

EXHIBIT NO. 1

11
3-16-02

City of Alexandria, Virginia

~~21~~
3-12-02

MEMORANDUM

DATE: MARCH 8, 2002

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*

SUBJECT: CONSIDERATION OF AN ORDINANCE TO ADOPT CHANGES TO THE VIRGINIA STATEWIDE FIRE PREVENTION CODE

ISSUE: City Council consideration of an ordinance to amend Title, 4, Chapter 2, of the Code of the City of Alexandria to adopt changes to the Virginia Statewide Fire Prevention Code.

RECOMMENDATION: That City Council:

- (1) pass the ordinance on first reading; and
- (2) schedule it for public hearing, second reading and final passage on Saturday, March 16.

DISCUSSION: The proposed ordinance (Attachment II) includes a number of new initiatives in the Fire Prevention Code to enhance our ability to deal with life safety and nuisance issues throughout the City.

Under Virginia Code §27-34.2:1, localities are authorized to grant full, or less than full, police powers to local fire marshals and their assistants once they have satisfactorily completed a training course, designed by the Virginia Department of Fire Programs in cooperation with the Department of Criminal Justice Services and approved by the Virginia Fire Services Board. Included within these powers are the authority to investigate any suspected criminal activity, carry weapons, make custodial arrests and use force where necessary to effect such an arrest.

Historically, the City has chosen to limit the police powers of the fire marshals to include the investigations of fires, fire bombings, bombings, threats to commit such offenses and the enforcement of violations of the Virginia Statewide Fire Prevention Code. Under the current City Code, they do not possess police powers with respect to conduct violating other criminal laws. Over the last several years, however, we have broadened the duties and responsibilities of this group of employees to have them address numerous non-fire-related types of criminal conduct (largely nuisance-related crimes) that they encounter in the course of their duties. At the same time, we have not expanded the scope of these employees' police powers.

The proposed ordinance expands the scope of police powers given fire marshals to the same scope as possessed by police officers. The granting of these powers will further the marshals' ability to deal with the many nuisance type issues they are called upon to address (particularly after normal working hours), and importantly will enhance their ability to protect themselves when doing so. Fire marshals are now assigned to a rotating shift that provides coverage on evenings and weekends. Frequently, these employees are called upon to investigate complaints of illegal automobile repair on public and private property, investigate construction related noise complaints and provide vacant building checks for vagrants and other types of illegal activity. This investigative work often places the employees in situations that pose significant risks of harm to themselves and, sometimes, others as well. By expanding the police powers of these employees, the proposed ordinance will enable them, when faced with these types of situations, to respond in ways that are currently unavailable to them (e.g., by placing in custody a trespasser, when permissible, who is discovered within a building during a vacant building inspection).

The proposed ordinance is not intended to have fire marshals augment the law enforcement responsibilities of the Police Department (e.g., accident investigation, traffic enforcement or responding to ongoing criminal activity). The purpose of the ordinance is to empower fire marshals themselves to exercise police powers, when needed, in relation to the various types of nuisance activities that they often encounter, such as:

- Vacant building checks for the presence of vagrants or juvenile fire play;
- Illegal auto repairs on public/private property which occasionally involves stolen autos;
- Unlawful disposal of flammable or hazardous materials;
- Unlawful disposal of solid waste;
- Checks of establishments which may become overcrowded;
- Discovery of non fire related criminal acts in progress prior to being reported to Police (e.g. drug activity, fighting, domestic violence, robbery from persons etc.);
- Illegal construction by unlicensed contractors and working without required permits;
- Work occurring beyond the scope of the City's noise ordinance;
- Application of graffiti; and
- Destruction of City property.

The Police Chief and the Fire Chief have signed a Memorandum of Understanding which formally establishes the basic framework of how these additional police powers will be exercised by fire marshals (Attachment 1). A Fire Department Directive which sets out the specific training requirements and operational procedures for this group of employees and will also require concurrence by the Police Chief and the Fire Chief is being developed. Additionally, all future fire marshals will receive all training set forth by the Department of Criminal Justice Services and the Department of Fire Programs in basic law enforcement, with a specialization in investigation of the cause and origin of fires and bombings and environmental crimes.

The majority of the changes made by the proposed ordinance make changes to the fire prevention code. For instance, they consolidate and clarify language identifying the term "fire official" to mean the Director of Code Enforcement, provide greater authority for fire marshals to deal with issues relating to the storage, transportation and use of explosives, and incorporate new

provisions that require a stairwell identification system for all buildings over three stories. The stairwell identification systems is a recently developed national initiative designed to ensure the safety of firefighting personnel when they are engaged in fire suppression operations in high rise buildings. Such systems are currently in use on a voluntary basis throughout the Northern Virginia region.

FISCAL IMPACT: None.

ATTACHMENTS:

Attachment I: Memorandum of Understanding

Attachment II: Proposed Ordinance

STAFF:

Thomas M. Hawkins, Fire Chief

Art D. Dahlberg, Director, Code Enforcement

City of Alexandria, Virginia

MEMORANDUM

MEMORANDUM OF UNDERSTANDING

DATE: JANUARY 10, 2002
TO: PHILIP SUNDERLAND, CITY MANAGER
FROM: THOMAS M. HAWKINS, JR., FIRE CHIEF *THM*
CHARLES E. SAMARRA, POLICE CHIEF *CS*
SUBJECT: MEMORANDUM OF UNDERSTANDING REGARDING THE EXERCISE OF
LAW ENFORCEMENT POWERS BY FIRE MARSHALS

Exercising the authority conferred by Va. Code § 27-34.2:1, city council has authorized the chief fire marshal, chief deputy fire marshal and all deputy fire marshals (hereafter, referred to collectively as "fire marshals") to have the same police powers as a sheriff, police officer or law enforcement officer. See City Code § 4-2-15. In order to coordinate the provision of law enforcement in the city, to delineate the areas of responsibility for each department's law enforcement personnel, and to ensure the appropriate exercise of law enforcement powers by all city employees who are authorized to do so, the fire department and police department have discussed reasonable guidelines that will be followed by their respective staffs. This memorandum summarizes those guidelines.

No fire marshal shall exercise law enforcement powers until he or she has satisfactorily completed all training and certification requirements prescribed by the Virginia Department of Fire Programs in

cooperation with the Department of Criminal Justice Services. Such training and certification programs must have the approval of the Virginia Fire Services Board. See. Va. Code § 27-34.2:1. Following satisfactory completion of the initial training program, a fire marshal may continue to exercise law enforcement powers only upon satisfactory participation, at intervals to be determined by the Fire Chief in consultation with the Virginia Fire Services Board, in in-service and advanced courses and programs designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services. Such courses must have the approval of the Virginia Fire Services Board.

If a fire marshal becomes ineligible to exercise law enforcement powers, due to either (i) a lapse in the marshal's compliance with training or certification requirements, or (ii) any other reason, the Fire Chief shall promptly take all action necessary to ensure that the marshal refrains from exercising law enforcement powers. The Fire Chief shall also have the sole discretion to revoke the law enforcement powers of a fire marshal conferred by the City Code at any time. Such action shall be communicated, in writing, to the fire marshal and the Police Chief stating the effective date of such prohibition.

The law enforcement powers conferred upon fire marshals are not intended or designed to supplant or necessarily supplement the law enforcement mission of the police department. Rather, this grant of law enforcement powers will enable fire marshals to protect their personal safety while accomplishing their assigned duties. These duties include investigation of the origin and cause of fires and explosions that occur within the city (Va. Code § 27-31), maintenance of public order and preservation of evidence at the site of a fire or explosion (Va. Code § 27-34), summoning witnesses

and taking evidence in the course of an investigation (Va. Code § 27-32), obtaining entry into or onto the site of a fire or explosion as part of the investigation (Va. Code § 27-32.1), procuring or serving arrest warrants and issuing summons for violation of state fire prevention and fire safety laws and related city code provisions (Va. Code § 27-34.2), enforcement, by means of by inspection and investigation, of the Uniform Statewide Building Code (Va. Code §27-34.4, 36-105), and the investigation of releases of hazardous material, hazardous waste or regulated substances (Va. Code § 27-37.1) and enforcement of the Alexandria City Code provisions dealing with nuisance offenses¹

In the event that a fire marshal is present at a crime in progress which does not involve the fire marshal's statutory duties, as described in the preceding paragraph, and does not present an imminent risk of death or serious bodily injury to the fire marshal or another person, the fire marshal is not expected or required to exercise law enforcement powers or intervene in the situation, other than to report the incident to appropriate police or public safety personnel when it is safe to do so.

Conversely, if the fire marshal is present at criminal activity that poses an imminent risk of death or serious bodily injury to the fire marshal or another person, the fire marshal is expected to intervene in accordance with his or her training and to employ such force as may be necessary to preserve life and property until the arrival of appropriate police or public safety personnel.

¹ As used in this memorandum, the term "nuisance offenses" includes, but is not limited to, violations of (i) the rodent control provisions of Chapter 11, Chapter 6; (ii) the solid waste control provisions of Title 5 Chapter 1; (iii) illegal automobile repairs (City Code 10-4-13; and (iv) the graffiti abatement provisions of Title 11, Chapter 2, all of the Alexandria City Code.

The fire department shall devise and implement, in consultation with the police department, written operational directives and procedures which fully describe how and when fire marshals shall exercise law enforcement powers. The police department shall devise and implement, in consultation with the fire department, written operational directives and procedures which fully describe how members of the police department will interact in the field with fire marshals.

In the event that the departments do not agree on the application or any element of this memorandum then either the Fire Chief or Police Chief may take the issue to the City Manager for resolution.

This memorandum of understanding shall be reviewed annually by both the fire chief and the chief of police, or by their designees, and revised as needed.

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3-16-02

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3-12-02

Introduction and first reading:	3/12/2002
Public hearing:	3/16/2002
Second reading and enactment:	3/16/2002

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Article B (FIRE PREVENTION) 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 expands the law enforcement authority of city fire marshals, designates the Director of Code Enforcement as the "fire official" with overall responsibility for fire code enforcement, provides greater authority for fire marshals to deal with issues relating to the storage, transportation and use of explosives, and incorporates new provisions that require a stairwell identification system for buildings taller than three stories, to ensure the safety of firefighting personnel when they are engaged in fire suppression operations in such buildings.

Sponsor

Fire Department
Bureau of Code Enforcement

Staff

Thomas M. Hawkins, Fire Chief
Arthur Dahlberg, Director of Code Enforcement
Michael Conner, Chief Fire Marshal
Ignacio B. Pessoa, City Attorney

Authority

§ 27-97, Code of Virginia, 1950, as amended

Estimated Costs of Implementation

None

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

None

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3-12-02

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Article B (FIRE PREVENTION) 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 Article B of Chapter 2, Title 4 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

ARTICLE B Fire Prevention

Sec. 4-2-11 Title.

This article shall be known as the Fire Prevention Code of the City of Alexandria, Virginia.

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

There is hereby adopted and incorporated, as if fully set out in this article, the Virginia Statewide Fire Prevention Code, as promulgated in 1997 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.

Sec. 4-2-13 Same--official copy.

One copy of the Virginia Statewide Fire Prevention Code and the ordinances adopting deletions, modifications and/or amendments thereto shall be manually signed on its cover by the mayor and the fire ~~marshal~~ official and shall be filed and kept at all times in the office of the city clerk.

Sec. 4-2-14 Definition of fire official, fire marshal and code official.

Whenever the terms "fire official," "fire marshal" and "code official" are used in this article or the Virginia Statewide Fire Prevention Code, they shall mean the city's ~~chief fire marshal, any deputy fire marshal in the city or any other city employee authorized by the chief fire marshal to enforce the provisions of this article~~ director of code enforcement.

Sec. 4-2-15 Duties of the fire marshal and deputy fire marshals.

(a) The ~~director of code enforcement, chief fire marshal, chief deputy~~ fire marshal, all deputy fire marshals, and other authorized employees of the city shall enforce the provisions of this article.

(b) The city manager shall appoint the ~~chief fire marshal, chief deputy~~ fire marshal and deputy fire marshals.

