



BOBBY JINDAL
GOVERNOR

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS

Public Safety Services



H. BUTCH BROWNING
STATE FIRE MARSHAL

INTERPRETIVE MEMORANDUM 2010-04

To: LA Licensed Architects
LA Licensed Engineers
Felicia Cooper, Deputy Asst Secretary/Plan Review, OSFM
Chief Dan Wallis, Deputy Asst Fire Marshal Enforcement/Emergency Services, OSFM
Stephen Gogreve, Manager, OSFM
Pat Aronstein, Manager, OSFM
Plan Review Staff, OSFM

From: Don Zeringue, Chief Architect/Plan Review, OSFM

Approved by: Chief Butch Browning, State Fire Marshal

Date: May 14, 2010

Re: Enforcement and Evaluation of NFPA 101:12.3.5 and 101:13.3.5

West Warwick, Rhode Island’s February, 2003, Station Night Club fire prompts the Life Safety Code requirement to provide supervised automatic sprinkler systems in the following new assembly occupancies and existing assembly occupancies where the occupant load exceeds 100 persons:

1. Bars with live entertainment
2. Dance Halls
3. Discotheques
4. Nightclubs
5. Assembly occupancies with festival seating

This memo addresses procedures to be followed when evaluating this code requirement for existing buildings and better defines the term “Live Entertainment”. This memo does not affect how new or existing assembly occupancies are evaluated if occupant load exceeds 300 persons.

Unless a serious life safety issue exists and R.S.40:1578.6.C requires compliance with the code for existing buildings per the latest adopted NFPA 101, this office will not be citing existing assembly occupancies (per the referenced codes) having occupant loads over 100 and less than 300 occupant loads. Additionally, existing assembly occupancies (with an occupant load of less than 300 persons) initiating new live music events, adding a new stage, or similar conditions shall not be required to provide automatic sprinkler protection (per referenced codes). The intent of this memo is to avoid creating a financial hardship for existing building owners when life safety is not seriously jeopardized.

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(225) 925-4911 1-800-256-5452

Existing buildings undergoing a change in use and existing assembly occupancies having increased occupant loads exceeding 300 persons or renovation costs over 50% of the building's appraised value shall be cited for providing a sprinkler system, per NFPA 101:12.3.5 as a new assembly occupancy.

As per standard office procedure, we will continue to evaluate existing buildings based on the code in effect when built, date of any major renovation, or when a change in use occurred.

This office determines that the following activities are examples of functions not considered as live entertainment:

- Karaoke
- Disc Jockey, Record Spin
- Stand Up Comics
- Restaurants having background music (piano, mariachi, etc.) entertainment

These facilities will typically not contain several problematic conditions associated with the Station Night Club fire. The following constitute potential life safety problems which may be used to invoke R. S. 40:1578.6.C: improper interior finish, use of pyrotechnics, restricted/or lack of adequate main entry width, insufficient exit signage, tripping hazards (this is not an all-inclusive list).

DZ