

Department of Public Works 540/665-5643 FAX: 540/678-0682

MEMORANDUM

TO: Public Works Committee

FROM: Joe C. Wilder, Director of Public Works

SUBJECT: Meeting of March 26, 2019

DATE: March 20, 2019

There will be a meeting of the Public Works Committee on Tuesday, March 26, 2019 at 8:00 a.m. in the conference room located on the second floor of the north end of the County Administration Building at 107 North Kent Street, Suite 200. The agenda thus far is as follows:

- 1. Update on Landfill Projects and Public Works projects.
- 2. Update on Waste Forum.

(Attachment 1)

- 3. Discuss slope failure Shawneeland Sanitary District.
- 4. Discuss fire safety inspection fees.

(Attachment 2)

- 5. Miscellaneous Reports:
 - a. Tonnage Report: Landfill

(Attachment 3)

- b. Recycling Report
 - (Attachment 4)
- c. Animal Shelter Dog Report:

(Attachment 5)

d. Animal Shelter Cat Report

(Attachment 6)

JCW/kco

Attachments: as stated

WASTE FORUM THE PATH OF TRASH



Frederick County Public Safety Building 1080 Coverstone Drive 7 p.m. to 8:30 p.m.

For more details, please visit www.fcva.us or phone (540) 665-5643





OFFICE OF THE FIRE MARSHAL

John J. BausermanDeputy Chief/Fire Marshal
Life Safety Division

MEMORANDUM

1080 Coverstone Drive Winchester, VA 22602

TO: Chairman J. Douglas McCarthy, Public Works Committee

FROM: John J. Bauserman, Deputy Chief/Fire Marshal, Life Safety Division

SUBJECT: Proposed Expansion to the Frederick County Fire Prevention Code Fee

Schedule

DATE: March 19, 2019

On Thursday, March 14, 2019 a special meeting was held by the Public Safety Committee for follow-up discussion of proposed expansion to the Fire Prevention Code Fee Schedule. At this meeting Mr. Cunningham moved to forward the proposed fee schedule to the Public Works Committee for more review and refinement and then have the revised schedule returned to the Public Safety Committee for review. The motion was seconded by Ms. Lake and passed on a 3 to 2 vote.

The Fire Marshal's Office is seeking approval to expand the current fee schedule to offset the cost of conducting inspections and permitting. In accordance with Section 27-97 of the Code of Virginia, the Frederick County Board of Supervisors adopted the Statewide Fire Prevention Code as the Frederick County Fire Prevention Code (FCFPC) in June of 2012. This code allows the Frederick County Fire Marshal's Office to establish a life safety/fire prevention fee schedule.

Per the Frederick County Fire Prevention Code **Section 107.10 Local fees** ... fees may be levied by the local governing body in order to defray the cost of enforcement and appeals under the FCFPC.

The primary focus of inspections that the Fire Marshal's Office currently conducts are concentrated towards businesses that are required to have an annual fire inspection to maintain compliance with state or federal agencies. Examples would be nursing homes, daycares, and public/private schools. We also do inspections on large life hazard occupancies, to include hotels, motels, and restaurants. While all these inspections are important, there is a need to expand our inspection services to include **all** commercial businesses in Frederick County promoting the overall safety to our residents, visitors and firefighters.

Please reference the attached document for a detailed informational breakdown of the proposed process and associated fees.

PUBLIC SAFETY COMMITTEE REPORT to the BOARD OF SUPERVISORS Thursday March 14, 2019 8:30 a.m. 1080 COVERSTONE DRIVE, WINCHESTER, VIRGINIA

ATTENDEES:

Committee Members Present: Chairman Bob Wells, Walt Cunningham, Judy McCann-Slaughter, Helen Lake and Blain Dunn. Citizen member Chuck Torpy was not present.

Staff present: Deputy Chief Larry Oliver, Deputy County Administrator Jay Tibbs, Deputy Chief/Fire Marshal Jay Bauserman, Major Steve Hawkins, Fire Chief Denny Linaburg, County Attorney Rod Williams and Fire Marshal Kenny Scott.

