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Fire Safety Act

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Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) The Fire Safety Act provides the obligations, rights and liability of natural and legal persons, local government and state agencies and bodies (hereinafter *persons*) in ensuring fire safety and exercising state supervision.

(2) If fire safety requirements are regulated by another Act or legislation established on the basis thereof, the requirements provided in this Act shall be applied, taking into account the specifications arising from the other Act or legislation established on the basis thereof.

(3) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the specifications of this Act.

§ 2. Definitions

(1) For the purposes of this Act, a fire safety requirement is a technical regulation or restriction on activities for the purpose of ensuring the fire safety of buildings, operation of devices or activities of persons and the possibility of evacuation and rescue operations in the case of an outbreak of fire.

(2) For the purposes of this Act, rescue equipment is a self-propelled, mobile or stationary piece of equipment, mechanism or device used for rescue operations.

(3) For the purposes of this Act, combustible material is an inflammable substance, inflammable liquid or inflammable preparation which catches fire upon exposure to sparks and open flame and under the effect of high temperature of the surroundings and spreads fire and emits heat, smoke, toxic gases and hot or burning drips.

Chapter 2 ENSURING FIRE SAFETY

Division 1

Obligations of Persons

§ 3. Obligations for ensuring fire safety

(1) Persons are obliged:

- 1) to adhere to fire safety requirements;
- 2) to check the safety and conformity of immovable property, buildings, premises, devices in their possession and the use thereof (hereinafter *self-inspection*);
- 3) to ensure the safety of human life, property and the environment when using heating systems, barbecue equipment and other equipment and installations and making a fire outside heating chambers;
- 4) to ensure the existence and maintenance of rescue equipment for buildings and the existence and maintenance of fire safety installations required for buildings, specified in section 30 of this Act;
- 5) to take measures for prevention of outbreak of fires and to refrain from activities which may cause a fire;
- 6) to ensure safe evacuation;
- 7) to inform the manager of an undertaking or institution and the Rescue Board of a risk to human life or health;

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- 8) to take initial measures for obstructing the spread of fire and for extinguishing the fire;
- 9) to know its obligations in the event of a fire;
- 10) to immediately call the common European emergency phone number 112 to inform of a fire discovered;
- 11) to assist the official who exercises state supervision in every way upon exercise of supervision and identification of the causes of the fire by maintaining the situation which developed as a consequence of the fire until identification of the causes thereof, unless it would cause further damage;
- 12) to fulfil on time the precepts issued by an official who exercises state supervision.

(2) In addition to the provisions of subsection (1) of this section, the manager of an undertaking or institution is obliged:

- 1) to provide fire safety training to an employee or public servant (hereinafter *employee*) corresponding to his or her job or position before he or she commences work or changes a job, and an evacuation drill and fire training drill for employees at least once a year, if such obligation arises from subsection 6 (3) of this Act;
- 2) to introduce to an employee the fire safety requirements based on the nature of his or her job and workplace, and check the adherence thereto;
- 3) to ensure the accessibility and skills of using fire safety installations and rescue equipment to employees;
- 4) to inform employees of possible fire hazards and fire prevention measures.

§ 4. Fire safety self-inspection report

(1) Fire safety self-inspection report (hereinafter *fire safety report*) is a document which shall include:

- 1) information on a building;
- 2) information on activities performed in the building;
- 3) information on the maintenance of fire safety installations and rescue equipment;
- 4) fire safety regulations of the undertaking or institution;
- 5) preparedness in the event of a fire;
- 6) shortcomings detected in the course of self-inspection and measures for remedying them;
- 7) other important information.

(2) The owner of a building shall prepare a fire safety report for a building which has an increased risk of fire, in which there are many people and in which the damage to property may be substantial. A fire safety report shall be prepared for a building which conforms to the criteria provided in the regulation established on the basis of subsection (4) of this section.

(3) A fire safety report shall be submitted once a year to the Rescue Board. The fire safety report and other information on self-inspection shall be preserved for at least five years.

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(4) The criteria based on which the preparation of a fire safety report is obligatory and requirements set for self-inspection and fire safety reports shall be established with a regulation of the Minister of Internal Affairs.

Division 2 Fire Safety Requirements

Subdivision 1

Fire Safety Requirements for Buildings and Parts thereof

§ 5. Fire safety requirements for buildings and parts thereof

(1) The local government may issue the written consents and issue building permits and permits for use of buildings provided in the Building Act if the Rescue Board has approved the building design documentation or the permit of use of the building in writing.

