

## ARLINGTON COUNTY CODE

### Chapter 8.1

#### FIRE PREVENTION CODE\*

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\* **Editor's Note:** Ord. No. 09-03, adopted April 28, 2009, repealed former Ch. 8, relative to fire prevention, in its entirety, and enacted Ch. 8.1 of this Code.  
Ord. No. 16-07, adopted November 5, 2016, repealed Ch. 8.1 in its entirety, and amended Ch. 8.1 of this code and enacted to read as herein set out.

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**ARTICLE I - GENERAL PROVISIONS****§ 8.1-1. Title.**

This code shall be known and may be cited as the Arlington County Fire Prevention Code and is referred herein as such, as "Ordinance" or as "this code."

**§ 8.1-2. Administration and enforcement of Virginia Statewide and Arlington County Fire Prevention codes.**

The County of Arlington, referred to herein as such or as "County", shall enforce the Virginia Statewide Fire Prevention Code promulgated by the Board of Housing and Community Development of the Commonwealth of Virginia pursuant to §27-98 of the Code of Virginia (1950, as amended). The provisions of the Virginia Statewide Fire Prevention Code and the Fire Prevention Code of the County of Arlington, Virginia, to include those buildings constructed under specific editions of the regional model codes, shall be enforced by the Chief Fire Marshal and, under the authority of the Chief Fire Marshal, by the Assistant Fire Marshal(s) and Deputy Fire Marshal(s) and such authorized representatives as designated by the Chief Fire Marshal. The Chief Fire Marshal, the Assistant Fire Marshals, and Deputy Fire Marshals shall have all of the powers of the local fire official, the local arson investigator and the local fire marshal and assistants set forth in Title 27 of the Code of Virginia. Each shall also have 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 Arlington, Virginia.

**§ 8.1-2.1. Invalidity; severability; coded indicators.**

A. If any part, section, subsection, clause, or phrase of this Ordinance is, for any reason, declared unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portion of this Chapter which shall remain in effect as if this Chapter had been passed without the unconstitutional or otherwise invalid part, section, or subsection, sentence, clause, or phrase.

B. Coded indicators of words, sections or phrases to be added, deleted, or revised, and the indicator "\*\* \* \*\*" are solely for convenience of those using this code and shall not be considered to constitute a part of the Ordinance as adopted.

**§ 8.1-2.2. Acts by deputy or designee.**

Whenever a power is granted to or a duty is imposed upon a public officer or employee, the power may be performed by any authorized deputy or designee or by any other person duly authorized, unless this code expressly provides otherwise.

**§ 8.1-3. Establishment of the Arlington County Fire Department.**

The County Board of Arlington County hereby establishes pursuant to Section 27-6.1 of the Virginia Code (1950, as amended), a fire department known as the "Arlington County Fire Department" and referred to herein as such or as "fire department." The head of the department shall be known as the "Fire Chief" or "County Fire Chief," who shall be appointed by the County Manager. This fire department shall be the only fire department officially recognized and authorized to operate within Arlington County, Virginia. Where the fire department is referred to in this Chapter, this reference shall include the volunteer fire departments of the Arlington County Fireman's Association sanctioned by the County Fire Chief.

**§ 8.1-4. Response of equipment.**

All fire apparatus and emergency medical equipment responding within Arlington County to a fire or emergency medical incident within the jurisdiction shall be under the control and direction of the Fire Chief or his/her designee.

**Exceptions:**

1. Any duly dispatched fire or emergency medical equipment from another city, town, or county that is (a) merely passing through Arlington County; or (b) merely transporting a patient to receive medical services within Arlington County.
2. Any private ambulance service certified to do business within the Commonwealth of Virginia.

**§ 8.1-5. Fire and medical incident command.**

All fire and medical emergencies occurring in Arlington County shall be the responsibility of the ranking officer of the Arlington County Fire Department.

**§ 8.1-6. Establishment of fire department standards governing participation.**

The Fire Chief shall establish standards, rules and regulations to promote the objectives of the fire department, within the laws of the Commonwealth and County ordinances, which shall govern all County employees and other persons participating in firefighting activities and emergency medical operations.

**§ 8.1-6.1. Criminal background check required for employment eligibility.**

A. In order to determine whether, in the interest of public welfare and safety, an applicant for fire department employment may have a record of past criminal conduct that is incompatible with the nature of employment in the Arlington County Fire Department, the Fire Chief or his/her designee shall request from the Virginia Central Criminal Record Exchange a criminal record check of each applicant for employment whose anticipated duties or responsibilities will involve:

1. access to public records, Protected Health Information or to personal information,
2. accountability for public funds,
3. entry into secured areas outside of working hours,
4. law enforcement and investigations conducted under the color of law,
5. right of entry onto private property, or
6. assistance to the elderly or disabled.

Such applicant shall submit to fingerprinting by the Arlington County Fire Prevention Office, Arlington County Sheriff or other agency designated by the Fire Chief and provide descriptive information as may be required by the Sheriff or other agency to conduct such background check.

B. The Fire Chief or his/her designee shall review the applicant's criminal history record to determine, in his/her sole discretion, whether the conviction record, if any, of the applicant is compatible with the nature of employment. Such criminal history record information obtained shall be considered confidential, shall be used solely to assess eligibility for public employment and shall not be disseminated to any person not involved in the assessment process or as authorized by the Fire Chief.

**§ 8.1-7. Chief Fire Marshal, Assistant Fire Marshal(s) and Deputy Fire Marshal(s) -- Creation of offices.**

The Arlington County Fire Prevention Office is hereby established and whose duties and powers are set forth herein. The County Fire Chief is authorized to and shall appoint a Chief Fire Marshal, Assistant Fire Marshal(s) and such Deputy Fire Marshal(s), as he/she may deem necessary. For purposes of this Fire Prevention Code, the terms "Chief Fire Marshal," "County Fire Marshal" and "Fire Marshal" shall have the same meaning as "Code Official", "Fire Official" and "Fire Code Official" as defined in the Virginia Statewide Fire Prevention Code and each are used interchangeably herein.

**§ 8.1-7.1. Oath of office.**

The Chief Fire Marshal, Assistant Fire Marshal(s) and Deputy Fire Marshal(s) shall respectively, before entering upon their duties, take an oath before any officer authorized to administer oaths to faithfully discharge the duties of their office.

**§ 8.1-7.2. Delegation of duties and powers in the City of Falls Church, Virginia.**

The Fire Marshal of Arlington County shall have concurrent authority in the City of Falls Church, Virginia to the extent permitted by the City of Falls Church and by agreement between the City of Falls Church and the Arlington County Fire Department. The County Fire Chief shall have the authority to agree to the terms and conditions under which the County Fire Marshal shall perform any functions in the City of Falls Church.

**§ 8.1-8. Notification of the fire department.**

In any building, structure, or premises subject to inspection under any provision of this code, when a fire or evidence of having been a fire is discovered, even though it has apparently been extinguished, it shall be immediately reported to the Arlington County Emergency Communications Center. This shall be the duty of the owner, manager, or person in control (as defined herein) of such building, structure, or premises at the time of discovery. This requirement shall not be construed to forbid or otherwise restrict the owner, manager, or person in control of said building, structure, or premises from using all diligence necessary to extinguish such fire prior to the arrival of the Arlington County Fire Department.

**§8.1-9. Investigation.**

The County 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, 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 also investigate, or cause to be investigated, the possession or manufacture of explosive devices, substances, and fire bombs within the County, attempts or threats to commit such offenses, and false alarms relating to such offenses or to fires or explosions. The Fire Marshal shall take charge immediately of the physical evidence and, in order to preserve that evidence relating to the cause or origin, take means to prevent access by any person to such building, structure, or premises until such evidence has been properly processed. The Arlington County Police Department, upon request of the Fire Marshal, shall assist in the investigation as needed. The results of any investigation shall be forwarded by the Fire Marshal to the Commonwealth's Attorney for proper disposition.

**§ 8.1-9.1. Powers, including powers of arrest.**

A. The Chief Fire Marshal, Assistant Fire Marshal(s) and authorized Deputy Fire Marshal(s), appointed pursuant to or permitted by Title 27 of the Code of Virginia (1950, as amended) shall have the same police powers as a member of the Arlington County Police Department, any Sheriff or any other law-enforcement officer authorized by general law in the investigation and prosecution of all violations and offenses, including the power to arrest, and wear and carry firearms.

B. The Chief Fire Marshal, Assistant Fire Marshal(s) and authorized Deputy Fire Marshal(s) are responsible for the investigation and prosecution of all offenses involving fires, arson, 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, the storage, use and transportation of hazardous materials and hazardous waste, environmental crimes; and any other offenses involving fire or fire safety or the calling, causing to dispatch, or summoning of fire or rescue equipment without just cause, in violation of the Code of Virginia (1950, as amended) or the Code of Arlington County, Virginia, 1957 as amended and any regulations under these codes, and other criminal or civil offenses arising out of, or incidental, to the investigation of the enumerated offenses.

C. The Chief Fire Marshal, Assistant Fire Marshal(s) and authorized deputy fire marshal(s) or designee(s) shall have the authority to exercise all those powers described in Sections 27-34.2 and 27-34.2:1 of the Code of Virginia (1950, as amended).

D. The police powers granted in this section shall not be exercised by any fire marshal until such person has met the requirements of Sections 27-34.2 and 27-34.2:1 of the Code of Virginia(1950, as amended) and has been designated by the Chief Fire Marshal to exercise such powers.

**§ 8.1-9.2. Summoning a fire marshal.**

The Arlington County Fire Department officer-in-charge of any fire, explosion, or incident scene shall immediately summons or cause to be dispatched a Fire Marshal to such scene to investigate the circumstances involved where such circumstances require investigation.

**§ 8.1-10. Effect of repeal of chapter; revival.**

Neither the adoption of this code nor the repeal hereby of the prior fire codes or ordinances shall in any manner affect the prosecution for violations of this code, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any permit, fees or penalty at the effective date due and unpaid under such ordinance, nor be construed as affecting any of the provisions of such code relating to the collection of any such permit, fees or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereof appertaining shall continue in full force and effect. Any repeal of the fire prevention code shall not be construed as reviving such former ordinance, clause or provision, unless expressly provided therein.

**§ 8.1-11. Penalty and continuing violation.**

A. Any person, owner, firm, entity, or corporation who violates any section of this Ordinance, fails to comply with any provisions of the Arlington County Fire Prevention Code or of the Virginia Statewide Fire Prevention Code , or violates or fails to comply with any order made there under, or who fails 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 Ordinance and shall, upon conviction, be punishable as a Class 1 misdemeanor in accordance with Virginia law, including by confinement to jail for not more than twelve (12) months and/or a fine of not more than \$2,500.00 . Each day that a violation continues after service of notice, as provided for in the Virginia Statewide Fire Prevention Code, shall be deemed a separate offense.

B. The imposition of the criminal penalties herein prescribed shall not preclude the County from enforcing any administrative remedies set forth elsewhere in this code or the Code of Arlington County, Virginia, 1957 as amended or preclude the County from instituting appropriate civil action, including but not limited to injunction, to restrain, correct or otherwise abate a violation of this Ordinance. The suspension or revocation of any license, permit, certificate or other privilege conferred by the County shall not be regarded as a penalty.

**§ 8.1-12. Fines and costs.**

A. Other than those occurring within the jurisdiction of the City of Falls Church pursuant to this code or as otherwise provided for in any agreement between the two jurisdictions, all fees, cost recovery, fines and costs collected under the terms of this Ordinance shall be paid over to the Treasurer, Arlington County and credited by him/her to the General County Fund. Costs shall be taxed in prosecutions under this code in the same amounts and in the same manner as prescribed by law under State statutes.

B. The fire department shall recover or impose fees and penalties for Fire Department response to the location of a false, faulty, or nuisance alarm. The fees imposed shall be identical to those set forth in Chapter 33 and §33-14 and §33-15 of the Code of Arlington County, 1957, as amended. As used herein, the term "false alarm" also means a faulty or nuisance alarm.

**§ 8.1-13. Authority to adopt, set, and modify fees by County Board resolution.**

The County Manager, in consultation with the Fire Chief, shall recommend and the County Board shall adopt a schedule of fees to be paid for each application, permit, inspection/re-inspection, testing and other specified acts required by this Ordinance. Any fee authorized or referenced herein, other than fees for false alarm response, shall be established in this manner.

**§ 8.1-14. Unlawful or prohibited acts include causing, permitting, concealing.**

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

**§ 8.1-15. Damage or injury to fire department vehicles, equipment or personnel.**

It shall be unlawful for any person to damage, deface, attempt, or conspire to damage or deface any fire department vehicle or equipment at any time, or to assault, injure, or attempt or conspire to injure any fire department personnel while such personnel are in performance of their official duties.

**§ 8.1-16. Unlawful boarding, tampering with or restricting fire department vehicles.**

It shall be unlawful for any person, without proper authorization from the officer in charge of the vehicle, to attempt or to cling to, attach oneself 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, remove or destroy any lever, valve, switch, starting device, brake, pump or any equipment, protective clothing, tool or any part of such fire department vehicle and/or property; or to obstruct or restrict the mobility of, or block the path of travel of any fire department emergency vehicle or other firefighting or rescue equipment.

