

ORDINANCE
TO AMEND AND RE-ORDAIN CHAPTER 12, ARTICLE III (FIRE PREVENTION CODE) TO REQUIRE REPORTS OF THE CONDITION OF FIRE PROTECTION AND OTHER LIFE SAFETY SYSTEMS TO BE SUBMITTED TO THE CITY'S FIRE OFFICIAL, AND AUTHORIZING THE FIRE OFFICIAL TO IMPLEMENT A MANDATORY WEB-BASED REPORTING SYSTEM

BE IT ORDAINED by the Council of the City of Charlottesville that Chapter 12 (Fire Protection and Emergency Medical Services), Article III (Fire Prevention Code), Section 12-32, is hereby amended and re-ordained as follows:

Sec. 12-32. Local regulations.

- (a) The SFPC, as adopted pursuant to section 12-31, above, is hereby amended, supplemented, amplified and modified by the following provisions, which are intended to be more restrictive or more extensive in scope than the regulations set forth within the SFPC:
- (1) *Certain fire suppression systems required*—Notwithstanding any contrary provision of law, general or special, fire suppression systems must be installed and maintained in full operating condition in buildings fifty (50) feet or more in height for which building permits have been issued after October 20, 1986. The technical requirements for the installation, repair, operation and maintenance of such systems shall be those found in the SFPC. A violation of this section shall constitute a Class 2 misdemeanor.
 - (2) *Certain smoke detectors required*—Notwithstanding any contrary provision of law, general or special, smoke detectors shall be installed in the following structures or buildings: (i) any building containing one (1) or more dwelling units, (ii) any hotel or motel regularly used or offered for, or intended to be used to provide overnight sleeping accommodations for one (1) or more persons, and (iii) rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations. Smoke detectors installed pursuant to this section shall be installed in conformance with the provisions of the Uniform Statewide Building Code. Any required smoke detector may be either battery-operated or an AC-powered unit. The owner of any dwelling unit which is rented or leased, at the beginning of each tenancy and at least annually thereafter, shall furnish the tenant of that unit with a certificate that all required smoke detectors are present, have been inspected, and are in good working order. Except for smoke detectors located in hallways, stairwells, and other public or common areas of multifamily buildings, interim testing, repair, and maintenance of smoke detectors in rented or leased units shall be the responsibility of the tenant; however, the owner shall be obligated to service, repair, or replace any malfunctioning smoke detector(s) within five (5) days of receipt of written notice from the tenant that such smoke detector is in need of service, repair, or replacement. A violation of any provision of this section shall constitute a Class 2 misdemeanor.

Any building containing fewer than four (4) dwelling units which was not in compliance with this section on July 1, 1984, shall be exempted from the requirements

of this section until such time as that building or any dwelling unit therein is sold or rented to another person. The city's fire department may delegate responsibility for enforcement of this section, as may be appropriate, to the housing inspections division of the department of neighborhood development services, which is hereby authorized to enforce this section at the request of the fire department.

- (3) *Exits from public assembly halls*—The owners or lessees of any public hall or theater shall provide suitable and sufficient exits from such buildings. The doors to the exits shall remain unlocked during all performances or public gatherings in the buildings and shall, in all cases, open outwardly, and not inwardly. Any owner or lessee of any such building who shall violate this requirement shall be subject to the penalties set forth within § 27-53 of the Virginia Code. The continuation of any failure to comply with this requirement for each week after notice has been given to the owner or lessee of a building that the exits are unsafe or insufficient shall be deemed a separate offense.
- (4) *Summoning firefighting apparatus without cause*—No person shall, without just cause, call or summon, by telephone or otherwise, any firefighting apparatus. No person shall maliciously activate a manual or automatic fire alarm in any building used for public assembly or for other public use, including, but not limited to, schools, theaters, stores, office buildings, shopping centers and malls, coliseums and arenas.
- (5) *Fireworks*—No person shall have, keep, store, use, discharge, manufacture, sell, handle or transport any fireworks in the city, except as provided within this section. Nothing in this section shall apply to:
 - a. Any materials or equipment that is used or to be used by any person for signaling or other emergency use in the operation of any railroad train or other vehicle for the transportation of persons or property.
 - b. Any officer or member of the armed forces, while acting within the scope of their authority and duties as such, nor to any offer of sale or sale of fireworks to any authorized agent of such armed forces.

