



**FAIRFAX COUNTY FIRE & RESCUE DEPARTMENT  
OFFICE OF THE FIRE MARSHAL**

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**Code of the County of Fairfax, Virginia**

**CHAPTER 62 - FIRE PROTECTION**

**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 and notification of fires and injuries.**

a. 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.

b. A medical professional who is primarily responsible for the treatment of an individual for a burn injury described below shall, as soon as practicable, notify the Fairfax County Fire Marshal and the Department of Public Safety Communications. The treating physician or designee shall be responsible for giving the notice required by this section.

- (1) The provisions of this subsection apply to:
  - (i) any burn injury from the result of direct flame contact causing 2nd degree burns (partial thickness) to 5 percent or more of the patient's body and all 3rd degree burns (full thickness), regardless of the percentage of burned area;
  - ii) all chemical burns regardless of severity;
  - (iii) any upper respiratory burn injury requiring advanced airway intervention and/or support;
  - (iii) any burn injury which causes death; or
  - (iv) any burn injury which is likely to cause death.
- (2) The provisions of this section do not apply to sunburn.
- (3) Notice under this section shall include:
  - (i) the name and address of the patient, if known;
  - (ii) a description of the burn injury;
  - (iii) the reported cause of the burn injury, if given;
  - (iv) the patient's prognosis;
  - (v) any other fact concerning the burn injury which may assist in determining the origin and cause of the fire.

#### **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 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, also herein referred to as the Office of the Fire Marshal, Fire Marshal's Office, the Fire Marshal, members of the Fire Marshal's staff, the Fire Prevention Division, code official, fire code official, or the fire official. 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.

**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, 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:

106.1.1. Impersonation. Add Subsection 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 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. Responsibility. Add Subsection as follows: 106.8 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.

106.9. Summoning the Fire Marshal. Add Subsection as follows: 106.9 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.

106.10. Notification of fire department. Add Subsection as follows: 106.10 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.

Table 107.2. Amended as follows:

		<b>Table 107.2</b>		<i>Flat</i>	<i>Hourly</i>
<i>Code Reference</i>	<b>FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>			<i>Fee</i>	<i>Fee</i>
Section 1 - Detailed Operational Permit Requirements					
1	108.1.1	Aerosol Products, Level 2 or 3: Manufacture, Store, or Handle an Aggregate Quantity in Excess of 500 Pounds Net Weight		\$125	
2	108.1.1	Special Amusement Buildings		\$125	
3	108.1.1	Aviation Facilities (Group H or S Occupancies): Aircraft Servicing or Repair and Aircraft Fuel Servicing Vehicles		\$125	
4	108.1.1	Carnivals, Circuses, Fairs, and Festivals Outdoor Assembly 500 persons or more (except A or E use groups) Outdoor Assembly 1000 persons or more (30 Day Permit)		\$125	
5	108.1.1	Battery Systems: Install Stationary Lead-Acid Battery Systems Having a Liquid Capacity of More Than 50 Gallons		\$125	
6	108.1.1	Cellulose Nitrate (Pyroxylin Plastic): Assembly or Manufacturing of Articles Involving Any Amount		\$125	
7	108.1.1	Cellulose Nitrate (Pyroxylin Plastic): Storage or Handling More Than 25 Pounds		\$125	
8	108.1.1	Cellulose Nitrate Film: Store, Handle, or Use in a Group A Occupancy		\$125	
9	108.1.1	Combustible Dust-Producing Operations		\$125	
10	108.1.1	Combustible Fibers: Storage and Handling of Greater Than 100 Cubic Feet Exception: Agricultural Storage		\$125	
11	108.1.1	Compressed Gas - Corrosive: Storage, Use, or Handling, in Excess of 200 Cubic Feet at Normal Temperature and Pressure Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle		\$125	
12	108.1.1	Compressed Gas - Flammable: Storage, Use, or Handling, in Excess of 200 Cubic Feet at Normal Temperature and Pressure including hydrogen gases stored in metal hydrides. Exceptions: 1. Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle 2. Cryogenic Fluids and Liquefied Petroleum Gases		\$125	
13	108.1.1	Compressed Gas - Toxic or Highly Toxic: Storage, Use, or Handling, Any Amount		\$125	
14	108.1.1	Compressed Gas - Inert or Simple Asphyxiant: Storage, Use, or Handling in Excess of 6000 Cubic Feet at Normal Temperature and Pressure Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle		\$125	
15	108.1.1	Compressed Gas - Oxidizing (Including Oxygen): Storage, Use, or Handling, in Excess of 504 Cubic Feet at Normal Temperature and Pressure Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle		\$125	
16	108.1.1	Compressed Gas – Pyrophoric: Storage, Use, and Handling of Any Amount		\$125	
17	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 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		\$125	
18	108.1.1	Cryogenic Fluids - 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 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		\$125	
19	108.1.1	Cryogenic Fluids - 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 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		\$125	

