

Work Group 2 Meeting, Fire Code Edit Only
Henrico Training Center, Henrico, VA
June 9, 2016 – 9:30 a.m.

Summary Notes

Cindy Davis – Welcome and introductions. Thank you to Henrico County for the use of their facilities. Handout - Virginia Statewide Fire Prevention Code Rewrite FAQ page. Cindy reviewed the background information and provided information on who participated

F-101.1 cdpVA-15
Proponent SFPC Rewrite Committee
Chapters 2-8

Cindy Davis – Provided an overview of the process for the SFPC Rewrite. Initiated during the last code cycle, the Board of Housing and Community Development directed staff to remove unenforceable provisions from the VA Maintenance Code and the VA Fire Code, due to confusion over when it would apply retroactively. DHCD staff chose to collaborate on the task, instead of working autonomously. Last summer staff contacted VFPA and VBCOA and other stakeholders to see there was an interest in participating. VFPA recommended 10 representatives from various fire service organizations. VBCOA recommended 5 and 5 were suggested from various other stakeholder groups; such as building owners association, mercantile association, realtors group, etc. Ms. Davis reiterated that the intent is to not change anything. The SFPC will keep everything that is legally enforceable and will remove what is not legally enforceable. Additionally, anything related to construction will be relocated to an appendix. There had been a request at the Fire Code Rewrite meetings to keep a reference to the construction requirements. This would provide information for newer buildings; although previous code editions must still be referenced as applicable.

Monty Willaford – Who makes the decision on what and why it comes out? He indicated that so many fire officials are here today is to make sure the baby is not tossed out with the bath water. Ms. Davis stated that she thought that was great and was glad they were there and explained that is exactly what the workgroups are for. She further explained that just like any other building regulation, the final decision is made by the VA Board of Housing and Community Development which is made up of a 14 member board, appointed by the governor.

Art Lipscomb - Asked if this was done in conjunction with the fire board?

Cindy Davis - Explained the collaborative process set forth in the memorandum of the agreement and shared that in FSB and BHCD will hold a joint meeting in July. Although the FSB has a member on the BHCD, an additional written notice was provided to the Chair of the FSB.

Art Lipscomb – Shouldn't this be a cooperative decision instead of just from the housing board?

Cindy Davis – reiterated that she just explained that it will be done jointly.

Robby Dawson – Shared that he is the FSB representative on the BHCD and further explained the process.

Cindy Davis – Provided an overview of the cdpVA online code process and encouraged everyone to participate.

Keith Brower – Asked if all comments are available.

Cindy Davis – Explained that the ability to comment is being explored with ICC. She reminded everyone that anyone can comment on the Virginia Town Hall website during the comment period. It was stated that the BHCD will be provided with all comments.

Glenn Dean – Asked what “agreement” meant.

Cindy Davis – Agreement in previous code cycles we talked about consensus and what consensus means. Does that mean that everyone is in agreement? Does that mean that one person objects? For this cycle, we have said yes it must be unanimous. If there is one person that has adamant opposition (other than the proponent), it will be recorded and moved forward as non-consensus.

Keith Chambers – Asked if opposition in workgroups have to be present in the room, opposition in the cdpVA or will an e-mail do.

Cindy Davis – Explained that we capture at the end of every meeting is what happened in the workgroup and reiterated that all comments are still forwarded to the board. She suggested that there was a lot of material to cover and that the group really needed to get started. She offered to discuss additional process questions offline.

Robby Dawson – Asked to review the reason statement published for this change. He stated that he believes that the changes are not in a proper format and are unsupported by the FSB.

Cindy Davis – Stated that his comments will be noted. She further explained that there was no intent to imply that everything in the SFPC rewrite document was supported unanimously by the rewrite committee. She explained that staff tried to document concerns and opposition as they went along and again reminded everyone that this is what the purpose of today’s meeting is. If we missed something it will be captured in this workgroup meeting. Ms. Davis explained that the rewrite was a struggle as there seemed to be new and different representatives on the fire service side at every meeting. A few were diligent in attending most meetings, but there was often a need to start over at each meeting explaining the reasons/process. There was also no clarification on representation vs personal opinion, so we had no way of knowing whether a comment was on behalf of an organization or just an individual. Comments were captured along with who made them and that was sent out to everyone after each meeting. We received no corrections to the comments as I recall.

Glenn Dean – In the reason statement there is mention of the Rewrite Committee, is this the committee you are speaking about? Is this the same thing? This is the first time I have heard about the Rewrite Committee.

Cindy Davis – This was just an informal Fire Code Edit Committee that was put together in an effort to make sure that everybody that was going to be affected had an opportunity to participate.

Glenn Dean – Am I restating this correctly, that this Rewrite Committee is an umbrella title for all of this stuff. I'm not clear.

Cindy Davis – Lets back up, I talked about the ten individuals that were chosen to represent your organizations, the five from the building official, and the other five from various other organizations so that staff wasn't trying to do this in a vacuum. We thought it was important to get input from as many stakeholders as we could. That is what we call the Fire Code Rewrite Committee. That is what you attended a number of times. That is what we are referring to when we mention the Fire Code Edit Committee.

Glenn Dean – I believe this goes back to Robby's statement in that the way it is written seems to be agreement.

Cindy Davis – We can go back in if it is the desire of some of the folks to go back into the reason statement and make sure that it is clear that those who participated were not in full agreement of all of the sections. Again, that is what this workgroup is for and there will likely be further workgroups to address this.

Robby Dawson – I hate to go back to the process but in that workgroup committee that I was at, I would say that the majority people there were opposed to giving edits and that is still in there. I'm trying to wrap my mind around is whatever comes out of this is that edit going to be there or is there going to be a note there saying there was opposition? Or is the note going to say that the 60 of the 75 people here were in opposition? Is there going to be a scope to give the board some indication of how much opposition there was? One person or one organization in opposition, because I don't see this scoping issue within the sub workgroup.

Cindy Davis – Historically we have never counted people or take votes, but I do get what you are asking in that how will the board know to what extent there was or was not opposition? I guess we can work through this as we go through the list if there is vehement opposition, we will state that the majority of the fire folks present, or whoever was in opposition to it, we will make note in what we give to the board.

Robby Dawson – So with this verbage who becomes the proponent of that change? Because come of the key elements in the sub workgroup was in opposition.

