



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	Board of Housing and Community Development
VAC Chapter Number:	13 VAC 5-51-11 et seq.
Regulation Title:	Virginia Statewide Fire Prevention Code
Action Title:	Final
Date:	5/23/03

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

A summary of the changes and substantive amendments to this regulation adopted by the Board of Housing and Community Development (Board) is as follows:

To update the referenced 1996 Building Officials and Code Administrators International, Inc. (BOCA) fire prevention model codes and standards to the 2000 editions of the International Code Council (ICC) in the Virginia Statewide Fire Prevention Code (SFPC) (13 VAC 5-51-10 et seq.).

To add a requirement that fire apparatus access roads shall be permitted to be provided and maintained in accordance with written policy that establishes fire apparatus access road requirements and to provide that such requirements shall be identified to the owner or his agent prior to the building official's approval of the building permit.

To specify that fire hydrant systems shall be located and installed as directed by the fire department.

To amend the fees for permits issued by the State Fire Marshal's office for the storage, use, sale or manufacture of explosives or blasting agents, and for the display of fireworks on state-owned property as follows:

1. From \$50 per year per site to possess, store and dispose of explosives and blasting agents to \$100 per year per magazine to store explosives and blasting agents.
2. From \$75 per year per city or county to use explosives and blasting agents to \$150 per year per city or county to use explosives and blasting agents.
3. From no fee for the manufacture and sale of fireworks, explosives and blasting agents (a) to \$150 per year to sell explosives and blasting agents, (b) to \$200 per year to manufacture explosives, blasting agents and fireworks, (c) to \$200 per event for fireworks, pyrotechnics or proximate audience displays conducted indoor of any state-owned buildings and (d) to \$75 per event for explosives in special operations or emergency conditions.

To add a fee of \$150 for obtaining or renewing a background clearance card form DHCD.

To amend the fee for obtaining or renewing a blaster certificate from DHCD form \$30 to \$150, plus any additional fees charged by other agencies for fingerprinting and criminal history records.

To clarify the scope of the SFPC and to specify that fireworks are included within the scope of this regulation.

To clarify the exemption of nonresidential farm buildings from the SFPC.

To provide that no change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group of occupancies, unless such structure is made to comply with the requirements of the SFPC and the USBC.

To add a note that fire officials and assistants are subject to sanctions in accordance with the Virginia Certificate Standards.

To add a requirement that the fire official shall notify the Department of Housing and Community Development within 60 days of the employment, contract or termination of all SFPC enforcement assistants.

To add a requirement that all assistants employed by or under contract for enforcing the SFPC shall be certified in accordance with the Virginia Certification Standards within one and one-half years of permanent or acting employment.

To clarify SFPC provisions for inspections.

To specify that permits issued by the SFMO for the use of explosives in special operations or under emergency conditions are valid for one week from the date of issuance and are not renewable.

To specify that fees may be levied by the local governing body to defray the cost of enforcement and appeals under the SFPC.

To update language related to operational permits to the new international model codes.

To clarify that all fire protection equipment, means of egress, alarms, devices and safeguards are to be maintained in a safe and proper operating condition.

To clarify procedures and requirements related to the application for appeal.

To amend requirements for outside storage of combustible materials by providing that such materials shall not be located within 10 feet (currently 15 feet) of a property line or other buildings on the site. Certain exceptions to this requirement are specified.

To add the requirement that equipment, systems, devices, and safeguards, such as fire detection, alarm and extinguishing systems approved by the building official when constructed be maintained in an operative condition at all times. Where such equipment, systems, devices, and safeguards are found not to be in an operative condition, the fire official shall order all such equipment to be rendered safe in accordance with the USBC.

To add the requirement that when the fire official determines through investigation or testing or reports by a nationally recognized testing agency that specific, required water sprinkler or water-spray extinguishing equipment has been identified as failing to perform or operate through not less than 30 randomly selected sprinkler heads at four or more building sites anywhere in the nation, the fire official shall order all such equipment to be rendered safe.

To add the requirement that approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on site.

To specify that a permit is required for the possession, storage, and use of more than 15 pounds of commercially manufactured sporting black powder, 20 pounds of smokeless powder and small arms primers for hand loading of small arms ammunition for personal consumption.

To require the holder of a permit to sell explosives to make a record of all transactions.

