

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

Chapter 51

Virginia Statewide Fire Prevention Code

13 VAC 5-51-11. Chapter 1, Administration;

Part I

General Regulations

13 VAC 5-51-12. 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 affecting or relating to maintenance of structures, processes and premises and safeguards to be complied with for the protection of life and property from the hazards of fire or explosion and for the handling, storage and use of explosives or blasting agents, and provides for the administration and enforcement of such regulations. ~~The SFPC requires manufacturers of explosives 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 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

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

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 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, as provided in the USBC, 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 SFPC.

F. ~~F~~-101.6. ~~Exemption~~Non-residential farm structures: Farm structures not used for residential purposes are exempt from the SFPC except when the inspection and enforcement provisions of the code are exercised by a warrant issued under the authority of §§ 27-98.2 through 27-98.5 of the Code of Virginia.

~~Exception: Inspections or re-inspections 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~~

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

~~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 5-51-21. Section ~~F~~-102.0. Applicability.

A. ~~F~~-102.1. General: The provisions of the SFPC shall apply to all matters affecting or relating to structures, processes and premises as set forth in Section ~~F~~-101.0. The SFPC shall supersede any fire prevention regulations previously adopted by a local government or other political subdivision.

B. 102.1.1. Changes: 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.

C. ~~F~~-102.2. Application to pre-1973 buildings and structures: ~~Buildings and Structures~~structures constructed prior to the USBC (1973) shall comply with the maintenance requirements of the SFPC to the extent that equipment, systems, devices, and safeguards which were required, provided and approved when constructed shall be maintained. Such buildings and structures, if subject to the state fire and public building regulations (Virginia Public Building Safety Regulations, VR 394-01-05) in effect prior to March 31, 1986, shall also be maintained in accordance with those regulations.

C. ~~F~~-102.3. Application to post-1973 buildings and structures: ~~Buildings and Structures~~structures constructed under any edition of the USBC shall comply with the maintenance requirements of

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

the SFPC to the extent that equipment, systems, devices, and safeguards which were required, provided and approved when constructed shall be maintained.

D. 102.4. Referenced codes and standards: The codes and standards referenced in the IFC shall be those listed in Chapter 45 and considered part of the requirements of the SFPC to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

E. ~~F-102.4.~~102.5. Subsequent alteration: Subsequent alteration, enlargement, repair, or conversion of the occupancy classification of structures shall be subject to the current USBC.

~~F.E. F-102.5.~~102.6. State structures: The SFPC shall be applicable to all state-owned structures in the manner and extent described in § 27-99 of the Code of Virginia.

~~G.F. F-102.6.~~102.7. Relationship to USBC: Construction inspections of structures, other than state-owned structures, and the review and approval of their construction documents for enforcement of the USBC shall be the sole responsibility of the local building department.

~~H.G. F-102.7.~~102.8. Existing structures: Upon the completion of structures and after the certificate of occupancy has been issued, responsibility for fire safety protection shall pass to the local fire code official or to the State Fire Marshal, who shall also have the authority, in cooperation with any local governing body, to enforce this code and who shall also determine that the fire safety features approved by the building official are properly maintained. ~~The State Fire Marshal shall also have authority to enforce this code in those jurisdictions in which the local governments do not enforce this code.~~

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

~~I.H. F-102.8.~~ 102.9 Inspections for USBC requirements: ~~The fire code official shall require that existing~~Existing structures subject to the requirements of the applicable retrofitting provisions relating to fire protection equipment and system requirements for certain existing motels, hotels, hospitals, daycare facilities, dormitories, nursing homes and multi-family dwelling units mandated in Part II, Article 3 of the USBC, that do not comply with such provisions, the fire official shall notify the building official, in writing, of those structures that are in alleged violation of such provisions~~subsections 3402.3, 3402.4, 3402.5, 3402.6, 3402.6.1, 3402.7, 3402.10, 3402.12, 3402.13, 3402.14 and 3402.15 comply with the provisions of those subsections.~~

13 VAC 5-51-31. Section ~~F-103.0~~. Incorporation by reference.

A. ~~F-103.1~~. General: The following document is adopted and incorporated by reference to be an enforceable part of the SFPC:

~~The BOCA National Fire Prevention Code/1996, Tenth Edition~~International Fire Code / 2000, First Printing, Publication Date: December 1999, ISBN # 1-892395-29-0, hereinafter referred to as "BNFPC/IFC," published byin cooperation with: Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, toll free number 1-800-323-1103(800) 214-4321, website: www.bocai.org; International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601-2298, toll free number: (800) 284-4406, website: www.icbo.org; and Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, toll free number: (877) 442-6337, website: www.sbcci.org.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

B. ~~F~~-103.1.1. Deletion: Delete ~~BNFPC~~IFC Chapter 1.

C. ~~F~~-103.2. Amendments: All requirements of the referenced codes and standards that relate to fees, permits, unsafe notices, disputes, condemnation, inspections, scope of enforcement and all other procedural, and administrative matters are deleted and replaced by the provisions of Chapter 1 of the SFPC. ~~The purpose of this provision is to eliminate overlap, conflict and duplication by providing a single standard for administration, procedural matters and enforcement of the SFPC.~~

D. ~~F~~-103.2.1. Other amendments: The SFPC contains provisions adopted by the Virginia Board of Housing and Community Development (BHCD), some of which delete, change or amend provisions of the ~~BNFPC~~IFC and referenced standards. Where conflicts occur between such changed provisions and the unchanged provisions of the ~~BNFPC~~IFC and referenced standards, the provisions changed by the BHCD shall govern.

Note: The ~~BNFPC~~IFC and its referenced standards contain some areas of regulation outside of the scope of the SFPC, as established by the BHCD and under state law. Where conflicts have been readily noted, changes have been made to the BNFPC and its referenced standards to bring it within the scope of authority; however, in some areas, judgment will have to be made as to whether the provisions of the ~~BNFPC~~IFC and its referenced standards are fully applicable.

E. 103.3. International Fire Code. Retroactive fire protection system requirements contained in the IFC shall not be enforced unless specified by the USBC, including but not limited to the following IFC sections: 903, 905 and 907.

13 VAC 5-51-41. Section ~~F~~-104.0. Enforcement.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

A. ~~F-104.1.~~ Local enforcement: Any local government may enforce the SFPC following official action by such body. The official action shall (i) require compliance with the provisions of the SFPC in its entirety or with respect only to those provisions of the SFPC relating to open burning, fire lanes, fireworks, and hazardous materials and (ii) assign enforcement responsibility to the local agency or agencies of its choice. Any local governing body may establish such procedures or requirements as may be necessary for the administration and enforcement of this code. If a local governing body elects to enforce only those provisions of the SFPC relating to open burning, it may do so in all or in any designated geographic areas of its jurisdiction. The terms "enforcing agency" and "fire code official" are intended to apply to the agency or agencies to which responsibility for enforcement of the SFPC has been assigned. The terms "building code official" or "building department" are intended to apply only to the local building code official or local building department.

B. ~~F 104.1.1. Procedures: Any local governing body shall be permitted to establish such procedures or requirements as may be necessary for the administration and enforcement of this code.~~

C. ~~F-104.2.~~ State enforcement: The State Fire Marshal shall have the authority to enforce the SFPC as follows:

1. In cooperation with any local governing body;
2. In those jurisdictions in which the local governments do not enforce the SFPC in its entirety or enforce the SFPC with respect only to those provisions of the SFPC relating to open burning, fire lanes, fireworks, and hazardous materials; and

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

3. In all state-owned buildings and structures.

~~C.D.F-104.3.~~ State structures: Every agency, commission or institution of this Commonwealth, including all institutions of higher education, shall permit, at all reasonable hours, the fire ~~code~~ official reasonable access to existing structures or a structure under construction or renovation, for the purpose of performing an informational and advisory fire safety inspection. The fire ~~code~~ official is permitted to submit, subsequent to performing such inspection, his findings and recommendations, including a list of corrective actions necessary to ensure that such structure is reasonably safe from the hazards of fire, to the appropriate official of such agency, commission, or institution and the State Fire Marshal. Such agency, commission or institution shall notify, within 60 days of receipt of such findings and recommendations, the State Fire Marshal and the fire ~~code~~ official of the corrective measures taken to eliminate the hazards reported by the fire ~~code~~ official. The State Fire Marshal shall have the same power in the enforcement of this section as is provided for in §27-98 of the Code of Virginia. The State Fire Marshal may enter into an agreement as is provided for in §36-139.4 of the Code of Virginia with any local enforcement agency that enforces the SFPC to enforce this section and to take immediate enforcement action upon verification of a complaint of an imminent hazard such as a chained or blocked exit door, improper storage of flammable liquids, use of decorative materials, and overcrowding.

13 VAC 5-51-51. Section 105.0. Enforcing agency.

A. ~~F-105.1. Code~~Fire official: Each enforcing agency shall have an executive official in charge, hereinafter referred to as the "fire ~~code~~ official" or "~~code~~ official." In accordance with sanctions

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

prescribed by the Virginia Certification Standards (13 VAC 5-21-10 et seq.) the fire official may be held responsible for failure to discharge any duty required by law or by the SFPC.

B. ~~F-105.1.1.~~ Appointment: The fire ~~code~~-official shall be appointed in a manner selected by the local government having jurisdiction. After permanent appointment, the fire ~~code~~-official shall not be removed from office except for cause after having been afforded a full opportunity to be heard on specific and relevant charges by and before the appointing authority.

C. ~~F-105.1.2.~~ Notification of appointment: The appointing authority of the local governing body shall notify the DHCD within 30 days of the appointment or release of a the permanent or acting fire ~~code~~-official ~~within 30 days after such appointment.~~

D. ~~F-105.1.3.~~ Qualifications: The fire ~~code~~-official shall have at least five years of fire-related experience as a licensed professional engineer or architect, fire inspector, contractor or superintendent of fire protection-related construction, with at least three years in responsible charge of work. Any combination of education and experience that would confer equivalent knowledge and ability shall be deemed to satisfy this requirement. The fire ~~code~~-official shall have general knowledge of sound engineering practice with respect to the design and construction of structures, the basic principles of fire prevention and protection, the accepted requirements for means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the occupants and the public. The local governing body may establish additional qualification requirements.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

E. ~~F~~-105.2. Certification: The permanent or acting fire ~~code~~-official shall obtain certification from the BHCD in accordance with the Virginia Certification Standards (13VAC5-21-10 et seq.) within ~~three years~~one year after permanent or acting appointment.

Exception: A fire ~~code~~-official appointed prior to April 1, 1994, continuously employed by the same local governing body as the fire ~~code~~-official shall comply with required DHCD training under the Virginia Certification Standards (13 VAC 5-21-10 et seq.).

F. ~~F~~-105.2.1. Noncertified: After permanent or acting appointment, a non-BHCD certified fire ~~code~~-official shall complete a DHCD orientation seminar within 60 days. In addition, within 180 days, such fire ~~code~~-official shall attend the core program of the Virginia Building Code Academy or its equivalent in a DHCD accredited academy.

