

**Board of Supervisors**  
Meg Bohmke, Chairman  
Gary F. Snellings, Vice Chairman  
Jack R. Cavalier  
Thomas C. Coen  
L. Mark Dudenhefer  
Wendy E. Maurer  
Cindy C. Shelton

Thomas C. Foley  
County Administrator

## Public Safety Committee Meeting AGENDA

April 17, 2018 – Time: 11:30 a.m.  
Conference Room ABC - second floor

**Committee Members: Chairman Jack Cavalier, Tom Coen, Gary Snellings**

	Agenda Item	
1.	School Security – Task Force, update	Sheriff Decatur
2.	Fire Code Revision	Roger Sutherland Andrew Milliken
3.	Purchase of two Engines – FY18 CIP	Roger Sutherland
4.	South end Fire & Rescue Staffing Initiative	Joe Grainger
	Next PSC meeting is scheduled for May 15, 2018	

PSC04172018



## BOARD OF SUPERVISORS

### Agenda Item

<b>Meeting Date:</b>	May 1, 2018
<b>Title:</b>	Authorize a Public Hearing to consider an Amendment to the County Code, Chapter 12, for the Purpose of Revising and Updating the Chapter
<b>Department:</b>	Fire and Rescue
<b>Staff Contact:</b>	Mark Lockhart, County Fire and EMS Chief
<b>Board Committee/ Other BACC:</b>	Public Safety Committee
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	See background report.

**ATTACHMENTS:**

1.	Background Report	3.	Proposed Resolution 018-105
2.	Questions and Answers	4.	Proposed Ordinance 018-__

<input checked="" type="checkbox"/>	<b>Consent Agenda</b>	<input type="checkbox"/>	<b>Other Business</b>	<input type="checkbox"/>	<b>Unfinished Business</b>
	<b>Discussion</b>		<b>Presentation</b>		<b>Work Session</b>
	<b>New Business</b>		<b>Public Hearing</b>		<b>Add-On</b>

**REVIEW:**

<input checked="" type="checkbox"/>	County Administrator	
<input checked="" type="checkbox"/>	County Attorney <i>(legal review only)</i>	

<b>DISTRICT:</b>	N/A
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## **BACKGROUND REPORT**

The Board is requested to authorize advertisement of a public hearing to amendment to Stafford County Code Chapter 12, "Fire Prevention and Protection," to revise and update the chapter.

In an effort to keep the chapter consistent with current regulations and standards, and to provide effective and appropriate use for the future, a revised version of the Stafford County Code Chapter 12 has been prepared to bring the Code up to date. The current version references the 1996 Fire Prevention Code and provides outdated requirements for numerous aspects such as: construction inspections, smoke alarms, liquefied petroleum gas and other requirements from as early as the 1970s.

Recent changes to the next edition of the Virginia Statewide Fire Prevention Code by the Virginia Department of Housing and Community Development have largely removed critical technical details that have guided a reasonable and effective application of document and have moved forward a version that is no longer reflective of widely accepted national and international model fire codes. Action on this matter has become increasingly urgent for the County due to these extensive state-level revisions and technical deletions, which will take effect in Stafford County on July 1, 2018, without action by the Board. In an effort to ensure that the County businesses and residents are not subjected to this diversion from widely accepted international fire code standards and to ensure that economic development is not stifled, this County Code update will ensure that the current standards utilized today will continue to apply.

In addition to ensuring continuity with current standards, the proposed revisions would also strengthen the standards as follows:

- New requirements for unlawful activities such as damaging fire department equipment, injuring personnel, unauthorized apparatus use, crossing fire lines, faulty alarms, making false reports and responsibility for hazardous material clean up.
- Increases the setback distance for open burning for land clearing (commercial burning) from 500 feet to 1000 feet as well as adding additional setback distance for at-risk facilities such as air fields, schools, healthcare, etc.
- Provides a new setback reduction incentive for using special incineration devices during open burning for land clearing and simplifies the prohibited areas to encompass the Urban Service Area rather than a long list of individual zoning classifications.
- New fire code requirements addressing outdoor food preparation, updated code references for trade/exhibit shows, 10-year batteries for smoke alarms, exterior door numbering for first responders, outdoor vehicle painting requirements, containers for outdoor tire storage, increased amount of liability insurance required for firework displays and storage, and prohibits the storage of flammable liquids in hotel or apartment rooms or indoor self-storage facilities.

These proposed amendments to the County Code are based upon the review, involvement, and initiative of County staff over the past several months, including consultation with numerous neighboring and comparative localities. The amendments have been reviewed and revised by multiple agencies including a County citizen committee appointed by the Board for local Fire Prevention Code appeals and the Virginia Department of Environmental Quality (their State Air Pollution Control Board is required to approve any changes to local open burning regulations). The proposed revised language is attached and is currently being formatted for ordinance in advance of the May 1 Board of Supervisors meeting.

A public hearing is necessary prior to amending the County Code. Staff is proposing additional review by the Public Safety Committee on May 15, 2018 prior to the public hearing on June 5, 2018. Due to the time sensitivity at the state-level it is necessary to have the amendments approved no later than the Board's June 19<sup>th</sup> meeting.

**Recommendation:**

Staff recommends approval of proposed Resolution R18-105 authorizing the County Administrator to advertise a public hearing on June 5, 2018 to consider a amendments to the County Code, Chapter 12, "Fire Prevention and Protection," for the purpose of revising and updating the chapter.

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## **Questions Regarding Proposed Fire Code Revisions – April 17, 2018**

### **Q: Why is it important to keep the local Fire Prevention Code up to date?**

A: Model Fire Prevention Codes are revised on an international level about every three years but must be adopted locally to incorporate those updates. These revisions help the document to keep up with changes in technology, materials, business practices and other relevant variables to provide the latest and most comprehensive fire safety standards possible. By keeping these codes relevant, our community benefits not only from enhanced safety standards but also by reducing the challenges associated with complying with outdated standards.

### **Q: What changes has the Virginia Department of Housing and Community Development made to the next edition of the Virginia Statewide Fire Prevention Code that are of concern?**

A: During the most recent update to the Virginia Statewide Fire Prevention Code, the Virginia Department of Housing and Community Development has endorsed removing technical guidance from hundreds of code sections as developed by the International Code Council for the International Fire Code used throughout the world. These changes were intended to help scope the document however the result was ambiguous language that replaced qualitative requirements used to clearly indicate requirements and compliance. Instead of conducting simple, efficient inspections that provide minimum interruption to citizens and businesses, the new broad language and archaic references will increase the time, effort, energy and bureaucracy.

### **Q: What is an example of the state-level code changes that would add unnecessary bureaucracy for businesses?**

A: As an example, if a clearly marked exit door was found to be locked and preventing emergency egress, the current Fire Prevention Code clearly indicates that locks are not permitted on exit doors but also allows, in certain arrangements, for the lock to remain for security while providing a sign indicating that the door is to remain unlocked when the business is occupied. This language has been in place nationally for many years and is allow such violation to normally be resolved at the time of inspection with the Fire Marshal's Office providing a pre-printed sign to the business if needed. The new language, however, indicates that locks shall be maintained in accordance with the applicable building code from the time of construction. This not only makes the simple but serious exit violation less clear but also removes the guidance and option that has traditionally been available to owners to quickly achieve compliance and balance safety and security. With the new language, the business security could be immediately impacted while the owner spends time researching historic documents in the hopes that those regulations address their issue. In many cases it will also add additional case load work to the Building Official Office staff as yet another government agency would need to get involved to resolve a simple locked exit issue. The new state language is clearly inefficient, likely ineffective, not a nationally accepted practice and certainly increasingly cumbersome to the end-users of the document.

### **Q: The entire chapter appears to be rewritten. Why is this necessary and what other changes are being made?**

A: As part of such a comprehensive update, the formatting of the chapter has been rewritten to facilitate a more consistent flow. This was based in part on recommendations received from the County Attorney's

Office. Although all portions of the chapter have been reformatted, a vast majority of the content is simply existing regulations or state code requirements. Any new changes are highlighted and their sources referenced.

**Q: Are these changes coming only from the Fire Marshal's Office staff?**

A: No. Although the Fire Marshal's Office staff has facilitated the proposed revision, the changes come from multiple state and local agencies including County citizens on the Board-appointed Fire Prevention Code Board of Appeals. For example, the open burning regulations are based on the model ordinance that the Virginia Department of Environmental Quality issues and the Virginia Air Pollution Control Board must authorize any deviation from that standard. Furthermore, each and every change listed in the proposal is connected to the reference source such as a state code or local regulation currently in place in neighboring or comparable jurisdictions.

**Q: Why is this issue time sensitive?**

A: The state-level changes to the Virginia Statewide Fire Prevention Code are expected to take effect in July 2018. In order to maintain the current locally adopted Fire Prevention Code standards, Board action would be needed prior to this timeframe.

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 1<sup>st</sup> day of May, 2018:

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MEMBERS:

Meg Bohmke, Chairman  
Gary Snellings, Vice Chairman  
Jack R. Cavalier  
Thomas C. Coen  
L. Mark Dudenhefer  
Wendy E. Maurer  
Cindy C. Shelton

VOTE:

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On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDMENTS TO COUNTY CODE, CHAPTER 12, "FIRE PREVENTION AND PROTECTION," FOR THE PURPOSE OF REVISING AND UPDATING THE CHAPTER

WHEREAS, the Board has identified public safety as a top County priority; and

WHEREAS, the Board is committed to protecting the lives and property of residents, business, visitors and first-responders from the devastating consequences of fires, explosions and hazardous materials throughout Stafford County; and

WHEREAS, County Code, Chapter 12, is in need of revision and update to address changes in standards, technology, materials, business practices, hazards, and other related matters; and

WHEREAS, the Board desires to considered amendments to the County Code, Chapter 12;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1<sup>st</sup> day of May, 2018, that the County Administrator be and he

hereby is authorized to advertise a public hearing for June 5, 2018 to consider amendments to Stafford County Code, Chapter 12, "Fire Prevention and Protection."

TCF:ML:jm

DRAFT



# Proposed Revision

## STAFFORD COUNTY CODE

### CHAPTER 12

April 17<sup>th</sup>, 2018

**Color Code Key:**

**Blue Text = State Language**

**Red Text = Existing Local Language**

**Black Text = New Local Language**

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## ARTICLE I. DEPARTMENT OF FIRE, RESCUE AND EMERGENCY SERVICES

### § 12-1. - Establishment of the department of fire, rescue and emergency services.

The Stafford County Department of Fire, Rescue and Emergency Services ("the department") is hereby established. The department shall provide all fire and emergency medical services and services related to civilian protection and evacuation in disasters and emergencies. The department shall also be responsible for administration of local, state and federal emergency response, assistance and recovery programs within the county.

Comment [ACM1]: Existing County Code

### § 12-2. - Definitions.

Fire and rescue personnel includes emergency responder volunteers and career fire and rescue county employees.

Stafford Fire and Rescue Association shall consist of two (2) representatives from each recognized volunteer company and two (2) career fire and rescue employees.

Comment [ACM2]: Existing County Code

### § 12-3. - Composition of the department of fire, rescue and emergency services.

The department shall be comprised of the officials and staff of the department and the following volunteer fire companies and rescue squads, which are an integral part of the official safety program of the county: Stafford Volunteer Rescue Squad, Mountain View Volunteer Rescue Squad, White Oak Volunteer Rescue Squad, Rockhill Volunteer Rescue Squad, Aquia Harbour Volunteer Rescue Squad, Falmouth Volunteer Fire and Rescue Company, Stafford Volunteer Fire Company, Widewater Volunteer Fire and Rescue Company, Mountain View Volunteer Fire Company, Brooke Volunteer Fire and Rescue Company, Hartwood Volunteer Fire and Rescue Company, White Oak Volunteer Fire Company and Rockhill Volunteer Fire Company.

Comment [ACM3]: Existing County Code

### § 12-4. - Responsibilities of the department of fire, rescue and emergency services.

The department shall be responsible for:

- (a) Regulating and managing the provisions of all prehospital emergency patient care and services, and for regulating providers of either emergency or nonemergency transportation of patients requiring medical services.
- (b) Regulating and managing the provision of fire prevention, protection, investigation, suppression, education and rescue services for enforcing the laws related to fire prevention and for provision of services related to hazardous materials and similar hazards which pose a threat to life and property.
- (c) Any additional related services that are necessary for the provision of fire and emergency medical services.

Comment [ACM4]: Existing County Code

### § 12-5. - Fire and rescue chief.

The head of the department shall be known as the fire and rescue chief, who shall be appointed by the county administrator. The department shall have as many other officers and employees as the board of supervisors may approve. The fire and rescue chief shall have the following duties:

- (a) Provide the general management of the department function and may delegate authority to other officials and staff of the department;
- (b) Establish and enforce departmental regulations. Such regulations shall be consistent with this chapter, but may provide for additional and more stringent requirements applicable to the department. The fire and rescue chief shall have the authority to promulgate standard operating procedures and policies, both operational and administrative, after providing sufficient time for input from the fire and rescue association. The fire and rescue chief shall establish and enforce training and physical standards; equipment specifications for all departmental equipment, both mobile and nonmobile, and shall determine the department's fleet size and function;
- (c) Control of station operations, relating to the provision of fire and rescue services, including staffing, and shall ensure the regulations are applied to all fire and rescue personnel of the department.
- (d) Hire, appoint and terminate officers, staff and volunteers of the department. The fire and rescue chief shall provide for appropriate investigation of staff and volunteer applicants and incumbents, including a review of both criminal history and driving records; disciplinary actions will be taken in accordance with county policy. Termination of volunteers shall not occur until after providing sufficient time for input from the respective volunteer company and the fire and rescue association.
- (e) Provide general management, planning, preparation and response for any disaster that occurs in the county and requires the implementation of the county's emergency response plan and shall function as the coordinator of emergency services pursuant to title 44, Code of Virginia;
- (f) Take all actions, on behalf of the county administrator, necessary to implement and carry out the terms of agreements for mutual aid, disaster preparedness and provision of services related to hazardous materials, rescues, fire suppression, investigation, medical services or other emergency response services deemed necessary in the judgment of the fire and rescue chief in events exceeding the capabilities of an individual locality or government agency; and
- (g) Enter into contracts on behalf of the county and to expend funds after an official disaster or emergency declaration to provide for the public safety during such events in accordance with applicable laws and regulations. The fire and rescue chief shall have the authority to take all actions necessary to obtain funding and assistance from other localities and from state and federal agencies for these purposes. The powers enumerated in this subsection are only authorized at the express direction of the county administrator who serves as the director of emergency services, pursuant to title 44, Code of Virginia.

