

*ADOPTION OF AN AMENDMENT TO
CHAPTER 62 (FIRE PROTECTION)
OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA*

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, April 27, 2009, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment regarding Chapter 62 (Fire Protection) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

*BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX
COUNTY, VIRGINIA:*

That Chapter 62 (Fire Protection), is amended as follows:

Amend Chapter 62, Fire Protection, only the Articles and Sections set forth below, to read as follows:

**ARTICLE 1.
In General**

Section 62-1-1. Penalty.

Any person, firm, or corporation who shall violate any of the Sections of this Chapter or any provisions of the Fire Prevention Code of Fairfax County adopted by Section 62-2-6 or shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall fail to comply with such an order within the time fixed therein shall separately for each and every such violation and noncompliance respectively, be guilty of a violation of this Chapter and the violation shall be deemed a Class 1 Misdemeanor, and shall, upon conviction, be punishable by imprisonment not to exceed twelve (12) months or by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) or both. Each day that a violation continues after a service of notice as provided for in this Code shall be deemed a separate offense.

Section 62-1-2. Use of fire apparatus, equipment, etc., within 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, unless such vehicle or equipment is owned by a recognized fire fighting company of the County.

b. For the purpose of this Section, a recognized fire fighting 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 fire fighting vehicles and equipment owned by any fire fighting company outside of the County when such vehicle or equipment is traveling in or through the county for a parade or other non-fire fighting purposes or in response to a call from the County fire alarm headquarters.

Section 62-1-3. Damage or injury to fire department equipment or personnel.

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

Section 62-1-4. 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 department vehicle.

ARTICLE 2. Fire Marshal

Section 62-2-1. County Fire Marshal and Deputy Fire Marshal - creation of office; appointment; powers and duties generally; salary.

The Office of County Fire Marshal is hereby created. The County Executive shall appoint a County Fire Marshal whose powers and duties shall be as set forth in this Chapter. He shall receive such annual salary as the Board of Supervisors may allow.

Section 62-2-2. Same--tenure.

The County Fire Marshal shall not be appointed for a definite tenure, but shall continue contingent upon and subject to the personnel rules of the County.

Section 62-2-3. Oaths of fire marshal and members of his staff.

The County Fire Marshal, Deputy County Fire Marshal, and members of the Fire Marshal's staff, before entering upon their duties, shall, respectively, take an oath, before any officer authorized to administer oaths, faithfully to discharge the duties of their office.

Section 62-2-4. Investigation of fires.

The Fire Marshal shall investigate or cause to be investigated, every fire or explosion occurring within the County that is of a 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 fire. The Fire Marshal shall take charge immediately of the physical evidence and in order to preserve any physical evidence relating to the cause or origin of such fire or explosion, take means to prevent access by any person or persons to such building, structure, or premises until such evidence has been properly processed. The County Police Department, upon request of the County Fire Marshal, shall assist in the investigation as needed. The results of any such investigation shall be forwarded, by the Fire Marshal, to the Commonwealth's Attorney for proper disposition.

Section 62-2-5. Powers of arrest

The Fire Marshal and all members of the Fire Marshal's staff permitted under Title 27 of the Code of Virginia to do so shall have the same police powers as a regular member of the County Police Department in 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, storage, use, and transportation of hazardous materials and hazardous waste, environmental crimes, and other offenses involving the calling or summoning of fire or rescue equipment without just cause in violation of the Code of Virginia or the Code of the County of Fairfax, and other criminal or civil offenses arising out of or incidental to the investigation of the enumerated offenses.

Section 62-2-6. Enforcement of the Virginia Statewide and Fairfax County Fire Prevention Codes.

The County of Fairfax shall enforce the Virginia Statewide Fire Prevention Code promulgated by the Board of Housing and Community Development of the Commonwealth of Virginia pursuant to Section 27-98 of the Code of Virginia. The provisions of the Virginia Statewide Fire Prevention Code and the Fire Prevention Code of the County of Fairfax, ~~Virginia~~ shall be enforced by the County Fire Marshal, and, under the authority of the Fire Marshal, by the Deputy County Fire Marshal and members of the Fire Marshal's staff. The Fire Marshal, the Deputy Fire Marshal, and members of the Fire Marshal's staff shall have all of the powers of the local fire official and the local arson investigator and the local fire marshal and his assistants set forth in Title 27 of the Code of Virginia, and all of the powers of the fire official and the enforcing agency set forth in the Virginia Statewide Fire Prevention Code and the Fire Prevention Code of the County of Fairfax, ~~Virginia~~.

Section 62-2-7. Fairfax County Fire Prevention Code.

The regulations set forth herein shall be known as the Fire Prevention Code of the County of Fairfax ~~Virginia~~, and shall be herein referred to as such or as this Code.

Section 62-2-8. Amendments, additions, deletions to the Virginia Statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code is hereby amended and changed pursuant to Section 27-97 of the Code of Virginia in the following respects:

104.1. Local ~~and state~~ enforcement. Add the following at the end of the existing Subsection: The provisions of the Virginia Statewide Fire Prevention Code and this Code shall be enforced by the Office of the Fire Marshal, also herein referred to as the Fire Marshal's Office, the Fire Marshal, members of the Fire Marshal's staff, the Fire Prevention Division, code official, or the fire official.

106.1.1. Impersonation. Add Subsection ~~406.4.4~~ as follows: 106.1.1 Impersonation. It shall be unlawful for any unauthorized person to use a badge, uniform, or any other credentials so as to gain access to any building, marine vessel, vehicle, or premises or to otherwise falsely identify himself as the fire official or his designated representative.

106.3.2. Inspection by others. Add Subsection ~~406.3.2~~ as follows: 106.3.2 Inspection by others. The chief of the Fire Department may designate such other persons as he deems necessary, to make fire safety inspections. Such persons shall use the Virginia Statewide Fire Prevention Code and this Code as the basis for such inspections.

106.5. Modifications. Delete and substitute: 106.5 Modifications. The fire official shall have the power to modify any provision or requirement of this Code, upon written application by the owner, lessee, occupant or their legal representative, when there is practical difficulty in meeting the strict letter of the Code. However, in all cases of modification, the spirit and intent of the Code shall be met to ensure the health, safety, and welfare of persons is protected.

106.8. Notification. Add Subsection ~~406.8~~ as follows: 106.8 Notification.

106.8.1. Responsibility. Add Subsection ~~406.8.1~~ as follows: 106.8.1 Responsibility. It shall be the responsibility of the fire department officer-in-charge, or his designee, to file with the Chief of the Fire Department, in such form as he shall prescribe, a report of every fire, explosion, or incident to which apparatus or equipment responds. Such reports shall be filed at such time and location prescribed by the Chief of the Fire Department.

106.8.2. Summoning the Fire Marshal. Add Subsection ~~406.8.2~~ as follows: 106.8.2 Summoning the Fire Marshal. The fire department officer-in-charge of any fire, explosion, or incident scene shall immediately summons the Fire Marshal to such scene to investigate the circumstances involved where such circumstances require investigation as outlined in Section 62-2-4 of this Code.

106.8.3. Notification of fire department. Add Subsection ~~406.8.3~~ as follows: 106.8.3 Notification of fire department. In any building subject to inspection under any provision of this Code, when a fire or evidence of there having been a fire is discovered, even though it has apparently been extinguished, it shall be immediately reported to the Chief of the Fire Department, or his designee. This shall be the duty of the owner, manager, or person in control of such building at the time of discovery. This requirement shall not be construed to forbid the owner, manager, or person in control of said building from using all diligence necessary to extinguish such fire prior to the arrival of the fire department.

<i>Index Code Reference</i>		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	<i>Flat Fee</i>	<i>Hourly Fee</i>
Section 1 - Detailed Operational Permit Requirements				
<u>1</u>	108.1.1	Aerosol Products, Level 2 or 3: Storage, Use or Handling <u>Manufacture, Store, or Handle 501+ Pounds - an Aggregate Quantity in Excess of 500 Pounds Net Weight</u>	\$100 \$125	
<u>2</u>	108.1.1	<u>Special Amusement Buildings</u>	\$100 \$125	
<u>3</u>	108.1.1	Aviation Facilities (Groups H or S eOccupancies): Aircraft Servicing / or Repair and Aircraft Fuel Servicing Vehicles	\$100 \$125	
<u>4</u>	108.1.1	Carnivals, Fairs, Festivals, and Outdoor Public Assemblages (30 Day Permit)	\$100 \$125	
<u>5</u>	108.1.1	<u>Battery Systems: Install Stationary Lead-Acid Battery Systems Having a Liquid Capacity of More Than 50 Gallons Stationary Lead Acid 51+ Gallons Capacity</u>	\$100 \$125	
<u>6</u>	108.1.1	Cellulose Nitrate (pPyroxylin pPlastic): Assembly or Manufacturing of Articles Involving Any Amount	\$100 \$125	
<u>7</u>	108.1.1	Cellulose Nitrate (pPyroxylin pPlastic): Storage or and Handling <u>26+ More Than 25 Pounds</u>	\$100 \$125	
<u>8</u>	108.1.1	Cellulose Nitrate Film: Store, Handle, or Use in a Group A Occupancy	\$125	
<u>9</u>	108.1.1	Combustible Dust-Producing Operations (1 Year Permit)	\$100 \$125	
<u>10</u>	108.1.1	Combustible Fibers: Storage <u>and</u> & Handling <u>101+ Cubic Feet (1 Year Permit) of Greater Than 100 Cubic Feet</u> Exception: Agricultural Storage	\$100 \$125	
<u>11</u>	108.1.1	Compressed Gas: - Corrosive: Storage, Use, or Handling, <u>201+ Cubic Feet Corrosive in Excess of 200 Cubic Feet at Normal Temperature and Pressure</u> Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle	\$100 \$125	
<u>12</u>	108.1.1	Compressed Gas: - Flammable: Storage, Use, or Handling, <u>201+ Cubic Feet Flammable in Excess of 200 Cubic Feet at Normal Temperature and Pressure</u> Exceptions: 1. Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle 2. Cryogenic Fluids and Liquefied Petroleum Gases	\$100 \$125	
<u>13</u>	108.1.1	Compressed Gas: - Toxic or Highly Toxic: Storage, Use, or Handling, <u>Toxic or Highly Toxic Any Quantity Amount</u>	\$100 \$125	
<u>14</u>	108.1.1	Compressed Gas: - Inert or Simple Asphyxiant: Storage, Use, or & Handling <u>6001+ Cubic Feet Simple Asphyxiant or Inert in Excess of 6000 Cubic Feet at Normal Temperature and Pressure</u> Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle	\$100 \$125	
<u>15</u>	108.1.1	Compressed Gas: - Oxidizing (Including Oxygen): Storage, Use, or Handling, <u>505+ Cubic Feet in Excess of 504 Cubic Feet at Normal Temperature and Pressure</u> Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle	\$100 \$125	
<u>16</u>	108.1.1	Compressed Gas – Pyrophoric: Storage, Use, and Handling of Any Amount	\$125	

