

1987

Edition

# VIRGINIA STATEWIDE FIRE PREVENTION CODE



COMMONWEALTH OF VIRGINIA  
BOARD OF HOUSING AND  
COMMUNITY DEVELOPMENT



1987 EDITION  
VIRGINIA STATEWIDE FIRE PREVENTION CODE  
VR-394-01-6

Adopted by the State  
BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

EFFECTIVE March 1, 1988

Issued by the  
Division of Building Regulatory Services  
Department of Housing and Community Development  
205 North Fourth Street  
Richmond, VA 23219



## PREFACE

### SUMMARY

The 1987 edition of the Virginia Statewide Fire Prevention Code is a new set of regulations proposed for adoption by the Board of Housing and Community Development pursuant to power mandated by Section 27-94 of the Code of Virginia. The code will be a mandatory, statewide, set of regulations that must be complied with for the protection of life and property from the hazards of fire or explosion. Technical requirements of the Statewide Fire Prevention Code are based on the BOCA National Fire Prevention Code, a companion document to the BOCA National Building Code which is the Uniform Statewide Building Code. The Fire Prevention Code supersedes all fire prevention regulations heretofore adopted by local government or other political subdivisions. Local governments are empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure. Local enforcement of this code is optional. The State Fire Marshal shall have authority to enforce the Fire Prevention Code in those jurisdictions in which the local governments do not enforce the Code. An administrative appeals system is established for resolution of disagreements between the enforcing agency and aggrieved party.

## USE OF NATIONALLY RECOGNIZED MODEL CODES AND STANDARDS

The Board bases the technical requirements of the Virginia Statewide Fire Prevention Code on nationally accepted model codes and standards. It makes as few amendments as possible. The purpose is to benefit the citizens of Virginia by promoting efficiency in the fire safety field. For this reason, the Board encourages anyone who believes that a technical amendment is needed to submit their proposal directly to the organization which publishes the affected model code or standard. Amendments made by such organizations will then be considered for inclusion in future editions of the Virginia Statewide Fire Prevention Code. Information on how to present proposals to the model code and standards organizations is available from:

Office of State Fire Marshal  
Department of Housing and Community Development  
205 North Fourth Street  
Richmond, Virginia 23219  
Telephone: (804) 786-4751

## FUTURE EDITIONS

State law requires the Board of Housing and Community Development to keep the VSFPC up-to-date. The Board plans to do this by updating the VSFPC every three years when new editions of the model codes become publicly available. Suggestions for improvements are invited at any time. They should be addressed to the Board in care of the Office of State Fire Marshal.

## USER ASSISTANCE

Any local government may enforce the Fire Prevention Code. The State Fire Marshal shall have authority to enforce the Code in those jurisdictions in which the local governments do not enforce the Code. The local government should be consulted first for information and assistance, if they are not enforcing the Code, the Office of State Fire Marshal may be contacted. Copies of the model codes and standards reference by the Fire Prevention Code are available for public inspection at any office of the State Fire Marshal. They may be purchased through:

Building Officials and Code Administrators  
International, Inc.  
4051 West Flossmoor Road  
Country Club Hills, Illinois 60477  
Telephone: (312) 799-2300

The State Fire Marshal maintains offices in the following locations:

Suite 319, Landmark Towers  
101 South Whiting Street  
Alexandria, Virginia 22304  
(703) 845-6111

200 West Hull Building  
554 South Main Street  
Marion, Virginia 24354  
(703) 783-3461

Suite 223, Koger Building (No. 5)  
Koger Executive Center  
6350 Center Drive  
Norfolk, Virginia 23502  
(804) 446-4960

Room 101, Fourth Street Office Building  
205 North Fourth Street  
Richmond, Virginia 23219  
(804) 786-8021

Suite B40, Commonwealth Building  
212 Church Avenue  
Roanoke, Virginia 24011  
(703) 982-7306

## INTERPRETATIONS

In case of doubt as to the meaning of any specific provision of the Virginia Statewide Fire Prevention Code, a request for an interpretation may be made to the State Building Code Technical Review Board. Request forms are available from the Office of State Fire Marshal.



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VIRGINIA STATEWIDE FIRE PREVENTION CODE

ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

SECTION F-100.0 GENERAL

F-100.1 Title: These regulations shall be known as the Virginia Statewide Fire Prevention Code. Except as otherwise indicated, Fire Prevention Code or Code, shall mean the 1987 edition of the BOCA National Fire Prevention Code as herein amended.

F-100.2 Authority: The Virginia Statewide Fire Prevention Code is adopted according to regulatory authority granted the Board of Housing and Community Development by the Statewide Fire Prevention Code Act, Chapter 9, Title 27, Sections 27-94 through 27-101, Code of Virginia.

F-100.3 Adoption: The Virginia Statewide Fire Prevention Code was adopted by order of the Board of Housing and Community Development on December 14, 1987. This order was prepared according to the requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and Community Development, and is available for public inspection.

F-100.4 Effective date: The Virginia Statewide Fire Prevention Code shall become effective on March 1, 1988.

F-100.5 Effect on other codes: The Virginia Statewide Fire Prevention Code shall apply to all buildings and structures as defined in the Uniform Statewide Building

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Code Law, Chapter 6, Title 36, Code of Virginia. The Virginia Statewide Fire Prevention Code shall supersede fire prevention regulations heretofore adopted by local government or other political subdivisions. When any provision of this code is found to be in conflict with the Uniform Statewide Building Code, OSHA, Health or other applicable laws of the Commonwealth, that provision of the Fire Prevention Code shall become invalid. Wherever the words "building code" appears it shall mean the building code in effect at the time of construction.

