

Fire Alarms, The Fire Department, and Building Jurisdiction

Reference Guide #D-2

From time to time the question arises, as to who is in charge of a building after sounding of the fire alarm. From informal opinion #81-13 of the Attorney General Robert Abrams, excerpted below, it is clear that once a fire alarm is sounded, "ownership" of, or jurisdiction over the building rests with the fire department.

Jurisdiction is not returned to the school authorities until the fire chief or his designee makes a determination of safety and returns the building to the person normally in charge.

The State Attorney General's opinion was in response to the following three questions:

1. After a fire alarm at a school, may the principal refuse admission to the fire fighting service, or if fire fighters have entered the building, may he order them to leave before a determination that the fire chief or his designee has inspected the premises and found them safe?
2. May a school principal, with or without the approval of or direction from his board of education, make the determination after a fire alarm whether the school is safe to be occupied regardless of whether the fire chief or his designee has inspected the premises and found them safe?
3. Does it make any difference in either answer if a fire alarm was a false alarm? (For our purpose, the term "false alarm" includes a deliberate false alarm in the traditional sense and also an alarm caused by error, accident, or malfunction of equipment.)

In his opinion, the Attorney General stated: A fire alarm at a school creates authority for firemen to enter the school and it is their duty to do so. The school principal has no authority to keep them out or determine when the fire is out and the building is safe for occupancy. A false alarm does not alter the foregoing. A fire alarm commences a chain of events that cannot be averted by many who are involved. Normal authority and individuals usually in control of areas and activities are suddenly relegated to a minor role or even excluded from participation. The fighting of fires to avoid catastrophic consequences is so fundamental a protection to society that the fire fighting force is in absolute command at the scene of a fire emergency. Fire fighters may enter any premises and building to find and fight a fire there or on nearby property. They may enter where necessary and by the use of force, if a suitable or open entryway is not available. The urgency of the event brooks no delay. A person in charge of premises, such as a school principal (or, for that matter, the board of education) cannot prevent fire fighters from entering a school if an alarm of fire at the school has been received. The fire fighters must stay at the scene until their officers have determined that the fire is out. The premises cannot be occupied until the fire fighting force finds them safe for occupancy. Until a determination of safety has been made by the fire chief or his designee, the school principal has no authority in the premises...

The fact that an alarm is a false alarm has no bearing upon the foregoing. When a fire alarm occurs, there is a fire emergency and all rights and duties revert to those which exist in case of a conflagration. Those rights and duties continue in effect until the fire chief or his designee find that there was a false alarm and/or that the premises are free from immediate danger of fire and can be occupied with safety.

The Attorney General's Informal Opinion also stated:

1. After a fire alarm at a school the principal cannot refuse admission to fire fighters or, after they are in the building, cannot require them to leave until the fire chief or his designee certifies that the fire is out and the building is safe for occupancy.
2. After a fire alarm at a school, the principal has no authority or jurisdiction to determine that a fire is out and the building is safe for occupancy. That is a function reserved to the fire fighting force.
3. The same conclusions apply, even if the alarm was a false alarm. We suggest that if there is any thought that a misunderstanding may exist as to the seat of authority if a fire emergency does occur, it would be advisable for the board of fire commissioners, or other similar body, to meet with the board of education to clarify the issue. This may save injury and property, possibly even lives, in case of a serious fire.

If your building is experiencing a series of deliberate false alarms in which you are being forced to evacuate a building or buildings repeatedly without justification, contact the fire department having jurisdiction to devise a joint plan for combating this malicious act. Bear in mind, however, that your primary responsibility is to the continuing safety of those persons occupying the building.