<i>Index Code Reference</i>		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	<i>Flat Fee</i>	<i>Hourly Fee</i>
<u>17</u>	108.1.1	Cryogenic Fluids: - Flammable: Produce, Store, Transport on Site, Use, Handle, or Dispense; More Than 1 Gallon Inside a Building or More Than 60 Gallons Outside a Building <u>Inside 1+ or 61+ Gallons Outside Flammable</u> <u>Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading</u>	\$100 \$125	
<u>18</u>	108.1.1	Cryogenic Fluids: Produce, Store, Use or Dispense Inside 61+ Gallons, Outside 501+ Gal. Inert - Inert: Produce, Store, Transport on Site, Use, Handle, or Dispense More Than 60 Gallons Inside a Building or More Than 500 Gallons Outside a Building <u>Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading</u>	\$100 \$125	
<u>19</u>	108.1.1	Cryogenic Fluids: Produce, Store, Use or Dispense Inside 11+ Gallons, Outside 51+ Gal Oxidizing - Oxidizing (Includes Oxygen): Produce, Store, Transport on Site, Use, Handle, or Dispense More Than 10 Gallons Inside a Building or More Than 50 Gallons Outside a Building <u>Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading</u>	\$100 \$125	
<u>20</u>	108.1.1	Cryogenic Fluids - Physical or Health Hazard Not Otherwise Specified: Produce, Store, Transport on Site, Use, Handle, or Dispense Any Amount Inside a Building or Any Amount Outside a Building <u>Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading</u>	\$125	
<u>21</u>	108.1.1	Commercial Kitchen Operation <u>Requiring a Type I Hood</u> (Exception: Assembly/Educational Occupancies Having an Fire Prevention Code Permit)	\$100 \$125	
	108.1.1	Dry Cleaning Plant – Type II Utilizing Class II Solvents (1 Year Permit)	\$100	
	108.1.1	Dry Cleaning Plant – Type III Utilizing Class IIIA & IIIB Solvents (1 Year Permit)	\$100	
	108.1.1	Dry Cleaning Plant – Type IV & V	\$100	
<u>22</u>	108.1.1	<u>Dry Cleaning – Any Type Plant Using Any Class of Solvent or Changing to a More Hazardous Cleaning Solvent Used in Existing Dry Cleaning Equipment</u>	\$125	
<u>23</u>	108.1.1	Explosives: <u>Explosives Use, Each Site or Location (6 Month Permit)</u>	\$150	
<u>24</u>	108.1.1	Explosives: Transportation, Each Vehicle (6 Month Permit)	\$50 \$ 65	
<u>25</u>	108.1.1	Explosives: Firm or Company License (1 Year Permit)	\$50 \$ 125	
<u>26</u>	108.1.1	Explosives: Storage <u>and</u> & Display of Black Powder or Smokeless Propellant Indoors, (1 Year Permit)	\$100 \$125	
<u>27</u>	108.1.1	Explosives: Approved Overnight Storage, Any Quantity (<u>One 4 Day Permit</u>)	\$500	
<u>28</u>	108.1.1	Explosives: Laboratory Use, Any Quantity (6 Month Permit)	\$100 \$125	

<i>Index Code Reference</i>		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	<i>Flat Fee</i>	<i>Hourly Fee</i>
<u>29</u>	108.1.1	Flammable Liquids: Store, Use or Handle Inside 6+ Gallons Class I or 11+ Gallons Class I outside – Class I: <u>Store, Handle, or Use in Excess of 5 Gallons in a Building or in Excess of 10 Gallons Outside a Building</u> <u>Exceptions:</u> 1. <u>Storage or Use in the Fuel Tank of a Motor Vehicle, Aircraft, Motorboat, Mobile Power Plant, or Mobile Heating Plant, Unless Such Storage, in the Opinion of the Fire Official, Would Cause an Unsafe Condition</u> 2. <u>Storage or Use of Paints, Oils, Varnishes, or Similar Flammable Mixtures When Such Liquids are Stored for Maintenance, Painting, or Similar Purposes for a Period of Not More Than 30 Days</u>	\$100 \$125	
<u>30</u>	108.1.1	Combustible Liquids: Store, Use or Handle Inside 26+ Gallons Class II or IIIA or 61+ Gallons Class II or IIIA outside – Class II or IIIA: <u>Store, Handle, or Use in Excess of 25 Gallons in a Building or in Excess of 60 Gallons Outside a Building</u> <u>Exception: Fuel Oil Used in Connection with Oil-burning Equipment</u>	\$100 \$125	
	108.1.1	Combustible Liquids: Store, use or handle Outside 61+ Gallons Class II or IIIA	\$100	
<u>31</u>	108.1.1	Flammable/Combustible Liquid Tank - Underground Storage Only	\$100 \$125	
<u>32</u>	108.1.1	Flammable/Combustible Liquid Tank - Underground Storage Utilizing Dispensing Equipment	\$100 \$125	
<u>33</u>	108.1.1	Flammable/Combustible Liquid Tank - Above-ground Storage Only	\$100 \$125	
<u>34</u>	108.1.1	Flammable/Combustible Liquid Tank - Above-ground Storage Utilizing Dispensing Equipment	\$100 \$125	
	108.1.1	Flammable/Combustible Liquid Tank – Storage / Dispensing on Construction Sites (90 Day Permit)	\$100	
<u>35</u>	108.1.1	Flammable/Combustible Liquids: Bulk Storage Facility – <u>in Excess of 100,000+ Gallons (1 Year Permit)</u>	\$500	
<u>36</u>	108.1.1	Flammable/Combustible Liquid Tank - Installation, Above- or Below-ground Tank (90 Day Permit)	\$100 \$125	
<u>37</u>	108.1.1	Flammable/Combustible Liquid Tank - Alter or Relocate an Existing Tank (90 Day Permit)	\$100 \$125	
<u>38</u>	108.1.1	Flammable/Combustible Liquid Tank – Placed Temporarily Out of Service (1 Year Permit)	\$100 \$125	
<u>39</u>	108.1.1	Flammable/Combustible Liquid Tank - Underground Abandonment (90 Day Permit)	\$100 \$125	
<u>40</u>	108.1.1	Flammable/Combustible Liquid Tank - Underground Removal (Commercial - 90 Day Permit)	\$100 \$125	
<u>41</u>	108.1.1	Flammable/Combustible Liquid Tank - Underground Removal (Residential - 90 Day Permit)	\$100 \$125	
<u>42</u>	108.1.1	Flammable/Combustible Liquid Tank - Above-ground Removal (Commercial - 90 Day Permit)	\$58 \$125	
<u>43</u>	108.1.1	Flammable/Combustible Liquid Tank - Install Product Lines/Dispensing Equipment (90 Day Permit)	\$100 \$125	

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<u>44</u>	108.1.1	Flammable/Combustible Liquids: Processing or Blending <u>Manufacture, Process, Blend, or Refine</u>	\$200 \$250	
<u>45</u>	108.1.1	<u>Flammable/Combustible Liquid Tank: Change the Contents Stored to a Greater Hazard</u>	\$125	
<u>46</u>	108.1.1	Floor Refinishing/Surfacing of 351+ Square Feet with Flammable Liquids <u>Finishing or Surfacing Exceeding 350 Square Feet Using Class I or Class II Liquids (30 Day Permit)</u>	\$50 \$ 65	
<u>47</u>	108.1.1	<u>Fruit- and & Crop-Ripening Facility or Process Using Ethylene Gas</u>	\$100 \$125	
<u>48</u>	108.1.1	<u>Fumigation or & Thermal Insecticidal Fogging or Maintaining a Room, Vault or Chamber in Which a Toxic or Flammable Fumigant is Used</u> Inside Any Structure (15 Day Permit)	\$100 \$125	
<u>49</u>	108.1.1	<u>Corrosive Liquids: Store, Transport on Site, Dispense, Use, or Handle</u> or Dispense in Excess of 55+ Gallons	\$100 \$125	
<u>50</u>	108.1.1	<u>Corrosive Solids: Store, Transport on Site, Dispense, Use, or Handle</u> or Dispense in Excess of 1000+ Pounds	\$100 \$125	
<u>51</u>	108.1.1	<u>Flammable Solids: Store, Transport on Site, Dispense, Use, or Handle</u> or Dispense in Excess of 100 44+ Pounds	\$100 \$125	
<u>52</u>	108.1.1	<u>Highly Toxic Liquids: Store, Transport on Site, Dispense, Use, or Handle</u> or Dispense Any Amount (1 Year Permit)	\$100 \$125	
<u>53</u>	108.1.1	<u>Highly Toxic Solids: Store, Transport on Site, Dispense, Use, or Handle</u> or Dispense Any Amount (1 Year Permit)	\$100 \$125	
<u>54</u>	108.1.1	<u>Oxidizing Liquids, Class 4: Store, Transport on Site, Dispense, Use, or Handle</u> or Dispense Any Amount	\$100 \$125	
<u>55</u>	108.1.1	<u>Oxidizing Liquids, Class 3: Store, Transport on Site, Dispense, Use, or Handle</u> or Dispense in Excess of 1+ Gallons	\$100 \$125	
<u>56</u>	108.1.1	<u>Oxidizing Liquids, Class 2: Store, Transport on Site, Dispense, Use, or Handle</u> or Dispense in Excess of 10+ Gallons	\$100 \$125	
<u>57</u>	108.1.1	<u>Oxidizing Liquids, Class 1: Store, Transport on Site, Dispense, Use, or Handle</u> or Dispense in Excess of 55+ Gallons	\$100 \$125	
<u>58</u>	108.1.1	<u>Oxidizing Solids, Class 4: Store, Transport on Site, Dispense, Use, or Handle</u> or Dispense Any Amount	\$100 \$125	
<u>59</u>	108.1.1	<u>Oxidizing Solids, Class 3: Store, Transport on Site, Dispense, Use, or Handle</u> or Dispense in Excess of 10+ Pounds	\$100 \$125	
<u>60</u>	108.1.1	<u>Oxidizing Solids, Class 2: Store, Transport on Site, Dispense, Use, or Handle</u> or Dispense in Excess of 100+ Pounds	\$100 \$125	
<u>61</u>	108.1.1	<u>Oxidizing Solids, Class 1: Store, Transport on Site, Dispense, Use, or Handle</u> or Dispense in Excess of 500+ Pounds	\$100 \$125	
<u>62</u>	108.1.1	<u>Organic Peroxides, Liquid, Class I: Store, Transport on Site, Dispense, Use, or Handle</u> or Dispense Any Amount	\$100 \$125	
<u>63</u>	108.1.1	<u>Organic Peroxides, Liquid, Class II: Store, Transport on Site, Dispense, Use, or Handle</u> or Dispense Any Amount	\$100 \$125	
<u>64</u>	108.1.1	<u>Organic Peroxides, Liquid, Class III: Store, Transport on Site, Dispense, Use, or Handle</u> or Dispense in Excess of 1+ Gallons	\$100 \$125	
<u>65</u>	108.1.1	<u>Organic Peroxides, Liquid, Class IV: Store, Transport on Site, Dispense, Use, or Handle</u> or Dispense in Excess of 2+ Gallons	\$100 \$125	

