

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, November 16, 2012 - 10:00 a.m.

Virginia Housing Center
4224 Cox Road
Glen Allen, Virginia

TABS

1. Roll Call
2. Approval of July 20, 2012 Minutes
3. Approval of Final Order
 In Re: Appeal of Lee Roy Trent (Firewater Transport,
 LLC)
 Appeal No. 12-2
4. Interpretation Request
 County of Henrico
 City of Chesapeake
5. Secretary's Report
6. COIA/FOIA Training

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Updated October 2012

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DRAFT MINUTES

STATE BUILDING CODE TECHNICAL REVIEW BOARD

MEETING
July 20, 2012

GLEN ALLEN, VIRGINIA

Members Present

Mr. J. Robert Allen, Chairman
Mr. R. Schaefer Oglesby, Vice-Chairman
Mr. Matthew Arnold
Mr. J. Daniel Crigler
Mr. James R. Dawson
Mr. John H. Epperson
Mr. Joseph A. Kessler, III
Mr. James N. Lowe
Mr. Eric Mays
Ms. Patricia S. O'Bannon

Members Absent

Mr. W. Keith Brower, Jr.
Mr. John A. Knepper, Jr.
Ms. Joanne D. Monday

- Call to Order The meeting of the State Building Code Technical Review Board (Review Board) was called to order by the Chairman at approximately 10:00 a.m.
- Roll Call The attendance was established by Mr. Vernon W. Hodge, Secretary, and constituted a quorum. Mr. Steven Jack, Assistant Attorney General in the Office of the Attorney General, was present and serving as the Board's legal counsel.
- Approval of Minutes Mr. Oglesby moved to approve the minutes of the March 16, 2012 meeting as presented in the Review Board members' agenda package. The motion was seconded by Mr. Lowe and passed unanimously with Messrs. Dawson and Epperson and Ms. O'Bannon abstaining from the vote.
- Final Orders Appeal of Charles E. Bird; Appeal No. 11-16:

After consideration, Mr. Oglesby moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Mr. Lowe and passed unanimously with Messrs. Dawson and Epperson and Ms. O'Bannon abstaining from the vote.

New Business

Appeal of Lee Roy Trent (Firewater Transport, LLC); Appeal No. 12-2:

A hearing convened with the Chairman serving as the presiding officer. The appeal concerned the parking of tanker trucks adjacent to the Mr. Trent's shop and house, located at 1329 Scenic Drive, in Patrick County, and whether to overturn a citation issued under the Virginia Statewide Fire Prevention Code (SFPC) by the State Fire Marshal's Office for parking the tanker trucks in violation of the SFPC.

The following persons were sworn in and given an opportunity to present testimony:

Lee Roy Trent
Kenneth L. Kent, for the State Fire Marshal's Office
Ed Altizer, State Fire Marshal

Also present were:

Dan Summerlin, Esq., counsel for Lee Roy Trent
Cathie F. Hutchins, Esq., counsel for the State Fire Marshal's Office

Messrs. Arnold and Kessler arrived at approximately 10:10 a.m.

The following exhibit was submitted by Lee Roy Trent, without objection, to supplement the information in the Review Board members' agenda package:

Appellant Exhibit A – Photographs of parked tanker trucks

Mr. Trent also offered the following exhibit, which was ruled by the Chairman to be excluded due to not being relevant:

Appellant Exhibit B – Statements by neighbors

New Business

Appeal of Lee Roy Trent (Firewater Transport, LLC); Appeal No. 12-2 (continued):

After testimony concluded, the Chairman closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

Decision – Appeal of Lee Roy Trent (Firewater Transport, LLC); Appeal No. 12-2:

After deliberation, Mr. Epperson moved to overturn the decision of the State Fire Marshal's Office due to the inapplicability of the code provision cited. The motion was seconded by Mr. Crigler and a vote was taken. The motion passed with Messrs. Dawson and Mays and Ms. O'Bannon voting in opposition.

Mr. Dawson left the meeting due to a prior commitment.

Secretary's Report

Mr. Hodge informed the Review Board members of a reorganization with the Department, which may change staffing responsibilities for the Review Board. Mr. Emory Rodgers, the Deputy Director of the Division of Building and Fire Regulation, would address that issue with the Board.

Two code change proposals from the Review Board, considered at a prior meeting, were revisited after staff made minor changes at the direction of the Review Board members.

After discussion, Mr. Mays moved to approve the code change proposal for means of egress in Group R-2 buildings without sprinkler systems. The motion was seconded by Mr. Arnold and passed unanimously.

After further discussion, Mr. Mays moved to approve the code change proposal for defective materials. The motion was seconded by Mr. Epperson and passed unanimously.

Secretary's Report
(continued)

Mr. Rodgers informed the Review Board members of the current status of the development of the 2012 building and fire regulations and thanked the Board members for their consideration of proposals based on interpretations and appeal cases.

Mr. Rodgers also assured Board members that the reorganization of the Division of Building and Fire Regulation would not affect Review Board operations and staffing and was necessary to bring the Division in line with staffing and manager to employee ratios within the rest of the Department. More information would be forthcoming as the reorganization is implemented.

Adjournment

There being no further business, the meeting was adjourned by motion of Ms. O'Bannon at approximately 2:00 p.m.

Approved: November 16, 2012

Chairman, State Building Code Technical Review Board

Secretary, State Building Code Technical Review Board

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD (REVIEW BOARD)

IN RE: Appeal of Lee Roy Trent (Firewater Transport, LLC)
Appeal No. 12-2

Hearing Date: July 20, 2012

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See § 36-114 of the Code of Virginia.

II. CASE HISTORY

The appeal is of a decision of the State Fire Marshal's Office (SFMO) involving whether the parking of tank vehicles is in violation of the Statewide Fire Prevention Code (SFPC).

In July of 2011, the SFMO received correspondence from the owner of a residence on Scenic Drive, in Patrick County, stating

that his neighbor, at 1329 Scenic Drive, was operating a hazardous materials fuel oil delivery business with up to four tanker vehicles parked there when not in use.

After investigation, the SFMO issued an inspection notice to Lee Roy Trent (Trent), the owner of the property at 1329 Scenic Drive, informing him that the parking of tank vehicles on his property was in violation of Section 3406.6.2 of the SFPC and directing Trent to correct the violation within 30 days.

Trent's property is in a rural area of Patrick County and is approximately two acres. Trent's house is located on the property as is a shop building with large enough bays to pull tractor and trailers into the shop building. Trent operates a fuel delivery business and parks tank vehicles on the property when they are not in use.

Over the next six months or so, the SFMO visited the property from time to time noting that tanker trucks were there at times. Several additional inspection notices, essentially the same as the original, were issued during this time.

In February of 2012, subsequent to the issuance of a January inspection notice, Trent filed an appeal of the SFMO's notice to the Review Board, asking the Review Board to determine that the parking of his tanker trucks was not in violation of the SFPC.

Review Board staff conducted an informal fact-finding conference, attended by the parties and their respective legal counsel, to clarify the issues in the appeal and to set out the procedural timeframes for the submittal of additional documents and written arguments from the parties. Review Board drafted a summary of the appeal, distributed it to the parties and permitted opportunity for the submittal of objections, corrections or additions to the staff summary. Subsequently, a hearing was held before the Review Board and was attended by all parties and their respective counsel.

III. FINDINGS OF THE REVIEW BOARD

The citation in the inspection notices issued by the SFMO is that Trent is in violation of Section 3406.6.2 of the SFPC, which is set out below:

3406.6.2.1 Parking near residential, educational and institutional occupancies and other high-risk areas. Tank vehicles shall not be left unattended at any time on residential streets, or within 500 feet (152 m) of a residential area, apartment or hotel complex, educational facility, hospital or care facility. Tank vehicles shall not be left unattended at any other place that would, in the opinion of the fire chief, post an extreme life hazard.

The SFMO argues that the term "residential area" in Section 3406.6.2.1 means any area where houses are located. As support for that reading of the term, the SFMO states that to read the term differently would potentially leave residents unprotected

against the hazards of fire or explosion, which is an express purpose of the SFPC.

