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OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Fire Prevention and Safety
- 2) Code Citation: 41 Ill. Adm. Code 100
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
100.1	Amendment
100.2	New Section
100.3	Amendment
100.6	New Section
100.7	Repealed
100.8	New Section
100.9	New Section
100.10	New Section
100.11	New Section
- 4) Statutory Authority: Implementing and authorized by Section 9 of the Fire Investigation Act [425 ILCS 25/9]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking amends the Part to adopt the most recently published edition of a national standard (the National Fire Protection Association ("NFPA") Life Safety Code) and to allow extended time for existing occupancies to comply with the requirements of adopted codes. The rulemaking also deletes the previous requirements found in 41 Ill. Adm. Code 100.7 pertaining to permanently moored vessels as those provisions are being simultaneously relocated, creating new Part 149.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: The sources of underlying data used to compose this rulemaking include information obtained from the Illinois Fire Incident Reporting System (IFIRS) relative to fires in Illinois; the Report on the Cook County Building fire produced by the Witt Commission and the provisions of the National Fire Protection Association Life Safety Code, NFPA 101.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? Yes

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- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking establishes the minimum life safety standards for the State for both new and existing occupancies.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:
- Ken Wood, P.E. EFO
Fire Protection Engineer
Director, Division of Technical Services
Office of the State Fire Marshal
100 W. Randolph St., Suite 4-600
Chicago IL 60601
- 312/814-2962
Facsimile: 312/814-3459
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This administrative rulemaking is applicable to all new and existing occupiable structures in the State.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2012

The full Text of the Proposed Amendments begins on the next page:

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TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 100
FIRE PREVENTION AND SAFETY

Section

100.1	Introduction
<u>100.2</u>	<u>Definitions</u>
100.3	Title, Jurisdiction, Powers, Penalties <u>and</u> , Right of Entry, Existing Structures
100.4	Building Construction Types (Repealed)
100.5	Fire Areas (Repealed)
<u>100.6</u>	<u>Adoption of NFPA Codes and Standards</u>
100.7	Adoption of NFPA 101, Life Safety Code by Reference (<u>Repealed</u>)
<u>100.8</u>	<u>Compliance Period for Existing Occupancies</u>
<u>100.9</u>	<u>Historic Structures</u>
<u>100.10</u>	<u>Responsibility of Owners, Architects, Engineers, Designers and Contractors</u>
<u>100.11</u>	<u>Appeal of an Administrative Action</u>
100.110	Modification of NFPA 101 (1985) for Existing Day Care (Repealed)
100.APPENDIX A	Modification of Standards Referenced in NFPA 101 (Repealed)

AUTHORITY: Implementing and authorized by Section 9 of the Fire Investigation Act [425 ILCS 25/9].

SOURCE: Illinois Rules and Regulations for Fire Prevention and Safety, amended September 24, 1973; amended January 8, 1974; Rules and Regulations relating to Fireworks filed October 8, 1974; codified at 5 Ill. Reg. 10673; amended at 6 Ill. Reg. 13021, effective December 15, 1982; amended at 7 Ill. Reg. 16399, effective January 1, 1984; amended at 9 Ill. Reg. 1009, effective July 1, 1985; Sections 100.81, 100.82 and 100.85 recodified to 41 Ill. Adm. Code 105.5, 105.10 and 105.20 at 11 Ill. Reg. 5992; Part repealed, new Part adopted at 12 Ill. Reg. 8017, effective August 1, 1988; emergency amendment at 13 Ill. Reg. 582, effective January 3, 1989, for a maximum of 150 days; emergency expired June 2, 1989; amended at 13 Ill. Reg. 12547, effective July 14, 1989; amended at 17 Ill. Reg. 19127, effective November 1, 1993; amended at 20 Ill. Reg. 13086, effective September 20, 1996; amended at 21 Ill. Reg. 8932, effective July 15, 1997; amended at 22 Ill. Reg. 21330, effective December 15, 1998; amended at 25 Ill. Reg. 11919, effective January 1, 2002; amended at 27 Ill. Reg. 3360, effective April 1, 2003; amended at 37 Ill. Reg. _____, effective _____.