G. ~~F~~-105.3. Assistant: The local governing body or its designee may appoint one or more assistants who, in the absence of the fire ~~code~~-official, shall have the powers and perform the duties of the fire ~~code~~-official. In accordance with sanctions prescribed by the Virginia Certification Standards (13 VAC 5-21-10 et seq.) such assistants may be held responsible for failure to discharge any duty required by law or by the SFPC.

H. ~~F~~-105.3.1. Notification: The fire official shall notify the DHCD within 60 days of the employment or contract of all assistants for enforcement of the SFPC.

I. 105.3.2. Certification: Any person All assistants employed by or under contract to an enforcing agency for enforcing the SFPC shall be certified in the appropriate subject ~~areas~~area in accordance with the Virginia Certification Standards (13 VAC 5-21-10 et seq.) within ~~three~~one and one half years after permanent or acting appointment. However, such persons assistants shall

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

also attend and complete the applicable management, technical or DFP training as outlined in the training and certification guidance document referenced in the Virginia Certification Standards (13 VAC 5-21-10 et seq.) within one and one half years after initial appointment.

Exception: Any ~~person~~ assistant continuously employed by or continuously under contract to the same enforcing agency for enforcing the SFPC since before April 1, 1994, shall be exempt from the provisions of this subsection; however, such exempt ~~person~~ assistant shall comply with required DHCD training under Virginia Certification Standards (13 VAC 5-21-10 et seq.).

~~J.I. F-105.4.~~ Continuing education: ~~CodeFire~~ CodeFire officials and assistants enforcing the SFPC shall attend periodic training courses as designated by the DHCD ~~and such other training as designated by the local governing body.~~

~~K.J. F-105.5.~~ Control of conflict of interest: The minimum standards of conduct for officials and employees of the enforcing agency shall be in accordance with the provisions of the State and Local Government Conflict of Interests Act, Chapter ~~40.131~~ (~~§2.1-639.12.2-3100~~ et seq.) of Title ~~2.12.2~~ of the Code of Virginia.

13 VAC 5-51-61. Section ~~F-106.0.~~ Duties and powers of the ~~eodef~~ fire official.

A. ~~F-106.1.~~ General: The fire ~~eode~~ official shall enforce the provisions of the SFPC as provided herein and as interpreted by the State Building Code Technical Review Board (TRB) in accordance with § 36-118 of the Code of Virginia.

B. ~~F-106.2.~~ Delegation of duties and powers: The fire ~~eode~~ official may delegate duties and powers subject to any limitations imposed by the local governing body. The fire ~~eode~~ official

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

shall be responsible that any powers and duties delegated are carried out in accordance with this code.

C. ~~F-106.3.~~ Inspections: The fire code official ~~may make all of the required~~ is authorized to conduct such inspections or may accept reports of inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals. ~~Reports~~ All reports of such inspections shall be prepared and submitted in writing for review and approval. ~~and~~ Inspection reports shall be certified by ~~an agency~~ a responsible officer of such approved agency or by the responsible individual. The ~~code~~ fire official may is authorized to engage, subject to any limitations imposed by the local governing body, such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues that arise subject to the approval of the governing body.

D. ~~F-106.3.1.~~ Observations: When, during an inspection, the fire code official or an authorized representative observes an apparent or actual violation of another law, ordinance or code not within the official's authority to enforce, such official shall report the findings to the official having jurisdiction in order that such official may institute the necessary measures.

E. ~~F-106.4.~~ Alternatives: The SFPC provisions are not intended to prevent the use of any safeguards used to protect life and property from the hazards of fire or explosion that are not specifically prescribed by the SFPC, provided that such alternative safeguards comply with the intent of the SFPC. The alternative safeguard offered shall be, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

F. ~~F-106.5.~~ Modifications: The fire ~~code~~-official may grant modifications to any provision of the SFPC upon application by the owner or the owner's agent provided the spirit and intent of the SFPC are observed and public health, welfare, and safety are assured.

G. ~~F-106.5.1.~~ Supporting data: The fire ~~code~~ official shall require that sufficient technical data be submitted to substantiate the proposed use of any alternative. If it is determined that the evidence presented is satisfactory proof of performance for the use intended, the fire ~~code~~-official shall approve the use of such alternative subject to the requirements of this code. The fire ~~code~~-official may require and consider a statement from a professional engineer, architect or other competent person as to the equivalency of the proposed modification.

H. ~~F-106.5.2.~~ ~~Records~~Decision: The application for modification and the final decision of the fire ~~code~~-official shall be in writing and shall be recorded in the permanent records of the local enforcing agency.

I. ~~F-106.5.3.~~ ~~Supporting data:~~ ~~The fire code official shall require that sufficient technical data be submitted to substantiate the proposed use of any alternative. If it is determined that the evidence presented is satisfactory proof of performance for the use intended, the fire code official shall approve the use of such alternative subject to the requirements of this code. Supporting data, when required by the fire code official to assist in the approval of all materials or assemblies not specifically provided for in this code, shall consist of duly authenticated research reports from approved sources.~~

J. ~~F-106.6.~~ Notices and orders: The fire ~~code~~-official shall issue all necessary notices or orders to ensure compliance with the SFPC.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

~~J.K. F-106.7.~~ Department records: The fire code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records or disposed of in accordance with General Schedule Number Ten available from The Library of Virginia.

13 VAC 5-51-71. ~~Section F 107.0. Fees. (Repealed.)~~

~~A. F 107.1. Local: Fees may be levied by the local governing body in order to defray the cost of enforcement and appeals under the SFPC.~~

~~B. F 107.2. State: Fees for permits issued by the State Fire Marshal's office shall be as follows:~~

~~1. \$50 per year per site to possess, store and dispose of explosives and blasting agents.~~

~~2. \$75 per year per city or county to use explosives and blasting agents.~~

~~3. No fee for the manufacture and sale of fireworks, explosives and blasting agents.~~

~~C. F 107.2.1. Additional fees: The applicant shall pay all additional fees charged by other agencies for fingerprinting and for obtaining a national criminal history record check through the Central Criminal Records Exchange to the Federal Bureau of Investigation.~~

~~D. F 107.3. Fee schedule: The local governing body may establish a fee schedule. The schedule shall incorporate unit rates, which may be based on square footage, cubic footage, estimated cost of inspection or other appropriate criteria.~~

~~E. F 107.4. Payment of fees: A permit shall not be issued until the designated fees have been paid.~~

~~Exception: The fire code official may authorize delayed payment of fees.~~

13 VAC 5-51-81. ~~Section F 108.0.~~107.0. Permits.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

A. ~~F-108.1.107.1~~. Prior notification: The fire ~~code~~-official may require notification prior to (i) activities involving the handling, storage or use of substances, materials or devices regulated by the SFPC; (ii) conducting processes which produce conditions hazardous to life or property; or (iii) establishing a place of assembly.

B. ~~F-108.2.107.2~~. Permits required: Permits may be required by the ~~code~~fire official as permitted under the SFPC in accordance with Table ~~F-108.2~~ 107.2, except that the fire ~~code~~-official shall require permits for the manufacturing, storage, handling, use, and sale of explosives. An application for a permit to manufacture, store, handle, use, or sell explosives shall only be made by an individual certified as a blaster in accordance with Section ~~F-3003.53301.4~~, or by a person who has been issued a background clearance card in accordance with Section ~~F-3001.2.3.13301.1~~.

Exception: Such permits shall not be required for the storage, ~~handling, or use~~ of explosives or blasting agents by the Virginia Department of State Police provided notification to the fire ~~code~~ official is made annually by the Chief Arson Investigator listing all storage locations.

C. Add Table ~~F-108.2~~107.2 as follows:

Table ~~F-108.2~~

~~PERMIT REQUIREMENTS~~

~~(to be filled in by local jurisdiction)~~

Section	Description	Permit required	Permit fee	Inspection fee

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

F-402.3	Candles—assembly/educational occupancies			
F-403.4	Open burning			
F-404.2	Remove paint with torch			
F-601.4	Assembly/educational occupancies			
F-801.2	Airports, heliports & helistops			
F-901.2	Flammable liquids, bowling lanes			
F-1001.2	Crop ripening & color processes			
F-1101.2	Dry cleaning			
F-1201.2	Dust explosion hazard			
F-1301.2	Flammable finishes			
F-1401.2	Fumigation—insecticidal			
F-1501.2	HPM facilities			
F-1601.2	Lumber yard—woodworking plants			
F-1701.2	Matches—bulk storage			
F-1801.2	Oil/gas wells			
F-1901.2	Organic coatings			
F-2001.2	Tents/air supported structures			
F-2102.1	Wrecking yard, junk yard, waste material handling			
F-2103.1	Waste handling			
F-2201.2	Welding or cutting			

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

F-2205.2	Storage of welding cylinders			
F-2207.1	Calcium carbide			
F-2208.1	Acetylene generators			
F-2208.7	Acetylene cylinder storage			
F-2301.2	Hazardous materials			
F-2401.2	Aerosol products			
F-2501.2	Cellulose nitrate plastics			
F-2601.2	Combustible fibers			
F-2701.2	Compressed gases			
F-2801.2	Corrosives			
F-2901.2	Cryogenic liquids			
F-3001.2	Blasting/explosives			
F-3101.2	Fireworks			
F-3201.2	Vehicle repair shop			
F-3201.2	Flammable and combustible liquids — storage, handling, use, processing			
F-3201.2	Flammable and combustible liquids — tanks and equipment			
F-3301.2	Flammable solids			
F-3401.2	Highly toxic and toxic solids and liquids			

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

F-3501.2	Irritants, sensitizers and other health hazards			
F-3601.2	Liquefied petroleum gases			
F-3701.2	Organic peroxides			
F-3801.2	Liquid and solid oxidizers			
F-3901.2	Pesticides			
F-4001.2	Pyrophoric materials			
F-4101.2	Radioactive materials			
F-4201.2	Unstable (reactive) materials			
F-4301.2	Water-reactive materials			

Table 107.2

OPERATIONAL PERMIT REQUIREMENTS

(to be filled in by local jurisdiction)

<u>Description</u>	<u>Permit</u>	<u>Permit</u>	<u>Inspection</u>
<u>An operational permit may be required by the fire official:</u>	<u>Required</u>	<u>fee</u>	<u>fee</u>
	<u>(yes or</u>		
	<u>no)</u>		
<u>To manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.</u>			
<u>To operate a special amusement building.</u>			

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

<p><u>To use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.</u></p>			
<p><u>To conduct a carnival or fair.</u></p>			
<p><u>To install stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L).</u></p>			
<p><u>To store, handle or use cellulose nitrate film in a Group A occupancy.</u></p>			
<p><u>To operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.</u></p>			
<p><u>For the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m3).</u> <u>Exception: An operational permit is not required for agricultural storage.</u></p>			
<p><u>For the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts</u></p>			