The Review Board finds that argument to be erroneous as the wording in Section 3406.6.2.1 identifies only specific areas where large numbers of people are present in a building or area, such as apartment and hotel complexes, educational facilities or hospitals to be protected. Business areas, factory areas, mercantile or store areas are not included in the requirement. To read the term "residential area" to include any house ignores the use of the word "area" in the term. The word "area" signifies a relationship between houses. If the provision were meant to include all residences, then the use of the word "area" would not have been used with the word "residential" and instead the word "residences" alone would have been used.

The Review Board further finds that to attempt to apply this provision to randomly placed homes on separate lots as in most rural areas would lead to inconsistency. Where would a residential area start and stop? How far from a house would be considered part of a residential area? Attempting to apply the SFPC in this fashion would effectively prohibit the parking of tanker trucks in any rural area as any two houses, no matter how far apart, could be considered to constitute a residential area.

The Review Board finds that the term "residential area" as used in Section 3406.6.2.1, means a residential district or

residential subdivision where the arrangement of houses is controlled and the spacing of houses is bounded by streets or lots of similar size and configuration. Trent's property is not a residential area as the term is used in Section 3406.6.2.1 and therefore the parking of tanker trucks on his property is not a violation of that provision of the SFPC.

IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the citation issued by the SFMO finding Trent to be in violation of Section 3406.6.2.1 of the SFPC to be, and hereby is, overturned.

Chairman, State Technical Review Board

Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon W. Hodge,

Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

REQUEST FOR INTERPRETATION

TO: OFFICE OF THE STATE BUILDING CODE TECHNICAL REVIEW BOARD
VIRGINIA DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT
Main Street Centre
600 East Main Street
Richmond, Virginia 23219
Tel: (804) 371-7150 Fax: (804) 371-7092

FROM: Henry D. Rosenbaum
Fire Marshal, Henrico County Division of Fire

Phone: Office 804 501 4914 Cell 804 971 0704

Code: 2009 Virginia Statewide Fire Prevention Code

Section(s): 308.1.4 Open-flame cooking devices: and Exceptions:

Submitted by (signature): _____ Henry D. Rosenbaum _____ Date: October 25, 2012

QUESTION(S): Does Section 308.1.4 Exception 1: *One- and two-family dwellings* include "Townhouses"?

Thank you in advance for your time and consideration in this interpretation.

Henry Rosenbaum
Fire Marshal
County of Henrico
Division of Fire

SECTION 306 MOTION PICTURE PROJECTION ROOMS AND FILM

306.1 Motion picture projection rooms. Electric arc, xenon or other light source projection equipment which develops hazardous gases, dust or radiation and the projection of ribbon-type cellulose nitrate film, regardless of the light source used in projection, shall be operated within a motion picture projection room complying with Section 409 of the *International Building Code*.

306.2 Cellulose nitrate film storage. Storage of cellulose nitrate film shall be in accordance with NFPA 40.

SECTION 307 OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any *open burning* unless conducted and *approved* in accordance with this section.

307.1.1 Prohibited open burning. *Open burning* that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

307.2 Permit required. A permit shall be obtained from the *fire code official* in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the *owner* of the land upon which the fire is to be kindled.

307.2.1 Authorization. Where required by state or local law or regulations, *open burning* shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

307.3 Extinguishment authority. The *fire code official* is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of *open burning* that creates or adds to a hazardous or objectionable situation.

307.4 Location. The location for *open burning* shall not be less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.

Exceptions:

1. Fires in *approved* containers that are not less than 15 feet (4572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

307.4.1 Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions

which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

307.4.2 Recreational fires. *Recreational fires* shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

Exception: Portable outdoor fireplaces used at one- and two-family *dwellings*.

307.5 Attendance. *Open burning*, bonfires, *recreational fires* and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other *approved* on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

SECTION 308 OPEN FLAMES

308.1 General. Open flame, fire and burning on all premises shall be in accordance with Sections 308.1.1 through 308.4.1 and with other applicable sections of this code.

308.1.1 Where prohibited. A person shall not take or utilize an open flame or light in a structure, vessel, boat or other place where highly flammable, combustible or explosive material is utilized or stored. Lighting appliances shall be well-secured in a glass globe and wire mesh cage or a similar *approved* device.

308.1.2 Throwing or placing sources of ignition. No person shall throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.

308.1.3 Torches for removing paint. *Persons* utilizing a torch or other flame-producing device for removing paint from a structure shall provide a minimum of one portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two portable fire extinguishers, each with a minimum 2-A rating, or a water hose connected to the water supply on the premises where such burning is done. The *person* doing the burning shall remain on the premises 1 hour after the torch or flame-producing device is utilized.

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family *dwellings*.
2. Where buildings, balconies and decks are protected by an *automatic sprinkler system*.

3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2¹/₂ pounds [nominal 1 pound (0.454 kg) LP-gas capacity].

308.1.5 Location near combustibles. Open flames such as from candles, lanterns, kerosene heaters and gas-fired heaters shall not be located on or near decorative material or similar combustible materials.

308.1.6 Open-flame devices. Torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon wildfire risk areas, except by a permit in accordance with Section 105.6 secured from the *fire code official*.

Exception: Use within inhabited premises or designated campsites which are a minimum of 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

308.1.6.1 Signals and markers. Flame-employing devices, such as lanterns or kerosene road flares, shall not be operated or used as a signal or marker in or upon wildfire risk areas.

Exception: The proper use of fuses at the scenes of emergencies or as required by standard railroad operating procedures.

308.1.6.2 Portable fueled open-flame devices. Portable open-flame devices fueled by flammable or combustible gases or liquids shall be enclosed or installed in such a manner as to prevent the flame from contacting combustible material.

Exceptions:

1. LP-gas-fueled devices used for sweating pipe joints or removing paint in accordance with Chapter 38.
2. Cutting and welding operations in accordance with Chapter 26.
3. Torches or flame-producing devices in accordance with Section 308.4.
4. Candles and open-flame decorative devices in accordance with Section 308.3.

308.1.7 Religious ceremonies. When, in the opinion of the *fire code official*, adequate safeguards have been taken, participants in religious ceremonies are allowed to carry hand-held candles. Hand-held candles shall not be passed from one *person* to another while lighted.

308.1.7.1 Aisles and exits. Candles shall be prohibited in areas where occupants stand, or in an *aisle* or *exit*.

308.1.8 Flaming food and beverage preparation. The preparation of flaming foods or beverages in places of assembly and drinking or dining establishments shall be in accordance with Sections 308.1.8.1 through 308.1.8.5.

308.1.8.1 Dispensing. Flammable or *combustible liquids* used in the preparation of flaming foods or beverages shall be dispensed from one of the following:

1. A 1-ounce (29.6 ml) container; or

2. A container not exceeding 1-quart (946.5 ml) capacity with a controlled pouring device that will limit the flow to a 1-ounce (29.6 ml) serving.

308.1.8.2 Containers not in use. Containers shall be secured to prevent spillage when not in use.

308.1.8.3 Serving of flaming food. The serving of flaming foods or beverages shall be done in a safe manner and shall not create high flames. The pouring, ladling or spooning of liquids is restricted to a maximum height of 8 inches (203 mm) above the receiving receptacle.

308.1.8.4 Location. Flaming foods or beverages shall be prepared only in the immediate vicinity of the table being serviced. They shall not be transported or carried while burning.

308.1.8.5 Fire protection. The *person* preparing the flaming foods or beverages shall have a wet cloth towel immediately available for use in smothering the flames in the event of an emergency.

308.2 Permits required. Permits shall be obtained from the *fire code official* in accordance with Section 105.6 prior to engaging in the following activities involving open flame, fire and burning:

1. Use of a torch or flame-producing device to remove paint from a structure.
2. Use of open flame, fire or burning in connection with Group A or E occupancies.
3. Use or operation of torches and other devices, machines or processes liable to start or cause fire in or upon wildfire risk areas.