Section 100.1 Introduction

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Pursuant to authority conferred upon the Office of the State Fire Marshal (~~OSFM~~~~Office (the Office)~~) by Section 9 of ~~the Fire Investigation Act [425 ILCS 25/9], this Part is~~ "AN ACT in relation to the investigation and prevention of fire," (Ill. Rev. Stat. 1985, ch. 127½, par. 9) ~~the following rules are hereby adopted to establish OSFM requirements for~~ in relation to the investigation and prevention of fire and dangerous conditions in and near buildings and other structures.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 100.2 Definitions

"Authority Having Jurisdiction" means the OSFM.

"Decision" means any decision, administrative order or determination by OSFM in which the legal rights, duties or privileges of a party are required by law to be determined by OSFM only after an opportunity for an administrative hearing.

"Fire Safety Evaluation System" means the fire risk indexing approach to determining equivalencies to NFPA 101 for certain occupancies, as published in NFPA 101A.

"Local Government Authorities" means those organizations that are the political governing units of a county, district or municipality that enforce laws, regulations or ordinances within their specific geographical areas.

"NFPA" means the National Fire Protection Association.

"OSFM" means the Office of the State Fire Marshal.

"State Fire Marshal" means the State Fire Marshal and his or her deputies, inspectors or designees.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 100.3 Title, Jurisdiction, Powers, Penalties and, Right of Entry, ~~Existing Structures~~

- a) Title
This Part shall be known and cited as the Fire Prevention and Safety Rules. ~~They~~

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~~shall be referred to hereinafter as this Part.~~

b) Jurisdiction

- 1) The provisions of this Part shall apply to all localities and occupancies in Illinois.
- 2) All local officers charged with the duty of investigating fires shall enforce this Part, under the direction of OSFM, except in those localities that have adopted fire prevention and safety standards equal to or higher than the standards adopted by this Part. [425 ILCS 25/9]
- 3) The provisions of this Part do not supersede or negate compliance with the requirements or deadlines established by the Fire Sprinkler Dormitory Act [110 ILCS 47] or the Greek Housing Fire Safety Act [110 ILCS 130].
- 4) Except as otherwise provided by statute or interagency agreement, all State-owned buildings, buildings where State employees work, and buildings having an occupancy licensed by the State, are subject to inspection by OSFM and are required to comply with the Life Safety Code incorporated by reference in Section 100.6.

c) Powers

- 1) ~~OSFM~~The Office is authorized and directed to enforce ~~the provision of this Part. The State Fire Marshal shall make, or cause to be made,~~ inspections of buildings, structures and premises to determine their conformity with the provisions of this Part and their safety to life and property from fire or other emergency requiring evacuation of the building (such as presence of explosive or flammable gasses, fume hazard, and power failure).
- 2) ~~Such inspections shall be made by the Office. Under the direction of the Office, the chief of the local fire department is hereby empowered and directed to make inspections in his geographical area of responsibility. Where any such inspection discloses a violation or violations of this Part, the State Fire Marshal or the local fire chief shall notify the owner, occupant, or other interested party in writing as provided in Section 9 of the Fire Investigation Act [425 ILCS 25/9] to correct said violation or~~

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~~violations. Violations shall be corrected within a reasonable time based upon the severity of the hazard and the work required to correct the violation.~~

~~2)3) OSFM~~The Office will inspect ~~buildings~~building based upon requests from agencies of ~~State~~state and local government, complaints from the public, known or observed violations, potential for loss of lives from fire in given occupancies ~~for which~~where statutes, rules or regulations mandate inspections by ~~OSFM, the Office~~ or ~~when~~where an inspection of a structure or an occupancy is necessary to prevent fire or to minimize the dangers of fire. ~~The inspections will be conducted,~~ in accordance with this Part, subject to available resources.

