

VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

I N T E R P R E T A T I O N

Interpretation Number: 2/2022

Code: Virginia Statewide Fire Prevention Code/2018

Section No(s): Sections 107 and 108

SECTION 107

PERMITS AND FEES

107.1 Prior notification.

The fire official may require notification prior to (i) activities involving the handling, storage or use of substances, materials or devices regulated by the SFPC; (ii) conducting processes which produce conditions hazardous to life or property; or (iii) establishing a place of assembly.

107.2 Permits required.

Operational permits may be required by the fire official as permitted under the SFPC in accordance with Table 107.2, except that the fire official shall require permits for the manufacturing, storage, handling, use, and sale of explosives. In accordance with Section 5601.2.3.1, an application for a permit to manufacture, store, handle, use, or sell explosives shall only be made by a designated individual.

Exception: Such permits shall not be required for the storage of explosives or blasting agents by the Virginia Department of State Police provided notification to the fire official is made annually by the Chief Arson Investigator listing all storage locations.

TABLE 107.2 OPERATIONAL PERMIT REQUIREMENTS (to be filled in by local jurisdiction)

DESCRIPTION	PERMIT REQUIRED (yes or no)	PERMIT FEE	INSPECTION FEE
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Aerosol products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.									
Amusement buildings. An operational permit is required to operate a special amusement building.									
Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.									
Carnivals and fairs. An operational permit is required to conduct a carnival or fair.									
Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.									
Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.									
Combustible fibers. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m3). Exception: An operational permit is not required for agricultural storage.									
Commercial Cooking. An operational permit is required for the operation of commercial cooking appliances in occupancies other than assembly occupancies or dwellings.									
Compressed gas. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below.  Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.  PERMIT AMOUNTS FOR COMPRESSED GASES  <table border="1" data-bbox="191 1703 883 1885"> <thead> <tr> <th data-bbox="191 1703 643 1766">TYPE OF GAS</th> <th data-bbox="643 1703 883 1766">AMOUNT (cubic feet at NTP)</th> </tr> </thead> <tbody> <tr> <td data-bbox="191 1766 643 1797">Corrosive</td> <td data-bbox="643 1766 883 1797">200</td> </tr> <tr> <td data-bbox="191 1797 643 1885">Flammable(except cryogenic fluids and liquefied petroleum gases)</td> <td data-bbox="643 1797 883 1885">200</td> </tr> </tbody> </table>	TYPE OF GAS	AMOUNT (cubic feet at NTP)	Corrosive	200	Flammable(except cryogenic fluids and liquefied petroleum gases)	200			
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Corrosive	200								
Flammable(except cryogenic fluids and liquefied petroleum gases)	200								

Highly toxic	Any Amount																		
Inert and simple asphyxiant	6,000																		
Oxidizing (including oxygen)	504																		
Pyrophoric	Any Amount																		
Toxic	Any Amount																		
For SI: 1 cubic foot = 0.02832 m3.																			
<p>Covered and open mall buildings. An operational permit is required for:</p> <ol style="list-style-type: none"> <li>1.The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.</li> <li>2.The display of liquid-fired or gas-fired equipment in the mall.</li> <li>3.The use of open-flame or flame-producing equipment in the mall.</li> </ol>																			
<p>Cryogenic fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed below.</p> <p>Exception: Operational permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.</p> <p>PERMIT AMOUNTS FOR CRYOGENIC FLUIDS</p> <table border="1"> <thead> <tr> <th>TYPE OF CRYOGENIC FLUID</th> <th>INSIDE BUILDING (gallons)</th> <th>OUTSIDE BUILDING (gallons)</th> </tr> </thead> <tbody> <tr> <td>Flammable</td> <td>More than 1</td> <td>60</td> </tr> <tr> <td>Inert</td> <td>60</td> <td>500</td> </tr> <tr> <td>Oxidizing (includes oxygen)</td> <td>10</td> <td>50</td> </tr> <tr> <td>Physical or health hazard not indicated above</td> <td>Any amount</td> <td>Any amount</td> </tr> </tbody> </table> <p>For SI: 1 gallon = 3.785 L.</p>					TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)	Flammable	More than 1	60	Inert	60	500	Oxidizing (includes oxygen)	10	50	Physical or health hazard not indicated above	Any amount	Any amount
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Oxidizing (includes oxygen)	10	50																	
Physical or health hazard not indicated above	Any amount	Any amount																	
Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.																			
Dry cleaning plants. An operational permit is required to engage in the business of dry cleaning or to change to a more																			