Comment [ACM5]: Existing County Code

**§ 12-6. - Advisors to the fire and rescue chief.**

The Stafford County Fire and Rescue Association (fire and rescue association) shall serve as an advisory group to the fire and rescue chief and shall be consulted prior to the issuance of any regulations or policies related to fire or emergency medical operations.

Comment [ACM6]: Existing County Code

**§ 12-7. - Criminal and driving record checks.**

The fire and rescue chief shall review or cause to be reviewed:

(a) Criminal records of applicants for employment and volunteer members in the department. The review shall be conducted in the interest of public welfare and safety, to determine if the past criminal conduct of any person with a criminal record would be compatible with the nature of the employment or volunteer service.

(b) Driving records of applicants for employment or volunteer status may be conducted in accordance with county personnel policies to determine if the record is compatible with employment or volunteer service.

Comment [ACM7]: Existing County Code

**§ 12-8. - Compliance with regulations and policies; penalties.**

(a) Compliance with all regulations, directives, policies, and procedures of the department as enforced by the fire and rescue chief, by the entities, officials, and staff, is required by all fire and rescue personnel.

(b) As the department's enforcing authority, the fire and rescue chief shall have the responsibility to remove, suspend or revoke the privileges of any individual or entity to operate as an EMS or fire service provider or officer in the county, for violations of regulations promulgated by the fire and rescue chief or the operational medical director, or for the purpose of protecting public safety. Disciplinary action of volunteers shall not occur until after providing sufficient time for input from the respective volunteer company and the fire and rescue association.

(c) Volunteer members not in compliance shall be afforded a review process established by departmental regulations and applicable to any removal, suspension, or revocation of privileges.

(d) Any violation of this article for which a penalty is not specified shall be a class 1 misdemeanor. Any misrepresentation made by any person to any county officer or employee in the course of obtaining or renewing a permit or in providing information for a criminal or other record investigation shall constitute a class 1 misdemeanor.

(e) Volunteer appeals of a decision of the fire and rescue chief shall be referred to the fire and rescue association. Fire and rescue association appeals of a decision of the fire and rescue chief shall be referred to the county administrator.

Comment [ACM8]: Existing County Code

**§ 12-9. - Volunteer rescue squads and fire companies.**

Volunteer rescue squads and volunteer fire companies may be formed, named and dissolved and shall operate in compliance with applicable statutes, provisions of this chapter and regulations, including those issued by the fire and rescue chief. Formation, naming and dissolution shall be effective only if approved by the board of supervisors. Volunteer rescue squads and volunteer fire companies may adopt bylaws for their internal administrative functions.

Comment [ACM9]: Existing County Code

**§ 12-10. Physical examination of firemen or volunteer firemen protected by Line of Duty Act.**

Pursuant to section 27-40.1:1 of the Code of Virginia, every fireman or volunteer fireman protected by the Line of Duty Act shall submit himself for the physical examination required by section 27-40.1 of such Code at the time he becomes a member of any organized firefighting company in the county. Such examination shall be made by a physician employed by the county.

Comment [ACM10]: Existing County Code

**§ 12-11. Participation by minors in activities of volunteer fire company.**

- (1) Any minor sixteen (16) years of age or older, with written parental or guardian approval, may work with or participate fully in all activities of a volunteer fire company in the county, provided such minor has obtained certification under National Fire Protection Association 1001, level one firefighter standards, as administered by the state department of fire programs.
- (2) Any trainer or instructor of a minor mentioned in subsection (1) of this section, or any member of a paid or volunteer fire company who supervises any such minor at the scene of any emergency, shall be exempt from the provisions of section 40.1-103 of the Code of Virginia, relating to cruelty and injuries to children, provided the volunteer fire company or the board of supervisors has purchased insurance which provides coverage for injuries to, or the death of, such minor in the performance of activities under this section.

Comment [ACM11]: Existing County Code

**§ 12-12 through 12-19. Reserved.**

**ARTICLE II. - Office of the Fire Marshal**

**§ 12-20. Office of fire marshal created; appointment and oath of fire marshal and deputies.**

A. The office of the county fire marshal ("Fire Marshal's Office") is hereby established. The county administrator shall appoint the fire marshal and such deputy fire marshals as they deem necessary.

**Comment [ACM12]:** Existing County Code, COV27-30

B. The fire marshal and his deputies and assistants shall, before entering upon their duties, take an oath, before any officer authorized to administer oaths, to faithfully discharge the duties of their office.

**Comment [ACM13]:** Existing County Code, COV27-30

C. The county fire marshal shall not be appointed for a definite term and shall continue to be an employee of the county subject to the personnel policies of the County.

**Comment [ACM14]:** Prince William County Code 9.1-19(d) and Fairfax County Code 62-2-2.

**§ 12-21. Powers and Duties**

A. The county fire marshal and any deputy fire marshals are designated to act as the enforcement entity for this chapter and shall have all powers as authorized by Code of Virginia Code of Virginia, § 27-34 et seq.

**Comment [ACM15]:** Existing County Code, COV 27-34.

B. The fire marshal shall investigate or cause to be investigated, the cause and origin of every fire, explosion or hazardous material incident, or reasonably suspected incident, occurring within the county including those of an unknown or suspicious nature or which involves the loss of life or causes injury to persons or causes destruction of or damage to property. Such investigation shall be made at the time of the fire or at a subsequent time, depending on the nature and circumstances of the incident. 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, as well as the storage, use and transportation of hazardous materials or hazardous waste, environmental crimes, and other offenses involving the calling or summoning of fire or rescue equipment without just cause or other offenses arising out of or incidental to the investigation of the enumerated offenses shall be the responsibility of the fire marshal or their designee.

**Comment [ACM16]:** COV 27-34.2:1

1) It shall be the responsibility of the department officer-in-charge, or their designee, to file with the fire marshal, in such form as prescribed by the fire marshal, a report of every fire, explosion or hazardous materials incident to which apparatus or equipment responds. Such reports shall be filed at such time and location as prescribed by the County Fire Chief.

**Comment [ACM17]:** Prince William County Code 9.1-28

2) The fire marshal or designee shall take charge immediately of any evidence and, in order to preserve such evidence relating to the cause and origin of any such incident, take means to prevent access by any person or persons to the building, structure or premises until such evidence has been properly processed. The Sheriff's Office, upon request of the Fire Marshal's Office, shall assist in the investigation and security as needed.

**Comment [ACM18]:** COV 27-34.1

C. Pursuant to Code of Virginia section 27-98, the fire marshal shall, at a minimum, annually inspect all facilities, properties, systems, equipment and materials stored, used or handled and all pertinent conditions therein requiring a Fire Prevention Code Permit as outlined in Article VI here in as well as other occupancies as deemed necessary by the County Fire Chief, to ensure that they are in compliance with the requirements, regulations and standards set forth by this Chapter.

Comment [ACM19]: COV 27-98

D. The fire marshal shall assist the building official in the review of construction plans for compliance with fire protection and life safety provisions of the Virginia Uniform Statewide Building Code and the review and inspection of all fire protection system permits. Furthermore, the fire marshal shall assist the building official in performing inspections of new systems and structures prior to the issuance of a certificate of occupancy. Likewise, the fire marshal shall assist the department of Planning and Zoning in the review of site development plans for compliance with this chapter including the Fire Prevention Code.

Comment [ACM20]: Chesterfield County Code 10-3 (106.8).

E. Where so designated by the fire marshal, any deputy fire marshals as well as other assistants or staff, herein referred to collectively as the "Fire Marshal's Office", shall in the absence of the fire marshal, have the powers and perform the duties of the fire marshal.

Comment [ACM21]: COV 27-36

**§ 12-22. Penalty.**

Unless otherwise specified, it shall be unlawful for any owner or any other person, firm or corporation, to violate any provisions of this chapter including the Fire Prevention Code. Any such violations 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 County Code section 1-11. Each day that a violation continues after a service of notice, as provided for in the Fire Prevention Code if applicable, shall be deemed a separate offense.

Comment [ACM22]: COV 27-100, Existing County Code 1-11.

**§ 12-23. Powers for Sheriff or deputies to enforce certain sections.**

Unless otherwise indicated in this Chapter, the Stafford County Sherriff or deputies shall be authorized to enforce County Code section 12-61 (fire lanes) and County Code 12-62 subsection 5610 (fireworks).

Comment [ACM23]: Similar existing County Code 12-71.

**§ 12-24 through 12-29.** Reserved.



### ARTICLE III. UNLAWFUL FIRES

#### § 12-30. Precautions to prevent spread of fire generally.

- A. It shall be unlawful for any owner or lessee of land to set fire to, or to procure another to set fire to, any woods, brush, logs, leaves, grass, debris or other flammable material upon such land, unless he previously shall have taken all reasonable care and precaution, by having cut and piled the same or carefully cleared around the same, to prevent the spread of such fire to lands other than those owned or leased by him. It shall also be unlawful for any employee of any such owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass, debris or other flammable material, upon such land, unless he shall have taken similar precautions to prevent the spread of such fire to any other land.
- B. Any person violating any provision of this section shall, upon conviction, shall incur a penalty as stipulated in section § 12-22. If any forest fire shall originate as a result of the violation by any person of any provision of this section, such person shall, in addition to the above penalty, be liable to the county for the full amount of all expenses incurred by the county in suppressing such fire.

Comment [ACM24]: Existing County Code, COV 10.1-1142(A)

Comment [ACM25]: Existing County Code, COV 10.1-1142(E)

#### § 12-31. Extinguishing fire built near woodland, brush land, etc.

Any person who shall build a fire in the open air, or use a fire built by another in the open air, within one hundred fifty (150) feet of any woodland, brushland or field containing dry grass or other flammable material, shall, before leaving such fire untended, totally extinguish it. Any person failing to do so shall incur a penalty as stipulated in section § 12-22. Whenever it shall be established that a forest fire originated from such fire, the person building or using such fire shall, in addition to the penalty imposed for violating this section, be liable for the full amount of all costs incurred in suppressing the fire.

Comment [ACM26]: Existing County Code, COV 10.1-1142(D)

#### § 12-32. Intentionally allowing fire to spread to land of another.

Any person who intentionally sets or procures another to set fire to any woods, brush, leaves, grass, straw or any other flammable substance capable of spreading fire, and who intentionally allows the fire to escape to lands not his own, whereby the property of another is damaged or jeopardized, shall incur a penalty as stipulated in Section 12-22 of this chapter. In addition, such person shall be liable for the full amount of all expenses incurred in fighting the fire.

Comment [ACM27]: Existing County Code, COV 18-2.87

#### § 12-33. Carelessly damaging or jeopardizing property by fire; penalty.

If any person carelessly, negligently sets any woods or marshes on fire, or sets fire to any stubble, brush, straw, or any other substance capable of spreading fire on lands, whereby the property of another is damaged or jeopardized, he shall be guilty of a Class 4 misdemeanor, and shall be liable for the full amount of all expenses incurred in fighting the fire.

Comment [ACM28]: Existing County Code, COV 18.2-88

**§ 12-34. Open flames prohibited.**

- A. No person shall take or utilize an open flame or light in a structure, vessel, boat, or other place where highly flammable, combustible or explosive material is utilized, dispensed or stored, or within 25 feet of such places. This section includes the use of any lighted match, cigar, cigarette, matches, or other flaming, smoking or smoldering, or glowing substance or object.
- B. No person shall throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, or other flaming, smoking or smoldering, or glowing substance or object on any surface or article where it can cause an unwanted or unlawful fire.
- C. Any person violating any provision of this section shall, upon conviction, incur a penalty as stipulated in section § 12-22.

**Comment [ACM29]:** 2012 Virginia Statewide Fire Prevention Code, 308.1.1

**Comment [ACM30]:** 2012 Virginia Statewide Fire Prevention Code, 308.1.2

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## ARTICLE IV. UNLAWFUL ACTIVITIES

### § 12-40. Damage or injury to fire and rescue department equipment or personnel.

It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface any department equipment or vehicle at any time; or to injure, or attempt to injure or conspire to injure fire and rescue department personnel while such personnel are in the performance of departmental duties.

**Comment [ACM31]:** Fairfax County Code 62-1-3, Arlington County Code 8.1-15, Prince William County Code 9.1-65,

### § 12-41. Use of fire apparatus, equipment, etc., within the County.

- A. It shall be unlawful for any person to operate or cause to be operated upon a public highway or street in the County any vehicle or equipment used, intended to be used or designed to be used for the purpose of fighting fires or hazardous material emergencies, unless such vehicle or equipment is owned by a recognized fire or rescue company of the County.
- B. For the purpose of this section, a recognized fire or rescue company of the County shall be construed to mean one that has been recognized as such by resolution of the Board of Supervisors.
- C. This section shall not apply to the operation of emergency vehicles and equipment owned by any recognized fire or rescue company outside of the County when such vehicle or equipment is traveling in or through the county for parade or other non-fire fighting purposes or in response to a call from the Emergency Communications Center.

**Comment [ACM32]:** Fairfax County Code 62-1-2, Prince William County Code 9.1-67, COV 27-2, COV 27-6.02,

### § 12-42. Unlawful boarding or tampering with fire department vehicles.

It shall be unlawful for any person, without proper authorization from the fire department officer-in-charge of said vehicle, to cling to, attach himself to, climb upon or into, board, or swing upon any fire department vehicle, whether such vehicle is in motion or at rest or to sound any warning device thereon or to manipulate, tamper with, or destroy or attempt to manipulate, tamper with, or destroy any lever, valve, switch, starting device, brake, pump or any equipment, protective clothing, or tool on or a part of such Fire and Rescue department vehicle.

