

building official whenever the alternate material or method involves matters regulated by the Building Code.

**103.1.3 Practical difficulties.** The chief is authorized to modify any of the provisions of this code upon application in writing by the owner, a lessee or a duly authorized representative where there are practical difficulties in the way of carrying out the provisions of the code, provided that the spirit of the code shall be complied with, public safety secured and substantial justice done. The particulars of such modification and the decision of the chief shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.

**103.1.4 Appeals.** To determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this code, there shall be and hereby is created a board of appeals consisting of five members who are qualified by experience and training to pass judgment upon pertinent matters. The chief shall be an ex officio member and shall act as secretary of the board. The board of appeals shall be appointed by the executive body and shall hold office at their pleasure. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the fire chief, with a duplicate copy to the appellants.

**103.1.5 Appendix.** See Appendix VI-D for additional information related to inspection and enforcement.

## 103.2 Authority for Inspection and Enforcement.

### 103.2.1 Authority of the chief and the fire department.

**103.2.1.1 General.** The chief is authorized to administer and enforce this code. Under the chief's direction, the fire department is authorized to enforce all ordinances of the jurisdiction pertaining to:

1. The prevention of fires,
2. The suppression or extinguishment of dangerous or hazardous fires,
3. The storage, use and handling of hazardous materials,
4. The installation and maintenance of automatic, manual and other private fire alarm systems and fire-extinguishing equipment,
5. The maintenance and regulation of fire escapes,
6. The maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures and other property, including those under construction,
7. The maintenance of means of egress, and
8. The investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.

For authority related to control and investigation of emergency scenes, see Section 104.

**103.2.1.2 Fire prevention bureau personnel and police.** The chief and members of the fire prevention bureau shall have the powers of a police officer in performing their duties under this code.

When requested to do so by the chief, the chief of police is authorized to assign such available police officers as necessary to assist the fire department in enforcing the provisions of this code.

### 103.2.2 Organization of the fire prevention bureau.

**103.2.2.1 General.** A fire prevention bureau established within the fire department under the direction of the chief shall consist of fire department personnel assigned thereto by the chief. The func-

tion of this bureau shall be to assist the chief in the administration and enforcement of the provisions of this code.

**103.2.2.2 Fire marshal.** The chief is authorized to designate a member of the fire department to exercise the powers and perform the duties of fire prevention engineer as set forth in this code. The fire prevention engineer could also be known as fire marshal.

## 103.3 Inspection.

### 103.3.1 General.

**103.3.1.1 Authority to inspect.** The fire prevention bureau shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting firesafety.

**103.3.1.2 Right of entry.** Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the chief has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, the chief is authorized to enter such building or premises at all reasonable times to inspect the same or to perform any duty authorized by this code, provided that if such building or premises is occupied, the chief shall first present proper credentials and demand entry; and if such building or premises is unoccupied, the chief shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the chief shall have recourse to every remedy provided by law to secure entry.

If the owner or occupant denies entry, the chief is authorized to obtain a proper inspection warrant or other remedy provided by law to secure entry. Owners, occupants or other persons having charge, care or control of any building or premises shall, after proper request is made as herein provided, promptly permit entry therein by the chief for the purpose of inspection and examination pursuant to this code.

For the purpose of Section 103.3.1.2, the term "chief" shall include the chief officer of the fire department serving the jurisdiction and the officers named in Sections 103.2.1.2 and 103.2.2.2.

**103.3.1.3 Stop orders.** When any work is being done or a condition is being established contrary to the provisions of this code, the fire chief may order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. Such work shall stop until continuation is authorized by the chief.

### 103.3.2 New construction and alterations.

**103.3.2.1 General.** Construction or work for which fire department approval is required shall be subject to inspection by the chief and such construction or work shall remain accessible and exposed for inspection purposes until approved.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the permit applicant or contractor or both to cause the work to remain accessible and exposed for inspection purposes. Neither the chief nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**103.3.2.2 Inspection requests.** It shall be the duty of the person doing the work authorized by a permit to notify the chief that such