

ORDINANCE NO. 3278

AN ORDINANCE to amend and reordain Sections 4-2-12, 4-2-15, 4-2-16 and 4-2-22, all of Article B, Chapter 2, Title 4 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 4 relates to PUBLIC SAFETY, which Chapter 2 relates to FIRE PROTECTION AND PREVENTION, which Article B relates to FIRE PREVENTION, which Section 4-2-22 relates to CHANGES IN VIRGINIA STATEWIDE FIRE PREVENTION CODE, which Section 4-2-16 relates to OFFICE OF THE FIRE MARSHAL; DUTIES OF THE FIRE MARSHAL AND DEPUTY FIRE MARSHALS, which Section 4-2-15 relates to DEFINITION OF FIRE OFFICIAL, FIRE MARSHAL AND CODE OFFICIAL and which Section 4-2-12 relates to ADOPTION OF VIRGINIA STATEWIDE FIRE PREVENTION CODE.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 4-2-12 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 4-2-12. Adoption of Virginia Statewide Fire Prevention Code.

There is hereby adopted and incorporated, as if fully set out herein, the Virginia Statewide Fire Prevention Code, as promulgated in 1988 and as thereafter amended by the Virginia Board of Housing and Community Development, except such portions of the Virginia Statewide Fire Prevention Code as are deleted, modified or amended by section 4-2-22 of this article.

Section 2. That Section 4-2-15 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 4-2-15. Definition of fire official, fire marshal and code official.

Whenever the terms "fire official," "fire marshal" and "code official" are used in this article or the Virginia Statewide Fire Prevention Code, they shall mean the fire marshal, any deputy fire marshal or any other person authorized to enforce the provisions of this article.

Section 3. That Section 4-2-16 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 4-2-16. Office of the fire marshal; duties of the fire marshal and deputy fire marshals.

(a) The office of the fire marshal is hereby established. The office shall be headed by the fire marshal who shall be assisted by deputy fire marshals. The fire marshal and deputy fire marshals shall enforce the provisions of this article.

(b) The city manager shall appoint the fire marshal and deputy fire marshals.

(c) The chief of the fire department of the city may designate any members of the fire department as he deems necessary as temporary fire inspectors to make fire safety inspections pursuant to this article.

(d) (1) The fire marshal and deputy fire marshals are hereby authorized to exercise and they shall have, in addition to such other powers and duties as may be prescribed by law, all powers and duties set forth in chapter 3, title 27 (section 27-30 et seq.) of the Code of Virginia (1950), as amended. Said powers include, but are not limited to, the authority set forth in sections 27-34.2 and 27-34.2:1 of the Code of Virginia to arrest, to procure and serve warrants of arrest, and to issue summons in the manner authorized by general law for violations of this article and related fire prevention and fire safety ordinances.

(2) The authority granted in this section shall not be exercised by the fire marshal or any deputy fire marshal until such person has satisfactorily completed a training course designed for local fire marshals and their deputies, which course shall be approved by the Virginia State Fire Services Commission.

Section 4. That the title and heading of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby are amended and reordained to read as follows:

Sec. 4-2-22. Changes in Virginia Statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code is deleted, modified or amended in the following respects:

Section 5. That subsection (1) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(1) Article 1, Section F-100.0, Subsection F-100.1 is amended to read:

F-100.1. Title.

The regulations set forth herein, as modified and amended in section 4-2-22 of The Code of the City of Alexandria, together with the additional regulations in article B, chapter 2, title 4 of that code, shall be known as the Fire Prevention Code of the City of Alexandria, Virginia, and are herein referred to as such or as "the code."

Section 6. That subsection (6) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(2) Article 1, Section F-104.0, Subsection F-104.9 is amended to read:

F-104.9. Fees.

A permit shall not be issued until the required fees have been paid to the director of finance of the city or as he or she shall direct. The following fees shall be charged for permits required by the designated article; provided, however, the fire marshal may waive any fee payable by the city or its agents.

|  |          |
|--|----------|
| Article 3--Bonfires and other outdoor burning.....   | \$50.00  |
| Article 3--Use of open flame device to remove paint<br>and sweating pipe.....  | \$50.00  |
| Article 3--Storage of combustible or flammable materials<br>(in excess of 2,500 cubic feet).....                           | \$50.00  |
| Article 5--Installation, modification or repairing of<br>fire protection systems.....                                      | \$50.00  |
| Article 8--Operation of airport, heliport or heli-<br>stop.....  | \$50.00  |
| Article 9--Application of flammable finishes.....  | \$100.00 |
| Article 10--Bowling establishments, pin and lane<br>refinishing.....   | \$50.00  |
| Article 11--Crop ripening or color processes.....  | \$50.00  |
| Article 12--Dry cleaning plants.....   | \$50.00  |
| Article 13--Dust producing processes.....  | \$50.00  |
| Article 14--Fumigation and thermal insecticidal fogging...   | \$100.00 |
| Article 15--Timber yards and wood working plants<br>(storage or use of more than 100,000<br>board feet).....               | \$50.00  |
| Article 16--Oil wells and gas production.....  | \$100.00 |
| Article 17--Places of assembly (those solely religious<br>are exempted).....   | \$100.00 |
| Article 18--Semiconductor fabrication facilities and<br>facilities using or storing hazardous<br>production materials..... | \$100.00 |
| Article 19--Service stations and garages.....  | \$100.00 |