<i>Index Code Reference</i>		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	<i>Flat Fee</i>	<i>Hourly Fee</i>
<u>66</u>	108.1.1	Organic Peroxides, Solid, Class I: <u>Store, Transport on Site, Dispense, Use, or Handle or Dispense Any Amount</u>	\$100 \$125	
<u>67</u>	108.1.1	Organic Peroxides, Solid, Class II: <u>Store, Transport on Site, Dispense, Use, or Handle or Dispense Any Amount</u>	\$100 \$125	
<u>68</u>	108.1.1	Organic Peroxides, Solid, Class III: <u>Store, Transport on Site, Dispense, Use, or Handle or Dispense in Excess of 10+ Pounds</u>	\$100 \$125	
<u>69</u>	108.1.1	Organic Peroxides, Solid, Class IV: <u>Store, Transport on Site, Dispense, Use, or Handle or Dispense in Excess of 20+ Pounds</u>	\$100 \$125	
<u>70</u>	108.1.1	Pyrophoric Material, Liquid: <u>Store, Transport on Site, Dispense, Use, or Handle or Dispense Any Amount</u>	\$100 \$125	
<u>71</u>	108.1.1	Pyrophoric Material, Solid: <u>Store, Transport on Site, Dispense, Use, or Handle or Dispense Any Amount</u>	\$100 \$125	
<u>72</u>	108.1.1	Hazardous Production Facilities (HPM): <u>Store, Handle, or Use Hazardous Production Materials (1-Year Permit)</u>	\$100 \$125	
<u>73</u>	108.1.1	<u>High Piled & High-Rack Combustible Storage: Inside a Structure Utilizing 500+ Square Feet Use a Building or a Portion Thereof as a High-piled Storage Area Exceeding 500 Square Feet.</u>	\$100 \$125	
<u>74</u>	108.1.1	Hot Work <u>and</u> & Welding: Public Exhibitions <u>and</u> & Demonstrations (Each Exhibitor/Demo. - 10 Day Permit)	\$50 \$65	
<u>75</u>	108.1.1	Hot Work <u>and</u> & Welding: Small Scale Hot Work (<u>Soldering/Brazing With An Open Flame</u>)	\$100 \$125	
<u>76</u>	108.1.1	Hot Work <u>and</u> & Welding: Fixed-Site Hot Work Equipment (Example: Welding Booth)	\$100 \$125	
<u>77</u>	108.1.1	Hot Work <u>and</u> & Welding: Cutting <u>or</u> & Welding, All Locations (<u>1-Year Permit</u>)	\$100 \$125	
<u>78</u>	108.1.1	Hot Work <u>and</u> & Welding: <u>Torch Applied Open Flame Device</u> Roofing Operation (Each Site/Location - 90 Day Permit)	\$100 \$125	
<u>79</u>	108.1.1	Hot Work <u>and</u> & Welding: Paint Removal With a Torch or Open-Flame (Each Site/Location - 30 Day permit)	\$50 \$65	
<u>80</u>	108.1.1	Industrial Ovens	\$100 \$125	
<u>81</u>	108.1.1	Lumber Yards <u>and</u> & Woodworking Plants: Storage or Processing of Lumber <u>100,001+ Exceeding 100,000 Board Feet</u>	\$100 \$125	
<u>82</u>	108.1.1	Liquid- or Gas-Fueled Vehicles: Display Inside Any Building (<u>Each Event = 6 Month Permit</u>)	\$100 \$125	
<u>83</u>	108.1.1	LP-Gas: <u>Storage, Use and Handling Storage and Use</u> Inside Any Structure - <u>Any Amount (Other Than Residential)</u> <u>Exception: Individual Containers with a 500-Gallon Water Capacity or Less Serving R-3 Occupancies</u>	\$100 \$125	
<u>84</u>	108.1.1	LP-Gas: <u>Storage, Use and Handling Storage and Use</u> Outside, <u>Portable Installation, per Event - Any Amount (Other Than Cylinder Exchange/Refill)</u>	\$100 \$ 65	
<u>85</u>	108.1.1	LP-Gas: <u>Storage, Use and Handling Storage and Use</u> Outside, <u>Stationary Installation, per Year - Any Amount (Other Than Cylinder Exchange/Refill)</u>	\$100 \$125	
<u>86</u>	108.1.1	LP-Gas: <u>Dispensing and</u> & Cylinder Refill Location	\$100 \$125	

<i>Index Code Reference</i>		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	<i>Flat Fee</i>	<i>Hourly Fee</i>
<u>87</u>	108.1.1	LP-Gas: Retail Cylinder Exchange Location	\$100 \$125	
<u>88</u>	108.1.1	Combustible Storage: Storage Inside <u>Any Building</u> or Upon Any Premises - <u>2501 in Excess of 2500</u> Cubic Feet	\$100 \$125	
<u>89</u>	108.1.1	Open Burning: Bonfire (10 Day Permit)	\$100 \$125	
<u>90</u>	108.1.1	Open Burning: Silvicultural / Controlled Burning (90 Day Permit)	\$100 \$125	
<u>91</u>	108.1.1	Open Flame <u>and</u> <u>&</u> Candles: Public Meetings/Gatherings in <u>E & A- A</u> and <u>E Use</u> Groups (Each Event)	\$50 \$ 65	
<u>92</u>	108.1.1	Open Flame <u>and</u> <u>&</u> Candles: Restaurants <u>and</u> <u>&</u> Drinking Establishments, Assembly <u>and</u> <u>&</u> Dining Areas	\$50 \$ 125	
<u>93</u>	108.1.1	Organic Coatings: Manufacturing Operation Producing <u>More Than</u> 1+ Gallons in <u>One</u> <u>+</u> Day (<u>1 Year</u> Permit)	\$100 \$125	
<u>94</u>	108.1.1	Place of Assembly/Education - Occupant Load 50 or <u>Greater</u>	\$100 \$125	
<u>95</u>	108.1.1	Pyrotechnics <u>and</u> <u>&</u> Fireworks: Retail Sales of Permissible Fireworks - Any Amount (45 Day Permit)	\$600	
<u>96</u>	108.1.1	Pyrotechnics <u>and</u> <u>&</u> Fireworks: Wholesale of Permissible Fireworks - Any Amount (45 Day Permit)	\$600	
<u>97</u>	108.1.1	Pyrotechnics <u>and</u> <u>&</u> Fireworks: Outdoor Fireworks Display (Aerial/Proximate Audience) (<u>One</u> <u>+</u> Day Permit)	\$400	
<u>98</u>	108.1.1	Pyrotechnics <u>and</u> <u>&</u> Fireworks: Indoor Pyrotechnic Display and Special Effects (<u>One</u> <u>+</u> Day Permit)	\$400	
<u>99</u>	108.1.1	Refrigeration Equipment <u>and</u> Systems Having a Refrigerant Circuit Containing <u>More Than</u> 220 Pounds of Group A1 or 30 Pounds of any other Group Refrigerant	\$100 \$125	
<u>100</u>	108.1.1	Repair Garages <u>and</u> <u>&</u> Service Stations: Automotive Repair Garage Only	\$100 \$125	
<u>101</u>	108.1.1	Repair Garages <u>and</u> <u>&</u> Service Stations: Automotive Service Station Only	\$100 \$125	
<u>102</u>	108.1.1	Repair Garages <u>and</u> <u>&</u> Service Stations: Automotive Repair Garage <u>and</u> <u>&</u> Service Station	\$100 \$125	
<u>103</u>	108.1.1	Repair Garages <u>and</u> <u>&</u> Service Stations: LP-Gas Motor-Vehicle Fuel-Dispensing	\$100 \$125	
<u>104</u>	108.1.1	Repair Garages <u>and</u> <u>&</u> Service Stations: Compressed Natural Gas Motor-Vehicle Fuel-Dispensing	\$100 \$125	
<u>105</u>	108.1.1	Repair Garages <u>and</u> <u>&</u> Service Stations: Hydrogen Motor Fuel Dispensing <u>and</u> <u>&</u> Generation Station	\$100 \$125	
<u>106</u>	108.1.1	Repair Garages <u>and</u> <u>&</u> Service Stations: Marine <u>and</u> <u>&</u> Watercraft Service Station	\$100 \$125	
<u>107</u>	108.1.1	Repair Garages <u>and</u> <u>&</u> Service Stations: Unattended Vehicle Service Station	\$100 \$125	
<u>108</u>	108.1.1	Rooftop Heliports	\$100 \$125	

<i>Index Code Reference</i>		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	<i>Flat Fee</i>	<i>Hourly Fee</i>
<u>109</u>	108.1.1	Spraying/Dipping <u>Spraying or Dipping</u> Operations: Flammable/Combustible <u>Liquid</u> Spray Finishing Operation (1 Year Permit)	\$100 \$125	
<u>110</u>	108.1.1	Spraying/Dipping <u>Spraying or Dipping</u> Operations: Flammable/Combustible <u>Liquid</u> Dip-Tank Operation (1 Year Permit)	\$100 \$125	
<u>111</u>	108.1.1	Spraying/Dipping <u>Spraying or Dipping</u> Operations: Application of Combustible Powders/Spray/Fluidized (1 Year Permit)	\$100 \$125	
<u>112</u>	108.1.1	Spraying/Dipping <u>Spraying or Dipping</u> Operations: Dual-Component Coatings With Organic Peroxides (1 Year Permit)	\$100 \$125	
<u>113</u>	108.1.1	Swimming Pool Chemical Dispensing Operation	\$100 \$125	
<u>114</u>	108.1.1	Tents, Canopies & Air Supported Structures: Tent, 900+ Square Feet <u>Temporary Membrane Structures and Tents (6 Month Permit)</u> Exceptions: 1. Tents used Exclusively for Recreational Camping Purposes 2. Tents and Air-supported Structures that Cover an Area of 900 Square Feet or Less, Including all Connecting Areas or Spaces with a Common Means of Egress and with an Occupant Load of 50 or Less Persons	\$100 \$125	
	108.1.1	Tents, Canopies & Air Supported Structures: Canopy, 700+ Square Feet (120 Day Permit)	\$100	
<u>115</u>	108.1.1	Tire Rebuilding Plants	\$100 \$125	
<u>116</u>	108.1.1	Tire Storage: Storage of Scrap Tires & Tire Byproducts – 2501+ Cubic Feet Total Volume Establish, Conduct, or Maintain Storage of Scrap Tires and Tire Byproducts that Exceeds 2500 Cubic Feet of Total Volume of Scrap Tires and for Indoor Storage of Tires and Tire Byproducts	\$100 \$125	
<u>117</u>	108.1.1	Toxic Materials Liquids - Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Gallons	\$125	
<u>118</u>	108.1.1	Toxic Materials Solids - Store, Transport on Site, Dispense, Use, or Handle in Excess of 100 Pounds	\$125	
<u>119</u>	108.1.1	Unstable (Reactive) Materials: Liquids, Class 1 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Gallons	\$125	
<u>120</u>	108.1.1	Unstable (Reactive) Materials: Liquids, Class 2 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 5 Gallons	\$125	
<u>121</u>	108.1.1	Unstable (Reactive) Materials: Liquids, Class 3 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
<u>122</u>	108.1.1	Unstable (Reactive) Materials: Liquids, Class 4 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
<u>123</u>	108.1.1	Unstable (Reactive) Materials: Solids, Class 1 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 100 Pounds	\$125	
<u>124</u>	108.1.1	Unstable (Reactive) Materials: Solids, Class 2 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 50 Pounds	\$125	
<u>125</u>	108.1.1	Unstable (Reactive) Materials: Solids, Class 3 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
<u>126</u>	108.1.1	Unstable (Reactive) Materials: Solids, Class 4 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
<u>127</u>	108.1.1	Water-reactive Materials: Liquids, Class 1 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 55 Gallons	\$125	