**§ 8.1-17. Impersonation and solicitation by use of the Arlington County Fire Department's name.**

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 Marshal, Code Official, Fire Official, or Fire Code Official or his/her designated representative. The use of the name or other identifier, such as badges, patches, logo, of the Arlington County Fire Department for any purpose of solicitation or to imply that any solicited funds will be used for the Arlington County Fire Department is prohibited and shall be subject to the penalties of this code.

**§ 8.1-18. Unlawful to cross fire line.**

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

**§ 8.1-19. Reserved.**

**ARTICLE II - FIRE PREVENTION CODE**

**§ 8.1-20. Inspection by others.**

The Fire Chief may designate such other persons, as he/she deems necessary, to make fire safety inspections. Such persons shall use this code and the Virginia Statewide Fire Prevention Code as the basis for such inspections.

**§ 8.1-21. Enforcement of the Virginia Statewide Fire Prevention Code and the Arlington County Fire Prevention Code.**

This code shall be enforced by the Arlington County Fire Prevention Office, also herein referred to as the Fire Marshal's Office, the Fire Marshal, members of the Fire Marshal's staff, the Fire Prevention Division, Code

Official or the Fire Official. The term "code official" as used herein means only those designated employees of the Arlington County Fire Department such as the Fire Marshal.

**§ 8.1-22. Incorporation amendments, additions and deletions to the Virginia Statewide Fire Prevention Code.**

A. The Virginia Statewide Fire Prevention Code, referred to herein as such or as "SFPC" and subsequent versions as cooperatively developed, approved, and released by the Virginia Fire Services Board and the Virginia Board of Housing and Community Development is hereby incorporated herein as if set forth herein in full text. The SFPC is amended, revised and changed as noted hereinafter pursuant to Section 27-97 of the Code of Virginia (1950, as amended). Nothing in these provisions is meant to reduce the powers or authority conferred upon the Fire Official, enforcing agency or the County by the statutes and regulations of the Commonwealth of Virginia.

B. The 2015 edition of the SFPC is hereby amended and changed in the following respects. The model code numbering system is utilized.

**101.2 Scope.** Delete and substitute as follows

**101.2 Scope.** The SFPC prescribes regulations affecting or relating to maintenance of structures, premises, processes, and operation of equipment, including mobile food units and safeguards to be complied with for the protection of life and property from the hazards of fire or explosion and for the handling, storage, and use of fireworks, explosives, or blasting agents, and provides for the administration and enforcement of such regulations. The SFPC also establishes regulations for obtaining permits for the manufacturing, storage, handling, use, or sales of explosives. Inspections under the SFPC are a governmental responsibility.

**102.1 General.** Delete and substitute as follows.

**102.1 General.** The provisions of the SFPC shall apply to all matters affecting or relating to structures, premises, processes, and operations as set forth in section 101. The SFPC shall supersede any fire prevention regulations previously adopted by a local government or other political subdivision.

**103.1.2 Appendices.** Add the following:

**103.1.2 Appendices.** The appendices in the International Fire Code ("IFC") are not considered part of the SFPC for the purposes of Section 103.1. The following revisions are made to the appendices. IFC Appendices A shall be deleted and replaced with Arlington County Appendix A., Requirements for a Fire Watch. IFC Appendices D., section D103.6 is amended. IFC Appendices H., J., K., L., and M. shall be deleted. The following appendices, as amended are hereby incorporated herein as fully enforceable provisions of this code and relabeled as follows:

- Appendix A - Requirements for a Fire Watch (Arlington County Procedure)
- Appendix B - Flow Requirements for Buildings (IFC Appendix B)
- Appendix C - Fire Hydrant Locations and Distribution (IFC Appendix C)
- Appendix D - Fire Apparatus Access Roads (IFC Appendix D - as amended)
- Appendix E - Hazard Categories (IFC Appendix E)
- Appendix F - Hazard Ranking (IFC Appendix F)
- Appendix G - Cryogenic Fluids (IFC Appendix G)
- Appendix I - Fire Protection Systems (IFC Appendix I)

**106 Duties and powers of the fire official.** Add the following: 106.8, 106.9, 106.9.1, 106.9.2, 106.9.3.

**106.8 Cost recovery.** Fees will be charged and collected from the proper individual(s) or entities by the Arlington County Fire Department in order to defray the cost of code enforcement and appeals under the SFPC. The fees will be assessed for permits in Sections 107.2 and 108. In addition, fees shall be assessed for witnessing fire protection systems test, monitoring the removal of hazardous materials and storage containers, for responding to and/or inspecting false, faulty, or nuisance alarms, and other fire prevention services that provide safety against conditions hazardous to life or property as well as cost recovery from the owner or person in control for impound, towing, recovery and/or disposal as appropriate. All fire department service fees established by the Fire Prevention Office shall be first submitted to the County Board for approval. An amendment to this Ordinance is not required to change any fee, cost recovery, or permit.

**106.9 Notification.** The Arlington County Fire Prevention Office shall be immediately notified of all incidents

involving fire, explosion(s), misfires, and/or spills, leaks, discharge, or other releases of materials or products as described in SFPC Chapter 50.

**106.9.1 Responsibility.** It shall be the responsibility of the Arlington County Fire Department officer-in-charge, or his/her designee, to file with the Fire Chief, in such form as he/she shall prescribe, a report of every fire, explosion, or incident to which fire department apparatus or equipment responds. Such reports shall be filed at such time and location prescribed by the Fire Chief.

**106.9.2 Summoning or dispatching the Fire Marshal.** The Arlington County Fire Department officer-in-charge of any fire, explosion, or incident scene shall immediately summons or cause to be dispatched a Fire Marshal to such scene to investigate the circumstances involved where such circumstances require investigation.

**106.9.3 Notification of fire department.** In any building, structure, or premises subject to inspection under any provision of this code, when a fire or evidence of having been a fire is discovered, even though it has apparently been extinguished, it shall be immediately reported to the Arlington County Emergency Communications Center. This shall be the duty of the owner, manager, or person in control (as defined herein) of such building, structure, or premises at the time of discovery. This requirement shall not be construed to forbid or otherwise restrict the owner, manager, or person in control of said building, structure, or premises from using all diligence necessary to extinguish such fire prior to the arrival of the Arlington County Fire Department.

**107.1 Prior Notification.** Substitute the word “shall” for “may.”

**107.2 Permits required.** Substitute the word “shall” for “may,” and “and” for “except.”

**Table 107.2 Fire Prevention Code Permit Requirement.** Delete and substitute the Table as follows. Fees for each of the categories listed therein shall be established pursuant to §8.1-13 herein.

Table 107.2 Fire Prevention Code Permit Requirements

<b>Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>		<i>Permit Fee</i>	<i>Hourly Fee</i>
1	Aerosol products, Level 2 or 3: Manufacture, store or handle an aggregate quantity in excess of 500 pounds net weight	\$100	N/A
3	Aviation facilities (Groups H or S occupancies): Aircraft servicing or repair and Aircraft Fuel Servicing Vehicles	\$100	N/A
4	Battery Systems: Stationary lead acid to install a system with a liquid capacity of more than 50 gallons	\$100	N/A
5	Cellulose Nitrate (pyroxylin plastic): Assembly or manufacturing of articles involving any amount	\$100	N/A
6	Cellulose Nitrate (pyroxylin plastic): Store, handle or use more than 25 pounds	\$100	N/A
7	Cellulose Nitrate Film: Store, handle or use in a Group A occupancy	\$100	N/A
8	Child daycare facilities (commercial and residential): An operational permit is required to operate a child daycare facility	Note A	N/A
9	Combustible dust producing operations: An operational permit is required for operations producing combustible dust as defined in Chapter 2	\$100	\$162
10	Combustible fibers: Store, handle or use greater than 100 cubic feet Exception: agricultural storage	\$100	\$162
11	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	\$100	

<b>Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>		<i>Permit Fee</i>	<i>Hourly Fee</i>
	Exception: Fuel oil used in connection with oil-burning equipment		\$162
12	Combustible storage: Storage inside any building or upon any premises – in excess of 2500 cubic feet	\$100	\$162
13	Commercial kitchen operation requiring a Type I hood Exception: 1. Group A occupancies with a valid place of assembly permit 2. Mobile Food Units (MFU) with a valid MFU permit	\$100	N/A
14	Compressed gas: Corrosive: Storage, handle or use, 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	\$100	\$162
15	Compressed gas: Flammable: Storage, handle or use, in excess of 200 cubic feet at normal temperature and pressure Exceptions: 1. Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle. 2. Cryogenic fluids and liquefied petroleum gases	\$100	\$162
16	Compressed gas: Toxic or Highly Toxic: Storage, handle or use, Any amount	\$100	\$162
17	Compressed gas: <b>Inert or simple asphyxiate:</b> Storage, handle or use <b>in excess of 6000 cubic feet</b> at normal temperature and pressure Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle	\$100	\$162
18	Compressed gas: Oxidizing (including oxygen): Storage, handle or use 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	\$100	\$162
19	Covered Mall Building: An operational permit is required for: 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. 2. The display of liquid-fired or gas-fired equipment in the mall. 3. The use of open flame or flame producing equipment in the mall.	\$100	N/A
20	Corrosive liquids: Store, transport on site, dispense, handle or use in excess of 55 gallons	\$100	\$162
21	Corrosive solids: Store, transport on site, dispense, handle or use in excess of 1000 pounds	\$100	\$162
22	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	\$100	\$162

<b>Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>		<i>Permit Fee</i>	<i>Hourly Fee</i>
23	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	\$100	\$162
24	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	\$100	\$162
25	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	\$100	\$162
26	Dry cleaning: Any type plant using any class of solvent or a change to a more hazardous cleaning solvent used in existing equipment	\$100	N/A
27	Exhibits and Tradeshows: An operational permit is required to operate exhibits and trade shows	\$100	N/A
28	Explosives: Explosives use, each site or location (6 month permit)	\$100	\$162
29	Explosives: Transportation, each vehicle (6 month permit)	\$100	\$162
30	Explosives: Firm or Company license	\$100	\$162
31	Explosives: Storage and display of black powder or smokeless propellant indoors	\$100	\$162
32	Explosives: Approved overnight storage, any quantity (1 day permit)	\$100	\$162
33	Explosives: Laboratory use, (6 month permit)	\$100	\$162
34	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, or mobile power plant, or mobile heating plant, unless such storage, in the opinion of the fire code 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	\$100	\$162
35	Flammable/Combustible liquid tank: Underground storage only	\$100	\$162
36	Flammable/Combustible liquid tank: Underground storage utilizing dispensing equipment	\$100	\$162
37	Flammable/Combustible liquid tank: Above-ground storage only	\$100	\$162

<b>Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>		<i>Permit Fee</i>	<i>Hourly Fee</i>
38	Flammable/Combustible liquid tank: Above-ground storage utilizing dispensing equipment	\$100	\$162
39	Flammable/Combustible liquids: Bulk storage facility – in excess of 100,000 gallons	\$100	\$162
40	Flammable/Combustible liquid tank: Installation, above- or below-ground tank (90 day permit)	\$100	\$162
41	Flammable/Combustible liquid tank: Alter or relocate an existing tank (90 day permit)	\$100	\$162
42	Flammable/Combustible liquid tank: Placed temporarily out of service	\$100	\$162
43	Flammable/Combustible liquid tank: Underground abandonment (90 day permit)	\$100	\$162
44	Flammable/Combustible liquid tank: Underground removal (commercial - 90 day permit)	\$100	\$162
45	Flammable/Combustible liquid tank: Underground removal (residential - 90 day permit)	\$100	\$162
46	Flammable/Combustible liquid tank: Above-ground removal (commercial - 90 day permit)	\$100	\$162
47	Flammable/Combustible liquid tank: Install product lines/dispensing equipment (90 day permit)	\$100	\$162
48	Flammable/Combustible liquids: Manufacture, process, blend or refine	\$100	\$162
49	Flammable/Combustible liquid tank: Change the contents stored to a greater hazard	\$100	\$162
50	Flammable solids: Store, transport on site, dispense, handle or use in excess of 100 pounds	\$100	\$162
51	Floor finishing or surfacing exceeding 350 square feet using Class I or Class II liquids (30 day permit)	\$100	\$162
52	Fruit- & Crop-ripening facility or process using ethylene gas	\$100	\$162
53	Fumigation, Insecticidal fogging or maintaining a room, vault or chamber in which a toxic or flammable fumigant is used or Thermal remediation (15 day permit)	\$100	\$162
54	Highly Toxic liquids: Store, transport on site, dispense, handle or use any amount	\$100	\$162
55	Highly Toxic solids: Store, transport on site, dispense, handle or use any amount	\$100	\$162
56	Hazardous Production Facilities (HPM): Store, handle or use hazardous production materials	\$100	\$162
57	High Piled Storage: Use a building or portion thereof as a high-piled storage area exceeding 500 square feet.	\$100	N/A
58	Hot Work & Welding: Public exhibitions and demonstrations (each exhibitor/demo. - 10 day permit)	\$100	N/A
59	Hot Work & Welding: hot work (example: brazing/soldering/sweating pipes)	\$100	N/A
60	Hot Work & Welding: Fixed-site hot work equipment (example: welding booth)	\$100	N/A
61	Hot Work & Welding: Cutting and welding, all locations	\$100	N/A
62	Hot Work & Welding: Open flame device roofing operation (each site/location - 90 day permit)	\$100	N/A
63	Hot Work & Welding: Paint removal with a torch or open-flame (each site/location - 30 day permit)	\$100	N/A
64	Industrial ovens: An operational permit is required for operation of industrial ovens regulated by Chapter 30	\$100	N/A
65	Lumber yards and Woodworking plants: Storage or processing of lumber exceeding 100,000 board feet	\$100	N/A

