FAIRFAX COUNTY
BOARD OF SUPERVISORS
June 10, 2025

AGENDA

9:30	**Done**	Presentations
9:30	**Done**	Presentation of the 2024 Barbara Varon Volunteer Award to Jose Garzon
9:30	**Done**	Presentation of the Transportation Advisory Commission (TAC) 2024 Transportation Achievement Awards
10:00	**Done**	Matters Presented by Board Members
10:00	**Done**	Items Presented by the County Executive
	ADMINISTRATIVE ITEMS	
1	**Approved**	Authorization to Advertise a Public Hearing on Chapter 62 of the Code of the County of Fairfax, Proposed Amendments
2	**Approved**	Authorization to Advertise a Public Hearing on Appendix Q of the Code of the County of Fairfax, Proposed Amendments
3	**Approved**	Authorization to Advertise a Public Hearing to Consider Adoption of an Ordinance to Amend Appendix H of the Fairfax County Code to Approve the Transfer of the Cable Franchise Held by Comcast of Virginia, LLC (Hunter Mill and Sully Districts)
4	**Approved**	Authorization to Advertise a Public Hearing to Sublease Ash Grove House at 8881 Ashgrove House Lane in Connection with the Resident Curator Program (Hunter Mill District)
5	**Approved**	Authorization to Advertise a Public Hearing to Convey Crescent Apartments Located at 1513 and 1531 Cameron Crescent Drive to the Fairfax County Redevelopment and Housing Authority (Hunter Mill District)
6	**Approved**	Supplemental Appropriation Resolution AS 25257 for the Office of Environmental and Energy Coordination to Accept Grant Funding from the Metropolitan Washington Council of Governments for the Federal Highway Administration's Charging and Fueling Infrastructure Discretionary Grant Program

FAIRFAX COUNTY
BOARD OF SUPERVISORS
June 10, 2025

	ADMINISTRATIVE ITEMS (continued)	
7	**Approved**	Approval of Streets into the Secondary System – Kevin Kraig Road (Malcolm at Ox Road) (Mount Vernon District)
8	**Approved**	Approval of Streets into the Secondary System – Oakton View (Springfield District)
9	**Approved**	Approval of Streets into the Secondary System – The Reserve at Brookview Estates (Franconia District)
10	**Approved**	Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Mason Hill Drive (Mount Vernon District)
11	**Approved**	Approval of Supplemental Appropriation Resolution AS 25245 for the Fairfax County Department of Transportation to Accept Grant Funding and Authorization to Execute a Grant Agreement with the U.S. Department of Transportation Federal Transit Administration for the Purchase of up to 60 Hybrid-Electric Replacement Buses for Fairfax Connector
	ACTION ITEMS	
1	**Approved**	Approval of FY 2025 Year-End Processing
2	**Approved**	Adoption of the 2025 Comprehensive Plan Amendment Work Program, Including Certain Proposed Countywide Site-Specific Plan Amendment (SSPA) Nominations
3	**Approved**	Authorization to Enter into First Amendment to Design and Construction Agreement with the Town of Vienna for Redevelopment of the Patrick Henry Library and the License, Operation, and Maintenance Agreement for the Associated Parking Structure (Hunter Mill District)
4	**Approved**	Resolution to Support the Addition of the Extension of Howard Avenue (Providence District)
	CLOSED SESSION	
	Held	Closed Session

FAIRFAX COUNTY
BOARD OF SUPERVISORS
June 10, 2025

PUBLIC HEARINGS

3:30	**Approved**	Public Hearing on SE 2024-HM-00009 (Columbia Retail Dulles LLC) (Hunter Mill District)
3:30	**Approved**	Public Hearing on SEA 87-P-073-002 (Tysons Ventures LLC) (Providence District)
3:30	**Approved**	Public Hearing on PCA 2014-PR-021 (RZPA 2024-PR-00040) (1764VA, LLC) (Providence District)
3:30	**Approved**	Public Hearing on PCA-80-P-039-010/CDPA-80-P-039-002 (RZPA-2023-PR-00105) (HB Route 29 Owner LLC) (Providence District)
4:00	**Approved**	Public Hearing on the Spot Blight Abatement Ordinance for 3106 Groveton Street, Alexandria, VA 22306 (Franconia District)
4:00	**Approved**	Public Hearing to Consider the Adoption of Amendments to Chapter 41.1 of the Fairfax County Code, Relating to Animal Control and Care, and Chapter 82 of the Fairfax County Code Relating to Motor Vehicles
4:30	**Approved**	Public Hearing to Consider Adoption of an Ordinance to Approve a Joint Exercise of Powers Agreement to Authorize Participation in a Trust Fund with Other Virginia Jurisdictions for the Purpose of Investing Public Funds

Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Tuesday
June 10, 2025

9:30 a.m.

PRESENTATIONS

RESOLUTION — To honor the 20th anniversary of the Friends of the Fairfax County Animal Shelter. Requested by Chairman McKay.

PROCLAMATION — To designate June 2025 as Immigrant Heritage Month in Fairfax County. Requested by Chairman McKay, Supervisor Jimenez and Supervisor Palchik.

PROCLAMATION — To designate June 2025 as Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ+) Pride Month in Fairfax County. Requested by Chairman McKay, Supervisor Alcorn, Supervisor Bierman, Supervisor Jimenez, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck and Supervisor Walkinshaw.

RESOLUTION — To recognize the kickoff of the America/Fairfax 250th Celebrations in the County. Requested by Chairman McKay, Supervisor Lusk, Supervisor Storck and Supervisor Herrity.

RESOLUTION — To commemorate the 250th anniversary of the United States Army in Fairfax County. Requested by Chairman McKay, Supervisor Lusk, Supervisor Storck and Supervisor Herrity.

STAFF:
Tony Castrilli, Director, Office of Public Affairs
Jeremy Lasich, Office of Public Affairs
Imtiaz Ali, Office of Public Affairs

Board Agenda Item
June 10, 2025

9:30 a.m.

Presentation of the 2024 Barbara Varon Volunteer Award to Jose Garzon

ENCLOSED DOCUMENTS:
None.

PRESENTED BY:
Marie Colturi, Chairman of the Barbara Varon Award Selection Committee

Board Agenda Item
June 10, 2025

9:30 a.m.

Presentation of the Transportation Advisory Commission (TAC) 2024 Transportation Achievement Awards

ENCLOSED DOCUMENTS:
None.

PRESENTED BY:
Michael D. Champness, Chairman of the Transportation Advisory Commission

Board Agenda Item
June 10, 2025

10:00 a.m.

Matters Presented by Board Members

Board Agenda Item
June 10, 2025

10:00 a.m.

Items Presented by the County Executive

Board Agenda Item
June 10, 2025

ADMINISTRATIVE – 1

Authorization to Advertise a Public Hearing on Chapter 62 of the Code of the County of Fairfax, Proposed Amendments

ISSUE:
The Commonwealth of Virginia adopted the 2021 Virginia Statewide Fire Prevention Code (SFPC) which went into effect on January 18, 2024. Any local governing body may adopt regulations that are more restrictive or more extensive in scope than the SFPC within certain parameters. *Chapter 62 of the Code of the County of Fairfax* (attachment 1 and attachment 2) are the local amendments to the SFPC.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing for Chapter 62 of the Code of the County of Fairfax on June 10, 2025.

TIMING:
On June 10, 2025, the Fire Marshal will request that the Board authorize advertisement of a public hearing to consider this matter on June 24, 2025 at 4:30 p.m.

BACKGROUND:
The 2021 Statewide Fire Protection Code (SFPC) provides safety regulations for activities, vehicles, and structures. The SFPC incorporates the 2021 International Fire Prevention Code (IFPC) and modifies provisions of that code for enforcement in Virginia. The Fairfax Fire Prevention Code, Chapter 62 of the Ordinance, may be more restrictive than the SFPC, however, Chapter 62 can never be less restrictive than the state regulation.

From time to time, Virginia adopts a new fire prevention code. In response, the Fire and Rescue Department reviews and updates Chapter 62 to ensure that both codes align. Additionally, the Fire Marshal can propose new regulations better tailored to meet the unique needs of Fairfax County.

This set of amendments to Chapter 62 amends and renumbers the Ordinance based on changes to the SFPC. The Fire Marshal proposes added new section(s), Section 322 – Powered Micromobility Devices, regulating the storage and use of certain lithium ion battery devices. This section is based on Section 322 of the 2024 International Fire

Prevention Code. The Fire Marshal proposes adding these amendments in anticipation that these amendments will be adopted as part of the 2024 SFPC amendment which would occur in 2027. The Fire Marshal also proposes the addition of Subsection 104.1.2 - Authority for Enforcement of Fireworks Provisions by other than Technical Assistants to the Fire Marshal. This section would empower Fairfax County Police Department officers to enforce Section 5601.1.1.3 Fireworks, within the boundaries of the County and on all County-owned properties located outside the territorial limits of Fairfax County.

Staff has also added two permit fees for micromobility devices and processing and extraction facilities.

Attached to this staff report are two sets of full of code revisions proposed by the Fire Marshal. In Attachment 1, the text is the full text of the proposed amended Ordinance. Where a change has been made, a bracketed “For Reference Only” section gives a full account of the change. These reference sections are not intended to be included in the codified version of the Ordinance. In Attachment 2, staff has attached an addition/strikethrough format of the same text to better illustrate the exact changes.

EQUITY IMPACT:
None.

FISCAL IMPACT:
None.

CREATION OF POSITIONS:
There will be no new position(s) created.

ENCLOSED DOCUMENTS:
Attachment 1 – Chapter 62 “For Reference Only”
Attachment 2 – Chapter 62 “Strikethroughs and Additions”

STAFF:
Thomas Arnold, Deputy County Executive
John S. Butler, Fire Chief, Fire and Rescue Department
William D. Vannoy, Deputy Chief, Fire and Rescue Department

Board Agenda Item
June 10, 2025

ASSIGNED COUNSEL:
Patrick V. Foltz, Assistant County Attorney

CHAPTER 62. Fire Protection[1]

ARTICLE 1. In General

Section 62-1-1. Penalty.

Any person, firm, or corporation who shall violate any of the Sections of this Chapter or any provisions of the Fire Prevention Code of Fairfax County adopted by Section 62-2-6 or shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall fail to comply with such an order within the time fixed therein shall separately for each and every such violation and noncompliance respectively, be guilty of a violation of this Chapter and the violation shall be deemed a Class 1 Misdemeanor, and shall, upon conviction, be punishable by imprisonment not to exceed 12 months, or by a fine not to exceed $2,500.00 or both. Each day that a violation continues after a service of notice as provided for in this Code shall be deemed a separate offense. (3-91-62; 49-92-62; 12-94-62; 15-96-62; 13-06-62; 17-09-62; 04-12-62.)

{FOR REFERENCE ONLY: Added comma.}

Section 62-1-2. Use of fire apparatus, equipment, etc., within County.

a. It shall be unlawful for any person to operate or cause to be operated, upon a public highway or street in the County, any vehicle or equipment used, intended to be used, or designed to be used for the purpose of fighting fires, unless such vehicle or equipment is owned by a recognized firefighting company of the County.

b. For the purpose of this Section, a recognized firefighting company of the County shall be construed to mean one that has been recognized as such by resolution of the Board of Supervisors.

c. This Section shall not apply to the operation of firefighting vehicles and equipment owned by any firefighting company outside of the County when such vehicle or equipment is traveling in or through the County for a parade or other non-firefighting purposes or in response to a call from the Fairfax County Department of Public Safety Communications. (3-91-62; 12-94-62; 13-06-62; 17-09-62; 04-12-62; 23-22-62.)

Section 62-1-3. Damage or injury to fire department equipment or personnel.

It shall be unlawful for any person to damage or deface, or attempt, or conspire to damage or deface any fire department vehicle at any time, or to injure, or attempt to injure, or conspire to injure fire department personnel while such personnel are in the performance of departmental duties. (3-91-62; 12-94-62; 13-06-62; 17-09-62; 04-12-62; 23-22-62.)

Section 62-1-4. Unlawful boarding or tampering with fire department vehicles.

It shall be unlawful for any person, without proper authorization from the fire department officer-in-charge of said vehicle, to cling to, attach himself to, climb upon or into, board, or swing upon any fire department vehicle, whether such vehicle is in motion or at rest or to sound any warning device thereon or to manipulate, tamper with, or destroy or attempt to manipulate, tamper with, or destroy any lever, valve, switch, starting device, brake, pump, or any equipment, protective clothing, or tool on or a part of such fire department vehicle. (3-91-62; 12-94-62; 13-06-62; 17-09-62; 04-12-62.)

ARTICLE 2. Fire Marshal

Section 62-2-1. County Fire Marshal and Deputy Fire Marshal—Creation of office; appointment; powers and duties generally.

The Fairfax County Office of the Fire Marshal is hereby created. The County Executive shall appoint a County Fire Marshal whose powers and duties shall be as set forth in this Chapter. (3-91-62; 12-94-62; 13-06-62; 17-09-62; 04-12-62; 23-22-62.)

Section 62-2-2. Same—Tenure.

The County Fire Marshal shall not be appointed for a definite tenure, but shall continue contingent upon and subject to the personnel rules of the County. (3-91-62; 12-94-62; 13-06-62; 17-09-62; 04-12-62.)

Section 62-2-3. Oaths of Fire Marshal, Fire Code Official, and Technical Assistants to the Fire Marshal.

The County Fire Marshal, Fire Code Official, and Technical Assistants to the Fire Marshal, before entering upon their duties, shall, respectively, take an oath, before any officer authorized to administer oaths, faithfully to discharge the duties of their office. (3-91-62; 12-94-62; 13-06-62; 17-09-62; 04-12-62; Ord. No. 23-22-62.)

{FOR REFERENCE ONLY: Added the term “Fire Code Official” to clarify that the position is responsible to enforce the fire prevention code and is a different position than the Fire Marshal and removed Deputy Fire Marshal as this position falls under the category of Technical Assistants.}

Section 62-2-4. Investigation and notification of fires and injuries.

a. The Fire Marshal shall investigate or cause to be investigated, every fire or explosion occurring within the County that is of a suspicious nature, or which involves the loss of life, or causes injury to persons, or causes destruction of or damage to property. Such investigation shall be made at the time of the fire or at a subsequent time, depending on the nature and circumstances of the fire. The Fire Marshal shall take charge immediately of the physical evidence, and in order to preserve any physical evidence relating to the cause or origin of such fire or explosion, take means to prevent access by any person or persons to such building, structure, or premises until such evidence has been properly processed. The appropriate police department, upon request of the County Fire Marshal, shall assist in the investigation, as needed. The results of any such investigation shall be forwarded by the Fire Marshal to the Commonwealth's Attorney for proper disposition.

b. A medical professional who is primarily responsible for the treatment of an individual for a burn injury described below shall, as soon as practicable, notify the Fairfax County Fire Marshal and the Department of Public Safety Communications. The treating physician or designee shall be responsible for giving the notice required by this section.

1. The provisions of this subsection apply to:
   i. Any burn injury from the result of direct flame contact causing 2nd degree burns (partial thickness) to 5 percent or more of the patient's body and all 3rd degree burns (full thickness), regardless of the percentage of burned area.
   ii. All chemical burns regardless of severity.
   iii. Any upper respiratory burn injury requiring advanced airway intervention and/or support.
   iv. Any burn injury which causes death or
   v. Any burn injury which is likely to cause death.
2. The provisions of this section do not apply to sunburn.
3. Notice under this section shall include:
   i. The name and address of the patient, if known.
   ii. A description of the burn injury.
   iii. The reported cause of the burn injury, if given.
   iv. The patient's prognosis.
   v. Any other fact concerning the burn injury which may assist in determining the origin and cause of the fire. (17-97-62; 13-06-62; 17-09-62; 04-12-62; 23-22-62.)

{FOR REFERENCE ONLY: Capitalized words to provide a consistent format throughout the document.}

Section 62-2-5. Powers of arrest.

The Fire Marshal and all members of the Fire Marshal's staff permitted under Title 27 of the Code of Virginia to do so shall have the same police powers as a regular member of the County Police Department in the investigation and prosecution of all offenses involving fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances, and fire bombs, storage, use, and transportation of hazardous materials and hazardous waste, environmental crimes, and other offenses involving the calling or summonsing of fire or rescue equipment without just cause in violation of the Code of Virginia or the Code of the County of Fairfax, and other criminal or civil offenses arising out of or incidental to the investigation of the enumerated offenses. (17-97-62; 13-06-62; 17-09-62; 04-12-62.)

Section 62-2-6. Enforcement of the Virginia Statewide and Fairfax County Fire Prevention Codes.

The County of Fairfax shall enforce the Virginia Statewide Fire Prevention Code promulgated by the Board of Housing and Community Development of the Commonwealth of Virginia pursuant to Section 27-98 of the Code of Virginia. The provisions of the Virginia Statewide Fire Prevention Code and the Fire Prevention Code of the County of Fairfax shall be enforced by the County Fire Marshal, the Fire Code Official, and the Technical Assistants to the Fire Marshal. (3-91-62; 12-94-62; 17-97-62; 13-06-62; 17-09-62; 04-12-62.)

{FOR REFERENCE ONLY: Added the term “Fire Code Official” and “Technical Assistants” and deleted redundant language.}

Section 62-2-7. Fairfax County Fire Prevention Code.

The regulations set forth herein shall be known as the Fire Prevention Code of the County of Fairfax, and shall be herein referred to as such or as this Code. (3-91-62; 12-94-62; 17-97-62; 13-06-62; 17-09-62; 04-12-62.)

Section 62-2-8. Amendments, additions, deletions to the Virginia Statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code is hereby amended and changed pursuant to Section 27-97 of the Code of Virginia in the following respects:

104.1.2 Authority for enforcement of fireworks provisions by other than Technical Assistants to the Fire Marshal. Fairfax County police officers are empowered to enforce Section 5601.1.1.3 Fireworks, within the boundaries of the County and on all County-owned properties located outside the territorial limits of Fairfax County.

{FOR REFERENCE ONLY: Added Subsection 104.1.2 to establish enforcement authority of fireworks provisions in the fire prevention code by County police.}

106.3.2 Inspection by others. The Chief of the Fire Department may designate such other persons as they deem necessary to make fire safety inspections. Such persons shall use the Virginia Statewide Fire Prevention Code and this Code as the basis for such inspections.

{FOR REFERENCE ONLY: Corrected numbering of code section, spelling, and deleted “Add Subsection as follows: 106.3.2 **Inspection by others**.”}

106.8. Summoning the Fire Marshal. The fire department officer-in-charge of any fire, explosion, or incident scene shall immediately summon the Fire Marshal to such scene to investigate the circumstances involved where such circumstances require investigation as outlined in Section 62-2-4 of this Code.

{FOR REFERENCE ONLY: Changed “Summonsing” to “Summoning”, deleted “Add Subsection as follows: 106.9 Summonsing the Fire Marshal.”}

106.9 Notification of fire department. In any building, when a fire or evidence of a fire is discovered, even though it has apparently been extinguished, it shall be immediately reported to the chief of the fire department, or designee. This shall be the duty of the owner, manager, or person in control of such building at the time of discovery. This requirement shall not be construed to forbid the owner, manager, or person in control of said building from using all diligence necessary to extinguish such fire prior to the arrival of the fire department.

{FOR REFERENCE ONLY: Corrected numbering of code section and eliminated unnecessary words “his”.}

Table 107.2. Duration of permit is 365 days, unless otherwise noted. Amended as follows:

{FOR REFERENCE ONLY: Deleted "Delete and Substitute as follows: Table 107.2}.

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
Section 1 - Detailed Operational Permit Requirements. Note: All permit fees are per line item that applies.				
1	5101.2	*Aerosol Products, Level 2 or 3.* An operational permit is required to manufacture, store or handle, an aggregate quantity in excess of 500 pounds net weight.	$195	
2	107.2	*Amusement Buildings: Permanent.* An operational permit is required to operate a special amusement building.	$195	
3	107.2 403.11.2.1	*Amusement Buildings: Temporary or Mobile.* An operational permit is required to operate a special amusement building, (e.g., Haunted House). (60 day permit but not past event date)	$195	
4	2001.3	*Aviation Facilities*. An operational permit is required to use a Group H or Group S Occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.	$195	
5	107.2	*Assembly, Indoor (to include Exhibits and Trade Shows).* An operational permit is required to operate exhibits and trade shows. Permit is valid for up to 30 days, but not past event date.	$195	
6	107.2 403.11.2.1	*Assembly, Outdoor (to include Carnivals, Circuses, Fairs, and Festivals).* An operational permit is required to conduct an outdoor gathering of 500 persons or more, at one time. Permit is valid for up to 30 days, but not past event date.	$195	
7	107.2	*Assembly, Place of or Education* - Occupant Load 50 or Greater	$195	
8	1201.4	*Battery Systems, Stationary Storage* An operational permit is required for the operation of stationary storage battery systems regulated by Chapter 12.	$195	
9	301.2	*Cellulose Nitrate Film*: An operational permit is required to store, handle, or use cellulose nitrate film in a Group A Occupancy.	$195	
10	2201.2	*Combustible Dust-Producing Operations.* An operational permit is required is required to operate a grain elevator, flour starch mill feed mill, or a plant pulverizing aluminum coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.	$195	
11	3701.3	*Combustible Fibers*. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 Cubic Feet. *Exception*: An operational permit is not required for agricultural storage.	$195	

12	601.3	*Commercial Kitchen Operation Requiring a Type I Hood.* An operational permit is required for the operation of a commercial kitchen requiring a Type I hood. *Exceptions:* 1. Assembly (Group A) or Educational (Group E) Occupancies having a Fire Prevention Code Permit (FPCP). 2. Mobile food preparation vehicles.	$195	
13	5301.2 5001.5 5401.2	*Compressed Gas: Corrosive*. An operational permit is required for the storage, use, or handling of corrosive gas in excess of 200 cubic feet at normal temperature and pressure (NTP). *Exception:* Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	$195	
14	5301.2 5801.2 5001.5	*Compressed Gas: Flammable*. An operational permit is required for the storage, use, or handling of flammable gas in excess of 200 cubic feet at normal temperature and pressure (NTP). *Exceptions:* 1. Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle, 2. cryogenic fluids; and 3. liquified petroleum gases.	$195	
15	5301.2 6001.2 5001.5	*Compressed Gas: Toxic or Highly Toxic.* An operational permit is required for the storage, use, or handling of any toxic or highly toxic gas in any amount.	$195	
16	5301.2 5001.5	*Compressed Gas: Inert or Simple Asphyxiant.* An operational permit is required for the storage, use, or handling of inert or simple asphyxiant gas in excess of 6,000 cubic feet at normal temperature and pressure (NTP). *Exception:* Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	$195	
17	5301.2 6301.2 5001.5	*Compressed Gas: Oxidizing (including Oxygen).* An operational permit is required for the storage, use, or handling of oxidizing gas in excess of 504 cubic feet at normal temperature and pressure (NTP). *Exception*: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	$195	
18	5301.2 6401.2 5001.5	*Compressed Gas: Pyrophoric.* An operational permit is required for the storage, use, or handling of pyrophoric gas in any amount.	$195	
19	107.2	*Covered and open mall buildings*. An operational permit is required for: 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. 2. The display of liquid-fired or gas-fired equipment or vehicles in the mall. 3. The use of open-flame or flame-producing equipment in the mall.	$195	

20	5501.2 2301.2 5001.5 5801.2	*Cryogenic Fluids. An operational permit is required to produce, store, transport onsite, use, handle or dispense cryogenic fluids in excess of the amounts listed below.* *Exception:* Vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.		
		Type of Cryogenic Fluid / *Inside Building (gallons)* / *Outside Building (gallons)*		
		Flammable / More than 1 / 60		$195
		Inert / 60 / 500		$195
		Oxidizing (Includes oxygen) / 10 / 50		$195
		Physical or health hazard not indicated above / Any amount / Any amount		$195
21	2101.2	*Dry Cleaning Plants*. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.		$195
22	601.3	*Electrified Security Fence*		$195
23	5601.2	*Explosives*: Explosives Use, Each Site or Location (6 Month Permit).		$234
24	5601.2	*Explosives*: Firm or Company License.		$195
25	5601.2	*Explosives*: Storage and Display of Black Powder or Smokeless Propellant Indoors *Exception*: Storage in Group R-3 or R-5 occupancies of smokeless propellant, black powder, and small arms primers for personal use, not for resale, and in accordance with the quantity limitations and conditions set forth in Section 5601.1, Exceptions 4 and 12.		$195
26	5601.2	*Explosives:* Laboratory Use (6 Month Permit).		$195
27	3303.2.1	*Fire Prevention Program Manager:* A permit is required for the Fire Prevention Program Manager designated by the owner for safeguarding construction, alteration, and demolition operations. *Exception:* Building less than 5 stories above average grade plane and less than 50,000 square feet in size.		$0
28	5701.4	*Flammable and combustible liquids*. An operational permit is required: 1. To use or operation of a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the U.S. Department of Transportation (DOT), nor does it apply to piping systems. 2. *Class I*: Store, Handle, or Use in Excess of 5 Gallons in a Building or in excess of 10 Gallons Outside a Building. *Exceptions:* a. Storage or Use in the Fuel Tank of a Motor Vehicle, Aircraft, Motorboat, Mobile Power Plant, or Mobile Heating Plant, Unless Such Storage, in the Opinion of the Fire Official, Would Cause an Unsafe Condition.		$195 $195

		b. Storage or Use of Paints, Oils, Varnishes, or Similar Flammable Mixtures When Such Liquids are Stored for Maintenance, Painting, or Similar Purposes for a Period of Not More Than 30 Days. 3. *Class II or IIIA*: Store, Handle or Use in Excess of 25 Gallons in a Building or in Excess of 60 Gallons Outside a Building, except for Fuel oil used in conjunction with oil burning equipment. 4. To remove Class I or Class II liquids from an underground storage tank used for fuel fueling motor vehicles by any means other than the approved, stationary, on-site pumps normally used for dispensing purposes 5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used. 6. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.		
29	5701.4	*Flammable/Combustible Liquid Tank. An operational permit is required for the following:* *a. Underground Storage, with or without dispensing equipment.* *b. Above-ground Storage, with or without dispensing equipment.* *c. Bulk Storage Facility - in Excess of 100,000 Gallons.* *d. Installation, Above ground or Underground Tank (90 Day Permit).* *e. Alter or Relocate an Existing Tank (90 Day Permit)* *f. Place Temporarily Out of Service.* *g. Underground Abandonment (90 Day Permit)* *h. Underground Removal (Commercial - 90 Day Permit)* *i. Underground Removal (Residential - 90 Day Permit)* *j. Above-ground Removal (Commercial - 90 Day Permit).* *k. Above-ground Removal (Residential - 90 Day Permit)* *l. Install Product Lines/Dispensing Equipment (90 Day Permit)* *m. Manufacture, Process, Blend, or Refine* *Note:* Installation permits are based on the fee Table in Appendix Q of Chapter 61 of the Code of the County of Fairfax.	 $195 $195 $195 $195 $195 $195 $195 $195 $195 $195 $195 $195	
30	2401.3	*Floor finishing*: An operational permit is required for floor finishing or surfacing exceeding 350 square feet using class I or class II liquids (30-day permit).	$104	
31	2501.2	*Fruit or crop-ripening*: An operational permit is required to operate a fruit or crop ripening facility or conduct a fruit-ripening process using ethylene gas.	$195	
32	2601.2	*Fumigation, thermal insecticidal and fogging*: An operational permit is required to operate a business of fumigation, thermal or insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used. (15 day permit).	$195	
33	5001.5	*Hazardous Materials.* An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts shown below:		
34		*Combustible Liquids*: refer to flammable and combustible liquids		

35		*Corrosive Gases*: refer to Compressed Gases		
36	5401.2	*Corrosive Liquids*: greater than 55 Gallons	$195	
37	5401.2	*Corrosive Solids*: greater than 1000 Pounds	$195	
38		*Explosives*: refer to Explosive Materials		
39		*Flammable Gasses*: refer to Compressed Gases		
40		*Flammable Liquids*: refer to Flammable and Combustible Liquids		
41	5901.2	*Flammable Solids*: greater than 100 Pounds	$195	
42		*Highly Toxic Gases*: refer to Compressed Gases		
43	6001.2	*Highly Toxic Liquids*: any amount	$195	
44	6001.2	*Highly Toxic Solids*: any amount	$195	
45		*Oxidizing Gases*: refer to Compressed Gases		
46	6301.2	*Oxidizing Liquids:* a. Class 4: any amount b. Class 3: greater than 1 gallon. c. Class 2: greater than 10 gallons. d. Class 1: greater than 55 gallons.	 $195 $195 $195 $195	
47	6301.2	*Oxidizing Solids:* a. Class 4: any amount b. Class 3: greater than 10 pounds. c. Class 2: greater than 100 pounds. d. Class 1: greater than 500 pounds.	 $195 $195 $195 $195	
48	6201.2	*Organic Peroxides, Liquid* a. Class I: any amount. b. Class II: any amount. c. Class III: greater than 1 gallon. d. Class IV: greater than 2 gallons. e. Class V: no permit required.	 $195 $195 $195 $195	
49	6201.2	*Organic Peroxides, Solids:* a. Class I: any amount. b. Class II: any amount. c. Class III: greater than 10 pounds. d. Class IV: greater than 20 pounds. e. Class V: no permit required.	 $195 $195 $195 $195	
50	6401.2	*Pyrophoric Material:* a. Gas: any amount. b. Liquid: any amount. c. Solid: any amount.	 $195 $195 $195	
51	6001.2	*Toxic Materials:* a. Gases: refer to compressed gases. b. Liquids: 10 gallons. c. Solids: 100 pounds.	 $195 $195 $195	

52	6601.2	*Unstable (Reactive) Materials:* Liquids: a. Class 1: greater than 10 gallons. b. Class 2: greater than 5 gallons. c. Class 3: any amount. d. Class 4: any amount. *Solids:* a. Class 1: greater than 100 pounds. b. Class 2: greater than 50 pounds. c. Class 3: any amount. d. Class 4: any amount.	 $195 $195 $195 $195 $195 $195 $195 $195	
53	6701.2	*Water-reactive Solids and Liquids:* Liquids: a. Class 1: greater than 55 gallons. b. Class 2: greater than 5 gallons. c. Class 3: greater than any amount. Solids: a. Class 1: greater than 500 pounds. b. Class 2: greater than 50 pounds. c. Class 3: any amount.	 $195 $195 $195 $195 $195 $195	
54	5001.5	*Hazardous Production Facilities (HPM*): An operational permit is required to store, handle or use hazardous production materials.	$195	
55	3201.2	*High Piled Storage*. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet.	$195	
56	3501.2	*Welding and other Hot Work*: Public Exhibitions and Demonstrations (Each Exhibitor/Demo – Permit is valid for up to 10 days per event, but not past event date.)	$104	
57	3501.2	*Welding and other Hot Work*: An operational permit is required for: a. Small Scale Hot Work. b. Fixed-Site Hot Work Equipment (Example: Welding Booth). c. Cutting or Welding, All Locations. d. Open Flame Device Roofing Operation, *to include Rubberized Asphalt Melter Operations* (Each Site/Location - 90 Day permit). e. Torch or Open-Flame Operations other than Roofing (Each Site/Location - 30 Day permit).	 $195 $195 $195 $195 $104	
58	3001.2	*Industrial Ovens*: An operational permit is required for operation of industrial ovens regulated by Chapter 30.	$195	
59	2801.2	*Lumber Yards and Agro-Industrial Solid Biomass and Woodworking Plants*. Storage or Processing of Lumber Exceeding 100,000 Board Feet (8,333 ft^3) (236 m^3).	$195	
60	109.3.1	*Live/Work Units*: An operational permit is required for each Live/Work Unit that does not function solely as a dwelling unit.	$195	
61	6101.2	*LP-Gas*: An operational permit is required for storage or use of LP-gas, (inside or outside any structure).	$195	
62	6101.2	*LP-Gas:* An operational permit is required for storage and/or use outside, portable installation, per event, more than 10 gallons aggregate (30 day permit). *Exception*: Single-and two-family dwellings.	$104	

63	6106.5 6109.16	*LP-Gas*: An operational permit is required for: a. Dispensing and Cylinder Refill Location. b. Retail cylinder exchange location. *c.* Automated cylinder exchange location.	 $195 $195 $195	
64	315.2	*Miscellaneous Combustible Storage*: Storage inside any building or upon any premises in excess of 2500 cubic feet.	$195	
65	319.2	*Mobile food preparation vehicle*: A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease laden vapors.	$195	
66	307.2	*Open Burning:* An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground, as follows: a. Bonfire (10 Day Permit) *b.* Silvicultural / Controlled Burning (90 Day Permit)	 $195 $195	
67	301.2	*Open Flame and Candles.* An operational permit is required to use open flames or candles in connection with assembly areas, educational use, dining areas of restaurants or drinking establishments. a. Public meetings or gatherings in assembly or educational use (Each Event - Permit is valid for up to 60 days, but not past event date. b. Assembly areas or dining areas of restaurants or drinking establishments.	 $104 $195	
68	2901.2	*Organic Coatings:* An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon in one day.	$195	
69	323.4	*Powered Micromobility Devices*	$195	
70	107.2	*Private Fire Hydrant* - An operational permit is required for the removal from service, use or operation of private fire hydrants.	$195	
71	3901.3	*Processing and Extraction Facilities*	$195	
72	5601.2	*Pyrotechnics and Fireworks:* An operational permit is required for Outdoor Fireworks Display (Aerial Audience) (One day Permit)	$936	
73	5601.2	*Pyrotechnics and Fireworks*. An operational permit is required for Retail Sales (inside mercantile establishment) of Permissible Fireworks - Any Amount (45 day permit).	$936	
74	5601.2	*Pyrotechnics and Fireworks*. An operational permit is required for Wholesale Sales of Permissible Fireworks - Any Amount (21 day permit. With a minor site plan, up to 45 day permit).	$936	
75	6501.2	*Pyroxylin Plastic*: Storage or handling, more than 25 pounds of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastic.	$195	
76	608.2	*Refrigeration Equipment:* An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	$195	
77	2301.2	*Repair garages and service stations*: An operational permit is required for operation of repair garages and automotive, marine and fleet service station.	$195	
78	2001.3	*Rooftop Heliports*: An operational permit is required to operate a rooftop heliport.	$195	
79	1205	*Solar photovoltaic power systems.* An operational permit is required for the installation and operation of a solar photovoltaic power system.	$195	

80	2401.3	*Spraying or dipping operations:* An operational permit is required for the following: a. Flammable/Combustible Liquid Spray Finishing Operation b. Flammable/Combustible Liquid Dip Tank Operation. c. Application of Combustible Powders/Spray/Fluidized. d. Organic Peroxides and Dual-component coatings. e. Spraying or dipping, all locations (permit/no inspection)	 $195 $195 $195 $195	
81	5001.5	*Swimming Pool Operation:* The operation of a public or community pool requires an operational permit.	$195	
82	3103.4	*Temporary membrane structures and tents,* (Permit is valid for up to 6 months, but not past event date.) *Exceptions:* 1. Tents used exclusively for recreational camping purposes. 2. Tents and air-supported structures that cover an area of 900 square feet or less, including all connecting areas or spaces with a common means of egress and with an occupant load of less than 50 persons.	$195	
83	3105.3	*Temporary Special Event Structures (Stage Canopies)*	$195	
84	3401.2	*Tire-rebuilding Plants*: An operational permit is required for the operation and maintenance of a tire-rebuilding plant.	$195	
85	3401.2	*Tire Storage (scrap tires and tire byproducts)*: An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet of total volume of scrap tires and for indoor storage of tires and tire byproducts.	$195	
86	107.2	*Waste Handling*: An operational permit is required for the operation of wrecking yards, junk yards and waste material handling facilities.	$195	
87	2801.2	*Wood Products*: An operational permit is required to store chips, hogged material, lumber, or plywood in excess of 200 cubic feet.	$195	
Note: All permit fees are per line item that applies				
Section 2 - Plan Review Fees				
88	3201.4	*Fire Safety and Evacuation Plan Review for High-Piled Combustible Storage Areas in Excess of 500 Square Feet.*		$208
89	3201.3	*High-piled Combustible Storage Plan Review*		$208
90	2803.7	*Lumber Yard/Agro-Industrial/Biomass Facility Plan Review*		$208
91	6109	*Site and Installation Plan Review for Storage of Portable LP-Gas Containers Awaiting Use or Resale*		$208
92	5001.5.1	*Hazard Communication*: Hazardous Material Management Plan Review		$208
93	5001.6.3	*Hazardous Material Facility Closure Plan Review*		$208
94	5001	*Hazardous materials facility emergency response plan, above the threshold planning quantity of extremely hazardous substances.*	$133	
95	5001	*Tier II submissions, per chemical, to a maximum of $200.*	$33	
Section 3 - Inspection and Testing Fees				
96	107.10	*State Regulated Care Facility Inspections* (each inspection).		$33
97	107.10	*Certificate of Occupancy Inspections* (Towns of Vienna and Herndon).		$208
98	107.10	*Fire Prevention Permit Inspections, Follow-ups, Performance Testing, and Re- inspections.*		$208

99	107.10	*Fire Code Inspection* (Not Otherwise Specified), (i.e., Pre-Occupancy Punch List - Each Inspector).		$208
100	901.6.3.1	*Testing and Reinspection of Existing Fire Protection Systems* (Each Inspector).		$208
101	901.12	*Unwanted or Nuisance Fire Alarm Inspections, Follow-ups, and Re-inspections.*		$208

{FOR REFERENCE ONLY: Updated code section numbers, updated fees due as of July 1, 2025 per prior Board Resolution of April 16, 2024 added new permits and fees to table.}

107.4.1 Duration of permit. Permits shall remain in effect for 12 months from the date issued unless otherwise specified by Table 107.2 or unless suspended or revoked in accordance with this Code.