F-100.6 Purpose: The purpose of the Virginia Statewide Fire Prevention Code is to provide statewide standards for optional local enforcement to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling and use of substances, materials and devices, wherever located.

### SECTION F-101.0 REQUIREMENTS

F-101.1 Adoption of model code: The following model code, as amended by Sections F-101.2 and F-101.3, is hereby adopted and incorporated in the Virginia Statewide Fire Prevention Code.

- The BOCA Basic/National Fire Prevention Code/  
1987 Edition

Published by:

Building Officials and Code Administrators  
International, Inc.

4051 West Flossmoor Road  
Country Club Hills, IL 60477

F-101.2 Administrative and enforcement amendments to the referenced model code: All requirements of the referenced model code and of standards referenced therein that relate

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to administrative and enforcement matters are deleted and replaced by Article 1 of the Virginia Statewide Fire Prevention Code.

F-101.3 Other amendments to the referenced model code: The amendments noted in Addendum 1 shall be made to the specified articles and sections of the BOCA National Fire Prevention Code/1987 Edition for use as part of this code.

F-101.4 Limitation of application of model code: No provision of the model code shall affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure.

F-101.5 Application of Uniform Statewide Building Code: The planning, design and construction of new buildings and structures to provide the necessary egress facilities, fire protection, and built-in fire protection equipment shall be controlled by the Uniform Statewide Building Code; and any alterations, additions or changes in building required by the provisions of this code which are within the scope of the Uniform Statewide Building Code shall be made in accordance therewith. Upon completion of such structures or buildings, responsibility for fire safety protection shall pass to the local fire official or State Fire Marshal.

F-101.6 Existing buildings: The Virginia Statewide Fire Prevention Code shall not impose requirements that are more restrictive than the applicable building code under which said buildings or structures were constructed. Subsequent alteration, enlargement, repair, or conversion of the occupancy classification of such buildings and structures shall be subject to the then current edition of the Uniform Statewide Building Code.

F-101.7 Exemptions for farm structures: Farm structures not used for residential purposes shall be exempt from the provisions of the Fire Prevention Code.

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### SECTION F-102.0 ENFORCEMENT AUTHORITY

F-102.1 Enforcement officer: Any local government may enforce the Statewide Fire Prevention Code. The local governing body may assign responsibility for enforcement of the Statewide Fire Prevention Code to a local agency or agencies of its choice. The State Fire Marshal shall have authority to enforce the Statewide Fire Prevention Code in jurisdictions in which the local governments do not enforce the code. Upon appointment of the fire official, the Office of the State Fire Marshal shall be notified. The terms "enforcing agency" and "fire official" are intended to apply to the agency or agencies to which responsibility for enforcement has been assigned. However, the terms "building official" or "building department" apply only to the local building official or building department.

F-102.2 Qualification of local enforcing agency personnel: The local government shall establish qualifications for the fire official and his assistants, adequate to insure proper enforcement of the Statewide Fire Prevention Code.

NOTE: It is recommended that the fire official have at least five years of related experience. Consideration should be given for selection and maintenance of enforcing agency personnel by using certification programs offered by the Department of Housing and Community Development, Department of Fire Programs, and ETS/NFPA.

F-102.3 Inspections: The fire official may inspect all buildings, structures and premises except single family dwellings, dwelling units in two family and multi-family dwellings, and farm structures as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with fire fighting operations, endanger life or any violations of the provisions or intent of this code or any other ordinance affecting fire safety.

F-102.4 Right of entry: Whenever necessary for the purpose of enforcing the provisions of this code, or

whenever the fire official has reasonable cause to believe that there exists in any structure or upon any premises, any condition which makes such structure or premises unsafe, the fire official may enter such structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the fire official by this code; provided that if such structure or premises be occupied, the fire official shall first present proper credentials and request entry. If such entry is refused, the fire official shall have recourse to every remedy provided by law to secure entry.

F-102.5 Coordinated inspections: Whenever in the enforcement of the Statewide Fire Prevention Code or another code or ordinance, the responsibility of more than one enforcement official may be involved, it shall be their duty to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors nor multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code of the jurisdiction, not within the inspector's authority to enforce, the inspector shall report the findings to the official having jurisdiction in order that such official may institute the necessary corrective measures.

NOTE: Attention should be directed to Section 36-105, Code of Virginia, which states in part, "The building official shall coordinate all reports with inspections for compliance of the Building Code, from fire and health officials; DELEGATED such authority, prior to issuance of an occupancy permit." (Emphasis added)

F-102.6 Fire records: The fire official shall keep a record of all fires and all facts concerning the same, including investigation of findings and statistics and information as to the cause, origin and the extent of such fires and the damage caused thereby. The fire official shall also keep records of reports of inspections, notices and orders issued and such other matters as directed by the local government. Records may be disposed of in

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accordance with the provisions of the Virginia Public Records Act and, (a) after retention for twenty years in the case of arson fires, (b) after retention for five years in non-arson fires, and (c) after retention for three years in the case of all other reports, notices, and orders issued.