~~3) OSFM shall, by interagency agreement, allow the application of the edition of the NFPA Life Safety Code currently adopted by the Federal Centers for Medicare and Medicaid Services (CMMS) in occupancies licensed by CMS and inspected by the Illinois Department of Public Health (IDPH).~~

d) Penalty

~~The penalties for violation of the provisions of this Part shall be those stated in such as are provided in Section 9e of the Fire Investigation Act [425 ILCS 25/9e].~~

e) Right of Entry

~~OSFM, and the officers of cities, villages, towns and fire protection districts charged with the duty of investigating fire by the Fire Investigation Act shall, under the direction of OSFM, inspect and examine at reasonable hours, any [425 ILCS 25/9] premises, and the building and other structures on the premises, to determine whether there are any violations of this Part or the local ordinances for the protection of life and property from fire or other emergency. The State Fire Marshal, his subordinates, the fire chief of any city, town, village, or fire protection district, or a subordinate delegated by said fire chief shall have the right within their respective geographical area of responsibility to enter any building or structure at any reasonable time for the purpose of making an inspection to determine whether or not there are any violations of this Part or the local ordinances for the protection of life and property from fire or other emergency. The inspector shall obtain permission from the owner, occupant, or other interested party to inspect and conduct an inspection at any reasonable time~~

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~~(generally, during regular business hours).~~ Local officials having jurisdiction are empowered and directed to invoke any provisions of this Part to enforce correction of any condition hazardous to life and property from fire or other emergency.

- f) Reference to Documents
~~When/Wherever~~ a document is incorporated by reference in this Part, a copy of the document shall be kept on file ~~with OSFM in the Office,~~ and shall be available for public inspection. ~~When/Where~~ standards are incorporated by reference in this Part, the incorporated material does not include any later editions or amendments.
- g) Local Government Enforcement
- 1) Standards of this Part
Local governmental authorities who adopt the fire prevention and safety standards listed in Section 100.6 shall enforce those standards. Where the term 'the authority having jurisdiction' is used, it shall mean the Office.
- 2) Equivalent Standards
Local governmental authorities may adopt and enforce fire prevention and safety standards equivalent with those listed in Section 100.6. An equivalent local code shall provide a degree of fire prevention and safety equal to or higher than the degree provided in the Life Safety Code incorporated in Section 100.6.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 100.6 Adoption of NFPA Codes and Standards

- a) OSFM hereby incorporates by reference the following nationally-recognized standards, codes and guides, subject to the modifications listed in subsection (d). Standards incorporated by reference in this Part do not include any later editions or amendments.
- b) The materials adopted by this Section are available for purchase from the National Fire Protection Association and are on file with OSFM at the following locations:

1035 Stevenson Drive
Springfield IL 62703-4259

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James R. Thompson Center
100 W. Randolph Street, Ste. 4-600
Chicago IL 60601

c) Incorporated Standards

National Fire Protection Association
1 Batterymarch Park
Quincy MA 02169-7471

NFPA 13D: Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes (2010)

NFPA 101: Life Safety Code (2012)

NFPA 101A: Guide on Alternative Approaches to Life Safety (2013)

NFPA 914: Code for Fire Protection of Historic Structures (2010)

d) Modifications to the Life Safety Code (NFPA 101)

1) Day Care Facilities

A) For purposes of determining the occupancy sub-classification of a day care facility, the current version of the following Department of Children and Family Services rules will be applied: 89 Ill. Adm. Code 406, 407 and 408. This is applicable to licensed and non-licensed facilities.

B) Child-to-Staff Ratios
Child-to-Staff ratios in day care facilities shall comply with 89 Ill. Adm. Code 406, 407 and 408 and with the Child Care Act of 1969 [225 ILCS 10]. Any conflicting provisions of NFPA 101 are inapplicable to day care facilities.

C) In day care homes and group day care homes in which clients occupy a level below the level of exit discharge, means of escape

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shall be provided in accordance with either the applicable requirements of NFPA 101 or with the following:

i) Primary Means of Escape

The primary means of escape must comply with one of the following:

- If a means of escape discharging directly to the outside at the basement level is not provided, requiring occupants to traverse another level of the home to exit, the path of escape through the level of exit discharge shall be separated from the remainder of that level of the home by construction providing a minimum fire resistance rating of 1 hour; or
- The home shall be equipped with smoke detectors permanently powered by the building's electrical system and wired so that the actuation of one detector will actuate all the detectors in the dwelling. At least one such smoke detector shall be located on each level of the occupancy (excluding unoccupied attics), and the path of escape through the level of exit discharge (from the basement door to the exterior door of the home) must be protected by automatic fire sprinklers. Listed residential sprinklers shall be used and the installation shall be made in accordance with NFPA 13D.