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

1. None

ITEMS FOR INFORMATION ONLY:

1. <u>Follow-up discussion of proposed expansion to the Fire Prevention Code fee schedule (see attached):</u>

Chairman Wells started the meeting by stating this was a procedural meeting to discuss the potential continuation of the Fire Marsal inspection fee schedule that Deputy Chief Bauserman and Fire Marshal Kenny Scott presented at the Public Safety Committee on February 21, 2019.

Mr. Walt Cunningham stated that the fee schedule would bring in much needed revenue to Frederick County and that it should move forward to the Public Works Committee for further discussion.

Mr. Blaine Dunn disagreed with forwarding this proposal to the Public Works Committee. He stated the proposed program was too broad in scope and wanted to see a more refined fee schedule.

Ms. Judy Slaughter stated she would like the inspections to stay as a community service. She expressed her preference for a phased approach that also looked at risk reduction. She believed the current fee schedule would have a big impact on small business owners.

Ms. Helen Lake stated that the proposed fee schedule should be moved to the Public Works Committee where it could get more refined in structure and then to be brought back to a future Public Safety Committee meeting.

Mr. Cunningham moved to forward the proposed fee schedule to the Public Works Committee for more review and refinement and then have the revised schedule returned to the Public Safety Committee for review. The motion was seconded by Ms. Lake and passed on a 3 to 2 vote.

Respectfully submitted,

Public Safety Committee

Bob Wells Blaine Dunn Chuck Torpy
Judy McCann-Slaughter Helen Lake Walt Cunningham

Procedure & Fees

Presented by Frederick County Fire Marshal's Office



Introduction

- In 2012 Frederick County Board of Supervisor adopted the Virginia Statewide Fire Prevention Code and all future amendments in its entirety and renamed it the Frederick County Fire Prevention Code (per VA State Statute 27-97).
- With the adoption it allowed the Frederick County Fire Marshal's Office to conduct annual life safety inspections (106.3 Inspections) and issue operational permits (section 107 Permits And Fees).
- Also that adoption allows Frederick County to levy fees for those inspections (107.10 Local fees).

§ 27-97. Adoption of Fire Prevention Code. The Board of Housing and Community Development is hereby empowered to adopt and promulgate a Statewide Fire Prevention Code which shall be cooperatively developed with the Fire Services Board pursuant to procedures agreed to by the two Boards. The Fire Prevention Code shall prescribe regulations to be complied with for the protection of life and property from the hazards of fire or explosion and for the handling, storage, sale and use of fireworks, explosives or blasting agents, and shall provide for the administration and enforcement of such regulations. The Fire Prevention Code shall require manufacturers of fireworks or explosives, as defined in the Code, to register and report information concerning their manufacturing facilities and methods of operation within the Commonwealth in accordance with regulations adopted by the Board. In addition to conducting criminal background checks pursuant to § 27-97.2, the Board shall also establish regulations for obtaining permits for the manufacturing, storage, handling, use, or sales of fireworks or explosives. In the enforcement of such regulations, the enforcing agency may issue annual permits for such activities to any state regulated public utility. Such permits shall not apply to the storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1.

The Fire Prevention Code shall prohibit any person, firm, or corporation from transporting, manufacturing, storing, selling, offering for sale, exposing for sale, or buying, using, igniting, or exploding any fireworks except for those persons, firms, or corporations that manufacture, store, market and distribute fireworks for the sole purpose of fireworks displays permitted by an enforcement agency or by any locality.

The Fire Prevention Code shall supersede fire prevention regulations heretofore adopted by local governments or other political subdivisions. Local governments are hereby empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure, including the voluntary installation of smoke alarms and regulation and inspections thereof in commercial buildings where such smoke alarms are not required under the provisions of the Code. The Fire Prevention Code shall prohibit any person not certified by the State Fire Marshal's Office as a fireworks operator or pyrotechnician to design, set up, or conduct or supervise the design, setup, or conducting of any fireworks display, either inside a building or structure or outdoors and shall require that at least one person holding a valid certification is present at the site where the fireworks display is being conducted. Certification shall not be required for the design, storage, sale, use, conduct, transportation, and set up of permissible fireworks or the supervision thereof or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification.

In formulating the Fire Prevention Code, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations including, but not limited to, standards of the International Code Council, the National Fire Protection Association, and recognized organizations issuing standards for the protection of the public from the hazards of explosives and blasting agents. Such standards shall be based on the companion document to the model building code referenced by the Uniform Statewide Building Code.

