

CHAPTER 1

ADMINISTRATION

SECTION 101 SCOPE

101.1 Title. These regulations shall be known as the Virginia Statewide Fire Prevention Code (SFPC), hereinafter referred to as “this code” or “SFPC.” The term “chapter” means a chapter in the SFPC. The SFPC was cooperatively developed by the Virginia Fire Services Board and the Virginia Board of Housing and Community Development.

101.2 Scope. The SFPC prescribes regulations affecting or relating to maintenance of structures, processes and premises and safeguards to be complied with for the protection of life and property from the hazards of fire or explosion and for the handling, storage and use of fireworks, explosives or blasting agents, and provides for the administration and enforcement of such regulations. The SFPC also establishes regulations for obtaining permits for the manufacturing, storage, handling, use, or sales of explosives. Inspections under the SFPC are a governmental responsibility.

101.3 Purpose. The purposes of the SFPC are to provide for 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, wherever located.

101.4 Validity. To the extent that any provisions of the SFPC or the referenced codes or standards are not within the scope of this chapter, those provisions are considered to be invalid. When any provision of the SFPC is found to be in conflict with the USBC, OSHA, or statute, that provision of the SFPC shall become invalid.

101.5 Local regulations. Any local governing body may adopt fire prevention regulations that are more restrictive or more extensive in scope than the SFPC provided such regulations do not affect the manner of construction or materials to be used in the erection, alteration, repair, or use of a building or structure, as provided in the USBC, including the voluntary installation of smoke alarms and regulation and inspections thereof in commercial buildings where such smoke alarms are not required under the provisions of the SFPC.

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

SECTION 102 APPLICABILITY

102.1 General. The provisions of the SFPC shall apply to all matters affecting or relating to structures, processes and premises as set forth in Section 101. The SFPC shall supersede any

fire prevention regulations previously adopted by a local government or other political subdivision.

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

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

102.3 Application to post-1973 buildings and structures. Buildings and structures constructed under any edition of the USBC shall comply with the maintenance requirements of the SFPC to the extent that equipment, systems, devices, and safeguards which were provided and approved when constructed shall be maintained.

102.4 Referenced codes and standards. The codes and standards referenced in the IFC shall be those listed in Chapter 47 and considered part of the requirements of the SFPC to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

102.5 State-owned buildings and structures. The SFPC shall be applicable to all state-owned buildings and structures in the manner and extent described in Section 27-99 of the Code of Virginia and the State Fire Marshal shall have the authority to enforce this code in state-owned buildings and structures as is prescribed in Sections 27-98 and 27-99 of the Code of Virginia.

102.6 Relationship to USBC. In accordance with Sections 27-34.4, 36-105.1 and 36-119.1 of the Code of Virginia, the USBC does not supersede the provisions of this code that prescribe standards to be complied with in existing buildings and structures, provided that this code shall not impose requirements that are more restrictive than those of the USBC under which the buildings or structures were constructed. Subsequent alteration, enlargement, rehabilitation, repair or conversion of the occupancy classification of such buildings and structures shall be subject to the construction and rehabilitation provisions of the USBC. 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 USBC 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 this code in those localities that enforce the SFPC or to the State Fire Marshal in those localities that do not enforce this code.

102.7 Inspections for USBC requirements. The fire official shall require that existing structures subject to the requirements of the applicable retrofitting provisions relating to the fire protection equipment and system requirements of the USBC, Part I, Construction, Sections 103.7 and 3413, comply with the provisions located therein.

SECTION 103 INCORPORATION BY REFERENCE

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

The *International Fire Code*—2009 Edition, hereinafter referred to as “IFC,” published by the International Code Council, Inc., 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001-2070, 1-888 422-7233.

103.1.1 Deletion. Delete IFC Chapter 1.

103.1.2 Appendices. The appendices in the IFC are not considered part of the IFC for the purposes of Section 103.1.

Note: Section 101.5 references authority contained in the Code of Virginia for local fire prevention regulations that may be evaluated by localities to determine whether provisions in the IFC appendices may be considered for local fire prevention regulations.