Cindy Davis – Are you talking about this document, since staff was directed to do it, that the proponent should be DHCD staff? There were a lot of people on that committee that did agree. I will take exception to the fact that you said that even when there was a majority disagreement that it was in there anyway.

Robby Dawson – On occasions there was.

Cindy Davis – So please be sure to identify them as we go through the document. Because we were very careful to not do that.

Kris Bridges – I don't really think that any of them are edits. We identified areas that we believe are unenforceable. It's not in or out either way. These are just areas that were identified as retrofit provisions. They should be reworded on the largest majority.

Cindy Davis – So with that, let's get started. If you have a comment specific to the section, please remember to identify yourself and where you are from so Jane can capture in the summary.

F-101.1 cdpVA-15 Chapter 2 Definitions

APPLICABLE BUILDING CODE: Definition reviewed.

Cindy Davis – During the process we were asked to come up with a generic terminology that could be used throughout. So that whenever the term “applicable building code” was used there as agreement on what that meant. Basically it means the code in effect when the building was constructed or when a change of use or alteration occurred. And that if it was prior to any statewide code then it would be the Virginia Public Safety Law and if it was before that then it is simply as the building was originally constructed. Again, with the emphasis on no retroactive construction requirements being applied or required.

Glenn Dean - To date, when it comes to the term, building code or some variation of that, I thought I knew what that meant. I thought I could go to the specific edition of the USBC or pre-USBC or in the absence of a local building code. I thought I knew what this meant. The first sentence of the proposed definition is in keeping with that and to a lesser degree the second sentence, but it is the second half of the second sentence that I have taken and printed copies and placed in front of people that have not been averse to this. After they read this, their response or reaction is, what does this mean?

Cindy Davis – Asked if he was referring to “**the term shall be construed to encompass all the aspects of construction provided**”.

Robby Dawson– What does construed mean? I thought I knew what the applicable building code meant.

Cindy Davis – Asked if it is possible to have a building that fall under nothing?

Glenn Dean – Stated yes. It was pointed out in the Housing Study Commission from 1970.

Cindy Davis – the comment is that there is a possibility having a building that falls under no building code and it was pointed out in a study. So what does this mean?

Glenn Dean – That is my question, what does this mean? It could go anywhere from something to nothing. Therein lies the confusion to what this means. If a building comes under the edition of the USBC, if I go to that specific edition, or subsequent editions of the USBC. Let's use Norfolk as an example, they have a local building code. Richmond had a local building code. There are a number of localities that had a local building code.

Cindy Davis – For the ones who didn't have a local building code? What would you apply? If we take that language out, what are you applying?

Glenn Dean – What am I applying? Nothing. If we are talking about an existing building that pre-dates USBC, I am going to look at the Fire Code or the Maintenance Code for unsafe structure. I'm going to look at the structural elements and if they are failing then I have means today under today's codes to deal with that.

Greg Revels – Asked if anything is lost by deleting the second sentence altogether?

Cindy Davis – So the suggestion was just to have the first sentence and the second sentence in its entirety was not necessary.

William Lloyd – Home and building safety regulations were retroactive so we do have retroactive requirements.

Vernon – Explained that this language came from the Maintenance Code Rewrite Committee as well as the Fire Code Rewrite Committee. You have to maintain what was provided. You have to maintain whatever is there. If no code, then you are going to maintain what was required.

Sean Farrell – I sat on the Rewrite Committee and the discussions that happened during these sessions were removing all of the 2015 prescriptive languages in the IFC because some of the fire code inspectors need some guiding language. So the intent was to help the inspector in the field.

Richard Bartell – It is a difficult thing to do sometimes. This second sentence really doesn't add anything. If you diagram this sentence, you have just changed the subject midstream. It does not move forward as a cohesive sentence. This sentence adds nothing.

Johnna Grizzard – I have heard different options here. This was brought forth in the first committee meeting by the fire services? They were concerned about buildings that had no codes. If we drop it, I'm not sure if this will answer everyone's concerns. If not, just delete it.

Robby Dawson – I don't remember that.

Lynn Underwood – In the first sentence, after building code add the words **or law** in effect and this will cover it.

Richard Bartell – Stated that does not help. Provided an example of Hanover's courthouse that was built in the 1740's. It is what it is.

George Hollingsworth – I would like to make a suggestion that why don't we put this in as an individual code change so we can make comments and take this out of this group? I don't have the time or the inclination right here to take out the wording. If you could put something in to say to be maintained according to the code in which it was approved under that would include buildings that did not have a code at that time. Code it was approved under or the original construction. Give us a chance to make comments on the individual proposals.

Cindy Davis - We know that you want a generic language that stays the same all the way through and that you don't like this wording. Somehow along the way we have to come up with language that everyone likes. We will work on this and make it clearer. It sounds to me like everybody knows that if there was no codes and the building was built that is the way it stays unless they underwent something after there was a code in which case it has to comply with that code.

Robby Dawson – Asked where have we had fire code officials having problems?

Cindy Davis – referred him back to the FAQs that were handed out earlier.

William Lloyd – I do hear that you are cutting off comments of conversation.

Cindy Davis – I can't hear you. No, I'm not cutting off conversation.

Sean Farrell – I think she answered the question.

Cindy Davis – The board did not ask the staff to add definitions but the Fire Code Edit Committee said that there needs to be a generic language that is used the whole way through the process. So that it doesn't change, when we go to the maintenance language in every single chapter it is stated the exact same way the whole way through if we can't agree how we are going to do that, we are taking your comments that have been recorded and try to come up with some language that makes it clearer.

Henry Rosenbaum – Should they also reference something to the reference code not just the building code but also the reference code that was applicable during that time frame?

Anthony McDowell – This is my first time here. We spent a lot of time on this first issue and we have a lot of them here, what I wanted to know if there is one up for discussion, can we vote on it? Do we raise our hands if we are for it or against it? That way we know if there is a quorum. Vote for it or against it. I just don't know how we are going to get this done by the end of the day. Do I find out next week what you decided or did we decide? I'm not sure how this goes unless I missed something in the beginning.

