

## CHAPTER 51 VIRGINIA STATEWIDE FIRE PREVENTION CODE

13 VAC 5-51-11. Chapter 1, Administration, Section F-101.0. Scope.

A. F-101.1. Title: These regulations shall be known as the Virginia Statewide Fire Prevention Code (SFPC), hereinafter referred to as "this code" or "SFPC." The term "chapter" means a chapter in the SFPC. The SFPC was cooperatively developed by the Virginia Fire Services Board and the Virginia Board of Housing and Community Development.

B. F-101.2. Scope: The SFPC prescribes regulations to be complied with for the protection of life and property from the hazards of fire or explosion and for the handling, storage, sale and use of fireworks, explosives or blasting agents, and provides for the administration and enforcement of such regulations. The SFPC requires manufacturers of fireworks or explosives, as defined in the SFPC, to register and report information concerning their manufacturing facilities and methods of operation within this Commonwealth in accordance with the SFPC. The SFPC also establishes regulations for obtaining permits for the manufacturing, storage, handling, use, or sales of fireworks or explosives. Inspections under the SFPC are a governmental responsibility.

C. F-101.3. Purpose: The purposes of the SFPC are to provide for statewide standards for optional local enforcement to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling, and use of substances, materials and devices, including fireworks, explosives and blasting agents, wherever located.

D. F-101.4. Validity: To the extent that any provisions of the SFPC or the referenced codes or standards are not within the scope of this chapter, those provisions are considered to be invalid. When any provision of the SFPC is found to be in conflict with the USBC, OSHA, or statute, that provision of the SFPC shall become invalid.

E. F-101.5. Local regulations: Any local governing body may adopt fire prevention regulations that are more restrictive or more extensive in scope than the SFPC provided such regulations are not more restrictive than the USBC and do not affect the manner of construction or materials to be used in the erection, alteration, repair, or use of a building or structure.

F. F-101.6. Exemption: Farm structures not used for residential purposes are exempt from the SFPC.

Exception: Inspections or reinspections of farm buildings, structures, property, or premises under search warrants issued pursuant to §27-98.2 of the Code of Virginia are not exempt from the SFPC. When they are based upon a demonstration that, for the protection of life and property from the hazards of fire or explosion, the alleged unsafe storage, handling and use of substances, materials and devices, including explosives and blasting agents, are probably occurring on such premises.

13 VAC 5-51-180. BNFPC Section F-3101.0 General.

A. Change subsection F-3101.1 to read:

F-3101.1. Scope: The manufacture, display, sale and discharge of fireworks shall comply with the provisions of this chapter ~~and §59.1-148 of the Code of Virginia.~~

B. Change subsection F-3101.2 to read:

F-3101.2 Approval required: Approval shall be required for the display, sale or discharge of fireworks. Unless prohibited by a local ordinance, the provisions of this chapter pertaining to fireworks shall not apply to the sale of or to any person using, igniting or exploding permissible fireworks on private property with the consent of the owner of such property.

Exceptions:

1. Any officer or member of the armed forces of this Commonwealth, or of the United States, while acting within the scope of his authority and duties as such, nor to any offer of sale or sale of fireworks to any authorized agent of such armed forces.

2. The sale or use of materials or equipment, when such materials or equipment is used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.

C. Change subsection F-3101.3 to read:

F-3101.3 Approval issuance for fireworks displays: Application for approvals shall be made in writing at least 15 days in advance of the date of the display or discharge of fireworks. The sale, possession, discharge and distribution of fireworks for such display shall be lawful under the terms and conditions approved. Approval granted hereunder shall not be transferable, nor shall any such approval be extended beyond the dates set out therein. Approvals shall not be issued to any person, firm, or corporation from transporting, manufacturing, storing, selling, offering for sale, exposing for sale, or buying, using, igniting, or exploding any fireworks except for those persons, firms, or corporations that manufacture, store, market and distribute fireworks for the sole purpose of fireworks displays permitted by an enforcement agency or by any locality.

D. Add subsection F-3101.4 to read:

F-3101.4 Fireworks manufactures: Manufacturers of fireworks or explosives shall register and report information concerning their manufacturing facilities and methods of operation within the Commonwealth in accordance with the SFPC.

Exception: The manufacturers of permissible fireworks.

13 VAC 5-51-181. BNFPC Section F-3102.0. Definitions.

Change subsection F-3102.1 to read:

F-3102.1. General: The following words and terms shall, for the purpose of this chapter and as stated elsewhere in this code, have the meanings shown herein.

~~Fireworks: Fireworks include any combustible or explosive composition, and any substance and combination of substances and articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation. Fireworks shall include any firecracker, torpedo, skyrocket, or other substance or thing, of whatever form or construction, that contains any explosive or inflammable compound or substance, is intended or commonly known as fireworks and which explodes, rises into the air or travels laterally, or fires projectiles into the air, other than sparks.~~

~~The term "fireworks" shall not include items such as sparklers, fountains, Pharaoh's serpents, caps for pistols, or pinwheels, commonly known as whirligigs or spinning jennies, when used, ignited or exploded on private property with the consent of the owner of such property.~~Any firecracker, torpedo, skyrocket, or other substance or object, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended, or commonly known as fireworks, and which explodes, rises into the air or travels laterally, or fires projectiles into the air.

Permissible fireworks: Any sparklers, fountains, Pharaoh's serpents, caps for pistols, or pinwheels commonly known as whirligigs or spinning jennies.

13 VAC 5-51-182. BNFPC Section F-3103.0. Sale and discharge.

A. Change subsection F-3103.1 to read:

The rules and regulations for fireworks shall be in accordance with NFPA 1123 and 1124 listed in Chapter 44. The rules and regulations for pyrotechnics shall be in accordance with NFPA 1126 listed in Chapter 44.

B. Change subsection F-3103.2 to read:

F-3103.2. Violations: A person shall not manufacture, store, offer or expose for sale, sell at retail or discharge any fireworks, except for the approved supervised display of fireworks and legal fireworks on private property with the consent of the owner of such property.

C. Change subsection F-3103.5 to read:

F-3103.5 Sale of fireworks: ~~Any~~Unless prohibited by a local ordinance, any resident wholesaler, dealer or jobber shall not be prohibited from selling at wholesale such fireworks as are not herein prohibited, or the sale of any fireworks under any one of the following conditions:

1. Fireworks shipped directly out of state.
2. Fireworks utilized by railroads or other transportation agencies for signal purposes or illumination.
3. Blank cartridges utilized for a show or theater.
4. Fireworks utilized for signal or ceremonial purposes at athletic events.
5. Fireworks utilized by the military.

The storage of fireworks by such wholesalers, dealers and jobbers shall comply with Section F-3004.0.