

ORDINANCE NO. 2160

AN ORDINANCE to amend and reordain Article I of Chapter 14 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 14 constitutes the FIRE PREVENTION CODE OF THE CITY OF ALEXANDRIA, VIRGINIA and which Article I relates to IN GENERAL and further which Article I formerly adopted that certain code known as the Fire Prevention Code recommended by the American Insurance Association with certain amendments, deletions and modifications and now adopts that certain code promulgated by the Building Officials and Code Administrators International, Inc., commonly known as BOCA, and designated as the BOCA BASIC FIRE PREVENTION CODE/1975 with certain amendments, deletions and modifications all of which relate to the ADOPTION OF A FIRE PREVENTION CODE FOR THE CITY OF ALEXANDRIA; ESTABLISHMENT OF BUREAU OF FIRE PREVENTION; POWERS AND DUTIES OF THE FIRE MARSHAL AND THE DEPUTY FIRE MARSHALS INCLUDING THE POWER TO MAKE ARRESTS, TO PROCURE AND SERVE WARRANTS OF ARRESTS AND TO ISSUE SUMMONS FOR VIOLATION OF LOCAL FIRE PREVENTION AND FIRE SAFETY ORDINANCES; REQUIREMENT OF PERMITS FOR CERTAIN ACTIVITIES AND THE PAYMENT OF FEES FOR PERMITS; ILLEGALITY OF BOARDING OR TAMPERING WITH FIRE DEPARTMENT VEHICLES WITHOUT PROPER AUTHORIZATION; ILLEGALITY OF TAMPERING WITH FIRE PROTECTION SYSTEMS OR FIRE EXTINGUISHERS; ILLEGALITY OF PERSONS IMPERSONATING FIREMEN; ILLEGALITY OF SMOKING DURING THE LOADING AND UNLOADING OF TANK VEHICLES; ESTABLISHMENT OF PROCEDURES FOR THE LOADING AND UNLOADING OF TANK VEHICLES; ILLEGALITY OF USE OF HIGH HAZARD SOLVENTS IN NEW DRY CLEANING PLANTS AND SYSTEMS; AND PROVIDES PENALTIES FOR VIOLATIONS AND INJUNCTIONS.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article I of Chapter 14 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Article I. In General.

Sec. 14-1. Title.

This chapter shall be known as the Fire Prevention Code of the City of Alexandria, Virginia.

Sec. 14-2. Adoption of BOCA Basic Fire Prevention Code.

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code promulgated and published by the Building Officials and Code Administrators International, Inc., known as the BOCA Basic Fire Prevention Code/1975 and the whole thereof, except such portions as are hereinafter deleted, modified or amended by Section 14-12 of this chapter, is hereby adopted and incorporated as if fully set out at length herein.

Sec. 14-3. Same--Official copy.

One copy of said BOCA Basic Fire Prevention Code/1975 and the ordinances adopting deletions, modifications and amendments to the BOCA Basic Fire Prevention Code/1975 shall be manually signed on its cover by the mayor and fire marshal and shall be filed and kept at all times in the office of the fire marshal.

Sec. 14-4. Same--Copies for public inspection.

At least two (2) copies of the BOCA Basic Fire Prevention Code/1975 and the ordinances adopting deletions, modifications and amendments to the BOCA Basic Fire Prevention Code/1975 shall be placed in the office of the fire marshal where they may be viewed, examined and obtained between the hours of 9:00 A.M. and 5:00 P.M. Monday through Friday inclusive of each week, except for holidays.

Sec. 14-5. Definitions.

Fire official. Whenever the words "fire official" are used in this code, they shall be held to mean the fire marshal, the deputy fire marshals or any other person authorized to enforce the provisions of the Fire Prevention Code.

Fire Prevention Code. Whenever the words "Fire Prevention Code" are used, they shall be held to mean Chapter 14 of The Code of the City of Alexandria, Virginia which incorporates therein the BOCA Basic Fire Prevention Code/1975.

Sec. 14-6. Establishment and duties of bureau of fire prevention.

(a) The bureau of fire prevention is hereby established. The Fire Prevention Code shall, except where otherwise indicated, be enforced by the bureau of fire prevention.

(b) The chief of the bureau of fire prevention shall be known as the fire marshal. The city council upon the recommendation of the city manager shall appoint a city fire marshal and deputy fire marshals whose powers and duties are set forth in the city's Fire Prevention Code and Code of Virginia.