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		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
Code Reference				
20	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 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	\$125	
21	108.1.1	Commercial Kitchen Operation Requiring a Type I Hood Exception: Assembly/Educational Occupancies Having a Fire Prevention Code Permit	\$125	
22	108.1.1	Dry Cleaning – Any Type Plant Using Any Class of Solvent or Changing to a More Hazardous Cleaning Solvent Used in Existing Dry Cleaning Equipment	\$125	
23	108.1.1	Explosives: Explosives Use, Each Site or Location (6 Month Permit)	\$150	
24	108.1.1	Explosives: Transportation, Each Vehicle (6 Month Permit)	\$ 65	
25	108.1.1	Explosives: Firm or Company License	\$125	
26	108.1.1	Explosives: Storage and Display of Black Powder or Smokeless Propellant Indoors	\$125	
27	108.1.1	Explosives: Approved Overnight Storage, Any Quantity (6 Month Permit)	\$500	
28	108.1.1	Explosives: Laboratory Use (6 Month Permit)	\$125	
29	108.1.1	Explosives: Temporary Storage, Any Quantity (1 day permit)	\$500	
30	108.1.1	Flammable Liquids – Class I: Store, Handle, or Use in Excess of 5 Gallons in a Building or in Excess of 10 Gallons Outside a Building Exceptions: 1. 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 2. 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	\$125	
31	108.1.1	Combustible Liquids – Class II or IIIA: Store, Handle, or Use in Excess of 25 Gallons in a Building or in Excess of 60 Gallons Outside a Building Exception: Fuel Oil Used in Connection with Oil-burning Equipment	\$125	
32	108.1.1	Flammable/Combustible Liquid Tank - Underground Storage Only	\$125	
33	108.1.1	Flammable/Combustible Liquid Tank - Underground Storage Utilizing Dispensing Equipment	\$125	
34	108.1.1	Flammable/Combustible Liquid Tank – Above - ground Storage Only	\$125	
35	108.1.1	Flammable/Combustible Liquid Tank – Above - ground Storage Utilizing Dispensing Equipment	\$125	
36	108.1.1	Flammable/Combustible Liquids: Bulk Storage Facility – in Excess of 100,000 Gallons	\$500	
37	108.1.1	Flammable/Combustible Liquid Tank - Installation, Above- or Below-ground Tank (90 Day Permit)	\$125	
38	108.1.1	Flammable/Combustible Liquid Tank - Alter or Relocate an Existing Tank (90 Day Permit)	\$125	
39	108.1.1	Flammable/Combustible Liquid Tank – Place Temporarily Out of Service	\$125	
40	108.1.1	Flammable/Combustible Liquid Tank - Underground Abandonment (90 Day Permit)	\$125	
41	108.1.1	Flammable/Combustible Liquid Tank - Underground Removal (Commercial - 90 Day Permit)	\$125	
42	108.1.1	Flammable/Combustible Liquid Tank - Underground Removal (Residential - 90 Day Permit)	\$125	
43	108.1.1	Flammable/Combustible Liquid Tank – Above -ground Removal (Commercial - 90 Day Permit)	\$125	
44	108.1.1	Flammable/Combustible Liquid Tank - Install Product Lines/Dispensing Equipment (90 Day Permit)	\$125	
45	108.1.1	Flammable/Combustible Liquids: Manufacture, Process, Blend, or Refine	\$250	
46	108.1.1	Flammable/Combustible Liquid Tank: Change the Contents Stored to a Greater Hazard	\$125	
47	108.1.1	Floor Finishing or Surfacing Exceeding 350 Square Feet Using Class I or Class II Liquids (30 Day Permit)	\$ 65	
48	108.1.1	Fruit- and Crop-Ripening Facility or Process Using Ethylene Gas	\$125	
49	108.1.1	Fumigation or Thermal Insecticidal Fogging or Maintaining a Room, Vault or Chamber in Which a Toxic or Flammable Fumigant is Used (15 Day Permit)	\$125	
50	108.1.1	Corrosive Liquids: Store, Transport on Site, Dispense, Use, or Handle in Excess of 55 Gallons	\$125	

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		Table 107.2	Flat	Hourly
Code Reference	FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS		Fee	Fee
51	108.1.1	Corrosive Solids: Store, Transport on Site, Dispense, Use, or Handle in Excess of 1000 Pounds	\$125	
52	108.1.1	Flammable Solids: Store, Transport on Site, Dispense, Use, or Handle in Excess of 100 Pounds	\$125	
53	108.1.1	Highly Toxic Liquids: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
54	108.1.1	Highly Toxic Solids: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
55	108.1.1	Oxidizing Liquids, Class 4: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
56	108.1.1	Oxidizing Liquids, Class 3: Store, Transport on Site, Dispense, Use, or Handle in Excess of 1 Gallon	\$125	
57	108.1.1	Oxidizing Liquids, Class 2: Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Gallons	\$125	
58	108.1.1	Oxidizing Liquids, Class 1: Store, Transport on Site, Dispense, Use, or Handle in Excess of 55 Gallons	\$125	
59	108.1.1	Oxidizing Solids, Class 4: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
60	108.1.1	Oxidizing Solids, Class 3: Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Pounds	\$125	
61	108.1.1	Oxidizing Solids, Class 2: Store, Transport on Site, Dispense, Use, or Handle in Excess of 100 Pounds	\$125	
62	108.1.1	Oxidizing Solids, Class 1: Store, Transport on Site, Dispense, Use, or Handle in Excess of 500 Pounds	\$125	
63	108.1.1	Organic Peroxides, Liquid, Class I: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
64	108.1.1	Organic Peroxides, Liquid, Class II: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
65	108.1.1	Organic Peroxides, Liquid, Class III: Store, Transport on Site, Dispense, Use, or Handle in Excess of 1 Gallon	\$125	
66	108.1.1	Organic Peroxides, Liquid, Class IV: Store, Transport on Site, Dispense, Use, or Handle in Excess of 2 Gallons	\$125	
67	108.1.1	Organic Peroxides, Solid, Class I: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
68	108.1.1	Organic Peroxides, Solid, Class II: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
69	108.1.1	Organic Peroxides, Solid, Class III: Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Pounds	\$125	
70	108.1.1	Organic Peroxides, Solid, Class IV: Store, Transport on Site, Dispense, Use, or Handle in Excess of 20 Pounds	\$125	
71	108.1.1	Pyrophoric Material, Liquid: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
72	108.1.1	Pyrophoric Material, Solid: Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
73	108.1.1	Hazardous Production Facilities (HPM): Store, Handle, or Use Hazardous Production Materials	\$125	
74	108.1.1	High Piled Storage: Use a Building or a Portion Thereof as a High-piled Storage Area Exceeding 500 Square Feet.	\$125	
75	108.1.1	Hot Work and Welding: Public Exhibitions and Demonstrations (Each Exhibitor/Demo. - 10 Day Permit)	\$65	
76	108.1.1	Hot Work and Welding: Small Scale Hot Work	\$125	
77	108.1.1	Hot Work and Welding: Fixed-Site Hot Work Equipment (Example: Welding Booth)	\$125	
78	108.1.1	Hot Work and Welding: Cutting or Welding, All Locations	\$125	
79	108.1.1	Hot Work and Welding: Open Flame Device Roofing Operation (Each Site/Location - 90 Day Permit)	\$125	