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(2) The doors, windows and other openings in the external walls and cellars and attics of the buildings which are not in use shall be closed or blocked in another manner to prevent the entry of unauthorised persons.

(3) Upon the use of a building it shall be ensured that the part of a building intended for prevention of the spread of fire and smoke would perform its function.

§ 6. Evacuation requirements

(1) Evacuation from an immovable property with boundaries or from a building shall be ensured and the evacuation route shall be easily passable.

(2) In the buildings in which more than one evacuation or emergency exit and evacuation route is required, these shall be marked with respective fire safety signs.

(3) An institution or undertaking which is obliged to submit a fire safety report shall prepare a plan of action for the event of a fire and organise an evacuation training drill and fire training drill once a year.

(4) The requirements for a plan of action in the event of a fire and for organisation of an evacuation training drill and fire training drill shall be established by a regulation of the Minister of Internal Affairs.

Subdivision 2 Fire Safety Requirements for Heating Systems

§ 7. Heating systems, heating devices and heating chambers

(1) A heating system consists of a heating device, connection flue and a chimney and other essential parts thereof.

(2) A heating device is a device which emits combustion products which need to be directed to ambient air.

(3) A heating chamber is a part of a heating device which is intended for the combustion of solid, liquid or gaseous fuel and which is connected to smoke flues of a building.

§ 8. Design, installation, check, maintenance and use of heating systems

(1) Design, installation, check and maintenance of a heating system shall conform to the technical regulation and manufacturer's instructions and the provisions of safety requirements to allow the heating system to perform its function and to prevent the outbreak of fires, occurrence of explosions or other accidents.

(2) Ventilation tubes shall not be used to direct the smoke in the installation and design of a heating system.

(3) The distance of a heating system from walls, ceilings and combustible materials and substances shall prevent ignition of the materials due to thermal radiation or movement of hot air.

(4) Only a heating system which is in good technical condition, complete and safe may be used.

(5) A heating system may be used only for the intended purpose and with the intended capacity thereof, and only the fuel intended for the particular heating system may be used for combustion therein.

(6) If soot is formed upon the use of a heating system, the chimneys and connection flues shall be cleaned when necessary but not less frequently than recommended in the documentation of the heating system. The cleaning frequency shall prevent the risk of a soot fire. Chimneys and connection flues shall be cleaned on the basis of the requirements of § 11 of this Act.

§ 9. Construction and installation of solid fuel heating devices and chimneys and connection flues

(1) Solid fuel ovens, fireplaces, kitchen ranges or other heat devices (hereinafter *ovens, fireplaces or kitchen ranges*) and chimneys and connection flues may be built as an economic activity by a potter with the professional certificate of a potter.

(2) Persons without the professional certificate of a potter may also build or install an oven, fireplace or kitchen range and chimney and connection flue in a detached house, summer house, garden house, farm building or small buildings for own use by adhering to the requirements for construction of heating systems.

(3) Ovens, fireplaces or kitchen ranges and chimneys and connection flues may be also built or installed by persons who obtained the qualification of a potter in another member state of the European Economic Area who shall inform the Rescue Board of commencement of his or her economic activities in Estonia.

§ 10. Use of ovens, fireplaces and kitchen ranges

(1) Control over ovens, fireplaces or kitchen ranges shall be ensured during the entire period of heating thereof and immediately after the heating is completed to prevent fire hazard. Such control may be replaced with the use of fire safety installations specified in clauses 30 (1) 1–3) of this Act.

(2) Use of combustible liquids for lighting a fire in the chamber of ovens, fireplaces or kitchen ranges is prohibited.

(3) Fuel or combustible materials shall be placed at a safe distance from ovens, fireplaces or kitchen ranges during the use thereof.

§ 11. Cleaning of ovens, fireplaces and kitchen ranges and chimneys and connection flues

(1) Ovens, fireplaces or kitchen ranges in use and their chimneys and connection flues shall be cleaned when necessary but not less frequently than recommended in the documentation thereof. If there is no documentation or unless other frequency has been provided in the documentation, they shall be cleaned at least once a year. The cleaning frequency shall prevent the risk of soot fire.

(2) The possessor of a building shall provide a chimney sweep access to the premises or the part of the building required for cleaning of ovens, fireplaces or kitchen ranges and chimneys and connection flues, and ensure the equipment required for the access to them.

(3) Ovens, fireplaces or kitchen ranges and chimneys and connection flues may be cleaned by a chimney sweep in the form of his or her economic activities if he or she has a professional certificate of a chimney sweep.

