

DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71

Statutory Authority: 1976 Code Sections 23-9-60, 39-41-260, 40-82-70

SUBARTICLE 1
FIRE PREVENTION AND LIFE SAFETY

Statutory Authority: 23-9-60, 39-41-260, 40-82-70, S.C. Code of Laws, 1976, as amended.

71-8300 Fire Prevention and Life Safety.

71-8300.1 General

A. Title. These regulations shall be known as the State Fire Marshal's Rules and Regulations.

B. Intent. The purpose of these regulations is for safeguarding to a reasonable degree, life and property from fire, natural disasters, acts of terrorism, and other hazards associated with the construction, alteration, repair, use, and occupancy of buildings, structures, or premises. These regulations shall be the minimum standards required by the Office of State Fire Marshal for fire prevention and life safety in South Carolina for all buildings and structures.

C. Applicability.

1. All buildings, structures, or premises shall be constructed, altered, or repaired in conformance with these regulations.

2. All equipment or systems in a building, structure, or premise shall be constructed, installed, altered, or repaired in conformance with these regulations.

3. These regulations shall not conflict with any state statute, code, or ordinance adopted pursuant to Title 6, Chapter 9 of the South Carolina Code by any municipality or political subdivision. In the event of a conflict, such statute, code, or ordinance shall apply. These regulations shall apply to state, county, municipal, and private buildings, structures, or premises unless excluded by these regulations or state statute.

4. These regulations shall not apply to:

a. Buildings constructed, or occupied exclusively as one and two-family dwellings.

b. One-story buildings less than 5,000 square feet, unless the building is classified as a Group A, E, I, R-1, R-2, R-4, or H occupancy by the adopted building code.

D. Existing Buildings.

1. Existing buildings, structures, or premises shall be permitted to continue in operation under the code the buildings, structures, or premises were constructed unless addressed by these regulations or state statute.

2. Alterations, repairs, additions, and rehabilitation to an existing building or structure, shall fully comply with the current codes for new construction when one of the following occurs:

a. The cost of construction exceeds fifty percent of the building value before the construction.

b. The building is damaged by fire, natural disaster, or otherwise, in excess of fifty (50) percent of the building value before such damage.

c. The building is moved into or within the state, excluding modular structures regulated by the Manufactured Housing Board.

3. Buildings, structures, or premises reopened after being vacant for more than one (1) year shall be considered new construction and must conform to the current codes for new construction.

4. If the occupancy classification or sub-classification of an existing building changes, the building shall conform to the current code for new construction.

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5. If the occupancy classification or sub-classification of a portion of an existing building changes, that portion of the existing building shall conform with the current code for new construction or be separated per the adopted IBC.

6. Buildings or structures listed on national, state, or local historical registers undergoing repair, alteration, or change of occupancy shall comply with the IEBC Chapter for "Historic Buildings." The State Fire Marshal has the authority to accept alternative methods of compliance within the intent of these regulations.

E. Investigations.

1. If the State Fire Marshal or his designee has reason to believe that a person has violated a provision of these regulations, or if a person files a written complaint with the State Fire Marshal charging a violation of a provision of these regulations, the State Fire Marshal may initiate an investigation or may refer the complaint to the local fire code official.

2. Whenever it is necessary to make an inspection to enforce the requirements of these regulations, or whenever the fire code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of these regulations which make the building or premises unsafe, dangerous or hazardous, the fire code official or other designee of the State Fire Marshal may enter the building or premises at reasonable times to inspect or to perform any other duties imposed by law. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry.

3. For the purpose of an inspection, investigation or proceeding under these regulations, the Department may administer oaths and issue subpoenas for the attendance and testimony of witnesses and the production and examination of books, papers, and records on behalf of the State Fire Marshal or, upon request, on behalf of a party to the case. Upon failure to obey a subpoena or to answer questions propounded by the State Fire Marshal, the Department may apply to an Administrative Law Court for an order requiring the person to comply with the subpoena.

F. Enforcement

1. No person, firm, or corporation shall erect, construct, alter, repair, remove, demolish, or use a building, structure, premises, or system or cause same to be done in violation of these regulations.

2. No person, firm, or corporation shall occupy, use, or maintain a building, structure, premises, or system in violation of these regulations.

3. All new and existing buildings, structures and premises shall be maintained in a safe condition. All devices and safeguards required in a building when erected, altered, or repaired shall be maintained per the manufacturer's requirements and the applicable codes. The owner or his designated agent is responsible for the maintenance of buildings, structures, and premises.