{FOR REFERENCE ONLY: Deleted language "Add Subsection as follow: 107.4.1 Duration of Permit".}

108.4 Revocation. The fire official is authorized to revoke an operational permit issued under the provisions of this Code upon a finding of any of the following, whether found by inspection or otherwise: that there has been a false statement, misrepresentation, or other intervening act by the applicant as to the material facts in the application or documents on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than listed on the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. Inclusion of any false statements or misrepresentation as to a material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the person or firm for which it was issued.
6. The permittee failed, refused, or neglected to comply with orders or notices duly served in accordance with the provisions of this code or any other code or county ordinance within the time provided herein.
7. The permit was issued in error or in violation of an ordinance, a regulation, or this code.
8. The Certificate of Occupancy and/or Use Permit has been revoked or suspended.
9. The building has been deemed unsafe, uninhabitable, or presents a hazardous condition to occupants.

{FOR REFERENCE ONLY: Deleted language "Add Subsection as follow: 108.4 Revocation".}

109.4 Approvals. Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this Code or of other ordinances of the jurisdiction shall not be valid.

{FOR REFERENCE ONLY: Deleted language "Add Subsection as follows: 109.4 Approvals".}

109.5 Follow-up inspections resulting from noncompliance. Where follow-up inspections are required as a result of noncompliance with this Code, fees shall be assessed as listed under Table 107.2.

{FOR REFERENCE ONLY: Deleted language "Add Subsection as follows: **109.5 Follow-up inspections resulting from noncompliance**."}

109.6 Inspections performed outside business hours. Inspections may be performed outside business hours at the sole discretion of the fire official. Fees for these inspections shall be assessed at twice the rate listed under

Table 107.2. Fees shall be assessed in 30-minute increments.

{FOR REFERENCE ONLY: Deleted language "Add Subsection as follows: **109.6 Inspections performed outside business hours.**"}

110.5.1 Imminent threat to human health or safety or to property. If the fire official shall adjudge that the violation creates an imminent threat to human health or safety or to property, the fire official may restrain, correct, or abate such violation and institute appropriate legal proceedings to collect the full cost of such response from the owner and the tenant or other person in control of the premises.

{FOR REFERENCE ONLY: Section added to address safety concerns. Deleted phrase "Add Subsection as follows: **110.5.1 Imminent threat to human health or safety or to property.**"}

112.1.1 Fairfax County Board of Fire Prevention Code Appeals. The Fairfax County Board of Building Code and Fire Prevention Code Appeals is the Local Board of Fire Prevention Code Appeals (BFPCA) for Fairfax County.

{FOR REFERENCE ONLY: Added wording to the board's title to clarify that the board is also responsible for the fire prevention code.}

Section 202 GENERAL DEFINITIONS

APPROVED. Approved by the County Fire Marshals Office.

APPROVED AGENCY. An established and recognized organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such organization has been approved by the fire code official.

BLAST AREA. The area of a blast, including the blast site and adjacent areas that could reasonably be expected to be within the influence of flying material, fumes, and/or concussion as a result of the blasting operation being conducted.

BLAST SITE. The area in which explosive materials are being handled and which includes all boreholes to be loaded for a blast and a distance of 50 feet in all directions, as measured from the perimeter formed by the boreholes to be loaded.

BLASTING. The process of moving, heaving, breaking, or shattering soils and rocks, or doing other work, such as the demolition of structures or research and testing, that generates seismic waves through the use of energetic materials in chemical reactions, explosions, or other detonations or deflagrations.

CARBON MONOXIDE SOURCE. A piece of commonly used equipment or permanently installed appliance, fireplace or process that produces or emits carbon monoxide gas.

CONGESTED AREA. An urban, suburban, or industrialized area in which multiple structures may be impacted by the effects of blasting operations.

ELECTRIFIED SECURITY FENCE. Any fence, other than used in an agricultural setting, that meets the following requirements:

1. The fence is powered by an electrical energizer with both of the following output characteristics:
    a. The impulse repetition rate does not exceed 1 hertz (Hz).
    b. The impulse duration does not exceed 10 milliseconds, or 10/10000 of a second.
2. The fence is used to protect and secure commercial or industrial property.

FIRE CHIEF. The head of the County Fire and Rescue Department, County of Fairfax, Virginia, also referred to as the Fire Chief or Chief of the Fire and Rescue Department, or a duly authorized representative.

FIRE MARSHAL'S OFFICE. The County Fire Marshal, and, under the authority of the Fire Marshal, the Deputy

Fire Marshal and members of the Fire Marshal's staff, also referred to as the Fire Prevention Division, fire code official, or the fire official.

FLYROCK. Any dirt, mud, stone, fragmented rock, or other material that is displaced from the blast area in an uncontrolled or unplanned manner by the effects of a blast.

HYBRID FIRE-EXTINGUISHING SYSTEM. A system that utilizes a combination of atomized water and inert gas to extinguish fire.

INFLATABLE AMUSEMENT DEVICE. A device made of flexible fabric or other combustible materials that is inflated by one or more air blowers providing internal air pressure to maintain its shape. Such devices are typically designed for recreational activities that allow occupants to bounce, climb, slide, negotiate an obstacle course or participate in interactive play.

LABORATORY. A facility that provides controlled conditions in which scientific research, experiments, and measurements may be performed.

LEGAL OFFICER. Add as follows. LEGAL OFFICER. County Attorney or the Commonwealth's Attorney for the County of Fairfax.

MISFIRE. Any explosive material, explosive charge, blast, or portion thereof which failed to function as intended.

OCCUPANT. Any person physically located or situated in or on any property, structure, space, or vehicle irrespective of the length of time or the reason for such occupancy.

POWERED MICROMOBILITY DEVICES. Motorized bicycles, motorized scooters and other personal mobility devices powered by a lithium ion or lithium metal battery. The term does not include motor vehicles that are required to be registered with the Virginia Department of Motor Vehicles.

RETAILER. Any persons selling fireworks or explosive materials and/or offering fireworks or explosive materials for retail sale.

RUBBERIZED ASPHALT MELTER (MELTER). Portable equipment used for the heating of rubberized asphalt material. The term applies only if both the material being heated is a mix of asphalt and inert material and when an indirect method of heating is used. An indirect method of heating refers to a fully enclosed double-shell oil or air system that transfers heat from a burner(s) or electric heating element(s) to the oil or air jacket around the outside of a material vat which then heats the rubberized asphalt material. Melters can be fueled by means of diesel or electric means. Melters are not considered asphalt (tar) kettles or pots as addressed in Section 303.

TEMPORARY STORAGE (OF EXPLOSIVES). Storage of explosive materials for not more than 24 hours.

WHOLESALER. A person, firm, or corporation offering explosive materials for sale or explosive materials to a retailer. Such term also includes a manufacturer of explosive materials, a representative of any such manufacturer, a distributor, a jobber, or a middleman of any description dealing in explosive materials, any of whom shall sell or offer to sell explosive materials to a retailer within the County.

{FOR REFERENCE ONLY: Added new definitions for “approved”, “approved agency”, “blast area”, “flyrock”, “hybrid fire-extinguishing system”, “inflatable amusement device”, “laboratory”, “misfire”, “powered micromobility devices,” “retailer”, “temporary storage (of explosives)”, and “wholesaler.” Some existing definitions from previous code edition did not change.}

301.2 Permits. Permits shall be required as set forth in Sections 107 and 108 for the activities or uses regulated by Sections 306, 307, 308, 315, and 319.

304.2.1 Handling readily combustible materials. No person producing, using, storing, or having charge of, or under their control, any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or other combustible waste material, shall neither fail nor neglect, at the close of each day, to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal, metal-lined, or approved noncombustible and covered, receptacles or bins. Baling equipment deemed suitable by the fire official shall be installed in stores, apartment buildings, factories, and other buildings where accumulations of paper and waste materials are not removed at least every day.

305.4.1 Mischievous fire play. It shall be unlawful for any person to ignite or use fire or other ignition sources in a deliberate, negligent, or unlawful manner for the purpose of impulsive or mischievous play or reckless

experimentation.

307.2 Permit required. If under the requirements of the Commonwealth of Virginia or the County of Fairfax Air Pollution Control Chapter, a bonfire or controlled burning is allowed, a permit for each such fire shall be obtained from the fire official, in accordance with Section 107.2, prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Exceptions:

1. Recreational fires.
2. Fire set for the training of firefighters under the direction of the Chief of the Fire Department.
3. Fire set by a public health or safety officer where a health or fire hazard cannot be abated by any other means.

{FOR REFERENCE ONLY: 307.4.4 Outdoor solid fuel burning device is deleted as topic is covered in previous code section. That code section read: *307.4.4 Outdoor solid fuel burning devices.* Add Subsection as follows: *307.4.4 Outdoor solid fuel burning devices.* Outdoor fireplaces, fire pits, chimineas, and other similar portable devices designed for outdoor use shall not be operated or stored on a balcony or deck of any structure or within 15 feet of combustible construction or a residential occupancy.}

307.5.1 Endangering other property. No person shall kindle, authorize to be kindled, or maintain any permitted fire in such a manner that will endanger the property of another.

{FOR REFERENCE ONLY: Section 307.6 Negligence is deleted as the topic is covered in a previous code section. That code section read: *307.6 Negligence*. Add Subsection as follows: *307.6 Negligence*. If any person shall carelessly or negligently set fire to, burn or cause to be burned any property, either real or personal, whether the property be his or that of another, he shall be subject to the penalties set forth in Section 62-1-1 of this Code.}

308.1.3 Torches for removing paint, sweating pipe joints, or roofing operations. Persons utilizing a torch or other flame-producing device for removing paint from a structure, sweating pipe joints, or roofing operations, shall provide a minimum of one portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two portable fire extinguishers, each with a minimum 2-A rating, or a water hose connected to the water supply on the premises where such burning is done. Combustible material in close proximity to the work shall be protected against ignition by shielding, wetting, or other approved means. The person doing the burning shall remain on the premises 1 hour after the torch or flame-producing device is utilized.

308.1.3.1 Permit. A permit in accordance with Section 107 and 108 shall be secured from the fire official prior to the utilization of a torch or flame-producing device in or on any building or structure.

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices fueled by combustible or flammable gases, liquids, and solids shall not be operated or stored on a balcony or deck of any structure or within 15 feet of combustible construction or residential occupancy.

Exceptions:

1. Detached one- and two-family dwellings and townhouses.
2. Cooking devices using electricity as a heating source and listed by a recognized testing authority.
3. All cooking devices as allowed under the building code.

{FOR REFERENCE ONLY: Adds exception to cover devices allowed under the building code.}

308.1.4.1 Notification of tenants. The management of multi-family residential occupancies which have balconies, decks, or patios shall notify their tenants in writing of the prohibitions outlined in section 308.1.4 of this Code when the tenant or occupant initially occupies the building and periodically thereafter as may be necessary to ensure compliance.

308.3 Group A occupancies. Open-flame devices shall not be used in a Group A occupancy.

Exceptions:

1. Open-flame devices are allowed to be used in the following situations, provided approved precautions are taken to prevent ignition of a combustible material or injury to occupants:
   - 1.1 Where necessary for ceremonial or religious purposes in accordance with Section 308.1.7.
   - 1.2. On stages and platforms as a necessary part of a performance in accordance with Section 308.3.2.
   - 1.3 Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected.
   - 1.4 Where used in an approved manner to maintain the temperature of prepared food items, on a table used only to serve food.
2. Heat-producing equipment complying with Chapter 6 and the applicable building code.
3. Gas lights are allowed to be used provided adequate precautions satisfactory to the fire code official are taken to prevent ignition of combustible materials.

{FOR REFERENCE ONLY: Corrected numbering for the Exception 1.}

SECTION 322 RUBBERIZED ASPHALT MELTERS FOR ROOF DECK SYSTEMS

322.1 General. The provisions of this section shall apply to any type of fully enclosed chassis-mounted or portable rubberized asphalt melter using indirect heating of a mix of asphalt and inert material for application on roof decks. There shall be no direct burner or flame impingement on the material vat with indirect heating. Temperature rise in the material vat is gradual and controlled.

322.2 Permits. Permits shall be required in accordance with Section 107.2 and Chapter 35.

322.2.1 Torches. Any use of torches or burners shall require a separate permit in accordance with Chapter 35.

322.3 Location. The melter shall be located and operated in a controlled area. The area shall be as designated by the fire code official and identified by the use of traffic cones, barriers, and other suitable means. Where rubberized asphalt melters are staged and operated on roof decks, the design load of the roof deck shall be capable of supporting the weight of the rubberized asphalt melter where loaded to capacity with rubberized asphalt material. The design load of the roof deck shall be as determined on building drawings or by a design professional as approved by the fire code official. Rubberized asphalt melters shall be chocked in place on the roof deck at locations identified by the design professional and as approved by the fire code official. Rubberized asphalt

cakes for use in rubberized asphalt melters shall be located on the roof at a location agreed upon by the applicant and the fire code official.

322.3.1 Buildings. Rubberized asphalt melters shall not be located inside buildings.

322.3.2 Air intakes. Air intakes into the building in the area of work shall be identified and shut off and an alternate supply of outdoor air into the building shall be coordinated, such as by temporarily covering air intakes to make them smoke and odor proof.

322.3.3 Exits. Rubberized asphalt melters shall not be located within 20 feet of any exit or combustible material. Rubberized asphalt melters shall not block any means of egress.

322.3.4 Combustible materials. Combustible materials on the roof deck shall be protected in accordance with Section 3504.

322.4 Fire Extinguishers. Not less than two approved 4-A:40-B:C fire extinguishers complying with Section 906 shall be provided and maintained within 25 ft. of the rubberized asphalt melter. A minimum of one approved 4-A:40-B:C fire extinguisher shall be provided in close proximity to the roofing material application. Each employee shall be instructed on the proper use of fire extinguishers and in the event of a fire to turn off all rubberized asphalt melter power supply, engines, and burners. Employees shall notify the fire department.

322.5 Attendant Supervision. An operating rubberized asphalt melter shall be attended by an employee who is knowledgeable and solely dedicated to the operation of the equipment and associated hazards. The employee shall always be within sight of the melter. The employee shall remain in the area of the melter for a minimum of one hour after the device is shut down in compliance with Section 3504.2.

322.6 Minimum Melter Design Requirements. A Rubberized asphalt melter shall be operated as a complete unit as designed and built by the manufacturer. Field changes that override controls or safety features are prohibited. Material vats shall be a permanent integral part of the rubberized asphalt melter unit. The rubberized asphalt melter chassis shall be substantially constructed and capable of carrying the load imposed upon it whether it is standing still or being transported.

322.6.1 Lids. Rubberized asphalt melter shall have lids permanently attached. The lids shall be kept closed at all times, except to add rubberized asphalt membrane cakes to the rubberized asphalt melter. Loading doors shall be designed as a safety door integral to the roofing material tank and shall be provided with handles that allow rubberized asphalt cakes to be lowered into the tank without operator exposure to the vat material.

322.7 Melter Operation. Rubberized asphalt melters shall be operated according to manufacturer instructions. Rubberized asphalt melters shall operate using integral control systems that include shut off controls for the electric or diesel-fired burner, temperature controls for the oil or air system, and the material vat. Where a diesel burner is utilized, it shall fire into a burner flue assembly for the oil or air jacketed shell for uniform heat transfer to the material vat. There shall be no open flame devices on rubberized asphalt melters. All rubberized asphalt melters shall have an approved, working visible temperature gauge(s) that indicates the temperature of the rubberized material being heated and, in the case of oil jacketed rubberized asphalt melters, the temperature of the heat transfer oil heating the material vat. The rubberized asphalt melter shall have limit switches that prevent the material vat from heating beyond 400 degrees F.

322.8 Fuel System and containers. Fuel containers for diesel-powered melters shall be constructed and approved for the use for which they were designed. Rubberized asphalt melter fuel tanks shall be attached to the frame of the melter. Portable fuel tanks shall not be utilized to power rubberized asphalt melters. Diesel tanks and engines integral to rubberized asphalt melters shall be maintained in accordance with manufacturer instructions.

322.8.1 Refueling. Refueling of diesel tanks shall be performed when the rubberized asphalt melter is off. A refueling and spill prevention plan approved by the fire code official shall be utilized. Refueling shall be conducted using approved safety cans. No open flames shall be present within 20 feet of the refueling operation.

322.9 Maintenance. Rubberized asphalt melters and integral working parts shall be in good working condition and shall be maintained free of excessive residue.

322.10 Transporting. Rubberized asphalt melters shall not be transported over a highway, road, or street

when the heat source for the melter is operating.

{FOR REFERENCE ONLY: Section numbers revised to reflect new section number 322 (from previous 320) due to SFPC adding new sections and numbers.}

SECTION 323 POWERED MICROMOBILITY DEVICES

323.1 General.

Lithium-ion and lithium metal battery powered micromobility devices shall be operated and maintained in accordance with this section.

Exceptions:

1. Storage, repair and charging in residential occupancies of powered mobility devices, provided that such devices are for personal use by its owner.

2. Charging of a single powered mobility device in any occupancy by its owner.

323.1.1 Prohibited locations.

The use of a residential occupancy as a business for the charging of commercially owned powered micromobility devices as part of a rental or sales service shall not be permitted.

323.2 Battery chargers and equipment.

Powered micromobility devices shall be charged in accordance with their listing and the manufacturer's instructions using only the original equipment manufacturer-supplied charging equipment or charging equipment in accordance with the listing and manufacturer's instructions.

323.3 Listing.

Powered micromobility devices shall be listed and labeled in accordance with UL 2272 or UL 2849, as applicable.

323.4 Battery charging areas.

Where approved, powered micromobility devices shall permitted to be charged in a room or area that complies with all of the following:

1. Only listed devices utilizing listed charging equipment shall be permitted to be charged.

2. Is provided with sufficient electrical receptacles to allow the charging equipment for each device to be directly connected to a receptacle. Extension cords and relocatable power taps shall not be used.

3. Storage of combustible materials, combustible waste or hazardous materials shall not be permitted.

4. The charging operation shall not be conducted in or obstruct any required means of egress.

5. Removable storage batteries shall not be stacked or charged in an enclosed cabinet unless the cabinet is specially designed and approved for such purpose.

6. A minimum distance of 18 inches (457.2 mm) shall be maintained between each removable storage battery during charging operations unless each battery is isolated from neighboring batteries by an approved fire-resistant material.

7. A minimum of 18 inches (457.2 mm) shall be maintained between the location of the battery on each powered micromobility device during charging operations.

322.5 Fire safety plan.

A fire safety plan shall be provided in accordance with Section 403.10.6. In addition, the fire safety plan shall include emergency response actions to be taken upon detection of a fire or possible fire involving lithium-ion or lithium metal battery storage.

{FOR REFERENCE ONLY: Added Section 323 Powered Micromobility Devices based on Section 322 of the 2024 International Fire Prevention Code addressing the storage and charging of these devices. The Fire Marshal proposes adding these amendments in anticipation that these amendments will be adopted as part of the 2024 SFPC amendment which would occur in 2027.}

401.9 Promulgation of fire safety instructions. The fire official shall issue regulations which require the owner, lessor, or management agent of buildings to post signs where, in the professional judgment of the fire official, such signs are deemed to be effective in minimizing the danger to persons and property in case of fire.

{FOR REFERENCE ONLY: Deleted "Add Subsection as follows: **401.9 Promulgation of fire safety instructions.**"}

401.9.1 Elevator warning signs. Elevator lobby call stations on each floor and on all elevator cars shall be marked with approved signs reading as follows: "USE STAIRWAYS IN CASE OF FIRE - DO NOT USE ELEVATOR." The requirements of this section shall apply to all buildings. Elevators installed in use group R-5 shall be exempt from the provisions of this section.

{FOR REFERENCE ONLY: Deleted "Add Subsection as follows: **401.9.1 Elevator warning signs.**"}

401.9.2 Posting of signs. It shall be unlawful for the owner of any building which is leased to another or the lessor or management agent of any such building, to fail to post the signs required by the preceding paragraphs

{FOR REFERENCE ONLY: Deleted "Add Subsection as follows: **401.9.2 Posting of signs.**"}.

{FOR REFERENCE ONLY: Extraneous Title "Chapter 5 Section 502 Definitions" removed.}

503.1. Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

Add the following exception to 503.1:

3. In communities developed with single-family dwellings and/or townhomes that were constructed prior to December 31, 1979, wherein the Fire Code Official has no site plan and/or subdivision plan depicting or identifying designated fire lanes/fire apparatus access roads for the development, the Fire Code Official may conduct an analysis to designate and/or modify the requirements of this section. Any code modification shall require a written request from the community association accompanied by a site plan depicting the dimensions and location of the subject streets relative to all dwellings, structures and points of assembly. Before granting a fire code modification request, the Fire Code Official shall evaluate the type and grade of construction, structural components, including but not limited to the exterior wall coverings, accessibility and/or obstructions throughout the subject area, available water supplies, the distance and rescue response time from a fire station, and other relevant factors. Such fire code modifications may be granted by the Fire Official only if the health, safety, and welfare of the community is not compromised.

{FOR REFERENCE ONLY: Corrected numbering in title.}

503.1.1 Buildings and Facilities. Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the buildings as measured by an

approved route around the exterior of the building or facility. The fire code official shall require fire lanes to be designated on public streets and on private property where necessary for the purpose of preventing parking in front of or adjacent to fire hydrants and fire department connections and to ensure access to buildings and structures for firefighting and rescue apparatus.

Exceptions:

1. The *fire code official* is authorized to increase the dimension of 150 feet (45,720 mm) where any of the following conditions occur:
   - 1.1 The building is equipped throughout with an approved automatic sprinkler system in accordance with the applicable NFPA13, NFPA 13R, or NFPA13D standard.
   - 1.2 Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades, or other similar conditions, and an approved alternative means of fire protection is provided.
   - 1.3 There are not more than two Group R-3, R-5, or Group U occupancies.
2. Where approved by the fire code official, fire apparatus access roads permitted to be exempted or modified for solar photovoltaic power generation facilities.

{FOR REFERENCE ONLY: “R-5” use group added pursuant to same amendment added to Statewide Fire Protection Code.}

503.2.1.1 Required markings and parking prohibitions. Required markings and parking prohibitions shall be based on the street width (curb-to-curb or paved surface) as in Table 503.2.1.1. This shall apply to both one- and two-way designated streets.

Table 503.2.1.1

Street width	Parking	Fire lane markings
< 28 feet	No parking allowed on either side	Both sides marked as fire lanes
28 to 36 feet	Parallel parking allowed on one side as determined by the fire code official	One side marked as a fire lane
> 36 feet	Parallel parking allowed on both sides	No fire lane markings required *Exception*: Required access to pools, fire department apparatus access roads, and similar areas shall be marked as fire lanes

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 100 feet in length shall be provided with an approved area for turning around fire apparatus.

503.3.1 Marking specifications. Fire lane markings shall conform to the following:

1. Sign Details
   - 1.1 Metal construction 12 inches by 18 inches.
   - 1.2 Red letters on reflective white background with 3 /8-inch red trim strip around entire outer edge of sign.
   - 1.3 Lettering on sign to read: “NO PARKING OR STANDING FIRE LANE”.
2. There shall be a ½-inch space after the line that reads "NO”, a 1-inch space after the lines that read “PARKING" and "OR", and a 1½-inch space after the line that reads "STANDING".

3. Lettering size and standard wording shall be as follows:
   - 3.1 “NO” (2 inches)
   - 3.2 “PARKING” (2 inches)
   - 3.3 “OR” (1 inch)
   - 3.4 “STANDING” (2 inches)
   - 3.5 “FIRE LANE” (2½ inches)
4. Arrow (if required) shall be 1 inch by 6 inches with a solid head 1½ inches wide by 2 inches deep.
5. Sign types.
   - 5.1 Sign type "A". Standard wording with an arrow at bottom pointing to the right. One sign mounted parallel to the line of curbing or pavement edge at the end of the painted area (see figure 503.3.1.- A).



Figure 503.3.1.- A

   - 5.2 Sign Type "C." Standard wording with an arrow at bottom pointing to the left. One sign mounted parallel to the line of curbing or pavement edge at the end of the painted area (see figure 503.3.1.- B).



Figure 503.3.1.- B

   - 5.3 Sign Type "D". Standard wording with no arrow. Two signs, back-to-back, mounted perpendicular to line of curbing or pavement edge. To be seen from either side. Located every 100 feet in long stretches of a marked, painted fire lane (see figure 503.3.1.- D).



Figure 503.3.1.- D

5.4 Posts for fire lane signs shall be metal and securely mounted. Signs shall be located and spaced as shown on the approved plans. In long stretches, the maximum distance between fire lane signs shall be 100 feet. Fire lane signs are to be mounted 7 feet above the finished grade to the bottom of the sign.

5.5 All curbs or paved spaces designated as fire lanes shall be indicated by yellow (highway grade) paint as approved by the fire code official. In areas without curbing, a 6-inch-wide yellow stripe shall be applied to the edge of the pavement. The property owner or designee shall repaint whenever the paint begins to fade or when directed by the fire code official.

{FOR REFERENCE ONLY: The amendments to this section correct the code numbering, add newly approved code language from the updated Statewide Fire Prevention Code, and updates the sign examples.}

503.3.2. Tampering. It shall be unlawful for any person to deface, injure, tamper with, remove, destroy, or impair the usefulness of any posted fire lane sign or marking installed under the provisions of this code.

{FOR REFERENCE ONLY: Corrected numbering from 503.3.3.}

503.6.1 Emergency operation for security gates and barricades. Gates and barricades that are installed across a fire apparatus access road that is normally intended for vehicular traffic shall be installed with a fire department access system which has an emergency override fire department master key switch as approved by the fire official. Gates and barricades shall be maintained operational at all times.

{FOR REFERENCE ONLY: Amended title and corrected numbering from 503.5.2 to 503.6.1.}

503.8 Carnival, fair, festival, and circus access. It shall be the responsibility of the owner, operator, or other person responsible for the establishment, erection, or operation of any carnival or circus to establish, erect, and operate such carnival or circus so that there is provided and maintained an access lane, capable of supporting fire and rescue apparatus in all weather conditions, and so arranged as to afford access to within 100 feet of all booths, tents, rides, and other equipment, buildings, and structures used as part of or in conjunction with the carnival or circus.

503.9 Pool access. Stretcher access for a 24-inch x 84-inch stretcher must be provided from the fire department vehicular access to the pool deck.

Exception: Individually owned pools located on single-family lots.

506.3 Number and labeling of required keys. In buildings with fire command centers, 15 sets of common keys shall be provided for access to building services and systems regulated by Section 601 of this Code and to all storage, trash and utility rooms, roof access doors, and doors to other secured areas. In all other buildings required to provide fire department access, 3 sets of common keys shall be provided. Individual keys shall be clearly labeled as to function and each set of keys shall be individually tagged in a manner approved by the fire official.

506.4 Height of key boxes. Required key boxes shall be installed at the primary fire department entrance, in a visible and accessible position, 42 inches to 54 inches above finished grade. For new or renovated buildings, fire department key boxes must be installed prior to occupancy.

507.5.5 Clear space around hydrants and fire department connections. A 4-foot clear space shall be maintained around each side of fire hydrants, and a 5-foot clear space shall be maintained on each side of a fire department connection, except as otherwise required or approved.

601.3 Permits. Permits shall be obtained for refrigeration systems, commercial kitchen hoods, and electrified security fences as set forth in Sections 107.2.

{FOR REFERENCE ONLY: Corrected numbering and deleted term that is listed and permitted in a different section of the code.}

Add term to list of definitions in Section 602.1 DEFINITIONS as follows:

ELECTRIFIED SECURITY FENCE

{FOR REFERENCE ONLY: The definition of “Electrified Security Fence” is relocated to Section 202 but defined word stays in Section 602.1 to conform with SFPC format.}

606.3.3.3.2 Type I hood fire protection records. Add Subsection as follows: 606.3.3.3.2 Type I hood fire protection records. The occupant shall maintain on premises a copy of all literature issued by the system manufacturers at time of installation and an approved plan of the fire protection system covering the cooking appliances. These items shall be made available to the fire code official on request.

{FOR REFERENCE ONLY: This section has been renumbered from 609.5 to 606.3.3.3.2.}

Section 611 Electrified Security Fence

611.1 General. Notwithstanding any other state, local or other legal requirements, the installation of an electrified security fence shall comply with 2006 international standards and specifications of the International Electrotechnical Commission for electric fence energizers in "International Standard IEC 60335, Part 2-76." Installation of the electrified security fence must conform to the requirements of this Code and other pertinent laws and ordinances.

611.2 Electrification. The energizer for electric fences must be driven by a commercial storage battery or batteries not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However, the solar panel may be augmented by a commercial trickle charger. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.

611.3 Perimeter fence or wall. No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet tall. There shall be a space of four (4) to twelve (12) inches between the electric fence and the perimeter fence or wall.

611.4 Height. Electric fences shall have a minimum height of 8 feet and a maximum of 10 feet.

611.5 Warning signs. Electric fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" and contain icons that are universally understood at intervals of not less than thirty feet.

610.6 Hours of activation. Electric fences must only be energized during hours when the public does not have legal access to the protected property, except when personnel are available on-site to deactivate the electric fence.

611.7 Key Box. Electric fences shall have installed a key box system in accordance with this Code.

611.7.1 Controller and key location. The electric fence controller and rapid entry key box for the electric fence must be located in a single accessible location for the entire fence.

{FOR REFERENCE ONLY: All pargraphs in this section have been renumbered from 610 to 611.}

807.5.2.4 Furniture, furnishings and displays. Furniture, furnishings, displays or other objects shall be prohibited in exit corridors serving Group E occupancies.

Exception: Furniture, furnishings, displays, and other objects shall be permitted in exit corridors when secured in place and not located in any portion of the required 72-inch exit corridor width or other required element of the means of egress. Upholstered furniture shall meet the requirements for Class I when tested in accordance with NFPA 260.

901.3. Permits. Permits shall be required as set forth in Sections 107 and 108.

901.6.4. Periodic retests. Periodic inspections and tests when required by the fire official shall be witnessed by the fire official. The fire official shall collect fees from the building owner or tenant for the witnessing of tests required under this section, based on staff hours expended witnessing these tests.

{FOR REFERENCE ONLY: Section 901.6.4 is renumbered to 901.6.4 and amended to establish the authority or the fire official to require inspections and tests. Previous section reads: *"901.6.3. Periodic retests.* Add Subsection as follows: *901.6.3 Periodic retests.* Periodic inspections and tests required [*under this chapter*] shall be witnessed by the fire official. The fire official shall collect fees from the building owner or tenant for the witnessing of tests required under this section, based on staff hours expended witnessing these tests."}

901.6.4.1. Reinspection and testing fees. Fees for witnessing the testing and reinspection of existing fire protection equipment and systems, under the authority of 901.6.4, shall be assessed as listed under Subsection 107.2. A fee, based on hours reserved, shall be assessed for inspections not cancelled with notice.

{FOR REFERENCE ONLY: This exception is amended to correct the section numbering and establish the proper code citation.}

901.12 Unwanted or Nuisance alarms. Inspection fees shall be as in Table 107.2 and 109.6. Whenever

unwanted nuisance fire alarm activations occur in any occupancy exceed three in a 90-day period, the fire official may require the owner or occupant to conduct a test of the fire protection system causing the nuisance alarm. Testing shall be in accordance with section 901.6.4.

1. For the purpose of this section, an unwanted or nuisance alarm is deemed to occur whenever the fire official or fire department officer in charge responding to a fire alarm call shall determine, after investigation, that faulty equipment initiated the alarm.
2. As soon as possible following the unwanted or nuisance alarm determination, the responding officer in charge shall cause the Office of the Fire Marshal to be notified in writing of the facts and circumstances supporting the determination that faulty fire protection equipment initiated the alarm.
3. Whenever an owner or occupant is required by this section to conduct testing of a fire protection system, the fire official shall notify the owner or occupant in writing and prescribe a certified test consistent with standard procedures and a report of such testing shall be provided to the fire official upon request.

{FOR REFERENCE ONLY: This section is amended to update the reference from 901.6.3 to 901.6.4.}

907.8.5 Posting of central station monitoring company and point of contact. The name, telephone number, and account number of the current central station monitoring company shall be posted and maintained inside the fire alarm control panel. Information for an alternate contact such as the building owner or representative shall also be posted. If the fire alarm system is not monitored, that fact shall be posted and maintained inside the fire alarm control panel, along with the building owner or representative contact information.

{FOR REFERENCE ONLY: Section number amended to 907.8.5 from 907.8.6 to correspond with similar change to Statewide Fire Protection Code.}

1201.4 Permits. Permits shall be required as set forth in Sections 107 and 108.

2001.3. Permits. For permits to operate aircraft-refueling vehicles, application of flammable or combustible finishes and hot work shall be required as set forth in Sections 107 and 108.

2006.11.5 Notification of the fire department. The fire department shall be notified of any fuel spill that is considered a hazard to people or property or which meets one or more of the following criteria:

1. Any dimension of the spill is greater than 10 feet (3048 mm).
2. The spill area is greater than 50 square feet (4.65 m^2).
3. The fuel flow is continuous in nature.
4. The procedures as set forth in section 5003.3.1 shall also be followed.

2101.2. Permits. Permits shall be required as set forth in Sections 107 and 108.

2201.2. Permits. Permits shall be required as set forth in Sections 107 and 108.

2301.2. Permits. Permits shall be required as set forth in Sections 107 and 108.

2401.3. Permits. Permits shall be required as set forth in Sections 107 and 108.

{FOR REFERENCE ONLY: Pursuant to Sections 107 and 108, Section 2401.3 is added as a permit requirement for flammable finishes.}

2501.2. Permits. Permits shall be required as set forth in Sections 107 and 108.

2601.2. Permits. Permits shall be required as set forth in Sections 107 and 108.

2701.5. Permits. Permits shall be required as set forth in Sections 107 and 108.

2801.2. Permits. Permits shall be required as set forth in Sections 107 and 108.

2901.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

3001.2. Permits. Permits shall be required as set forth in Sections 107 and 108.

{FOR REFERENCE ONLY: Section 3101.2 is deleted. That section read: **3101.2. Permits.** Delete and substitute as follows: **3101.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.}

3103.2. Approval required. Tents and temporary membrane structures having an area in excess of 900 square feet (84 square meters) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official in accordance with Table 107.2

Exceptions:

1. Tents used exclusively for recreational camping purposes.

3103.4. Permits. Permits shall be required as set forth in Sections 107 and 108.

3104.5 Fireworks. Fireworks shall not be manufactured stored, sold, displayed, or used inside or within 100 feet of tents or membrane structures.

3105.3. Permits. Permits shall be required as set forth in Sections 107 and 108.

{FOR REFERENCE ONLY: Section added to be consistent with Sections 107 and 108.}

3201.2. Permits. Permits shall be required as set forth in Sections 107 and 108.

{FOR REFERENCE ONLY: Sections 3301.1.6, 3301.1.7, 3301.1.7.1, 3301.2.4 are deleted, relocated, and renumbered to Chapter 56 Sections 5601.1.6, 5601.1.7, 5601.7.1, and 5601.2.4 to conform with SFPC format. Section 3301.1.7 is deleted as a duplicate.}

3303.2 Fire prevention program manager. The owner shall designate a person to be the fire prevention program manager who shall be responsible for the fire prevention program and ensure that it is carried out through completion of the project. The fire prevention program manager shall have the authority to enforce the provisions of this chapter and other provisions as necessary to secure the intent of this chapter. Where guard service is provided in accordance with NFPA 241, the manager shall be responsible for the guard service.

{FOR REFERENCE ONLY: This section is renumbered from 3308.2 to 3303.2 to conform with the revised Statewide Fire Prevention Code. Clarifying text is also added.}

{FOR REFERENCE ONLY: Sections 3308.2.1.1 and 3308.2.3 are relocated to Chapter 56, Sections 5608.2.1.1 and 5608.2.3 respectively, to conform with SFPC format.}

3303.2.1 Pre-fire plans. The fire prevention program manager shall develop and maintain an approved pre-fire plan in cooperation with the fire chief. The fire chief and the fire code official shall be notified of changes affecting the utilization of information contained in such pre-fire plans.

{FOR REFERENCE ONLY: This section is deleted, substituted, and renumbered to Section 3303.2.1. to correspond to the correct SFPC numbering.}

3303.6 Training. Training of responsible personnel in the use of fire protection equipment shall be the responsibility of the fire prevention program manager. Records of training shall be kept and made a part of the written plan for the fire prevention program.

3303.7 Fire protection devices. The fire prevention program manager shall determine that all fire protection equipment is maintained and serviced in accordance with this code. The quantity and type of fire protection equipment shall be approved. Fire protection equipment shall be inspected in accordance with the fire protection program.

3303.8 Hot work operations. The fire prevention program manager shall be responsible for supervising the permit system for hot work operations in accordance with Chapter 35.

{FOR REFERENCE ONLY: The previous three sections are renumbered and relocated here. They were previously numbered 3308.3, 3308.4, and 3308.5, respectively.}

3308.10 Daily fire safety inspection. The fire prevention program manager shall be responsible for completion of a daily fire safety inspection at the project site. Each day, all building and outdoor areas shall be inspected to ensure compliance with the inspection list in this section. The results of each inspection shall be documented and maintained on site until a certificate of occupancy has been issued. Documentation shall be immediately available on site for presentation to the fire code official upon request.

Failure to properly conduct, document and maintain documentation required by this section shall constitute an unlawful act in accordance with Section 110.1 and shall result in the issuance of a notice of violation in accordance with Section 110.3 to the fire prevention program manager. Upon the third offense, the fire code official is authorized to issue a stop work order in accordance with Section 112, and work shall not resume until satisfactory assurances of future compliance have been presented to and approved by the fire code official.

1. Any contractors entering the site to perform hot work each day have been instructed in hot work safety requirements in Chapter 35 and hot work is only performed in areas approved by the fire prevention manager.
2. Temporary heating equipment is maintained away from combustible materials in accordance with the equipment manufacturer's instructions.
3. Combustible debris, rubbish and waste material is removed from the building in areas where work is not being performed.
4. Temporary wiring does not have exposed conductors.
5. Flammable liquids and other hazardous materials are stored in locations that have been approved by the fire prevention manager when not involved in work that is being performed.
6. Fire apparatus access roads required by Section 3310 are maintained clear of obstructions that reduce the width of the usable roadway to less than 20 feet.
7. Fire hydrants are clearly visible from access roads and are not obstructed.
8. The location of fire department connections to standpipe and in-service sprinkler systems are clearly identifiable from the access road and such connections are not obstructed.
9. Standpipe systems are in service and continuous to the highest work floor, as specified in Section 3313.
10. Portable fire extinguishers are available in locations required by Section 3315 and 3317.3.