(4) Persons without a professional certificate of a chimney sweep may clean ovens, fireplaces or kitchen ranges and chimneys and connection flues for their own use, except for soot combustion in smoke flues, in detached houses, summer houses, garden houses, farm buildings or small buildings by adhering to the requirements for the cleaning of heating systems.

(5) In the case specified in subsection (4) of this section, a chimney sweep with a professional certificate of a chimney sweep shall clean the ovens, fireplaces or kitchen ranges or chimneys and connection flues thereof once during a period of five years, and issue a chimney cleaning report concerning the technical condition and safety of the heating system.

(6) Ovens, fireplaces or kitchen ranges and chimneys and connection flues may be also cleaned by persons who obtained the qualification of a chimney sweep in another member state of the European Economic Area who shall inform the Rescue Board of commencement of his or her economic activities in Estonia.

(7) The possessor of a building shall maintain records on the cleaning of ovens, fireplaces or kitchen ranges and chimneys and connection flues, and preserve the report of a chimney sweep on sweeping the chimney until the reception of the next chimney sweep report.

(8) In the case of detection of a violation of fire safety requirements or a fire hazard in the course of the cleaning of ovens, fireplaces or kitchen ranges and chimneys and connection flues, the chimney sweep shall notify the owner and Rescue Board in writing within ten days as of the date of cleaning.

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(9) Requirements for the cleaning of ovens, fireplaces or kitchen ranges and chimneys and connection flues shall be established by a regulation of the Minister of Internal Affairs.

Subdivision 3

Fire Safety Requirements for Work Involving Open Flame

§ 12. Work involving open flame

(1) Works involving an open flame include:

- 1) gas welding work;
- 2) electric welding work;
- 3) metal cutting with combustible liquid;
- 4) metal cutting with wheel cutter;
- 5) heating and use of bitumen and other combustible mastic;
- 6) use of gas flame;
- 7) other activities with the use of a flame or generation of sparks or at a temperature due to which the surrounding combustible materials may catch fire, thus creating a substantial fire hazard.

(2) The use of a heating chamber or making a fire outside a heating chamber and use of barbecue equipment are not deemed to be the work involving an open flame for the purposes of this Act.

§ 13. Requirements for works involving open flame

(1) When performing works involving an open flame, outbreak a fire shall be prevented and measures shall be taken to reduce the probability of outbreak of a fire, ensure fast detection of fire, prevent the spreading of fire and for fast extinguishing thereof.

(2) The requirements set for works involving an open flame shall be established by a regulation of the Minister of Interior Affairs.

(3) Constant monitoring shall be ensured upon performing works involving an open flame.

§ 14. Persons performing work involving open flame

(1) Works involving an open flame may be performed in the form of an economic activity by persons who have the professional certificate or who have completed the training for works involving an open flame and have the certificate for works involving an open flame.

(2) A natural person may perform works involving an open flame for own use, upon ensuring the safety, on an immovable property in his or her possession which is fenced or marked, without having a certificate for works involving an open flame.

(3) Works involving an open flame may also be performed as an economic activity by persons who have a professional qualification or certificate for works involving an open flame in another member state of the European Economic Area and who adhere to the safety requirements.

(4) Requirements for the training and certificates for works involving an open flame shall be established by a regulation of the Minister of Interior Affairs.

Subdivision 4 Fire Safety Requirements for Making Fire outside Heating Chambers and for Use of Barbecue Equipment

§ 15. Fire safety requirements for making fire outside heating chambers and for use of barbecue equipments

(1) The surroundings of a site for making a fire outside a heating chamber and for use of barbecue equipment shall be sufficiently cleaned to prevent spreading of fire.

(2) When making a fire outside a heating chamber and using barbecue equipment, the effect of the surroundings and weather conditions on the safety of making a fire shall be taken into account.

(3) When making a fire outside a heating chamber, a sufficient amount of basic fire extinguishing equipment or other equipment used for fire extinguishing shall be at hand, taking into consideration the hazard to buildings or the natural environment.

(4) Constant monitoring shall be ensured upon making a campfire or use of barbecue equipment. After making a campfire or using barbecue equipment, the combustion residues shall be allowed to burn up or they shall be suppressed or extinguished with water.

(5) Requirements for the site for making a fire outside a heating chamber and for use of barbecue equipment shall be established by a regulation of the Minister of Interior Affairs.

