removal—Residential	\$50.00	
Underground tank removal—Commercial, flammable liquids	\$150.00	
Underground tank removal—Commercial, combustible liquids	\$100.00	

Narragansett Fire Department Fee Schedule	Cost
Commercial Master Box Registration	\$150.00
Local Fire Alarm Registration	\$25.00
Fire Code Inspection (if violations are found)	\$100.00
Working Without a Required Permit	\$250.00
Excessive Avoidable Alarms	0-3 = \$0 4-10 = \$150 per incident 11- 30 = \$200 per incident 30+ = \$300 per incident

Section 3: This ordinance shall take effect upon passage, and all other ordinances or parts of ordinances inconsistent herewith are hereby repealed as of that date.

First reading, read and passed in the Town Council meeting legally assembled the 5th day of October, 2020.

Second reading, read and passed in the Town Council meeting legally assembled the 19th day of October, 2020.

ATTEST:



Theresa C. Donovan, CMC
Town Clerk