F-102.7 Administration liability: The local enforcing agency personnel shall not be personally liable for any damages sustained by any person in excess of the policy limits of errors and omissions insurance, or other equivalent insurance obtained by the locality to insure against any action that may occur to persons or property as a result of any act required or permitted in the discharge of official duties while assigned to the department as an employee. The fire official or his subordinates shall not be personally liable for costs in any action, suit or proceedings that may be instituted in pursuance of the provisions of the Statewide Fire Prevention Code as a result of any act required or permitted in the discharge of official duties while assigned to the enforcing agency as an employee, whether or not said costs are covered by insurance. Any suit instituted against any officer or employee because of an act performed in the discharge of the Statewide Fire Prevention Code may be defended by the enforcing agency's legal representative. The State Fire Marshal or his subordinates shall not be personally liable for damages or costs sustained by any person when the State Fire Marshal or his subordinates are enforcing this code as part of their official duties under Section F-102.1.

F-102.8 Rules and regulations: Local governments may adopt fire prevention regulations that are more restrictive or more extensive in scope than the Statewide Fire Prevention Code provided such regulations are not more restrictive than the Uniform Statewide Building Code and do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure.



F-102.9 Procedures or requirements: The local governing body may establish such procedures or requirements as may be necessary for the enforcement of the Statewide Fire Prevention Code.

F-102.10 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 Virginia Comprehensive Conflict of Interest Act.

#### SECTION F-103.0 DUTIES AND POWERS OF THE FIRE OFFICIAL

F-103.1 General: The fire official shall enforce the provisions of the Statewide Fire Prevention Code as provided herein and as interpreted by the State Building Code Technical Review Board in accordance with Section 36-118, Code of Virginia.

NOTE: Investigation of fires is governed by Section 27-30 et. seq., Code of Virginia.

F-103.2 Notices and orders: The fire official may issue all necessary notices or orders to ensure compliance with the requirements of the Statewide Fire Prevention Code for the protection of life and property from the hazards of fire or explosion.

F-103.3 Delegation of duties and powers: The fire official may delegate duties and powers subject to any limitations imposed by the local government, but shall be responsible that any powers and duties delegated are carried out in accordance with the Code.

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### SECTION F-104.0 PERMITS

F-104.1 General: It shall be unlawful to engage in any business activity involving the handling, storage or use of hazardous substances, materials or devices; or to maintain, store or handle materials; to conduct processes which produce conditions hazardous to life or property; or to establish a place of assembly without first notifying the local fire official. Permits may be required, by the local fire official, according to Section F-104.2.

NOTE: The State Fire Marshal will not issue permits under the Statewide Fire Prevention Code.

F-104.2 Permits required: Permits shall be obtained, when required, from the local fire official. Inspection or permit fees may be levied by the local governing body in order to defray the cost of enforcement and appeals in accordance with Section 27-98 of the Code of Virginia. Permits shall be available to the fire official upon request.

F-104.3 Application for permit: Application for a permit required by this code shall be made to the local fire official in such form and detail as the local fire official shall prescribe.

F-104.4 Action on application: Before a permit is issued, the local fire official or the fire official's designated representative shall make or cause to be made such inspections or tests as are necessary to assure that the use and activities for which application is made complies with the provisions of this code.

F-104.5 Conditions of permit: A permit shall constitute permission to maintain, store or handle materials, or to conduct processes which produce conditions hazardous to life or property in accordance with the provisions of this code. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Said permit shall remain in effect until revoked, or for such period of time specified on the permit. Permits are not transferable and any change in

use, operation or tenancy shall require a new permit.

NOTE: For rules and regulations governing the disposal of hazardous materials contact the Virginia Department of Waste Management.

F-104.6 Approved plans: Plans approved by the building and fire officials are approved with the intent that they comply in all respects to this code. Any omissions or errors on the plans does not relieve the applicant of complying with all applicable requirements of this code.

F-104.7 Revocation of permit: The local fire official may revoke a permit or approval issued under the provisions of this code if upon inspection any violation of the code exists, or if conditions of the permit have been violated, or if there has been any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval was based.

F-104.8 Suspension of permit: Any permit issued 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.

F-104.9 Payment of fees: A permit shall not be issued until the designated fees have been paid, when required.

## SECTION F-105.0 APPEAL TO BOARDS OF APPEALS

F-105.1 Local appeals: Every locality electing to enforce this code shall establish a local board of appeals as required by Section 27-98, Code of Virginia. Appeals to the local board may be made by the person cited for violation when aggrieved by any decision or interpretation of the local fire official made under the provisions of this code. The local board of appeals shall consist of at least five members who are qualified by experience and training to rule on matters pertaining to building

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construction and fire prevention. The local board of appeals shall be appointed by the local governing body and shall hold office in accordance with the terms of appointment. The local appeal board shall operate in accordance with the applicable provisions of the Administrative Processes Act, Section 9-6.14, Code of Virginia. All local board hearings shall be open to the public. All resolutions or findings of the local board shall be in writing and made available for public viewing. The local board shall meet within twenty days upon receipt of application.

Appeal from the application of the code by the State Fire Marshal shall be made directly to the State Building Code Technical Review Board.

F-105.1.1. Grounds for appeal: The owner or occupant of a building may appeal a decision of the fire official to the local Board of Appeals when it is claimed that:

1. The fire official has refused to grant a modification of the provisions of the Code;
2. The true intent of this Code has been incorrectly interpreted;
3. The provisions of this Code do not fully apply;
4. The use of a form of compliance that is equal to or better than that specified in this Code has been denied.