Cindy Davis – So let me go over this part of the process again. What will happen, this whole thing will be moving forward to the board and we will capture all the comments. It has been made very clear, from the very beginning that there are a lot of folks that oppose all of it, folks that oppose some of it, some folks that are in agreement with a lot of it and some folks that are opposed to a little bit of it. This will go forth as non-consensus to the board of housing. This is clearly non-consensus. It will go to the board with the captured comments. If we come back with another definition that we are proposing to be used throughout the whole code then we will bring it back to another workgroup meeting so that you know what we have done. If we make a change, based on comments, we will bring it back to you, otherwise what is in there with captured comments of opposition will move forward to the board and we will define that as we go. Jane will type up a summary after this meeting and that also goes to the board.

Anthony McDowell – So we make these changes and that means we will meet again like this meeting?

Cindy Davis – Yes, we now have a workgroup 2 meeting scheduled for July 20 and at this point, there will likely be at least one or two more meetings additional workgroup meetings, specific to this topic.

Chapter 3 General Requirements

Cindy Davis – Explained that existing Virginia amendments automatically moves forward unless someone submits a code change to take it out.

301.2 Permits – existing state amendment

301.3 Occupancy - existing state amendment

304.3.2 Capacity exceeding 5.88 cubic feet. existing state amendment

304.3.3 Exceptions: Glenn Dean – agrees generally. When I look at that section, knowing who does the approval (the building official) and then I look at the balance of that section and look at the scoping of 13, 13R and 13D. How far and how wide these will get in there. If you take an existing building that has a sprinkler system in there and again I'm being hypothetical, if it's got a 13R system in there and something changes during the life of that building where the new tenant expands the degree of hazard in there beyond the 13D or to 13 I'm still dealing with that approved system. Is this correct?

Cindy Davis - No

Kris Bridges – Explained that it is taken care of by the change of use. If you change the hazard, you change the use. It is still covered under the change because it specifically lists fire hazard.

Glenn Dean – You can change a hazard within a B. You can change a hazard within an M. It only says approved system.

Cindy Davis – Restated Mr. Dean's question was he understands what it means when you say that the sprinkler system has to be approved in accordance with the code under which it was installed. The question was if it expands beyond that sprinkler system capacity to protect or do, then what? The answer is if the inspector believes an existing sprinkler system is not compliant with the building code, then it needs to be reported to the building department.

Glenn Dean – Concurred. Concerned that the language doesn't say that. All it says is approved system. It doesn't give me the ability to look at the scope for a 13, 13D or 13R and make that determination. This is a very small example but could lead to consequences down the road.

Robby Dawson – I had one question, but I think you answered it. We think that creates a violation if the draft language is approved. Then we would have to go to the building official to make the determination of whether or not that sprinkler system still complies with the code under which it was constructed. Second comment, that is not a construction requirement. That said, it is giving guidance to the fire inspectors, it says you can have this condition if the building is sprinklered in accordance with that standard. Now we create a sprinkler system not built to the standards that the section was directed. I'm not saying that thou shalt install a sprinkler system; it

is saying that you can use this process if you have a sprinkler system. I say this is not a construction requirement and should not be changed.

Mike Maenner – This one cleared up, this is an exception to the paragraph above and if they exceed the dumpsters above, they must install a new sprinkler system. So that exception would be dictated by the paragraph above and that would determine whether you would have to increase your sprinkler or not.

Cindy Davis – So, Mr. Dawson, I understand you are saying, if you have a limited area sprinkler now it doesn't comply with that section. I think this is the whole genesis for this, if you have a building from 1960 that had a dumpster here over 30 years and had a sprinkler system approved for that time, there is not a retrofit requirement to make them put in a sprinkler system in accordance with the code under which it was constructed.

Sean Farrell – Clarified that the language that was stricken only because of the reference to Section 903.3.1.1. For all we know it could have been in 502.6.7 in 1985. The only reason this was stricken was it specifically said 903.3.1.1. You have to go back to the code in which it was constructed.

William Lloyd – Once again, obviously we do not have a consensus. This is taking away the reference of one inspector telling them what standard that type of system needs. If the code section changes, and NFPA 13 System then it is going to be an NFPA 13 and the inspector needs to know that.

Shaun Pharr – When the property owner changes the context, I don't think that this alters a fire code authority. Make a decision, write a NOV and write in what needs to be present for the required section. This is much to do about nothing.

Johnna Grizzard – This section sends you to Chapter 9 of the Fire Code, 901.1 Scope. Revisions of this chapter shall specify where fire protection systems are required which shall apply to design, installation and inspection. Then if you go to Chapter 1 of the Fire Code it tells you that wherever a design or installation is specified it is unenforceable. This is sending you to an unenforceable section.

Richard Bartell – If you take the literal meaning of 903.3.1.1, the currently referenced standards in the code today, not to a previous edition. Those sections reference the sprinklers that are currently in the code today. If you keep this in there, it will have to be installed throughout unenforceable. Bad language to have in there.

Section 306 Motion picture projection rooms and film.

Cindy Davis - Striking Section 409 of the IBC to make reference to the applicable building code because it cannot comply retroactively under current provisions so it must comply with the codes which it was constructed.

George Hollingsworth – We are trying to make this better for the inspector, going forward may be more helpful in the mechanical code, instead of the IBC.

Cindy Davis – You are ok with this?

George Hollingsworth - Yes

Cindy Davis - Any objections? No objections.

Section 307

Open burning, recreational fires and portable outdoor fireplaces.

existing state amendment

307.2 Permit required.

existing state amendment

Section 308. Open Flames

308.1.6 Open-flame devices

Existing state amendment

308.2 Permits required.

Existing state amendment

Section 308.3 Group A Occupancies

Item 2. Heat-producing equipment

Striking the International Mechanical Code

Greg Revels same as sprinkler issue

Linda Hale – are you still striking Chapter 6 which references fire code?

Cindy Davis - Unstrike Chapter 6

Gas lights – which are not part of the construction of a building...

Any objections?

No objections

311.1.1 Abandoned premises

The proposal is to strike declared unsafe and abated by demolition or rehabilitation in accordance with the International Property Maintenance Code and the International Building Code and replace with declared unsafe in accordance with Section 110. Section 110 is a whole section on unsafe structures.

Robby Dawson - Are the provisions going to apply to an abandoned premise that is not declared unsafe under Section 110; such as we have to maintain sprinklers, security, fire protection which should not apply?

Cindy Davis – If you look at Section 110, I think the language is pretty broad.

Robby Dawson – I think this says it is abandoned and declared unsafe and everything below it does not apply. I can make my argument that it is just an abandoned premise and not unsafe so we don't have to secure it. I think this is a conflict in the code.