(c) The fire chief may designate such members of the fire department as he deems necessary as temporary fire inspectors to make fire safety inspections pursuant to the Fire Prevention Code.

(d) In addition to all other powers that the fire marshal may have either under this code or under state law, the fire marshal and his deputies appointed pursuant to Section 27-36 of the Code of Virginia shall, pursuant to Section 27-34.2 of the Code of Virginia, have the power to make arrests, to procure and serve warrants of arrest and to issue summons in the manner authorized by general law for violations of local fire prevention, fire safety and related ordinances.

The authority granted in this section shall not be exercised by any local fire marshal or deputy until such person has satisfactorily completed a police training course designed specifically for local fire marshals and their deputies, which course shall be approved by

the Law-Enforcement Officers Training Standards Commission.

The authority granted in this section may only be exercised when the officer is in uniform and serving a designated tour of duty.

Sec. 14-7. Unlawful boarding or tampering with fire department vehicles.

It shall be unlawful for any person, without proper authorization from the 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 any lever, valve, switch, starting device, brake, pump or any equipment, protective clothing, or tool on or a part of such fire department vehicle.

Sec. 14-8. Tampering with fire protection devices.

It shall be unlawful for any person to tamper with, damage, destroy or use without just cause or authorization any fire protection system or fire extinguisher installed in any building or structure within the city.

Sec. 14-9. Fire 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 city except that fire departments may use such hydrants for firefighting or training purposes and persons who have obtained a permit as provided for in this section from the fire department may use the fire hydrants in accordance with the terms of the permit.

Application for a permit for use of fire hydrants may be made at the fire department on forms provided for such purpose. Any such permit shall be subject to the conditions and specifications imposed by the fire chief for the purpose of protecting equipment and preventing water leakage. No permit shall be issued unless approval to use water shall first have been obtained from the Virginia-American

Water Company. A separate permit shall be required for each hydrant used and each time a hydrant is used. A fee of \$15.00 will be charged for each permit issued. A permit holder shall be liable to the city for the costs of labor and material for any repair or replacement needed after hydrant use. Any such permit must be in the possession of the actual user at the time of use.

No person shall plant or erect any obstruction within four (4) feet of any fire hydrant.

Sec. 14-10. Impersonation.

It shall be unlawful for any unauthorized person to use a fireman's badge, fireman's uniform, or fireman's credentials or to otherwise falsely identify himself as either the fire marshal or one of his authorized representatives so as to gain or attempt to gain access to any building, marine vessel, vehicle or other premises.

Sec. 14-11. Loading and unloading of tank vehicles.

(a) It shall be unlawful for any person during the loading or unloading of flammable and combustible liquids or liquid petroleum to smoke, to light matches or to use any other flame- or spark-producing device in, on, or around any tank vehicle used in such loading or unloading operation.

(b) At any time when a tank vehicle is either loading or unloading LP gas or a flammable or combustible liquid, the following procedures shall be met:

The driver shall:

(1) exit from vehicle and not return until loading or unloading has been completed.

(2) inform the receiver of the amount of gallons he can deliver and obtain from receiver the amount of gallons he is capable of receiving.

(3) shut off motor of the tank vehicle during loading and unloading operations.

The driver and/or attendant shall:

(1) extinguish all cigarettes, pipes and cigars.

(2) prevent other persons from smoking, lighting matches or

other flame- or spark-producing devices or carrying any flame or lighted cigar, pipe or cigarette by informing those persons that such conduct is unlawful. If such conduct continues, the loading and unloading operation shall immediately stop.

(3) place himself in such a position as to be able at all times to observe the delivery hose so he can prevent overflow.

(4) not leave the vehicle unattended during the loading and unloading operation.

Sec. 14-12. Changes in BOCA Basic Fire Prevention Code/1975.

That the code known as the BOCA Basic Fire Prevention Code/1975 which is adopted and incorporated by Section 14-2 of Article I, Chapter 14 of the City Code, be and hereby is deleted and amended in the following respects:

(1) Part A, Article I, Section F-100.0, Subsection F-100.1 is amended to read:  
F-100.1. Title.

These regulations as set forth herein shall be known as the Fire Prevention Code of the City of Alexandria, Virginia, and is herein referred to as such or as "this code."

(2) Part A, Article I, Section F-102.0, Subsection F-102.1 is amended to read:  
F-102.1. Enforcement officer.