<b>Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>		<i>Permit Fee</i>	<i>Hourly Fee</i>
66	Liquid- or Gas-fueled vehicles: Display Inside any building (each event – 6 month permit)	\$100	N/A
67	LP-Gas: Storage and/or use inside any structure – any amount Exception: One and two-family detached single family dwellings and townhouses	\$100	\$162
68	LP-Gas: Storage and/or use outside, per event - any amount (30-day permit)  Exception: 1. Mobile Food Units (MFU) with a valid MFU permit 2. One and two-family detached single family dwellings and townhouses	\$85	\$162
69	LP-Gas: Storage and/or use outside, per year – any amount  Exception: 1. Mobile Food Units (MFU) with a valid MFU permit 2. One and two-family detached single family dwellings and townhouses	\$100	\$162
70	LP-Gas: Dispensing and cylinder refill location	\$100	\$162
71	LP-Gas: Retail cylinder exchange location	\$100	\$162
72	Magnesium: Melt, cast, heat treat or grind more than 10 pounds of magnesium	\$100	\$162
73	Mobile Food Unit (MFU): An operational permit is required for Mobile Food Units employing commercial cooking appliances and/or domestic cooking appliances used for commercial purposes that produce grease laden vapors, and/or Mobile Food Units with a fire protection system, and/or Mobile Food Units utilizing LP gas or portable fuel fired equipment. Valid July 1 to June 31 of each year.	\$100	N/A
74	Open burning: Bonfire (10 day permit)	\$100	N/A
75	Open burning: Silvicultural / Controlled burning (30 day permit)	\$100	N/A
76	Open flame and candles: Public meetings/Gatherings in A & E use groups (each event)	\$100	N/A
77	Open flame and candles: Restaurants and drinking establishments, assembly and dining areas	\$100	N/A
78	Organic Coatings: Manufacturing operation producing more than 1 gallon in 1 day	\$100	N/A
79	Organic Peroxides, liquid, Class I: Store, transport on site, dispense, handle or use any amount	\$100	\$162
80	Organic Peroxides, liquid, Class II: Store, transport on site, dispense, handle or use any amount	\$100	\$162
81	Organic Peroxides, liquid, Class III: Store, transport on site, dispense, handle or use in excess of 1 gallon	\$100	\$162
82	Organic Peroxides, liquid, Class IV: Store, transport on site, dispense, handle or use in excess of 2 Gallons	\$100	\$162
83	Organic Peroxides, solid, Class I: Store, transport on site, dispense, handle or use any amount	\$100	\$162
84	Organic Peroxides, solid, Class II: Store, transport on site, dispense, handle or use any amount	\$100	\$162
85	Organic Peroxides, solid, Class III: Store, transport on site, dispense, handle or use in excess of 10 pounds	\$100	\$162
86	Organic Peroxides, solid, Class IV: Store, transport on site, dispense, handle or use in excess of 20 pounds	\$100	\$162

<b>Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>		<i>Permit Fee</i>	<i>Hourly Fee</i>
87	Oxidizing liquids, Class 1: Store, transport on site, dispense, handle or use in excess of 55 gallons	\$100	\$162
88	Oxidizing liquids, Class 2: Store, transport on site, dispense, handle or use in excess of 10 gallons	\$100	\$162
89	Oxidizing liquids, Class 3: Store, transport on site, dispense, handle or use in excess of 1 gallon	\$100	\$162
90	Oxidizing liquids, Class 4: Store, transport on site, dispense handle or use any amount	\$100	\$162
91	Oxidizing solids, Class 1: Store, transport on site, dispense, handle or use in excess of 500 pounds	\$100	\$162
92	Oxidizing solids, Class 2: Store, transport on site, dispense, handle or use in excess of 100 pounds	\$100	\$162
93	Oxidizing solids, Class 3: Store, transport on site, dispense, handle or use in excess of 10 pounds	\$100	\$162
94	Oxidizing solids, Class 4: Store, transport on site, dispense, handle or use any amount	\$100	\$162
95	Pesticides storage of 300 pounds or greater	\$100	\$162
96	Place of assembly/education	Note B	N/A
97	Pyrophoric material, liquid: Store, transport on site, dispense, handle or use any amount	\$100	\$162
98	Pyrophoric material, Solid: Store, transport on site, dispense, handle or use any amount	\$100	\$162
99	Pyrotechnics and Fireworks: Retail sales of permissible fireworks - any amount (45 day permit)	\$500.00	N/A
100	Pyrotechnics and Fireworks: Wholesale of permissible fireworks - any amount (45 day permit)	\$500.00	N/A
101	Pyrotechnics and Fireworks: Outdoor fireworks display (aerial/proximate audience) (1 day permit)	\$500.00	N/A
102	Refrigeration equipment and systems having a refrigerant circuit containing more than 220 pounds of group A1 or 30 pounds of any other group refrigerant	\$100	N/A
103	Repair garages and service stations: Automotive repair garage only	\$100	N/A
104	Repair garages and service stations: Automotive service station only	\$100	N/A
105	Repair garages and service stations: Automotive repair garage and service station	\$170	N/A
106	Repair garages and service stations: LP-Gas motor-vehicle fuel-dispensing	\$100	N/A
107	Repair garages and service stations: Compressed Natural Gas motor-vehicle fuel-Dispensing	\$100	N/A
108	Repair garages and service stations: Hydrogen motor fuel dispensing & generation station	\$100	N/A
109	Repair garages and service stations: Marine and watercraft service station	\$100	N/A
110	Repair garages and service stations: Unattended vehicle service station	\$100	N/A
111	Rooftop heliports	\$100	N/A
112	Special amusement buildings	\$100	N/A
113	Special events, carnivals, fairs, festivals, and outdoor public assemblages (30 day permit)	Note C	N/A
114	Spraying or dipping operations: Flammable/Combustible spray finishing operation	\$100	N/A
115	Spraying or dipping operations: Flammable/Combustible dip-tank operation	\$100	N/A
116	Spraying or dipping operations: Application of combustible powders/spray/fluidized	\$100	N/A
117	Spraying or dipping operations: Dual-component coatings with Organic Peroxides	\$100	N/A

<b>Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>		<i>Permit Fee</i>	<i>Hourly Fee</i>
118	Swimming pool chemical dispensing operation	\$100	N/A
119	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 50 or less persons	\$100	N/A
120	Tire rebuilding plants: An operational permit is required for the operation and maintenance of a tire rebuilding plant	\$100	N/A
121	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	\$100	N/A
122	Toxic materials, liquids: Store, transport on site, dispense, handle or use in excess of 10 gallons	\$100	\$162
123	Toxic materials, solids: Store, transport on site, dispense, handle or use in excess of 100 pounds	\$100	\$162
124	Unstable (reactive) materials: liquids, Class 1 – Store, transport on site, dispense handle or use in excess of 10 gallons	\$100	\$162
125	Unstable (reactive) materials: liquids, Class 2 – Store, transport on site, dispense, handle or use in excess of 5 gallons	\$100	\$162
126	Unstable (reactive) materials: liquids, Class 3 – Store, transport on site, dispense, handle or use any amount	\$100	\$162
127	Unstable (reactive) materials: liquids, Class 4 – Store, transport on site, dispense, handle or use any amount	\$100	\$162
128	Unstable (reactive) materials: solids, Class 1 – Store, transport on site, dispense, handle or use in excess of 100 pounds	\$100	\$162
129	Unstable (reactive) materials: solids, Class 2 – Store, transport on site, dispense, handle or use in excess of 50 pounds	\$100	\$162
130	Unstable (reactive) materials: solids, Class 3 – Store, transport on site, dispense, handle or use any amount	\$100	\$162
131	Unstable (reactive) materials: solids, Class 4 – Store, transport on site, dispense, handle or use any amount	\$100	\$162
132	Waste handling: Wrecking yard or junk yard	\$100	N/A
133	Waste handling: Waste material handling facility	\$100	N/A
134	Water-reactive materials: liquids, Class 1 – Store, transport on site, dispense, handle or use in excess of 55 gallons	\$100	\$162
135	Water-reactive materials: liquids, Class 2 – Store, transport on site, dispense, handle or use in excess of 5 gallons	\$100	\$162
136	Water-reactive materials: liquids, Class 3 – Store, transport on site, dispense, handle or use any amount	\$100	\$162
137	Water-reactive materials: solids, Class 1 – Store, transport on site, dispense, handle or use in excess of 500 pounds	\$100	\$162
138	Water-reactive materials: solids, Class 2 – Store, transport on site, dispense, handle or use in excess of 50 pounds	\$100	\$162

<b>Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>		<i>Permit Fee</i>	<i>Hourly Fee</i>
139	Water-reactive materials: solids, Class 3 – Store, transport on site, dispense, handle or use any amount	\$100	\$162
140	Wood products: Storage of chips, hogged material, lumber or plywood - in excess of 200 cubic feet	\$100	N/A
<b>Section 2 - Inspection and Testing Fees</b>			
1	Inspections resulting from non-compliance (re-inspections)	N\A	Note D
2	Technical inspection - not otherwise specified	N\A	Note E
3	Testing and re-inspection of existing fire protection systems or equipment (each inspector)	N\A	Note F
4	Cancellation of scheduled test	N\A	Note G

Note A – Child daycare, and education facilities with an approved capacity of up to fifty (50) persons is one hundred twenty-two dollars and fifty cents (\$122.50); fifty-one (51) to five hundred (500) is one hundred sixty-five dollars (\$165.00); more than five hundred (500) is two hundred fifty dollars (\$250.00).

Note B - Assembly facilities with an approved capacity of fifty (50) to five hundred (500) persons is one hundred sixty-five dollars (\$165.00); more than five hundred (500) is two hundred fifty dollars (\$250.00).

Note C - Special Events up to fifty (50) persons is one hundred twenty-two dollars and fifty cents (\$122.50); fifty-one (51) to five hundred (500) persons is one hundred sixty-five dollars (\$165.00); more than five hundred (500) persons is two hundred fifty dollars (\$250.00). The inspection fee for use of LP-Gas at special events is waived when a valid special events permit is obtained. The above fees may be waived if an inspection fee is included in the County’s special event fee that covers all agencies.

Note D - The fee for re-inspections is forty dollars and fifty cents (\$40.50) per quarter hour. The minimum fee charged for a re-inspection is eighty-one dollars (\$81.00).

Note E - The inspection fee associated with technical inspections is one hundred sixty-two dollars (\$162.00) per hour. The minimum fee charged for an inspection is eighty-one dollars (\$81.00). Quarter hour rates are forty dollars and fifty cents (\$40.50) after the first half hour.

Note F - Periodic test and retest of fire protection systems are based on a is one hundred sixty-two dollars (\$162.00) per hour rate. The minimum fee charged for an inspection is eighty-one dollars (\$81.00). Quarter hour rates are forty dollars and fifty cents (\$40.50) after the first half hour.

Note G - A cancellation less than twenty-four (24) hours prior to scheduled inspection and/or re-test of fire protection systems will result in a one hundred sixty-two dollars (\$162.00) per hour reserved cancellation fee. (Ord. No. 18-11, 4-21-18, effective 7-1-18)

**107.5 Conditions of permit.** This section is incorporated in full with the following revisions. Delete and substitute the second sentence with the following: *“Permits shall remain in effect for twelve (12) months from the date issued unless otherwise specified in Table 107.2, specified on the permit or unless suspended or revoked in accordance with this code.”*Add the following sentence at the end of the section: *“Permits are not valid until paid in full.”*

**108.1 General.** Substitute the word “shall” for “may.”

**108.1.1 Permits required.** Substitute the word “shall” for “may.”

**109. Inspection.** Add the following: 109.4, 109.5.

**109.4 Approvals.** Approvals made as the result of an inspection shall not be construed to be an approval or ratification of a violation of the provisions of this code or of any other county or state ordinances, laws, or regulations. Inspections or permits by any other entity or department presuming to give authority to violate, modify, or cancel provisions of this code shall not be valid and are void. Any modification to this code must be by written modification issued by the fire code official in compliance with Section 106.5.

**109.5 Follow-up inspection(s) resulting from noncompliance.** Where one (1) or more follow-up inspections are required as a result of noncompliance with this code, fees for each re-inspection(s) shall be assessed and paid in full.

**110.5 Evacuation.** Add the following: 110.5.1.

**110.5.1 Imminent threat to human health or safety or to property.** If the fire code official determines, in his/her professional judgment, that a violation(s) creates an imminent threat to human health or safety or to property, the fire code official may cause to impound, restrain, correct, or abate such violation and institute appropriate legal proceeding to collect the full cost of such response from the owner, the tenant, or other person in control (as defined herein) of the premises.