- Article 20--Tents and air-supported structures (over 120 square feet).....\$50.00
- Article 21--Wrecking and junk yards and waste handling plants.....\$50.00
- Article 22--Welding or cutting, acetylene generators, calcium carbonide storage.....\$50.00
- Article 23--Combustible fibers (storage or handling).....\$50.00
- Article 24--Compressed gases (use, storage or handling).....\$50.00
- Article 25--Cyrogenic liquids (production, use, storage or sales).....\$50.00
- Article 26--Explosives, ammunition and blasting agents:
  - Storage and transportation.....\$50.00
  - Use (each site).....\$50.00
- Article 27--Fireworks display.....\$100.00
- Article 28--Flammable and combustible liquids (manufacture, use, transportation or storage).....\$50.00
- Article 29--Hazardous materials and chemicals (use, handling and storage).....\$100.00
- Article 30--Liquefied petroleum gases (installation of containers over 4,499 gallons of water capacity and all installations at public places).....\$50.00
- Article 31--Magnesium (working of more than 10 pounds per day).....\$50.00
- Article 32--Matches (manufacture of or storage of more than 25 cases).....\$50.00
- Article 33--Organic coatings (manufacture or use of more than 1 gallon per day).....\$50.00
- Article 34--Pesticide storages.....\$100.00

F-104.9.1. Reinspection fees.

Any of the fire protection system(s) listed below which fail the initial performance test shall be retested to ensure performance in accordance with all applicable codes and standards, and there shall be assessed a reinspection fee of \$25

for each such retest. The fee shall be paid prior to the date and time of retest of:

- (a) Automatic and manual fire alarm systems;
- (b) Fire pumps performance test;
- (c) Halon system concentration test;
- (d) Standpipe system hydrostatic test;
- (e) Sprinkler system hydrostatic test;
- (f) Fire hydrant hydrostatic test; and
- (g) Fire service water main hydrostatic test.

Section 7. That the heading and first line of subsection (7) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby are amended as shown below and, as so amended, subsection (7) is hereby reordained:

(3) Article 1, Section F-103.0 is amended by adding thereto the following new subsection numbered F-104.9.2 to read:

F-104.9.2. Period of validity for permits.

Section 8. That the heading of subsection (12) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended as shown below and, as so amended, subsection (12) is hereby reordained:

(4) Article 3, Section F-301.0, Subsection 5-301.1 is amended to read:

Section 9. That the heading and first line of subsection (13) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby are amended as shown below and, as so amended, subsection (13) is hereby reordained:

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

F-301.3. Permit required.

Section 10. That the heading and first line of subsection (14) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby are amended as shown below and, as so amended, subsection (14) is hereby reordained:

(6) Article 3, Section F-301.0, Subsection F-301.3.1 is amended to read:

F-301.3.1. Location restrictions.

Section 11. That subsection (15) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(7) Article 3, Section F-301.0, Subsection F-301.4.2 is amended to read:

F-301.4.2. Bonfire materials.

Fuel for permitted fires shall be only those allowed by the city's air pollution control code.

Section 12. That the heading and first line of subsection (16) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby are amended as shown below and, as so amended, subsection (16) is hereby reordained:

(8) Article 3, Section F-301.0 is amended by adding a new subsection renumbered F-301.11 to read:

F-301.11. Endangering other property.

Section 13. That the heading of subsection (17) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended as shown below and, as so amended, subsection (17) is hereby reordained:

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

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

Section 14. That subsection (18) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(10) Article 3, Section F-303.0 is amended by amending Subsection F-303.2 and adding a new subsection F-303.3 to read:

F-303.2. Permit required.

A permit shall be obtained from the code official for using a torch or other flame-producing device to remove paint or to sweat pipe in any building or structure.

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 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 hour after the torch or flame-producing device has been used.

Section 15. That the heading of subsection (20) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended as shown below and, as so amended, subsection (20) is hereby reordained:

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

Section 16. That Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained by adding a new subsection (12) as follows:

(12) Article 3, Section F-306.0 is amended by adding a new Subsection F-306.4:

F-306.4. 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 marshal.

Section 17. That the heading of subsection (21) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended as shown below and, as so amended, subsection (21) is hereby reordained:

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

Section 18. That Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained by adding a new subsection (14) as follows:

(14) Article 3 is amended by adding a new Section F-318.0:

F-318.0. Storage, display or repair.