(c) The chief of the fire department of the city may designate any members of the fire department as deemed necessary as temporary fire inspectors to make fire safety inspections pursuant to this article.

(d) (1) The chief fire marshal, chief deputy fire marshal and deputy fire marshals shall have the same police powers as a sheriff, police officer or law-enforcement officer, and, in addition to such other duties as may be prescribed by law, shall have the primary responsibility of investigation and prosecution of all offenses involving fires, fire bombings, bombings and attempts to commit such offenses; possession and manufacture of explosive devices, substances and fire bombs; storage, use and transportation of hazardous materials and hazardous wastes and the investigation of all releases of hazardous materials and wastes; false alarms relating to such offenses, and may investigate and prosecute all other criminal or civil offenses under local, state or federal law arising out of or during the investigation of the enumerated offenses, and out of or during such other investigations and prosecutions as may be approved by the city manager ~~are hereby authorized to exercise and they shall have, in addition to such other powers and duties as may be prescribed by law, all powers and duties set forth in chapter 3, title 27 (section 27-30 et seq.) of the Code of Virginia (1950), as amended. Said powers include, but are not limited to, the authority set forth in sections 27-34.2 and 27-34.2:1 of the Code of Virginia to arrest, to procure and serve warrants of arrest, and to issue summons in the manner authorized by general law for violations of this article and related fire prevention and fire safety ordinances.~~

(2) ~~The authority~~ police powers granted in this section shall not be exercised by the chief fire marshal, chief deputy fire marshal or any deputy fire marshal until such person has satisfactorily completed a training course designed for local fire marshals and their deputies with police powers, which course shall be approved by the Virginia State Fire Services Commission designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, and approved by the Virginia Fire Services Board.

(3) The chief fire marshal, chief deputy fire marshal and deputy fire marshals with police powers shall continue to exercise such powers only upon satisfactory participation in in-service and advanced courses and programs designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, and approved by the Virginia Fire Services Board.

Sec. 4-2-16 Unlawful boarding or tampering with fire department vehicles.

It shall be unlawful for any person, without proper authorization, to cling to, attach to, climb upon or into, board or swing upon any fire department vehicle, whether the vehicle is in motion or at rest, to sound any warning device thereon or to manipulate, tamper with or destroy any lever, valve, switch, starting device, brake, pump or any equipment, protective clothing or tool on or a part of the fire department vehicle.

Sec. 4-2-17 Tampering with fire protection devices; failure to report, or delaying alarm of fire.

(a) It shall be unlawful for any person to tamper with, damage, destroy, use without just cause or authorization, or hinder the use of any fire alarm system, fire protection system or fire extinguisher installed in any building or structure within the city.

(b) It shall be unlawful for any person knowingly to delay or to cause to be delayed an alarm of fire, or to fail to report an alarm of fire to the fire department.

(c) When a fire or evidence of the occurrence of a fire is discovered, even though it has apparently been extinguished, the person making such discovery shall immediately report the same to the fire department.

Sec. 4-2-17.1 Stairway identification.

An identification system, as approved by the fire official, shall be provided at each landing in all interior exit stairways connecting more than three stories, identifying the floor level, the level of discharge to the exterior of the structure, the name or designation of the stairway within the structure, and whether there is access to the roof of the structure from the stairway. The identification shall be located 5 feet (1,525 mm) above the finished floor landing, at a location which is readily visible within the stairway and will not be obstructed by the operation of any door into the stairway.

Sec. 4-2-18 Fire hydrants and water mains.

(a) It shall be unlawful for any person to use, tamper with, damage or destroy any fire hydrant, valve or water main within the city, except that the fire department may use fire hydrants for firefighting or training purposes, and persons who have obtained a permit as provided for in this section from the fire marshal may use the fire hydrants in accordance with the terms of the permit.

(b) Application for a permit for use of fire hydrants shall be made to the fire marshal on forms provided for this purpose. Any permit shall be subject to the conditions and specifications imposed by the fire marshal for the purpose of protecting equipment and preventing water leakage. No permit shall be issued unless approval to use water shall first have been obtained from the Virginia-American Water Company. A separate permit shall be required for each hydrant used and each time the hydrant is used. A fee of \$50 (\$10 for charitable or nonprofit groups) will be charged for each permit issued. A permit holder shall be responsible for the costs of labor and materials for any repair or replacement needed after hydrant use. A permit must be in the possession of the actual user at the time of use.

(c) No person shall plant, or erect, or place any obstruction within four feet of any hydrant.

(d) No person shall plant, erect or place any obstruction within ten feet of any other fire department connection point, whether mounted on the exterior of a structure or freestanding. All such connections which are mounted on a building, including all such connections in existence

on (effective date), shall be identified by a sign as follows. Such sign shall bear the letters FDC, six inches in height, of a white color on a red background, and shall be mounted directly above the connection, four feet above the top of the connection.

Sec. 4-2-19 Impersonation.

It shall be unlawful for any person falsely to use a fire department badge, uniform or credentials to identify himself as, or otherwise to impersonate, a fire marshal, a fire officer, a firefighter, a paramedic, an inspector or another authorized representative of the fire department.

Sec. 4-2-20 Reserved.

Sec. 4-2-21 Changes in Virginia Statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code, adopted by the city in section 4-2-12, is deleted, modified or amended in the following respects:

(1) Chapter 1, section F-101.1 is amended to read:

F-101.1 Title: The regulations set forth herein, as modified and amended in section 4-2-21 of The Code of the City of Alexandria, together with the additional regulations in article B of chapter 2, title 4 of that code, shall be known as the Fire Prevention Code of the City of Alexandria, Virginia, and are herein referred to as such or as "the code."

(2) Chapter 1, section ~~F-107.2.4~~ F-105.1 is amended to read:

~~F-107.2.4 Fees: Fees for permits required under this code will be in accordance with Table F-107.2.3~~

F-105.1 Add the following at the end of section F-105.1: The provisions of the Virginia Statewide Fire Prevention Code and this article shall be enforced by the fire official, director of code enforcement, chief fire marshal, chief deputy fire marshal, deputy fire marshals, and any other person authorized by the fire chief to conduct inspections under the Virginia Statewide Fire Prevention Code or this article.

(3) Chapter 1, section F-107.3 is amended by adding the following:

The permit fee schedule is shown in Table F-108.2 Permit Requirements.

~~(3)~~(4) Chapter 1, Table ~~F-107.2.3~~ F-108.2 is amended to read:

Table F-107.2.3F-108.2 PERMIT REQUIREMENTS

Section	Description	Permit Fee
F-402.3	Candles--assembly /educational occupancies	\$88.50
F-403.4	Open burning, bonfire charitable organizations	\$88.50 \$10.00
F-404.2	Use of torch to remove paint, sweat pipe or apply roofing material	\$88.50
F-601.4	Assembly/educational occupancies <u>or other such occupancies used for other than solely religious purposes:</u> occupancy less than 50 persons	\$50.00
	occupancy 50 to 100 persons	\$100.00
	occupancy over 100 persons	\$250.00
F-801.2	Airports, heliports and helistops	\$88.50
F-901.2	Use of flammable liquids to resurface bowling lanes	\$88.50
F-1001.2	Crop ripening and coloring processes	\$88.50
F-1101.2	Dry cleaning	\$88.50
F-1201.2	Dust explosion hazards	\$88.50
F-1301.2	Application of flammable finishes	\$100.00

F-1401.2	Insecticidal fumigation	\$100.00
F-1501.2	HPM facilities	\$100.00
F-1601.2	Lumber yard or woodworking plant	\$88.50
F-1701.2	Bulk storage of matches	\$88.50
F-1801.2	Oil/gas wells	\$100.00
F-1901.2	Organic coatings	\$88.50
F-2001.2	Tents/air supported structures	\$88.50
F-2102.1	Wrecking yard, junk yard or waste material handling	\$88.50
F-2103.1	Waste handling <u>Storage of combustible materials, etc.</u>	\$88.50
F-2201.2	Welding or cutting	\$88.50
F-2205.2	Storage of welding cylinders	\$88.50
F-2207.1	Calcium carbide	\$88.50
F-2208.1	Acetylene generators	\$88.50
F-2208.7	Acetylene cylinder storage	\$88.50
F-2301.2	Hazardous materials	\$100.00
F-2401.2	Aerosol products	\$88.50
F-2501.2	Cellulose nitrate plastics	\$88.50
F-2601.2	Combustible fibers	\$88.50
F-2701.2	Compressed gases	\$88.50
F-2801.2	Corrosives	\$88.50

F-2901.2	Cryogenic liquids	\$88.50
F-3001.2.1	Blasting/explosives, storage and transportation	\$88.50
F-3001.2.2	<u>Blasting/explosives, transportation (each vehicle)</u>	<u>\$88.50</u>
<u>F-3001.2.3</u>	Blasting/explosives, use (each site)	\$88.50
F-3101.2	Fireworks display	\$100.00
F-3201.2	Vehicle repair shop	\$100.00
F-3201.2	Flammable and combustible liquids-storage, handling, use processing	\$88.50
F-3201.2	Flammable and combustible liquids-tanks and equipment	\$88.50
<u>F-3201.2.1</u>	<u>Install, remove, repair or alter any stationary tank</u>	<u>\$88.50</u>
<u>F-3201.2.2</u>	<u>Storage and use of flammable liquids</u>	<u>\$88.50</u>
<u>F-3201.2.3</u>	<u>Storage and use of combustible liquids</u>	<u>\$88.50</u>
<u>F-3201.2.6</u>	<u>Placing a tank temporarily/ permanently out of service</u>	<u>\$88.50</u>
<u>F-3201.2.7</u>	<u>Utilizing any portion of a structure for servicing or repairing a motor vehicle</u>	<u>\$88.50</u>
F-3301.2	Flammable solids	\$88.50
F-3401.2	Highly toxic solids and liquids	\$88.50
F-3501.2	Irritants, sensitizers and	\$88.50

other health hazards

F-3601.2	Liquefied petroleum gases	\$88.50
F-3701.2	Organic peroxides	\$88.50
F-3801.2	Liquid and solid oxidizers	\$88.50
F-3901.2	Pesticides	\$88.50
F-4001.2	Pyrophoric materials	\$88.50
F-4101.2	Radioactive materials	\$100.00
F-4201.2	Unstable (reactive) materials	\$88.50
F-4301.2	Water reactive materials	\$88.50

(5) Chapter 1, section F-108.5 is amended by adding the following subsections:

F-108.5.1 Access to permit premises. Any person or business required by section 107.2 to have a permit(s) on premises shall make the necessary keys, any manufacturer's material safety data sheets related to products regulated by the permit(s), location of the operation subject to permit(s) within the premises, emergency personnel information and other pertinent information relating to the permitted activity available to fire department personnel by use of an approved locking box on the exterior of the building.

F-108.5.2 Period of validity. Permits are valid for a period of 12 months from issuance, unless a different period is stated on the permit or the permit is revoked. Notwithstanding the foregoing, multiple permits issued at different times for the same location shall all expire at the same time as the first permit issued for the location.

F-108.5.3 Permit location. Permits are valid only at the location stated in the permit, and cannot be transferred to a different location or address.

F-108.5.4 Permit location - exception. Permits issued under sections F-404.2 or F-2201.2 may be used on a citywide basis during the period of validity of the permit. All necessary fire protection equipment required by section F-404.1 of the Virginia Statewide Fire Prevention Code, or other referenced codes or standards, must be in place and ready for use at each location prior to beginning operations covered under these types of permit.

(6) Chapter 1, section F-110.5 is amended by adding subsection F-110.5.1:

F-110.5.1 Imminent threat to human health or safety or to property. If the fire official determines that any violation creates an imminent threat to human health or safety or to property, the fire official may forthwith correct or abate such violation, and request that the city attorney institute appropriate legal proceedings to recover the full cost of such response from the property owner, tenant or other responsible party.

(4)(7) Chapter 3, section F-306.0 is amended by adding section F-306.6:

F-306.6 Storage or display in roofed-over malls: No combustible goods, merchandise or decorations shall be displayed or stored in a roofed-over mall unless approved by the fire marshal official.

