

EXHIBIT NO. 1

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6-12-10

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6-8-10~~

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 1, 2010

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER

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SUBJECT: AN ORDINANCE to amend and reordain Section 4-2-12 (ADOPTION OF VIRGINIA FIRE PREVENTION CODE), and the addition of Section 4-2-12.1 (LOCAL BOARD OF FIRE CODE APPEALS) of Chapter 2 (FIRE PROTECTION AND PREVENTION), Title 4 (PUBLIC SAFETY) of the Code of the City of Alexandria, Virginia, 1981, as amended.

ISSUE: An ordinance to revise Title 4, Section 4-2-12 and create Section 4-2-12.1 of the Public Safety, Fire Protection and Prevention provisions of the Alexandria City Code. Section 4.2.12 will be amended to adopt the 2006 Virginia Fire Prevention Code and any future editions. Section 4-2-12.1 will establish the Local Board of Fire Prevention Code Appeals.

RECOMMENDATION: That the City Council pass the ordinance on first reading and schedule it for public hearing, second reading and final passage on Saturday, June 12.

BACKGROUND: The Virginia Fire Prevention Code is typically revised by the Virginia Department of Housing and Community Development to adopt the International Fire Code on a three-year cycle. Alexandria has not revised the Fire Prevention Provisions of City Code for nearly six years. The proposed ordinance will adopt the most recent edition, the 2006 Virginia Fire Prevention Code and future editions that are promulgated and adopted by the Virginia Department of Housing and Community Development.

All of the Virginia building and fire codes contain provisions that allow for a local appeals process for decisions made by the Code Official. The proposed ordinance will create a Local Board of Fire Code Appeals, but use the existing Board of Building Code Appeals to serve this purpose.

DISCUSSION: The proposed ordinance will adopt the most recent edition of the Virginia Fire Prevention Code (VFPC). The VFPC is a mandatory statewide code, but must be locally adopted to be enforced by the City. Although fire prevention code enforcement continues, there is the potential for court challenge if the appropriate code is not adopted by local ordinance. The proposed ordinance will amend Section 4-2-12 to adopt the current Virginia Fire Prevention Code (2006 edition). It is also

worded to automatically implement future editions that are adopted by the Board of Housing and Community Development without specific City Council action.

The Virginia Fire Prevention Code has always contained regulations allowing for the local appeal of the decisions made by the Fire Official. It has been Code Administration's practice to utilize the Local Board of Building Code Appeals to hear cases regarding the VFPC. However, this was never codified in either Title 8 Building Regulations, or Title 4 Public Safety of the Alexandria City Code.

The 2010 General Assembly passed legislation that was signed by the Governor that would allow local appeals of the VFPC to be submitted directly the Virginia Technical Review Board in localities that have not established a local appeals board. This would remove the chance for a local decision based on a review of the facts in the appeal case.

The creation of Section 4-2-1.1 codifies what has been the practice of the Department of Code Administration for the last two decades. It will not create a new board, nor will it require any additional members to provide the service.

FISCAL IMPACT: None

ATTACHMENT: Proposed Ordinance

STAFF:

Mark Jinks, Deputy City Manager,
Mary O'Donnell, Assistant City Attorney
John Catlett, Director, Department of Code Administration

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Introduction and first reading: 6/8/10
Public hearing: 6/12/10
Second reading and enactment: 6/12/10

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 4-2-12 (ADOPTION OF VIRGINIA FIRE PREVENTION CODE), and ordain Section 4-2-12.1 (LOCAL BOARD OF FIRE CODE APPEALS) of Chapter 2 (FIRE PROTECTION AND PREVENTION), Title 4 (PUBLIC SAFETY) of the Code of the City of Alexandria, Virginia, 1981, as amended

Summary

The proposed ordinance incorporates the 2006 edition of the Virginia Statewide Fire Prevention Code into the city code and clarifies that the Alexandria Board of Building Code Appeals shall serve as the Local Board of Fire Prevention Code Appeals

Sponsor

Staff

Adam Thiel, Fire Chief, Fire Department
John Catlett, Director, Office of Code Administration
Mary O'Donnell, Assistant City Attorney

Authority

§27-97 and §27-98 of the Code of Virginia (1950), as amended

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE _____

AN ORDINANCE to amend and reordain Section 4-2-12 (ADOPTION OF VIRGINIA FIRE PREVENTION CODE), and ordain Section 4-2-12.1 (LOCAL BOARD OF FIRE CODE APPEALS) of Chapter 2 (FIRE PROTECTION AND PREVENTION), Title 4 (PUBLIC SAFETY) of the Code of the City of Alexandria, Virginia, 1981, as amended

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 4-2-12 of the Code of the City of Alexandria, 1981, as amended, be, and the same hereby is, amended and reordained, to read as follows:

Sec. 4-2-12 Adoption of Virginia Statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code, as promulgated in 2006, There is hereby adopted and incorporated as if fully set out in this article, the Virginia Statewide Fire Prevention Code, as promulgated in 2003 and as thereafter amended by the Virginia Board of Housing and Community Development, except such portions of the Virginia Statewide Fire Prevention Code as are deleted, modified or amended by section 4-2-21 of this article. All future editions of the Virginia Statewide Fire Prevention Code as promulgated by the Virginia Board of Housing and Community Development are hereby automatically adopted and incorporated into this code.

Section 2. That Section 4-2-12.1 of The Fire Code of the City of Alexandria, 1981, as amended, be, and the same hereby is, ordained, to read as follows:

Sec 4-2-12.1 Local Board of Fire Prevention Code Appeals.

The Alexandria Board of Building Code Appeals as created in Section 8-1-37 of this code shall serve as the Local Board of Fire Prevention Code Appeals. This board shall hear appeals of the Virginia Fire Prevention Code, its referenced documents, standards and any city amendments.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Introduction: 6/8/10
First Reading: 6/8/10
Publication:
Public Hearing: 6/12/10
Second Reading: 6/22/10
Final Passage:

ORDINANCE 4667

AN ORDINANCE to amend and reordain Section 4-2-12 (ADOPTION OF VIRGINIA FIRE PREVENTION CODE), and ordain Section 4-2-12.1 (LOCAL BOARD OF FIRE CODE APPEALS) of Chapter 2 (FIRE PROTECTION AND PREVENTION), Title 4 (PUBLIC SAFETY) of the Code of the City of Alexandria, Virginia, 1981, as amended

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WILLIAM D. EUILLE
Mayor

Final Passage: June 12, 2010