



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of April 25, 2009

DATE: April 15, 2009

- SUBJECTS:**
- A. Repeal of Chapter 8.0 (Fire Prevention) of the Code of Arlington County and enactment of Chapter 8.1 (Fire Prevention) of the Code of Arlington County, effective upon adoption; and
 - B. Adopt a resolution to re-establish the current fire prevention fees schedule currently set forth in Chapter 8.0 of the Code of Arlington County, effective upon adoption.

C. M. RECOMMENDATIONS:

- 1. Enact an ordinance to repeal Chapter 8.0 (Fire Prevention) and to establish Chapter 8.1 (Fire Prevention) of the Code of Arlington County, effective upon adoption. See attachment A; and
- 2. Adopt by resolution the "Arlington County Fire Prevention Code Fees Schedule," effective upon adoption. See attachment B.

ISSUES: Repeal of the current Chapter 8.0 (Fire Prevention) and enactment of the new Chapter 8.1 (Fire Prevention), such ordinance updated to incorporate changes in state and model codes and make other changes or additions consistent with statutory authority. As set forth in the code, to adopt by resolution the existing schedule of permit and inspection fees previously adopted by the County Board in 2008.

SUMMARY: The existing Arlington County Fire Code was last adopted on July 11, 1998. The current Virginia Statewide Fire Prevention Code incorporates the latest edition of the International Fire Code and became effective May 1, 2008. The attached revision of the Arlington Fire Prevention Code has been amended to reflect the changes adopted by the Virginia Statewide Fire Prevention Code and exercises the County's authority to enact more restrictive or more extensive additions to the statewide code.

A fees schedule is currently maintained in the County's Fire Code ordinance. The department is proposing to remove the fees schedule from the ordinance itself and to adopt a fees schedule by County Board resolution. The fee schedule under consideration is identical to

County Manager: _____

County Attorney: _____

Staff: Benjamin Barksdale, Fire Department, Fire Prevention Office

the fee schedule approved by the County Board on April 8, 2008, no new permit fees or increases in fees is proposed at this time.

This matter was approved to be advertised at the March 14, 2009 County Board meeting.

BACKGROUND: The International Fire Code (IFC) is revised on a three year cycle. Once the International Fire Code is adopted, the Commonwealth of Virginia updates and adopts the model code, titled The Virginia Statewide Fire Prevention Code (VSFPC). The latest update to the VSFPC occurred in May of 2008. After the state ratifies its fire code, local governments may make changes that add to, but do not take away from, the intent of the codes that have been adopted by the Commonwealth. As a result, the Arlington County Fire Prevention Office has made specific code adaptations, in the form of County regulations to the VSFPC that solely apply to Arlington County and are contained in the proposed Chapter 8.1 of the Code of Arlington County, attached.

In previous years, Arlington County Fire Code changes were implemented on the same three year cycle in concert with the Virginia Statewide Fire Prevention Code revisions. Due to the complexity of the changes made to the statewide code that were effective May 1, 2008, this cycle was delayed by a year. Per the current County ordinance, fee changes were accomplished by amending the County Fire Code. The new ordinance authorizes the Board to adopt permit, inspection and other fees by resolution, similar to the procedure used for other departments in the County.

DISCUSSION: The Code of Virginia authorizes the Arlington County government to adopt local codes to protect the residents of the County from threats of fire, explosion and other special hazards. The attached revision of the Arlington County Fire Prevention Code references both IFC and VSFPC as model Fire Prevention Codes. The referencing of the model codes allows the Fire Prevention Office to enforce what has been established by both state law and by local ordinance.

A review of the model codes revealed gaps requiring, in the professional opinion of the department and its consultants, adoption of additional local requirements for Arlington County. Attachment I is the Code of Arlington County Chapter 8.1 – Fire Prevention Code. Furthermore, because of the complexity and breadth of the changes made to the IFC and VSFPC in 2008, the Fire Prevention Office determined that it would be more user-friendly to the citizens of Arlington County to repeal the current Fire Prevention Code, Chapter 8.0 and adopt a new fire code, Chapter 8.1, which integrates the state and model code numbering system.

The proposed change of removing the fee schedule from the Arlington County Fire Code ordinance provides an opportunity for the Board to make changes in the fee schedule without having to formally amend the Arlington County Fire Prevention Code each time a fee change or fee category is recommended. Changes to fee schedules would become part of the yearly budget review process. Attachment II is the fees schedule resolution by the County Board. These fees are identical to those previously subject to public comment and adopted as an amendment to the Fire Code ordinance in April 2008. The proposed repeal and enactment of a new County code section necessitates this additional resolution and the adoption of the resolution, and fees, of out the ordinary budget cycle. The department does not anticipate

requesting any changes to the permit fees or to the permit fee categories in the FY2010 budget.

FISCAL IMPACT: There are no changes to the existing fees. There is no fiscal impact.