

1990 EDITION - FIRST AMENDMENT  
EFFECTIVE DECEMBER 1, 1991

# VIRGINIA STATEWIDE FIRE PREVENTION CODE



COMMONWEALTH OF VIRGINIA  
BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

\$5.00



1990 EDITION

VIRGINIA STATEWIDE FIRE PREVENTION CODE

VR 394-01-06

Adopted by the State

Board of Housing and Community Development

Effective December 1, 1991

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and Community Development

Issued by the  
Division of Building Regulation  
Department of Housing and Community Development  
205 North Fourth Street  
Richmond, Virginia 23219



## SUMMARY

The Code of Virginia directs the Board of Housing and Community Development to adopt a mandatory Statewide Fire Prevention Code (SFPC). The SFPC provides statewide standards 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, including explosives and blasting agents. Local governments are authorized to adopt fire prevention regulations that are more restrictive or more extensive in scope than the SFPC provided such regulations do not affect the manner of construction, or the materials to be used in the erection, alteration, repair, or use of a building or structure. Any provision of the SFPC which is in conflict with the USBC (Volume I or II), or any other applicable laws of the Commonwealth, is invalid.

Enforcement of the SFPC by local governments is optional. The State Fire Marshal is authorized to enforce the SFPC in those jurisdictions in which the local governments do not enforce the code. The regulation contains enforcement procedures that must be used by the enforcing agency. An administrative appeals system is also established to resolve any disagreements that may occur between the enforcing agency and the aggrieved party.

## USE OF NATIONALLY RECOGNIZED MODEL CODES AND STANDARDS

The Board bases the technical requirements of the 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 SFPC. Information on how to present proposals to the model code and standards organizations is available from:

Code Development Office  
Department of Housing and Community Development  
205 North Fourth Street  
Richmond, Virginia 23219-1747  
Telephone: (804) 371-7772

#### **FUTURE EDITIONS**

State law requires the Board of Housing and Community Development to keep the SFPC up-to-date. The Board plans to do this by updating the SFPC 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 Code Development Office.

#### **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 referenced 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 22, S P R Building  
70 Main Street  
Warrenton, Virginia 22186  
(703) 347-7623

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

Suite 223, Koger Building, No. 5  
Koger Executive Center  
Norfolk, Virginia 23502  
(804) 455-3820

Room 101, Fourth Street Office Building  
205 North Fourth Street  
Richmond, Virginia 23219-1747  
(804) 786-8021

Commonwealth Building, Suite B-40  
212 Church Avenue, S.W.  
Roanoke, Virginia 24011  
(703) 857-7360

## 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 Code Development Office.

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## NOTE TO STATEWIDE FIRE PREVENTION CODE USERS

This edition of the SFPC contains, for the benefit and convenience of code users, a single line in the outside margins of some pages.

The line indicates text which differs from the previous edition.

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**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, SFPC or code, shall mean the 1990 edition of the Virginia Statewide Fire Prevention Code.

**F-100.2. Authority:** The SFPC 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 of the Code of Virginia.

**F-100.3. Adoption:** The SFPC was adopted by order of the Board of Housing and Community Development on January 28, 1991. 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 SFPC shall become effective on April 15, 1991.

**F-100.5. Effect on other codes:** The SFPC shall apply to all buildings and structures as defined in the Uniform Statewide Building Code Law, Chapter 6, Title 36, Code of Virginia. The SFPC shall supersede the fire prevention regulations previously 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, or applicable laws of the Commonwealth, that provision of the SFPC shall become invalid. Wherever the words "building code" appear it shall mean the building code in effect at the time of construction.

**F-100.6. Purpose:** The purpose of the SFPC 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, including explosives and blasting agents, wherever located.

**F-100.7. Application to post-Uniform Statewide Building Code (USBC) buildings:** Egress facilities, fire protection, built-in fire protection equipment, and other fire safety features in such buildings shall be maintained in accordance with the requirements of the USBC in effect at the time the building or structure was constructed.

**F-100.8. Application to pre-Uniform Statewide Building Code (USBC) buildings:** Pre-USBC buildings are those buildings that were not subject to the USBC when constructed. Such buildings shall be maintained in accordance with the Virginia Public Building Safety Regulations (VR 394-01-05) which are hereby incorporated into this code by reference, and other applicable requirements of this code.

Note: The Virginia Public Building Safety Regulations (VR 394-01-05), which were formerly contained in Addendum 2 of this code, are available from the Professional Services Office (DHCD), 205 North Fourth Street, Richmond, VA 23219-1747.

**F-100.9. Special provisions:** The fire official shall require that buildings subject to the requirements of Section 109.0 of the Uniform Statewide Building Code, Volume II - Building Maintenance Code, 1990 Edition, shall comply with the provisions of that section.

**F-100.10. Exemptions for farm structures:** Farm structures not used for residential purposes shall be exempt from the provisions of the SFPC.

#### **SECTION F-101.0. REFERENCED STANDARDS AND AMENDMENTS.**

**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 SFPC.

The BOCA National Fire Prevention Code/1990 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 standards that relate to administrative and enforcement matters are deleted and replaced by Article 1 of the SFPC.

**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/1990 Edition.

**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.

### SECTION F-102.0. ENFORCEMENT AUTHORITY.

**F-102.1. Enforcement:** Any local government may enforce the SFPC. The local governing body may assign responsibility for enforcement of the SFPC to the local agency or agencies of its choice. The State Fire Marshal shall have authority to enforce the SFPC in jurisdictions in which the local governments do not enforce the code. The State Fire Marshal's office shall be notified by the local government when the fire official has been appointed. The terms "enforcing agency" and "fire official" apply to the agency or agencies responsible for enforcement. The terms "building official" or "building department" apply only to the local building official or building department.

**F-102.1.2. Modifications to the Virginia Public Building Safety Regulations:** In those localities enforcing the SFPC, the fire official shall have the same authority to grant modifications of the Virginia Public Building Safety Regulations as is delegated to the Chief Fire Marshal.

**F-102.2. Qualifications:** The local government shall establish qualifications for the fire official and assistants.

Note: It is recommended that the fire official have at least five years of fire prevention experience. The certification programs offered by the Department of Housing and Community Development, Department of Fire Programs, and ETS/NFPA should be considered when establishing qualifications.

**F-102.3. Maintenance inspections:** The fire official may inspect all buildings, structures and premises to assure compliance with this code or any other ordinance affecting fire safety.

**Exceptions**

1. Single family dwellings.
2. Dwelling units in multi-family dwellings.

**F-102.4. Right of entry:** The fire official may enter any structure or premises when there is reasonable cause to believe that an unsafe condition exists. Proper credentials shall be presented before entering occupied structures or premises. Legal assistance may be requested if entry is refused.

**F-102.5. Coordinated inspections:** The fire official shall coordinate inspections and administrative orders with any other state and local agencies having related inspection authority, and shall coordinate with the local building department on those inspections required by the USBC, Volume I, for new construction, when involving provisions of the BOCA National Fire Prevention Code, so that the owners and occupants will not be subjected to numerous inspections or conflicting orders. Whenever the fire official or an authorized representative observes an apparent or actual violation of the provisions of another law, ordinance or code, 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 measures.

Note: Section 110.6 of the USBC, Volume I, requires the building official to coordinate those inspections with the local fire official.

**F-102.6. Records:** The local fire official shall keep records of fires, inspections, notices, orders issued, and other matters as directed by the local government. Fire records shall include information as to the cause, origin and the extent of damage. Records may be disposed of in accordance with the provisions of the Virginia Public Records Act, (a) after twenty years in the case of arson fires, (b) after five years in non-arson fires, and (c) after three years in the case of all other reports, notices, and orders issued.

**F-102.7. Relief from personal responsibility:** 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 SFPC 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 SFPC 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. Local regulations:** Local governments 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.

**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 SFPC.

**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 SFPC as provided herein and as interpreted by the State Building Code

Technical Review Board in accordance with Section 36-118 of the Code of Virginia.

**F-103.2. Notices and orders:** The fire official shall issue all necessary notices or orders to ensure compliance with the SFPC.

