

VIRGINIA:

BEFORE THE  
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: James E. Swindler, Principal for Rappahannock County High School  
Appeal No. 18-16

**DECISION OF THE REVIEW BOARD**

Procedural Background

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

Case History

In September of 2018, a representative of the State Fire Marshal's Office (SFMO) conducted inspections at Rappahannock High School located at 12576 Lee Highway in Rappahannock County. On September 4, 2018, the SFMO issued Notices of Violation to the school concerning the 2012 Virginia Statewide Fire Prevention Code (SFPC) Section 1030.2.1 (Security devices and egress locks) concerning the installation of security devices.

Mr. Swindler filed an appeal to the Review Board on September 12, 2018. The appeal was based on SMFO citing two violations of SFPC Section 1030.2.1 related to the installation of security devices, to be used in an "active shooter" event, that were not in use at the time of the inspection.

Review Board staff developed a staff summary of the appeal, distributed it to all the parties and scheduled an appeal hearing before the Review Board. The hearing before the Review Board

was held on February 15, 2019. Appearing at the Review Board hearing for SMFO were Brian McGraw and Greg Harp. James E. Swindler II, Principal, appeared at the hearing for Rappahannock County High School .

#### Findings of the Review Board

- A. Whether to overturn or uphold the decision of the State Fire Marshal that a violation of the SFPC Section 1030.2.1 (Security devices and egress locks) exists in the auditorium and throughout the school.
- B. Whether to overturn or uphold the decision of the State Fire Marshal that a violation of the SFPC Section 1030.2.1 (Security devices and egress locks) exists in the library.

Rappahannock argued that the barracuda devices and the safety chains with a carabiner would only be used in an “active shooter” event; therefore, the two devices did not impede egress. Rappahannock further argued that the safety chains and barracuda devices were the same concept as using the teacher’s desk or a bookcase in the room to barricade the door. Rappahannock stated that the two devices simply make it easier and faster to barricade the door. Rappahannock also stated that it did not dispute the two devices are in violation of the SFPC as it is written; however, do dispute the validity of the way the SFPC is currently written and is looking for a way to gain permission to use the devices to fulfill the responsibility to protect the students and staff.

The SFMO argued that the Barracuda devices and the safety chains with a carabiner are security devices addressed under Section 1030.2 of the SFPC and are not locks or latches addressed under Section 1008.1.9 of the Virginia Construction Code (VCC). The SFMO further argued that any work that affects the means of egress is required to be reviewed by the Building Official and that the devices were not reviewed and/or permitted by the Building Official. SFMO also argued that, once deployed, the device were in conflict with the building code related to requirements for door operations and accessibility requirements related to the door operating height and grasping requirements. SFMO further argued that there was no way to overcome the

device from outside the room once deployed. Lastly, SFMO argued that the two devices could be deployed by anyone at anytime since they were hanging on the wall of the classroom in plain sight, rather than being locked in a location with limited access.

The Review Board agrees with the SFMO that the devices are not permitted, unless approved by the Building Official; therefore, the Review Board denies the appeal and upholds the NOV.

#### Final Order

- A. Whether to overturn or uphold the decision of the State Fire Marshal that a violation of the SFPC Section 1030.2.1 (Security devices and egress locks) exists in the auditorium and throughout the school.
- B. Whether to overturn or uphold the decision of the State Fire Marshal that a violation of the SFPC Section 1030.2.1 (Security devices and egress locks) exists in the library.

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the decision of the SFMO that a violation of SFPC Section 1030.2.1 (Security devices and egress locks) to be, and hereby is, upheld. The Review Board further orders the following editorial changes be made to the SFMO Inspection Notice:

- (1) Remove the language that reads “Security devices affecting the means of egress shall be subject to approval of the fire code official” as it has been removed from the SFPC by VCC Section 103.2 and is therefore unenforceable
- (2) Add a new sentence that reads “Devices are not permitted unless approved by the Building Official in accordance with the USBC.”