<p>hazardous cleaning solvent used in existing dry cleaning equipment.</p>			
<p>Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.</p>			
<p>Explosives, fireworks, and pyrotechnics. An operational permit is required for the storage, handling, sale or use of any quantity of explosive, explosive materials, fireworks, pyrotechnic special effects, or pyrotechnic special effects material within the scope of Chapter 56.</p> <p>Exception: Storage in Group R-3 or R-5 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale, and in accordance with the quantity limitations and conditions set forth in Section 5601.1, Exceptions 4 and 12.</p>			
<p>Explosives, restricted manufacture. An operational permit is required for the restricted manufacture of explosives within the scope of Chapter 56.</p>			
<p>Explosives, unrestricted manufacture. An operational permit is required for the unrestricted manufacture of explosives within the scope of Chapter 56.</p>			
<p>Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.</p> <p>Exception: An operational permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.</p> <p>Flammable and combustible liquids. An operational permit is required:</p> <p>1.To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the US Department of Transportation (DOTn) nor does it apply to piping systems.</p> <p>2.To store, handle or use Class I</p>			

<p>liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:</p> <p>2.1.The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire official, would cause an unsafe condition.</p> <p>2.2.The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.</p> <p>3.To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.</p> <p>4.To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.</p> <p>5.To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.</p> <p>6.To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.</p> <p>7.To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.</p> <p>8.To manufacture, process, blend or</p>			
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refine flammable or combustible liquids.																																																										
Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m2) using Class I or Class II liquids.																																																										
Fruit and crop ripening. An operational permit is required to operate a fruit-ripening or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.																																																										
Fumigation, thermal, and insecticidal fogging. An operational permit is required to operate a business of fumigation, thermal, or insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.																																																										
Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed below.  PERMIT AMOUNTS FOR HAZARDOUS MATERIALS																																																										
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Solids	
Class 4	Any amount
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Class 2	100 pounds
Class 1	500 pounds
Organic peroxides	
Liquids	
Class I	Any amount
Class II	Any amount
Class III	1 gallon
Class IV	2 gallons
Class V	No permit required
Solids	
Class I	Any amount
Class II	Any amount
Class III	10 pounds
Class IV	20 pounds
Class V	No permit required
Pyrophoric materials	
Gases	See compressed gases
Liquids	Any amount
Solids	Any amount
Toxic materials	
Gases	See compressed gases
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials	
Liquids	
Class 4	Any amount
Class 3	Any amount
Class 2	5 gallons
Class 1	10 gallons
Solids	
Class 4	Any amount
Class 3	Any amount
Class 2	50 pounds
Class 1	100 pounds
Water reactive materials	
Liquids	
Class 3	Any amount
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any amount
Class 2	50 pounds
Class 1	500 pounds
For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.	
a. Twenty gallons when Section 5003.1.1	