(8) Chapter 3, section F-311.1 is amended by adding sections F-311.1.1, F-311.4 and F-311.5:

F-311.1.1 The fire official is authorized to designate and identify temporary fire lanes during emergency conditions to ensure access of fire department equipment and personnel.

F-311.4 Signs and markings. The property owner or designee shall supply, install and maintain signs and other required markings to designate and identify fire lanes (emergency vehicle easements) as directed by the fire official. The signs shall identify the starting point, continuation and end point for all fire lanes.

F-313.5 Sign specifications. Fire lane signs shall conform to the following standards, and shall be installed as required by the most current edition of the "Water and Fire Requirements for Site Plans and New Construction," as promulgated by the fire official from time to time.

Metal construction, dimensions 12 inches by 15 inches.

Red letters on a reflective white background, with a three-eighths inch red border around the entire outer edge of the sign.

Red directional arrows on the sign shall be used to indicate the direction and continuation of fire lanes.

Lettering size and layout, with uniform spacing between words and centered inside the red boarder, as follows:

NO PARKING (2 inches)
FIRE (2 inches)
LANE (2 inches)
EMERG. VEH. EAS. (1 inch)
(directional arrow) (1 inch)
City of Alex. (½ inch) or approved City Seal

~~(5)~~(9) Chapter 3 is amended by adding a new section F- 316.0:

F-316.0 Handling readily combustible materials.

F-316.1 General: No person making, using, storing, having charge of or having under his control in a building any combustible excelsior, rubbish, sacks, bags, litter, hay, straw or other combustible waste material shall fail, at the close of each day, to remove all such material which is not compactly baled and/or stacked in an orderly manner, from the building or store it in suitable vaults or in metal or metal-lined and covered receptacles or bins. The fire marshal shall require suitable baling equipment to be installed in stores, apartment buildings, factories and other buildings where accumulations of paper and waste material are not removed at least every second day.

~~(6)~~(10) Chapter 3 is amended by adding a new section F- 317.0:

F-317.0 Storage, display or repair.

F-317.1 General: It shall be unlawful to store, display or repair in or on a building or structure, or any part thereof, any vehicle, tool or equipment that has a fuel tank containing a flammable or combustible liquid or a liquefied petroleum gas as a source of fuel, unless the building or structure is built and maintained in accordance with the requirements of the Uniform Statewide Building Code, and this code, for such storage, display or repair; provided, that this section shall not apply to single-family dwellings where the storage, display or repair is not conducted as a business.

F-317.2 Storage inside a structure. Storage inside any structure shall be maintained in a neat, orderly and safe manner. No storage shall be permitted within 24 inches of the lowest portion of a ceiling, or the supporting structure thereof, or within 18 inches of the flange plate of a sprinkler head, is so equipped, in any building. In buildings where sprinkler heads are mounted above the supporting structure of the roof, no storage shall be permitted within 18 inches of the supporting structure.

F317.3 Blocked access. In any building or structure where exterior doors are blocked by storage, other use, or otherwise inaccessible or nonusable for fire department access, a permanent durable sign with the word "BLOCKED" shall be securely affixed on the exterior side of each such door. The size of the lettering shall be six inch block lettering, of a contrasting color to the door.

(11) Chapter 3 is amended by adding a new section F-381.0:

F-381.0 Noxious, flammable or combustible vapors.

F-381.1 General. This section shall apply to any process or operation which produces flammable, combustible or noxious fumes or vapors, other than during the regular course of processes or operations normally conducted at the premises.

F-381.2 Ventilation. All such processes or operations shall have sufficient natural or supplied ventilation to prevent the migration of such fumes or vapors within the structure. Such processes or operations shall be conducted at times when the building has the fewest number of occupants.

F-381.3 Ignition sources. No such process or operation shall be conducted prior to assuring that all potential ignition sources have been identified and extinguished.

F-318.4 Alarm and sprinkler systems. If the potential exists to activate an alarm system by conducting such a process or operation, the alarm system shall be disabled and a fire watch maintained by a person other than the person conducting the process or operation. The person maintaining the fire watch shall have the capability of contacting the fire department without having to reactivate the alarm system. No disabling of the alarm system shall be permitted, without prior notification to the fire department communications division. Any protective measures taken to protect either the fire alarm or sprinkler systems at the premises, such as covering detectors or taping sprinkler heads, shall be reported to the communication section of the fire department, prior to such measures being taken. At the completion of the process or operation, all such systems shall be fully restored to function, and the fire department shall be so notified.

F-318.5 Fire department notification. Any person conducting such process or operation shall notify the fire department communications division of the time, date and place at which such process or operation will be conducted, at least 24 hours prior to commencement. Such notice is required even if a permit has previously been obtained for the process or operation.

F-318.6 Occupant notification. The owner, tenant, property manager or other person responsible for causing such process or operation to be conducted shall give reasonable notice to occupants of the premises of the type of process, date and time of occurrence, and of the potential for the production of flammable, combustible or noxious fumes or vapors.

~~(7)~~(12) Chapter 4, section F-403.1 is amended to read:

F-403.1 General: A person shall not cause or allow open burning unless approved in accordance with this code and the air pollution control code (chapter 1 of title 11 of the city code) of the city. No person shall kindle, or authorize to be kindled or maintain any fire in such a manner that it constitutes a danger to public health and safety as determined by the fire marshal.

~~(8)~~(13) Chapter 4, section F-403.3 is amended to read:

F-403.3 Allowable burning: Open burning shall be allowed without prior notification to the code official for recreational fires, highway safety flares, fires for the training of firefighters under the direction of the fire department, smudge pots and similar occupational needs.

~~(9)~~(14) Chapter 4, section F-404.1 is amended to read:

F-404.1 General: Any person utilizing a torch or other flame producing device for removing paint, sweating pipe, or applying roofing material, or for other such occupational uses, shall provide at least one portable fire extinguisher with a minimum 4-A rating, or two portable fire extinguishers with a minimum 2-A rating each or a water hose connected to the water supply on the premises where such work is to be done. In all cases, a responsible person shall maintain a fire watch on the premises for at least one hour after the use of the torch or flame producing device. This person shall be at least 21 years of age and shall have access to a means of contacting the fire department in an emergency.

~~(10)~~(15) Chapter 4, section F-404.2 is amended to read:

F-404.2 Approval: Approval shall be secured from the code official prior to the utilization of a torch or other flame producing device for removing paint, sweating pipe, or applying roofing material, or for other such occupational uses.

~~(11)~~(16) Chapter 5 is amended by adding new sections F-504.6, F-504.7, and F-504.8 and F-504.9 to read:

F-504.6 Fire watch: A fire watch shall be established whenever any fire protection system is unable to provide the protection for which it was designed. This fire watch shall be maintained until the system has been restored to normal operation. A written log of the fire watch shall be maintained for inspection by the fire marshal. Such log shall indicate the name and address of the person maintaining the watch, and describe the persons activities during the watch. All areas subject to the watch shall be checked at 15 minute intervals.

F-504.7 Tampering: It shall be unlawful for any person to tamper with, damage, destroy, or use without just cause or authorization any fire protection system or fire extinguisher installed in any building or structure within the city.

F-504.8 Key repository: Owners of buildings in which fire alarm or fire suppression systems are installed ~~after the date of adoption of this code June 14, 1997,~~ shall provide a key repository to the satisfaction of the fire marshal. This key repository shall be of a type approved by the fire marshal and shall be located on the exterior of the building, near the main entrance. Keys shall be placed in the repository to allow the fire department access to investigate alarms of fire reported from the building

F-504.9 All buildings that have a fire control room shall equip that room with an operations book. The fire official shall review and approve the contents of such book.

(17) Chapter 6, section F-610.5 is amended to read:

F-610.5. Egress plan. A plan complying with section F-702.2 shall be submitted to the fire official and an approved copy shall be kept on the premises of every assembly, educational, residential care and incapacitated care occupancy.

(18) Chapter 7, section F-703.4 is amended by adding:

F-703.4 Exception. In those buildings equipped with "areas of rescue assistance" evacuation to such areas by persons designated to use such areas, shall be deemed to comply with the requirements of this section.

(19) Chapter 7 is amended by adding new section F-703.5:

Fire evacuation plans. Fire evacuation plans for all educational occupancies shall be submitted to the fire official for review and approval. Submission shall be made at least 30 days prior to the start of each school session, unless otherwise approved by the fire official.

(12)(20) Chapter 13, section F-1301.2 is amended to read:

F-1302.2 Permit required: Approval shall be obtained from the fire marshal for spraying or dipping operations included within the scope of this chapter utilizing any amount of flammable or combustible liquids on any working day.

(21) Chapter 20, section F-2001.2 is amended by adding subsection F-2001.2.2 to read:

F-2001.2.2 Certification. An affidavit or affirmation shall be submitted to the fire official and a copy retained on the premises at which the tent or air supported structure is located, attesting to the following information relative to the flame resistance of the fabric.

1. The names and addresses of the owners of the tent or air supported structure;
2. Date the fabric was last treated with flame resistant solution;
3. Trade name or kind of chemical used in treatment;
4. The name of the person or firm treating the material, and
5. Name of the testing agency and test standard by which the fabric was tested.

(22) Chapter 23, section F-2301.1 is amended as follows:

F-2301.1 Exceptions 5, 6, 8 and 9 are deleted.

(23) Chapter 23, section F-2307.3 is amended as follows:

F-2307.3 Storage and retail display of any hazardous materials. The storage and display of all hazardous materials regulated by Chapters 24 through 44 of the Virginia Uniform Statewide Fire Prevention Code shall comply with the following requirements:

(24) Chapter 30 is amended as follows:

Amend section F-3001.1 to read:

F-3001.1 Scope. The equipment, processes and operations involving the manufacture, possession, storage sale, use maintenance and transportation of explosive materials shall comply with the requirements of this code, NFPA 495 and DOTn 49CFR listed in Chapter 44 of this code, except that the year edition of NFPA 495 referenced shall be 1996.

Amend Exception to section F-3001.1 to read:

Exception: This chapter shall not apply to the following:

1. The transportation and use of explosives by federal or state military agencies or federal, state or municipal agencies while engaged in normal or emergency performance of duties.
2. The manufacture and distribution of explosive materials to, or storage of such materials by, military agencies of the United States.
3. The use of explosive materials in medicines and medicinal agents in the forms prescribed by the U.S. Pharmacopeia or the National Formulary.
4. Pyrotechnics such as flares, fuses and railway torpedoes.
5. Common fireworks in accordance with Chapter 31.
6. The possession, transportation and use of not more than 15 lbs. (7 kg) of smokeless powder and 1,000 small arms primers for hand loading of small arms ammunition for personal use.
7. The storage, handling transportation or use of explosives or blasting agents pursuant to provisions of Title 45.1 of the Code of Virginia.

Amend section F-3001.2 to read:

Approval shall be required for the following conditions or operations:

1. The manufacture, possession, storage sale or other disposition of explosive materials.
2. The transportation of explosive materials.
3. The use of explosive materials.
4. The operation of a terminal for handling explosive materials.
5. The delivery to or receipt from a carrier at a terminal between sunset and sunrise.

Add new sections F-3004.2.1 and F-3004.2.2 to read: -

F-3004.2.1 Type 2 magazines: Type 2 magazines may be used for temporary storage of explosives at the site of blasting operations where the amount constitutes not more than one day's supply for use in current operations. All explosives not used in the day's operation shall be returned to a Type 1 magazine at the end of the work day for overnight storage. In no case shall a Type 2 magazine be used for overnight storage. Type 2 magazines shall be allowed only in ~~1-2~~ zones the I/Industrial Zone.

F-3004.2.2 Records: Daily records shall be kept of the amount of explosives received from a supplier and the amount delivered to the magazine. A daily record shall be kept of the amount of explosives removed from the magazine for daily use and the amount returned to the magazine. This record will be kept within the magazine so that, on inspection of the magazine, an inventory

for all explosives can be made. The inventory shall be separated as to the different types of explosives stored and used. Forms for these records shall be approved by the fire marshal.

Add section F-3005 as follows:

F-3005.1 Prohibited transportation. Explosive materials shall not be carried or transported on a public conveyance or vehicle carrying passengers for hire.