**Comment [ACM33]:** Fairfax County Code 62-1-4, Arlington County Code 8.1-16, Alexandria City Code 4-2-16. Prince William County Code 9.1-66

### § 12-43. Impersonation of public safety personnel; penalty

It shall be unlawful for any person who willfully impersonates, with the intent to make another believe he is, an emergency medical services provider, firefighter, special forest warden designated pursuant to Virginia Code § 10.1-1135, fire marshal, or fire chief. Such person shall be guilty of a Class 1 misdemeanor and a second or subsequent offense is punishable as a Class 6 felony.

**Comment [ACM34]:** COV 18.2-174.1

### § 12-44. Unlawful to cross fire line.

It shall be unlawful for any person to cross or to remain within designated fire lines or barricades, which have been established to prevent public access to the scene of a fire(s), wreck(s), explosions(s), crime(s), and/or emergency situations where life, limb or property may be endangered.

**Comment [ACM35]:** Arlington County Code 8.1-18.

**§ 12-45. Unlawful or prohibited acts including causing, permitting, concealing.**

Whenever in this chapter any act or omission is made unlawful or prohibited, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

**Comment [ACM36]:** Arlington County Code 8.1-18.

**§ 12-46. Unauthorized use of fire protection equipment; faulty alarms.**

- A. It shall be unlawful for any person to tamper with, damage, or destroy, to use without just cause or authorization, or to hinder the use of any fire protection system or fire extinguisher installed in any building or structure within the county.
- B. It shall be unlawful for any person to use, tamper with, damage, or destroy any fire hydrant, valve, or fire protection equipment within the county except that fire departments may use hydrants and equipment for firefighting or training purposes, or a person who has obtained a permit for use from the public authority or utility having jurisdiction over said items. When use is by a person under permit from the authority having jurisdiction, all policies as outlined on said permit or application shall be complied with.
- C. Whenever faulty or nuisance fire alarm activations occur in an occupancy and exceed three (3) or more times within a thirty (30) day period, the fire marshal may require the owner or occupant to have a licensed fire protection system contractor conduct a full system test, witnessed by the fire marshal or their designee, of the fire protection system associated with the faulty or nuisance alarm.
  - (1) For the purposes of this section, a faulty or nuisance alarm is deemed to occur whenever the fire marshal or fire department officer-in-charge of the fire alarm response determines, after investigation, that faulty equipment or processes likely initiated the alarm.
  - (2) As soon as practical following the faulty or nuisance alarm, the responding officer-in-charge shall cause the Fire Marshal's Office to be notified in writing of the facts and circumstances supporting the determination that faulty equipment or processes initiated the alarm.
- D. It shall be unlawful to silence or reset or to direct another to do the same to any fire alarm or building evacuation notification system without prior authorization from the fire marshal or designee. This section shall not apply to law enforcement officers or other first responders in the performance of their duties nor to licensed fire suppression, fire protection or fire alarm system contractors or trained and qualified property owners and their staff

**Comment [ACM37]:** Existing County Code

**Comment [ACM38]:** Existing County Code

**Comment [ACM39]:** Chesterfield County Code 10-3 (907.9), Fairfax County Code 62-2-8 (907.9.5.1), Prince William County Code 9.1-33,

when conducting inspection, testing, service or maintenance on fire protection systems.

**Comment [ACM40]:** 2012 Virginia Statewide Fire Prevention Code 401.3.3 and 401.8., Alexandria City Code 4-2-17(d), Arlington County Code 8.1-22 (901.8),

- E. Any person violating any provision of this section shall, upon conviction, incur a penalty as stipulated in section § 12-22.

**§ 12-47. Failure to notify of fire or explosion; false report prohibited.**

- A. When an unlawful fire or explosion or the evidence of the occurrence of an unlawful fire or explosion is discovered, even though it has apparently been extinguished or complete, the person making such discovery shall immediately report the same to the fire marshal through the county Emergency Communications Center.

**Comment [ACM41]:** 2012 Virginia Statewide Fire Prevention Code 401.3.1

- B. It shall be unlawful to knowingly give, to cause, or permit a false report, or transmit a false alarm concerning fires, smoke, explosions, hazardous materials releases, the need for emergency medical or rescue services, or the sighting of severe storms such as tornadoes.

**Comment [ACM42]:** COV 18.2-212

- C. Any person violating any provision of this section shall, upon conviction, incur a penalty as stipulated in section § 12-22.

**Comment [ACM43]:** Add 5003.3 language as well as DEQ Admin Code

**§ 12-48. Unauthorized hazardous material release**

- A. Hazardous materials in any quantity shall not be released into a sewer, storm drain, ditch, drainage canal, creek, stream, river, lake or tidal waterway or on the ground, sidewalk, street, highway or into the atmosphere unless otherwise permitted by the Fire Prevention Code.

**Comment [ACM44]:** 2012 Virginia Statewide Fire Prevention Code 5003.3, COV 62.1-44.34:18(A), COV 27-37.1

- B. It shall be unlawful for any person to knowingly delay or cause to be delayed the immediate reporting to the fire marshal through the county Emergency Communications Center, any incident related to the willful or accidental release, discharge, leak, spill, or dumping of a hazardous material or hazardous waste

**Comment [ACM45]:** COV 62.1-44.34:18(B), Arlington County Code 8.1-22 (5003.3.2), Prince William County Code 9.1-36,

- C. The person, firm, corporation, or person-in-charge, who is responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effect of such unauthorized discharge, whether sudden or gradual, at no cost to the county. The fire marshal may require records and receipts to verify cleanup and proper disposal of unauthorized discharges. When deemed necessary by the fire marshal, cleanup may be initiated by the department or by an authorized individual or firm. Costs associated with such clean up shall be borne by the owner, operator, or person-in-charge who is responsible for the unauthorized discharge.

**Comment [ACM46]:** 2012 Virginia Statewide Fire Prevention Code 5003.3.1.

- D. When responsibility for the unauthorized discharge is not able to be identified by the fire marshal, the owner and the tenant or other person-in-charge of the premises when a leak or spill occurs, or when a leak or spill is discovered, shall be fully responsible for the containment, cleanup, and disposal of the hazardous materials to the satisfaction of the fire marshal. For the purposes of this subsection, the phrase, "person-in-charge" means any firm, business, corporation, or person who is solely or jointly in control of all or any portion of the premises, facility, building, structure, vehicle, device or other property, substance, material, gas, liquid, chemical, or condition regulated by this chapter. A person-in-charge includes an owner, operator, permit holder, tenant, occupant, manager, employee, agent, contractor, attendant, or other person regardless of rank or authority.
- E. Any person violating any provision of this section shall incur a penalty as stipulated in section § 12-22.

**Comment [ACM47]:** Alexandria City Code 4-2-21 (5704.2.7.13), Fairfax County Code 6-2-8 (2703.3.1)

**§ 12-49. Unlawful possession or use of explosives or hazardous substances prohibited; penalty**

- A. Any person who (i) possesses materials with which fire bombs or explosive materials or devices can be made with the intent to manufacture fire bombs or explosive materials or devices or, (ii) manufactures, transports, distributes, possesses or uses a fire bomb or explosive materials or devices shall be guilty of a Class 5 felony.
- B. Any person who constructs, uses, places, sends, or causes to be sent any hoax explosive device so as to intentionally cause another person to believe that such device is a bomb or explosive shall be guilty of a Class 6 felony.
- C. If any person maliciously causes any other person bodily injury by means of any acid, lye or other caustic substance or agent or use of any explosive or fire, he shall be guilty of a felony and shall be punished by confinement in a state correctional facility for a period of not less than five years nor more than thirty years. If such act is done unlawfully but not maliciously, the offender shall be guilty of a Class 6 felony.

**Comment [ACM48]:** COV 18.2-85

**Comment [ACM49]:** COV 18.2-85

**Comment [ACM50]:** COV 18.2-52

**ARTICLE V. Open Air Burning**

**Comment [ACM51]:** Any local open burning regulations must be approved by the Virginia Air Pollution Control Board per COV 10.1-1321

**§ 12-50 Purpose.**

- A. The purpose of this article is to protect the public health, safety, and welfare by regulating open burning within the county to achieve and maintain, to the greatest extent practicable, a level of air quality that will provide comfort and convenience while promoting economic and social development. This article shall supplement the applicable regulations promulgated by the State Air Pollution Control Board and other applicable regulations and laws.
- B. The provisions of this article shall be enforced by the Stafford County Fire Marshal, Deputy Fire Marshal, Sheriff or his designee.

**Comment [ACM52]:** 9VAC5-130-100(DEQ Regulations)

**Comment [ACM53]:** Existing County Code

**§ 12-51 Definitions.**

For the purpose of this article, subsequent amendments or any orders issued pursuant to this section, the words or phrases shall have the meanings given them in this section.

"Automobile graveyard" means any lot or place that is exposed to the weather and upon which more than five motor vehicles of any kind, incapable of being operated, and that it would not be economically practical to make operative, are placed, located or found.

**Comment [ACM54]:** 9VAC5-130-100(DEQ Regulations)

"Bonfire" means an outdoor fire used for ceremonial purposes

**Comment [ACM55]:** Existing County Code

"Built-up area" means any area with a substantial portion covered by industrial, commercial or residential buildings.

**Comment [ACM56]:** 9VAC5-130-100(DEQ Regulations)

"Recreational burning" means an outdoor fire which is used to cook food for human consumption such as a campfire, warming fires and bonfires.

**Comment [ACM57]:** Existing County Code

"Clean burning waste" means waste that is not prohibited to be burned under this article and that consists only of (i) 100% wood waste, (ii) 100% clean lumber or clean wood, (iii) 100% yard waste, or (iv) 100% mixture of only any combination of wood waste, clean lumber, clean wood or yard waste.

"Clean lumber" means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.

"Clean wood" means uncontaminated natural or untreated wood. Clean wood includes, but is not limited to, byproducts of harvesting activities conducted for forest management or commercial logging, or mill residues consisting of bark, chips, edgings, sawdust, shavings or slabs. It does not include wood that has been treated, adulterated, or chemically changed in some way; treated with glues, binders or resins; or painted, stained or coated.

"Construction waste" means solid waste that is produced or generated during construction remodeling, or repair of pavements, houses, commercial buildings and other structures. Construction waste consists of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings,



solvents, asbestos, any liquid, compressed gases or semi-liquids, and garbage are not construction wastes and the disposal of such materials must be in accordance with the regulations of the Virginia Waste Management Board.

"Debris waste" means wastes resulting from land clearing operations. Debris wastes include but are not limited to stumps, wood, brush, leaves, soil and road spoils.

"Demolition waste" means that solid waste that is produced by the destruction of structures, or their foundations, or both, and includes the same materials as construction waste.

"Garbage" means readily putrescible discarded materials composed of animal, vegetable or other organic matter.

"Hazardous waste" means a "hazardous waste" as described in 9VAC20-60 (Virginia Hazardous Waste Management Regulations).

"Household waste" means any waste material, including garbage, trash and refuse derived from households. For purposes of this article, households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks (septage) that is regulated by state agencies.

"Industrial waste" means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include but is not limited to waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

"Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

"Junkyard" means an establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary landfills.

"Landfill" means a sanitary landfill, an industrial waste landfill, or a construction/demolition/debris landfill. See 9VAC20-81 (Solid Waste Management Regulations) for further definitions of these terms.

"Local landfill" means any landfill located within the jurisdiction of a local government (Rappahannock Regional Landfill).

"Open burning" means the combustion of any matter in such a manner that the products resulting from combustion are emitted directly into the atmosphere without:

Comment [ACM58]: 9VAC5-130-100(DEQ Regulations)

Comment [ACM59]: Existing County Code



1. Control of combustion air to maintain adequate temperature for efficient combustion;
2. Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
3. Control of the combustion product's emission such as passing through a stack, duct or chimney.

"Open pit incinerator" means a device used to burn waste for the primary purpose of reducing the volume by removing combustible matter. Such devices function by directing a curtain of air at an angle across the top of a trench or similarly enclosed space, thus reducing the amount of combustion byproducts emitted into the atmosphere. The term also includes trench burners, air curtain incinerators and over draft incinerators.

"Refuse" means all solid waste products having the characteristics of solids rather than liquids and that are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination or other discarded materials.

"Salvage operation" means any operation consisting of a business, trade or industry participating in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers or drums, and specifically including automobile graveyards and junkyards.

"Sanitary landfill" means an engineered land burial facility for the disposal of household waste that is so located, designed, constructed, and operated to contain and isolate the waste so that it does not pose a substantial present or potential hazard to human health or the environment. A sanitary landfill also may receive other types of solid wastes, such as commercial solid waste, nonhazardous sludge, hazardous waste from conditionally exempt small quantity generators, construction, demolition, or debris waste and nonhazardous industrial solid waste. See 9VAC20-81-10 (Solid Waste Management Regulations) for further definitions of these terms.

"Smoke" means small gas-borne particulate matter consisting mostly, but not exclusively, of carbon, ash and other material in concentrations sufficient to form a visible plume.

"Special incineration device" means an open pit incinerator, conical or teepee burner, or any other device specifically designed to provide good combustion performance.

"Wood waste" means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:

1. Grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.
2. Construction, renovation, or demolition wastes; or

**Comment [ACM60]:** Existing County Code

**Comment [ACM61]:** 9VAC5-130-100(DEQ Regulations)

**3. Clean lumber.**

"Yard waste" means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include (i) construction, renovation, and demolition wastes or (ii) clean wood.

**Comment [ACM62]:** 9VAC5-130-100(DEQ Regulations)

**§ 12-52 Prohibitions on open burning.**

A. No owner or other person shall cause or permit open burning or the use of a special incineration device except as provided in this article. The open burning of garbage, refuse, trash, rubbish and other forms of solid, liquid waste, including but not limited to wastes resulting from residential, agricultural, commercial, industrial, institutional, trade and construction shall be prohibited at all times.

**Comment [ACM63]:** Existing County Code

B. No owner or other person shall cause or permit open burning or the use of a special incineration device for the destruction of rubber tires, asphaltic materials, crankcase oil, impregnated wood or other rubber or petroleum based materials except when conducting bona fide firefighting instruction at firefighting training schools having permanent facilities.

C. No owner or other person shall cause or permit open burning or the use of a special incineration device for the destruction of hazardous waste or containers for such materials.

D. No owner or other person shall cause or permit open burning or the use of a special incineration device for the purpose of a salvage operation or for the destruction of commercial/industrial waste.