ii) Size and Access to Secondary Means of Escape

If a window is used as a secondary means of escape and the size of that window is not in accordance with NFPA 101, the owner or operator of the day care or group day care home must demonstrate to an on-site representative of OSFM that all occupants (staff and clients) can escape through the window to the exterior of the home in 3 minutes or less. The bottom sill of any window used as a secondary means of escape shall be within 44 inches off the floor as required by NFPA 101, or a permanently fixed stair or ramp shall be installed at the window to allow occupants

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to be within 44 inches off the bottom window sill when standing atop the stair or ramp. When the path of escape through an undersized window leads to a below-grade window well, the requirements of NFPA 101 Section 24.2.2.3.3(4) are applicable.

D) Presence of Rescue Windows

The NFPA 101 Section 17.2.11.1 requirement that rescue windows be provided for any room with client occupancy in an existing day care center will not be enforced against existing day care centers. The corresponding NFPA 101 Section 16.2.11.1 for new day care center occupancies remains valid and will be enforced by OSFM.

2) Stairwell Doors in Existing Occupancies Greater than 4 Stories

Every door in a stair enclosure of an existing occupancy serving more than 4 stories shall allow for re-entry from the stair enclosure to the interior of the building in accordance with NFPA 101 Section 7.2.1.5.8. The exemptions to this requirement permitted in Section 7.2.1.5.8.2(1) and (2) are not allowed.

3) Communicating Spaces ("Mini-Atriums")

Corridors shall not be required to be separated from communicating spaces as required in NFPA 101 Section 8.6.6(4) in new or existing occupancies provided that:

A) The arrangement complies with all other requirements of Section 8.6.6, including, if applicable, 8.6.6(4)(b); and

B) The building is protected throughout by an approved automatic sprinkler system; and

C) Two means of egress are provided for occupants of the building on each floor that is served by the communicating opening (the mini-atrium) that do not require the use of the stairway located within the communicating space.

4) One- and Two-Family Dwellings

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The requirements of NFPA 101, Chapter 24 (One- and Two-Family Dwellings), are applicable only to new one- and two-family dwellings or when referenced by another chapter of the Life Safety Code.

5) High Rises

A) All existing high rises, as defined in the Life Safety Code, for which the Life Safety Code requires automatic sprinklers shall either be fitted with automatic sprinklers or pass the NFPA 101A Fire Safety Evaluation System within 12 years after the effective date of this Section. Installation of either the required automatic fire sprinkler system or the upgrades necessary to pass the Fire Safety Evaluation System shall comply with the following time periods:

- i) Within 3 years after the date of the 2012 Life Safety Code's adoption, a minimum of 25% of the building shall be either protected by a code-compliant automatic sprinkler system or modified to pass the NFPA 101A Fire Safety Evaluation System.
- ii) Within 6 years after the date of the 2012 Life Safety Code's adoption, a minimum of 50% of the building shall be either protected by a code-compliant automatic sprinkler system or modified to pass the NFPA 101A Fire Safety Evaluation System.
- iii) Within 9 years after the date of the 2012 Life Safety Code's adoption, a minimum of 75% of the building shall be either protected by a code-compliant automatic sprinkler system or modified to pass the NFPA 101A Fire Safety Evaluation System.
- iv) Within 12 years after the date of the 2012 Life Safety Code's adoption, the entire building shall be either protected by a code-compliant automatic sprinkler system or modified to pass the NFPA 101A Fire Safety Evaluation System.

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B) OSFM may, in its discretion and based upon the totality of the circumstances, grant additional time for compliance.