To add the requirement that explosives shall not be sold, given, delivered or transferred to any person or company not in possession of a valid permit. An exception to this requirement is provided for the Armed Forces of the United States, Coast Guard, National Guard, federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The Board of Housing and Community Development adopted the proposed Virginia Statewide Fire Prevention Code as a final regulation on April 7, 2003.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

There is no federal source of legal authority to promulgate the regulation.

The statutory authority for the Board of Housing and Community Development to promulgate the regulations is found in the General Assembly's mandate to the Board in § 27-97 of the Code of Virginia, which empowers the Board to adopt and promulgate a Statewide Fire Prevention Code which shall be cooperatively developed with the Fire Services Board.

§ 27-97. Adoption of Fire Prevention Code.

The Board of Housing and Community Development is hereby empowered to adopt and promulgate a Statewide Fire Prevention Code which shall be cooperatively developed with the Fire Services Board pursuant to procedures agreed to by the two Boards. The Fire Prevention Code shall prescribe 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 shall provide for the administration and enforcement of such regulations. The Fire Prevention Code shall require manufacturers of fireworks or explosives, as defined in the Code, to register and report information concerning their manufacturing facilities and methods of operation within the Commonwealth in accordance with regulations adopted by the Board. In addition to conducting criminal background checks pursuant to § 27-97.2, the Board shall also establish regulations for obtaining permits for the manufacturing, storage, handling, use, or sales of fireworks or explosives. In the enforcement of such regulations, the enforcing agency may issue annual permits for such activities to any state regulated public utility. Such permits shall not apply to the storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1.

The Fire Prevention Code shall prohibit 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.

The Fire Prevention Code shall supersede fire prevention regulations heretofore adopted by local governments or other political subdivisions. Local governments are hereby empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure, including the voluntary installation of smoke alarms and regulation and inspections thereof in commercial buildings where such smoke alarms are not required under the provisions of the Code.

In formulating the Fire Prevention Code, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations including, but not limited to, standards of the Southern Building Code Congress, the Building Officials and Code Administrators International, Inc., the National Fire Protection Association, and recognized organizations issuing standards for the protection of the public from the hazards of explosives and blasting agents. Such standards shall be based on the companion document to the model building code referenced by the Uniform Statewide Building Code.

The Fire Prevention Code shall require that buildings constructed prior to 1973 be maintained in accordance with state fire and public building regulations in effect prior to March 31, 1986, and that any building which is (i) more than seventy-five feet or more than six stories high and (ii) used, in whole or in part, as a dormitory to house students by any public or private institution of higher education shall be required to comply with the provisions of § 36-99.3. The Fire Prevention Code shall also require annual fire drills in all buildings having floors used for human occupancy located more than seventy-five feet above the lowest level of fire department vehicle access. The drills shall be conducted by building staff personnel or the owner of the building in accordance with a plan approved by the appropriate fire official and shall not affect other current occupants. The Board may modify, amend or repeal any Code provisions as the public interest requires. Any such Code changes shall be developed in cooperation with the Fire Services Board pursuant to procedures agreed to by the two Boards.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+27-97>

The Office of the Attorney General has certified that the Board of Housing and Community Development has the statutory authority to promulgate the proposed amendments.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not

acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The purpose for the general amendments to the Statewide Fire Prevention Code is to provide increase fire safety and prevention in Virginia. The amendments provide changes deemed important for safety based on research, information provided during public comment and provisions of international model codes. The amended regulation also updates references within the SFPC to the model codes.

The major changes and substantive amendments to this regulation adopted by the Board of Housing and Community Development (Board) is as follows:

To update the referenced 1996 Building Officials and Code Administrators International, Inc. (BOCA) fire prevention model codes and standards to the 2000 editions of the International Code Council (ICC) in the Virginia Statewide Fire Prevention Code (SFPC) (13 VAC 5-51-10 et seq.).

To specify that fire hydrant systems shall be located and installed as directed by the fire department to better assure fire safety in buildings.

To better assure fire prevention within buildings of Virginia by allowing fire officials to respond to unsafe conditions in buildings even if a C.O. has not been issued.

To clarify the scope of the SFPC and to specify that fireworks are included within the scope of this regulation.

To clarify the exemption of nonresidential farm buildings from the SFPC.