{FOR REFERENCE ONLY: This section is substituted and renumbered as Section 3303.3. The current section reads as follows:

3308.10 *Daily fire safety inspection*. Delete and substitute as follows: 3308.10 *Daily fire safety inspection.* The fire prevention program manager shall be responsible for completion of a daily fire safety inspection at the project site. Each day, all building and outdoor areas shall be inspected to ensure compliance with the inspection list in this section. The results of each inspection shall be documented and maintained on site until a certificate of occupancy has been issued. Documentation shall be immediately available on site for presentation to the fire code official upon request.

Failure to properly conduct, document and maintain documentation required by this section shall constitute an unlawful act in accordance with Section 110.1 and shall result in the issuance of a notice of violation in accordance with Section 110.3 to the fire prevention program manager. Upon the third offense, the fire code official is authorized to issue a stop work order in accordance with Section 112, and work shall not resume until satisfactory assurances of future compliance have been presented to and approved by the fire code official.

1. Any contractors entering the site to perform hot work each day have been instructed in hot work safety requirements in Chapter 35 and hot work is only performed in areas approved by the fire prevention manager.
2. Temporary heating equipment is maintained away from combustible materials in accordance with the equipment manufacturer's instructions.
3. Combustible debris, rubbish and waste material is removed from the building in areas where work is not being performed.
4. Temporary wiring does not have exposed conductors.
5. Flammable liquids and other hazardous materials are stored in locations that have been approved by the fire prevention manager when not involved in work that is being performed.
6. Fire apparatus access roads required by Section 3310 are maintained clear of obstructions that reduce the width of the usable roadway to less than 20 feet.
7. Fire hydrants are clearly visible from access roads and are not obstructed.
8. The location of fire department connections to standpipe and in-service sprinkler systems are clearly identifiable from the access road and such connections are not obstructed.
9. Standpipe systems are in service and continuous to the highest work floor, as specified in Section 3313.
10. Portable fire extinguishers are available in locations required by Section 3315 and 3317.3.}

{FOR REFERENCE ONLY: This section has been relocated from 3308.4 to 3303.6. The current section reads as follows:

3308.4 Training. Training of responsible personnel in the use of fire protection equipment shall be the responsibility of the fire prevention program manager. Records of training shall be kept and made a part of the written plan for the fire prevention program.}

{FOR REFERENCE ONLY: This section substitutes and renumbers this from 3308.5 to 3303.7. The current section reads as follows:

3308.5 Fire protection devices. The fire prevention program manager shall determine that all fire protection equipment is maintained and serviced in accordance with this code. The quantity and type of fire protection equipment shall be approved. Fire protection equipment shall be inspected in accordance with the fire protection program.}

{FOR REFERENCE ONLY: This section substitutes and renumbers this from 3308.6 to 3303.8. The current section reads as follows:

3308.6 Hot work operations. The fire prevention program manager shall be responsible for supervising the permit system for hot work operations in accordance with Chapter 35.}

{FOR REFERENCE ONLY: Section 3308.11 is deleted, relocated, and renumbered as Section 5608.11 to correspond with SFPC numbering.}

{FOR REFERENCE ONLY: Section 3308.11.1 is deleted, relocated, and renumbered as Section 5608.11.1 to correspond with SFPC numbering.}

{FOR REFERENCE ONLY: Section 3308.11.2 is deleted, relocated, and renumbered as Section 5608.11.2 to correspond with SFPC numbering.}

{FOR REFERENCE ONLY: Section 3308.11.3 is deleted, relocated, and renumbered as Section to Section 5608.11.3 to correspond with SFPC numbering.}

{FOR REFERENCE ONLY: Section 3308.12 is deleted, relocated, and renumbered as Section 5608.12 to correspond with SFPC numbering.}

3401.4. Permits. Permits shall be required as set forth in Sections 107 and 108.

{FOR REFERENCE ONLY: This section is renumbered to conform with the updated SFPC.}

3501.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

{FOR REFERENCE ONLY: This section is added to be conform with the updated SFPC.}

3701.3 Permits. Permits shall be required as set forth in Sections 107 and 108.

{FOR REFERENCE ONLY: This section is added to conform to the SFPC permitting requirements.}

3901.3 Permits. Permits shall be required as set forth in Sections 107 and 108.

{FOR REFERENCE ONLY: This section is added to conform to the SFPC permitting requirements.}

5001.5.2 Hazardous Materials Inventory Statement (HMIS). Where required by the fire code official, an application for a permit shall include an HMIS, such as Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III, Tier II Report or other approved statement. The HMIS shall include the following information:

1. Product name.
2. Component.
3. Chemical Abstract Service (CAS) number.
4. Location where stored or used.
5. Container size.
6. Hazard classification.
7. Amount in storage.
8. Amount in use-closed systems.
9. Amount in use-open systems.

The HMIS shall be maintained onsite or readily available through another means where approved by the fire code official for use by emergency responders and shall be updated not less than annually.

5601.1 Scope. The provisions of this chapter shall govern the possession, manufacture, transportation, storage, handling, sale and use of explosives, explosive materials, fireworks and small arms ammunition.

Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition where packaged in accordance with DOT packaging requirements.
4. The possession, storage, and use of not more than 15 pounds (6.81 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and any amount of small arms primers for hand loading of small arms ammunition for personal consumption.
5. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
6. Special industrial explosive devices that in the aggregate contain less than 50 pounds (23 kg) of explosive materials.
7. The possession, storage and use of blank industrial-power load cartridges where packaged in accordance with DOTn packaging regulations.
8. Transportation in accordance with DOTn 49 CFR Parts 100—185.
9. Items preempted by federal regulations.
10. The storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1 of the Code of Virginia.
11. The display of small arms primers in Group M when in the original manufacturer's packaging.
12. The possession, storage and use of not more than 50 pounds (23 kg) of commercially manufactured sporting black powder, 100 pounds (45 kg) of smokeless powder, and small arms primers for hand loading of small arms ammunition for personal consumption in Group R-3 or R-5, or 200 pounds (91 kg) of smokeless powder when stored in the manufacturer's original containers in detached Group U structures at least 10 feet (3048 mm) from inhabited buildings and are accessory to Group R-3 or R-5.

5601.1.6 Manufacturing. The manufacture of explosives and blasting agents shall be prohibited. This shall not apply to hand loading of small arms ammunition for personal use when not for resale, the assembly of two component explosives for use on site, or the mixing of blasting agents for use on site.

5601.1.7 Permit required for sale of explosive materials. It shall be unlawful for any person, firm or corporation, wholesaler or retailer to sell, offer for sale or expose for sale any explosive materials within the county without a permit from the Fire Marshal's Office. Such permit shall be issued only after the applicant files with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least $5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, their agents or employees in connection with the activities authorized by the permit. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit, and remains continuously in effect until such activities are completed.

{FOR REFERENCE ONLY: This section is amended to clarify the language. In the the third full sentence, the section "of the applicant, his agents, or his employees in connection with" is amended to "of the applicants, their agents, or their employees".}

5601.1.7.1 Storage & Handling in Sales of Explosive Materials. Except where approved in 5604.1, the storage of explosive materials within the county in support of wholesale or retail sales is prohibited. Except where approved in *5604.1*, it shall be unlawful for any person, firm or corporation, wholesaler or retailer to package, ship, transfer, or otherwise handle explosive materials in the county without a permit from the Fire Marshal's Office.

5601.2.4 Insurance required for blasting. Before a permit is issued for the storage, transportation, disposal, or use of explosives or blasting agents, the applicant shall file with the Office of the Fire Marshal a certificate of insurance which shows that the applicant has liability insurance in the amount of at least $5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, their agents, or employees in connection with the storage, transportation, disposal, or use of explosives or blasting agents. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the operations or activities authorized by the permit and remains continuously in effect until such operations or activities are completed.

{FOR REFERENCE ONLY: This section is amended to eliminate redundant words. In the the third full sentence, the section "of the applicant, his agents, or his employees" is amended to "of the applicants, their agents, or their employees". Also, the phrase "Delete and Add Subsection as follows: **5601.2.4 Insurance required for blasting.**" Is deleted from the start of the section.}

5601.7. Seizure. The fire official is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials, or fireworks offered or exposed for sale, stored, possessed, or used in violation of this chapter.

{FOR REFERENCE ONLY: The definitions for "approved", "approved agency", "blast area", "flyrock", "hybrid fire-extinguishing system", "inflatable amusement device", "laboratory", "misfire", "powered micromobility devices," "retailer", "temporary storage (of explosives)", and "wholesaler" definitions have been moved to Section 202 to follow the SFPC format for definitions.}

5603.1 General. Records of the receipt, handling, use, sale or disposal of explosive materials, and reports of any accidents, thefts or unauthorized activities involving explosive materials shall conform to the requirements of this section.

5603.2 Transaction record. The permittee shall maintain a record of all transactions involving receipt, removal, use, sale or disposal of explosive materials. Such records shall be maintained for a period of 5 years.

Exception: Where only Division 1.4G (consumer fireworks) are handled, records need only be maintained for a period of 3 years.

5603.4.1 Accidents with no injuries or property damage. Any blasting misfires, malfunctions, or other unintended blasting related events or accidents involving the use of explosives, explosive materials, or fireworks which do not involve injuries or property damage shall be reported to the fire official immediately.

5603.8 Improper storage. If at any time Division 1.3G fireworks, explosives, or explosive materials are found not properly stored in a magazine, it shall immediately be reported to the Fairfax County Office of the Fire Marshal.

5604.1 General. Storage and transportation of explosives and explosive materials, small arms ammunition, small arms primers, propellant-actuated cartridges and smokeless propellants in magazines shall comply with the provisions of this section.

5604.1.1 Overnight Storage. The overnight storage of explosive materials, including Division 1.3G fireworks, is prohibited.

Exceptions:

1. Overnight storage approved by a special use permit issued by the Fairfax County Board of Supervisors.
2. Explosive materials used for laboratory testing purposes, up to 1 pound total in storage of which no more than ¼ pound is in use at any time, when approved by the fire code official and stored in compliance with the magazine requirements of section 5604.3.
3. Explosive materials in storage for a period of not more than 7 days for specialized blasting operations such as the demolition of structures or loading of similarly complex blasts, when approved by the fire code official. Storage for more than 7 days shall necessitate approval of the Fairfax County Board of Supervisors.
4. Wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive activated power tools in quantities involving less than 500 pounds total explosive material.
5. The temporary storage of fireworks at display sites in accordance with 5608.5 and NFPA 1123 or NFPA 1126.

{FOR REFERENCE ONLY: The change in this Section corrects a typographical error and deletes the phrase "**Add Section as follows: 5604.1.1 Overnight Storage.**"}

5604.1.1.1 Enforcement. The Fairfax County Office of the Fire Marshal shall enforce the regulations contained herein pertaining to the intra-county transportation of explosives.

{FOR REFERENCE ONLY: This section is amended to correct and follow the numbering format in the amended SFPC. It also deletes the phrase "Delete and substitute as follows: **5604.1.1.1 Enforcement.**"}

5604.1.1.2 Notification. Operators of vehicles transporting explosives in Fairfax County shall immediately notify the Fire Official upon experiencing a mechanical breakdown or being otherwise unable to move.

{FOR REFERENCE ONLY: This section is amended to correct and follow the numbering format in the amended SFPC. It also deletes the phrase "Delete and substitute as follows:- **5604.1. 12 Notification.**"}

5604.1.2 Transfer of explosive materials. The on-site delivery of explosive materials where explosives would be transferred from the delivery vehicle to an on-site vehicle shall be prohibited without the prior approval of the Fire Marshal. Approval of on-site delivery will be dependent on an inspection of the proposed transfer site. Such operations will only be approved where:

1. Transfer is from the magazine of the delivery vehicle directly to the magazine of the receiving vehicle(s).
2. All vehicles delivering and/or receiving explosive materials shall possess a valid Explosives Transport Vehicle permit.
3. The area of the transfer is barricaded and posted.
4. An appropriate guard shall be posted to ensure the safety and security of the transfer operations and prevent unauthorized persons from entering the transfer area.
5. Transfer of explosive materials will cease, and all explosive materials will be secured immediately upon entry of an unauthorized person into the transfer area.
6. Transfer shall be conducted in accordance with an approved blast plan.

{FOR REFERENCE ONLY: This section deletes the phrase "Delete and substitute as follows: ~~**3304.1.3**~~ **5604.1.2 Transfer of explosive materials**." from the beginning of the section.}

5604.2.1 Control in wholesale and retail stores. The storage or display of explosives and blasting caps in wholesale and retail stores is prohibited unless in a magazine.

{FOR REFERENCE ONLY: This section deletes the phrase "Delete and substitute as follows: ~~**3304.1.3**~~ **5604.2.1 Control in wholesale and retail stores**." from the beginning of the section.}

5604.3 Magazines. The storage of explosives and explosive materials in magazines shall comply with Table 5604.3. Explosive materials in overnight storage, regardless of quantity, shall utilize Type 1 or Type 2 magazines as approved by the fire code official. Regardless of magazine type, storage of explosives in non-sprinklered buildings is prohibited.

{FOR REFERENCE ONLY: This section is an added provision/substitution of new language/language change. The amendment also deletes the phrase "Delete and substitute as follows: 5604.3 Magazines."}

5607.3 Blasting in congested areas. When blasting is done in a congested area or in close proximity to a structure, railway or highway, or any other installation, precautions in the loading, delaying, initiation, and confinement of blasts shall be taken to minimize earth vibrations, air blast effects, and fragments from being

thrown. Sufficient burden, spacing, stemming, blasting mats, or other protective means shall be used to prevent fragments from being thrown.

{FOR REFERENCE ONLY: The amendment also deletes the phrase "Delete and substitute as follows: 5607.3 Blasting in congested areas."}

5607.3.1 Pre-blast surveys. A pre-blast survey shall be performed on each structure located within a minimum of 150 feet and any well located within a minimum of 250 feet of the blast site. Written confirmation that the pre-blast survey has been done shall be maintained by the blasting contractor. Requests for access to structures for pre-blast surveys shall be made by certified mail to the last known address of the owner(s) of any structures located within the pre-blast survey areas as defined herein. If permitted by the owner(s), said pre-blast surveys shall be conducted to determine the pre-blast conditions of these structures. A minimum of 14 days' notice shall be provided for the scheduling of the pre-blast survey. Documentation consisting of a written acknowledgement that the survey has been performed or declined by the property owner and a map depicting the above referenced 150- and 250-feet radius, shall be provided to the fire code official at the time of the Explosive Use Site Permit Inspection meeting.

{FOR REFERENCE ONLY: The amendment also deletes the phrase "Delete and substitute as follows: 5607.3.1 Pre-blast surveys."}

5607.3.2 Pre-blast notification. All structures located within a minimum of 300 feet of the blast site shall be notified of the scheduled blasting 10 days prior to blasting and no blasting shall occur until such notice has been given.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Delete and substitute as follows: 5607.3.2 Pre-blast notifications"}

5607.5 Utility notification. Whenever blasting is being conducted in the vicinity of utility lines or rights-of-way, the blaster shall notify the appropriate representatives of the utilities at least 5 business days in advance of blasting, specifying the location and intended time of such blasting. Verbal notices shall be confirmed with written notices. Blasting operations will not proceed until the owners/operators of utilities have been contacted and measures for safe control have been taken.

Exception: When approved by the fire code official the time limit shall not apply in emergency situations.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Delete and substitute as follows: 5607.5 Utility notification."}

5607.7 Nonelectric Detonator Precautions. Precautions shall be taken to prevent accidental initiation of nonelectric detonators from stray currents induced by lightning or static electricity. Blast initiation devices shall not be connected to non-electric systems until the blast area is secured, traffic is stopped if necessary, and audible warnings have been sounded.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Delete and substitute as follows: 5607.7 Nonelectric Detonator Precautions."}

5607.8 Blasting area security. Beginning at the time that explosive materials arrive on site, only authorized persons engaged in loading operations or otherwise authorized to enter the site shall be allowed at the blast site. Beginning with the time that individual loaded boreholes are connected together, only authorized persons engaged in blasting operations or otherwise authorized to enter the area shall be allowed within the blast area. No activity of any nature other than that which is required for loading holes with explosives shall be permitted within the blast area. The blast site and blast area shall be guarded or barricaded and posted. Blast area security shall be

maintained until after the post-blast inspection has been completed.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Delete and substitute as follows: 5607.8 Blasting area security."}

5607.9 Drill Holes. Holes drilled for the loading of explosive charges shall be made and loaded in accordance with NFPA 495. Loaded boreholes shall not be left unattended.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Delete and substitute as follows: 5607.9 Drill Holes."}

5607.9.1 Equipment for loading and stemming. Only equipment and machinery necessary to load boreholes shall be allowed within the blast site after the arrival of explosives. Said equipment or machinery shall not be operated over loaded boreholes or at any location where there is a potential to contact explosive materials. Equipment and machinery used to stem loaded boreholes shall not be operated within the blast site once loading operations begin.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Add Subsection as follows: 5607.9.1 Equipment for loading and stemming."}

5607.9.2 Stemming of loaded boreholes. All boreholes loaded with explosives shall be stemmed to the collar or to a point which will confine the charge. Stemming shall be a minimum of 4 feet unless otherwise approved. Stemming will be stone appropriately sized to the borehole diameter. Drill cuttings shall not be used as stemming material.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Add Subsection as follows: 5607.8 Blasting area security."}

5607.13 Firing control. No blast shall be fired until the blaster in charge has made certain that all surplus explosive materials are in a safe place in accordance with Section 5607.10, all persons and equipment are removed from the blast area or protected under approved cover, and that an adequate warning signal audible throughout the blast area has been given.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Delete and substitute as follows: 5607.3 Firing Control"}

5607.16 Blast records. A record of each blast shall be created immediately following the blast and retained for at least five years and shall be available for inspection by the fire code official. When required by the fire code official, the diameter and depth of boreholes, type and amount of explosives, and explosives per delay period shall be listed for each individual borehole and not averaged over the entire site. The record shall contain the following minimum data:

1. Name of contractor.
2. Location and time of blast.
3. Name of certified blaster in charge.
4. Type of material blasted.
5. Number of holes bored and spacing.
6. Diameter and depth of holes.
7. Type and amount of explosives.
8. Amount of explosive per delay of 8 milliseconds or greater.
9. Method of firing and type of circuit.

10. Direction and distance in feet to nearest dwelling, public building, school, church, commercial building, institutional building, or other installation.
11. Weather conditions.
12. Whether or not mats or other precautions were used.
13. Type of detonator and delay period.
14. Type and height of stemming.
15. Seismograph record when utilized.

Exception: Items 8 and 13 of this section are not applicable to restricted blasters.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Delete and substitute as follows: 5607.16 Blast Records."}

5607.17 Blasting in asbestos rock. Blasting operations conducted in rock or soils that present a hazard to public health through dust generation or other effects of drilling and blasting must be reported as such to the fire code official and the blaster-in-charge must obtain and maintain all necessary health, safety, and environmental permits or approvals.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Add Subsection as follows: 5607.17 Blasting in asbestos rock."}

5607.18 Blast effects monitoring. All blasts occurring within the County will be monitored by at least one seismograph placed in proximity to the nearest structure to the blast. The seismograph must be capable of monitoring both ground vibration and air overpressure and the blaster in charge must be able to provide the results of blast monitoring on-site immediately following the blast. Additional seismographs may be required by the fire code official as conditions at the blast warrant.

1. All seismographs will be properly calibrated by a qualified firm. Annually, calibration records shall be presented to the fire code official upon request.
2. Adequate trigger levels shall be set for the blast being conducted but at no time less sensitive than:
   a. Ground vibration: 0.05 inches per second peak particle velocity
   b. Air blast: 100 decibels
   c. Recording time: 5 seconds.
3. GPS coordinates documenting the location of each seismograph used in mineral mining will be included in the blasting records required in 5607.16.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Add Subsection as follows: 5607.18 Blast effects monitoring."}

5607.19 Detonating cord and safety fuse. The use of detonation cord in blasting and explosives operations will comply with NFPA 495 and the requirements listed in 29 CFR 1926.908(a) through (j). Safety fuse shall be used only where approved by the fire official. The use of safety fuse shall comply with the requirements listed in 29 CFR 1926.907(a) through (m).

{FOR REFERENCE ONLY: The amendment deletes the phrase "Add Subsection as follows: 5607.19 Detonating cord and safety fuse."}

5608 Fireworks Display. Change title to: Section 5608 Fireworks.

5608.1 General. Outdoor fireworks displays, use of pyrotechnics before a proximate audience and pyrotechnic special effects in motion picture, television, theatrical and group entertainment productions shall comply with Sections 5608.2 through 5608.10 and NFPA 1123 or NFPA 1126. The manufacture of fireworks is prohibited within the County. The display, sale, or discharge of fireworks shall comply with the requirements of this chapter.

5608.1.1 Unlawful activities. Except as hereinafter provided, it shall be unlawful for any person, firm, or corporation to transport, manufacture, store, possess, sell, offer for sale, expose for sale, or to buy, use, ignite, or explode any fireworks.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Add Subsection as follows: 5608.1.1 Unlawful activities"}

5608.1.1.1 Reloading. It shall be unlawful for any person, firm, or corporation to reload any mortar where shells or fireworks fail to ignite during any shoot, show or display. In the event that a shell fails to ignite in the mortar, the mortar shall be marked to indicate the presence of an unfired shell, and the mortar shall not be reloaded or reused while the misfired shell remains a hazard.

{FOR REFERENCE ONLY: This section is added to improve safety during events.}

5608.1.1.2 Cold Spark Machines. It shall be unlawful for any person, firm, or corporation to utilize cold spark machines within a structure or building.

{FOR REFERENCE ONLY: This section is added to improve safety during events.}

5608.1.2 Permissible fireworks. The provisions of *5608.1.1* shall not apply to consumer 1.4G permissible fireworks which have been approved by the Fire Marshal's Office. Such permissible fireworks shall be used only on private property with the approval of the owner. The sale or storage of any fireworks shall be prohibited on the property of another without the express written permission of the owner. The sale of fireworks to minors shall be prohibited unless the minor is accompanied by a parent or legal guardian.

{FOR REFERENCE ONLY: The amendment deletes the phrase "Add Subsection as follows: 5608.1.2 Permissible Fireworks."}

5608.2.1.1 Permit required for display of aerial fireworks. The Office of the Fire Marshal may issue permits, upon application in writing, for the display of aerial fireworks, commonly known as pyrotechnic displays, for fair associations, amusement parks, or by any organization, individual, or group of individuals; provided such display is in general accord with the applicable sections of NFPA 1123 and NFPA 1126, as listed in chapter 80 of this Code. After such permit has been issued, sales of fireworks may be made for use under such permit and the association, organization, group, or individual to which it is issued may make use of such fireworks under the terms and conditions of such permit. No permit shall be issued until the applicant files with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least $5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall become available for the payment of any damage arising from the acts or omissions of the applicant, their agents, or employees in connection with the display of aerial fireworks. The applicant shall ensure that the insurance policy is in effect at

the time of the commencement of the activities authorized by the permit and remains continuously in effect until such activities are completed.

{FOR REFERENCE ONLY: This section is amended to change the wording. This amendment also removes the phrase "Add Subsection as follows: 5608.1.2 Permit required for display of aerial fireworks."}

5608.2.3 Permit required for sale of fireworks. It shall be unlawful for any person, firm, or corporation, wholesaler, or retailer to sell, offer for sale, or expose for sale any fireworks within the county without a permit from the Fire Marshal's Office. This permit shall be valid for a maximum of 45 days. Such permit shall be issued only after the applicant files with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least $5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, his agents, or his employees in connection with the activities authorized by the permit. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit and remains continuously in effect until such activities are completed.

{FOR REFERENCE ONLY: This section is amended to establish a definite valid time period for a fireworks permit. The amendment deletes the phrase "Add Subsection as follows: 5608.2.1.1 Permit required for the sale of fireworks."]

5608.10 Retail display and sale. In addition to the restrictions set forth in section, 5601.2.2, retail sales of permissible fireworks shall only be conducted from approved, fixed locations. Such locations shall comply with all Fairfax County rules and regulations applicable to such sites. The sale or storage of any fireworks shall be prohibited on the property of another without the express written permission of the owner. Staff selling permitted, permissible fireworks shall be 18 years or older.

{FOR REFERENCE ONLY: This section is amended to reflect new code section numbering in line with SFPC. The amendment also deletes the phrase "Add Subsection as follows: 5608.10 Retail Display and Sale."}

5608.10.1 Precautions. Fireworks displayed for retail sale shall not be made readily accessible to the public and under the supervision of retail staff. A minimum of one pressurized water fire extinguisher complying with section 906 shall be located not more than 15 feet and not less than 10 feet from the retail sale location. "NO Smoking" signs complying with section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale.

{FOR REFERENCE ONLY: This section is amended to reflect new code section numbering in line with SFPC. The amendment deletes the phrase "Add Subsection as follows: 5608.10.1 Precautions."}

5608.10.2 Sales to minors. The sale of permissible fireworks to persons under the age of 18 shall be prohibited unless the person is accompanied by a parent or legal guardian.

{FOR REFERENCE ONLY: This section is amended to reflect new code section numbering in line with SFPC. The amendment deletes the phrase "Add Subsection as follows: 5608.10.2 Sales to Minors."}

5608.10.3 Records to be kept by wholesaler and retailer. Each wholesaler shall maintain full and complete records of all purchases and sales of fireworks and each retailer shall maintain full and complete records of all

purchases of fireworks. The Fairfax County Fire Marshal or designated agent is authorized to examine the books and records of any wholesaler or retailer documenting the purchases and sales of fireworks within the county.

{FOR REFERENCE ONLY: This section is amended to reflect new code section numbering in line with SFPC. The amendment deletes the phrase "Add Subsection as follows: 5608.10.2 Records to be kept by wholesaler and retailer."}

5608.11 Approval of permissible fireworks. Persons engaged in the business of selling or offering to sell fireworks at wholesale shall submit to the Office of the Fire Marshal a list of fireworks for approval. Persons engaged in the business of selling fireworks at wholesale may be required to submit to the Office of the Fire Marshal at least 5 samples of each firework intended to be sold or delivered by such wholesaler, together with complete specifications including the manufacturer and trade name of such fireworks and a chemical analysis of each such fireworks submitted. No wholesaler or retailer shall sell or deliver in the county any fireworks other than those approved by the State Fire Marshal's Office.

{FOR REFERENCE ONLY: This section is amended to reflect new code section numbering in line with SFPC. The amendment deletes the phrase "Add Subsection as follows: 5608.11 Approval of Permissible Fireworks."}

5701.4 Permit required. Permits shall be required as set forth in Sections 107 and 108 and regulated in accordance with this section. The manufacture, storage, possession, sale and use of fireworks or explosives shall not take place without first applying for and obtaining a permit.

{FOR REFERENCE ONLY: This section updates the section numbers to conform with the County Fire Prevention Code.}

5704.2.7.10 Leak reporting. A consistent or accidental loss of liquid, or other indication of a leak from a tank system, shall be reported immediately to the fire department, the fire code official and other authorities having jurisdiction. The procedures as set forth in section 5003.3.1 shall also be followed.

{FOR REFERENCE ONLY: This section updates the section numbers to conform with the County Fire Prevention Code. The amendment also deletes the phrase "Add Subsection as follows: 5704.2.6.10 Leak Reporting."}

(3-91-62; 4-91-62; 49-92-62; 12-94-62; 15-96-62; 17-97-62; 37-97-62; 44-99-62; 15-03-62; 13-06-62; 27-08-62; 33-08-62; 17-09-62; 04-12-62; 43-14-62; 23-22-62.)

ARTICLE 3. Junior Firefighters

Section 62-3-1. Junior firefighters.

Any person residing in the County of Fairfax, the City of Fairfax, or the towns of Vienna, Herndon and Clifton, aged 16 years or older, who is a member of a Fairfax County volunteer fire company, with parental or guardian approval, is authorized to (i) seek certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs; and (ii) work with or participate in non-hazardous activities of such volunteer fire company, provided such person has attained certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, subject to the following conditions:

1) Evidence of residency in the Commonwealth shall be provided by the junior firefighter.
2) The junior firefighter shall present an original letter by a parent or legal guardian that permits junior firefighter participation.
3) The junior firefighter shall provide an original consent form signed by a parent or legal guardian allowing participation in Virginia Department of Fire Programs training courses.
4) The junior firefighter shall be provided with a copy of the County's liability insurance coverage applicable to junior firefighters. (11-16-62; 32-18-62.)

CHAPTER 62. – Fire Protection1

Article 1. – In General

Section 62-1-1. – **Penalty.**

Any person, firm, or corporation who shall violate any of the Sections of this Chapter or any provisions of the Fire Prevention Code of Fairfax County adopted by Section 62-2-6 or shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall fail to comply with such an order within the time fixed therein shall separately for each and every such violation and noncompliance respectively, be guilty of a violation of this Chapter and the violation shall be deemed a Class 1 misdemeanor, and shall, upon conviction, be punishable by imprisonment not to exceed 12 months, or by a fine not to exceed $2,500.00, or both. Each day that a violation continues after a service of notice as provided for in this Code shall be deemed a separate offense.

Section 62-1-2. – **Use of fire apparatus, equipment, etc., within Fairfax County.**

a. It shall be unlawful for any person to operate or cause to be operated, upon a public highway or street in the County, any vehicle or equipment used, intended to be used, or designed to be used for the purpose of fighting fires, unless such vehicle or equipment is owned by a recognized firefighting company of the County.
b. For the purpose of this Section, a recognized firefighting company of the County shall be construed to mean one that has been recognized as such by resolution of the Board of Supervisors.
c. This Section shall not apply to the operation of firefighting vehicles and equipment owned by any firefighting company outside of the County when such vehicle or equipment is traveling in or through the County for a parade or other non-firefighting purposes or in response to a call from the Fairfax County Department of Public Safety Communications.

1. 1 Editor's note—Chapter 62 originally consisted of §§ 62-1-1—62-1-6, 62-2-1—62-2-5 and was derived from the following: Code 1954, Vol. 1, §§ 7-2, 7-3, 7-5, 7-6, 7-9; ordinances adopted Sept. 10, 1958, Sept. 16, 1959, Apr. 13, 1960, June 1, 1960, Apr. 1, 1964, Mar. 13, 1968, and Apr. 9, 1969; 1961 Code, §§ 12-1—12-6, 12-19,12-20, 12-28; and Ord. Nos. 15-76-62, 22-81-62, 3-83-62, 30-84-62, and 11-85-62. It was amended to read as set out in §§ 62-1-1—62-1-4, 62-2-1—62-2-6 by Ord. No. 10-88-62, which was superseded by Ord. No. 3-91-62.

Section 62-1-3. – **Damage or injury to fire department equipment or personnel.**

It shall be unlawful for any person to damage or deface, or attempt, or conspire to damage or deface any fire department vehicle at any time, or to injure, or attempt to injure, or conspire to injure fire department personnel while such personnel are in the performance of departmental duties.

Section 62-1-4. – **Unlawful boarding or tampering with fire department vehicles.**

It shall be unlawful for any person, without proper authorization from the fire department officer-in-charge of said vehicle, to cling to, attach himself to, climb upon or into, board, or swing upon any fire department vehicle, whether such vehicle is in motion or at rest, or to sound any warning device thereon, or to manipulate, tamper with or destroy, or attempt to manipulate, tamper with or destroy any lever, valve, switch, starting device, brake, pump, or any equipment, protective clothing, or tool on or a part of such fire department vehicle.

ARTICLE 2. – Fire Marshal

Section 62-2-1. County Fire Marshal and Deputy Fire Marshal – Creation of office; appointment; powers and duties generally.

The Fairfax County Office of the Fire Marshal is hereby created. The County Executive shall appoint a County Fire Marshal whose powers and duties shall be as set forth in this Chapter.

Section 62-2-2. – Same – Tenure.

The County Fire Marshal shall not be appointed for a definite tenure but shall continue contingent upon and subject to the personnel rules of the County.

Section 62-2-3. Oaths of ~~Fire Marshal~~Fire Marshal, Fire Code Official ~~-~~and Technical Assistants to the Fire Marshal.

The County Fire Marshal, Fire Code Official, Deputy County Fire Marshal, and Technical Assistants to the Fire Marshal, before entering upon their duties, shall, respectively, take an oath, before any officer authorized to administer oaths, faithfully to discharge the duties of their office.

Section 62-2-4. Investigation and notification of fires and injuries.

a. The Fire Marshal shall investigate or cause to be investigated, every fire or explosion occurring within the County that is of a suspicious nature, or which involves the loss of life, or causes injury to persons, or causes destruction of or damage to property. Such investigation shall be made at the time of the fire or at a subsequent time, depending

on the nature and circumstances of the fire. The Fire Marshal shall take charge immediately of the physical evidence, and in order to preserve any physical evidence relating to the cause or origin of such fire or explosion, take means to prevent access by any person or persons to such building, structure, or premises until such evidence has been properly processed. The appropriate police department, upon request of the County Fire Marshal, shall assist in the investigation, as needed. The results of any such investigation shall be forwarded by the Fire Marshal to the Commonwealth's Attorney for proper disposition.

b. A medical professional who is primarily responsible for the treatment of an individual for a burn injury described below shall, as soon as practicable, notify the Fairfax County Fire Marshal and the Department of Public Safety Communications. The treating physician or designee shall be responsible for giving the notice required by this section.

The provisions of this subsection apply to:

i. ~~a~~Any burn injury from the result of direct flame contact causing 2nd degree burns (partial thickness) to 5 percent or more of the patient's body and all 3rd degree burns (full thickness), regardless of the percentage of burned area.
ii. ~~a~~All chemical burns regardless of severity.
iii. ~~a~~Any upper respiratory burn injury requiring advanced airway intervention and/or support.
iv. ~~a~~Any burn injury which causes death or
v. ~~a~~ny burn injury which is likely to cause death.

1. The provisions of this section do not apply to sunburn.

2. Notice under this section shall include:

i. The name and address of the patient, if known.
ii. A description of the burn injury.
iii. The reported cause of the burn injury, if given.
iv. The patient's prognosis.
v. Any other fact concerning the burn injury which may assist in determining the origin and cause of the fire.

Section 62-2-5. – **Powers of arrest.**

The Fire Marshal and all members of the Fire Marshal 's staff permitted under Title 27 of the Code of Virginia to do so shall have the same police powers as a regular member of the County Police Department in the investigation and prosecution of all offenses involving fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances, and fire bombs, storage, use, and transportation of hazardous materials and hazardous waste, environmental crimes, and other offenses involving the calling or summonsing of fire or rescue equipment

without just cause in violation of the Code of Virginia or the Code of the County of Fairfax, and other criminal or civil offenses arising out of or incidental to the investigation of the enumerated offenses.

Section 62-2-6. Enforcement of the Virginia Statewide and Fairfax County Fire Prevention Codes.

The County of Fairfax shall enforce the Virginia Statewide Fire Prevention Code promulgated by the Board of Housing and Community Development of the Commonwealth of Virginia pursuant to Section 27-98 of the Code of Virginia. The provisions of the Virginia Statewide Fire Prevention Code and the Fire Prevention Code of the County of Fairfax shall be enforced by the County Fire Marshal or Fire Code Official. (3-91-62; 12-94-62; 17-97-62; 13-06-62; 17-09-62; 04-12-62.)~~, and, under the authority of the Fire Marshal, by the Deputy County Fire Marshal, Assistant County Fire Marshals, and members of the Fire Marshal's staff, also herein referred to as the Office of the Fire Marshal, Fire Marshal's Office, the Fire Marshal, members of the Fire Marshal's staff, the Fire Prevention Division, code official, fire code official, or the fire official. The Fire Marshal, the Deputy Fire Marshal, Assistant Fire Marshals, and members of the Fire Marshal's staff shall have all the powers of the local fire official and the local arson investigator and the local fire marshal and their assistants set forth in Title 27 of the Code of Virginia, and all of the powers of the fire official and the enforcing agency set forth in the Virginia Statewide Fire Prevention Code and the Fire Prevention Code of the County of Fairfax.~~

Section 62-2-7. – Fairfax County Fire Prevention Code.

The regulations set forth herein shall be known as the Fire Prevention Code of the County of Fairfax and shall be herein referred to as such or as this Code.

Section 62-2-8. – Amendments, additions, deletions to the Virginia Statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code is hereby amended and changed pursuant to Section 27-97 of the Code of Virginia in the following respects:

104.1.2 Authority for enforcement of fireworks provisions by other than Technical Assistants to the Fire Marshal. Add Subsection as follows: **104.1.2 Authority for enforcement of fireworks provisions by other than Technical Assistants to the Fire Marshal**. Fairfax County police officers are empowered to enforce Section 5601.1.1.3 *Fireworks*, within the boundaries of the County and on all County-owned properties located outside the territorial limits of Fairfax County.

106.3.2 Inspection by others. ~~Add Subsection as follows: **106.3.2 Inspection by others.**~~ The Chief of the Fire Department may designate such other persons as they deem necessary to make fire safety inspections. Such persons shall use the Virginia Statewide Fire Prevention Code and this Code as the basis for such inspections.

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106.8. Summon~~s~~ing the Fire Marshal~~. Add Subsection as follows: **106.9 8Summonsing the Fire Marshal.**~~ The fire department officer-in-charge of any fire, explosion, or incident scene shall immediately summon~~s~~ the Fire Marshal to such scene to investigate the circumstances involved where such circumstances require investigation as outlined in Section 62-2-4 of this Code.