E. Open burning or the use of special incineration devices permitted under the provisions of this article does not exempt or excuse any owner or other person from the consequences, liability, damages or injuries that may result from such conduct; nor does it excuse or exempt any owner or other person from complying with other applicable laws, ordinances, regulations and orders of the governmental entities having jurisdiction, even though the open burning is conducted in compliance with this ordinance. In this regard special attention should be directed to Code of Virginia § 10.1-1142 (Forest Fire Law of Virginia), the regulations of the Virginia Waste Management Board, and the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution.

F. Upon declaration of an alert, warning or emergency stage of an air pollution episode as described in 9VAC5-70 (Air Pollution Episode Prevention) or when deemed advisable by the State Air Pollution Control Board to prevent a hazard to, or an unreasonable burden upon, public health or welfare, no owner or other person shall cause or permit open burning or use of a special incineration device; and any in process burning or use of special incineration devices shall be immediately terminated in the designated air quality control region.

**Comment [ACM64]:** 9VAC5-130-100(DEQ Regulations)

G. Prior to and upon the completion of any open burning, notification shall be made to the Fire Marshal's Office through the county Emergency Communications Center.

H. The fire marshal shall prohibit open burning when atmospheric conditions or local circumstances make such fires hazardous. The fire marshal or their designee shall order the extinguishment by the owner, other person or the fire department of any open burning which creates or adds to a hazardous situation or any open burning which has been left unattended.

Comment [ACM65]: Existing County Code

I. Any open burning shall be constantly attended by a competent adult, eighteen (18) years of age or older, until the fire is extinguished. A minimum of one 4-A rated portable fire extinguisher or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck shall be available for immediate utilization.

Comment [ACM66]: Existing County Code

Comment [ACM67]: 2012 Virginia Statewide Fire Prevention Code 307.5

### § 12-53 Exemptions.

The following activities are exempted to the extent covered by the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution and this article:

A. Open burning for training and instruction of government and public firefighters under the supervision of the County Fire Chief or their designated official;

Comment [ACM68]: Existing County Code

B. Open burning for camp fires or other fires that are used solely for recreational purposes, for ceremonial occasions, for outdoor noncommercial preparation of food, and for warming of outdoor workers;

C. Open burning for the destruction of any combustible liquid or gaseous material by burning in a flare or flare stack approved by the Fire Marshal's Office;

D. Open burning for forest management, agricultural practices, and highway construction and maintenance programs approved by the State Air Pollution Control Board;

E. Open burning for the destruction of classified military documents on government property where approved by the Fire Marshal's Office;

Comment [ACM69]: 9VAC5-130-100(DEQ Regulations)

F. Forestry activities conducted under the supervision of state forestry officials.

Comment [ACM70]: Existing County Code

### § 12-54 Permissible open burning.

A. Residential open burning is permitted on site for the destruction of leaves and tree, yard and garden trimmings located on the premises of private property, provided that all the following conditions are met:

1. The burning takes place on the premises of the private property;

2. The location of the burning is not less than 300 feet from any occupied building unless the occupants have given prior written permission, and is at least 50 feet from combustible construction or other buildings located on the property on which the burning is conducted;

3. No regularly scheduled collection service for such trimmings is available at the adjacent street or public road; and

Comment [ACM71]: 9VAC5-130-100(DEQ Regulations)

4. The fire must be constantly attended by a competent adult, eighteen (18) years of age or older and the burning conducted in a fashion as to minimize any nuisance to neighbors.

Comment [ACM72]: Existing County Code

B. Recreational burning including bonfires, campfires, or warming fires, are permitted where the fuel consists only of seasoned dry firewood ignited with a small quantity of paper, and are in accordance with the Fire Prevention Code and the following:

1. The fire shall not be used for waste disposal purposes and the fuel shall be chosen to minimize the generation of air contaminants. No trash, oil, tires, etc. are to be used; and

2. Large recreational burning such as bonfires shall be no more than five (5) feet by five (5) feet in size and shall burn not longer than three (3) hours. The size and duration of a bonfire shall only be increased by the fire marshal when it is determined that fire safety requirements of the situation and the desirable duration of burn warrant the increase.

Comment [ACM73]: Existing County Code

C. Open burning is permitted on site for destruction of debris waste resulting from land and site clearing operations, the development or modification of roads and highways, parking areas, railroad tracks, pipelines, power and communication lines, buildings or building areas, sanitary landfills, or from any other clearing operations that may be approved by the Fire Marshal's Office and the required permit issued provided all the following site conditions are met:

Comment [ACM74]: Existing County Code

1. All reasonable effort shall be made to minimize the amount of material burned, with the number and size of the debris piles approved by the Fire Marshal's Office;

2. The material to be burned shall consist of brush, stumps and similar debris waste and shall not include demolition material;

3. The burning shall be at least 1,000 feet from any occupied building unless the occupants have given prior written permission, and is at least 50 feet from combustible construction or other buildings located on the property on which the burning is conducted;

4. The burning shall be conducted at least 2,500 feet from highways, air fields, schools, and healthcare facilities;

5. The burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced. Open burning shall be constantly attended by a competent person, eighteen (18) years of age or older, until the fire is extinguished. Any permit holder found in violation of this subsection shall have his permit revoked for a period of sixty (60) days or until court action restores the permit;

Comment [ACM75]: 9VAC5-130-100(DEQ Regulations)

Comment [ACM76]: Existing County Code

6. The burning shall not be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials and debris shall not be burned and fires shall not be fed between Friday, 12:00 noon and Monday, 7:00 A.M.;

Comment [ACM77]: 9VAC5-130-100(DEQ Regulations)

Comment [ACM78]: Existing County Code

7. The burning shall be conducted only when the prevailing winds are away from any city, town or built-up area and burning shall be strictly prohibited from any

Comment [ACM79]: 9VAC5-130-100(DEQ Regulations)

property within the Urban Services Area as designated on the county's Comprehensive Plan.

Comment [ACM80]: Existing County Code

D. Open burning is permitted for destruction of debris on the site of local landfills provided that the burning does not take place on land that has been filled and covered so as to present an underground fire hazard due to the presence of methane gas, provided that the all following conditions are met:

1. The burning shall take place on the premises of a local sanitary landfill that meets the provisions of the regulations of the Virginia Waste Management Board;
2. The burning shall be attended at all times;
3. The material to be burned shall consist only of brush, tree trimmings, yard and garden trimmings, clean burning waste, clean burning debris waste, or clean burning demolition waste;
4. All reasonable effort shall be made to minimize the amount of material that is burned; and
5. No materials may be burned in violation of the regulations of the Virginia Waste Management Board or the State Air Pollution Control Board. The exact site of the burning on a local landfill shall be established in coordination with the regional director and Fire Marshal's Office; no other site shall be used without the approval of these officials. The Fire Marshal's Office shall be notified of the days during which the burning will occur.

Comment [ACM81]: 9VAC5-130-100 (DEQ Regulations)

E. Except as permitted by section 12-54 A and B, no owner or other person shall cause or permit open burning or the use of a special incineration device May 1 through September 30.

Comment [ACM82]: 9VAC5-130-30(A) (DEQ Regulations)

F. Fires between February 15 and April 30 of each year shall only occur between the hours of 4:00 P.M. and 12:00 midnight unless otherwise permitted under Code of Virginia § 10.1-1142.

Comment [ACM83]: Existing County Code

### § 12-55 Permits.

A. When open burning of debris waste (section 12-54(c)) is permitted to occur within the county, the person responsible for the burning shall obtain a permit from the Fire Marshal's Office prior to the burning. Such a permit may be granted only after confirmation by the Fire Marshal's Office that the burning can and will comply with the provisions of this ordinance and any other conditions that are deemed necessary to ensure that the burning will not endanger the public health and welfare or to ensure compliance with any applicable provisions of the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution. A separate permit shall be required from each burn location and shall expire ninety (90) days from the date of issuance. Permits are non-transferable and a copy shall be maintained on site at all times during the burning operation.

Comment [ACM84]: 9VAC5-130-100(DEQ Regulations)

Comment [ACM85]: Existing County Code

B. Prior to the initial installation (or reinstallation, in cases of relocation) and operation of special incineration devices, the person responsible for the burning shall obtain a permit from the Fire Marshal's Office, such permits to be granted only after confirmation by the

Fire Marshal's Office that the burning can and will comply with the applicable provisions in Regulations for the Control and Abatement of Air Pollution and that any conditions are met that are deemed necessary by the Fire Marshal's Office to ensure that the operation of the devices will not endanger the public health and welfare. Permits granted for the use of special incineration devices shall at a minimum comply with all the following conditions:

1. All reasonable effort shall be made to minimize the amount of material that is burned. Such efforts shall include, but are not limited to, the removal of pulpwood, sawlogs and firewood;
2. The material to be burned shall consist of brush, stumps and similar debris waste and shall not include demolition material;
3. The burning shall be at least 300 feet from any occupied building unless the occupants have given prior written permission, and is at least 50 feet from combustible construction or other buildings located on the property on which the burning is conducted; burning shall be conducted at least 1,000 feet from highways, air fields, schools, and healthcare facilities. If the Fire Marshal determines that it is necessary to protect public health and welfare, he may direct that any of the above cited distances be increased;

4. The burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced. Under no circumstances should the burning be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials. Open burning shall be constantly attended by a competent person, eighteen (18) years of age or older, until the fire is extinguished. Any permit holder found in violation of this subsection shall have his permit revoked for a period of sixty (60) days or until court action restores the permit;

Comment [ACM86]: 9VAC5-130-100(DEQ Regulations)

5. The burning shall be conducted only when the prevailing winds are away from any city, town or built-up area. Such burning shall be strictly prohibited from any property within the Urban Services Area as designated in the county's Comprehensive Plan;

Comment [ACM87]: 9VAC5-130-100(DEQ Regulations)

Comment [ACM88]: Existing County Code

6. The use of special incineration devices shall be allowed only for the destruction of debris waste and shall not be burned and fires shall not be fed between Friday, 12:00 noon and Monday, 7:00 a.m.; and

Comment [ACM89]: 9VAC5-130-100(DEQ Regulations)

Comment [ACM90]: Existing County Code

7. Permits issued under this subsection shall be limited to a specific period of time deemed appropriate by the fire marshal. A separate permit shall be required from each burn location and shall expire no more than ninety (90) days from the date of issuance. Permits will be non-transferable.

Comment [ACM91]: 9VAC5-130-100(DEQ Regulations)

Comment [ACM92]: Existing County Code

C. An application for a permit under section 12-55(A) or 12-55(B) shall be accompanied by a processing fee as designed by the Board of Supervisors.

Comment [ACM93]: Existing County Code

D. Applications for open burning shall be submitted in writing at least ten (10) days before the fire is to be set and shall contain such information as required by the Fire Marshal's Office. Such applications shall contain, at minimum, information regarding

Comment [ACM94]: 9VAC5-130-100(DEQ Regulations)

the purpose of the proposed burning, the nature and quantities of material to be burned, the date when such burning will take place, and the location of the burning site.

Comment [ACM95]: Existing County Code

**§ 12-56 Penalties for violation.**

A. Any violation of this article is punishable as a Class 1 misdemeanor. (See § 15.2-1429 of the Code of Virginia.)

B. Each separate day of an offense or separate incident shall be considered a new violation.

Comment [ACM96]: 9VAC5-130-100(DEQ Regulations)

**§ 12-57 through 12-59.** Reserved.

DRAFT



## ARTICLE VI. FIRE PREVENTION CODE

### § 12-60. Fire Prevention Code adoption and enforcement; penalty.

- A. There is hereby adopted by the board, for the purpose of prescribing regulations to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling and use of substances, materials and devices, wherever located, that certain code known as the Virginia Statewide Fire Prevention Code, 2012 Edition save and except such portions as are deleted, modified or amended by this article, and the same is hereby adopted and incorporated as fully as if set out at length herein.
- B. It shall be unlawful for any owner or any other person, firm, or corporation 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 County Code section § 12-22.

Comment [ACM97]: Existing County Code

Comment [ACM98]: COV 27-100

### § 12-61. Fire Lanes.

- A. The fire marshal or his designee shall designate fire lanes on public streets and on private property where necessary for the purpose of preventing parking in front of or adjacent to fire hydrants and fire department connections and to ensure access to buildings and structures for firefighting and rescue apparatus. Fire lanes shall have a minimum width of twenty (20) feet.
- B. Signs and markings to delineate fire lanes as designated by the fire marshal shall be provided, installed, and maintained in a method and manner approved by the fire marshal or his designee.
- C. Designated fire lanes shall be maintained free of obstructions and vehicles at all times.
- (1) It shall be unlawful for any person to park, stop, stand in or otherwise obstruct such designated and marked areas.
  - (2) In any prosecution under this article, proof that the vehicle described in the complaint, summons or warrant was parked in violation of the code, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle in the place where and for the time during which such violation occurred.



(3) In addition, the vehicle parked in violation of this section may be impounded.

- D. All designated fire lane signs shall be maintained in a clean and legible condition at all times and replaced when necessary to ensure adequate visibility.
- E. It shall be unlawful for any person to deface, injure, tamper with, remove, destroy or impair the usefulness of any posted fire lane sign installed under the provisions of this section.

Comment [ACM99]: Existing County Code

**§ 12-62. Amendments, additions, deletions to the Virginia Statewide Fire Prevention Code.**

The Virginia Statewide Fire Prevention Code adopted by County Code section §12-60 (A), is hereby amended and changed pursuant to Code of Virginia § 27-97 in the following respects:

**101.1 Title.** Delete this section and replace with the following:

The regulations set forth herein, as modified and amended in County Code section §12-62, together with the additional regulations in County Code Chapter 12, shall be known as the “Fire Prevention Code”, and herein referred to as such.

Comment [ACM100]: COV 27-97, Albemarle County Code 6-200, Alexandria City Code 4-2-12, Arlington County Code 8.1-22, Chesterfield County Code 10-3, Fairfax County Code 62-2-6, Hanover County Code 9-23, Loudoun County Code 1602.11, Prince William County Code 9.1-24, Spotsylvania County Code 9-71.

Add the following subsection:

**106.3.2. Inspection by others.** The fire official may designate other persons as they deem necessary and appropriate, to make fire safety inspections. Such persons may use the Fire Prevention Code as the basis for such inspections.