To add a requirement that all assistants employed by or under contract for enforcing the SFPC shall be certified in accordance with the Virginia Certification Standards within one and one-half years of permanent or acting employment. This requires that SFPC enforcement personnel be trained and certified in a more timely manner to better assure public safety.

To clarify provisions for inspections.

To allow fees to be levied by the local governing body to defray the cost of enforcement and appeals under the SFPC.

To update language related to operational permits to the new international model codes.

To clarify that all fire protection equipment, means of egress, alarms, devices and safeguards are to be maintained in a safe and proper operating condition. This assures that public safety is not compromised by alarm system that do not properly function.

To clarify procedures and requirements related to the application for appeal.

To add the requirement that equipment, systems, devices, and safeguards, such as fire detection, alarm and extinguishing systems approved by the building official when constructed be maintained in an operative condition at all times. This requirement better assures public safety from the hazards of fire.

To increase public safety by requiring fire suppression systems to be proven effective in responding to fire.

To better protect the public from risks of explosives.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

The new substantive amendments to this regulation adopted by the Board of Housing and Community Development (Board) are as follows:

To update the referenced 1996 Building Officials and Code Administrators International, Inc. (BOCA) fire prevention model codes and standards to the 2000 editions of the International Code Council (ICC) in the Virginia Statewide Fire Prevention Code (SFPC) (13 VAC 5-51-10 et seq.).

To add a requirement that fire apparatus access roads shall be permitted to be provided and maintained in accordance with written policy that establishes fire apparatus access road requirements. Such requirements shall be identified to the owner or his agent prior to the building official's approval of the building permit.

To specify that fire hydrant systems shall be located and installed as directed by the fire department.

To amend the fees for permits issued by the State Fire Marshal's office for the storage, use, sale or manufacture of explosives or blasting agents, and for the display of fireworks on state-owned property as follows:

1. From \$50 per year per site to possess, store and dispose of explosives and blasting agents to \$100 per year per magazine to store explosives and blasting agents.
2. From \$75 per year per city or county to use explosives and blasting agents to \$150 per year per city or county to use explosives and blasting agents.
3. From no fee for the manufacture and sale of fireworks, explosives and blasting agents (a) to \$150 per year to sell explosives and blasting agents, (b) to \$200 per year to manufacture explosives, blasting agents and fireworks, (c) to \$200 per event for

fireworks, pyrotechnics or proximate audience displays conducted indoor of any state-owned buildings and (d) to \$75 per event for explosives in special operations or emergency conditions.

To add a fee of \$150 for obtaining or renewing a background clearance card form DHCD.

To amend the fee for obtaining or renewing a blaster certificate from DHCD form \$30 to \$150, plus any addition fees charged by other agencies for finger printing and criminal history records.

To clarify the scope of the SFPC and to specify that fireworks are included within the scope of this regulation.

To clarify the exemption of nonresidential farm buildings from the SFPC.

To provide that no change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group of occupancies, unless such structure is made to comply with the requirements of this code and the USBC.

To add a note that fire officials and assistants are subject to sanctions in accordance with the Virginia Certificate Standards.

To add a requirement that the fire official shall notify the Department of Housing and Community Development within 60 days of the employment, contract on termination of all assistants for SFPC enforcement.

To add a requirement that all assistants employed by or under contract for enforcing the SFPC shall be certified in accordance with the Virginia Certification Standards within one and one-half years of permanent or acting employment.

To clarify provisions for inspections.

To specify that permits issued by the SFMO for the use of explosives in special operations or under emergency conditions are valid for one week from the date of issuance and are not renewable.

To specify that fees may be levied by the local governing body to defray the cost of enforcement and appeals under the SFPC.

To update language related to operational permits to the new international model codes.

To clarify that all fire protection equipment, means of egress, alarms, devices and safeguards are to be maintained in a safe and proper operating condition.

To clarify procedures and requirements related to the application for appeal.

To amend requirements for outside storage of combustible materials by providing that such materials shall not be located with 10 feet (currently 15 feet) of a property line on other building on the site. Certain exceptions to this requirement are specified.

To add the requirement that equipments, systems, devices, and safeguards, such as fire detection, alarm and extinguishing systems approved by the building official when constructed be maintained in an operative condition at all times. Where such equipment, systems, devices, and safeguards are found not to be in an operative condition, the fire official shall order all such equipment to be rendered safe in accordance with the USBC.