106.9 Notification of fire department. Add Subsection as follows: **106.9~~10~~ Notification of fire department.** In any building, when a fire or evidence of a fire is discovered, even though it has apparently been extinguished, it shall be immediately reported to the chief of the fire department, or ~~his~~ designee. This shall be the duty of the owner, manager, or person in control of such building at the time of discovery. This requirement shall not be construed to forbid the owner, manager, or person in control of said building from using all diligence necessary to extinguish such fire prior to the arrival of the fire department.

Table 107.2. ~~Delete and Substitute as follows: **Table 107.2.**~~ Duration of permit is 365 days, unless otherwise noted. Amended as follows:

Line #	Code Reference	**Table 107.2** **FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS**	Flat Fee	Hourly Fee
Section 1 - Detailed Operational Permit Requirements. Note: All permit fees are per line item that applies				
1	5101.2	**Aerosol Products, Level 2 or 3.** An operational permit is required to manufacture, store or handle, an aggregate quantity in excess of 500 pounds net weight.	$195 ~~150~~	
2	107.2	**Amusement Buildings: Permanent.** An operational permit is required to operate a special amusement building.	$195~~150~~	
3	107.2 403.12.2	**Amusement Buildings: Temporary or Mobile.** An operational permit is required to operate a special amusement building, (e.g., Haunted House). (60 day permit but not past event date)	$195~~150~~	
4	2001.3	**Aviation Facilities**. An operational permit is required to use a Group H or Group S Occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.	$195~~150~~	
5	107.2	**Assembly, Indoor (to include Exhibits and Trade Shows).** An operational permit is required to operate exhibits and trade shows. (Permit is valid for up to 30 days, but not past event date).	$195~~150~~	

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Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
6	107.2 403.12.2 403.12.3	**Assembly, Outdoor (to include Carnivals, Circuses, Fairs, and Festivals).** An operational permit is required to conduct an outdoor gathering of 500 persons or more, at one time. (Permit is valid for up to 30 days, but not past event date).	$195~~150~~	
7	107.2	**Assembly, Place of or Education** – Occupant Load 50 or Greater	$195~~150~~	
8	1206.2	**Battery Systems, Stationary Storage** An operational permit is required for the operation of stationary storage battery systems regulated by Chapter 12.	$195~~150~~	
9	301.2	**Cellulose Nitrate Film**: An operational permit is required to store, handle, or use cellulose nitrate film in a Group A Occupancy.	$195~~150~~	
10	2201.2	**Combustible Dust-Producing Operations.** An operational permit is required is required to operate a grain elevator, flour starch mill feed mill, or a plant pulverizing aluminum coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.	$195~~150~~	
11	107.2	**Combustible Fibers**. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 Cubic Feet. **Exception**: An operational permit is not required for agricultural storage.	$195~~150~~	
12	609.3	**Commercial Kitchen Operation Requiring a Type I Hood.** An operational permit is required for the operation of a commercial kitchen requiring a Type I hood. **Exceptions:** 1. Assembly (Group A) or Educational (Group E) Occupancies having a Fire Prevention Code Permit (FPCP). 2. Mobile food preparation vehicles.	$195~~150~~	
13	5301.2 5001.5 5401.2	**Compressed Gas: Corrosive**. An operational permit is required for the storage, use, or handling of corrosive gas in excess of 200 cubic feet at normal temperature and pressure (NTP). **Exception:** *Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.*	$195~~150~~	
14	5301.2 5801.2 5001.5	**Compressed Gas: Flammable**. An operational permit is required for the storage, use, or handling of flammable gas in excess of 200 cubic feet at normal temperature and pressure (NTP). **Exceptions:** 1. Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle, 2. cryogenic fluids; and 3. liquified petroleum gases.	$195~~150~~	
15	5301.2 6001.2 5001.5	**Compressed Gas: Toxic or Highly Toxic.** An operational permit is required for the storage, use, or handling of any toxic or highly toxic gas in any amount.	$195~~150~~	
16	5301.2 5001.5	**Compressed Gas: Inert or Simple Asphyxiant.** An operational permit is required for the storage, use, or handling of inert or simple asphyxiant gas in excess of 6,000 cubic feet at normal temperate and pressure (NTP). **Exception:** Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	$195~~150~~	
17	5301.2 6301.2 5001.5	**Compressed Gas: Oxidizing (including Oxygen).** An operational permit is required for the storage, use, or handling of oxidizing gas in excess of 504 cubic feet at normal temperature and pressure (NTP). **Exception**: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	$195~~150~~	
18	5301.2 6401.2 5001.5	**Compressed Gas: Pyrophoric.** An operational permit is required for the storage, use, or handling of pyrophoric gas in any amount.	$195~~150~~	

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Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
19	107.2	**Covered and open mall buildings**. An operational permit is required for: 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. 2. The display of liquid-fired or gas-fired equipment or vehicles in the mall. 3. The use of open-flame or flame-producing equipment in the mall.	$195~~150~~	
20	5501.2 2301.2 5001.5 5801.2	**Cryogenic Fluids.** An operational permit is required to produce, store, transport onsite, use, handle or dispense cryogenic fluids in excess of the amounts listed below. **Exception:** Vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading. **Type of Cryogenic Fluid** / **Inside Building (gallons)** / **Outside Building (gallons)** Flammable — More than 1 — 60……. Inert — 60 — 500……. Oxidizing (Includes oxygen) — 10 — 50……. Physical or health hazard not indicated above — Any amount — Any amount…..	$195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	
21	2101.2	**Dry Cleaning Plants**. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.	$195~~150~~	
22	**601.2**	**Electrified Security Fence**	$195~~150~~	
23	5601.2	**Explosives**: Explosives Use, Each Site or Location (6 Month Permit).	$234~~180~~	
24	5601.2	**Explosives**: Firm or Company License.	$195~~150~~	
25	5601.2	**Explosives**: Storage and Display of Black Powder or Smokeless Propellant Indoors **Exception**: Storage in Group R-3 or R-5 occupancies of smokeless propellant, black powder, and small arms primers for personal use, not for resale, and in accordance with the quantity limitations and conditions set forth in Section 5601.1, Exceptions 4 and 12.	$195~~150~~	
26	5601.2	**Explosives:** Laboratory Use (6 Month Permit).	$195~~150~~	
27	3308.2	**Fire Prevention Program Manager:** A permit is required for the Fire Prevention Program Manager designated by the owner for safeguarding construction, alteration, and demolition operations. Exception: Building less than 5 stories above average grade plane and less than 50,000 square feet in size.	$0	

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Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
28	5701.4	**Flammable and combustible liquids**. An operational permit is required: 1. To use or operation of a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the U.S. Department of Transportation (DOT), nor does it apply to piping systems. 2. **Class I**: Store, Handle, or Use in Excess of 5 Gallons in a Building or in Excess of 10 Gallons Outside a Building. **Exceptions:** a. Storage or Use in the Fuel Tank of a Motor Vehicle, Aircraft, Motorboat, Mobile Power Plant, or Mobile Heating Plant, Unless Such Storage, in the Opinion of the Fire Official, Would Cause an Unsafe Condition. b. Storage or Use of Paints, Oils, Varnishes, or Similar Flammable Mixtures When Such Liquids are Stored for Maintenance, Painting, or Similar Purposes for a Period of Not More Than 30 Days. 3. **Class II or IIIA**: Store, Handle or Use in Excess of 25 Gallons in a Building or in Excess of 60 Gallons Outside a Building, except for Fuel oil used in conjunction with oil burning equipment. 4. To remove Class I or Class II liquids from an underground storage tank used for fuel fueling motor vehicles by any means other than the approved, stationary, on-site pumps normally used for dispensing purposes 5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used. 6. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.	$195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	
29	5701.4	**Flammable/Combustible Liquid Tank**. An operational permit is required for the following: a. Underground Storage, with or without dispensing equipment…… b. Above-ground Storage, with or without dispensing equipment…… c. Bulk Storage Facility – in Excess of 100,000 Gallons…… d. Installation, Above ground or Underground Tank (90 Day Permit)…… e. Alter or Relocate an Existing Tank (90 Day Permit)…… f. Place Temporarily Out of Service…… g. Underground Abandonment (90 Day Permit)…… h. Underground Removal (Commercial - 90 Day Permit)…… i. Underground Removal (Residential - 90 Day Permit)…… j. Above-ground Removal (Commercial - 90 Day Permit)…… k. Above-ground Removal (Residential - 90 Day Permit)…… l. Install Product Lines/Dispensing Equipment (90 Day Permit)…… m. Manufacture, Process, Blend, or Refine…… **Note:** Installation permits are based on the fee Table in Appendix Q of Chapter 61 of the Code of the County of Fairfax.	$195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~$ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	

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Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
30	2401.3	**Floor finishing**: An operational permit is required for floor finishing or surfacing exceeding 350 square feet using class I or class II liquids (30-day permit).	$104~~$78~~	
31	2501.2	**Fruit or crop-ripening**: An operational permit is required to operate a fruit or crop ripening facility or conduct a fruit-ripening process using ethylene gas.	$195~~150~~	
32	2601.2	**Fumigation, thermal insecticidal and fogging**: An operational permit is required to operate a business of fumigation, thermal or insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used. (15-day permit).	$195~~150~~	
33	5001.5	**Hazardous Materials.** An operational permit is required to store, transport on site , dispense, use or handle hazardous materials in excess of the amounts shown below:		
34		**Combustible Liquids**: refer to flammable and combustible liquids		
35		**Corrosive Gases**: refer to Compressed Gases		
36	5401.2	**Corrosive Liquids**: greater than 55 Gallons	$195~~150~~	
37	5401.2	**Corrosive Solids**: greater than 1000 Pounds	$195~~150~~	
38		**Explosives**: refer to Explosive Materials		
39		**Flammable Gasses**: refer to Compressed Gases		
40		**Flammable Liquids**: refer to Flammable and Combustible Liquids		
41	5901.2	**Flammable Solids**: greater than 100 Pounds	$195~~150~~	
42		**Highly Toxic Gases**: refer to Compressed Gases		
43	6001.2	**Highly Toxic Liquids**: any amount	$195~~150~~	
44	6001.2	**Highly Toxic Solids**: any amount	$195~~150~~	
45		**Oxidizing Gases**: refer to Compressed Gases		
46	6301.2	**Oxidizing Liquids:** a. Class 4: any amount b. Class 3: greater than 1 gallon c. Class 2: greater than 10 gallons d. Class 1: greater than 55 gallons	 $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	
47	6301.2	**Oxidizing Solids:** a. Class 4: any amount b. Class 3: greater than 10 pounds c. Class 2: greater than 100 pounds d. Class 1: greater than 500 pounds	 $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	
48	6201.2	**Organic Peroxides, Liquid** a. Class I: any amount b. Class II: any amount c. Class III: greater than 1 gallon d. Class IV: greater than 2 gallons e. Class V: no permit required	 $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	
49	6201.2	**Organic Peroxides, Solids:** a. Class I: any amount b. Class II: any amount c. Class III: greater than 10 pounds d. Class IV: greater than 20 pounds e. Class V: no permit required	 $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	

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Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
50	6401.2	**Pyrophoric Material:** a. Gas: any amount…… b. Liquid: any amount…… c. Solid: any amount ……	$195~~150~~ $195~~150~~ $195~~150~~	
51	6001.2	**Toxic Materials:** a. Gases: refer to compressed gases…… b. Liquids: 10 gallons…… c. Solids: 100 pounds……	$195~~150~~ $195~~150~~ $195~~150~~	
52	6601.2	**Unstable (Reactive) Materials:** Liquids: a. Class 1: greater than 10 gallons…… b. Class 2: greater than 5 gallons…… c. Class 3: any amount…… d. Class 4: any amount…… Solids: a. Class 1: greater than 100 pounds…… b. Class 2: greater than 50 pounds…… c. Class 3: any amount…… d. Class 4: any amount……	 $195~~150~~ $195~~150~~ $195~~150~~ $~~$~~195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	
53	6701.2	**Water-reactive Materials**: Liquids: a. Class 1: greater than 55 gallons…… b. Class 2: greater than 5 gallons…… c. Class 3: greater than any amount…… Solids: a. Class 1: greater than 500 pounds…… b. Class 2: greater than 50 pounds…… c. Class 3: any amount……	 $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	
54	5001.5	**Hazardous Production Facilities (HPM)**: An operational permit is required to store, handle or use hazardous production materials.	$195~~150~~	
55	3201.2	**High Piled Storage**. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet.	$195~~150~~	
56	3501.2	**Hot Work and Welding: Public Exhibitions and Demonstrations** (Each Exhibitor/Demo – Permit is valid for up to 10 days per event, but not past event date ~~Each Exhibitor/Demo – 10 Day Permit~~)	$104~~78~~	

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Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
57	3501.2	**Hot Work and Welding**: An operational permit is required for: a. Small Scale Hot Work …… b. Fixed-Site Hot Work Equipment (Example: Welding Booth)…… c. Cutting or Welding, All Locations…… d. Open Flame Device Roofing Operation, **to include Rubberized Asphalt Melter Operations** (Each Site/Location – 90 Day permit)…… e. Torch or Open-Flame Operations other than Roofing (Each Site/Location – 30 Day permit)……	 $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $104~~78~~	
58	3001.2	**Industrial Ovens:** An operational permit is required for operation of industrial ovens regulated by Chapter 30.	$195~~150~~	
59	2801.2	**Lumber Yards and Agro-Industrial Solid Biomass and Woodworking Plants**. Storage or Processing of Lumber Exceeding 100,000 Board Feet (8,333 ft^3) (236 m^3).	$195~~150~~	
53	6701.2	**Water-reactive Materials**: Liquids: a. Class 1: greater than 55 gallons…… b. Class 2: greater than 5 gallons…… c. Class 3: greater than any amount…… Solids: a. Class 1: greater than 500 pounds…… b. Class 2: greater than 50 pounds…… c. Class 3: any amount……	 $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	
54	5001.5	**Hazardous Production Facilities (HPM)**: An operational permit is required to store, handle or use hazardous production materials.	$195~~150~~	
55	3201.2	**High Piled Storage**. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet.	$195~~150~~	
56	3501.2	**Hot Work and Welding**: Public Exhibitions and Demonstrations (Each Exhibitor/Demo – 10 Day Permit)	$104~~78~~	
57	3501.2	**Hot Work and Welding**: An operational permit is required for: a. Small Scale Hot Work …… b. Fixed-Site Hot Work Equipment (Example: Welding Booth)…… c. Cutting or Welding, All Locations…… d. Open Flame Device Roofing Operation, **to include Rubberized Asphalt Melter Operations** (Each Site/Location – 90 Day permit)…… e. Torch or Open-Flame Operations other than Roofing (Each Site/Location – 30 Day permit)……	 $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $104~~$78~~	
58	3001.2	**Industrial Ovens:** An operational permit is required for operation of industrial ovens regulated by Chapter 30.	$195~~150~~	

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Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
59	2801.2	**Lumber Yards and Agro-Industrial Solid Biomass and Woodworking Plants**. Storage or Processing of Lumber Exceeding 100,000 Board Feet (8,333 ft³) (236 m³).	$195~~150~~	
60	**109.1**	**Live/Work Units:** An operational permit is required for each Live/Work Unit that does not function solely as a dwelling unit.	$195~~150~~	
61	6101.2	**LP-Gas**: An operational permit is required for: ~~S~~storage or use of LP-gas, (inside or outside any structure).	$195~~150~~	
62	6101.2	**LP-Gas:** An operational permit is required for storage and/or use outside, portable installation, per event, more than 10 gallons aggregate (30-day permit). **Exception**: Single-and two-family dwellings.	$104~~78~~	
63	6106 6109	**LP-Gas**: An operational permit is required for: a. Dispensing and Cylinder Refill Location …….. b. Retail cylinder exchange location…….. **c.** Automated cylinder exchange location……..	$195~~150~~ $195~~150~~ $195~~150~~	
64	315.2	**Miscellaneous Combustible Storage**: Storage inside any building or upon any premises - in excess of 2500 cubic feet.	$195~~150~~	
65	107.2	**Mobile food preparation vehicle:** A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease laden vapors.	$195~~150~~	
66	301.2	**Open Burning:** An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground, as follows: a. Bonfire (10 Day Permit)…… **b.** Silvicultural / Controlled Burning (90 Day Permit)……	 $195~~150~~ $195~~150~~	
67	301.2	**Open Flame and Candles.** An operational permit is required to use open flames or candles in connection with assembly areas, educational use, dining areas of restaurants or drinking establishments. a. Public meetings or gatherings in assembly or educational use (Each Event - Permit is valid for up to 60 days, but not past event date.~~Each Event~~)…….. b. Assembly areas or dining areas of restaurants or drinking establishments……	 $104~~78~~ ~~$150~~$172	
68	2901.2	**Organic Coatings:** An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon in one day.	$195~~150~~	
69	323.4	*Powered Micromobility Devices*	$195	
70	107.2	**Private Fire Hydrant**~~:~~ – An operational permit is required for the removal from service, use or operation of private fire hydrants.	$195~~150~~	
71	3901.3	*Processing and Extraction Facilities*	$195	71
72	5601.2	**Pyrotechnics and Fireworks:** An operational permit is required for Outdoor Fireworks Display (Aerial Audience) (One day Permit)~~An operational permit is required for:~~ **a.** ~~Outdoor Fireworks Display (Aerial Audience) (One Day Permit)~~	$624~~480~~	
73	5601.2	**Pyrotechnics and Fireworks**. An operational permit is required for Retail Sales (inside mercantile establishment) of Permissible Fireworks - Any Amount (45-day permit).	$936~~720~~	

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Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
74	5601.2	**Pyrotechnics and Fireworks**. An operational permit is required for Wholesale Sales of Permissible Fireworks - Any Amount (21-day permit. With a minor site plan, up to 45-day permit).	$936~~720~~	
75	6501.2	**Pyroxylin Plastic**: Storage or handling, more than 25 pounds of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastic.	$195~~150~~	
76	601.2	**Refrigeration Equipment:** An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	$195~~150~~	
77	2301.2	**Repair garages and service stations**: An operational permit is required for operation of repair garages and automotive, marine and fleet service station.	$195~~150~~	
78	2001.3	**Rooftop Heliports**: An operational permit is required to operate a rooftop heliport.	$195~~150~~	
79	~~1204~~ 1205	**Solar photovoltaic power systems.** An operational permit is required for the installation and operation of a solar photovoltaic power system**.**	$195~~150~~	
80	2401.3	**Spraying or dipping operations:** An operational permit is required for the following: a. Flammable/Combustible Liquid Spray Finishing Operation…… b. Flammable/Combustible Liquid Dip Tank Operation…… c. Application of Combustible Powders/Spray/Fluidized …… d. Organic Peroxides and Dual-component coatings…… ~~d.~~e. Spraying or dipping, All locations (permit w/no inspection)	$195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~ $195~~150~~	
81	5001.5	**Swimming Pool Operation:** The operation of a public or community pool requires an operational permit.	$195~~150~~	
82	3103.24	**Temporary membrane structures and tents,** (Permit is valid for up to 6 months, but not past event date.~~6 Month Permit~~). **Exceptions:** 1. Tents used exclusively for recreational camping purposes. 2. Tents and air-supported structures that cover an area of 900 square feet or less, including all connecting areas or spaces with a common means of egress and with an occupant load of less than 50 persons.	$195~~150~~	
83	3105.3	**Temporary Special Event Structures (Stage Canopies)**	$195~~150~~	
84	3401.2	**Tire-rebuilding Plants**: An operational permit is required for the operation and maintenance of a tire-rebuilding plant.	$195~~150~~	
85	3401.2	**Tire Storage (scrap tires and tire byproducts)**: An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet of total volume of scrap tires and for indoor storage of tires and tire byproducts.	$195~~150~~	
86	107.2	**Waste Handling**: An operational permit is required for the operation of wrecking yards, junk yards and waste material handling facilities.	$195~~150~~	
87	2801.2	**Wood Products**: An operational permit is required to store chips, hogged material, lumber, or plywood in excess of 200 cubic feet.	$195~~150~~	
Note: All permit fees are per line item that applies				
Section 2 – Plan Review Fees				

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
88	3201.4	Fire Safety and Evacuation Plan Review for High-Piled Combustible Storage Areas in Excess of 500 Square Feet.		$208~~1 56~~
89	3201.3	High-piled Combustible Storage Plan Review		$208~~1 56~~
90	2803.7	Lumber Yard/Agro-Industrial/Biomass~~Lumber Yard or Woodworking~~ Facility Plan Review		$208~~1 56~~
91	6109	Site and Installation Plan Review for Storage of Portable LP-~~g~~Gas Containers Awaiting Use or Resale~~Cylinder Exchange Program~~		$208~~1 56~~
92	5001.6.	Hazard Communication: Hazardous Material Management Plan Review		$208~~1 56~~
93	5001.6.3	Hazardous Material Facility Closure Plan Review		$208~~1 56~~
94	5001	Hazardous materials facility emergency response plan, above the threshold planning quantity of extremely hazardous substances.	$133~~$100~~	
95	5001	Tier II submissions, per chemical, to a maximum of $200.	$33~~$25~~	
Section 3 - Inspection and Testing Fees				
96	107.10	State Regulated Care Facility ~~County and State Licensing Fire~~ Inspections (each inspection).	~~$25~~	~~$2933~~
97	107.10	Certificate of Occupancy Inspections (Towns of Vienna and Herndon).		$208~~$ 156~~$180~~
98	107.10	Fire Prevention Permit Inspections, Follow-ups, Performance Testing, and Re-inspections.		$208~~$ 156~~$180~~
99	107.10	Fire Code Inspection (Not Otherwise Specified), (i.e., Pre-Occupancy Punch List – Each Inspector).		$208~~$ 156~~$180~~
100	901.6.3.1	Testing and Reinspection of Existing Fire Protection Systems (Each Inspector).		$208~~$ 156~~$180~~
101	~~907~~901.12 ~~.8.5~~	Unwanted or Nuisance Fire Alarm Inspections, Follow-ups, and Re-inspections.		$208~~$ 156~~$180~~

107.4.1 Duration of permit. ~~Add Subsection as follows: **107.4.1 Duration of permit.**~~ Permits shall remain in effect for 12 months from the date issued unless otherwise specified by Table 107.2 or unless suspended or revoked in accordance with this Code.

108.4 Revocation. Delete and substitute as follows: **108.4 Revocation.** The fire official is authorized to revoke an operational permit issued under the provisions of this Code upon a finding of any of the following, whether found by inspection or otherwise: that there has been a false statement, misrepresentation, or other intervening act by the applicant as to the material facts in the application or documents on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than listed on the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. Inclusion of any false statements or misrepresentation as to a material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the person or firm for which it was issued.
6. The permittee failed, refused, or neglected to comply with orders or notices duly served in accordance with the provisions of this code or any other code or county ordinance within the time provided herein.
7. The permit was issued in error or in violation of an ordinance, a regulation, or this code.
8. The Certificate of Occupancy and/or Use Permit has been revoked or suspended.
9. The building has been deemed unsafe, uninhabitable, or presents a hazardous condition to occupants.

109.4 Approvals. ~~Add Subsection as follows: **109.4 Approvals.**~~ Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this Code or of other ordinances of the jurisdiction shall not be valid.

109.5 Follow-up inspections resulting from noncompliance. ~~Add Subsection as follows: **109.5 Follow-up inspections resulting from noncompliance.**~~ Where follow-up inspections are required as a result of noncompliance with this Code, fees shall be assessed as listed under Table 107.2.

109.6 Inspections performed outside business hours. ~~Add Subsection as follows: **109.6 Inspections performed outside business hours.**~~ Inspections may be performed outside business hours at the sole discretion of the fire official. Fees for these inspections shall be assessed at twice the rate listed under Table 107.2. Fees shall be assessed in 30-minute increments.

110.5.1 Imminent threat to human health or safety or to property. ~~Add Subsection as follows: **110.5.1 Imminent threat to human health or safety or to property.**~~ If the fire official shall adjudge that the violation creates an imminent threat to human health or safety or to property, the fire official may restrain, correct, or abate such violation and institute appropriate legal proceeding to collect the full cost of such response from the owner and the tenant or other person in control of the premises.

112.1.1 Fairfax County Board of Fire Prevention Code Appeals. Add Subsection as follows: **112.1.1 Fairfax County Board of Fire Prevention Code Appeals.** The Fairfax County Board of Building and Fire Prevention Code Appeals is the Local Board of Fire Prevention Code Appeals (BFPCA) for Fairfax County.

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Section 202, DEFINITIONS. Add as follows:

Section 202
GENERAL DEFINITIONS

APPROVED. Add as follows: APPROVED. Approved by the County Fire Marshals Office.

APPROVED AGENCY. Add as follows: **APPROVED AGENCY.** An established and recognized organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such organization has been *approved* by the *fire code official.*

BLAST AREA. The area of a blast, including the blast site and adjacent areas that could reasonably be expected to be within the influence of flying material, fumes, and/or concussion as a result of the blasting operation being conducted.

BLAST SITE. The area in which explosive materials are being handled and which includes all boreholes to be loaded for a blast and a distance of 50 feet in all directions, as measured from the perimeter formed by the boreholes to be loaded.

BLASTING. Add as follows**: BLASTING.** The process of moving, heaving, breaking, or shattering soils and rocks, or doing other work, such as the demolition of structures or research and testing, that generates seismic waves through the use of energetic materials in chemical reactions, explosions, or other detonations or deflagrations.

CARBON MONOXIDE SOURCE. Add as follows: **CARBON MONOXIDE SOURCE.** A piece of commonly used equipment or permanently installed appliance, fireplace or process that produces or emits carbon monoxide gas.

CONGESTED AREA. Add as follows: CONGESTED AREA. An urban, suburban, or industrialized area in which multiple structures may be impacted by the effects of blasting operations.

ELECTRIFIED SECURITY FENCE. Any fence, other than used in an agricultural setting, that meets the following requirements:

1. The fence is powered by an electrical energizer with both of the following output characteristics:
   a. The impulse repetition rate does not exceed 1 hertz (hz).
   b. The impulse duration does not exceed 10 milliseconds, or $^{10}/_{10000}$ of a second.

2. The fence is used to protect and secure commercial or industrial property.

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FIRE CHIEF. Delete and substitute as follows: **FIRE CHIEF.** The head of the County Fire and Rescue Department, County of Fairfax, Virginia, also referred to as the Fire Chief or Chief of the Fire and Rescue Department, or a duly authorized representative.

FIRE MARSHAL'S OFFICE. Add as follows: **FIRE MARSHAL'S OFFICE**. The County Fire Marshal, and, under the authority of the Fire Marshal, the Deputy Fire Marshal and members of the Fire Marshal's staff, also referred to as the Fire Prevention Division, fire code official, or the fire official.

FLYROCK. Any dirt, mud, stone, fragmented rock, or other material that is displaced from the blast area in an uncontrolled or unplanned manner by the effects of a blast.

HYBRID FIRE-EXTINGUISHING SYSTEM. Add as follows: **HYBRID FIRE-EXTINGUISHING SYSTEM.** A system that utilizes a combination of atomized water and inert gas to extinguish fire.

INFLATABLE AMUSEMENT DEVICE. Add as follows: **INFLATABLE AMUSEMENT DEVICE.** A device made of flexible fabric or other combustible materials that is inflated by one or more air blowers providing internal air pressure to maintain its shape. Such devices are typically designed for recreational activities that allow occupants to bounce, climb, slide, negotiate an obstacle course or participate in interactive play.

LABORATORY. A facility that provides controlled conditions in which scientific research, experiments, and measurement may be performed.

LEGAL OFFICER. Add as follows. **LEGAL OFFICER.** County Attorney or the Commonwealth's Attorney for the County of Fairfax.

MISFIRE. Any explosive material, explosive charge, blast, or portion thereof which failed to function as intended.

OCCUPANT. Any person physically located or situated in or on any property, structure, space, or vehicle irrespective of the length of time or the reason for such occupancy.

POWERED MICROMOBILITY DEVICES~~. Add as follows: **POWERED MICROMOBILITY DEVICES.**~~ Motorized bicycles, motorized scooters and other personal mobility devices powered by a lithium ion or lithium metal battery. The term does not include motor vehicles that are required to be registered with the Virginia Department of Motor Vehicles.

RETAILER. Any persons selling fireworks or explosive materials and/or offering fireworks or explosive materials for retail sale.

RUBBERIZED ASPHALT MELTER (MELTER). Portable equipment used for the heating of rubberized asphalt material. The term applies only if both the material being heated is a mix of asphalt and inert material and when an indirect method of heating is used. An indirect method

of heating refers to a fully enclosed double-shell oil or air system that transfers heat from a burner(s) or electric heating element(s) to the oil or air jacket around the outside of a material vat which then heats the rubberized asphalt material. Melters can be fueled by means of diesel or electric means. Melters are not considered asphalt (tar) kettles or pots as addressed in Section 303.

TEMPORARY STORAGE (OF EXPLOSIVES). Storage of explosive materials for not more than 24 hours.

WHOLESALER. A person, firm, or corporation offering explosive materials for sale or explosive materials to a retailer. Such term also includes a manufacturer of explosive materials, a representative of any such manufacturer, a distributor, a jobber, or a middleman of any description dealing in explosive materials, any of whom shall sell or offer to sell explosive materials to a retailer within the County.

301.2 Permits. Delete and substitute: **301.2 Permits**. Permits shall be required as set forth in Sections 107 and 108 for the activities or uses regulated by Sections 306, 307, 308, 315, and 319.

304.2.1 Handling readily combustible materials. Add Subsection as follows: **304.2.1 Handling readily combustible materials**. No person producing, using, storing, or having charge of, or under their control, any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or other combustible waste material, shall neither fail nor neglect, at the close of each day, to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal, metal-lined, or approved noncombustible and covered, receptacles or bins. Baling equipment deemed suitable by the fire official shall be installed in stores, apartment buildings, factories, and other buildings where accumulations of paper and waste materials are not removed at least every day.

305.4.1 Mischievous fire play. Add Subsection as follows: **305.4.1 Mischievous fire play.** It shall be unlawful for any person to ignite or use fire or other ignition sources in a deliberate, negligent, or unlawful manner for the purpose of impulsive or mischievous play or reckless experimentation.

307.2 Permit required. Delete and substitute as follows: **307.2 Permit required.** If under the requirements of the Commonwealth of Virginia or the County of Fairfax Air Pollution Control Chapter, a bonfire or controlled burning is allowed, a permit for each such fire shall be obtained from the fire official, in accordance with Section 107.2, prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the *owner* of the land upon which the fire is to be kindled.

Exceptions:
1. Recreational fires.
2. Fire set for the training of firefighters under the direction of the Chief of the Fire Department.

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3. Fire set by a public health or safety officer where a health or fire hazard cannot be abated by any other means.

307.4.4 Outdoor solid fuel burning devices. Add Subsection as follows: **307.4.4 Outdoor solid fuel burning devices.** Outdoor fireplaces, fire pits, chimineas, and other similar portable devices designed for outdoor use shall not be operated or stored on a balcony or deck of any structure or within 15 feet of combustible construction or a residential occupancy.

Exception: Detached one- and two- family dwellings and townhouses.

307.5.1 Endangering other property. Add Subsection as follows: **307.5.1 Endangering other property.** No person shall kindle, authorize to be kindled, or maintain any permitted fire in such a manner that will endanger the property of another.

308.1.3 Torches for removing paint, sweating pipe joints, or roofing operations. Delete and substitute as follows: **308.1.3 Torches for removing paint, sweating pipe joints, or roofing operations**. Persons utilizing a torch or other flame-producing device for removing paint from a structure, sweating pipe joints, or roofing operations, shall provide a minimum of one portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two portable fire extinguishers, each with a minimum 2-A rating, or a water hose connected to the water supply on the premises where such burning is done. Combustible material in close proximity to the work shall be protected against ignition by shielding, wetting, or other approved means. The person doing the burning shall remain on the premises 1 hour after the torch or flame-producing device is utilized.

308.1.3.1 Permit. Add Subsection as follows: **308.1.3.1 Permit.** A permit in accordance with Section 107 and 108 shall be secured from the fire official prior to the utilization of a torch or flame-producing device in or on any building or structure.

308.1.4 Open-flame cooking devices. Delete and substitute as follows: **308.1.4 Open-flame cooking devices**. Charcoal burners and other open-flame cooking devices fueled by combustible or flammable gases, liquids, and solids shall not be operated or stored on a balcony or deck of any structure or within 15 feet of combustible construction or residential occupancy.

Exceptions:
1. Detached one-and two-family dwellings and townhouses.
2. Cooking devices using electricity as a heating source and listed by a recognized testing authority.
3. Cooking devices as allowed under the building code.

308.1.4.1 Notification of tenants. Add Subsection as follows: **308.1.4.1 Notification of tenants.** The management of multi-family residential occupancies which have balconies,

decks, or patios shall notify their tenants in writing of the prohibitions outlined in section 308.1.4 of this Code when the tenant or occupant initially occupies the building and periodically thereafter as may be necessary to ensure compliance.

308.3 Group A occupancies. Delete and substitute as follows: **308.3 Group A occupancies.** Open-flame devices shall not be used in a Group A occupancy.

Exceptions:

1. Open-flame devices are allowed to be used in the following situations, provided *approved* precautions are taken to prevent ignition of a combustible material or injury to occupants:
   1.1 Where necessary for ceremonial or religious purposes in accordance with Section 308.1.7.
   1.2 On stages and platforms as a necessary part of a performance in accordance with Section 308.3.2.
   ~~1.~~ 1.3 Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected.
   1. 4 Where used in an approved manner to maintain the temperature of prepared food items, on a table used only to serve food.
2. Heat-producing equipment complying with Chapter 6 and the *applicable building code*.
3. Gas lights are allowed to be used provided adequate precautions satisfactory to the *fire code official* are taken to prevent ignition of combustible materials.

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Add Section as follows:

SECTION 3202

RUBBERIZED ASPHALT MELTERS FOR ROOF DECK SYSTEMS

3202.1 General. The provisions of this section shall apply to any type of fully enclosed chassis-mounted or portable *rubberized asphalt melter* using indirect heating of a mix of asphalt and inert material for application on roof decks. There shall be no direct burner or flame impingement on the material vat with indirect heating. Temperature rise in the material vat is gradual and controlled.

3220.2 Permits. Permits shall be required in accordance with Section 107.2 and Chapter 35.

3220.2.1 Torches. Any use of torches or burners shall require a separate permit in accordance with Chapter 35.

3220.3 Location. The melter shall be located and operated in a controlled area. The area shall be as designated by the *fire code official* and identified by the use of traffic cones, barriers, and other suitable means. Where *rubberized asphalt melters* are staged and operated on roof decks, the design load of the roof deck shall be capable of supporting the weight of the *rubberized asphalt melter* where loaded to capacity with rubberized asphalt material. The design load of the roof deck shall be as determined on building drawings or by a design professional as approved by the *fire code official*. *Rubberized asphalt melters* shall be chocked in place on the roof deck at locations identified by the design professional and as approved by the *fire code official.* Rubberized asphalt cakes for use in r*ubberized asphalt melters* shall be located on the roof at a location agreed upon by the applicant and the *fire code official*.

3220.3.1 Buildings. *Rubberized asphalt melters* shall not be located inside buildings.

3220.3.2 Air intakes. Air intakes into the building in the area of work shall be identified and shut off and an alternate supply of outdoor air into the building shall be coordinated, such as by temporarily covering air intakes to make them smoke and odor proof.

3220.3.3 Exits. *Rubberized asphalt melters* shall not be located within 20 feet of any exit or combustible material. *Rubberized asphalt melters* shall not block any means of egress.

3220.3.4 Combustible materials. Combustible materials on the roof deck shall be protected in accordance with Section 3504.

3220.4 Fire Extinguishers. Not less than two approved 4-A:40-B:C fire extinguishers complying with Section 906 shall be provided and maintained within 25 ft. of the *rubberized asphalt melter*. A minimum of one approved 4-A:40-B:C fire extinguisher

shall be provided in close proximity to the roofing material application. Each employee shall be instructed on the proper use of fire extinguishers and in the event of a fire to turn off all *rubberized asphalt melter* power supply, engines, and burners. Employees shall notify the fire department.

3220.5 Attendant Supervision. An operating *rubberized asphalt melter* shall be attended by an employee who is knowledgeable and solely dedicated to the operation of the equipment and associated hazards. The employee shall always be within sight of the melter. The employee shall remain in the area of the melter for a minimum of one-hour after the device is shut down in compliance with Section 3504.2.

3220.6 Minimum Melter Design Requirements. A *Rubberized asphalt melter* shall be operated as a complete unit as designed and built by the manufacturer. Field changes that override controls or safety features are prohibited. Material vats shall be a permanent integral part of the *rubberized asphalt melter* unit. The *rubberized asphalt melter* chassis shall be substantially constructed and capable of carrying the load imposed upon it whether it is standing still or being transported.

3220.6.1 Lids. *Rubberized asphalt melter* shall have lids permanently attached. The lids shall be kept closed at all times, except to add rubberized asphalt membrane cakes to the *rubberized asphalt melter*. Loading doors shall be designed as a safety door integral to the roofing material tank and shall be provided with handles that allow rubberized asphalt cakes to be lowered into the tank without operator exposure to the vat material.

3220.7 Melter Operation. *Rubberized asphalt melters* shall be operated according to manufacturer instructions. *Rubberized asphalt melters* shall operate using integral control systems that include shut off controls for the electric or diesel-fired burner, temperature controls for the oil or air system, and the material vat. Where a diesel burner is utilized, it shall fire into a burner flue assembly for the oil or air jacketed shell for uniform heat transfer to the material vat. There shall be no open flame devices on *rubberized asphalt melters*. All *rubberized asphalt melters* shall have an approved, working visible temperature gauge(s) that indicate the temperature of the rubberized material being heated and, in the case of oil jacketed *rubberized asphalt melters*, the temperature of the heat transfer oil heating the material vat. The *rubberized asphalt melter* shall have limit switches that prevent the material vat from heating beyond 400 degrees F.

