



**City Of Richmond, Virginia  
Office of the City Clerk**

**Request to Withdraw Legislation**

Paper Number: Ord. No. 2015-206

Chief Patron: Mayor Dwight C. Jones

Introduction Date: September 17, 2015

Chief Patron Signature: Dwight Jones

Attestation: *[Signature]*  
Effective Date: 11/5/16

*For Office Use Only*

INTRODUCED: September 17, 2015

AN ORDINANCE No. 2015-206

To amend City Code § 46.1-51, concerning permit issuance to engage in or conduct a certain business, enterprise or activity, for the purpose of removing the fee for the exception that a tank may be abandoned if empty and increasing the fee for filling or removing residential heating oil tanks of less than 1,100 gallon size, and to amend City Code § 46.1-53, concerning the removal and closure of underground storage tanks, for the purpose of removing the exception that a tank may be abandoned if empty and to require soil testing to determine the contents of the tank.

Patron – Mayor Jones

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Approved as to form and legality  
by the City Attorney

\_\_\_\_\_

PUBLIC HEARING: NOV 9 2015 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 46.1-51 of the Code of City of Richmond (2004) be and is hereby **amended** and reordained as follows:

**Sec. 46.1-51. Permit issuance.**

Whenever any provision of this chapter or the Virginia Statewide Fire Prevention Code requires the issuance of a permit as a condition precedent to engaging in or conducting any business, enterprise or activity, no such permit shall be issued unless the applicant therefore pays to the city a fee of \$35.00 to defray the cost incident to the issuance of the permit; provided,

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

however, fees to authorize the hereinafter enumerated activities and handling of enumerated materials or item shall be as follows:

**Fire Prevention Code Permit Fee**

**Table 46.1-51**

(“O” = Operational, permit required for each event or consecutive series; “A” = Annual.

Customer must agree and abide by the Richmond Fire Prevention Permit Holder’s Guidelines issued as condition of each permit.)

<b>Permit Description</b>	<b>Term</b>	<b>Fee</b>
Aerosol products	A	40.00
Amusement buildings	A	150.00 *
	O	75.00
Assembly or educational	A	150.00 *
	O	75.00

(\*Permits for amusement, assembly, and educational facilities with an approved capacity up to 50 persons are \$75.00; 51 to 500 are \$115.00; above 500 are \$150.00.)

<b>Permit Description</b>	<b>Term</b>	<b>Fee</b>
Aviation facilities	A	75.00
Battery systems	A	75.00
Blasting/explosives	O	125—400 **

(\*\* \$125 to store explosives at an approved site from one day to one year, or for small blast which has no concern for damage beyond blast area; \$400.00 to blast where damage concerns beyond site. An additional \$25.00 is due during normal work hours for each witnessed blast after initial event. Contact us for other details.)

<b>Permit Description</b>	<b>Term</b>	<b>Fee</b>
Cellulose nitrate film	A	75.00
Combustible dust-producing operations	A	225.00
Combustible fibers	A	150.00
Compressed gas	A	150.00
Covered malls	A	150.00
	O	40.00

Permit Description	Term	Fee
Cryogenic fluids	A	150.00
Dry cleaning plants	A	75.00
Exhibits and trade shows	A	150.00
	O	40.00
Fireworks, and/or Pyrotechnics (discharge)	O	150.00
Flammable and combustible liquids	A	75.00 ***
Storage tank closure/removal	O	35—135 ***

(\*\*\* \$135.00 first tank on site, + \$70.00 each additional tank same site and time; \$45.00 when another inspection required to complete job beyond original appointed time. Exceptions: [~~\$35.00~~] \$45.00 for approved [~~abandon~~] fill in place of [a] an underground residential heating oil tank of less than 1,100 gallon size or removal of an above-ground residential heating oil tank of less than 1,100 gallon size.)

Permit Description	Term	Fee
Floor finishing	A	75.00
Fruit and crop ripening	A	75.00
Fumigation and thermal insecticidal fogging		
Warehouse/ complex	A	225.00
Confined area/vault	A	115.00
1-2 family detached home	O	40.00
Hazardous materials	A	115.00
HPM facilities	A	115.00
High-piled storage	A	75.00
Hot works operations	A	75.00
	O	40.00
Lumber yards and woodworking plants	A	75.00
Liquid or gas filled vehicles or equipment	A	115.00
in assembly buildings	O	40.00
LP-gas	A	115.00
Magnesium	A	225.00
Miscellaneous combustible storage	A	115.00
Open burning residential	O	40.00
COMMERCIAL (pit burn)	O	80.00
Open flames and candles	A/O	40.00
Organic coatings	A	225.00
Pyrotechnic special effects material	O	150.00