<p>applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less.</p> <p>b. Two hundred pounds when Section 5003.1.1 applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 pounds or less.</p>			
<p>HPM facilities. An operational permit is required to store, handle or use hazardous production materials.</p>			
<p>High piled storage. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m<sup>2</sup>).</p>			
<p>Hot work operations. An operational permit is required for hot work including, but not limited to:</p> <ol style="list-style-type: none"> <li>1. Public exhibitions and demonstrations where hot work is conducted.</li> <li>2. Use of portable hot work equipment inside a structure.</li> </ol> <p>Exception: Work that is conducted under a construction permit.</p> <ol style="list-style-type: none"> <li>3. Fixed-site hot work equipment such as welding booths.</li> <li>4. Hot work conducted within a hazardous fire area.</li> <li>5. Application of roof coverings with the use of an open-flame device.</li> <li>6. When approved, the fire official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in this chapter. These permits shall be issued only to their employees or hot work operations under their supervision.</li> </ol>			
<p>Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 30.</p>			
<p>Lumber yards and woodworking plants. An operational</p>			



<p>permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft<sup>3</sup>) (236 m<sup>3</sup>).</p>			
<p>Liquid-fueled or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid-fueled or gas-fueled vehicles or equipment in assembly buildings.</p>			
<p>LP-gas. An operational permit is required for:</p> <p>1.Storage and use of LP-gas.</p> <p>Exception: An operational permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3.</p> <p>2.Operation of cargo tankers that transport LP-gas.</p>			
<p>Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.</p>			
<p>Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m<sup>3</sup>) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.</p>			
<p>Mobile food preparation vehicles. A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease laden vapors.</p> <p>Exception: Recreational vehicles used for private recreation.</p>			
<p>Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.</p> <p>Exception: Recreational fires.</p>			
<p>Open flames and candles. An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.</p>			

Open flames and torches. An operational permit is required to remove paint with a torch, or to use a torch or open-flame device in a wildfire risk area.			
Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.			
Places of assembly. An operational permit is required to operate a place of assembly.			
Plant extraction systems. An operational permit is required to use plant extraction systems.			
Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants.  Exception: An operational permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.			
Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material.			
Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.			
Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.			
Repair garages and service stations. An operational permit is required for operation of repair garages and automotive, marine and fleet service stations.			
Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.			
SRCFs. An operational permit is required for the operation of a State-Regulated Care Facility where inspection by the fire official is required by state licensing regulations			
Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 24.			

Storage of scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m3) of total volume of scrap tires and for indoor storage of tires and tire byproducts.			
Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure or a tent. Exceptions:  1.Tents used exclusively for recreational camping purposes.  2.Tents and air-supported structures that cover an area of 900 square feet (84 m2) or less, including all connecting areas or spaces with a common means of egress or entrance and with an occupant load of 50 or less persons.			
Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.			
Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.			
Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m3).			

### 107.3 Application for permit.

Application for a permit shall be made on forms prescribed by the fire official.

### 107.4 Issuance of permits.

Before a permit is issued, the fire official shall make such inspections or tests as are necessary to assure that the use and activities for which application is made comply with the provisions of this code.

### 107.5 Conditions of permit.

A permit shall constitute permission to store or handle materials or to conduct processes in accordance with the SFPC and shall not be construed as authority to omit or amend any of

the provisions of this code. Permits shall remain in effect until revoked or for such period as specified on the permit. Permits are not transferable.

#### 107.6 Annual.

The enforcing agency may issue annual permits for the manufacturing, storage, handling, use, or sales of explosives to any state regulated public utility.

#### 107.7 Approved plans.

Plans approved by the fire official are approved with the intent that they comply in all respects to this code. Any omissions or errors on the plans do not relieve the applicant of complying with all applicable requirements of this code.

#### 107.8 Posting.

Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire official.

#### 107.9 Suspension of permit.

A permit shall become invalid if the authorized activity is not commenced within 6 months after issuance of the permit or if the authorized activity is suspended or abandoned for a period of 6 months after the time of commencement.

