



AGENDA

FREDERICK COUNTY BOARD OF SUPERVISORS

Code & Ordinance Committee

THURSDAY, MARCH 28, 2019

4:00 P.M.

FIRST FLOOR CONFERENCE ROOM, COUNTY ADMINISTRATION BUILDING

107 NORTH KENT STREET, WINCHESTER, VIRGINIA

Call to Order

1. Amendment to Frederick County Code Chapter 90 (Fire Prevention and Protection), Article I (General Provisions), to conform with most recent practices and changes to Virginia Statewide Fire Prevention Code. *(See Attached)*

2. Amendment to Frederick County Code, Chapter 158 (Vehicles and Traffic), Article II (Stopping, Standing and Parking), Section 158-4 (General restrictions), to add provision regarding violation of parking restrictions on County-owned/operated property. *(See Attached)*

Adjourn



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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E-mail rwillia@fcva.us

MEMORANDUM

TO: Public Safety Committee

FROM: Roderick B. Williams
County Attorney

DATE: February 14, 2019

RE: County Code Chapter 90, Article I – Fire Prevention and Protection, General Standards

The Fire & Rescue Department has prepared the attached draft revision of this Article of the County Code to reflect the most recent changes to the Virginia Statewide Fire Prevention Code (VSFPC). The draft would update the County's adoption of the VSFPC, add, delete, and update definitions as appropriate, update requirements relating to fire hydrants, and make provision for fire personnel-accessible key boxes for certain structures. If the Committee is favorably disposed to the draft, a recommendation to approve and action to forward the draft to the Code & Ordinance Committee would be appropriate.

Attachment

cc: Dennis Linaburg, Chief, Fire & Rescue Department
Jay Bauserman, Fire Marshal

**ITEM FORWARDED BY PUBLIC SAFETY COMMITTEE
TO CODE & ORDINANCE COMMITTEE, 2/21/2019**



ORDINANCE
_____, 2019

The Board of Supervisors of Frederick County, Virginia hereby ordains that Article I (General Standards) of Chapter 90 (Fire Prevention and Protection) of the Code of Frederick County, Virginia be, and the same hereby is, amended as follows (deletions are shown in ~~strike through~~ and additions are shown in **bold underline**):

ARTICLE I GENERAL STANDARDS

§ 90-1 Purpose; adoption of Statewide Fire Protection Code.

- A. The purpose of this chapter is to consolidate into one document the necessary requirements for the prevention or the minimizing of the loss of lives and property that may result from fire in Frederick County.
- B. The Virginia Statewide Fire Prevention Code (VSFPC), as set forth in § 27-94 et seq. of the Code of Virginia (1950, as amended), and as may be subsequently amended, shall be enforced in the County. Except as specifically modified by this chapter, all the provisions and requirements of the Statewide Fire Prevention Code are hereby adopted, mutatis mutandis, and made part of this chapter as if fully set forth and shall be known as the Frederick County Fire Prevention Code (**FCFPC**). No person within the County shall violate or fail, neglect or refuse to comply with any provision of the Frederick County Fire Prevention Code and in no event shall the penalty imposed for the violation of any provision or requirement adopted herein exceed the penalty imposed for a similar offense under such § 27-94 et seq. of the Code of Virginia (1950, as amended), and as may be subsequently amended.

§ 90-2 Administration, enforcement, and appointment of Fire Marshal; interpretation; applicability; appeals.

- A. There is hereby established in and for the County the position of Fire Marshal, who shall be responsible for the **administration and** enforcement of this chapter **and, in addition, such official shall have the powers outlined in Section 27-98.1 of the Code of Virginia.** ~~and the~~ **The** Board of Supervisors authorizes the appointment of such Fire Marshal as designated by the **Department System** Chief of the Frederick County Department of Fire and Rescue. The investigation

into the origin and cause of every fire and explosion occurring within the limits for which he/she is appointed, investigation and prosecution of all offenses involving hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances, and fire bombs, and environmental crimes shall be the responsibility of the Fire Marshal, **and/or his/her a** designated representative, ~~the Assistant Fire Marshal, and legal counsel.~~