308.3 Group A occupancies. Open-flame devices shall not be used in a Group A occupancy.

Exceptions:

1. Open-flame devices are allowed to be used in the following situations, provided *approved* precautions are taken to prevent ignition of a combustible material or injury to occupants:
 - 1.1. Where necessary for ceremonial or religious purposes in accordance with Section 308.1.7.
 - 1.2. On stages and platforms as a necessary part of a performance in accordance with Section 308.3.2.
 - 1.3. Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected.
2. Heat-producing equipment complying with Chapter 6 and the *International Mechanical Code*.
3. Gas lights are allowed to be used provided adequate precautions satisfactory to the *fire code official* are taken to prevent ignition of combustible materials.

McMahan, Alan (DHCD)

From: David Browne [browne@mg-law.com]
Sent: Monday, November 05, 2012 4:17 PM
To: McMahan, Alan (DHCD)
Cc: FireMarshal@co.henrico.va.us; Hodge, Vernon (DHCD)
Subject: RE: Request for Interpretation (Procedure)
Attachments: FireMarshalLtr10.12.2012.pdf

Mr. McMahan,

Thank you for your reply. I would ask that you provide the Board with the attached letter and materials for their review and consideration, which is the same letter and attachments that I provided previously to the Henrico County Fire Marshal.

Thank you,

David G. Browne

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From: McMahan, Alan (DHCD) [<mailto:Alan.McMahan@dhcd.virginia.gov>]
Sent: Monday, November 05, 2012 3:35 PM
To: David Browne
Cc: FireMarshal@co.henrico.va.us; Hodge, Vernon (DHCD)
Subject: RE: Request for Interpretation (Procedure)

Mr. Browne -

We have an open policy on this matter. You are more than welcome to come to the meeting or submit anything to us and we will give it to the Board. The meeting is scheduled for November 16, 2012 at the Virginia Housing Center, located at 4224 Cox Road in Glen Allen. The meeting will begin at 10:00 a.m.

Attached, for your reference, is a copy of Henrico County's interpretation request.

Should you have any questions, or need further assistance, please contact me.

Regards,

Alan McMahan, CBO
Senior Construction Inspector II
State Building Code Office
Division of Building & Fire Regulation
Department of Housing & Community Development
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From: David Browne [<mailto:browne@mg-law.com>]
Sent: Friday, November 02, 2012 4:24 PM
To: McMahan, Alan (DHCD)
Subject: Request for Interpretation (Procedure)

Mr. McMahan,

I am writing because I have met and corresponded with the Henrico County Fire Marshal regarding a fire code issue that the Fire Marshal has now submitted for an interpretation by the technical review board. My understanding is that the Board will be meeting sometime in the middle of this month. I would like to get more information regarding the process for such interpretations, and in particular whether the Board will accept written materials or statements/testimony from concerned parties in considering such requests for interpretations.

Please give me a call or reply e-mail regarding what, if any, procedures exist in this regard.

Thank you,



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October 12, 2012

VIA MAIL AND E-MAIL

Battalion Chief Henry D. Rosenbaum
Fire Marshal, Henrico County
P.O. Box 90775
Henrico, VA 23273-0775

Re: Open Flame Cooking Devices at Townhouses

Dear Chief Rosenbaum:

I am first and foremost writing to thank you and your colleagues from the Building Inspections Department for meeting with me on October 10, 2012 regarding the various code issues involved with sprinklers and use of open flame cooking devices on the balconies at the Villas at Hunton Park. Our discussion was very useful in narrowing and identifying the relevant issues and I appreciate your willingness to sit down with me to discuss these various issues.

There is some additional follow-up I need to do regarding NVR's proffers, how and why the sprinkler systems in the larger units came to be and the standards (e.g., NFPA 13D or NFPA 13R) used in these systems, and whether there is an argument that NVR should have sprinklered the balconies on these units. In the meantime, however, I have further reviewed and attempted to reconcile the apparent disagreement between the Building Inspection Department and the Division of Fire regarding the classification of these "townhouse" units. As you will recall, the Building Inspection Department believes based upon the code definitions that these are a series of attached, single-family dwellings, and that as such, for building purposes they fall under the Virginia version of the International Residential Code. Assuming this is correct and that the VRC applies exclusively, they might not require any sprinklers at all, and the sprinkler systems in the 3 story units may have been added as a proffer in exchange for waiving the (fire prevention code) requirement for a rear access road. These units are classified as R-5 occupancy, a fact that is significant as discussed further below and that does not appear to be in dispute.

The position of the Fire Marshal, as I understand it, is that that for fire prevention code purposes, these "townhouse" units are not single-family dwellings, nor duplexes, but are (as it pertains to § 308.1.4 of the 2009 VSFPC) essentially the same as an apartment or condominium building because they are three or more attached units, and thus the "one- and two-family dwelling" exception to the prohibition on open flame cooking in § 308.1.4 does not apply to these units. The end result, to oversimplify a bit, is

that these units were built under the VRC requirements for single-family dwellings but later, in effect, treated for fire code purposes as apartments/condominiums that would otherwise fall under the Virginia version of the International Construction Code (which would require balcony sprinklers). These interpretations, when combined, leave R-5 "townhouses" such as these in an untenable "no-man's land" position. For the reasons set forth below in more detail, I believe that these R-5 "townhouse" units do in fact fall under the "one- and two-family dwelling" exception to § 308.1.4, and I would ask that the Division of Fire either acknowledge or dispute this interpretation in writing.

There does not appear to be any dispute that the "townhouse" units at the Villas at Hunton Park are R-5 occupancies under all of the applicable codes. The 2009 VSFPC defines R-5 as follows:

R-5 DETACHED ONE AND TWO-FAMILY DWELLINGS AND MULTIPLE SINGLE-FAMILY DWELLINGS (TOWNHOUSES) NOT MORE THAN THREE STORIES HIGH WITH SEPARATE MEANS OF EGRESS AND THEIR ACCESSORY STRUCTURES. THE TERMS "R-5" AND "ONE AND TWO-FAMILY DWELLING" WHERE USED IN THIS CODE SHALL BE INTERCHANGEABLE.

Accordingly, for purposes of the VSFPC, the terms "one and two-family dwelling" and "R-5" are synonymous and each term therefore, by the code's definition, includes "townhouses." Townhouses are "one-family dwellings" under this definition. The "one and two-family dwellings" exception to § 308.1.4 therefore applies to the Villas at Hunton Park (and others similarly classified as R-5) and open flame cooking devices may be used on attached balconies/decks or within 10 feet of the buildings under the code. It is also notable that this exception to § 308.1.4 does not specify or limit its application to *detached* one- and two-family dwellings, but rather it applies by its plain language to ALL one- and two-family dwellings, and by operation of the definition above, to all R-5 dwellings. This is not a pronouncement or opinion on the general wisdom of the practice of using open flame cooking devices near or upon combustible dwellings, nor a dismissal of the fire flow concerns that you have raised, but simply a plain reading of the code.

Further support for this interpretation may be found by looking to the local fire codes and Fire Marshal interpretations of several other large Virginia localities. Since this open flame cooking provision was adopted (I believe in the 2003 code), a number of large localities in Virginia have apparently faced and resolved this very issue of "townhouses" and open flame cooking devices. As you know, § 101.5 of the VSFPC permits localities to modify the VSFPC so long as the changes are at least as restrictive as the statewide code. The Boards of Supervisors of Fairfax, Arlington, and Winchester (and perhaps others as well) have all enacted local fire code provisions, presumably in consultation with their respective Fire Marshals, which make absolutely clear that "townhouses" fall under the "one and two-family dwelling" exception to § 308.1.4. Because localities cannot "loosen" or "relax" the VSFPC requirements by adding a "townhouse" exception where one did not already exist in the statewide code, these local enactments were clearly meant as a clarification and a mere restatement of my definition interpretation above, that ALL R-5 occupancies fall under this "one- and two-family dwelling" exception. You will note that, again for the sake of clarity and convenience, Arlington for example

added explicit exceptions for electrically-powered cooking devices (which is already contemplated by the statewide code's language but not entirely apparent to a casual reader).

I have attached copies of the three local codes mentioned above for your reference. I have also attached a "Code Compliance Guide" for open flame cooking devices recently issued by the Fairfax Fire Marshal, and an information letter from Rees Broome (a law firm in Northern Virginia) discussing the purpose, enactment, and exceptions to § 308.1.4 when it was originally adopted in 2003. Please note that "townhouses" are specifically contemplated as being exempt from § 308.1.4 in these materials as R-5 single-family dwellings.