Subdivision 5

Fire Safety Requirements for Areas Covered with Forest and Other Vegetation

§ 16. Fire safety requirements for areas covered with forest and other vegetation and fire-risk periods

(1) The Rescue Board shall establish a fire-risk period and area where the following activities are prohibited in areas covered with forest and other vegetation and in peat soil areas:

- 1) making a fire outside a heating chamber, except at the sites prepared for such purpose;
- 2) burning of dead grass and reeds;
- 3) other activities which may cause a fire.

(2) The Rescue Board shall establish a high fire-risk period and area where making a fire outside a heating chamber, using barbecue equipment, smoking or unauthorised stay in the forest is prohibited.

(3) The Rescue Board shall inform the public of the beginning and end of a fire-risk and high fire-risk periods.

(4) If no fire-risk period and area has been established pursuant to subsection (1) of this section, burning of dead grass is only allowed on protected natural objects. The Minister of the Environment may establish by a regulation the fire safety requirements for protected natural objects.

§ 17. Obligations of landowners in forest areas

(1) A landowner shall be obliged:

- 1) to set up tracks and firebreaks in forest areas and to maintain them, except in the protected areas specified on the basis of the Nature Conservation Act, if so provided by subsection (2) of this section;
- 2) to prepare and mark existing smoking and campfire sites and parking lots for means of transport;
- 3) to mark existing water points, keep the access roads open for vehicles and ensure other technical conditions required for fire extinguishing;
- 4) in the case of high fire-risk and based on the orders of the Rescue Board to place notices on the prohibition of campfires in visible places.

(2) The requirements for setting up tracks and firebreaks and requirements for tracks and firebreaks shall be established by a regulation of the Minister of the Environment.

§ 18. Obligations of state forest managers

A state forest manager shall be required to organise guarding in a state forest during fire-risk periods in order to ensure immediate detection of a fire, calling the common European emergency phone number 112 for informing of the fire and taking basic fire extinguishing measures.

Subdivision 6

Fire Safety Requirements for Storage of Combustible Materials

§ 19. Requirements set for storage of combustible materials

(1) Combustible materials shall not be stored inside a building, under it or in its immediate vicinity in such a manner that the materials would cause a fire-risk or complicate rescue operations.

(2) Waste storage sites shall be at a safe distance from combustible materials or from a building with an inflammable surface layer or from a door, window or other opening in the external wall of a building of any fire resistance.

(3) Combustible liquids or flammable gases intended for heating a building or other explosive combustible materials may be stored and used inside the building if the requirements provided for the building have been met upon the storage or use thereof.

(4) On an immovable property which is fenced or marked, in a building or premises, combustible materials shall be placed according to the compatibility of the storage of hazardous substances.

(5) Storage of combustible materials or parking of motor vehicles or other vehicles in the fire safety lane area between buildings shall not cause an additional fire hazard to the buildings or obstruct rescue operations.

(6) Combustible materials shall be stored in the place and in the quantity designated in the plan of the warehouse building or storage site. The plan shall be displayed at a visible place at the entrance to the warehouse building or storage site. Passages in production and warehouse buildings and the place of storage of materials on the floor shall be marked with a visible boundary line.

(7) Fire safety requirements for the storage of combustible materials and hazardous substances shall be established by a regulation of the Minister of Internal Affairs.

Subdivision 7

Fire Safety Requirements for Public Events

§ 20. Public event

A public event is an entertainment event, competition, performance, commercial event or other similar get-together of people, other than a meeting, which takes place at a public place and is directed at the public.

§ 21. Fire safety requirements for public events

(1) A public event can be organised in a building with the prescribed number of evacuation routes and evacuation exits, or in a part thereof, and for the maximum number of persons prescribed for the building.

(2) If a public event takes place in premises with more than 200 seats, the seats and seat rows shall be interconnected or fixed to the floor to ensure safe evacuation.

(3) During a public event which takes places in a building, it is forbidden to reduce the width of the aisle between the rows in the auditorium and to place extra seats in the aisles.

(4) Prompt notification of people in the case of a possible danger shall be ensured at a public event.

§ 22. Organisation of public events in buildings or areas not intended for such purpose

(1) The following events may be organised with the approval of the Rescue Board:
[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

1) public events with more than 150 participants in the interior of a building not intended for such purpose, if safe evacuation is ensured;

2) public events with more than 300 participants in temporary buildings or attractions, if safe evacuation is ensured.