3220.8 Fuel System and containers. Fuel containers for diesel-powered melters shall be constructed and approved for the use for which they were designed. *Rubberized asphalt melter* fuel tanks shall be attached to the frame of the melter. Portable fuel tanks shall not be utilized to power *rubberized asphalt melters*. Diesel tanks and engines integral to *rubberized asphalt melters* shall be maintained in accordance with manufacturer instructions.

3220.8.1 Refueling. Refueling of diesel tanks shall be performed when the *rubberized asphalt melter* is off. A refueling and spill prevention plan approved by the *fire*

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code official shall be utilized. Refueling shall be conducted using approved safety cans. No open flames shall be present within 20 feet of the refueling operation.

3220.9 Maintenance. *Rubberized asphalt melters* and integral working parts shall be in good working condition and shall be maintained free of excessive residue.

3220.10 Transporting. *Rubberized asphalt melters* shall not be transported over a highway, road, or street when the heat source for the melter is operating.

SECTION 323 POWERED MICROMOBILITY DEVICES

323.1 General.

Lithium-ion and lithium metal battery powered micromobility devices shall be operated and maintained in accordance with this section.

Exceptions:

1. Storage, repair and charging in residential occupancies of powered mobility devices, provided that such devices are for personal use by its owner.

2. Charging of a single powered mobility device in any occupancy by its owner.

323.1.1 Prohibited locations.

The use of a residential occupancy as a business for the charging of commercially owned powered micromobility devices as part of a rental or sales service shall not be permitted.

323.2 Battery chargers and equipment.

Powered micromobility devices shall be charged in accordance with their listing and the manufacturer's instructions using only the original equipment manufacturer-supplied charging equipment or charging equipment in accordance with the listing and manufacturer's instructions.

323.3 Listing.

Powered micromobility devices shall be listed and labeled in accordance with UL 2272 or UL 2849, as applicable.

323.4 Battery charging areas.

Where approved, powered micromobility devices shall permitted to be charged in a room or area that complies with all of the following:

1. Only listed devices utilizing listed charging equipment shall be permitted to be charged.

2. Is provided with sufficient electrical receptacles to allow the charging equipment for each device to be directly connected to a receptacle. Extension cords and relocatable power taps shall not be used.

3. Storage of combustible materials, combustible waste or hazardous materials

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shall not be permitted.

4. The charging operation shall not be conducted in or obstruct any required means of egress.

5. Removable storage batteries shall not be stacked or charged in an enclosed cabinet unless the cabinet is specially designed and approved for such purpose.

6. A minimum distance of 18 inches (457.2 mm) shall be maintained between each removable storage battery during charging operations unless each battery is isolated from neighboring batteries by an approved fire-resistant material.

7. A minimum of 18 inches (457.2 mm) shall be maintained between the location of the battery on each powered micromobility device during charging operations.

322.5 Fire safety plan.

A fire safety plan shall be provided in accordance with Section 403.10.6. In addition, the fire safety plan shall include emergency response actions to be taken upon detection of a fire or possible fire involving lithium-ion or lithium metal battery storage.

401.9 Promulgation of fire safety instructions. Add Subsection as follows: **401.9 Promulgation of fire safety instructions.** The fire official shall issue regulations which require the owner, lessor, or management agent of buildings to post signs where, in the professional judgment of the fire official, such signs are deemed to be effective in minimizing the danger to persons and property in case of fire.

401.9.1 Elevator warning signs. ~~Add Subsection as follows: **401.9.1 Elevator warning signs.**~~ Elevator lobby call stations on each floor and on all elevator cars shall be marked with approved signs reading as follows: "USE STAIRWAYS IN CASE OF FIRE – DO NOT USE ELEVATOR." The requirements of this section shall apply to all buildings. Elevators installed in use group R-5 shall be exempt from the provisions of this section.

401.9.2 Posting of signs. Add Subsection as follows: **401.9.2 Posting of signs**. It shall be unlawful for the owner of any building which is leased to another or the lessor or management agent of any such building, to fail to post the signs required by the preceding paragraphs.

503.1. **Where Required.** Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

Add the following exception to 503.1:

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3. In communities developed with single-family dwellings and/or townhomes that were constructed prior to December 31, 1979, wherein the Fire Code Official has no site plan and/or subdivision plan depicting or identifying designated fire lanes/fire apparatus access roads for the development, the Fire Code Official may conduct an analysis to designate and/or modify the requirements of this section. Any code modification shall require a written request from the community association accompanied by a site plan depicting the dimensions and location of the subject streets relative to all dwellings, structures and points of assembly. Before granting a fire code modification request, the Fire Code Official shall evaluate the type and grade of construction, structural components, including but not limited to the exterior wall coverings, accessibility and/or obstructions throughout the subject area, available water supplies, the distance and rescue response time from a fire station, and other relevant factors. Such fire code modifications may be granted by the Fire Official only if the health, safety, and welfare of the community is not compromised.

503.1.1 Buildings and Facilities Add text as follows: **503.1.1 Buildings and Facilities** Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45,720 mm) of all portions of the facility and all portions of the *exterior walls* of the first story of the building as measured by an *approved* route around the exterior of the building or facility. The *fire code official* shall require fire lanes to be designated on public streets and on private property where necessary for the purpose of preventing parking in front of or adjacent to fire hydrants and fire department connections and to ensure access to buildings and structures for firefighting and rescue apparatus.

Exceptions:

1. The *fire code official* is authorized to increase the dimension of 150 feet (45,720 mm) where any of the following conditions occur:

1.1 The building is equipped throughout with an *approved automatic sprinkler system* in accordance with the applicable NFPA13, NFPA 13R, or NFPA13D standard.

1.2 Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades, or other similar conditions, and an *approved* alternative means of fire protection is provided.

1.3 There are not more than two Group R-3, R-5, or Group U occupancies.

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2. Where approved by the *fire code official*, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

503.2.1.1 Required markings and parking prohibitions. Add Subsection as follows: **503.2.1.1 Required markings and parking prohibitions.** Required markings and parking prohibitions shall be based on the street width (curb-to-curb or paved surface) as in Table 503.2.1.1. This shall apply to both one- and two-way designated streets.

Table 503.2.1.1

Street width	Parking	Fire lane markings
>28 feet	No parking allowed on either side	Both sides marked as fire lanes
28 to 36 feet	Parallel parking allowed on one side as determined by the *fire code official*	One side marked as a fire lane
> 36 feet	Parallel parking allowed on both sides	No fire lane markings required **Exception**: Required access to pools, fire department apparatus access roads, and similar areas shall be marked as fire lanes

503.2.5 Dead ends. Delete and substitute as follows: **503.2.5 Dead ends**. Dead-end fire apparatus access roads in excess of 100 feet in length shall be provided with an approved area for turning around fire apparatus.

503.3.1 Marking specifications. Add Subsection as follows: **503.3.~~2~~ 1 Marking specifications.** Fire lane markings shall conform to the following:

1. Sign Details
   - 1.1. Metal construction 12 inches by 18 inches.
   - 1.2. Red letters on reflective white background with 3 /8-inch red trim strip around entire outer edge of sign.
   - 1.3 Lettering on sign to read: “NO PARKING OR STANDING FIRE LANE”.
2. There shall be a ½-inch space after the line that reads "NO", a 1-inch space after the lines that read “PARKING" and "OR", and a 1½-inch space after the line that reads "STANDING".
3. Lettering size and standard wording to be as follows:
   - 3.1 “NO” (2 inches)
   - 3.2 “PARKING” (2 inches)
   - 3.3 "OR" (1 inch)
   - ~~2.3~~3.4 “STANDING” (2 inches)
   - 3.5 “FIRE LANE” (2½ inches)

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4. Arrow (if required) shall be 1 inch by 6 inches with a solid head 1½ inches wide by 2 inches deep.

~~1.~~5. Sign types.

~~1.1~~ 5.1 Sign type "A". Standard wording with an arrow at bottom pointing to the right. One sign mounted parallel to the line of curbing at the end of the painted area (see Figure 503.3.1.-A). ~~a. Metal construction, dimensions 12 inches wide by 18 inches high.~~

~~b. Red letters on a reflective white background with three-eighths inch red trim strip around the entire outer edge of the sign.~~

~~c. There shall be a one inch spacing between lines "No Parking" and "or". There shall be a one inch spacing between the lines "or" and Standing". There shall be a three inch space between the lines "Standing" and "Fire Lane".~~

~~Lettering size to be as follows:~~

~~"NO PARKING" 2 inches~~
~~"OR" 1 inch~~
~~"STANDING" 2 inches~~
~~"FIRE LANE" 2½ inches~~

~~Arrow (if required) 1 inch by 6 inches with a solid head 1 ½ inches wide by 2 inches deep.~~

5. Sign types.

5.1 Sign type "A". Standard wording with an arrow at bottom pointing to the right. One sign mounted parallel to the line of curbing or pavement edge at the end of the painted area (see figure 503.3.1.2.1).





Figure 503.3.1.2.1

5.2 Sign Type “C.” Standard wording with an arrow at bottom pointing to the left. One sign mounted parallel to the line of curbing or pavement edge at the end of the painted area (see figure 503.3.1.2.2).



Figure 503.3.1.2.2

5.3 Sign Type “D”. Standard wording with no arrow. Two signs, back-to-back, mounted perpendicular to line of curbing or pavement edge. To be seen from either side. Located every 100 feet in long stretches of a marked, painted fire lane (see figure 503.3.1.2.3).

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Figure 503.3.1.2.3

5.4 Posts for fire lane signs shall be metal and securely mounted. Signs shall be located and spaced as shown on the approved plans. In long stretches, the maximum distance between fire lane signs shall be 100 feet. Fire lane signs are to be mounted 7 feet above the finished grade to the bottom of the sign.

5.5 All curbs or paved spaces designated as fire lanes shall be indicated by yellow (highway grade) paint as approved by the *fire code official*. In areas without curbing, a 6-inch-wide yellow stripe shall be applied to the edge of the pavement. The property owner or designee shall repaint whenever the paint begins to fade or when directed by the *fire code official.*

503.3.~~3~~2. Tampering. Add Subsection as follows: **503.3.~~3~~2. Tampering**. It shall be unlawful for any person to deface, injure, tamper with, remove, destroy, or impair the usefulness of any posted fire lane sign or marking installed under the provisions of this code.

503.6.1 Emergency operation for security gates and barricades. Add Subsection as follows: **503.~~5~~6.~~2~~1 Emergency operation for security gates and barricades.** Gates and barricades that are installed across a fire apparatus access road that is normally intended for vehicular traffic shall be installed with a fire department access system which has an emergency override fire department master key switch as approved by the fire official. Gates and barricades shall be maintained operational at all times.

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503.8 Carnival, fair, festival, and circus access. Add Subsection as follows: **503.8 Carnival, fair, festival, and circus access.** It shall be the responsibility of the owner, operator, or other person responsible for the establishment, erection, or operation of any carnival or circus to establish, erect, and operate such carnival or circus so that there is provided and maintained an access lane, capable of supporting fire and rescue apparatus in all weather conditions, and so arranged as to afford access to within 100 feet of all booths, tents, rides, and other equipment, buildings, and structures used as part of or in conjunction with the carnival or circus.

503.9 Pool access. Add Subsection as follows: **503.9 Pool access.** Stretcher access for a 24-inch x 84-inch stretcher must be provided from the fire department vehicular access to the pool deck.

Exception: Individually owned pools located on single-family lots**.**

506.3 Number and labeling of required keys. Add Subsection as follows: **506.3 Number and labeling of required keys**. In buildings with fire command centers, 15 sets of common keys shall be provided for access to building services and systems regulated by Section 601 of this Code and to all storage, trash and utility rooms, roof access doors, and doors to other secured areas. In all other buildings required to provide fire department access, 3 sets of common keys shall be provided. Individual keys shall be clearly labeled as to function and each set of keys shall be individually tagged in a manner approved by the fire official.

506.4 Height of key boxes. Add Subsection as follows: **506.4 Height of key boxes**. Required key boxes shall be installed at the primary fire department entrance, in a visible and accessible position, 42 inches to 54 inches above finished grade. For new or renovated buildings, fire department key boxes must be installed prior to occupancy.

507.5.5 Clear space around hydrants and fire department connections. Delete and substitute as follows: **507.5.5 Clear space around hydrants and fire department connections.** A 4-foot clear space shall be maintained around each side of fire hydrants, and a 5-foot clear space shall be maintained on each side of a fire department connection, except as otherwise required or approved.

Add definition to list as follows**: 602.1 DEFINITIONS**

~~**ELECTRIFIED SECURITY FENCE** - Any fence, other than used in an agricultural setting, that meets the following requirements:~~

1. ~~The fence is powered by an electrical energizer with both of the following output characteristics:~~
   a. ~~The impulse repetition rate does not exceed 1 hertz (hz).~~
   b. ~~The impulse duration does not exceed 10 milliseconds, or $^{10}/_{10000}$ of a second.~~

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~~2. The fence is used to protect and secure commercial or industrial property.~~

601.~~2~~3 Permits. Delete and substitute as follows: **601.~~2~~3 Permits**. Permits shall be obtained for refrigeration systems~~, solar photovoltaic power systems~~, commercial kitchen hoods, and electrified security fences as set forth in Sections 107.2.

Reasoning: Align section number with 2021 SFPC.

~~607.3.3.3.2~~ **606.3.3.3.2 Type I hood fire protection records.** Add Subsection as follows: ~~609.5~~ **606.3.3.3.2 Type I hood fire protection records**. The occupant shall maintain on premises a copy of all literature issued by the system manufacturers at time of installation and an approved plan of the fire protection system covering the cooking appliances. These items shall be made available to the *fire code official* on request.

Reasoning: Align section number with 2021 SFPC.

Add Section as follows:

Section ~~610~~611
Electrified Security Fence

~~610~~611.1 General. Notwithstanding any other state, local or other legal requirements, the installation of an electrified security fence shall comply with 2006 international standards and specifications of the International Electrotechnical Commission for electric fence energizers in “International Standard IEC 60335, Part 2-76.” Installation of the electrified security fence must conform to the requirements of this Code and other pertinent laws and ordinances.

~~610~~611.2 Electrification. The energizer for electric fences must be driven by a commercial storage battery or batteries not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However, the solar panel may be augmented by a commercial trickle charger. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.

~~610~~611.3 Perimeter fence or wall. No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet tall. There shall be a space of four (4) to twelve (12) inches between the electric fence and the perimeter fence or wall.

~~610~~611.4 Height. Electric fences shall have a minimum height of 8 feet and a maximum of 10 feet.

~~610~~611**.5 Warning signs.** Electric fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" and contain icons that are universally understood at intervals of not less than thirty feet.

~~610~~611**.6 Hours of activation.** Electric fences must only be energized during hours when the public does not have legal access to the protected property, except when personnel is available on-site to deactivate the electric fence.

~~610~~611**.7 Key Box.** Electric fences shall have installed a key box system in accordance with this Code.

~~610~~611**.7.1 Controller and key location.** The electric fence controller and rapid entry key box for the electric fence must be located in a single accessible location for the entire fence.

807.5.2.4 Furniture, furnishings and displays. Add Subsection as follows: **807.5.2.4 Furniture, furnishings and displays.** Furniture, furnishings, displays or other objects shall be prohibited in exit corridors serving Group E occupancies.

Exception: Furniture, furnishings, displays, and other objects shall be permitted in exit corridors when secured in place and not located in any portion of the required 72-inch exit corridor width or other required element of the means of egress. Upholstered furniture shall meet the requirements for Class I when tested in accordance with NFPA 260.

901.3. Permits. Delete and substitute as follows: **901.3 Permits.** Permits shall be required as set forth in Sections 107 and 108**.**

901.6.~~3~~4. Periodic retests. Add Subsection as follows: **901.6.~~3~~ 4 Periodic retests.** Periodic inspections and tests ~~required under this chapter~~when required by the fire official shall be witnessed by the fire official. The fire official shall collect fees from the building owner or tenant for the witnessing of tests required under this section, based on staff hours expended witnessing these tests.

901.6.~~3~~4.1. Reinspection and testing fees. Add Subsection as follows: **901.6.~~3~~4.1 Testing and reinspection fees.** Fees for witnessing the testing and reinspection of ~~existing fire~~existing fire protection equipment and systems, under the authority of 901.6.~~3~~4, shall be assessed as listed under Subsection 107.2. A fee, based on hours reserved, shall be assessed for inspections not cancelled with notice.

901.12 Unwanted or Nuisance alarms. Add Subsection as follows: **901.12 Unwanted or Nuisance alarms.** Inspection fees shall be as in Table 107.2 and 109.6. Whenever unwanted nuisance fire alarm activations occur in any occupancy exceed three in a 90- day period, the fire official may require the owner or occupant to conduct a test of the fire protection system causing the nuisance alarm. Testing shall be in accordance with section 901.6.~~3~~4.

1. For the purpose of this section, an unwanted or nuisance alarm is deemed to occur whenever the fire official or fire department officer in charge responding to a fire alarm call shall determine, after investigation, that faulty equipment initiated the alarm.
2. As soon as possible following the unwanted or nuisance alarm determination, the responding officer in charge shall cause the Office of the Fire Marshal to be notified in writing of the facts and circumstances supporting the determination that faulty fire protection equipment initiated the alarm.
3. Whenever an owner or occupant is required by this section to conduct testing of a fire protection system, the fire official shall notify the owner or occupant in writing and prescribe a certified test consistent with standard procedures and a report of such testing shall be provided to the fire official upon request.

907.8.~~6~~ 5 Posting of central station monitoring company and point of contact. Add Subsection as follows: **907.8.~~6~~ 5 Posting of central station monitoring company and point of contact.** The name, telephone number, and account number of the current central station monitoring company shall be posted and maintained inside the fire alarm control panel. Information for an alternate contact such as the building owner or representative shall also be posted. If the fire alarm system is not monitored, that fact shall be posted and maintained inside the fire alarm control panel, along with the building owner or representative contact information.

1201.4 Permits. Delete and substitute as follows: **1201.4 Permits.** Permits shall be required as set forth in Sections 107 and 108.

2001.3. Permits. Delete and substitute as follows: **2001.3 Permits.** For permits to operate aircraft-refueling vehicles, application of flammable or combustible finishes and hot work shall be required as set forth in Sections 107 and 108.

2006.11.5 Notification of the fire department. Delete and substitute as follows: **2006.11.5 Notification of the fire department.** The fire department shall be notified of any fuel spill that is considered a hazard to people or property or which meets one or more of the following criteria:

1. Any dimension of the spill is greater than 10 feet (3048 mm).
2. The spill area is greater than 50 square feet (4.65 m^2).
3. The fuel flow is continuous in nature
4. The procedures as set forth in section 5003.3.1 shall also be followed.

2101.2. Permits. Delete and substitute as follows: **2101.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

2201.2. Permits. Delete and substitute as follows: **2201.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

2301.2. Permits. Delete and substitute as follows: **2301.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

2401.3. Permits. Delete and substitute as follows: **2401.3 Permits.** Permits shall be required as set forth in Sections 107 and 108.

2501.2. Permits. Delete and substitute as follows: **2501.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

2601.2. Permits. Delete and substitute as follows: **2601.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

2701.5. Permits. Delete and substitute as follows: **2701.5 Permits.** Permits shall be required as set forth in Sections 107 and 108.

2801.2. Permits. Delete and substitute as follows: **2801.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

2901.2 Permits. Delete and substitute as follows: **2901.2 Permits**. Permits shall be required as set forth in Sections 107 and 108.

3001.2. Permits. Delete and substitute as follows: **3001.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

~~**3101.2. Permits.** Delete and substitute as follows: **3101.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.~~

3103.2. Approval required.- Delete and substitute as follows: **3103.2 Approval required.** Tents and temporary membrane structures having an area in excess of 900 square feet (84 square meters) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official in accordance with Table 107.2

Exceptions:
1. Tents used exclusively for recreational camping purposes.

3103.4. **Permits.** Delete and substitute as follows: **3103.4 Permits**. Permits shall be required as set forth in Sections 107 and 108.

3104.5 Fireworks. Add Subsection as follows: **3104.5 Fireworks**. Fireworks shall not be manufactured stored, sold, displayed, or used inside or within 100 feet of tents or membrane structures.

3105.3. Permits. Delete and substitute as follows: **3105.3 Permits.** Permits shall be required as set forth in Sections 107 and 108.

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3201.2. Permits. Delete and substitute as follows: **3201.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

~~**3301.1.6. Manufacturing.** Delete and add Section 5601.0.6.~~

~~**3301.1.7 Permit required for sale of explosive materials.** Delete and add Section 5601.1.7.~~

~~**3301.1.7.1 Storage & Handling in Sales of Explosive Materials.** Delete and add Section 5601.1.7.1~~

~~**3301.2.4 Insurance Required for blasting.** Delete and add Section 5601.2.4.~~

~~**3301.1.7 Seizure.** The fire official is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials, or fireworks offered or exposed for sale, stored, possessed, or used in violation of this chapter.~~

~~**3308.2**~~ **3303.2 Fire prevention program manager.** Delete and substitute as follows: ~~**3308.2**~~ **3303.2 Fire prevention program manager.** The owner shall designate a person to be the fire prevention program manager who shall be responsible for the fire prevention program and ensure that it is carried out through completion of the project. The fire prevention program manager shall have the authority to enforce the provisions of this chapter and other provisions as necessary to secure the intent of this chapter. Where guard service is provided in accordance with NFPA 241, the manager shall be responsible for the guard service.

3303.2.1 Pre-fire plans. Delete and substitute as follows: **3308.3 Pre-fire plans.** The fire prevention program manager shall develop and maintain an approved pre-fire plan in cooperation with the fire chief. The fire chief and the *fire code official* shall be notified of changes affecting the utilization of information contained in such pre-fire plans.

3303.6 Training. Delete and substitute as follows: **3308.4 Training.** Training of responsible personnel in the use of fire protection equipment shall be the responsibility of the fire prevention program manager. Records of training shall be kept and made a part of the written plan for the fire prevention program.

3303.7 Fire protection devices. Delete and substitute as follows: **3308.5** Fire protection devices. The fire prevention program manager shall determine that all fire protection equipment is maintained and serviced in accordance with this code. The quantity and type of fire protection equipment shall be approved. Fire protection equipment shall be inspected in accordance with the fire protection program.

3303.8 Hot work operations. Delete and substitute as follows: **3308.6 Hot work operations.** The fire prevention program manager shall be responsible for supervising the permit system for hot work operations in accordance with Chapter 35.

~~**3308.2.1.1 Permit required for display of aerial fireworks.**~~ **.** Delete section and replace with Section 5608.2.1.1.

~~**3308.2.3. Permit required for sale of fireworks.**~~ **.** Delete section and replace with Section 5608.2.3.

~~**3308.3 Pre-fire plans.** Delete and substitute as follows: **3308.3 Pre-fire plans.** The fire prevention program manager shall develop and maintain an approved pre-fire plan in cooperation with the fire chief. The fire chief and the *fire code official* shall be notified of changes affecting the utilization of information contained in such pre-fire plans.~~

~~**3308.4 Training.** Delete and substitute as follows: **3308.4 Training.** Training of responsible personnel in the use of fire protection equipment shall be the responsibility of the fire prevention program manager. Records of training shall be kept and made a part of the written plan for the fire prevention program.~~

~~**3308.5 Fire protection devices.** Delete and substitute as follows: **3308.5** Fire protection devices. The fire prevention program manager shall determine that all fire protection equipment is maintained and serviced in accordance with this code. The quantity and type of fire protection equipment shall be approved. Fire protection equipment shall be inspected in accordance with the fire protection program.~~

~~**3308.6 Hot work operations**. Delete and substitute as follows: **3308.6 Hot work operations.** The fire prevention program manager shall be responsible for supervising the permit system for hot work operations in accordance with Chapter 35.~~

3308.10 Daily fire safety inspection. Delete and substitute as follows: **3308.10 Daily fire safety inspection.** The fire prevention program manager shall be responsible for completion of a daily fire safety inspection at the project site. Each day, all building and outdoor areas shall be inspected to ensure compliance with the inspection list in this section. The results of each inspection shall be documented and maintained on site until a certificate of occupancy has been issued. Documentation shall be immediately available on site for presentation to the *fire code official* upon request.

Failure to properly conduct, document and maintain documentation required by this section shall constitute an unlawful act in accordance with Section 110.1 and shall result in the issuance of a notice of violation in accordance with Section 110.3 to the fire prevention program manager. Upon the third offense, the *fire code official* is authorized to issue a stop work order in accordance with Section 112, and work shall not resume until satisfactory assurances of future compliance have been presented to and approved by the *fire code official.*

~~1. Any contractors entering the site to perform hot work each day have been instructed in hot work safety requirements in Chapter 35 and hot work is only performed in areas approved by the fire prevention manager.~~
~~1. Temporary heating equipment is maintained away from combustible materials in accordance with the equipment manufacturer's instructions.~~
~~2. Combustible debris, rubbish and waste material is removed from the building in areas where work is not being performed.~~
~~3. Temporary wiring does not have exposed conductors.~~
~~4. Flammable liquids and other hazardous materials are stored in locations that have been approved by the fire prevention manager when not involved in work that is being performed.~~
~~5. Fire apparatus access roads required by Section 3310 are maintained clear of obstructions that reduce the width of the usable roadway to less than 20 feet.~~
~~6. Fire hydrants are clearly visible from access roads and are not obstructed.~~
~~7. The location of fire department connections to standpipe and in-service sprinkler systems are clearly identifiable from the access road and such connections are not obstructed.~~
~~8. Standpipe systems are in service and continuous to the highest work floor, as specified in Section 3313.~~
~~9. Portable fire extinguishers are available in locations required by Section 3315 and 3317.3.~~

1. Any contractors entering the site to perform hot work each day have been instructed in hot work safety requirements in Chapter 35 and hot work is only performed in areas approved by the fire prevention manager.
2. Temporary heating equipment is maintained away from combustible materials in accordance with the equipment manufacturer's instructions.
3. Combustible debris, rubbish and waste material is removed from the building in areas where work is not being performed.
4. Temporary wiring does not have exposed conductors.
5. Flammable liquids and other hazardous materials are stored in locations that have been approved by the fire prevention manager when not involved in work that is being performed.
6. Fire apparatus access roads required by Section 3310 are maintained clear of obstructions that reduce the width of the usable roadway to less than 20 feet.
7. Fire hydrants are clearly visible from access roads and are not obstructed.
8. The location of fire department connections to standpipe and in-service sprinkler systems are clearly identifiable from the access road and such connections are not obstructed.
9. Standpipe systems are in service and continuous to the highest work floor, as specified in Section 3313.
10. Portable fire extinguishers are available in locations required by Section 3315 and 3317.3.

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~~**3308.11 Retail display and sale.** Delete section and replace with Section 5608.11.~~

~~**3308.11.1 Precautions.** Delete section and replace with Section 5608.11.1.~~

~~**3308.11.2 Sales to minors.** Delete section and replace with Section 5608.11.2.~~

~~**3308.11.3 Records to be kept by wholesaler and retailer.** Delete section and replace with Section 5608.11.3.~~

3308.12. Approval of permissible fireworks. Delete section and replace with Section 5608.12.

3401.~~4~~2. Permits. Add Subsection as follows: **3401.~~4~~ 2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

3501.2 Permits. Permits shall be required as set forth in Sections 107 and 108.

3603.3 Flammable or combustible liquid spills. Delete and substitute as follows: **3603.3 Flammable or combustible liquid spills.** Spills of flammable or *combustible liquids* at or upon the water shall be reported immediately to the fire department or jurisdictional authorities. Notification and remediation procedures of unauthorized discharges shall also be made as directed in 5003.3.1.

3701.3 Permits. Permits shall be required as set forth in Sections 107 and 108.

3901.3 Permits. Permits shall be required as set forth in Sections 107 and 108.

5001.5.2 Hazardous Materials Inventory Statement (HMIS). Delete and substitute as follows: **5001.5.2 Hazardous Materials Inventory Statement (HMIS).** Where required by the *fire code official,* an application for a permit shall include an HMIS, such as Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III, Tier II Report or other approved statement. The HMIS shall include the following information:

1. Product name.
2. Component.
3. Chemical Abstract Service (CAS) number.
4. Location where stored or used.
5. Container size.
6. Hazard classification.
7. Amount in storage.
8. Amount in use-closed systems.
9. Amount in use-open systems.

The HMIS shall be maintained onsite or readily available through another means where approved by the *fire code official* for use by emergency responders and shall be updated not less than annually.

5601.1 Scope. Delete and substitute as follows: **5601.1 Scope.** The provisions of this chapter shall govern the possession, manufacture, transportation, storage, handling, sale and use of *explosives*, *explosive materials*, fireworks and small arms ammunition.

Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. *Explosives* in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition where packaged in accordance with DOTn packaging requirements.
4. The possession, storage, and use of not more than 15 pounds (6.81 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and any amount of small arms primers for hand loading of small arms ammunition for personal consumption.
5. The use of *explosive materials* by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
6. Special industrial *explosive* devices that in the aggregate contain less than 50 pounds (23 kg) of *explosive materials*.
7. The possession, storage and use of blank industrial-power load cartridges where packaged in accordance with DOTn packaging regulations.
8. Transportation in accordance with DOTn 49 CFR Parts 100—185.
9. Items preempted by federal regulations.
10. The storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1 of the Code of Virginia.
11. The display of small arms primers in Group M when in the original manufacturer's packaging.
12. The possession, storage and use of not more than 50 pounds (23 kg) of commercially manufactured sporting black powder, 100 pounds (45 kg) of smokeless powder, and small arms primers for hand loading of small arms ammunition for personal consumption in Group R-3 or R-5, or 200 pounds (91 kg) of smokeless powder when stored in the manufacturer's original containers in detached Group U structures at least 10 feet (3048 mm) from inhabited buildings and are accessory to Group R-3 or R-5.

5601.1.6 Manufacturing. Add Subsection as follows:
5601.1.6 Manufacturing. The manufacture of explosives and blasting agents shall be prohibited. This shall not apply to hand loading of small arms ammunition for personal use when not for resale, the assembly of two component explosives for use on site, or the mixing of blasting agents for use on site.

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5601.1.7 Permit required for sale of explosive materials. Add subsection as follows: **5601.1.7. Permit required for sale of explosive materials.** It shall be unlawful for any person, firm or corporation, wholesaler or retailer to sell, offer for sale or expose for sale any explosive materials within the county without a permit from the Fire Marshal's Office. Such permit shall be issued only after the applicant files with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least $5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, his agents or his employees in connection with the activities authorized by the permit. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit, and remains continuously in effect until such activities are completed.

5601.1.7.1 Storage & Handling in Sales of Explosive Materials. Add subsection as follows: **5601.1.7.1 Storage & Handling in Sales of Explosive Materials.** Except where approved in **5604.1**, the storage of explosive materials within the county in support of wholesale or retail sales is prohibited. Except where approved in **5604.1**, it shall be unlawful for any person, firm or corporation, wholesaler or retailer to package, ship, transfer, or otherwise handle explosive materials in the county without a permit from the Fire Marshal's Office.

5601.2.4 Insurance required for blasting. ~~Delete and Add Subsection as follows: **5601.2.4 Insurance required for blasting.**~~ Before a permit is issued for the storage, transportation, disposal, or use of explosives or blasting agents, the applicant shall file with the Office of the Fire Marshal a certificate of insurance which shows that the applicant has liability insurance in the amount of at least $5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, his agents, or his employees in connection with the storage, transportation, disposal, or use of explosives or blasting agents. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the operations or activities authorized by the permit and remains continuously in effect until such operations or activities are completed.

5601.7. Seizure. Delete and substitute as follows: **5601.7. Seizure**. The fire official is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials, or fireworks offered or exposed for sale, stored, possessed, or used in violation of this chapter.

5602.1 Definitions.

Add as follows:

APPROVED. ~~Approved by the County Fire Marshal's Office~~.

~~**BLAST AREA.** The area of a blast, including the blast site and adjacent areas that could reasonably be expected to be within the influence of flying material, fumes, and/or concussion as a result of the blasting operation being conducted.~~

BLAST SITE. The area in which explosive materials are being handled and which includes all boreholes to be loaded for a blast and a distance of 50 feet in all directions, as measured from the perimeter formed by the boreholes to be loaded.

~~**BLASTING.** The process of moving, heaving, breaking, or shattering soils and rocks, or doing other work, such as the demolition of structures or research and testing, that generates seismic waves through the use of energetic materials in chemical reactions, explosions, or other detonations or deflagrations.~~

~~**CONGESTED AREA**. An urban, suburban, or industrialized area in which multiple structures may be impacted by the effects of blasting operations.~~

~~**FLYROCK.** Any dirt, mud, stone, fragmented rock, or other material that is displaced from the blast area in an uncontrolled or unplanned manner by the effects of a blast.~~

~~**LABORATORY.** A facility that provides controlled conditions in which scientific research, experiments, and measurement may be performed~~.

~~**MISFIRE**. Any explosive material, explosive charge, blast, or portion thereof which failed to function as intended.~~

~~**RETAILER.** Any persons selling fireworks or explosive materials and/or offering fireworks or explosive materials for retail sale.~~

~~**TEMPORARY STORAGE (OF EXPLOSIVES).** Storage of explosive materials for not more than 24 hours.~~

~~**WHOLESALER.** A person, firm, or corporation offering explosive materials for sale or explosive materials to a retailer. Such term also includes a manufacturer of explosive materials, a representative of any such manufacturer, a distributor, a jobber, or a middleman of any description dealing in explosive materials, any of whom shall sell or offer to sell explosive materials to a retailer within the County.~~

5603.1 General. Delete and substitute as follows: 5603.1 General. Records of the receipt, handling, use, sale or disposal of *explosive materials*, and reports of any accidents, thefts or unauthorized activities involving *explosive materials* shall conform to the requirements of this section.

5603.2 Transaction record. Delete and substitute as follows: 5603.2 Transaction record. The permittee shall maintain a record of all transactions involving receipt, removal, use, sale or disposal of *explosive materials*. Such records shall be maintained for a period of 5 years.

Exception: Where only Division 1.4G (consumer fireworks) are handled, records need only be maintained for a period of 3 years.

5603.4.1 Accidents with no injuries or property damage. Add Subsection as follows: 5603.4.1 Accidents with no injuries or property damage. Any blasting misfires, malfunctions, or other unintended blasting related events or accidents involving the use of explosives, explosive materials, or fireworks which do not involve injuries or property damage shall be reported to the fire official immediately.

5603.8 Improper storage. Add Subsection as follows: 5603.8 Improper storage. If at any time Division 1.3G fireworks, explosives, or explosive materials are found not properly stored in a magazine, it shall immediately be reported to the Fairfax County Office of the Fire Marshal.

5604.1 General. Delete and substitute as follows: 5604.1 General. Storage and transportation of explosives and explosive materials, small arms ammunition, small arms primers, propellant-actuated cartridges and smokeless propellants in magazines shall comply with the provisions of this section.

5604.1.1 Overnight Storage. ~~**Add Section as follows: 5604.1.1 Overnight Storage.**~~ The overnight storage of explosive materials, including Division 1.3G fireworks, is prohibited.

Exceptions:

1. Overnight storage approved by a special use permit issued by the Fairfax County Board of Supervisors.
2. Explosive materials used for laboratory testing purposes, up to 1 pound total in storage of which no more than ¼ pound is in use at any time, when approved by the *fire code official* and stored in compliance with the magazine requirements of section 5604.3.
3. Explosive materials in storage for a period of not more than 7 days for specialized blasting operations such as the demolition of structures or loading of similarly complex blasts, when approved by the *fire code official.* Storage for more than 7 days shall necessitate approval of the Fairfax County Board of Supervisors.
4. Wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive activated power tools in quantities involving less than 500 pounds total explosive material.
5. The temporary storage of fireworks at display sites in accordance with 5608.5 and NFPA 1123 or NFPA 1126.

5604.1.1.~~2~~ 1 Enforcement. ~~Delete and substitute as follows: **5604.1.1.2 1 Enforcement.**~~ The Fairfax County Office of the Fire Marshal shall enforce the regulations contained herein pertaining to the intra-county transportation of explosives.

5604.1.1.~~3~~ 2 Notification. ~~Delete and substitute as follows: **5604.1. 1.3 2 Notification.**~~ Operators of vehicles transporting explosives in Fairfax County shall immediately notify the Fire Official upon experiencing a mechanical breakdown or being otherwise unable to move.

5604.1.2 Transfer of explosive materials. ~~Delete and substitute as follows: **3304.1.3 5604.1.2 Transfer of explosive materials.**~~ The on-site delivery of explosive materials where explosives would be transferred from the delivery vehicle to an on-site vehicle shall be prohibited without the prior approval of the Fire Marshal. Approval of on-site delivery will be dependent on an inspection of the proposed transfer site. Such operations will only be approved where:

1. Transfer is from the magazine of the delivery vehicle directly to the magazine of the receiving vehicle(s).
2. All vehicles delivering and/or receiving explosive materials shall possess a valid Explosives Transport Vehicle permit.
3. The area of the transfer is barricaded and posted.
4. An appropriate guard shall be posted to ensure the safety and security of the transfer operations and prevent unauthorized persons from entering the transfer area.
5. Transfer of explosive materials will cease, and all explosive materials will be secured immediately upon entry of an unauthorized person into the transfer area.
6. Transfer shall be conducted in accordance with an approved blast plan.

5604.2.1 Control in wholesale and retail stores. ~~Delete and substitute as follows: **5604.2.1 Control in wholesale and retail stores.**~~ The storage or display of explosives and blasting caps in wholesale and retail stores is prohibited unless in a magazine.

5604.3 Magazines. ~~Add Delete and substitute as follows: **5604.3 Magazines.**~~ The storage of *explosives* and *explosive materials* in magazines shall comply with Table 5604.3. Explosive materials in overnight storage, regardless of quantity, shall utilize Type 1 or Type 2 magazines as approved by the *fire code official*. Regardless of magazine type, storage of explosives in non-sprinklered buildings is prohibited.

5607.3 Blasting in congested areas~~. Delete and substitute as follows: **5607.3 Blasting in congested areas.**~~ When blasting is done in a congested area or in close proximity to a structure, railway or highway, or any other installation, precautions in the loading, delaying, initiation, and confinement of blasts shall be taken to minimize earth vibrations, air blast effects, and fragments from being thrown. Sufficient burden, spacing, stemming, blasting mats, or other protective means shall be used to prevent fragments from being thrown.