Matt Smolsky - tenants are in jeopardy because the system is broke. It doesn't have to be declared abandoned it could just be vacant.

Cindy Davis – this whole section is only specific to abandoned and it talks about buildings and abandoned structures in which an owner could not be identified or located. It is not talking about vacant. It is talking about abandoned.

Keith Chambers – This is an inclusive statement, and declared unsafe. It means that you have to have both pieces for it to fall in this code section. There are other sections in the code, that says that we can have an abandoned building as long as these are met but under this code session and declared unsafe. This is what he wants to fix.

Cindy Davis – This is existing language that we are not proposing to change. The only thing we are saying is instead of referencing the unsafe provisions in the building code we are referencing the unsafe provisions in Chapter 1 in Virginia.

Johnna Grizzard – in the fire code, this is giving us more leeway, it is sending you back to 110 of the fire code where you get your authority to declare something unsafe.

Richard Bartell – Suppose I have a 2,000 sq. ft. building that I walk away from, I abandoned it. Is it really proposing a hazard to anyone? It is in the middle of my 100 acres.

Robby Dawson – If it catches on fire you still have to send fire fighters in. We need to change the International Property Maintenance Code to the Virginia Maintenance Code.

Cindy Davis – So you are saying don't reference the unsafe provisions that you already have in Section 110?

Robby Dawson – They are already there, this adds to the confusion. You have to declare it unsafe. I don't think there is anything wrong with the way it is. Change to USBC.

Cindy Davis – Virginia doesn't use the unsafe provision in the International Building Code so you are saying change to USBC?

Johnna Grizzard- One thing that came up in the workgroup was that the fire officials needed the ability to have this in for a fire to reference 110 and to give the fire fighter more leeway.

Henry Duchene, VA Beach – Fire safety gives us the authority to decide an unsafe building

Shaun Pharr – Accordance with the applicable building or fire code.

Robby Dawson – the answer is to fix the problem, to demolish or rehab.

Sean Farrelll – current provisions of the code, I have this problem, I go to Section 110 and it tells me what to do. It simplifies it.

Johnna Grizzard – There is no reason this section in the fire code should instruct anyone to demolish or rehab a building. This is building code related.

Linda Hale – I agree with Johnna, it is referring back to the building code. We can declare it unsafe under Section 110. What we can't do is demolish or be able to have it rehabilitated. Send it back to the building official for demolish or rehab. If you remove it, you will not allow where it is supposed to go.

Cindy Davis – The way I read this stricken language, this has to be declared unsafe in accordance with Property Maintenance Code or the building code. But you have the unsafe provision to tell you when it is declared unsafe. Since you already have it, you don't use the unsafe provisions of the building code. Because you use Chapter 1.

Robby Dawson - How do we enforce that, fix an unsafe building? Nowhere in Chapter 110 is this found.

Cindy Davis –The stricken language says that you have to declare that unsafe in accordance with the building code.

Kris Bridges - It shall be declared and unsafe in accordance with Property Maintenance Code or the building code.

Greg Revels – Asked to put Section 110 up on the screen.

Sean Farrell – The early codes are not going to tell you how to abate an unsafe existing building, in the Virginia Maintenance Code says that you make an existing building unsafe structure by rehabbing it or demolishing it.

Shawn Pharr- I thought we were working on unenforceable and these references don't need to be here since they are unenforceable.

Chris Anderson, Hanover – The way I read this, the proposed change send us over to Section 110 and then 110 directs and requires us to go to the building official to abate or demolish.

Ron Clements – you just need to delete 311 altogether. You can't enforce it now and you can't enforce it if it is changed. You have everything you need in Section 110.

Cindy Davis – So you are saying you have everything you need in Section 110 under unsafe structures?

Robby Dawson – I don't have the authority to enforce the building code, but it is telling me I have to go to the property maintenance official and the building official.

Kris Bridges – This is why we are taking it out. Section 110 says the same thing. I completely disagree with everyone saying you can't write a notice of violation to someone regarding Chapter 1.

Robby Dawson – I will read it right here, the fire code official shall order the following conditions or materials to be removed or remedied.

William Lloyd – The only person that can be charged with a violation in Section 110 is the fire official. Robby just read it. The fire official shall...

Andrew Milliken, Stafford County – I suggest that we scrap this entire section that would be outside the scope of this workgroup. Would be a separate code change.

311.2.3 Fire separation

maintenance language added, maintained in accordance with the applicable building code.

Robby Dawson – Chapter 7 explains how you maintain, inspection, testing and maintenance of existing fire separations. If you remove Chapter 7 it eliminates the process by which you test, inspect and maintain.

Linda Hale – Chapter 7 will affect it.

Johnna Grizzard - Chapter 7 shall be maintained. In reference to 703.1

Richard Bartell – Asked where it says you can't maintain it? It also says you can't poke holes in fire separations. There's no code section that says you can't block open the door with a wedge if it is required door separation. If anyone violates any of these things, it is a violation of the terms that were in place at the time of construction. If they do those things it is no longer in accordance with the way it was constructed in the applicable code. It is a violation of fire code and building code.

Andrew Millikin, Stafford county – We are for this being removed.

Sean Farrell – If there are maintenance provisions in Chapter 7 of the SFPC, we don't want to delete. We also want to say, maintain in accordance of the building code.

Shaun Pharr – In addition to the maintenance provisions in Chapter 7, add a generic reference that is applicable to the building code and or the fire prevention code

Mike Maenner- The reasons you have to go back to the applicable code , not Chapter 7 of the SFPC is because in previous codes the fire walls went up and down because of sprinkler breaks lowered the fire walls. It is to eliminate those mistakes,

Johnna Grizzard – the first thing we need to consider is the maintenance code and that will send you back to Chapter 7 and should also include fire and assemblies and not just delineate partitions, fire barriers and firewalls, since those are just recent defined terms. I don't think the way it is worded openings, joints and penetrations shall be maintained.

Cindy Davis – So I think what I hear is a strong recommendation to keep all the maintenance language in Chapter 7, make sure that you have everything that you need to make sure that the fire resistant barriers and fire separation are maintained within the code that it was constructed under when it was installed.

Keith Brower – stick to all the maintenance code language.

311.3 Removal of combustibles.

Exceptions:

Change a reference from the IBC to the USBC.