**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 this code.

#### SECTION F-104.0. PERMITS.

**F-104.1. General:** The fire official may require notification prior to activities involving the handling, storage or use of substances, materials or devices regulated by the SFPC; or to conduct processes which produce conditions hazardous to life or property; or to establish a place of assembly.

**F-104.1.1. State permits:** The State Fire Marshal will not issue permits under the Statewide Fire Prevention Code except that annual permits shall be issued under Article 26, Explosives, Ammunition and Blasting Agents.

**F-104.1.2. Local permits:** In those jurisdictions that enforce the SFPC, the Fire Official shall issue permits as required by Article 26, Explosives, Ammunition and Blasting Agents.

**F-104.2. Permits required:** The local fire official may require permits to be obtained as specified in the model code. Permits shall be made available to the fire official upon request.

**F-104.3. Application for permit:** Application for a permit shall be made on forms prescribed by the local fire official.

**F-104.4. Issuance of permits:** Before a permit is issued, the local fire official shall make 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 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 of time specified on the permit. Permits are not transferable.

**F-104.6. Approved plans:** Plans approved by the fire 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.

**F-104.7. Revocation of permit:** The local fire 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.

**F-104.8. 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.

**F-104.9. Fees:** Fees may be levied by the enforcing agency in order to defray the cost of enforcement and appeals. The fees listed in Table F-104.9 shall be levied on those permits issued in accordance with F-104.1.1 .

Table F-104.9.  
**FEE SCHEDULE FOR EXPLOSIVES PERMITS  
 ISSUED BY THE STATE FIRE MARSHAL.**

Type of Permit	Fee
To possess, store or dispose of explosives or blasting agents	\$50.00 per year
To use explosives or blasting agents	\$75.00 per year

**SECTION F-105.0. LOCAL BOARD OF APPEALS.**

**F-105.1. Local Board of Appeals:** Each local government shall have a

local Board of Appeals as required by Section 27-98 of the Code of Virginia; or it shall enter into an agreement with the governing body of another county or municipality or with some other agency, or a state agency approved by the Department of Housing and Community Development to act on appeals.

**F-105.2. Membership:** The local Board of Appeals shall consist of at least five members appointed by the local government. Members may be reappointed.

Note: In order to provide continuity, it is recommended that the terms of the local Board members be staggered so that less than half of the terms expire in any one year.

**F-105.3. Qualifications of Board members:** Board members shall be qualified by experience and training to rule on matters pertaining to building construction and fire prevention. Employees or officials of the local government appointing the Board shall not serve as Board members.

**F-105.4. Officers of the Board:** The Board shall select one of its members to serve as chairman. The agency enforcing the SFPC shall designate an employee from its agency to serve as secretary to the Board. The secretary shall keep a detailed record of all proceedings in accordance with Section F-102.6.

**F-105.5. Alternates and absence of members:** The local government may appoint alternate members who may sit on the Board in the absence of any regular members of the Board and, while sitting on the Board, shall have the full power and authority of the regular member. A procedure shall be established for use of alternate members in case of absence of regular members.

**F-105.6. Control of conflict of interest:** A member of the Board shall not vote on any question involving their business or personal interests.

**F-105.7. Notice of meeting:** The Board shall meet upon notice of the chairman or at stated periodic meetings if warranted by the volume of work. The Board shall meet within 30 calendar days of the filing of an appeal.

**F-105.8. Application for appeal:** The owner or occupant of any building, structure or premises may appeal a decision of the fire official, by submitting written application within 10 calendar days of the decision, when it is claimed that:

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

**F-105.9. Hearing open to public:** All hearings shall be open to the public and conducted in accordance with the applicable provisions of the Administrative Process Act, Section 9-6.14:1 of the Code of Virginia.

**F-105.10. Postponement of hearing:** When a quorum (over 50%) of the Board, as represented by members or alternates, is not present to consider a specific appeal, either the appellant, the fire official or their representatives may, prior to the start of the hearing, request a single postponement of the hearing of up to 14 calendar days.

**F-105.11. Decision:** A vote equivalent to a majority of the quorum of the Board is required to reverse or modify the decision of the fire official. Every action of the Board shall be by resolution. Certified copies shall be furnished to the appellant and to the fire official.

**F-105.12. Enforcement of decision:** The fire official shall take immediate action in accordance with the decision of the Board.

#### **SECTION F-106.0. APPEAL TO THE STATE BUILDING CODE TECHNICAL REVIEW BOARD.**

**F-106.1. 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 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-106.2. Appeal of decision of State Fire Marshal:** Appeals concerning the application of the code by the State Fire Marshal shall be made directly to the State Building Code Technical Review Board.

**F-106.3. Control of conflict of interest:** A member of the Board shall not vote on any question involving their business or personal interests.

**F-106.4. 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-106.5. 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, Section 9-6.14:1 of the Code of Virginia.

#### **SECTION F-107.0. UNSAFE CONDITIONS.**

**F-107.1. General:** The fire 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 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, liable to interfere with the 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-107.2. Maintenance:** The owner shall be responsible for the safe and proper maintenance of any building, structure, premises or lot. In all new and existing buildings and 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.

Note: Also see Sections F-501.4 and F-501.4.1 of this code for further information.

**F-107.3. 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-107.4. 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 under the provisions of the USBC, Volume I - New Construction Code or Volume II - Building Maintenance Code, to secure abatement by repair and rehabilitation or by demolition.

**F-107.5. 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 the building, structure or premises. All notified occupants shall immediately leave the building, structure or premises and no person shall enter until authorized to do so by the fire official.

**F-107.6. Unlawful continuance:** It is deemed a violation of the SFPC 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-107.7. Notice of violation:** Whenever the fire official observes a violation of this code or ordinance under the fire official's 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-107.8. 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 any notice of violation which is not complied with in the specified time or require removal or termination of the unlawful use of the building or structure. 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-107.9. Issuing summons for violation:** If certified in accordance with Section 27-34.2 of the Code of Virginia, the fire official may issue a summons in lieu of the notice of violation.

**F-107.10. 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-107.11. Abatement of violation:** Conviction of a violation of the SFPC shall not preclude the institution of appropriate legal action to require correction or abatement of the violation or to prevent other violations or recurring violations of the SFPC relating to use of the building or premises.



**AMENDMENTS TO THE BOCA NATIONAL FIRE  
PREVENTION CODE/1990 EDITION.**

As provided in Section F-101.3 of the SFPC, the amendments noted in this Addendum shall be made to the BOCA National Fire Prevention Code/1990 edition for use as part of the SFPC.

**ARTICLE 1.  
ADMINISTRATION AND ENFORCEMENT.**

1. Article 1, Administration and Enforcement, is deleted in its entirety and replaced with Article 1 of the SFPC.

**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 USBC, they shall have the meanings defined by the USBC.

2. Change the following definitions in Section F-201.0 General Definitions to read:

"Blasting agent" means any explosive material that has been tested and approved in accordance with the provisions of DOT 49 CFR which includes that the finished product, as mixed for use and shipment, cannot be detonated by a No. 8 test blasting cap when unconfined.

"Building code official" means the designated authority charged with the administration and enforcement of the USBC, Volume I - New Construction Code.

"Code official" means the designated authority charged with the administration and enforcement of the USBC, Volume II - Building Maintenance Code.

Note: when "code official" appears in the BOCA National Fire Prevention Code, it shall mean "fire official".

"Explosive" means any chemical compound, mixture or device, the

primary or common purpose of which is to function by explosion. The term "explosive" includes all materials classified as Class A, Class B, or Class C explosives by DOT regulations and includes, but is not limited to, dynamite, black powder, pellet powders, smokeless powder, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse igniters, fuse lighters, squibs, cordeau detonate fuse, instantaneous fuse, igniter cord and igniters.

"Fireworks" means 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 Pharaoh's Serpents provided, however, these permissible items may only be used, ignited or exploded on private property with the consent of the owner of such property.

"Structure" means 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:

"Agricultural blasting" means any blasting operation which is conducted on no less than five acres of real estate devoted to agricultural or horticultural use as defined in Section 58.1-3230 of the Code of Virginia.