5607.3.1 Pre-blast surveys. ~~Add section as follows: **5607.3.1 Pre-blast surveys.**~~ A pre-blast survey shall be performed on each structure located within a minimum of 150 feet and any well located within a minimum of 250 feet of the blast site. Written confirmation that the pre-blast survey has been done shall be maintained by the blasting contractor. Requests

for access to structures for pre-blast surveys shall be made by certified mail to the last known address of the owner(s) of any structures located within the pre-blast survey areas as defined herein. If permitted by the owner(s), said pre-blast surveys shall be conducted to determine the pre-blast conditions of these structures. A minimum of 14 days' notice shall be provided for the scheduling of the pre-blast survey. Documentation consisting of a written acknowledgement that the survey has been performed or declined by the property owner and a map depicting the above referenced 150- and 250-feet radius, shall be provided to the *fire code official* at the time of the Explosive Use Site Permit Inspection meeting.

5607.3.2 Pre-blast notification. ~~Add Subsection as follows:~~ ~~**5607.3.2 Pre-blast notification.**~~ All structures located within a minimum of 300 feet of the blast site shall be notified of the scheduled blasting 10 days prior to blasting and no blasting shall occur until such notice has been given.

5607.5 Utility notification. ~~Delete and substitute as follows:~~ ~~**5607.5 Utility notification.**~~ Whenever blasting is being conducted in the vicinity of utility lines or rights-of-way, the blaster shall notify the appropriate representatives of the utilities at least 5 business days in advance of blasting, specifying the location and intended time of such blasting. Verbal notices shall be confirmed with written notices. Blasting operations will not proceed until the owners/operators of utilities have been contacted and measures for safe control have been taken.

Exception: When approved by the *fire code official*, the time limit shall not apply in emergency situations.

5607.7 Nonelectric Detonator Precautions. ~~Delete and substitute as follows:~~ ~~**5607.7 Nonelectric Detonator Precautions.**~~ Precautions shall be taken to prevent accidental initiation of nonelectric detonators from stray currents induced by lightning or static electricity. Blast initiation devices shall not be connected to non-electric systems until the blast area is secured, traffic is stopped if necessary, and audible warnings have been sounded.

5607.8 Blasting area security. ~~Delete and substitute as follows:~~ ~~**5607.8 Blasting area security.**~~ Beginning at the time that explosive materials arrive on site, only authorized persons engaged in loading operations or otherwise authorized to enter the site shall be allowed at the blast site. Beginning with the time that individual loaded boreholes are connected together, only authorized persons engaged in blasting operations or otherwise authorized to enter the area shall be allowed within the blast area. No activity of any nature other than that which is required for loading holes with explosives shall be permitted within the blast area. The blast site and blast area shall be guarded or barricaded and posted. Blast area security shall be maintained until after the post-blast inspection has been completed.

5607.9 Drill Holes. ~~Delete and substitute as follows:~~ ~~**5607.9 Drill Holes.**~~ Holes drilled for the loading of *explosive* charges shall be made and loaded in accordance with NFPA 495. Loaded boreholes shall not be left unattended.

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5607.9.1 Equipment for loading and stemming. ~~Add Subsection as follows:~~ ~~**5607.9.1 Equipment for loading and stemming.**~~ Only equipment and machinery necessary to load boreholes shall be allowed within the blast site after the arrival of explosives. Said equipment or machinery shall not be operated over loaded boreholes or at any location where there is a potential to contact explosive materials. Equipment and machinery used to stem loaded boreholes shall not be operated within the blast site once loading operations begin.

5607.9.2 Stemming of loaded boreholes. ~~Add Subsection as follows:~~ ~~**5607.9.2 Stemming of loaded boreholes**~~. All boreholes loaded with explosives shall be stemmed to the collar or to a point which will confine the charge. Stemming shall be a minimum of 4 feet unless otherwise approved. Stemming will be stone appropriately sized to the borehole diameter. Drill cuttings shall not be used as stemming material.

5607.13 Firing control. ~~Delete and substitute as follows:~~ ~~**5607.13 Firing control.**~~ No blast shall be fired until the blaster in charge has made certain that all surplus explosive materials are in a safe place in accordance with Section 5607.10, all persons and equipment are removed from the blast area or protected under approved cover, and that an adequate warning signal audible throughout the blast area has been given.

5607.16 Blast records~~. Delete and substitute as follows:~~ ~~**5607.16 Blast records.**~~ A record of each blast shall be created immediately following the blast and retained for at least five years and shall be available for inspection by the *fire code official*. When required by the *fire code official,* the diameter and depth of boreholes, type and amount of explosives, and explosives per delay period shall be listed for each individual borehole and not averaged over the entire site. The record shall contain the following minimum data:

1. Name of contractor.
2. Location and time of blast.
3. Name of certified blaster in charge.
4. Type of material blasted.
5. Number of holes bored and spacing.
6. Diameter and depth of holes.
7. Type and amount of explosives.
8. Amount of explosive per delay of 8 milliseconds or greater.
9. Method of firing and type of circuit.
10. Direction and distance in feet to nearest dwelling, public building, school, church, commercial building, institutional building, or other installation.
11. Weather conditions.
12. Whether or not mats or other precautions were used.
13. Type of detonator and delay period.
14. Type and height of stemming.
15. Seismograph record when utilized.

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Exception: Items 8 and 13 of this section are not applicable to restricted blasters.

5607.17 Blasting in asbestos rock. ~~Add Subsection as follows: **5607.17 Blasting in asbestos rock.**~~ Blasting operations conducted in rock or soils that present a hazard to public health through dust generation or other effects of drilling and blasting must be reported as such to the *fire code official* and the blaster-in-charge must obtain and maintain all necessary health, safety, and environmental permits or approvals.

5607.18 Blast effects monitoring. ~~Add Subsection as follows: **5607.18 Blast effects monitoring.**~~ All blasts occurring within the County will be monitored by at least one seismograph placed in proximity to the nearest structure to the blast. The seismograph must be capable of monitoring both ground vibration and air overpressure and the blaster in charge must be able to provide the results of blast monitoring on-site immediately following the blast. Additional seismographs may be required by the *fire code official* as conditions at the blast warrant.

1. All seismographs will be properly calibrated by a qualified firm. Annually, calibration records shall be presented to the *fire code official* upon request.
2. Adequate trigger levels shall be set for the blast being conducted but at no time less sensitive than:
   a. Ground vibration: 0.05 inches per second peak particle velocity
   b. Air blast: 100 decibels
   c. Recording time: 5 seconds.
3. GPS coordinates documenting the location of each seismograph used in mineral mining will be included in the blasting records required in 5607.16.

5607.19 Detonating cord and safety fuse. Add Subsection as follows: **5607.19 Detonating cord and safety fuse.** The use of detonation cord in blasting and explosives operations will comply with NFPA 495 and the requirements listed in 29 CFR 1926.908(a) through (j). Safety fuse shall be used only where approved by the fire official. The use of safety fuse shall comply with the requirements listed in 29 CFR 1926.907(a) through (m).

5608 Fireworks Display. Change title to: **Section 5608 Fireworks.**

5608.1 General. Delete and substitute as follows: **5608.1 General.** Outdoor fireworks displays, use of pyrotechnics before a *proximate audience* and pyrotechnic special effects in motion picture, television, theatrical and group entertainment productions shall comply with Sections 5608.2 through 5608.10 and NFPA 1123 or NFPA 1126. The manufacture of fireworks is prohibited within the County. The display, sale, or discharge of fireworks shall comply with the requirements of this chapter.

Commented [VW1]: Add language regarding not allowing the reloading of fireworks during a shoot/show

5608.1.1 Unlawful activities. Add Subsections as follows:

5608.1.1.1 Unlawful activities. ~~Add subsection as follows: **5608.1.1.1: Unlawful activities.**~~ Except as hereinafter provided, it shall be unlawful for any person, firm, or

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corporation to transport, manufacture, store, possess, sell, offer for sale, expose for sale, or to buy, use, ignite, or explode any fireworks.

5608.1.1.2 Reloading. It shall be unlawful for any person, firm, or corporation to reload any fireworks during any shoot, show or display.

5608.1.1.3 Cold Spark Machines. It shall be unlawful for any person, firm, or corporation to utilize cold spark machines within a structure or building.

5608.1.2 Permissible fireworks. ~~Add Subsection as follows:~~ ~~**5608.1.2 Permissible fireworks.**~~ The provisions of 5608.1.1 shall not apply to consumer 1.4G permissible fireworks which have been approved by the Fire Marshal's Office. Such permissible fireworks shall be used only on private property with the approval of the owner. The sale or storage of any fireworks shall be prohibited on the property of another without the express written permission of the owner. The sale of fireworks to minors shall be prohibited unless the minor is accompanied by a parent or legal guardian.

5608.2.1.1 Permit required for display of aerial fireworks. ~~Add Subsection as follows:~~ ~~**5608.2.1.1 Permit required for display of aerial fireworks.**~~ The Office of the Fire Marshal may issue permits, upon application in writing, for the display of aerial fireworks, commonly known as pyrotechnic displays, for fair associations, amusement parks, or by any organization, individual, or group of individuals; provided such display is in general accord with the applicable sections of NFPA 1123 and NFPA 1126, as listed in chapter 80 of this Code. After such permit has been issued, sales of fireworks may be made for use under such permit and the association, organization, group, or individual to which it is issued may make use of such fireworks under the terms and conditions of such permit. No permit shall be issued until the applicant files with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least $5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall become available for the payment of any damage arising from the acts or omissions of the applicant, his agents, or his employees in connection with the display of aerial fireworks. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit and remains continuously in effect until such activities are completed.

5608.2.3 Permit required for sale of fireworks. ~~Add subsection as follows:~~ ~~**5608.2.3 Permit required for sale of fireworks.**~~ It shall be unlawful for any person, firm, or corporation, wholesaler, or retailer to sell, offer for sale, or expose for sale any fireworks within the county without a permit from the Fire Marshal's Office. This permit shall be valid for ~~the period June 1 to July 15 of each year~~a maximum of 45 days. Such permit shall be issued only after the applicant files with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least $5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, his agents, or his employees in connection with the activities authorized by the permit. The applicant shall ensure that the insurance policy is in effect at the time of the

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commencement of the activities authorized by the permit and remains continuously in effect until such activities are completed.

5608.101 Retail display and sale. ~~Add subsection as follows: **5608.11 Retail display and sale.**~~ In addition to the restrictions set forth in section, 5601.2.2, retail sales of permissible fireworks shall only be conducted from approved, fixed locations. Such locations shall comply with all Fairfax County rules and regulations applicable to such sites. The sale or storage of any fireworks shall be prohibited on the property of another without the express written permission of the owner. Staff selling permitted, permissible fireworks shall be 18 years or older.

5608.101.1 Precautions. ~~Add subsection as follows: **5608.11.1 Precautions.**~~ Fireworks displayed for retail sale shall not be made readily accessible to the public and under the supervision of retail staff. A minimum of one pressurized water fire extinguisher complying with section 906 shall be located not more than 15 feet and not less than 10 feet from the retail sale location. "NO Smoking" signs complying with section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale.

5608.101.2 Sales to minors. ~~Add subsection as follows: **5608.11.2 Sales to minors.**~~ The sale of permissible fireworks to persons under the age of 18 shall be prohibited unless the person is accompanied by a parent or legal guardian.

5608.110.3 Records to be kept by wholesaler and retailer. ~~Add subsection as follows: **5608.11.3 Records to be kept by wholesaler and retailer.**~~ Each wholesaler shall maintain full and complete records of all purchases and sales of fireworks and each retailer shall maintain full and complete records of all purchases of fireworks. The Fairfax County Fire Marshal or his designated agent is authorized to examine the books and records of any wholesaler or retailer documenting the purchases and sales of fireworks within the county.

5608.112 Approval of permissible fireworks. ~~Add Subsection as follows: **5608.12 Approval of permissible fireworks.**~~ Persons engaged in the business of selling or offering to sell fireworks at wholesale shall submit to the Office of the Fire Marshal a list of fireworks for approval. Persons engaged in the business of selling fireworks at wholesale may be required to submit to the Office of the Fire Marshal at least 5 samples of each firework intended to be sold or delivered by such wholesaler, together with complete specifications including the manufacturer and trade name of such fireworks and a chemical analysis of each such fireworks submitted. No wholesaler or retailer shall sell or deliver in the county any fireworks other than those approved by the State Fire Marshal's Office.

5704.2.7.10 Leak reporting. ~~Add Subsection as follows: **5704.2.7.10 Leak reporting.**~~ A consistent or accidental loss of liquid, or other indication of a leak from a tank system, shall be reported immediately to the fire department, the *fire code official* and other authorities having jurisdiction. The procedures as set forth in section 5003.3.1 shall also be followed.

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ARTICLE 3. - Junior Firefighters

Section 62-3-1. - Junior firefighters.

Any person residing in the County of Fairfax, the City of Fairfax, or the towns of Vienna, Herndon and Clifton, aged 16 years or older, who is a member of a Fairfax County volunteer fire company, with parental or guardian approval, is authorized to (i) seek certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs; and (ii) work with or participate in non-hazardous activities of such volunteer fire company, provided such person has attained certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, subject to the following conditions:

1) Evidence of residency in the Commonwealth shall be provided by the junior firefighter.
2) The junior firefighter shall present an original letter by a parent or legal guardian that permits junior firefighter participation.
3) The junior firefighter shall provide an original consent form signed by a parent or legal guardian allowing participation in Virginia Department of Fire Programs training courses.
4) The junior firefighter shall be provided with a copy of the County's liability insurance coverage applicable to junior firefighters.

Board Agenda Item
June 10, 2025

ADMINISTRATIVE – 2

Authorization to Advertise a Public Hearing on Appendix Q of the Code of the County of Fairfax, Proposed Amendments

ISSUE:
Appendix Q of the Fairfax County Code is the Land Development Services Fee Schedule, which outlines the fees charged by the county's Land Development Services and the Office of the Fire Marshal for various building and site development activities. These fees cover services such as plan reviews, acceptance testing and inspection fees.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing for *Appendix Q of the Code of the County of Fairfax* on June 10, 2025.

TIMING:
On June 10, 2025, the Fire Marshal will request that the Board authorize advertisement of a public hearing to consider this matter on June 24, 2025, at 4:30p.m.

BACKGROUND:
Appendix Q of the Code of Fairfax contains the fee schedule charged by Land Development Services and the Office of the Fire Marshal, for building and site plan review and land development activities. These services include plan reviews, permits, inspections, and other regulatory activities related to fire protection systems and life safety requirements.

The purpose of this amendment is to correct an administrative oversight by reinstating a section of Appendix Q that was inadvertently omitted in the previously adopted version of the fee schedule. The proposed amendment seeks to reinsert Subsection D of Section H: FIRE PREVENTION DIVISON (OFFICE OF THE FIRE MARSHAL) FEES, which pertains to fees for plan review and inspections performed by staff outside of business hours. This section was omitted in the previous code update that the Board of Supervisors approved. The language was not struck through as it was not intended to be deleted but was not included in the package that was presented to the Board and adopted. The intention of this item is to correct that error.

Board Agenda Item
June 10, 2025

Attached to this staff report is the full set of code revisions proposed by the Fire Marshal. The text is the full text of the proposed amended Ordinance. Where a change has been made, a bracketed "For Reference Only" section gives a full account of the change. These reference sections are not intended to be included in the codified version of the Ordinance.

EQUITY IMPACT:
None.

FISCAL IMPACT:
None.

CREATION OF POSITIONS:
There will be no new position(s) created.

ENCLOSED DOCUMENTS:
Attachment 1 – Appendix Q – "For Reference Only Version"
Attachment 2 – Appendix Q – "Strikethrough and Additions Version"

STAFF:
Thomas Arnold, Deputy County Executive
John S. Butler, Fire Chief, Fire and Rescue Department
William D. Vannoy, Deputy Chief, Fire and Rescue Department

ASSIGNED COUNSEL:
Patrick V. Foltz, Assistant County Attorney

Appendix Q – Land Development Services Fee Schedule Effective July 1, 2025 (thru 18-22-Q)

H: FIRE PREVENTION DIVISON (OFFICE OF THE FIRE MARSHAL) FEES

(A) Plan Review Fees:

Fees for all plan review are based on an hourly charge calculated on the quarter hour or part thereof, per reviewer. Fees are due upon completion of the plan review process.

- Per Hour $208.00

(B) Acceptance Testing and Inspection Fees:

Fees are based on an hourly charge calculated on the quarter hour or part thereof, per inspector. Fees for fire protection equipment and systems performance tests and inspections, other equipment and systems performance tests and inspections, occupancy or preoccupancy inspections, fire lanes and required reinspection's shall be imposed per hour calculated on the quarter hour or part thereof, per required inspector.

- Per Hour $208.00

(C) Reinspection Fees:

Reinspection fees shall be based on the hours reserved to perform the test and will be charged per hour calculated on the quarter hour or part thereof, per required inspector. The following matrix is to serve as a guideline in determining when a reinspection fee is required for acceptance testing. A minimum notice of 24 hours (one full business day) for test cancellation is required. The fee is charged when an inspection is not canceled in time to save an unnecessary trip by inspectors.

- Per Hour $208.00

(D) Plan Review and Inspections Performed Outside of Business Hours:

Plan reviews and inspections may be performed outside of business hours upon request at the sole discretion of the fire official. Fees for these plan reviews and inspections shall be assessed at twice the rate listed in (A), (B) and (C) above. Fees shall be assessed in 30 minute increments.

{**FOR REFERENCE ONLY**: This amendment adds a new section, Section D, referencing reviews and inspections performed outside of business hours. This section was inadvertently not included in the 2022 update that was approved by the Board of Supervisors and sent to Municode. All other adopted Appendix Q text remains identical.}

REINSPECTION FEES

CIRCUMSTANCE	CONDITION	INSPECTED	REINSPECTION FEE
Cancelled or rescheduled off site more than 24 hours prior to appointment	N/A	No	No
Cancelled or rescheduled off site less than 24 hours prior to appointment	N/A	No	Yes
Contractor shows, others do not, or inspectors arrive, no one on site	Cannot Test	No	Yes
Cancelled while inspectors on site; test not started	Not Ready	No	Yes
Regular inspection, test started, test not completed	Not Ready or Failure due to fault of contractor	Yes	Yes
Regular inspection, test started, test not completed	Failed, but due to fault of contractor	Yes	No
Regular inspection, test completed	Substantially ready with minor deficiencies	Yes	No
Regular inspection, test completed	No punch list, inspection approved	Yes	No
Final inspection	Deficient	Yes	Yes

Appendix Q – Land Development Services Fee Schedule Effective July 1, 2025 (thru 18-22-Q)

H: FIRE PREVENTION DIVISON (OFFICE OF THE FIRE MARSHAL) FEES

(A) Plan Review Fees:

Fees for all plan review are based on an hourly charge calculated on the quarter hour or part thereof, per reviewer. Fees are due upon completion of the plan review process.

- Per Hour $208.00

(B) Acceptance Testing and Inspection Fees:

Fees are based on an hourly charge calculated on the quarter hour or part thereof, per inspector. Fees for fire protection equipment and systems performance tests and inspections, other equipment and systems performance tests and inspections, occupancy or preoccupancy inspections, fire lanes and required reinspection's shall be imposed per hour calculated on the quarter hour or part thereof, per required inspector.

- Per Hour $208.00

(C) Reinspection Fees:

Reinspection fees shall be based on the hours reserved to perform the test and will be charged per hour calculated on the quarter hour or part thereof, per required inspector. The following matrix is to serve as a guideline in determining when a reinspection fee is required for acceptance testing. A minimum notice of 24 hours (one full business day) for test cancellation is required. The fee is charged when an inspection is not canceled in time to save an unnecessary trip by inspectors.

- Per Hour $208.00

(D) Plan Review and Inspections Performed Outside of Business Hours:

Plan reviews and inspections may be performed outside of business hours upon request at the sole discretion of the fire official. Fees for these plan reviews and inspections shall be assessed at twice the rate listed in (A), (B) and (C) above. Fees shall be assessed in 30 minute increments.

REINSPECTION FEES

CIRCUMSTANCE	CONDITION	INSPECTED	REINSPECTION FEE
Cancelled or rescheduled off site more than 24 hours prior to appointment	N/A	No	No
Cancelled or rescheduled off site less than 24 hours prior to appointment	N/A	No	Yes
Contractor shows, others do not, or inspectors arrive, no one on site	Cannot Test	No	Yes
Cancelled while inspectors on site; test not started	Not Ready	No	Yes
Regular inspection, test started, test not completed	Not Ready or Failure due to fault of contractor	Yes	Yes
Regular inspection, test started, test not completed	Failed, but due to fault of contractor	Yes	No
Regular inspection, test completed	Substantially ready with minor deficiencies	Yes	No
Regular inspection, test completed	No punch list, inspection approved	Yes	No
Final inspection	Deficient	Yes	Yes

Board Agenda Item
June 10, 2025

ADMINISTRATIVE – 3

Authorization to Advertise a Public Hearing to Consider Adoption of an Ordinance to Amend Appendix H of the Fairfax County Code to Approve the Transfer of the Cable Franchise Held by Comcast of Virginia, LLC (Hunter Mill and Sully Districts)

ISSUE:
Board of Supervisors authorization to advertise a public hearing to consider adoption of an ordinance to amend Appendix H of the Fairfax County Code to approve the transfer of the cable franchise held by Comcast of Virginia, LLC, to Comcast Cable Communications Management, LLC, a different Comcast subsidiary.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing for July 15, 2025, at 4:00 p.m.

TIMING:
The Board action is requested on June 10, 2025, to advertise the public hearing for July 15, 2025, at 4:00 p.m.

BACKGROUND:
The County's cable franchise for the Reston Franchise Area is currently held by Comcast of Virginia, LLC, a wholly owned subsidiary of Comcast Corporation. (The Reston Franchise Area lies almost entirely within the Hunter Mill District, with a small part extending into the Sully District.) Comcast wishes to transfer the franchise to Comcast Cable Communications Management, LLC, a separate wholly owned subsidiary of Comcast Corporation. No change of control or of ultimate ownership will be involved.

Comcast has assured the County that the transfer transaction will have no effect on subscriber rates or services, and that the financial position of the transferee is no worse than that of the transferor. Both are wholly owned subsidiaries of the same corporate parent.

Comcast has satisfied the requirements of the County Code and its franchise agreement with respect to the proposed transfer. Staff recommends approval of the transfer, subject to the provisions of a transfer agreement in substantially the form

attached. Pursuant to *Section 9.2-5-1(b) of the County Code*, no transfer of a cable franchise shall occur without approval of the Board and that approval shall be expressed by ordinance.

EQUITY IMPACT:
This action supports digital access and literacy, a One Fairfax area of focus, as the continued operation of Comcast's cable communications system offers information and entertainment to all County residents in the Reston franchise area.

These communications capabilities serve two of the County's strategic outcome areas: lifelong education and learning, and cultural and recreational opportunities. In particular, the provision of public, educational, and governmental access channels on the cable system gives individual residents and groups a voice that can be heard throughout the County, as well as access to telecourses and other learning programs. Fairfax County Government Channel 16 also serves the goal of effective and efficient government by making the County government's activities transparent and accessible to County residents.

The recommended action maintains the current benefits of the Comcast franchise without regard to potentially discriminatory factors. Thus, the cable franchise helps advance the goal of equal opportunities for all residents.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Proposed Amendment to Appendix H of the Fairfax County Code
Attachment 2 – Transfer Agreement

STAFF:
Ellicia Seard-McCormick, Deputy County Executive
Rebecca L. Makely, Director, Department of Cable and Consumer Services
Frederick E. Ellrod III, Department of Cable and Consumer Services

ASSIGNED COUNSEL:
Joanna L. Faust, Assistant County Attorney

AN ORDINANCE TO AMEND APPENDIX H OF THE FAIRFAX COUNTY CODE TO APPROVE THE TRANSFER OF A NON-EXCLUSIVE CABLE TELEVISION FRANCHISE TO COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC

Draft as of April 21, 2025

AN ORDINANCE to amend Appendix H of the Fairfax County Code to approve the transfer of the non-exclusive cable television franchise currently held by Comcast of Virginia, LLC to Comcast Cable Communications Management, LLC.

Be it ordained by the Board of Supervisors of Fairfax County:

1. That Section B of Appendix H of the Fairfax County Code is amended to add the following:

> Paragraph 3. Pursuant to Title VI of the Communications Act of 1934, Chapter 21 of Title 15.2 of the Code of Virginia, and Section 9.2-5-1(b) of the Fairfax County Code, the Fairfax County Board of Supervisors approves the transfer of the cable television franchise set forth in Paragraphs 1 and 2 of this Section B to Comcast Cable Communications Management, LLC.

2. This ordinance shall become effective upon Comcast Cable Communications Management LLC's delivery of a fully executed Transfer Agreement, in substantially the form attached, to the Cable Television Administrator no later than August 31, 2025, or this ordinance will be rendered null and void.

GIVEN under my hand this ____ day of _____ 2025.

_____

Jill G. Cooper

Clerk for the Board of Supervisors

TRANSFER AGREEMENT

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TRANSFER AGREEMENT

THIS AGREEMENT is made this ___ day of _____, 2025, by and between: Fairfax County, Virginia ("County"); Comcast of Virginia, LLC ("Transferor"); and Comcast Cable Communications Management, LLC ("Transferee"). Transferor and Transferee may be referred to jointly herein as "Companies."

RECITALS

WHEREAS, Transferor currently holds a cable franchise (the "Franchise") from the County subject to A Cable Franchise Agreement Between Fairfax County, Virginia and Comcast of Virginia, Inc., entered into July 1, 2005 ("Franchise Agreement") and to Chapter 9.2 of the Fairfax County Code ("Cable Ordinance"), both of which documents, as they may have been amended from time to time, are collectively referred to as the "Franchise Documents"; and

WHEREAS, Transferee will acquire the franchise currently held by Transferor and the Transferor's assets and liabilities (the "Proposed Transaction"); and

WHEREAS, the Proposed Transaction constitutes an assignment of the franchise pursuant to Transferor's Franchise Agreement, § 3(a)(2)(A); and

WHEREAS, Transferor has represented to the County that the Proposed Transaction will result in no change in ultimate control, and that the Proposed Transaction will result in no change in local management or operations; and

WHEREAS, Transferee has agreed to comply with the Franchise Documents and applicable law from and after the completion of the Proposed Transaction; and

WHEREAS, relying on Transferor's and Transferee's representations, the County is willing to grant its consent to the Proposed Transaction, subject to the terms and conditions set forth herein;

NOW, THEREFORE, in consideration for the County's consent to the Proposed Transaction, and subject to the terms and conditions of this Agreement, THE PARTIES DO HEREBY AGREE as follows:

1. DEFINITION

1.1. For purposes of this Agreement, “Franchisee” shall mean Transferor prior to the effective date of the Franchise transfer, and Transferee on and after that date.

2. TRANSFER OF FRANCHISE

2.1. The foregoing recitals are true and correct and are incorporated herein by reference.

2.2. The County consents to the Proposed Transaction as specified in the Transfer Application.

3. ACCEPTANCE OF FRANCHISE OBLIGATIONS

3.1. Franchisee hereby accepts, acknowledges, and agrees that, after the Proposed Transaction, it will continue to be bound by all the commitments, duties, and obligations, present, continuing and future, of the Franchisee embodied in the Franchise Documents, and that the Proposed Transaction will have no effect on these obligations.

3.2. The Companies agree that neither the Proposed Transaction nor the County's approval of the Proposed Transaction shall in any respect relieve the Franchisee or any of its

successors in interest of responsibility for past acts or omissions, known or unknown. Transferee hereby agrees that it shall be liable for any such acts and omissions, known and unknown, including liability for any and all previously accrued but unfulfilled obligations to the County under the Franchise Documents and applicable law, for all purposes, including but not limited to review of past performance for purposes of determining whether its Franchise should be renewed. Franchisee agrees that all acts and omissions of Franchisee occurring prior to this Agreement will continue to be deemed to be those of Franchisee. The Proposed Transaction shall not restrict or expand the rights of the Franchisee under or related to the Franchise Documents as compared to those that could have been exercised by the Franchisee prior to the Proposed Transaction.

3.3. The Companies shall ensure that all records pertaining to the Franchise, including financial records, shall continue to be available after the Proposed Transaction in the same way and to the same extent such information was available prior to the Proposed Transaction.

3.4. Transferee shall execute and submit to the County an Acceptance of Franchise by Transferee in substantially the form attached hereto as Exhibit 1.

4. RESERVATION OF RIGHTS

4.1. The County reserves all rights not expressly granted in this Transfer Agreement, including without limitation those specified below.

4.2. The County waives none of its rights with respect to the Franchisee's compliance with the requirements set forth in the Franchise Documents. At no time will the Companies contend, either directly or indirectly, that the County is barred, by reason of the Proposed Transaction, from considering, or raising claims based on, any defaults of Franchisee, any failure by Franchisee to provide reasonable service in light of the community's needs, or any failure by

Franchisee to comply with the terms and conditions of the Franchise Documents or with applicable law. The County's approval of the Proposed Transaction shall in no way be deemed a representation by the County that the Franchisee is in compliance with all of its obligations under the Franchise Documents.

4.3. Neither this Transfer Agreement, nor any other action or omission by the County at or before the execution of this Transfer Agreement, shall be construed to grant the County's consent to any future transfer of the Franchise and/or the cable system, and/or any future change in ownership and/or control of the Franchise and/or the cable system, or to mean that the County's consent to any future transaction is not required.

4.4. Any consent given by the County to the Proposed Transaction is made without prejudice to, or waiver of, the County's right to investigate and take into account any lawful considerations during any franchise renewal or any future transfer process.

5. NO EFFECT ON RATES

5.1. The Companies represent and warrant that neither the Proposed Transaction nor this Transfer Agreement will result in any increase in subscriber rates. The Transferee remains free to modify subscriber rates for other reasons, consistent with federal, state, and local law.

6. REPRESENTATIONS AND WARRANTIES

6.1. Each of the Companies hereby represents and warrants that at the time of the execution of this Agreement: (a) it is a corporation or partnership duly organized, validly existing and in good standing under the laws of the jurisdiction in which it is organized; (b) the Franchise Documents and, assuming due execution hereof by the other parties hereto, this Transfer Agreement constitute legal, valid and binding obligations of such Company enforceable

in accordance with their terms; (c) the execution and delivery of, and performance by such Company under, this Transfer Agreement and the Franchise Documents, where applicable, are within such Company's power and authority without the joinder or consent of any other party and have been duly authorized by all requisite corporate or partnership action on the part of such Company and are not in contravention of such Company's partnership agreement, charter, bylaws, and/or other organizational documents; and (d) no representation made to the County by such Company is incomplete, untrue or inaccurate in any material respect.

6.2. Transferee represents and warrants that neither the Proposed Transaction nor this Transfer Agreement will adversely affect its ability to meet the requirements of the current Franchise Documents, or to meet the County's future cable-related needs and interests in a renewal franchise.

6.3. The Companies represent and warrant that the Proposed Transaction will not have any adverse financial effect on the cable system, or adversely affect performance. Transferee represents and warrants that after the Proposed Transaction, Transferee's financial qualifications will be such as shall enable it to maintain and operate its cable system in the County.

6.4. Transferee represents and warrants that the Proposed Transaction will not in any respect reduce the quality of customer service in the County.

7. ADDITIONAL CONDITIONS

7.1. In the event the transfer does not close by December 31, 2025, or closes on terms that are in any material respect different from the terms disclosed to the County in writing, then

any County consent to the Proposed Transaction shall be void and of no force or effect, and the Proposed Transaction deemed to have been timely denied.

7.2. The Companies hereby waive any and all claims that they may have that any denial of the Transfer Application that results from failure of the conditions in Section 7.1 fails to satisfy the deadlines established by applicable law including, without limitation, claims based on, arising out of, or relating to 47 U.S.C. § 537, as amended, and agree that they shall be deemed to have agreed to an extension of the time to act on the Transfer Application as required to make any denial effective.

8. MISCELLANEOUS PROVISIONS.

8.1. **Effective Date**: This Transfer Agreement shall be effective and binding upon the signatories once it has been signed by all signatories.

8.2. **Binding Acceptance**: This Transfer Agreement shall bind and benefit the parties hereto and their respective receivers, trustees, successors and assigns. Any purported assignment of this Transfer Agreement is void without the express written consent of the signatories.

8.3. **Voluntary Agreement**: This Transfer Agreement is freely and voluntarily given by each party, without any duress or coercion, and after each party has consulted with its

counsel. Each party has carefully and completely read all of the terms and provisions of this Transfer Agreement.

8.4. **Severability**: If any term, condition, or provision of this Transfer Agreement shall, to any extent, be held to be invalid, preempted, or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective.

8.5. **Counterparts**: This Transfer Agreement may be executed in several counterparts, each of which when so executed shall be deemed to be an original copy, and all of which together shall constitute one agreement binding on all parties hereto, notwithstanding that all parties shall not have signed the same counterpart.

8.6. **Governing Law**: This Transfer Agreement shall be governed in all respects by the law of the Commonwealth of Virginia.

8.7. **Captions and References**: The captions and headings of sections throughout this Transfer Agreement are intended solely to facilitate reading and reference to the sections and provisions of this Transfer Agreement. Such captions shall not affect the meaning or interpretation of this Transfer Agreement.

FAIRFAX COUNTY, VIRGINIA

By: _____
Bryan J. Hill
County Executive

ATTEST:

_____
County Clerk

COMCAST OF VIRGINIA, LLC

By: _____
Raymon Roundtree
Regional Senior Vice President,
Beltway Region

COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC

By: _____
Raymon Roundtree
Regional Senior Vice President,
Beltway Region

EXHIBIT_1

ACCEPTANCE OF FRANCHISE BY THE FRANCHISEE

Comcast Cable Communications Management, LLC ("Transferee") hereby accepts the cable franchise currently held by Comcast of Virginia, LLC (“Transferor”). By this acceptance, Transferee agrees that it shall be bound by the terms and conditions of A Cable Franchise Agreement Between Fairfax County, Virginia and Comcast of Virginia, Inc., entered into July 1, 2005, and Section 9.2 of the Fairfax County Code (collectively, the "Franchise Documents").

By accepting the franchise, the Transferee further: (1) acknowledges and accepts the County's legal right to issue and enforce the franchise; (2) agrees that it will not oppose the County's intervention in any proceeding affecting its franchise or obligations thereunder; (3) accepts and agrees to comply with each and every provision of the Franchise Documents; and (4) agrees that the franchise was granted pursuant to processes and procedures consistent with applicable law, and that it will not raise any claim to the contrary.

The Transferee declares that it has carefully read all of the terms and conditions of the Franchise Documents, and accepts and agrees to abide by same.

The Transferee is bound to maintain and operate a cable system under the terms, conditions and limitations set forth in the Franchise Documents and other applicable law, as of the time and date it files this written acceptance with the Cable TV Administrator.

AGREED TO THIS _____ DAY OF _____, _____.

Comcast Cable Communications Management, LLC

By: Raymon Roundtree

Its: Regional Senior Vice President, Beltway Region

Board Agenda Item
June 10, 2025

ADMINISTRATIVE – 4

Authorization to Advertise a Public Hearing to Sublease Ash Grove House at 8881 Ashgrove House Lane in Connection with the Resident Curator Program (Hunter Mill District)

ISSUE:
Authorization of the Board of Supervisors to advertise a public hearing to sublease property owned by the Fairfax County Park Authority (FCPA) at 8881 Ashgrove House Lane in connection with the Resident Curator Program.

RECOMMENDATION:
The County Executive recommends that the Board authorize a public hearing regarding the proposed sublease of Ash Grove House to the Resident Curator.

TIMING:
Board action is requested on June 10, 2025, to provide sufficient time to advertise the proposed public hearing on July 15, 2025, at 4:00 p.m.

BACKGROUND:
In accordance with enabling legislation enacted by the Commonwealth, the Board approved the creation of the Resident Curator Program (Program) to address underutilized, publicly-owned historic properties by entering into long-term leases with qualified tenants who pledge to rehabilitate the property in accordance with federal standards established for the treatment of historic properties. The tenant under the lease (Resident Curator) agrees to complete the rehabilitation and provide ongoing maintenance and upkeep of the property for the duration of the lease in exchange for rent-free accommodation. The program is managed by the FCPA.

State legislation requires that the Board serve as the landlord under the lease. Consequently, the FCPA will lease the property selected through the screening process established in the Program to the Board (Lease), and the Board will concurrently sublease the property to the Resident Curator (Sublease). The Sublease will contain detailed provisions on the rehabilitative workplan for the property; however, the responsibility for monitoring the Resident Curator's progress with the workplan and the Program will remain with the FCPA per the terms of the Lease.

The sixth property selected by the FCPA for inclusion in the Program is the two-and-a-half-story, Federal-style building called Ash Grove House located at 8881 Ashgrove House Lane (Tax Map No. 0282 13 B) within 14 acres of parkland. The 4,200 square feet residence and two outbuildings, a brick kitchen and laundry and a weatherboard smokehouse, were constructed in the late 18th century. The main structure was badly damaged by a fire in 1960, but the house was substantially rebuilt with the aid of existing photographs and measured drawings. The property is listed on the County's inventory of historic sites.

The Resident Curator selected during the screening process for the Program is Sheila Consaul, an historic preservationist who was recently responsible for the restoration of a century-old lighthouse off the coast of Lake Erie. During the almost eight-year term of the Sublease, the Resident Curator will rehabilitate the residence to make the historic structure compatible with modern use. Planned projects include a full renovation of the kitchen, upgrades to the mechanical and electrical systems and repairs to the interior walls, ceilings and woodwork. The implementation of these renovations will be governed by a building conditions report and FCPA-approved workplan that will be incorporated into the terms of the Sublease. To facilitate public access, the Resident Curator will also hold an annual open house as well as provide scheduled tours to preservation organizations and community groups.