Comment [ACM101]: Fairfax County Code 62-2-6,

**107.2. Permits required.** Delete this section and replace with the following:

Operational permits shall be required by the fire official in accordance with Table 107.2. Fees for such permits, as set by the board, shall be paid prior to issuance of the permit.

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.

Comment [ACM102]: Albemarle County Code 6-203, Arlington County Code 8.1-21, Chesterfield County Code 10-3, Fairfax County Code 62-2-8, Hanover County Code 9-25, Loudoun County Code 1602.11

**TABLE 107.2**

Type	When Required	Duration
<b>Section 1: Facilities, Occupancies and Precautions Against Fire</b>		
Assembly/Educational Occupancies	Facilities operating in an assembly or educational occupancy classification	Annual
Aviation Facility	Facilities involving aviation operations / storage	Annual
Covered Mall Building	Facilities designated as or in a covered mall (by main address, not individual suites)	Annual
Commercial Open Burning	Site and land clearing operations for commercial, industrial, or residential land development	Per Burn Site (90 Days Max)
Dry Cleaning Facility	Facilities where textiles are cleaned by using solvents	Annual

Comment [ACM103]: Existing County Ordinance and Policy

Exhibit or Trade Shows	Facilities operating temporary indoor exhibit or trade shows involving more than 50 vendors	Per Event (90 Days Max)
Hazardous Production Materials Facility (HPM)	Facilities using NFPA 704 classification 3 or 4 materials involved with semi-conductor manufacturing or other hazardous material processing	Annual
Lumber Yards and Woodworking Operations	Facilities storing or processing more than 100,000 board feet of lumber	Annual
Organic Coating Manufacturing Facility	Facilities manufacturing more than 1 gallon of organic coatings per day	Annual
Private Fire Hydrants	Fire hydrants not serviced by Stafford County Utilities	Annual
Special Amusement Occupancies	Temporary or permanent amusement facilities where the means of egress is not readily apparent, is intentionally confounding, or is not readily available.	Per Event (90 Days Max) or Annual
Tents, Canopies and Membrane Structures	Any individual or adjacent tent(s), canopy, or air-supported structure(s) covering an area of more than 900 square feet unless used exclusively for recreational camping purposes. Separate permits are required for every 15,000 square feet of total tent coverage area.	Per Event (90 Days Max)
Vehicle Display Inside of a Building	Any display, operation or demonstration of a liquid or gas fueled vehicle in an assembly occupancy building	Per Event (90 Days Max)
Vehicle Repair Shop Garages	Facilities conducting motor vehicle (including boat) repairs	Annual
Waste Handling Facility	Facilities conducting operations similar to wrecking yards, junk yards, and waste material handling or recycling centers	Annual
<b>Section 2: Combustible Storage and Hazardous Operations</b>		
Aerosols	Facilities operating with more than 500 pounds of class 2 or 3 aerosol products	Annual
Combustible Dust-Producing Operations	Facilities such as grain elevators, flour or feed mills, or other pulverizing processing producing combustible dust	Annual
Combustible Fibers	Facilities storing or handling more than 100 cubic feet of combustible fibers, rags, or scrap textiles	Annual
Compressed Gases	Facilities storing or using INERT compressed gasses when exceeding 6000 cubic feet of gas (such as nitrogen but does NOT include LPG)	Annual
Flammable Finishes	Spraying or dipping operations utilizing flammable or combustible products or flammable floor refinishing operations exceeding 350 square feet in size	Annual
Fruit and Crop Ripening Operations	Facilities conducting fruit or crop ripening using ethylene gas	Per Event (90 Days Max)
Fumigation and Insecticidal Fogging	Facilities or enclosed areas using flammable or toxic fumigation or insecticidal fogging	Per Event (90 Days Max)

**Comment [ACM104]:** Existing County Ordinance and Policy

Operations		
High-Piled and Combustible Storage	Facilities storing more than 500 square feet of materials in arrangements greater than 12 feet in height	Annual
Industrial Oven Operations	Facilities operating large industrial size ovens or "furnaces"	Annual
Magnesium Operations	Facilities that melt, cast, heat or grind more than 10 pounds of magnesium	Annual
Tire Storage and Rebuilding Operations	Facilities storing more than 2,500 cubic feet of tires including scrap tires or operating tire rebuilding plants	Annual
Welding and other Hot Work	Facilities conducting welding, open torches, or other hot work (except where used for construction purposes)	Per Event (90 Days Max)
Hot Work Program	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.	Annual
<b>Section 3: Fireworks and other Explosives</b>		
Blasting	Operations involving the use of explosives in any amount for demolition, stone removal, or other purposes	Per Blast Site (90 Days Max)
Explosive or Fireworks Storage	Manufacture, storage or handling of any amount of fireworks or other explosives	Annual
Fireworks: Aerial Display	Operations involving an outdoor aerial display of fireworks	Per Event
Fireworks: Indoor Pyrotechnics Display or Special Effects	Operations involving indoor display of fireworks, pyrotechnics or other special effects	Per Event
Fireworks: Itinerant Vendor	Temp facilities selling fireworks from June 1 to July 15	As noted
Fireworks: Distributor or Wholesaler	Facilities distributing or selling fireworks to only permanent or itinerant vendors	Annual
Fireworks: Permanent Vendor	Facilities selling fire works from a permanent address and permanent structure throughout the year	Annual
<b>Section 4: Hazardous Materials</b> <b>(Use Appendix E of the International Fire Code for further classification and information)</b>		
Corrosive Materials	Facilities using, storing or handling more than 55 gal. or 1000 lbs.	Annual
Cryogenic Fluids	Facilities using, storing or handling more than 1 gallon inside or 50 gallons outside	Annual
Flammable and Combustible	Facilities using, storing, manufacturing, processing or handling more than:	Annual

**Comment [ACM105]:** Existing County Ordinance and Policy

**Comment [ACM106]:** Existing County Ordinance and Policy

Liquids	Class 1 Liquids: 5 gal. Inside or 10 gal. Outside Class 2 or 3A Liquids: 25 gal. Inside or 60 gal. Outside  Except for: 1) The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant, mobile heating plant, unless such storage in the opinion of the fire official, would cause an unsafe condition. 2) The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days. 3) The storage of fuel oil used in connection with oil-burning equipment.	
Flammable Gases	Facilities using, storing or handling more than 200 cubic feet	Annual
Flammable Solids	Facilities using, storing or handling more than 100 pounds	Annual
Highly Toxic Materials	Facilities using, storing or handling more than 10 gallons, or 100 pounds, or any amount of toxic gas.	Annual
Liquefied Petroleum Gas (LPG)	Facilities using, storing or handling ANY amount of LPG with exception to single containers or aggregate quantity of less than 500 gallon water capacity for residential use.	Annual
Organic Peroxides	Facilities using, storing or handling ANY amount of class 1 through 4 (permit not required for class 5)	Annual
Oxidizers	Facilities using, storing or handling more than 55 gallons, 500 pounds or 504 cubic feet (see VSFPC for specifics)	Annual
Pyrophoric Materials	Facilities using, storing or handling ANY amount	Annual
Pyroxylin Plastics	Facilities using, storing or handling more than 25 pounds	Annual
Unstable Materials	Facilities using, storing or handling more than 10 gal. or 100 lbs.	Annual
Water-Reactive Materials	Facilities using, storing or handling more than 55 gal. or 500 lbs.	Annual

Add the following subsection:

**107.5.1 Duration of permit.** Permits shall remain in effect for no more than 12 months from the date issued unless otherwise specified in Table 107.2 or unless suspended or revoked in accordance with the code.

**Comment [ACM107]:** Arlington County Code, 8.1-22, Fairfax County Code 62-2-8

Add the following subsection:

**107.10.1 Non-refundable fees.** All required permit fees identified in table 107.2 are non-refundable once the required inspection is completed.

**Comment [ACM108]:** Alexandria County Code 4-2-21.

Add the following subsection:

**109.4. Approvals.** Approval as the result of an inspection shall not be construed to be an approval of any violation of the provisions of the Fire Prevention Code or another regulation. Inspections presuming to give authority to violate or cancel provisions of the Fire Prevention Code or any other regulation shall not be valid.

**Comment [ACM109]:** Existing County Policy

Add the following subsection:

**109.5 Inspections performed outside business hours.** Inspections may be performed outside of normal government business hours when approved by the fire official. Fees for these inspections may be assessed at the overtime rate for the inspector in addition to any permit fees.

**Comment [ACM110]:** Fairfax County Code 62-2-8, Code of Virginia 27-98

Add the following subsection:

**110.7. Imminent threat to human health or safety or to property.** If the fire official shall determine that the violation creates an imminent threat to human health or safety or to property, the fire official may restrain, correct or abate such violation and institute appropriate legal proceeding to collect the full cost of such response from the owner and the tenant or other person in control of the premises.

**Comment [ACM111]:** Alexandria City Code 4-2-21, Arlington County Code 8.1-22, Fairfax County Code 62-2-8.

**202. General Definitions.** Add or replace the following words, terms and definitions:

**Corrosive:** A chemical that causes visible destruction of, or irreversible alterations in, living tissue by chemical action at the point of contact. A chemical shall be considered corrosive if, when tested on the intact skin of albino rabbits by the method described in DOTn 49 CFR 173.137, such chemical destroys or changes irreversibly the structure of the tissue at the point of contact following an exposure period of 4 hours. This term does not refer to action on inanimate surfaces. A substance shall be considered corrosive if it has a pH less than or equal to 2, or a pH greater than or equal to 12.5 on a pH scale of 0-14.

**Comment [ACM112]:** 2012 Virginia Statewide Fire Prevention Code

**Comment [ACM113]:** Consistent with EPA definition CFR 40 Part 261.22.

**Fire Chief:** The head of the Stafford County Department of Fire, Rescue and Emergency Services, also referred to as the Fire and Rescue Chief, County Fire Chief, or Chief of the Fire Department.

**Comment [ACM114]:** Existing County Code

**Fire Lane:** An area designated by pavement markings or signs in which parking shall be prohibited, whether on public or private property, to ensure ready access for and to fire fighting and rescue equipment and facilities. A fire lane is a type of fire department access road.

**Comment [ACM115]:** Combination of Existing County Code language and 2012 Virginia Statewide Fire Prevention Code language.

**Fire Marshal's Office:**

The county fire marshal, and, under the authority of the fire marshal, deputy or assistant fire marshals, and members of the fire marshal's staff, also referred to as the Fire Prevention Division or the fire official.

**Comment [ACM116]:** Fairfax County Code 62-2-8.

**Fireworks:** Any article, device, or any substance or combination of substances designed for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, regardless of its name or form of construction.

This shall include, but not be limited to, those items known as firecrackers, cherry bombs, Roman candles, torpedoes, skyrockets and any other substance or thing of whatever form of construction containing nitrates, chlorates, oxalate, sulfide of lead, barium, antimony, nitroglycerine, phosphorus or any other explosive or flammable compound or substance.

**Fireworks Retailer:** Any person selling fireworks or offering fireworks for sale at retail within the county which shall include itinerant fireworks retailers and permanent fireworks retailers.

**Fireworks Wholesaler:** A person, firm or corporation offering fireworks for sale or selling fireworks to a retailer. Such term shall include a manufacturer of fireworks, a representative of any such manufacturer, a distributor, a jobber and a middleman of any description dealing in fireworks, any of whom shall sell or offer to sell or offer to sell fireworks to a retailer within the county.

**Immediately:** Without delay.

**Itinerant Fireworks Retailer:** Any person selling fireworks or offering fireworks for sale at retail within the county from a temporary location from June 1 to July 15 each year.

**Legal Counsel:** County Attorney or the Commonwealth's Attorney for the County of Stafford.

**Mobile Food Preparation Vehicle.** Vehicles and enclosed trailers able to be occupied by persons during cooking operations that contain cooking equipment that utilize open flames or produce smoke or grease laden vapors for the purpose of preparing and serving food to the public. Vehicles used for private recreation shall not be considered mobile food preparation vehicles.

**Occupant:** Any person physically located or situated in or on any property, structure, space or vehicle irrespective of the length of time or the reason for such occupancy.

**Permanent Fireworks Retailer:** Any person selling fireworks or offering fireworks for sale at retail within the county from a permanent address and a permanent structure throughout the year.

**301.3 Occupancy.** Add the following to end of this section: When a certificate of occupancy is not available for a building, the owner or owner's agent shall obtain occupancy approval from the Building Official and conspicuously post the Certificate of Occupancy on site for future reference.

**307.1 General.** Delete this section and replace with the following: A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with sections 307.1.1 through 307.5 and Article V of this chapter.

Comment [ACM117]: Existing County Code

Comment [ACM118]: Fairfax County Code 62-2-8.

Comment [ACM119]: Existing County Code

Comment [ACM120]: Fairfax County Code 62-2-8.

Comment [ACM121]: 2015 Virginia Statewide Fire Prevention Code

Comment [ACM122]: Chesterfield County Code 10-3, Fairfax County Code 62-2-8.

Comment [ACM123]: Existing County Code

Comment [ACM124]: 2012 Virginia Construction Code language for buildings without Certificates of Occupancy. This provides coordination and consistency between the Building and Fire Codes.

Comment [ACM125]: Existing State language and adds the local regulation reference.

Add the following new section:

**SECTION 319**  
**MOBILE FOOD PREPARATION**

**319.1 General.** Mobile food preparation vehicles that are equipped with appliances that utilize open flames or produce smoke or grease laden vapors shall comply with this section.

**319.2 Permit required.** Permits shall be required as set forth in Section 107.2.

**319.3 Seating.** Seating for the public within any mobile food preparation vehicles is prohibited.

**319.4 Exhaust hood.** Cooking equipment that produces grease laden vapors shall be provided with a kitchen exhaust hood in accordance with NFPA 96, Annex B.

**319.5 Fire protection.** Fire protection shall be provided in accordance with section 319.5.1 through 319.5.2.

**319.5.1 Fire protection for cooking equipment.** Cooking equipment shall be protected by automatic fire extinguishing systems in accordance with Section 904.3.

