



## Exempt Action Proposed Regulation Agency Background Document

<b>Agency name</b>	Board of Housing and Community Development
<b>Virginia Administrative Code (VAC) citation</b>	13 VAC5-51-21
<b>Regulation title</b>	Virginia Statewide Fire Prevention Code
<b>Action title</b>	Revisions to Statewide Fire Prevention Code for 2012 Edition
<b>Document preparation date</b>	June 3, 2013

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the 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

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 becomes 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.

Specific changes in the proposed regulation are outlined below:

13VAC5-51-21H: Deletes the reference to section 3413 to correlate with changes to the USBC. Section 3413 of the USBC is for the retrofitting of existing buildings in accordance with state law and those provisions have been moved to a new rehabilitation code portion of the USBC.

13VAC5-51-31A: Updates the reference to the IFC from the 2009 to the 2012 edition, which is the new nationally recognized model code used in the SFPC.

13VAC5-51-61C: Clarifies the existing requirement for accepting reports from private or third-party inspectors and references a written policy established by the fire official.

13VAC5-51-81M: Deleted a section addressing revocation of operational permits as revocation of permits is already addressed in § 13VAC5-51-81F.

13VAC5-51-81N: Permits a slight increase in the fees charged by the State Fire Marshal's Office when there are firework events and the operator fails to notify the office within the appropriate lead time to facilitate inspections.

13VAC5-51-85C: Adds a reference to suspended operational permits to correlate with § 13VAC5-51-81L.

13VAC5-51-85J: Removed language relating to construction permits as the whole construction permit provisions were deleted in the last update of the regulation, but this correlating section was inadvertently not removed at that time.

13VAC5-51-85Q: Added an option for the electronic submittal of information necessary to obtain operational permits.

13VAC5-51-111B: Adds language to alert those affected by enforcement actions of a right to appeal, with limited exceptions.

13VAC5-51-121M: Adds language to match a statutory requirements that actions under local fire prevention regulations may be appealed to the State Building Code Technical Review Board if the locality does not have a local appeals board designated to hear such appeals.

13VAC5-51-130: Changes to correlate with the moving of definitions in the IFC from the chapters for individual hazards to Chapter 2.

13VAC5-51-131C: Adds language to clarify that the unauthorized removal of a placard constitutes a violation of the code.

13VAC5-51-133: Deletes amendments made to the IFC in the 2009 edition which are now consistent with language in the 2012 IFC, thereby eliminating the need for the amendments.

13VAC5-51-135E: Add language to correlate with the fire extinguisher requirements in both the IFC and the USBC.

13VAC5-51-135K: Deletes a section in the IFC addressing the maintenance of carbon monoxide alarms as the IFC was already amended in § 13VAC5-51-135J to address maintenance.

13VAC5-51-150V: Adds new requirements for the use of fireworks known as comets and mines. The requirements are based on the fireworks standard of the National Fire Protection Association.

## Family impact

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

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