To summarize, it is my belief upon further review of the issues raised at our October 10, 2012 meeting that, by code definition language and based on the supporting interpretations of several other large Virginia localities, R-5 "townhouse" dwellings fall under the "one- and two-family dwellings" exception to § 308.1.4 of the 2009 VSFPC. Thus, occupants of these dwellings may lawfully use open flame cooking devices on balconies, decks, and within 10 feet of the dwellings. Again, that is not to say that this is necessarily a wise activity, nor that due care should not be taken given the potential hazards, but I do not believe that it is illegal under the fire prevention code.

As indicated before, I would appreciate your consideration of the foregoing and a formal written response to this letter containing a clear indication of the agreement or disagreement with this interpretation by the Division of Fire. I would be happy to discuss any of these issues with you in further detail if you believe that would be helpful.

Sincerely,



David G. Browne

DGB/

Enclosures

Cc: Acting Asst. Chief W. David Seay (via e-mail only)
Gregory H. Revels, Building Official (via e-mail only)

308.3.1. Open-flame cooking devices. No charcoal burners and other open-flame cooking devices fueled by combustible or flammable gases, liquids, or solids shall be used, operated or stored on any balcony, rooftop, or deck of any building or within fifteen (15) feet of combustible construction or residential occupancy.

Exceptions:

1. Detached one- and two-family dwellings, attached single-family dwellings and townhouse/s.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.
3. Cooking devices using electricity as the heating source and listed by a recognized testing authority.
4. Cooking devices using natural gas as the heating source and which are listed by a nationally recognized testing authority may be operated on non-combustible rooftop, patios, terraces, balconies, and/or decks.

308.3.1. Open-flame cooking devices. Add the following 308.3.1.1.

308.3.1.1. Notification of tenants. The person in control or management agent of multi-family residential occupancies which have balconies, patios, balconies, terraces, and/ or decks shall notify their tenants in writing of the prohibitions outlined in Section 308.3.1 of this code when the tenant or occupant initially occupies the building, renews a lease, and periodically thereafter as may be necessary to ensure compliance.

308.4. Torches for the removing of paint. Delete, rename, and amend to include "*removal of paint or for sweating pipe joints*" and "*a reliable water supply.*"

308.4. Torches for the removal of paint or for sweating pipe joints. Persons utilizing a torch or other flame-producing device for the removal of paint from any building or structure or for sweating pipe joints in any building or structure shall provide a minimum of one (1) portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two (2) portable fire extinguishers, each with a minimum of 2-A rating, or a water hose connected to a reliable water supply on the premises where such burning or sweating pipe joints is done. The person doing the burning shall remain on the premises one (1) hour after the torch or flame-producing device is utilized.

308.4.1. Permit. Delete and substitute as follows.

308.4.1. Permit. A permit in accordance with Section 107.2 shall be secured from the fire official prior to the utilization of a torch or flame-producing device for the removal of paint from a building or structure or for sweating pipe joints in any building or structure.

308.4. Torches for the removal of paint or for sweating pipe joints. Add the following 308.4.2

308.4.2. Sweating pipe joints. Any person using a torch or other flame producing device for sweating pipe joints in any building or structure shall have available in the immediate vicinity where the sweating is done an approved fire extinguisher or water hose connected to a reliable water supply. Combustible material in close proximity to the work shall be protected against ignition by shielding, wetting or other approved means. In all cases, a fire watch shall remain in the vicinity of the sweating operation for one (1) hour after the torch or flame-producing device has been used.

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

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

308.1.4. Open-flame cooking devices. Delete and substitute as follows: 308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices fueled by combustible or flammable gases, liquids, and solids shall not be operated or stored on a balcony or deck of any structure or within 15 feet of combustible construction or residential occupancy.

Exceptions:

1. Detached one- and two-family dwellings and townhouses.
2. Cooking devices using electricity as a heating source and listed by a recognized testing authority.

308.1.4.1. Notification of tenants. Delete and substitute as follows: 308.1.4.1 Notification of tenants. The management of multi-family residential occupancies which have balconies, decks, or patios shall notify their tenants in writing of the prohibitions outlined in section 308.1.4 of this code when the tenant or occupant initially occupies the building and periodically thereafter as may be necessary to ensure compliance.

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

315.1. General. Delete last sentence.

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

401.9. Promulgation of fire safety instructions. Add Subsection as follows: 401.9 Promulgation of fire safety instructions. The fire official shall issue regulations which require the owner, lessor, or management agent of buildings to post signs where, in the professional judgment of the fire official, such signs are deemed to be effective in minimizing the danger to persons and property in case of fire.

401.9.1. Elevator warning signs. Add Subsection as follows: 401.9.1 Elevator warning signs. Elevator lobby call stations on each floor and on all elevator cars shall be marked with approved signs reading as follows: "USE STAIRWAYS IN CASE OF FIRE - DO NOT USE ELEVATOR." The requirements of this section shall apply to all buildings. Elevators installed in use group R-5 shall be exempt from the provisions of this section.

401.9.2. Posting of signs. Add Subsection as follows: 401.9.2 Posting of signs. It shall be unlawful for the owner of any building which is leased to another or the lessor or management agent of any such building, to fail to post the signs required by the preceding paragraphs.

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

FIRE PREVENTION AND PROTECTION

6. Recognized silvicultural, range, or wildlife management practices, prevention or control of disease or pests, where the property on which the burning is to be carried out contains at least 5 acres.

Add Section 307.1.3 to read:

307.1.3 Allowable burning. Open burning shall be allowed without prior notification to the fire code official for recreational fires, highway safety flares, smudge pots, and similar occupational needs.

Change Section 307.2 to read:

307.2 Permit Required. A permit shall be obtained from the fire code official in accordance with Table 107.2 prior to kindling a fire permitted by Section 307.1.2. Permits shall only be issued to the owner or the owner's agent, for the land which the fire is to be kindled.

Add Section 307.6 to read:

307.6 Notification. Notification to the Winchester Emergency Communications Center is required prior to and at the conclusion of any open burning permitted under this section.

Exception: Open burning in accordance with Section 307.1.3

Add Section 307.7 to read:

307.7 Permitted Times. Open burning shall be conducted only during daylight hours except when otherwise approved by the fire code official.

Add Section 307.8 to read:

307.8 Endangering other property. No person shall kindle nor authorize to be kindled or maintain any permitted fire in such a manner that will endanger the property of another.

Change Section 308.3.1 to read:

308.3.1 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices fueled by combustible or flammable gases, liquids, and solids shall not be operated on a balcony or deck of any structure or within 15 feet of combustible construction or residential occupancy.

EXCEPTIONS:

1. Detached one- and two-family dwellings and townhouses.

WINCHESTER CODE

2. Where buildings, balconies, and decks are protected by an automatic sprinkler system.
3. Cooking devices using electricity as a heating source and listed by a recognized testing authority.

Change 308.3.1.1 to read:

308.3.1.1 Notification of tenants. The management of multi-family residential occupancies which have balconies, decks, or patios shall notify their tenants in writing of the prohibitions outlined in section 308.3.1 of this code when the tenant or occupant initially occupies the building and periodically thereafter as may be necessary to ensure compliance.

Change Section 401.3 to read:

401.3 Emergency forces notification. In any building subject to inspection under any provision of the Code, when a fire or evidence of there having been a fire is discovered, even though it has apparently been extinguished, it shall be immediately reported to the Fire and Rescue Department. This shall be the duty of the owner, occupant, manager, or person in control of such building at the time of discovery. This requirement shall not be construed to forbid the owner, occupant, manager, or person in control of said building from using all diligence necessary to extinguish such fire prior to the arrival of the fire department. No person shall, by verbal or written directive, require any delay in the reporting of a fire to the Fire and Rescue Department.

Add Section 408.3.5 to read:

408.3.5 Evacuation diagrams. A diagram depicting two evacuation routes shall be posted on or immediately adjacent to every required egress door from each educational classroom or educational classroom like setting.