To add the requirement that when the fire official determines through investigation or testing or reports by a nationally recognized testing agency that specific, required water sprinkler or water-spray extinguishing equipment has been identified as failing to perform or operate through not less than 30 randomly selected sprinkler heads at four or more building sites anywhere in the nation, the fire official shall order all such equipment to be rendered safe.

To add the requirement that approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on site.

To specify that a permit is required for the possession, storage, and use of more than 15 pounds of commercially manufactured sporting black powder, 20 pounds of smokeless powder and small arms primers for hand loading of small arms ammunition for personal consumption.

To require the holder of a permit to sell explosives to make a record of all transactions.

To add the requirement that explosives shall not be sold, given, delivered or transferred to any person or company not in possession of a valid permit. An exception to this requirement is provided for the Armed Forces of the United States, Coast Guard, National Guard, federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The primary advantage for the public of implementing the new regulation will be increased fire safety and prevention throughout Virginia and the updating of referenced model codes and standards, which should be less burdensome and intrusive. The agency can identify no disadvantages for the public or the Commonwealth.

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

The State Fire Marshal's Office (SFMO) requested adding the term "fireworks" to the scope section of the SFPC to reinforce and clarify that fireworks are regulated. The Board approved this recommendation.

The SFMO requested deleting the requirement that fire officials could enforce the SFPC only after a certificate of occupancy has been issued. This would better assure fire prevention within buildings in the Commonwealth by allowing fire officials to respond to unsafe conditions in buildings for which a C.O. has not been issued. The Board approved this recommendation.

The SFMO requested amending the SFPC "Inspections for USBC Requirements" section to retain the requirements of the 1996 edition of the SFPC to authorize the fire official to require buildings subject to retrofitting provisions to comply with the USBC and SFPC. The Board approved this recommendation.

The Fire Services Board requested removal of specific section references to International Fire Code requiring retrofitting. There is no need to reference specific sections as the text is already clear that the IFC shall not be enforced unless specified by the USBC. This amendment clearly establishes the USBC as the authoritative document for enforcement of retrofit provisions. The Board approved this recommendation.

The SFMO requested the deletion of unnecessary and confusing language regarding the SFMO authority to enforce the SFPC in jurisdictions that do not enforce the SFPC. The Board approved this recommendation.

The Building Code Academy Advisory Committee (BCAAC) requested an amendment to provide that sanctions may be imposed in accordance with the Virginia Certification Standards. The Board approved the recommendation and amended the proposed SFPC by deleting language regarding sanctions from the regulation and placing such language as a note within the regulation.

The Building Code Academy Advisory Committee (BCAAC) requested including notification about employment termination. This recommendation was approved by the Board. The BCAAC also requested amendments to certification provisions. The Board accepted the Virginia Fire Prevention Association recommendation to require all assistants employed by or under contract to a SFPC enforcing agency to be certified in accordance with the Virginia Certification Standards within one and one-half years after permanent or acting appointment. The SFMO requested adding language to the Inspections section to clearly state that inspections are to be conducted by approved agencies or individuals. The Board approved this recommendation and amended the section further to provide that the fire official is authorized to engage expert opinion in accordance with local policies (rather than with "approval of the governing body" as was proposed).

The SFMO recommended editorial changes to the Operational Permit Requirements Table (Table 107.2) to allow a more “user friendly” format. The table format is taken from the 1996 edition of the SFPC with wording from IFC sections. The amendments add clarity to the table. “Educational Facility” was added as a place of assembly. The Board approved the recommendation.

The SFMO recommended deleting the word “therefore” in Section 108.2.4 as unnecessary text. The Board approved this recommendation.

The Fire Services Board Code Committee recommended substituting the term “provided documents” for the term “construction documents “ in Section 108.3.6. The term “construction documents” is a building code term and may have a different meaning in the SFPC, thereby potentially creating confusion. The Board accepted this recommendation.

The Virginia Fire Prevention Association requested an amendment to allow fire officials to require maintenance of all alarm systems, whether they are required by the SFPC or not. This assures that public safety is not compromised by alarm systems that do not properly function. This recommendation was approved by the Board.

The SFMO requested an amendment to authorize a fire official to initiate injunction proceedings against the continued use and occupancy of an unsafe structure until such time as unsafe conditions are remedied. This recommendation was approved by the Board.

Public comment was received requesting deleting duplicate provisions related to the application for appeal and consolidating the requirements into one section (section 112.5). This recommendation was approved by the Board.