- B. The requirements in this chapter shall be administered and enforced by the Frederick County Fire Marshal or **his a** designated representative as referred to as the "Authority Having Jurisdiction."
- C. Subject to the provisions of Subsection E, the Fire Marshal or **his a** designated representative shall interpret this section, where necessary, and that interpretation shall be binding and final.
- D. This chapter shall apply to all matters affecting or relating to structures, processes and premises as set forth in Sections 101 and 102 of the ~~VSFPC~~ **(FCFPC)**, except that this chapter shall not apply within the boundaries of any incorporated town in the County **that has a duly appointed Fire Code Official.**
- E. Appeals concerning the administration, enforcement, interpretation, and/or application of this chapter by the Fire Marshal or **his/her a** designated representative shall first lie to the County Board of Building Code Appeals created under § 52-8 of this Code and then to the State Building Code Technical Review Board. Appeals hereunder to the County Board of Building Code Appeals shall be subject to the payment of the same fees as apply to appeals of matters involving the Virginia Uniform Statewide Building Code. Appeals from the application of the VSFPC by the State Fire Marshal shall be made directly to the State Building Code Technical Review Board as provided in § 36-108 et seq. of the Code of Virginia (1950, as amended), and as may be subsequently amended.

§ 90-3 Definitions and word usage.

- A. Definitions of words defined in this article are intended for use only with sections of this article. Definitions set forth in any document referenced by this article are intended for use only with that document only. Words not specifically defined in this article or other referenced documents shall be interpreted as being the ordinary usage of the word as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged.
- B. As used in this article, the following terms shall have the meanings indicated:

APPROVED

Acceptable to the Frederick County Fire Marshal or ~~his~~ a designated representative.

~~ASSISTANT FIRE MARSHAL~~

~~A sworn law enforcement officer to serve as the Fire Marshal's designated representative.~~

~~AUTOMATIC FIRE EXTINGUISHING SYSTEM~~

~~Any system which is designed and installed to detect a fire and subsequently discharge an extinguishing agent without human activation or direction.~~

CURB CUT

Reduced curb height to facilitate vehicle passage over or across a curb. A curb cut can be an abrupt reduction or may be a tapering reduction for the length of the curb on each side of the means of access.

DWELLING

A single unit providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

~~EXISTING CONDITION~~

~~Any situation, circumstance or physical makeup of any structure, premises or process which was ongoing or in effect prior to the original adoption of this article.~~

FIRE CODE OFFICIAL

The same as "Fire Marshal" and any of his/her designated representatives.

FIRE DEPARTMENT

The Frederick County Fire and Rescue Department, the local volunteer fire company that is the first due company in an area, and any fire company that actually responds to a call for service at a particular location.

FIRE DEPARTMENT CONNECTION (FDC)

A connection, through which the fire department can pump supplemental water into a sprinkler system, standpipe, or other system, furnishing water for fire extinguishment to supplement existing water supplies.

FIRE DOOR

~~A tested, listed or approved door and door assembly constructed and installed for the purpose of preventing the spread of fire through openings in walls, partitions or other horizontal or vertical construction.~~

FIRE HYDRANT

A valved connection on a piped water supply system, having one or more outlets and which is used to supply hose and Fire Department pumpers with water.

FIRE LANE

The road or other passageway developed to allow the passage of fire apparatus.

FIRE MARSHAL

A The sworn law enforcement official responsible for investigating the causes of fires and explosions, enforcing fire prevention laws set forth in the VSFPC, life safety inspections, the review of fire protection system plans, and fire education to the public **having the responsibilities set out in Section 90-2(A) of this Code.**

FIRE PROTECTION SYSTEM

~~Any fire alarm device or system or fire extinguishing device or system or their combination which is designed and installed for detecting, controlling or extinguishing a fire or otherwise alerting occupants or the Fire Department, or both, that a fire has occurred.~~

Approved devices, equipment, and/or systems used to detect a fire, activate an alarm, extinguish or control a fire, and/or control or manage smoke and products of a fire, and/or any combination thereof.

GRADE

~~The reference plane representing the average elevation of the finished ground level adjoining the building at all exterior walls.~~

KEY BOX

A secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency.

MEANS OF ACCESS

The method or arrangement by which entry or approach is made to a building area by Fire Department apparatus and personnel.

PRIVATE DRIVE

The same as a "private street."

PRIVATE DWELLING

The same as a "dwelling."

PRIVATE ROAD

The same as a "private street."

PRIVATE STREET

Any accessway normally intended for vehicular use in the movement between points within a building site area or between a building site and a street.

RISER

The vertical supply pipes in a sprinkler system.

ROADWAY

Any street, private street or fire lane.

SPRINKLER SYSTEM

For fire protection purposes, an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The installation includes at least one automatic water supply that supplies one or more systems. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which sprinklers are attached in a systematic pattern. Each system has a control valve located in the system riser or its supply piping. Each sprinkler system includes a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

STANDPIPE

A pipe and attendant hose valves and hose (if provided) used for conveying water to various parts of a building for fire-fighting purposes.

