



## STATE FIRE MARSHAL'S OFFICE INFORMATION BULLETIN State Fire Marshal's Office Fee Change

The 2008 General Assembly passed HB 320 amending § 27-98 of *the Code of Virginia* to prohibit the State Fire Marshal from charging fees for the inspection of any school, public or private. The changes are indicated below in italics and bold type.

### **§ 27-98. Enforcement of Fire Prevention Code; appeals from decisions of local enforcing agencies; inspection of buildings.**

"Any local government may enforce the Fire Prevention Code in its entirety or with respect only to those provisions of the Fire Prevention Code relating to open burning, fire lanes, fireworks, and hazardous materials. If a local governing body elects to enforce only those provisions of the Fire Prevention Code relating to open burning, it may do so in all or in any designated geographic areas of its jurisdiction. The State Fire Marshal shall also have the authority, in cooperation with any local governing body, to enforce the Code. The State Fire Marshal shall also have authority to enforce the Code in those jurisdictions in which the local governments do not enforce the Code and may establish such procedures or requirements as may be necessary for the administration and enforcement of the Code in such jurisdictions. In addition, subject to the approval of the Board of Housing and Community Development, the State Fire Marshal may charge a fee to recover the actual cost of administering and enforcing the Code in jurisdictions for which he serves as the enforcement authority. ***No fee may be charged for the inspection of any school.*** The local governing body of any jurisdiction that enforces the Code may establish such procedures or requirements as may be necessary for the administration and enforcement of the Code. Appeals concerning the application of the Code by the local enforcing agency shall first lie to a local board of appeals and then to the State Building Code Technical Review Board. Appeals from the application of the Code by the State Fire Marshal shall be made directly to the State Building Code Technical Review Board as provided in § [36-108](#) et seq. Fees may be levied by the local governing body in order to defray the cost of such enforcement and appeals."

It is important to note that this provision applies only to the State Fire Marshal's Office (SFMO) and the ability of the SFMO to charge fees for inspections. With the change in state law, a change in the 2006 Statewide Fire Prevention Code (SFPC) became necessary. The timing of the passage of the law was after the time frame allowed for changes to be incorporated in the 2006 SFPC; therefore special administrative action was necessary to incorporate the change. That action has been completed. The final regulation now is part of the 2006 SFPC. The affected portion of the final regulation is shown below with strikethroughs indicating the changes. Please see section 107.14 for the changes. The remainder of section 107.0 on permits is unchanged.

The regulation in its final form should soon be available on the Department of Housing and Community Development web site. We will post it when available. If you have questions please contact the SFMO at 804-371-0220 or 804-371-7170.

**13VAC5-51-81. Section 107.0. Permits.**

**Section 107.1 thru Section 107.13 unchanged.**

107.14 State annual inspection permit fees. Annual fees for inspection permits issued by the State Fire Marshal's office for the inspection of buildings shall be as follows:

1. Nightclubs.
  - 1.1. \$350 for occupant load of 100 or less.
  - 1.2. \$450 for occupant load of 101 to 200.
  - 1.3. \$500 for occupant load of 201 to 300.
  - 1.4. \$500 plus \$50 for each 100 occupants where occupant loads exceed 300.
2. Private schools (kindergarten through 12th grade) and private college dormitories with or without assembly areas. If containing assembly areas, such assembly areas are not included in the computation of square footage.
  - 2.1. \$150 for 3500 square feet or less.
  - 2.2. \$200 for greater than 3500 square feet up to 7000 square feet.
  - 2.3. \$250 for greater than 7000 square feet up to 10,000 square feet.
  - 2.4. \$250 plus \$50 for each additional 3000 square feet where square footage exceeds 10,000.
3. Assembly areas that are part of private schools (kindergarten through 12th grade) or private college dormitories.
  - 3.1. \$50 for 10,000 square feet or less provided the assembly area is within or attached to a school or dormitory building.
  - 3.2. \$100 for greater than 10,000 square feet up to 25,000 square feet provided the assembly area is within or attached to a school or dormitory building, such as gymnasiums, auditoriums or cafeterias.

3.3. \$100 for up to 25,000 square feet provided the assembly area is in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.

3.4. \$150 for greater than 25,000 square feet for assembly areas within or attached to a ~~school or~~ dormitory building or in a separate or separate buildings such as gymnasiums, auditoriums or cafeterias.

#### 4. Hospitals.

4.1. \$300 for 1 to 50 beds.

4.2. \$400 for 51 to 100 beds.

4.3. \$500 for 101 to 150 beds.

4.4. \$600 for 151 to 200 beds.

4.5. \$600 plus \$100 for each additional 100 beds where the number of beds exceeds 200.

Exception: Annual inspection permits for any building or groups of buildings on the same site may not exceed \$2500.

. 107.15. 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.

107.16. Payment of fees: A permit shall not be issued until the designated fees have been paid.

Exception: The fire official may authorize delayed payment of fees.