Andrew Milliken – why are we changing the code in 311.3 to USBC? Explanation followed.

No objections

311.5.6 Removal

Existing state amendment.

311.6 Unoccupied tenant spaces in mall buildings.

Robby Dawson - Asked if the building official, in the case of an existing Certificate of Occupancy and no work occurring, would make them comply with this section?

Glenn Dean – Assuming the answer to the first questions is No., then it would be true that the fire official would make the referral to the building official, correct? Then after all that gets done, if this language is being deleted out of the fire code, is there reciprocal language in the building code directing the building official to do it in accordance with these specifications?

Cindy Davis – That is a good question. Does the building official have to do it in accordance with the specifications? What if the building official wanted to allow an alternate method of protection, do they not have the ability to do that?

Glenn Dean – It already has the certificate of occupancy.

Cindy Davis – Even though he has the certificate of occupancy, now it is not applicable. If the building official can't get in and the fire official can, and you see the construction has to be created there, or some separation has to be created there, and you are going to send them back to the building official to get a permit. Correct?

Robby Dawson – Yes

Cindy Davis – Now we are going to apply for a permit to do it, what if they propose an alternate method or materials, or they want to provide a fire watch? What if the building official wants to do it a different way, than that prescriptive method? Are you saying they don't have that ability?

Johnna Grizzard – or an approved equivalent.

Linda Hale – My point is if you delete it, then we don't have the authority to be able to cite it and send to the building official.

Kris Bridges - How does the fire official have the authority today to go into a 1970 mall building and enforce that section right now?

Robby Dawson - The building official doesn't have the authority.

Kris Bridges – How does the fire official have the authority, because it is written there?

Robby Dawson – Yes

Johnna Grizzard – This isn't being enforced across the board now.

Glenn Dean – If this language is lifted out of the fire code and is it being plopped down in the building code, does the building official have some kind of specification by which they can issue a permit by some alternative method to have a reference point. Is this language being lifted and plopped down in another building code?

Cindy Davis – this is prescriptive language.

Sean Farrell – I think there is a misunderstanding of what we are trying to do here. If I have a building that doesn't have any storage, no combustible waste, no occupants, why do I need to do anything more than an existing approved certificate of occupancy required? And conceptually the SFPC and the maintenance code is requiring them to do more to that space. How is this maintaining it? You are requiring to retrofit the space and the reason, I'm not getting it, It is a vacant space that you are trying to put the construction requirement on to maintain.

Proposed language is: Separated as approved by the building official.

Johnna – how is this not a retroactive construction item? No change of occupancy.

Vernon Hodge – On the national level, the IFC is written for construction and maintenance and operation. They say it is ok to require construction. Unfortunately in Virginia, our law limits us in how to use a model code or standard under the SFPC. The struggle that the committee, the staff and the board is having in trying to use an international code. They are filled with construction provisions and they don't work in VA. We have to figure out how to make it work. This is the dilemma.

Robby Dawson – The building official does not have the authority to do this.

Richard Bartell – If someone violates the provisions of their building code, if you find it with the building official, there may be a reason to cite a violation.

Section 313

Fueled Equipment

Exceptions

1. Changing reference striking IBC with applicable building code. No objections.
3. Storage of equipment. Approved automatic sprinkler system installed in accordance with Section 903.3.1.1

Glenn Dean – Am I saddled with the Group B limited service use group area? If they increase their hazardous area, they will need a new permit.

Richard Bartell – they changed a use and hazardous space.

Andrew Milliken – 13 system protection level in order to have this exception

Robby Dawson – I may be ok with this. If you bring in gasoline, you are expanding the scope..

Shaun Pharr – I think this gives more latitude to our fire officials to make a determination to what he or she thinks.

Johnna Grizzard – Add approved in exception 1

Andrew Milliken - Not intended to be a 13R or 13D Clarify language to approve.

Bob Jenkins, Chesterfield Fire – I want a clarification of approved. Approved as installed.

Section 314

Indoor Displays

314.1

Existing state amendment

314.5 to 314

all are existing state amendments

Henry Rosenbaum – Asked if we highlight existing amendments in a different color. Information on the different color already used for Virginia amendments

Section 315

General Storage

315.3.4 Attic, under-floor and concealed spaces

Added language to refer to the applicable building code.

Section 315

General Storage

315.6 Storage in plenums

Glenn Dean – Raised a question around the term “approved”. Approved by whom? In this context, does this mean by the fire official?

Cindy Davis – If it was approved for storage without protection, under the code in which it was originally built, it must be maintained. So, the way you are reading what is proposed doesn't say that? Generally agreed that the term approved needs to be clarified.

Linda Hale – I want to verify your statement that all of the chapters with an N in front of it needs to be amended?

Cindy Davis – “N” indicates that prescriptive construction requirements were removed from the SFPC. Those provisions will be copied into an Appendix N in the back of the SFPC. We designated this with the letter N, so you know that there is a construction provision applicable to that section in the appendix.

Cindy Davis - Removing unless approved for such use by the applicable building code.

Robby Dawson – How does this apply to 315.3.4, unless it is approved under the building code? Wonder if the building code is silent or if the building code says it is a plenum?

Cindy Davis – So your question is, If you have a 1960 building that had a plenum and the building code didn't address the storage, what would apply?

Robby Dawson – I suggest if it isn't broken, don't fix it.

Richard Bartlett – There has to be approval in the building code.

Cindy Davis – So you are suggesting that we make sure that the language in 315.3.4 and 315.6 are the same.

Ron Clements – Verified that there is no storage in a plenum.

Cindy Davis – We have a suggestion to duplicate the language in attics and another suggestion that there has never been, to anyone's knowledge, storage in a plenum.

Cindy Davis – So is everyone Ok with removing unless approved for such use as applicable building code? Reviewed the Appendix N procedure for moving to the appendix.

Vernon Hodge reviewed 315.4.1 language the board put in. This was about storage under eaves.

Andrew Milliken - Would it be appropriate to put under there plenum language?

Johnna Grizzard – I think this needs to stay.

Cindy Davis - The tag that the abandoned cable should be tagged needs to be unstricken. We will un-strike and add “unless approved under the applicable building code”.

Robby Dawson – not in agreement.

316.6.1 Structures under high voltage transmission line.

Proposal is to delete construction related provision and added it to Appendix N for reference.