(2) Before the organisation of public events in buildings or areas not intended for such purpose or during the installation of temporary buildings or attractions, the organiser of the public event shall be obliged to check:

1) general fire safety situation of the premises, building or temporary buildings and attractions relating to the event;

2) marking of the evacuation or emergency exits and evacuation routes with fire safety signs;

3) readiness of evacuation routes and exits and their adequacy for the number of participants in the public event;

4) existence and working order of prescribed fire safety installations;

5) existence and serviceability of rescue equipment;

6) condition and operation of equipment located in the premises;

7) other circumstances which may cause a fire.

(3) A site plan shall be prepared in the case a public event is organised in a building not intended for such purpose or for the installation of a temporary building and attractions, marking the evacuation routes and access routes of rescue vehicles. The site plan shall be submitted to the local rescue centre.

Subdivision 8

Fire Safety Requirements for Fire Water Supply

§ 23. Fire water supply

(1) Fire water supply (hereinafter *water supply*) is a set of technical facilities and civil engineering works that ensure the extraction and supply of fire fighting water upon outbreak of fire. Water supply is deemed to be:

- 1) city/settlement public water supply together with fire hydrants;
- 2) artificial water bodies and fire water tanks;
- 3) natural water bodies.

(2) A building shall have the water supply required for fire extinguishing.

(3) Requirements for fire water supply may be established by a regulation of the Minister of Internal Affairs.

§ 24. Requirements for fire water points

(1) Fire water points are fire hydrants or other civil engineering works at a water tank, natural or artificial water body which can be used throughout the year and through which fire fighting water can be extracted by mobile or motor pumps.

(2) The following shall be ensured for a fire water point:

- 1) access throughout the year and serviceability;
- 2) quantity of water or volumetric flow rate required for extinguishing a fire;
- 3) marking according to the technical regulation or legislation.

§ 25. Requirements for design and maintenance of water supply

(1) Design and maintenance of water supply shall conform to the technical regulation.

(2) The technical maintenance of water supply shall be ensured by a possessor.

§ 26. Maintenance of fire hydrants

(1) Maintenance of fire hydrants shall be ensured by the possessor of pipelines. Maintenance of the pipelines and the pump house servicing fire hydrants and sufficient quantity of fire fighting water shall be ensured by a water undertaking.

(2) The possessor of pipelines shall check the technical condition of fire hydrants after the installation thereof and on a regular basis with the frequency prescribed by the manufacturer or at least once every two years.

(3) Requirements for the selection of the type of fire hydrants, their installation, marking and maintenance shall be established by a regulation of the Minister of Interior Affairs.

Subdivision 9 Other Fire Safety Requirements

§ 27. Requirements set for equipment and installations

(1) Fire hazard should be prevented in the installation, use, maintenance and checking of equipment and installations based on user manuals of manufacturers and legislative acts.

(2) Use of equipment or installations which may cause a fire hazard is prohibited.

§ 28. Fire safety requirements for rail transport and civil aviation and water craft and underground structure

(1) Fire safety regulations for rail transport, civil aviation and water craft may be established by a regulation of the Minister of Economic Affairs and Communications.

(2) Fire safety regulations for underground constructions may be established by a regulation of the Minister of Economic Affairs and Communications.

§ 29. Fire safety requirements for Defence Forces

Fire safety requirements for Defence Forces may be established by a regulation of the Minister of Defence.

Division 3 Fire Safety Installations

§ 30. Fire safety installations

(1) A fire safety installation is:

- 1) an autonomous fire alarm sensor;
- 2) an autonomous fire alarm system;
- 3) an automatic fire alarm system;

- 4) an automatic fire extinguishing system;
- 5) emergency lighting;
- 6) lightning protection;
- 7) smoke and heat removal equipment;
- 8) fire hose system;
- 9) other equipment and utility systems intended for detection of fire, for stopping the spread of fire and smoke and for safe evacuation and rescue operations.

(2) Provisions concerning fire safety installations apply to fire extinguishers.

§ 31. Obligations of owners of fire safety installations

The owner of a fire safety installation shall:

- 1) ensure the working order of fire safety installations and uninterrupted performance thereof;
- 2) organise the monitoring, check and maintenance of fire safety installations in the cases prescribed;
- 3) be in the possession of the documentation on fire safety installations and the check and maintenance thereof.

Subdivision 1 Requirements for Installation and Maintenance of Fire Safety Installations

§ 32. Requirements for design, installation, check and maintenance of fire safety installations

(1) Design, installation, check and maintenance of fire safety installations shall conform to the technical regulation and manufacturer's instructions and the provisions of safety requirements in such a manner that the fire safety installations perform their functions.

(2) Fire safety installations can be placed on the market or taken into use if they conform to the requirements provided in the technical regulation.