Permit Description	Term	Fee
Pyroxylin plastics	A	75.00
Repair garages and service stations	A	75.00
Rooftop heliports	A	75.00
Spraying or dipping	A	75.00
Storage of scrap tires and tire byproducts	A	115.00
Temporary membrane structures, tents, and canopies	A/O	40.00
Tire-rebuilding plant	A	115.00
Waste handling	A	105.00
Wood products	A	75.00
Fee for copy of incident report (or replacement copy of inspection report or permit after original issued)		10.00
Site assessment fee	\$35.00 single	\$90.00 multiple adjoining sites

§ 2. That section 46.1-53 of the Code of the City of Richmond (2004) be and is hereby amended and reordained as follows:

**Sec. 46.1-53. Underground storage tank removal/closure.**

Any underground storage tank that has been used for the storage of combustible or flammable liquids, other hazardous or unknown substance, and is determined to be leaking, abandoned, or not actively used for more than one year shall be removed or filled with ~~[cement]~~ an approved inert solid. A sample of soil near the area under an underground tank shall be tested for tank contents, and a copy of that report shall be provided to the fire code official. A permit from the fire code official is required. The fire code official has authority to decide if tank may be filled with a material or shall be removed. ~~[Exception: Residential heating oil tanks may be abandoned empty in accordance with the Virginia Statewide Fire Prevention Code.]~~ Septic tanks are not covered by this Code.

§ 3. This ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

RECEIVED
4-3930
AUG 6 2015

O&R REQUEST

DATE: EDITION: 3

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

FROM: Robert Creecy, Fire Chief

RE: Underground Storage Tank closures

RECEIVED
AUG 19 2015
OFFICE OF CITY ATTORNEY

ORD. OR RES. No. \_\_\_\_\_

PURPOSE: Update city code to meet state fire code about underground storage tank closures.

REASON: Current city code section 46.1-53 was based upon state fire code which then allowed some underground tanks to be abandoned empty. The state fire code had previously required tanks to be removed or filled with an approved inert solid, and years after we amended city code, again state fire code changed so no longer allows abandoning empty. Recommend amend city fire code to align with state fire code by deleting exception allowing abandoned tank empty, and changing specifying fill with "cement" to "an approved inert solid". Also change in Table 46.1-51 noting permit fee \$35 when removing residential above ground heating oil tank.

RECOMMENDATION: Amend Section 46.1-53 to the City Code to delete the word "cement" and the sentence about exception allowing tank may be abandoned empty, and add requirement for soil test and fire official has authority to decide if tank may be filled with a material or shall be removed:

"Any underground storage tank that has been used for the storage of combustible or flammable liquids, other hazardous or unknown substance, and is determined to be leaking, abandoned, or not actively used for more than one year shall be removed or filled with an approved inert solid. A sample of soil near area under an underground tank shall be tested for tank contents, and a copy of that report provided to the fire official. A permit from the fire code offi-

O&R Request

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cial is required. The fire official has authority to decide if tank may be filled with a material or shall be removed. Septic tanks are not covered by this Code. ”

Modify in Table 46.1-51 \*\*\* note on fee for Storage Tank closure / removal to read:

“\*\*\*Note: \$135 first tank on site, + \$70 each additional tank same site and time; \$45 when another inspection required to complete job beyond original appointed time. Exception: \$45 for approved fill in place of an underground, or removal of above ground, residential heating oil tank of less than 1,100 gallon size.”

**BACKGROUND:** State fire codes change every three years. Current city code section 46.1-53 was based upon a cycle when the state fire code allowed some underground tanks to be abandoned empty. The state fire code had previously required tanks to be removed or filled with an approved inert solid, and after we amended city code, again state fire code edition changed so no longer allows abandoning empty. Years ago, code required underground tank removal unless fire official allowed fill in place, then code changed so customer chose. Environmental concerns main purpose for this in fire code, thus need soil test and to enable fire official better control.

**FISCAL IMPACT / COST:** No cost to city.

**FISCAL IMPLICATIONS:** None

**BUDGET AMENDMENT NECESSARY:** None

**REVENUE TO CITY:** None

**DESIRED EFFECTIVE DATE:**

**REQUESTED INTRODUCTION DATE:** *September 14, 2015*

**CITY COUNCIL PUBLIC HEARING DATE:** *September 28, 2015*

**REQUESTED AGENDA:**

**RECOMMENDED COUNCIL COMMITTEE:** Safety

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** If underground tank near building foundation, then changes which might impact foundation may be referred to city building official.

**AFFECTED AGENCIES:** Department of Fire and Emergency Services

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Applies city code to promote safety.

O&R Request

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**REQUIRED CHANGES TO WORK PROGRAM(S):** Codifies changes in practice already in use by fire officials, in effort for regional consistency with applying current state fire code and intent of similar environmental regulations.

**ATTACHMENTS:**

**STAFF:**