Keith Chambers – What is a non-permitted structure? A small shed? Reviewed what is permitted. We are taking the language out, however, there are small structures that are not permitted that building officials are not involved but we still have to regulate because they are under transmission lines. We have had a case on this. Virginia Power uses us sometime to regulate structures under their power lines.

Johnna Grizzard - If a structure is over 150 sq. ft. the building code would have purview.

Richard Bartell – 256 sq. ft. which is an accessory structure. So why couldn't it be an accessory structure? We have people with transmission lines in their back yards in my county.

Andrew Milliken – the location is a hazard to the fire officials don't let code decrease safety.

Matt Hunter, AWC- usually the utilities have their own criteria. Reviewed easements.

Sean Farrell- If state law empowers the fire official to regulate that, then why not leave it in?

Todd Stoudt, Chesterfield – Virginia Power has a blue book. Reviewed the building dept. vs. fire official dealings with this issue.

Cindy Davis – If we leave this, hypothetically, the building department may issue a permit then you would turn around and say get it out of there?

Todd Stoudt - Yes

Richard Bartell – the NEC gives us criteria for clearance. What Virginia Power wants us to do their job and enforce it. This unenforceable requirement can only be done through the VA State Corporation Commission which requires them to contact the customer and they hate to contact the customer.

Sean Farrell – if state law allows you to do it. ok

Andrew Milliken – Do we have consensus that this is not the right order?

Richard Bartell – Yes

Johnna Grizzard – But this is existing language?

Johnna Grizzard – So let's strike it. Reviewed utility easements.

Sean Farrell – Reviewed the way to get this done.

Henry Duchene, VA Beach Fire – I appreciate everyone doing what they are supposed to do, this gives us permission if they do not handle the right way, and we go in and enforce it.

Cindy Davis – If this language does not exist in the building code and the building department is not prohibited by something from issuing a permit for it. The building department would have to issue a building permit that is not in violation with the NEC or any other regulation of the building code and now the fire official goes out and they say, tear it down.

Keith Chambers – So now we are involved in it.

Andrew Milliken – so we get the permit to build a house under the power line, the fire code says it is unacceptable. Maybe this should stay in the building code.

Johnna Grizzard – Reviewed that this is a separate issue.

Shaun Pharr – Reviewed fire service issues under power lines.

Cindy Davis – What I'm hearing is the fire services is concerned of buildings going up without permits under high tension utility lines.

Linda Hale – We are all assuming that structures mean, but structures can be other things, it could be a huge play house with a pole on it. We just want the right to say it is just not safe under high tension utility lines.

Ron Clements – Actually you don't have to worry about this because it bans the tower holding the lines.

Richard Bartell – He reviews GIS and site plan information pertaining to this.

Cindy Davis – It sounds like the concerns related to the building department are process or procedure issues related to the building department but what about Linda's comment concerned about the playground equipment or some other structure not regulated by the building department under these high tension power lines and may in fact be a hazard?

Johnna Grizzard – What about structures not regulated by the building code?

George Hollingsworth – Can VA power tell them to lower their structure?

Cindy Davis - Someone can certainly submit a code change to make sure the issue is addressed in the building code.

Emory Rodgers – Reviewed the power line language.

Kris Bridges– AEP doesn't want to do anything; they want the power company to handle all their dirty work. There is nothing in the code that says I cannot issue a permit. The owner has the plot and the easement doesn't dictate ownership. Recommends deleting the whole section.

Clarence Osborne – Leave it the way it is.

Johnna Grizzard – ok maybe a structure should not be built here, this is questionably enforceable.

Cindy Davis – Who has the authority under state law to determine whether a building or structure can or cannot go? Does the authority of the SFPC have the authority to say where a building or structure can or cannot go?

Richard Bartell – the way the law works in Virginia, with easements, depending on the type of easement, there are many variations; ingress or egress, some you can put a building on. There are more than one utility easement and typically belongs to someone else other than the person that wants to do something.

Cindy Davis – 316.6 is only specific to high voltage easements. We did not strike it in 316.6 in the charging statement.

Richard Bartell – Wherever you have a high voltage power line going across someone's property, there is an implied easement.

Keith Chambers – One thing in 316.1, the language you have, the utility easement shall be maintained. You have to maintain the easement. The language in itself is unenforceable.

Cindy Davis – Please look at 316.6. It says Structures and outdoor storage underneath high-voltage transmission lines. Right now it says structures and outdoor storage, what if it said

structures not regulated by the building code and outdoor storage underneath high voltage transmission lines?

Ron Clements – You can't do that because there are structures exempted by state law from the building code that the utility company needs. You can't come in and tell the utility company they can't have their own structure.

Discussion on utility structures and easements.

Robert Gilmer, Albemarle County – Shouldn't we be looking at the intent of this code? We are talking about restricting this but what would happen to us if this structure is on fire? If you look at Chapter 1, doesn't the scope of the fire code allow us to protect life and property?

Johnna Grizzard – Anything over 256 sq. ft. or 150 sq. ft. for an equipment structure is going to require a building permit, so it will be reviewed as far as setbacks, etc.

Anthony Milliken – I say leave it alone.

Robby Dawson – I thought this was about removing unenforceable construction provisions regulated by the building code? Now if the building official allows them to build it, then what?

Howard Lagomarsino, Albemarle County – If we are saying that we can't deal with this as an unsafe issue, how does the building code deal with the open burning law and other unsafe stuff? I say we have the authority to enforce this section.

Vernon Hodge – This has been a very interesting discussion, it is a statutory issue of whether or not the fire code can dictate anything about the construction regardless of whether it is to tear it down, not put it there or how to build it. Continued discussion on state law.

Linda Hale – I am confused that all the structures are regulated by the building code?

Vernon Hodge – Short list of exemptions.

Linda Hale – There are some exemptions.

Glenn Dean Since 1988 until today, no appeals or interpretations. Leave it alone.

Johnna Grizzard – there are still exemptions that apply.

Shawn Pharr – does not define statutory legality. The board should not promulgate without authority.

Andrew Millikin – Discussion regarding we have to do more work.

Howard Lagomarsino, Albemarle – If you look at the scope in Section 101.2 of the SFPC, relating to maintenance of structures, processed and premises and safeguards to be complied with for the protection of life and property from the hazards of fire or explosion. This 2nd and separates it out from the maintenance code.