**319.5.2 Fire extinguisher.** Portable fire extinguishers shall be provided in accordance with Section 904.12.5.

**319.6 Appliance connection to fuel supply.** Gas cooking appliances shall be secured in place and connected to fuel supply piping with an appliance connector complying with ANSI Z21.69/CSA 6.16. The connector installation shall be configured in accordance with manufacturer's installation instructions. Movement of appliances shall be limited by restraining devices installed in accordance with the connector and appliance manufacturer's instructions.

**319.6.1 Construction and modifications.** Following initial construction and any modifications of the fuel system, the system (including hoses) shall be proven free of leaks by performing a pressure test in accordance with NFPA 58 at not less than the normal operating pressure.

**319.6.2 Leak detection.** Gas systems shall be inspected prior to each use and following fuel tank replacement or refill in one of the following methods:

1. A water/soap solution shall be applied to every accessible connection or connection manipulated during the replacement or fueling and observed for evidence of gas leakage.
2. Pressure testing in accordance with Annex L of NFPA 58.



**319.6.3 Leaks.** When leaks are discovered during inspections and testing, the fuel supply shall be secured in the "off" position or disconnected from the appliance and the appliance shall not be operated until serviced by a qualified person.

**319.7 Cooking oil storage containers.** Cooking oil storage containers within mobile food preparation vehicles shall have a minimum aggregate area volume not to exceed 120 gallons (454L), and shall be stored in such a way as to not be toppled or damaged during transport.

**319.8 Cooking oil storage tanks.** Cooking oil storage tanks within mobile food preparation vehicles shall comply with Section 319.8.1 through 319.8.5.

**319.8.1 Metallic storage tanks.** Metallic cooking oil storage tanks shall be listed in accordance with UL 142 or UL 80, and shall be installed in accordance with the tank manufacturer's instructions.

**319.8.2 Nonmetallic tanks.** Nonmetallic cooking oil storage tanks shall be installed in accordance with the tank manufacturer's instructions and shall also comply with all of the following:

1. Tanks shall be listed for use with cooking oil, including maximum temperature to which the tanks will be exposed to during use.
2. Tank capacity shall not exceed 200 gallons (757L) per tank.

**319.8.3 Cooking oil storage system components.** Metallic and nonmetallic cooking oil storage system components shall include but are not limited to piping, connections, fittings, valves, tubing, hose, pumps, vents and other related components used for the transfer of cooking oil.

**319.8.4 Design criteria.** The design, fabrication and assembly of system components shall be suitable for the working pressures, temperatures and structural stresses to be encountered by the components.

**319.8.5 Tank venting.** Normal and emergency venting shall be provided for cooking oil storage tanks.

**319.8.5.1 Normal vents.** Normal vents shall be located above the maximum normal liquid line, and shall have a minimum effective area not smaller than the largest filling or withdrawal connection. Normal vents are not required to vent to the exterior.

**319.8.5.2 Emergency vents.** Emergency relief vents shall be located above the maximum normal liquid line, and shall be in the form of a device or devices that will relieve excessive internal pressure caused by an exposure fire. For nonmetallic tanks, the emergency relief vent shall be allowed to be in the form of construction. Emergency vents are not required to discharge to the exterior.



**319.9 LP-gas systems.** Where LP- gas systems provide fuel for cooking appliances, such systems shall comply with NFPA 58, Chapter 61 and Sections 319.9.1 through 319.9.5.

**319.9.1 Maximum aggregate volume.** The maximum aggregate capacity of LP-gas containers transported on the vehicle and used to fuel cooking appliances only shall not exceed 200 pounds propane capacity.

**319.9.2 Protection of container.** LP-gas containers installed on the vehicle shall be securely mounted and restrained to prevent movement.

**319.9.3 LP-gas container construction.** LP-gas containers shall be manufactured in compliance with the requirements of NPFA 58.

**319.9.4 Protection of system piping.** LP-gas system piping, including valves and fittings, shall be adequately protected to prevent tampering, impact damage, and damage from vibration.

**319.9.5 LP-gas alarms.** A listed LP-gas alarm shall be installed with the vehicle in the vicinity of LP-gas system components, in accordance with manufacturer's instructions.

**319.10 CNG systems.** Where CNG systems provide fuel for cooking appliances, such systems shall comply with Sections 319.10.1 through 319.10.4.

**319.10.1 CNG containers supplying only cooking fuel.** CNG containers installed solely to provide fuel for cooking purposes shall be in accordance with Section 319.10.1.1 through 319.10.1.3.

**319.10.1.1 Maximum aggregate volume.** The maximum aggregate capacity of CNG containers transported on the vehicle shall not exceed 1,300 pounds water capacity.

**319.10.1.2 Protection of container.** CNG containers shall be securely mounted and restrained to prevent movement. Containers shall not be installed in locations subject to direct vehicle impact.

**319.10.1.3 CNG container construction.** The construction of CNG containers shall be approved.

**319.10.2 CNG containers supplying transportation and cooking fuel.** Where CNG containers and systems are used to supply fuel for cooking purposes in addition to being used for transportation fuel, the installation shall be in accordance with NFPA 52.

**319.10.3 Protection of system piping.** CNG system piping, including valves and fittings, shall be adequately protected to prevent tampering, impact damage, and damage from vibration.

**319.10.4 Methane alarms.** A listed methane gas alarm shall be installed within the vehicle in accordance with manufacturer's instructions.

**319.11 Maintenance.** Maintenance of systems on mobile food preparation vehicles shall be in accordance with Sections 319.11.1 through 319.11.3.

**319.11.1 Exhaust system.** The exhaust system, including hood, grease-removal devices, fans, ducts and other appurtenances, shall be inspected and cleaned in accordance with Chapter 6.

**319.11.2 Fire protection systems and devices.** Fire protection systems and devices shall be maintained in accordance with Chapter 9.

**319.11.3 Fuel-gas systems.** LP-gas containers installed on the vehicle and fuel-gas piping systems shall be inspected annually by an approved inspection agency or a company that is registered with the U.S. Department of Transportation to re-qualify LP-gas cylinders, to ensure that system components are free of damage, suitable for the intended service and not subject to leaking. CNG containers shall be inspected every three years in a qualified service facility. CNG containers shall not be used past their expiration dates listed on the manufacturer's container label. Upon satisfactory inspection, the approved inspection agency shall affix a tag on the fuel-gas system or within the vehicle indicating the name of the inspection agency and the date of satisfactory inspection.

**Comment [ACM126]:** 2015 Virginia Statewide Fire Prevention Code

**319.12 Outdoor cooking.** All outdoor, commercial cooking with deep fat fryers, woks utilized for deep fat frying, or similar outdoor cooking devices using hot oil, grease or producing grease laden vapors, shall be conducted in a mobile food preparation vehicle with a vented hood and an approved fire suppression system in accordance with this section or be located in a cooking tent in accordance with section 3104.15.5.

**Comment [ACM127]:** Alexandria City Code 4-2-21 (403.1.4)

Add the following section:

**401.9. Posting of fire safety instructions.** The fire official may issue instructions which require the owner, tenant, or management agent of buildings to post signs where, in the professional judgment of the fire official, such signs are deemed to be effective in minimizing the danger to persons and property in case of fire.

**Comment [ACM128]:** Fairfax County Code 62-2-8. Loudoun County Code 1602.11.

Add the following section:

**403.7.1.1.1 Fire evacuation plan.** The fire evacuation plan required by Section 404 shall include a description of special staff actions. In addition to the requirements of Section 404, plans in Group I-1 Condition 2 occupancies shall include procedures for

evacuation through a refuge area in an adjacent smoke compartment and then to an exterior assembly point.

**Comment [ACM129]:** 2015 Virginia Statewide Fire Prevention Code, International Fire Code 2015

Add the following section:

**403.7.1.1.2 Fire safety plans.** A copy of the fire safety plan shall be maintained at the facility at all times. Plans shall include the following in addition to the requirements of Section 404:

1. Location and number of resident sleeping rooms.
2. Location of special locking or egress control arrangements.

**Comment [ACM130]:** 2015 Virginia Statewide Fire Prevention Code, International Fire Code 2015

Replace the following section:

**403.7.1.4 Drill Frequency.** In addition to the evacuation drills required in Section 405.2, employees shall participate in drills an additional two times a year on each shift. Twelve drills with all occupants shall be conducted in the first year of operation. Drills are not required to comply with the time requirements of Section 405.4.

**Comment [ACM131]:** 2015 Virginia Statewide Fire Prevention Code, International Fire Code 2015

Add the following section:

**403.7.2.1 Fire evacuation plans.** The fire safety and evacuation plans required by Section 404 shall include a description of special staff actions. Plans shall include all of the following in addition to the requirements of Section 404.

1. Procedures for evacuation for patients with needs for containment or restraint and post-evacuation containment, where present.
2. A written plan for maintenance of the means of egress.
3. Procedure for a defend-in-place strategy.
4. Procedures for a full-floor or building evacuation, where necessary.

**Comment [ACM132]:** 2015 Virginia Statewide Fire Prevention Code, International Fire Code 2015

Add the following section:

**403.7.2.2 Fire safety plans.** A copy of the plan shall be maintained at the facility at all times. Plans shall include all of the following in addition to the requirements of Section 404:

1. Location and number of patient sleeping rooms and operating rooms.
2. Location of adjacent smoke compartments or refuge areas.
3. Path of travel to adjacent smoke compartments.
4. Location of special locking, delayed egress or access control arrangements.
5. Location of elevators utilized for patient movement in accordance with

**Comment [ACM133]:** 2015 Virginia Statewide Fire Prevention Code, International Fire Code 2015

Add the following section:

**403.9.3.1.1 Fire safety plans.** A copy of the plan shall be maintained at the facility at all times. Plans shall include the following in addition to the requirements of Section 404:

1. Location and number of resident sleeping rooms.
2. Location of special locking or egress control arrangements.

Replace the following section:

**403.9.3.4 Drill frequency.** In addition to the evacuation drills required in Section 405.2, employees shall participate in drills an additional two times a year on each shift. Twelve drills with all occupants shall be conducted in the first year of operation.

**Comment [ACM134]:** 2015 Virginia Statewide Fire Prevention Code, International Fire Code 2015

Add the following section:

**403.11.2 Public Safety Plan for gatherings.** Delete the following phrase from this section: "In other than Group A or E occupancies"

**Comment [ACM135]:** Arlington County Code 8.1-22, Fairfax County Code 62-2-8, Virginia Statewide Fire Prevention Code 2015.

Add the following subsection:

**403.11.2.1. Plan Submittal.** The public safety plan shall be submitted for approval at least 30 days prior to the event start date or as otherwise indicated by the fire official.

**Comment [ACM136]:** Existing County Policy

Add the following subsection:

**403.12. Indoor Trade Shows and Exhibitions.** The operation of indoor trade shows and exhibitions shall be in accordance with appendix N of the 2018 International Fire Code.

**Comment [ACM137]:** 2018 International Fire Code

Add the following section:

**404.5. Posting of fire evacuation plan diagrams.** In occupancies required to be provided with fire evacuation plans, approved diagrams that illustrate a floor plan (with current location), exits, stairs, elevators, fire hose valve connections, and fire extinguishers shall be permanently posted outside of each stairwell and elevator lobby on each floor as well as near the main entrance to the building and other locations as directed by the fire official or this code.

**Comment [ACM138]:** Existing County Policy

Replace Table 405.2 with the following table:

**Table 405.2  
FIRE AND EVACUATION DRILL  
FREQUENCY AND PARTICIPATION**

GROUP OR OCCUPANCY	FREQUENCY	PARTICIPATION
Group A	Quarterly	Employees
Group B <sup>b</sup>	Annually	All occupants
Group E	Monthly <sup>a</sup>	All occupants
Group F	Annually	Employees
Group I-1	Semiannually on each shift	All occupants
Group I-2	Quarterly on each shift <sup>a</sup>	Employees
Group I-3	Quarterly on each shift <sup>a</sup>	Employees
Group I-4	Monthly on each shift <sup>a</sup>	All occupants
Group R-1	Quarterly on each shift	Employees
Group R-2 <sup>c</sup>	Four Annually	All occupants
Group R-4	Semiannually on each shift <sup>a</sup>	All occupants
SRCF	Monthly	All occupants

- a. In severe climates, the fire code official shall have the authority to modify the emergency evacuation drill frequency.
- b. Emergency evacuation drills are required in Group B buildings having an occupant load of 500 or more persons or more than 100 persons above or below the lowest level of exit discharge.
- c. Emergency evacuation drills in Group R-2 college and university buildings shall be in accordance with section 403.9.2.1. Other Group R-2 buildings shall be in accordance with 403.9.2.2.

**Comment [ACM139]:** 2015 Virginia Statewide Fire Prevention Code, International Fire Code 2015

Add the following subsection:

**503.1.2.1 Residential Development.** Development projects having or causing more than 200 dwelling units to be served by a single fire apparatus access road shall be provided with and maintain at least two separate and independent fire apparatus access routes as approved by the fire official. In no case shall any new development cause existing development to be in further violation of this section.

Comment [ACM140]: Existing County Policy

Add the following subsection:

**503.1.2.2. Commercial Development.** Non-residential development projects having or causing more than 250,000 square feet of total building footprint area or designed to hold more than 2,500 occupants and served by a single fire apparatus access road shall be provided with and maintains at least two separate and independent fire apparatus access routes as approved by the fire official. In no case shall any new development cause existing development to be in further violation of this section.

Comment [ACM141]: Existing County Policy

Add the following subsection:

**503.1.2.3 Remoteness.** Where two independent fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

Comment [ACM142]: Existing County Policy

Add the following subsection:

**503.1.2.4 Aerial Fire Apparatus Access.** Where structures are more than 3-stories or more than 30 feet in height as measured from the lowest level of fire apparatus access to the floor level of the highest occupied floor, approved aerial fire apparatus access shall be provided along the front and rear (or two largest where approved) side of a building. This section shall not apply to one and two family dwellings.

Comment [ACM143]: Existing County Policy

Add the following subsection:

**503.2.2 Fire Lane Location and Parking Prohibition.** Required markings and parking prohibitions shall be based on the street width (curb-to-curb or paved surface) as in Table 503.2.1.1 unless otherwise ordered by the fire official pursuant to County Code section §12-22.

