

ORDINANCE O-2019-33

Amending the Code of the County of Powhatan, Chapter 46 ("Fire Prevention and Protection"), Article II (Fire Prevention Code), Sections 46-53 (Amendments, additions and deletions to the VSFPC) and 46-54 (Smoke detectors in certain buildings) for the purpose of updating said sections with the corresponding sections in the Virginia Statewide Fire Preventions Code regarding certain cited references and smoke detectors.

WHEREAS, Sections 15.2-1427 and 15.2-1433 of the *Code of Virginia*, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, the *Virginia Statewide Fire Prevention Code* (SFPC) is a state regulation for the purpose of establishing statewide standards to safeguard life and property from the hazards of fire or explosion; and

WHEREAS, the County of Powhatan adopted the SFPC, and incorporated it by reference in Article II, Fire Prevention Code, of Chapter 46 Fire Prevention and Protection of the Code of County of Powhatan; and

WHEREAS, the Board of Supervisors wishes to maintain Chapter 46 current with the SFPC; and

WHEREAS, notice of the public hearing on this ordinance amendment was published in the Powhatan Today on September 11, 2019 and September 18, 2019; and

WHEREAS, the full text of this amendment was available for public inspection in the Powhatan County Administrator's Office, County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139; and

WHEREAS, on September 23, 2019, the Powhatan County Board of Supervisors held a public hearing on this matter and all of those who spoke on this matter were heard.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN, that Article II, Fire Prevention Code, of Chapter 46 of the Code of the County of Powhatan is amended and reenacted as follows:

CODE OF THE COUNTY OF POWHATAN CHAPTER 46. FIRE PREVENTION AND PROTECTION

ARTICLE II. FIRE PREVENTION CODE

...

Sec. 46-53. - Amendments, additions and deletions to the VSFPC.

The Virginia Statewide Fire Prevention Code is hereby amended and changed pursuant to Code of Virginia, § 27-97, in the following respects:

...

Chapter 9 Fire Protection Systems

901.5.1 Altering or Changing Supervisory Services. Add subsection 901.5.1 as follows:

The code official shall be notified prior to any alterations to the supervisory service equipment or if the agent providing supervisory service changes for any required fire protection system. Functional testing shall be conducted prior to the system being returned to service. The level of testing will be determined by the code official. All testing shall be conducted in the presence of the code official and appropriate documentation shall be provided to the code official to verify

that the system is being supervised as designed and in accordance with the building code in effect at the time of installation.

...

901.12 Permits Required.

All modifications, additions, or repair work beyond the scope of routine maintenance and inspections require permits issued by the Building Official in accordance with the Uniform Statewide Building Code.

904.12.1.1 Manual Operations. Add subsection 904.12.1.1 as follows:

Instructions for manually operating the fire suppression system for the commercial kitchen exhaust system shall be posted conspicuously in the kitchen and shall be reviewed periodically with employees by the management.

904.12.6.4 Ventilation System. Add subsection 904.12.6.4 as follows:

The ventilation system in connection with hoods shall be operated at the required rate of air movement, and classified grease filters shall be in place when equipment under a kitchen grease hood is used. Cooking appliances, which require a commercial kitchen exhaust hood system, shall not be operated while the fire suppression system or kitchen exhaust system is non-operational or otherwise impaired.

...

Chapter 10. Means of Egress

1031.10 Marking Means of Egress. Add subsection 1031.10 as follows:

The code official may require the means of egress through storage areas to be marked, and the owner or his agent shall be responsible for marking and maintaining such aisles as required.

...

Chapter 57. Flammable and Combustible Liquids

5704.1.1 Prohibited Storage. Add subsection 5704.1.1 as follows:

The storage of flammable and combustible liquids shall be prohibited in occupancies of Use Group A, R-1, R-2, and in rental storage facilities.

...

The following appendices of the International Fire Code, current edition, shall be a part of this code:

Appendix B — Fire-Flow Requirements for Buildings

Appendix C — Fire Hydrant Locations and Distribution

Appendix D — Fire Apparatus Access Roads, except that Section D106 and Section D107 shall not be included.

Sec. 46-54. - Smoke alarms in certain buildings.