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		Table 107.2	Flat	Hourly
Code Reference	FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS		Fee	Fee
80	108.1.1	Hot Work and Welding: Torch or Open-Flame Operations other than Roofing (Each Site/Location - 30 Day permit)	\$65	
81	108.1.1	Industrial Ovens	\$125	
82	108.1.1	Lumber Yards and Woodworking Plants: Storage or Processing of Lumber Exceeding 100,000 Board Feet	\$125	
83	108.1.1	Liquid- or Gas-Fueled Vehicles: Display Inside Any Building (Each Event – 6 Month Permit)	\$125	
84	108.1.1	LP-Gas: Storage and/or Use Inside Any Structure Exception One and two-family detached single family dwellings and townhouses	\$125	
85	108.1.1	LP-Gas: Storage and/or Use Outside, Portable Installation, per Event, more than 10 gallons aggregate (30 day permit)	\$ 65	
86	108.1.1	LP-Gas: Permanent Storage and/or Use Outside, per Year, more than 10 gallons aggregate Exception: One and two-family detached single family dwellings and townhouses	\$125	
87	108.1.1	LP-Gas: Dispensing and Cylinder Refill Location	\$125	
88	108.1.1	LP-Gas: Retail Cylinder Exchange Location	\$125	
89	108.1.1	Combustible Storage: Storage Inside Any Building or Upon Any Premises - in Excess of 2500 Cubic Feet	\$125	
90	108.1.1	Open Burning: Bonfire (10 Day Permit)	\$125	
91	108.1.1	Open Burning: Silvicultural / Controlled Burning (90 Day Permit)	\$125	
92	108.1.1	Open Flame and Candles: Public Meetings/Gatherings in A and E Use Groups (Each Event)	\$ 65	
93	108.1.1	Open Flame and Candles: Restaurants and Drinking Establishments, Assembly and Dining Areas	\$125	
94	108.1.1	Organic Coatings: Manufacturing Operation Producing More Than 1 Gallon in One Day	\$125	
95	108.1.1	Place of Assembly/Education - Occupant Load 50 or Greater	\$125	
96	108.1.1	Pyrotechnics and Fireworks: Retail Sales of Permissible Fireworks - Any Amount (45 Day Permit)	\$600	
97	108.1.1	Pyrotechnics and Fireworks: Wholesale of Permissible Fireworks - Any Amount (45 Day Permit)	\$600	
98	108.1.1	Pyrotechnics and Fireworks: Outdoor Fireworks Display (Aerial/Proximate Audience) (One Day Permit)	\$400	
99	108.1.1	Pyrotechnics and Fireworks: Indoor Pyrotechnic Display and Special Effects (One Day Permit)	\$400	
100	108.1.1	Refrigeration Equipment and Systems Having a Refrigerant Circuit Containing More Than 220 Pounds of Group A1 or 30 Pounds of any other Group Refrigerant	\$125	
101	108.1.1	Repair Garages and Service Stations: Automotive Repair Garage Only	\$125	
<del>102</del>	108.1.1	Repair Garages and Service Stations: Automotive Service Station Only	\$125	
103	108.1.1	Repair Garages and Service Stations: Automotive Repair Garage and Service Station	\$125	
104	108.1.1	Repair Garages and Service Stations: LP-Gas Motor-Vehicle Fuel-Dispensing	\$125	
105	108.1.1	Repair Garages and Service Stations: Compressed Natural Gas Motor-Vehicle Fuel-Dispensing	\$125	
106	108.1.1	Repair Garages and Service Stations: Hydrogen Motor Fuel Dispensing and Generation Station	\$125	
107	108.1.1	Repair Garages and Service Stations: Marine and Watercraft Service Station	\$125	
108	108.1.1	Repair Garages and Service Stations: Unattended Vehicle Service Station	\$125	
109	108.1.1	Rooftop Heliports	\$125	
110	108.1.1	Spraying or Dipping Operations: Flammable/Combustible Liquid Spray Finishing Operation	\$125	
111	108.1.1	Spraying or Dipping Operations: Flammable/Combustible Liquid Dip-Tank Operation	\$125	
112	108.1.1	Spraying or Dipping Operations: Application of Combustible Powders/Spray/Fluidized	\$125	
113	108.1.1	Spraying or Dipping Operations: Dual-Component Coatings With Organic Peroxides	\$125	
114	108.1.1	Swimming Pool Chemical Dispensing Operation	\$125	



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		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
Code Reference				
		Temporary Membrane Structures and Tents (6 Month Permit) 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 less than 50 Persons	\$125	
115	108.1.1			
116	108.1.1	Tire Rebuilding Plants	\$125	
117	108.1.1	Tire Storage: 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	\$125	
118	108.1.1	Toxic Materials Liquids - Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Gallons	\$125	
119	108.1.1	Toxic Materials Solids - Store, Transport on Site, Dispense, Use, or Handle in Excess of 100 Pounds	\$125	
120	108.1.1	Unstable (Reactive) Materials: Liquids, Class 1 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Gallons	\$125	
121	108.1.1	Unstable (Reactive) Materials: Liquids, Class 2 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 5 Gallons	\$125	
122	108.1.1	Unstable (Reactive) Materials: Liquids, Class 3 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
123	108.1.1	Unstable (Reactive) Materials: Liquids, Class 4 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
124	108.1.1	Unstable (Reactive) Materials: Solids, Class 1 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 100 Pounds	\$125	
125	108.1.1	Unstable (Reactive) Materials: Solids, Class 2 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 50 Pounds	\$125	
126	108.1.1	Unstable (Reactive) Materials: Solids, Class 3 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
127	108.1.1	Unstable (Reactive) Materials: Solids, Class 4 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
128	108.1.1	Water-reactive Materials: Liquids, Class 1 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 55 Gallons	\$125	
129	108.1.1	Water-reactive Materials: Liquids, Class 2 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 5 Gallons	\$125	
130	108.1.1	Water-reactive Materials: Liquids, Class 3 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
131	108.1.1	Water-reactive Materials: Solids, Class 1 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 500 Pounds	\$125	
132	108.1.1	Water-reactive Materials: Solids, Class 2 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 50 Pounds	\$125	
133	108.1.1	Water-reactive Materials: Solids, Class 3 – Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$125	
134	108.1.1	Waste Handling: Wrecking Yard or Junk Yard	\$125	
135	108.1.1	Waste Handling: Waste Material Handling Facility	\$125	
136	108.1.1	Wood Products: Storage of Chips, Hoggged Material, Lumber, or Plywood in Excess of 200 Cubic Feet	\$125	
		<b>Section 2 - Plan Review Fees</b>		
137	404. 3.1	Fire Safety and Evacuation Plan Review		\$128
138	2301.4	Fire Safety and Evacuation Plan Review: High-Piled Combustible Storage Areas in Excess of 500 Square Feet		\$128
139	2701.5.1	Hazard Communication: Hazardous Material Management Plan Review		\$128
140	2701.6.3	Hazardous Material Facility Closure Plan Review		\$128
141	2701	Tier II submissions, per chemical, to a maximum of \$200	\$25	