Comment [ACM144]: Existing County Policy

**Table 503.2.1.1**

<b>Street Width</b>	<b>Parking</b>	<b>Fire Lane Markings</b>
<28 feet	No parking allowed on either side	Both sides marked as fire lanes
28 to 36 feet	Parallel parking allowed on one side as determined by the fire official	One side marked as a fire lane
>36 feet	Parallel parking allowed on both sides	No fire lane markings required unless otherwise directed by the fire official

**503.3 Marking.** Add the following at the end of this section: Specifications for fire lane marking established by the fire official location and manner of fire lane marking shall be in accordance with the following:

**Pavement Marking:**

- (1) For private roads not to be accepted into the state system, the curb (painted top and face) or edge of payment (striping) shall be as follows:



- (a) The "NO PARKING FIRE LANE" lettering shall be centered between fire lane signs.
  - (b) Lettering size shall be 12 inches in height and located 12 inches from the painted curb and striping.
  - (c) Striping shall be 4" wide striping for curb and gutter pavement located 3 feet from the edge of the curb along with curb face and top painted.
  - (d) Striping shall be 6" wide striping for pavement without curb and gutter located 3 feet from the edge of the pavement and along the edge of the pavement.
  - (e) Yellow VDOT highway grade paint shall be used on all striping and lettering.
- (2) For state-maintained roads, curb (painted top and face) or edge of pavement (striping) only.

**Signs:**



- (a) A reflective metal sign. Color: WHITE background with RED lettering.
- (b) The words FIRE LANE and NO PARKING shall be in 2 inch letters. The words TOWING ENFORCED shall be in 1 inch letters.

- (c) Sign BORDER shall be 3/8 inch wide and RED in color.
- (d) For fire lanes greater than 20 feet in length, signs shall be posted at the beginning and the end of all designated fire lanes and spaced a maximum of 50 feet apart when needed.
- (e) For fire lanes 20 feet in length or less, only one fire lane sign is required and it shall be posted at the mid-point.
- (f) In single-family home developments, fire lane signs are not required where "NO PARKING FIRE LANE" is painted in 4" tall black letters every 50 feet along the face of the yellow curb

Comment [ACM145]: Existing County Policy

Add the following subsection:

**503.3.1. Fire lane sign tampering.** It shall be unlawful for any person to deface, injure, tamper with, remove, destroy or impair the usefulness of any posted fire lane sign installed under the provisions of this Code.

Comment [ACM146]: Existing County Code

Add the following subsection:

**503.8. Special event access.** It shall be the responsibility of the owner, operator or other person responsible for the establishment, erection or operation of any special event, carnival or circus to establish, erect and operate such special event so that there is provided and maintained an access lane, at least 20 feet in width and capable of supporting fire and rescue apparatus in all weather conditions and so arranged as to afford access to within 50 feet of all booths, tents, rides and other equipment, buildings, and structures used as part of or in conjunction with the special event.

Comment [ACM147]: Arlington County Code 8.1-22, Fairfax County Code 62-2-8.

**504.1 Required access.** Add the following to the end of this section: At least one fire apparatus access road shall be located no less than 100 feet from the main building entrance or other location approved by the fire official.

Comment [ACM148]: Existing County Policy

Add the following subsection:

**505.1.1 Rear address.** Commercial structures occupied by multiple businesses, such as shopping centers, etc., shall have the address posted on the rear door in four-inch black numbers or letters on a white background. Numbers shall be Arabic numerals.

Comment [ACM149]: Existing County Code

Delete the word "nonstandardized" in the title and all applicable portions of the subsection:

**506.1.2 Key boxes for fire service elevator keys.**

Comment [ACM150]: Existing County Policy

Add the following subsection:

**506.1.3 Fire Alarm Access.** All buildings, with the exception of one or two-family dwellings and townhouses, equipped with a fire alarm system shall provide a fire department access key box system as approved by the fire official. This requirement may be waived by the fire official for 24-hour facilities or other approved arrangements.

Comment [ACM151]: Existing County Policy



Add the following subsection:

**506.2.1. Access keys.** Fire department access key boxes shall contain at least one key to access the premises served, fire alarm keys, and other keys as determined by the owner or occupant. All keys shall be clearly labeled as to their function. High-rise buildings shall be provided with at least five sets of keys and securely stored within the fire command room or other approved location.

**Comment [ACM152]:** Existing County Policy

**507.1. Required Water Supply.** Add the following to the end of this section: In one or two family residential areas not provided or required to be provided with a fire hydrant system for fire protection, an approved water supply complying with the latest edition of NFPA 1142, shall be identified within 3 road miles of any facility, building or portions of buildings constructed.

**Comment [ACM153]:** Existing County Policy

**507.3 Fire flow.** Add the following to the end of this section: Where approved by the fire official, Appendix B of the 2012 International Fire Code may be considered as an alternative standard. Any reduction in fire flow requirements shall not to exceed 50 percent of the value indicated by Table B105.1.

**Comment [ACM154]:** Alexandria City Code 4-2-21, Arlington County Code 8.1-21,

Add the following subsection:

**507.5.3.1 Rural fire protection features.** Features such as dry hydrants, underground water storage tanks and related water supply accessories shall be maintained by the property owner in accordance with the latest edition of NFPA 1142.

**Comment [ACM155]:** Loudoun County Code 1602.11

Add the following subsection:

**507.5.7. Water distribution system failures.** Any private or municipal water department shall notify the Emergency Communications Center immediately of any failure in their water distribution system, hydrant repair, main breaks, pump failures, or other interruptions of water supply that may affect water supply for fire control purposes. Any required repairs shall be performed immediately. Permanent removal of any fire hydrant or portion of the water supply system for fire protection shall be approved by the fire official.

**Comment [ACM156]:** Recommended by Stafford County Fire Prevention Code Appeals Board.

**508.1 General.** Add the following to the end of this subsection: Fire Fighter Air Replenishment Systems (FARS) shall be in accordance with Appendix L of the 2018 International Fire Code.

**Comment [ACM157]:** 2018 International Fire Code.

Add the following subsection:

**508.2. Fire command center procedure book.** All buildings equipped with a fire command center shall contain an operations procedure book. The contents of the book shall be approved by the fire official. The book shall be placed in the fire command center in a manner and location approved by the fire official. The building owner shall maintain the book and update it whenever necessary.

**Comment [ACM158]:** Fairfax County Code 62-2-8 508.2, Arlington County Code 8.1-22 508.1.5(19),

**609.3.1 Ventilation system.** Add the following to the beginning of this subsection: Commercial cooking operations shall only be conducted where provided with approved ventilation in accordance with the applicable Building Code.

**Comment [ACM159]:** Arlington County Code 8.1-22 601.2, Fairfax County Code 62-2-8 601.2



Add the following subsection:

**610.1.1 Waste cooking oils.** All facilities storing waste cooking oils shall secure these storage containers to prevent spilling or unlawful tampering.

**Comment [ACM160]:** 2015 International Fire Code 610.1, Arlington County Code 8.1-22 5004.14(1)

**610.2 Storage Tanks.** Add the following to the end of this section: Nonmetallic cooking oil storage tanks shall be listed in accordance with UL2152 and shall be installed in accordance with the tank manufacturer's instructions. Tank capacity shall not exceed 200 gallons (757 L) per tank.

**Comment [ACM161]:** 2015 International Fire Code 610.3

Add the following section:

**907.9. Smoke alarms in existing buildings and structures.** Pursuant to Virginia Code §15.2-922, smoke alarms shall be installed and maintained in (i) any building containing one or more dwelling units, (ii) any hotel or motel used or offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons, and (iii) rooming houses used, offered, or intended to be used to provide overnight sleeping accommodations. Unless otherwise recommended by the manufacturer's published instructions, smoke alarms shall be replaced when they fail to respond to tests and shall not remain in service longer than 10 years from the date of manufacture.

**Comment [ACM162]:** Virginia Code 15.2-922

**Comment [ACM163]:** National Fire Alarm Code 2016, 29.8.1.4

Add the following subsection:

**907.9.1. General specifications.** All smoke detectors installed pursuant to this section shall be UL 217 listed detectors capable of sensing visible products of combustion and must have an operating audible alarm. The smoke alarms must also be either battery operated with a 10-year battery or AC powered with battery backup.

**Comment [ACM164]:** Existing County Code.

**Comment [ACM165]:** Virginia Code 15.2-922

Add the following subsection:

**907.9.2. Standards and time for installation.** All smoke detectors required by this article shall be installed in accordance with, and shall be placed in locations specified in, the applicable sections of the Virginia Uniform Statewide Building Code within ninety (90) days of the adoption of the ordinance from which this article is derived. Appropriate electrical permits shall be obtained for detectors connected to alternating current.

**Comment [ACM166]:** Existing County Code

Add the following subsection:

**907.9.3. Responsibilities of owners and tenants as to maintenance in multi-family residential buildings.**

(a) The owner or agent of the owner of a multi-family residential building containing four or more dwelling units shall provide and maintain smoke detectors as required by this article adjacent to the sleeping areas in each dwelling unit and in enclosed public hallways and shall maintain such detectors in good working order.

(b) The owner or agent of the owner of a multi-family residential building or dwelling unit which is rented or leased shall furnish to the tenant, at the beginning of each tenancy and at least annually thereafter, a written certificate that all smoke detectors required by this article are present, have been inspected and are in good working order.

(c) The tenant of any dwelling unit shall be responsible for reasonable care of the smoke detector installed pursuant to this article in accordance with Code of Virginia section §55-248.16, for interim testing thereof and for providing written notice to the owner requesting immediate repair of any malfunctioning smoke detector. In accordance with Code of Virginia section §55-248.13, the owner shall be obligated to provide and pay for service, repair or replacement of any malfunctioning smoke detector. Such service, repair or replacement must occur within five (5) days after receipt of written notice from the tenant that a smoke detector is in need of service, repair or replacement.

(d) The owner or agent of the owner of a dwelling unit which is leased or rented in a multi-family residential building containing four (4) or more dwelling units shall provide written notification to each tenant of the responsibilities and duties imposed by subsection (c) of this section.

Comment [ACM167]: Existing County Code

Add the following section:

**907.10 Posting of monitoring company information.** The name, telephone number, and account number of the current central station or other approved monitoring company shall be posted and maintained inside the fire alarm control panel. If the fire alarm system is not monitored, that fact shall be posted and maintained inside the fire alarm control panel.

Comment [ACM168]: National Fire Alarm Code 2016, 26.3.4.3, Fairfax County Code 62-2-8 907.7.5.2,

**1030.3. Obstructions.** Add the following to the end of this section: No person shall sit or stand or otherwise obstruct any means of egress or element of means of egress.

Comment [ACM169]: Arlington County Code 8.2-22 1030.3, Fairfax County Code 62-2-8 1030.3,

Add the following subsection:

**1030.3.1 Overcrowding.** The fire official, upon finding any condition which constitutes a life safety hazard or where the reliability of the means of egress has been reduced as a result of overcrowding, shall be authorized to cause the event to be stopped until such conditions or obstructions are corrected.

Comment [ACM170]: Alexandria City Code 4-2-21 1030.3.1,

**1030.9 Door and stairwell identification signs.** Delete this subsection and replace with: Stairwell floor identification signs shall be provided in accordance with section 1022.9 and maintained in an approved manner. In buildings with assembly occupant loads exceeding 1,000 persons or where required by the fire code official, exterior doors shall be provided with approved signs on the interior and exterior of doors for each set of doors providing interior access to the building. Doors shall be numbered starting with the main entrance and proceeding clockwise around the building.

Comment [ACM171]: Center For Safe Schools and Communities Model Door Numbering System, Stafford County Public School Policy

Add the following section:

**1030.10 Marking the path of egress.** The fire code official may require the means of egress through storage, manufacturing or similar areas with undefined egress paths to be marked in an approved manner and the owner or their agent shall be responsible for marking and maintaining such aisles as required.

Comment [ACM172]: Chesterfield County Code 10-3, 1030.10.

Add the following section:

**2404.10. Location of spray-finishing operations.** Spray finishing operations shall not be conducted outside of structures unless located within an approved outdoor enclosure manufactured for that purpose, located least 20 feet from buildings and meeting the requirements of 2404.9.1 through 2404.9.4.

**Comment [ACM173]:** Alexandria City Code 4-2-21 2404.10

Delete the section and the exceptions and replace with:

**3103.2 Approval required.** Tents and membrane structures having an area in excess of 900 square feet (3784 m2) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official in accordance with Table 107.2.

**Comment [ACM174]:** 2015 Virginia Statewide Fire Prevention Code

Add the following subsection:

**3103.2.1 Multiple Tents.** The aggregate area of multiple tents separated by less than 12 feet (3658 mm) shall not exceed 900 square feet unless approved in accordance with Section 3103.2.

**Comment [ACM175]:** 2015 Virginia Statewide Fire Prevention Code

Add the following subsection:

**3404.7 Improper disposal.** Property owners or business operators found in violation of Code of Virginia §10.1-1418.2 shall immediately remove such waste tires from the county. Pursuant to Code of Virginia 10.1-1417, the fire marshal or other law enforcement designee is authorized to enforce this section of the Code of Virginia.

**Comment [ACM176]:** COV 10.1-1418.2 and 10.1-1417.

Add the following subsection:

**3405.4.1 Non-combustible containers.** Where separation distances from lot lines or buildings are not able to be obtained, tire piles greater than 500 square feet in size shall be stored in an approved, non-combustible enclosure and secured from unauthorized access.

**Comment [ACM177]:** Existing County Policy

**5001.5.1. Hazardous materials management plan.** Add the following to the end of the subsection:

10. Information on hazardous material handling and chemical compatibility; monitoring methods; security precautions; hazard identification; inspection procedures; spill/release prevention measures, spill/release control and emergency response procedures; employee training; and available emergency equipment.

**Comment [ACM178]:** Arlington County Code 8.1-22 5001.5.1, Fairfax County Code 62-2-8 2701.5.1

Add the following subsection:

**5001.7. Filing fee.** A filing fee shall be paid to the county for each material safety data sheet (MSDS) or other filing required by the Superfund Amendments and Reauthorization Act (SARA) of 1986. The filing fee shall be set by the board.

**Comment [ACM179]:** Existing County Code

Add the following subsection:

**5003.9.11. Rain protection.** All storage containers for hazardous material products or wastes located outside of structures shall be protected from the entry of rainwater.