4. Where there is a conflict between two adopted codes, the code official shall favor the code providing the greatest protection for life safety, generally preferring active fire suppression over passive fire protection.

5. For a violation of these regulations or the adopted codes, the local fire code authority, municipal or county attorneys, or other appropriate authorities of a political subdivision, or an adjacent or neighboring property owner who would be damaged by the violation, or the State Fire Marshal, in addition to other remedies, may apply for injunctive relief, mandamus, or other appropriate proceedings. A court may grant temporary injunctive relief upon receipt of a verified complaint of an immediate danger or emergency situation.

6. If the State Fire Marshal, his designee or the fire code official has reason to believe that the lack of compliance with fire and life safety codes in any structure constitutes an immediate danger to the public which could reasonably be expected to injure seriously or cause death to members of the public, the State Fire Marshal or the local fire code official may apply to the circuit court in the county in which the dangerous condition exists for a temporary order for the purpose of enjoining the use of the dangerous

structure. Upon hearing, if considered appropriate by the court, a permanent injunction may be issued to ensure that the use of that dangerous facility be prevented or controlled. Upon the elimination or rectification of the dangerous condition, the temporary or permanent injunction must be vacated.

7. If the State Fire Marshal has reason to believe that a person is violating or intends to violate provisions of these regulations, in addition to other remedies, it may order the person immediately to refrain from the conduct. The State Fire Marshal may apply to the Administrative Law Court for an injunction restraining the person from the conduct. The court may issue a temporary injunction ex parte not to exceed ten days and upon notice and full hearing may issue other orders in the matter it considers proper. No bond is required of the State Fire Marshal by the court as a condition to the issuance of an injunction or order pursuant to this section.

G. Unsafe Buildings

1. The AHJ or the fire department official in charge of an incident is authorized to order the immediate evacuation of any building deemed unsafe when such building has hazardous conditions that present imminent danger to the public. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the code official or fire department official in charge of the incident. The official shall cause to be posted at each entrance to such a building, a notice substantially as follows: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE FIRE CODE OFFICIAL FOR _____ or BY THE STATE FIRE MARSHAL."

2. The owner, operator, or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or other approved corrective action.

3. The owner, agent or person in control of any building cited as unsafe for occupancy by the State Fire Marshal may appeal to the Administrative Law Court. Emergency decisions of the State Fire Marshal or of a fire department official in charge of an incident are not stayed pending appeal.

H. Definitions: The following references apply throughout these regulations. Words not defined in these regulations shall have the meaning stated in the referenced standards adopted by these regulations.

1. "AHJ" means Authority Having Jurisdiction, which is the State Fire Marshal or any local fire official covered by South Carolina Code 23-9-30.

2. "Building Value" means the appraised market value of the structure, excluding land value, building contents, and site improvements.

3. "Department" means the Department of Labor, Licensing and Regulation, Division of Fire and Life Safety.

4. "Existing Building" means a building, structure, or premise for which preliminary or final drawings have been approved by the appropriate agency as provided in these regulations, in buildings where construction has begun, or those occupied on or before the date of adoption of these regulations.

5. "Fire Prevention" means any activity to prevent fire before fire occurs.

6. "IBC" means the International Building Code.

7. "IEBC" means the International Existing Building Code.

8. "IFC" means the International Fire Code.

9. "IMC" means the International Mechanical Code.

10. "NEC" means the National Electrical Code or NFPA 70.

11. "NFPA" means the National Fire Protection Association.

12. "NFPA 101" means the Life Safety Code.

13. "SFM" means State Fire Marshal or his agent.

71-8300.2 Codes and Standards

A. The requirements of the IBC, 2006 Edition (omit Chapter 1), shall constitute the minimum standards for fire prevention and life safety for construction, occupancy, and use of all buildings and structures within the scope of these regulations except as modified by these regulations. All references to

NFPA Standards found in these regulations refer to the Editions specified in the IBC and IFC unless otherwise stated in these regulations or adopted by state statutes.

B. The requirements of the IEBC, 2006 Edition (omit Chapter 1), shall constitute the minimum standards for fire prevention and life safety in historic buildings and structures within the scope of these regulations except as modified by these regulations.

C. The requirements of the IFC, 2006 Edition (omit Chapter 1), shall constitute the minimum standards for fire prevention and life safety protection for construction, occupancy, and use of all buildings and structures within the scope of these regulations except as modified by these regulations.