<i>Index Code Reference</i>		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	<i>Flat Fee</i>	<i>Hourly Fee</i>
128	108.1.1	Water-reactive Materials: Liquids, Class 2 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 5 Gallons	\$125	
129	108.1.1	Water-reactive Materials: Liquids, Class 3 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
130	108.1.1	Water-reactive Materials: Solids, Class 1 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 500 Pounds	\$125	
131	108.1.1	Water-reactive Materials: Solids, Class 2 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 50 Pounds	\$125	
132	108.1.1	Water-reactive Materials: Solids, Class 3 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
			\$100	
133	108.1.1	Waste Handling: Wrecking Yard or Junk Yard	\$125	
			\$100	
134	108.1.1	Waste Handling: Waste Material Handling Facility (1-Year Permit)	\$125	
			\$100	
135	108.1.1	Wood Products: Storage of Chips, H ₂ ogged Material, Lumber, or Plywood –201+ in Excess of 200 Cubic Feet	\$125	
Section 2 - Plan Review, Filing and Registration Fees				
136	404.2 3.1	Fire Safety and & Evacuation Plans Review		\$128
137	2301.4	Fire Safety and & Evacuation Plans Review: High-Piled or High-Rack Combustible Storage Areas in Excess of 500 Square Feet 500+ Sq. Ft.		\$128
138	2701.5.1	Hazard Communication: Hazardous Material Management Plan Review		\$128
	2701.5.3	Hazard Communication: Material Safety Data Sheet (MSDS) or SARA Filing Fees per Page	\$1.50	
139	2701.6.3	Hazardous Material Facility Closure Plan Review		\$128
140	1903.7	Lumber Yard or Woodworking Facility Plans Review		\$128
	407.15			
141	408.1.1	Occupant Load: Plan Review		\$128
142	403.4 2	Public Safety Plan Review, Indoor or Outdoor Assemblages (Other than Group A or E Occupancies)		\$128
143	3801.3	Site and Installation Plan Review: LP-gas Cylinder Exchange Program		\$128
Section 3 - Inspection And Testing Fees				
144	107.12	Office For Children Home Day Care Fire Inspections (Includes 1 Follow-up Inspection)	\$25	
145	107.12	County and State Licensing Fire Inspections (Includes 1 Follow-up Inspection)	\$25	
146	107.12	Certificate of Occupancy Inspections (Towns of Vienna and & Herndon)		\$128
	111.3.4	Two or More Follow up Inspections Resulting From Non Compliance		\$128
147	109.5	Fire Prevention Permit Inspections, Followups Performance Testing, and Reinspections		\$128
148	107.12	Technical Inspection (NOS Not Otherwise Specified), (i.e., Pre-Occupancy Punch List - Each Inspector)		\$128
149	901.6.3.1	Re-inspection & Testing and Reinspection of Existing Fire Protection Systems (Each Inspector)		\$128
150	907.20.6	Faulty or Nuisance Fire Alarm Inspections, Followups, and Reinspections		\$128
	901.6.3.1	Cancellation of Re-inspection & Testing of Existing Fire Protection Sys. (Each Inspector)		\$128

~~Table 107.2 Operational permit requirements. LP-gas. Storage and use: Delete the exception: "An operational permit is not required for individual containers of less than 500 gallons (1893 L) water capacity serving occupancies in Use Group R-3."~~

107.4.1. Duration of permit. ~~Add~~ Insert ~~Subsection 107.4.1 as follows:~~ 107.4.1 Duration of permit. Permits shall remain in effect for 12 months from the date issued unless otherwise specified by Table 107.2 or unless suspended or revoked in accordance with the code.

107.5. Conditions of permit. ~~Insert "from one address to another." the following words on the fourth line after the words "Permits are not transferable.": "from one address to another."~~

108.5.13. Special Locking Arrangements. Add Subsection as follows: 108.5.13 Special Locking Arrangements. A construction permit is required for installation or modification of delayed egress locks, access-controlled egress locks, interior means of egress stairway door locks, and special locking arrangements in occupancies with areas in which the clinical needs of patients require restraint of movement. Maintenance performed to ensure compliant operation of approved special locking arrangements is not a modification and does not require a permit.

109.4. Approvals. Add Subsection as follows: 109.4 Approvals. Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this code or of other ordinances of the jurisdiction shall not be valid.

109.5. Follow-up inspections resulting from noncompliance. Add Subsection as follows: 109.5 Follow-up inspections resulting from noncompliance. Where follow-up inspections are required as a result of noncompliance with this Code, fees shall be assessed as listed under Table 107.2.

109.6 Inspections performed outside business hours. Add Subsection as follows: 109.6 Inspections performed outside business hours. Inspections may be performed outside business hours at the sole discretion of the fire official. Fees for these inspections shall be assessed at twice the rate listed under Table 107.2. Fees shall be assessed in 30 minute increments.

110.2.1. Person, Firm, or Corporation Responsible. Add Subsection 110.2.1 as follows: 110.2.1 Person, Firm, or Corporation Responsible. A person, firm, or corporation in charge of or responsible for any building, structure, vehicle, device, other property, substance, material, gas, liquid, chemical, or condition regulated either by this code or by an ordinance under the Fire Marshal's jurisdiction shall be responsible for compliance with all such code and ordinance provisions and regulations relating thereto.

110.5.1. Imminent threat to human health or safety or to property. Add Subsection ~~110.5.4~~ as follows: 110.5.1 Imminent threat to human health or safety or to property. If the fire official shall adjudge 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.

~~113.1. Follow-up Inspections Resulting From Noncompliance: Where two or more follow-up inspections are required as a result of noncompliance with this Code, fees for the reinspections shall be assessed as listed under Table 107.2.~~

202.0. General Definitions. Add to ~~Section 202.0~~, the following words, terms, and meanings:

The Fire Chief or Chief of the Fire Department: The head of the County Fire and Rescue Department, County of Fairfax, Virginia, also referred to as the Fire Chief or Chief of the Fire and Rescue Department.

~~Fire Lanes: An area designated by clearly visible 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.~~

Fire Marshal's Office: The County Fire Marshal, and, under the authority of the Fire Marshal, the Deputy Fire Marshal and members of the Fire Marshal's staff, also referred to as the Fire Prevention Division or the fire official.

Immediately: The term "immediately" means without delay.

Legal Officer: County Attorney or the Commonwealth's Attorney for the County of Fairfax.

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.

301.2 Permits. Delete and substitute: 301.2 Permits. Permits shall be required as set forth in Section 107.2 for the activities or uses regulated by Sections 306, 307, 308.3, 308.4, 308.5 and 315.

304.2.1. Handling readily combustible materials. Add Subsection ~~304.2.4~~ as follows: 304.2.1 Handling readily combustible materials. No person producing, using, storing, or having charge of, or under their control, any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or other combustible waste material, shall neither fail nor neglect, at the close of each day, to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal, metal-lined, or approved noncombustible and covered, receptacles or bins. Baling equipment deemed suitable by the fire official shall be installed in stores,

apartment buildings, factories, and other buildings where accumulations of paper and waste materials are not removed at least every day.

307.2. Permit required. Delete and substitute the following: 307.2 Permit required. If under the requirements of the County of Fairfax Air Pollution Control Chapter, a bonfire or controlled burning is allowed, a permit for each such fire shall be obtained from the fire official. This permit requirement does not apply to recreational fires ~~campfires~~, fire used for the cooking of food, fire set for the training of firefighters under the direction of the Chief of the Fire Department, or fire set by a public health or safety officer where a health or fire hazard cannot be abated by any other means.

307.5.1. Endangering other property. Add Subsection ~~307.5~~ as follows: 307.5.1 Endangering other property. No person shall kindle, ~~nor~~ authorize to be kindled, ~~nor~~ maintain any permitted fire in such a manner that will endanger the property of another.

307.6. Negligence. Add Subsection ~~307.6~~ as follows: 307.6 Negligence. If any person shall carelessly or negligently set fire to, ~~or~~ burn or cause to be burned any property, either real or personal, whether the property be his or himself or that of another, he shall be subject to the penalties ~~of this Code~~ as set forth in Section 62-1-1 of this Code.

308.3.1. Open-flame cooking devices. Delete and substitute: 308.3.1 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices fueled by combustible or flammable gases, liquids, and solids shall not be operated or stored on a balcony or deck of any structure or within 15 feet of combustible construction or residential occupancy.

Exceptions:

1. Detached one- and two-family dwellings and townhouses.
2. Cooking devices using electricity as a heating source and listed by a recognized testing authority.