- 6) Assembly Occupancies
All existing assembly occupancies required to be protected by an automatic sprinkler system by Section 13.3.5.1 of the Life Safety Code shall be fitted with automatic sprinklers within 5 years after the effective date of this Section. OSFM may, in its discretion and based upon the totality of the circumstances, grant additional time for compliance.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 100.7 Adoption of NFPA 101, Life Safety Code by Reference (Repealed)

~~The Office of the State Fire Marshal adopts the "Code for Safety to Life from Fire in Buildings and Structures" as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code.~~

- a) ~~The Life Safety Code becomes the code for Fire Prevention and Safety subject to the modifications set forth in this Part. NFPA 101, Life Safety Code (2000 edition) is on file with the Office of the State Fire Marshal at the following locations:~~

~~1035 Stevenson Drive
Springfield, Illinois 62703-4259~~

~~State of Illinois Building
100 W. Randolph Street
Chicago, Illinois 60601~~

~~2209 West Main Street
Marion, Illinois 62959~~

~~Copies are available for purchase from:~~

~~National Fire Protection Association
Batterymarch Park
Quincy MA 02269~~

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- b) ~~Modifications to the Life Safety Code~~
- 1) ~~Child Care Facilities~~
- A) ~~Day Care Centers. Those facilities regulated under Chapters 16 and 17 (Day Care Centers) of the Life Safety Code shall include only:~~
- i) ~~any facility licensed as a Day Care Center by the Department of Children and Family Services;~~
 - ii) ~~any unlicensed facility that regularly provides day care for less than 24 hours per day for more than 8 children in a family home, or more than 3 children in a facility other than a family home;~~
 - iii) ~~part-day child care facilities, as defined in the Child Care Act of 1969.~~
- B) ~~Day Care Homes. Those facilities regulated under Chapters 16 and 17 (Family Day Care Homes) of the Life Safety Code shall include only:~~
- i) ~~any facility licensed as a day care home by the Department of Children and Family Services;~~
 - ii) ~~any unlicensed facility that is a family home that receives more than 3 up to a maximum of 12 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12. This subsection (b)(1)(B) does not affect facilities that receive only children from a single household.~~
- C) ~~Group Day Care Homes. Those facilities regulated under Chapters 16 and 17 (Group Day Care Homes) of the Life Safety Code shall include only:~~
- i) ~~any facility licensed as a group day care home by the~~

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~~Department of Children and Family Services; or~~

- ii) ~~any unlicensed facility that is a family home that receives more than 3 up to a maximum of 16 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12.~~

- D) ~~For purpose of determining the classification of a child care facility, current Department of Children and Family Services guidelines will be applied.~~

2) ~~Child to Staff Ratios~~

~~Child to Staff ratios in day care facilities shall comply with 89 Ill. Adm. Code 406 and 407 and with the Child Care Act of 1969. Any conflicting provisions of the Life Safety Code are inapplicable.~~

3) ~~One and Two Family Dwellings~~

~~Chapter 24 (One and Two Family Dwellings) is adopted as recommended guidelines only.~~

- 4) ~~When clients occupy a level below the level of exit discharge in a day care home or group day care home occupancy, exiting shall be provided in accordance with the requirements of the applicable edition of the Life Safety Code, or with the following:~~

A) ~~Primary Means of Egress~~

- i) ~~If an exit discharging directly to the outside at the basement level is not provided, and therefore occupants must traverse another level of the home to exit, the path of egress through the level of exit discharge shall be separated from the remainder of that level of the home by construction providing a minimum fire resistance rating of 1 hour, or~~
- ii) ~~The home shall be equipped with smoke detectors permanently powered by the building's electrical system and wired so that the actuation of one detector will actuate all the detectors in the dwelling. At least one such smoke~~

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~~detector shall be located on each level of the occupancy (excluding unoccupied attics), and the path of egress through the level of exit discharge (from the basement door to the exterior door of the home) must be protected by automatic fire sprinklers. Listed residential sprinklers shall be used and the installation shall be made in accordance with National Fire Protection Association Standard #13D, Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes—1994 edition.~~

B) ~~Secondary Means of Egress~~

~~If a window is used where the size is not in accordance with the applicable edition of the Life Safety Code, the owner or operator of the day care or group day care home must demonstrate to an on-site representative of the Office of the State Fire Marshal that all occupants (staff and clients) can escape through the window to the exterior of the home in 3 minutes or less. The bottom sill of any window used as a secondary means of escape shall be within 44 inches of the floor as required by the Life Safety Code, or a permanently fixed stair or ramp shall be installed at the window to allow occupants to be within 44 inches of the bottom window sill when standing atop the stair or ramp.~~