Code Reference		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
142	2701	Hazardous materials facility emergency response plan, above the threshold planning quantity of extremely hazardous substances	\$100	
143	1903.7	Lumber Yard or Woodworking Facility Plans Review		\$128
144	403. 2	Public Safety Plan Review, Indoor or Outdoor Assemblages		\$128
145	3801.3	Site and Installation Plan Review: LP-gas Cylinder Exchange Program		\$128
146	408.11.1	Lockdown Plans Review		\$128
Section 3 - Inspection And Testing Fees				
147	107.12	Office For Children Home Day Care Fire Inspections (Includes 1 Follow-up Inspection)	\$25	
148	107.12	County and State Licensing Fire Inspections (Includes 1 Follow-up Inspection)	\$25	
149	107.12	Certificate of Occupancy Inspections (Towns of Vienna and Herndon)		\$128
150	109.5	Fire Prevention Permit Inspections, Follow-ups, Performance Testing, and Reinspections		\$128
151	107.12	Technical Inspection (Not Otherwise Specified), (i.e., Pre-Occupancy Punch List - Each Inspector)		\$128
152	901.6.3.1	Testing and Reinspection of Existing Fire Protection Systems (Each Inspector)		\$128
153	907.20.6	Faulty or Nuisance Fire Alarm Inspections, Follow-ups, and Reinspections		\$128

107.4.1. Duration of permit. Add Subsection 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." after the words "Permits are not transferable."

108.3.8. Certificate. Add Subsection as follows: 108.3.8 Certificate. An operational permit shall be contingent on a valid certificate of occupancy and/or use permit issued by the Fairfax County Building Official and/or the Zoning Administrator.

108.4. (6) Revocation. Delete and substitute as follows:

6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code or any other code or county ordinance within the time provided herein.

108.4. Revocation. Add to the end of the Subsection as follows:

8. The certificate of occupancy and/or use permit has been revoked or suspended.

9. The building has been deemed unsafe, uninhabitable, or presents a hazardous condition to occupants.

108.5. Special Locking Arrangements. Add Subsection as follows: 108.5. Special Locking Arrangements. A 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 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 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.

112.1.1. Fairfax County Board of Fire Prevention Code Appeals. Add subsection as follows: 112.1.1 Fairfax County Board of Fire Prevention Code Appeals. The Fairfax County Board of Building Code Appeals is the Local Board of Fire Prevention Code Appeals (BFPCA) for Fairfax County.

112.5.1 Scope. Add Subsection as follows: 112.5.1 Scope. Appeals arising from a notice of violation pursuant to the Fire Prevention Code of Fairfax County shall be limited to the factual findings of the Fire Code Official and not the application of this Code or any other law to those factual findings.

202.0. General Definitions.

Delete and substitute as follows: Fire Chief. 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-, or a duly authorized representative.

Add as follows: 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, fire code official or the fire official.

Add as follows: Immediately. The term "immediately" means without delay.

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

Add as follows: 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 Sections 107 and 108 for the activities or uses regulated by Sections 306, 307, 308, and 315.

304.2.1. Handling readily combustible materials. Add Subsection 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.

305.4.1 Mischievous fire play. Add subsection as follows: 305.4.1 Mischievous Fire Play. It shall be unlawful for any person to ignite or use fire or other ignition sources in a deliberate, negligent, or unlawful manner for the purpose of impulsive or mischievous play or reckless experimentation.

307.2. Permit required. Delete and substitute: 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, 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.

307.4.4 Outdoor solid fuel burning devices. Add subsection as follows: 307.4.4 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.

307.5.1. Endangering other property. Add Subsection as follows: 307.5.1 Endangering other property. No person shall kindle, authorize to be kindled, or maintain any permitted fire in such a manner that will endanger the property of another.

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

308.1.3 Torches for removing paint. Delete and substitute subsection as follows: 308.1.3 Torches for removing paint, sweating pipe joints, or roofing operations. Persons utilizing a torch or other flame-producing device for removing paint from a structure, sweating pipe joints, or roofing operations, shall provide a minimum of one portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two portable fire extinguishers, each with a minimum 2-A rating, or a water hose connected to the water supply on the premises where such burning is done. Combustible material in close proximity to the work shall be protected against ignition by shielding, wetting, or other approved means. The person doing the burning shall remain on the premises 1 hour after the torch or flame-producing device is utilized.

308.1.3.1 Permit. Add subsection as follows: 308.1.3.1 Permit. A permit in accordance with Sections 107 and 108 shall be secured from the fire official prior to the utilization of a torch or flame-producing device in or on any building or structure.

308.1.4 Open-flame cooking devices. Delete and substitute as follows: 308.1.4 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.

308.1.4.1 Notification of tenants. Delete and substitute as follows: 308.1.4.1 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 308.1.4 of this code when the tenant or occupant initially occupies the building and periodically thereafter as may be necessary to ensure compliance.

311.2.2 Fire Protection. In exception #2, change 'fire chief' to 'Fire Code Official'.

315.1 General. Delete last sentence.

315.1.1 Permit. Add subsection as follows: 315.1.1 Permit. A permit shall be obtained in accordance with Sections 107 and 108 for combustible storage in excess of 2500 cubic feet inside any building or upon any premises.