F-105.2 Application: An application for appeal must be submitted, in writing, to the board of appeals within seven working days upon receipt of notice or order of the fire official.

F-105.3 Decision and notification: Every action of the Board on an appeal shall be by resolution. Certified copies shall be furnished to the appellant and the fire official.

F-105.4 Decision: The fire official shall take immediate action in accordance with the decision of the board.

F-105.5 Appeal to the State Building Code Technical Review Board: Any person aggrieved by a decision of the Local Board of Appeals who was a party to the appeal, or any

officer or member of the governing body of the local jurisdiction, may appeal to the State Building Code Technical Review Board. Application for review shall be made to the State Building Code Technical Review Board within 15 days of receipt of the decision of the local appeals board by the aggrieved party.

F-105.6 Enforcement of decision: Upon receipt of the written decision of the State Building Code Technical Review Board, the fire official shall take immediate action in accordance with the decision.

F-105.7 Court review: Decisions of the State Building Code Technical Review Board shall be final if no appeal is made. An appeal from the decision of the State Building Code Technical Review Board may be presented to the court of the original jurisdiction in accordance with the provisions of the Administrative Process Act, Article 4, Title 9-6.14:1 of the Code of Virginia.

#### SECTION F-106.0 ORDERS TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS

F-106.1 General: Whenever the fire official or the fire official's designated representative shall find in any building, structure or upon any premises dangerous or hazardous conditions or materials as follows, the fire official shall order such dangerous conditions or materials to be removed or remedied in accordance with the provisions of this code:

1. Dangerous conditions which are liable to cause or contribute to the spread of fire in or on said premises, building or structure or 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, passage-ways, doors or windows, liable to interfere with the

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egress of occupants or the operation of the fire department in case of fire.

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.

F-106.2 Maintenance: The owner shall be responsible for the safe and proper maintenance of the building, structure, premises or lot at all times. In all new and existing buildings and structures, the fire protection equipment, means of egress, alarms, devices and safeguards required by the Uniform Statewide Building Code and other jurisdictional ordinances, shall be maintained in a safe and proper operating condition.

NOTE: Also see Sections F-502.6 and F-502.6.1 of this code for further information.

F-106.3 Occupant responsibility: If an occupant of a building creates conditions in violation of this code, by virtue of storage, handling and use of substances, materials, devices and appliances, the occupant shall be held responsible for the abatement of said hazardous conditions.

F-106.4 Unsafe buildings: All buildings and 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 buildings or structures. A vacant building, or portion of a building, unguarded or open at door or window, shall be deemed a fire hazard and unsafe within the meaning of this code. Unsafe buildings shall be reported to the building or maintenance code official who shall take appropriate action deemed necessary under the provisions of the Uniform Statewide Building Code Volume I New Construction Code or Volume II Building Maintenance Code to secure abatement by repair and rehabilitation or by demolition.

F-106.5 Evacuation: When, in the opinion of the fire official, there is actual and potential danger to the occupants or those in the proximity of any building, 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 official may order the immediate evacuation of said building, structure or premises. All of the occupants so notified shall immediately leave the building, structure or premises and persons shall not enter, or reenter, until authorized to do so by the fire official.

F-106.6 Unlawful continuance: It is deemed a violation of the Statewide Fire Prevention Code for any person to refuse to leave, interfere with the evacuation of the other occupants or continue any operation after having been given an evacuation order except such work as that person is directed to perform to remove a violation or unsafe condition.

F-106.7 Notice of violation: Whenever the fire official observes an apparent or actual violation of a provision of this code or ordinance under the fire official's

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jurisdiction, the fire official shall prepare a written notice of violation describing the condition deemed unsafe and specifying time limits for the required repairs or improvements to be made to render the building, structure or premises safe and secure. 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 of violation shall be served either by delivering a copy of same to such persons by mail to the last known post office address, delivered 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; and such procedure shall be deemed the equivalent of personal notice.

F-106.8 Issuing summons for violation: In those localities where the fire official or his designated representative has been certified in accordance with Section 27-34.2, of the Code of Virginia, a summons may be issued in lieu of the above mentioned notice of violation or the provisions of Section F-106.9 may be invoked.

F-106.9 Failure to correct violations: If the notice of violation is not complied with in the time specified by the fire official, the fire official shall request the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of any order or direction made pursuant thereto. The local law enforcement agency of the jurisdiction shall be requested by the fire official to make arrests for any offense against this code or orders of the fire official affecting the immediate safety of the public when the fire official is not certified in accordance with Section 27-34.2, of the Code of Virginia.



F-106.10 Penalty for violation: Violations are a Class 1 misdemeanor in accordance with Section 27-100 of the Code of Virginia. Each day that a violation continues, after a service of notice as provided for in this code, shall be deemed a separate offense.

F-106.11 Correction of violation required: The imposition of the penalties herein described shall not prevent the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation; or to stop an illegal act, conduct of business or use of a building or structure in or about any premises.

ADDENDA

ADDENDUM 1

AMENDMENTS TO THE BOCA NATIONAL FIRE  
PREVENTION CODE 1987 EDITION

As provided in Section F-101.3 of the Virginia Statewide Fire Prevention Code, the amendments noted in this Addendum shall be made to the BOCA National Fire Prevention Code 1987 edition for use as part of the Virginia Statewide Fire Prevention Code.

ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

1. Article 1, Administration and Enforcement, is deleted in its entirety and replaced with Article 1 of the Virginia Statewide Fire Prevention Code.

ARTICLE 2

DEFINITIONS

1. Change Section F-200.3 to read:

F-200.3 Terms defined in the other codes: Where terms are not defined in this code and are defined in the Uniform Statewide Building Code, they shall have the meanings ascribed to them as in that code.

2. Change the following definitions in Section F-201 General Definitions to read:

"Building code official:" The officer or other designated authority charged with the administration and enforcement

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of the Uniform Statewide Building Code, Volume I - New Construction Code.

"Code official": The officer or other designated authority charged with the administration and enforcement of the Virginia Statewide Building Code, Volume II, Maintenance Code. (Note: When "code official" appears in the BOCA National Fire Prevention Code, it shall mean "fire official.")

"Occupancy classification:" The various use groups as classified in the Uniform Statewide Building Code.

"Structure:" An assembly of materials forming a construction for use including stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature. The word structure shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

3. Add these new definitions to Section F-201.0 General Definitions:

"Building:" A combination of any materials, whether portable or fixed, that forms a structure for use or occupancy by persons or property; provided, however, that farm buildings not used for residential purposes and frequented generally by the owner, members of his family, and farm employees shall be exempt from provisions of this code. The word building shall be construed as though followed by the words "or part or parts thereof and fixed equipment" unless the context clearly requires a different meaning. The word building includes the word structure.

"Building Code:" The building code in effect at the time of construction.

"Certificate of use and occupancy:" The certificate issued by the code official which permits the use of a

building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the building permit. (See Section 119.0 of the USBC.)

"Combustible material:" A material which cannot be classified as noncombustible in accordance with that definition.

"Farm building:" A structure located on a farm utilized for the storage, handling or production of agricultural, horticultural and floricultural products normally intended for sale to domestic or foreign markets and buildings used for maintenance, storage or use of animals or equipment related thereto.

"Fire official": The officer or other designated authority charged with the administration and enforcement of the Virginia Statewide Fire Prevention Code.

"Local government:" Any city, county or town in this Commonwealth, or the governing body thereof.

"Night club:" Means a place of assembly that provides exhibition, performance or other forms of entertainment; serves food and/or alcoholic beverages; and may or may not provides music and space for dancing.

### ARTICLE 3

#### GENERAL PRECAUTIONS AGAINST FIRE

##### 1. Change Section F-301.1 to read:

F-301.1 General: Open burning shall be allowed in accordance with the laws and regulations set forth by the State Air Pollution Control Board, the Department of Forestry, and as regulated by the locality.

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ARTICLE 4

HAZARD ABATEMENT IN EXISTING BUILDINGS

1. Change Section F-400.1 to read:

F-400.1 Continued maintenance: All service equipment, means of egress devices and safeguards which were required by a previous statute or another code in a building or structure when erected, altered or repaired shall be maintained in good working order.

2. Delete the balance of ARTICLE 4 HAZARD ABATEMENT IN EXISTING BUILDINGS as it is covered by Volume I and Volume II of the Uniform Statewide Building Code.

ARTICLE 5

FIRE PROTECTION SYSTEMS

1. Add Section F-509.4 Smoke Detectors for the Deaf and Hearing-Impaired to read:

F-509.4. Audible and Visual Alarms: Audible and visual alarms, meeting the requirements of UL Standard 1638, and installed in accordance with NFPA/ANSI 72G, shall be provided in occupancies housing the hard of hearing, as required by Section 36-99.5, Code of Virginia; however, all visual alarms shall provide a minimum intensity of 100 candella. Portable alarms meeting these requirements shall be acceptable.

ARTICLE 16

OIL AND GAS PRODUCTION

1. Delete ARTICLE 16 OIL AND GAS PRODUCTION as it is covered by the VIRGINIA OIL AND GAS ACT, Title 45, Chapter 22 of the Code of Virginia.

ARTICLE 26

EXPLOSIVES, AMMUNITION AND BLASTING AGENTS

1. Change Section F-2605.5 to read:

F-2605.5 Personnel condition: A person shall not be permitted to ride upon, drive, load or unload a vehicle containing blasting agents while smoking or under the influence of intoxicants or narcotics. They shall also be familiar with all State and municipal traffic regulations and shall not be in violation of Section 46.1-124 (Motor Vehicle Code; transportation of explosives) and Section 40.1-25 (Department of Labor and Industry; storage, handling and use of explosives) of the Code of Virginia.

ARTICLE 27

FIREWORKS

1. Change Section 2700.1 to read:

F-2700.1 Scope: The manufacture, transportation, display, sale or discharge of fireworks shall comply with the requirements of Chapter 11, Title 59, of the Code of Virginia.

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2. Change Section F-2700.4 to read:

F-2700.4 Definition: Fireworks shall mean and include any item known as firecracker, torpedo, skyrocket, or other substance or thing, 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. The term "fireworks" does not include auto flares, caps for pistols, pinwheels, sparklers, fountains or Pharoah's serpents provided, however, these permissable items may only be used, ignited or exploded on private property with the consent of the owner of such property.