103.2 Amendments. All requirements of the referenced codes and standards that relate to fees, permits, unsafe notices, disputes, condemnation, inspections, scope of enforcement and all other procedural, and administrative matters are deleted and replaced by the provisions of Chapter 1 of the SFPC.

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

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

103.3. International Fire Code. Retroactive fire protection system requirements contained in the IFC shall not be enforced unless specified by the USBC.

SECTION 104 ENFORCEMENT

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

104.1.1 Enforcement of fireworks provisions by law-enforcement officers. In accordance with Section 27-100.1 of the Code of Virginia, law-enforcement officers who are otherwise authorized to enforce certain provisions of this code shall not be subject to the certification requirements of Sections 105.2 or 105.3.2.

104.2. State enforcement. In accordance with Section 27-98 of the Code of Virginia, the State Fire Marshal shall also have the authority, in cooperation with any local governing body, to enforce the SFPC. The State Fire Marshal shall also have authority to enforce the SFPC in those jurisdictions in which the local governments do not enforce the SFPC and may establish such procedures or requirements as may be necessary for the administration and enforcement of the SFPC in such jurisdictions.

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

SECTION 105 ENFORCING AGENCY

105.1 Fire official. Each enforcing agency shall have an executive official in charge, hereinafter referred to as the “fire official.”

Note: Fire officials are subject to sanctions in accordance with the Virginia Certification Standards (13 VAC 5-21).

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

105.1.2 Notification of appointment. The appointing authority of the local governing body shall notify the DHCD and the State Fire Marshal’s Office (SFMO) within 30 days of the appointment or release of the permanent or acting fire official.

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

105.2 Certification. The permanent or acting fire official shall obtain certification from the BHCD in accordance with the Virginia Certification Standards (13 VAC 5-21) within one year after permanent or acting appointment.

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

105.2.1 Noncertified fire official. Except for a fire official exempt from certification under the exception to Section 105.2, any acting or permanent fire official who is not certified as a fire official in accordance with the Virginia Certification Standards (13 VAC 5-21) shall attend the core module of the Virginia Building Code Academy or an equivalent course in an individual or regional code academy accredited by DHCD within 180 days of appointment. This requirement is in addition to meeting the certification requirement in Section 105.2.

105.3 Technical assistant. The local governing body or its designee may utilize one or more technical assistants who, in the absence of the fire official, shall have the powers and perform the duties of the fire official.

Note: Technical assistants are subject to sanctions in accordance with the Virginia Certification Standards (13 VAC 5-21).

105.3.1 Notification. The fire official shall notify the DHCD within 60 days of the employment, contract or termination of all technical assistants for enforcement of the SFPC.

105.3.2 Qualifications. A technical assistant shall have at least three years of experience and general knowledge in at least one of the following areas: fire protection, firefighting, electrical, building, plumbing or mechanical trades. Any combination of education and experience that would confer equivalent knowledge and ability shall be deemed to satisfy this requirement. The locality may establish additional qualification requirements.

105.3.3 Certification. All technical assistants employed by or under contract to an enforcing agency for enforcing the SFPC shall be certified in the appropriate subject area in accordance with the Virginia Certification Standards (13 VAC 5-21) within one and one-half years after permanent or acting appointment. When required by a locality to have two or more certifications, the remaining certifications shall be obtained within three years from the date of such requirement.

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

105.4 Continuing education. Fire officials and technical assistants enforcing the SFPC shall attend periodic training courses as designated by the DHCD.

105.5 Control of conflict of interest. The standards of conduct for officials and employees of the enforcing agency shall be in accordance with the provisions of the State and Local Government Conflict of Interests Act, Chapter 31 (Section 2.2-3100 et seq.) of Title 2.2 of the Code of Virginia.

SECTION 106 DUTIES AND POWERS OF THE FIRE OFFICIAL

106.1 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 (TRB) in accordance with Section 36-118 of the Code of Virginia.

106.2 Delegation of duties and powers. The fire official may delegate duties and powers subject to any limitations imposed by the local governing body. The fire official shall be responsi-

ble that any powers and duties delegated are carried out in accordance with this code.

106.3 Inspections. The fire official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals. All reports of such inspections by approved agencies or individuals shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The fire official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues in accordance with local policies.