**111.2 Service.** This section is incorporated in full.

**112.1 Local Board of Fire Prevention Code Appeals (BFPCA).** Delete, rename, and substitute as follows:

**112.1 Local Board of Appeals.** The Arlington County Local Board of Appeals (also referred to as BFPCA) is hereby established. Any person or entity cited for violation, or when aggrieved by an adverse decision or interpretation by the fire code official made against it, under the provisions of either the Arlington County Fire Prevention Code or the Virginia Statewide Fire Prevention Code, may appeal to the BFPCA upon the grounds and in the manner set forth in the SFPC.

**112.2 Membership.** Delete, rename, and substitute as follows: Subsections 112.2.1 and 112.2.2 are retained in full without revision.

**112.2 Members of the local board of appeals.** In accordance with the SFPC, the BFPCA (Local Board of Appeals) shall consist of at least five (5) members who are qualified by experience and training to rule on matters pertaining to the SFPC, building construction and fire prevention. All appointments to the local board of appeals shall be made by the Arlington County Board. The members of the local board of appeals shall be appointed to serve four (4) year terms. The local board of appeals shall elect its own officers, including a chair, secretary, and vice chair. Alternate members may be appointed to serve in the absence of any regular members and as such, shall have the full power and authority of regular members. Regular and alternate members may be reappointed at the discretion of the County Board. Written records of current membership, including a record of the current chair and secretary shall be maintained in the County Board Office. In order to provide continuity, the terms of the members may be different lengths so that less than half will expire in any one-year period. \* \* \*

**202. Definitions.** Add or amend the following words, terms, and meanings:

**BLASTING** - The process of moving, heaving, breaking, or shattering soils or 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.

**COMMERCIAL COOKING APPLIANCES** – Appliances used in a commercial food service establishment, including Mobile Food Units, for heating or cooking food and which produce grease laden vapors, steam, fumes, smoke or odors that are required to be removed through a local exhaust ventilation system. Such appliances include deep fat fryers, upright broilers, griddles, broilers, steam-jacketed kettles, hot-top ranges, under-fired broilers (charbroilers), ovens, barbecues, rotisseries, and similar appliances, including similar domestic appliances used for commercial purposes. For the purpose of this definition, a food service establishment shall include any Mobile Food Unit, building, or a portion thereof used for the preparation and serving of food.

**DUPLEX** – A single family dwelling unit constructed in a group of two.

**DWELLING, ONE AND TWO FAMILY** – Any single family detached private dwelling, townhouse, or duplex residential occupancy.

**FIRE CHIEF** – Add the following sentence to the SFPC definition: The head of the Arlington County Fire Department, Arlington County Virginia, also referred to as the "Fire Chief" or "Chief of the Fire Department", "County Fire Chief" or "County Chief of the Fire Department."

**FIRE CODE OFFICIAL** - Add the following sentence to the existing definition: or designee and shall also have the same meaning and authority as "Fire Marshal" or "Chief Fire Marshal," as defined in Article I herein.

**FIRE COMMAND CENTER** – Add the following sentence to the existing definition: Fire Control Room shall have the same meaning as Fire Command center.

**FIRE PREVENTION OFFICE** - The County Fire Marshal, and, under the authority of the Chief Fire Marshal, the Deputy Fire Marshal and members of the Fire Marshal's staff, also referred to as the "Fire Prevention Office" or the "fire code official."

**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.

**MOBILE FOOD UNIT** – Same as Mobile Food Preparation Vehicle.

**OPEN FLAME COOKING DEVICE** – Open flame or devices capable of emitting flame or fire, used to cook, heat, warm, smoke, or otherwise prepare food. Including but not limited to: charcoal burners, gas grills, liquid or solid fueled devices, pellet grills, smokers, including devices utilizing electricity to ignite or burn a solid fuel.

**OPERATIONS PROCEDURE MANUAL** - A manual, as approved by the fire code official, that describes the various components and procedures for operating all fire protection equipment and/or systems in a building, structure, or premises.

**PERMISSIBLE FIREWORKS** - Add to the existing definition: Fireworks tested and listed as permissible on the Virginia State Permissible Fireworks List, developed and approved in conjunction with the Virginia State Fire Marshal.

**PERSON IN CONTROL** - Any entity, firm, corporation, or person, even a person of low rank or authority, who is solely or jointly in control of all or any portion of the premises, facility, structure, vehicle, device, other property, substance, material, gas, liquid, chemical, or condition regulated by this code. A "person in control" includes an owner, lessee, operator, permit holder, tenant, occupant, manager, employee, agent, contractor, attendant, or other person.

**ROOF, ROOFTOP** – The flat or sloped surface constructed on top of the exterior walls of a building or other supports for the purpose of enclosing the story below, or sheltering an area to protect it from the elements.

**SPECIAL EVENT** – An event in the community such as a carnival, celebration, entertainment exhibition, fair, festival, grand opening, historical reenactment, pageant, parade, pub crawl, or other similar events in or on public spaces.

**SUBSURFACE STRUCTURE** – Any structure or portion thereof, below grade, used or intended for supporting or sheltering any use or occupancy. 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.

**301.2 Permits.** Delete and substitute as follows:

**301.2 Permits.** Permits shall be required as set forth in Section 107.2 and 108 for the activities or uses regulated by Sections 306, 307, 308, and 315.

**302.1 Definitions.** Add the following words, terms, and meanings defined in Chapter 2.

PERSON IN CONTROL

**304.1 Waste accumulation prohibited.** Add the following: 304.1.1.1, and 304.1.1.2

**304.1.1.1 Handling readily combustible materials.** Any person producing, using, storing, responsible for, or otherwise under their control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw, or other combustible waste material, shall at the close of each day either (a) cause all such material to be compactly baled and stacked in an orderly manner, (b) removed from the site, or (c) stored in suitable vaults or in metal, metal-lined or other approved noncombustible and covered receptacles, or bins.

**304.1.1.2 Baling equipment.** Baling equipment deemed suitable by the fire code official, in his/her professional judgment, shall be installed and used in stores, apartment buildings, factories, and other buildings or structures where accumulations of paper and waste materials are not removed from the site at least once every day.

**304.3 Containers.** Add the following: 304.3.3.1.

**304.3.3.1 Identification and contact information.** All containers exceeding one point five (1.5) cubic yards used for the disposal of waste materials or trash shall be marked with the name of the owner and a twenty-four (24) hour contact number in the event that emergency removal is required.

**307.1 General.** Add the following: 307.1.2, and 307.1.3

**307.1.2 Burning of leaves and yard waste.** The burning of leaves and yard waste is prohibited.

**307.1.3 Objectionable smoke, odor or hazard.** Burning that produces smoke or odor emissions, which create a hazard, as determined by the fire code official, or when atmospheric or local circumstances make such fires hazardous, shall be prohibited.

**307. Open burning, recreational fires and portable outdoor fireplaces.** Add the following: 307.6, 307.7 and 307.8

**307.6 Endangering other persons or property.** No person shall kindle, authorize to be kindled or maintain any permitted fire in such a manner that could endanger the person or property of another.

**307.7 Prohibited conduct.** No person shall maliciously, carelessly, or negligently set fire to, burn, or cause to be burned, any real or personal property.

**307.8 Allowable fuels.** Only seasoned dry firewood, charcoal, or similar clean burning materials shall be permitted as solid fuel for outdoor warming fires, portable outdoor fireplaces, and recreational fires. Treated wood, land clearing waste, leaves, yard waste, rubbish, furniture, paper, or refuse shall not be used as fuel.

**307.4.4 Permanently Constructed Outdoor Fireplaces and Bar-b-ques.** Permanently constructed outdoor fireplaces and bar-b-ques shall be permitted, installed, and maintained in accordance with the applicable building code.

**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, or solids shall not be operated or stored on any balcony, rooftop, or deck of any building, or within fifteen (15) feet of combustible construction or a residential building, hotel, or motel.

**Exceptions:**

1. One- and two-family dwellings, including townhouse(s).
2. In buildings, balconies and decks protected by an automatic sprinkler system, or cooking devices using an approved, permanently installed, natural gas system as the sole fuel heating source which are: listed by a nationally recognized testing authority; securely mounted to prevent overturning; properly installed in accordance with the manufacturer's installation instructions; and approved, permitted, and inspected by the Arlington County Building Code Official, may be operated on non-combustible balconies, and decks.
3. Open gas cooking devices using an approved, permanently installed, natural gas system as the sole fuel or heating source, which are: listed by a nationally recognized testing authority; securely mounted to prevent overturning; properly installed in accordance with the manufacturer's installation instructions; and approved, permitted, and inspected by the Arlington County Building Code Official may be operated on non-combustible rooftop patios.

**308.1.4 Open-flame cooking devices.** Add the following 308.1.4.1 and 308.1.4.2:

**308.1.4.1 Notification.** The person in control or management agent of multi-family residential occupancies which have balconies, patios, terraces, and/or decks shall notify their tenants or occupants in writing of the prohibitions outlined in Section 308.1.4 of this code. Such notification shall occur when the tenant or occupant initially occupies, renews a lease, and periodically thereafter as may be necessary to ensure compliance.

**308.1.4.2 Manufacturer’s instructions.** All charcoal burners and other open-flame cooking devices fueled by combustible or flammable gases, liquids, or solids shall be properly listed for the intended application, and used in accordance with the manufacturer’s operating instructions.

**311.2.2 Fire Protection.** In exception #2 change “Fire Chief” to “Fire Code Official”

**316. Hazards to fire fighters.** Add the following 316.7, and 316.8:

**316.7 Obstacles.** No accumulation or concentration of materials or objects shall be placed and/or located in such a manner or circumstance that, in the professional opinion of the fire code official, creates an obstacle or hindrance to occupants or fire and/or emergency personnel for ingress, egress, and/or emergency escape from any window or door is created.

**316.8 Biohazards.** No biohazards shall be accumulated or stored in a structure, dwelling or unit that, in the professional judgment of the fire code official, creates a risk to the health or safety of fire and/or emergency personnel.

**403. Emergency preparedness requirements.** Add the following: 403.2.5 and 403.2.5.1.

**403.2.5 Capacity control.** The owner, operator, or other person in control shall develop a system to manage the occupancy capacity to avoid overcrowding, and such system approved by the fire code official and include a counting system to record the number of occupants. This system shall be implemented outside the main entrance(s) and include a mechanism to accurately count persons as they enter the structure. Capacity counting and/or means of ingress shall not restrict occupant egress. There shall be no overcrowding.

**403.2.5.1 Disclosure of number of occupants.** The number of occupants, accurately recorded by the counting mechanism described above, shall be disclosed to the fire code official at any time upon request.

**403.12.2 Public safety plan for gatherings.** Add the following: 403.12.2.1, 403.12.2.2.

**403.11.2.1 Notification.** The owner, lessee or management agent shall notify the fire prevention office of the gathering and request a pre-gathering inspection of the premises and public safety plans.

**403.11.2.2 Permit required.** A permit shall be required for all gatherings, both indoor and outdoor, that in the professional judgment of the fire code official requires inspection by the fire prevention office to address fire and life safety concerns.

**405.2 - Table 405.2 Fire and Evacuation Drill frequency and participation.** Add the following to the end of the table:

Child Care Facilities	Monthly	All occupants
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**501.2 Permits.** Delete and substitute as follows:

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

**502.1 Definitions.** Add the following words, terms, and meanings defined in Chapter 2.

OPERATIONS PROCEDURE MANUAL  
SPECIAL EVENT

**503. Fire apparatus access roads.** Add the following: 503.1.4

**503.1.1 Buildings and facilities.** This section is retained in full with the following revisions. Insert the following after the last sentence. *“The fire code 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 firefighting and rescue apparatus.”*

**503.1.4 Special event access.** It shall be the responsibility of the owner, operator or other person in control of the establishment, erection or operation of any special event to establish, erect and maintain an access lane, not less than twenty (20) feet in width and capable of supporting fire and rescue apparatus in all weather conditions and which afford access to within fifty (50) feet of all booths, tents, rides, and any other equipment, buildings, or structures used as part of, or in conjunction with, the special event.

**503.3 Marking.** Change “NO PARKING - FIRE LANE” to “NO PARKING OR STANDING – FIRE LANE”. Add the following: 503.3.1, 503.3.2, Figure 503.3.2.1, 503.3.3 and 503.3.4.

**503.3.1 Responsibility.** The property or building owner shall supply, install and maintain all signs and other required markings to delineate fire lanes, as directed and approved by the fire code official.

**503.3.2 Specifications.** Fire lane signs shall conform to the following specifications:

1. Approved fire lane signs must meet the following specifications:
  - (a) Metal construction, dimensions twelve (12) inches wide by fifteen (18) inches high.
  - (b) Red letters on a reflective white background with three-eighths (3/8) inch red trim strip around the entire outer edge of the sign.
  - (c) Wording and lettering size as follows, spacing between words to be uniform:

NO PARKING	[two (2) inches, capitalized]	
OR	[one (1) inch, capitalized]	
STANDING	[two (2) inches, capitalized]	
FIRE LANE	[two and a half (2 1/2) inches, capitalized]	
← →	[arrow (as required) one (1) inch by six (6)	inches
	with a solid head, one and one half (1 1/2)	inches
wide	by two (2) inches deep solid graphic	depiction]

Figure 503.3.2 Fire lane signs



2. Other special signs may be approved by the fire code official.
3. Signs and markings shall be maintained in good repair, in clear and visible condition, free from obstruction, vegetation, etc.