The fire chief may, upon due application, issue a permit to a properly qualified person for giving a pyrotechnic display of fireworks in the public parks or other open places. Such permits shall impose such restrictions as, in the opinion of the fire chief, may be necessary to properly safeguard life and property in each case. The term "fireworks," as used in this section, shall mean and refer to any firecracker, sparkler, roman candle, fire balloon, signal light, squib, rocket, railroad track or other torpedo, skyrocket, flashlight composition, or other substance or object, of whatever form or construction, that contains any explosive or inflammable compound or substance, and which explodes, rises into the air, travels laterally, or fires projectiles into the air to obtain visible or audible pyrotechnic effects.

- (6) *High explosives*—No person shall sell within the city any dynamite, blasting powder or other high explosive except upon a written permit from the chief of police, which permit shall be issued upon application by the purchaser showing that such explosives are to be used for legitimate purposes within a reasonable time after their purchase and the provisions of the fire prevention code with respect to the keeping of all such

explosives shall in all respects apply to such purchaser. This section shall not be construed to apply to the purchase of shotgun, rifle or pistol ammunition at retail.

- (7) *Storage of explosive liquids*—It shall be unlawful for any person to store, keep or handle any gasoline or other highly explosive liquids in bulk within the city ("bulk storage") except: (i) in the city's manufacturing/industrial zoning districts as part of, or in connection with, a use authorized by the city's zoning ordinance, or (ii) in existing bulk storage sites that were lawful as of March 1, 2004. For the purposes of this section, the term "bulk storage" shall mean and refer to the storage and keeping as well as the parking, loading or unloading of gasoline or any other highly explosive liquid in quantities of more than ten thousand (10,000) gallons, into, to or from any single container, including, without limitation, tank cars or truck transports. Where permitted, such bulk storage shall be conducted in accordance with applicable provisions of the SFPC.

It shall be unlawful for any person to store, keep or handle any gasoline or other highly explosive liquids in any underground container of ten thousand (10,000) gallons or less, in any residential zoning or B-1 zoning district; provided, however, that: (i) in an R-3 or B-1 zoning district, a single underground tank may be installed to contain not in excess of five hundred fifty (550) gallons, provided that such tank is not located within one hundred (100) feet of any residential dwelling unit, is to serve a non-conforming business use, and shall not be resold to others; and (ii) any elementary or secondary school, whether public or private, may install an underground tank to contain not in excess of five hundred fifty (550) gallons, so long as such tank is not located within one hundred (100) feet of any residential dwelling unit, is not located within one hundred (100) feet of any building used for school purposes, and the contents of such tank are not resold to others. Otherwise, underground storage of quantities not in excess of ten thousand (10,000) gallons, in a container complying with requirements of the SFPC, is permitted within the city, except that if any such underground tank is located within ten (10) feet of any building, the maximum quantity permitted in such container shall be two thousand (2,000) gallons.

- (8) *Open burning* —Except as otherwise provided in this section, no person shall ignite or maintain, or cause or permit to be ignited or maintained, any open fire on public or private property outside any building. Salvage, demolition operations, land clearing and disposal of waste materials (including, without limitation, construction debris, garbage, refuse, household refuse, brush, grass, leaves and other waste materials) by burning are specifically prohibited. Exceptions to the prohibitions of this section are as follows:
- a. Open fires may be set in the performance of official duties by the fire chief or their designee when necessary: (i) for the abatement of a fire hazard which cannot be abated by other means; (ii) for training in firefighting or for research in control of fires under supervision of the fire chief or their designee; and (iii) in emergency or other extraordinary circumstances when open burning is determined by the fire chief to be in the public interest.