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

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

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

Note: The current editions of many nationally recognized model codes and standards are referenced by the SFPC. Future amendments to such codes and standards do not automatically become part of the SFPC; however, the fire official should consider such amendments in deciding whether a modification request should be granted.

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

106.5.2 Decision. The application for modification and the final decision of the fire official shall be in writing and shall be recorded in the permanent records of the local enforcing agency.

106.6 Notices and orders. The fire official shall issue all necessary notices or orders to ensure compliance with the SFPC.

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

SECTION 107 PERMITS AND FEES

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

107.2 Permits required. Permits may be required by the fire official as permitted under the SFPC in accordance with Table 107.2, except that the fire official shall require permits for the manufacturing, storage, handling, use, and sale of explosives. In accordance with Section 3301.2.3.1, an application for a permit to manufacture, store, handle, use, or sell explosives shall only be made by a designated individual.

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

107.3 Application for permit. Application for a permit shall be made on forms prescribed by the fire official.

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

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

107.5.1 Special conditions for the State Fire Marshal's Office. Permits issued by the State Fire Marshal's Office for the use of explosives in special operations or under emergency conditions shall be valid for one week from the date of issuance and shall not be renewable.

107.6 State Fire Marshal. Permits will not be required by the State Fire Marshal except for those permits listed in Sections 107.13 and 107.14 of this code.

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

**TABLE 107.2
OPERATIONAL PERMIT REQUIREMENTS (to be filled in by local jurisdiction)**

DESCRIPTION	PERMIT REQUIRED (yes or no)	PERMIT FEE	INSPECTION FEE														
Aerosol products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.																	
Amusement buildings. An operational permit is required to operate a special amusement building.																	
Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.																	
Carnivals and fairs. An operational permit is required to conduct a carnival or fair.																	
Battery systems. An operational permit is required to install stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L).																	
Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.																	
Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.																	
Combustible fibers. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m ³). Exception: An operational permit is not required for agricultural storage.																	
Compressed gas. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below. Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.																	
<p>PERMIT AMOUNTS FOR COMPRESSED GASES</p> <table border="0"> <thead> <tr> <th align="left">TYPE OF GAS</th> <th align="center">AMOUNT (cubic feet at NTP)</th> </tr> </thead> <tbody> <tr> <td>Corrosive</td> <td align="center">200</td> </tr> <tr> <td>Flammable (except cryogenic fluids and liquefied petroleum gases)</td> <td align="center">200</td> </tr> <tr> <td>Highly toxic</td> <td align="center">Any amount</td> </tr> <tr> <td>Inert and simple asphyxiant</td> <td align="center">6,000</td> </tr> <tr> <td>Oxidizing (including oxygen)</td> <td align="center">504</td> </tr> <tr> <td>Toxic</td> <td align="center">Any amount</td> </tr> </tbody> </table> <p>For SI: 1 cubic foot = 0.02832 m³</p>	TYPE OF GAS	AMOUNT (cubic feet at NTP)	Corrosive	200	Flammable (except cryogenic fluids and liquefied petroleum gases)	200	Highly toxic	Any amount	Inert and simple asphyxiant	6,000	Oxidizing (including oxygen)	504	Toxic	Any amount			
TYPE OF GAS	AMOUNT (cubic feet at NTP)																
Corrosive	200																
Flammable (except cryogenic fluids and liquefied petroleum gases)	200																
Highly toxic	Any amount																
Inert and simple asphyxiant	6,000																
Oxidizing (including oxygen)	504																
Toxic	Any amount																
Covered mall buildings. An operational permit is required for: <ol style="list-style-type: none"> The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. The display of liquid- or gas-fired equipment in the mall. The use of open-flame or flame-producing equipment in the mall. 																	