- (a) *Required.* Pursuant to the authority set forth in Code of Virginia, § 15.2-922, smoke alarms shall be installed in (i) buildings containing one or more dwelling units which are rented or leased; (ii) hotel or motel rooms; and (iii) rooming houses used to provide overnight sleeping accommodations.
- (b) *Definitions.* For purposes of this article, the following words shall be defined as follows:

- (1) *Dwelling unit* means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
 - (2) *Owner* means anyone vested with legal title to the property; or beneficial ownership and a right to present use and enjoyment of the premises, including a mortgagee in possession.
 - (3) *Smoke alarms* means mechanical devices powered by batteries or alternating current capable of sounding an audible alarm upon sensing visible or invisible products of combustion, and meeting the specifications set forth by Underwriters' Laboratories for single-station smoke alarms.
 - (4) *Tenant* means a person who rents or leases a dwelling unit.
- (c) *Installation requirements.*
- (1) Any person who installs a smoke alarm powered by alternating current must obtain a permit as required by the Virginia Uniform Statewide Building Code; however, no fee will be charged for the permit.
 - (2) Smoke alarms shall be installed in conformance with the Virginia Uniform Statewide Building Code. The fire department shall approve the specific locations of the placement of smoke alarms on walls or ceilings.
- (d) *Responsibilities for testing and maintenance.*
- (1) The agent or owner of the hotel or motel shall maintain all smoke alarms in good working order at all times and shall test each smoke alarm each day at the time the rooms are cleaned.
 - (2) The owner or agent of the owner of any building containing a dwelling unit which is rented or leased shall furnish the tenant at the beginning of each tenancy and at least annually thereafter, with a certificate that all required smoke alarms are present, have been inspected, and are in good working order.
 - (3) The tenant shall be responsible for interim testing, repair, and maintenance of smoke alarms installed in his rented or leased unit and for providing written notice to the owner that such smoke alarms are in need of service, repair, or replacement. Such service, repair, or replacement shall occur immediately upon receipt of written notice from the tenant that a smoke alarm is malfunctioning. The owner or agent of the building shall be responsible for maintaining smoke alarms located in hallways, stairwells, and other public or common areas.
 - (4) The owner or agent of the owner of any building containing one or more dwelling units which are rented or leased shall provide written notification to the tenant of the responsibilities and duties imposed by subsection (3) of this section.
 - (5) The owner or agent of any building containing one or more dwelling units which are rented or leased, or of any hotel or motel, shall provide the county with written certification annually that all required smoke alarms are present, have been inspected as required by this section, and are in good working order.
- (e) *Enforcement and penalties.* The chief of the fire and rescue department and his duly authorized representatives are authorized to administer and enforce the requirements of this article. Failure to comply with the requirements for the installation and maintenance of smoke alarms shall constitute a violation of this chapter and shall be a class 1 misdemeanor, punishable by a fine of not more than \$2,500.00 or by imprisonment of not more than 12 months, or by both such fine and imprisonment. The imposition of one penalty for any single violation shall not excuse the violation or permit it to continue and each day that such violation continues shall constitute a separate offense.

In all other respects Chapter 46 of the Code of the County of Powhatan shall remain unchanged and be in full force and effect.

This amendment shall take effect immediately upon passage.

ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON SEPTEMBER 23, 2019.



**Angela Y. Cabell, Chairman
Powhatan County Board of Supervisors**

ATTEST:



**Theodore L. Voorhees, Clerk
Powhatan County Board of Supervisors**

Recorded Vote:

David T. Williams	<u>Aye</u>
Larry J. Nordvig	<u>Aye</u>
William E. Melton	<u>Aye</u>
Carson L. Tucker	<u>Aye</u>
Angela Y. Cabell	<u>Aye</u>

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WHEREAS, Sections 15.2-1427 and 15.2-1433 of the *Code of Virginia*, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, the *Virginia Statewide Fire Prevention Code* (SFPC) is a state regulation for the purpose of establishing statewide standards to safeguard life and property from the hazards of fire or explosion; and

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CHAPTER 46. FIRE PREVENTION AND PROTECTION**

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that the system is being supervised as designed and in accordance with the building code in effect at the time of installation.