#### 107.10 Local fees.

In accordance with § 27-98 of the Code of Virginia, fees may be levied by the local governing body in order to defray the cost of enforcement and appeals under the SFPC. However, for the city of Chesapeake no fee charged for the inspection of any place of religious worship designated as Assembly Group A-3 shall exceed \$50. For purposes of this section, "defray the cost" may include the fair and reasonable costs incurred for such enforcement during normal business hours but shall not include overtime costs, unless conducted outside of the normal working hours established by the locality. A schedule of such costs shall be adopted by the local governing body in a local ordinance. A locality shall not charge an overtime rate for inspections conducted during the normal business hours established by the locality. Nothing herein shall be construed to prohibit a private entity from conducting such inspections, provided the

private entity has been approved to perform such inspections in accordance with the written policy of the fire official for the locality.

107.11 State Fire Marshal's office permit fees for explosives, blasting agents, theatrical flame effects, and fireworks.

Complete permit applications shall be submitted to and received by the State Fire Marshal's Office not less than 15 days prior to the planned use or event. A \$500 expedited handling fee will be assessed on all permit applications submitted less than 15 days prior to the planned use or event. Inspection fees will be assessed at a rate of \$60 per staff member per hour during normal business hours (Monday through Friday, 8:30 a.m. to 4:30 p.m.) and at a rate of \$90 per hour at all other times (nights, weekends, holidays). State Fire Marshal's Office permit fees shall be as follows:

- 1.Storage of explosives and blasting agents, 12-month permit \$250 first magazine, plus \$150 per each additional magazine on the same site.
- 2.Use of explosives and blasting agents, nonfixed site, 6-month permit \$250 per site, plus inspection fees.
- 3.Use of explosives and blasting agents, fixed site, 12-month permit \$250 per site.
- 4.Sale of explosives and blasting agents, 12-month permit \$250 per site.
- 5.Manufacture explosives (unrestricted), blasting agents, and fireworks, 12-month permit \$250 per site.
- 6.Manufacture explosives (restricted), 12-month permit \$20 per site.
- 7.Fireworks display in or on state-owned property \$300 plus inspection fees.
- 8.Pyrotechnics or proximate audience displays in or on state-owned property \$300 plus inspection fees.
- 9.Flame effects in or on state-owned property \$300 plus inspection fees.
- 10.Flame effects incidental to a permitted pyrotechnics display \$150 (flame effects must be individual or group effects that are attended and manually controlled).

Exception: Permit fees shall not be required for the storage of explosives or blasting agents by state and local law enforcement and fire agencies.

107.12 State annual compliance inspection fees.

Fees for compliance inspections performed by the State Fire Marshal's office shall be as follows:

1.Nightclubs.

1.1.\$350 for occupant load of 100 or less.

1.2.\$450 for occupant load of 101 to 200.

1.3.\$500 for occupant load of 201 to 300.

1.4.\$500 plus \$50 for each 100 occupants where occupant loads exceed 300.

2.Private college dormitories with or without assembly areas. If containing assembly areas, such assembly areas are not included in the computation of square footage.

2.1.\$150 for 3,500 square feet (325 m2) or less.

2.2.\$200 for greater than 3,500 square feet (325 m2) up to 7000 square feet (650 m2).

2.3.\$250 for greater than 7,000 square feet (650 m2) up to 10,000 square feet (929 m2).

2.4.\$250 plus \$50 for each additional 3,000 square feet (279 m2) where square footage exceeds 10,000 square feet (929 m2).

3.Assembly areas that are part of private college dormitories.

3.1.\$50 for 10,000 square feet (929 m2) or less provided the assembly area is within or attached to a dormitory building.

3.2.\$100 for greater than 10,000 square feet (929 m2) up to 25,000 square feet (2323 m2) provided the assembly area is within or attached to a dormitory building, such as gymnasiums, auditoriums or cafeterias.

3.3.\$100 for up to 25,000 square feet (2323 m2) provided the assembly area is in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.

3.4.\$150 for greater than 25,000 square feet (2323 m2) for assembly areas within or attached to a dormitory building or in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.

4.Hospitals.

4.1.\$300 for 1 to 50 beds.

4.2.\$400 for 51 to 100 beds.

4.3.\$500 for 101 to 150 beds.