"Blaster" or "shot firer" means that qualified person in charge of, and responsible for, the loading and firing of an explosive or blasting agent.

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

"Fire official" means the designated authority charged with the administration and enforcement of the SFPC.

"Peak particle velocity" means the maximum component of the three mutually perpendicular components of motion at a given point.

"Propellant-actuated power device" means any tool or special mechanized device or gas generator system which is actuated by a propellant or which releases and directs work through a propellant charge. (See special industrial explosive device.)

"Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight (and that of its own load) rests upon or is carried by another vehicle.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Transport" or "transportation" means any movement of property by any mode, and any packing, loading, unloading, identification, marking, placarding, or storage incidental thereto.

4. Delete the following definitions from Section F-201.0 General Definitions:

Liquefied petroleum gas (LP-gas or LPG)

Liquefied petroleum gas equipment

### 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.

2. Delete Section F-318.0, Fire Safety During Construction, Alteration and Demolition.

**ARTICLE 4.  
HAZARD ABATEMENT IN EXISTING BUILDINGS.**

1. Delete Article 4, Hazard Abatement in Existing Buildings, as it is covered by Sections F-100.7 and F-100.8 of the SFPC and Volume I and Volume II of the USBC.

**ARTICLE 5.  
FIRE PROTECTION SYSTEMS.**

1. Add new Section F-518.0, Smoke Detectors for the Deaf and Hearing-impaired to read:

**SECTION F-518.0. SMOKE DETECTORS FOR THE DEAF  
AND HEARING-IMPAIRED.**

**F-518.1. 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 of the Code of Virginia; however, all visual alarms shall provide a minimum intensity of 100 candela. Portable alarms meeting these requirements shall be acceptable.

**ARTICLE 7.  
EMERGENCY PLANNING AND PREPAREDNESS.**

1. Add new Section F-706.4, Fire Exit Drills, to read:

**F-706.4. 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.

**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. Article 26, Explosives, Ammunition and Blasting Agents, is deleted in its entirety and replaced with Article 26 of the SFPC, as follows:

### SECTION F-2600.0. GENERAL

**F-2600.1. Scope:** The equipment, processes and operations involving the manufacture, possession, storage, sale, transportation and use of explosives and blasting agents shall comply with the applicable requirements of this code and the provisions of this article and shall be maintained in accordance with NFIPA 495, NFIPA 498, and DOT 49CFR listed in Appendix A except as herein specifically exempted or where provisions of this article do not specifically cover conditions and operations; and with the Institute of Makers of Explosives (IME) Safety Library Publications; and Regulations Governing the Transportation of Hazardous Materials as promulgated by the Virginia Waste Management Board and with the Virginia Motor Carrier regulations.

**F-2600.2. Exceptions:** Nothing in this article shall be construed as applying to the following explosive uses:

1. The Armed Forces of the United States or of a state.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The sale or use of fireworks which are regulated by Article 27
4. Laboratories engaged in testing explosive materials.
5. The possession, storage and use of not more than 5 pounds (2.27 kg) of smokeless powder, black powder, and 1000 small arms primers for hand loading of small arms ammunition for personal use.
6. The manufacture, possession, storage and use of not more than 5 pounds (2.27 kg) of explosives or blasting agents in educational, governmental or industrial laboratories for instructional or research purposes when under the direct supervision of experienced, competent persons.
7. The transportation and use of explosives or blasting agents by the United States Department of Alcohol, Tobacco and Firearms, the United States Bureau of Mines, the Federal Bureau of Investigation, the United States Secret Service, the Virginia Department of State Police, or qualified fire and law enforcement officials acting in their official capacity in the discharge of their duties; nor to the storage, handling, or use

of explosives or blasting agents pursuant to the provisions of Title 45.1 of the Code of Virginia (Department of Mines, Minerals and Energy).

**F-2600.3. Permit required:** A permit shall be obtained from the code official for any of the following conditions or operations:

1. To possess, store, or otherwise dispose of explosives or blasting agents.
2. To use explosives or blasting agents:
  - a. A permit shall be issued for each project.
  - b. The permit shall specify the type of blasting and any special conditions. To the extent that blasting will occur within any waters of the Commonwealth or in any of the waters under its jurisdiction, evidence of a valid Marine Resources Commission permit, or "no permit necessary" authorization, will be required.
3. To operate a terminal for handling explosives or blasting agents.
4. To manufacture explosives or blasting agents (providing the following conditions are met):
  - a. Registration with the Department of Housing and Community Development;
  - b. Valid license from the Bureau of Alcohol, Tobacco and Firearms; and
  - c. Valid license to do business in the Commonwealth of Virginia.
5. To sell explosives and blasting agents (providing the following conditions are met):
  - a. Registration with the Department of Housing and Community Development;
  - b. Valid license from the Bureau of Alcohol, Tobacco and Firearms; and
  - c. Valid license to do business in the Commonwealth of Virginia.

**Exception:** Annual permits for the use of explosives shall be issued to any state regulated public utility.

**F-2600.3.1. Prohibited permits:** Permits as required above shall not be issued for:

1. Liquid nitroglycerin and nitrate esters.
2. Dynamite (except gelatin dynamite) containing over 60 percent of liquid explosive ingredient.
3. Leaking, damaged, or defective packages or containers of high explosives.
4. Nitrocellulose in a dry and uncompressed condition to be shipped or transported.
5. Fulminate of mercury in a dry condition and fulminate of all other metals in any condition.

**Exception:** Fulminate of metals which is a component of manufactured articles not otherwise forbidden.

6. Explosive compositions that ignite spontaneously or undergo marked decomposition, rendering the products or their use more hazardous, when subjected for 48 consecutive hours or less to a temperature of 167 degrees F. (75 degrees C.).
7. New explosives until approved by DOT 49CFR listed in Appendix A, except for permits issued to educational, governmental or industrial laboratories for instructional or research purposes.
8. Explosives forbidden by DOT 49CFR listed in Appendix A.
9. Explosives not packed or marked in accordance with the requirements of DOT 49CFR listed in Appendix A.
10. Explosives containing an ammonium salt and a chlorate.

**F-2600.4. Certification required:** The use of explosive materials shall be conducted or supervised on-site by blasters certified in accordance with Part IV of the Virginia Certification Standards for Building and Amusement Device Inspectors, Blasters and Tradesmen. The blaster shall carry proof of certification during the loading or firing of explosive materials.

**Exception:** Individuals conducting agricultural blasting operations on their own property.

**F-2600.4.1. Certification fee:** The Department of Housing and Community Development shall charge a \$20.00 fee to applicants for certification as a blaster.

**F-2600.5. Liability insurance:** The company or individual applying for a permit to blast, manufacture, or sell explosives shall provide proof of insurance in an amount determined by the fire official but in no case less than \$500,000.00.

**Exception:** Liability insurance shall not be required with an agricultural blasting permit when the blast is conducted on the applicant's personal property.

#### SECTION F-2601.0. GENERAL REQUIREMENTS.

**F-2601.1. Storage:** The storage of explosives and blasting agents is prohibited within the legal geographic boundaries of any district where such storage is prohibited by the authority having jurisdiction.

**Exception:** Temporary storage for use in connection with approved blasting operations, provided, however, this prohibition shall not apply to wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive actuated power tools in quantities involving less than 500 pounds (227 kg) of explosive material.

**F-2601.2. Sale and display:** Explosives shall not be sold, given, delivered, or transferred to any person or company not in possession of a valid permit. A person shall not sell or display explosives or blasting agents on highways, sidewalks, public property or in places of public assembly or education.

#### SECTION F-2602.0. STORAGE OF EXPLOSIVE MATERIALS.

**F-2602.1. General:** Explosives, including special industrial high explosive materials, shall be stored in magazines which meet the requirements of this article. This shall not be construed as applying to wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive-actuated power tools in quantities involving less than 500 pounds (227 kg) of explosive material. Magazines shall be in the custody of a competent person at all times who shall be at least 21 years of age, and who shall be held responsible for compliance with all safety precautions.