Robby Dawson – discussion on statutory law regarding Shaun Pharr’s comments.

Shaun Pharr – staff has made their best efforts, purging or revising this. You just articulated a problem so let’s work through it.

George Hollingsworth – I’m still not sure about this, how it’s going to be better.

Cindy Davis – If there is a reference to a construction provision in the building code that isn’t duplicated what happens? Clarification that the reference is to the International Fire Code, and not the SFPC so nothing is “lost”. No where in the Building Code does it reference the VA Statewide Fire Prevention Code. Second of all, we are looking at the possibility of duplicating some of the requirements into the building code.

George Hollingsworth – You are taking it out of your unenforceable but it needs to go somewhere so it is not just disappearing.

Cindy Davis – We have just heard dissenting statutory arguments so we need to sort this out first. Further discussions ensued. This whole document is going forward as a non-consensus document to the board.

Glenn Dean – Who is the proponent.

Cindy Davis – The proponent is staff as directed by the board and the subcommittee. I didn’t say the subcommittee was in agreement. This is going forward as **non-consensus**.

Sean Farrell – We went through the maintenance code with the VBCOA representatives, someone has to do it.

Monty Willaford or Todd Strang, Spotsylvania - This is far more complex than the word construction it is complex to what Howard said is to be either maintenance or for the safety of the citizens, not just firefighters, the citizens of the Commonwealth of Virginia and in this meeting, and in this process, somebody has lost that in my opinion. It is all about the builders; it’s all about the difference of that one word, construction. It shouldn’t be about construction. The key word should be safety. The word safety for the protection of lives, protect the prevention of injuries of the citizens and visitors of Virginia. I can tell you this; the whole process has lost this factor. When a system determines mulch to be a fire code?? Over construction. When it calls mulch on the ground as construction. We have a big problem. This comes from the General Assembly. This is not just about construction. As a fire chief, I took an oath to do 2 things, and that is to protect the citizens of Spotsylvania County and my people who put their lives on the line every day. We are forgetting safety and worrying more about the word construction.

Section 317

Rooftop Gardens and Landscaped Roofs

The proposal is to add the language to refer to the applicable building code.

317.2 Rooftop garden or landscaped roof size.

Landscape rooftop gardens and structures has to be maintained in accordance with the applicable building code in which it was installed.

317.3 Rooftop structure and equipment clearance.

Robby Dawson – the code is silent on rooftop gardens.

Glenn Dean – older building for this rooftop garden. Does this require a permit,

Richard Bartell – Yes, if they are adding weight or changing the use of the rooftop, architectural detail, it needs to have a permit.

Johnna Grizzard – change of occupancy shall be made in any structure. It will be changed in the occupancy. It is a change of the level of activity.

Richard Bartell – No where are you allowed to exceed the roof load on any building.

George Hollingsworth – Rooftop gardens or landscaped roofs shall be landscaped and maintained in accordance with the applicable building code. It doesn't say you need a permit.

Robby Dawson – In the 1984 BOCA code, there is no standard for building a rooftop garden.

Sean Farrell – We are going to say the rooftop garden was constructed with no permit, we are not going back to the 1984 code. We are going to say that you installed something that increases the code requirement for that building. Now we are currently placing this in the current code. If the structure was built in 1984 and the rooftop garden was constructed in 1984 then all you need to do is maintain it.

Johnna Grizzard – the current language says installed, it should be struck and use maintained. Change to maintenance language.

Anthony Barrero – discussion on maintaining. Installed is leaving and maintaining is staying.

Cindy Davis – Overview of maintaining the roof garden under the applicable code it was installed.

Robby Dawson – comply with today's building code. This led to a discussion.

Johnna Grizzard – sends you to 1507.6.

Section 318 Laundry Carts

Exceptions:

Go back and revisit, the same as in previous sections.

Andrew Milliken – don't look at just approving. The intent of the IFC, it is up to the building official to approve.

Richard Bartell – Discussion regarding the laundry carts. Put the language on the co. This will require a code change.

William Lloyd – plastic laundry cart we are telling them to go to their building official.

Cindy Davis – discussion on an apartment building that would have been constructed without a full 13 System and have always had laundry facilities. Operational –always been there and now it says it has to comply with Chapter 9.

Clarence Osborne, VA Beach – just because they were allowed to do it, 30, 40, 50 years ago, you go into the building they used wooden carts, now they use plastic. Times have changed. Fire loads and the way things are burning has changed. Safety aspect.

Brian Simmons, Roanoke County – I believe this is more of a maintenance change.

Shaun Pharr – 318.1 is very specific, non-combustible. Only referenced in the exception.

Keith Chambers – Don't believe this is a construction code item. I think it is optional.

Linda Hale – The exception that is combustible.

Chapter 4 – Emergency Planning and Preparedness

Section 401 General

401.1 Scope

Existing state amendment

Section 403 Emergency preparedness requirements

403.1.1 Maintaining occupant load posting.

Existing state amendment

403.2.2.1 Night clubs

Existing state amendment

403.2.2.1.1 Audible announcements

Existing state amendment

403.2.2.1.2 Occupant load count

Existing state amendment

403.10.4 Group R-3 and R-5 lodging facilities

Existing state amendment

403.11.1.4 Lease plan revisions

Deleted a reference to the building official

Discussion by Robby Dawson

No objections

403.11.5 SRCE

Existing state amendment

403.12.2 Public safety plan for gatherings.

Existing state amendment

Section 404 Fire safety, evacuation and lockdown plans

404.4.1 Distribution

Existing state amendment

Section 405 Emergency evacuation drills

Exception

Existing state amendment

405.2.1 High-rise buildings

Existing state amendment

Table 405.2 Fire and evacuation drill, frequency and participation

Existing state amendment

Chapter 5 Fire service features

Section 501 General

501.2 Permits

501.4 Timing of installation

Existing state amendment

Section 503 Fire apparatus access roads

503.1 Where required

Exceptions:

Existing state amendment

503.1.1 Buildings and facilities

Exceptions:

The sprinkler requirements in Chapter 9 are construction-related, so any reference to them is removed.

503.2.1 Dimensions

Exception:

Existing state amendment

503.7 Fire lanes for existing buildings

Existing state amendment

Section 504 Access to building openings and roofs

504.1 Required access

Added language to refer to the applicable building code

Consensus Okay

504.2 Maintenance of exterior doors and openings

Discussion by Robby Dawson, removal of exterior doors, Leave as is. unstrike first sentence and add fire approval and building official, take the proposed language out and leave the language about complying with Chapter 10.