F-3005.2 Vehicle design. Vehicles transporting explosive materials shall be strong enough to carry the load and shall be in good and safe mechanical condition. The floors shall be tight and have no exposed spark producing surface on the inside of the body. Where explosive materials are transported on a vehicle with an open body, the explosive material shall be stored in a portable magazine or closed container securely fastened to the vehicle body.

F-3005.3 Vehicle prohibitions. The attachment of a trailer behind a truck, tractor or semitrailer combination for transporting explosive materials is prohibited. The transport of explosive materials in any pole trailer is prohibited.

Exception: Such transport as permitted by DOTn 49CFR listed in Chapter 44 of this code.

F-3005.4 Vehicle restrictions. Vehicles containing explosive materials shall not be taken into a garage or repair shop for repair or storage.

F-3005.5 Vehicle contents. Only those dangerous articles authorized to be loaded with explosive materials in accordance with the provisions of this chapter shall be carried in the body of a vehicle transporting explosive materials.

F-3005.6 Vehicle inspections. The person to whom a permit has been issued to transport explosive materials over the streets and highways of the City shall inspect each vehicle used for such purposes daily, to ensure that:

1. Fire extinguishers are filled and in working order.
2. All electrical wiring is completely protected and securely fashioned to prevent short circuiting.
3. The motor, chassis, oil pan and body undersides are reasonably clean and free of excess grease and oil.
4. Both the fuel tank and fuel line are secure and free from leaks.
5. The brakes, lights, windshield wipers, horn and steering mechanism are functioning properly.
6. The tires are properly inflated, have proper tread depth, and are free of defects.
7. The vehicle is otherwise in proper operating condition and acceptable for transporting explosive materials.

F-3005.6.1 Vehicles routinely transporting explosive materials within the city shall be inspected by the code official prior to entering the city limits. Inspection shall occur at six month intervals. The code official shall issue a fire prevention permit to all approved vehicles.

F-3005.7 Vehicle signs. Vehicles transporting any quantity of explosive materials shall display all placards, signs lettering or numbering in accordance with DOTn 49 CFR listed in Chapter 44.

F-3005.8 Separation of detonators and explosives. Detonators shall not be transported in the same vehicle with Class A or Class B explosive materials or blasting agents, except as permitted by DOTn 49CFR listed in Chapter 44.

F-3005.9 Vehicle traveling clearances. Vehicles transporting explosive materials and traveling in the same direction shall not be driven within 300 feet (91440 mm) of each other.

F-3005.10 Vehicle routing. The route followed by vehicles transporting explosive materials shall not pass through congested areas or heavy traffic, except as permitted by the code official. A transportation plan identifying the route of travel shall be submitted to the code official for review and approval.

F-3005.11 Explosive materials shall not be transported through any vehicular tunnel or subway or over any bridge, roadway or elevated highway through or over which such transport is prohibited.

F-3005.12 Portable fire extinguishers. Every vehicle transporting explosive materials shall be equipped with portable fire extinguishers capable of being readily accessed, filled and ready for immediate discharge in accordance with sections F-3005.12.1 and F-3005.12.2.

F-3005.12.1 Small trucks. At least two portable fire extinguishers with a minimum 2-A:10-B:C rating shall be provided on each truck with a gross vehicle weight of less than 14,000 lbs. (6356 kg).

F-3005.12.2 Large trucks. At least two portable fire extinguishers with a minimum 2-A:40-B:C rating shall be provided on trucks with a gross vehicle weight of 14,000 lbs. (6356 kg) or greater.

F-3005.13 Operating precautions. No person shall carry matches or any other flame producing device, or carry unauthorized firearms or cartridges while in or near a vehicle transporting or storing explosive materials. No person shall drive, load or unload such a vehicle in a careless or reckless manner.

F-3005.14 Spark protection. Spark producing metal or tools, oils, matches, firearms, electric storage batteries, flammable materials, acids, oxidizers or corrosives shall not be transported or stored in the body of any vehicle being used to store or transport explosive materials or blasting agents.

F-3005.15 Unattended vehicles. Vehicles being used to store or transport explosive materials shall not be left unattended at any time within the city. No unauthorized person shall ride or be permitted to ride on any such vehicle.

F-3005.16 Vehicle parking and transfer. Vehicles being used to transport explosive materials shall not be parked, attended or unattended, on any street or road within the city, or adjacent to or in proximity to any building or structure, including a bridge or tunnel, or other place where persons work, congregate or assemble, prior to reaching the vehicles' destination. Explosive materials shall not be transferred from one vehicle to another except in an emergency and under the supervision of the fire marshal.

F-3005.16.1 Emergency conditions. In the event a vehicle being used to transport explosive materials breaks down, is involved in an accident or catches on fire, the city police and fire department shall be notified immediately. Only in the event of a breakdown or accident shall explosive materials be transferred from the disabled vehicle to another, and then only by proper and qualified personnel and under the supervision of the fire marshal.

F-3005.17 Delivery. Delivery of explosive materials shall only be made to authorized persons and into approved magazines or approved temporary storage or handling areas.

F-3005.18 Explosive materials at terminals. The code official shall designate the location and specify the maximum quantity of explosive materials which are to be loaded, unloaded, reloaded or stored at any given time at each terminal where such operations are permitted.

F-3005.19 Carrier responsibility. A carrier shall immediately notify the code official when explosive materials or blasting agents are to be transported within the city.

F-3005.20 Notice to consignee. A carrier shall immediately notify the consignee of the arrival of explosive materials at the carrier's terminal.

F-3005.21 Consignee responsibility. Upon notification that a shipment of explosive materials has arrived at a terminal, the consignee shall remove such materials to a storage area complying with the provisions of this chapter. Such removal shall be accomplished within 48 hours after receipt of notice, excluding Saturdays, Sundays and legal holidays.

~~(14)~~(24) Chapter 31 is amended to read:

Chapter 31. Fireworks.

Section F-3101.0 General.

F-3101.1 Scope:

(a) This chapter shall apply to fireworks as hereinafter defined in F-3101.2.

(b) Nothing in this chapter shall be construed to prohibit: (i) any resident wholesaler, dealer or jobber to sell at wholesale any fireworks as are not herein prohibited; (ii) the sale of any kind of fireworks, provided they are to be shipped directly out of the state, in accordance with the Department of Transportation (DOT) regulations covering the transportation of explosives and

other dangerous articles; (iii) the use of fireworks by railroads or other transportation agencies for signal purposes or illumination; or (iv) the sale or use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports or for use by military organizations or the police department. Fireworks permitted by this section shall be stored in accordance with Chapter 30.

F-3101.2 Definitions: "Fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, chemical reaction, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, model rockets, Roman candles, Daygo bombs, sparklers or other devices containing any explosive or flammable compound, or any tablets or other devices of like construction and any devices containing any explosive; except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap manufactured in accordance with the DOT regulations for packing and shipping as provided therein, and toy pistols, toy cannons, toy canes, toy guns or other devices for use of the caps, the sale and use of which shall be permitted at all times. Pyrotechnics (special fireworks) shall comply with the applicable provisions of Chapter 31.

F-3101.3 Manufacture, sale and discharge of fireworks:

- (a) The manufacture of fireworks is prohibited within the city.
- (b) It shall be unlawful for any person to store, offer for sale, expose for sale, sell at retail, use or explode any fireworks except as otherwise provided in subsections (c) through (f) of subsection F-3101.3.
- (c) The fire marshal shall adopt rules and regulations for the granting of permits for supervised public displays of fireworks. The permits shall be issued upon application to the fire marshal after the filing of a bond by the applicant as provided in subsection F-3101.4. Every such display shall be handled by an experienced and competent operator approved by the fire marshal and shall be of such composition, character and so located, discharged or fired as will, in the opinion of the fire marshal after proper inspection, not be dangerous or hazardous to any property or person.
- (d) Applications for permits shall be made in writing at least 30 days in advance of the date of the display. After the permit has been granted, sale, possession, use and distribution of fireworks for display purposes shall be lawful for that purpose only. No permit granted hereunder shall be transferable.
- (e) The sale, possession, use and distribution of fireworks for display purposes shall be conducted so as to be safe to persons and property. Evidence that the sale, possession, use and

distribution of fireworks for display purposes has been conducted in accordance with the applicable provisions of this chapter of the city code and the applicable standards contained chapter 42 of the Virginia Statewide Fire Prevention Code shall be evidence that such sale, possession, use and distribution of fireworks for display purposes provides safety to persons and property.

(f) The fire marshal shall adopt rules and regulations for the use of model rockets. The design, construction and use of model rockets shall be safe to persons and property. Evidence that the design, construction and use of model rockets is in accordance with the current edition of the "Code for Model Rocketry," published by the National Fire Protection Association, shall be evidence that any design, construction and use provides safety to persons and property.

F-3101.4 Bond and responsibility for fireworks display required:

(a) The fire marshal shall require a bond from the permittee in a sum not less than \$2,000,000 conditioned on compliance with the provisions of this chapter.

(b) Before any permit for a pyrotechnic display shall be issued, the person, firm or corporation making application there for shall furnish proof of the responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of the person, firm or corporation or any agent or employee thereof in such amount, character and form as the fire marshal determines to be necessary for the protection of the public.

F-3101.5 Disposal of unfired fireworks: Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a manner safe for the particular type of fireworks remaining.

F-3101.6 Seizure of fireworks: The fire marshal shall seize, take, remove or cause to be removed at the expense of the owner, all fireworks offered for sale, stored or held in violation of chapter 31.

~~(15)~~(25) Chapter 32 is amended by adding new sections F-3203.12, F-3203.13, F-3208.12, F-3208.13, F-3208.14, F-3208.15 and F-3210.3 as follows:

F-3203.12 Spill prevention plan: The owner or operator of any storage facility comprised of one or more tanks above or below ground with a total capacity of 5,000 gallons or more shall prepare and maintain on site a plan for product spill prevention, control and countermeasures certified by a professional engineer registered in the Commonwealth of Virginia and approved by the fire marshal. The certification of the professional engineer shall be that the plan is in substantial compliance with the spill prevention, control and countermeasures plan requirements of the Environmental Protection Agency contained in part 112 of title 40, Code of Federal Regulations. A plan that has been approved by the Environmental Protection Agency may be submitted to the fire marshal in lieu of one certified by a professional engineer.

F-3203.13 Clean-up of spills and leaks: The owner, tenant or other person in control of premises where a spill or leak has occurred shall be responsible for taking immediate and effective countermeasures to contain the spill, clean up the flammable or combustible liquid and dispose of all waste in an approved manner. Upon notification by the city that it has determined that such person lacks the capability or intent to perform these countermeasures, the person notified shall have a reasonable opportunity to elect either to contract with another for the performance of these countermeasures or to join the city in a contract with another for such work. In either case, the person shall pay the entire cost of the work. If a person who has received a notice from the city under this section fails to inform the city of his election within the time specified in the notice, the city may proceed without delay to undertake the required countermeasures, and to charge the owner, tenant or other person in control of the premises the entire cost of such work.

F-3208.12 Monitoring wells: Two permanent monitoring wells shall be installed in opposing corners of the tank field on all new installations after the effective date of this regulation. These wells shall extend to a minimum depth of two feet below the bottom of the tanks in the tank field. These wells shall be a minimum of four inches schedule 40 PVC screen pipe or equivalent and shall be flush with covering surface and covered with standard metal cover and gravel packed to prevent clogging. The screened section shall have a minimum size of .025 inch.

F-3208.13 Tank closure: All underground storage tanks, ~~not exempted by F-2806.10.3,~~ permanently removed from service shall have a site assessment in accordance with the regulations of the Virginia State Water Control Board. A copy of this assessment must be submitted to the fire ~~marshal~~ official, and to the Virginia Water Control Board if it so requires. A minimum of three soil samplings should be obtained to complete this assessment. Previously used tanks which are removed from the ground shall not be reinstalled unless the original manufacturer certifies that they are suitable for service. The manufacturer's written certification must be kept on file at the facility and be available for inspection by the fire marshal.