**F-2602.2. Control in wholesale and retail stores:** Explosive materials shall not be stored within wholesale or retail stores. The storage of explosives for wholesale and retail sales shall be in approved outdoor magazines except that not more than 50 pounds of black or smokeless powder may be stored in a Type 4 indoor magazine.

**F-2602.3. Magazine clearances:** Magazines shall be located away from inhabited buildings, passenger railways, public highways and other magazines in conformance with Table F-2602, except as provided in Section F-2602.2.

**F-2602.4. Magazine construction:** Magazines shall be constructed and maintained in accordance with IME publication #1.

**F-2602.4.1. Magazine heat and light:** Magazines shall not be provided with artificial heat or light, except that if artificial light is necessary, an approved electric safety flashlight or safety lantern shall be used.

**F-2602.5. Safety precautions:** Smoking, matches, open flames, spark producing devices and firearms shall be prohibited inside or within 50 feet (15.24m) of magazines. Combustible materials shall not be stored within 50 feet (15.24m) of magazines.

**F-2602.5.1. Surrounding terrain:** The land surrounding magazines shall be kept clear of brush, dried grass, leaves, trash and debris for a distance of at least 25 feet (7.62 m).

**F-2602.5.2. Locking security:** Magazines shall be kept locked except when being inspected or when explosives are being placed therein or being removed therefrom.

**F-2602.5.3. Magazine housekeeping:** Magazines shall be kept clean, dry and free of grit, paper, empty packages or rubbish.

**F-2602.5.4. Separation of detonators and explosives:** Blasting caps, electric blasting caps, detonating primers and primed cartridges shall not be stored in the same magazine with other explosives.

Table F-2602  
TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVES

QUANTITY OF EXPLOSIVE MATERIALS (Notes 1,2,3,4)		DISTANCES IN FEET													
Pounds Over	Pounds Not Over	Inhabited Buildings(9)				Public Highways Class A to D(11)				Passenger Railways-Public Highways with Traffic Volume of more than 3,000 Vehicles/Day(10,11)				Separation of Magazines(12)	
		Barri-caded (6,7,8)	Unbarri-caded	Barri-caded (6,7,8)	Unbarri-caded	Barri-caded (6,7,8)	Unbarri-caded	Barri-caded (6,7,8)	Unbarri-caded	Barri-caded (6,7,8)	Unbarri-caded	Barri-caded (6,7,8)	Unbarri-caded	Barri-caded (6,7,8)	Unbarri-caded
2	5	70	140	30	60	51	102	6	12						
5	10	90	180	35	70	64	128	8	16						
10	20	110	220	45	90	81	162	10	20						
20	30	125	250	50	100	93	186	11	22						
30	40	140	280	55	110	103	206	12	24						
40	50	150	300	60	120	110	220	14	28						
50	75	170	340	70	140	127	254	15	30						
75	100	190	380	75	150	139	278	16	32						
100	125	200	400	80	160	150	300	18	36						
125	150	215	430	85	170	159	318	19	38						
150	200	235	470	95	190	175	350	21	42						
200	250	255	510	105	210	189	378	23	46						
250	300	270	540	110	220	201	402	24	48						
300	400	295	590	120	240	221	442	27	54						
400	500	320	640	130	260	238	476	29	58						
500	600	340	680	135	270	253	506	31	62						
600	700	355	710	145	290	266	532	32	64						
700	800	375	750	150	300	278	556	33	66						
800	900	390	780	155	310	289	578	35	70						
900	1,000	400	800	160	320	300	600	36	72						
1,000	1,200	425	850	165	330	318	636	39	78						
1,200	1,400	450	900	170	340	336	672	41	82						

1,400	1,600	940	175	350	351	702	43	86
1,600	1,800	980	180	360	366	732	44	90
1,800	2,000	1,010	185	370	378	756	45	90
2,000	2,500	1,090	190	380	408	816	49	98
2,500	3,000	1,160	195	390	432	864	52	104
3,000	4,000	1,270	210	420	474	948	58	116
4,000	5,000	1,370	225	450	513	1,026	61	122
5,000	6,000	1,460	235	470	546	1,092	65	130
6,000	7,000	1,540	245	490	573	1,146	68	136
7,000	8,000	1,600	250	500	600	1,200	72	144
8,000	9,000	1,670	255	510	624	1,248	75	150
9,000	10,000	1,730	260	520	645	1,290	78	156
10,000	12,000	1,750	270	540	687	1,374	82	164
12,000	14,000	1,770	275	550	723	1,446	87	174
14,000	16,000	1,800	280	560	756	1,512	90	180
16,000	18,000	1,800	285	570	786	1,572	94	188
18,000	20,000	1,950	290	580	813	1,626	98	196
20,000	25,000	2,000	315	630	876	1,752	105	210
25,000	30,000	2,000	340	680	933	1,866	112	224
30,000	35,000	2,000	360	720	981	1,962	119	238
35,000	40,000	2,000	380	760	1,026	2,000	124	248
40,000	45,000	2,000	400	800	1,068	2,000	129	258
45,000	50,000	2,000	420	840	1,104	2,000	135	270
50,000	55,000	2,000	440	880	1,140	2,000	140	280
55,000	60,000	2,000	455	910	1,173	2,000	145	290
60,000	65,000	2,000	470	940	1,206	2,000	150	300
65,000	70,000	2,000	485	970	1,236	2,000	155	310
70,000	75,000	2,000	500	1,000	1,263	2,000	160	320
75,000	80,000	2,000	510	1,020	1,293	2,000	165	330
80,000	85,000	2,000	520	1,040	1,317	2,000	170	340
85,000	90,000	2,000	530	1,060	1,344	2,000	175	350
90,000	95,000	2,000	540	1,080	1,368	2,000	180	360
95,000	100,000	2,000	545	1,090	1,392	2,000	185	370
100,000	110,000	2,000	550	1,100	1,437	2,000	195	390
110,000	120,000	2,000	555	1,110	1,479	2,000	205	410
120,000	130,000	2,000	560	1,120	1,521	2,000	215	430
130,000	140,000	2,000	565	1,130	1,557	2,000	225	450
140,000	150,000	2,000	570	1,140	1,593	2,000	235	470

150,000	160,000	1,935	2,000	580	1,160	1,629	2,000	245	490
160,000	170,000	1,965	2,000	590	1,180	1,662	2,000	255	510
170,000	180,000	1,990	2,000	600	1,200	1,695	2,000	265	530
180,000	190,000	2,010	2,000	605	1,210	1,725	2,000	275	550
190,000	200,000	2,030	2,000	610	1,220	1,755	2,000	285	570
200,000	210,000	2,055	2,000	620	1,240	1,782	2,000	295	590
210,000	230,000	2,100	2,100	635	1,270	1,836	2,000	315	630
230,000	250,000	2,155	2,155	650	1,300	1,890	2,000	335	670
250,000	275,000	2,215	2,215	670	1,340	1,950	2,000	360	720
275,000	300,000	2,275	2,275	690	1,380	2,000	2,000	385	770

Numbers in ( ) refer to explanatory notes

NOTE 1 - "Explosive materials" means explosives, blasting agents and detonators.

NOTE 2 - "Explosives" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. A list of explosives determined to be within the coverage of "18 U.S.C. Chapter 40, Importation, Manufacturer, Distribution and Storage of Explosive Materials" is issued at least annually by the Director of the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury. For quantity and distance purposes, detonating cord of 50 grains per foot should be calculated as equivalent to 8 lbs. of high explosives per 1,000 feet. Heavier or lighter core loads should be rated proportionately.

NOTE 3 - "Blasting agents" means any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive; provided, that the finished product, as mixed for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined.

NOTE 4 - "Detonator" means any device containing any initiating or primary explosive that is used for initiating detonation. A detonator may not contain more than 10 grams of total explosives by weight, excluding ignition or delay charges. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps which use detonating cord, shock tube, or any other replacement for electric leg wires. All types of detonators in strengths through No. 8 cap should be rated at 1 1/2 lbs. of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the manufacturer.

NOTE 5 - "Magazine" means any building, structure, or container, other than an explosives manufacturing building, approved for the storage of explosive materials.