(continued)

TABLE 107.2—continued
OPERATIONAL PERMIT REQUIREMENTS (to be filled in by local jurisdiction)

DESCRIPTION	PERMIT REQUIRED (yes or no)	PERMIT FEE	INSPECTION FEE															
<p>Cryogenic fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed below.</p> <p>Exception: Operational permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.</p> <p align="center">PERMIT AMOUNTS FOR CRYOGENIC FLUIDS</p> <table border="1"> <thead> <tr> <th align="center">TYPE OF CRYOGENIC FLUID</th> <th align="center">INSIDE BUILDING (gallons)</th> <th align="center">OUTSIDE BUILDING (gallons)</th> </tr> </thead> <tbody> <tr> <td>Flammable</td> <td align="center">More than 1</td> <td align="center">60</td> </tr> <tr> <td>Inert</td> <td align="center">60</td> <td align="center">500</td> </tr> <tr> <td>Oxidizing (includes oxygen)</td> <td align="center">10</td> <td align="center">50</td> </tr> <tr> <td>Physical or health hazard not indicated above</td> <td align="center">Any Amount</td> <td align="center">Any Amount</td> </tr> </tbody> </table> <p>For SI: 1gallon = 3.785 L.</p>	TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)	Flammable	More than 1	60	Inert	60	500	Oxidizing (includes oxygen)	10	50	Physical or health hazard not indicated above	Any Amount	Any Amount			
TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)																
Flammable	More than 1	60																
Inert	60	500																
Oxidizing (includes oxygen)	10	50																
Physical or health hazard not indicated above	Any Amount	Any Amount																
<p>Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.</p>																		
<p>Dry cleaning plants. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.</p>																		
<p>Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.</p>																		
<p>Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects within the scope of Chapter 33.</p>																		
<p>Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.</p> <p>Exception: An operational permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.</p>																		
<p>Flammable and combustible liquids. An operational permit is required:</p> <ol style="list-style-type: none"> To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the Department of Transportation (DOTn) (see Section 3501.1.2) nor does it apply to piping systems (see Section 3503.6). To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following: <ol style="list-style-type: none"> The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motor-boat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire official, would cause an unsafe condition. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed. To manufacture, process, blend or refine flammable or combustible liquids. 																		

(continued)

TABLE 107.2—continued
OPERATIONAL PERMIT REQUIREMENTS (to be filled in by local jurisdiction)

DESCRIPTION	PERMIT REQUIRED (yes or no)	PERMIT FEE	INSPECTION FEE
Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m ²) using Class I or Class II liquids.			
Fruit and crop ripening. An operational permit is required to operate a fruit-, or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.			
Fumigation and thermal insecticidal fogging. An operational permit is required to operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.			
Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed below.			
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS			
TYPE OF MATERIAL	AMOUNT		
Combustible liquids	See flammable and combustible liquids		
Corrosive materials			
Gases	See compressed gases		
Liquids	55 gallons		
Solids	1000 pounds		
Explosive materials	See explosives		
Flammable materials			
Gases	See compressed gases		
Liquids	See flammable and combustible liquids		
Solids	100 pounds		
Highly toxic materials			
Gases	See compressed gases		
Liquids	Any amount		
Solids	Any amount		
Oxidizing materials			
Gases	See compressed gases		
Liquids			
Class 4	Any amount		
Class 3	1 gallon		
Class 2	10 gallons		
Class 1	55 gallons		
Solids			
Class 4	Any amount		
Class 3	10 pounds		
Class 2	100 pounds		
Class 1	500 pounds		
Organic peroxides			
Liquids			
Class I	Any amount		
Class II	Any amount		
Class III	1 gallon		
Class IV	2 gallons		
Class V	No permit required		
Solids			
Class I	Any amount		
Class II	Any amount		
Class III	10 pounds		
Class IV	20 pounds		
Class V	No permit required		
Pyrophoric materials			
Gases	See compressed gases		
Liquids	Any amount		
Solids	Any amount		
Toxic materials			
Gases	See compressed gases		
Liquids	10 gallons		
Solids	100 pounds		

(continued)

TABLE 107.2—continued
OPERATIONAL PERMIT REQUIREMENTS (to be filled in by local jurisdiction)

