



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Board of Housing and Community Development
<b>Virginia Administrative Code (VAC) citation</b>	<u>13 VAC 5-51</u>
<b>Regulation title</b>	Virginia Statewide Fire Prevention Code
<b>Action title</b>	Amend and Update Virginia Statewide Fire Prevention Code
<b>Final agency action date</b>	July 26, 2010
<b>Document preparation date</b>	August 12, 2010

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The Virginia Statewide Fire Prevention Code (SFPC) is a regulation governing the maintenance of fire-safety features in existing buildings and structures and fire-safety related operations on property. The SFPC incorporates by reference the International Fire Code (IFC), a nationally recognized model code produced by the International Code Council as a companion code to that used under the Virginia Uniform Statewide Building Code (13 VAC 5-63) (the "USBC"). Every three years, a new edition of the model code become available. At that time, the Board of Housing and Community Development initiates a regulatory action to incorporate the newer edition of the model code into the regulation through the publishing of a proposed regulation. Those affected by the regulation then review the proposed regulation to assure that the newest model code and its referenced standards reflect the minimum standards necessary for the fire safety of existing buildings and property. After the publishing of the proposed regulation, the board establishes a comment period for the acceptance of code change proposals to modify the model code or standards or any provisions of the entire regulation. Code change proposals are assimilated into a compilation document containing a staff evaluation of each proposal and the compilation document is reviewed by client groups during a second comment period and additional

comment on each proposal is accepted. A public hearing is also held. The board then considers all comments on all proposals and develops a final regulation to complete the regulatory process.

The changes comprising the final regulation are divided into two categories: (a) those changes necessary to match changes in state law where no agency discretion is involved under the exemption in the Virginia Administrative Process Act (VAPA) at § 2.2-4006(A)(4)(a) of the Code of Virginia, and (b) those changes based upon proposals or public comment received by the Board during the public comment period after the publishing of the proposed regulation under the exemption in the VAPA at § 2.2-4006(A)(12) of the Code of Virginia. The changes comprising the final regulation are described below:

Changes Under the Exemption in the VAPA at § 2.2-4006(A)(4)(a) of the Code of Virginia to match changes in state law where no agency discretion is involved.

13 VAC 5-51-121: State law was amended by Chapter 102 of the 2010 Acts of Assembly to address appeals of the application of local fire prevention regulations. Changes to this section in the final regulation are to provide a reference to the legislation.

Changes Under the Exemption in the VAPA at § 2.2-4006(A)(12) of the Code of Virginia based on proposals or public comment received by the Board of Housing and Community Development.

13 VAC 5-51-81 B and 13 VAC 5-51-150: The final regulation establishes a certification program administered by the State Fire Marshal's Office for pyrotechnicians, who are persons engaged in the setup and display of fireworks. Chapters 587 and 643 of the 2010 Acts of Assembly authorize the establishment of the program, which is modeled after the current blaster certification program in the SFPC.

13 VAC 5-51-81 O: The change to this provision is to implement a minimal fee increase for permits issued by the State Fire Marshal's Office for the use of pyrotechnics on state-owned property and to add "theatrical flame effects" to the types of pyrotechnics covered.

13 VAC 5-51-81 P: Adds minimal fees for the State Fire Marshal's Office to charge for the inspection of child and adults facilities licensed by the Virginia Department of Social Services based on the number of occupants in such facilities.

13 VAC 5-51-121 B: Adds a requirement that local appeals boards meet at least once annually to assure a duly constituted board. This is to match identical language in the USBC.

13 VAC 5-51-131 E and F: Broadens the requirements in the IFC to include both combustible and noncombustible storage.

13 VAC 5-51-133 C: Adds a provision permitting the width of fire lanes to be less in fully sprinklered residential developments.

13 VAC 5-51-133 F: Changes the requirements of the IFC for the type of locking box for keys which need to be provided to permit access to a building by a fire department.

13 VAC 5-51-133 G: Adds a requirement for standardized elevator keys to be provided where an elevator may be used for fire fighting purposes.

13 VAC 5-51-133 H: Permits the use of an appendix in the IFC for calculating the sizing of the water supply system to a building for firefighting purposes and establishes a reduction in the necessary sizing when a residential development is fully sprinklered.

13 VAC 5-51-133 J: Permits the use of an appendix in the IFC for determining the number and distribution of fire hydrants and establishes a reduction in the configuration when a residential development is fully sprinklered.

13 VAC 5-51-133.5 C: A requirement has been added for portable heaters to comply with an Underwriters Laboratories standard.

13 VAC 5-51-133.5 D: A requirement has been added for a cleaning schedule for grease hoods in commercial cooking establishments to be posted.

13 VAC 5-51-135 F: The requirements for fire extinguishers were changed to remove an exception in the IFC for the omission of extinguishers in certain new occupancies when quick-response sprinklers are used and to add an exception for the placement of extinguishers in correctional facilities to match requirements in the USBC.

13 VAC 5-51-135 I: Detailed requirements are added for the information necessary in the maintenance and testing of fire protection systems.

13 VAC 5-51-140 A: The requirements for distances between dispensing devices at service stations and open flames or smoking are clarified.

13 VAC 5-51-154 C: Added details are provided for the storage of portable propane tanks at retail establishments.

13 VAC 5-51-154.5: A chapter in the IFC which addresses construction requirements for existing buildings is deleted for consistency with the USBC.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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On July 26, 2010, the Board of Housing and Community Development approved final regulations for the Virginia Industrialized Building Safety Regulations.

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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The final regulations do not have an impact on the institution of the family and family stability.