401.9. Promulgation of fire safety instructions. Add Subsection as follows: 401.9 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.

401.9.1. Elevator warning signs. Add Subsection as follows: 401.9.1 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 provisions of this section.

401.9.2. Posting of signs. Add Subsection as follows: 401.9.2 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.

403.2.2. Other requirements. Add subsection as follows: 403.2.2 Other requirements. Where required by the fire code official, the public safety plan shall include applicable requirements in section 403.3 and 404.3.2.

408.12. Storage or Display in Roofed-Over Malls. Add Subsection 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 and 108.

502.1. Definitions.

Delete and substitute definition as follows: Fire Lane: An area designated by clearly visible signs and markings in which parking shall be prohibited, whether on public or private property, to ensure ready ingress and egress as well as operational access for fire fighting and rescue equipment, facilities, and operations. Fire lanes may be included as part of fire apparatus access roads and/or areas.

503.1 Where required. Delete and substitute subsection as follows: 503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.9.

Exceptions:

1. Fire apparatus access roads shall be permitted to be provided and maintained in accordance with written policy that establish fire apparatus access road requirements and such requirements shall be identified to the owner or his agent prior to the building official's approval of the building permit.
  
2. In communities developed with single-family dwellings and/or townhomes that were constructed prior to December 31, 1979, wherein the Fire Code Official has no site plan and/or subdivision plan depicting or identifying designated fire lanes/fire apparatus access roads for the development, the Fire Code Official may conduct an analysis to designate and/or modify the requirements of this section. Any code modification shall require a written request from the community association accompanied by a site plan depicting the dimensions and location of the subject streets relative to all dwellings, structures and points of assembly. Before granting a fire code modification request, the Fire Code Official shall evaluate the type and grade of construction, structural components, including but not limited to the exterior wall coverings, accessibility and/or obstructions throughout the subject area, available water supplies, the distance and rescue response time from a fire station, and other relevant factors. Such fire code modifications may be granted by the Fire Official only if the health, safety, and welfare of the community is not compromised.
  
3. On construction and demolition sites fire apparatus access roads shall be permitted to be provided and maintained in accordance with Section 1410.1.

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. Access for emergency vehicles shall be provided to within 100 feet of the main or principal entrance of every building. The fire department access may be provided by a public or private street, parking lot, and/or fire lanes.

503.2.1 Dimensions. Change unobstructed vertical clearance from 'not less than 13 feet 6 inches' to 'not less than 15 feet.'

503.2.1.1 Required markings and parking prohibitions. Add subsection as follows: 503.2.1.1 Required markings and parking prohibitions. Required markings and parking prohibitions shall be based on the street width (curb-to-curb or paved surface) as in table 503.2.1.1. This shall apply to both one- and two-way designated streets.

Table 503.2.1.1

Street width	Parking	Fire lane markings
< 28 feet	No parking allowed on either side	Both sides marked as fire lanes

28 to 36 feet	Parallel parking allowed on one side as determined by the fire code official	One side marked as a fire lane
> 36 feet	Parallel parking allowed on both sides	No fire lane markings required Exception: Required access to pools, fire department apparatus access roads and similar areas shall be marked as fire lanes

503.2.5 Dead ends. Delete and substitute subsection as follows: 503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 100 feet in length shall be provided with an approved area for turning around fire apparatus.

503.2.6.1 Ladder truck access. Add subsection as follows: 503.2.6.1 Ladder truck access. For ladder truck access on parking garages where a parking garage is attached to a building structure in such a manner that such garage constitutes a portion of the fire department vehicular access way, design calculations shall be provided by a Professional Engineer licensed in Virginia to the Fire Code Official which shows that the deck of such garage is designed to support an 80,000 lb. vehicle and all outrigger (pad) point loads or that such garage is designed for a nominal 450 lbs/square foot uniform live load.

503.2.6.1.1 When buildings are more than 5 stories or 50 feet in height, ladder truck access shall be provided to both the front and rear of the building. The access to the rear may be provided by a street, parking lot, or fire lane.

503.2.6.1.2 The inner surface of the ladder truck access way shall be no less than 15 feet and no more than 30 feet from the exterior building wall

503.3.1 Marking specifications. Add subsection as follows: 503.3.1 Marking specifications. Fire lane markings shall conform to the following:

1. Approved fire lane signs must meet the following specifications:
  - a. Metal construction, dimensions 12 inches wide by 18 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. There shall be a one inch spacing between lines "No Parking" and "or". There shall be a one inch spacing between the lines "or" and "Standing". There shall be a three inch space between the lines "Standing" and "Fire Lane". Lettering size to be as follows:
    - "NO PARKING" 2 inches
    - "OR" 1 inch
    - "STANDING" 2 inches
    - "FIRE LANE" 2½ inches

Arrow (if required) 1 inch by 6 inches with a solid head 1 ½ inches wide by 2 inches deep.



2. Sign types.

1). Sign type “A”. Standard wording with an arrow at bottom pointing to the right. One sign mounted parallel to the line of curbing or pavement edge at the end of the painted area (see figure 503.3.1.2.1).



Figure 503.3.1.2.1

2). Sign Type “C”. Standard wording with an arrow at bottom pointing to the left. One sign mounted parallel to the line of curbing or pavement edge at the end of the painted area (see figure 503.3.1.2.2).



Figure 503.3.1.2.2

3. Sign Type “D”. Standard wording with no arrow. Two signs, back to back, mounted perpendicular to line of curbing or pavement edge. To be seen from either side. Located every 100 feet in long stretches of a marked, painted fire lane (see figure 503.3.1.2.3).



Figure 503.3.1.2.3

3. Posts for fire lane signs shall be metal and securely mounted. Signs shall be located and spaced as shown on the approved plans. In long stretches, the maximum distance between fire lane signs shall be 100 feet. Fire lane signs are to be mounted 7 feet above the finished grade to the bottom of the sign.