The SFMO requested an amendment to use group references for state regulated care facilities. Such facilities are residential in nature and do not include buildings in Group I-4 and A-3, therefore, these two use group classifications should not be added to the definition of State Regulated Care Facility. This recommendation was approved by the Board.

The Fire Services Board Code Committee requested the deletion of unnecessary text from the definition of the term Technical Assistant. The recommendation was approved by the Board.

The Board did not approve a requested to amend language of the International Fire Code regarding outside storage.

The SFMO requested language regarding fire drill requirements for state regulated care facilities and high-rise buildings to be inserted into the proper place in the IFC to avoid confusion. This recommendation was approved by the Board.

The Fire Services Board Code Committee requested that written policies, not adopted local ordinance, be used to establish the rules for permitting and maintaining fire apparatus access roads. This recommendation was approved by the Board.

The Fire Services Board Code Committee requested that provisions for the inspection, testing and maintenance of fire alarms and extinguishing systems not be limited to those required by the USBC. All such systems should be maintained so the public is not given a false sense of security that such systems are maintained and functional when they may not be. This recommendation was approved by the Board.

The SFMO requested deletion of provisions adding use groups M and R-2 to those building types that do not require fire extinguishes to be installed if the buildings have quick response sprinklers. The SFMO recommended leaving the language as it is in the already in the IBC and IFC. This recommendations was approved by the Board.

Public comment was received regarding the possession, storage and use of black powder. It was recommended that the SFPC allow possession, storage and use of not more than 15 pounds of commercially manufactured sporting black powder. The recommendation was approved by the Board.

The SFMO requested amendments to allow the SFMO to include as part of its fee any additional costs charged by other agencies for fingerprinting and criminal history background checks in the certification of blasters. This recommendation was approve by the Board.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

The State Fire Marshal's Office (SFMO) requested adding the term "fireworks" to the scope section of the SFPC to reinforce and clarify that fireworks are regulated. The Board approved this recommendation.

The SFMO requested deleting the requirement that fire officials could enforce the SFPC only after a certificate of occupancy has been issued. This would better assure fire prevention within building in the Commonwealth by allowing fire officials to respond to unsafe conditions in building for which a C.O. has not been issued. The Board approved this recommendation.

The SFMO requested amending the SFPC "Inspections for USBC Requirements" section (Section 102.9) to retain the requirements of the 1996 edition of the SFPC to authorize the fire official to require building subject to retrofitting provisions to comply with the USBC and SFPC. The Board approved this recommendation.

The Fire Services Board requested removal of specific section references to International Fire Code requiring retrofitting. There is no need to reference specific sections as the text is already clear that the IFC shall not be enforced unless specified by the USBC. This amendment clearly establishes the USBC as the authoritative document for enforcement of retrofit provisions. The Board approved this recommendation.

The SFMO requested the deletion of unnecessary and confusing language regarding the SFMO authority to enforce the SFPC in jurisdictions that do not enforce the SFPC. The Board approved this recommendation.

The SFMO requested to add the word “premises” to reinforce and clarify that the SFPC applies to open burning and other activities that do not occur within a building or structure. The Board did not agree to this because such language would not conform to statutory authority.

The Building Code Academy Advisory Committee (BCAAC) requested an amendment to provide that sanctions may be imposed in accordance with the Virginia Certification Standards. The Board approved the recommendation and amended the proposed SFPC by deleting language regarding sanctions from the regulation and placing such language as a note within the regulation.

The Building Code Academy Advisory Committee (BCAAC) requested including notification about employment termination. This recommendation was approved by the Board. The BCAAC also requested amendments to certification provisions. The Board accepted the Virginia Fire Prevention Association recommendation to require all assistants employed by or under contract to a SFPC enforcing agency to be certified in accordance with the Virginia Certification Standards within one and one-half years after permanent or acting appointment. The SFMO requested adding language to the Inspections section to clearly state that inspections are to be conducted by approved agencies or individuals. The Board approved this recommendation and amended the section further to provide that the fire official is authorized to engage expert opinion in accordance with local policies (rather than with “approval of the governing body” as was proposed).

The Fire Services Board Code Committee requested the deletion of the permit table (Tabs 107.2) and the replacement of the table with alternate language. The Board did not approve this recommended amendment.