3. Delete SECTION F-2701.1 GENERAL.
4. Delete SECTION F-2701.3 EXCEPTIONS.

ARTICLE 30

LIQUEFIED PETROLEUM GASES

1. Change Section F-3000.1 to read:

F-3000.1 Scope: The equipment, processes and operation for storage, handling, transporting by tank truck or tank trailer, and utilizing LP gases for fuel purposes, and for odorization of LP gases shall comply with the Virginia Liquefied Petroleum Gas Regulations in effect at the time of construction as provided for in Chapter 7, Title 27 of the Code of Virginia.

2. Delete Section F-3000.3 Record of installation:.
3. Delete Section F-3000.4 Definitions:.
4. Delete SECTION F-3001.0 TANK CONTAINER SYSTEMS.

5. Delete SECTION F-3002.0 CONTAINER STORAGE.
6. Delete SECTION F-3003.0 USE INSIDE BUILDINGS.
7. Delete SECTION F-3004.0 FIRE SAFETY REQUIREMENTS.
8. Delete SECTION F-3005.0 ABANDONMENT OF EQUIPMENT.





ADDENDUM 2

CHAPTER 3.

LOCAL FIRE MARSHALS.

Sec.

- 27-30. Appointment of fire marshal.
- 27-34.2. Power to arrest, to procure and serve warrants and to issue summons; limitation on authority.
- 27-34.3. Power to order immediate compliance with law, etc., or prohibit use of building or equipment.
- 27-34.4. Inspection and review of plans of buildings under construction.
- 27-35. Penalty for failure to discharge duty.
- 27-36. Appointment, powers and duties of assistant fire marshals.
- 27-37. Oath of fire marshal and assistants.

§ 27-30. Appointment of fire marshal. - An officer, who shall be called a "fire marshal," may be appointed for each county, city or town, by the governing body thereof, whenever, in the opinion of such body, the appointment shall be deemed expedient. The term "fire marshal" as used in this chapter may include the local fire official and local arson investigator when appointed pursuant to this section.

§ 27-34.2. Power to arrest, to procure and serve warrants and to issue summons; limitation on authority. - In addition to such other duties as may be prescribed by law, the local fire marshal and his assistants appointed pursuant to § 27-36 of the Code of Virginia shall, if authorized by the governing body of the county, city or town appointing the local fire marshal, have the authority to arrest, to procure and serve warrants of arrest and to issue summons in the manner authorized by general law for violation of local fire prevention and fire safety and related ordinances. The authority granted in this section

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shall not be exercised by any local fire marshal or assistant until such person has satisfactorily completed a training course designed specifically for local fire marshals and their assistants, which course shall be approved by the Virginia Fire Services Board.

The Department of Fire Programs in cooperation with the Department of Criminal Justice Services shall have the authority to design, establish and maintain the required courses of instruction through such agencies and institutions as the Departments jointly may deem appropriate and to approve such other courses as such Departments determine appropriate.

The authority granted in this section may only be exercised when the officer is in uniform and is serving a designated tour of duty. The authority granted in this section shall not be construed to authorize a fire marshal or his assistants to wear or carry firearms.

§ 27-34.3. Power to order immediate compliance with law, etc., or prohibit use of building or equipment. - The local fire marshal and his assistants appointed pursuant to § 27-36 shall, if authorized by the governing body of the county, city or town appointing the local fire marshal, have the authority to exercise in the same manner and subject to the same conditions the powers conferred upon other authorities by § 27-81 (b). However, an order prohibiting the use of a building or equipment issued pursuant to this section shall not be effective beyond the date of a determination made by the authorities identified in and pursuant to § 27-81(b), regardless of whether or not said determination overrules, modifies or affirms the order of the local fire marshal. If an order of the local fire marshal issued pursuant to this section conflicts to any degree with an order previously issued by an authority identified in and pursuant to § 27-81(b), the latter order shall prevail. The local fire marshal or his assistants, as applicable, shall immediately report to the authorities identified in § 27-81(b) on the issuance and content of any order issued pursuant to this section.

§ 27-34.4. Inspection and review of plans of buildings under construction. - Inspection of buildings other than

state-owned buildings under construction and the review and approval of building plans for these structures shall for enforcement of the Uniform Statewide Building Code be the sole responsibility of the appropriate local building inspectors. Upon completion of such structures, responsibility for fire safety protection shall pass to the local fire marshal and his assistants pursuant to § 27-5.1 of the Code of Virginia.

§ 27-35. Penalty for failure to discharge duty. - For his failure to discharge any duty required of him by law the fire marshal shall be liable for each offense to a fine not exceeding \$100, to be imposed by the governing body and to be collected as other fines are collected.

§ 27-36. Appointment, powers and duties of assistant fire marshals. - The governing body of any county, city or town may appoint one or more assistants, who, in the absence of the fire marshal, shall have the powers and perform the duties of the fire marshal.

§ 27-37. Oath of fire marshal and assistants. - The fire marshal and his assistants, before entering upon their duties, shall respectively take an oath, before any officer authorized to administer oaths, faithfully to discharge the duties of such office; the certificate of the oath shall be returned to and preserved by such governing body.



ADDENDUM 3

STATEWIDE FIRE PREVENTION CODE ACT.

Sec.