(3) The owner of a residential building or an apartment shall equip at least one room of the residential building or apartment with an autonomous fire alarm sensor.

(4) Requirements for fire safety installations and the selection, installation, marking and maintenance thereof may be established by a regulation of the Minister of Internal Affairs.

(5) Requirements for fire extinguishers and the selection, installation, marking and maintenance thereof shall be established by a regulation of the Minister of Interior Affairs.

§ 33. Persons who design, build or maintain fire safety installations

The persons who design, build or maintain automatic fire alarm systems and automatic fire extinguishing systems and maintain fire extinguishers and check and maintain fire hose systems shall:

- 1) have a registration in the register of economic activities, and
- 2) have a contractual relationship with the specialist in charge specified in § 34 of this Act, except if the self-employed entrepreneur himself is a specialist in charge.

§ 34. Specialist in charge

(1) A specialist in charge is a natural person:

- 1) who is competent to manage and check the designing, construction and maintenance of automatic fire alarm systems and automatic fire extinguishing systems and the maintenance thereof, the maintenance of fire extinguishers and the maintenance and check of fire hose systems;
- 2) who is in a contractual relationship with the person specified in § 33 of this Act in order to guarantee compliance with the requirements provided for in this Act and legislation established on the basis thereof.

(2) A specialist in charge shall have a professional certificate for the design, construction and maintenance of automatic fire alarm systems and automatic fire extinguishing systems for the purposes of the Professions Act according to which the person arranges the allocation of resources and the work of others and is responsible for such work.

(3) A specialist in charge shall have the professional qualification for the check of fire extinguishers and for the check and maintenance of fire hose systems and at least three years of work experience in this area.

(4) If the profession specified in subsection (2) of this section was acquired in another member state of the European Economic Area, such profession shall be recognised according to the Recognition of Foreign Professional Qualifications Act and legislation established on the basis thereof.

§ 35. Registration proceedings

(1) The provisions of the Register of Economic Activities Act apply to the registration procedure together with the specifications arising from this section.

(2) The Rescue Board may make a decision to delete a registration from the Register of Economic Activities concerning the person registered in the Register of Economic Activities and specified in § 33 of this Act in the following cases:

- 1) upon repeated failure to comply with a precept;
- 2) if the person does not comply to the requirements set for operation in the relevant field of activity;
- 3) if the person has committed a criminal offence which caused a danger to human life or health, property or the environment.

(3) In addition to the provisions of the Register of Economic Activities Act, the registrar shall refuse to register a person if the registrar has deleted the concerning the person pursuant to subsection (4) of this section during the 60 days prior to application.

(4) In addition to the provisions of the Register of Economic Activities Act, the registrar shall delete a registration on the grounds provided for in subsection (2) of this subsection either when the term for contestation of the decision has passed if the decision is not contested or, if the decision is contested, as of the date on which the court judgment to uphold the contested decision enters into force.

Subdivision 2 Forwarding Fire Notices to Alarm Centre

§ 36. Forwarding fire notices from automatic fire alarm systems to Alarm Centre

(1) The owner of a building in which an automatic fire alarm system has to be installed shall ensure the automatic forwarding of the fire notice received by the automatic fire alarm system to the Alarm Centre.

(2) A fire notice received by an automatic fire alarm system shall be automatically forwarded to the Alarm Centre from buildings with an increased risk of fire, in which there are many people and where the damage to property may be substantial and which conform to the criteria provided in the regulation established on the basis of subsection (6) of this section.

(3) In buildings where constant guarding of the central equipment of the automatic fire alarm system is ensured, the automatic fire alarm system may be set up with a delay which allows the guarding staff be notified of the fire first. If the guarding staff does not cancel the alarm within the set delay period, which may not last for longer than three minutes, the fire notice shall be forwarded to the Alarm Centre.

(4) The owner of an automatic fire alarm system is responsible for the prevention of false alarms by taking measures for the prevention of false alarms without stopping the functioning of the automatic fire alarm system.

(5) A false alarm of an automatic fire alarm system is an alarm caused by other factors than a fire.

(6) The buildings from where a fire notice of an automatic fire alarm system has to be directed to the Alarm Centre shall be established by a regulation of the Minister of Internal Affairs.

§ 37. Obligations of automatic forwarders of fire notices

(1) An automatic forwarder of a fire notice is a communication undertaking which shall conform to the requirements provided for communication undertakings in the Electronic Communications Act.