STORY

~~That portion of a building included between the upper surface of the floor and the upper surface of the floor or roof next above.~~

STREET

A public thoroughfare (street, avenue or boulevard) which has been dedicated for vehicular use by the public and can be used for access by Fire Department vehicles.

STRUCTURE

Any building, monument or other object that is constructed with the ground as its foundation or normal resting place.

~~SUPERVISED AUTOMATIC FIRE EXTINGUISHING SYSTEM~~

~~Any automatic fire extinguishing system which is constantly monitored so as to determine its operating condition at all times.~~

§ 90-4 General requirements.

The following requirements shall apply to all construction or land development activities in areas of the County to which this article applies:

A. Means of access for Fire Department apparatus.

- (1) The means of access for Fire Department apparatus and personnel shall consist of fire lanes, private streets, streets, parking lot lanes or a combination thereof.
- (2) Parking in any means of access shall not be permitted within 15 feet of a fire hydrant, ~~sprinkler or standpipe~~ **any fire department** connection, or in any other manner which will obstruct or interfere with the Fire Department's use of the hydrant or connection.
- (3) "No parking **Parking Fire Lane**" signs or another designation **approved by the Fire Marshal's Office and** indicating that parking is prohibited shall be provided at all normal and emergency access points to structures and within 15 feet of each fire hydrant, ~~sprinkler or standpipe~~ **or any fire department** connection.

B. Fire lanes.

- (1) The Fire Marshal or ~~his/her a~~ **his/her a** designated representative, ~~in concert with the local volunteer fire company,~~ may designate both public and private fire lanes as required for the efficient and effective use of fire apparatus. Said fire lanes shall be marked in a manner prescribed by the Fire Marshal or ~~his/her a~~ **his/her a** designated representative. Parking in a designated fire lane shall be controlled by Chapter 158, Vehicles and Traffic, of the Frederick County Code.
- (2) Fire lanes shall be at least 20 feet in width, with the road edge closest to the structure at least 10 feet from the structure, be constructed of a hard all-weather surface adequately designed to support any fire apparatus likely to be operated in such fire lane or be of subsurface construction designed to support the same loads as the above surfaces and be covered with no more than three inches of soil or sod, or both, and be designed with radii of

sufficient length to allow for safe turning by any fire apparatus likely to be operated on such fire lane.

(3) Fire lanes connecting to public streets, roadways or private streets shall be provided with curb cuts extending at least two feet beyond each edge of the fire lane.

(4) Chains or other barriers may be provided at the entrance to fire lanes or private streets, provided that they are installed according to the requirements of the Authority Having Jurisdiction.

C. Parking lot lanes. Parking lot lanes shall have a minimum of 15 feet clear width between rows of parked vehicles for vehicular access and movement.

D. Location of structures **shall comply with regulations set forth in the Frederick County Fire Prevention Code (FCFPC).**

~~(1) At least three perimeter walls of all industrial, commercial, public or semipublic or residential structures with three or more dwelling units per structure shall be within 200 feet of a street, fire lane, or private street.~~

~~(2) Structures exceeding 30 feet in height shall not be set back more than 50 feet from a street, fire lane or private street.~~

~~(3) When any combination of private fire protection facilities, including but not limited to fire resistive roofs, fire separation walls, space separation and automatic fire extinguishing systems, is provided, and approved by the Fire Marshal or his/her designated representative as an acceptable alternative, Subsection D(2) shall not apply.~~

~~(4) The Fire Marshal or his/her designated representative may, in concert with the local volunteer fire company, require at least two means of access for fire apparatus to all commercial and industrial structures. Those accessways shall meet the requirements of Subsection B(3).~~

~~(5) Landscaping or other obstructions shall not be placed around structures or hydrants in a manner so as to impair or impede accessibility for fire fighting and rescue operations.~~

E. Water supply.

(1) Water supply systems shall be designed so as to be capable of supplying at least 1,000 gallons per minute **at with a minimum of 20 pounds per square inch (psi) residual**. Water supplies shall be made available and operational before combustibles are on site during construction.