The Fire Prevention Code shall require that buildings constructed prior to 1973 be maintained in accordance with state fire and public building regulations in effect prior to March 31, 1986, and that any building which is (i) more than 75 feet or more than six stories high and (ii) used, in whole or in part, as a dormitory to house students by any public or private institution of higher education shall be required to comply with the provisions of § 36-99.3. The Fire Prevention Code shall also require annual fire drills in all buildings having floors used for human occupancy located more than 75 feet above the lowest level of fire department vehicle access. The drills shall be conducted by building staff personnel or the owner of the building in accordance with a plan approved by the appropriate fire official and shall not affect other current occupants. The Board

may modify, amend or repeal any Code provisions as the public interest requires. Any such Code changes shall be developed in cooperation with the Fire Services Board pursuant to procedures agreed to by the two Boards.

106.3 Inspections. The fire official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals in accordance with the fire official's written policy. All reports of such inspections by approved agencies or individuals shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The fire official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues in accordance with local policies.

107.10 Local fees. In accordance with § 27-98 of the Code of Virginia, fees may be levied by the local governing body in order to defray the cost of enforcement and appeals under the SFPC. However, for the city of Chesapeake no fee charged for the inspection of any place of religious worship designated as Assembly Group A-3 shall exceed \$50. For purposes of this section, "defray the cost" may include the fair and reasonable costs incurred for such enforcement during normal business hours but shall not include overtime costs, unless conducted outside of the normal working hours established by the locality. A schedule of such costs shall be adopted by the local governing body in a local ordinance. A locality shall not charge an overtime rate for inspections conducted during the normal business hours established by the locality. Nothing herein shall be construed to prohibit a private entity from conducting such inspections, provided the private entity has been approved to perform such inspections in accordance with the written policy of the fire official for the locality.

Introduction (Cont.)

- The code allows Frederick County to establish a fee schedule and how we are to base those fees. The Fire Marshal has chosen to use square footage which will mirror what the Building Official's Office is currently doing (107.13 Fee Schedule).
- We have consulted with the County Attorney to address any concerns or questions that may come up as a result of implementing these fees.

107.13 Fee schedule. The local governing body may establish a fee schedule. The schedule shall incorporate unit rates, which may be based on square footage, cubic footage, estimated cost of inspection or other appropriate criteria.

The Process

- Step 1 Notify the commercial businesses via radio, newspaper, social media, email and mass mailing.
- Step 2 A Life Safety application will be sent out and shall be returned within 30 days of receipt.
- Step 3 Upon return of the Life Safety application, information will be entered into Code Pal to generate an invoice to be sent out. Payment will be required with in 30 days.

The Process (Cont.)

- Step 4 A Life Safety inspection will then be scheduled and conducted on that business.
- Step 5 If violations are noted then a re-inspection(s) will be scheduled at a later time based on the severity of the violation.
- Step 6 After a second re-inspection, if the business still fails or refuses to make repairs then a summons will be issued to start criminal proceedings as warranted.

Life Safety Inspection Fees (107.13 fee schedule)

- \$100 Businesses up to 12,000 sq. ft
- \$200 Businesses 12,001 sq. ft 100,000 sq. ft
- \$300 Businesses 100,001 sq. ft 250,000 sq. ft
- \$400 Businesses 250,001 sq. ft and above
- Re-inspections fees shall be half the original assessed cost.
- Inspections being conducted on County owned buildings shall be exempt from fees.

107.13 Fee schedule. The local governing body may establish a fee schedule. The schedule shall incorporate unit rates, which may be based on square footage, cubic footage, estimated cost of inspection or other appropriate criteria.

Operational Permits and Fees

(section 108 operational permits)

- The Fire Marshal's Office currently issue Operational Permits.
- Proposed fee changes:
 - o Commercial Burning \$100 per site
 - o Commercial Blasting \$200 per site
 - o Explosive Storage \$200 per magazine
 - o Fireworks Outdoor Sales \$200
 - o Fireworks Retail Sales \$200
 - o Fireworks Aerial Displays \$200
 - o (new) Mobile Food Preparation Vehicles (Food Trucks) \$100
 - o (new) Tent(s) \$100 per tent
 - Re-inspection fees shall be half the initial assessed value per re-inspection.