NOTE 6 - "Natural Barricade" means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare at the time of the fire.

NOTE 7 - "Artificial Barricade" means an artificial mound or revetted wall of earth of a minimum thickness of three feet.

NOTE 8 - "Barricaded" means the effective screening of a building containing explosive materials from the magazine or other building, railway, or highway by a natural or an artificial barrier. A straight line from the top of any sidewall of the building containing explosive materials to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier.

NOTE 9 - "Inhabited Building" means a building regularly occupied in whole or part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.

NOTE 10 - "Railway" means any steam, electric, or other railroad or railway which carries passengers for hire.

NOTE 11 - "Highway" means any public street, public alley, or public road. "Public Highways Class A to D" are highways with average traffic volume of 3,000 or less vehicles per day as specified in "American Civil Engineering Practice" (Abbott, Vol 1, Table 46, Sec 3-74, 1956 Edition, John Wiley and Sons).

NOTE 12 - When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways, and, in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosive materials contained in detonator magazines shall govern in regard to the spacing of said detonator magazines from magazines containing other explosive materials. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosive materials stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways, and highways.

NOTE 13 - Storage in excess of 300,000 lbs. of explosive materials, in one magazine is generally not required for commercial enterprises.

NOTE 14 - This Table applies only to the manufacture and permanent storage of commercial explosive materials. It is not applicable to transportation of explosives or any handling or temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles, or other heavily encased explosives.

**F-2602.5.5. Explosive unpacking:** Metal or wooden packages of explosives shall not be unpacked or repacked in a magazine nor within 50 feet (15.24m) of a magazine.

**F-2602.5.6. Magazine contents:** Magazines shall not be used for the storage of any metal tools or of any commodity except explosives, but this restriction shall not apply to the storage of blasting agents, blasting supplies and oxidizers used in compound blasting agents.

**F-2602.6. Unstable explosives:** When an explosive has deteriorated to an extent that it is in an unstable or dangerous condition, or if liquid leaks from any explosive, then the person in possession of such explosive shall immediately report that fact to the code official and upon his approval shall proceed to destroy such explosives and clean floors stained with nitroglycerin or other such liquids in accordance with the instructions of the manufacturer. Only qualified, experienced persons shall do the work of destroying explosives.

Note: Disposal of explosives as a "waste" should be in accordance with the Department of Waste Management regulations.

**F-2602.7. Class I magazine warnings:** Property upon which Class I magazines are located shall be posted with signs reading "Explosives - Keep Off." Such signs shall be located so as to minimize the possibility of a bullet traveling in the direction of the magazine if anyone shoots at the sign.

**F-2602.8. Class II magazine warnings:** Class II magazines shall be painted red and shall bear lettering in white, on all sides and top at least 3 inches (76 mm) high, "Explosives - Keep Fire Away."

#### SECTION F-2603.0. TRANSPORTATION OF EXPLOSIVES.

**F-2603.1. General:** The transportation of explosive materials shall comply with applicable provisions of the Regulations Governing the Transportation of Hazardous Materials as promulgated by the Virginia Waste Management Board.

**F-2603.2. Enforcement:** The Department of State Police, together with all law enforcement and peace 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, Research and Special Programs, and Office of Hazardous Materials Transportations, in federal safety regulations and safety inspections procedures pertaining to the transportation of hazardous materials, shall enforce the provisions of this section. Those officers shall annually receive in-service training in current federal safety standards and safety inspection procedures pertaining to the transportation of hazardous materials.

#### **SECTION F-2604.0. STORAGE OF BLASTING AGENTS AND SUPPLIES.**

**F-2604.1. General:** Blasting agents or oxidizers, when stored in conjunction with explosives, shall be stored in the manner set forth in Section F-2602.0 for explosives. The quantity of blasting agents and one half the quantity of oxidizers shall be included when computing the total quantity of explosives for determining distance requirements.

**F-2604.2. Storage location:** Buildings used for storage of blasting agents separate from explosives shall be located away from inhabited buildings, passenger railways and public highways in accordance with Table F-2602.

**F-2604.3. Storage housekeeping:** The interior of buildings used for the storage of blasting agents shall be kept clean and free from debris and empty containers. Spilled materials shall be cleaned up promptly and safely removed. Combustible materials, flammable liquids, corrosive acids, chlorates, nitrates other than ammonium nitrate or similar materials shall not be stored in any building containing blasting agents unless separated therefrom by construction having a fire-resistance rating of not less than 1 hour. The provisions of this section shall not prohibit the storage of blasting agents together with non-explosive blasting supplies.

**F-2604.4. Trailer storage requirements:** Semitrailers or full trailers used for temporarily storing blasting agents shall be located away from inhabited buildings; passenger railways and public highways, in accordance with Table F-2602. Trailers shall be provided with substantial means for locking and trailer doors shall be kept locked

except during the time of placement or removal of blasting agents.  
F-2604.5. **Oxidizers and fuels:** Piles of oxidizers and buildings containing oxidizers shall be adequately separated from readily combustible fuels.

F-2604.6. **Oxidizer handling:** Caked oxidizer, either in bags or in bulk, shall not be loosened by blasting.

#### SECTION F-2605.0. HANDLING OF EXPLOSIVES.

F-2605.1. **Mixing blasting agents:** Buildings or other facilities used for mixing blasting agents shall be located away from inhabited buildings, passenger railways and public highways, in accordance with Table F-2602.

F-2605.2. **Quantity of mixing agents:** Not more than one day's production of blasting agents or the limit determined by Table F-2602, whichever is less, shall be permitted in or near the building or other facility used for mixed blasting agents. Larger quantities shall be stored in separate buildings or magazines.

F-2605.3. **Compounding standards:** Compounding and mixing of recognized formulations of blasting agents shall be conducted in accordance with NFiPA 495 and DOT 49CFR listed in Appendix A.

F-2605.4. **Ignition protection:** Smoking or open flames shall not be permitted within 50 feet (15.24m) of any building or facility used for the mixing of blasting agents.

F-2605.4.1. **Unpacking tools:** Tools used for opening packages of explosives shall be constructed of nonsparking materials.

**Exception:** Metal slitters may be used for opening paper and fiberboard containers.

F-2605.5. **Waste disposal:** Empty oxidizer bags shall be disposed of daily by burning in a safe manner (in an open area and at a safe distance from buildings or combustible materials).

F-2605.5.1. **Packing material disposal:** Empty boxes and paper and

fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved isolated location out of doors, and any person shall not be closer than 100 feet (30.48 m) during the course of said burning.

**F-2605.6. Control:** Explosives shall not be abandoned.

### **SECTION F-2606.0. BLASTING.**

**F-2606.1. Time:** Blasting operations shall be conducted during daylight hours except when otherwise approved.

**F-2606.2. Personnel:** The handling and firing of explosives shall be performed by the person certified as a blaster under Section F-2600.4 of this code or by employees under that person's direct on-site supervision who are at least 21 years old.

1. A person shall not handle explosives while under the influence of intoxicants or narcotics.
2. A person shall not smoke or carry matches while handling explosives or while in the vicinity thereof.
3. An open flame light shall not be used in the vicinity of explosives.

**F-2606.3. Clearance at site:** At the site of blasting operations, Class II magazines shall be located as far away as practicable from neighboring inhabited buildings, railways, highways, and other magazines.

**F-2606.4. Notice:** Whenever blasting is being conducted within 200 feet of gas, electric, water, fire, alarm, telephone, telegraph or steam utilities, the blaster shall notify the appropriate representatives of such utilities at least 24 hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notice shall be confirmed with written notice. This time limit shall not be waived except in an emergency as determined by the code official.

**F-2606.5. Responsibility:** Before a blast is fired, the person in charge shall make certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance or under sufficient cover, and a warning signal has been sounded.

