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SENATE BILL NO. 910

Offered January 9, 2013

Prefiled January 7, 2013

A BILL to amend and reenact § 27-95 of the Code of Virginia, relating to the Statewide Fire Prevention Code; permissible fireworks.

Patron—Garrett

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:**1. That § 27-95 of the Code of Virginia is amended and reenacted as follows:****§ 27-95. Definitions.**

As used in this chapter, unless the context or subject matter requires otherwise, the following words or terms shall have the meaning herein ascribed to them:

"Board" means the Board of Housing and Community Development.

"Code provisions" means the provisions of the Fire Prevention Code as adopted and promulgated by the Board, and the amendments thereof as adopted and promulgated from time to time by such Board.

"Enforcement agency" means the agency or agencies of any local governing body or the State Fire Marshal charged with the administration or enforcement of the Fire Prevention Code.

"Fire Prevention Code" or "Code" means the Statewide Fire Prevention Code.

"Fire prevention regulation" means any law, rule, resolution, regulation, ordinance or code, general or special, or compilation thereof to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling and use of substances, materials and devices, including explosives and blasting agents, wherever located, heretofore or hereafter enacted or adopted by the Commonwealth or any county or municipality, including departments, boards, bureaus, commissions or other agencies.

"Fire Services Board" means the Virginia Fire Services Board as provided for in § 9.1-202.

"Fireworks" means any firecracker, torpedo, skyrocket, or other substance or object, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended, or commonly known as fireworks, and which explodes, rises into the air or travels laterally, or fires projectiles into the air.

"Fireworks operator" or "pyrotechnician" means any person engaged in the design, setup, and firing of any fireworks other than permissible fireworks either inside a building or structure or outdoors.

"Inspection warrant" means an order in writing, made in the name of the Commonwealth, signed by any judge or magistrate whose territorial jurisdiction encompasses the building, structure or premises to be inspected or entered, and directed to a state or local official, commanding him to enter and to conduct any inspection, examination, testing or collection of samples for testing required or authorized by the Virginia Statewide Fire Prevention Code.

"Local government" means the governing body of any city, county or town in this Commonwealth.

"Permissible fireworks," also known as "consumer fireworks," means any ~~sparklers, fountains, Pharaoh's serpents, caps for pistols, or pinwheels commonly known as whirligigs or spinning jennies~~ ground-based, cylindrical, or cone fountains; illuminating torches; wheels, ground spinners, flitter sparklers, toy smoke devices, wire sparklers, or dipped sticks; any novelty party poppers, snappers, and snap and pops, smoke balls, snakes and glow worms; and any other ground or hand-held sparkling devices as defined in §§ 3.1.1, 3.2, and 3.5 of the 2001 Edition of the American Pyrotechnic Association's Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics.

"State Fire Marshal" means the State Fire Marshal as provided for by § 9.1-206.

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