The provisions of the Fire Prevention Code shall be enforced by the bureau of fire prevention and the enforcement officer of this code is herein referred to as the fire marshal.

(3) Part A, Article I, Section F-102.0, Subsection F-102.3 is amended to read:  
F-102.3. Investigation of fires.

The fire marshal shall investigate, or cause to be investigated, every fire or explosion occurring within the city that is of a suspicious nature or which involves the loss of life or causes injury to person 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 or his authorized representative 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 city police department, upon request of the city fire marshal, shall assist in the investigation as needed. The results of any such investigation if deemed suspicious shall be forwarded, by the fire marshal, to the commonwealth's attorney for proper disposition.

(4) Part A, Article I, Section F-102.0 is amended by adding thereto the following new subsection numbered F-102.8 to read:  
F-102.8. Accepted agencies, standards and tests.

In the absence of provisions not expressly contained in this code, the regulations, specifications, standards, tests and agencies as listed in Appendix A, Appendix B and Appendix C of the BOCA Basic Fire Prevention Code/1975 shall be deemed to represent the accepted regulation, specification, standard, test or agency.

(5) Part A, Article 1, Section F-102.0 is amended by adding thereto a new subsection numbered F-102.9 to read:  
F-102.9. Notification of fire department.

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

(6) Part A, Article I, Section 103.0, Subsection F-103.7 is amended to read:

F-103.7. Fees.

A permit shall not be issued until the required fees have been paid to the fire marshal. The following fees shall be charged for permits required by the designated article.

Article 3 - Bonfire and other outdoor burning .....	\$10.00
Article 3 - Use of open flame device to remove paint.....	\$10.00
Article 3 - Storage of combustible or flammable materials (in excess of 2,500 cubic feet).....	\$10.00
Article 6 - Operation of airport, heliport or helistop.....	\$20.00
Article 7 - Application of flammable finishes (in excess of 1 gallon per day).....	\$10.00
Article 8 - Bowling establishments, pin and lane refinishing.....	\$10.00
Article 9 - Dry cleaning plants.....	\$10.00
Article 10- Dust producing processes.....	\$10.00
Article 11- Fruit ripening processes.....	\$10.00
Article 12- Fumigation and thermal insecticidal fogging.....	\$10.00
Article 13- Lumber yards and wood working plants (storage or use of more than 100,000 board feet).....	\$10.00
Article 15- Oven and furnaces (operation of industrial types).....	\$10.00
Article 16- Places of assembly Theatre.....	\$25.00
Other assembly except solely religious.....	\$15.00
Article 17- Service stations and garages.....	\$15.00
Article 18- Tents and air-supported structures (over 120 square feet).....	\$10.00
Article 19- Tire rebuilding plants.....	\$10.00
Article 20- Wrecking and junk yards and waste handling plants.....	\$10.00
Article 21- Welding or cutting, acetylene generators, storage of calcium carbide.....	\$10.00
Article 22- Cellulose nitrate motion picture film (use or storage).....	\$10.00
Article 23- Cellulose nitrate plastics (use or storage).....	\$10.00
Article 24- Combustible fibres (storage or handling).....	\$10.00
Article 25- Compressed gases (use, storage or handling).....	\$10.00
Article 26- Cryogenic liquids (production, use, storage, sales).....	\$10.00
Article 27- Explosives, ammunition and blasting agents Storage and transportation.....	\$10.00
Use (each site).....	\$10.00
Article 28- Fireworks display.....	\$100.00
Article 29- Flammable and combustible liquids (manufacture, use, transportation or storage)....	\$20.00
Article 30- Hazardous materials and chemicals (use, handling and storage).....	\$10.00

Article 31 - Liquified petroleum gases (installation of containers over 2,000 gallons water capacity and all installation at public places).....	\$10.00
Article 32 - Magnesium (working of more than 10 pounds per day).....	\$10.00
Article 33 - Matches (manufacture of or storage of more than 25 cases).....	\$10.00
Article 34 - Organic coatings (manufacture of more than 1 gallon per day).....	\$10.00

(7) Part A, Article 1, Section 103.0 is amended by adding thereto the following new subsection numbered F-103.8 to read:

F-103.8. Period of validity for permits.

All permits except for bowling alley resurfacing shall be valid for a period of one year from the date of issuance and must be renewed at that time. For explosive and blasting agent use and for burning sites, a new permit must be obtained for each new site that is used. A separate permit is required for each resurfacing operation at bowling alleys.

