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HOUSE BILL NO. 2297

Offered January 10, 2007

Prefiled January 9, 2007

A BILL to amend and reenact §§ 27-97, 36-99.3, and 36-99.5:1 of the Code of Virginia, relating to the Uniform Statewide Building Code and the Statewide Fire Prevention Code; required automatic sprinkler systems or other fire suppression systems in certain structures.

Patrons—McClellan, Armstrong, Bulova, Englin, Lewis, Marsden, McEachin, O'Bannon and Waddell;
Senator: Marsh

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 27-97, 36-99.3, and 36-99.5:1 of the Code of Virginia are amended and reenacted as follows:

§ 27-97. Adoption of Fire Prevention Code.

A. The Board of Housing and Community Development is hereby empowered to adopt and promulgate a Statewide Fire Prevention Code which shall be cooperatively developed with the Fire Services Board pursuant to procedures agreed to by the two Boards. The Fire Prevention Code shall prescribe regulations to be complied with for the protection of life and property from the hazards of fire or explosion and for the handling, storage, sale and use of fireworks, explosives or blasting agents, and shall provide for the administration and enforcement of such regulations. The Fire Prevention Code shall require manufacturers of fireworks or explosives, as defined in the Code, to register and report information concerning their manufacturing facilities and methods of operation within the Commonwealth in accordance with regulations adopted by the Board. In addition to conducting criminal background checks pursuant to § 27-97.2, the Board shall also establish regulations for obtaining permits for the manufacturing, storage, handling, use, or sales of fireworks or explosives. In the enforcement of such regulations, the enforcing agency may issue annual permits for such activities to any state regulated public utility. Such permits shall not apply to the storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1.

B. The Fire Prevention Code shall prohibit any person, firm, or corporation from transporting, manufacturing, storing, selling, offering for sale, exposing for sale, or buying, using, igniting, or exploding any fireworks except for those persons, firms, or corporations that manufacture, store, market and distribute fireworks for the sole purpose of fireworks displays permitted by an enforcement agency or by any locality.

C. The Fire Prevention Code shall supersede fire prevention regulations heretofore adopted by local governments or other political subdivisions. Local governments are hereby empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure, including the voluntary installation of smoke alarms and regulation and inspections thereof in commercial buildings where such smoke alarms are not required under the provisions of the Code.

D. In formulating the Fire Prevention Code, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations including, but not limited to, standards of the Southern Building Code Congress, the Building Officials and Code Administrators International, Inc., the National Fire Protection Association, and recognized organizations issuing standards for the protection of the public from the hazards of explosives and blasting agents. Such standards shall be based on the companion document to the model building code referenced by the Uniform Statewide Building Code.

E. The Fire Prevention Code shall require that buildings constructed prior to 1973 be maintained in accordance with state fire and public building regulations in effect prior to March 31, 1986, and that any building which is (i) more than seventy-five feet or more than six stories high and (ii) used, in whole or in part, as a dormitory to house students by any public or private institution of higher education shall be required to comply with the provisions of § 36-99.3.

F. *The Fire Prevention Code shall require that any building which is more than seventy-five feet or more than six stories high and used, in whole or in part, as (i) a residential dwelling unit designed or developed and marketed to persons aged 60 years or older or (ii) an assisted living facility licensed by the Department of Social Services comply with the provisions of § 36-99.5:1.*

G. The Fire Prevention Code shall also require annual fire drills in all buildings having floors used

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58 for human occupancy located more than seventy-five feet above the lowest level of fire department
59 vehicle access. The drills shall be conducted by building staff personnel or the owner of the building in
60 accordance with a plan approved by the appropriate fire official and shall not affect other current
61 occupants. The Board may modify, amend or repeal any Code provisions as the public interest requires.
62 Any such Code changes shall be developed in cooperation with the Fire Services Board pursuant to
63 procedures agreed to by the two Boards.

64 § 36-99.3. Smoke detectors and automatic sprinkler systems in colleges and universities.

65 A. College or university buildings containing dormitories for sleeping purposes shall be provided
66 with battery or AC powered smoke detector devices installed therein in accordance with the Uniform
67 Statewide Building Code. All public or private college and university dormitories shall have installed
68 and use due diligence in maintaining in good working order such detectors regardless of when the
69 building was constructed.

70 B. The Board of Housing and Community Development shall promulgate regulations pursuant to
71 ~~item (ii) clause (iii)~~ of subdivision ~~ESA 13~~ of ~~section~~ § 2.2-4006 establishing standards for automatic
72 sprinkler systems throughout all public or private college or university buildings which are (i) more than
73 seventy-five feet or more than six stories high and (ii) used, in whole or in part, as dormitories to house
74 students. Such buildings shall be equipped with automatic sprinkler systems by September 1, 1999,
75 regardless of when such buildings were constructed.

76 C. The chief administrative office of the college or university shall obtain a certificate of compliance
77 with the provisions of this section from the building official of the locality in which the college or
78 university is located or in the case of state-owned buildings, from the Director of the Department of
79 General Services.

80 D. The provisions of this section shall not apply to any dormitory at a state-supported military
81 college or university which is patrolled twenty-four hours a day by military guards.

82 § 36-99.5:1. Smoke detectors and other fire detection and suppression systems in assisted living
83 facilities, adult day care centers and nursing homes and facilities.

84 A. Battery- or AC-powered smoke detector devices shall be installed in all assisted living facilities
85 and adult day care centers licensed by the Department of Social Services, regardless of when the
86 building was constructed. The location and installation of the smoke detectors shall be determined by the
87 Uniform Statewide Building Code.

88 The licensee shall obtain a certificate of compliance from the building official of the locality in
89 which the facility or center is located, or in the case of state-owned buildings, from the Department of
90 General Services.

91 The licensee shall maintain the smoke detector devices in good working order.

92 B. The Board of Housing and Community Development shall promulgate regulations in accordance
93 with the Administrative Process Act (§ 2.2-4000 et seq.) establishing standards for requiring ~~(i)~~ smoke
94 detectors and ~~(ii) such other fire detection and suppression systems as deemed necessary by the Board to~~
95 ~~increase the safety of persons in assisted living facilities; residential dwelling units designed or~~
96 ~~developed and marketed to senior citizens; in~~ nursing homes and nursing facilities. All nursing homes
97 and nursing facilities which are already equipped with sprinkler systems shall comply with regulations
98 relating to smoke detectors.

99 C. *The Board of Housing and Community Development shall promulgate regulations pursuant to*
100 *clause (iii) of subdivision A 13 of § 2.2-4006 establishing standards for requiring automatic sprinkler*
101 *systems or other fire suppression systems in buildings that are more than seventy-five feet or more than*
102 *six stories high and used, in whole or in part, as (i) a residential dwelling unit designed or developed*
103 *and marketed to persons aged 60 years or older or (ii) an assisted living facility licensed by the*
104 *Department of Social Services.*

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