



Phil Kadner

Battle brewing between schools, fire marshals

Do local fire marshals have the authority to stop public school construction if they feel the design violates fire codes?

A judge will be asked to answer that question Monday when lawyers for the Lemont Fire Protection District and Lemont Community Consolidated School District 113 meet in a DuPage County courtroom.

Fire officials in Illinois now have no authority over school safety and no official input into school design.

Fire inspectors can issue citations to businesses that violate fire codes and can prevent construction of new buildings that do not include fire sprinklers in their design, Lemont Fire Marshal Jeff Lehr said.

But public schools in Illinois have been exempt from local building and fire codes since 1958, when the Our Lady of Angels fire in Chicago took the lives of 92 students and three nuns.

The first important change in the law occurred when Gov. Jim Edgar signed a bill requiring fire sprinkler systems in new public school buildings beginning July 1, 1992, and in any existing school building that undergoes "substantial" remodeling.

That legislation resulted from a public awareness campaign launched by the Orland Fire Protection District and this newspaper.

Nevertheless, a dispute continued between school officials — who wanted to hold construction costs down — and fire officials who wanted safety to be the top priority.

A new development, however, occurred this spring.

The Illinois State Board of Education officially embraced the nationally recognized BOCA (Building Officials and Code Administrators) building and fire inspection code, which serves as a construction standard throughout the country.

"The board just felt it shouldn't be in the business of writing codes," said John Dee, a life safety consultant for the board. "As of March 24, 1995, any new school construction

In the meantime, the local fire inspector and school officials in Lemont were going toe to toe over plans for construction of a school addition.

School officials asked the state school board for a one-year waiver of the rule requiring sprinklers in substantial school additions.

The Lemont fire marshal protested, saying such a waiver would needlessly put students at risk.

Eventually, the state board notified the Lemont school district the legislation requiring school sprinklers did not include a waiver provision.

But Lehr was now fully involved in the building process.

In May he asked to see building plans. He said school officials agreed to a meeting, but let him know that in their view he had no authority over them.

"If the archdiocese wants to build a new Catholic school out here, they would have to submit their building plans for review and pass a fire inspection," Lehr said. "Fire sprinklers would be required.

"We require fire sprinklers not only to protect the lives of the children, but to reduce the risk of injury to firefighters, as well. And then there's the matter of reducing the damage to property and that gets to reducing the cost to taxpayers."

Lehr wanted the school district to install fire sprinklers in the Bromberek Elementary School building and the school officials didn't want the added expense.

"They told us it would cost in excess of \$100,000 to retrofit the buildings, but that's an outrageous figure," Lehr said. "When I asked them to provide me with a cost estimate, they refused. They said they didn't need to do an estimate."

Lehr then told the school district that under the BOCA building code it would need to install a 2-hour rated fire wall between the existing building and the new addition, ensure fire lane access on three sides of the old school and install an interior standpipe to provide a steady stream of water to fight a fire.

"We have well water out here and there isn't enough pressure available to fight a fire without such a standpipe," Lehr said.

"In essence, I was telling them that if this was just a matter of expense, it would be more expensive to ignore the fire codes than to abide by them."

When the school district refused to comply, the fire protection district asked a judge for a stop-work order on the school addition, which was under construction.

Dee said the state school board's position was that fire districts had no jurisdiction over school construction.

"And my position is that I don't recognize the authority of anyone in Springfield who says schools don't need to have fire sprinklers," Lehr said.

"If there's a fire, school officials aren't going to be calling anyone in Springfield to put it out. They're going to call us and we're going to have to come out and risk our lives.

"The bottom line is that the lives of 400 students are at stake in that school and it's my job to protect them. That's what I'm doing."