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STEPHEN D. COAN  
STATE FIRE MARSHAL

**MEMORANDUM**

**To: Heads of Fire Departments**

**From: Stephen D. Coan  
State Fire Marshal**

**Date: February 1, 2014**

**RE: Means of Egress**

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Due to the snowstorms that we have experienced and inquiries that our office has received, I am providing this information, as a reminder, of the code sections governing impeded egress. Facilities have a tendency to shovel and clear out only the doors that are used each day. However, in the event of a fire or other emergency, the normal egress door(s) may be blocked and require an alternative means of egress. Included are several sections of the fire code that would be applicable for enforcement orders in your community:

**527 CMR 10.03(13) Hazards to Means of Egress.**

(a) Obstructions. No person shall at any time place an encumbrance of any kind before or upon any fire escape, balcony or ladder intended as a means of escape from fire. The means of egress from each part of the building, including stairways, egress doors, and any panic hardware installed thereon, aisles, corridors, passageways and similar elements of the means of egress, shall at all times be maintained in a safe condition and shall be available for immediate use and free of all obstructions.

(d) Exterior egress. All exterior stairways and fire escapes shall be kept free of snow and ice. Any fire escape or exterior stairway found to be in a state of deterioration or determined to be unsafe by the head of the fire department shall be repaired immediately. Depending on the structural condition, a load test of any fire escape shall be conducted before it is returned to service.

### **527 CMR 10.17(4) Means of Egress.**

(a) General. The operator or the person in charge of operation or use of any place of assembly or education shall check egress facilities before such building is occupied for any use, to determine compliance with the provisions of 527 CMR 10.17. If such inspection reveals that any element of the required means of egress is obstructed, inaccessible, locked, fastened or otherwise unsuited for immediate use, admittance to the building shall not be permitted until necessary corrective action has been completed. In addition, in light of the aggressive fire safety regulations passed in the wake of the Rhode Island nightclub fire, places of assembly have very strong enforcement penalties. I have attached a copy of MGL 148 section 34A for your use, too.

### **M.G.L. Chapter 148, section 34A.**

(a) Any owner, occupant, lessee or other person having control or supervision of any assembly use group building, as defined by the state building code, and who causes or permits a dangerous condition to exist on the premises at anytime shall be punished by a fine of not more than \$5,000 or by imprisonment in the house of correction for not more than 2½ years, or both. For the purposes of this section, “dangerous condition” shall mean:-

- (1) any blocked or impeded ingress or egress;
- (2) the failure to maintain or the shutting off of any fire protection or fire warning system required by law;
- (3) the storage of any flammable or explosive without a properly issued permit in quantities in excess of allowable limits of any permit to store;
- (4) the use of any firework or pyrotechnic device, as defined by the board of fire prevention regulations, without a properly issued permit; or
- (5) exceeding the occupancy limit established by the local building inspector pursuant to chapter 143. Nothing in this section shall preclude the issuance of a citation for a code violation, as provided for by chapter 148A.

(b) Whoever is convicted of a second or subsequent violation of paragraph (a) shall be punished by a fine of not more than \$25,000 or by imprisonment in the state prison for not more than 5 years or in a house of correction for not more than 2½ years, or both such fine and imprisonment.

If anyone has any questions relative to the State Fire Code (527 CMR) or section of law referenced (M.G.L. Chapter 148, section 34A), please contact the Code Compliance and Enforcement Unit at (978) 567-3375 or in Western, MA at (413) 587-3181.