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SENATE BILL NO. 1092

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws

on January 29, 1997)

(Patron Prior to Substitute—Senator Walker)

A BILL to amend and reenact §§ 27-97, 27-99, and 36-99.3 of the Code of Virginia, relating to fire suppression systems in certain college or university dormitories.

Be it enacted by the General Assembly of Virginia:

1. That §§ 27-97, 27-99, and 36-99.3 of the Code of Virginia are amended and reenacted as follows:

§ 27-97. Adoption of Fire Prevention Code.

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 and use of explosives or blasting agents, and shall provide for the administration and enforcement of such regulations. The Fire Prevention Code shall require manufacturers of explosives, as defined in the Code, to register and report information concerning their manufacturing facilities and methods of operation within this Commonwealth in accordance with regulations adopted by the Board. The Board shall also establish regulations for obtaining permits for the manufacturing, storage, handling, use, or sales of 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.

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.

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.

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

§ 27-99. State buildings.

The Fire Prevention Code shall be applicable to all state-owned buildings and structures. Every agency, commission or institution, *including all institutions of higher education*, of the Commonwealth shall permit, at all reasonable hours, a local fire official reasonable access to existing structures or a structure under construction or renovation, for the purposes of performing an informational and advisory fire safety inspection. The local fire official may submit, subsequent to performing such inspection, his findings and recommendations including a list of corrective actions necessary to ensure that such structure is reasonably safe from the hazards of fire to the appropriate official of such agency, commission, or institution and the State Fire Marshal. Such agency, commission or institution shall notify, within sixty days of receipt of such findings and recommendations, the State Fire Marshal and

60 the local fire official of the corrective measures taken to eliminate the hazards reported by the local fire
61 official. The State Fire Marshal shall have the same power in the enforcement of this section as is
62 provided for in § 27-98.

63 The State Fire Marshal may enter into an agreement as is provided for in § 36-139.4 with any local
64 enforcement agency that enforces the Fire Prevention Code to enforce this section and to take immediate
65 enforcement action upon verification of a complaint of an imminent hazard such as a chained or blocked
66 exit door, improper storage of flammable liquids, use of decorative materials and overcrowding.

67 § 36-99.3. Smoke detectors and automatic sprinkler systems in colleges and universities.

68 A. College or university buildings containing dormitories for sleeping purposes shall be provided with
69 battery or AC powered smoke detector devices installed therein in accordance with the Uniform
70 Statewide Building Code. ~~After January 1, 1984, all~~ *All public or private college and university*
71 dormitories shall have installed and use due diligence in maintaining in good working order such
72 detectors regardless of when the building was constructed.

73 *B. The Board of Housing and Community Development shall promulgate regulations pursuant to item*
74 *(ii) of subdivision C5 of section 9-6.14:4.1 establishing standards for automatic sprinkler systems*
75 *throughout all public or private college or university buildings which are (i) more than seventy-five feet*
76 *or more than six stories high and (ii) used, in whole or in part, as dormitories to house students. Such*
77 *buildings shall be equipped with automatic sprinkler systems by September 1, 1999, regardless of when*
78 *such buildings were constructed.*

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

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