

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 27-98 of the Code of Virginia, relating to enforcement of Fire Prevention*
 3 *Code; prohibition on permit fees for fire departments and emergency medical services agencies in certain*
 4 *localities.*

5 [S 1248]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 27-98 of the Code of Virginia is amended and reenacted as follows:**9 **§ 27-98. Enforcement of Fire Prevention Code; appeals from decisions of local enforcing agencies;**
 10 **inspection of buildings.**

11 Any local government may enforce the Fire Prevention Code in its entirety or with respect only to those
 12 provisions of the Fire Prevention Code relating to open burning, fire lanes, fireworks, and hazardous
 13 materials. If a local governing body elects to enforce only those provisions of the Fire Prevention Code
 14 relating to open burning, it may do so in all or in any designated geographic areas of its jurisdiction. The
 15 State Fire Marshal shall also have the authority, in cooperation with any local governing body, to enforce the
 16 Code. The State Fire Marshal shall also have authority to enforce the Code in those jurisdictions in which the
 17 local governments do not enforce the Code and may establish such procedures or requirements as may be
 18 necessary for the administration and enforcement of the Code in such jurisdictions. In addition, subject to the
 19 approval of the Board of Housing and Community Development, the State Fire Marshal may charge a fee to
 20 recover the actual cost of administering and enforcing the Code in jurisdictions for which he serves as the
 21 enforcement authority. No fee may be charged for the inspection of any school. *The State Fire Marshal shall*
 22 *not charge a fee for the approval and administration of a permit issued pursuant to regulation L.107.11 of*
 23 *13VAC5-52-70, for explosives, blasting agents, theatrical flame effects, and fireworks to fire departments as*
 24 *defined in § 27-6.1 and emergency medical services agencies as defined in 12VAC5-31-10 in localities with a*
 25 *total population of less than 10,000 as determined by the most recent federal decennial census by the United*
 26 *States Census Bureau. Any such fire departments or emergency medical services agencies shall still fully*
 27 *comply with the provisions of this chapter.* The local governing body of any jurisdiction that enforces the
 28 Code may establish such procedures or requirements as may be necessary for the administration and
 29 enforcement of the Code. Appeals concerning the application of the Code by the local enforcing agency shall
 30 first lie to a local board of appeals and then to the State Building Code Technical Review Board. Appeals
 31 from the application of the Code by the State Fire Marshal shall be made directly to the State Building Code
 32 Technical Review Board as provided in Article 2 (§ 36-108 et seq.) of Chapter 6 of Title 36. Fees may be
 33 levied by the local governing body in order to defray the cost of such enforcement and appeals; however, for
 34 the City of Chesapeake no fee charged for the inspection of any place of religious worship designated as
 35 Assembly Group A-3 under the Fire Prevention Code shall exceed \$50. For purposes of this section, "defray
 36 the cost" may include the fair and reasonable costs incurred for such enforcement during normal business
 37 hours, but shall not include overtime costs, unless conducted outside of the normal working hours established
 38 by the locality. A schedule of such costs shall be adopted by the local governing body in a local ordinance. A
 39 locality shall not charge an overtime rate for inspections conducted during the normal business hours
 40 established by the locality. Nothing herein shall be construed to prohibit a private entity from conducting
 41 such inspections, provided the private entity has been approved to perform such inspections in accordance
 42 with the written policy of the fire official for the locality. Any local fire code may provide for an appeal to a
 43 local board of appeals. If no local board of appeals exists, the State Building Code Technical Review Board
 44 shall hear appeals of any local fire code violation.

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