4. All curbs or paved spaces designated as fire lanes shall be indicated by yellow (highway grade) paint as approved by the fire code official. In areas without curbing, a 6 inch wide yellow stripe shall be applied to the edge of the pavement. The property owner or designee shall repaint whenever the paint begins to fade or when directed by the fire code official.

503.3.3. Tampering. Add subsection as follows: 503.3.3. Tampering. It shall be unlawful for any person to deface, injure, tamper with, remove, destroy, or impair the usefulness of any posted fire lane sign or marking installed under the provisions of this Code.

503.4. Obstructions.

Delete and substitute subsection as follows: 503.4 Obstruction of fire lanes and fire apparatus access roads.

1. It shall be unlawful for any person to park, stop, stand, or otherwise obstruct such designated and/or marked areas.

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.

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. Carnival, fair, festival, and circus access. Add Subsection 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, 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.

503.9 Pool access. Add subsection as follows: 503.9 Pool access. A 12 foot wide access lane to within 50 feet of the edge of swimming pools, with an 8 foot personnel gate in the fence at the point of access is required except for individually owned pools located on single family lots.

504.2.1. Showcases or temporary displays. Add Subsection 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.

506.1.1 Emergency operations for gates and barricades. Add Subsection as follows: 506.1.1 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 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 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 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.

507.5.5. Clear space around hydrants and fire department connections: Delete and substitute subsection as follows: 507.5.5 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.

508.2. Operations procedure book. Add Subsection as follows: 508.2. 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 Sections 107 and 108.

Table 609.3.3.1. Commercial Cooking System Inspection Frequency. Relabel table to Commercial Cooking System Inspection and Cleaning Frequency. Relabel second column from "Frequency of Inspection" to "Frequency."

806.6. Natural Vegetation. Flammable natural vegetation materials such as batting, cloth, cotton, hay, stalks, straw, vines, leaves, trees, moss, and similar items shall not be used for decorative purposes in show windows, building lobbies, exits, 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 Sections 107 and 108.

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

901.6.3. Periodic retests. Add Subsection as follows: 901.6.3 Periodic retests. Periodic inspections and tests required under this 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 as follows: 901.6.3.1 Testing and reinspection fees. Fees for witnessing the 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. Delete first two paragraphs and substitute as follows: "Where a 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 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 the only duty of the fire watch shall be to perform constant patrols of the protected premises and keep watch for fires.”

Keep remainder of section.

901.8. Removal of or tampering with equipment. 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.

901.11 Hydrants and water mains. Add Subsection 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 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 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.

907.7.5.2. Posting of Central Station Monitoring Company. Add Subsection as follows: 907.7.5.2 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.

907.9.5.1. Faulty alarms. Add Subsection as follows: 907.9.5.1 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.

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 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 determination that faulty fire protection equipment initiated the alarm.
3. Whenever an owner or occupant is required by this section to conduct witnessed testing of a fire protection 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.

1030.1 General. Add exception:

Exception: Means of egress conforming to the requirements of the building code under which they were constructed shall be considered as complying means of egress if, in the opinion of the fire code official, they do not constitute a distinct hazard to life.

1030.3. Obstructions. Add the following sentence at the end of the existing subsection. No person shall sit, 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 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 and 108.

1301.2 Permits. Delete and substitute as follows: 1301.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

1501.2 Permits. Delete and substitute as follows: 1501.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

1601.2 Permits. Delete and substitute as follows: 1601.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

1701.2 Permits. Delete and substitute as follows: 1701.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

1801.5 Permits. Delete and substitute as follows: 1801.5 Permits. Permits shall be required as set forth in Sections 107 and 108.

1901.2 Permits. Delete and substitute as follows: 1901.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

2001.2 Permits. Delete and substitute as follows: 2001.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

2101.2 Permits. Delete and substitute as follows: 2101.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

2201.2 Permits. Delete and substitute as follows: 2201.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

2301.2 Permits. Delete and substitute as follows: 2301.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

2403.2 Approval required. Delete and substitute subsection as follows: 2403.2 Approval required. Tents and temporary membrane structures shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

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 less than 50 persons.

2403.4 Permits. Delete and substitute as follows: 2403.4 Permits. Permits shall be required as set forth in Sections 107 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 and 108.

2601.2 Permits. Delete and substitute as follows: 2601.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

2701.5 Permits. Delete and substitute as follows: 2701.5 Permits. Permits shall be required as set forth in Sections 107 and 108.

2701.5.1 Hazardous material management plan. Delete and substitute first sentence as follows: Where required by the fire code official, each application for a permit shall include a Hazardous Materials Management Plan (HMMP that includes 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.”

2701.5.2 Hazardous Materials Inventory Statement (HMIS). Change last sentence as follows: The HMIS shall be maintained onsite or readily available through another means where approved by the fire code official for use by emergency and/or temporary responders, and shall be updated annually.

2703.3.1. Unauthorized discharges. Delete and substitute as follows: 2703.3.1 Notification of unauthorized discharges. 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 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, 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, 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 and 108.

2901.3 Permits. Delete and substitute as follows: 2901.3 Permits. Permits shall be required as set forth in Sections 107 and 108.

3001.2 Permits. Delete and substitute as follows: 3001.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

3101.2 Permits. Delete and substitute as follows: 3101.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

3201.2 Permits. Delete and substitute as follows: 3201.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

3301.1. Scope. In the first sentence insert the word “transportation” 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 and exception 10. The storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1 of the Code of Virginia.



3301.1.6. Manufacturing. Add 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, the assembly of two component explosives for use on site, or the mixing of blasting agents for use on site.

3301.1.7 Permit required for sale of explosive materials. Add subsection as follows: 3301.1.7 Permit required for sale of explosive materials. It shall be unlawful for any person, firm or corporation, wholesaler or retailer to sell, offer for sale or expose for sale any explosive materials within the county without a permit from the Fire Marshal's Office. 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 be available for the payment of any damage arising from the acts or omissions of the applicant, his agents or his employees in connection with the activities authorized by the permit. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit, and remains continuously in effect until such activities are completed.