5) ~~Permanently Moored Vessels~~

A) ~~Occupancies located on permanently moored floating vessels are subject to compliance with the applicable occupancy chapter of the Life Safety Code (2000 edition), the fire safety standards contained in National Fire Protection Association Standard 307, Standard for the Construction and Fire Protection of Marine Terminals, Piers and Wharves (1995 edition) and the criteria listed in this Section.~~

B) ~~A stability test shall be conducted by the licensee in accordance with 46 CFR, Subchapter S, Part 170, Subpart F. In lieu of a stability test, the licensee may elect to perform a Deadweight Survey to determine the Lightweight Displacement and Longitudinal Center of Gravity. The Vertical Center of Gravity shall be determined by a conservative estimate, subject to approval by a marine authority acceptable to the Office of the State Fire~~

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~~Marshal.~~

- ~~C) The intact stability characteristics for each vessel must comply with the following criteria:~~
- ~~i) 46 CFR, Subchapter S, Part 170, Subpart E, Sections 170.160, 170.170, and 170.173.~~
 - ~~ii) In lieu of compliance with Section 170.173, the licensee may elect to comply with alternate criteria for Vessels of Unusual Proportion and Form, as may be acceptable to the United States Coast Guard at that time, for certified passenger vessels.~~
 - ~~iii) 46 CFR, Subchapter S, Part 171, Subpart E, Section 171.050.~~
- ~~D) All permanently moored vessels shall be required to comply with a one-compartment standard of flooding, as outlined in 46 CFR 171.070, regardless of the passenger capacity of the vessel.~~
- ~~E) All permanently moored vessels shall be required to comply with Damage Stability Standards of 46 CFR, Subchapter S, Part 171, Subpart C, Section 171.080.~~
- ~~F) Additionally, all vessels must comply with requirements for Stability After Damage (Damage Righting Energy Criteria) as may be acceptable to the United States Coast Guard at that time for certified passenger vessels.~~
- ~~G) Additionally, an annual survey shall be conducted of permanently moored vessels to determine if structural changes exist which may affect the stability of the vessel. The survey shall consist of the following:~~
- ~~i) General inspection of the superstructure and layout of outfitting to ensure there are no changes to the approved arrangement that may affect the stability of the vessel;~~

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- ~~ii) Inspection of the underdock spaces to ensure watertight integrity of the vessel is maintained;~~
- ~~iii) Inspection and report on the condition of the hull and watertight bulkheads;~~
- ~~iv) Inspection and report on the condition of water tight doors and water tight bulkhead penetration; and~~
- ~~v) Inspection and report on the condition of ventilator, hatch covers, and manhole covers.~~

~~This annual survey does not apply to United States Coast Guard Certified Vessels that are subject to their regulatory inspections.~~

H) Inspection and Examination of Permanently Moored Vessels

- ~~i) Permanently moored vessels shall undergo drydock and internal structural examinations at intervals in accordance with 46 CFR 71.50-3 or present evidence of compliance with alternative methods of hull examination as may be deemed acceptable at the time, by the United States Coast Guard, for vessels that operate in fresh water.~~
- ~~ii) Inspection of permanently moored vessels having steel or aluminum hulls may be performed in dry dock or in the water. In the water inspections shall consist of an internal structural examination and a detailed non-destructive examination of the vessel's hull. The non-destructive hull examination may be performed by underwater inspection methods or from inside the vessel if all compartments are safely accessible. ("Safely accessible" shall be dependent upon the issuance of a "gas free certificate" by a certified marine chemist.)~~
- ~~iii) All structural and in the water examinations and inspections of permanently moored vessels shall be under the direction of a registered professional engineer. Expertise of the engineer, or engineering team, shall~~