(2) The forwarder of fire notices shall be responsible for:

- 1) fulfilment of the requirements set to systems of automatic forwarding of notices;
- 2) monitoring of the uninterrupted functioning of the systems of automatic forwarding of notices;
- 3) notification of the owners of automatic fire alarm systems of any failures of the automatic fire alarm system detected, and for the removal of the failures.

Chapter 3

AUTHORITIES EXERCISING STATE SUPERVISION AND MEASURES TO BE APPLIED

§ 38. Authorities exercising state supervision

(1) State supervision over the fulfilment of the requirements established in this Act and legislation established on the basis thereof shall be exercised by:

- 1) the Rescue Board – throughout the national territory;
- 2) [Repealed - RT I, 29.12.2011, 1 - entry into force 01.01.2012]
- 3) the Estonian Technical Surveillance Authority – in the areas of fire safety requirements pertaining to rail transport and underground constructions;
- 4) the Civil Aviation Administration – in the area of fire safety requirements pertaining to civil aviation;
- 5) the Estonian Maritime Administration – in the area of water craft (including floating docks);
- 6) the Ministry of Defence – in the training areas of the Defence Forces and the National Defence League;
- 7) the Environmental Inspectorate – in the area of fire safety requirements pertaining to areas covered with forest and other vegetation.

(2) The Rescue Board shall exercise state supervision over the fulfilment of the fire safety requirements established in clauses 1 (3)–(6) of this section and legislation established on the basis thereof only in urgent cases.

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(3) The Rescue Board shall exercise state supervision over the fulfilment of the fire safety requirements set to areas covered with forest and other vegetation in the case of high fire-risk determined pursuant to § 16 of this Act.

[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

§ 39. Entry into premises and requirement for submission of documents

(1) An official exercising state supervision may enter, with the knowledge and in the presence of a possessor, an immovable property which is fenced or marked, building, dwelling or premises in the possession thereof for the purpose of exercising state supervision and identifying the causes of the fire. The specified sites may be entered without the knowledge of the possessor and without granting the possessor the opportunity to be present only if this is necessary to ascertain a rescue event.

(2) An official exercising state supervision may obtain the information necessary for exercising state supervision, to examine relevant documents and copies thereof and to obtain transcripts thereof. Requests for submission and receipt of documents by officials exercising state supervision shall be recorded or documented pursuant to the general records management procedure. If documents are requested and examination thereof is performed on the site, the action shall be recorded at the request of the persons who are subject to implementation of the measure.

§ 40. Precepts and application of administrative coercive measures

(1) An official exercising state supervision may issue a precept for elimination of violations of the requirements arising from the legislation or for preventing a danger in which the official:

- 1) requires elimination of violations of fire safety requirements;
- 2) requires, in the case of a danger which may cause a rescue event with extensive consequences, suspension of the use of the building, activities or operation of a device;
- 3) obligates to do the acts necessary for lawful continuation of the activities or prevention of rescue events.

(2) Upon failure to comply with the precept, a state supervision authority may impose coercive measures pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payment is 3200 euros.

[RT I, 30.12.2010, 2 - entry into force 01.01.2011]

§ 41. Expert assessment

The Rescue Board may involve experts for fire safety assessment if there are no relevant regulations in Estonia concerning buildings, equipment, activities or construction materials. The costs of involving experts shall be paid by the person who owns the equipment or wishes to build or use the building.

Chapter 4

LIABILITY

§ 42. Failure to perform self-inspection

(1) Failure to perform self-inspection is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, shall be punished by a fine of up to 2000 euros.
[RT I, 30.12.2010, 2 - entry into force 01.01.2011]

§ 43. Failure to submit fire safety self-inspection report and presentation of false information therein

(1) Failure to submit a fire safety self-inspection report and presentation of false information therein is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, shall be punished by a fine of up to 2000 euros.
[RT I, 30.12.2010, 2 - entry into force 01.01.2011]

§ 44. Violation of fire safety requirements for buildings

(1) Violation of the fire safety requirements for buildings is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, shall be punished by a fine of up to 3200 euros.
[RT I, 30.12.2010, 2 - entry into force 01.01.2011]

§ 45. Violation of fire safety requirements for heating systems

(1) Violation of the fire safety requirements for heating systems is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, shall be punished by a fine of up to 3200 euros.
[RT I, 30.12.2010, 2 - entry into force 01.01.2011]

§ 46. Violation of fire safety requirements for work involving open flame

(1) Violation of the fire safety requirements for work involving an open flame is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, shall be punished by a fine of up to 3200 euros.
[RT I, 30.12.2010, 2 - entry into force 01.01.2011]