F-3208.14 Product inventory: All buried tanks installed after this regulation is effective shall have provisions for taking direct measurements of readings of content level by the stick method. Liquid levels of storage tanks shall be measured by the operator each day of operation and compared with pump meter readings taken on receipt of the product. These records shall be kept in a log book and be available for reasonable inspection by the fire marshal and/or his representative. Loss of product above normal evaporation (one half of one percent of pump meter sales readings) shall be reported immediately to the fire marshal. Records shall be retained for two years. This period shall be extended upon request of the fire marshal.

F-3208.15 Special equipment: High liquid level gauges or alarm systems as well as pump cut-off devices shall be installed by the owner or the authorized operator in all oil storage tanks wherever in the judgment of the fire marshal there is a possibility that product may be lost by overflowing. Since these emergency devices can fail to operate, their use for spill prevention purposes shall be considered only as auxiliary and supplementary to the use of personnel engaged in a transfer or fill operation.

F-3210.3 Maintenance: Tank vehicles operating within the city while in transit into or out of the city shall be maintained in accordance with the federal regulations contained in parts 390 through 397 of title 49, Code of Federal Regulations. Part 397.3 of title 49 requires that all motor vehicles carrying hazardous materials comply with state and local laws, ordinances and regulations, unless the regulations of the U.S. Department of Transportation apply and are more strict. Pursuant to the authority granted in section 18.2-278.4 of the Code of Virginia (1950), as amended, any duly sworn law enforcement officer of the city, including fire marshals, may halt any tank vehicle which is observed to have a condition or characteristic which indicates that there exists a violation of city, state or federal regulations governing the transportation of hazardous materials. The vehicle may be detained long enough to determine whether the permits required for transporting hazardous materials have been obtained, whether the cargo is secure, and whether the observed condition or characteristic presents an immediate threat of a transportation related spill or other catastrophic event. The tank vehicle may resume operation if it is found to be in good repair and free of leaks in accordance with NFPA 385. If that finding is not made, the vehicle shall not be detained any longer than necessary for the officer or official to determine that arrangements for the repair of the vehicle where situated or for its removal to a safe place and repair there, whichever in the judgment of the officer or official is appropriate, are made. Upon refusal of the operator to make arrangements required by the officer or official, the vehicle shall be impounded and held until the repair is made or until the officer or official is certain it will be made.

Sec. 4-2-22 Modifications.

The fire ~~marshal~~ official shall have the authority to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in carrying out the strict letter of this code, provided that the spirit and intent of this code shall be observed and the public safety and welfare assured. The particulars of the modification when granted shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.

Sec. 4-2-23 Appeals.

Any person aggrieved by an order, decision or interpretation of the fire ~~marshal~~ official in the administration and enforcement of any provision of this article may appeal the order, decision or interpretation in accordance with section F-113.0 of the Virginia Uniform Statewide Fire Prevention Code.

Sec. 4-2-24 Penalties and injunctions.

(a) Penalties for violations of this article shall be as set out in section 27-100 of the Code of Virginia. Each day that a violation continues, after a service of notice as provided for in this article, shall be deemed a separate offense.

(b) Neither the initiation of a proceeding to impose a penalty under subsection (a), nor the imposition of such a penalty shall prevent the city attorney from instituting appropriate action to prevent the construction of a structure in violation of this article, to prevent the occupancy of a structure that is in violation of this article, or to restrain, correct or abate a violation of this article.

Section 2. That in preparing the codification of this ordinance, the city attorney, in consultation with the fire official, is authorized to make such technical conforming amendments as may be necessary to reflect uniform nomenclature, update reference citations, and address like matters, in this ordinance and the city code.

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

KERRY J. DONLEY
Mayor

Introduction:	3/12/2002
First Reading:	3/12/2002
Publication:	3/14/02
Public Hearing:	3/16/02
Second Reading:	3/16/02
Final Passage:	

N.B. Underlining is not part of the ordinance but denotes language that is new or amended. Strike-outs or dashes are not part of the ordinance, but denote material that is being deleted.

ORDINANCE NO. 4243

AN ORDINANCE to amend and reordain Article B (FIRE PREVENTION) 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 Article B of Chapter 2, Title 4 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

ARTICLE B Fire Prevention

Sec. 4-2-11 Title.

This article shall be known as the Fire Prevention Code of the City of Alexandria, Virginia.

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

There is hereby adopted and incorporated, as if fully set out in this article, the Virginia Statewide Fire Prevention Code, as promulgated in 1997 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.

Sec. 4-2-13 Same--official copy.

One copy of the Virginia Statewide Fire Prevention Code and the ordinances adopting deletions, modifications and/or amendments thereto shall be manually signed on its cover by the mayor and the fire official and shall be filed and kept at all times in the office of the city clerk.

Sec. 4-2-14 Definition of fire official, fire marshal and code official.

Whenever the terms "fire official," "fire marshal" and "code official" are used in this article or the Virginia Statewide Fire Prevention Code, they shall mean the city's director of code enforcement.

Sec. 4-2-15 Duties of the fire marshal and deputy fire marshals.

(a) The director of code enforcement, chief fire marshal, chief deputy fire marshal, all deputy fire marshals, and other authorized employees of the city shall enforce the provisions of this article.

(b) The city manager shall appoint the chief fire marshal, chief deputy fire marshal and deputy fire marshals.

(c) The chief of the fire department of the city may designate any members of the fire department as deemed necessary as temporary fire inspectors to make fire safety inspections pursuant to this article.

(d) (1) The chief fire marshal, chief deputy fire marshal and deputy fire marshals shall have the same police powers as a sheriff, police officer or law-enforcement officer, and, in addition to such other duties as may be prescribed by law, shall have the primary responsibility of investigation and prosecution of all offenses involving fires, fire bombings, bombings and attempts to commit such offenses; possession and manufacture of explosive devices, substances and fire bombs; storage, use and transportation of hazardous materials and hazardous wastes and the investigation of all releases of hazardous materials and wastes; false alarms relating to such offenses, and may investigate and prosecute all other criminal or civil offenses under local, state or federal law arising out of or during the investigation of the enumerated offenses, and out of or during such other investigations and prosecutions as may be approved by the city manager.

(2) The police powers granted in this section shall not be exercised by the chief fire marshal, chief deputy fire marshal or any deputy fire marshal until such person has satisfactorily completed a course for fire marshals with police powers, designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, and approved by the Virginia Fire Services Board.

(3) The chief fire marshal, chief deputy fire marshal and deputy fire marshals with police powers shall continue to exercise such powers only upon satisfactory participation in in-service and advanced courses and programs designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, and approved by the Virginia Fire Services Board.

Sec. 4-2-16 Unlawful boarding or tampering with fire department vehicles.

It shall be unlawful for any person, without proper authorization, to cling to, attach to, climb upon or into, board or swing upon any fire department vehicle, whether the vehicle is in motion or at rest, to sound any warning device thereon or to manipulate, tamper with or destroy any lever, valve, switch, starting device, brake, pump or any equipment, protective clothing or tool on or a part of the fire department vehicle.

Sec. 4-2-17 Tampering with fire protection devices; failure to report, or delaying alarm of fire.

(a) It shall be unlawful for any person to tamper with, damage, destroy, use without just cause or authorization, or hinder the use of any fire alarm system, fire protection system or fire extinguisher installed in any building or structure within the city.

(b) It shall be unlawful for any person knowingly to delay or to cause to be delayed an alarm of fire, or to fail to report an alarm of fire to the fire department.

(c) When a fire or evidence of the occurrence of a fire is discovered, even though it has apparently been extinguished, the person making such discovery shall immediately report the same to the fire department.

Sec. 4-2-17.1 Stairway identification.

An identification system, as approved by the fire official, shall be provided at each landing in all interior exit stairways connecting more than three stories, identifying the floor level, the level of discharge to the exterior of the structure, the name or designation of the stairway within the structure, and whether there is access to the roof of the structure from the stairway. The identification shall be located 5 feet (1,525 mm) above the finished floor landing, at a location which is readily visible within the stairway and will not be obstructed by the operation of any door into the stairway.

Sec. 4-2-18 Fire hydrants and water mains.

(a) It shall be unlawful for any person to use, tamper with, damage or destroy any fire hydrant, valve or water main within the city, except that the fire department may use fire hydrants for firefighting or training purposes, and persons who have obtained a permit as provided for in this section from the fire marshal may use the fire hydrants in accordance with the terms of the permit.

(b) Application for a permit for use of fire hydrants shall be made to the fire marshal on forms provided for this purpose. Any permit shall be subject to the conditions and specifications imposed by the fire marshal for the purpose of protecting equipment and preventing water leakage. No permit shall be issued unless approval to use water shall first have been obtained from the Virginia-American Water Company. A separate permit shall be required for each hydrant used and each time the hydrant is used. A fee of \$50 (\$10 for charitable or nonprofit groups) will be charged for each permit issued. A permit holder shall be responsible for the costs of labor and materials for any repair or replacement needed after hydrant use. A permit must be in the possession of the actual user at the time of use.

(c) No person shall plant, erect, or place any obstruction within four feet of any hydrant.

(d) No person shall plant, erect or place any obstruction within ten feet of any other fire department connection point, whether mounted on the exterior of a structure or freestanding. All such connections which are mounted on a building, including all such connections in existence on (effective date), shall be identified by a sign as follows. Such sign shall bear the letters FDC, six inches in height, of a white color on a red background, and shall be mounted directly above the connection, four feet above the top of the connection.

Sec. 4-2-19 Impersonation.

It shall be unlawful for any person falsely to use a fire department badge, uniform or credentials to identify himself as, or otherwise to impersonate, a fire marshal, a fire officer, a firefighter, a paramedic, an inspector or another authorized representative of the fire department.

Sec. 4-2-20 Reserved.

Sec. 4-2-21 Changes in Virginia Statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code, adopted by the city in section 4-2-12, is deleted, modified or amended in the following respects:

(1) Chapter 1, section F-101.1 is amended to read:

F-101.1 Title: The regulations set forth herein, as modified and amended in section 4-2-21 of The Code of the City of Alexandria, together with the additional regulations in article B of chapter 2, title 4 of that code, shall be known as the Fire Prevention Code of the City of Alexandria, Virginia, and are herein referred to as such or as "the code."

(2) Chapter 1, section F-105.1 is amended to read:

F-105.1 Add the following at the end of section F-105.1: The provisions of the Virginia Statewide Fire Prevention Code and this article shall be enforced by the fire official, director of code enforcement, chief fire marshal, chief deputy fire marshal, deputy fire marshals, and any other person authorized by the fire chief to conduct inspections under the Virginia Statewide Fire Prevention Code or this article.

(3) Chapter 1, section F-107.3 is amended by adding the following:

The permit fee schedule is shown in Table F-108.2 Permit Requirements.

