



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

**Request to Withdraw Legislation**

Paper Number: Ord. No. 2015-197

Chief Patron: Mayor Dwight C. Jones

Introduction Date: September 17, 2015

Chief Patron Signature: Dwight Jones

*For Office Use Only*

Attestation: Gene E. Earl

Effective Date: 11/5/16

INTRODUCED: September 17, 2015

AN ORDINANCE No. 2015-197

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 adding a separate permit for thermal pest control treatment, and to amend ch. 46.1, art. V, div. 3 of the City Code, concerning amendments to the fire prevention code, by adding therein a new section 46.1-63, for the purpose making it unlawful for any person to use or operate a temporary heat source to heat the interior of a building, structure or premise to a temperature above 100 degrees Fahrenheit for pest control treatment purposes unless such person has complied with certain conditions.

\_\_\_\_\_  
Patron – Mayor Jones

\_\_\_\_\_  
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 the 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

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

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

to the city a fee of \$35.00 to defray the cost incident to the issuance of the permit; provided, 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

Permit Description	Term	Fee
Covered malls	A	150.00
	O	40.00
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. Exception: \$35.00 for approved abandon in place of a 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 [ <del>and thermal</del> ] or 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

<b>Permit Description</b>	<b>Term</b>	<b>Fee</b>
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
<u>Thermal pest control treatment</u>	<u>A</u>	<u>40.00</u>
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 Chapter 46.1, Article V, Division 3 of the Code of the City of Richmond (2004) be and is hereby amended and reordained by **adding therein a new** section 46.1-63, as follows:

**Sec. 46.1-63. Thermal pest control treatment.**

It shall be unlawful for any person to use or operate a temporary heat source to heat the interior of a building, structure or premise to a temperature above 100 degrees Fahrenheit for pest control treatment purposes unless such person obtains a permit from the fire code official and agrees to comply with all safety requirements imposed by the fire code official.

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



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

RECEIVED
4-3928
AUG 6 2015

CITY OF RICHMOND

O&R REQUEST

DATE: EDITION: 5

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor

[Handwritten signature]

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

[Handwritten initials]

RECEIVED

AUG 19 2015

FROM: Robert Creecy, Fire Chief

[Handwritten signature: R A Creecy]

OFFICE OF CITY ATTORNEY

RE: Require permit from Fire Official for high heat inside for pest control

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

PURPOSE: Improve Fire Official's authority for fire safety when high heat is used as pest control inside a building.

REASON: Heating to high temperatures for pest control inside a building increases risk of fire and might impact existing fire protection devices or systems. Fire Officials need regulatory authority for reasonable regulation for safety for high interior heat for pest control. Permit process better documents how contractor will control safety concerns.

RECOMMENDATION: Amend Table 46.1-51 and add Section 46.1-63 to the City Code. Line in Table 46.1-51 which lists permit required for "Fumigation and thermal insecticidal fogging", change to read "Fumigation or insecticidal fogging", plus add separate line for "Thermal Pest Control Treatment" with annual \$40 fee.

Add:

"Sec. 46.1-63. - Thermal Pest Control Treatment. Prior to using temporary heat source to heat a building interior over one hundred degrees Fahrenheit for pest control, user shall get a permit from the city Fire Marshal's office, and agree to comply with safety stipulations appropriate for the situation."

BACKGROUND: Heating interior 115 to 135 degrees Fahrenheit is a treatment against bed bugs. Fire officials have found propane flame heaters being used in an apartment building, while some apartments were occupied, poses an increased risk to residents and property. Inappro-

privately placed or resulting fire might obstruct occupants escape. Such heat treatments have triggered sprinklers and fire alarms, resulting in needless emergency dispatch of several fire trucks and teams of firefighters to respond. Removing or turning off sprinklers reduces protection during increased risk of using temporary heaters generating high heat. Some sprinklers are made to spray water when exposed to temperatures of 135 degrees, while exposures to heat near rated temperature can weaken sprinkler (thus risk unwanted triggering). Heat too near combustibles (such as clothing, curtains, etc.) has started fires. To heat entire room enough to kill bed bugs, temporary heat sources over 135 degrees are often used, developing higher temperatures at the ceiling (where sprinklers may be located). Fire officials need authority to regulate high heat inside for pest control. This will not affect occupants who choose to turn up thermostat on built-in heating system, nor use temporary heaters for comfort, since temperatures will not be that high.

**FISCAL IMPACT / COST:** No cost to city, should save city from expenses of firefighters responding to some fire alarms activated by heat treatments (yet not cause fire). Permit fees partly compensate staff efforts communicating issues to pest companies.

**FISCAL IMPLICATIONS:** Small fee income to city. Pest control companies might need to use different heating procedures, yet intent is to avoid damage and lessen cost imposed by inadequate precautions.

**BUDGET AMENDMENT NECESSARY:** None

**REVENUE TO CITY:** Estimate \$300 to \$1000 per year.

**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:** none

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

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

**REQUIRED CHANGES TO WORK PROGRAM(S):** Enables fire officials to better manage risk caused by heat treatment of bed bugs (or other pests).

**ATTACHMENTS:**

O&R Request

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**STAFF:**

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