4.4.\$600 for 151 to 200 beds.

4.5.\$600 plus \$100 for each additional 100 beds where the number of beds exceeds 200.

5.Facilities licensed by the Virginia Department of Social Services based on licensed capacity as follows:

5.1.\$50 for 1 to 8.

5.2.\$75 for 9 to 20.

5.3.\$100 for 21 to 50.

5.4.\$200 for 51 to 100.

5.5.\$300 for 101 to 150.

5.6.\$400 for 151 to 200.

5.7.\$500 for 201 or more.

Exception: Annual compliance inspection fees for any building or groups of buildings on the same site may not exceed \$2500.

6.Registered complaints.

6.1.No charge for first visit (initial complaint), and if violations are found.

6.2.\$51 per hour for each State Fire Marshal's office staff for all subsequent visits.

7.Bonfires (small and large) on state-owned property.

7.1. For a small bonfire pile with a total fuel area more than 3 feet (914 mm) in diameter and more than 2 feet (610 mm) in height, but not more than 9 feet (2743 mm) in diameter and not more than 6 feet (1829 mm) in height, the permit fee is \$50. If an application for a bonfire permit is received by the State Fire Marshal's office less than 15 days prior to the planned event, the permit fee shall be \$100. If an application for a bonfire permit is received by the State Fire Marshal's office less than 7 days prior to the planned event, the permit fee shall be \$150.

7.2. For a large bonfire pile with a total fuel area more than 9 feet (2743 mm) in diameter and more than 6 feet (1829 mm) in height, the permit fee is \$150. If an application for a bonfire permit is received by the State Fire Marshal's office less than 15 days prior to the planned event, the permit fee shall be \$300. If an application for a bonfire permit is received by the State Fire Marshal's office less than 7 days prior to the planned event, the permit fee shall be \$450.

#### 107.13 Fee schedule.

The local governing body may establish a fee schedule. The schedule shall incorporate unit rates, which may be based on square footage, cubic footage, estimated cost of inspection or other appropriate criteria.

#### 107.14 Payment of fees.

A permit shall not be issued until the designated fees have been paid.

Exception: The fire official may authorize delayed payment of fees.

##### 107.14.1 State Fire Marshal's office certification and permit fees not refundable.

No refund of any part of the amount paid as a permit or certification fee will be made where the applicant, permit or certification holder, for any reason, discontinued an activity, changed conditions, or changed circumstances for which the permit or certification was issued. However, the permit or certification fee submitted with an application will be refunded



if the permit or certification is canceled, revoked, or suspended subsequent to having been issued through administrative error, or if a permit being applied for is to be obtained from a locally appointed fire official.

## SECTION 108

### OPERATIONAL PERMITS

#### 108.1 General.

Operational permits shall be in accordance with Section 108. The fire official may require notification prior to (i) activities involving the handling, storage or use of substances, materials or devices regulated by the SFPC; (ii) conducting processes which produce conditions hazardous to life or property; or (iii) establishing a place of assembly.

##### 108.1.1 Permits required.

Operational permits may be required by the fire official in accordance with Table 107.2. The fire official shall require operational permits for the manufacturing, storage, handling, use and sale of explosives. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire official.

##### Exceptions:

1.Operational permits will not be required by the State Fire Marshal except for the manufacturing, storage, handling, use and sale of explosives in localities not enforcing the SFPC.

2.Operational permits will not be required for the manufacturing, storage, handling or use of explosives or blasting agents by the Virginia Department of State Police provided notification to the fire official is made annually by the Chief Arson Investigator listing all storage locations.

##### 108.1.2 Duration of operational permits.

An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 108.1.1 for either:

1.A prescribed period.

2.Until renewed, suspended, or revoked.

### 108.1.3 Operational permits for the same location.

When more than one operational permit is required for the same location, the fire official is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

## 108.2 Application.

Application for an operational permit required by this code shall be made to the fire official in such form and detail as prescribed by the fire official. Applications for permits shall be accompanied by such plans as prescribed by the fire official.