(4) Chapter 1, Table F-108.2 is amended to read:

Table F-108.2 PERMIT REQUIREMENTS

Section	Description	Permit Fee
F-402.3	Candles--assembly /educational occupancies	\$88.50
F-403.4	Open burning, bonfire	\$88.50
	charitable organizations	\$10.00

F-404.2	Use of torch to remove paint, sweat pipe or apply roofing material	\$88.50
F-601.4	Assembly/educational occupancies or other such occupancies used for other than solely religious purposes:	
	occupancy less than 50 persons	\$50.00
	occupancy 50 to 100 persons	\$100.00
	occupancy over 100 persons	\$250.00
F-801.2	Airports, heliports and helistops	\$88.50
F-901.2	Use of flammable liquids to resurface bowling lanes	\$88.50
F-1001.2	Crop ripening and coloring processes	\$88.50
F-1101.2	Dry cleaning	\$88.50
F-1201.2	Dust explosion hazards	\$88.50
F-1301.2	Application of flammable finishes	\$100.00
F-1401.2	Insecticidal fumigation	\$100.00
F-1501.2	HPM facilities	\$100.00
F-1601.2	Lumber yard or woodworking plant	\$88.50
F-1701.2	Bulk storage of matches	\$88.50
F-1801.2	Oil/gas wells	\$100.00
F-1901.2	Organic coatings	\$88.50

F-2001.2	Tents/air supported structures	\$88.50
F-2102.1	Wrecking yard, junk yard or waste material handling	\$88.50
F-2103.1	Storage of combustible materials, etc.	\$88.50
F-2201.2	Welding or cutting	\$88.50
F-2205.2	Storage of welding cylinders	\$88.50
F-2207.1	Calcium carbide	\$88.50
F-2208.1	Acetylene generators	\$88.50
F-2208.7	Acetylene cylinder storage	\$88.50
F-2301.2	Hazardous materials	\$100.00
F-2401.2	Aerosol products	\$88.50
F-2501.2	Cellulose nitrate plastics	\$88.50
F-2601.2	Combustible fibers	\$88.50
F-2701.2	Compressed gases	\$88.50
F-2801.2	Corrosives	\$88.50
F-2901.2	Cryogenic liquids	\$88.50
F-3001.2.1	Blasting/explosives, storage	\$88.50
F-3001.2.2	Blasting/explosives, transportation (each vehicle)	\$88.50
F-3001.2.3	Blasting/explosives, use (each site)	\$88.50
F-3101.2	Fireworks display	\$100.00

F-3201.2.1	Install, remove, repair or alter any stationary tank	\$88.50
F-3201.2.2	Storage and use of flammable liquids	\$88.50
F-3201.2.3	Storage and use of combustible liquids	\$88.50
F-3201.2.6	Placing a tank temporarily/ permanently out of service	\$88.50
F-3201.2.7	Utilizing any portion of a structure for servicing or repairing a motor vehicle	\$88.50
F-3301.2	Flammable solids	\$88.50
F-3401.2	Highly toxic solids and liquids	\$88.50
F-3501.2	Irritants, sensitizers and other health hazards	\$88.50
F-3601.2	Liquefied petroleum gases	\$88.50
F-3701.2	Organic peroxides	\$88.50
F-3801.2	Liquid and solid oxidizers	\$88.50
F-3901.2	Pesticides	\$88.50
F-4001.2	Pyrophoric materials	\$88.50
F-4101.2	Radioactive materials	\$100.00
F-4201.2	Unstable (reactive) materials	\$88.50
F-4301.2	Water reactive materials	\$88.50

(5) Chapter 1, section F-108.5 is amended by adding the following subsections:

F-108.5.1 Access to permit premises. Any person or business required by section 107.2 to have a permit(s) on premises shall make the necessary keys, any manufacturer's material safety data

sheets related to products regulated by the permit(s), location of the operation subject to permit(s) within the premises, emergency personnel information and other pertinent information relating to the permitted activity available to fire department personnel by use of an approved locking box on the exterior of the building.

F-108.5.2 Period of validity. Permits are valid for a period of 12 months from issuance, unless a different period is stated on the permit or the permit is revoked, Notwithstanding the foregoing, multiple permits issued at different times for the same location shall all expire at the same time as the first permit issued for the location.

F-108.5.3 Permit location. Permits are valid only at the location stated in the permit, and cannot be transferred to a different location or address.

F-108.5.4 Permit location - exception. Permits issued under sections F-404.2 or F-2201.2 may be used on a citywide basis during the period of validity of the permit. All necessary fire protection equipment required by section F-404.1 of the Virginia Statewide Fire Prevention Code, or other referenced codes or standards, must be in place and ready for use at each location prior to beginning operations covered under these types of permit.

(6) Chapter 1, section F-110.5 is amended by adding subsection F-110.5.1:

F-110.5.1 Imminent threat to human health or safety or to property. If the fire official determines that any violation creates an imminent threat to human health or safety or to property, the fire official may forthwith correct or abate such violation, and request that the city attorney institute appropriate legal proceedings to recover the full cost of such response from the property owner, tenant or other responsible party.

(7) Chapter 3, section F-306.0 is amended by adding section F-306.6:

F-306.6 Storage or display in roofed-over malls: No combustible goods, merchandise or decorations shall be displayed or stored in a roofed-over mall unless approved by the fire official.

(8) Chapter 3, section F-311.1 is amended by adding sections F-311.1.1, F-311.4 and F-311.5:

F-311.1.1 The fire official is authorized to designate and identify temporary fire lanes during emergency conditions to ensure access of fire department equipment and personnel.

F-311.4 Signs and markings. The property owner or designee shall supply, install and maintain signs and other required markings to designate and identify fire lanes (emergency vehicle easements) as directed by the fire official. The signs shall identify the starting point, continuation and end point for all fire lanes.

Red letters on a reflective white background, with a three-eighths inch red border around the entire outer edge of the sign.

Red directional arrows on the sign shall be used to indicate the direction and continuation of fire lanes.

Lettering size and layout, with uniform spacing between words and centered inside the red boarder, as follows:

NO PARKING (2 inches)
FIRE (2 inches)
LANE (2 inches)
EMERG. VEH. EAS. (1 inch)
(directional arrow) (1 inch)
City of Alex. (½ inch) or approved City Seal

(9) Chapter 3 is amended by adding a new section F- 316.0:

F-316.0 Handling readily combustible materials.

F-316.1 General: No person making, using, storing, having charge of or having under his control in a building any combustible excelsior, rubbish, sacks, bags, litter, hay, straw or other combustible waste material shall fail, at the close of each day, to remove all such material which is not compactly baled and/or stacked in an orderly manner, from the building or store it in suitable vaults or in metal or metal-lined and covered receptacles or bins. The fire marshal shall require suitable baling equipment to be installed in stores, apartment buildings, factories and other buildings where accumulations of paper and waste material are not removed at least every second day.

(10) Chapter 3 is amended by adding a new section F- 317.0:

F-317.0 Storage, display or repair.

F-317.1 General: It shall be unlawful to store, display or repair in or on a building or structure, or any part thereof, any vehicle, tool or equipment that has a fuel tank containing a flammable or combustible liquid or a liquefied petroleum gas as a source of fuel, unless the building or structure is built and maintained in accordance with the requirements of the Uniform Statewide Building Code, and this code, for such storage, display or repair; provided, that this section shall not apply to single-family dwellings where the storage, display or repair is not conducted as a business.

F-317.2 Storage inside a structure. Storage inside any structure shall be maintained in a neat, orderly and safe manner. No storage shall be permitted within 24 inches of the lowest portion of a ceiling, or the supporting structure thereof, or within 18 inches of the flange plate of a sprinkler head, is so equipped, in any building. In buildings where sprinkler heads are mounted above the

not apply to single-family dwellings where the storage, display or repair is not conducted as a business.

F-317.2 Storage inside a structure. Storage inside any structure shall be maintained in a neat, orderly and safe manner. No storage shall be permitted within 24 inches of the lowest portion of a ceiling, or the supporting structure thereof, or within 18 inches of the flange plate of a sprinkler head, is so equipped, in any building. In buildings where sprinkler heads are mounted above the supporting structure of the roof, no storage shall be permitted within 18 inches of the supporting structure.

F317.3 Blocked access. In any building or structure where exterior doors are blocked by storage, other use, or otherwise inaccessible or nonusable for fire department access, a permanent durable sign with the word "BLOCKED" shall be securely affixed on the exterior side of each such door. The size of the lettering shall be six inch block lettering, of a contrasting color to the door.

(11) Chapter 3 is amended by adding a new section F-381.0:

F-381.0 Noxious, flammable or combustible vapors.

F-381.1 General. This section shall apply to any process or operation which produces flammable, combustible or noxious fumes or vapors, other than during the regular course of processes or operations normally conducted at the premises.

F-381.2 Ventilation. All such processes or operations shall have sufficient natural or supplied ventilation to prevent the migration of such fumes or vapors within the structure. Such processes or operations shall be conducted at times when the building has the fewest number of occupants.

F-381.3 Ignition sources. No such process or operation shall be conducted prior to assuring that all potential ignition sources have been identified and extinguished.

F-318.4 Alarm and sprinkler systems. If the potential exists to activate an alarm system by conducting such a process or operation, the alarm system shall be disabled and a fire watch maintained by a person other than the person conducting the process or operation. The person maintaining the fire watch shall have the capability of contacting the fire department without having to reactivate the alarm system. No disabling of the alarm system shall be permitted, without prior notification to the fire department communications division. Any protective measures taken to protect either the fire alarm or sprinkler systems at the premises, such as covering detectors or taping sprinkler heads, shall be reported to the communication section of the fire department, prior to such measures being taken. At the completion of the process or operation, all such systems shall be fully restored to function, and the fire department shall be so notified.

F-318.5 Fire department notification. Any person conducting such process or operation shall notify the fire department communications division of the time, date and place at which such

process or operation will be conducted, at least 24 hours prior to commencement. Such notice is required even if a permit has previously been obtained for the process or operation.

F-318.6 Occupant notification. The owner, tenant, property manager or other person responsible for causing such process or operation to be conducted shall give reasonable notice to occupants of the premises of the type of process, date and time of occurrence, and of the potential for the production of flammable, combustible or noxious fumes or vapors.

(12) Chapter 4, section F-403.1 is amended to read:

F-403.1 General: A person shall not cause or allow open burning unless approved in accordance with this code and the air pollution control code (chapter 1 of title 11 of the city code) of the city. No person shall kindle, or authorize to be kindled or maintain any fire in such a manner that it constitutes a danger to public health and safety as determined by the fire marshal.

(13) Chapter 4, section F-403.3 is amended to read:

F-403.3 Allowable burning: Open burning shall be allowed without prior notification to the code official for recreational fires, highway safety flares, fires for the training of firefighters under the direction of the fire department, smudge pots.

(14) Chapter 4, section F-404.1 is amended to read:

F-404.1 General: Any person utilizing a torch or other flame producing device for removing paint, sweating pipe, applying roofing material, or for other such occupational uses, shall provide at least one portable fire extinguisher with a minimum 4-A rating, or two portable fire extinguishers with a minimum 2-A rating each or a water hose connected to the water supply on the premises where such work is to be done. In all cases, a responsible person shall maintain a fire watch on the premises for at least one hour after the use of the torch or flame producing device. This person shall be at least 21 years of age and shall have access to a means of contacting the fire department in an emergency.

(15) Chapter 4, section F-404.2 is amended to read:

F-404.2 Approval: Approval shall be secured from the code official prior to the utilization of a torch or other flame producing device for removing paint, sweating pipe, applying roofing material, or for other such occupational uses.

(16) Chapter 5 is amended by adding new sections F-504.6, F-504.7, F-504.8 and F-504.9 to read:

F-504.6 Fire watch: A fire watch shall be established whenever any fire protection system is unable to provide the protection for which it was designed. This fire watch shall be maintained until the system has been restored to normal operation. A written log of the fire watch shall be

maintained for inspection by the fire marshal. Such log shall indicate the name and address of the person maintaining the watch, and describe the persons activities during the watch. All areas subject to the watch shall be checked at 15 minute intervals.

F-504.7 Tampering: It shall be unlawful for any person to tamper with, damage, destroy, or use without just cause or authorization any fire protection system or fire extinguisher installed in any building or structure within the city.

F-504.8 Key repository: Owners of buildings in which fire alarm or fire suppression systems are installed after June 14, 1997, shall provide a key repository to the satisfaction of the fire marshal. This key repository shall be of a type approved by the fire marshal and shall be located on the exterior of the building, near the main entrance. Keys shall be placed in the repository to allow the fire department access to investigate alarms of fire reported from the building.

F-504.9 All buildings that have a fire control room shall equip that room with an operations book. The fire official shall review and approve the contents of such book.

(17) Chapter 6, section F-610.5 is amended to read:

F-6105. Egress plan. A plan complying with section F-702.2 shall be submitted to the fire official and an approved copy shall be kept on the premises of every assembly, educational, residential care and incapacitated care occupancy.

(18) Chapter 7, section F-703.4 is amended by adding:

F-703.4 Exception. In those buildings equipped with "areas of rescue assistance" evacuation to such areas by persons designated to use such areas, shall be deemed to comply with the requirements of this section.

(19) Chapter 7 is amended by adding new section F-703.5:

Fire evacuation plans. Fire evacuation plans for all educational occupancies shall be submitted to the fire official for review and approval. Submission shall be made at least 30 days prior to the start of each school session, unless otherwise approved by the fire official.