In accordance with Board Policy and *Section 15.2-1800 of the Code of Virginia*, a public hearing is required prior to the leasing of any property owned or leased by the Board.

EQUITY IMPACT:
The inclusion of Ash Grove House in FCPA's resident curator program and the grant of the lease to the historic curators align with focus area 13 of the One Fairfax Policy, which advocates for the development of a parks and recreation system that provides quality facilities, programs, and services to all communities.

FISCAL IMPACT:
None. Any expenses associated with the Program or acting as landlord under the Sublease shall be borne by the FCPA.

ENCLOSED DOCUMENTS:
Attachment 1 – Location Map

Board Agenda Item
June 10, 2025

STAFF:
Ellicia Seard-McCormick, Deputy County Executive
Christopher Leonard, Deputy County Executive
Jai Cole, Director, Fairfax County Park Authority
Jose Comayagua, Jr., Director, Facilities Management Department
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:
Daniel Robinson, Senior Assistant County Attorney

ATTACHMENT 1



Board Agenda Item
June 10, 2025

ADMINISTRATIVE – 5

Authorization to Advertise a Public Hearing to Convey Crescent Apartments Located at 1513 and 1531 Cameron Crescent Drive to the Fairfax County Redevelopment and Housing Authority (Hunter Mill District)

ISSUE:
Authorization of the Board of Supervisors (Board) to advertise a public hearing regarding the conveyance of Crescent Apartments located at 1513 and 1531 Cameron Crescent Drive to the Fairfax County Redevelopment and Housing Authority (FCRHA).

RECOMMENDATION:
The County Executive recommends that the Board authorize a public hearing regarding the proposed conveyance of Board-owned property to the FCRHA.

TIMING
Board action is requested on June 10, 2025, to provide sufficient time to advertise the proposed public hearing on July 15, 2025, at 4:00 p.m.

BACKGROUND:
The Board owns approximately 16.49 acres of land in the Hunter Mill District known as Crescent Apartments (Crescent Property), described as Tax Map Parcels 0172 16 0001A and 0172 14 01 0002G. The Crescent Property is currently improved with a five-building, 181-unit garden style apartment complex, constructed in 1963. Occupying the northeast portion of the Lake Anne Village Center in Reston, the Crescent Property is within walking distance of bus stops, retail, offices, healthcare, and has convenient access to vital services including schools, parks, transit routes, and recreational amenities.

Fairfax County purchased the Crescent Property and contemporaneously long-term leased most of the property to the FCRHA in 2006, to preserve and expand affordable housing, and to contribute to the population growth to further the revitalization of Lake Anne. The residential units at the Crescent Property are now nearly 60 years old, and in need of renovation or replacement. The adopted Comprehensive Plan guidance supports additional density on the Crescent Property, thereby creating an opportunity to

replace the existing housing by leveraging development of additional new affordable and market residential units.

An economic visioning study for the Lake Anne Village Center has recently been completed, and the anticipated redevelopment of the Crescent Property will be complementary to the revitalization and economic development needs of the historic heart of Reston. The FCRHA is evaluating measures to leverage this high opportunity property for development of housing at a range of incomes by partnering with a private developer. Future land use and zoning actions will be evaluated by County staff and reviewed at public hearings by both the Planning Commission and the Board. The public will be afforded several opportunities during the review process to comment on the design of the redevelopment and its possible impacts on surrounding communities. Public outreach efforts are expected to continue following the completion of the developer selection process.

Should the transfer be approved, the FCRHA will be expected to take the Lake Anne Economic Visioning Study into consideration in implementing the development of affordable housing, complementary market-rate housing and associated uses. The FCRHA would also be expected to provide the Board with access to and use of the site as may be reasonably necessary or appropriate until such time as development activities begin. If the FCRHA no longer pursues the project, the Board may direct the FCRHA to transfer ownership of the property back to the Board pursuant to the memorandum of agreement with the FCRHA approved by the Board on January 15, 2025. Staff recommends that any public utilities located on the property that are owned and maintained by County agencies, such as sanitary sewers and stormwater management facilities and structures, continue to be owned and maintained by the County.

Because Virginia Code § 15.2-1800 generally requires a locality to hold a public hearing before it may dispose of real property, staff recommends that the Board authorize staff to advertise a public hearing to convey the property to the FCRHA.

EQUITY IMPACT:
Leveraging this underutilized parcel will help achieve the Board's goal of increasing the supply of affordable housing with a minimum of 10,000 new units by 2034 to meet the needs of working families. With Fairfax County's Area Median Income at $163,900 for a family of four, the delivery of new affordable housing units in the Hunter Mill District, the location of the Crescent Property in the Reston area aligns with the One Fairfax Policy, which recommends, in part, (i) the implementation of housing policies and practices that encourage all who want to live in Fairfax to be able to do so, and (ii) the providing of a full spectrum of housing opportunities across the county, most notably those in mixed-use areas that are accessible to multiple modes of transport. The

Crescent Property project will promote opportunities for everyone to fully participate in the region's economic vitality, contribute to its readiness for the future, and connect to its assets and resources.

FISCAL IMPACT:
The advertisement of the subject public hearing has no direct fiscal impact. However, the redevelopment of Crescent Property subsequent to a potential transfer to the FCRHA could have a significant, positive fiscal impact. A redevelopment would allow the FCRHA to leverage very substantial non-local resources to deliver a new, mixed-income community with more housing and amenities. Absent a redevelopment, the apartments at the Crescent Property would require a major renovation, which would constrain the existing site for several decades to come at the existing density and likely require significant local funding.

ENCLOSED DOCUMENTS:
Attachment 1 – Location Map

STAFF:
Ellicia Seard-McCormick, Deputy County Executive
Christopher Leonard, Deputy County Executive
Thomas Fleetwood, Director, Housing and Community Development
Anna Shapiro, Deputy Director, Real Estate Finance and Development, HCD
Mark Buenavista, Division Director, Capital Planning and Development, HCD
José Comayagua, Director, Facilities Management Department
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:
Brett Callahan, Assistant County Attorney
Ryan Wolf, Senior Assistant County Attorney

ATTACHMENT 1



Board Agenda Item
June 10, 2025

ADMINISTRATIVE – 6

Supplemental Appropriation Resolution AS 25257 for the Office of Environmental and Energy Coordination to Accept Grant Funding from the Metropolitan Washington Council of Governments for the Federal Highway Administration's Charging and Fueling Infrastructure Discretionary Grant Program

ISSUE:
Board of Supervisors approval of Supplemental Appropriation Resolution AS 25257 for the Office of Environmental and Energy Coordination (OEEC) to accept grant funding in the amount of $3,150,000, including $630,000 in Local Cash Match, from the Metropolitan Washington Council of Governments (MWCOG) as a subgrant recipient for the Federal Highway Administration's (FHWA) Charging and Fueling Infrastructure Discretionary Grant Program. This funding will be used for the installation of publicly accessible electric vehicle charging stations (EVCS) at County facilities, with an emphasis on deploying EVCS in historically underserved communities. The required 20 percent Local Cost Match is available in Fund 30015, Environmental and Energy Program, Project GF-000063, EV Stations. The grant period, which begins upon execution of the subaward agreement, extends through December 31, 2029. When grant funding expires, the County is under no obligation to continue funding the program and there are no new positions associated with the funding. Board authorization is also requested for the Chairman of the Board of Supervisors, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 25257 for the OEEC to accept grant funding from MWCOG in the amount of $3,150,000, including a Local Cash Match of $630,000 which is available in Fund 30015, Environmental and Energy Program, Project GF-000063, EV Stations. The funding will be used to install publicly accessible electric vehicle charging stations at County facilities. There are no new positions associated with this grant. The County Executive also recommends the Board authorize the Chairman of the Board of Supervisors, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

Board Agenda Item
June 10, 2025

TIMING:
Board approval is requested on June 10, 2025.

BACKGROUND:
In June 2023, MWCOG applied for a grant from FHWA's Charging and Fueling Infrastructure Discretionary Grant Program to expand electric vehicle charging infrastructure across the region. Fairfax County participated in the application process, with the expectation of executing a subgrant agreement with MWCOG, should federal funding be awarded, to install publicly accessible EVCS at County-owned sites. The Board of Supervisors was notified of the application at the July 18, 2023, Environmental Committee meeting. In September 2024, FHWA announced the award of $3.9 million to MWCOG; MWCOG and FHWA executed a funding agreement on January 12, 2025. As part of the Agreement, Fairfax County has been awarded $2,520,000 in grant funding, with a Local Cash Match of 20 percent, or $630,000, for total project funding of $3,150,000.

Grant funding will be used to expand electric vehicle charging infrastructure across the metropolitan Washington region, prioritizing the installation of EVCS in historically underserved communities. In addition to Fairfax County, the following jurisdictions and organizations will receive grant funding from MWCOG: City of Alexandria, Arlington County, City of Fairfax, Frederick County, City of Manassas, Prince George's County Housing Authority, Maryland and Homes for America, and the Greater Washington Regional Clean Cities Coalition.

Fairfax County anticipates using awarded funds to install EVCS at 25 County-owned facilities with a total of 100 charging ports, including parking garages, park-and-ride lots, office buildings, libraries, rec centers, and community centers, prioritizing implementation of EVCS in or adjacent to underserved communities. EVCS will be open to both the vehicle fleet and general public. EVCS installations planned under the Charging and Fueling Infrastructure Discretionary Grant Program will help the County build out a robust and equitable charging network, supporting the operational and community-wide climate goals. Namely, this work supports the fleet electrification goals of the 2021 Operational Energy Strategy as well as the goal in the 2021 Community-wide Energy and Climate Action Plan (CECAP) to increase plug-in hybrid and battery electric vehicles to at least 15 percent of all light-duty vehicle registrations by 2030.

EQUITY IMPACT:
This action supports the following One Fairfax areas of focus: a healthy and quality environment, and a quality built and natural environment.

Fairfax County is committed to the transition to electric and alternative fuel vehicles within its own fleet and supports vehicle electrification efforts in the community for the numerous environmental and public health benefits provided. Electric vehicles (EVs) are more fuel efficient and produce no tailpipe emissions, contributing to improved local air quality and greenhouse gas emissions reductions. These efforts reduce the disproportionate impacts that vulnerable populations, including the elderly, youth, those with pre-existing health conditions, and those from lower socioeconomic backgrounds, face from vehicle emissions and other sources of air pollution.

In addition, MWCOG, Fairfax County, and other subaward recipients for the Charging and Fueling Infrastructure Discretionary Grant Program are prioritizing implementation of grant funds within historically underserved communities, to ensure these communities are not left out of regional vehicle electrification efforts and the environmental and economic benefits that will result. Fairfax County collaborated with MWCOG on the application to identify and prioritize County-owned sites that fall within or are adjacent to historically underserved communities, using MWCOG's Equity Emphasis Areas, Federal Justice40 mapping tools, and the U.S. Department of Transportation's Disadvantaged Census Tracts. Fifteen of the 25 sites Fairfax County identified in the application meet these criteria; the MWCOG application included 48 locations across the metropolitan Washington region, 63 percent of which are located in or near underserved communities.

The application also includes funding for the Greater Washington Region Clean Cities Coalition (GWRCCC) to lead equitable engagement and workforce development activities across the metropolitan Washington region, including Fairfax County. GWRCCC will engage underserved communities and address EV workforce development by conducting listening sessions targeting underserved and rural communities, hosting career expos for underserved communities, and conducting workforce development trainings to address EVCS reliability. These efforts will ensure that underserved communities are not left out of regional transportation electrification efforts, the opportunity to have EVCS available in their communities, and the opportunity to be a part of the decision-making process.

FISCAL IMPACT:
Funding in the amount of $3,150,000, including $630,000 in Local Cash Match, from MWCOG will be used to install publicly accessible electric vehicle charging stations at County facilities. The required 20 percent Local Cash Match requirement of $630,000 is available in Fund 30015, Environmental and Energy Program, Project GF-000063, EV Stations, to support these efforts. Indirect cost recovery is allowed but OEEC is not requesting the recovery of indirect costs in order to maximize funds available to accomplish the objectives of the project. This action does not increase the expenditure

level of the Federal-State Grant Fund as funds are held in reserve for unanticipated grant awards.

CREATION OF POSITIONS:
No new positions will be created by this grant.

ENCLOSED DOCUMENTS:
Attachment 1: Subgrant Agreement Memo
Attachment 2: Subgrant Agreement 25-041D
Attachment 3: Supplemental Appropriation Resolution AS 25257

STAFF:
Jennifer Miller, Deputy County Executive
Ellicia Seard-McCormick, Deputy County Executive
John Morrill, Director, OEEC (Office of Environmental and Energy Coordination)
Mark Moffatt, Director, Department of Vehicle Services (DVS)
Marguerite Guarino, Deputy Director, DVS
Kevin Smith, Division Director, OEEC

ASSIGNED COUNSEL:
Patricia McCay, Deputy County Attorney

Attachment 1

Metropolitan Washington
Council of Governments

MEMORANDUM

TO: COG CFI Round 1b Award Partners

FROM: Jeff King, COG, Director, Climate, Energy and Air Programs
Maia Davis, COG CFI Program Manager

SUBJECT: CFI Subgrant Agreement

DATE: February 20, 2025

On August 27, 2024, the U.S. Department of Transportation's Federal Highway Administration (FHWA) awarded $3.9 million to the Metropolitan Washington Council of Governments (COG) to support the installation of electric vehicle (EV) charging infrastructure. The funding, provided through the Charging and Fueling Infrastructure (CFI) Grant Program Round 1B Awards, will be used to advance the region's ongoing initiatives to expand EV use through the development of a connected, efficient, and equitable charging network.

For the Round 1B award, COG partnered with the Cities of Alexandria, Fairfax, and Manassas and Arlington, Fairfax, Frederick, and Prince George's Counties to deploy publicly accessible EV charging infrastructure at local government facilities in their communities. The majority of the sites are in or near historically disadvantaged communities, closing the gaps in the existing charging network and bringing greater opportunity to communities most impacted by the effects of climate change. COG has also partnered with the Greater Washington Region Clean Cities Coalition (GWRCCC) on equitable engagement and workforce development opportunities, including listening sessions with disadvantaged communities, job fairs, and EV infrastructure trainings.

FHWA-COG CFI AGREEMENT

Two main steps had to be taken prior to FHWA signing contracts with awardees. First, since the project was originally proposed in June 2023 and not awarded until August 2024, COG needed to coordinate with partners to provide an updated scope and timeline in the fall of 2024. Second, FHWA required the project's adoption in both the regional and state Transportation Improvement Programs (TIP and STIP, respectively). On November 1, 2024, the Transportation Board (TPB) Steering Committee adopted resolution SR18-2025 approving the CFI projection selection and amending the regional FY 2023-2026 TIP. TPB staff then requested the CFI project be adopted into the District of Columbia's STIP, which was added into the DC STIP's project list in December 2024.

The FHWA-COG CFI agreement was signed by FHWA and fully executed as of January 12, 2025. The signing of the agreement obligated Phase I Pre-Construction funds, which is 15% of the total funds. Phase I includes initial design plans for EV infrastructure and completion of the NEPA Categorial Exclusion (CE) process for all locations included in this project as well as initial equitable engagement and workforce development activities. FHWA has applied the Phase I funds to COG's Delphi account, the system that FHWA is using to reimburse project expenses. FHWA will need to approve the drawdown of funds once COG begins submitting quarterly invoices (starting in April 2025).

The National Electric Vehicle Infrastructure (NEVI) Formula Program is a formula program to states to develop EV infrastructure plans and deploy EV infrastructure on Alternative Fuel Corridors (AFCs). NEVI and CFI are both primarily funded through the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law; however, CFI is a competitive grant program to deploy EV infrastructure along AFCs and within communities. We understand that programs associated with climate change, in all federal agencies and supported by the IIJA, are currently being re-examined, particularly discretionary grant programs. As of February 6, 2025, FHWA has stated that for the NEVI Program no new obligations will be made until new program guidance comes out in the spring, but reimbursement of existing obligations will be allowed to not disrupt current financial commitments. We are not aware of a similar announcement of pausing or suspending new obligations and we believe that funds already obligated, including under discretionary grants, will be made available. As previously noted, the CFI grant to COG has been obligated for Phase I and COG has an executed funding agreement with the FHWA. As such, COG considers Phase I Pre-Construction funds to be low risk and continues the work of executing sub-grantee agreements. At this time Phase II funds have not been obligated. COG will notify subrecipients of the status of funding for Phase II work at a later date.

COG SUBGRANT AGREEMENT TEMPLATE

The next step in moving forward on COG's CFI award is sharing the COG CFI Subgrant Agreement template with partners. Please review the template with your leadership and legal team and let us know if you have any questions. Please fill in the areas of the template highlighted in yellow and complete ATTACHMENT E – Subrecipient Project Work Plan Outline. Your Phase I budget will be 15% of your total federally funded portion of your budget to support the initial design plans and to complete the NEPA CE process. For GWRCCC Phase I funds will be used to begin equitable engagement and workforce development activities. Any funds not used in Phase I can roll over to Phase II to support project construction.

Key dates to be aware of include Phase I Pre-Construction needs to be completed before September 30, 2026, and Phase II Construction shall begin upon FHWA sign off on Phase I by September 30, 2027. All EV infrastructure deployment sites awarded under this grant must have FHWA's approval of Phase I, including NEPA approval, before any deployment sites can move to Phase 2. Construction of all EV chargers must be completed and operational by December 31, 2029. The period of performance will terminate 5 years after the last station becomes operational. Quarterly invoicing and progress reports are due 10 days following the end of the quarter on 4/10, 7/10, 10/10, and 1/10. COG will make reasonable efforts to reimburse subrecipients within thirty (30) days after receiving, confirming and approving the invoice and other documentation.

It is important to note upon executing this agreement, not to begin any work/expend funds without a written notification to proceed from COG.

Please contact Maia Davis (mdavis@mwcog.org), COG's CFI Program Manager, with any questions.

Metropolitan Washington Council of Governments

Contract No. 25-041D

SUBGRANT AGREEMENT
BETWEEN
THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
AND
COUNTY OF FAIRFAX, VIRGINIA
FOR
CHARGING AND FUELING INFRASTRUCTURE (CFI) DISCRETIONARY GRANT

THIS SUBGRANT AGREEMENT ("CONTRACT" or "SUBGRANT"), consisting of ATTACHMENTs A-F attached and incorporated by reference, made this day June 10, 2025, between the Metropolitan Washington Council of Governments, located at 777 North Capitol Street, NE, Washington, DC 20002 ("COG") and County of Fairfax, Virginia, with its office at 12000 Government Center Parkway, Fairfax, VA 22035 ("SUBRECIPIENT"), and

WHEREAS, COG submitted a proposal under the Notice of Funding Opportunity (NOFO) Number 693JJ323NF00004 from the Federal Highway Administration (FHWA) Charging and Fueling Infrastructure Discretionary (CFI) Grant Opportunity (Round 1A) on June 13, 2023; and

WHEREAS, FHWA awarded COG (the "RECIPIENT") for the Metropolitan Washington Charging and Fueling Infrastructure Discretionary Grant Program (hereinafter referred to as the "REGIONAL PROJECT") as part of the Round 1B announcements on August 26, 2024; and

WHEREAS, COG coordinated with SUBRECIPIENTS to update the scope and timeline for submission to the regional Transportation Improvement Program (TIP), adopted November 1, 2024, and the District of Columbia TIP, adopted in December 2024; and

WHEREAS, the FHWA CFI Discretionary Grant Agreement with COG (Award No.693JJ32540405) was finalized and signed by FHWA on January 12, 2025; and

WHEREAS, the SUBRECIPIENT will carry out the requirements of the SUBRECIPIENT PROJECT as described in ATTACHMENT A - FHWA CFI Discretionary Grant Agreement with COG (Award No. 693JJ32540405), ATTACHMENT B - General Terms and Conditions Under the Fiscal Year 2022 and Fiscal Year 2023 CFI Grant Program, ATTACHMENT C – FHWA Exhibits To Project-Specific Agreements Under The Fiscal Year 2022 And Fiscal Year 2023 CFI Grant Program, and ATTACHMENT D – COG Terms and Conditions; and

WHEREAS, the SUBRECIPIENT will carry out the SUBRECIPIENT PROJECT as described in this SUBGRANT with supplemental information provided in the application originally submitted June 13, 2023, with updated scope and timeline as adopted in the TIP, any needed modifications submitted to COG, and in ATTACHMENT E – SUBRECIPIENT PROJECT Work Plan; and

WHEREAS, the SUBRECIPIENT possesses the necessary qualifications and ability to carry out the SUBRECIPIENT PROJECT, and is desirous of carrying out the SUBRECIPIENT PROJECT in accordance with the provisions set forth herein; and

WHEREAS, SUBRECIPIENT has made the material statements and representations set forth within ATTACHMENT F**, "**Certification Regarding Debarment, Suspension and Other Responsibility Matters", attached and incorporated herein;

NOW, THEREFORE, the Parties do mutually agree as follows:

SECTION 1. STATEMENT OF WORK

SUBRECIPIENT will use this Charging and Fueling Infrastructure grant to design and install electric vehicle (EV) charging stations and infrastructure in publicly-accessible parking lots at 25 Fairfax County-owned facilities.

SUBRECIPIENT will perform work under this SUBGRANT based on the "SUBRECIPIENT PROJECT Work Plan" (ATTACHMENT E).

SUBRECIPIENT will complete and submit timely reports, including quarterly invoices and status reports (due 10 days following quarter end) throughout the SUBGRANT period. Quarterly reimbursements are contingent upon the timely submission of these invoices and reports.

SUBRECIPIENT will comply with all of the following:

A. Administrative Reporting Requirements

1. SUBRECIPIENT PROJECT Work Plan

   SUBRECIPIENT will provide quarterly status reports on these SUBRECIPIENT PROJECT objectives and benchmarks as required in Attachment E on a schedule and in a format provided by COG.

2. FHWA-Required Performance Measurement Data

   SUBRECIPIENT must collect and submit information one-time, annually by 2/1, and quarterly (due 10 days following the end of the quarter (4/10, 7/10, 10/10, and 1/10) in a format provided by COG. Required reporting is outlined in:

   a) FHWA-COG CFI Agreement Schedule G: CFI Performance Measurement Information;

   b) Article 7 of the General Terms and Conditions, for Progress Reporting and Financial Reporting to be submitted to FHWA quarterly; and

   c) Article 8 of the General Terms and Conditions for Performance Measurement Reporting, generally to be performed by submitting data to EV ChART as required by 23 CFR 680.112 for EV Chargers.

3. Final Progress Reports and Financial Information

   SUBRECIPIENT is required to submit a Final Report (due 30 days after the end of the period of performance), in a format provided by COG, which will include:

   a) A Final Project Progress Report and Recertification in the format and with the content

described in Exhibit C for each Quarterly Project Progress Report and Recertification, including a final Federal Financial Report; and

b) Any other information required under FHWA award closeout procedures.

B. Compliance and Oversight

As the designated RECIPIENT of FHWA CFI funds, COG complies with federal requirements that pass through to the SUBRECIPIENT. To ensure that projects are implemented in accordance with FHWA requirements, COG will monitor SUBRECIPIENT activity by reviewing documentation including, but not limited to, audits or other consolidated and comprehensive financial statements, monthly, quarterly and annual reports, FHWA-required documentation of Title VI and DBE compliance, and by conducting site visits at a minimum of once over the life of the SUBRECIPIENT PROJECT.

C. CFI Program Requirements

The following federal regulations and guidelines are highlighted as applicable to this SUBGRANT award:

- National Environmental Policy Act (NEPA);
- National Electric Vehicle Minimum Standards and Requirements Rule (23 CFR 680);
- Minimum Wage Rates (Davis-Bacon Act);
- Domestic Preference Requirements (Build America, Buy America Act);
- Small and Disadvantaged Business Requirements;
- Engineering and Design Services (Brooks Act);
- Civil Rights, Title VI; and
- American Disabilities Act, U.S. Access Board Design Recommendations for Accessible EVSE.

SECTION 2. SUBRECIPIENT PROJECT BUDGET, COMPENSATION, AND METHOD OF PAYMENT

A. The total budget for the SUBRECIPIENT PROJECT is **$3,150,000,** as summarized in the below table.

Eligible SUBRECIPIENT PROJECT Costs

	Phase I	**Phase 2:**	**Total**
Federal Share:	$378,000	$2,142,000	$2,520,000
Non-Federal Share:	$94,500	$535,500	$630,000
Total:	$472,500	$2,677,500	$3,150,000

The “Federal” portion of the SUBRECIPIENT PROJECT is considered the grant amount.

B. Federal Obligation Information

Federal Obligation Type: Multiple

Obligation Conditions Table (for use in awards with Multiple Phases to be obligated separately)		
Phase	**Federal Share Amount of SUBRECIPIENT CFI Subaward**	**Obligation Condition**
Phase I: Pre-Construction	$378,000	N/A – funded upon award
Phase 2: Construction and Operations	$2,142,000	FHWA Division Office and COG have confirmed the Subrecipient has met all the applicable Federal, State, and local requirements including NEPA approval.
Total Federal Share	$2,520,000	

CFI Program funding is available for obligation through September 30, 2027. The SUBRECIPIENT must satisfy the Phase 2 Obligation Condition by September 30, 2026, to allow FHWA sufficient time to obligate funds prior to the obligation deadline of September 30, 2027.

C. At the present time US DOT and its modal agencies, including the FHWA, are re-examining various programs funded through the Infrastructure Investments Jobs Act (IIJA) including discretionary grant programs. The above funding for the project is derived from the CFI discretionary grant program under the IIJA. While COG believes that the funds awarded for the above phases and for which COG has executed a funding agreement with the FHWA will be made available, the SUBRECIPIENT will not begin any work on any phase without a written notice to proceed from COG. Additionally, the expenses invoices by the SUBRECIPIENT will be paid by COG subject to COG receiving funding authorization by the FHWA.

D. FHWA requires every line item to be billed with the 80% federal share-20% match split; therefore, SUBRECIPIENT invoices to COG need to reflect this. Payment will only be made on the 80% federal share.

E. Payment shall be made by COG from the federal grant to the SUBRECIPIENT upon receipt of SUBRECIPIENT'S invoice provided that federal funding is received. SUBRECIPIENT invoices shall be submitted quarterly to COG in a format to be provided by COG. All invoices must be accompanied by documentation and invoices falling at the end of a quarter must be accompanied by quarterly status reports. Each invoice shall show the SUBGRANT agreement number and shall be sent to COG Payable at payable@mwcog.org with a copy sent to Maia Davis, COG's CFI Project Manager at mdavis@mwcog.org. Invoices shall only be submitted for costs incurred during the Period of Performance of this SUBGRANT.

F. The SUBRECIPIENT shall submit its final invoice to COG upon completion of all work and within 30 days of the termination date of this SUBGRANT as shown in Section 3. COG will make reasonable efforts to reimburse SUBRECIPIENT within thirty (30) days after receiving, confirming and approving the invoice and other documentation referenced herein; however, COG will not be

responsible for late payment for reasons which are beyond COG's control nor shall COG be responsible for economic loss, damages, fees, or other consequences of late payment.

G. All costs charged to the SUBRECIPIENT PROJECT, including any approved services contributed by the SUBRECIPIENT or others, shall be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in detail the nature and propriety of the charges.

H. Payment to the SUBRECIPIENT is dependent upon COG's receipt of funds from the FHWA. Should payment from FHWA be delayed, for any reason, there shall be a concomitant delay in payment to the SUBRECIPIENT.

I. Payment of the final invoice is contingent on receipt of the Final Report.

SECTION 3. PERIOD OF PERFORMANCE

The period of performance shall be from the date the SUBGRANT was fully executed by COG, as shown by the signature of COG's authorized representative. Phase I Pre-Construction shall be completed before September 30, 2026, and Phase II Construction shall begin upon FHWA approval of Phase I by September 30, 2027. Construction of all EV chargers must be completed and operational by December 31, 2029. The period of performance will terminate 5 years after the last station becomes operational.

SECTION 4. RESPONSIBILITIES OF THE SUBRECIPIENT

A. Performance of the work allocated to the SUBRECIPIENT in Section 1, Statement of Work;

B. The SUBRECIPIENT shall supervise and direct all SUBRECIPIENT PROJECT activities as specified in Section 1. All SUBRECIPIENT PROJECT personnel employed by the SUBRECIPIENT shall be fully qualified to perform services under this SUBGRANT;

C. The SUBRECIPIENT shall ensure actions are taken to meet all deadlines of the SUBRECIPIENT PROJECT, including NEPA;

D. The SUBRECIPIENT shall provide timely reports and data to COG as outlined in Section 1A and, as outlined in Section 2, shall submit quarterly invoices with supporting cost detail to clearly document all costs incurred;

E. The SUBRECIPIENT shall follow FHWA and COG Procurement Procedures. All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR Part 200, as adopted by DOT at 2 CFR Part 1201.

F. Any changes to this SUBGRANT must be carried out in writing. Procedures for COG concurrence in changes and the execution of these changes are specified in Section 8, CHANGES.

G. The SUBRECIPIENT shall ensure timely completion and submission to COG of documentation for NEPA documentation;

H. The SUBRECIPIENT shall ensure that the SUBRECIPIENT PROJECT is financed, constructed, operated, and maintained in accordance with all Federal laws, regulations, and policies that are applicable to the SUBRECIPIENT PROJECT;

I. The SUBRECIPIENT shall ensure it has sufficient funds available to ensure that infrastructure

completed or improved under the SUBRECIPIENT PROJECT specific agreement will be operated and maintained in compliance with that agreement and applicable Federal law;

J. The SUBRECIPIENT acknowledges that, if the cost of completing the SUBRECIPIENT PROJECT increases:

(1) that increase does not affect the SUBRECIPIENT'S obligation under the SUBRECIPIENT PROJECT specific agreement to complete the SUBRECIPIENT PROJECT; and

(2) the FHWA and COG will not increase the amount of this award to address any funding shortfall.

SECTION 5. RESPONSIBILITIES OF COG

A. COG, as the funding RECIPIENT and coordinator for the SUBRECIPIENT PROJECT, shall coordinate all of SUBRECIPIENT'S activities with other activities related to the REGIONAL PROJECT;

B. Facilitate coordination with FHWA and SUBRECIPIENT on any proposed changes as specified in Section 8, CHANGES;

C. Maintain relevant data in support of the REGIONAL and SUBRECIPIENT PROJECTS;

D. Prepare and submit reports to FHWA required under the GRANT. Provide the SUBRECIPIENT copies of reports prepared by COG;

E. COG shall review SUBRECIPIENT's draft products, and required reporting, in a timely manner, as necessary, to ensure deliverable completion by SUBRECIPIENT in accordance with the Period of Performance, specified in SECTION 3 above;

F. Review any proposed subcontracts exceeding $10,000 for consistency with the terms of this agreement and COG's Procurement Procedures; and require any necessary modification in writing;

G. Submit invoicing to the DELPHI eInvoicing System to request reimbursements under this award and reimburse approved expenses to SUBRECIPIENTS. It is understood that payment to SUBRECIPIENT by COG is dependent upon COG's receipt of funds from FHWA as the Grantor;

H. COG may review and inspect the SUBRECIPIENT PROJECT to ensure it meets the standards and requirements of the CFI Program; and

I. COG will submit Phase I documentation for FHWA approval and notify the SUBRECIPIENT when FHWA has approved Phase I and when the SUBRECIPIENT can proceed with Phase II.

SECTION 6. INSURANCE REQUIREMENTS

The parties agree that the SUBRECIPIENT is self-insured, and its self-insurance satisfies the requirements of this paragraph.

SECTION 7. ADMINISTRATION OF THE SUBGRANT

For the purpose of this SUBGRANT, the Executive Director of COG, or his designee, is the COG Contracting Officer, and is the only party authorized to make changes or amendments in this SUBGRANT

on COG's behalf. The COG Project Manager shall be Maia Davis of COG's Department of Environmental Programs at mdavis@mwcog.org.

SECTION 8. CHANGES

A. The parties hereto agree that any modification or change in any aspect of this SUBGRANT must be accomplished in writing and signed by both parties and approved by FHWA before it is considered a SUBGRANT requirement.

B. The parties hereto may, from time to time, propose changes in the Statement of Work to be performed by the SUBRECIPIENT. Such changes (including, but not limited to material scope of work changes, time schedule and report delivery changes, budget revisions that decrease or materially change the SUBGRANT's total compensation) must be mutually agreed upon in writing and signed by COG and the SUBRECIPIENT and approved by FHWA.

C. The FHWA may accept or reject modifications requested. The SUBRECIPIENT acknowledges that requesting a modification does not amend, modify, or supplement the SUBRECIPIENT PROJECT specific agreement unless the FHWA accepts that modification request and the parties modify the SUBRECIPIENT PROJECT specific agreement.

D. Any modification or change in key personnel working on the project outlined in this SUBGRANT must be communicated in writing and approved by COG.

E. If the federal program is cancelled, rescinded, or appealed this contract is also cancelled.

THE PARTIES hereto have executed this SUBGRANT as of the day, month and year on which the COG authorized representative fully and finally executes this document as evidenced by his/her signature hereto.

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS	**COUNTY OF FAIRFAX, VIRGINIA**
By: _____	By:_____
Clark Mercer Executive Director	Name: _Lee Ann Pender_____ Title:_ County Purchasing Agent/Director
_____ DATE	_____ DATE

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 25257

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on June 10, 2025, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2025, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G0202, Office of Environmental and Energy Coordination Grant: 1020002-2024, Charging and Fueling Infrastructure Discretionary Grant	$3,150,000

Reduce Appropriation to:

Agency:	G8787, Unclassified Admin	$3,150,000
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: Metropolitan Washington Council of Governments, $2,520,000
Fund 30015, Environmental and Energy Programs, Project GF-000063, OES EV Stations, $630,000

A Copy - Teste:

_____

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
June 10, 2025

ADMINSTRATIVE – 7

Approval of Streets into the Secondary System – Kevin Kraig Road (Malcolm at Ox Road) (Mount Vernon District)

ISSUE:
Board approval of streets to be accepted into the State Secondary System.

RECOMMENDATION:
The County Executive recommends that the street(s) listed below be added to the State Secondary System:

Subdivision	District	Street
Kevin Kraig Road Subdivision	Mount Vernon	Ox Service Road Kevin Kraig Road

TIMING:
Board approval is requested on June 10, 2025.

BACKGROUND:
Inspection has been made of these streets, and they are recommended for acceptance into the State Secondary System.

EQUITY IMPACT:
None.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Street Acceptance Form for Board of Supervisors Resolution

Board Agenda Item
June 10, 2025

STAFF:
Jennifer Miller, Deputy County Executive
William D. Hicks, P.E., Director, Land Development Services

ATTACHMENT 1

Print Form

Street Acceptance Form For Board Of Supervisors Resolution

FAIRFAX COUNTY BOARD OF SUPERVISORS **FAIRFAX, VA** Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.	**VIRGINIA DEPARTMENT OF TRANSPORTATION** **OFFICE OF LAND USE - FAIRFAX PERMITS** REQUEST TO THE PERMITS MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM. **PLAN NUMBER:** 1733-SD-01 **SUBDIVISION PLAT NAME:** Kevin Kraig Road (Malcolm at Ox Road) **COUNTY MAGISTERIAL DISTRICT:** Mount Vernon
VDOT PERMITS MANAGER: ROBERT H. BURTON **BY:** Robert H. Burton	**FOR OFFICIAL USE ONLY** **VDOT INSPECTION APPROVAL DATE:** 04/17/2025

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Ox Road Service Drive	CL Mariah Jefferson Court, Route 10394 - 65' W CL Ox road, Route 123 Southbound	570' S to CL Kevin Kraig Road	0.11
Kevin Kraig Road	CL Ox Road Service Drive - 570' S CL Mariah Jefferson Court, Route 10394	1,803' W to End of Cul-de-Sac	0.34
NOTES:		**TOTALS:**	0.45

Ox Road Service Drive: 5' Concrete Sidewalk on the West Side to be maintained by Fairfax County.

Board Agenda Item
June 10, 2025

ADMINSTRATIVE – 8

Approval of Streets into the Secondary System – Oakton View (Springfield District)

ISSUE:
Board approval of streets to be accepted into the State Secondary System.

RECOMMENDATION:
The County Executive recommends that the street(s) listed below be added to the State Secondary System:

Subdivision	District	Street
Oakton View	Springfield	Pitrelli Drive Oakton View Drive

TIMING:
Board approval is requested on June 10, 2025.

BACKGROUND:
Inspection has been made of these streets, and they are recommended for acceptance into the State Secondary System.

EQUITY IMPACT:
None.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Street Acceptance Form for Board of Supervisors Resolution

Board Agenda Item
June 10, 2025

STAFF:
Jennifer Miller, Deputy County Executive
William D. Hicks, P.E., Director, Land Development Services

Attachment 1

Print Form

Street Acceptance Form For Board Of Supervisors Resolution

FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA	VIRGINIA DEPARTMENT OF TRANSPORTATION OFFICE OF LAND USE - FAIRFAX PERMITS
Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.	REQUEST TO THE PERMITS MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM. **PLAN NUMBER:** 1502-SD-001 **SUBDIVISION PLAT NAME:** Oakton View **COUNTY MAGISTERIAL DISTRICT:** Springfield
VDOT PERMITS MANAGER: ROBERT H. BURTON **BY:** Robert H. Burton	**FOR OFFICIAL USE ONLY** **VDOT INSPECTION APPROVAL DATE:** 04/22/2025

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Pitrelli Drive	CL Saint Augustine Lane, Route 10218 - 915' SW CL Heathland Drive, Route 10217	481' SE to CL Oakton View Drive	0.09
Oakton View Drive	CL Pitrelli Drive - 481' SE CL Saint Augustine Lane, Route 10218	1,208' SW to End of Cul-de-Sac and 471' NE to End of Cul-de-Sac (Total 1,679')	0.32
NOTES:		**TOTALS:**	0.41

Pitrelli Drive: 5' Concrete Sidewalk on the South Side to be maintained by VDOT.