(8) Part A, Article 1, Section F-105.0, Subsection F-105.5 is amended to read:

F-105.5. Failure to correct violations.

The fire marshal and deputy fire marshals are authorized to enforce the provisions of this Code pursuant to Sec. 14-6(d) of this Code if the notice of violation is not complied with within the time specified by the fire marshal. Additionally, if the notice of violation is not complied with within the time specified by the fire marshal, the fire marshal may request the city attorney to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of any order or direction made pursuant thereto.

(9) Part A, Article 1, Section F-106.0, Subsection F-106.2 is amended to read:

F-106.2. Frequency.

In educational occupancies fire drills shall be held once a week for the first month school is in session and at least once a month each month thereafter. In institutional occupancies fire drills shall be held at least once every two months on each work shift. During severe weather fire drills may be postponed.

(10) Part A, Article 3, Section F-301.0, Subsection F-301.1 is amended to read:

F-301.1. General.

No person shall kindle or authorize to be kindled any fire outside a building, on any public or private property, except as specifically permitted and under the conditions specified by the Air Pollution Control Code of the City of Alexandria, Virginia.

(11) Part A, Article 3, Section F-301.0, Subsection F-301.2 is amended to read:

F-301.2. Permit required.

If, under the requirements of the city's Air Pollution Control Code, a bonfire or controlled burning is allowed, a permit for

each such fire shall be obtained from the fire marshal. This permit requirement does not apply to campfires, fires used for the cooking of food, the training of firefighters under the direction of the chief of the fire department or fires set by a public health or safety officer where a health or fire hazard cannot be abated by any other means.

(12) Part A, Article 3, Section F-301.0, Subsection F-301.3 is amended to read:

F-301.3. Location restrictions.

No person shall kindle or authorize to be kindled any permitted fire except in such location as authorized by the air pollution control officer and the fire marshal.

(13) Part A, Article 3, Section F-301.0, Subsection F-301.4 is amended to read:

F-301.4. Materials.

Fuel for permitted fires shall be only those allowed by the city's Air Pollution Control Code.

(14) Part A, Article 3, Section F-301.0 is amended by adding a new subsection numbered F-301.7 to read:

F-301.7. Endangering other property.

No person shall kindle or authorize to be kindled or maintain any permitted fire in such a manner that it constitutes a danger to public health and safety.

(15) The title to Section F-303.0, Article 3, Part A is amended to read:

F-303.0. Torches for removing paint and sweating pipe joints.

(16) Part A, Article 3, Section F-303.0 is amended by adding thereto a new subsection numbered F-303.3 to read:

F-303.3. Sweating joints.

Any person using a torch or other flame-producing device for sweating pipe joints in any building or structure shall have available in the immediate vicinity where the sweating is done one (1) 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 watcher shall remain in the vicinity of the sweating operation for one-half (1/2) hour after the torch or flame-producing device has been used.

(17) Part A, Article 3, Section 304.0, Subsection F-304.1 is amended to read:

F-304.1. General.

Accumulations of waste paper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any kind shall not be permitted to remain upon any roof or in any court, yard, vacant lot, alley, parking lot or open space. All weeds, grass, vines or other growth, when same endangers property or is liable to be fired, shall be cut down and removed by the owner or occupant of the property. All combustible rubbish, oil rags or waste material when kept within a building shall be stored in noncombustible containers equipped with tight-fitting lids approved by the fire marshal.

(18) Part A, Article 3, Section 305.0 is amended by adding thereto a new subsection numbered F-305.5 to read:

F-305.5. Handling readily combustible materials.

No person making, using, storing or having charge of or under his control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or other combustible waste material, shall fail or 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 or metal-lined and covered receptacles or bins. The fire marshal shall require suitable baling equipment to be installed in stores, apartment buildings, and factories and other buildings where accumulations of paper and waste material are not removed at least every second day.

(19) Part A, Article 3, Section F-308.0, Subsection F-308.2.1 is amended to read:

F-308.2.1. Unauthorized seal removal.

It shall be a violation of this code for any person or user, firm or agent to continue the use of any device or appliance which has been sealed or ordered sealed under F-308.2 of this code, unless written authority to remove said seal is given by the fire marshal. The removing or breaking of said seal shall also be deemed a violation of this code.