(20) Chapter 13, section F-1301.2 is amended to read:

F-1302.2 Permit required: Approval shall be obtained from the fire marshal for spraying or dipping operations included within the scope of this chapter utilizing any amount of flammable or combustible liquids on any working day.

(21) Chapter 20, section F-2001.2 is amended by adding subsection F-2001.2.2 to read:

F-2001.2 2 Certification. An affidavit or affirmation shall be submitted to the fire official and a copy retained on the premises at which the tent or air supported structure is located, attesting to the following information relative to the flame resistance of the fabric:

1. The names and addresses of the owners of the tent or air supported structure;
2. Date the fabric was last treated with flame resistant solution;
3. Trade name or kind of chemical used in treatment;
4. The name of the person or firm treating the material, and
5. Name of the testing agency and test standard by which the fabric was tested.

(22) Chapter 23, section F-2301.1 is amended as follows:

F-2301.1 Exceptions 5, 6, 8 and 9 are deleted.

(23) Chapter 23, section F-2307.3 is amended as follows:

F-2307.3 Storage and retail display of any hazardous materials. The storage and display of all hazardous materials regulated by Chapters 24 through 44 of the Virginia Uniform Statewide Fire Prevention Code shall comply with the following requirements:

(24) Chapter 30 is amended as follows:

Amend section F-3001.1 to read:

F-3001.1 Scope. The equipment, processes and operations involving the manufacture, possession, storage sale, use maintenance and transportation of explosive materials shall comply with the requirements of this code, NFPA 495 and DOTn 49CFR listed in Chapter 44 of this code, except that the year edition of NFPA 495 referenced shall be 1996.

Amend Exception to section F-3001.1 to read:

Exception: This chapter shall not apply to the following:

1. The transportation and use of explosives by federal or state military agencies or federal, state or municipal agencies while engaged in normal or emergency performance of duties.
2. The manufacture and distribution of explosive materials to, or storage of such materials by, military agencies of the United States.
3. The use of explosive materials in medicines and medicinal agents in the forms prescribed by the U.S. Pharmacopeia or the National Formulary.
4. Pyrotechnics such as flares, fuses and railway torpedoes.
5. Common fireworks in accordance with Chapter 31.
6. The possession, transportation and use of not more than 15 lbs. (7 kg) of smokeless powder and 1,000 small arms primers for hand loading of small arms ammunition for personal use.
7. The storage, handling transportation or use of explosives or blasting agents pursuant to provisions of Title 45.1 of the Code of Virginia.

Amend section F-3001.2 to read:

Approval shall be required for the following conditions or operations:

1. The manufacture, possession, storage sale or other disposition of explosive materials.
2. The transportation of explosive materials.
3. The use of explosive materials.
4. The operation of a terminal for handling explosive materials.
5. The delivery to or receipt from a carrier at a terminal between sunset and sunrise.

Add new sections F-3004.2.1 and F-3004.2.2 to read:

F-3004.2.1 Type 2 magazines: Type 2 magazines may be used for temporary storage of explosives at the site of blasting operations where the amount constitutes not more than one day's supply for use in current operations. All explosives not used in the day's operation shall be returned to a Type 1 magazine at the end of the work day for overnight storage. In no case shall a Type 2 magazine be used for overnight storage. Type 2 magazines shall be allowed only in the I/Industrial Zone.

F-3004.2.2 Records: Daily records shall be kept of the amount of explosives received from a supplier and the amount delivered to the magazine. A daily record shall be kept of the amount of explosives removed from the magazine for daily use and the amount returned to the magazine. This record will be kept within the magazine so that, on inspection of the magazine, an inventory for all explosives can be made. The inventory shall be separated as to the different types of explosives stored and used. Forms for these records shall be approved by the fire marshal.

Add section F-3005 as follows:

F-3005.1 Prohibited transportation. Explosive materials shall not be carried or transported on a public conveyance or vehicle carrying passengers for hire.

F-3005.2 Vehicle design. Vehicles transporting explosive materials shall be strong enough to carry the load and shall be in good and safe mechanical condition. The floors shall be tight and have no exposed spark producing surface on the inside of the body. Where explosive materials are transported on a vehicle with an open body, the explosive material shall be stored in a portable magazine or closed container securely fastened to the vehicle body.

F-3005.3 Vehicle prohibitions. The attachment of a trailer behind a truck, tractor or semitrailer combination for transporting explosive materials is prohibited. The transport of explosive materials in any pole trailer is prohibited.

Exception: Such transport as permitted by DOTn 49CFR listed in Chapter 44 of this code.

F-3005.4 Vehicle restrictions. Vehicles containing explosive materials shall not be taken into a garage or repair shop for repair or storage.

F-3005.5 Vehicle contents. Only those dangerous articles authorized to be loaded with explosive materials in accordance with the provisions of this chapter shall be carried in the body of a vehicle transporting explosive materials.

F-3005.6 Vehicle inspections. The person to whom a permit has been issued to transport explosive materials over the streets and highways of the City shall inspect each vehicle used for such purposes daily, to ensure that:

1. Fire extinguishers are filled and in working order.
2. All electrical wiring is completely protected and securely fashioned to prevent short circuiting.
3. The motor, chassis, oil pan and body undersides are reasonably clean and free of excess grease and oil.
4. Both the fuel tank and fuel line are secure and free from leaks.
5. The brakes, lights, windshield wipers, horn and steering mechanism are functioning properly.
6. The tires are properly inflated, have proper tread depth, and are free of defects.
7. The vehicle is otherwise in proper operating condition and acceptable for transporting explosive materials.

F-3005.6.1 Vehicles routinely transporting explosive materials within the city shall be inspected by the code official prior to entering the city limits. Inspection shall occur at six month intervals. The code official shall issue a fire prevention permit to all approved vehicles.

F-3005.7 Vehicle signs. Vehicles transporting any quantity of explosive materials shall display all placards, signs lettering or numbering in accordance with DOTn 49 CFR listed in Chapter 44.

F-3005.8 Separation of detonators and explosives. Detonators shall not be transported in the same vehicle with Class A or Class B explosive materials or blasting agents, except as permitted by DOTn 49CFR listed in Chapter 44.

F-3005.9 Vehicle traveling clearances. Vehicles transporting explosive materials and traveling in the same direction shall not be driven within 300 feet (91440 mm) of each other.

F-3005.10 Vehicle routing. The route followed by vehicles transporting explosive materials shall not pass through congested areas or heavy traffic, except as permitted by the code official. A transportation plan identifying the route of travel shall be submitted to the code official for review and approval.

F-3005.11 Explosive materials shall not be transported through any vehicular tunnel or subway or over any bridge, roadway or elevated highway through or over which such transport is prohibited.

F-3005.12 Portable fire extinguishers. Every vehicle transporting explosive materials shall be equipped with portable fire extinguishers capable of being readily accessed, filled and ready for immediate discharge in accordance with sections F-3005.12.1 and F-305.12.2.

F-3005.12.1 Small trucks. At least two portable fire extinguishers with a minimum 2-A:10-B:C rating shall be provided on each truck with a gross vehicle weight of less than 14,000 lbs. (6356 kg).

F-3005.12.2 Large trucks. At least two portable fire extinguishers with a minimum 2-A:40-B:C rating shall be provided on trucks with a gross vehicle weight of 14,000 lbs. (6356 kg) or greater.

F-3005.13 Operating precautions. No person shall carry matches or any other flame producing device, or carry unauthorized firearms or cartridges while in or near a vehicle transporting or storing explosive materials. No person shall drive, load or unload such a vehicle in a careless or reckless manner.

F-3005.14 Spark protection. Spark producing metal or tools, oils, matches, firearms, electric storage batteries, flammable materials, acids, oxidizers or corrosives shall not be transported or stored in the body of any vehicle being used to store or transport explosive materials or blasting agents.

F-3005.15 Unattended vehicles. Vehicles being used to store or transport explosive materials shall not be left unattended at any time within the city. No unauthorized person shall ride or be permitted to ride on any such vehicle.

F-3005.16 Vehicle parking and transfer. Vehicles being used to transport explosive materials shall not be parked, attended or unattended, on any street or road within the city, or adjacent to or in proximity to any building or structure, including a bridge or tunnel, or other place where persons work, congregate or assemble, prior to reaching the vehicles' destination. Explosive materials shall not be transferred from one vehicle to another except in an emergency and under the supervision of the fire marshal.

F-3005.16.1 Emergency conditions. In the event a vehicle being used to transport explosive materials breaks down, is involved in an accident or catches on fire, the city police and fire department shall be notified immediately. Only in the event of a breakdown or accident shall explosive materials be transferred from the disabled vehicle to another, and then only by proper and qualified personnel and under the supervision of the fire marshal.

F-3005.17 Delivery. Delivery of explosive materials shall only be made to authorized persons and into approved magazines or approved temporary storage or handling areas.

F-3005.18 Explosive materials at terminals. The code official shall designate the location and specify the maximum quantity of explosive materials which are to be loaded, unloaded, reloaded or stored at any given time at each terminal where such operations are permitted.

F-3005.19 Carrier responsibility. A carrier shall immediately notify the code official when explosive materials or blasting agents are to be transported within the city.

F-3005.20 Notice to consignee. A carrier shall immediately notify the consignee of the arrival of explosive materials at the carrier's terminal.

F-3005.21 Consignee responsibility. Upon notification that a shipment of explosive materials has arrived at a terminal, the consignee shall remove such materials to a storage area complying with the provisions of this chapter. Such removal shall be accomplished within 48 hours after receipt of notice, excluding Saturdays, Sundays and legal holidays.

(25) Chapter 31 is amended to read:

Chapter 31. Fireworks.

Section F-3101.0 General.

F-3101.1 Scope:

(a) This chapter shall apply to fireworks as hereinafter defined in F-3101.2.

(b) Nothing in this chapter shall be construed to prohibit: (i) any resident wholesaler, dealer or jobber to sell at wholesale any fireworks as are not herein prohibited; (ii) the sale of any kind of fireworks, provided they are to be shipped directly out of the state, in accordance with the Department of Transportation (DOT) regulations covering the transportation of explosives and other dangerous articles; (iii) the use of fireworks by railroads or other transportation agencies for signal purposes or illumination; or (iv) the sale or use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports or for use by military organizations or the police department. Fireworks permitted by this section shall be stored in accordance with Chapter 30.

F-3101.2 Definitions: "Fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, chemical reaction, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, model rockets, Roman candles, Daygo bombs, sparklers or other devices containing any explosive or flammable compound, or any tablets or other devices of like construction and any devices containing any explosive; except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap manufactured in accordance with the DOT regulations for packing and shipping as provided therein, and toy pistols, toy cannons, toy canes, toy guns or other devices for use of the caps, the sale and use of which shall be permitted at all times. Pyrotechnics (special fireworks) shall comply with the applicable provisions of Chapter 31.

F-3101.3 Manufacture, sale and discharge of fireworks:

- (a) The manufacture of fireworks is prohibited within the city.
- (b) It shall be unlawful for any person to store, offer for sale, expose for sale, sell at retail, use or explode any fireworks except as otherwise provided in subsections (c) through (f) of subsection F-3101.3.
- (c) The fire marshal shall adopt rules and regulations for the granting of permits for supervised public displays of fireworks. The permits shall be issued upon application to the fire marshal after the filing of a bond by the applicant as provided in subsection F-3101.4. Every such display shall be handled by an experienced and competent operator approved by the fire marshal and shall be of such composition, character and so located, discharged or fired as will, in the opinion of the fire marshal after proper inspection, not be dangerous or hazardous to any property or person.
- (d) Applications for permits shall be made in writing at least 30 days in advance of the date of the display. After the permit has been granted, sale, possession, use and distribution of fireworks for display purposes shall be lawful for that purpose only. No permit granted hereunder shall be transferable.
- (e) The sale, possession, use and distribution of fireworks for display purposes shall be conducted so as to be safe to persons and property. Evidence that the sale, possession, use and distribution of fireworks for display purposes has been conducted in accordance with the applicable provisions of this chapter of the city code and the applicable standards contained chapter 42 of the Virginia Statewide Fire Prevention Code shall be evidence that such sale, possession, use and distribution of fireworks for display purposes provides safety to persons and property.
- (f) The fire marshal shall adopt rules and regulations for the use of model rockets. The design, construction and use of model rockets shall be safe to persons and property. Evidence that the design, construction and use of model rockets is in accordance with the current edition of the "Code for Model Rocketry," published by the National Fire Protection Association, shall be evidence that any design, construction and use provides safety to persons and property.