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

<p>listed below. Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.</p>				
<p>Permit Amounts for Compressed Gases</p>				
<u>Type of Gas</u>	<u>Amount (cubic feet at NTP)</u>			
<u>Corrosive</u>	<u>200</u>			
<u>Flammable (except cryogenic fluids and liquefied petroleum gases)</u>	<u>200</u>			
<u>Highly toxic</u>	<u>Any Amount</u>			
<u>Inert and simple asphyxiant</u>	<u>6,000</u>			
<u>Oxidizing (including oxygen)</u>	<u>504</u>			
<u>Toxic</u>	<u>Any Amount</u>			
<p>For SI: 1 cubic foot = 0.02832 m3.</p>				
<p><u>For:</u></p> <p>1. <u>The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.</u></p> <p>2. <u>The display of liquid- or gas-fired equipment in the mall.</u></p> <p>3. <u>The use of open-flame or flame-producing equipment in the mall.</u></p>				

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

<p><u>To produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed below.</u></p> <p><u>Exception: Operational permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.</u></p> <p style="text-align: center;"><u>Permit Amounts for Cryogenic Fluids</u></p> <table border="1"> <thead> <tr> <th><u>Type of Cryogenic Fluid</u></th> <th><u>Inside Building (gallons)</u></th> <th><u>Outside Building (gallons)</u></th> </tr> </thead> <tbody> <tr> <td><u>Flammable</u></td> <td><u>More than 1</u></td> <td><u>60</u></td> </tr> <tr> <td><u>Inert</u></td> <td><u>60</u></td> <td><u>500</u></td> </tr> <tr> <td><u>Oxidizing (includes oxygen)</u></td> <td><u>10</u></td> <td><u>50</u></td> </tr> <tr> <td><u>Physical or health hazard not indicated above</u></td> <td><u>Any Amount</u></td> <td><u>Any Amount</u></td> </tr> </tbody> </table> <p><u>For SI: 1 gallon = 3.785 L.</u></p>			<u>Type of Cryogenic Fluid</u>	<u>Inside Building (gallons)</u>	<u>Outside Building (gallons)</u>	<u>Flammable</u>	<u>More than 1</u>	<u>60</u>	<u>Inert</u>	<u>60</u>	<u>500</u>	<u>Oxidizing (includes oxygen)</u>	<u>10</u>	<u>50</u>	<u>Physical or health hazard not indicated above</u>	<u>Any Amount</u>	<u>Any Amount</u>			
<u>Type of Cryogenic Fluid</u>	<u>Inside Building (gallons)</u>	<u>Outside Building (gallons)</u>																		
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<u>Oxidizing (includes oxygen)</u>	<u>10</u>	<u>50</u>																		
<u>Physical or health hazard not indicated above</u>	<u>Any Amount</u>	<u>Any Amount</u>																		
<p><u>To conduct cutting or welding operations within the jurisdiction.</u></p>																				
<p><u>To engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.</u></p>																				

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

<p><u>To operate exhibits and trade shows.</u></p>			
<p><u>For the manufacture, storage, handling, sale or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects within the scope of Chapter 33.</u></p>			
<p><u>To use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.</u></p> <p><u>Exception: An operational permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.</u></p>			
<p><u>1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the Department of Transportation (DOTn) (see Section 3501.1.2) nor does it apply to piping systems (see Section 3503.6).</u></p> <p><u>2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:</u></p>			

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

<p><u>2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire official, would cause an unsafe condition.</u></p> <p><u>2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.</u></p> <p><u>3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.</u></p> <p><u>4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.</u></p> <p><u>5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.</u></p>			
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VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

<p><u>6. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.</u></p> <p><u>7. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.</u></p> <p><u>8. To manufacture, process, blend or refine flammable or combustible liquids.</u></p>			
<p><u>For floor finishing or surfacing operations exceeding 350 square feet (33 m²) using Class I or Class II liquids.</u></p>			
<p><u>To operate a fruit-, or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.</u></p>			
<p><u>To operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.</u></p>			
<p><u>To store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed below.</u></p> <p style="text-align: center;"><u>Permit Amounts for Hazardous Materials</u></p>			

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

<u>Type of Material</u>	<u>Amount</u>			
<u>Combustible liquids</u>	<u>see flammable and combustible liquids</u>			
<u>Corrosive materials</u>				
<u> Gases</u>	<u>see covered mall buildings</u>			
<u> Liquids</u>	<u>55 gallons</u>			
<u> Solids</u>	<u>1000 pounds</u>			
<u>Explosive materials</u>	<u>see explosives</u>			
<u>Flammable materials</u>				
<u> Gases</u>	<u>see covered mall buildings</u>			
<u> Liquids</u>	<u>see flammable and combustible liquids</u>			
<u> Solids</u>	<u>100 pounds</u>			
<u>Highly toxic materials</u>				
<u> Gases</u>	<u>see covered mall buildings</u>			
<u> Liquids</u>	<u>Any Amount</u>			
<u> Solids</u>	<u>Any Amount</u>			
<u>Oxidizing materials</u>				
<u> Gases</u>	<u>see covered mall buildings</u>			
<u> Liquids</u>				

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

<u>Class 4</u>	<u>Any Amount</u>			
<u>Class 3</u>	<u>1 gallon</u>			
<u>Class 2</u>	<u>10 gallons</u>			
<u>Class 1</u>	<u>55 gallons</u>			
<u>Solids</u>				
<u>Class 4</u>	<u>Any Amount</u>			
<u>Class 3</u>	<u>10 pounds</u>			
<u>Class 2</u>	<u>100 pounds</u>			
<u>Class 1</u>	<u>500 pounds</u>			
<u>Organic peroxides</u>				
<u>Liquids</u>				
<u>Class I</u>	<u>Any Amount</u>			
<u>Class II</u>	<u>Any Amount</u>			
<u>Class III</u>	<u>1 gallon</u>			
<u>Class IV</u>	<u>2 gallons</u>			
<u>Class V</u>	<u>No Permit Required</u>			
<u>Solids</u>				
<u>Class I</u>	<u>Any Amount</u>			
<u>Class II</u>	<u>Any Amount</u>			
<u>Class III</u>	<u>10 pounds</u>			

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

<u>Class IV</u>	<u>20 pounds</u>			
<u>Class V</u>	<u>No Permit Required</u>			
<u>Pyrophoric materials</u>				
<u>Gases</u>	<u>See flammable and combustible liquids</u>			
<u>Liquids</u>	<u>Any Amount</u>			
<u>Solids</u>	<u>Any Amount</u>			
<u>Toxic materials</u>				
<u>Gases</u>	<u>See covered mall buildings</u>			
<u>Liquids</u>	<u>10 gallons</u>			
<u>Solids</u>	<u>100 pounds</u>			
<u>Unstable (reactive) materials</u>				
<u>Liquids</u>				
<u>Class 4</u>	<u>Any Amount</u>			
<u>Class 3</u>	<u>Any Amount</u>			
<u>Class 2</u>	<u>5 gallons</u>			
<u>Class 1</u>	<u>10 gallons</u>			
<u>Solids</u>				
<u>Class 4</u>	<u>Any Amount</u>			
<u>Class 3</u>	<u>Any Amount</u>			

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

<u>Class 2</u>	<u>50 pounds</u>			
<u>Class 1</u>	<u>100 pounds</u>			
<u>Water-reactive Materials</u>				
<u>Liquids</u>				
<u>Class 3</u>	<u>Any Amount</u>			
<u>Class 2</u>	<u>5 gallons</u>			
<u>Class 1</u>	<u>55 gallons</u>			
<u>Solids</u>				
<u>Class 3</u>	<u>Any Amount</u>			
<u>Class 2</u>	<u>50 pounds</u>			
<u>Class 1</u>	<u>500 pounds</u>			
<u>For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.</u>				
<u>To store, handle or use hazardous production materials.</u>				
<u>To use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m2).</u>				
<u>For hot work including, but not limited to:</u>				
<u>1. Public exhibitions and demonstrations where hot work is conducted.</u>				
<u>2. Use of portable hot work equipment inside a structure.</u>				
<u>Exception: Work that is conducted under a construction permit.</u>				

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

<p><u>3. Fixed-site hot work equipment such as welding booths.</u></p> <p><u>4. Hot work conducted within a hazardous fire area.</u></p> <p><u>5. Application of roof coverings with the use of an open-flame device.</u></p> <p><u>6. When approved, the fire official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in this chapter. These permits shall be issued only to their employees or hot work operations under their supervision.</u></p>			
<p><u>For operation of industrial ovens regulated by Chapter 21.</u></p>			
<p><u>For the storage or processing of lumber exceeding 100,000 board feet (8,333 ft³) (236 m³).</u></p>			
<p><u>To display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.</u></p>			
<p><u>For:</u></p> <p><u>1. Storage and use of LP-gas.</u></p> <p><u>Exception: An operational permit is not required for individual</u></p>			

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

<p><u>containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3.</u></p> <p><u>2. Operation of cargo tankers that transport LP-gas.</u></p>			
<p><u>To melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.</u></p>			
<p><u>To store in any building or upon any premises in excess of 2,500 cubic feet (71 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.</u></p>			
<p><u>For the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground.</u></p> <p><u>Instructions and stipulations of the permit shall be adhered to.</u></p> <p><u>Exception: Recreational fires.</u></p>			
<p><u>To remove paint with a torch; use a torch or open-flame device in a hazardous fire area; or to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.</u></p>			
<p><u>For any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.</u></p>			
<p><u>To operate a place of assembly.</u></p>			

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

<p><u>For the removal from service, use or operation of private fire hydrants.</u></p> <p><u>Exception: An operational permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.</u></p>			
<p><u>For use and handling of pyrotechnic special effects material.</u></p>			
<p><u>For storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.</u></p>			
<p><u>To operate a mechanical refrigeration unit or system regulated by Chapter 6.</u></p>			
<p><u>For operation of repair garages and automotive, marine and fleet service stations.</u></p>			
<p><u>For the operation of a rooftop heliport.</u></p>			
<p><u>To conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 15.</u></p>			
<p><u>To establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m3) of total volume of scrap tires and for indoor storage of tires and tire byproducts.</u></p>			

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

<p><u>To operate an air-supported temporary membrane structure or a tent.</u></p> <p><u>Exceptions:</u></p> <p><u>1. Tents used exclusively for recreational camping purposes.</u></p> <p><u>2. Tents and air-supported structures that cover an area of 900 square feet (84 m²) or less, including all connecting areas or spaces with a common means of egress or entrance and with an occupant load of 50 or less persons.</u></p> <p><u>3. Fabric canopies and awnings open on all sides which comply with all of the following:</u></p> <p><u>3.1. Individual canopies shall have a maximum size of 700 square feet (65 m²).</u></p> <p><u>3.2. The aggregate area of multiple canopies placed side by side without a fire break clearance of 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.</u></p> <p><u>3.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.</u></p>			
<p><u>For the operation and maintenance of a tire-rebuilding plant.</u></p>			
<p><u>For the operation of wrecking yards, junk yards and waste material-handling facilities.</u></p>			

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

To store chips, hogged material, lumber or plywood in excess of			
<u>200 cubic feet (6 m3).</u>			

D. ~~F-108.3.107.3~~ Application for permit: Application for a permit shall be made on forms prescribed by the fire ~~code~~ official.