3301.1.7.1 Storage & Handling in Sales of Explosive Materials. Add subsection as follows: 3301.1.7.1 Storage & Handling in Sales of Explosive Materials. Except where approved in 3304.1, the storage of explosive materials within the county in support of wholesale or retail sales is prohibited. Except where approved in 3304.1, it shall be unlawful for any person, firm or corporation, wholesaler or retailer to package, ship, transfer, or otherwise handle explosive materials in the county without a permit from the Fire Marshal's Office.

3301.2.4. Insurance required for blasting. 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 be available for the payment of any damage arising from the acts or omissions of the applicant, his agents, or his employees in connection with the 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. Vehicle permit. Add Subsection as follows: 3301.2.5 Vehicle permit. Each vehicle transporting explosive materials 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. Firms making application for a permit to transport explosives must employ at least one licensed commercial driver with hazmat endorsement. Firms making application for a permit to handle or use explosives must employ at least one certified restricted or unrestricted blaster as appropriate for the type of blasting to be conducted. A certified restricted or unrestricted blaster must sign all applications to handle or use explosives where the intent is to detonate explosives under the auspices of the permit.

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.

Congested Area. An urban, suburban, or industrialized area in which multiple structures may be impacted by the effects of blasting operations.

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.

Misfire. Any explosive material, explosive charge, blast, or portion thereof which failed to function as intended.

Retailer: Any persons selling fireworks or explosive materials and/or offering fireworks or explosive materials for retail sale.

Temporary storage (of explosives). Storage of explosive materials for not more than 24 hours.

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

3303.1 General. Insert the word "sale," to the first line after the words "Records of the" and before the word "receipt."

3303.2 Transactions record. Insert the word "sale," on the second line after the words "transactions involving the" and before the word "receipt."

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. 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.

3303.8. Improper storage. Add Subsection 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 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 overnight storage of explosive materials, including Division 1.3G fireworks, is prohibited.

Exceptions:

1. Overnight storage approved by a special use permit issued by the Fairfax County Board of Supervisors.
2. Explosive materials 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.

3. Explosive materials in temporary storage for a period of not more than 7 days for specialized blasting operations such as the demolition of structures or loading of similarly complex blasts, when approved by the Fire Code Official. Storage for more than 7 days shall necessitate approval of the Fairfax County Board of Supervisors.
4. 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 total explosive material.
5. The temporary storage of fireworks at display sites in accordance with 3308.5 and NFPA 1123 or NFPA 1126.

3304.1.1. Enforcement. Add Subsection as follows: 3304.1.1 Enforcement. The Fairfax County Fire Marshal shall enforce the regulations contained herein pertaining to the intra-county 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 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, the provisions of this article governing the transportation of explosives, and possess a valid commercial driver's 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.

3304.1.3 Transfer of explosive materials. Add subsection as follows: 3304.1.3 Transfer of explosive materials. The on-site delivery of explosive materials where explosives would be transferred from the delivery vehicle to an on-site vehicle shall be prohibited without the prior approval of the Fire Marshal. Approval of on-site delivery will be dependent on an inspection of the proposed transfer site. Such operations will only be approved where:

1. Transfer is from the magazine of the delivery vehicle directly to the magazine of the receiving vehicle(s).
2. All vehicles delivering and/or receiving explosive materials shall possess a valid Explosives Transport Vehicle permit.

3. The area of the transfer is barricaded and posted.
4. An appropriate guard shall be posted to ensure the safety and security of the transfer operations and prevent unauthorized persons from entering the transfer area.
5. Transfer of explosive materials will cease and all explosive materials will be secured immediately upon entry of an unauthorized person into the transfer area.
6. Transfer shall be conducted in accordance with an approved blast plan.

3304.2.1. Control in wholesale and retail stores. Add 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.

3307.3 Blasting in congested areas. Delete entire subsection and substitute as follows: 3307.3 Blasting in congested areas or in close proximity. When blasting is done in a congested area or in close proximity to a structure, railway or highway, or any other installation, precautions in the loading, delaying, initiation, and confinement of blasts shall be taken to minimize flyrock, earth vibrations, and air overpressure effects. Sufficient burden, spacing, stemming, blasting mats, or other protective means shall be taken to prevent flyrock.

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.

3307.5. Utility notification. Delete entire subsection and substitute as follows: 3307.5 Utility notification. Whenever blasting is being conducted in the vicinity of utility lines or rights-of-way, the blaster shall notify the appropriate representatives of the utilities at least 5 business days in advance of blasting, specifying the location and intended time of such blasting. Verbal notices shall be confirmed with written notices. Blasting operations will not proceed until the owners/operators of utilities have been contacted and measures for safe control have been taken.

Exception: When approved by the Fire Code Official the time limit shall not apply in emergency situations.

3307.7 Nonelectric detonator precautions. Add sentence at the end of the existing subsection as follows: Blast initiation devices shall not be connected to non-electric systems until the blast area is secured, traffic is stopped if necessary, and audible warnings have been sounded.

3307.8. Blasting area security. Delete entire subsection and substitute as follows: 3307.8 Blasting area security. Beginning at the time that explosive materials arrive on site, only authorized persons engaged in loading operations or otherwise authorized to enter the site shall be allowed at the blast site. Beginning with the time that individual loaded boreholes are connected together, only authorized persons engaged in blasting operations or otherwise authorized to enter the area shall be allowed within the blast area. No activity of any nature other than that which is required for loading holes with explosives shall be permitted within the blast area. The blast site and blast area shall be guarded or barricaded and posted. Blast area security shall be maintained until after the post-blast inspection has been completed.

3307.9. Drill holes. Add sentence at the end as follows: Loaded boreholes shall not be left unattended.

3307.9.1. Equipment for loading and stemming. Add subsection as follows: 3307.9.1 Equipment for loading and stemming. Only equipment and machinery necessary to load boreholes shall be allowed within the blast site after the arrival of explosives. Said equipment or machinery shall not be operated over loaded boreholes or at any location where there is a potential to contact explosive materials. Equipment and machinery used to stem loaded boreholes shall not be operated within the blast site once loading operations begin.