~~No charcoal cooker, brazier, hibachi or grill or any gasoline or other flammable liquid or liquefied petroleum gas-fired stove or similar device shall be ignited or used on the balconies or within 15 feet of any apartment building or other structures with similar occupancy. The management of such occupancies which have balconies shall notify their tenants in writing of this Code requirement when the tenant initially occupies the apartment and periodically thereafter as may be necessary to ensure compliance.~~

~~308.3.1.1. Notification of tenants. Approved cooking devices. Delete and substitute as follows: Add Subsection 308.3.1.1 as follows: 308.3.1.1. Notification of tenants. The management of multi-family residential occupancies which have balconies, decks, or patios shall notify their tenants in writing of the prohibitions outlined in section 308.3.1 of this code when the tenant or occupant initially occupies the building and periodically thereafter as may be necessary to ensure compliance. Cooking devices listed under Section 308.3.1 using either electric or natural gas as a fuel source and listed by a recognized testing authority will be exempt from the prohibitions listed in 308.3.1. The~~

~~cooking device shall also be designed or approved for the use of lava rocks or permanent briquettes only.~~

~~308.3.1.2. Cooking device storage. Add Subsection 308.3.1.2 as follows: The storage of cooking devices using flammable or combustible liquids or liquefied petroleum gas (LPG) as a fuel source shall be prohibited inside of, on any balcony of, or within 15 feet of, any apartment building or other structure with similar occupancy. Other cooking devices prohibited by Section 308.3.1 shall not be stored or located on balconies or patios of any apartment building or other structure with similar occupancy.~~

308.4. Torches for the removal of paint or sweating pipe joints. Add the following words to the title: "or sweating pipe joints."

308.4.1. Permit. Approval. ~~Delete and substitute: 308.4.1 Permit. A permit in accordance with Subsection 107.2 shall be secured from the fire official prior to the utilization of a torch or flame-producing device to remove paint from a structure or to sweat pipe joints in any building or structure.~~ Add the following: or for sweating pipe joints in any building or structure.

308.4.2. Sweating joints. Add the following Subsection 308.4.2 as follows: 308.4.2 Sweating joints. Any person using a torch or other flame producing device ~~to~~ for sweating pipe joints in any building or structure shall have available in the immediate vicinity where the sweating is done an approved fire extinguisher or water hose connected to a water supply. Combustible material in close proximity to the work shall be protected against ignition by shielding, wetting, or other approved means. In all cases, a fire watch shall remain in the vicinity of the sweating operation for 30 minutes ~~0.5 hour~~ after the torch or flame producing device has been used.

308.7. Outdoor solid fuel burning devices. Add Subsection as follows: 308.7 Outdoor solid fuel burning devices. Outdoor fireplaces, fire pits, chimineas, and other similar portable devices designed for outdoor use shall not be operated or stored on a balcony or deck of any structure or within 15 feet of combustible construction or a residential occupancy.

Exception: Detached one- and two- family dwellings and townhouses.

401.6. Promulgation of fire safety instructions. Add ~~S~~subsection as follows: 401.6 Promulgation of fire safety instructions. The fire official shall issue regulations which require the owner, lessor, 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.

401.6.12. Elevator warning signs. Add Subsection ~~401.6.2~~ as follows: 401.6.1 Elevator warning signs. Elevator lobby call stations on each floor and on all elevator cars shall be marked with approved signs reading as follows: "USE STAIRWAYS IN CASE OF FIRE - DO NOT USE ELEVATOR." The requirements of this section shall apply to all

buildings. Elevators installed in use group R-5 shall be exempt from the provision of this section.

401.6.23. Posting of signs. Add Subsection as follows: 401.6.2 Posting of signs. It shall be unlawful for the owner of any building which is leased to another or the lessor or management agent of any such building, to fail to post the signs required by the preceding paragraphs.

408.12. Storage or Display in Roofed-Over Malls. Add Subsection 408.12 as follows: 408.12 Storage or Display in Roofed-Over Malls. No combustible goods, merchandise, or decorations shall be displayed or stored in a roofed-over mall unless approved by the fire official.

501.2 Permits. Delete and substitute: 501.2 Permits. A permit shall be required as set forth in Sections 107.2. and 108.

502.1. Definitions. Add the following words, terms and meanings:

Fire Lanes: An area designated by clearly visible signs and markings 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.

503.1.1. Fire lanes. Delete and substitute as follows: 503.1.1 Fire lanes. The fire official 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 fire fighting and rescue apparatus. Fire lanes shall have a minimum width of 18 feet (5486mm).

503.1.1.1. Signs and Markings. Add Subsection as follows 503.1.1.1: 503.1.1.1 Signs and Markings. The property owner or designee shall supply and install signs and other required markings to delineate fire lanes as directed by the fire official.

503.1.1.2. Specifications. Add Subsection 503.1.1.2 as follows: 503.1.1.2 Specifications. Fire lanes shall conform to the following specifications:

1. Approved fire lane signs must meet the following specifications:
 - a. Metal construction, dimensions 12 inches wide by 15 inches high.
 - b. Red letters on a reflective white background with three-eighths inch red trim strip around the entire outer edge of the sign.
 - c. Lettering size to be as follows:
 - "NO PARKING" 2 inches
 - "OR" 1 inch
 - "STANDING" 2 1/2 inches
 - arrows 1 inch solidSpacing between words to be uniform

- d. Other type signs or markings as approved by the fire official.
2. Signs shall be posted at intervals and at a height above the finished grade as directed by the fire official.
3. Curbing shall be painted yellow within the limits of the fire lane.

503.4. Obstructions. Delete and substitute. 503.4 Obstructions.

1. It shall be unlawful for any person to park, stop, stand, or otherwise obstruct such designated and marked area.
2. In any prosecution under this section, proof that the vehicle described in the complaint, summons, or warrant was parked in violation of this Code, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, shall constitute a prima facie evidentiary presumption that such registered owner of the vehicle was the person who parked the vehicle at the place and at the time such violation occurred.
3. In addition, the vehicle parked in violation of this section may be impounded by the Fairfax County Police Department and held until the penalty provided, and the towing and storage charges incurred, are paid.
4. This section shall be enforced by the County Fire Marshal's Office and the County Police Department.
5. Any violation of this section shall be punishable as a traffic infraction.

503.4.1. Add Subsection ~~503.4.4~~ as follows: 503.4.1. 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.

503.6.1. Emergency operation for gates and barricades. Add Subsection as follows: 503.6.1 Emergency operation for gates and barricades. Gates and barricades that are installed across a fire apparatus access road that is normally intended for vehicular traffic shall be installed with a fire department access system which has an emergency override fire department master key switch as approved by the fire official. Gates and barricades shall be maintained operational at all times.

503.8 ~~503.7.~~ Carnival, fair, festival, and circus access. Add Subsection ~~503.7~~ as follows: 503.8 Carnival, fair, festival, and circus access. It shall be the responsibility of the owner, operator, or other person responsible for the establishment, erection, or operation of any carnival or circus to establish, erect, and operate such carnival or circus so that there is provided and maintained an access lane, at least 18 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 carnival or circus.

504.2.1. Showcases or temporary displays. Add ~~S~~ubsection ~~504.2.4~~ as follows: 504.2.1 Showcases or temporary displays. Showcases or temporary displays placed, piled, or installed so as to obstruct any exterior door shall be prohibited unless approved by the fire official.

506.1. Fire department building access. Delete and substitute: 506.1 Fire department building access. All buildings with the exception of one- and two- family single-family dwellings shall provide a key box ~~fire department access system~~ as approved by the fire official.

506.1.1.1 Emergency operations for gates and barricades. Add Subsection as follows: 506.1.1.1 Emergency operations for gates and barricades shall be installed in accordance with section 503.6.1.

506.2. Number and labeling of required keys. Delete and substitute: 506.2 Number and labeling of required keys. In buildings with fire command centers, 15 sets of common keys shall be provided for access to building services and systems regulated by Section 601 of this code; and ~~all~~ to all storage, trash and utility rooms, roof access doors, and doors to other secured areas. In all other buildings required to provide fire department access, 3 ~~8~~ sets of common keys shall be provided. Individual keys shall be clearly labeled as to function and each set of keys shall be individually tagged in a manner approved by the fire official.

506.2.1. Non-required fire department access boxes. Add Subsection as follows: 506.2.1 Non-required fire department access boxes. Voluntarily provided fire department key access boxes shall contain one key to access the premises served, and other keys as determined by the owner or occupant. All keys shall be clearly labeled as to function.

508.5.5. Clear space around hydrants and fire department connections: Add Subsection ~~508.5.5~~ as follows: 508.5.5 Clear space around hydrants and fire department connections. No person shall plant or erect any obstruction within 4 feet of any fire hydrant or 10 feet of any fire department connection.

509.2. Operations procedure book ~~Fire command center.~~ Add Subsection ~~509.2~~ as follows: 509.2. Operations 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 owner shall maintain the book and update it whenever necessary.

601.2. Permits. Delete and substitute: 601.2 Permits. Permits shall be obtained for refrigeration systems, battery systems, and kitchen hoods as set forth in Section 107.2. Insert the following after the words "battery systems": and for the operation of commercial kitchen hoods as set forth in table 107.2. ~~Delete the remainder of the subsection.~~

~~803.3.3. Furniture, furnishings and displays. Furniture, furnishings, displays or other objects shall be prohibited in exit corridors serving Group E occupancies.~~

~~Exception: Furniture, furnishings, displays and other objects shall be permitted in exit corridors when secured in place and not located in any portion of the required 72 inch exit corridor width or other required element of the means of egress. Upholstered furniture shall meet the requirements for Class I when tested in accordance with NFPA 260.~~

806.6. 805-1. Natural Vegetation. General. Insert the following before the first sentence: Flammable natural vegetation materials such as batting, cloth, cotton, hay, stalks, paper, cotton batting, straw, cut or dry vines, leaves, trees, artificial flowers or shrubbery, and foam plastic materials moss, and similar items shall not be used for decorative purposes in show windows, building lobbies, exits, or exit access, or other parts of buildings, or any area of public use in such a quantity as to constitute a fire hazard.

806.6.1 Restricted occupancies. Add Subsection as follows: 806.6.1 Restricted occupancies. These items shall be prohibited in Group A, E, I-1, I-2, I-3, I-4, M, R-1, R-2, and R-4 occupancies.

Exception: These items located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.1.1 or 903.1.2 shall not be prohibited in Groups A, E, M, R-1, and R-2.

807.4.3.3 Furniture, furnishings and displays. Furniture, furnishings, displays or other objects shall be prohibited in exit corridors serving Group E occupancies.

Exception: Furniture, furnishings, displays, and other objects shall be permitted in exit corridors when secured in place and not located in any portion of the required 72 inch exit corridor width or other required element of the means of egress. Upholstered furniture shall meet the requirements for Class I when tested in accordance with NFPA 260.

901.3 Permits. Delete and substitute as follows: 901.3 Permits. Permits shall be required as set forth in Section 107.2 and 108.

901.6. Inspection, testing and maintenance. Add the following to the first sentence ~~third line~~ after the word constructed: "or were voluntarily installed."

901.6.3. Periodic retests. Add ~~Subsection 901.6.3~~ as follows: 901.6.3 Periodic retests. Periodic inspections and tests required under this ~~c~~Chapter shall be witnessed by the fire official. The fire official shall collect fees from the building owner or tenant for the witnessing of tests required under this section, based on staff hours expended witnessing these tests.