E. ~~F-108.4.107.4~~ Issuance of permits: Before a permit is issued, the fire ~~code~~ official shall make such inspections or tests as are necessary to assure that the use and activities for which application is made comply with the provisions of this code.

F. ~~F-108.5.107.5~~ Conditions of permit: A permit shall constitute permission to store or handle materials or to conduct processes in accordance with the SFPC, and shall not be construed as authority to omit or amend any of the provisions of this code. Permits shall remain in effect until revoked or for such period as specified on the permit. Permits are not transferable.

G. ~~F-108.6.107.6~~ State Fire Marshal: Permits will not be required by the State Fire Marshal except for the manufacturing, storage, handling, use, and sale of explosives in localities not enforcing the SFPC, and for the display of fireworks on state-owned property.

Exception: Such permits shall not be required for the storage, ~~handling, or use~~ of explosives or blasting agents by the Virginia Department of State Police provided notification to the State Fire Marshal is made annually by the Chief Arson Investigator listing all storage locations within areas where enforcement is provided by the State Fire Marshal's office.

H. ~~F-108.7.107.7~~ Annual: The enforcing agency may issue annual permits for the manufacturing, storage, handling, use, or sales of explosives to any state regulated public utility.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

~~Exception: Such permits shall not apply to the storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1 of the Code of Virginia.~~

I. ~~F-108.8.~~107.8 Approved plans: Plans approved by the fire ~~code~~-official are approved with the intent that they comply in all respects to this code. Any omissions or errors on the plans do not relieve the applicant of complying with all applicable requirements of this code.

J. ~~F-108.9.~~107.9 Posting: Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire ~~code~~-official.

K. ~~F-108.10.~~ 107.10 Suspension of permit: A permit shall become invalid if the authorized activity is not commenced within six months after issuance of the permit, or if the authorized activity is suspended or abandoned for a period of six months after the time of commencement.

L. ~~F-108.11.~~ 107.11 Revocation of permit: The fire ~~code~~-official may revoke a permit or approval issued under the SFPC if conditions of the permit have been violated, or if the approved application, data or plans contain misrepresentation as to material fact.

M. 107.12. Local permit fees: Fees may be levied by the local governing body in order to defray the cost of enforcement and appeals under the SFPC.

N. 107.13. State permit fees: 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 shall be as follows:

1. \$100 per year per magazine to store explosives and blasting agents.

2. \$150 per year per city or county to use explosives and blasting agents.

3. \$150 per year to sell explosives and blasting agents.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

4. \$200 per year to manufacture explosives, blasting agents and fireworks.

5. \$200 per event for fireworks, pyrotechnics or proximate audience displays conducted indoor of any state-owned buildings.

6. \$100 per event for fireworks, pyrotechnics or proximate audience displays conducted out-of-doors on any state-owned property.

O. 107.14. Fee schedule: The local governing body may establish a fee schedule. The schedule shall incorporate unit rates, which may be based on square footage, cubic footage, estimated cost of inspection or other appropriate criteria.

P. 107.15. Payment of fees: A permit shall not be issued until the designated fees have been paid. Exception: The fire official may authorize delayed payment of fees.

13 VAC 5-51-85. Section 108.0. Operational permits.

A. 108.1 General. Operational permits shall be in accordance with Section 108. The fire official may require notification prior to (i) activities involving the handling, storage or use of substances, materials or devices regulated by the SFPC; (ii) conducting processes which produce conditions hazardous to life or property; or (iii) establishing a place of assembly.

B. 108.1.1 Permits required. Operational permits may be required by the fire official in accordance with Table 107.2. The fire official shall require operational permits for the manufacturing, storage, handling, use and sale of explosives. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire official.

Exceptions:

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

1. Operational permits will not be required by the State Fire Marshal except for the manufacturing, storage, handling, use and sale of explosives in localities not enforcing the SFPC.

2. Operational permits will not be required for the manufacturing, storage, handling or use of explosives or blasting agents by the Virginia Department of State Police provided notification to the fire official is made annually by the Chief Arson Investigator listing all storage locations.

C. 108.1.2 Types of permits. There shall be two types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 108.6 for either:

1.1. A prescribed period.

1.2. Until renewed or revoked.

2. Construction permit. Construction permit are required, and shall be issued in accordance with the USBC and shall be issued by the building official. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by section 108.7.

D. 108.1.3 Operational permits for the same location. When more than one operational permit is required for the same location, the fire official is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

E. 108.2 Application. Application for an operational permit required by this code shall be made to the fire official in such form and detail as prescribed by the fire official. Applications for permits shall be accompanied by such plans as prescribed by the fire official.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

F. 108.2.1 Refusal to issue permit. If the application for an operational permit describes a use that does not conform to the requirements of this code and other pertinent laws and ordinances, the fire official shall not issue a permit, but shall return the application to the applicant with the refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons for refusal.

G. 108.2.2 Inspection authorized. Before a new operational permit is approved, the fire official is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this code or any operational constraints required.

H. 108.2.3 Time limitation of application. An application for an operational permit for any proposed work or operation shall be deemed to have been abandoned six months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that the fire official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each if there is reasonable cause.

I. 108.2.4 Action on application. The fire official shall examine or cause to be examined applications for operational permits and amendments thereto within a reasonable time after filing. If the application does not conform to the requirements of pertinent laws, the fire official shall reject such application in writing, stating the reasons therefor. If the fire official is satisfied that the proposed work or operation conforms to the requirements of this code and laws and ordinances applicable thereto, the fire official shall issue a permit therefore as soon as practicable.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

J. 108.3 Conditions of a permit. An operational permit shall constitute permission to maintain, store or handle materials; or to conduct processes in accordance with the SFPC, and shall not be construed as authority to omit or amend any of the provisions of this code. The building official shall issue permits to install equipment utilized in connection with such activities; or to install or modify any fire protection system or equipment or any other construction, equipment installation or modification in accordance with the provisions of this code where a permit is required by section 108.7. Such permission shall not be construed as authority to omit or amend any of the provisions of this code.

K. 108.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed, or revoked for such a period of time as specified in the permit. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

L. 108.3.2 Extensions. A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The fire official is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than 90 days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

M. 108.3.3 Annual: The enforcing agency may issue annual operational permits for the manufacturing, storage, handling, use, or sales of explosives to any state regulated public utility.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

N. 108.3.4 Suspension of permit: An operational permit shall become invalid if the authorized activity is not commenced within six months after issuance of the permit, or if the authorized activity is suspended or abandoned for a period of six months after the time of commencement.

O. 108.3.5 Posting: Issued operational permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire official.

P. 108.3.6 Compliance with code. The issuance or granting of an operational permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Operational permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the fire official from requiring the correction of errors in the construction documents and other data. Any addition to or alteration of approved construction documents shall be approved in advance by the fire official, as evidenced by the issuance of a new or amended permit.

Q. 108.3.7 Information on the permit. The fire official shall issue all operational permits required by this code on an approved form furnished for that purpose. The operational permit shall contain a general description of the operation or occupancy and its location and any other information required by the fire official. Issued permits shall bear the signature of the fire official.

R. 108.5 Revocation. The fire official is authorized to revoke an operational permit issued under the provisions of this code when it is found by inspection or otherwise that there has been a false

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

statement or misrepresentation as to the material facts in the application or documents on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it was issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.

S. 108.7 Required construction permits. The building official is authorized to issue construction permits in accordance with the USBC for work as set forth in Sections 108.7.1 through 108.7.12.

T. 108.7.1 Automatic fire-extinguishing systems. A construction permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

U. 108.7.2 Compressed gases. When the compressed gases in use or storage exceed the amounts listed in Table 108.6.9, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.

Exceptions:

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

1. Routine maintenance.

2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

The permit applicant shall apply for approval to close storage, use or handling facilities at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan filed pursuant to Section 2701.5.3. The 30-day period is not applicable when approved based on special circumstances requiring such waiver.

V. 108.7.3 Fire alarm and detection systems and related equipment. A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

W. 108.7.4 Fire pumps and related equipment. A construction permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

X. 108.7.5 Flammable and combustible liquids. A construction permit is required:

1. To repair or modify a pipeline for the transportation of flammable or combustible liquids.

2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

3. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of a flammable or combustible liquid tank.

Y. 108.7.6 Hazardous materials. A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 27 when the hazardous materials in use or storage exceed the amounts listed in Table 108.6.21.

Exceptions:

1. Routine maintenance.

2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

Z. 108.7.7 Industrial ovens. A construction permit is required for installation of industrial ovens covered by Chapter 21.

Exceptions:

1. Routine maintenance.

2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

AA. 108.7.8 LP-gas. A construction permit is required for installation of or modification to an LP-gas system.

BB. 108.7.9 Private fire hydrants. A construction permit is required for the installation or modification of private fire hydrants.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

CC. 108.7.10 Spraying or dipping. A construction permit is required to install or modify a spray room, dip tank or booth.

DD. 108.7.11 Standpipe systems. A construction permit is required for the installation, modification, or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

EE. 108.7.12 Temporary membrane structures, tents and canopies. A construction permit is required to erect an air-supported temporary membrane structure or a tent having an area in excess of 900 square feet (84 m²), or a canopy in excess of 700 square feet (65 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents and air-supported structures that cover an area of 900 square feet (84 m²) or less, including all connecting areas or spaces with a common means of egress or entrance and with an occupant load of 50 or less persons.
3. Funeral tents and curtains or extensions attached thereto, when used for funeral services.
4. Fabric canopies and awnings open on all sides which comply with all of the following:
 - 4.1. Individual canopies shall have a maximum size of 700 square feet (65 m²).
 - 4.2. The aggregate area of multiple canopies placed side by side without a fire break clearance of 12 feet shall not exceed 700 square feet (65 m²) total.
 - 4.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be maintained.

13 VAC 5-51-91. Section ~~F-109.0-109~~ Inspection.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

A. ~~F-109.1.~~109.1 Inspection: The fire ~~code~~ official may inspect all structures and premises for the purposes of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with firefighting operations, endanger life, or any violations of the provisions or intent of the SFPC.

Exception: Single family dwellings and dwelling units in two family and multiple family dwellings and farm structures shall be exempt from routine inspections. This exemption shall not preclude the ~~code~~fire official from inspecting under §27-98.2 of the Code of Virginia for hazardous conditions relating to explosives, flammable and combustible conditions, and hazardous materials.

B. ~~F-109.1.1.~~109.1.1 Right to entry: The ~~code~~fire official may enter any structure or premises at any reasonable time to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the ~~code~~fire official may pursue recourse as provided by law.