**F-2606.6. Precautions:** Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radio or radar transmitters, lightning, adjacent power lines, dust storms or other sources of extraneous electricity. These precautions shall include:

1. The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electrical storm;
2. The posting of signs warning against the use of mobile radio transmitters on all roads within 350 feet (106.75m) of the blasting operations; and
3. Compliance with NFiPA 495 listed in Appendix A when blasting within 1-1/2 miles (2.41 km) of broadcast or highpower short wave radio transmitters.
4. Misfires shall be handled as directed by equipment manufacturers with no one entering the blasting site, except the blaster, until the loaded charges have been made to function or have been removed.

**F-2606.7. Congested areas:** As required by the fire official, when blasting is done in congested areas or in close proximity to a building, structure, railway, highway or any other installation susceptible to damage, the blast shall be covered before firing, with a mat or earth, or both, so that it is capable of preventing rock from being thrown into the air out of the blast area.

**F-2606.8. 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 fire official. These records 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.
5. Number of holes bored and spacing.
6. Diameter and depth of holes.
7. Type and amount of explosives.
8. Amount of explosives 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 detonators and delay periods.
14. Type and height of stemming.
15. Seismograph records where indicated.

## SECTION F-2607.0. STANDARDS FOR CONTROL OF AIRBLAST AND GROUND VIBRATION.

**F-2607.1. Airblast:** This section shall apply to airblast effects as recorded at the location of any private dwelling, public building, school, church, and community or institutional building not owned or leased by the person conducting or contracting for the blasting operation. If requested by a property owner registering a complaint and deemed necessary by the fire official, measurements of three consecutive blasts, using approved instrumentation, shall be made near the structure in question.

**F-2607.1.1. Maximum airblast:** The maximum airblast at any inhabited building, resulting from blasting operations, shall not exceed 130 decibels peak, or 140 decibels peak at any uninhabited building, when measured by an instrument having a flat frequency response (+3 decibels) over a range of at least 6 to 200 Hertz.

**F-2607.2. Ground vibration:** This section shall provide for limiting ground vibrations at structures that are neither owned nor leased by the person conducting or contracting for the blasting operation. Engineered structures may safely withstand higher vibration levels based on an approved engineering study upon which the fire official may then allow higher levels for such engineered structures.

Note: Each Table, F-2607A to F-2607C, has an increasing degree of sophistication and each can be implemented either by the fire official as a result of complaints or by the contractor to determine site specific vibration limits. The criteria in Tables F-2607 A, B, C and Section F-2607.3 are intended to protect low rise structures including dwellings.

Table 2607 A<sup>a</sup>  
CHARGE WEIGHT PER DELAY DEPENDENT ON DISTANCE

Distance to a Building		Weight of Explosives per Delay	Distance to a Building		Weight of Explosives per Delay
Feet over	Feet not over	Pounds	Feet over	Feet not over	Pounds
0	5	1/4	250	260	45
5	10	1/2	260	280	49
10	15	3/4	280	300	55
15	60	Note b	300	325	61
60	70	6	325	350	69
70	80	7 1/4	350	375	79
80	90	9	375	400	85
90	100	10 1/2	400	450	98
100	110	12	450	500	115
110	120	13 3/4	500	550	135
120	130	15 1/2	550	600	155
130	140	17 1/2	600	650	175
140	150	19 1/2	650	700	195
150	160	21 1/2	700	750	220
160	170	23 1/4	750	800	240
170	180	25	800	850	263
180	190	28	850	900	288
190	200	30 1/2	900	950	313
200	220	34	950	1000	340
220	240	39	1000	1100	375
240	250	42	1100	1200	435
			1200	1300	493

Note a. Over 60 feet this table is based upon the formula:  
 $W = D \cdot 1.5/90$

Note b. One tenth of a pound of explosive per foot of distance to a building.

**F-2607.2.1. Blasting without instrumentation:** Where no seismograph is used to record vibration effects, the explosive charge weight per delay (8 milliseconds or greater) shall not exceed the limits shown in Table F-2607A. When charge weights per delay on any single delay period exceed 520 lbs., then ground vibration limits for structures shall comply with Tables F-2607B, F-2607C, or Section F-2607.3.

**F-2607.2.2. Monitoring with instrumentation:** Where a blaster determines that the charge weights per delay given in Table F-2607A are too conservative, he may choose to monitor (at the closest

conventional structure) each blast with an approved seismograph and conform to the limits set by Tables F-2607B, F-2607C, or Section F-2607.3.

Note: From this point on the explosive charge weight per delay may be increased, but the vibration levels detailed in Tables F-2607B, F-2607C, or Section F-2607.3 shall not be exceeded.

Table 2607 B  
PEAK PARTICLE VELOCITY DEPENDENT ON DISTANCE

Distance		Peak Particle Velocity of Any One Component <sup>a</sup>
Feet over	Feet not over	Inches per second
0	100	2.00
100	500	1.50
500	1000	1.00
over	1000	0.75

Note a. The instrument's transducer shall be firmly coupled to the ground.

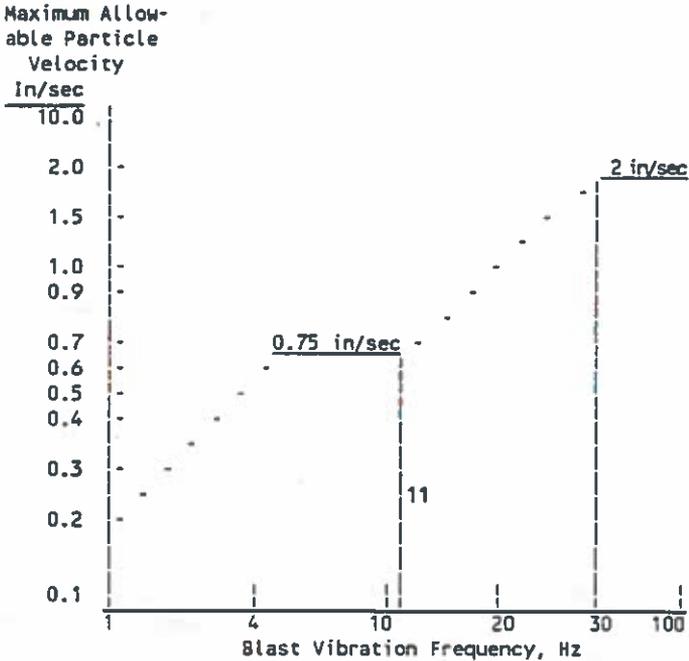
**F-2607.3. Response spectra:** A relative velocity of 1.5 inches per second or less, within the 4 to 12 Hertz range of natural frequencies for low rise structures, shall be recorded as determined from an approved response spectra.

**F-2607.4. Instrumentation:** A direct velocity recording seismograph capable of recording the continuous wave form of the three mutually perpendicular components of motion, in terms of particle velocity, shall be used and shall have the following characteristics:

1. Each seismograph shall have a frequency response from 2 to 150 Hertz or greater; a velocity range from 0.0 to 2.0 inches per second or greater; and shall adhere to design criteria for portable seismographs outlined in U.S. Bureau of Mines RI 5708, RI 6487, and RI 8506.
2. All field seismographs shall be capable of internal dynamic calibration and shall be calibrated according to the manufacturers' specifications at least once per year.
3. All seismographs shall be operated by competent people trained in their correct use and seismographs records shall be analyzed

and interpreted as may be required by the fire official.

Table 2607 C  
PARTICLE VELOCITY CRITERIA DEPENDENT ON FREQUENCY CONTENT



Note: This criteria is derived from the U.S. Bureau of Mines - RI 8507 (Appendix B) and provides a continuously variable particle velocity criteria dependent on the frequency content of the ground motion. The method of analysis shall be approved by the Fire Official and shall provide an analysis showing all the frequencies present over the 1 -50 Hertz range.

**F-2607.5. Seismographic records:** A record of each blast shall be kept. All records, including seismograph reports, shall be retained for at least three years and shall be available for inspection. Records shall include the following information:

1. Name of company or contractor.
2. Location, date and time of blast.
3. Name, signature and social security number of blaster in charge.