DESCRIPTION	PERMIT REQUIRED (yes or no)	PERMIT FEE	INSPECTION FEE
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS			
TYPE OF MATERIAL			
AMOUNT			
Unstable (reactive) materials			
Liquids			
Class 4			Any amount
Class 3			Any amount
Class 2			5 gallons
Class 1			10 gallons
Solids			
Class 4			Any amount
Class 3			Any amount
Class 2			50 pounds
Class 1			100 pounds
Water-reactive materials			
Liquids			
Class 3			Any amount
Class 2			5 gallons
Class 1			55 gallons
Solids			
Class 3			Any amount
Class 2			50 pounds
Class 1			500 pounds
For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.			
HPM facilities. An operational permit is required to store, handle or use hazardous production materials.			
High-piled storage. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m ²).			
Hot work operations. An operational permit is required for hot work including, but not limited to: 1. Public exhibitions and demonstrations where hot work is conducted. 2. Use of portable hot work equipment inside a structure. Exception: Work that is conducted under a construction permit. 3. Fixed-site hot work equipment such as welding booths. 4. Hot work conducted within a hazardous fire area. 5. Application of roof coverings with the use of an open-flame device. 6. When approved, the fire official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in this chapter. These permits shall be issued only to their employees or hot work operations under their supervision.			
Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 21.			
Lumber yards and woodworking plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft ³) (236 m ³).			
Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.			
LP-gas. An operational permit is required for: 1. Storage and use of LP-gas. Exception: An operational permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3. 2. Operation of cargo tankers that transport LP-gas.			
Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.			
Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m ³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.			

(continued)

TABLE 107.2—continued
OPERATIONAL PERMIT REQUIREMENTS (to be filled in by local jurisdiction)

DESCRIPTION	PERMIT REQUIRED (yes or no)	PERMIT FEE	INSPECTION FEE
<p>Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.</p> <p>Exception: Recreational fires.</p>			
<p>Open flames and candles. An operational permit is required to remove paint with a torch; use a torch or open-flame device in a hazardous fire area; or to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.</p>			
<p>Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.</p>			
<p>Assembly/educational. An operational permit is required to operate a place of assembly/educational occupancy.</p>			
<p>Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants.</p> <p>Exception: An operational permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.</p>			
<p>Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material.</p>			
<p>Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.</p>			
<p>Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.</p>			
<p>Repair garages and service stations. An operational permit is required for operation of repair garages and automotive, marine and fleet service stations.</p>			
<p>Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.</p>			
<p>Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 15.</p>			
<p>Storage of scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m³) of total volume of scrap tires and for indoor storage of tires and tire byproducts.</p>			
<p>Temporary membrane structures, tents and canopies. An operational permit is required to operate an air-supported temporary membrane structure or a tent.</p> <p>Exceptions:</p> <ol style="list-style-type: none"> 1. Tents used exclusively for recreational camping purposes. 2. Tents and air-supported structures that cover an area of 900 square feet (84 m²) or less, including all connecting areas or spaces with a common means of egress or entrance and with an occupant load of 50 or less persons. 3. Fabric canopies and awnings open on all sides which comply with all of the following: <ol style="list-style-type: none"> 3.1. Individual canopies shall have a maximum size of 700 square feet (65 m²). 3.2. The aggregate area of multiple canopies placed side by side without a fire break clearance of 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total. 3.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided. 			
<p>Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.</p>			
<p>Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.</p>			
<p>Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m³).</p>			

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

107.8 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.

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

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

107.11 Revocation of permit. The 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.

107.12 Local fees. In accordance with Section 27-97 of the Code of Virginia, fees may be levied by the local governing body in order to defray the cost of enforcement and appeals under the SFPC.

107.13 State Fire Marshal's Office permit fees for explosives, blasting agents, theatrical flame effects, and fireworks. Applications for firework or pyrotechnic displays shall be submitted to and received by the State Fire Marshal's Office not less than 15 days prior to the planned event. Fees for permits issued by the State Fire Marshal's Office for the storage, use, sale or manufacture of explosives or blasting agents, and for the display of fireworks and flame effects on state-owned property shall be as follows:

1. \$125 per year per magazine to store explosives and blasting agents.
2. \$200 per year per city or county to use explosives and blasting agents.
3. \$150 per year to sell explosives and blasting agents.
4. \$200 per year to manufacture explosives, blasting agents and fireworks.
5. \$350 the first day of fireworks, pyrotechnics or proximate audience displays conducted in any state-owned building and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the State Fire Marshal's Office less than 15 days prior to the planned event, the permit fee shall be \$450 per day and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the State Fire Marshal's Office less than seven days prior to the planned event, the permit fee shall be \$550 per day and \$150 per day for each consecutive day for identical multi-day events.
6. \$250 the first day of fireworks, pyrotechnics or proximate audience displays conducted out-of-doors on any state-owned property and \$150 per day for each consecutive day for identical multi-day events. If an application

is received by the State Fire Marshal's Office less than 15 days prior to the planned event, the permit fee shall be \$450 per day and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the State Fire Marshal's Office less than seven days prior to the planned event, the permit fee shall be \$550 per day and \$150 per day for each consecutive day for identical multi-day events.