Note: Specific authorization and procedures for inspections and issuing warrants are set out in §§27-98.1 through 27-98.5 of the Code of Virginia and shall be taken into consideration.

C. F-109.1.2. Credentials: The fire ~~code~~ official and assistants shall carry proper credentials of office when inspecting in the performance of their duties under the SFPC.

D. ~~F-109.2.~~109.2 Coordinated inspections: The fire ~~code~~ official shall coordinate inspections and administrative orders with any other state and local agencies having related inspection authority, and shall coordinate those inspections required by the USBC for new construction when

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

involving provisions of the amended ~~BNFPC~~IFC, so that the owners and occupants will not be subjected to numerous inspections or conflicting orders.

Note: The USBC requires the building ~~code~~-official to coordinate such inspections with the fire ~~code~~-official.

E. ~~F-109.3~~109.3 Other inspections: The State Fire Marshal shall make annual inspections for hazards incident to fire in all (i) residential care facilities operated by any state agency; (ii) adult care residences licensed or subject to licensure under Chapter 9 (§63.1-172 et seq.) of Title 63.1 of the Code of Virginia which are not inspected by a local fire marshal; (iii) student residence facilities owned or operated by the public institutions of higher education in the Commonwealth; and (iv) public schools in the Commonwealth which are not inspected by a local fire marshal. In the event that any such facility or residence is found nonconforming to the SFPC, the State Fire Marshal may petition any court of competent jurisdiction for the issuance of an injunction.

13 VAC 5-51-101. Section ~~F-110.0~~110.0 Unsafe conditions.

A. ~~F-110.1~~110.1 General: The fire ~~code~~-official shall order the following dangerous or hazardous conditions or materials to be removed or remedied in accordance with the SFPC:

1. Dangerous conditions which are liable to cause or contribute to the spread of fire in or on said premises, building or structure, or to endanger the occupants thereof.
2. Conditions which would interfere with the efficiency and use of any fire protection equipment.
3. Obstructions to or on fire escapes, stairs, passageways, doors or windows, which are liable to interfere with the egress of occupants or the operation of the fire department in case of fire.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

4. Accumulations of dust or waste material in air conditioning or ventilating systems or grease in kitchen or other exhaust ducts.

5. Accumulations of grease on kitchen cooking equipment, or oil, grease or dirt upon, under or around any mechanical equipment.

6. Accumulations of rubbish, waste, paper, boxes, shavings, or other combustible materials, or excessive storage of any combustible material.

7. Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances.

8. Hazardous conditions arising from defective or improperly used or installed equipment for handling or using combustible, explosive or otherwise hazardous materials.

9. Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials.

10. All equipment, materials, processes or operations which are in violation of the provisions and intent of this code.

B. ~~F-110.2~~110.2 Maintenance: The owner shall be responsible for the safe and proper maintenance of any structure, premises or lot. In all structures, the fire protection equipment, means of egress, alarms, devices and safeguards required by the USBC shall be maintained in a safe and proper operating condition as required by the SFPC and applicable referenced standards.

C. ~~F-110.3~~110.3 Occupant responsibility: If a building occupant creates conditions in violation of this code, by virtue of storage, handling and use of substances, materials, devices and appliances, such occupant shall be held responsible for the abatement of said hazardous conditions.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

D. ~~F-110.4.~~110.4 Unsafe structures: All structures that are or shall hereafter become unsafe or deficient in adequate exit facilities or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or by reason of illegal or improper use, occupancy or maintenance or which have sustained structural damage by reason of fire, explosion, or natural disaster shall be deemed unsafe structures. A vacant structure, or portion of a structure, unguarded or open at door or window shall be deemed a fire hazard and unsafe within the meaning of this code. Unsafe structures shall be reported to the building ~~code~~official or building maintenance ~~code~~-official who shall take appropriate action under the provisions of the USBC to secure abatement.

E. ~~F-110.5.~~110.5 Evacuation: When, in the fire ~~code~~-official's opinion, there is actual and potential danger to the occupants or those in the proximity of any structure or premises because of unsafe structural conditions, or inadequacy of any means of egress, the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, the fire ~~code~~ official may order the immediate evacuation of the structure or premises. All notified occupants shall immediately leave the structure or premises and no person shall enter until authorized by the fire ~~code~~-official.

F. ~~F-110.6.~~110.6 Unlawful continuance: Any person who refuses to leave, interferes with the evacuation of other occupants or continues any operation after having been given an evacuation order shall be in violation of this code.

Exception: Any person performing work directed by the fire ~~code~~-official to be performed to remove an alleged violation or unsafe condition.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

13 VAC 5-51-111. Section ~~F-111.0~~111.0 Violations.

A. ~~F-111.1~~111.1 Notice: When the fire ~~code~~-official discovers an alleged violation of a provision of the SFPC or other codes or ordinances under the fire ~~code~~-official's jurisdiction, the ~~code~~-official shall prepare a written notice citing the section allegedly violated, describing the condition deemed unsafe and specifying time limitations for the required abatements to be made to render the structure or premises safe and secure.

B. ~~F-111.2~~111.2 Service: The written notice of violation of this code shall be served upon the owner, a duly authorized agent or upon the occupant or other person responsible for the conditions under violation. Such notice shall be served either by delivering a copy of same to such persons by mail to the last known post office address, by delivering in person or by delivering it to and leaving it in the possession of any person in charge of the premises, or, in the case such person is not found upon the premises, by affixing a copy thereof in a conspicuous place at the entrance door or avenue of access. Such procedure shall be deemed the equivalent of personal notice.

C. ~~F-111.3~~111.3 Failure to correct violations: If the notice of violation is not complied with within the time specified, the fire ~~code~~-official shall request the legal counsel of the local governing body to institute the appropriate legal proceedings to restrain, correct or abate such alleged violation.

D. ~~F-111.4~~111.4 Penalty: Penalties upon conviction of violating the SFPC shall be as set out in §27-100 of the Code of Virginia.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

E. ~~F-111.5~~111.5 Summons: When authorized and certified in accordance with §27-34.2 of the Code of Virginia, the fire ~~code~~-official may, subject to any limitations imposed by the local governing body, issue a summons in lieu of a notice of violation. Fire ~~code~~-officials not certified in accordance with §27-34.2 of the Code of Virginia may request the law-enforcement agency of the local governing body to make arrests for any alleged violations of the SFPC or orders affecting the immediate public safety.

13 VAC 5-51-121. Section ~~F-112.0~~112.0 Appeals.

A. ~~F-112.1~~112.1 Application for appeal: Appeals concerning the application of the SFPC by the fire ~~code~~-official shall first lie to the local board of fire prevention code appeals (BFPCA) and then to the TRB. Appeals from the application of this code by the State Fire Marshal shall be made directly to the TRB as provided in Article 2 (§36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. The appeal shall be submitted within 14 calendar days of the application of the SFPC.

B. ~~F-112.1.1~~112.1.1 Local Board of Fire Prevention Code Appeals (BFPCA): Each local governing body which enforces the SFPC shall have a BFPCA to hear appeals as authorized herein or it shall enter into an agreement with the governing body of another county or municipality, with some other agency, or with a state agency approved by the DHCD to act on appeals. An appeal case decided by some other approved agency shall constitute an appeal in accordance with this section and shall be final unless appealed to the State Building Code Technical Review Board (TRB).

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

C. ~~F-112.2.2~~112.2 Membership: The BFPCA shall consist of at least five members appointed by the local governing body and having terms of office established by written policy. Alternate members may be appointed to serve in the absence of any regular members and as such, shall have the full power and authority of the regular members. Regular and alternate members may be reappointed. Written records of current membership, including a record of the current chairman and secretary shall be maintained in the office of the local governing body. In order to provide continuity, the terms of the members may be of different length so that less than half will expire in any one-year period.

D. ~~F-112.2.1~~112.2.1 Chairman: The BFPCA shall annually select one of its regular members to serve as chairman. In case of the absence of the chairman at a hearing, the members present shall select an acting chairman.

E. ~~F-112.2.2~~112.2.2 Secretary: The local governing body shall appoint a secretary to the BFPCA to maintain a detailed record of all proceedings.

F. ~~F-112.3~~112.3 Qualifications of members: BFPCA members shall be selected by the local governing body on the basis of their ability to render fair and competent decisions regarding application of the SFPC and shall, to the extent possible, represent different occupational or professional fields relating to building construction or fire prevention. At least one member should be an experienced builder and one member a licensed professional engineer or architect. Employees or officials of the local governing body shall not serve as members of the BFPCA.

G. ~~F-112.4~~112.4 Disqualification of member: A member shall not hear an appeal in which that member has conflict of interest in accordance with the State and Local Government Conflict of

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

Interests Act, Chapter ~~40-131~~ (~~§2-1-639.12.2-3100~~ et seq.) of Title ~~2-12.2~~ of the Code of Virginia.

H. ~~F-112.5.112.5~~ Application for appeal: The owner of a structure, the owner's agent or any other person involved in the design, construction or maintenance of the structure may appeal a decision of the ~~codefire~~ official concerning the application of the SFPC or the ~~codefire~~ official's refusal to grant modification under subsection F-106.5 to the provisions of the SFPC. ~~The applicant shall submit a written request for appeal to the BFPCA within 90 calendar days from the receipt of the decision to be appealed.~~ The application shall contain the name and address of the owner of the structure and the person appealing if not the owner. A copy of the written decision of the ~~codefire~~ official shall be submitted along with the application for appeal and maintained as part of the record. The application shall be stamped or otherwise marked by the BFPCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of the ~~codefire~~ official's decision.

I. ~~F-112.6.112.6~~ Notice of meeting: The BFPCA shall meet within 30 calendar days after the date of receipt of the application for appeal. Notice indicating the time and place of the hearing shall be sent to the parties in writing to the addresses listed on the application at least 14 calendar days prior to the date of the hearing. Less notice may be given if agreed upon by the applicant.

J. ~~F-112.7.112.7~~ Hearing procedures: All hearings before the BFPCA shall be open to the public. The appellant, the appellant's representative, the local governing body's representative and any person whose interests are affected shall be given an opportunity to be heard. The chairman shall

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

have the power and duty to direct the hearing, rule upon the acceptance of evidence and oversee the record of all proceedings.

K. ~~F-112.7.1~~112.7.1 Postponement: When a quorum of the BFPCA is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing. The BFPCA shall reschedule the appeal within 30 calendar days of the postponement.

L. ~~F-112.8.1~~112.8 Decision: The BFPCA shall have the power to uphold, reverse or modify the decision of the ~~code~~fire official by a concurring vote of a majority of those present. Decisions of the BFPCA shall be final if no appeal is made therefrom and the appellant and the ~~code~~fire official shall act accordingly.

M. ~~F-112.8.1~~112.8.1 Resolution: The BFPCA's decision shall be by resolution signed by the chairman and retained as part of the record by the BFPCA. The following wording shall be part of the resolution: "Upon receipt of this resolution, any person who was a party to the appeal may appeal to the State Building Code Technical Review Board (TRB) by submitting an application to the TRB within 21 calendar days. Application forms are available from the Office of the TRB, 501 North Second Street, Richmond, Virginia 23219, (804) 371-7150." Copies of the resolution shall be furnished to all parties.