901.6.3.1. Reinspection and testing fees. Add Subsection ~~901.6.3.1.~~ as follows: 901.6.3.1 Testing and reinspection ~~Reinspection and testing fees.~~ Fees for witnessing the reinspection and testing and reinspection of existing fire protection equipment and

systems shall be assessed as listed under Subsection 107.2. A fee, based on hours reserved, shall be assessed for inspections not cancelled with notice.

901.7 Systems out of service. Where a ~~required~~ fire protection system is out of service, the fire department and the fire official shall be notified immediately and, where required by the fire official, the building shall either be evacuated or an approved fire watch shall be provided for all premises occupants left unprotected by the shut down until the fire protection system has been returned to service.

Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty of the fire watch shall be to perform constant patrols of the protected premises and keep watch for fires.

901.8. Removal of or tampering with equipment. ~~Tampering. Delete and substitute:~~
901.8 Removal of or tampering with equipment. It shall be unlawful for any person to remove, tamper with, damage, destroy, use without just cause or authorization, or otherwise disturb any fire hydrant, fire detection and alarm system, fire suppression system, or other fire appliance required by this code or installed in any building or structure within the county except for the purpose of extinguishing fire, training purposes, recharging or making necessary repairs, or when approved by the fire official.
~~Add the following to the second line after the word with: damage, destroy or use without just cause or authorization Add the following to the fifth line after the word code: or installed in any building or structure within the County.~~

901.11-9 Hydrants and water mains. Add Subsection ~~901.9~~ as follows: 901.11 Hydrants and water mains. It shall be unlawful for any person to use, tamper with, damage, or destroy any fire hydrant, valve, or water main within the County, except that fire departments may use such hydrants for fire fighting or training purposes. Such hydrants may be used by a person who has obtained a permit for its use from the public authority or utility having jurisdiction over these items. A person who has a valid permit shall comply with all policies as outlined on the permit or application.

905.12. Testing. Add the following Subsection as follows: 905.12 Testing. All standpipe fire lines in all buildings and structures shall be tested at least every 5 years in accordance with NFPA 25. In buildings and structures, wet and dry pipe systems shall meet the flow demands required at the time of installation or as required by Subsection 905.2. At the time of the test all control valves, including those inside hose cabinets, shall be operated and then reset in their proper positions to insure the workability of these valves. Wet and dry systems which do not meet ~~unable to meet~~ the flow requirements established at the time of installation or as required by this section shall be required to install automatic fire pumps or tanks if deemed necessary by the fire official for the occupancy of the building.

907.15.1 Posting of Central Station Monitoring Company. Add Subsection as follows:
907.15.1 Posting of Central Station Monitoring Company. The name, telephone number, and account number of the current central station 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.

907.20.6. Faulty alarms. Add Subsection ~~907.20.6~~ as follows: 907.20.6 Faulty alarms. Inspection fees shall be as in Table 107.2 and 109.6. Whenever faulty or nuisance fire alarm activations occurring in any occupancy exceed 3 in a 90 day period, the fire official may require the owner or occupant to conduct a witnessed test of the fire protection system causing the faulty or nuisance alarm. Witnessed testing shall be in accordance with section 901.6.3. Both manual fire alarm systems and automatic fire alarm and suppression systems shall, in addition to the testing required by Section 907.20.2 of the Virginia Statewide Fire Prevention Code and this code, be tested by the owner or occupant whenever faulty alarms in an occupancy exceed 3 in any 3 month period.

1. For the purpose of this section, a faulty or nuisance alarm is deemed to occur whenever the fire ~~official~~ or fire department officer in charge responding to a fire alarm call shall determine, after investigation, that faulty equipment initiated the alarm.

2. As soon as possible ~~On the next normal workday~~ following the faulty or nuisance alarm determination, the responding officer in charge shall cause the Fire Marshal's Office to be notified in writing of the facts and circumstances supporting the his determination that faulty fire protection equipment initiated the alarm.

3. Whenever an owner or occupant is required by this section to conduct witnessed testing ~~a test~~ of a fire protection ~~alarm or suppression~~ system, the fire official shall notify the owner or occupant in writing and prescribe a certified test consistent with standard procedures to be witnessed by the fire official or his designee.

4. ~~Any faulty equipment or systems identified during the test which will reduce the effectiveness of the protection as specified in Subsection 907.2 will be recorded and notice of violation prepared and served in accordance with the provisions of Section SFPC Section F-111.0. The notice of violation will require the repair, abatement, or correction of any noted defects, the restoration of the system to normal operative condition and compliance with any law, ordinance or order affecting such alarm system.~~

5. ~~The notice of violation shall be enforced pursuant to the provisions of Section SFPC Section F-111.0.~~

1028.3 ~~4027.3~~. Obstructions. Add the following sentence at the end of the existing section. No person shall sit, ~~or~~ stand, or otherwise obstruct any means of egress or element of means of egress.

1101.3 Permits. Delete and substitute: 1101.3 Permits. Permits shall be required to operate aircraft-refueling vehicles, application of flammable or combustible finishes, and hot work as set forth in Sections 107.2 and 108.

1106.11.5. Notification of the fire department. Add the following to the end of the section: The procedures as set forth in Section 2703.3.1 shall also be followed.

1201.2 Permits. Delete and substitute as follows: 1201.2 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

1301.2 Permits. Delete and substitute as follows: 1301.2 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

1501.2 Permits. Delete and substitute as follows: 1501.2 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

1601.2 Permits. Delete and substitute as follows: 1601.2 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

1701.2 Permits. Delete and substitute as follows: 1701.2 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

1801.5 Permits. Delete and substitute as follows: 1801.5 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

1901.2 Permits. Delete and substitute as follows: 1901.2 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

2001.2 Permits. Delete and substitute as follows: 2001.2 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

2101.2 Permits. Delete and substitute as follows: 2101.2 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

2201.2 Permits. Delete and substitute as follows: 2201.2 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

2301.2 Permits. Delete and substitute as follows: 2301.2 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

2403.4 Permits. Delete and substitute as follows: 2403.4 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

2404.15.5.1 Flame propagation performance treatment. Add Subsection as follows:
2404.15.5.1 Flame propagation performance treatment. All tents and membrane structures where cooking is performed shall be composed of material meeting the flame propagation performance criteria of NFPA 701 or shall be treated with a flame retardant in an approved manner that meets the flame propagation performance criteria of NFPA 701, and such flame propagation performance criteria will be effective for the period specified by the permit.

2501.2 Permits. Delete and substitute as follows: 2501.2 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

2601.2 Permits. Delete and substitute as follows: 2601.2 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

2701.5 Permits. Delete and substitute as follows: 2701.5 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

2701.5.1 Hazardous material management plan. Insert the following at the end of the first sentence: “that includes: a site plan, a floor plan, 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.”

~~2701.5.3. Filing fee. Add new subsection as follows: A filing fee shall be paid to the fire official 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 as listed in Section 107.2.~~

2703.3.1. Unauthorized discharges. Delete and substitute as follows: 2703.3.1 Notification of unauthorized discharges. Add the following to the existing Subsection: 5. Any person who witnesses, discovers, or otherwise has knowledge of a spill, leak or other release of a hazardous material or other material that may negatively impact the environment, regardless of quantity, shall immediately report such spill, leak or release to the Fire Marshal and to the Department of Public Safety Communications and to the Fire Marshal. The owner and the tenant or other person in control of the premises when a leak or spill occurs, or when a leak or spill is discovered, shall be fully responsible for the containment, and cleanup, and disposal of the hazardous materials to the satisfaction of the fire official. For the purposes of this subsection, the phrase "Person in Control" means any firm, business, corporation, or person, ~~even a person of low rank or authority,~~ who is solely or jointly in control of all or any portion of the premises, facility, building, structure, vehicle, device, other property, substance, material, gas, liquid, chemical, or condition regulated by this code. A person in control includes an owner, operator, permit holder, tenant, occupant, manager, employee, agent, contractor, attendant, or other person regardless of rank or authority. The procedure as set forth in Sections 2703.3.1.1 through 2703.3.1.4 shall also be followed.

2801.2 Permits. Delete and substitute as follows: 2801.2 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

2901.3 Permits. Delete and substitute as follows: 2901.3 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

3001.2 Permits. Delete and substitute as follows: 3001.2 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

3101.2 Permits. Delete and substitute as follows: 3101.2 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

3201.2 Permits. Delete and substitute as follows: 3201.2 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

3301.1. Scope. In the first sentence ~~insert the word “transportation” to the second line~~ after the word manufacture. Add the following sentence at the end of the existing Subsection: The manufacture of explosives in Fairfax County shall be prohibited. Delete exception 8. Transportation in accordance with DOTn 49 CFR Parts 100-178.

3301.1.6. Manufacturing. Add the following Subsection as follows: 3301.1.6 Manufacturing. The manufacture of explosives and blasting agents shall be prohibited. This shall not apply to hand loading of small arms ammunition for personal use when not for resale, ~~nor to the assembly of two component explosives for use on site,~~ nor to the mixing of blasting agents for use on site.

3301.2.4. Insurance required for blasting. ~~Financial responsibility.~~ Delete and substitute the following: 3301.2.4 Explosives insurance required. Before a permit is issued for the storage, transportation, disposal, or use of explosives or blasting agents, the applicant shall file with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least \$5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall ~~become~~ 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 storage, transportation, disposal, or use of explosives or blasting agents. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the operations or activities authorized by the permit, and remains continuously in effect until such operations or activities are completed.

3301.2.5~~3~~. Vehicle permit. ~~Add new Subsection as follows: 3301.2.5 Vehicle permit.~~ Each vehicle transporting explosive materials ~~explosives or blasting agents~~ within the County shall be required to obtain a vehicle permit from the fire official. The permit shall be valid for 6 months and shall be revoked for failure to maintain the vehicle in a safe operating condition in compliance with DOTn 49 CFR. Permit fees shall be as listed in Section 107.2.

3301.4.1. Certification of blasters. Delete the words: “Exception: The owner of real estate parcels of five or more acres conforming to the definition of ‘real estate devoted to agricultural use’ or ‘real estate devoted to horticulture use’ in Va. Code § 58.1-3230 when blasting on such real estate.”

3301.4.6. Certification of contractors. Add Subsection as follows: 3301.4.6 Certification of contractors. Permits for the storage, handling, transportation or use of explosives shall only be issued to those companies which are licensed in Fairfax County by the Fire Marshal's Office.

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

3302.1. Definitions. Add the following definitions:

Approved: Approved by the County Fire Marshal's Office.

Blast Area. The area of a blast, including the blast site and adjacent areas that could reasonably be expected to be within the influence of flying material, fumes, and/or concussion as a result of the blasting operation being conducted.

Blast Site. The area in which explosive materials are being handled and which includes all boreholes to be loaded for a blast and a distance of 50 feet in all directions, as measured from the perimeter formed by the boreholes to be loaded.