(20) Part A, Article 3 is amended by adding thereto a new section numbered F-311.0 and a new subsection numbered F-311.1 to read:  
Section F-311.0. Carnivals and circuses.  
F-311.1. 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 so establish, erect or operate such carnival or circus so that there is provided and maintained an access lane at least fifteen (15) feet in width and capable of supporting fire and rescue apparatus, in all weather conditions and so arranged as to afford access to within fifty (50) feet of all booths, tents, rides and other equipment, buildings or structures used as part of or in conjunction with such carnival or circus.

(21) Part A, Article 3 is amended by adding thereto a new section numbered F-312.0 and new subsections numbered F-312.1 and F-312.2 to read:  
Section F-312.0. Exterior doors.  
F-312.1. Manufacturing and storage.

In all buildings and structures except those buildings and structures described as R-3 structures in subsection 209.4 of the BOCA Basic Building Code/1975, any exterior doors which are blocked by storage or other use inside shall have a sign on the outside of such door with the words "NO ACCESS" in six (6) inch black letters on a white background.

F-312.2. Mercantile.

Showcases or temporary displays shall not be placed or piled so as to obstruct exterior doors of any building or structure used for a mercantile occupancy when such occupancy is open to the public.

(22) Part A, Article 4, Section F-400.0, Subsection F-400.2 is amended to read:

F-400.2. Installations.

Before any fire alarm, detection or fire suppression system is installed, enlarged or extended, a permit shall be secured from the Office of Building and Mechanical Inspections. Plans and specifications shall be reviewed by the fire marshal prior to the issuance of the building permit.

(23) Part A, Article 4, Section F-400.0 is amended by adding thereto a new subsection numbered F-400.7 to read:

F-400.7. Notification.

The fire marshal shall be notified before initiating any test, repair, alteration or modification which reduces any fire protection system, regardless of whether such system is required by the building code, this code or other law or ordinance.

(24) Part A, Article 4, Section F-406.0, Subsection F-406.9 is amended to read:

F-406.9. Remote manual pull station.

A manual pull station, which will cause the complete system to operate in its normal fashion, shall be located at or near one of the exits from the area securely mounted not less than four and one-half (4-1/2) feet or more than five (5) feet from the floor and not less than ten (10) feet from the hood. Manual controls shall not require a pull of more than forty (40) pound force, nor a movement of more than fourteen (14) inches to secure operation. Such manual pulls shall be clearly identified as to what their purpose is and if more than one manual pull is provided each pull shall be identified as to area or system it controls. Such identification shall be provided on a clearly legible sign located immediately above such manual pull.

(25) Part A, Article 5, Section F-502.0, Subsection F-502.2 is amended to read:

F-502.2. Exceptions.

Locks or fasteners may be installed on egress doors under the following conditions only:

(1) In mental, penal or other institutions where the security of inmates is necessary, in which case properly trained supervisory personnel shall be continuously on duty and approved provisions made to safely remove occupants in case of fire or other emergency; or

(2) In problem security areas special purpose door alarms or locking devices shall be approved by the fire marshal prior to installation. Manually operated edge or surface molded flush bolts are prohibited. Such installations shall comply with the minimum standards set forth in NFIPA 101 as listed in Appendix B of this code.

(26) Part B, Article 9, Section F-900.0, Subsection F-900.2 is amended to read:

F-900.2. Permit required.

A person shall not engage in the business of dry cleaning without a permit obtained from the fire marshal, which shall prescribe the degree of hazard (high, moderate, low) of the system to be used. A change shall not be made in the solvent used in the equipment to a more hazardous class unless permission for such change shall first have been obtained from the fire marshal. New dry cleaning plants or systems utilizing high hazard (Class I) solvent shall be prohibited.

(27) Part B, Article 9, Section F-900.0, Subsection F-900.3 is amended to read:

F-900.3. Definitions.

For the purpose of this article and as used in this code, the following words and terms shall have the meaning indicated.

Classification of hazard. Dry cleaning systems shall be classified as follows:

High hazard (Class I system): All such establishments shall be classified as high hazard which employ gasoline or other solvents having a flash point below one hundred (100) degrees F. (ASTM D56, listed in Appendix C) in quantities of more than three (3) gallons, or more than sixty (60) gallons of flammable solvents with a flash point between one hundred (100) and one hundred forty (140) degrees F.

Moderate hazard (Class II system): All such establishments employing less than three (3) gallons of volatile flammable liquids or solvents with a flash point of less than one hundred (100) degrees F. or less than sixty (60) gallons of solvent with a flash point between one hundred (100) and one hundred forty (140) degrees F. shall be classified as moderate hazard.