N. ~~F-112.9~~112.9 Appeal to the TRB: After final determination by the BFPCA, any person who was a party to the local appeal may appeal to the TRB. Appeals from the decision of the ~~code~~fire official for state-owned structures shall be made directly to the TRB. Application shall be made to the TRB within 21 calendar days of receipt of the decision to be appealed. Failure to submit an

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

application for appeal within the time limit established by this section shall constitute an acceptance of the BFPCA's resolution or code official's decision.

O. ~~F-112.9.1~~112.9.1 Information to be submitted: Copies of the code official's decision and the resolution of the BFPCA shall be submitted with the application for appeal. Upon request by the office of the TRB, the BFPCA shall submit a copy of all pertinent information from the record of the BFPCA. In the case of state-owned buildings, the involved state agency shall submit a copy of the ~~code~~fire official's decision and other relevant information.

P. ~~F-112.9.2~~112.9.2 Decision of TRB: Procedures of the TRB are in accordance with Article 2 (§36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia. Decisions of the TRB shall be final if no appeal is made therefrom and the appellant and the code official shall act accordingly.

Part II Technical Amendments

The following changes shall be made to the model codes and standards as indicated in this article for use as part of the SFPC.

13 VAC 5-51-130. ~~BNFPC~~IFC Section ~~F-202.0~~202.0 General Definitions.

A. Add the following definitions:

Background clearance card: See Section ~~F-3002.0~~3301.0.

Blaster, restricted: See Section ~~F-3002.0~~3301.0.

Blaster, unrestricted: See Section ~~F-3002.0~~3301.0.

DHCD: The Virginia Department of Housing and Community Development.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

Local government, local governing body or locality: The governing body of any county, city, or town, other political subdivision and state agency in this Commonwealth charged with the enforcement of the SFPC under state law.

State Fire Marshal: The State Fire Marshal as provided for by §36-139.2 of the Code of Virginia.

State Regulated Care Facility (SRCF): A building or part thereof occupied by persons in the care of others where program regulatory oversight is provided by the Virginia Department of Social Services; Virginia Department Mental Health, Mental Retardation and Substance Abuse Services; Virginia Department of Education or Virginia Department of Juvenile Justice (~~Use~~ Groups I-4, A-3, R-2, R-3, and R-4 and R-5 only).

Technical assistant: Any person employed by, or under contract to, a local enforcing agency for enforcing the SFPC, including but not limited to inspectors and plans reviewers.

TRB: The Virginia State Building Code Technical Review Board.

USBC: The Virginia Uniform Statewide Building Code (13VAC5-61-10 et seq.)

B. Change the following definition to read:

Code official, fire official or fire code official: The officer or other designated authority charged with administration and enforcement of this code, or a duly authorized representative. For the purpose of this code, the term "code official", "fire official" or "fire code official" shall have the same meaning as used in §27-98.1 of the Code of Virginia.

13 VAC 5-51-131. ~~BNFPC~~IFC Chapter 3. Precautions Against Fire.

~~Add~~Change section ~~F-316.0~~315.3 to read:

~~Section F-316.0 Material Storage.~~

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

~~F 316.1. Approval required: Approval shall be required for storage located in any structure or on any premises of more than 2,500 cubic feet (70 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers or rubber tires, baled cotton, rubber, cork or other similarly combustible materials.~~

~~F 316.2. Inside storage: Storage located in structures shall be orderly and not located within two feet (610 mm) of the ceiling and shall not obstruct the means of egress from the structure.~~

~~F 316.3. Outside storage: The outside storage of combustible or flammable materials shall not exceed 20 feet (6096 mm) in height and shall be compact and orderly. Such storage shall be located so as not to constitute a hazard and shall not be less than 15 feet (4572 mm) from any lot line and any other building on the site.~~
315.3 Outside storage. Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a property line or other building on the site.

Exceptions:

1. The separation distance is allowed to be reduced to 3 feet (914 mm) for storage not exceeding 6 feet (1829 mm) in height.
2. The separation distance is allowed to be reduced when the fire official determines that no hazard to the adjoining property exists.

13 VAC 5-51-132. IFC Chapter 4. Emergency Planning And Preparedness.

A. Add subsection 401.1.1 to read:

401.1.1. State Regulated Care Facilities: SRCF, when a state license is required by the Virginia Department of Social Services; Virginia Department of Mental Health, Mental Retardation and

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

Substance Abuse Services; Virginia Department of Education; or Virginia Department of Juvenile Justice to operate, shall comply with this section and the provisions of section 404.0.

B. Add subsection 404.2.7.1 to read:

404.2.7.1. Fire exit drills: Fire exit drills shall be conducted annually by building staff personnel or the owner of the building in accordance with the fire safety plan and shall not affect other current occupants.

C. Add subsection 408.5.4.1 to read:

408.5.4.1. State Regulated Care Facilities: Fire exit drills for SRCF shall be conducted not less than 12 times per year.

13 VAC 5-51-133. ~~BNFP~~CIFC Chapter 5. Fire Protection Systems.

A. ~~Delete section 501.4.~~Add exception to subsection F-506.1 to read:

~~Exception: When the code 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 code official shall order all such equipment to be rendered safe.~~

B. ~~Add subsection F-519.6 to read:~~

~~F-519.6. Inspection, testing and maintenance: All portable fire extinguishers shall be periodically inspected, tested and maintained in accordance with NFPA 10 listed in Chapter 44.~~Exceptions to section 503.1 to read:

Exception:

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

1. Fire apparatus access roads shall be permitted to be provided and maintained in accordance with adopted local ordinances that establish fire apparatus access road requirements and such requirements shall be identified to the owner or his agent prior to the building official's approval of the building permit.

2. On construction and demolition sites fire apparatus access roads shall be permitted to be provided and maintained in accordance with section 1410.1.

C. Change section 508.5.1 to read:

508.5.1 Where required. Fire hydrant systems shall be located and installed as directed by the fire department. Fire hydrant systems shall conform to the written standards of the jurisdiction and the fire department.

13 VAC 5-51-135. ~~BNFPC Section F-701.0. General.~~

~~Add subsection F-701.1.1 to read:~~

~~F-701.1.1. State Regulated Care Facilities: SRCF, when a state license is required by the Virginia Department of Social Services; Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services; Virginia Department of Education; or Virginia Department of Juvenile Justice to operate, shall comply with this section and the provisions of section F-704.0.~~

IFC Chapter 9 Fire Protection Systems

A. Change the following definition to read:

AUTOMATIC FIRE-EXTINGUISHING SYSTEM. An approved system of devices and equipment which automatically detects a fire and discharges an approved fire-extinguishing

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

agent onto or in the area of a fire. Such system shall include an automatic sprinkler system, unless otherwise expressly stated.

B. Delete section 901.4.3

C. Change subsection 901.6 to read:

901.6 Inspection, testing and maintenance. To the extent that equipment, systems, devices, and safeguards, such as fire detection, alarm and extinguishing systems, which were required, provided and approved by the building official when constructed shall be maintained in an operative condition at all times. And 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.

Exception: 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.

D. Delete section 903.1.2

E. Change Exception in section 906.1 to read:

Exception: In Group A, B, E, M and R-2 occupancies equipped throughout with quick-response sprinklers, fire extinguishers shall be required only in special-hazard areas.

~~13 VAC 5-51-136. BNFPC Section F 704.0. Use Group I-1 Residential care.~~

~~Add subsection F 704.3.1 to read:~~

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

~~F 704.3.1. State Regulated Care Facilities: Fire exit drills for SRCF shall be conducted not less than 12 times per year.~~IFC Chapter 14 Fire Safety During Construction and Demolition

A. Change section 1412.4 to read:

1412.4 Water supply. Approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on site.

B. Change section 1410.1 to read:

1410.1 Required access. Approved vehicle access for fire fighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet (30 480 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Temporary vehicle access shall be maintained until permanent fire apparatus access roads are available.

13 VAC 5-51-140. ~~BNFPC Section F 707.0 High Rise Buildings.~~

~~Add subsection F 707.4 to read:~~

~~F 707.4. Fire exit drills: Fire exit drills shall be conducted annually by building staff personnel or the owner of the building in accordance with the fire safety plan and shall not affect other current occupants.~~IFC Chapter 22 Service Stations and Repair Garages

Change Section 2206.2.1.1 to read:

2206.2.1.1 Inventory control and leak detection for underground tanks. Accurate inventory records shall be maintained on underground fuel storage tanks for indication of possible leakage from tanks and piping. The records shall be kept at the premises or made available for inspection

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

by the fire official within 24 hours of a written or verbal request and shall include records for each tank. Where there is more than one system consisting of tanks serving separate pumps or dispensers for a product, the inventory record shall be maintained separately for each tank system.

Owners and operators of underground fuel storage tanks shall provide release detection for tanks and piping that routinely contain flammable and combustible liquids in accordance with one of the following methods:

1. Monthly inventory control to detect a release of at least 1% of flow-through plus 130 gallons.
2. Manual tank gauging for tanks 2,000 gallon capacity or less when measurements are taken at the beginning and ending of a 36 to 58 hour period during which no liquid is added to or removed from the tank.
3. Tank tightness testing capable of detecting a 0.1 gallon per hour leak rate.
4. Automatic tank gauging that tests for loss of liquid.
5. Vapor monitoring for vapors within the soil of the tank field.
6. Groundwater monitoring when the groundwater is never more than 20 feet from the ground surface.
7. Interstitial monitoring between the underground tank and a secondary barrier immediately around or beneath the tank.
8. Other approved methods that have been demonstrated to be as effective in detecting a leak as the methods listed above.

A consistent or accidental loss of product shall be immediately reported to the fire official.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

13 VAC 5-51-150. ~~BNFPCIFC~~ Chapter 30. ~~Explosives, Ammunition and Blasting Agents~~ 33 Explosives and Fireworks.

A. Change ~~subsection F 3001.1~~exception # 4 in subsection 3301.1 to read:

~~F-3001.1. Scope: The equipment, processes and operations involving the manufacture, possession, storage, sale, maintenance, and use of explosive materials shall comply with the requirements of this code, NFPA 495 and DOTn 49 CFR listed in Chapter 44 of this code, except that the year edition of NFPA 495 referenced shall be 1996.~~4. The possession, storage, and use of not more than 15 pounds (6.81 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and 1,000 small arms primers for hand loading of small arms ammunition for personal consumption.