4. Type of material blasted.
5. Number of holes bored and spacing.
6. Diameter and depth of holes.
7. Type of explosives used.
8. Total amount of explosives used.
9. Maximum amount of explosives per delay period of 8 milliseconds or greater.
10. Method of firing and type of circuit.
11. Direction and distance in feet to nearest dwelling house, public building, school, church, commercial or institutional building neither owned nor leased by the person conducting the blasting.
12. Weather conditions including such factors as wind direction, etc.
13. Height or length of stemming.
14. Type of protection, such as mats, that were used to prevent flyrock.
15. Type of detonators used and delay period used.
16. The exact location of the seismograph, and the distance of the seismograph from the blast.
17. Seismograph readings, where required, shall contain:
  - a. Name and signature of person operating the seismograph.
  - b. Name of person analyzing the seismograph records.
  - c. Seismograph reading.
18. The maximum number of holes per delay period of 8 milliseconds or greater.

#### **SECTION F-2608.0. THEFT OR DISAPPEARANCE OF EXPLOSIVES.**

**F-2608.1. Reports of stolen explosives:** Pursuant to Section 27-97.1 of the Code of Virginia, 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 State Police and the local law enforcement agency any theft or other disappearance of any explosives or blasting devices from their inventory. In addition, notification shall be made to the fire official having issued the permit.

**F-2608.2. Reports of injuries or property damage:** The fire official shall be immediately notified of injuries to any person or damage to any property as a result of the functioning of the explosive.

**F-2608.3. Relationship of local fire official and State Fire Marshal:** The local fire official shall relay information obtained from reports required by Sections F-2608.1 and F-2608.2 to the Office of the State Fire Marshal.

**ARTICLE 27.  
FIREWORKS.**

1. Change Section F-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 59.1, of the Code of Virginia.

2. Delete Section F-2701.1 General.

3. Delete Section F-2701.3 Exemptions.

**ARTICLE 28.  
FLAMMABLE AND COMBUSTIBLE LIQUIDS.**

1. Change Section F-2803.5 to read as follows:

**F-2803.5. Fuel dispensing outside the building:** Fuel dispensers outside the building shall be located a minimum of 10 feet (3048 mm) from the lot line, and 5 feet (1524 mm) from any building opening. Where fuel is dispensed to motor vehicles, the motor vehicle being served shall be located on the premises.

**ARTICLE 30.  
LIQUEFIED PETROLEUM GASES.**

1. Change Section F-3000.1 as follows and delete the remainder of Article 30:

**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.



## ADDENDUM 2.

### RELATED LAWS.

(Excerpts from the Code of Virginia)

#### TITLE 27.

#### CHAPTER 3.

#### Local Fire Marshals.

**§ 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.

**§ 27-31. Investigation of fires.** - Such fire marshal shall make an investigation into the origin and cause of every fire occurring within the limits for which he was appointed, and for any such service he shall receive such compensation as the governing body may allow.

**§ 27-32. Summoning witnesses and taking evidence.** - In making such investigation the fire marshal may issue a summons directed to a sheriff or sergeant of any county, city or town commanding the officer to summon witnesses to attend before him at such time and place as he may direct. Any such officer to whom the summons is delivered, shall forthwith execute it, and make return thereof to the fire marshal at the time and place named therein.

Witnesses, on whom the summons before mentioned is served, may be compelled by the fire marshal to attend and give evidence, and shall be liable in like manner as if the summons had been issued by a justice of the peace in a criminal case. They shall be sworn by the fire marshal before giving evidence, and their evidence shall be reduced to writing by him, or under his direction, and subscribed by them respectively.

**§ 27-32.1. Right of entry to investigate cause of fire or explosion.** - If in making such an investigation, the fire marshal shall make complaint under oath that there is good cause of suspicion or belief that the burning of or explosion on any land, building or vessel or of any object was caused by any act constituting a crime as defined in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2 of the Code of Virginia and that he has been refused admittance to the land, building or vessel or to examine the object in or on which any fire or explosion occurred within fifteen days after the extinguishment of such, any justice of the peace of the city or county where the land, building, vessel or object is located may issue a warrant to the sheriff of the county or the sergeant of the city requiring him to enter such land, building or vessel or the premises upon which the object is located in the company of the fire marshal for the purposes of

conducting a search for evidence showing that such fire or explosion was caused by any act defined in Article 1 of Chapter 5, of Title 18.2 of the Code of Virginia.

**§ 27-32.2. Issuance of fire investigation warrant.** - If, in undertaking such an investigation, the fire marshal makes an affidavit under oath that the origin or cause of any fire or explosion on any land, building, or vessel, or of any object is undetermined and that he has been refused admittance thereto, or is unable to gain permission to enter such land, building, or vessel, or to examine such object, within fifteen days after the extinguishing of such, any magistrate of the city or county where the land, building, vessel, or object is located may issue a fire investigation warrant to the fire marshal authorizing him to enter such land, building, vessel, or the premises upon which the object is located for the purpose of determining the origin and source of such fire or explosion. If the fire marshal, after gaining access to any land, building, vessel, or other premises pursuant to such a fire investigation warrant, has probable cause to believe that the burning or explosion was caused by any act constituting a criminal offense, he shall discontinue the investigation until a search warrant has been obtained pursuant to § 27-32.1, or consent to conduct the search has otherwise been given.

**§ 27-33. Report of investigation.** - The fire marshal shall make report to the governing body by whom he was appointed of any investigation make by him as soon thereafter as practicable, returning therewith the evidence taken by him and submitting such recommendations therein as he may think the public interest demands.

**§ 27-34. Duties and powers at fires.** - Whenever any fire occurs, it shall be the duty of such fire marshal or his designated representative to be present at the same and advise and act in concert with such officers of police as may be present; and, for preserving order at and during the existence of such fire, and for the protection of property, he shall have concurrent powers with the officers of police, and the chief or other officer in charge, but shall not exercise any authority which will conflict with the powers of any chief or other officer in command of any fire department in the discharge of his special duties as such.

**§ 27-34.1. Power of fire marshal or fire chief to take property found at scene of fire or explosion; restitution of such property.** - The fire chief, fire marshal or his designated representative is authorized to take and preserve any property found at the scene of a fire or explosion during his presence there while in the act of extinguishing such or found later with the consent of the owner or pursuant to § 27-32.1, which property indicates the fire or explosion was intentionally caused. Any person whose property is so taken and held may petition the circuit court of the county or city in which the property was taken or judge in vacation, for return of the property, and the court may order restitution upon such conditions as are appropriate for preservation of evidence, including the posting of bond.

**§ 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 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 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 shall not be construed to authorize a fire marshal or his assistants to wear or carry firearms.

**§ 27-34.2:1. Police powers of fire marshals.** - In addition to such other duties as may be prescribed by law, the local fire marshal and those assistants appointed pursuant to § 27-36 designated by the fire marshal shall, if authorized by the governing body of the county, city or town appointing the local fire marshal, have the same police powers as a sheriff, police officer or law-enforcement officer. The investigation and prosecution of all offenses involving fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances and fire bombs shall be the responsibility of the fire marshal or his designee, if authorized by the governing body of the county, city or town appointing the local fire marshal. The police powers granted in this section shall not be exercised by any local fire marshal or assistant until such person has satisfactorily completed a course for fire marshals with police powers, designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, which course shall be approved by the Virginia Fire Services Board.

In addition, fire marshals with police powers shall continue to exercise those powers only upon satisfactory participation in in-service and advanced courses and programs designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, which courses shall be approved by the Virginia Fire Services Board.

**§ 27-34.3. Power to order immediate compliance with law, etc., or prohibit use of building or equipment.** - The local fire marshal shall, if authorized by the governing body of the county, city or town appointing him, have the authority to exercise the powers authorized by the Fire Prevention Code. 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 § 27-97, 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 § 27-97, the latter order shall prevail. The local fire marshal shall immediately report to the authorities identified in § 27-97 on the issuance and content of any order issued pursuant to this section.

**§ 27-34.4. Inspection and review of plans of building under construction.** - Inspection of buildings other than state-owned buildings under construction and the review and approval of building plans for these structures for enforcement of the Uniform Statewide Building Code shall 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 or official designated by the locality to enforce the Statewide Fire Prevention Code (§ 27-94 et seq.) in those localities which enforce the Statewide Fire Prevention Code.