**503.3.3 Location.** Signs or markings shall be placed as follows:

1. Where fire lanes run through parking areas where there is no adjacent curbing and posting of an approved metal sign is not practical, "NO PARKING OR STANDING - FIRE LANE" shall be painted on the pavement in letters at least two (2) feet high.

2. Signs shall be posted at maximum intervals of seventy-five (75) feet with the bottom of the sign seven (7) feet above finished grade unless otherwise approved by the fire code official. The signs shall be installed parallel to the line of curbing or pavement edge, visible to approaching traffic.
3. Posts for signs, when required, shall be metal and securely mounted, unless otherwise approved by the fire code official.
4. Curbing shall be painted solid yellow within the limits of the fire lane.
5. When curbing is not present, a yellow line shall be painted on the pavement along the perimeter and within the limits of the fire lane.

**503.3.4 Fire lane signs.** It shall be unlawful for any person to deface, damage, alter, tamper with, remove, destroy or otherwise impair the function of any posted fire lane sign installed under the provisions of this code without the permission of the fire code official.

**503.4 Obstruction of fire apparatus access roads.** Add the following: 503.4.2.

**503.4.2 Obstructions and unlawful activities.**

1. It shall be unlawful for any person to park, stop, stand or otherwise obstruct an area designated and marked as a fire lane.
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, in the manner and at the time such violation occurred.
3. In addition, any vehicle parked in violation of this section may be towed or impounded and held until the penalty provided, and the towing and storage charges incurred, are paid in full.
4. This section shall be enforced by the Fire Prevention Office and the Arlington County Police Department.
5. Any violation of this section shall be punishable as a traffic infraction.

**503.5 Required gates or barricades.** Add the following: 503.5.2.

**503.5.2 Emergency operation system for gates and barricades.** Gates and barricades installed across, or which impede access to, a fire apparatus access road shall be installed with an approved fire department access system, including an emergency override fire department master key switch as approved by the fire department. The access system, gates, and barricades shall be maintained by the owner, operator, or person in control in an operational condition at all times.

**504. Access to building openings and roofs.** Add the following: 504.4 and 504.5.

**504.4 Exterior stairway door marking and access for mid-level and high-rise buildings.**

In all new and existing buildings over three stories in height, exterior stairway doors shall be identified by a sign affixed to the exterior side of the door with the words STAIRWAY ACCESS. The signs shall be a minimum size of 20 inches by 5 inches, with contrasting letters a minimum of 2 inches in height. Where access to stairways is not available from the interior of the building at the lobby or grade level, exterior stairway doors shall have operable door handles and keyed entry locks on the exterior side of the door. The labelled keys to these doors shall be kept on key rings in the key box required by section 506.1.3

**504.5 Access to portions of a building not accessible from the main street address.** In all new and existing

buildings having floors, units, suites, or spaces that are not accessible from the interior of the building through the main address entrance, or lobby entrance, such arrangements shall be clearly depicted on the fire alarm annunciator panel, or on a separate, approved building schematic plan posted adjacent to the fire alarm annunciator panel. The exterior access door to such space shall have operable door handles and keyed entry locks on the exterior side of the door. The keys to these doors shall be kept on key rings in the key box as required by section 506.

**505.1 Address numbers.** Delete and substitute as follows:

**505.1 Street Address Identification.** Every owner of a dwelling unit or building shall display the Arlington County assigned street address identification on each front entrance to the dwelling unit or building. Street address identification shall be displayed in a contrasting color to the background or building and be displayed in Arabic numerals or Roman alphabet letters. Numbers or letters shall be a minimum of four (4) inches (102 mm) high with a minimum stroke width of 0.5 inches (12.7mm) and displayed in a manner so as to be visible and distinguishable from the curb line or pavement edge of the opposite side of the street on which the dwelling unit or building. If a dwelling unit or building is located on a parcel of land whose street frontage is such that there is no opposite side of the street, the street address identification shall be clearly visible and distinguishable from a distance of thirty (30) feet from the curb line or pavement edge of the street adjacent to the property. In the event the location of the dwelling unit or building or other factors preclude compliance with the above requirements, an additional street address identification shall be displayed on, or in the vicinity of, the dwelling unit or building in such a manner as to be visible and distinguishable as provided above. Street address identification shall be maintained in a clean and plainly legible condition at all times and replaced or repaired when necessary to ensure clear visibility. Vegetation or ornamentation shall not obscure the street address identification.

**505 Premises identification.** Add the following: 505.1.1

**505.1.1 Identification of portions of a building not accessible from the main street address.** In all new and existing buildings having floors, units, suites, or spaces that are not accessible from the interior of the building through the main address entrance, or lobby entrance, the exterior access door to such space shall have a sign affixed to the exterior surface of said door stating the floor, unit, suite, or space to which it provides access.

**506.1 Where required.** Add the following: 506.1.3, 506.1.4 and 506.1.5.

**506.1.3 Key box number and labeling of required keys.** In buildings with fire command centers, the person in control shall provide fifteen (15) sets of common keys on a key ring, which shall be located in a key box in the fire control room. The keys are required 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 without fire command centers, the person in control shall provide seven (7) sets of common keys to be located in a key box in a location approved by the fire code official. 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 code official.

**506.1.4 Other fire department access boxes.** Additional access key boxes may be required as determined by the *Fire Code Official* based on the size and physical layout of the site. The key box shall be sized to accommodate at least four (4) sets of keys, or as determined by the *Fire Code Official*. The number of keys in additional boxes will not count towards the required keys in the Fire Control Room. Voluntarily provided fire department key access boxes should contain one (1) key to access the premises served, and any other keys as determined necessary by the owner, occupant, operator, or other person in control. All keys shall be clearly labeled as to function and individually tagged.

**506.1.5 Location of Key Boxes.** The primary key box shall be located adjacent to the main entrance on the street address side of the building or structure or any other location(s) approved by the fire code official. Key boxes, regardless of location, shall be mounted a minimum of forty-two (42) inches and a maximum of fifty-four (54) inches from the ground.

**506.2 Key box maintenance.** Add the following: 506.2.1.

**506.2.1 Maintenance.** The owner, or designee, of the building shall maintain all locks and keyways in proper and lubricated working order at all times. All keys shall be updated or replaced as necessary, and maintained as required to ensure emergency access.

**507.3 Fire Flow.** This section is retained in full with the following revisions: Delete “*by an approved method*” near the end of the section and replace with “*in accordance with Appendix B*”

**507.5.1.1 Hydrant for Standpipe Systems.** Delete, rename, and substitute as follows:

**507.5.1.1 Hydrant for Standpipe and Sprinkler Systems.** Buildings equipped with a standpipe and/or sprinkler system installed in accordance with Section 903 or Section 905 shall have a fire hydrant within 75 feet of the fire department connections.

**Exception:** The distance may exceed seventy-five (75) feet, when approved by the fire code official in his professional judgment.

**507.5.5 Clear space around hydrants.** Delete, rename, And substitute as follows:

**507.5.5 Clear space around hydrants and fire department connections.** A 3-foot clear space shall be maintained around the circumference of any fire hydrant or fire department connection. No person shall erect or place any obstruction, including plants, and/or shrubbery within three (3) feet of any fire hydrant or fire department connection.

**508. Fire command center.** Add the following: 508.1.6 #5

**508.1.6 #5 Fire command center.** An operations procedure manual shall be maintained in the fire command center in a manner and location approved by the fire code official. The manual shall outline operational procedures for the fire service features and protective equipment and contain the documentation required in Section 508.1.6.

**510. Maintenance of in-building emergency communications equipment.** Add the following: 510.2.1.

**510.2.1 Internal antenna/amplifier systems.** As determined by the fire code official, or as otherwise required by Arlington County, increased amplification systems are required in certain structures and construction features. Such increased amplification systems and communications equipment will meet the standards as outlined in the International Fire Code *In-building emergency communications coverage* and applicable appendices, or other equipment or MHz frequency range as deemed appropriate by the fire code official. Where required or installed, building owners shall provide sufficient space and conduit for the systems and access to permit installation, testing, inspection and maintenance by the county or, as otherwise required, by the building owner.

**601.1 Scope.** This section is retained in full with the following revisions: Add the following sentence to the end of the paragraph: “*Including commercial cooking operations involving Mobile Food Units*”.

**601.2 Permits.** Delete and substitute as follows:

**601.2 Permits.** Permits shall be obtained for refrigeration systems, battery systems, solar photovoltaic power systems, commercial kitchen hoods and mobile food units as set forth in Section 107.2 and 108.

**901.3 Permits.** Delete and substitute as follows:

**901.3 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**901.6 Inspection, testing and maintenance.** This section is retained in full with the following revisions:

Following the first sentence, after the word “*constructed,*” add “*or voluntarily installed.*” Subsections 901.6.1, 901.6.2, 901.6.2.1 are retained in full without revision.

**901.6. Inspection, testing, maintenance.** Add the following: 901.6.3, 901.6.3.1, 901.6.4, and Table 901.6.3.1.

**901.6.3 Periodic testing.** Periodic inspections and tests of all fire protection systems shall be performed in accordance with the respective NFPA standards and other codes as required under this Chapter. The

test shall be witnessed by the fire code official or his/her designee. The building owner or designee shall be present to escort fire inspectors and contractors throughout the building or facility during testing at all times. The fire code official shall assess fees in accordance with this Ordinance for the witnessing of such tests. The building owner or designee shall pay all assessed fees.

**901.6.3.1 Testing and inspection/re-inspection fees.** Fees for witnessing the testing and for inspection/re-inspection of existing fire protection equipment and systems shall be assessed. Fees shall be based on the time reserved by the applicant for the Fire Prevention Office to conduct the inspection/re-inspection or witness the test(s); or the actual time required to complete the inspection/re-inspection or witness the test(s), whichever is greatest. Table 901.6.3.1 shall serve as a guideline for determining when such a fee is required. The Fire Prevention Office must be notified of a cancellation of a scheduled inspection/re-inspection or site visit. To avoid the imposition of a fee due to a cancellation, a minimum notice of twenty four (24) hours is required. Notice received in less than twenty four (24) hours, or if no notice is provided to the Fire Prevention Office, the full fee shall be assessed and paid. Fees are established pursuant to §8.1-13 herein and identified in Table 107.2. (Ord. No. 18-11, 4-21-18, effective 7-1-18)

**901.6.4 Notification.** The fire code official or his/her designee shall be notified before any routine test, repair, alteration or change to any fire protection system is started, regardless of whether such system is required by the building code, this code or other law or ordinance.

**Table 901.6.3.1. TESTING AND REINSPECTION**

Inspection Activity	Condition	Inspected?	Reinspection fee Assessed?
Cancelled off site >24 hours prior to appointment.	N/A	No	No
Cancelled off site <24 hours prior to appointment.	N/A	No	Yes
Inspectors arrive, All required parties not on site.	Cannot test	No	Yes
Cancelled while inspectors on site, test not started.	No test performed	No	Yes
Regular inspection, test started, but not completed.	Substantial deficiencies	Yes	Yes

**901.7 Systems out of service.** Revise as follows. Subsections 901.7.1 through 901.7.6 are retained in full without revision.

**901.7 Systems out of service.** Where a fire protection system is out of service, the Arlington County Fire Department and the fire code official shall be notified immediately and, where required by the fire code 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 (1) approved means for notification of the Arlington County Fire Department. The only duty of fire watch personnel shall be to perform constant patrols of the premises and keep watch for fires. Fire watches shall be established and operate in accordance with Appendix A -- Requirements for a Fire Watch. \* \* \*

**901.7 Systems out of service.** Add the following: 901.7.7, 901.7.7.1.

**901.7.7 Contact information.** All premises or buildings without on-site property management shall have property

emergency contact information posted in an area as approved by the fire code official.

**901.7.7.1 Response.** Within ninety (90) minutes of notifying the Arlington County Fire Department that a system(s) is out of service, the owner or the designated agent of the owner shall be on-site to meet or assist fire officials.

**901.8 Removal of or tampering with equipment.** Delete and substitute as follows: 901.8.1 is retained in full without revision.

**901.8 Removal of or tampering with equipment.** It shall be unlawful for any person to silence, reset, remove, tamper with, damage, destroy, use without just cause or authorization, or otherwise disturb any 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 Arlington County except for the purpose of extinguishing fire, training purposes, recharging, making necessary repairs, or when approved by the fire code official. \* \* \*

**901.8 Removal of or tampering with equipment.** Add the following: 901.8.3.

**901.8.3 Fire hydrants, fire department connections and water mains.** It shall be unlawful for any person to open, use, tamper with, damage or destroy any fire hydrant, valve, fire department connection or water main within the Arlington County limits, except that fire departments may use such hydrants for firefighting or training purposes. **Exception:** Hydrants may be used when a permit has been obtained for such use from the public authority or utility having jurisdiction over the fire hydrant or water line(s).

**904.1.1 Certification or service personnel for fire-extinguishing equipment.** This section is retained in full with the following sentence added at the end of the section. *“Arlington County Fire Prevention Office personnel may require service personnel to provide proof of appropriate certification.”*

**905. Standpipe Systems.** Add the following: 905.12.

**905.12 Testing.** All standpipe systems in buildings and structures shall be tested in accordance with NFPA 25. Buildings with wet and dry pipe systems shall meet the flow demands required at the time of installation or as required by Section 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 ensure workability of said valves. The fire code official, in his discretion, may require buildings with wet and dry systems unable to meet the applicable flow requirements to install automatic fire pumps or tanks.