B. Change ~~exceptions to subsection F-3001.1~~ to read:

~~Exception: This chapter shall not apply to the following:~~

- ~~1. The use of explosives by federal or state military agencies or federal, state or municipal agencies while engaged in normal or emergency performance of duties.~~
- ~~2. The manufacture and distribution of explosive materials to or storage of explosive materials by military agencies of the United States.~~
- ~~3. The use of explosive materials in medicines and medicinal agencies in the forms prescribed by the U.S. Pharmacopeia or the National Formulary.~~
- ~~4. Pyrotechnics such as flares, fuses and railway torpedoes.~~
- ~~5. Common fireworks in accordance with Chapter 31.~~

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

~~6. The possession and use of not more than 15 pounds (7 kg) of smokeless powder and 1,000 small arms primers for hand loading of small arms ammunition for personal use.~~

~~7. The storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1 of the Code of Virginia.~~ Add exception # 10 to section 3301.1 to read:

10. The storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1 of the Code of Virginia.

C. ~~Change subsection F 3001.2 to read:~~

~~F 3001.2. Approval required: Approval shall be required for the following conditions or operations:~~

~~1. The manufacture, possession, storage, sale or other disposition of explosive materials.~~

~~2. The use of explosive materials.~~

~~3. The operation of a terminal for handling explosive materials.~~

~~4. The delivery to or receipt of explosive materials from a carrier at a terminal between the hours of sunset and sunrise.~~ Add exception # 5 to subsection 3301.1.3 to read:

5. 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.

D. ~~Add exception to subsection F 3001.3 to read:~~

~~Exception: A bond is not required for blasting on real estate parcels of five or more acres conforming to the definition of "real estate devoted to agricultural use" or "real estate devoted to~~

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

~~horticultural use" in §58.1-3230 of the Code of Virginia and conducted by the owner of such real estate.~~ Change entire section 3301.2 to read:

3301.2 Permit required. Permits shall be required as set forth in Section 107.2 and regulated in accordance with this section. The manufacture, storage, sale and use of explosives shall not take place without first applying for and obtaining a permit.

3301.2.1 Residential uses. 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 (30 480 mm) thereof.

Exception: Storage of smokeless propellant, black powder, and small arms primers for personal use and not for resale in accordance with Section 3306.

3301.2.2 Sale and retail display. No person shall construct a retail display nor offer for sale explosives, explosive materials, or fireworks upon highways, sidewalks, public property, or in assembly or educational occupancies.

3301.2.3 Permit restrictions. The fire official is authorized 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 shall be kept or stored.

3301.2.3.1 Permit applicants. 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 in accordance with Sections 3301.4.1, 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 issued in accordance

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

with section 3301.2.3.1.1. The DHCD shall process all applications for a background clearance card for compliance with § 27-97.2 of the Code of Virginia and will be the sole provider of background clearance cards.

3301.2.3.1.1 Background clearance card: A background clearance card may be issued upon completion of the following requirements:

1. Any firm or company manufacturing, storing, using or selling explosives in the Commonwealth shall provide the name of a designated person or persons who will be a representative of the company and be responsible for (i) ensuring compliance with state law and regulations relating to blasting agents and explosives and (ii) applying for permits from the fire official.

2. Using a form provided by the DHCD, all individual applicants and all designated persons representing an applicant that is not an individual, shall submit to a background investigation, to include a national criminal history record check, for a permit to manufacture, store, handle, use or sell explosives, and for any applicant for certification as a blaster.

3. Each such applicant shall submit fingerprints and provide personal descriptive information to the DHCD to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant.

3301.2.3.1.2 Issuance of a background clearance card: The issuance of a background clearance card shall be denied if the applicant or designated person representing an applicant has been convicted of any felony, whether such conviction occurred under the laws of the

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, unless his civil rights have been restored by the Governor or other appropriate authority.

3301.2.3.1.3 Fee for certification: The fee for obtaining or renewing a background clearance card from DHCD shall be \$150.

3301.2.3.1.3.1 Additional fees: The applicant shall pay all additional fees charged by other agencies for fingerprinting and for obtaining a national criminal history record check through the Central Criminal Records Exchange to the Federal Bureau of Investigation.

3301.2.3.1.4 Revocation of a background clearance card: After issuance of a background clearance card, subsequent conviction of a felony will be grounds for immediate revocation of a background clearance card, whether such conviction occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof. The card shall be returned to the DHCD immediately. An individual may reapply for his background clearance card if his civil rights have been restored by the Governor or other appropriate authority.

3301.2.4 Financial responsibility. Before a permit is issued, as required by section 3301.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$500,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The legal department of the jurisdiction may specify a greater amount when conditions at the location of use indicate a greater amount is required. Government entities shall be exempt from this bond requirement.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

3301.2.4.1 Blasting. Before approval to do blasting is issued, the applicant for approval shall file a bond or submit a certificate of insurance in such form, amount, and coverage as determined by the legal department of the jurisdiction to be adequate in each case to indemnify the jurisdiction against any and all damages arising from permitted blasting but in no case shall the value of the coverage be less than \$500,000.

Exception: Filing a bond or submitting a certificate of liability insurance is not required for blasting on real estate parcels of five or more acres conforming to the definition of "real estate devoted to agricultural use" or "real estate devoted to horticultural use" in § 58.1-3230 of the Code of Virginia and conducted by the owner of such real estate.

3301.2.4.2 Fireworks display. The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the legal department of the jurisdiction for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors.

E. Add Sections ~~F 3001.2.3, F 3001.2.3.1, F 3001.2.3.2, and F 3001.2.3.3~~ to read:

~~Section F 3001.2.3. Background investigations: 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 department 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. The department shall process all applicants for a blaster certification and designated persons for compliance with §27-~~

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

~~97.2 of the Code of Virginia and will be the sole provider of background clearance cards and blaster certifications.~~

~~Section F 3001.2.3.1. Background clearance card: A background clearance card may be issued upon completion of the following requirements:~~

~~1. Any firm or company manufacturing, storing, using or selling explosives in the Commonwealth shall provide the name of a designated person or persons who will be a representative of the company and be responsible for (i) ensuring compliance with state law and regulations relating to blasting agents and explosives and (ii) applying for permits from the fire official.~~

~~2. Using a form provided by the department, all individual applicants and all designated persons representing an applicant that is not an individual shall submit to a background investigation, to include a national criminal history record check, for a permit to manufacture, store, handle, use or sell explosives, and for any applicant for certification as a blaster.~~

~~3. Each such applicant shall submit fingerprints and provide personal descriptive information to the department to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant.~~

~~Section F 3001.2.3.2. Issuance of a background clearance card: The issuance of a background clearance card shall be denied if the applicant or designated person representing an applicant has been convicted of any felony, whether such conviction occurred under the laws of the~~

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

~~Commonwealth or any other state, the District of Columbia, the United States or any territory thereof, unless his civil rights have been restored by the Governor or other appropriate authority.~~

~~Section F 3001.2.3.3. Revocation of a background clearance card or blaster certification: After issuance of a background clearance card or blaster certification, subsequent conviction of a felony will be grounds for immediate revocation of a background clearance card or blaster certification, whether such conviction occurred under the laws of the Commonwealth or any other state, the District of Columbia, the United States or any territory thereof. The card or certification shall be returned to the department immediately. An individual may reapply for his background clearance card or blaster certification if his civil rights have been restored by the Governor or other appropriate authority.~~ Change entire section 3301.4 to read:

3301.4 Qualifications. Persons in charge of magazines, blasting, fireworks display, or pyrotechnic special effect operations shall not be under the influence of alcohol or drugs which impair sensory or motor skills, shall be at least 21 years of age and possess knowledge of all safety precautions related to the storage, handling or use of explosives, explosive materials or fireworks.

3301.4.1 Certification of blasters. Certificates as a restricted or unrestricted blaster will be issued upon proof of successful completion of an examination approved by the DHCD and a background investigation for compliance with § 27-97.2 of the Code of Virginia. The applicant for certification shall submit proof to the DHCD of the following experience:

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

1. For certification as a restricted blaster, at least one year under direct supervision by a certified unrestricted blaster, certified restricted blaster or other person(s) approved by the DHCD.

2. For certification as an unrestricted blaster, at least one year under direct supervision by a certified unrestricted blaster or other person(s) approved by the DHCD.

The DHCD shall process all certification applicants for compliance with § 27-97.2 of the Code of Virginia and will be the sole provider of blaster certifications.

Exception: The owner of real estate parcels of five or more acres conforming to the definition of “real estate devoted to agricultural use” or “real estate devoted to horticultural use” in § 58.1-3230 of the Code of Virginia when blasting on such real estate.

3301.4.2 Certification issuance. The issuance of a certification as a blaster shall be denied if the applicant has been convicted of any felony, whether such conviction occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, unless his civil rights have been restored by the Governor or other appropriate authority.

3301.4.3 Fee for certification. The fee for obtaining or renewing a blaster certificate from DHCD shall be \$150.

3301.4.3.1 Additional fees: The applicant shall pay all additional fees charged by other agencies for fingerprinting and for obtaining a national criminal history record check through the Central Criminal Records Exchange to the Federal Bureau of Investigation.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

3301.4.4 Revocation of a blaster certification. After issuance of a blaster certification, subsequent conviction of a felony will be grounds for immediate revocation of a blaster certification, whether such conviction occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof. The certification shall be returned to DHCD immediately. An individual may subsequently reapply for his blaster certification if his civil rights have been restored by the Governor or other appropriate authority.

3301.4.5 Expiration and renewal of a blaster certification. A certificate for an unrestricted or restricted blaster shall be valid for three years from the date of issuance. A background clearance card shall be valid for three years from the date of issuance. Renewal of the unrestricted blaster certificate will be issued upon proof of at least 16 hours of continued training or education in the use of explosives within three consecutive years and a background investigation for compliance with § 27-97.2 of the Code of Virginia. Renewal of the restricted blaster certificate will be issued upon proof of at least eight hours of continued training or education in the use of explosives within three consecutive years and a background investigation for compliance with § 27-97.2 of the Code of Virginia. The continued training or education required for renewal of a blaster certificate shall be obtained during the three years immediately prior to the certificate's published expiration date. Failure to renew a blaster certificate in accordance with this section shall cause an individual to obtain another blaster certificate upon compliance with Section 3301.4.1 to continue engaging in the unsupervised use of explosives.

F. Add to BNFPC Section F 3002.0. Definitions, the following definition to read:

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

~~Background clearance card: An identification card issued to an individual who is not a certified blaster and is representing himself or acting as a representative of a company, corporation, firm or other entity, solely for the purpose of submitting an application to the fire code official for a permit to manufacture, use, handle, store, or sell explosive materials.~~Change section 3301.7 to read:

3301.7 Seizure. The fire official is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner fireworks offered or exposed for sale, stored, possessed or used in violation of this chapter.

G. Add the following definitions to section 3302.1 to read:

Background clearance card. An identification card issued to an individual that is not a certified blaster and is representing himself or acting as a representative of a company, corporation, firm or other entity, solely for the purpose of submitting an application to the fire official for a permit to manufacture, use, handle, store, or sell explosive materials.

Blaster, restricted. Any person engaging in the use of explosives or blasting agents utilizing five pounds (2.25 kg) or less per blasting operation and using instantaneous detonators.

Blaster, unrestricted. Any person engaging in the use of explosives or blasting agents without limit to the amount of explosives or blasting agents or type of detonator.