The SFMO recommended editorial changes to the Operational Permit Requirements Table (Table 107.2) to allow a more “user friendly” format. The table format is taken from the 1996 edition of the SFPC with wording from IFC sections. The amendments add clarity to the table. “Educational Facility” was added as a place of assembly. The Board approved the recommendation.

The SFMO recommended deleting the word “therefore” in Section 108.2.4 as unnecessary text. The Board approved this recommendation.

The Fire Services Board Code Committee recommended substituting the term “provided documents” for the term “construction documents “ in Section 108.3.6. The term “construction documents” is a building code term and may have a different meaning in the SFPC, thereby potentially creating confusion. The Board accepted this recommendation.

The Virginia Fire Prevention Association requested an amendment to allow fire officials to require maintenance of all alarm systems, whether they are required by the SFPC or not. This assures that public safety is not compromised by alarm systems that do not properly function. This recommendation was approved by the Board.

The SFMO requested an amendment to authorize a fire official to initiate injunction proceedings against the continued use and occupancy of an unsafe structure until such time as unsafe conditions are remedied. This recommendation was approved by the Board.

The State Building Code Technical Review Board requested a rewrite of the appeals provisions of the SFPC. The Board did not approve this recommendation and asked for continued study of the appeals provisions.

Public comment was received requesting deleting duplicate provisions related to the application for appeal and consolidating the requirements into one section (section 112.5). This recommendation was approved by the Board.

The SFMO requested an amendment to use group references for state regulated care facilities. Such facilities are residential in nature and do not include buildings in Group I-4 and A-3, therefore, these two use group classifications should not be added to the definition of State Regulated Care Facility. This recommendation was approved by the Board.

The Fire Services Board Code Committee requested the deletion of unnecessary text from the definition of the term Technical Assistant. The recommendation was approved by the Board.

The SFMO requested language regarding fire drill requirements for state regulated care facilities and high-rise buildings to be inserted into the proper place in the IFC to avoid confusion. This recommendation was approved by the Board.

The Fire Services Board Code Committee requested that written policies, not adopted local ordinance, be used to establish the rules for permitting and maintaining fire apparatus access roads. This recommendation was approved by the Board.

The Fire Services Board Code Committee requested that provisions for the inspection, testing and maintenance of fire alarms and extinguishing systems not be limited to those required by the USBC. All such systems should be maintained so the public is not given a false sense of security that such systems are maintained and functional when they may not be. This recommendation was approved by the Board.

The SFMO requested deletion of provisions adding use groups M and R-2 to those building types that do not require fire extinguishes to be installed if the buildings have quick response sprinklers. The SFMO recommended leaving the language as it is in the already in the IBC and IFC. This recommendations was approved by the Board.

Public comment was received regarding the possession, storage and use of black powder. It was recommended that the SFPC allow possession, storage and use of not more than 15 pounds of

commercially manufactured sporting black powder. The recommendation was approved by the Board.

The SFMO requested amendments to allow the SFMO to include as part of its fee any additional costs charged by other agencies for fingerprinting and criminal history background checks in the certification of blasters. This recommendation was approved by the Board.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

13 VAC 5-51-11 is amended to clarify and update provisions related to the scope and purpose of the Statewide Fire Prevention Code (SFPC) and to clarify provisions related to local regulations. Amendments are also made to specify the exemption of non-residential farm structures from the SFPC (and deleting language for a general exemption for farm buildings, structures, property or premises).

13 VAC 5-51-21 is amended to clarify provisions and update model code references related to the applicability of the SFPC and to provide that any change in use or occupancy placing a structure in a different division of the same groups of occupancies must comply with the SFPC and the USBC.

13 VAC 5-51-31 is amended to update model code references.

13 VAC 5-51-41 is amended to clarify provisions of the SFPC related to local enforcement and state enforcement of the regulation. The amendment adds local flexibility by allowing any local governing body to establish procedures and requirements to administer and enforce the SFPC. Localities are specifically allowed to elect to enforce only the SFPC provisions related to open burning and to do so in all or in any designated geographic area of the jurisdiction.