§ 47. Violation of fire safety requirements for making fire outside heating chambers and for use of barbecue equipment

(1) Violation of fire safety requirements for making a fire outside a heating chamber and for the use of barbecue equipment is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, shall be punished by a fine of up to 2000 euros.
[RT I, 30.12.2010, 2 - entry into force 01.01.2011]

§ 48. Violation of fire safety requirements for storage of combustible materials

(1) Violation of fire safety requirements for storage of combustible materials is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, shall be punished by a fine of up to 3200 euros.
[RT I, 30.12.2010, 2 - entry into force 01.01.2011]

§ 49. Violation of the safety requirements for public events

(1) Violation of the fire safety requirements for a public event is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, shall be punished by a fine of up to 3200 euros.
[RT I, 30.12.2010, 2 - entry into force 01.01.2011]

§ 50. Violation of requirements for design, installation, check and maintenance of fire safety installations

(1) Violation of the requirements for the design, installation, check and maintenance of fire safety installations is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, shall be punished by a fine of up to 3200 euros.
[RT I, 30.12.2010, 2 - entry into force 01.01.2011]

§ 51. Failure to ensure uninterrupted performance of fire safety installations

(1) Failure to ensure uninterrupted performance of fire safety installations is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, shall be punished by a fine of up to 3200 euros.
[RT I, 30.12.2010, 2 - entry into force 01.01.2011]

§ 52. Failure to equip residential buildings and apartments with autonomous fire alarm sensors

(1) Failure to equip a residential building and an apartment with an autonomous fire alarm sensor is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, shall be punished by a fine of up to 3200 euros.
[RT I, 30.12.2010, 2 - entry into force 01.01.2011]

§ 53. Failure to forward fire notices received by central equipment of automatic fire alarm systems to Alarm Centre

(1) Failure to forward a fire notice received by the central equipment of an automatic fire alarm system to Alarm Centre is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, shall be punished by a fine of up to 2000 euros.
[RT I, 30.12.2010, 2 - entry into force 01.01.2011]

§ 54. Causing of false alarms of automatic fire alarm systems

(1) Causing of a false alarm of an automatic fire alarm system is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, shall be punished by a fine of up to 2000 euros.
[RT I, 30.12.2010, 2 - entry into force 01.01.2011]

§ 55. Violation of fire safety requirements for fire water supply

(1) Violation of the fire safety requirements for fire water supply is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, shall be punished by a fine of up to 2000 euros.
[RT I, 30.12.2010, 2 - entry into force 01.01.2011]

§ 56. Violation of fire safety requirements set for equipment and installations

(1) Use of a device or installation which may cause a fire hazard is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, shall be punished by a fine of up to 3200 euros.
[RT I, 30.12.2010, 2 - entry into force 01.01.2011]

§ 57. Proceedings

(1) The provisions of the General Part of the Penal Code and of the Code of Misdemeanour Procedure apply to the proceedings concerning the misdemeanours provided for in §§ 42-56 of this Act.

(2) The Rescue Board shall conduct extra-judicial proceedings concerning the misdemeanours provided for in §§ 42-56 of this Act.

[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

(3) Extra-judicial proceedings concerning the misdemeanour provided for in § 47 of this Act shall be conducted by the Environmental Inspectorate.

Chapter 5 IMPLEMENTING PROVISIONS

§ 58. Legal assessment of misdemeanours committed before entry into force of Fire Safety Act in misdemeanour matters being processed by court and extra-judicial bodies

(1) The legal assessment of an act committed before the entry into force of the Fire Safety Act, which is also punishable as a misdemeanour pursuant to the Fire Safety Act or another Act, shall be based on respective sections of the Rescue Act or another Act, which prescribes the necessary elements of the misdemeanour, in force at the time of commission thereof.

(2) If, after entry into force of the Fire Safety Act, a punishment is imposed for a misdemeanour committed prior to entry into force of the Fire Safety Act, the punishment shall be based on the punishment provided for in the corresponding section of the Rescue Act in force at the time of the commission of the misdemeanour, in the case that section prescribes a lesser punishment.

§ 59. [Omitted from this text.]

§ 60. [Omitted from this text.]

§ 61. Entry into force of Act

(1) This Act enters into force on 1 September 2010.

(2) Subsections 4 (1)–(3) and §§ 9 and 14 of this Act enter into force on 1 January 2012.

(3) § 60 of this Act enters into force on the date following publication in the *Riigi Teataja*.