7. \$100 per event for the use of explosives in special operations or emergency conditions.
8. \$300 the first day for flame effects conducted in accordance with Section 308.3.6 indoors of any state-owned building or outdoors on state-owned property and \$150 per day for each consecutive day for identical multi-day events, or, if conducted as part of a firework (pyrotechnic) display, \$100 the first day and \$75 per day for each consecutive day for identical multi-day events. If an application for flame effects is received by the State Fire Marshal's Office less than 15 days prior to the planned event, the permit fee shall be \$450 per day and \$150 per day for each consecutive day for identical multi-day events. If an application is received by the State Fire Marshal's Office less than seven days prior to the planned event, the permit fee shall be \$550 per day and \$150 per day for each consecutive day for identical multi-day events.

107.14 State annual inspection permit fees. Annual fees for inspection permits issued by the State Fire Marshal's Office for the inspection of buildings shall be as follows:

1. Nightclubs.
 - 1.1. \$350 for occupant load of 100 or less.
 - 1.2. \$450 for occupant load of 101 to 200.
 - 1.3. \$500 for occupant load of 201 to 300.
 - 1.4. \$500 plus \$50 for each 100 occupants where occupant loads exceed 300.
2. Private college dormitories with or without assembly areas. If containing assembly areas, such assembly areas are not included in the computation of square footage.
 - 2.1. \$150 for 3,500 square feet (325.15 m²) or less.
 - 2.2. \$200 for greater than 3,500 square feet (325.15 m²) up to 7,000 square feet (650 m²).
 - 2.3. \$250 for greater than 7,000 square feet (650 m²) up to 10,000 square feet (929 m²).
 - 2.4. \$250 plus \$50 for each additional 3,000 square feet (278 m²) where square footage exceeds 10,000 square feet (929 m²).
3. Assembly areas that are part of private college dormitories.
 - 3.1. \$50 for 10,000 square feet (929 m²) or less provided the assembly area is within or attached to a dormitory building.
 - 3.2. \$100 for greater than 10,000 square feet (929 m²) up to 25,000 square feet (2322.5 m²) provided the assembly area is within or attached to a dormi-

tory building, such as gymnasiums, auditoriums or cafeterias.

- 3.3. \$100 for up to 25,000 square feet (2322.5 m²) provided the assembly area is in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.
- 3.4. \$150 for greater than 25,000 square feet (2322.5 m²) for assembly areas within or attached to a dormitory building or in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.
4. Hospitals.
 - 4.1. \$300 for 1 to 50 beds.
 - 4.2. \$400 for 51 to 100 beds.
 - 4.3. \$500 for 101 to 150 beds.
 - 4.4. \$600 for 151 to 200 beds.
 - 4.5. \$600 plus \$100 for each additional 100 beds where the number of beds exceeds 200.
5. Child day centers, assisted living facilities and adult day care centers licensed by the Virginia Department of Social Services based on licensed capacity as follows:
 - 5.1. \$50 for 1 to 8.
 - 5.2. \$75 for 9 to 20.
 - 5.3. \$100 for 21 to 50.
 - 5.4. \$200 for 51 to 100.
 - 5.5. \$400 for 101 or more.

Exception: Annual inspection permits for any building or groups of buildings on the same site may not exceed \$2500.

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

107.16 Payment of fees. A permit shall not be issued until the designated fees have been paid.

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

SECTION 108 OPERATIONAL PERMITS

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

108.1.1 Permits required. Operational permits may be required by the fire official in accordance with Table 107.2. The fire official shall require operational permits for the man-

ufacturing, storage, handling, use and sale of explosives. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire official.

