

THE STATION NIGHTCLUB DISASTER - Sprinkler system costs concern - business owners

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* They tell a special legislative commission exploring fire- safety costs that requiring such systems could drive them out of business.

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Journal State House Bureau

PROVIDENCE - Mandatory sprinklers wouldn't be the first hardship for Keith Papa's Greenwood Inn, but they could be the last.

"The cost of sprinklers in my building - I don't think it would be worth it," Papa told a special legislative commission studying fire safety last night. "I'd be better off with a new building."

His Warwick restaurant is already suffering from a bad economy that was exacerbated by the 9/11 terrorist attack. And a nearby bridge construction project "is killing me," Papa said.

Even if he could get a low-interest loan to install sprinklers, "if you don't show a profit ... I don't see where that is going to help me a lot."

Requiring sprinklers at more places of assembly has been a recurring topic since the Feb. 20 fire at The Station nightclub, which killed 99 people. The West Warwick club did not have sprinklers. A fire ignited by a pyrotechnic display at a rock show consumed the wooden building in minutes.

The General Assembly created the 17-member special commission after the fire to study the state's codes and recommend improvements.

Papa said he would rather suffer a reduction in his maximum capacity to get below any cutoff for mandatory sprinklers. "I would be willing to lose capacity," he said. But "then I'd be putting people out of work."

Robert and Deborah Correia, owners of the West Valley Inn, a West Warwick banquet facility, offered similar testimony last evening.

"Each restaurant and nightclub owner would like to do whatever it takes to prevent a fire," Robert Correia said. But they estimate the cost to fully sprinker their complex of function rooms would be \$300,000.

"That's a large sum of money and it has to come from somewhere," he said. "Where is this money going to come from?"

Maybe they could get a loan, he said. They could raise their prices. Or maybe the state could give a

tax break.

"You're going to have to decide how it gets paid," he said. He predicted that numerous businesses would not be able to afford to retrofit sprinklers if they are required, and would close.

"We're not against it," he said. "If you demand a sprinkler system, it will go in. But a lot of people can't afford it."

THE U.S. Small Business Administration is already speaking to private lenders about making loans available for small businesses that may face new costs from changes in fire regulations, said Mark Hayward, the district director for the SBA's Rhode Island office.

"We all are focused on the need to provide the public with a safe environment," Hayward told the commission last night. "However, in doing so, we can accomplish this goal by not compromising the financial condition of our small business community."

Earl Queenan, the director of finance for the Rhode Island Economic Development Corporation, said some businesses "on the bubble" may not qualify for private loans backed by the SBA. The Economic Development Corporation "will be there to fill the gaps," he said.

Installing sprinklers should lower a business's insurance costs, though not by enough to cover the annual payments on a construction loan to retrofit sprinklers, Queenan said.

Ronald J. Meehan, an insurance underwriting supervisor, said the insurance savings for sprinklers is "substantial," though he could not give an estimate last night.

Commission member Dale Venturini, the president of the R.I. Hospitality & Tourism Association, volunteered to work with Meehan to survey a number of businesses over the next two weeks, to determine how much they would save in insurance premiums if they installed sprinklers.

Donald L. Schmidt, senior vice president for Marsh USA Inc. and a consultant and author on risk management, told the commission that sprinkler systems "have a century-old record of safeguarding building occupants." There has been "no large loss-of-life fire" in a building with a properly designed and maintained sprinkler system.

He said business owners often do a good job making their buildings safe, and a bad job notifying their insurance companies of the new safeguards. He recommended that businesses invite their insurers to visit their properties. Sometimes insurance reps can recommend inexpensive things that can lower a business's risk, he said.

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Safety recommendations

A sampling of fire safety recommendations offered by the Fire Safety Code Board of Appeal & Review:

* Delete the grandfather clause from state code. The clause exempts older structures from modern fire codes. Those buildings are governed by the state's 1968 fire regulations. In place of the grandfather clause, the board would recommend that the state adopt the National Fire Protection Association's standards for existing buildings.

B Allow fire authorities to issue civil infraction tickets for some code violations. The fire board recommends that fire-enforcement officers be allowed to issue tickets similar to traffic violations. The tickets would probably cover general maintenance items, such as blocked exits, failing to

maintain sprinkler systems or fire alarms, or burned-out emergency lights.

* Add a specific fine to the "right of entry" provisions in the code. Under current law, if a property owner denies a fire marshal access to a potentially overcrowded facility, the fire marshal's only option is to get a search warrant. Attaching a fine to the right-of-entry provision may encourage property owners to encourage immediate access. The fire board did not recommend a specific dollar amount.

* Reference the 2003 edition of the NFPA codes. The state's fire laws reference the 1990 NFPA standards "with regard to fire safety regarding any unforeseen condition" outside of the fire code. The board recommends using the updated NFPA standards.

* Pay the fire board. The law already states that the 11 members of the fire board are supposed to be paid \$50 per meeting, with the chairman making an additional \$25. The pay was suspended in 1991 during a budget crisis, and has been suspended each year since.

* Provide for a \$5,000 civil fine for failing to inspect exits. The owner or manager of a place of assembly is already required under law to inspect every exit from a venue within 90 minutes of a meeting or performance.

* Places of assembly should have a uniformed firefighter on duty unless the local fire authority deems it unnecessary. Under the current law, it's the other way around: places of assembly must have a firefighter at events when the local chief deems it necessary. The board also recommends instituting a \$5,000 fine for violating this regulation.

* Require two additional fire extinguishers "on or near all stages that are used for live performances." This goes beyond current code that requires "adequate" fire extinguishers that are "suitably located."

* Owners of every place of assembly should provide local fire authorities with annual fire-rating certification for all acoustical material and decorations in a venue.

* Venue owners should provide fire authorities 72 hours of notice before all concerts and musical events.

* Places of assembly with "concentrated" crowds and entertainment should be reclassified as "special amusement buildings," which would require additional safety features, such as floor-level exit signs that may be easier to see when a building is filling with smoke.

* Require that all Class A and B places of assembly (places with capacities above 300 people) be retrofitted with municipally connected fire alarms that automatically notify the local department in the event of a fire. The board also recommends such municipally connected fire alarms in smaller places of assembly - Class C - in buildings that also contain residential housing. All remaining Class C places of assembly should be equipped with local fire alarms. The board recommends that up to three years be given for alarm systems to be phased in.

* All Class A and B places of assembly should be retrofitted with sprinklers. Also, the board recommends sprinklers in the smaller Class C places of assembly, except churches and places of "less concentrated use" with capacities of 150 or fewer. The board recommends up to a five-year period to phase in sprinklers. These recommendations closely parallel sprinkler legislation pending in the Rhode Island House.

* Make the unlawful use of pyrotechnics a felony.

* In numerous instances related to the use and storage of explosives and combustible liquids, the

board recommends adopting the current NFPA standards.

- MARK ARSENAULT

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* FIRE SAFETY: Deborah and Robert Correia, owners of the West Valley Inn in West Warwick, say it could cost \$300,000 to install fire sprinklers. Testifying last night before a legislative commission, Robert Correia said: "Where is this money going to come from?"

JOURNAL PHOTO / MARY MURPHY

* ISSUE IS SAFETY: Earl Queenan, left, Economic Development Corporation director of finance, and Mark S. Hayward, district director of the U.S. Small Business Administration for Rhode Island, appear last night before the commission studying safety in the wake of the nightclub fire.

JOURNAL PHOTO / MARY MURPHY

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Abstract (Document Summary)

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