Blasting. The process of moving, heaving, breaking, or shattering soils and rocks, or doing other work, such as the demolition of structures or research and testing, that generates seismic waves through the use of energetic materials in chemical reactions, explosions, or other detonations or deflagrations.

Flyrock. Any dirt, mud, stone, fragmented rock, or other material that is displaced from the blast area in an uncontrolled or unplanned manner by the effects of a blast.

Laboratory. A facility that provides controlled conditions in which scientific research, experiments, and measurement may be performed.

Retailer: Any persons selling fireworks or offering fireworks for retail sale ~~sale at retail~~.

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

3303.3. Loss, theft or unauthorized removal. Insert the following before the first sentence: The Fairfax County Fire Marshal shall be immediately notified by telephone of the loss or theft of any explosives. The verbal notification shall be immediately followed by a letter to the Fire Marshal's Office giving complete details as to type, amounts manufacturer and all other relevant facts.

~~3303.4. Accidents. Report of injuries or property damage. Delete and substitute: 3303.4 Accidents. Any blasting misfires, malfunctions, injuries or other unintended blasting related events or accidents involving the use of explosives, explosive materials, or fireworks shall be reported to the fire official immediately. The Fire Marshal's Office shall be immediately notified of injuries to any person or damage to any property which results from the storage, transportation or use of explosives.~~

~~3303.8. Improper storage. Add the following Ssubsection as follows:- 3303.8 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 Fairfax County Fire Marshal's Office which ~~who~~ will take possession thereof for the purpose of safeguarding and/or disposal of such explosives.~~

3304.1. General. Insert the words "and transportation" to the first line after the word storage.

3304.1. General. Add at the end of the existing Subsection the following: With the exception of the storage of fireworks at display sites in accordance with 3308.5 and NFPA 1123 or NFPA 1126, ~~t~~The storage of explosives, and blasting agents, and Division 1.3G fireworks is prohibited within the legal geographic boundaries of any district where such storage is prohibited by the Fire Marshal. Provided, however, this prohibition shall not apply to the temporary storage for use in connection with approved blasting operations, wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets, or cartridges for explosive activated power tools in quantities involving less than 500 pounds (227 Kg) of explosive material. The overnight storage of explosives or blasting agents shall be prohibited in all zoning classifications except I-6 and then only with under a Special Use Permit granted by the Board of Supervisors. Explosive materials may be approved for overnight storage when used for laboratory testing purposes, up to 1 pound total in storage of which no more than ¼ pound is in use at any time, when approved by the Fire Code Official and stored in compliance with the magazine requirements of 3304.3.

~~Exception: Storage of fireworks at display sites in accordance with 3308.5 and NFPA 1123 or NFPA 1126.~~

3304.1.1. Enforcement. Add the following Ssubsection as follows: 3304.1.1 Enforcement. The Fairfax County Fire Marshal shall enforce the regulations contained herein pertaining to the intra-cCounty transportation of explosives.

3304.1.1.1 Notification. Add Subsection as follows: 3304.1.1.1 Notification. Operators of vehicles transporting explosives in Fairfax County shall immediately notify the Fire Official upon experiencing a mechanical breakdown or being otherwise unable to move.

3304.1.2. Driver qualifications. Add the following Subsection as follows: 3304.1.2 Driver qualifications. Vehicles transporting explosives shall be in the custody of drivers who are physically fit, careful, capable, reliable, able to read and write the English language, not addicted to the use or under the influence of intoxicants, narcotics, illegal drugs, physically or mentally impairing prescription drugs or any other medications. Such drivers shall be familiar with state and County traffic regulations, and the provisions of this article governing the transportation of explosives, and possess a valid commercial drivers license with the proper endorsements- and other qualifications as prescribed by US DOT 49 CFR Part 383. Drivers of vehicles engaged in the intra-county transportation of explosives shall have received training in compliance with the requirements of DOTn 49 CFR Parts 172 and 177 which has been verified by the Fairfax County Fire Marshal's Office.

3304.2.1. Control in wholesale and retail stores. Add the following Subsection as follows: 3304.2.1 Control in wholesale and retail stores. The storage or display of explosives and blasting caps in wholesale and retail stores is prohibited.

3304.3. Magazines. Add the following at the end of the Subsection: Explosive materials in overnight storage, regardless of quantity, shall utilize Type 1 or Type 2 magazines as approved by the Fire Code Official. Regardless of magazine type, storage of explosives in non-sprinklered buildings is prohibited. "A Type I Magazine: shall be used for the overnight storage of explosives regardless of quantity."

3307.3.1 Pre-blast surveys. Add Subsection as follows: 3307.3.1 Pre-blast surveys. A pre-blast survey shall be performed on each structure located within a minimum of 150 feet and any well located within a minimum of 250 feet of the blast site. Written confirmation that the pre-blast survey has been done shall be maintained by the blasting contractor. Requests for access to structures for pre-blast surveys shall be made by certified mail to the last known address of the owner(s) of any structures located within the pre-blast survey areas as defined herein. If permitted by the owner(s), said pre-blast surveys shall be conducted to determine the pre-blast conditions of these structures. A minimum of 14 days notice shall be provided for the scheduling of the pre-blast survey. Documentation consisting of a written acknowledgement that the survey has been performed or declined by the property owner and a map depicting the above referenced 150 and 250 feet radius, shall be provided to the Fire Marshal at the time of the Explosive Use Site Permit Inspection meeting.

3307.3.2 Pre-blast notification. Add Subsection as follows: 3307.3.2 Pre-blast notification. All structures located within a minimum of 300 feet of the blast site shall be notified of the scheduled blasting 10 days prior to blasting and no blasting shall occur until such notice has been given.

3307.17 Blasting in asbestos rock. Add Subsection as follows: 3307.17Blasting in asbestos rock. Blasting operations conducted in rock or soils that present a hazard to public health through dust generation or other effects of drilling and blasting must be reported as such to the Fire Marshal and the blaster-in-charge must obtain and maintain all necessary health, safety, and environmental permits or approvals.

~~Section 3308 Fireworks Display. Delete the second word of the title.~~ Change title to: Section 3308 Fireworks.

3308.1. General. Add the following at the end of the first sentence: The manufacture of fireworks is prohibited within the cCounty. The display, sale, or discharge of fireworks shall comply with the requirements of this cChapter. This cChapter shall govern the design, construction, and use of model rockets.

3308.1.1. Unlawful activities. Add Subsection as follows: 3308.1.1 Unlawful activities. 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.

3308.1.2. Permissible fireworks. Add Subsection as follows: 3308.1.2 Permissible fireworks. The provisions of 3308.1.1 shall not apply to consumer 1.4G permissible fireworks which have been approved by the Fire Marshal's Office. Such permissible fireworks shall be used only on private property with the approval of the owner. The sale or storage of any fireworks shall be prohibited on the property of another without the express written permission of the owner. The sale of fireworks to minors shall be prohibited unless the minor is accompanied by a parent or legal guardian.

3308.2.1.1. Permit required for display of aerial fireworks. Add Subsection as follows: 3308.2.1.1 Permit required for display of aerial fireworks. 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 NFPA 1123 and NFPA 1126 ~~4424~~, as listed in Chapter 45 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 which it is issued may make use of such fireworks under the terms and conditions of such permit. No permit shall be issued until 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 \$5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall become 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.

3308.2.3. Permit required for sale of fireworks. Add Subsection as follows: 3308.2.3 Permit required for sale of fireworks. It shall be unlawful for any person, firm, or corporation, wholesaler, or retailer to sell, offer for sale, or expose for sale any fireworks within the County without a permit from the Fire Marshal's Office. 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 \$5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall become 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.

3308.11. Retail display and sale. Add Subsection ~~3308.11~~ as follows: 3308.11 Retail display and sale. In addition to the restrictions set forth in section 3301.2.2, retail sales of permissible fireworks shall be only be conducted from approved fixed locations. Such locations shall comply with all Fairfax County rules and regulations applicable to such sites. The sale or storage of any fireworks shall be prohibited on the property of another without the express written permission of the owner.

3308.11.1. Precautions. Add Subsection ~~3308.11.1~~ as follows: 3308.11.1 Precautions. Fireworks displayed for retail sale shall not be made readily accessible to the public. A minimum of one pressurized water fire extinguisher complying with Section 906 shall be located not more than 15 feet and not less than 10 feet from the retail sale location hazard. "NO Smoking" signs complying with Section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale.

3308.11.2. Sales to minors. Add Subsection ~~3308.11.2~~ as follows: 3308.11.2 Sales to minors. The sale of permissible fireworks to persons under the age of 18 shall be prohibited unless the person is accompanied by a parent or legal guardian.

3308.11.3. Records to be kept by wholesaler and retailer. Add Subsection as follows: 3308.11.3 Records to be kept by wholesaler and retailer. Each wholesaler shall maintain full and complete records of all purchases and sales of fireworks and each retailer shall maintain full and complete records of all purchases of fireworks. The County Fire Marshal or his designated agent is authorized to examine the books and records of any wholesaler or retailer documenting ~~as they relate to~~ the purchases and sales of fireworks within the County.

3308.12. Approval of permissible fireworks. Add Subsection as follows: 3308.12 Approval of permissible fireworks. Persons engaged in the business of selling or offering to sell fireworks at wholesale shall submit to the County Fire Marshal a list of fireworks for approval. Persons engaged in the business of selling fireworks at wholesale may be required to submit to the Office of the Fire Marshal at least 5 samples of each firework intended to be sold or delivered by such wholesaler, together with

complete specifications including the manufacturer and trade name of such fireworks and a chemical analysis of each such fireworks ~~se~~ submitted. ~~Said~~ Samples, specifications, and chemical analysis shall be submitted to the Fire Marshal's Office no later than 120 days prior to the proposed sale date in the cCounty. No wholesaler or retailer shall sell or deliver in the cCounty any fireworks other than those ~~se~~ approved by the Fairfax County Office of the Fire Marshal.

3308.13. Seizure and destruction of certain fireworks. Add Subsection 3308.13 as follows: 3308.13 Seizure and destruction of certain fireworks. Any Fire Marshal or law enforcement officer encountering fireworks in violation of the Code shall seize and hold such fireworks ~~and shall hold such~~ until final disposition of any criminal procedures related to the violation. If any person is found guilty of any violation of this Chapter, then the court shall order destruction of such articles upon expiration of the time allowed for the appeal of ~~for~~ such conviction.

3308.13.1. Criminal proceedings. Add Subsection 3308.13.1 as follows: 3308.13.1 Criminal proceedings. Where no criminal proceedings can be instituted due to the inability to identify the owner or person or persons ~~lack of knowledge as to who owns or~~ is responsible for the fireworks, the fireworks in question shall be destroyed after 30 days.

3401.4 Permits. Add Subsection as follows: 3401.4 Permits. Permits shall be required as set forth in Sections 107.2 and 108.