D. The requirements of the IMC, 2006 Edition (omit Chapter 1), shall constitute the minimum standards for fire prevention and life safety protection for construction, occupancy, and use of all buildings and structures within the scope of these regulations except as modified by these regulations.

E. The requirements of NFPA 10, 2007 Edition, shall constitute the minimum standard for the installation, servicing, maintenance, recharging, repairing, and hydrostatic testing of all portable fire extinguishers.

F. The requirements of the following NFPA standards shall constitute the minimum standards for the design, installation, testing and maintenance of fixed suppression systems in South Carolina except as modified by these regulations.

1. NFPA 11, 2005 Edition
2. NFPA 12, 2008 Edition
3. NFPA 12A, 2004 Edition
4. NFPA 17, 2002 Edition
5. NFPA 17A, 2002 Edition
6. NFPA 750, 2006 Edition
7. NFPA 2001, 2008 Edition
8. NFPA 2010, 2006 Edition

G. The requirements of the following NFPA standards shall constitute the minimum standards for the design, installation, testing, and maintenance of water-based extinguishing systems in South Carolina except as modified by these regulations.

1. NFPA 13, 2007 Edition
2. NFPA 13D, 2007 Edition
3. NFPA 13R, 2007 Edition
4. NFPA 14, 2007 Edition
5. NFPA 15, 2007 Edition
6. NFPA 16, 2007 Edition
7. NFPA 18, 2006 Edition
8. NFPA 20, 2007 Edition
9. NFPA 22, 2003 Edition
10. NFPA 24, 2007 Edition
11. NFPA 25, 2008 Edition
12. NFPA 214, 2005 Edition

H. The requirements of NFPA 30, 2008 Edition, shall constitute the minimum standards for the storing, and handling of flammable and combustible liquids in South Carolina except as modified by these regulations.

I. The requirements of NFPA 30A, 2008 Edition, shall constitute the minimum standards for the storing, handling, and dispensing of flammable and combustible liquids at service stations, farms, and isolated sites in South Carolina except as modified by these regulations.

J. The requirements of NFPA 52, 2006 Edition, shall constitute the minimum standards for storing, handling, and dispensing vehicular alternative fuels in South Carolina except as modified by these regulations.

K. The requirements of NFPA 54, 2006 Edition, shall constitute the minimum standards for design, materials, components, fabrication, assembly, installation, testing, inspection, operation, and maintenance

installation of fuel gas piping systems, appliances, equipment, and related accessories, installation, combustion, and ventilation air and venting in South Carolina except as modified by these regulations.

L. The requirements of NFPA 58, 2008 Edition, shall constitute the minimum standards for the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck or tank trailer, and use of liquefied petroleum gases and the odorization of such gases in South Carolina except as modified by these regulations.

M. The requirements of NFPA 59, 2004 Edition, shall constitute the minimum standards for the design, construction, location, installation, operation, and maintenance of refrigerated and non-refrigerated utility gas plants to the point where LP-Gas or an LP-Gas and air mixture is introduced into the utility distribution system in South Carolina except as modified by these regulations.

N. The requirements of NFPA 70, 2008 Edition, shall constitute the minimum standards for fire prevention and life safety from hazards of electricity in South Carolina except as modified by these regulations.

O. The requirements of NFPA 72, 2007 Edition, shall constitute the minimum standards for the design, installation, testing, and maintenance of fire alarm systems in South Carolina except as modified by these regulations.

P. The requirements of NFPA 96, 2008 Edition, shall constitute the minimum standard for ventilation control and fire protection of commercial cooking operations in South Carolina except as modified by these regulations.

Q. The requirements of NFPA 99, 2005 Edition, shall constitute the minimum standard for flammable and non-flammable medical gasses used in health care and other facilities intended for inhalation or sedation, but not limited to, analgesia systems for dentistry, podiatry, veterinary, and similar uses in South Carolina except as modified by these regulations.

R. The requirements of NFPA 101, 2006 Edition, shall constitute the minimum standard for fire prevention and life safety in South Carolina when evaluating alternative methods of fire and life safety per SCRR 71-8300.10 except as modified by these regulations.

S. The requirements of the NFPA 102, 2006 Edition, shall constitute the minimum standard for fire prevention and life safety for all tents and membrane structures normally used in South Carolina except as modified by these regulations.

T. The requirements of NFPA 160, 2006 Edition, including Annexes B and C, shall constitute the minimum standards for all flame effects use in proximate audience pyrotechnics displays or motion picture special effects in South Carolina except as modified by these regulations.