**907.8.5.2 Responsibilities of owner, agent or tenants for smoke alarms.**

1. The owner or management agent of a dwelling unit which is rented or leased in a residential building containing one (1) or more dwelling units, shall furnish the tenant at the beginning of each tenancy, at each renewal or extension of a tenancy and at least annually, written certification that all required smoke alarms are present, have been inspected, are operational and in good working order.
2. The owner or management agent shall maintain copies of written certification provided to the tenant(s) for the entire lease term that includes an inventory of all smoke alarms in the building, their location and working status. Copies of such written certification shall be made available to the fire code official upon reasonable request.
3. The owner or management agent, or responsible party as otherwise set forth in the lease, shall be responsible for interim testing, maintenance and reasonable care of the smoke alarms, including installation of batteries as required.

4. In accordance with Section 55-248.16 of the Code of Virginia (1950, as amended), the owner or management agent shall repair or replace any inoperative or malfunctioning smoke alarms. Such service, repair or replacement and/or restoration of the alarms to normal operative condition shall occur within five (5) days of their receipt of written notice that a smoke alarm is in need of repair, inoperative or otherwise not properly functioning.

**907.6.6 Monitoring.** Add the following: 907.6.6.3.

**907.6.5.3 Posting of monitoring company information.** The name, telephone number, and account number of the current monitoring company shall be posted and maintained inside the fire alarm control panel. If the fire alarm system is not monitored, a sign shall be posted on the main control panel indicating "Local Alarm System".

**907.8.5 Maintenance, Inspection, and Testing** Add the following: 907.8.5.1.

**907.8.5.1 False, faulty or nuisance alarms.** Whenever false, faulty, or nuisance fire alarm activations occur in any occupancy and exceed three (3) in a twelve (12) month period, the fire code official may require the owner or occupant to conduct a witnessed test of the fire protection system causing the false, faulty, or nuisance alarm. Witnessed testing shall be in accordance with 901.6.3 and 901.6.3.1.

**1031. Maintenance of the means of egress.** Add the following: 1031.2.1.1.

**1031.2.1.1 Security devices.** The use or storage of chains and padlocks on panic hardware shall be prohibited whenever a building or structure is occupied.

**1031.3 Obstructions.** This section is retained in full with the following revision. Add the following sentence at the end of the existing section. *"No person shall sit, stand or otherwise obstruct any means of egress or element of the egress system."*

**2001.3 Permits.** Delete and substitute as follows:

**2001.3 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**2101.2 Permits.** Delete and substitute as follows:

**2101.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**2201.2 Permits.** Delete and substitute as follows:

**2201.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**2301.2 Permits.** Delete and substitute as follows:

**2301.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**2401.3 Permits.** Delete and substitute as follows:

**2401.3 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**2410. Floor Surfacing and finishing operations.** Add the following: 2410.6.

**2410.6 Permit required.** A permit shall be secured from the fire code official before applying a flammable or combustible liquid in floor finishing operations exceeding 350 square feet using Class I or Class II liquids.

**2501.2 Permits.** Delete and substitute as follows:

**2501.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**2601.2 Permits.** Delete and substitute as follows:

**2601.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**2701.5 Permits.** Delete and substitute as follows:

**2701.5 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**2801.2 Permits.** Delete and substitute as follows:

**2801.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**2901.2 Permits.** Delete and substitute as follows:

**2901.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**3001.2 Permits required.** Delete, rename, and substitute as follows:

**3001.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**3103.4 Permits.** Delete and substitute as follows:

**3103.4 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**3104.15.5 Cooking tents.** Add the following: 3104.15.5.1.

**3104.15.5.1 Flame propagation performance treatment.** All textiles, tents and membrane structures for food concessions, where cooking is performed or in places of public assembly shall be composed of material meeting the flame propagation performance standard of NFPA 701 or shall be treated with a flame retardant in an approved manner and meet the flame propagation performance criteria of NFPA 701. Compliance with the NFPA 701 propagation performance criteria and certification shall be effective for the entire period specified by the permit.

**3201.2 Permits.** Delete and substitute as follows:

**3201.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**3401.2 Permits.** Delete and substitute as follows:

**3401.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**3501.2 Permits.** Delete and substitute as follows:

**3501.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**5001.1 Scope.** This section is retained in full with the following revision. In the second line of the first paragraph in this section, after the word “use” insert “transportation.”

**5001.5 Permits.** Delete and substitute as follows:

**5001.5 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**5001.5.1 Hazardous Materials Management Plan.** Add #10.

**5001.5.1 Hazardous Materials Management Plan.**

10. Spill prevention and control procedures.

**5001 General.** Add the following: 5001.8, 5001.9, and 5001.10.

**5001.8 Spills, leaks discharges, and releases of hazardous materials.** Spills, leaks, discharges, and releases of hazardous materials shall be reported immediately to the Emergency Communications Center (ECC) and to the fire

code official.

**5001.9 Environmental assessment and remedial sites.** A copy of all environmental assessments that are completed or performed in response to, or as a result of, a spill, leak, discharge, or release of hazardous materials shall be promptly forwarded to the fire code official. The following shall also apply to remedial sites:

1. Persons in control of any remedial site/s within Arlington County established as the result of a spill, leak discharge, or release of hazardous materials shall submit a copy of the quarterly monitoring report to the fire code official. Sites that are deemed by the fire code official to constitute an imminent threat to human life, property, or the environment shall submit monitoring reports at a more frequency interval, as determined by the fire code official.
2. Persons in control of any remedial site/s that remove and store on-site hazardous materials shall comply with the requirements for barrels, tanks, drums, container or other vessel storage as set forth by the Virginia Statewide Fire Prevention Code and the Code of the County of Arlington Virginia, 1957 as amended. No drum, container or other vessel that has been filled shall be stored longer than ninety (90) days within Arlington County unless approved by the fire code official.
3. A written report shall be made by the owner to the code official giving the precise location, number of, and contents of all barrels, tanks, drums, containers, or other vessels.
4. All release or remedial sites within federal reservations adjacent to, or within Arlington County, that discharge treated water to storm or sanitary sewer, or stream systems that run through or into Arlington County, or where the potential path of product migration may enter the County, shall be required to comply with all County regulations applying to remedial sites.
5. The persons in control of any remedial systems in Arlington County that discharge treated water to the storm or sanitary sewer systems shall be required to install systems that will prevent the accidental discharge of Free Phase Hydrocarbons or other hazardous materials in the event of equipment failure.
6. All remedial sites shall display posted signs clearly identifying their purpose and emergency contact information.
7. Emergency power cutoffs located inside remedial site installations shall be clearly identified.
8. All signs and markings shall be maintained in accordance with Section 5003.5.

**5001.10 Use of chemical dyes to detect leaks.** Prior to the use of any type of chemical dyes for the purpose of detecting or locating leaks in underground piping systems, barrels, tanks, drums, containers or other vessels, Material Safety Data Sheets (MSDS) shall be provided to the fire code official.

**5003.3.1 Unauthorized discharges.** Add the following: 5003.3.2

**5003.3.2 Notification of unauthorized discharges.** Any spill, leak, discharge, or release of a hazardous material which is reportable under 40 CFR Part 355 shall be immediately notified to the Arlington County Emergency Communications Center.

**5004. Storage.** Add the following: 5004.14.

**5004.14 Storage of hazardous materials.** The use of barrels, tanks, drums, containers, or other vessels to store hazardous materials, flammable or combustible liquids, or other environmentally hazardous materials, shall be prohibited unless approved by the fire code official. Only approved vessels with release containment and equipped with the means to control spillage during product transfer shall be permitted. All barrels, tanks, drums, containers, or other vessels located outside of structures shall be equipped to prevent the intrusion of water.

1. All facilities temporarily storing combustible cooking oils awaiting disposal shall secure the storage unit so that it may not be spilled and will prevent any unlawful tampering. Each facility shall have a separate container and shall not share the storage unit with another facility or business.
2. Where permission has been granted by the fire code official to use approved barrels, tanks, drums, containers, or other approved vessels for the storage of hazardous waste, flammable or combustible liquids, or other environmentally hazardous materials, said containers shall be approved for the intended use by the U. S. Department of Transportation (DOT).
3. All barrels, tanks, drums, containers, or other approved vessels shall be protected from the intrusion of water and be stored within areas designed to contain and prevent an unauthorized discharge or release. All barrels, tanks, drums, containers and other approved vessels shall be clearly stenciled with paint, or other method as approved by the fire code official, with the following information:
  - (a.) The full legal name and d.b.a. of the owner.
  - (b.) Address of the business or person in control.
  - (c.) Name or type of the product or materials contained in the vessel.
  - (d.) Date the barrel, tank, drum, container or other vessel was filled.

**5005. Use, dispensing and handling.** Amend the title as follows:

**5005. Use, dispensing, transportation and handling.**

**5005.1 General.** This section is retained in full with the following revision: After each use of the word “dispensing,” add “transportation.” All subsections are retained in full without revision.

**5005.1 General.** Add the following: 5005.5.

**5005.5 Hazardous materials transportation.** Hazardous materials transportation vehicles operating or housed within Arlington County shall be maintained in accordance with the federal regulations contained in 49 Code of Federal Regulations (49 CFR) and the Code of Virginia (1950, as amended). Any duly sworn law enforcement officer of Virginia, including the Fire Marshal, may halt any hazardous materials transportation vehicle that is observed to have a condition or characteristic that suggests, in the professional judgment of the officer or fire code official, that there exists a violation of County, state, or federal regulations governing the transportation of hazardous materials. The vehicle may be detained long enough to determine if the permits required for transporting hazardous materials have been obtained, if the cargo is secure, and if the observed condition, or characteristic, presents an immediate threat of a transportation related spill and/or a catastrophic event. The hazardous materials transportation vehicle may resume operation if it is found to be in good repair and free of leaks, in accordance with the SFPC and its referenced standards. If that finding is not made, the vehicle shall be detained until the proper repairs or adjustments are made where it is situated, or it is removed to a safe location, as determined by the fire code official, and repaired or adjusted, whichever is appropriate. Upon refusal of the operator or owner of the vehicle to make the repairs or adjustments required by the fire code official, the vehicle shall be impounded by the fire code official until all necessary repairs are made and all accrued impound and towing fees are remitted by the owner to the Treasurer, Arlington County

**5101.2 Permits.** Delete and substitute as follows:

**5101.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**5301.2 Permits.** Delete and substitute as follows:

**5301.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**5401.2 Permits.** Delete and substitute as follows:

**5401.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**5501.2 Permits.** Delete and substitute as follows:

**5501.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**5601.1 Scope.** This section and all exceptions are retained in full with the following revisions. Insert the word “*transportation*” to the second line after the word “*manufacture*”.

**5601.1 Scope.** Delete exception 8 in its entirety. Renumber current exception 9 as exception “8.” Renumber current exception 10 as exception “9.” Renumber current exception 11 as exception “10,” Renumber current exception 12 as exception “11.” The remainder of the section is retained in full without revision.

**5601.1 Scope.** Add the following: 5601.1.6.

**5601.1.6 Manufacturing.** The manufacture of explosives, explosive materials, small arms ammunition, and blasting agents shall be prohibited.

**Exception:**

This shall not apply to the hand loading of small arms ammunition prepared for personal use and not offered for resale, to the assembly of two (2) component explosives for use on-site or to the mixing of blasting agents for use on-site.

**5601.2 Permit Required.** This section and all exceptions are retained in full with the following revisions. Insert “*and 108*” after 107.2.

**5601.2.4 Financial responsibility.** Retain and revise as follows:

**5601.2.4 Insurance required.** Where ever one million dollars (\$1,000,000) is referenced, delete and substitute with five million dollars (\$5,000,000). Add to the end of this section: 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 all permitted and related operations or activities are completed. Government entities shall be exempt from this insurance requirement.

**5601.2.4.1 Blasting.** Change \$1,000,000 to \$5,000,000.

**5601.2 Permit Required.** Add the following: 5601.2.5.

**5601.2.5 Vehicle permits.** Any vehicle transporting explosive materials, explosives, or blasting agents within the County shall be required to obtain a vehicle permit from the fire code official. The permit shall be valid for six (6) months and shall be revoked for failure to maintain the vehicle in a safe operating condition compliant with DOTn 49 CFR. Permits required shall be as listed in Section 107.2. and 108.

**5601.7 Seizure.** Delete and substitute as follows:

**5601.7 Seizure.** At the sole expense of the owner or person in possession, the fire code official is authorized to impound, remove or cause to be removed or disposed of in an approved manner, any explosive materials, explosives, blasting agents, or fireworks stored, possessed, or otherwise used in violation of this chapter.

**5602.1 Definitions.** Add the following words, terms, and meanings defined in Chapter 2.

BLASTING  
FLYROCK

**5603.4 Accidents.** Delete and substitute as follows:

**5603.4.1 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 code official immediately.

**5603. Record keeping and reporting.** Add the following: 5603.8, 5603.9.

**5603.8 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 Fire Prevention Office, which will take possession thereof for the purpose of safeguarding or disposal.