Low hazard (Class III A, Class III B and Class IV systems): All such establishments using solvents of other than volatile flammable liquids or solvents with a flash point more than one hundred forty (140) degrees F. in cleaning and dyeing operations shall be classified as low hazard.

Dry cleaning. The process of removing dirt, grease, paints and other stains from wearing apparel, textiles, fabrics, rugs, etc., by the use of nonaqueous liquid solvents, flammable or nonflammable, and it shall include the process of dyeing clothes or other fabrics or textiles in a solution of dye colors and nonaqueous liquid solvents.

Rated (as applied to solvents). Classified as to fire hazard in accordance with nationally recognized good practice.

(28) Part B, Article 9, Section F-901.0 is amended by adding thereto a new subsection numbered F-901.5 to read:

F-901.5. Bonding and grounding for Class II and Class III systems.

(1) Storage tanks, treatment tanks, purifiers, pumps, piping, washers, extractors, drying tumblers, drying cabinets, combination units and other such equipment, if not inherently electrically conductive shall be bonded together. This system of equipment, if it is not grounded due to the electrical power services installed thereon, shall be grounded. Isolated units of equipment, such as drying cabinets, shall be grounded.

(2) Pulleys and belting in dry cleaning rooms shall be provided with properly grounded combs, collectors or neutralizers.

(3) When fabrics are transferred from one piece of equipment to another, the two pieces of equipment shall be electrically bonded together.

(4) Metal tops of spotting tables shall be permanently and effectively grounded.

(29) Part B, Article 9, Section F-908.0, Subsection F-908.1 is amended to read:

F-908.1. Brushing table.

The brushing (prespotting) table shall have a liquid-tight top with a curb on all sides not less than one (1) inch high. The top of the table shall be pitched so as to insure thorough draining to a one and one-half (1-1/2) inch drain connected to a suitable container especially provided and marked for that purpose. Metal scrubbing tubs and metal tops of spotting tables shall be permanently and effectively grounded.

(30) Part B, Article 12, Section F-1201.0, Subsection F-1201.1 is amended to read:

F-1201.1. General.

Any building where fumigation and thermal insecticidal fogging operations are conducted shall comply with the following fire protection and safety requirements and such standards as listed in Appendix B of this code.

(31) Part B, Article 15, Section F-1500.0, Subsection F-1500.1 is amended to read:

F-1500.1. Scope.

The provisions of this article shall apply to the location, design, construction and operation of industrial processing ovens and furnaces operating at approximately atmospheric pressures and temperatures not exceeding fourteen hundred (1400) degrees F. which are heated with oil or gas fuel or which during operation contain flammable vapors from the products being processed. It is the intent of this article to provide for the operation of these ovens and furnaces within certain limitations of control depending on oven or furnace design, flammable formulations and ventilation

needs, the disregard of which may cause them to function in an unsafe manner, thereby becoming liable to destruction by fire or explosion.

(32) Part B, Article 16, Section F-1602.0 is amended by adding a new subsection numbered F-1602.2.3 to read:

F-1602.2.3. Acceptable alternate.

As an alternative to the field test as described in Subsection F-1602.2, the fire official may accept certification as described in Subsection F-1801.3.

(33) Part B, Article 17, Section F-1700.0, Subsection F-1700.3 is amended to read:

F-1700.3. Installation, operation and maintenance.

All service stations, garages, buildings, storage areas, premises and equipment shall be installed, operated and maintained in a safe condition at all times and in conformance with NFPA as listed in Appendix B of this code and all other applicable provisions of this code.

(34) Part B, Article 20, Section F-2001.0, Subsection F-2001.4 is amended to read:

F-2001.4. Burning operations.

The burning of wrecked or discarded vehicles or any part thereof or any junk or waste material is prohibited except as allowed by the city's Air Pollution Control Code.

(35) Part C, Article 27, Section F-2700.0 is amended by adding a new subsection thereto numbered F-2700.2.2 to read:

F-2700.2.2. Other permits and licenses required.

Before any city permits are issued, the applicant must have in his possession all required licenses and permits from the Commonwealth of Virginia and the federal government.

(36) Part C, Article 27, Section F-2701.0, Subsection F-2701.2 is amended to read:

F-2701.2. Storage.

The overnight storage of explosives or blasting agents shall be prohibited in all zoning classifications except I-2.