Notes are added to 13 VAC 5-51-51 to specify that fire officials and assistants are subject to sanctions in accordance with the Virginia Certification Standards. This section is also amended to clarify that provisions related to protections from being removed from office apply only to permanent fire officials. In order to maintain better centralized information, an amendment is made to require fire officials to notify DHCD within 60 days of the employment, contract or termination of any assistants enforcing the SFPC. This section is also amended to reduce from three years to one and one-half years to time allowed for all assistants enforcing the SFPC to be certified in appropriate subject areas in accordance with the Virginia Certification Standards. This benefits Virginia by better assuring that assistants are trained and competent in their fire safety knowledge and enforcing role in a timely manner.

13 VAC 5-51-61 is amended to clarify the powers and duties of the fire official related to inspections. Unnecessary language regarding supporting data is deleted.

13 VAC 5-51-71 relating to fees is repealed. Provisions for fees are added to 13 VAC-5-51-81.

13 VAC 5-51-81 provides a new table for jurisdictions to use for operational permit requirements, to specify when a permit is required and the amount of the permit fee and inspection fee. This section is amended to the state that permits issued by the SFMO for the use of explosives in special operations or when emergency conditions are valid for one week and are not renewable. The section also states that permits are required for the display of fireworks on state-owned property. Provisions for local permit fees and state permit fees are added to this section.

13 VAC 5-51-85 adds regulatory provisions for the application for and issuance of operational permits for manufacturing, storage, handling, use and sale of explosives.

13 VAC 5-51-121 is amended to clarify provisions related to appeals.

13 VAC 5-51-129 updates references used within the SFPC and provides a definition of the term “technical assistant.” This section also amends provisions related to separation distance allowances for outside storage of combustible materials.

13 VAC 5-51-131 amends provisions related to material storage and sets forth requirements for outside storage of combustible materials.

13 VAC 5-51-132 consolidates provisions for emergency planning and preparedness and includes provisions for state regulated care facilities and high-rise buildings.

13 VAC 5-51-133 is amended to include provisions related to fire apparatus access roads. The section also requires fire hydrant systems to be located and installed as directed by the fire department.

13 VAC 5-51-135 is amended to define the term “automatic fire extinguishing system” and requirements for inspection, testing and maintenance of fire alarm and extinguishing systems. The section also states that when the fire official determines through investigation or testing or reports by a nationally recognized testing agency that specific, required water sprinkler or water-spray extinguishing equipment has been identified as failing to perform or operate through not less than 30 randomly selected sprinkler heads at four or more building sites anywhere in the nation, the fire official shall order all such equipment to be rendered safe.

13 VAC 5-51-136 is amended to provide that an approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on site. The section also requires vehicle access for fire fighting at all construction or demolition sites.

13 VAC 5-51-150 amends provisions related to the possession, storage and use of sporting black powder, smokeless powder and and small arms primers. The section also amends provisions related to underground tanks. Other amendments to 13 VAC 5-51-150 are:

- To add an exception to this regulation for the storage, handling and use of explosives and blasting agents for mines and mining (title 45.1 of the Code of Virginia.)
- To provide an exception for the sale or use of materials or equipment when such materials or equipment is 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.
- To require permits as set forth in section 107.2. The manufacture, storage, sale and use of explosives shall not take place without first applying for and obtaining a permit.
- To state that no person shall keep or store, nor shall any permit be issued to keep or store any explosives at any place of habitation, or within 100 feet of any place of habitation.
- To provide that except for the Armed Forces of the United States, Coast Guard, National Guard, federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities, explosives shall not be sold, given, delivered or transferred to any person or company not in possession of a valid permit. No person may construct a retail display nor offer for sale explosives, explosive materials, or fireworks upon highways, sidewalks, public property, or in assembly or educational occupancies.
- To authorize the fire official to limit the quantity of explosives, explosive materials, or fireworks permitted at a given location. No person, possessing a permit for storage of explosives at any place, shall keep or store an amount greater than authorized in such permit. Only the kind of explosive specified in such a permit may be kept or stored.
- To specify that the fire official shall not issue a permit to manufacture, store, handle, use or sell explosives or blasting agents to any individual applicant who is not certified by the DHCD as a blaster or who is not in the possession of a background clearance card or to designated persons representing an applicant that is not an individual and who is not in possession of a background clearance card.
- To specify the requirements for a issuance of and fees for the background clearance card.
- To specify requirements for blaster certification, fee for certification, provisions for revocation of certification and expiration and renewal of blaster certification.

13 VAC 5-51-155 is added to provide updated referenced standards.

13 VAC 5-51-160, 180, 181, 182, 190 and 200 are repealed.

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

N/A