3402.1. Definitions. Add the following definition:

Subsurface structure: A subsurface structure shall include, but not be limited to, structures such as subway stations, railroad tunnels including rail rapid transit tunnels, and highway tunnels.

~~3402.11.2. Location. Add the following:~~

~~Underground storage tanks for Class I flammable liquids or Class II or III combustible liquids and related piping shall not be permitted directly over a subsurface structure, or within 25 feet measured horizontally from the outside wall of such subsurface structure. Underground storage tanks and related piping for Class I flammable liquids or Class II or III combustible liquids located in the area between 25 and 100 feet (measured horizontally from the outside wall of the subsurface structure), and where the tops of such tanks and piping are not 2 feet or more below the lowest point of excavation shall be installed in a cast-in-place, liquid tight, reinforced concrete vault; the walls, top and bottom of which are a minimum of 6 inches thick and large enough to hold and retain the entire contents of the tank. Access shall be provided in the vault top for inspection, monitoring and servicing of the vault and tank.~~

~~3402.11.2.1. Service stations in proximity of subsurface structures: Add Section 3402.11.2.1 as follows: Service stations dispensing Class I flammable liquids or Class II or III combustible liquids that are located within the distance of 25 to 100 feet (measured horizontally from the outside wall of a subsurface structure) shall comply with the following:~~

~~(i) Dispensing pumps for Class I flammable liquids, Class II or III combustible liquids shall not be located less than 25 feet from the nearest subsurface structure opening (measured from the pump to the nearest point of any subsurface structure opening).~~

~~(ii) The finished grade around pump islands and the surrounding surface shall be graded in a manner to divert possible spills away from any opening to any subsurface structure.~~

~~(iii) Appropriate continuous drains across driveway ramps, and/or curbs of at least 6 inches in height shall separate the service station properties from adjacent subsurface structure properties.~~

~~(iv) There shall be no connection (such as venting or drainage) between any storage tank or related piping for Class I flammable liquids or Class II or III combustible liquids and any subsurface structure.~~

3404.2.7.10. Leak reporting. Add the following: The procedures as set forth in Section 2703.3.1 shall also be followed.

3404.2.11.5.3. Testing. Add Subsection 3404.2.11.5.3 as follows: 3404.2.11.5.3 Testing.

{1}. The owner or operator of all buried petroleum tanks installed after the effective date of this Code shall have provisions for taking direct measurement readings of the content level by the stick method. Liquid level of storage tanks shall be measured by the owner or operator each day of operation and compared with the pump meter readings taken on receipt of the product. These records shall be kept in a log book and be available for inspection by the fire official and/or his representative. Loss of product above normal evaporation (one percent of flow through plus 130 gallons) shall be reported immediately to the fire official. Records shall be retained for 2 years. This period may be extended upon order of the fire official. High liquid level gauges or alarm systems, as well as pump cut-off devices, shall be installed by the owner or the authorized operator in all petroleum storage tanks whenever ~~wherever~~ in the judgment of the fire official there is a possibility that product may be lost by overflowing. These emergency devices shall be considered only as auxiliary and supplementary to the use of personnel engaged in a transfer or fill operation.

{2}. When the operator's inventory records indicate a loss of product exceeding one percent of flow through plus 130 gallons, a test for tightness on the underground tank shall be performed in accordance with the standards set forth in NFPA ~~Standard No.~~ 329. The fire official shall order a test for tightness when in his judgment there is evidence of a loss of product. A test for tightness shall be conducted on all storage systems prior to change in ownership. Noncorrosive storage systems approved by Underwriters' Laboratories, Inc., and the Steel Tank Institute P-3 systems shall be tested for tightness at the end of their warranty period, applying the ~~to~~ standards set

forth in NFPA No. 329. It shall be repeated at intervals no greater than 3 years. When a test for tightness is performed the following information must be kept on file at the facility until such time as another test is performed and shall be made available for inspection by the fire official or his representative upon request:

- (a) Commercial name of the test equipment.
- (b) The name of the testing company.
- (c) The name of the test operator.
- (d) The data accumulated by the test.
- (e) The results of the test as to whether or not the storage system is tight.

When leakage is indicated from a storage system during the test for tightness, the operator of the test must immediately report the test results to the fire official.

~~(3)~~ All storage systems, except noncorrosive systems approved by Underwriters' Laboratories, Inc., and the Steel Tank Institute P-3 systems, which have been buried for 10 years or more at the effective date of this Code and storage systems for which no installation date can be determined, shall be tested for tightness in a manner approved by the fire official. This test shall be performed within 12 months after the effective date of this Code. It shall be repeated on all storage systems at intervals no greater than 3 years.

~~(4)~~ Before each filling of existing petroleum storage tanks which have provisions for measurement of contents and before each filling of petroleum storage tanks installed after the effective date of this Code, the liquid level shall be gauged and the measurement shall be recorded in writing. The gauging records shall be retained for 2 years and made available to the fire official upon demand.

3404.2.11.2. Location. Add the following:

4. Underground storage tanks for Class I flammable liquids or Class II or III combustible liquids and related piping shall not be permitted directly over a subsurface structure, or within 25 feet measured horizontally from the outside wall of such subsurface structure. Underground storage tanks and related piping for Class I flammable liquids or Class II or III combustible liquids located in an area between 25 and 100 feet measured horizontally from the outside wall of a subsurface structure, where the tops of such tanks and piping are not 2 feet or more below the lowest point of excavation, shall be installed in a cast-in-place, liquid tight, reinforced concrete vault, with walls, top and bottom, which are a minimum of 6 inches thick, and large enough to hold and retain the entire contents of the tank. Access shall be provided in the vault top for inspection, monitoring, and servicing of the vault and tank.

3404.2.11.2.1. Service stations in proximity of subsurface structures: Add Subsection 3404.2.11.2.1 as follows: Service stations dispensing Class I flammable liquids or Class II or III combustible liquids that are located within the distance of 25 to 100 feet measured horizontally from the outside wall of a subsurface structure shall comply with the following:

1. Dispensing pumps for Class I flammable liquids or Class II or III combustible liquids shall not be located less than 25 feet from the nearest subsurface structure

opening (measured from the pump to the nearest point of any subsurface structure opening).

2. The finished grade around pump islands and the surrounding surface shall be graded in a manner to divert possible spills away from any opening of any subsurface structure.

3. Appropriate continuous drains across driveway ramps, and/or curbs of at least 6 inches in height shall separate the service station properties from adjacent subsurface structure properties.

4. There shall be no connection (such as venting or drainage) between any storage tank or related piping for Class I flammable liquids or Class II or III combustible liquids and any subsurface structure.

3404.2.13.1.4. Tanks abandoned in place. Delete the exception to item #3.

3406.4.6.1. Safety attendant. Add new Ssubsection as follows: 3406.4.6.1 Safety attendant.

1. (a) Each bulk plant and terminal, as defined in NFPA 30, shall have a designated trained and competent safety attendant present on-site and on-duty at all times when flammable or combustible liquids are received, transferred, dispensed, or loaded from a pipeline, tank, container, vehicle, or other vessel. Individuals receiving, transferring, dispensing, or loading such liquids to or from tank vehicles shall not be designated as safety attendants.

2. (b) The safety attendant shall observe and monitor the receipt, transfer, dispensing, and loading of such liquids.

3. (c) The safety attendant shall assure compliance with all federal, state, and local laws, ordinances, and safety requirements including, but not limited to, the approved emergency plan of the plant or terminal. The safety attendant shall be knowledgeable about such laws, ordinances, requirements, and plan, including such requirements concerning fire safety, emergency response, and spill or leak notification.

4. (d) The safety attendant shall be familiar with the location and operation of all pump controls, emergency shutoff devices, and other safety equipment, and shall be responsible for using such equipment to detect, prevent, and abate, or cause to be abated, any emergency situation.

5. (e) At all times while on duty, the safety attendant shall be mentally and physically capable of immediately:

5.1 (1) Taking all necessary, appropriate, and required action to detect and prevent a fire, explosion, spill, or leak;

5.2 (2) Taking all necessary, appropriate, and required action in the event of a fire, explosion, spill, or leak; and

5.3 (3) Performing the functions and assuming the responsibilities required by this section.

3406.6.1.5. Overfill protection. Insert the following at the beginning of the Ssubsection: The driver, operator, or attendant of any tank vehicle shall take all necessary precautions to prevent the overflow of any tank into which it is discharging flammable or combustible liquids, before he discharges any liquid from such tank vehicle.

3406.6.1.9. Smoking. Add the following at the end of the Subsection: It shall be unlawful for any driver, operator, attendant, or passenger to smoke in, on, or around any tank vehicle which hauls any flammable or combustible liquid. It shall be unlawful to load or unload wherever there is smoking, lighting of matches, or other flame or spark-producing devices or the carrying of any flame or lighted cigar, pipe, or cigarette.

3501.2 Permits. Delete and substitute: 3501.2 Permits shall be required as set forth in Sections 107.2 and 108.

3601.2 Permits. Delete and substitute: 3601.2 Permits shall be required as set forth in Sections 107.2 and 108.

3701.2 Permits. Delete and substitute: 3701.2 Permits shall be required as set forth in Sections 107.2 and 108.

3801.2 Permits. Delete and substitute: 3801.2 Permits shall be required as set forth in Sections 107.2 and 108.

3806.5 Remote control shutoff. Add Subsection as follows: 3806.5 Remote control shutoff. When a cargo tank truck is equipped with a remote control shutoff device, the driver must have the remote control with him at all times.

3811.2. Unattended parking. Delete the exception.

3901.2 Permits. Delete and substitute: 3901. 2 Permits shall be required as set forth in Sections 107.2 and 108.

4001.2 Permits. Delete and substitute: 4001. 2 Permits shall be required as set forth in Sections 107.2 and 108.

4101.2 Permits. Delete and substitute: 4101. 2 Permits shall be required as set forth in Sections 107.2 and 108.

4201.2 Permits. Delete and substitute: 4201. 2 Permits shall be required as set forth in Sections 107.2 and 108.

4301.2 Permits. Delete and substitute: 4301. 2 Permits shall be required as set forth in Sections 107.2 and 108.

4401.2 Permits. Delete and substitute: 4401. 2 Permits shall be required as set forth in Sections 107.2 and 108.

IFG Chapter 45 Referenced Standards. Add the following standards:

DOTn, 49 CFR, Parts 40, 100-185, 325, 350, and 355-399. March 2008

NFPA, Recommended Practice for Handling Releases of Flammable and Combustible Liquids and Gases, 329, 2005 Edition

NFPA, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 96, 2004 Edition

This amendment shall become effective on July 1, 2009, at 12:01 a.m.

GIVEN under my hand this 27th day of April, 2009.

A handwritten signature in black ink, reading "Nancy Vehrs", written over a horizontal line.

NANCY VEHR

Clerk to the Board of Supervisors