**5603.9 Complaints.** All complaints received by a blaster, blasting company, agency, person in control or other responsible party shall be immediately reported by telephone to the fire code official and the Arlington Emergency Communications Center

**5604.1 General.** This section is retained in full with the following revisions:

Insert the words "*and transportation*" to the first line after the word "*storage*". Add the following at the end of the section. "*The storage of explosives, blasting agents, or Division 1.3G fireworks is prohibited within Arlington County.* Add the following exceptions:

**Exceptions:**

1. The temporary storage for use in connection with approved blasting operations, wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive activated power tools in quantities involving less than five hundred (500) pounds (227 Kg) of explosive material.
2. The storage of fireworks at display sites in accordance with Section 5608.5 and NFPA 1123 or NFPA 1126.
3. Explosive materials used for laboratory testing purposes, up to one (1) pound total in storage of which no more than one-fourth (¼) pound is in use at any time, as approved by the fire code official.

**5604.1 General.** Add the following: 5604.1.1, and 5604.1.1.1.

**5604.1.1 Enforcement.** The Arlington County Fire Prevention Office shall enforce the regulations contained herein pertaining to the intra-county transportation of explosives.

**5604.1.1.1 Notification.** Operators of vehicles transporting explosives within Arlington County shall immediately notify the fire code official upon experiencing a mechanical breakdown, accident, or being otherwise unable to move the vehicle.

**5604.2 Magazine required.** Add the following: 5604.2.1.

**5604.2.1 Control in wholesale and retail stores.** The storage or display of explosives, explosive materials, and blasting agents in wholesale or retail facilities is prohibited unless in a magazine.

**5604.3 Magazines.** This section is retained in full with the following revisions: Add the following at the end

of the subsection: "*A Type I magazine: shall be used for the overnight storage of explosives regardless of quantity.*"

**Table 5604.3. STORAGE AMOUNTS AND MAGAZINE REQUIREMENTS FOR EXPLOSIVES, EXPLOSIVE MATERIALS, AND FIREWORKS, 1.3G MAXIMUM ALLOWABLE QUANTITY PER CONTROL AREA** is incorporated in full with the following revision. Amend Table 5604.3 to include Note D. "*Type 1 magazine shall be used for the overnight storage of explosives regardless of quantity.*"

**5605.1 General.** This section is retained in full with the following revisions: Delete the word "*fireworks*" from the first sentence; add, "*(as amended)*" after code citations and add to the end of the first paragraph the following sentence: "*The manufacture of fireworks within Arlington County is prohibited. The display, sale, or discharge of fireworks shall comply with the requirements of this section and with all other laws.*"

**5607.3 Blasting in congested areas.** Add the following: 5607.3.1, and 5607.3.2.

**5607.3.1 Pre-blast surveys.** A pre-blast survey shall be performed on each structure located within a minimum of one hundred and fifty (150) feet and any well located within a minimum of two hundred and fifty (250) feet of the blast site. Written confirmation that the pre-blast survey has been done shall be maintained by the blasting contractor. Documentation consisting of a written acknowledgement that the survey has been performed (or declined by any adjacent property owner) and a map depicting the above referenced one hundred and fifty (150) and two hundred and fifty (250) feet radius, shall be provided to the fire code official at the time of the Explosive Use Site Permit Inspection meeting. 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 aforesaid ranges. If permitted by the owner(s), said surveys shall be conducted to determine the pre-blast conditions of these structures. A minimum of fourteen (14) day notice shall be provided for the scheduling of the pre-blast survey.

**5607.3.2 Pre-blast notification.** All structures located within a minimum of three hundred (300) feet of the blast site shall be notified of the upcoming blasting ten (10) days prior to blasting and no blasting shall occur until such notice has been given. Such notification shall be made by certified mail to the last known address of the owner(s) of any structures located within the aforesaid range.

**5607 Blasting.** Add the following: 5607.17.

**5607.17 Blasting in asbestos or other rocks and soils.** Blasting operations conducted in asbestos, 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 code official and the blaster-in-charge must obtain and maintain all necessary health, safety, and environmental permits or approvals.

**5608. Fireworks Display.** Amend title as follows:

**5608. Fireworks and Model Rockets.**

**5608.1 General.** This section is retained in full with the following revision. Add the following at the end of the first sentence, "*The manufacture of fireworks within Arlington County is prohibited. Any person or entity which displays, sells, offers to sell, or discharges fireworks shall comply with the requirements of this Section and all other laws. This Chapter shall also govern the design, construction and use of model rockets.*"

**5608.1 General.** Add the following: 5608.1.1, 5608.1.2.

**5608.1.1 Prohibited activities.** Except as provided for in section 5608, 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 within Arlington County. Fireworks that explode or emit flames or sparks to a distance greater than twelve (12) feet or which are projectiles and quick match fuses are prohibited.

**5608.1.2 Permissible fireworks.** Permissible fireworks shall have a hard-coated or slow burning fuse at least one and one half (1.5) inches long with a burning rate of not less than four (4) seconds and which only explode or emit

flame or sparks to a distance of less than twelve (12) feet. All fireworks shall be used in accordance with the manufacturer's instructions. The provisions of Section 5608.1.1 shall not apply to fireworks that have been approved by the Fire Prevention Office. The sale or storage of any fireworks shall be prohibited on the property of another without the express written permission of the owner. The use of permissible fireworks on private property shall only be with the express approval of the property owner. The use of permissible fireworks on public property is prohibited.

**5608.2 Permit application.** Add the following: 5608.2.1.1, 5608.2.3.

**5608.2 Permit application.** This section is retained in full with the following revision. Add the following at the end of the first sentence, "*Applications for fireworks display permits must be submitted at least 30 calendar days prior to the date of the display*".

**5608.2.1.1 Permit and insurance required for display of aerial fireworks.** The Fire Prevention Office may issue permits, upon written application, 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 1124, as listed in Chapter 80 of this code. After such permit has been issued, the association, organization, group or individual to whom it is issued may make use of such fireworks under the terms and conditions of such permit. No permit shall be issued until the applicant files with the Fire Prevention Office a certificate of insurance proving the applicant has general liability insurance in the amount of at least five million dollars (\$5,000,000) combined single limit for bodily injury and property damage. This insurance policy shall provide coverage for any damage to person or property arising from or caused by the acts or omissions of the applicant, his/her agents or employees in connection with the display of aerial fireworks or other permitted activities upon which any judicial judgement results. The applicant shall ensure 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 all permitted and related operations or activities are completed. A certificate of insurance shall be filed with the Arlington County Fire Prevention Office forty-eight (48) hours prior to aerial display or use of such named fireworks.

**5608.2.3 Permit and insurance required for sale of fireworks.** Where ever one million dollars is referenced, substitute with five million dollars (\$5,000,000). Add to the end of this section: 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 all permitted and related operations or activities are completed. Government entities shall be exempt from this insurance requirement.

**5608. Fireworks and Model Rockets.** Add the following: 5608.11, 5608.11.1, 5608.11.2, 5608.11.3, 5608.12, 5608.13, and 5608.13.1.

**5608.11 Retail display and sale.** In addition to the restrictions set forth in Section 5601.2.2, retail sales of permissible fireworks shall be only be conducted from approved fixed locations. Such locations shall comply with all rules and regulations applicable to such sites. The sale or storage of any fireworks is prohibited on the property of another without the express written permission of the owner.

**5608.11.1 Precautions.** Fireworks displayed for retail sale shall not be made readily accessible to the public. A minimum of one (1) pressurized water fire extinguisher complying with Section 906 shall be located not more than fifteen (15) feet and not less than ten (10) feet from the hazard. "No Smoking" signs complying with Section 310 shall be conspicuously posted in areas where fireworks are stored or displayed.

**5608.11.2 Sales to minors prohibited.** The sale of permissible fireworks to persons under the age of eighteen (18) is prohibited unless the minor is accompanied by a parent or legal guardian.

**5608.11.3 Records to be kept by wholesaler and retailer.** In addition to the requirements set forth at Section 3303, wholesalers and retailers shall maintain full and complete records of all purchases and sales of fireworks

sold or distributed in Arlington County. The fire code official or designated agent is authorized to examine the books and records of any wholesaler or retailer as they relate to the purchases and sales of fireworks within Arlington County.

**5608.12 Approval of permissible fireworks.** Persons and entities engaged in selling, distributing, or offering fireworks for sale shall submit to the fire code official a list of fireworks for approval. Such persons or entities may also be required to submit to the Arlington County Fire Prevention Office at least five (5) samples of each listed firework, together with complete specifications including the manufacturer and trade name of such fireworks and a chemical analysis of each such fireworks so submitted. Said samples, specifications, and chemical analysis shall be submitted to the Arlington County Fire Prevention Office no later than one hundred and twenty (120) days prior to the proposed sale, offering or delivery date in Arlington County. No wholesaler or retailer shall sell, offer to sell, display, or deliver in Arlington County any fireworks other than those so approved by the Arlington County Fire Prevention Office. Approval for sale in another jurisdiction is not a substitute for approval by the Arlington County Fire Prevention Office.

**5608.13 Seizure and destruction of certain fireworks.** The Arlington County Fire Marshal and law enforcement officer are authorized to seize and hold fireworks in violation of this ordinance until final disposition of any criminal proceedings related to the violation/s. Any fireworks impounded under this section shall thereafter be destroyed unless otherwise directed by a court of competent jurisdiction.

**5608.13.1 Destruction of fireworks.** Where no criminal proceedings can be instituted due to lack of knowledge as to who owns or is responsible for the fireworks, or where fireworks have been voluntarily surrendered to a county official or have been abandoned, those fireworks shall be destroyed after thirty (30) days.

**5701.4 Permits.** Delete and substitute as follows:

**5701.4 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**5702.1 Definitions.** Add the following words, terms, and meanings defined in Chapter 2.

#### SUBSURFACE STRUCTURE

**5704.1 General.** Add the following: 5701.1.1, and 5704.1.2.

**5704.1.1 Tank design, installation, maintenance and testing.** The design, installation, maintenance, testing and operation of all flammable and combustible liquid storage tanks shall comply with the current requirements of State Water Control Board, 9 VAC 25-91, 9 VAC 25-580, SFPC, and the Uniform Statewide Building Code. Prior to any testing of underground storage tanks, a permit shall be obtained from the fire code official.

**5704.1.2 Containers, tanks, equipment and apparatus.** All storage facilities comprised of any number of tanks, above or below, ground with a total capacity of six hundred sixty (660) gallons or more shall maintain on-site a Spill Prevention Control and Hazardous Materials Management Plan (HMMP) as required in Section 5001.5.1. Preparation of the HMMP shall be the responsibility of the operator of the facility. The HMMP shall be certified by a licensed professional engineer and approved by the fire code official.

**5704.2.7.10 Leak Reporting.** Delete, rename, and substitute as follows: Subsection 5704.2.7.10.1 is retained in full without revision.

**5704.2.7.10 Spills, leaks, discharges and other releases.** Any person who witnesses, discovers, or otherwise has knowledge of a spill, leak, discharge or other release of flammable or combustible liquid/s shall immediately report such spill, leak or release to the fire code official and the Arlington County Emergency Communications Center. When a spill, leak, discharge, or other release occurs, or when a spill, leak, discharge, or other release is discovered, the owner, or lawful designee, shall be fully responsible for the containment and cleanup of the flammable or

combustible liquid/s, the containment of the vapors released there from, and for the disposal of waste. The cost of such containment, cleanup and waste disposal and any other related activities shall be at the sole expense of the owner or designee. The cleanup, containment and disposal shall be to the satisfaction of the fire code official. \* \* \*

**5704.2.7.10 Spills, leaks, discharges and other releases.** Add the following: 5704.2.7.10.2.

**5704.2.7.10.2 Reporting.** Any person who witnesses, discovers, or otherwise has knowledge of a spill, leak, discharge, or other release of flammable or combustible liquid/s shall immediately report by telephone such spill, leak, discharge, or release to the Arlington County Emergency Communications Center (ECC).

**5704.2.11.1 Location.** Add the following: 5704.2.11.2.1.

**5704.2.11.1.1 Motor fuel-dispensing facilities in proximity of subsurface structures.** Motor fuel-dispensing facilities dispensing Class I flammable liquids or Class II or III combustible liquids that are located within the distance of twenty-five (25) to one hundred (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, Class II or III combustible liquids shall not be located within twenty-five (25) feet of 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 to any subsurface structure.
3. Appropriate continuous drains across driveways, ramps, and/or curbs of at least six (6) inches in height shall separate the motor fuel-dispensing facility property 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.

**5704.2.11.1.2 Storage and handling of flammable or combustible liquids in proximity of subsurface structures.** 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 as defined in Section 5702 or within twenty-five (25) feet measured horizontally from the outside wall of such subsurface structure. Underground storage tanks and other related containers for Class I flammable liquids or Class II or III combustible liquids located in the area between twenty-five (25) and one hundred (100) feet (measured horizontally from the outside wall of the subsurface structure) and where tops of tanks and piping are not at least two (2) feet below the lowest point of excavation shall be installed in accordance with the following:

1. Constructed in a cast-in-place, liquid tight, reinforced concrete vault.
2. The walls, top and bottom of the vault shall be a minimum of six (6) inches thick and large enough to hold and retain the entire contents of the tank.
3. Access shall be provided in the vault top for inspection, monitoring, and servicing of the vault and tank.