901.12 Permits Required.

All modifications, additions, or repair work beyond the scope of routine maintenance and inspections require permits issued by the Building Official in accordance with the Uniform Statewide Building Code.

904.12.1.1 Manual Operations. Add subsection 904.12.1.1 as follows:

Instructions for manually operating the fire suppression system for the commercial kitchen exhaust system shall be posted conspicuously in the kitchen and shall be reviewed periodically with employees by the management.

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904.12.6.4 Ventilation System. Add subsection 904.12.6.4 as follows:

The ventilation system in connection with hoods shall be operated at the required rate of air movement, and classified grease filters shall be in place when equipment under a kitchen grease hood is used. Cooking appliances, which require a commercial kitchen exhaust hood system, shall not be operated while the fire suppression system or kitchen exhaust system is non-operational or otherwise impaired.

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The storage of flammable and combustible liquids shall be prohibited in occupancies of Use Group A, R-1, R-2, and in rental storage facilities.

The following appendices of the International Fire Code, current edition, shall be a part of this code:

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- (b) *Definitions.* For purposes of this article, the following words shall be defined as follows:

- (1) *Dwelling unit* means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (2) *Owner* means anyone vested with legal title to the property; or beneficial ownership and a right to present use and enjoyment of the premises, including a mortgagee in possession.
- (3) *Smoke alarms* means mechanical devices powered by batteries or alternating current capable of sounding an audible alarm upon sensing visible or invisible products of combustion, and meeting the specifications set forth by Underwriters' Laboratories for single-station smoke alarms.
- (4) *Tenant* means a person who rents or leases a dwelling unit.
- (c) *Installation requirements.*
- (1) Any person who installs a smoke alarm powered by alternating current must obtain a permit as required by the Virginia Uniform Statewide Building Code; however, no fee will be charged for the permit.
- (2) Smoke alarms shall be installed in conformance with the Virginia Uniform Statewide Building Code. The fire department shall approve the specific locations of the placement of smoke alarms on walls or ceilings.
- (d) *Responsibilities for testing and maintenance.*
- (1) The agent or owner of the hotel or motel shall maintain all smoke alarms in good working order at all times and shall test each smoke alarm each day at the time the rooms are cleaned.
- (2) The owner or agent of the owner of any building containing a dwelling unit which is rented or leased shall furnish the tenant at the beginning of each tenancy and at least annually thereafter, with a certificate that all required smoke alarms are present, have been inspected, and are in good working order.
- (3) The tenant shall be responsible for interim testing, repair, and maintenance of smoke alarms installed in his rented or leased unit and for providing written notice to the owner that such smoke alarms are in need of service, repair, or replacement. Such service, repair, or replacement shall occur immediately upon receipt of written notice from the tenant that a smoke alarm is malfunctioning. The owner or agent of the building shall be responsible for maintaining smoke alarms located in hallways, stairwells, and other public or common areas.
- (4) The owner or agent of the owner of any building containing one or more dwelling units which are rented or leased shall provide written notification to the tenant of the responsibilities and duties imposed by subsection (3) of this section.
- (5) The owner or agent of any building containing one or more dwelling units which are rented or leased, or of any hotel or motel, shall provide the county with written certification annually that all required smoke alarms are present, have been inspected as required by this section, and are in good working order.
- (e) *Enforcement and penalties.* The chief of the fire and rescue department and his duly authorized representatives are authorized to administer and enforce the requirements of this article. Failure to comply with the requirements for the installation and maintenance of smoke alarms shall constitute a violation of this chapter and shall be a class 1 misdemeanor, punishable by a fine of not more than \$2,500.00 or by imprisonment of not more than 12 months, or by both such fine and imprisonment. The imposition of one penalty for any single violation shall not excuse the violation or permit it to continue and each day that such violation continues shall constitute a separate offense.

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Angela Y. Cabell, Chairman
Powhatan County Board of Supervisors

ATTEST:

Theodore L. Voorhees, Clerk
Powhatan County Board of Supervisors

Recorded Vote:

David T. Williams ___
Larry J. Nordvig ___
William E. Melton ___
Carson L. Tucker ___
Angela Y. Cabell ___