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

H. Change the following definitions in section 3302.1 to read:

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

Fireworks. 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. Fireworks may be further delineated and referred to as: Fireworks, 1.4G. (Formerly known as Class C, Common Fireworks.) Small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion. Such 1.4G fireworks which comply with the construction, chemical composition, and labeling regulations of the DOTn for Fireworks, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR: Parts 1500 and 1507, are not explosive materials for the purpose of this code.

Fireworks, 1.3G. (Formerly Class B, Special Fireworks.) Large fireworks devices, which are explosive materials, intended for use in fireworks displays and designed to produce audible or visible effects by combustion, deflagration, or detonation. Such 1.3G fireworks include, but are not limited to, firecrackers containing more than 130 milligrams (2 grains) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as 1.4G fireworks. Such 1.3G fireworks, are also described as Fireworks, UN0335 by the DOTn.

I. Change section 3305.1 to read:

3305.1 General. The manufacture, assembly and testing of explosives, ammunition, blasting agents and fireworks shall comply with the requirements of this section, Title 59.1, Chapter 11 of the Code of Virginia, and NFPA 495 or NFPA 1124.

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

Exceptions:

1. The hand loading of small arms ammunition prepared for personal use and not offered for resale.
2. The mixing and loading of blasting agents at blasting sites in accordance with NFPA 495.
3. The use of binary explosives or phosphoric materials in blasting or pyrotechnic special effects applications in accordance with NFPA 495 or NFPA 1126.

J. Add section 3305.1.1 to read:

3305.1.1 Permits. Permits for the manufacture, assembly and testing of explosives of explosives, ammunition, blasting agents and fireworks shall be required as set forth in section 107.2 and regulated in accordance with this section. A permit to manufacture of any explosive material in any quantity shall be prohibited unless such manufacture is authorized by a federal license and conducted in accordance with recognized safety practices.

K. Change section 3307.1 to read:

3307.1 General. Blasting operations shall be conducted only by persons certified by the DHCD as a restricted or unrestricted blaster or shall be supervised on-site by a person properly certified by the DHCD as restricted or unrestricted blaster.

L. Add section 3307.16 to read:

3307.16 Blast records. A record of each blast shall be kept and retained for at least five years and shall be available for inspection by the code official. The record shall contain the following minimum data:

1. Name of contractor;

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

2. Location and time of blast;

3. Name of certified blaster in charge;

4. Type of material blasted;

5. Number of holes bored and spacing;

6. Diameter and depth of holes;

7. Type and amount of explosives;

8. Amount of explosive per delay of 8 milliseconds or greater;

9. Method of firing and type of circuit;

10. Direction and distance in feet to nearest dwelling, public building, school, church, commercial or institutional building;

11. Weather conditions;

12. Whether or not mats or other precautions were used;

13. Type of detonator and delay period;

14. Type and height of stemming; and

15. Seismograph record when utilized.

Exception: Subdivisions 8 and 13 of this section are not applicable to restricted blasters.

M. Add exception to section 3308.2 to read:

Exception: Permits are not required for the supervised use or display of permissible fireworks on private property with the consent of the owner of such property.

N. Add exception to section 3308.11 to read:

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

Exception: Permissible fireworks prohibited by a local ordinance to be stored, displayed for wholesale or retail sale, or use.

13 VAC 5-51-160. ~~BNFPC Section F 3002.0 Definitions.~~ (Repealed.)

Add the following definitions:

~~Blaster, restricted: Any person engaging in the use of explosives or blasting agents utilizing five pounds (2.25 kg) or less per blasting operation and using instantaneous detonators.~~

~~Blaster, unrestricted: Any person engaging in the use of explosives or blasting agents without limit to the amount of explosives or blasting agents or type of detonator.~~

13 VAC 5-51-170. ~~BNFPC Section F 3003.0. General Requirements, BNFPC Section F 3005.0. Transportation of Explosives, and BNFPC Section F 3009.0. Blasting.~~ (Repealed.)

A. ~~Add subsection F 3003.5 to read:~~

~~F 3003.5. Certification of blasters: Persons engaging in the use of explosives or blasting agents shall be certified as a restricted or unrestricted blaster by the DHCD or shall be supervised on-site by a person properly certified by the DHCD as a restricted or unrestricted blaster. Certificates will be issued upon proof of successful completion of an examination approved by the DHCD and a background investigation for compliance with §27-97.2 of the Code of Virginia. The applicant for certification shall be at least 21 years of age and shall submit proof to the DHCD of the following experience:~~

~~1. For certification as a restricted blaster, at least one year under direct supervision by a certified unrestricted blaster, certified restricted blaster or other person approved by the DHCD.~~

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

~~2. For certification as an unrestricted blaster, at least one year under direct supervision by a certified unrestricted blaster or other person approved by the DHCD. Exception: The owner of real estate parcels of five or more acres conforming to the definition of "real estate devoted to agricultural use" or "real estate devoted to horticultural use" in §58.1-3230 of the Code of Virginia when blasting on such real estate.~~

~~B. Add subsection F-3003.5.1 to read:~~

~~F-3003.5.1. Fee for certification: The fee for obtaining a certificate or renewal of a certificate for unrestricted or restricted blaster from DHCD shall be \$30.~~

~~C. Add subsection F-3003.5.1 to read:~~

~~F-3003.5.1.1. Additional fees: The applicant shall pay all additional fees charged by other agencies for fingerprinting and for obtaining a national criminal history record check through the Central Criminal Records Exchange to the Federal Bureau of Investigation.~~

~~D. Add subsection F-3003.5.2 to read:~~

~~F-3003.5.2. Renewal of blaster certificate or background clearance card: A certificate for an unrestricted or restricted blaster shall be valid for three years from the date of issuance. A background clearance card shall be valid for three years from the date of issuance. Renewal of the unrestricted blaster certificate will be issued upon proof of at least 16 hours of continued training or education in the use of explosives within three consecutive years and a background investigation for compliance with §27-97.2 of the Code of Virginia. Renewal of the restricted blaster certificate will be issued upon proof of at least eight hours of continued training or education in the use of explosives within three consecutive years and a background investigation~~

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

~~for compliance with §27-97.2 of the Code of Virginia. Renewal of a background clearance card will be issued upon the completion of a background investigation for compliance with §27-97.2 of the Code of Virginia.~~

~~E. Add subsection F-3003.6 to read:~~

~~F 3003.6. Reports of stolen explosives: Any person holding a permit for the manufacture, storage, handling, use, or sale of explosives issued in accordance with this code shall report to the office of the chief arson investigator for the Commonwealth and the code official as well as the chief local law enforcement official any theft or other unauthorized taking or disappearance of any explosives or blasting devices from their inventory. An initial verbal report shall be made within three days of the discovery of the taking or disappearance. A subsequent written report shall be filed within such time, and in such form, as is specified by the chief arson investigator.~~

~~F. Add subsection F-3003.7 to read:~~

~~F 3003.7. Report of injuries or property damage: Any person holding a permit for the use of explosives issued in accordance with this code shall report any injuries to any person or damage to property arising from the use of explosives under the permit to the code official where there is local enforcement of this code and to the State Fire Marshal.~~

~~G. Change Section F-3005.0. Transportation of Explosives to read:~~

~~F 3005.1. Regulations. Under §10.1-1450 of the Code of Virginia, the Virginia Waste Management Board shall promulgate regulations designating the manner and method by which hazardous materials shall be loaded, unloaded, packed, identified, marked, placarded, stored and transported.~~

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

~~F 3005.2. Enforcement. Under §10.1-1451 of the Code of Virginia and the Regulations Governing the Transportation of Hazardous Materials (9 VAC 20-110-10 et seq.), the Department of State Police and all other law enforcement officers of the Commonwealth who have satisfactorily completed the course in Hazardous Materials Compliance and Enforcement as prescribed by the U.S. Department of Transportation in federal safety regulations and safety inspection procedures pertaining to the transportation of hazardous materials shall enforce the provisions of Article 7 (§10.1-1450 et seq.) of Chapter 14 of Title 10.1 of the Code of Virginia, and any rule or regulation promulgated herein. Those law enforcement officers certified to enforce the provisions of this Article 7, and any regulation promulgated under such article, shall annually receive in service training in current federal safety regulations and safety inspection procedures pertaining to the transportation of hazardous materials.~~

~~Exception: A fire code official may require an attended or unattended parked vehicle that contains explosives to be moved to an approved location.~~

~~H. Add subsection F-3009.12 to read:~~

~~F 3009.12. Blast records: A record of each blast shall be kept and retained for at least three years and shall be available for inspection by the code official. The record shall contain the following minimum data:~~

- ~~1. Name of contractor;~~
- ~~2. Location and time of blast;~~
- ~~3. Name of certified blaster in charge;~~
- ~~4. Type of material blasted;~~

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

- ~~5. Number of holes bored and spacing;~~
- ~~6. Diameter and depth of holes;~~
- ~~7. Type and amount of explosives;~~
- ~~8. Amount of explosive per delay of 8 milliseconds or greater;~~
- ~~9. Method of firing and type of circuit;~~
- ~~10. Direction and distance in feet to nearest dwelling, public building, school, church, commercial or institutional building;~~
- ~~11. Weather conditions;~~
- ~~12. Whether or not mats or other precautions were used;~~
- ~~13. Type of detonator and delay period;~~
- ~~14. Type and height of stemming; and~~
- ~~15. Seismograph record where indicated.~~

~~Exception: Subdivisions 8 and 13 of this section are not applicable to restricted blasters.~~

~~13 VAC 5-51-180. BNFPC Section F-3101.0 General. (Repealed.)~~

~~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.~~

~~13 VAC 5-51-181. BNFPC Section F-3102.0. Definitions. (Repealed.)~~

~~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.~~

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

~~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.~~

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

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.~~

13 VAC 5-51-190. BNFPC Section F-3207.0. Aboveground storage tanks. (Repealed.)

Change subsection F-3207.5 to read:

VIRGINIA STATEWIDE FIRE PREVENTION CODE (Amending 13 VAC 5-51-11 et seq.; Adding 13 VAC 5-51-12, 85, 132 and Repealing 13 VAC 5-51-71, 160, 170, 180, 181, 182, 190 and 200)

~~F 3207.5. Automotive service stations: Aboveground tanks utilized for the storage of motor fuels at automotive service stations shall be installed in accordance with this section and the requirements for fire resistant tanks or tanks in vaults specified in NFPA 30A listed in Chapter 44.~~

13 VAC 5-51-200. ~~BNFPC Chapter 44. Referenced standards. (Repealed.)~~

~~Add the following referenced standard to NFPA to read:~~

Standard	Title	Referenced in
Reference		code section
Number		number
1126 96	Use of Pyrotechnics before a Proximate Audience	F 3103.1

I certify that this regulation is full, true, and correctly dated.

(Signature of Certifying Official)

William C. Shelton, Director

Department of Housing and Community Development

Date: _____