Current operational permit fees:

Commercial Burning - \$25 per site
Commercial Blasting - \$15 per site
Explosive Storage - \$100 per magazine
Fireworks Outdoor Sales - \$0
Fireworks Retail Sales - \$0
Fireworks Aerial Displays - \$0

Section 108

OPERATIONAL PERMITS

108.1 General. Operational permits shall be in accordance with Section 108. The fire official may require notification prior to (i) activities involving the handling, storage or use of substances, materials or devices regulated by the SFPC; (ii) conducting processes which produce conditions hazardous to life or property; or (iii) establishing a place of assembly.

108.1.1 Permits required. Operational permits may be required by the fire official in accordance with Table 107.2. The fire official shall require operational permits for the manufacturing, storage, handling, use and sale of explosives. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for

inspection by the fire official.

Exceptions:

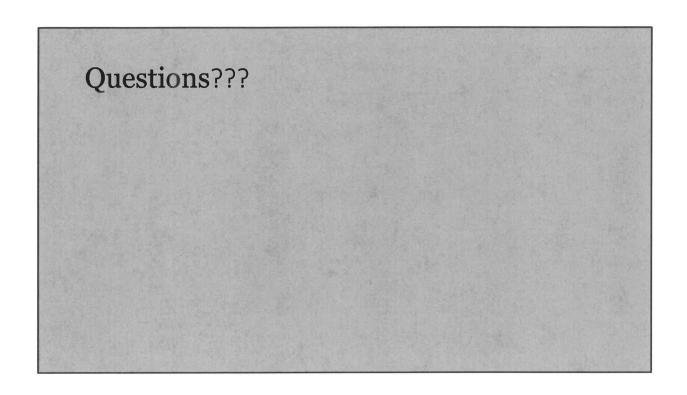
- 1. Operational permits will not be required by the State Fire Marshal except for the manufacturing, storage, handling, use and sale of explosives in localities not enforcing the SFPC.
- 2. Operational permits will not be required for the manufacturing, storage, handling or use of explosives or blasting agents by the Virginia Department of State Police provided notification to the fire official is made annually by the Chief Arson Investigator listing all storage locations.

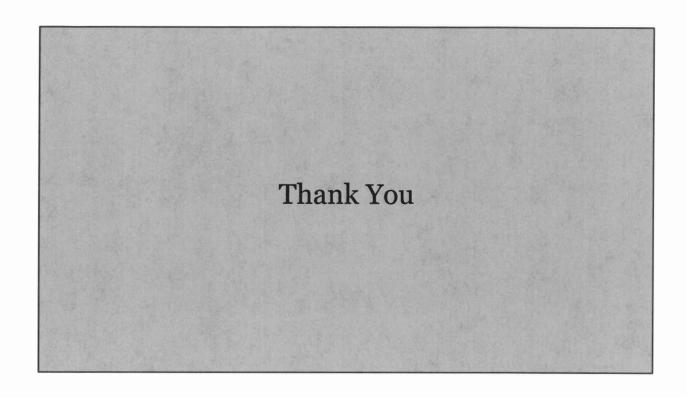
Cost Recovery and Start Up

- Based on operational permits of approximately 1400 businesses and projected re-inspections, the estimated recovery will be a minimum of \$250,000 after first year.
- The majority of the up front costs associated with implementing fees will be the following:
 - Code Pal Software Approximately \$14,000 the first year
 - Part time employee \$12 an hour, working approximately 27 hours a week

After Approval

- Hire part-time permit technician to issue permits, schedule inspections, subsequent data entry, and invoicing.
- Purchase Code Pal software. Several meetings have taken place with Code Pal and Treasurer's Office (AS-400) to confirm that Code Pal and AS-400 can seamlessly communicate with each other.
- Treasurer's Office will work with Fire Marshal's Office to build the AS-400 to work with Code Pal to meet our needs for inspections and billing (minimum of 90 days).
- Our goal for full implementation is 2020.









Department of Public Works 540/665-5643 FAX: 540/678-0682

MEMORANDUM

TO: Public Works Committee

FROM: Joe C. Wilder, Director of Public Works

SUBJECT: Monthly Tonnage Report - Fiscal Year 18/19

DATE: March 15, 2019

The following is the tonnage for the months of July 2017 through June 2018, and the average monthly tonnage for fiscal years 03/04 through 18/19.