- 27-94. Short title.
- 27-95. Definitions.
- 27-96. Statewide standards.
- 27-97. Adoption of Fire Prevention Code.
- 27-98. Enforcement of Fire Prevention Code; appeals from decisions of local enforcing agencies; inspection of buildings.
- 27-99. State buildings.
- 27-100. Violation a misdemeanor.
- 27-101. Injunction upon application.

§ 27-94. Short title. - This chapter may be cited as the "Virginia Statewide Fire Prevention Code Act."

§ 27-95. Definitions. - As used in this chapter, unless the context or subject matter requires otherwise, the following words or terms shall have the meaning herein ascribed to them:

"Board" means the Board of Housing and Community Development.

"Code provisions" means the provisions of the Fire Prevention Code as adopted and promulgated by the Board, and the amendments thereof as adopted and promulgated from time to time by such Board.

"Enforcement agency" means the agency or agencies of any local governing body or the State Fire Marshal charged with the administration or enforcement of the Fire Prevention Code.

"Fire Services Board" means the Virginia Fire Services Board as provided for in § 9-153.1 in Chapter 25 (§ 9-153 et seq.) of Title 9 of the Code of Virginia.

"Fire Prevention Code" or "Code" means the Statewide Fire Prevention Code.

"Fire prevention regulation" means any law, rule,

resolution, regulation, ordinance or code, general or special, or compilation thereof to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling and use of substances, materials and devices, wherever located, heretofore or hereafter enacted or adopted by the Commonwealth or any county or municipality, including departments, boards, bureaus, commissions or other agencies.

"Local government" means the governing body of any city, county or town in this Commonwealth.

"State Fire Marshal" means the Chief Fire Marshal as provided for by § 27-66.1 of the Code of Virginia.

§ 27-96. Statewide standards. - The purposes of this chapter are to provide for statewide standards for optional local enforcement to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling, and use of substances, materials and devices, wherever located.

§ 27-97. Adoption of Fire Prevention Code. - The Board of Housing and Community Development is hereby empowered to adopt and promulgate a Statewide Fire Prevention Code which shall be cooperatively developed with the Fire Services Board pursuant to procedures agreed to by the two Boards. The Fire Prevention Code shall prescribe regulations to be complied with for the protection of life and property from the hazards of fire or explosion and shall provide for the administration and enforcement of such regulations. The Fire Prevention Code shall supersede fire prevention regulations heretofore adopted by local government or other political subdivisions. Local governments are hereby empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the

erection, alteration, repair, or use of a building or structure.

In formulating the Fire Prevention Code provisions, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations including, but not limited to, standards of the Southern Building Code Congress, the Building Officials and Code Administrators International, Inc., and the National Fire Protection Association. Such standards shall be based on the companion document to the model building code referenced by the Uniform Statewide Building Code. The Board may modify, amend or repeal any Code provisions as the public interest requires. Any such Code changes shall be developed in cooperation with the Fire Services Board pursuant to procedures agreed to by the two Boards.

§ 27-98. Enforcement of Fire Prevention Code; appeals from decisions of local enforcing agencies; inspection of buildings. - Any local government may enforce the Fire Prevention Code. The State Fire Marshal shall have authority to enforce the Code in those jurisdictions in which the local governments do not enforce the Code. The local governing body may establish such procedures or requirements as may be necessary for the administration and enforcement of the Code. Appeals concerning the application of the Code by the local enforcing agency shall first lie to a local board of appeals and then to the State Building Code Technical Review Board. Appeals from the application of the Code by the State Fire Marshal shall be made directly to the State Building Code Technical Review Board as provided in § 36-108 et seq. Fees may be levied by the local governing body in order to defray the cost of such enforcement and appeals.

§ 27-99. State buildings. - The Fire Prevention Code shall be applicable to all state-owned buildings and structures. Every agency, commission or institution of the Commonwealth shall permit, at all reasonable hours, a local fire official reasonable access to existing structures or a structure under construction or renovation, for the purposes of performing an



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informational and advisory fire safety inspection. The local fire official may 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 sixty days of receipt of such findings and recommendations, the State Fire Marshal and the local fire official of the corrective measures taken to eliminate the hazards reported by the local fire official. The State Fire Marshal, or his deputy, shall have the same power in the enforcement of this section as is provided for the enforcement of the Virginia Public Building Safety Law (§ 27-63 et seq.).

§ 27-100. Violation a misdemeanor. - It shall be unlawful for any owner or any other person, firm, or corporation, on or after the effective date of any Code provisions, to violate any provision of the Fire Prevention Code. Any such violation shall be deemed a Class 1 misdemeanor, and any owner, or any other person, firm, or corporation convicted of such violation shall be punished in accordance with the provisions of § 18.2-11.

§ 27-101. Injunction upon application. - Every court having jurisdiction under existing or any future law is empowered to and shall, upon the application of the local enforcing agency or State Fire Marshal, issue either a mandatory or restraining injunction in aid of the enforcement of, or in prevention of the violation of, any of the provisions of this law or any valid rule or regulation made in pursuance thereof. The procedure for obtaining any such injunction shall be in accordance with the laws then current governing injunctions generally except that the enforcing agency shall not be required to give bond as a condition precedent to obtaining an injunction.

