

# CHANGES IN LATITUDES, CHANGES IN ATTITUDES . . .

By Bart Wright, East/Central Regional Director, FFMIA

In the late 1970's we all listened to and sang these words, "In these changes in latitudes, changes in attitudes, nothing remains quite the same, -with all of our running and all of our cunning, if we couldn't laugh we would all go insane." No doubt Parrot-heads recognize those words by Jimmy Buffett.

What does that have to do with an article in the FFMIA newsletter? Well as I look around our state, visit with people and travel from place to place with FFMIA, I've continually seen little "changes in latitudes or attitudes" although there's been plenty of "running and cunning", and now I fear I'm going insane!

A good friend of mine in the business routinely mentions that, "...this job just ain't that hard." I agree. But, it is that hard for many who can't or won't change their latitudes or attitudes and instead resort to "running and cunning". I've traveled around this state and have seen some fairly strange things - dollar bills for interior finish, for example. What is the flame spread of U.S. currency?

Fire lanes marked where fire apparatus isn't going to park anyway because it's too close to the building. What about applying the exemptions?

Improperly adopted local ordinances. How many local officials have actually read the adoption language for local amendments in 633 and complied with the statutory mandates? Have those same officials read the SFMO directive regarding adoption of local amendments? 1

And finally in one case, I was told of an AHJ that crafted a case for dismissing a 19 year employee because he didn't routinely conduct 17 inspections per day! Space in this journal would fail us if we tried to take up the inappropriateness of that issue.

But the thing I hear about most is dealing with non-conforming issues in existing buildings. For example, there's one recent change in the 2003 edition of the LSC (ch. 31.3.4.3.5) that is rather troublesome. For some lame reason the consensus committee has seen fit to require existing apartment buildings to now require the formerly unmonitored protected premises alarm system, to be monitored. O.K. new buildings, I can live with that, but existing, hardly! It seems that proponents of this new provision found justification in saying that occupants delay leaving apartment buildings and so monitoring them will get earlier notification to emergency forces so they can arrive on scene and coerce evacuation. And oh yes, then the local authority will better be able to meet NFPA1710. Talk about attitudes without latitudes!

Had enough? Oh, no! Some of our peers are conducting inspections at existing apartments and demanding that this monitoring provision be instituted within one year. Industry sources tell me that a "rule-of-thumb" cost estimate for this retro-fit averages some \$25,000 per complex.

Those same sources suggest that that figure is modest.

What happened to reason? What's the attitude there? Where's the latitude or demonstration of reasonable discretionary decision making? These unyielding approaches would hardly demonstrate consideration of both the LSC (A.4.6.4) and §633.025(8) dealing with existing buildings. *"In existing buildings, it is not always practical to strictly apply the provisions of this Code. Physical limitations can cause the need for disproportionate effort or expense with little increase in life safety."* Isn't it true that the "...authority having jurisdiction shall determine whether the provisions of [the] code are met"? (LSC 4.6.1.1) Yes, it is the local authority, not the code per se or code committee that determines compliance!

Have we lost site of our charge? What is that charge anyway? Is it not to simply provide "minimum requirements.. .for safety to life from fire?" (LSC 1.2; 4.1.1) Reading the LSC committee's commentaries, we learn that the intent of the code (see ch. 1.3) is that a building meets the code requirements it was built under for the life of the building. The requirements for existing buildings in the current code need only be met if those are more restrictive than those of the preceding edition. Aha, you say! See, there you have it. You must install the components to monitor that existing, but previously non-monitored local protective fire alarm system in the existing apartment building. Could that be right? Perhaps it could, but why not consider the property owner as our customer instead of our adversary, over whom we must rule? And too, reconsider our charge. Mull over some other points of order.

NFPA has been at this "rodeo" for much longer than most of us have been alive. What they write is designed to be applied in a broad way to occupancies on several continents. But in spite of that, the Code is still not a "one-size-fits-all" document.

NFPA pretty much has this "customer concept" thing figured out, especially when dealing with existing occupancies. They don't call it "customer concept", they call it exceptions to, or exemptions from code mandates. And there is a plethora of them.

For example: Chapter 4.6.10 tells us, *"No new construction or existing building shall be occupied in whole or in part in violation of the provisions of this Code, unless the following conditions exist: (1) A plan of correction has been approved; (2) The occupancy classification remains the same; (3) No serious life safety hazard exists as judged by the authority having jurisdiction."* Here, NFPA uses the phrase "unless the following conditions exist;".

Chapter 4.6.3 further points out that even the specific requirements of the code can be modified by the AHJ if there is evidence of a reasonable degree of lifesafety being provided. Here the AHJ gets to set the exceptions, exemp-

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tions and modifications.

So then, what about that latitude and attitude? While not trying to set policy for anyone or offering any indictment of strict application of code, could not our industry be more customer friendly and still be doing what's expected of us? I'm convinced the answer is yes, we could! How?

Couldn't we all consider becoming more adept at applying the code and use the code discretion we have in a better and more proactive customer friendly manner? In the case of the apartment alarm system being monitored in the existing building, isn't it feasible to simply find that the building is acceptable "as is", in so much as it's been that way for "X"-number of years and compliant with former code? After all, the example considered herein wasn't considered non-compliant until the 2003 edition was adopted, was it?

Is the fact that the building is not monitored REALLY a serious threat to life safety, or is it a problem because of the new code edition? Some would say the latter and they would not necessarily be correct. Wouldn't the serious threat be if the alarm system didn't work correctly or if the exit capacity was inadequate? The failure to sound an evacuation signal is the real threat, not the absence of monitoring. If not monitoring a system constitutes a real threat to life safety, then should we not monitor every alarm system in every occupancy?

Can we not then say that an existing building is acceptable based upon the intent of the code, the latitude it gives, and the lack of a serious threat, when it complies with the concept highlighted in ch. 4.6.10? I'm inclined to say yes. Call it acceptable and put the matter to bed. Put the owner on notice that provided the building remains exactly as is, unchanged in any way in the area of... [state the conditions your agency deems appropriate on a case-by-case basis] (see §633.025(4)), and allow it to continue "as is". Cite the code references for this finding, put the owner on notice that if it is determined those conditions have

changed, prior approvals are negated. Make it clear that changes will invoke compliance with the provisions of the "existing" chapter of code.

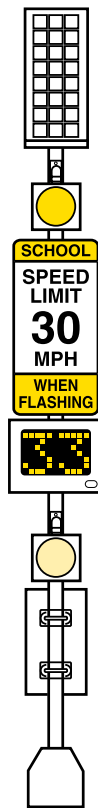
By doing this we demonstrate our attitude as being one that recognizes the partnership we have with the community and we have used reason in establishing the time frames for and approaches to code minimums, but reasonable code compliance (see LSC 4.6.5).

Remember we are leaders and "Leadership is an opportunity to serve, not a bugle call to self-importance." And so by considering these things, we show deference to the words in the opening of this article, "In these changes in latitudes, changes in attitudes, nothing remains quite the same, with all of our running and all of our cunning, if we couldn't laugh we would all go insane. "

<sup>1</sup> [http://www.fldfs.com/sfm/bfpr/localamend/AmendsToFFPC\\_05\\_Q930.pdf](http://www.fldfs.com/sfm/bfpr/localamend/AmendsToFFPC_05_Q930.pdf)



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