Chapter 507 Fire protection water supplies

507.3.1. Fire flow requirements for fully sprinklered residential developments.

Existing state amendment

507.5.1 Where required

Existing state amendment

Section 508 Fire command center

Existing state amendment

508.1 The reference to the IBC is removed and the fire command centers shall be maintained in accordance with the applicable building code.

508.1.1 Location and access

Proposal: strike approved by the fire chief

Robby Dawson – Are these referenced in the building code?

Cindy Davis – If there is a pointer to that language in the building code, it is to the IFC and not to the SFPC so we are not losing anything.

Linda Hale – So it will still say, approved by the fire chief.

Vernon Hodge discussion, I think we just found out that the fire command center language is in the IBC and does reference the IFC but the question was if the IFC has language that says the fire chief or someone has to approve it. Because it is a building code requirement, the building code in Chapter 1 says that anything related to approval is done by the building official and any language in a model code or reference standard that's different from Chapter 1, is superseded by Chapter 1.

508.1.2 Separation

This talks about prescriptive requirements for a 1-hour fire barrier in accordance with the IBC and replaced with separation between the fire command center and the remainder of the building shall be maintained in accordance with the applicable building code.

508.1.3 Size

The size of the fire command center has to be in compliance and maintained in accordance with the applicable building code.

508.1.4 Layout approval

The layout and all features of the fire command center shall be maintained in accordance with the applicable building code.

508.1.5 Storage

Storage unrelated to operation of the fire command center shall be maintained in accordance with the applicable building code.

Robby Dawson– operational requirement, don't change

Andrew Milliken – don't change

William Lloyd – don't change

Richard Bartell – discussion on now we are going to allow someone else to take control of the storage.

Cindy Davis – So we are going to take out maintain in accordance with the applicable building code and sunstrike prohibited.

508.1.6 Required features

The following features of the fire command center, when required by the applicable building code, shall be maintained.

Johnna Grizzard – Isn't NFPA 72 the standard with the maintenance issues?

Linda Hale – The NFPA 72 is our reference for maintenance and testing issues?

Cindy Davis – Should NFPA 72 stay?

Kris Bridges – Shouldn't it say, in the addition of the applicable NFPA 72?

Cindy Davis – Now it has been a suggestion to reference Chapter 9 of the Fire Code because Chapter 9 gives you the NFPA 72 provisions.

Robby Dawson – how do we maintain it?

Cindy Davis – I think everyone agrees that we need standards of maintenance but the question is where we do it? Do you do it with a pointer to Chapter 9 or here in this section?

Kris Bridges – Do in this section, leave in NFPA 72, add language to the applicable NFPA 72 edition

Ron Clements – Where required by the applicable building code and applicable edition of the NFPA 72.

Richard Bartell – what about pre edition of the NFPA 72.

Glenn Dean – This may be problematic; you may want to say the applicable edition of NFPA 72.

Johnna Grizzard – I don't see any problem with leaving NFPA 72 and the applicable building code.

Vernon Hodge – so it's ok to add maintain and test with NFPA 72.

Consensus to add maintaining and testing with applicable code and NFPA 72

Section 509 Fire protection and utility equipment identification and access

509.1 Identification

Add and maintained. Consensus.

Add identification and back to the title. Consensus.

Section 510 Emergency responder radio coverage maintenance of in-building emergency communication equipment

Existing state amendment

Chapter 6 Building services and systems

Section 601 General

601.1 Scope

Construction-related language deleted

No objections.

601.2 Permits

Existing state amendment

Section 603 Fuel-fired appliances

Deleted construction-related provisions from all section and add maintain under the applicable building code and add them to Appendix N for reference.

No objections.

603.1.4 Fuel Oil

William Andrews - Not in building code, needs to be maintained per manufacturers' instruction.

Discussion on fuel oil 1 and 2.

Bob Jenkins, Chesterfield – no one keeps manual.

Vernon Hodge – maybe we need to strike the whole section so it doesn't prohibit the fire inspector from using the general sections.

George Hollingsworth – If there was no requirement during the time of construction, you still can't use what you want in the boiler. We have to know what they are using is what is approved for that boiler.

Robby Dawson – Do I need to have a permit to replace a boiler?

Vernon Hodge – Yes, lots. Discussion on boilers.

Consensus to take strike throughs out on 603.1.4

603.7 Discontinuing operation of unsafe heating appliances.

Richard Bartell – Lets stay with original language.

Glenn Dean – When you have an electrical cook stove, the electrical cook stove is not a building code issue. Only at point of connection, but when that stove becomes defective it needs to be maintained.

Robby Dawson– I have a problem with striking defective.

Vernon Hodge – We may need to re-work this.

Andrew Milliken – What about a chimney?

Vernon Hodge - If you have a problem with the masonry, you would send to the building official because it was not being maintained. Maintain in accordance with the applicable building code.

George Hollingsworth – Lack of Maintenance code.

Russell Furr and Vernon Hodge discussion on chimneys

Linda Hale – Are we changing our purpose. That isn't what Cindy stated we were doing.

Cindy Davis – reviewed again why we are doing this procedure and the people who need to understand and use these codes on a regular basis. We are just trying to take the task, get it completed in a way that will work for everybody. It is not the intent of the board to make anything different than what you are doing now.

George Hollingsworth – shall – enforce as building code. Change shall to may

William Lloyd – lets recess and change our proposed language.

Monty Willaford or Todd Strang – I think there were a lot of changes that we reviewed today, that even though they were well intended, we were more on construction than on safety. We are at least understanding the viewpoint. We had some very good discussions today. No one can argue about taking out the unenforceable items, but I think it was too heavy a hand. After some conversation, I think we have a lot of smart people here. I think it will take a few more meetings.

Cindy Davis – This is why we have these workgroups to bring everyone together and get the information out there and make sure everyone is on the same page.

Anthony Barrero - I think we need to start back at 603 next time.

Linda Hale – I would like to start back at 603 also. We went over this today in lightening speed.

Cindy Davis – If you have any ideas or thoughts for any other language than “in accordance with the applicable building code”. We would like to have your comments.

Please email us any comments you may have. Once we get to other areas, we hope it will go faster and smoother.