(2) In areas developed with single-family detached or duplex dwelling units, there shall be a fire hydrant within 400 feet of all units. In areas developed with three to five dwelling units per structure, there shall be a hydrant within 300 feet of all units. In areas developed with six or more dwelling units per structure, there shall be at least two hydrants within 300 feet of all units. In areas developed with industrial or commercial development(s), there shall be a hydrant within 300 feet of all portions of any structure. ~~Where one hydrant is dedicated to the operation of a standpipe system, there shall be at least one other hydrant meeting the distance requirements set forth above. The hydrant dedicated to the operation of the standpipe system shall not be farther than 50 feet from the standpipe. Distance measurements under this section shall be along center-line roadway surfaces or along surfaces meeting the requirements of a fire lane (designated or undesignated) where appropriate, but in all cases access to each hydrant shall be directly from a roadway and/or fire lane.~~

(a) Distance measurements in this subsection shall be along center-line roadway surfaces or along surfaces meeting the requirements of a fire lane (designated or undesignated) where appropriate, but in all cases access to each hydrant shall be directly from a roadway and/or fire lane.

(b) Commercial buildings that have a FDC shall have one hydrant dedicated to the operation of the FDC, which shall not be farther than 50 feet from the FDC and there shall be at least one other hydrant meeting the distance requirements set forth in this subsection.

(3) ~~Fire hydrants shall be marked in accordance with the Frederick County Sanitation Authority policy.~~ **Fire hydrant tops and caps shall indicate the available gallons per minute (GPM) in accordance with National Fire Protection Association (NFPA) 291.**

(4) ~~Fire hydrants located in parking areas shall be protected by barriers that will prevent physical damage from vehicles.~~ **In parking areas where curbing is not present vehicle impact protection shall be required as per FCFPC.**

(5) Fire hydrants shall be located within three feet of the curblines of fire lanes, streets or private streets when installed along such accessways.

(6) Fire hydrants shall be installed in accordance with the standards of the Frederick County Sanitation Authority **(which trades/operates as Frederick Water).**

(7) Threads on fire hydrant outlets shall conform to Frederick County Sanitation Authority **(which trades/operates as Frederick Water)** policy.

(8) Fire hydrants shall be supplied by not less than a six-inch diameter main.
Each six-inch line shall supply no more than one hydrant.

F. **All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electronically supervised by listed fire alarm control unit. Exceptions:**

(1) **Automatic sprinkler systems protecting one- and two-family dwellings.**

(2) **Limited area systems serving fewer than 20 sprinklers.**

(3) **Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the automatic sprinkler system, and a separate shutoff valve for the automatic sprinkler system is not provided.**

(4) **Jockey pump control valves that are sealed or locked in the open position.**

(5) **Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.**

(6) **Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.**

(7) **Trim valves to pressure switches in dry, preaction and deluge sprinkler systems that are sealed or locked in the open position.**

~~F.~~**G.** Fire protection during construction. Trash, debris and other combustible material shall be removed from the construction site as often as necessary to maintain a firesafe construction site.

~~G.~~**H.** Plans. ~~Complete as-built building floor plans, site plans and plans of fire-suppression systems shall be submitted to the Chief Building Official and Fire Marshal, or their respective designated representatives, prior to issuance of the final certificate of occupancy.~~ **The fire code official shall have the authority to require construction documents and calculations for all fire protection systems and to require permits be issued for the installation, rehabilitation or modification of any fire protection system. Construction documents for fire protection systems shall be submitted for review and approval prior to system installation.**

I. **Key Boxes. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to**

require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys or other devices to gain necessary access as required by the fire code official.

§ 90-5 Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this article shall, upon conviction, be punishable by a maximum fine of \$2,500 or by imprisonment for not more than 12 months, or both such fine and imprisonment.

Enacted this _____ day of _____, 2019.

Charles S. DeHaven, Jr., Chairman	_____	Gary A. Lofton	_____
J. Douglas McCarthy	_____	Robert W. Wells	_____
Blaine P. Dunn	_____	Shannon G. Trout	_____
Judith McCann-Slaughter	_____		

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

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E-mail: rwillia@fcva.us

MEMORANDUM

TO: Public Safety Committee

FROM: Roderick B. Williams
County Attorney

DATE: February 14, 2019

RE: Frederick County Code – Parking on County Property

County Administration has identified instances of vehicles parking in the parking lot behind the County Administration building for extended periods of time. Such parking practices take up valuable parking spots from citizens who are conducting business in the County Administration Building. New proposed subsection “O” of County Code § 158-4, reflected in the attached draft, would restrict parking on County-owned or County-controlled property to parking that is consistent with any posted signs on the property. The new subsection would further impose a fine for a violation of such parking restrictions.

The draft also would correct a typographical error in subsection N, related to enforcement of parking violations under the County Code.

If the Committee is favorably disposed to the draft, a recommendation to approve and action to forward the draft to the Code & Ordinance Committee would be appropriate.