Change Section 503.1 to read:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and Appendix D. The Fire Department is authorized to designate fire lanes on public streets and on private property where necessary. This is to prevent parking in front of, adjacent to, fire hydrants and to provide access for firefighting equipment. Markings and signs are to be provided by the owner or agent of the property involved.

Add Section 901.5.2 to read:

901.5.2 Hydrostatic testing of repaired or altered sprinkler or standpipe systems. Hydrostatic testing for automatic sprinkler work in tenant spaces or the repair or alteration of existing sprinkler or standpipe systems shall follow the



A publication of Fairfax County, Virginia



CODE COMPLIANCE GUIDELINE

OPEN-FLAME COOKING DEVICES

CHARCOAL BURNERS & OUTDOOR BARBEQUE GRILLS

Office of the Fire Marshal
Fire Inspections Branch
10700 Page Avenue
Fairfax, Virginia 22030
Telephone: 703-246-4849
Fax: 703-246-4872

This publication outlines the Fire Prevention Code fire safety requirements and prohibitions related to the operation and storage of charcoal burners and other open-flame cooking devices fueled by combustible or flammable gases, liquids, and solids in Fairfax County and the towns of Clifton, Herndon, and Vienna. This publication does not address recreational fires, bonfires, controlled burning, portable outdoor fireplaces, or portable heating appliances.

Questions regarding the content of this publication should be directed to the Fire Inspections Branch at 703-246-4849 during regular office hours, Monday thru Friday, 8:00 a.m. to 4:30 p.m.

OVERVIEW

The intent of this publication is to provide information to help prevent unwanted fires resulting from the unlawful or unsafe operation and/or storage of charcoal burners and other open-flame cooking devices fueled by combustible or flammable gases, liquids, and solids. In addition to specifying the regulations prohibiting the operation and storage of open-flame cooking devices, fire safety and precautionary information related to the operation of these devices is provided.

NOTIFICATION OF TENANTS REQUIRED. Section 308.3.1.1 of the Fire Prevention Code (as amended by Fairfax County) requires the management of multi-family residential occupancies which have balconies, decks, or patios notify their tenants in writing of the prohibitions outlined in Section 308.3.1 of the Fire Prevention Code (see below) when the tenant or occupant initially occupies the building and periodically thereafter as may be necessary to ensure compliance.

PROHIBITED OPERATION & STORAGE

Endangering Property Prohibited. In accordance with Section 307.5.1 of the Fire Prevention Code (as amended by Fairfax County), no person shall kindle, authorize to be kindled, or maintain any permitted (i.e., allowable) fire in such a manner that will endanger the property of another. This might include the unlawful or unsafe operation of charcoal burners and other open-flame cooking devices fueled by combustible or flammable gases, liquids, and solids.

Prohibited Operation & Storage. In accordance with Section 308.3.1 of the Fire Prevention Code (as amended by Fairfax County), charcoal burners and other open-flame cooking devices fueled by combustible or flammable gases, liquids, and solids shall not be operated or stored on a balcony or deck of any structure or within 15 feet of combustible construction or residential occupancy. The two exceptions to this prohibition include (a) cooking devices using electricity as a heating source and listed by a recognized testing authority and (b) operation and storage of these devices at detached one- and two-family dwellings and townhouses (townhouse definition on next page). In addition, Section 313.1 of the Fire Prevention Code prohibits the storage, operation, or repair of fueled equipment such as portable cooking equipment within a building.

QUESTIONS & ANSWERS

Q: Why have fire safety regulations for open-flame cooking devices?

A: To reduce risk of unwanted fires resulting in property damage, occupant displacement, and personal injury or death from the operation and/or storage of open-flame cooking devices fueled by combustible or flammable gases, liquids, and solids in areas in proximity to balconies and decks, combustible construction, and residential occupancies. Potential fire risks associated with misuse of these devices include grill fires resulting from propane gas (LPG) leaks, petroleum or grease-based flash fires, accidental ignition of adjacent combustible material, vegetation, and building features such as balconies, decks, and vinyl siding, as well as inadequate fire extinguishment and improper disposal of leftover ashes resulting from the use of charcoal burners and other solid-fuel burning cooking devices.

Q: What is a townhouse?

A: The Fire Prevention Code defines "townhouse" as a single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides. This might include structures referred to as row houses or quads. However, stacked, over-under, and piggyback style dwellings or similar multi-level residential occupancies having horizontal (i.e., floor-ceiling) dwelling unit separation between lower and upper level units are not considered townhouses because individual units do not extend from foundation to roof; therefore are not exempt from the prohibitions related to the operation and storage of open-flame cooking devices fueled by combustible or flammable gases, liquids, and solids.

Q: Can I use an open-flame cooking device at my apartment building or condominium?

A: *Only in accordance with the law.* Residents of apartment buildings, multi-unit condominiums, and other residential occupancies who want to operate open-flame cooking devices must take certain precautions and understand the regulations relating to the operation and storage of these devices at residential occupancies. With exception of cooking devices using electricity as a heating source and listed by a recognized testing authority (e.g., Underwriters Laboratories), the operation and storage of charcoal burners and other open-flame cooking devices fueled by combustible or flammable gases, liquids, and solids on balconies and decks, or within 15 feet of residential occupancies other than detached one- and two-family dwellings and townhouses is against the law.

Q: Should I operate an open-flame cooker on/under the balcony or deck of my house?

A: *No.* Although one- and two-family dwellings and townhouses are exempted from the Fire Prevention Code prohibitions related to the operation of charcoal burners and other open-flame cooking devices fueled by combustible or flammable gases, liquids, and solids, the operation of these types of cooking devices on/under combustible balconies and decks attached to townhouses, duplexes, and single-family dwellings is strongly discouraged. Furthermore, manufacturers generally specify that open-flame cooking devices not be operated in such locations. When these cooking devices are operated on combustible balconies and decks attached to townhouses, duplexes, and single-family dwellings, non-combustible protective insulating materials such as patio blocks/pavers or a hearth pad should be used to help protect the surface of the balcony or deck from radiant heat and stray embers provided the manufacturer does not specifically prohibit the use of their particular brand of open-flame cooking device on combustible balconies and decks.

Q: How far from my house or deck should I operate an open-flame cooking device?

A: *Greater than 15 feet.* A minimum distance of 15 feet from all detached one- and two-family dwellings and townhouses, as well as other combustibles such as sheds, fences, decks, and woods, is strongly encouraged. This 15 foot distance originates from the Fire Prevention Code, and is the minimum separation from combustible construction and residential occupancies required for charcoal burners and other open-flame cooking devices fueled by combustible or flammable gases, liquids, and solids. This recommendation is made in an effort to limit exposure to the house, deck, and other combustibles and reduce the chance of unwanted fire spread should an accident occur during cooking device operation.

FIRE SAFETY REQUIREMENTS & PROHIBITIONS

1. **Manufacturer's Instructions.** All charcoal burners, open-flame cooking devices fueled by combustible or flammable gases, liquids, and solids, and cooking devices using electricity as a heating source, shall be used in accordance with the manufacturer's instructions.
2. **Flame Protection Required.** In accordance with Section 308.1.6.2 of the Fire Prevention Code, portable open-flame devices fueled by flammable or combustible gases or liquids shall be enclosed or installed in such a manner as to prevent the flame from contacting combustible material.
3. **Attendance.** Cooking fires should be constantly attended. When using solid-fuel materials such as charcoal or wood, make sure the fire is completely extinguished after use. Do not leave smoldering fires unattended. If you allow a fire to smolder, it is not completely extinguished. Completely extinguish the fire including all hot ashes, cinders, embers, and smoldering coals. Then, properly and safely dispose of leftover ashes. Read more about disposal of ashes on pages four and five of this publication. When using liquefied petroleum gas (LPG) fueled cookers, be sure to shut off the gas supply at the tank valve after use.
4. **Extinguishing Equipment.** Consult the manufacturer's instructions for precautions related to extinguishment of fire in a particular cooking device. A portable fire extinguisher with a minimum rating of 2A:20B:C should be readily available.
5. **Quantity of Fuel.** Do not overload the solid-fuel cooking device with too much fuel such as charcoal or wood. Make a fire that fits your cooking device. Use only the quantity of allowable fuel the device is designed to hold in accordance with the manufacturer's instructions, limitations, or safety guidelines. A fire that is too large for the cooker not only wastes fuel, but can damage the cooking device and cause a hazardous fire condition.
6. **Allowable Fuel.** In solid-fuel cooking devices, only materials approved by the manufacturer are permitted to be used as fuel, and must be used in accordance with the manufacturer's instructions, limitations, or safety guidelines. Devices using portable liquefied petroleum gas (LPG) cylinders must be safely used per the manufacturer's instructions.
7. **Burning of Refuse Prohibited.** The burning of refuse in a barbeque grill, charcoal burner or open-flame cooking device is not an approved method for refuse disposal and is prohibited in Fairfax County and the towns of Clifton, Herndon, and Vienna. The definition of refuse originates from Fairfax County air pollution control regulations (Chapter 103, Fairfax County Code) and shall mean and include garbage, rubbish, and trade waste defined as follows:

- **Garbage.** Garbage shall mean animal and vegetable matter such as that originating in houses, kitchens, restaurants and hotels, produce markets, food service or processing establishments, greenhouses, and hospitals, clinics or veterinary facilities.
 - **Rubbish.** Rubbish shall mean solids not considered to be highly flammable or explosive such as, but not limited to, rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, yard trimmings, furniture, metal food containers, glass, crockery, masonry, and other similar materials.
 - **Trade Waste.** Trade waste shall mean all solid or liquid material resulting from construction, building operations, or the prosecution of any business, trade or industry such as, but not limited to, plastic products, cinders and other forms of solid or liquid waste materials.
8. **Materials Producing Dense Smoke Prohibited.** The burning of rubber, asphaltic materials, combustible and flammable liquids, impregnated wood or similar materials which produce dense smoke is considered objectionable, a hazard and nuisance to the community, and is strictly prohibited.
9. **Ignitable Liquids and/or Hazardous Materials Prohibited.** Combustible and flammable liquids, as well as other hazardous materials, shall not be used to aid the ignition of solid fuels such as wood contained within a barbeque grill or open-flame cooking device. However, charcoal lighter/starter fluid can be used to start a cooking fire in a cooking device using charcoal as a fuel provided the starter fluid is used sparingly, never applied directly onto flames, and dispensed in accordance with manufacturer's instructions, limitations, or safety guidelines. The application, dispensing, or use of a combustible or flammable liquid, or any other hazardous material, upon or into the fuel used in any portable outdoor fireplace may be considered an unauthorized release of a hazardous material and is prohibited.
10. **Careless and Negligent Fires Prohibited.** In accordance with Section 307.6 of the Fire Prevention Code (as amended by Fairfax County), if any person shall carelessly or negligently set fire to, burn or cause to be burned any property, either real or personal, whether the property be his or that of another, he shall be subject to the penalties set forth in Section 62-1-1 of the Fairfax County Code. Operation of open-flame cooking devices in a hazardous manner contrary to manufacture's instructions and limitations for proper and safe operation may be considered careless or negligent in violation the Fire Prevention Code. This might include the improper disposal of hot ashes, cinders, and smoldering coals.

DISPOSAL OF ASHES

Safe Disposal. After the fire is completely extinguished, dispose of leftover ashes in a safe and lawful manner. Ashes removed from the cooking device must be thoroughly dampened and cooled, then deposited in a covered metal can or other suitable noncombustible container used solely for ash storage. Ashes must be stored in accordance with the law.

It's the Law! In accordance with Section 305.2 of the Fire Prevention Code, hot ashes, cinders, smoldering coals shall not be deposited in a combustible receptacle, within 10 feet of other combustible material including combustible walls and partitions or within 2 feet of openings to buildings. The minimum required separation distance to other combustible materials shall be 2 feet where the material is deposited in a covered, noncombustible receptacle placed on a noncombustible floor, ground surface or stand.

Don't Be Careless. Do not discard leftover ashes into a plastic bag, paper bag, cardboard box or anything that is combustible. Ashes that are two or three days old may appear to be cool and safe, but can still retain enough heat to cause an unwanted fire. Also, be careful in handling partially burned wood; the wood may still be smoldering and could cause a burn injury.

Get More Information. For additional information about safe disposal of leftover ashes, refer to the Fire & Rescue Department's "Can Your Ashes" publication. This publication is available online at www.fairfaxcounty.gov/fr/download/canyourashes.pdf

SAFETY TIPS

- Place grills a safe distance from lawn games, play areas, and foot traffic, and declare a three-foot "safe zone" around the grill to keep children and pets away.
- When managing food on the grill, use long-handled grilling tools to give the chef plenty of clearance from heat and flames.
- Periodically remove grease or fat buildup in trays below the cooking device so it cannot be accidentally ignited by a hot grill. This should be done when the cooking device is cool.
- For charcoal grills, purchase the proper starter fluid and store the container out of reach of children and away from heat sources and never add charcoal starter fluid when the cooking fire has already been ignited. Never use any flammable/combustible liquid other than a suitable charcoal starter fluid to get the fire going.
- Though rare, charcoal has been known to cause fires without a direct ignition source and can self-ignite in some conditions. These self-igniting instances typically occur when briquettes get wet and then dry, changing the molecular make up of the charcoal material. Preventative measures include storing charcoal in a dry, safe, temperature controlled storage area.
- For gas grills, check the gas cylinder hose for leaks before using the grill for the first time each year. A light soap and water solution applied to the hose will quickly reveal escaping propane by releasing bubbles. If you determine your grill has a gas leak, by smell or the soapy-bubble test, and there is no fire/flame:
 1. Turn off the gas tank and grill.
 2. If the leak stops, get the grill serviced by a professional before using it again.
 3. If the leak does not stop, call 911 immediately.
- If you smell gas while cooking, immediately get away from the grill and call 911. Do not attempt to move the grill.
- All gas (LPG) cylinders manufactured after April 2002 must have overfill protection devices (OPD). These devices shut off the flow of gas before capacity is reached, limiting the potential for release of propane gas if the cylinder heats up. They are easily identified by their triangular-shaped hand wheel. Never store propane gas cylinders in buildings or garages. If you store a gas grill inside during the winter, disconnect the cylinder and leave it outside.
- Always follow the manufacturer's instructions, limitations, and/or safety guidelines for setting up, operating, and maintaining the cooking device.

If you have any questions regarding the fire safety requirements and prohibitions related to the operation and storage of open-flame cooking devices, contact the Fire Inspections Branch at 703-246-4849 during regular office hours, Monday thru Friday, 8:00 a.m. to 4:30 p.m.

Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services and activities. Reasonable accommodations will be provided upon request. Materials such as this publication may be available in alternate formats. To request reasonable ADA accommodations or materials in alternative formats, call the Office of the Fire Marshal at 703-246-4803 (TTY: 711 or 1-800-828-1120) or write us at the following address: 10700 Page Avenue, Fairfax, VA 22030.

OCTOBER 2003

OPEN FLAME AND GAS GRILLS CHANGE IN LAW AFFECTS CONDOMINIUM COMMUNITIES

By: Kimberley M. O'Halloran-Cordray, Esquire

On October 1, 2003 two significant changes to the Virginia Statewide Fire Prevention Code (VSPFC) were enacted concerning open flame and gas grills. These changes directly impact many condominium communities and are enforceable by all cities, towns and counties in the Commonwealth of Virginia.

Effective October 1, 2003, it is prohibited to operate charcoal burners, open-flame cooking devices and certain gas fueled cooking devices on combustible (i.e. wooden) balconies or within ten feet of combustible construction. With respect to gas or propane grills, only those grills with a tank capacity of 2.5 pounds or less can be operated on combustible balconies or within 10 feet of any combustible construction.

Single family, duplex and townhome dwellings are exempted from the new law. Also, those buildings with an automated sprinkler system are exempted from the new law.

Generally, a standard gas or propane tank has a capacity of 10-25 pounds. Accordingly, these new changes to the Statewide Fire Prevention Code effectively

prohibit residents from using any charcoal grill and any standard-sized gas grill on a wooden balcony or within ten feet of any dwelling with wood or vinyl siding. Under the new law, only gas or propane grills of the mini-grill variety can be used on a wooden balcony or within ten feet of any dwelling with wood or vinyl siding.