It shall be unlawful to store, display or repair in or on a building or structure, or any part thereof, any vehicle, tool or equipment that has a fuel tank containing a flammable or

combustible liquid or a liquefied petroleum gas as a source of fuel, unless the building or structure is built in accordance with the requirements of the Virginia Uniform Statewide Building Code and this code. This section shall not apply to single-family dwellings unless the storage, display or repair is conducted as a business in which case the business shall comply with all applicable provisions of The Code of the City of Alexandria.

Section 19. That subsection (22) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(15) Article 5, Section F-500.0 is amended by adding a new Subsection F-500.7:

F-500.7. Notification.

The fire marshal shall be notified in advance of the event of any test, repair, alteration, modification or other action which diminishes the capacity or function of any fire protection system regardless of whether the system is required by the building code, this code or other law or ordinance.

Section 20. That Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained by adding a new subsection (16) as follows:

(16) Article 5, Section F-502.0 is amended by adding a new Subsection F-502.7:

F-502.7. Tampering.

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

Section 21. That Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to add a new subsection (17) as follows:

(17) Article 5, Section F-502.0 is amended by adding a new Subsection F-502.8:

F-502.8. Fire control rooms.

All buildings equipped with a fire control room shall contain an operations procedure book. The contents of the book must be approved by the code official. The book shall be placed in the fire control room in a manner and location approved by the code

official. The owner shall maintain the book and update it when needed.

Section 22. That the heading and first line of subsection (23) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same are amended as shown below and, as so amended, subsection (23) is hereby reordained:

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

F-900.2. Permit required.

Section 23. That subsection (24) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(19) Article 17, Section F-1701.0 is amended by adding a new Subsection F-1701.2.3:

F-1701.0. Acceptable alternate.

As an alternative to the field test as described in Subsection F-1701.2, the code official may accept certification, by an affidavit or affirmation, that the fabric is flame resistant. The fire official shall cause a copy of this certification to be kept on the premises where the public assembly is located. The certification shall attest to the following information on the flame resistance of the fabric:

(1) The names and addresses of the owners of the place of assembly;

(2) The date the fabric was last treated with a flame resistance solution;

(3) The trade name or a description of the chemical used in the treatment;

(4) The name of the person or firm treating the fabric; and

(5) The name of the testing agency and the test standard by which the fabric was tested.

Section 24. That the heading and first line of subsection (25) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby are amended as shown below and, as so amended, subsection (25) is hereby reordained:

(20) Article 19, Section F-1900.2 is amended as follows:

F-1900.2. Permit required.

Section 25. That the heading of subsection (26) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended as shown below and, as so amended, subsection (26) is hereby reordained:

(21) Article 26, Section F-2601.0 is amended by adding a new subsection F-2601.5 to read:

Section 26. That the heading and first line of subsection (27) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby are amended as shown below and, as so amended, subsection (27) is hereby reordained:

(22) Article 26, Section F-2602.0 is amended by adding a new Subsection numbered F-2602.9 to read:

F-2602.9. Class II magazines.

Section 27. That heading and first line of subsection (28) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby are amended as shown below and, as so amended, subsection (28) is hereby reordained:

(23) Article 26, Section F-2602.0 is amended by adding a new Subsection F-2602.10 to read:

F-2602.10. Records.

Section 28. That subsection (29) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(24) Article 26, Section F-2607.0, Subsection F-2607.2 is amended to read:

F-2607.2. Personnel.

The handling and firing of explosives shall be performed by a person possessing a permit to use explosives and having a certification from the Commonwealth of Virginia as a blaster. Documentation of this certification shall accompany any permit application for blasting within the city. A certified blaster on a job site may use other persons in the handling and firing of explosives if such persons so act while under his direct supervision, and if they are 21 years of age or older. 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 shall not be used in the vicinity of explosives.

Section 29. That the headings of subsections (30) and (31) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and same hereby are amended as shown below and that the reference in F-2700.1 to "F-2605.0" be and the same is hereby repealed and replaced with "F-2604.0" and, as so amended, subsections (30) and (31) are hereby reordained:

(25) Article 27 is amended and reordained to read:

(26) Article 28, Sections F-2801.0, F-2804.0, F-2807.0 and F-2807.3 are amended and reordained to read:

Section 30. That subsections (2), (3), (4), (5), (8), (9), (10), (11) and (19) of Section 4-2-22 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby are repealed.

Section 31. That Sections 4-2-1 and 4-2-2 of Article A and Sections 4-2-11, 4-2-13, 4-2-14, 4-2-17, 4-2-18, 4-2-19, 4-2-20, 4-2-21, 4-2-23, 4-2-24 and 4-2-25 of Article B, Chapter 2, Title 4 of The Code of the City of Alexandria Virginia, 1981, as amended, be and the same hereby are reordained without any change in content or section number.

Section 32. 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 requests. 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 on March 1, 1988.

JAMES P. MORAN, JR.  
Mayor

Final Passage: February 27, 1988