(37) Part C, Article 27, Section F-2701.0 is amended by adding thereto a new subsection numbered F-2701.5 to read:

F-2701.5. Reports.

The city fire marshal's office shall be immediately notified by telephone of the loss or theft of any explosives. This 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.

(38) Part C, Article 27, Section F-2703.0, Subsection F-2703.2 is amended to read:

F-2703.2. Control in wholesale and retail stores.

The storage of or display of explosives and blasting caps in wholesale and retail stores is prohibited.

(39) Part C, Article 27, Section F-2703.0, Subsection F-2703.4 is amended to read:

F-2703.4. Magazine construction.

(1) Magazines shall be constructed and maintained as outlined in NFPA 495 except the latter type shall meet all lock requirements for a Type I magazine.

(2) Class II magazines shall be constructed of two (2) inch tongue and grooved hardwood, covered on the outside with No. 20 U. S. Standard gauge sheet iron or aluminum, or of all metal construction with side, bottom and cover of sheet metal lined with three-eighths (3/8) inch plywood or the equivalent. Class II magazines shall have a minimum of two (2) locks, with different keying for each lock, and, in addition, locks shall be protected by steel hoods that are installed in a manner to prevent insertion of bolt cutters.

(40) Part C, Article 27, Section F-2703.0 is amended by adding thereto a new subsection numbered F-2703.9 to read:

F-2703.9. Class II magazines.

Class II magazines may be used for temporary storage of explosives at the site of blasting operations where such amount constitutes not more than one day's supply for use in current operations. All explosives not used in the day's operation shall be returned to the Class I magazine at the end of the work day for overnight storage. In no case shall a Class II magazine be used for overnight storage. Class II magazine shall be allowed only in I-2 zone.

(41) Part C, Article 27, Section F-2703.0 is amended by adding thereto a new subsection numbered F-2703.10 to read:

F-2703.10. Records.

Daily records shall be kept as to the amount of explosives received from a supplier and delivered to the magazine. Also, a daily record shall be kept of the explosives removed from the magazine for daily use and the amount of explosives returned. This record will be kept within the magazine so that on inspection of the magazine an accountability for all explosives can be made. The accountability of explosives shall be broken down as to the different types stored and used. Forms for these records shall be approved by the bureau of fire prevention.

(42) Part C, Article 27, Section F-2704.0, Subsection F-2704.10 is amended to read:

F-2704.10. Fire extinguisher.

Each motor vehicle used for transporting explosive materials shall be equipped with a fire extinguisher or extinguishers having a total of ten (10) parts of extinguishing ability for Class A, B and C fires.

(43) Part C, Article 27, Section F-2708.0, Subsection F-2708.2 is amended to read:

F-2708.2. Personnel.

The handling and firing of explosives shall be performed by a person possessing a permit to use explosives and having certification as a blaster. This certification shall be approved by the fire marshal. A certified blaster on a job site can direct the handling and firing of explosives by persons under his direct supervision who are at least twenty-one years of age. A certified blaster must be capable of reading and writing the English language. A person shall not handle explosives while under the influence of narcotics or intoxicants. A person shall not smoke or carry matches while handling explosives or while in the vicinity thereof. An open flame light shall not be used in the vicinity of explosives.

(44) Part C, Article 28 is amended and reordained to read:  
Article 28. Fireworks.  
Section F-2800.0. General.  
F-2800.1. Scope.

(a) This article shall apply to fireworks as hereinafter defined in F-2800.2.

(b) Nothing in this article shall be construed to prohibit any resident wholesaler, dealer or jobber to sell at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped directly out of state, in accordance with the Department of Transportation (DOT) regulations covering the transportation of explosives and other dangerous articles by motor, rail and water; or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination; or the sale or use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports or for use by military organization. Such wholesalers, dealers and jobbers shall store their supplies of fireworks in accordance with Section F-2705.0.

#### F-2800.2. Definitions.

"Fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, model rockets, Roman candles, Daygo bombs, sparklers or other devices of like construction and any devices containing explosive or flammable compound, or any tablets or other devices containing any explosive; except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap manufactured in accordance with the DOT regulations for packing and shipping as provided therein, and toy pistols, toy cones, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times. Pyrotechnics (special fireworks) shall comply with the applicable provisions of Article 27.

#### F-2800.3. Manufacture, sale and discharge of fireworks.

(a) The manufacture of fireworks is prohibited within the city.