## ADDENDUM 4

## STATE BUILDING CODE TECHNICAL REVIEW BOARD.

§ 36-114. Board to hear appeals from decisions under Building Code, Fire Prevention Code, and Industrialized Building Safety Law. - The Review Board shall have the power and duty to hear all appeals from decisions arising under application of the Building Code, the Fire Prevention Code adopted under the Statewide Fire Prevention Code Act (§ 27-94 et seq.), and the Industrialized Building Safety Law (§ 36-70 et seq.), and to render its decision on any such appeal, which decision shall be final if no appeal is made therefrom. Proceedings of the Review Board shall be governed by the provisions of the Administrative Process Act (§ 9-6.14:1 et seq.).

§ 36-118. Interpretation of Code; recommendation of modifications. - The Review Board shall interpret the provisions of the Building Code, the Fire Safety Code, and the Fire Prevention Code, and shall make such recommendations, which it deems appropriate, to the Board for modification, amendment or repeal of any such provisions. A record of all such recommendations, and of the Board's actions thereon, shall be kept in the office of the Review Board. Such record shall be open to public inspection at all times during business hours.

§ 36-119.1. Existing buildings. - This chapter shall not supersede state building regulations, heretofore or hereafter promulgated by the Board of Housing and Community Development under §§ 27-72 and 27-97 of the Code of Virginia, that prescribe standards to be complied with in existing buildings or structures, provided that such regulations shall not impose requirements that are more restrictive than those of the Uniform Statewide Building Code nor shall the Fire Prevention Code impose requirements that are more restrictive than the applicable building code under which said buildings or structures are

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constructed. Subsequent alteration, enlargement, repair, or conversion of the occupancy classification of such buildings and structures shall be subject to the Building Code.

## ADDENDUM 5

## FIREWORKS.

§ 59.1-142. When manufacture, transportation, sale, etc., of fireworks unlawful. - Except as otherwise provided in this chapter, it shall be unlawful for any person, firm or corporation to transport, manufacture, store, sell, offer for sale, expose for sale, or to buy, use, ignite or explode any firecracker, torpedo, skyrocket, or other substance or thing, 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, other than sparks or those fireworks excepted under the provisions of subsection (a) of § 59.1-147.

§ 59.1-143. Seizure and destruction of certain fireworks. - Any law-enforcement officer arresting any person for a violation of this chapter shall seize any article mentioned in § 59.1-142 in the possession or under the control of the person so arrested and shall hold the same until final disposition of any criminal proceedings against such person. If a judgement of conviction be entered against such person, the court shall order destruction of such articles upon expiration of the time allowed for appeal of such judgment of conviction.

§ 59.1-144. Permits for display of fireworks; sales for use thereunder. - The governing bodies of the several counties, cities and towns shall have the power to provide for the issuance of permits, upon application in writing, for the display of fireworks by fair associations, amusement parks, or by any organization or group of individuals, under such terms and conditions as they may prescribe. After such permit has been issued sales of fireworks may be made for use under such permit, and the association, organization or group to which it is issued

may make use of such fireworks under the terms and conditions of such permit.

§ 59.1-145. Penalty for violation. - Any person who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be punished by confinement in jail not to exceed twelve months, or by a fine not exceeding \$1,000, or both such fine and imprisonment.

§ 59.1-146. Exemptions generally. - This chapter shall have no application to any officer or member of the armed forces of this State, or of the United States, while acting within the scope of his authority and duties as such, nor to any offer of sale or sale of fireworks to any authorized agent of such armed forces; nor shall it be applicable to the sale or use of materials or equipment, otherwise prohibited by this chapter, 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.

§ 59.1-147. Chapter inapplicable to certain fireworks: such fireworks to be used only on private property. - (a) This chapter shall not apply to the use or the sale of sparklers, fountains, Pharoah's serpents, caps for pistols, or to pinwheels commonly known as whirligigs or spinning jennies;

(b) Provided, however the fireworks listed in paragraph (a) may only be used, ignited or exploded on private property with the consent of the owner of such property.

§ 59.1-148. Local ordinances not affected. - Nothing contained in this chapter shall apply to any ordinance prohibiting the sale, storage, use, possession or manufacture of fireworks heretofore or hereafter adopted by any county, city or town.

ADDENDUM 6

SMOKE DETECTORS FOR THE DEAF AND  
HEARING-IMPAIRED.

§ 36-99.5. Smoke detectors for the deaf and hearing-impaired. - Smoke detectors providing a light signal sufficient to warn a deaf or hearing impaired individual shall be provided, upon written request by the occupant to the landlord or proprietor, to any deaf or hearing-impaired occupant of any of the following occupancies, regardless of when constructed:

1. All dormitory buildings arranged for the shelter and sleeping accommodations of more than twenty individuals;

2. All multiple-family dwellings having more than two dwelling units, including all dormitories, boarding and lodging houses arranged for shelter and sleeping accommodations of more than five and not more than twenty individuals; or

3. All buildings arranged for use of one-family or two-family dwelling units, including not more than five lodgers or boarders per family.

A tenant shall be responsible for the maintenance and operation of the smoke detector in the tenant's unit.

A hotel or motel shall have available no fewer than one such smoke detector for each 100 units, except that this requirement shall not apply to any hotel or motel with fewer than fifty units.

The proprietor or landlord may require a refundable deposit for a smoke detector, not to exceed the original cost or replacement cost whichever is greater of the smoke detectors.

Failure to comply with the provisions of this section within a reasonable time shall be punishable as a Class 4 misdemeanor.

This law shall have no effect upon existing local law or regulation which exceeds the provisions prescribed herein.