We recommend that our clients confer with the Fire Marshal's office in the jurisdiction in which the property is located to confirm that their community is affected by these new laws. Specifically, our clients should confirm with their local Fire Marshal that the sprinkler system installed at the property meets the requirements to be exempted from the application of this law.

We further recommend that our clients inform residents about the change in the law, and take adequate and reasonable steps to ensure compliance with the law.

Please contact any one of our community association attorneys if you have questions about the application of these changes to the Statewide Fire Prevention Code in your community.

REQUEST FOR INTERPRETATION

TO: OFFICE OF THE STATE BUILDING CODE TECHNICAL REVIEW BOARD
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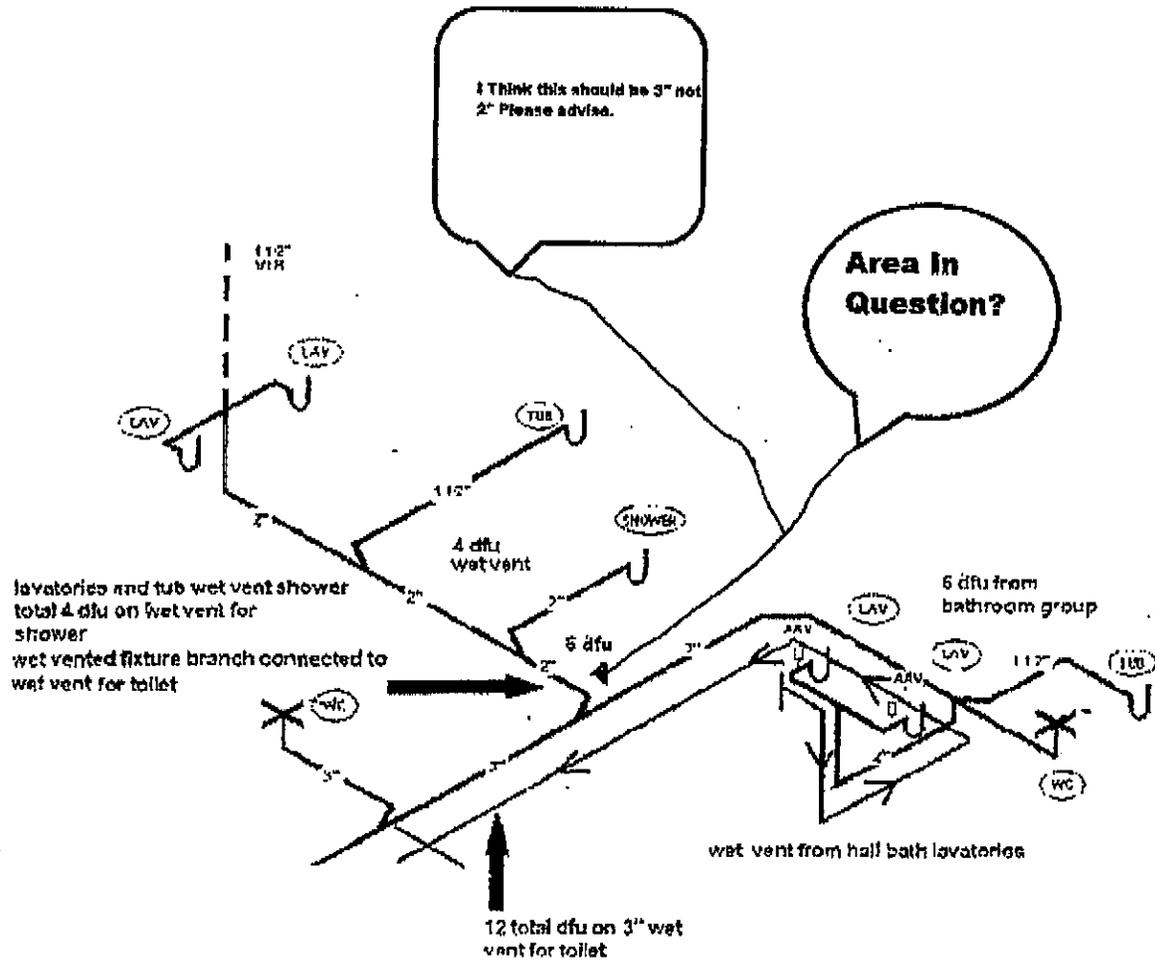
Code: 2009 International Plumbing Code

Section(s): Table P3108.3

Submitted by (signature): *William Morrell* Date: 10/31/2012

QUESTION(S):

Under Table P3108.3(Wet Vent Size) Per the drawing I have provided, I'm trying to verify the pipe size between the shower and the 3" drain. The drawing submitted to me says 2" and I have enforced 3" in that area per code section listed. Thanking you in advance for your attention in this matter.



P3104.3 Vent connection to drainage system. Every dry vent connecting to a horizontal drain shall connect above the centerline of the horizontal drain pipe.

P3104.4 Vertical rise of vent. Every dry vent shall rise vertically to a minimum of 6 inches (152 mm) above the flood level rim of the highest trap or trapped fixture being vented.

P3104.5 Height above fixtures. A connection between a vent pipe and a vent stack or stack vent shall be made at least 6 inches (152 mm) above the flood level rim of the highest fixture served by the vent. Horizontal vent pipes forming branch vents shall be at least 6 inches (152 mm) above the flood level rim of the highest fixture served.

P3104.6 Vent for future fixtures. Where the drainage piping has been roughed-in for future fixtures, a rough-in connection for a vent shall be installed a minimum of one-half the diameter of the drain. The vent rough-in shall connect to the vent system or shall be vented by other means as provided in this chapter. The connection shall be identified to indicate that the connection is a vent.

**SECTION P3105
FIXTURE VENTS**

P3105.1 Distance of trap from vent. Each fixture trap shall have a protecting vent located so that the slope and the *developed length* in the *fixture drain* from the trap weir to the vent fitting are within the requirements set forth in Table P3105.1.

Exception: The *developed length* of the *fixture drain* from the trap weir to the vent fitting for self-siphoning fixtures, such as water closets, shall not be limited.

**TABLE P3105.1
MAXIMUM DISTANCE OF FIXTURE TRAP FROM VENT**

SIZE OF TRAP (inches)	SLOPE (inch per foot)	DISTANCE FROM TRAP (feet)
1 1/4	1/4	5
1 1/2	1/4	6
2	1/4	8
3	1/8	12
4	1/8	16

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 inch per foot = 83.3 mm/m.

P3105.2 Fixture drains. The total fall in a *fixture drain* resulting from pipe slope shall not exceed one pipe diameter, nor shall the vent pipe connection to a *fixture drain*, except for water closets, be below the weir of the trap.

P3105.3 Crown vent. A vent shall not be installed within two pipe diameters of the trap weir.

**SECTION P3106
INDIVIDUAL VENT**

P3106.1 Individual vent permitted. Each trap and trapped fixture is permitted to be provided with an individual vent. The individual vent shall connect to the *fixture drain* of the trap or trapped fixture being vented.

**SECTION P3107
COMMON VENT**

P3107.1 Individual vent as common vent. An individual vent is permitted to vent two traps or trapped fixtures as a common vent. The traps or trapped fixtures being common vented shall be located on the same floor level.

P3107.2 Connection at the same level. Where the *fixture drains* being common vented connect at the same level, the vent connection shall be at the interconnection of the *fixture drains* or downstream of the interconnection.

P3107.3 Connection at different levels. Where the *fixture drains* connect at different levels, the vent shall connect as a vertical extension of the vertical drain. The vertical drain pipe connecting the two *fixture drains* shall be considered the vent for the lower *fixture drain*, and shall be sized in accordance with Table P3107.3. The upper fixture shall not be a water closet.

**TABLE P3107.3
COMMON VENT SIZES**

PIPE SIZE (inches)	MAXIMUM DISCHARGE FROM UPPER FIXTURE DRAIN (d.f.u.)
1 1/2	1
2	4
2 1/2 to 3	6

For SI: 1 inch = 25.4 mm.