F-3101.4 Bond and responsibility for fireworks display required:

- (a) The fire marshal shall require a bond from the permittee in a sum not less than \$2,000,000 conditioned on compliance with the provisions of this chapter.
- (b) Before any permit for a pyrotechnic display shall be issued, the person, firm or corporation making application there for shall furnish proof of the responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of the person, firm or corporation or any agent or employee thereof in such amount, character and form as the fire marshal determines to be necessary for the protection of the public.

F-3101.5 Disposal of unfired fireworks: Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a manner safe for the particular type of fireworks remaining.

F-3101.6 Seizure of fireworks: The fire marshal shall seize, take, remove or cause to be removed at the expense of the owner, all fireworks offered for sale, stored or held in violation of chapter 31.

(26) Chapter 32 is amended by adding new sections F-3203.12, F-3203.13, F-3208.12, F-3208.13, F-3208.14, F-3208.15 and F-3210.3 as follows:

F-3203.12 Spill prevention plan: The owner or operator of any storage facility comprised of one or more tanks above or below ground with a total capacity of 5,000 gallons or more shall prepare and maintain on site a plan for product spill prevention, control and countermeasures certified by a professional engineer registered in the Commonwealth of Virginia and approved by the fire marshal. The certification of the professional engineer shall be that the plan is in substantial compliance with the spill prevention, control and countermeasures plan requirements of the Environmental Protection Agency contained in part 112 of title 40, Code of Federal Regulations. A plan that has been approved by the Environmental Protection Agency may be submitted to the fire marshal in lieu of one certified by a professional engineer.

F-3203.13 Clean-up of spills and leaks: The owner, tenant or other person in control of premises where a spill or leak has occurred shall be responsible for taking immediate and effective countermeasures to contain the spill, clean up the flammable or combustible liquid and dispose of all waste in an approved manner. Upon notification by the city that it has determined that such person lacks the capability or intent to perform these countermeasures, the person notified shall have a reasonable opportunity to elect either to contract with another for the performance of these countermeasures or to join the city in a contract with another for such work. In either case, the person shall pay the entire cost of the work. If a person who has received a notice from the city under this section fails to inform the city of his election within the time specified in the notice, the city may proceed without delay to undertake the required countermeasures, and to charge the owner, tenant or other person in control of the premises the entire cost of such work.

F-3208.12 Monitoring wells: Two permanent monitoring wells shall be installed in opposing corners of the tank field on all new installations after the effective date of this regulation. These wells shall extend to a minimum depth of two feet below the bottom of the tanks in the tank field. These wells shall be a minimum of four inches schedule 40 PVC screen pipe or equivalent and shall be flush with covering surface and covered with standard metal cover and gravel packed to prevent clogging. The screened section shall have a minimum size of .025 inch.

F-3208.13 Tank closure: All underground storage tanks permanently removed from service shall have a site assessment in accordance with the regulations of the Virginia State Water Control Board. A copy of this assessment must be submitted to the fire official, and to the Virginia Water Control Board if it so requires. A minimum of three soil samplings should be obtained to

complete this assessment. Previously used tanks which are removed from the ground shall not be reinstalled unless the original manufacturer certifies that they are suitable for service. The manufacturer's written certification must be kept on file at the facility and be available for inspection by the fire marshal.

F-3208.14 Product inventory: All buried tanks installed after this regulation is effective shall have provisions for taking direct measurements of readings of content level by the stick method. Liquid levels of storage tanks shall be measured by the operator each day of operation and compared with pump meter readings taken on receipt of the product. These records shall be kept in a log book and be available for reasonable inspection by the fire marshal and/or his representative. Loss of product above normal evaporation (one half of one percent of pump meter sales readings) shall be reported immediately to the fire marshal. Records shall be retained for two years. This period shall be extended upon request of the fire marshal.

F-3208.15 Special equipment: High liquid level gauges or alarm systems as well as pump cut-off devices shall be installed by the owner or the authorized operator in all oil storage tanks wherever in the judgment of the fire marshal there is a possibility that product may be lost by overflowing. Since these emergency devices can fail to operate, their use for spill prevention purposes shall be considered only as auxiliary and supplementary to the use of personnel engaged in a transfer or fill operation.

F-3210.3 Maintenance: Tank vehicles operating within the city while in transit into or out of the city shall be maintained in accordance with the federal regulations contained in parts 390 through 397 of title 49, Code of Federal Regulations. Part 397.3 of title 49 requires that all motor vehicles carrying hazardous materials comply with state and local laws, ordinances and regulations, unless the regulations of the U.S. Department of Transportation apply and are more strict. Pursuant to the authority granted in section 18.2-278.4 of the Code of Virginia (1950), as amended, any duly sworn law enforcement officer of the city, including fire marshals, may halt any tank vehicle which is observed to have a condition or characteristic which indicates that there exists a violation of city, state or federal regulations governing the transportation of hazardous materials. The vehicle may be detained long enough to determine whether the permits required for transporting hazardous materials have been obtained, whether the cargo is secure, and whether the observed condition or characteristic presents an immediate threat of a transportation related spill or other catastrophic event. The tank vehicle may resume operation if it is found to be in good repair and free of leaks in accordance with NFPA 385. If that finding is not made, the vehicle shall not be detained any longer than necessary for the officer or official to determine that arrangements for the repair of the vehicle where situated or for its removal to a safe place and repair there, whichever in the judgment of the officer or official is appropriate, are made. Upon refusal of the operator to make arrangements required by the officer or official, the vehicle shall be impounded and held until the repair is made or until the officer or official is certain it will be made.

Sec. 4-2-22 Modifications.

The fire official shall have the authority to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in carrying out the strict letter of this code, provided that the spirit and intent of this code shall be observed and the public safety and welfare assured. The particulars of the modification when granted shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.

Sec. 4-2-23 Appeals.

Any person aggrieved by an order, decision or interpretation of the fire official in the administration and enforcement of any provision of this article may appeal the order, decision or interpretation in accordance with section F-113.0 of the Virginia Uniform Statewide Fire Prevention Code.

Sec. 4-2-24 Penalties and injunctions.

(a) Penalties for violations of this article shall be as set out in section 27-100 of the Code of Virginia. Each day that a violation continues, after a service of notice as provided for in this article, shall be deemed a separate offense.

(b) Neither the initiation of a proceeding to impose a penalty under subsection (a), nor the imposition of such a penalty shall prevent the city attorney from instituting appropriate action to prevent the construction of a structure in violation of this article, to prevent the occupancy of a structure that is in violation of this article, or to restrain, correct or abate a violation of this article.

Section 2. That in preparing the codification of this ordinance, the city attorney, in consultation with the fire official, is authorized to make such technical conforming amendments as may be necessary to reflect uniform nomenclature, update reference citations, and address like matters, in this ordinance and the city code.

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

KERRY J. DONLEY
Mayor

Final Passage: March 16, 2002

City of Alexandria, Virginia

MEMORANDUM

MEMORANDUM OF UNDERSTANDING

DATE: JANUARY 10, 2002
TO: PHILIP SUNDERLAND, CITY MANAGER
FROM: THOMAS M. HAWKINS, JR., FIRE CHIEF *THM*
CHARLES E. SAMARRA, POLICE CHIEF *CS*
SUBJECT: MEMORANDUM OF UNDERSTANDING REGARDING THE EXERCISE OF
LAW ENFORCEMENT POWERS BY FIRE MARSHALS

Exercising the authority conferred by Va. Code § 27-34.2:1, city council has authorized the chief fire marshal, chief deputy fire marshal and all deputy fire marshals (hereafter, referred to collectively as ("fire marshals")) to have the same police powers as a sheriff, police officer or law enforcement officer. See City Code § 4-2-15. In order to coordinate the provision of law enforcement in the city, to delineate the areas of responsibility for each department's law enforcement personnel, and to ensure the appropriate exercise of law enforcement powers by all city employees who are authorized to do so, the fire department and police department have discussed reasonable guidelines that will be followed by their respective staffs. This memorandum summarizes those guidelines.

No fire marshal shall exercise law enforcement powers until he or she has satisfactorily completed all training and certification requirements prescribed by the Virginia Department of Fire Programs in

cooperation with the Department of Criminal Justice Services. Such training and certification programs must have the approval of the Virginia Fire Services Board. See. Va. Code § 27-34.2:1. Following satisfactory completion of the initial training program, a fire marshal may continue to exercise law enforcement powers only upon satisfactory participation, at intervals to be determined by the Fire Chief in consultation with the Virginia Fire Services Board, in in-service and advanced courses and programs designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services. Such courses must have the approval of the Virginia Fire Services Board.

If a fire marshal becomes ineligible to exercise law enforcement powers, due to either (i) a lapse in the marshal's compliance with training or certification requirements, or (ii) any other reason, the Fire Chief shall promptly take all action necessary to ensure that the marshal refrains from exercising law enforcement powers. The Fire Chief shall also have the sole discretion to revoke the law enforcement powers of a fire marshal conferred by the City Code at any time. Such action shall be communicated, in writing, to the fire marshal and the Police Chief stating the effective date of such prohibition.

The law enforcement powers conferred upon fire marshals are not intended or designed to supplant or necessarily supplement the law enforcement mission of the police department. Rather, this grant of law enforcement powers will enable fire marshals to protect their personal safety while accomplishing their assigned duties. These duties include investigation of the origin and cause of fires and explosions that occur within the city (Va. Code § 27-31), maintenance of public order and preservation of evidence at the site of a fire or explosion (Va. Code § 27-34), summoning witnesses

and taking evidence in the course of an investigation (Va. Code § 27-32), obtaining entry into or onto the site of a fire or explosion as part of the investigation (Va. Code § 27-32.1), procuring or serving arrest warrants and issuing summons for violation of state fire prevention and fire safety laws and related city code provisions (Va. Code § 27-34.2), enforcement, by means of by inspection and investigation, of the Uniform Statewide Building Code (Va. Code §27-34.4, 36-105), and the investigation of releases of hazardous material, hazardous waste or regulated substances (Va. Code § 27-37.1) and enforcement of the Alexandria City Code provisions dealing with nuisance offenses¹

In the event that a fire marshal is present at a crime in progress which does not involve the fire marshal's statutory duties, as described in the preceding paragraph, and does not present an imminent risk of death or serious bodily injury to the fire marshal or another person, the fire marshal is not expected or required to exercise law enforcement powers or intervene in the situation, other than to report the incident to appropriate police or public safety personnel when it is safe to do so.

Conversely, if the fire marshal is present at criminal activity that poses an imminent risk of death or serious bodily injury to the fire marshal or another person, the fire marshal is expected to intervene in accordance with his or her training and to employ such force as may be necessary to preserve life and property until the arrival of appropriate police or public safety personnel.

¹ As used in this memorandum, the term "nuisance offenses" includes, but is not limited to, violations of (i) the rodent control provisions of Chapter 11, Chapter 6; (ii) the solid waste control provisions of Title 5 Chapter 1; (iii) illegal automobile repairs (City Code 10-4-13; and (iv) the graffiti abatement provisions of Title 11, Chapter 2, all of the Alexandria City Code.

The fire department shall devise and implement, in consultation with the police department, written operational directives and procedures which fully describe how and when fire marshals shall exercise law enforcement powers. The police department shall devise and implement, in consultation with the fire department, written operational directives and procedures which fully describe how members of the police department will interact in the field with fire marshals.

In the event that the departments do not agree on the application or any element of this memorandum then either the Fire Chief or Police Chief may take the issue to the City Manager for resolution.

This memorandum of understanding shall be reviewed annually by both the fire chief and the chief of police, or by their designees, and revised as needed.