Exceptions:

1. Operational permits will not be required by the State Fire Marshal except for the manufacturing, storage, handling, use and sale of explosives in localities not enforcing the SFPC.
2. Operational permits will not be required for the manufacturing, storage, handling or use of explosives or blasting agents by the Virginia Department of State Police provided notification to the fire official is made annually by the Chief Arson Investigator listing all storage locations.

108.1.2 Duration of operational permits. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 108.1.1 for either:

1. A prescribed period.
2. Until renewed or revoked.

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

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

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

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

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

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

108.3 Conditions of a permit. An operational permit shall constitute permission to maintain, store or handle materials; or to conduct processes in accordance with the SFPC, and shall not be construed as authority to omit or amend any of the provisions of this code. The building official shall issue permits to install equipment utilized in connection with such activities; or to install or modify any fire protection system or equipment or any other construction, equipment installation or modification in accordance with the provisions of this code where a permit is required by Section 108.5. Such permission shall not be construed as authority to omit or amend any of the provisions of this code.

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

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

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

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

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

108.3.6 Compliance with code. The issuance or granting of an operational permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Operational permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on other data shall not prevent the fire official from

requiring the correction of errors in the provided documents and other data. Any addition to or alteration of approved provided documents shall be approved in advance by the fire official, as evidenced by the issuance of a new or amended permit.

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

108.4 Revocation. The fire official is authorized to revoke an operational permit issued under the provisions of this code when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or documents on which the permit or approval was based including, but not limited to, any one of the following:

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

SECTION 109 INSPECTION

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

Exception: Single family dwellings and dwelling units in two family and multiple family dwellings and farm structures shall be exempt from routine inspections. This exemption shall not preclude the fire official from conducting routine inspections in Group R-3 or Group R-5 occupancies operating as a commercial bed and breakfast as outlined in Section 310.1 of the USBC and inspecting under Section 27-98.2 of the Code of Virginia for hazardous conditions relating to explosives, flammable and combustible conditions, and hazardous materials.

109.1.1 Right to entry. The fire official may enter any structure or premises at any reasonable time to inspect sub-

ject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the fire official may pursue recourse as provided by law.

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

109.1.2 Credentials. The fire official and technical assistants shall carry proper credentials of office when inspecting in the performance of their duties under the SFPC.

109.2 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 those inspections required by the USBC for new construction when involving provisions of the amended IFC, so that the owners and occupants will not be subjected to numerous inspections or conflicting orders.

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

109.3 Other inspections. In accordance with Section 36-139.3 of the Code of Virginia, the State Fire Marshal, upon presenting proper credentials, shall make annual inspections for hazards incident to fire in all (i) residential care facilities operated by any state agency, (ii) assisted living facilities licensed or subject to licensure pursuant to Chapter 18 (Section 63.2-1800 et seq.) of Title 63.2 of the Code of Virginia which are not inspected by a local fire marshal, (iii) student-residence facilities owned or operated by the public institutions of higher education in the Commonwealth, and (iv) public schools in the Commonwealth which are not inspected by a local fire marshal. In the event that any such facility or residence is found to be nonconforming to the SFPC, the State Fire Marshal or local fire marshal may petition any court of competent jurisdiction for the issuance of an injunction.

SECTION 110 UNSAFE CONDITIONS

110.1 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 to endanger the occupants thereof.
2. Conditions which would interfere with the efficiency and use of any fire protection equipment.
3. Obstructions to or on fire escapes, stairs, passageways, doors or windows, which are liable to interfere with the egress of occupants or the operation of the fire department in case of fire.
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.

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

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

110.4 Unsafe structures. All structures that are or shall hereafter become unsafe or deficient in adequate exit facilities or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or by reason of illegal or improper use, occupancy or maintenance or which have sustained structural damage by reason of fire, explosion, or natural disaster shall be deemed unsafe structures. A vacant structure, or portion of a structure, unguarded or open at door or window shall be deemed a fire hazard and unsafe within the meaning of this code. Unsafe structures shall be reported to the building official or building maintenance official who shall take appropriate action under the provisions of the USBC to secure abatement. Subsequently, the fire official may request the legal counsel of the local governing body to institute the appropriate proceedings for an injunction against the continued use and occupancy of the structure until such time as conditions have been remedied.