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- ~~include non-destructive testing methods and procedures, materials engineering and naval architecture, material engineering knowledge of both general and specific corrosion types associated with welds and oxygen differential cells, as well as the effects of such types of corrosion on hull longevity.~~
- ~~iv) The inspection techniques must be under the general direction of an American Society for Nondestructive Testing (ASNT) Level III Non-destructive Certified Technician. Inspections and measurements must be performed by an ASNT Level II (or higher) Non-destructive Certified Technician.~~
- ~~v) The inspection results must be maintained in a format that will allow for examination by the Office of the State Fire Marshal's representatives, including comparison of results from the previous inspections.~~
- ~~vi) Repairs using underwater welding shall be subject to periodic reevaluation at subsequent inspections. Such repairs shall be completed in accordance with the standards found in the American Welding Society's "Specifications for Underwater Welding".~~
- ~~vii) The Office of the State Fire Marshal may require immediate dry-docking of the vessel if structural examinations and underwater inspections or repair work are not conducted in accordance with this Section.~~
- ~~viii) All work shall be governed by and construed according to Illinois law effective on the execution date.~~
- ~~I) Written documentation of compliance with the requirements of subsections (b)(5)(B) through (H) shall be furnished to the Office of the State Fire Marshal by the owner of the permanently moored vessel. Such documentation shall be certified by a marine authority approved by the Office of the State Fire Marshal.~~

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- ~~J) Permanently moored vessels, when occupied as public assembly occupancies in accordance with definitions given in the Life Safety Code, shall:~~
- ~~i) Be equipped with an on-board electrical generator, sized and installed so as to be capable of supplying emergency back-up power to any required fire alarm systems, fire suppression equipment, emergency lighting circuits, communication equipment, bilge pumps, or vessel propulsion equipment;~~
 - ~~ii) At all times occupied by more than 50 occupants, be staffed by personnel trained to initiate shipboard/vessel firefighting and evacuation duties;~~
 - ~~iii) In the event of an emergency that causes the vessel to be set adrift, be either capable of self-propulsion or be serviced by a tugboat or tender capable of controlling the vessel; and~~
 - ~~iv) have fire alarm systems interconnected with fire alarm systems of adjacent occupancies if any of the required paths of egress from the adjacent occupancy traverse the permanently moored vessel or if the paths of egress from the permanently moored vessel traverse the adjacent occupancy. The activation of either fire alarm system shall cause the other occupancy's fire alarm system to activate.~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

Section 100.8 Compliance Period for Existing Occupancies

- a) All existing occupancies shall comply with the requirements of the existing occupancy chapters of NFPA 101 upon the effective date of adoption, except as expressly modified by this Part. In accordance with NFPA 101 Section 4.6.6, a limited but reasonable time, commensurate with the magnitude of expenditure, disruption of services, and degree of hazard, shall be allowed for compliance with any parts of NFPA 101 for existing buildings. Occupancies deemed "new" under prior adopted editions of NFPA 101 shall continue to meet or exceed the safety

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standards achieved under the prior adopted NFPA editions, even if they are reclassified as "existing" occupancies under the 2012 Life Safety Code.

- b) In those instances in which a building and/or occupancy does not meet the prescriptive code requirements of NFPA 101, the owner may elect to prove that equivalent or higher safety is being achieved by performing a fire safety evaluation using NFPA 101A.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 100.9 Historic Structures

Historic structures, as defined in NFPA 914, may elect to comply with NFPA 914.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 100.10 Responsibility of Owners, Architects, Engineers, Designers and Contractors

It is the responsibility of the owner to ensure that his or her building and occupancy comply with this Part or a code that provides a degree of fire safety equal to or higher than that required by this Part. It is further the responsibility of the architect, engineer, designer and contractor to design, construct, alter and perform all work in compliance with the fire prevention and safety codes and standards adopted in this Part or a code that provides a degree of fire safety equal to or higher than that required by this Part.

(Source: Added at 37 Ill. Reg. _____, effective _____)

Section 100.11 Appeal of an Administrative Action

- a) Any person aggrieved by a decision or order of OSFM may, as a matter of right, appeal that action.
- b) Appeals from a decision or order of OSFM shall be instituted by filing a written request for a hearing, in the format required by 41 Ill. Adm. Code 210, no later than 10 days following receipt of the decision or order of OSFM. Requests will be deemed to be timely if they are postmarked no later than the time period allowed.
- c) All appeal requests pursuant to this Part shall be mailed to:

OFFICE OF THE STATE FIRE MARSHAL

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Office of the State Fire Marshal
Division of Fire Prevention
1035 Stevenson Drive
Springfield IL 62703

(Source: Added at 37 Ill. Reg. _____, effective _____)