3307.9.2. Stemming of loaded boreholes. Add subsection as follows: 3307.9.2 Stemming of loaded boreholes. All boreholes loaded with explosives shall be stemmed to the collar or to a point which will confine the charge. Stemming shall be a minimum of 4 feet unless otherwise approved. Stemming will be stone appropriately sized to the borehole diameter. Drill cuttings shall not be used as stemming material.

3307.13 Firing Control. Delete subsection and substitute as follows: 3307.13 Firing control. No blast shall be fired until the blaster in charge has made certain that all surplus explosive materials are in a safe place in accordance with Section 3307.10, all persons and equipment are removed from the blast area or protected under approved cover, and that an adequate warning signal audible throughout the blast area has been given.

3307.16 Blast records. Delete subsection and substitute as follows: 3307.16 Blast records. A record of each blast shall be created immediately following the blast and retained for at least five years and shall be available for inspection by the fire code official. When required by the fire code official, the diameter and depth of boreholes, type and amount of explosives, and explosives per delay period shall be listed for each individual borehole and not averaged over the entire site. The record shall contain the following minimum data:

1. Name of contractor
2. Location and time of blast
3. Name of certified blaster in charge
4. Type of material blasted
5. Number of holes bored and spacing
6. Diameter and depth of holes
7. Type and amount of explosives
8. Amount of explosive per delay of 8 milliseconds or greater
9. Method of firing and type of circuit
10. Direction and distance in feet to nearest dwelling, public building, school, church, commercial building, institutional building, or other installation
11. Weather conditions
12. Whether or not mats or other precautions were used
13. Type of detonator and delay period
14. Type and height of stemming
15. Seismograph record when utilized

Exception:

Items 8 and 13 of this section are not applicable to restricted blasters.

3307.17 Blasting in asbestos rock. Add Subsection as follows: 3307.17 Blasting 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.

3307.18 Blast effects monitoring. Add subsection as follows: 3307.18 Blast effects monitoring. All blasts occurring within the County will be monitored by at least one seismograph placed in proximity to the nearest structure to the blast. The seismograph must be capable of monitoring both ground vibration and air overpressure and the blaster in charge must be able to provide the results of blast monitoring on-site immediately following the blast. Additional seismographs may be required by the Fire Code Official as conditions at the blast warrant.

1. All seismographs will be properly calibrated by a qualified firm. Annually, calibration records shall be presented to the Fire Code Official upon request.
2. Adequate trigger levels shall be set for the blast being conducted but at no time less sensitive than:
  - a. Ground vibration: 0.05 inches per second peak particle velocity.
  - b. Air blast: 100 decibels.
  - c. Recording time: 5 seconds.
3. GPS coordinates documenting the location of each seismograph used in mineral mining will be included in the blasting records required in 3307.16.

3307.19 Detonating cord and safety fuse. Add subsection as follows: 3307.19 Detonating cord and safety fuse. The use of detonation cord in blasting and explosives operations will comply with NFPA 495 and the requirements listed in 29 CFR 1926.908(a) through (j). Safety fuse shall be used only where approved by the fire official. The use of safety fuse shall comply with the requirements listed in 29 CFR 1926.907(a) through (m).

3307.20 Mineral mines. Add subsection as follows: 3307.20 Mineral mines. The transportation, storage, handling, and use of explosives within mineral mines shall conform to the safety and health regulations for surface and underground mineral mining as promulgated by Virginia Department of Mines, Minerals, and Energy as well as the Special Use Permit Conditions established by the Fairfax County Board of Zoning Appeals.

3308 Fireworks Display. 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 county. The display, sale, or discharge of fireworks shall comply with the requirements of this chapter. This chapter 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, as listed in Chapter 47 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 be available for the payment of any damage arising from the acts or omissions of the applicant, his agents, or his employees in connection with the activities authorized by the permit. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit, and remains continuously in effect until such activities are completed.

3308.11. Retail display and sale. Add Subsection 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. Staff selling permitted, permissible fireworks shall be 18 years or older.

3308.11.1. Precautions. Add Subsection 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. "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 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 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 submitted. 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 county. No wholesaler or retailer shall sell or deliver in the county any fireworks other than those approved by the Fairfax County Office of the Fire Marshal.

3308.13. Seizure and destruction of certain fireworks. Add Subsection 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 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 such conviction.

3308.13.1. Criminal proceedings. Add Subsection 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 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 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.

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 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 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 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 standards set forth in NFPA 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 Subsection as follows: 3406.4.6.1 Safety attendant.

1. 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. The safety attendant shall observe and monitor the receipt, transfer, dispensing, and loading of such liquids.
3. 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. 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. At all times while on duty, the safety attendant shall be mentally and physically capable of immediately:
  - 5.1 Taking all necessary, appropriate, and required action to detect and prevent a fire, explosion, spill, or leak;
  - 5.2 Taking all necessary, appropriate, and required action in the event of a fire, explosion, spill, or leak; and
  - 5.3 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 Subsection: 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 and 108.

3601.2 Permits. Delete and substitute: 3601.2 Permits shall be required as set forth in Sections 107 and 108.

3701.2 Permits. Delete and substitute: 3701.2 Permits shall be required as set forth in Sections 107 and 108.

3801.2 Permits. Delete and substitute: 3801.2 Permits shall be required as set forth in Sections 107 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 and 108.

4001.2 Permits. Delete and substitute: 4001. 2 Permits shall be required as set forth in Sections 107 and 108.

4101.2 Permits. Delete and substitute: 4101. 2 Permits shall be required as set forth in Sections 107 and 108.

4201.2 Permits. Delete and substitute: 4201. 2 Permits shall be required as set forth in Sections 107 and 108.

4301.2 Permits. Delete and substitute: 4301. 2 Permits shall be required as set forth in Sections 107 and 108.

4401.2 Permits. Delete and substitute: 4401. 2 Permits shall be required as set forth in Sections 107 and 108.

4503.3 Flammable or combustible liquid spills. Add the following at the end of the subsection: Notification of unauthorized discharges shall also be made as directed in 2703.3.1.

Chapter 47 Referenced Standards. Add the following standards:

DOTn, 49 CFR, Parts 40, 100-185, 325, 350, and 355-399. Current edition.

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