**5704.2.11.1.3 Motor fuel-dispensing facilities.** Motor fuel-dispensing facilities dispensing Class I flammable

liquids or Class II or III combustible liquids that are located within the distance of twenty-five (25) to one hundred (100) feet (measured horizontally from the outside wall of a subsurface structure) shall comply with the following:

1. Dispensing pumps for flammable liquids, or combustible liquids shall not be located within twenty-five (25) feet of 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 surrounding surface shall be graded in a manner to divert possible spills away from any opening to any subsurface structure.
3. Appropriate continuous drains across driveway ramps and/or curbs of at least six (6) inches in height shall separate the motor fuel-dispensing facility property from adjacent subsurface structure properties.
4. There shall be no connection, such as venting or drainage, between any storage tank or related piping for flammable liquids or combustible liquids and any subsurface structure.

**5704.2.11.1.4 Tank Vehicle Driver responsibility.** The driver, operator, or attendant of any tank vehicle shall not cause an overflow of any tank. The driver, operator, or attendant of any tank vehicle shall take all necessary and/or prudent precautions before discharging flammable or combustible liquid from a tank vehicle to prevent the overflow of any tank. Any discharge or overflow, should one occur, shall be immediately reported by the driver, operator, or attendant to the Arlington County Emergency Communications Center (ECC).

**5704.2.12 Testing.** Add the following: 5704.2.12.3, and 5704.2.12.3.1.

**5704.2.12.3 Leak detection, tightness test and other tests for storage tanks and/or systems.**

1. The owner or authorized operator of all buried tanks installed after the effective date of this code shall have the ability or mechanism to take direct measurement readings of the content level by the stick method. At least once during each day of operation, the liquid level of storage tank/s shall be measured by the owner or operator and compared with pump meter reading/s taken upon receipt of the product.
2. Loss of product exceeding one percent (1%) of flow through plus one hundred and thirty (130) gallons, shall be reported immediately to the fire code 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 professional judgment of the fire code 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 trained personnel engaged in a transfer or fill operation.
3. When the owner or authorized operator's log book and product inventory records indicate a loss of product exceeding one percent (1%) of flow through plus one hundred and thirty (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 code official may also order a test for tightness when, in the professional judgment of the fire code official, there is reason or evidence to suspect a loss of product.

4. A test for tightness shall be conducted on all storage tanks and/or systems prior to change in ownership.
5. When loss of product is indicated from a storage tank and/or system during any test for tightness, the operator and/or person in control and the person conducting the test shall immediately report the test results to the fire code official.
6. Non-corrosive storage systems must be approved by Underwriters Laboratories, Inc., and the Steel Tank Institute P-3 systems and shall be tested for tightness at the end of their warranty period to standards set forth in NFPA 329. The test shall be repeated once every three (3) years thereafter. When a test for tightness is performed, the following information shall be kept on file and made available for inspection by the fire code official at the facility and retained until a subsequent test for tightness is performed:
  - (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 tightness test.
  - (f) Warranty period
7. All storage systems, including heating oil and generator fuel storage systems, that do not have an automatic means of leak detection as defined in 9 VAC 25-580 shall be tested for tightness once every three (3) years. Storage systems that have an automatic means of leak detection as defined in 9 VAC 25-580 shall be tested annually. These requirements shall apply to all structures with underground heating oil tanks and generator fuel tanks, including multi-family residential structures. Copies of leak detection system testing and tightness testing reports shall be forwarded to the fire code official upon completion.

**Exception:**

One-family residential homes located on properties in County designated R-5, R-6, R-8, R-10 zoning districts shall be exempt from tightness testing except upon installation or repairs to the tank. This does not exempt a one-family residential tank when, in the professional judgment of the fire code official, there is reason to believe that the tank may have leaked.

8. Before each filling of existing petroleum storage tanks that have provisions for measurement of product and all petroleum storage tanks installed after 2009, shall be gauged for liquid level and the measurement shall be recorded as noted in Section 5704.2.12.3.1.

**5704.2.12.3.1 Recordkeeping.** These records, testing, and test results (collectively “records”) shall be in writing and kept in a logbook and in product inventory records. All records shall be made available for inspection by the fire code official at any time upon reasonable request and retained for two (2) years from date of entry. This retention period may be extended upon order of the fire code official.

**5704.2.13.1.2 Out of service for 90 days.** This section is retained in full with the following revision: Add item number 4 as follows.

#4. Underground storage tanks for flammable liquids or combustible liquids and related piping shall not be permitted directly over a subsurface structure, or within twenty-five (25) feet of a subsurface structure, as measured horizontally from the outside wall of such subsurface structure. Underground storage tanks and/or related piping for flammable liquids or combustible liquids located in the area between twenty-five (25) and one hundred (100) feet (measured horizontally from the outside wall of the subsurface structure), and where the tops of such tanks and/or piping are not two (2) feet or more below the lowest point of excavation shall be installed in a cast-in-place, liquid tight, reinforced concrete vault; the walls, top and bottom of shall be a minimum of six (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.

**5704.2.13.1.4 Tanks abandoned in place.** This section is retained in full with the following revision: Revise current item #5 as follows “*A record of tank size, location, and date of abandonment shall be promptly filed by the property owner with the Fire Prevention Office, and shall be retained by both parties for the duration of the abandonment or, in the case of the owner, for the duration of his/her ownership interest in the property.*”

**5706.4.6 Overfill protection of Class I and II liquids.** Add the following: 5706.4.6.1.

**5706.4.6.1 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, or loading of such liquids. The safety attendant shall ensure 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 requirements concerning fire safety, emergency response, overfill protection, and spill, leak, discharge, or release notification.
3. 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.
4. At all times while on duty, the safety attendant must be mentally and physically capable of immediately:
  - (a) Taking all necessary, appropriate, and required action to detect and prevent a fire, explosion, spill, leak, discharge, or release;
  - (b) Taking all necessary, appropriate, and required action in the event of a fire, explosion, spill, or leak, including notification and containment; and
  - (c) Performing the requirements of this section.

**5706.6.1.5 Overfill protection.** This subsection is retained in full with the following revision: Insert the following

at the beginning of the paragraph: "*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 transferring any liquid from such tank vehicle.*"

**5801.2 Permits.** Delete and substitute as follows:

**5801.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**5901.2 Permits.** Delete and substitute as follows:

**5901.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**6001 General.** Add the following: 6001.3, 6001.4

**6001.2 Permits.** Delete and substitute as follows:

**6001.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**6001.3 Spills, leaks, discharges, and other releases.** Any person who witnesses, discovers, or otherwise has knowledge of a spill, leak, discharge or other release of highly toxic or toxic material/s shall immediately report such spill, leak, discharge or release to the Arlington County Emergency Communications Center (ECC). When a spill, leak, discharge, or other release occurs, or when a spill, leak, discharge, or other release is discovered, the owner and the tenant or other person in control of the premises shall be fully responsible for the containment and cleanup of the highly toxic or toxic materials, the containment of the vapors released there from, and for the disposal of waste. The cost of such containment, cleanup and waste disposal and any other related activities shall be at the sole expense of the owner or his/her authorized agent. The cleanup, containment and waste and product disposal shall be to the satisfaction of the fire code official.

**6001.4 Reporting.** Any person who witnesses, discovers, or otherwise has knowledge of a spill, leak, discharge, or other release of highly toxic or toxic material/s shall immediately report by telephone such spill, leak, discharge, or release to the Arlington County Emergency Communications Center (ECC).

**6001.2 Permits.** Delete and substitute as follows:

**6001.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**6101.2 Permits.** Delete and substitute as follows:

**6101.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**6106 Dispensing and overfilling.** Add the following: 6106.5.

**6106.5 Remote control shutoff.** When a tank vehicle is equipped with a remote control shutdown device, the driver shall have the remote control with him/her at all times.

**6201.2 Permits.** Delete and substitute as follows:

**6201.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**6301.2 Permits.** Delete and substitute as follows:

**6301.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**6401.2 Permits.** Delete and substitute as follows:

**6401.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

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**6601.2 Permits.** Delete and substitute as follows:

**6601.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**6701.2 Permits.** Delete and substitute as follows:

**6701.2 Permits.** Permits shall be required as set forth in Sections 107.2 and 108.

**Chapter 80. Referenced Standards.** This Chapter is retained in full with the following revisions: Add the following standards:

DOTn, 49 CFR, Parts 40, 100-185, 325, 350, and 355-399. 2011 Edition

NFPA, Recommended Practice for Handling Releases of Flammable and Combustible Liquids and Gases, 329, 2015 Edition

## **APPENDIX A**

### **REQUIREMENTS FOR A FIRE WATCH**

#### **A101.1 Scope.**

A fire watch is a temporary measure intended to ensure continuous and systematic surveillance of a building, structure or portion thereof by one (1) or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of smoke, unwanted fire, or other hazardous conditions raising an alarm of fire and immediately notifying the fire department and the Arlington County Emergency Communications Center (ECC).

#### **A102.1 Initiation.**

In the event that a fire protection system, sprinkler system, alarm, detection, or other suppression system is impaired or out of service, or where required by the fire official, a fire watch shall be instituted by the person in control (as defined in Chapter 8.1 of the Arlington County Code, 1957 as amended).

#### **A102.2 Procedures.**

When the establishment of a fire watch is initiated by the person in control, or ordered by the fire department or fire code official, the owner or the owner's representative shall implement the following procedures for the duration of the fire watch. The fire watch shall be maintained until such time the noted system(s) is returned to normal ready service and approved for use by the fire code official.

1. A fire watch shall consist of the following:
  - a. A designated number of staff performing fire watch duties at all times until the fire protection system has been repaired, inspected, tested, and certified to be placed back in service. During the duration of a fire watch, the sole duty of such designated staff shall be the

fire watch.

- b. Each participating staff member shall be equipped with reliable two-way system of communications and a working telephone or cellular phone to report a fire, smoke or other hazardous situation by dialing 9-1-1.

**NOTE:** When dialing 9-1-1 from a cellular phone, some cellular phone systems may connect the user with another jurisdiction's emergency communications center, therefore the caller should confirm they are speaking with the "Arlington County Emergency Communications Center (ECC)."

- c. At least one (1) staff member shall conduct a walking tour of all areas of the building no less than every thirty (30) minutes to look for fire, smoke, or other hazardous situations that may require fire department response; or,
- d. A complete tour of the facility within a time frame prescribed by the fire code official or fire department, and with the fire watch staffing level contingent upon the size of the facility and the type of occupancy.
- e. There must be one at least (1) individual assigned to monitor every five (5) floors of the structure or building.

**NOTE:** If the building or property is of such size that one (1) individual cannot adequately perform the required fire watch, the fire department representative may require additional on-site personnel to participate in the fire watch.

2. A legibly written log shall be kept on site at all times for review by any fire department employee documenting:

- a. The reason the fire watch was implemented.
- b. The date and time the fire department was notified the fire watch was initiated and concluded.
- c. The start and stop time of each building or property tour.
- d. The key locations visited in the building(s) requiring the fire watch.
- e. Name(s) of personnel conducting the fire watch.
- f. Name(s) of personnel recording the information.
- g. Log entries shall be kept for a minimum of two (2) years.

Personnel conducting the fire watch shall be:

- a. Capable of performing patrol duties.
- b. Reliable and not under the influence of intoxicants or illegal substances.

- c. Able to clearly and accurately communicate with fire department personnel.
- d. Assigned exclusively to fire watch duties.
- e. Able to remain awake and alert at all times.

**NOTE:** In all cases, the sole duty of personnel assigned to the fire watch shall be to perform constant patrols of the protected premises, to keep watch for fires, and if necessary to summon the fire department.

3. In the event of a fire emergency:
- a. The fire watch staff shall immediately dial 9-1-1 giving the correct address of the building and report the location of the fire within the building.
  - b. Activate the emergency alarm signal (if available).
  - c. Use the public address system to alert the occupants (if available).
  - d. Begin the evacuation of the building starting on the fire floor, then above the fire floor, then below the fire floor.

**All questions concerning the implementation of the fire watch and requests for inspections to terminate the fire watch shall be directed to the Arlington County Emergency Communications Center (ECC) at 703-558-2222.**

*Strike DHCD note*

#### **APPENDIX D (AMENDMENT)**

#### **FIRE APPARATUS ACCESS ROADS**

**D103.6 Signs.** Delete and substitute as follows.

Fire lane signs shall conform to the following specifications:

1. Approved fire lane signs must meet the following specifications:
  - (a) Metal construction, dimensions twelve (12) inches wide by fifteen (18) inches high.
  - (b) Red letters on a reflective white background with three-eighths (3/8) inch red trim strip around the entire outer edge of the sign.
  - (c) Wording and lettering size as follows, spacing between words to be uniform:

NO PARKING	[two (2) inches, capitalized]
OR	[one (1) inch, capitalized]
STANDING	[two (2) inches, capitalized]
FIRE LANE	[two and a half (2 1/2) inches, capitalized]
← →	[arrow (as required) one (1) inch by six (6) inches with a solid head, one and one half (1 1/2) inches wide by two (2) inches deep solid graphic depiction]

Figure D103.6 Fire lane signs. Delete and substitute as follows.



2. Other special signs may be approved by the fire code official.
3. Signs and markings shall be maintained in accordance with Section 503.3.