**§ 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.

## CHAPTER 9.

### Statewide Fire Prevention Code Act.

**§ 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 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, including explosives and blasting agents, wherever located, heretofore or hereafter enacted or adopted by the Commonwealth or any county or municipality, including departments, boards, bureaus, commissions or other agencies.

"Fire Services Board" means the Virginia Fire Services Board as provided for in § 9-153.1.

"Inspection warrant" means an order in writing, made in the name of the Commonwealth, signed by any judge or magistrate whose territorial jurisdiction encompasses the building, structure or premises to be inspected or entered, and directed to a state or local official, commanding him to enter and to conduct any inspection, examination, testing or collection of samples for testing required or authorized by the Virginia Stateside Fire Prevention Code.

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

"State Fire Marshal" means the State Fire Marshal as provided for by § 36-139.2.

§ 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, including explosives and blasting agents, 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 for the handling, storage and use of explosives or blasting agents, and shall provide for the administration and enforcement of such regulations. The Fire Prevention Code shall require manufacturers of explosives, as defined in the Code, to register and report information concerning their manufacturing facilities and methods of operation within this Commonwealth in accordance with regulations adopted by

the Board. The Board shall also establish regulations for obtaining permits for the manufacturing, storage, handling, use, or sales of explosives. In the enforcement of such regulations, the enforcing agency may issue annual permits for such activities to any state regulated public utility. Such permits shall not apply to the storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1.

The Fire Prevention Code shall supersede fire prevention regulations heretofore adopted by local governments or other political subdivisions. Local governments are hereby empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure.

In formulating the Fire Prevention Code, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations including, but not limited to, standards of the Southern Building Code Congress, the Building Officials and Code Administrators International, Inc., the National Fire Protection Association, and recognized organizations issuing standards for the protection of the public from the hazards of explosives and blasting agents. Such standards shall be based on the companion document to the model building code referenced by the Uniform Statewide Building Code. The Fire Prevention Code shall require that buildings constructed prior to 1973 be maintained in accordance with state fire and public building regulations in effect prior to March 31, 1986. 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.

**§ 27-97.1. Reports of stolen explosives.** - Any person holding a permit for the manufacture, storage, handling, use or sale of explosives issued in accordance with the provisions of the Code shall report to the office of the chief arson investigator for the Commonwealth 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.

Failure to comply with the provisions of this section shall constitute a Class 1 misdemeanor punishable by the same penalties applicable to violations of the Fire Prevention Code.

**§ 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.

**§ 27-98.1. Inspections of buildings, structures, properties and premises.** - In order to carry out the purposes of the Code and any regulations or standards adopted in pursuance thereof, the local fire official, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized, with the consent of the owner, operator, or agent in charge to enter a building, structure, property or premises for the purpose of conducting an inspection, examination, testing, or collection of samples for testing, during regular working hours and at other reasonable times, and in a reasonable manner, to determine if the building, structures, systems, machines, apparatus, devices, equipment, and materials stored, used or handled, and all pertinent conditions therein, are in compliance with the requirements, regulations or standards set forth in the Code.

**§ 27-98.2. Issuance of warrant.** - Search warrants for inspections or reinspection of buildings, structures, property, or premises subject to inspections pursuant to the Code, to determine compliance with regulations or standards set forth in the Code, shall be based upon a demonstration of probable cause and supported by affidavit. Such inspection warrants may be issued by any judge or magistrate having authority to issue criminal warrants whose territorial jurisdiction encompasses the building, structure, property or premises to be inspected or entered, if he is satisfied from the affidavit that there is probable cause for the issuance of an inspection warrant. No inspection warrant shall be issued pursuant to this chapter except upon probable cause, supported by affidavit, particularly describing the place, thing or property to be inspected, examined or tested and the purpose for which the inspection, examination, testing or collection of samples for testing is to be made. Probable cause shall be deemed to exist if such inspection, examination, testing or collection of samples for testing are necessary to ensure compliance with the Statewide Fire Prevention Code for the protection of life and property from the hazards of fire or explosion. The supporting affidavit shall contain either a statement that consent to inspect, examine, test or collect samples for testing has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent in order to enforce effectively the fire safety laws, regulations or standards of the Commonwealth which authorize such inspection, examination, testing or collection of samples for testing. In the case of an inspection warrant based upon legislative or administrative standards for selecting buildings, structures, property or premises for inspections, the affidavit shall contain factual allegations sufficient to justify an independent determination by the judge or magistrate that the inspection program is based on reasonable standards and that the standards are being applied to a particular place in a neutral and fair manner. The issuing judge or

magistrate may examine the affiant under oath or affirmation to verify the accuracy of any matter in the affidavit.

§ 27-98.3. **Duration of warrant.** - An inspection warrant shall be effective for the time specified therein, for a period of not more than seven days, unless extended or renewed by the judicial officer who signed and issued the original warrant. The judicial officer may extend or renew the inspection warrant upon application for extension or renewal setting forth the results which have been obtained or a reasonable explanation of the failure to obtain such results. The extension or renewal period of the warrant shall not exceed seven days. The warrant shall be executed and returned to the judicial officer by whom it was issued within the time specified in the warrant or within the extended or renewed time. The return shall list any samples taken pursuant to the warrant. After the expiration of such time, the warrant, unless executed, shall be void.

§ 27-98.4. **Conduct of inspections, examinations, testing, or collection of samples.** - No warrant shall be executed in the absence of the owner, operator or agent in charge of the particular building, structure, property or premises unless specifically authorized by the issuing judicial officer upon showing that such authority is reasonably necessary to effect the purposes of a statute or regulation being enforced. An entry pursuant to this warrant shall not be made forcibly, except that the issuing officer may expressly authorize a forcible entry (i) where facts are shown sufficient to create a reasonable suspicion of an immediate threat to an occupant of the particular building, structure, property, or premises, or, to the general safety and welfare of the public, or, to adjacent buildings, structures, properties or premises, or (ii) where facts are shown establishing that reasonable attempts to serve a previous warrant have been unsuccessful. If forcible entry is authorized, the warrant shall be issued jointly to the fire official and to a law-enforcement officer who shall accompany the fire official during the execution.

§ 27-98.5. **Review by courts.** - A. No court of the Commonwealth shall have jurisdiction to hear a challenge to the warrant prior to its return to the issuing judge or magistrate except as a defense in a contempt proceeding, unless the owner or custodian of the building, structure, property or premises to be inspected makes by affidavit a substantial preliminary showing accompanied by an offer of proof that (i) a false statement, knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in his affidavit for the inspection warrant and (ii) the false statement was necessary to the finding of probable cause. The court shall conduct such expeditious in camera view as the court may deem appropriate.

B. After the warrant has been executed and returned to the issuing judge, the validity of the warrant may be reviewed either as a defense to any citation issued by the fire official or otherwise by declaratory judgment action brought in a circuit court. In any such action, the review shall be confined to the face of the warrant and affidavits and supporting materials presented to the issuing judge unless the owner, operator, or agent in charge of whose building, structure,

property or premises has been inspected makes a substantial showing by affidavit accompanied by an offer of proof that (i) a false statement, knowingly and intentionally, or with reckless disregard for the truth, was made in support of the warrant and (ii) the false statement was necessary to the finding of probable cause. The review shall only determine whether there is substantial evidence in the record supporting the decision to issue the warrant.

**§ 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 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 shall have the same power in the enforcement of this section as is provided for in § 27-98.

**§ 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 provisions 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 made 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.



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**FORMS AVAILABLE.**

The Code Development Office has prepared certain forms for the assistance of users of the Uniform Statewide Building Code. Copies of the forms may be obtained free-of-charge in reasonable quantities from:

Code Development Office  
Department of Housing and Community Development  
205 North Fourth Street - Fourth Floor  
Richmond, Virginia 23219

Forms available at this time include:

- \* Request for Interpretation to the State Building Code Technical Review Board
- \* Application for Appeal to the State Building Code Technical Review Board
- \* Proposed Changes to the Uniform Statewide Building Code