Attachment

cc: Kris C. Tierney, County Administrator
Jay E. Tibbs, Deputy County Administrator
Lenny Millholland, Sheriff

**ITEM FORWARDED BY PUBLIC SAFETY COMMITTEE
TO CODE & ORDINANCE COMMITTEE, 2/21/2019**



ORDINANCE
___, 2019

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 158-4 (General Restrictions) of Article II (Stopping, Standing and Parking) of Chapter 158 (Vehicles and Traffic) of the Code of Frederick County, Virginia be, and the same hereby is, amended by enacting amended Section 158-4 (General Restrictions) of Article II (Stopping, Standing and Parking) of Chapter 158 (Vehicles and Traffic) of the Code of Frederick County, as follows (deletions shown in ~~strike through~~ and additions shown in **bold underline**):

CHAPTER 158 VEHICLES AND TRAFFIC

Article II Stopping, Standing and Parking

§158-4 General restrictions

A. Double-parking. It shall be unlawful for any person to park any vehicle on any street or highway alongside another vehicle parked at the curb or at the edge of the street or highway, it being the purpose of this subsection to prevent double-parking. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

B. Perpendicular or diagonal parking. It shall be unlawful for any person to park any vehicle on any street or highway in any manner other than parallel to the street or highway, except in a marked parking space. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

C. Parking vehicle against traffic. It shall be unlawful for any person to park any vehicle against traffic on any street or highway. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

D. Parking vehicle without a current state license or a current state inspection sticker. It shall be unlawful for any person to park any vehicle on any street or highway without the vehicle displaying a current state license or a current state inspection sticker. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

E. Parking so as to stop or obstruct traffic. It shall be unlawful for any person to park any vehicle in such a manner as to stop or obstruct traffic on any street or highway. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

F. Parking vehicle within 20 feet of a corner or intersection. It shall be unlawful for any person to park any vehicle within 20 feet of a corner or intersection on any street or highway. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

G. Parking so as to block driveway. It shall be unlawful for any person to park any vehicle in such a manner as to prevent vehicular access to any driveway or entrance to any property. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

H. Parking vehicle on sidewalk or walking trail. It shall be unlawful for any person to park any vehicle on any sidewalk that is open to public use or on any walking trail that is open to public use. The penalty for any violation of this restriction shall be a fine in the amount of \$40.

I. Parking vehicle within 15 feet of a fire hydrant. It shall be unlawful for any person to park any vehicle within 15 feet of a fire hydrant. The penalty for violation of this restriction shall be a fine in the amount of \$40.

J. Parking vehicle in fire lane. It shall be unlawful for any person to park any vehicle in any fire lane where indicated by adequate painting, markers, or signs. The penalty for violation of this restriction shall be a fine in the amount of \$40.

K. Parking vehicle without proper permit in space reserved for persons with disabilities. It shall be unlawful for any person to park any vehicle in any parking space reserved for persons with disabilities and which parking space is so indicated by adequate painting, markers, or signs, unless such vehicle displays a proper permit to do so. It shall also be unlawful for any person to park any vehicle, regardless of whether the vehicle displays a proper permit to park in a parking space reserved for persons with disabilities, in any area adjacent to any parking space reserved for persons with disabilities, which area is reserved for access, but not parking, by persons with disabilities. The penalty for violation of this restriction shall be a fine in the amount of \$100.

L. Parking vehicle contrary to the directions of an official highway sign. It shall be unlawful for any person to park any vehicle in a manner contrary to the directions of an official highway sign. The penalty for violation of this restriction shall be a fine in the amount of \$40.

M. The terms "street" or "highway," as used herein, shall have the same meaning as the term "highway" as set forth in § 46.2-100 of the Code of Virginia.

N. In any prosecution charging a violation of this section, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of this section, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Chapter 6 **of Title 46.2** (~~§ 46.2-600 et seq.~~) of the Code of Virginia, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

O. Parking at County-owned or County-controlled properties. It shall be unlawful for a person to park any vehicle on property owned or controlled by the County of Frederick in a manner that is contrary to any sign posted at or on the property. The penalty for a violation of this restriction shall be a fine in the amount of \$40.

Enacted this _____ day of _____, 2019.

Charles S. DeHaven, Jr., Chairman	_____	Gary A. Lofton	_____
J. Douglas McCarthy	_____	Robert W. Wells	_____
Blaine P. Dunn	_____	Shannon G. Trout	_____
Judith McCann-Slaughter	_____		

Kris C. Tierney
Clerk, Board of Supervisors
County of Frederick, Virginia