(b) It shall be unlawful for any person to store, to offer for sale, expose for sale, sell at retail or use or explode any fireworks except as provided in Subsection F-2800.3(c) through F-2800.3(f).

(c) The fire marshal may adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by fair associations, amusement parks and other organizations or groups of individuals. Such permits may be granted upon application to the fire marshal after approval of the chief of police and the filing of a bond by the applicant as provided in Subsection F-2800.4. Every such display shall be handled by a competent operator approved by the fire marshal and the chief of police and shall be of such composition, character and so located, discharged or fired as is in the opinion of the fire marshal after proper inspection and of the chief of police shall not be hazardous to property or endanger any person or persons.

(d) Applications for permits shall be made in writing at least thirty days in advance of the date of the display. After such privilege has been granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(e) The sale, possession, use and distribution of fireworks for display purposes shall be conducted so as to be reasonably safe to persons and property. Evidence that the sale, possession, use and distribution of fireworks for display purposes has been conducted in accordance with Appendix B of this code shall be evidence that such sale, possession, use and distribution of fireworks for display purposes provides reasonable safety to persons and property.

(f) The fire marshal may adopt reasonable rules and regulations for the use of model rockets. The design, construction and use of model rockets shall be reasonably safe to persons and property. Evidence that the design, construction and use of model rockets is in accordance with Appendix B of this code shall be evidence that such design, construction and use provides reasonable safety to persons and property.

F-2800.4. Bond and responsibility for fireworks display required.

(a) The fire marshal shall require a bond from the permittee in a sum not less than \$1,000.00 conditioned on compliance with the provisions of this article.

(b) Before any permit for a pyrotechnic display shall be issued the person, firm or corporation making application therefor shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof in such amount, character and form as the fire marshal determines to be necessary for the protection of the public.

F-2800.5. Disposal of unfired fireworks.

Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

F-2800.6. Seizure of fireworks.

The fire marshal shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this article.

(45) Part C, Article 29, Section F-2907.0, Subsection F-2907.1.2 is amended to read:

F-2907.1.2. Operation of tank vehicles.

Tank vehicles shall be used and operated as specified in NFIPA 385, listed in Appendix B and as follows:

1. Parking. Tank vehicles shall not be parked or left unattended on any street, highway, avenue or alley, provided that this shall not prevent the necessary absence of a driver from the vehicle in connection with the delivery of his load, except that during actual discharge of the liquid some responsible person shall be present at the vehicle; nor shall it prevent stops for meals during the day or night if the street is well lighted at the point of parking. Tank vehicles containing flammable liquids shall not be parked out of doors at any one point for longer than one (1) hour, except off the streets and at least one hundred (100) feet from any building used for assembly, commercial, institutional or residential occupancy or other tank vehicle or twenty-five (25) feet from buildings of other occupancy classification. These parking restrictions shall not apply to the parking of tank vehicles when parked at a terminal approved for such parking purposes.

2. Garages. Tank vehicles shall not be parked or garaged in any building or structure other than those specifically approved for such use by the fire marshal.

(46) Part C, Article 29, Section F-2907.2 is deleted.

Sec. 14-13. Modifications.

The fire marshal shall have the power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit and intent of the code shall be observed and public welfare and safety assured. The particulars of such modification when granted shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.

Sec. 14-14. Appeals.

Any person aggrieved by a decision or interpretation of the fire marshal in the administration and enforcement of any provision of this code may appeal to city council, provided such applicant shall, within thirty (30) days from the date of the decision or interpretation appealed, file in the office of the city clerk a signed, written notice of appeal setting forth a brief statement of the reasons therefor. In the event such appeal is filed, the city council shall schedule at least one public hearing on the matter. The city council may affirm, reverse or modify the decision of the fire marshal.

Sec. 14-15. Penalties and injunctions.

(a) Any person, firm or corporation who shall violate any of the provisions of the Fire Prevention Code or shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement, specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken, 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 shall, upon conviction, be punished by imprisonment not to exceed thirty (30) days or by a fine not to exceed five hundred dollars (\$500), 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.

(b) Violations of the provisions of this code may, in addition to any other remedy or penalty provided herein or in place thereof, be restrained, prohibited or enjoined by an appropriate proceeding instituted in a court of competent jurisdiction by the city attorney.

Sec. 14-16. Reserved for future use.

Sec. 14-17. Reserved for future use.

Section 2. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

FRANK E. MANN  
Mayor

FINAL PASSAGE: FEBRUARY 8, 1977