		4 4 4 4 0 00 0 0 0 0 0 0 0 0 0 0 0 0 0
FY 03-04:	AVERAGE PER MONTH:	16,348 TONS (UP 1,164 TONS)
FY 04-05:	AVERAGE PER MONTH:	17,029 TONS (UP 681 TONS)
FY 05-06:	AVERAGE PER MONTH:	17,785 TONS (UP 756 TONS)
FY 06-07:	AVERAGE PER MONTH:	16,705 TONS (DOWN 1,080 TONS)
FY 07-08:	AVERAGE PER MONTH:	13,904 TONS (DOWN 2,801 TONS)
FY 08-09:	AVERAGE PER MONTH:	13,316 TONS (DOWN 588 TONS)
FY 09-10:	AVERAGE PER MONTH:	12,219 TONS (DOWN 1,097 TONS)
FY 10-11:	AVERAGE PER MONTH:	12,184 TONS (DOWN 35 TONS)
FY 11-12:	AVERAGE PER MONTH:	12,013 TONS (DOWN 171 TONS)
FY 12-13:	AVERAGE PER MONTH:	12,065 TONS (UP 52 TONS)
FY 13-14:	AVERAGE PER MONTH:	12,468 TONS (UP 403 TONS)
FY 14-15:	AVERAGE PER MONTH:	13,133 TONS (UP 665 TONS)
FY 15-16:	AVERAGE PER MONTH:	13,984 TONS (UP 851 TONS)
FY 16-17:	AVERAGE PER MONTH:	14,507 TONS (UP 523 TONS)
FY 17-18:	AVERAGE PER MONTH:	15,745 TONS (UP 1,238 TONS)
FY 18-19:	AVERAGE PER MONTH:	15,721 TONS (DOWN 24 TONS)

MONTH	FY 2017-2018	FY 2018-2019
JULY	15,465	17,704
AUGUST	17,694	18,543
SEPTEMBER	16,813	14,799
OCTOBER	15,853	18,158
NOVEMBER	16,109	15,404
DECEMBER	12,644	14,426
JANUARY	13,295	13,973
FEBRUARY	13,100	12,764
MARCH	15,510	
APRIL	15,469	
MAY	18,755	
JUNE	18,228	

			<u>AL</u>	STEEL						
MONTH	GLASS	<u>PLAST</u>	CANS	<u>CANS</u>	PAPER	<u>occ</u>	SHOES/TEX	ELEC	SCRAP	TOTAL
JUL		40,320	1,945	4,620	78,140	98,621	9,500	68,580	292,300	594,026
AUG		38,580	4,855	7,925	90,020	98,500	9,220	24,680	300,180	573,960
SEP		32,600	3,120	6,560	65,600	88,380	5,380	52,200	211,500	465,340
OCT		37,778	4,140	7,580	99,480	92,960		51,340	255,960	549,238
NOV		49,965	5,432	12,245	82,740	126,335		25,960	246,374	549,051
DEC		35,340	3,710	8,650	71,280	118,920	3,600	28,040	171,800	441,340
JAN		50,800	2,415	7,500	91,800	114,400	8,604	53,180	172,520	501,219
FEB		31,600	4,675	9,707	101,335	102,520	5,020	26,980	117,220	399,057
MAR										0
APR										0
MAY										0
JUN										0
TOTAL	0									0
FY 17-18	0	465,080	53,224	94,530	1,043,120	1,080,087	37,260	536,420	2,874,709	6,184,430
FY 16-17	372,600	430,435	41,002	89,976	1,082,737	1,009,153	37,220	495,500	2,687,241	6,245,864
FY 15-16	919,540	428,300	52,077	97,252	1,275,060	974,493	48,820	480,400	2,376,344	6,652,286
FY 14-15	895,600	407,703	40,060	97,515	1,272,660	893,380	49,440	532,283	1,890,729	6,079,370
FY 13-14	904,780	417,090	39,399	99,177	1,281,105	902,701	37,800	611,580	1,639,225	5,932,937
FY 12-13	913,530	410,338	45,086	102,875	1,508,029	878,450	39,700	502,680	1,321,938	5,722,626
FY 11-12	865,380	398,320	43,884	99,846	1,492,826	840,717	37,920	484,600	1,432,678	5,696,171
FY 10-11	949,185	378,452	42,120	98,474	1,404,806	824,873	41,700	467,920	1,220,107	5,427,637
FY 09-10	1,123,671	370,386	42,844	96,666	1,235,624	671,669	21,160	435,680	1,348,398	5,346,098
FY 08-09	762,810	322,928	23,473	55,246	1,708,302	564,957	28,780	404,760	1,097,151	4,968,407
FY 07-08	794,932	284,220	15,783	40,544	1,971,883	545,692	0	498,110	1,172,880	5,324,044
FY 06-07	600,464	200,720	11,834	29,285	1,684,711	441,321	0	382,574	550,070	3,900,979
FY 05-06	558,367	190,611	12,478	28,526	1,523,162			381,469	204,220	2,898,833
FY 04-05	549,527	193,224	11,415	27,525	1,552,111			273,707	25,080	2,632,589
FY 03-04	541,896	174,256	11,437	31,112	1,443,461			156,870	336,230	2,695,262
FY 02-03	413,627	146,770	9,840	23,148	1,381,195			62,840	171,680	2,209,100
FY 01-02	450,280	181,040	10,565	25,553	1,401,206			54,061	58,140	2,180,845
FY 00-01	436,615	198,519	10,367	24,988	1,759,731				9,620	2,439,840
FY 99-00	422,447	177,260	10,177	22,847	1,686,587				44,180	2,363,498
FY 98-99	402,192	184,405	9,564	22,905	1,411,950				48,810	2,079,826
FY 97-98	485,294	136,110	13,307	29,775	1,830,000					2,494,486
FY 96-97	373,106	211,105	23,584	46,625	1,690,000					2,344,420
FY 95-96	511,978	167,486	28,441	44,995	1,553,060					2,305,960
TO DATE	14,247,821	6,009,678	548,737	1,234,855	33,150,206	8,547,406	342,540	6,225,034	17,634,721	87,941,078

FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2018-2019

DOG REPORT

	ON HAND AT	RECEIVED	BROUGHT IN	BITE	BORN AT				DIED AT	ESCAPED/	CARRIED OVER
MONTH	FIRST OF MONTH	AT KENNEL	BY ACO	CASES	KENNEL	ADOPTED	RECLAIMED	DISPOSED	KENNEL	STOLEN	NEXT MONTH
JULY	36	29	36	1	0	29	35	1	0	0	37
AUG	37	41	36	2	0	29	36	2	1	0	48
SEP	48	33	41	2	0	29	38	4	0	0	53
OCT	53	28	24	2	0	37	19	4	0	0	47
NOV	47	28	22	4	0	39	21	1	0	0	40
DEC	40	32	11	0	0	37	8	2	0	0	36
JAN	36	29	24	2	0	32	22	5	0	0	32
FEB	32	19	32	0	0	23	22	2	0	0	36
MAR											
APR											
MAY											
JUN											
TOTAL	329	239	226	13	0	255	201	21	1	0	329

In the month of February - 83 dogs in and out of kennel. 6 dogs transferred to other agencies.

FREDERICK COUNTY ESTHER BOYD ANIMAL SHELTER FY 2018-2019

CAT REPORT

	ON HAND AT	RECEIVED	BROUGHT IN	BITE	BORN AT				DIED AT	ESCAPED/	CARRIED TO
MONTH	FIRST OF MONTH	AT KENNEL	BY ACO	CASES	KENNEL	ADOPTED	RECLAIMED	DISPOSED	KENNEL	STOLEN	NEXT MONTH
JULY	122	129	14	4	7	49	2	102	3	0	120
AUG	120	122	21	3	3	116	6	65	1	0	81
SEP	81	95	9	2	0	52	2	41	2	0	90
OCT	90	119	15	2	3	62	1	48	4	0	114
NOV	114	85	14	1	6	64	1	60	2	0	93
DEC	93	46	4	1	0	40	1	20	0	0	83
JAN	83	71	6	1	0	69	2	33	0	0	57
FEB	57	46	3	1	0	37	0	17	0	0	53
MAR											
APR											
MAY											
JUN											
TOTAL	760	713	86	15	19	489	15	386	12	0	691

In the month of February - 107 cats in and out of shelter. 8 cats transferred to other agencies.