**SECTION P3108
WET VENTING**

P3108.1 Horizontal wet vent permitted. Any combination of fixtures within two *bathroom groups* located on the same floor level are permitted to be vented by a horizontal wet vent. The wet vent shall be considered the vent for the fixtures and shall extend from the connection of the dry vent along the direction of the flow in the drain pipe to the most downstream *fixture drain* connection. Each *fixture drain* shall connect horizontally to the horizontal branch being wet vented or shall have a dry vent. Each wet-vented *fixture drain* shall connect independently to the horizontal wet vent. Only the fixtures within the *bathroom groups* shall connect to the wet-vented horizontal branch drain. Any additional fixtures shall discharge downstream of the horizontal wet vent.

P3108.2 Dry vent connection. The required dry-vent connection for wet-vented systems shall comply with Sections P3108.2.1 and P3108.2.2.

P3108.2.1 Horizontal wet vent. The dry-vent connection for a horizontal wet-vent system shall be an individual vent or a common vent for any *bathroom group* fixture, except an emergency floor drain. Where the dry vent connects to a water closet *fixture drain*, the drain shall connect horizontally to the horizontal wet vent system. Not more than one wet-vented *fixture drain* shall discharge upstream of the dry-vented *fixture drain* connection.

P3108.2.2 Vertical wet vent. The dry-vent connection for a vertical wet-vent system shall be an individual vent or common vent for the most upstream *fixture drain*.

P3108.3 Size. Horizontal and vertical wet vents shall be of a minimum size as specified in Table P3108.3, based on the fixture unit discharge to the wet vent. The dry vent serving the wet vent shall be sized based on the largest required diameter of pipe within the wet-vent system served by the dry vent.

**TABLE P3108.3
WET VENT SIZE**

WET VENT PIPE SIZE (inches)	FIXTURE UNIT LOAD (d.f.u.)
1½	1
2	4
2½	6
3	12
4	32

For SI: 1 inch = 25.4 mm.

P3108.4 Vertical wet vent permitted. A combination of fixtures located on the same floor level are permitted to be vented by a vertical wet vent. The vertical wet vent shall be considered the vent for the fixtures and shall extend from the connection of the dry vent down to the lowest *fixture drain* connection. Each wet-vented fixture shall connect independently to the vertical wet vent. All water closet drains shall connect at the same elevation. Other *fixture drains* shall connect above or at the same elevation as the water closet *fixture drains*. The dry vent connection to the vertical wet vent shall be an individual or common vent serving one or two fixtures.

P3108.5 Trap weir to wet vent distances. The maximum developed length of wet-vented *fixture drains* shall comply with Table P3105.1.

SECTION P3109 WASTE STACK VENT

P3109.1 Waste stack vent permitted. A waste stack shall be considered a vent for all of the fixtures discharging to the stack where installed in accordance with the requirements of this section.

P3109.2 Stack installation. The waste stack shall be vertical, and both horizontal and vertical offsets shall be prohibited between the lowest *fixture drain* connection and the highest *fixture drain* connection to the stack. Every *fixture drain* shall connect separately to the waste stack. The stack shall not receive the discharge of water closets or urinals.

P3109.3 Stack vent. A stack vent shall be installed for the waste stack. The size of the stack vent shall be not less than the size of the waste stack. Offsets shall be permitted in the stack vent and shall be located at least 6 inches (152 mm) above the flood level of the highest fixture, and shall be in accordance with Section P3104.5. The stack vent shall be permitted to connect with other stack vents and vent stacks in accordance with Section P3113.3.

P3109.4 Waste stack size. The waste stack shall be sized based on the total discharge to the stack and the discharge within a *branch interval* in accordance with Table P3109.4. The waste stack shall be the same size throughout the length of the waste stack.

**TABLE P3109.4
WASTE STACK VENT SIZE**

STACK SIZE (inches)	MAXIMUM NUMBER OF FIXTURE UNITS (d.f.u.)	
	Total discharge into one branch interval	Total discharge for stack
1½	1	2
2	2	4
2½	No limit	8
3	No limit	24
4	No limit	50

For SI: 1 inch = 25.4 mm.

SECTION P3110 CIRCUIT VENTING

P3110.1 Circuit vent permitted. A maximum of eight fixtures connected to a horizontal branch drain shall be permitted to be circuit vented. Each *fixture drain* shall connect horizontally to the horizontal branch being circuit vented. The horizontal branch drain shall be classified as a vent from the most downstream *fixture drain* connection to the most upstream *fixture drain* connection to the horizontal branch.

P3110.2 Vent connection. The circuit vent connection shall be located between the two most upstream *fixture drains*. The vent shall connect to the horizontal branch and shall be installed in accordance with Section P3104. The circuit vent pipe shall not receive the discharge of any soil or waste.

P3110.3 Slope and size of horizontal branch. The maximum slope of the vent section of the horizontal branch drain shall be one unit vertical in 12 units horizontal (8-percent slope). The entire length of the vent section of the horizontal branch drain shall be sized for the total drainage discharge to the branch in accordance with Table P3005.4.1.

P3110.4 Additional fixtures. Fixtures, other than the circuit vented fixtures are permitted to discharge, to the horizontal branch drain. Such fixtures shall be located on the same floor as the circuit vented fixtures and shall be either individually or common vented.

SECTION P3111 COMBINATION WASTE AND VENT SYSTEM

P3111.1 Type of fixtures. A combination waste and vent system shall not serve fixtures other than floor drains, sinks and lavatories. A combination waste and vent system shall not receive the discharge of a food waste grinder.

P3111.2 Installation. The only vertical pipe of a combination drain and vent system shall be the connection between the *fixture drain* and the horizontal combination waste and vent pipe. The maximum vertical distance shall be 8 feet (2438 mm).

P3111.2.1 Slope. The horizontal combination waste and vent pipe shall have a maximum slope of ½ unit vertical in 12 units horizontal (4-percent slope). The minimum slope shall be in accordance with Section P3005.3.

Commonwealth of Virginia

2013 Technical Review Board Meeting Schedule

January

S	M	T	W	T	F	S
		①	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	⑮	19
20	⑳	22	23	24	㉕	26
27	28	29	30	31		

February

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	⑮	16
17	⑮	19	20	21	22	23
24	25	26	27	28		

March

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	⑮	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	⑰	20
21	22	23	24	25	26	27
28	29	30				

May

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	⑰	18
19	20	21	22	23	24	25
26	⑳	28	29	30	31	

June

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9	10	11	12	13	14	15
16	17	18	19	20	㉑	22
23	24	25	26	27	28	29
30						

July

S	M	T	W	T	F	S
	1	2	3	④	5	6
7	8	9	10	11	12	13
14	15	16	17	18	⑰	20
21	22	23	24	25	26	27
28	29	30	31			

August

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	⑰	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September

S	M	T	W	T	F	S
1	②	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	㉑	21
22	23	24	25	26	27	28
29	30					

October

S	M	T	W	T	F	S
	1	2	3	4	5	
6	7	8	9	10	11	12
13	⑭	15	16	17	⑰	19
20	21	22	23	24	25	26
27	28	29	30	31		

November

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	⑪	12	13	14	⑰	16
17	18	19	20	21	22	23
24	25	26	27	⑳	㉑	30

December

S	M	T	W	T	F	S
1	2	3	4	5	6	7
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15	16	17	18	19	㉑	21
22	23	㉔	㉕	26	27	28
29	30	31				

January 1 - New Year's Day
 January 18 - Lee-Jackson Day
 January 21 - Martin Luther King, Jr. Day
 February 18 - George Washington Day
 May 27 - Memorial Day
 July 4 - Independence Day
 September 2 - Labor Day
 October 14 - Columbus Day
 November 11 - Veterans Day
 November 27 - Close at Noon
 November 28 - Thanksgiving
 November 29 - Day After Thanksgiving
 December 24 - Offices Closed
 December 25 - Christmas

Please note: In some agencies, the holiday and payday schedule may vary from what is shown here. If you have questions, see your agency human resources officer.

Denotes Holiday ○

Denotes Technical Review Board Meeting □