### 108.2.1 Refusal to issue permit.

If the application for an operational permit describes a use that does not conform to the requirements of this code and other pertinent laws and ordinances, the fire official shall not issue a permit, but shall return the application to the applicant with the refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons for refusal.

### 108.2.2 Inspection authorized.

Before a new operational permit is approved, the fire official is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this code or any operational constraints required.

### 108.2.3 Time limitation of application.

An application for an operational permit for any proposed work or operation shall be deemed to have been abandoned 6 months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that the fire official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each if there is reasonable cause.

#### 108.2.4 Action on application.

The fire official shall examine or cause to be examined applications for operational permits and amendments thereto within a reasonable time after filing. If the application does not conform to the requirements of pertinent laws, the fire official shall reject such application in writing, stating the reasons. If the fire official is satisfied that the proposed work or operation conforms to the requirements of this code and laws and ordinances applicable thereto, the fire official shall issue a permit as soon as practicable.

#### 108.3 Conditions of a permit.

An operational permit shall constitute permission to maintain, store or handle materials; or to conduct processes in accordance with the SFPC, and shall not be construed as authority to omit or amend any of the provisions of this code.

Note: The building official issues permits to install equipment utilized in connection with such activities or to install or modify any fire protection system or equipment or any other construction, equipment installation or modification.

##### 108.3.1 Expiration.

An operational permit shall remain in effect until reissued, renewed, or revoked for such a period of time as specified in the permit. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

##### 108.3.2 Extensions.

A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The fire official is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than 90 days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

##### 108.3.3 Annual.

The enforcing agency may issue annual operational permits for the manufacturing, storage, handling, use, or sales of explosives to any state regulated public utility.

#### 108.3.4 Suspension of permit.

An operational permit shall become invalid if the authorized activity is not commenced within 6 months after issuance of the permit, or if the authorized activity is suspended or abandoned for a period of 6 months after the time of commencement.

#### 108.3.5 Posting.

Issued operational permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire official.

#### 108.3.6 Compliance with code.

The issuance or granting of an operational permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Operational permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on other data shall not prevent the fire official from requiring the correction of errors in the provided documents and other data. Any addition to or alteration of approved provided documents shall be approved in advance by the fire official, as evidenced by the issuance of a new or amended permit.

#### 108.3.7 Information on the permit.

The fire official shall issue all operational permits required by this code on an approved form furnished for that purpose. The operational permit shall contain a general description of the operation or occupancy and its location and any other information required by the fire official. Issued permits shall bear the original or electronic signature of the fire official or other designee approved by the fire official.

#### 108.4 Revocation.

The fire official is authorized to revoke an operational permit issued under the provisions of this code when it is found by

inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or documents on which the permit or approval was based including, but not limited to, any one of the following:

- 1.The permit is used for a location or establishment other than that for which it was issued.
- 2.The permit is used for a condition or activity other than that listed in the permit.
- 3.Conditions and limitations set forth in the permit have been violated.
- 4.Inclusion of any false statements or misrepresentations as to a material fact in the application for permit or plans submitted or a condition of the permit.
- 5.The permit is used by a different person or firm than the person or firm for which it was issued.
- 6.The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
- 7.The permit was issued in error or in violation of an ordinance, a regulation, or this code.

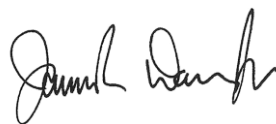
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**QUESTION:** Does the local Fire Official have the authority to require operational permits prescribed by Sections 107 and 108 of the SFPC references in table 107.2?

**ANSWER:** No, in accordance with the Code of Virginia Section 27-98, unless authorized by the local governing board.

This Official Interpretation was issued by the State Building Code Technical Review Board at its meeting of July 15, 2022.



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Chairman, State Building Code Technical Review Board