U. The requirements of NFPA 407, 2007 Edition, shall constitute the minimum standards for the storing, handling, and dispensing of flammable and combustible liquids at private aircraft fueling facilities in South Carolina except as modified by these regulations.

V. The requirements of NFPA 409, 2004 Edition, shall constitute the minimum standards for the design construction, occupancy, and use of aircraft hangars in South Carolina except as modified by these regulations.

W. The requirements of NFPA 495, 2006 Edition, Explosive Materials Code shall constitute the minimum standard for the manufacture, transportation, use and storage for all explosives in South Carolina, except as modified herein.

X. The requirements of NFPA 1122, 2008 Edition, shall constitute the minimum standards for model rocketry associated with public firework displays or proximate audience pyrotechnic displays or motion picture special effects in South Carolina except as modified by these regulations.

Y. The requirements of NFPA 1123, 2006 Edition, including Annex A and E, shall constitute the minimum standards for all firework displays in South Carolina except as modified by these regulations.

Z. The requirements of NFPA 1124, 2006 Edition, shall constitute the minimum standards for transportation, storage, and use of all display fireworks and pyrotechnic articles used for proximate audience pyrotechnic displays or motion picture special effects in South Carolina except as modified by these regulations.

AA. The requirements of NFPA 1126, 2006 Edition, including Annexes A, B, and D, shall constitute the minimum standards for all proximate audience displays in South Carolina except as modified by these regulations.

BB. The requirements of NFPA 1127, 2008 Edition, shall constitute the minimum standards for all high power rockets used for proximate audience pyrotechnic displays or motion picture special effects in South Carolina except as modified by these regulations.

CC. The requirements of NFPA 1142, 2007 Edition, shall constitute the minimum standards for water supplies for rural fire fighting in South Carolina except as modified by these regulations.

DD. The Office of State Fire Marshal shall post a list of the currently adopted Editions of the codes and standards listed above on the Office of State Fire Marshal's Web site when they are updated using SC Code of Laws 1-34-30.

EE. All referenced standards adopted by the Office of State Fire Marshal shall be accessible at no cost to the public through the Office of State Fire Marshal's Web page as "read only" documents.

71-8300.3 Alternate Materials and Alternate Methods of Construction.

A. The requirements of these regulations are not intended to prevent the use of any material or method of construction not specifically prescribed by the regulations, adopted codes, or standards enforced by the State Fire Marshal. The State Fire Marshal has the authority to accept alternative methods of compliance within the intent of these regulations, after finding that the materials and method of work offered is for the purpose intended, at least the equivalent of that prescribed in these regulations in quality, strength, effectiveness, fire resistance, durability, and safety. The State Fire Marshal shall require submission of sufficient evidence or proof to substantiate any claim made regarding use of alternative materials and methods.

B. Compliance with NFPA 101 may be used for consideration of alternative methods if found suitable by the State Fire Marshal.

71-8300.4 Plans, Specifications and Incident Reporting.

A. Plans and Specifications.

1. All plans and specifications must be submitted to the SFM for the following:
 - a. Local detention facilities per 24-9-20.
 - b. Water-based extinguishing systems per 40-10-260.
 - c. Aboveground tanks storing flammable or combustible liquids per 39-41-260.
 - d. LP Gas facilities per 40-82-10 et seq.
2. Submitted plans, calculations, and specifications shall:
 - a. Be prepared by a licensed architect and/or engineer where required by state laws or regulations.
 - b. Provide sufficient information to indicate how compliance with state laws, regulations, and adopted codes will be accomplished. Codes shall not be cited in whole or part as a substitute for providing specific information.
3. The Office of State Fire Marshal will publish a list of minimum information required to conduct a plan review when a list is not contained in the adopted standards. The Office of State Fire Marshal will make these lists available on the Office of State Fire Marshal's Web site.
4. The SFM may revoke any approval issued under the requirements of these regulations where the approval was based on any false statement or misrepresentation of fact in correspondences, plans, specifications, or data.

B. Incident Reporting.

1. The local fire chief or his designee shall furnish monthly to the Office of State Fire Marshal, information concerning incidents and fire fatalities occurring within their jurisdiction. These reports shall include facts relating to any fire, its cause and origin, property loss, and other pertinent information as prescribed by the Office of State Fire Marshal, in an approved format.

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2. These reports are privileged against liability unless the report is made with actual malice.

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