- b. Open fires may be used for cooking food, if such fires are contained within approved grills and barbecues for the purpose of food preparation for human consumption.
 - c. Open fires may be set within approved outdoor fireplaces provided such fireplaces have screened burn chambers and chimneys equipped with spark arrestor screens. Salamanders and similar heating devices may be used for heating by outdoor workers provided that no smoke hazard or other nuisance is created and provided that such devices are used not less than fifteen (15) feet from any structure.
 - d. Open fires may be set for recreational purposes, or for ceremonial occasions, with the advance approval of the fire marshal, and provided that no smoke violation or nuisance is created.
 - e. Where permitted, open burning shall be constantly monitored until the fire is extinguished. Fire extinguishing equipment shall be available for immediate use. Notwithstanding the above-listed exceptions, there is hereby reserved to the city's fire chief the authority to prohibit any and all open burning when in their determination smoke may cause reduced visibility on any highway, the fire is endangering adjacent property, or when flames, emissions or odors from the fire may otherwise constitute a hazard or nuisance. The fire chief or their designee may order the extinguishing of any fire which creates any such hazard(s) or nuisance(s).
- (9) *Fire hydrant distribution* - Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets where new building construction or modifications to water mains occur as follows: No more than three hundred (300) feet shall exist between fire hydrants serving buildings meeting SFPC occupancy classifications other than Residential Group R-5, in which case no more than six hundred (600) feet shall exist between fire hydrants.
- (10) *Chapter 1, section 103.1.2* of the SFPC is replaced by the following:
- 103.1.2. Appendices.
- (i) Appendix B, Fire-Flow Requirements For Buildings, of the International Fire Code - 2006 Edition, as amended from time to time (hereinafter "IFC"), is considered part of the IFC for the purposes of Section 103.1 of the SFPC.
 - (ii) Appendix D, Fire Apparatus Access Roads, of the IFC is considered part of the IFC for the purposes of Section 103.1 of the SFPC, as modified in the City's Standards and Design Manual. Any conflict between the two documents shall be resolved in favor of the City's Standards and Design Manual.
- (11) **Testing and Inspection reports**
- (i) Testing, inspection, repair and maintenance required—fire protection systems and other life safety systems, whether required or nonrequired, shall be inspected, tested, repaired and maintained in an operative condition at all times, and in accordance with requirements set forth within the SFPC. Itemized records of all system tests, inspections, repairs and maintenance required by the SFPC shall be maintained by the property owner on the premises of the system(s), and copies of**

such records shall be submitted to the city's fire official as required by paragraph (ii), below.

(ii) Reporting—It shall be the responsibility of any person (including, without limitation any individual or company) providing or conducting tests or inspections of fire protection and life safety systems for properties within the city to submit a copy of the itemized records of such tests, inspections, repairs, or maintenance to the fire official's approved and designated web-based reporting vendor, within 30 days of the test, inspection, repair or maintenance. With respect to inspections, testing, maintenance, repair, or replacement of fire protection and life safety systems, the term "itemized records" includes, but is not limited to: identification of the individual and company performing the inspection; a description of the inspection, testing, maintenance, repair, or replacement; when and where the inspection, testing, maintenance, repair, or replacement took place; and the results of the inspection, testing, maintenance, repair, or replacement.

(ii) Web-based reporting requirement—The fire official shall utilize a web-based reporting program which connects and engages the key stakeholders involved in fire prevention and community risk reduction, including: the governmental authorities having jurisdiction within the city, testing and inspection service providers, and property owners. Records, including reports of testing and inspections, referenced in paragraph (i) preceding above must be uploaded to the web-based reporting system designated by the city's fire official. The web-based inspection reporting provider shall transmit said inspection reports to the city's fire official, and to any other governmental authorities to whom such reports are required to be given.

(iii) Every individual and company performing testing, inspection, repair or maintenance of any fire protection or life safety systems within the city shall be qualified (certified) and licensed, registered or otherwise authorized to perform such work or services within the Commonwealth of Virginia, and in accordance with applicable SFPC standards. The city's fire official may reject any records or reports if the person or company providing the reports does not also provide the city with documentation of their current certification(s) and qualification(s) to perform such work or services.

- (b) Nothing in this section shall be construed, interpreted or applied to abrogate, nullify, or abolish any law, ordinance or code enacted by the city, or by the Commonwealth of Virginia, its boards or agencies. When any provision of this section is found to be in conflict with any zoning, safety, health or other applicable law, ordinance or code, the provision that establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.

BE IT FURTHER ORDAINED that the provisions of this ordinance shall be effective January 1, 2023.