**Comment [ACM180]:** Arlington County Code 8.1-22 5004.14(1),

Add the following subsection.

**5604.2.1. Improper storage.** If at any time Division 1.3G fireworks, explosives or explosive materials are found not properly stored in a magazine, it shall immediately be reported to the fire official who will take possession thereof for the purpose of safeguarding or disposal of such explosives. Regardless of the type of magazine used, indoor storage of explosives or explosive materials in non-sprinklered buildings is prohibited.

**Comment [ACM181]:** Arlington County Code 8.1-22 5603.8, Fairfax County Code 62-2-8 3304.3

Add the following subsection:

**5604.4.1. Control in wholesale and retail stores.** The storage or display of explosives and blasting caps in wholesale and retail stores is prohibited. The sale or storage of any explosives or fireworks is prohibited on the property of another without the written permission of the owner.

**Comment [ACM182]:** Fairfax County Code 62-2-8 3304.2.1

Add the following new section:

## **Section 5610 FIREWORKS**

### **5610. - Generally.**

The manufacture of fireworks is prohibited within the county. The display, sale or discharge of fireworks shall comply with the requirements of this section. These provisions are adopted pursuant to Code of Virginia, Title 27, Chapter 9.

#### **5610.1 - Unlawful use and approval.**

- (a) Except as hereinafter provided, it shall be unlawful for any person, firm or corporation to transport, manufacture, store, possess, sell, offer for sale, expose for sale or to buy, use, ignite or explode any fireworks.
- (b) The sale or storage of any fireworks shall be prohibited on the property of another without the express written permission of the owner.
- (c) The sale of fireworks to those under 18 years old shall be prohibited unless they are accompanied by a parent, legal guardian or responsible adult.
- (d) The sale of fireworks by a minor shall be prohibited.

#### **5610.2. - Prohibited fireworks.**

- (a) Any fireworks which have a quick-match fuse, explodes, rises into the air or travels laterally, or which fires projectiles into the air other than sparks are prohibited.
- (b) Any fireworks which emit flame or sparks to a distance greater than 16.4 feet (5 m) are prohibited.

#### **5610.3. - Approved fireworks.**

- (a) The sale of those fireworks approved by the fire marshal pursuant to this section is permitted, provided that a permit is obtained from the fire marshal.
- (b) Fireworks permitted under this section shall have a hard-coated or slow-burning fuse at least one and one-half (1½) inches long a burning rate of not less than four (4) seconds.

(c) Approved fireworks shall be used only on private property with the approval of the owner.

(d) The provisions of section 5610.1(a) shall not apply to fireworks which have been approved by the fire marshal.

**5610.4. - Approval of permissible fireworks.**

Persons engaged in the business of selling or offering to sell fireworks at wholesale shall submit to the fire marshal for approval at least five (5) samples of each firework intended to be sold or delivered by such fireworks wholesaler, together with complete specifications including the manufacturer and trade name of such fireworks and a chemical analysis of each such firework so submitted. Said samples, specifications and chemical analysis shall be submitted to the fire marshal no later than ninety (90) days prior to the proposed sale date in the county. No fireworks wholesaler shall sell or deliver in the county any fireworks other than those so approved.

**5610.5. - Records.**

Each fireworks wholesaler shall maintain full and complete records of all purchases and sales of fireworks and each fireworks retailer shall maintain full and complete records of all purchases of fireworks. The fire marshal or his designated agent is authorized to examine the books and records of any fireworks wholesaler or fireworks retailer as they relate to the purchases and sales of fireworks within the county.

**5610.6. - Permit.**

(a) It shall be unlawful for any person, firm, or corporation, fireworks wholesaler or fireworks retailer to sell, offer for sale or expose for sale any fireworks within the county without a permit from the fire marshal's office. (b) This permit shall be valid for the period June 1 to July 15 of each year. Such permit shall be issued only after the applicant files with the fire marshal's office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least **five** million dollars (\$5,000,000.00) combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, his agents or his employees in connection with the activities authorized by the permit. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit, and remains continuously in effect until such activities are completed. (c) Retailing of fireworks shall be done only from a fixed location. Such locations shall comply with all county rules and regulations applicable to such sites. (Ord. No. 095-33, 5-16-95; Ord. No. 095-52, 6-20-95)

**5610.7. - Permit required for permanent fireworks retailer.**

The permit issued by the fire marshal's office for a permanent fireworks retailer shall be valid for one year from the date of the permit. Permanent fireworks retailer shall sell only those fireworks which have been approved by the fire marshal.

**5610.8. - Permit for itinerant fireworks retailer.**

- (a) The permit issued by the fire marshal's office for an itinerant fireworks retailer shall be valid for the period June 1 to July 15 of the year applied for.
- (b) Retailing of fireworks shall be done only from a fixed location. Such locations shall comply with all county rules and regulations applicable to such sites.

**5610.9. - Permit required for display of aerial fireworks.**

- (a) The fire marshal's office may issue permits, upon application in writing, for the display of aerial fireworks, commonly known as pyrotechnic displays, for fair associations, amusement parks or by any organization, individual, or group of individuals; provided such display is in general accord with the applicable sections of the National Fire Protection Association Code Standard 1123, as listed in appendix A of this code. After such permit has been issued, sales of fireworks may be made for use under such permit and the association, organization, group or individual to whom it is issued may make use of such fireworks under the terms and conditions of such permit.
- (b) No permit shall be issued until the applicant files with the fire marshal's office a certificate of issuance which shows that the applicant has liability insurance in the amount of at least five million dollars (\$5,000,000.00) combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, his agents or his employees in connection with the display of aerial fireworks. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit, and remains continuously in effect until such activities are completed.

**5610.10. - Seizure and destruction of certain fireworks.**

- (a) Any law-enforcement officer arresting any person for a violation of this section shall seize the fireworks in question in the possession or under the control of any person so arrested and shall hold the same until final disposition of any criminal proceedings against such person. If a judgment of conviction be entered against such person, the court shall order destruction of such article upon expiration of the time allowed for appeal of such judgment of conviction.
- (b) Where no criminal proceedings can be instituted due to lack of knowledge as to who owns or is responsible for the fireworks, the fireworks in question shall be destroyed after thirty (30) days.

Comment [ACM183]: Existing County Code

Add the following subsection:

**5704.1.1. Prohibited Storage.** The indoor storage of flammable and combustible liquids shall be prohibited in dwelling and sleeping units of occupancy use groups R-1 and R-2 as well as in indoor S-1 and S-2 self-storage facilities.

Comment [ACM184]: Chesterfield County Code 10-3 5704.1.1

Add the following subsection:

**5706.1.1 Mobile Fueling Operations.** Delivery of Class I, Class II, and Class III liquids to the fuel tank of a highway vehicle from a tank vehicle, tank(s) carried on a vehicle, or non-portable container is prohibited.

Exceptions:

1. The refueling of highway vehicles in an emergency.
2. The refueling of vehicles in compliance with sections 5706.5.4.1 through 5706.5.4.5.
3. Vehicles used for farm operations and machinery.

**Comment [ACM185]:** 2015 Virginia Statewide Fire Prevention Code

§ 12-63 through 12-69. Reserved.

## **ARTICLE VII. AMBULANCE BILLING**

**Comment [ACM186]:** Existing County Code, numbering change only.

(Numbering Change Only)

§ 12-71. - Cost reimbursement for ambulance service.

§ 12-72. - Fees.

§ 12-73. - Billing.

§ 12-74. - Compassionate billing policy.

§ 12-75. - Billing and collections.

§ 12-76 through 12-79. Reserved.

## BOARD OF SUPERVISORS

### Agenda Item

<b>Meeting Date:</b>	April 17, 2018
<b>Title:</b>	Authorize the County Administrator to Approve Financing, Budget and Appropriate Proceeds, and Execute a Contract for the Purchase of Two Replacement Fire Suppression Apparatus
<b>Department:</b>	Fire and Rescue
<b>Staff Contact:</b>	Mark Lockhart, County Fire and EMS Chief
<b>Board Committee/ Other BACC:</b>	Public Safety Committee (4/17/18)
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	\$1,294,000 (FY18-27 CIP)
<b>Time Sensitivity:</b>	N/A

**ATTACHMENTS:**

1.	Background Report	2.	Proposed Resolution R18-93
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X	<b>Consent Agenda</b>	<b>Other Business</b>	<b>Unfinished Business</b>
	<b>Discussion</b>	<b>Presentation</b>	<b>Work Session</b>
	<b>New Business</b>	<b>Public Hearing</b>	<b>Add-On</b>

**REVIEW:**

X	County Administrator	
X	County Attorney <i>(legal review only)</i>	
X	Finance and Budget	

<b>DISTRICT:</b>	N/A
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**BACKGROUND REPORT**

The Department of Fire, Rescue, and Emergency Services (Department) requests the Board to authorize the County Administrator to approve the financing, budgeting and appropriation of funds, and the execution a contract for the purchase of two replacement apparatus, consisting of two Class A pumper engines (Engines). This item is also on the Public Safety Committee's agenda for April 17, 2018.

The two Engines will be used to respond to incidents including, but not limited to structural fires, auto accidents, technical rescues, Emergency Medical Services (EMS) calls, entrapments, and other related incidents. The two Engines are 2018 Spartan Metro Stars designed to the new specifications chosen by a committee of volunteers and career members. Pursuant to the Department's Fleet Replacement Plan, they are intended to be replacements for engines in the current fleet that have either passed its service life of 10 years or high mileage. Once the current engines are replaced, they will be evaluated and either placed into reserve status or rotated out of the fleet and sold.

After thorough evaluation, the Department has opted to utilize the Houston-Galveston Area Council (H-GAC), a nationally recognized cooperative procurement service to purchase the two Engines, which will be manufactured by Spartan Fire Apparatus. Both Engines will be purchased from FESCO Emergency Sales.

The FY2018-27 Capital Improvement Program includes \$1,294,000 for fleet replacement of the two Engines, which will be financed with the Master Lease.

Staff recommends approval of proposed Resolution R18-93, which authorizes the County Administrator to approve the financing, budgeting and appropriating of the funds, and the execution of a contract with FESCO Emergency Sales for the purchase of two Class A pumper engines, in an amount not to exceed \$1,294,000.

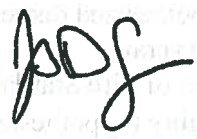


# Stafford County Fire and Rescue Department


## *Memo*

**Date:** April 13, 2018

**To:** Public Safety Committee

**From:** Joe Grainger, Assistant Fire and EMS Chief  
Operations Command  
Stafford County Fire and Rescue Department 

**Through:** Tom Foley, County Administrator  
County of Stafford

Mark Lockhart, Chief of Fire and EMS  
Stafford County Fire and Rescue Department 

**Subject:** South End Fire and Rescue Staffing Initiative – April 2018 PSC Recommendation

The appropriate staffing and deployment of fire suppression and EMS resources throughout Stafford County is a critical component of our system. There has been a marked and continued decrease in volunteer participation/unit availability, most notably within the southern end of the county, creating response challenges and decreased organizational effectiveness. The Fire and Rescue Department has evaluated response information and data, worked with volunteer leadership, and developed options regarding stopgap staffing measures.

It is the recommendation that six (6) existing full-time employees be assigned to our South End Fire and Rescue Staffing Initiative, placing a fire suppression and patient transport unit into service on a daywork staffing schedule. These employees will be assigned to a 40-hour work week (Stafford County Payroll A-Scale), being scheduled to work four ten-hour weekdays, with a rotating day off. It is our intent to staff an Engine at the Falmouth Fire Station from 0600-1600 hours Monday through Friday and to staff a Medic Unit the Berea Fire Station from 0900-1900 hours Monday through Friday.

Following an in depth review of demand and response data, the overlapping coverage of these two units will allow for the current best option, increasing effectiveness of response and creating a safer environment. Placing an Engine into service fills a void created by the lack of available volunteer personnel at the Falmouth Fire Station and Medic 12 will add a patient transport unit during peak EMS demand periods, in an area of the county that is currently without a first-due patient transport resource. We believe that the most appropriate location for the Engine staffing is the Falmouth Fire Station – based on historical call volume, system demand, and demographics. An agreement letter (attached) has been drafted to ensure that the parameters for this staffing initiative are understood and agreed upon by all involved parties.

It is essential to include that the most appropriate long term solution will be to place these units into service on a 24/7/365 schedule, guaranteeing unit availability. The South End Fire and Rescue Staffing Initiative, as recommended within this memorandum, will be deployed as a stopgap measure and will include the following performance measurement areas for evaluation, which will occur on a 30-day cycle:

- Response Times (hypothesized decrease)
  - Countywide Average
  - Demand Zones of Fire Station 1, Fire Station 12, Fire Station 7, and Fire Station 6
- In-District Dependability (hypothesized increase)
  - Response of First-Due Fire/EMS Apparatus within their Demand Zone
- Full Staffing of Rescue Squad 1 (hypothesized increase)
  - Volunteer availability for staffing of Technical Rescue unit from the Falmouth Fire Station

The anticipated financial impact for the recommended South End Fire and Rescue Staffing Initiative is \$31,000 per month. Based upon position vacancy savings from during FY18 and the anticipated Full Time Employee authorizations within the FY19 budget, we forecast the monthly impact to last six months (Quarters 1 and 2 of FY19). Provided the opportunity to move forward, there are logistical and administrative tasks to accomplish prior to execution of this request. We are more than happy to provide any additional information or background which you may require.

Staff has been working since October 2017 with the leadership of the Falmouth Volunteer Firemen's Association regarding staffing concerns in the south end of the county. During that time, we have been unable to receive agreement regarding additional career staffing in the Falmouth station. In the most recent meeting on March 29, Falmouth asked for another month to discuss and make plans. Staff has also met with the leadership of the White Oak Volunteer Fire Department regarding staffing options at their station. Those discussions have been productive and their leadership has indicated they would welcome the career staffing as proposed at their station.

Staff believes that the ideal location for the additional career staffing is the Falmouth Fire Station and that sufficient time has elapsed to come to an agreement. If the Public Safety Committee supports the proposal for south-end staffing and Falmouth fails to approve the additional career

staffing as proposed by Monday, April 30, staff proposes to move forward with career staffing at White Oak Volunteer Fire Department on Monday, May 7, 2018.