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

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

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

SECTION 111 VIOLATIONS

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

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

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

111.4 Penalty. Penalties upon conviction of violating the SFPC shall be as set out in Section 27-100 of the Code of Virginia.

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

SECTION 112 APPEALS

112.1 Local Board of Fire Prevention Code Appeals (BFPCA). Each local governing body which enforces the SFPC shall have a BFPCA to hear appeals as authorized herein or it shall enter into an agreement with the governing body of another county or municipality, with some other agency, or with a state agency approved by the DHCD to act on appeals.

An appeal case decided by some other approved agency shall constitute an appeal in accordance with this section and shall be final unless appealed to the State Building Code Technical Review Board (TRB).

112.2 Membership. The BFPCA shall consist of at least five members appointed by the local governing body and having terms of office established by written policy. Alternate members may be appointed to serve in the absence of any regular members and as such, shall have the full power and authority of the regular members. Regular and alternate members may be reappointed. Written records of current membership, including a record of the current chairman and secretary shall be maintained in the office of the local governing body. In order to provide continuity, the terms of the members may be of different length so that less than half will expire in any one-year period. The BFPCA shall meet at least once annually to assure a duly constituted board, appoint officers as necessary and receive such training on the code as may be appropriate or necessary from staff of the locality.

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

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

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

112.4 Disqualification of member. A member shall not hear an appeal in which that member has conflict of interest in accordance with the State and Local Government Conflict of Interests Act, Chapter 31 (Section 2.2-3100 et seq.) of Title 2.2 of the Code of Virginia.

112.5 Application for appeal. The owner of a structure, the owner's agent or any other person involved in the design, construction or maintenance of the structure may appeal a decision of the fire official concerning the application of the SFPC or the fire official's refusal to grant modification under Section 106.5 of the provisions of the SFPC. The appeal shall first lie to the local board of fire prevention code appeals (BFPCA) and then to the TRB except that appeals concerning the application of the SFPC or refusal to grant modifications by the State Fire Marshal shall be made directly to the TRB. The appeal shall be submitted to the BFPCA within 14 calendar days of the application of the SFPC. The application shall contain the name and address of the owner of the structure and the person appealing if not the owner. A copy of the written decision of the fire official shall be submitted along with the application for appeal and maintained as part of the record. The application shall be

stamped or otherwise marked by the BFPCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of the fire official's decision.

Note: In accordance with Section 27-98 of the Code of Virginia, any local fire code may provide for an appeal to a local board of appeals. If no local board of appeals exists, the TRB shall hear appeals of any local fire code violation.

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

112.7 Hearing procedures. All hearings before the BFPCA shall be open to the public. The appellant, the appellant's representative, the local governing body's representative and any person whose interests are affected shall be given an opportunity to be heard. The chairman shall have the power and duty to direct the hearing, rule upon the acceptance of evidence and oversee the record of all proceedings.

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

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

112.8.1 Resolution. The BFPCA's decision shall be by resolution signed by the chairman and retained as part of the record by the BFPCA. The following wording shall be part of the resolution: "Any person who was a party to the appeal may appeal to the State Building Code Technical Review Board (TRB) by submitting an application to the TRB within 21 calendar days upon receipt by certified mail of this resolution. Application forms are available from the Office of the TRB, 600 East Main Street, Suite 300, Richmond, Virginia 23219, (804) 371-7150." Copies of the resolution shall be furnished to all parties.

112.9 Appeal to the TRB. After final determination by the BFPCA, any person who was a party to the local appeal may appeal to the TRB. Application shall be made to the TRB within 21 calendar days of receipt of the decision to be appealed. Application for appeal to the TRB arising from the SFMO's enforcement of the code shall be made to the TRB within 14 calendar days of receipt of the decision to be appealed and shall be accompanied by copies of the inspection reports and other relevant information. Failure to submit an application for appeal within the time limit established by this section shall constitute an acceptance of the BFPCA's resolution or fire official's decision.

112.9.1 Information to be submitted. Copies of the fire official's decision and the resolution of the BFPCA shall be submitted with the application for appeal. Upon request by the office of the TRB, the BFPCA shall submit a copy of all inspection reports and all pertinent information from the record of the BFPCA.

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