Oakton View Drive: 5' Concrete Sidewalk on the North Side to be maintained by VDOT.

Board Agenda Item
June 10, 2025

ADMINSTRATIVE – 9

Approval of Streets into the Secondary System – The Reserve at Brookview Estates (Franconia District)

ISSUE:
Board approval of streets to be accepted into the State Secondary System.

RECOMMENDATION:
The County Executive recommends that the street(s) listed below be added to the State Secondary System:

Subdivision	District	Street
The Reserve at Brookview Estates	Franconia	Brookview Drive

TIMING:
Board approval is requested on June 10, 2025.

BACKGROUND:
Inspection has been made of these streets, and they are recommended for acceptance into the State Secondary System.

FISCAL IMPACT:
None.

EQUITY IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Street Acceptance Form for Board of Supervisors Resolution

Board Agenda Item
June 10, 2025

STAFF:
Jennifer Miller, Deputy County Executive
William D. Hicks, P.E., Director, Land Development Services

ATTACHMENT 1

Print Form

Street Acceptance Form For Board Of Supervisors Resolution

FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA	VIRGINIA DEPARTMENT OF TRANSPORTATION OFFICE OF LAND USE - FAIRFAX PERMITS
Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.	REQUEST TO THE PERMITS MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM. **PLAN NUMBER:** 1902-SD-003 **SUBDIVISION PLAT NAME:** The Reserve at Brookview Estates **COUNTY MAGISTERIAL DISTRICT:** Franconia
VDOT PERMITS MANAGER: ROBERT H. BURTON **BY:** Robert H. Burton	**FOR OFFICIAL USE ONLY** **VDOT INSPECTION APPROVAL DATE:** 04/23/2025

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Brookview Drive	Existing Brookview Drive, Route 1585 - 420' S CL Foldi Street, Route 1375	274' S to End of Cul-de-Sac	0.05
NOTES:		**TOTALS:**	0.05
5' Concrete Sidewalk on the West Side to be maintained by VDOT.			

Board Agenda Item
June 10, 2025

ADMINISTRATIVE – 10

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Mason Hill Drive (Mount Vernon District)

ISSUE:
Board endorsement of Traffic Calming measures as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:
The County Executive recommends that the Board approve a resolution (Attachment 1) endorsing a traffic calming plan for Mason Hill Drive (Attachment 2) consisting of the following:

- Three Speed Humps on Mason Hill Drive (Mount Vernon District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved traffic calming measure(s) as soon as possible.

TIMING:
Board action is requested on June 10, 2025, to allow the proposed measure(s) to be installed as soon as possible.

BACKGROUND:
As part of RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, or median islands to reduce the speed of traffic on a residential street. Staff performs engineering studies documenting the attainment of qualifying criteria. Staff works with the local Supervisor's office and community to determine the viability of the requested traffic calming measure to reduce the speed of traffic. Once the plan for the road under review is approved and adopted by staff, that plan is then submitted for approval to the residents within the ballot area in the adjacent community.

On April 22, 2025, FCDOT received verification from the Mount Vernon District Supervisor's office confirming community support for the Mason Hill Drive traffic calming plan.

Board Agenda Item
June 10, 2025

EQUITY IMPACT:
None.

FISCAL IMPACT:
Funding in the amount of $56,000 is necessary to fund the traffic calming measures associated with this traffic calming project. Funds are currently available in Project 2G25-076-000, Traffic Calming Program, Fund 300-C30050, Transportation Improvements.

ENCLOSED DOCUMENTS:
Attachment 1: Traffic Calming Resolution for Mason Hill Drive
Attachment 2: Traffic Calming Plan for Mason Hill Drive

STAFF:
Jennifer Miller, Deputy County Executive
Gregg Steverson, Director, Fairfax County Department of Transportation (FCDOT)
Martha Elena Coello, Deputy Director, FCDOT
Eric Teitelman, Chief, Active Transportation, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT
Nicole Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT
Ryan O'Carroll, Transportation Planner, Traffic Engineering Section, FCDOT
Grace Vaughn, Planning Technician, Traffic Engineering Section, FCDOT

Attachment 1

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
TRAFFIC CALMING MEASURES
MASON HILL DRIVE
MOUNT VERNON DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, June 10, 2025, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the residents in the vicinity of Mason Hill Drive have requested the Mount Vernon District Supervisor's Office of Fairfax County to consider remedial measures to reduce the speed of traffic on Mason Hill Drive; and

WHEREAS, an engineering study by the Fairfax County Department of Transportation (FCDOT) for Mason Hill Drive indicates that all basic traffic calming criteria are met pertaining to functional classification of the roadway, identification of a significant speeding concern, and proof of community support; and

WHEREAS, the proposed Traffic Calming Plan was properly presented to the community in the affected survey area for their review and consideration; and

WHEREAS, the Traffic Calming Plan was subsequently approved by the occupied residences within the appropriate surveyed area; and

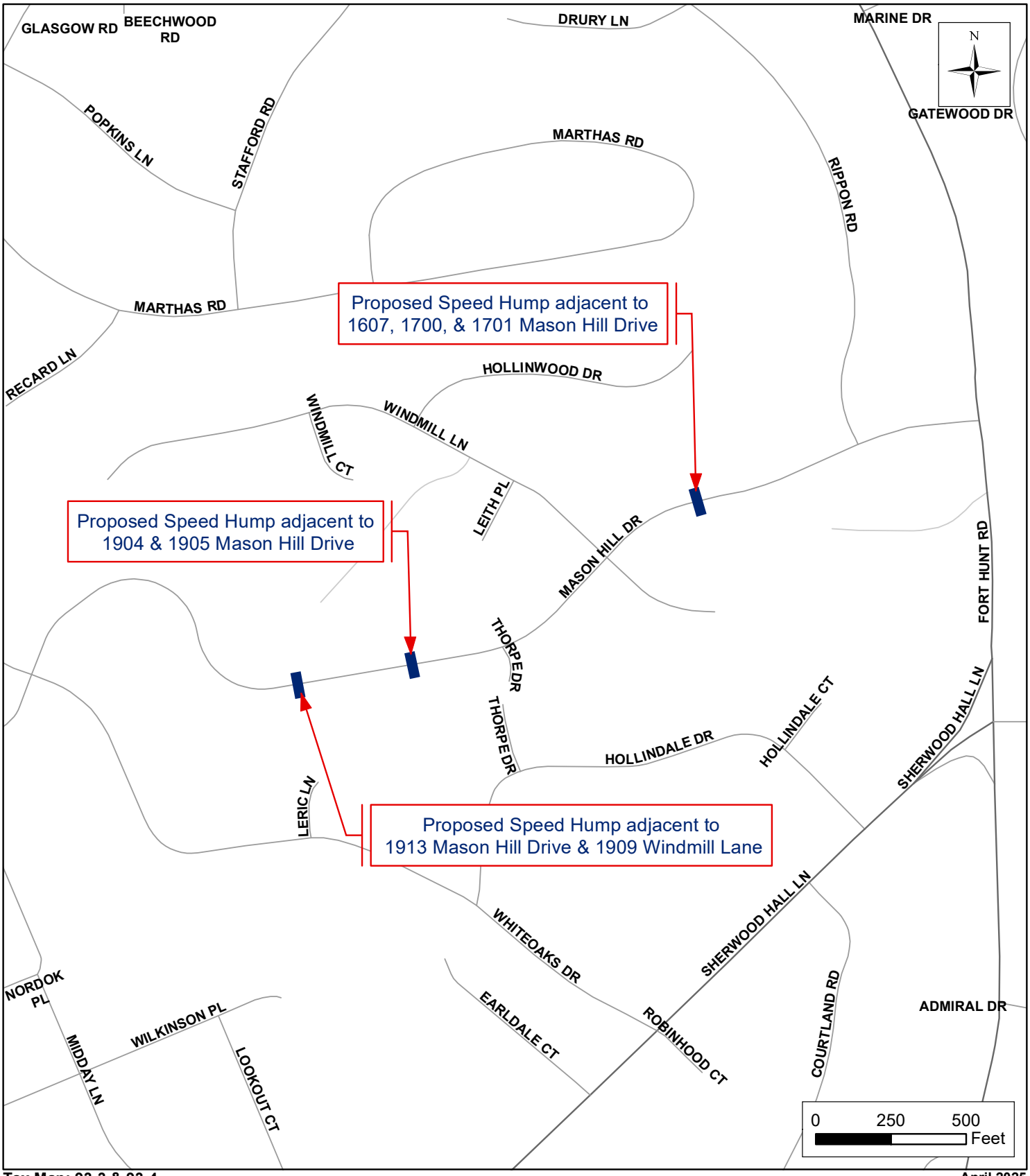
WHEREAS, the intended source of funding for the Traffic Calming Plan is Fairfax County.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors endorses the proposed Traffic Calming Plan and requests that the Virginia Department of Transportation review and approve the feasibility of implementing traffic calming measures on Mason Hill Drive as part of FCDOT's Residential Traffic Administration Program.

ADOPTED this 10th day of June, 2025.

A Copy Teste:

_____
Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map: 93-3 & 93-4

April 2025

Fairfax County Department of Transportation
Residential Traffic Administration Program
Traffic Calming Plan
Mason Hill Drive
Mount Vernon District

Board Agenda Item
June 10, 2025

ADMINISTRATIVE – 11

Approval of Supplemental Appropriation Resolution AS 25245 for the Fairfax County Department of Transportation to Accept Grant Funding and Authorization to Execute a Grant Agreement with the U.S. Department of Transportation Federal Transit Administration for the Purchase of up to 60 Hybrid-Electric Replacement Buses for Fairfax Connector

ISSUE:
Board of Supervisors' (Board) approval of Supplemental Appropriation Resolution AS 25245 (Attachment 1) for the Fairfax County Department of Transportation (FCDOT) to accept $50,591,220 in Low or No Emissions Grant Program funding from the U.S. Department of Transportation (USDOT) Federal Transit Administration (FTA) for the purchase of up to 60 hybrid-electric replacement buses for Fairfax Connector service. A local match totaling $8,927,862 will be met with General Fund and State Aid included for bus purchases in the FY 2026 Adopted Budget Plan in Fund 40000, County Transit Systems. No additional General Fund resources are required.

Following this approval, the Director of FCDOT will execute a grant agreement with FTA, on behalf of the County, per the signatory authority provided in the "Authorization to Access and Designation of Signature Authority for FTA's Transit Award Management System" memorandum signed by the County Executive and County Attorney in August 2023. The memorandum allows for the execution of the grant agreement, substantially shown in the form of Attachment 2, along with any related agreements or subsequent amendments, including, but not limited to, Federal Subaward Agreements, on behalf of the County.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution 25245 (Attachment 1) to accept funding from the FTA in the amount of $50,591,220 for the purchase of up to 60 hybrid-electric replacement buses. A Local Cash Match of $8,927,862 is required, and will be met from Fund 40000, County Transit Systems.

Following approval, the Director of FCDOT will execute the grant agreement with FTA, substantially in the form of Attachment 2, along with any related agreements or subsequent amendments, including, but not limited to, Federal Subaward Agreements, on behalf of the County.

Board Agenda Item
June 10, 2025

TIMING:
Board action is requested on June 10, 2025, based on guidance received from FTA to execute the agreement expeditiously.

BACKGROUND:
In February 2024, USDOT published a Notice of Funding Opportunity (NOFO) for $1.5 billion in funding for the FY 2024 Low or No Emission Grant Program and the Grants for Buses and Bus Facilities Program. The FTA Low or No Emission Grant Program helps transit agencies buy or lease U.S.- built zero-emission and low-emission transit buses, along with charging equipment and supporting facilities.

As authorized by the Board on May 7, 2024, County staff submitted an application through the program, and on July 10, 2024, it was announced that Fairfax County was awarded $50.6 million in funding, 85 percent of the total project cost, from FTA. On March 26, 2025, FTA alerted FCDOT staff that the pending grant application was ready for execution.

EQUITY IMPACT:
The Fairfax Connector plays a critical role in supporting Fairfax County's goals for economic growth, public health, congestion mitigation, and overall prosperity. The proposed bus replacement program seeks to retire aging vehicles and replace them with hybrid-electric buses, aligning with the County's commitment to sustainability and equity. This transition has the potential to advance equity by improving air quality – particularly in overburdened communities – reducing noise pollution, and contributing to healthier, quieter neighborhoods. It also presents opportunities for economic benefits through a cleaner, more efficient transit system.

This initiative aligns with the One Fairfax policy focus areas, particularly the commitment to a healthy and high-quality environment for all residents, including clean air and water for current and future generations, and a multi-modal transportation system that equitably supports the County's broader goals. Importantly, this grant allows Connector to maintain its existing service levels through the transition, ensuring access to transit is not diminished during that time period.

FISCAL IMPACT:
Grant funding in the amount of $50,591,220 has been awarded by FTA for reimbursement for the purchase of up to 60 hybrid-electric replacement buses for Fairfax Connector service. The Local Cash Match requirement of $8,927,862 is available in Fund 40000, County Transit Systems. Appropriation of $59,519,082, including both the award and Local Cash Match, to Fund 50000, Federal and State

Grant Fund, as well as adjustments required to reflect the local funding in Fund 40000, County Transit Systems, will be made as part of a future quarterly budget review. No additional General Fund dollars are required to accept this grant award. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:
No new positions will be created by this grant submission.

ENCLOSED DOCUMENTS:
Attachment 1: Supplemental Appropriation Resolution AS 25245
Attachment 2: FTA Grant Agreement – Federal Fiscal Year (FFY) 2024 Section 5339(c) Low or No - Fairfax County – Diesel - Electric Hybrid Buses Replacement (VA-2025-008-00)

STAFF:
Jennifer Miller, Deputy County Executive
Gregg Steverson, Director, Fairfax County Department of Transportation (FCDOT)
Noelle Dominguez, Chief, Coordination and Funding Division (CFD), FCDOT
Brent Riddle, Chief, Coordination Section, CFD, FCDOT
Ray Johnson, Chief, Funding Section, CFD, FCDOT

ASSIGNED COUNSEL:
Joanna Faust, Assistant County Attorney

Attachment 1

RESOLUTION

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 25245

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on June 10, 2025, at which meeting a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED, by the Board of Supervisors of Fairfax County, Virginia, that the following supplemental appropriation is authorized, and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G4040, Department of Transportation	$59,519,082
Grant:	1400175-2025 FTA Low Emission Bus	

Reduce Appropriation to:

Agency:	G8787, Unclassified Administrative Expenses	$59,519,082
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: Federal Transit Administration, $50,591,220
Fund 40000, County Transit Systems, $8,927,862

ADOPTED this 10th day of June 2025.

A Copy - Teste:

_____
Jill G. Cooper
Clerk for the Board of Supervisors

DOT FTA

U.S. Department of Transportation Federal Transit Administration

Award

Federal Award Identification Number (FAIN)	VA-2025-008-00
Temporary Application Number	5349-2024-1
Award Name	FFY 2024 Section 5339(c) Low or No - Fairfax County - Diesel-Electric Hybrid Buses Replacement
Award Status	Obligated / Ready for Execution
Award Budget Number	0

Period of Performance Start Date	3/26/2025		
Original Period of Performance End Date	9/30/2028		
Current Period of Performance End Date	9/30/2028	Revision #: 0	Approved?: Yes

Budget Period Start Date	3/26/2025
Budget Period End Date	9/30/2028

Part 1: Recipient Information

Name: COUNTY OF FAIRFAX VIRGINIA

Recipient ID	Recipient OST Type	Recipient Alias	UEI	DUNS
5349	County Agency	COUNTY OF FAIRFAX	W2ZUFMBDM378	074837626

Location Type	Address	City	State	Zip
Mailing Address	12000 GOVERNMENT CENTER PKWY STE 214	FAIRFAX	VA	22035
Physical Address	12000 GOVERNMENT CENTER PKWY STE 214	FAIRFAX	VA	22035

Union Information

Union Name	**AFSCME LOCAL 3398**

Address 1	7611 Little River Turnpike
Address 2	Suite 202 West
City	Annandale
State	Virginia
Zipcode	22003
Contact Name	Pat Bayliss
Telephone	7039412806
Fax	
E-mail	afscme30@worldnet.att.net
Website	
Union Name	**AFSCME LOCAL 3398**
Address 1	Cinderbed Road
Address 2	
City	District Heights
State	Maryland
Zipcode	20747
Contact Name	Jesse Briscoe
Telephone	7033957649
Fax	
E-mail	afscme30@worldnet.att.net
Website	
Union Name	**ATU LOCAL 689**
Address 1	Union Hall
Address 2	2701 Whitney Place
City	Forestville
State	Maryland
Zipcode	20747
Contact Name	Michael Golash
Telephone	3015686899
Fax	3015686899
E-mail	patriciaconner@atulocal689.org
Website	http://www.atulocal689.org/index.htm

Part 2: Award Information

Title: FFY 2024 Section 5339(c) Low or No - Fairfax County - Diesel-Electric Hybrid Buses Replacement

FAIN	Award Status	Award Type	Application Cost Center	Date Created	Last Updated Date	From TEAM?

VA-2025-008-00	Obligated / Ready for Execution	Grant	Region 3	8/2/2024	8/2/2024	No

Award Executive Summary
Fairfax County Department of Transportation (FCDOT) is applying for its discretionary Federal FY2024 Section 5339 (c) Low or No Emission Vehicle Grant Program (Low-No Program) funds. The Federal Transit Administration's (FTA) announced on July 26, 2024, the selection of Low-No projects which allocated $50,591,220 to Fairfax County to replace 60 diesel buses that have reached the end of their useful life with low emissions diesel- electric buses. The total award fund is $59,519,082 ($50,591,220 Fed and $8,927,862 Local from FCDOT). A copy of the competitive application proposal is attached.

Frequency of Milestone Progress Reports (MPR)
Quarterly

Frequency of Federal Financial Reports (FFR)
Quarterly

Does this application include funds for research and/or development activities?
This award does not include research and development activities.

Pre-Award Authority
This award is using Pre-Award Authority.

Does this application include suballocation funds?
Recipient organization is the Designated Recipient and can apply for and receive these apportioned funds.

Will this Grant be using Lapsing Funds?
No, this Grant does not use Lapsing Funds.

Will indirect costs be applied to this application?
This award does not include an indirect cost rate.

Indirect Rate Details: N/A

Requires E.O. 12372 Review
No, this application does not require E.O. 12372 Review.

Delinquent Federal Debt
No, my organization does not have delinquent federal debt.

Award Description

Purpose
The purpose of this award is to replace 60 old diesel buses with diesel-electric hybrid buses. This will make the County of Fairfaxs buses cleaner and more sustainable for the community.

Activities to be performed:
This grant will enable the procurement of diesel-electric hybrid buses.

Expected outcomes:
The new buses will reduce greenhouse gas emissions and improve reliability and service while addressing the needs of disadvantaged communities. These replacement buses are critical to maintain an effective fleet of vehicles necessary to serve and large and diverse county.

Intended beneficiaries:
The buses will benefit all patrons of the Fairfax Connector bus system in Fairfax County. These buses will help all commuters in Fairfax County by attracting choice riders and reducing congestion on are roadways.

Subrecipient Activities:
None

Award Point of Contact Information

First Name	Last Name	Title	E-mail Address	Phone
Michael	Riddle	Transportation Planner IV	michael.riddle@fairfaxcounty.gov	703-877-5723
	kelly.tyler@dot.gov	Transportation Program Analyst		
	m.tumurbaatar@dot.gov	Grants Management Specialist		

Award Budget Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	$50,591,220
Local			$8,927,862
Local/In-Kind			$0
State			$0
State/In-Kind			$0
Other Federal			$0
Transportation Development Credit			$0
Adjustment			$0
Total Eligible Cost			**$59,519,082**

Award Budget

Project Number	Budget Item		FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
VA-2025-008-01-00	111-00 (111-A1)	BUS - ROLLING STOCK	$50,591,220.00	$8,927,862.00	$59,519,082.00	60
VA-2025-008-01-00	11.12.01	BUY REPLACEMENT 40-FT BUS	$9,372,515.00	$1,653,973.00	$11,026,488.00	12
VA-2025-008-01-00	11.12.02	BUY REPLACEMENT 35-FT BUS	$41,218,705.00	$7,273,889.00	$48,492,594.00	48

Discretionary Allocations

Discretionary ID	Project Title	Amount Applied	FAIN
D2024-LWNO-060	Fairfax County Connector Hybrid Bus Procurement	$50,591,220	VA-2025-008-00

Sources of Federal Financial Assistance

PO Number	Project Number	Scope Name	Scope Number	Scope Suffix	UZA Code	Area Name	Account Class Code	FPC	Description	Amendment Amount	Cumulative Amount
VA-34-0071	VA-2025-008-01-00	BUS - ROLLING STOCK	111-00 (111)	A1	510000	Virginia	2024.3J.34.LJ.1	00	Low-No Competitive Grants (IIJA)	$50,591,220	$50,591,220

Part 3: Project Information

Project Title: Fairfax Connector Diesel-Electric Hybrid - Bus Purchase

Project Number	Temporary Project Number	Date Created	Start Date	End Date
VA-2025-008-01-00	5349-2024-1-P1	8/5/2024	4/1/2025	6/30/2028

Project Description
This project will fund the purchase of 60 next generation diesel-electric hybrid buses, equipped with Allisons eGen Flex Max technology that allows operation in Electric Vehicle (EV) Mode without the internal combustion engine.

Project Benefits
The purchase of these replacement vehicles will 1) help reduce energy consumption; 2) reduce harmful emissions; and 3) reduce direct carbon emissions. This project will also enable FCDOT to maintain its State of Good Repair (SGR) and proceed on schedule with its current Fleet Replacement Plan. The plan assumes that all buses should be replaced when they meet the end of their useful life cycle to ensure all revenue vehicles are safe and in good working condition. In addition, the new buses will have the latest ITS components for GPS tracking, voice/data communication, and farebox technology.

Additional Information
None provided.

Location Description
Fairfax County operates the Fairfax Connector bus system. Fairfax Connector buses operate primarily within Fairfax County. Some Fairfax Connector routes do operate minimally in other jurisdictions, i.e. Washington DC.

Project Location (Urbanized Areas)

UZA Code	Area Name
510000	Virginia
510080	Washington-Arlington, DC-VA-MD

Congressional District Information

District	State
8	Virginia
11	Virginia
10	Virginia

Program Plan Information

STIP/TIP
Date: 11/5/2024
Description: https://drpt.virginia.gov/wp-content/uploads/2024/11/Transit-STIP-FY24-FY27_Amendment6_FINAL_11.05.2024.pdf. See page 46

UPWP
Date: N/A
Description: N/A

Long Range Plan
Date: N/A
Description: N/A

Project Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	$50,591,220
Local			$8,927,862
Local/In-Kind			$0
State			$0
State/In-Kind			$0
Other Federal			$0
Transportation Development Credit			$0
Adjustment			$0
Total Eligible Cost			**$59,519,082**

Project Budget

Project Number		Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
VA-2025-008-01-00	111-00 (111-A1)	BUS - ROLLING STOCK	$50,591,220.00	$8,927,862.00	$59,519,082.00	60

VA-2025-008-01-00	11.12.01	BUY REPLACEMENT 40-FT BUS	$9,372,515.00	$1,653,973.00	$11,026,488.00	12
VA-2025-008-01-00	11.12.02	BUY REPLACEMENT 35-FT BUS	$41,218,705.00	$7,273,889.00	$48,492,594.00	48

Project Budget Activity Line Items

Budget Activity Line Item: 11.12.01 - BUY REPLACEMENT 40-FT BUS

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
BUS - ROLLING STOCK (111-00)	11.12.01	BUY REPLACEMENT 40-FT BUS	BUY REPLACEMENTS - CAPITAL BUS	12

Extended Budget Description
This Activity Line-Item funds the purchase of 12 replacement 40-foot diesel-electric hybrid buses as part of a purchase of 60 buses, including 48 35-foot diesel-electric hybrid replacement buses which are being funded by separate ALI within same grant.

The buses being replaced have met their useful service life of 12 years as detailed in FTA Circular 5010.1F. The inventory of buses being replaced is attached in TrAMS. The new buses purchased will meet Buy America requirements will have a heavy-duty life expectancy of 12 years and/or 500,000 miles as detailed in FTA Circular 5010.1F. These buses will meet the Clean Air Act (CAA) standards and the Americans with Disabilities Act (ADA) requirements.

This project is eligible for an 85% federal share.

STIP #FFX00006 (T13635)

Will 3rd Party contractors be used to fulfill this activity line item?
Yes, 3rd Party Contractors will be used for this line item.

Propulsion	Fuel Type	Vehicle Condition	Vehicle Size (ft.)
N/A	Hybrid Electric	New	40 Foot

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	$9,372,515
Local			$1,653,973
Local/In-Kind			$0
State			$0
State/In-Kind			$0
Other Federal			$0
Transportation Development Credit			$0
Adjustment			$0

Total Eligible Cost	**$11,026,488**

Milestone Name	Est. Completion Date	Description
Contract Award/Purchase Order Date	4/1/2025	The County will issue a PO with New Flyer for 12 diesel-electric hybrid vehicles
Initial Delivery Date	8/22/2025	The first vehicles will be delivered to Fairfax County
Final Delivery Date	10/31/2026	Last vehicles will be delivered to Fairfax County
Contract Completion Date	6/30/2028	All vehicles should be delivered, and the grant should closed by this date.

Budget Activity Line Item: 11.12.02 - BUY REPLACEMENT 35-FT BUS

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
BUS - ROLLING STOCK (111-00)	11.12.02	BUY REPLACEMENT 35-FT BUS	BUY REPLACEMENTS - CAPITAL BUS	48

Extended Budget Description
This Activity Line-Item funds the purchase of 48 replacement 35-foot diesel-electric hybrid buses as part of a purchase of 60 buses, including 12 40-foot diesel-electric hybrid replacement buses which are being funded by separate ALI within same grant.

The buses being replaced have met their useful service life of 12 years as detailed in FTA Circular 5010.1F. The inventory of buses being replaced is attached in TrAMS. The new buses purchased will meet Buy America requirements will have a heavy-duty life expectancy of 12 years and/or 500,000 miles as detailed in FTA Circular 5010.1F. These buses will meet the Clean Air Act (CAA) standards and the Americans with Disabilities Act (ADA) requirements.

This project is eligible for an 85% federal share.

STIP #FFX00006 (T13635)

Will 3rd Party contractors be used to fulfill this activity line item?
Yes, 3rd Party Contractors will be used for this line item.

Propulsion	Fuel Type	Vehicle Condition	Vehicle Size (ft.)
N/A	Hybrid Electric	New	35 Foot

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	$41,218,705
Local			$7,273,889
Local/In-Kind			$0
State			$0
State/In-Kind			$0
Other Federal			$0
Transportation Development Credit			$0
Adjustment			$0

Total Eligible Cost	**$48,492,594**

Milestone Name	Est. Completion Date	Description
Contract Award/Purchase Order Date	4/1/2025	The County will issue a PO with New Flyer for 48 diesel-electric hybrid vehicles
Initial Delivery Date	8/22/2025	The first vehicles will be delivered to Fairfax County
Final Delivery Date	10/31/2026	Last vehicles will be delivered to Fairfax County
Contract Completion Date	6/30/2028	All vehicles should be delivered, and the grant should closed by this date.

Project Environmental Findings

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description
Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 07: Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
BUS - ROLLING STOCK (111-00)	11.12.01	BUY REPLACEMENT 40-FT BUS	12	$9,372,515.00	$11,026,488.00
BUS - ROLLING STOCK (111-00)	11.12.02	BUY REPLACEMENT 35-FT BUS	48	$41,218,705.00	$48,492,594.00

Part 4: Fleet Details

Fleet Type: Fixed Route

Fleet Comments
Active fleet consists of 344 buses - primarily diesel, including 12 battery-electric buses (BEBs). New Flyer

buses make up 92% of the fleet, with Orion (6%) and Gillig (3%) buses comprising the rest. The 6 contingency diesel fleet is for the BEBs. The spare ratio will reduce to 20% by summer 2025.

		Current Value
I.	**Active Fleet**	
	A. Peak Requirement	245
	B. Spares	51
	C. Total (A+B)	296
	D. Spare Ratio (B/A)	20.82%
II.	**Inactive Fleet**	
	A. Other	6
	B. Pending Disposal	0
	C. Total (A+B)	0
III.	**Total (I.C and II.C)**	296

Part 5: FTA Review Comments

There are no review comments to display at this time.

Part 6: Agreement

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION

GRANT AGREEMENT
(FTA G-32)

On the date the authorized U.S. Department of Transportation, Federal Transit Administration (FTA) official signs this Grant Agreement, FTA has obligated and awarded federal assistance as provided below. Upon execution of this Grant Agreement by the Recipient named below, the Recipient affirms this FTA Award, enters into this Grant Agreement with FTA, and binds its compliance with the terms of this Grant Agreement.

The following documents are incorporated by reference and made part of this Grant Agreement:
(1) "Federal Transit Administration Master Agreement," FTA MA(32), http://www.transit.dot.gov,
(2) The Certifications and Assurances applicable to the FTA Award that the Recipient has selected and provided to FTA, and
(3) Any Award notification containing special conditions or requirements, if issued.

WHEN THE TERM "FTA AWARD" OR "AWARD" IS USED, EITHER IN THIS GRANT AGREEMENT OR THE APPLICABLE MASTER AGREEMENT, "AWARD" ALSO INCLUDES ALL TERMS AND CONDITIONS SET FORTH IN THIS GRANT AGREEMENT.

FTA OR THE FEDERAL GOVERNMENT MAY WITHDRAW ITS OBLIGATION TO PROVIDE FEDERAL ASSISTANCE IF THE RECIPIENT DOES NOT EXECUTE THIS GRANT AGREEMENT WITHIN 90 DAYS FOLLOWING FTA's AWARD DATE SET FORTH HEREIN.

FTA AWARD

Federal Transit Administration (FTA) hereby awards a Federal Grant as follows:

Recipient Information

Recipient Name: COUNTY OF FAIRFAX VIRGINIA

Recipient ID: 5349

UEI: W2ZUFMBDM378

DUNS: 074837626

Award Information

Federal Award Identification Number: VA-2025-008-00

Award Name: FFY 2024 Section 5339(c) Low or No - Fairfax County - Diesel-Electric Hybrid Buses Replacement

Award Start Date: 3/26/2025

Original Award End Date: 9/30/2028

Current Award End Date: 9/30/2028

Award Executive Summary: Fairfax County Department of Transportation (FCDOT) is applying for its discretionary Federal FY2024 Section 5339 (c) Low or No Emission Vehicle Grant Program (Low-No Program) funds. The Federal Transit Administration's (FTA) announced on July 26, 2024, the selection of Low-No projects which allocated $50,591,220 to Fairfax County to replace 60 diesel buses that have reached the end of their useful life with low emissions diesel- electric buses. The total award fund is $59,519,082 ($50,591,220 Fed and $8,927,862 Local from FCDOT). A copy of the competitive application proposal is attached.

Research and Development: This award does not include research and development activities.

Indirect Costs: This award does not include an indirect cost rate.

Suballocation Funds: Recipient organization is the Designated Recipient and can apply for and receive these apportioned funds.

Pre-Award Authority: This award is using Pre-Award Authority.

Award Budget

Total Award Budget: $59,519,082.00

Amount of Federal Assistance Obligated for This FTA Action (in U.S. Dollars): $50,591,220.00

Amount of Non-Federal Funds Committed to This FTA Action (in U.S. Dollars): $8,927,862.00

Total FTA Amount Awarded and Obligated (in U.S. Dollars): $50,591,220.00

Total Non-Federal Funds Committed to the Overall Award (in U.S. Dollars): $8,927,862.00

Award Budget Control Totals

(The Budget includes the individual Project Budgets (Scopes and Activity Line Items) or as attached)

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	$50,591,220
Local			$8,927,862
Local/In-Kind			$0
State			$0
State/In-Kind			$0
Other Federal			$0
Transportation Development Credit			$0
Adjustment			$0
Total Eligible Cost			**$59,519,082**

(The Transportation Development Credits are not added to the amount of the Total Award Budget.)

U.S. Department of Labor Certification of Public Transportation Employee Protective Arrangements:

DOL Decision: DOL Concurs - Certified
DOL Review Date: 2/21/2025
DOL Certification Date: 2/21/2025

Special Conditions

There are no special conditions.

FINDINGS AND DETERMINATIONS

By signing this Award on behalf of FTA, I am making all the determinations and findings required by federal law and regulations before this Award may be made.

FTA AWARD OF THE GRANT AGREEMENT

Awarded By:
Theresa GarciaCrews
Regional Administrator
FEDERAL TRANSIT ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION
Contact Info: theresa.garciacrews@dot.gov
Award Date: 3/26/2025

EXECUTION OF THE GRANT AGREEMENT

Upon full execution of this Grant Agreement by the Recipient, the Effective Date will be the date FTA or the Federal Government awarded Federal assistance for this Grant Agreement.

By executing this Grant Agreement, the Recipient intends to enter into a legally binding agreement in which the Recipient:

(1) Affirms this FTA Award,
(2) Adopts and ratifies all of the following information it has submitted to FTA:
    (a) Statements,
    (b) Representations,
    (c) Warranties,
    (d) Covenants, and
    (e) Materials,
(3) Consents to comply with the requirements of this FTA Award, and
(4) Agrees to all terms and conditions set forth in this Grant Agreement.

Executed By:

COUNTY OF FAIRFAX VIRGINIA

Board Agenda Item
June 10, 2025

ACTION – 1

Approval of FY 2025 Year-End Processing

ISSUE:
Board approval to allow staff to process payment vouchers for items previously approved and appropriated in FY 2025.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors authorize staff to process payment vouchers for items previously approved and appropriated in FY 2025 for the interim period from July 1 until the Board approves the *FY 2025 Carryover Review*, which is scheduled for action on September 30, 2025.

TIMING:
Board approval is required on June 10, 2025, since the *FY 2025 Carryover Review* is not scheduled for Board action until September 30, 2025.

BACKGROUND:
The *FY 2025 Carryover Review* is scheduled for final action on September 30, 2025, following a public hearing. In the interim, Board approval is requested to allow staff to process payment vouchers for items previously approved and appropriated in FY 2025 such as capital construction projects and grant-funded programs for the period of July 1 to September 30, 2025, or until final action is taken on the *FY 2025 Carryover Review*. Similar action has been taken in prior years as part of the year-end closeout.

EQUITY IMPACT:
The County is committed to fostering an inclusive and equitable environment where all individuals have the opportunity to thrive. The Department Management and Budget (DMB) recognizes that budget decisions can significantly impact equity; therefore, the department strives to ensure that financial planning and resource allocation promote fairness and justice. The commitment to equity is reflected in budget priorities outlined by the Board of Supervisors and resource allocation aims to meet these initiatives. Budget development is specifically guided by the following equity goals and principles: accessibility, participation, transparency, and impact assessment. In particular, DMB considers how funding decisions impact populations and places, address causes of

inequities and disparities, and are informed by the voice of impacted populations. This focus on equity creates a more just and inclusive County not only for residents and visitors but also for the County workforce.

FISCAL IMPACT:
This item relates to funding for previously appropriated items approved in FY 2025 and carried forward to FY 2026 for payment.

ENCLOSED DOCUMENTS:
None.

STAFF:
Christina Jackson, Deputy County Executive/Chief Financial Officer
Philip Hagen, Director, Department of Management and Budget
Katie Horstman, Deputy Director, Department of Management and Budget
Joe LaHait, Deputy Director, Department of Management and Budget

REVISED

Board Agenda Item
June 10, 2025

ACTION – 2

Adoption of the 2025 Comprehensive Plan Amendment Work Program, Including Certain Proposed Countywide Site-Specific Plan Amendment (SSPA) Nominations

ISSUE:
Board of Supervisors action is requested to adopt the proposed 2025 Comprehensive Plan Amendment Work Program (Work Program), a document that lists all authorized Plan amendments and planning studies. The proposed 2025 Work Program retains all active plan amendments and studies, including countywide policy amendments for the Policy Plan, Public Facilities, Manufactured Housing; areawide studies for Fairfax Center, Innovation Center Transit Station Area (TSA) North, Lorton, Reston TSA, Springfield TSA/CBC, and Centreville; and site-specific amendments throughout the County.

The Work Program uses a tiering system to prioritize plan amendments and studies based on county priorities, scheduling, and staff resources. Work Program items identified as "Tier 1" are in areas of development focus or support an identified County priority and represent the highest priority for staff resources and timing. Items identified as "Tier 2" are also valuable and warrant study but may not be in areas of development focus (as compared to Tier 1 items). In most instances, Tier 2 items would be reviewed in conjunction with the submission of a development application and as staff resources are available. Items identified as "Tier 3" are added to the Work Program as deferred studies, with the timing of the review to begin following completion of other studies, planning efforts, or other actions that would influence the policy context for the consideration of a site-specific land use change.

The proposed Work Program adds 39 nominations originating from the 2025 Countywide Site-Specific Plan Amendment (SSPA) process. In several instances, nominations near others are proposed to be grouped together for the planning review. Additionally, the Work Program includes a new standing Editorial Amendment to address minor updates to the Comprehensive Plan as needed. The proposed 2025 Work Program would rescind the authorization of five inactive Plan amendments and remove them from the Work Program.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation to adopt the 2025 Comprehensive Plan Amendment

REVISED

Board Agenda Item
June 10, 2025

Work Program as shown in Attachment I of the Board Item. ~~This attachment will be available following the Planning Commission meeting on June 4, 2025.~~

TIMING:
Board action is requested on June 10, 2025.

BACKGROUND:
The current Comprehensive Plan Amendment Work Program can be found in the Enclosed Documents.

The Countywide SSPA process allows anyone to propose ("nominate") a land use change for the Comprehensive Plan Amendment Work Program. The 2025 SSPA process resulted in 43 nominations being accepted into the initial screening process. The nominations can be found in the 2025 Countywide Site-Specific Plan Amendment Nomination Screening White Paper, which is provided in the Enclosed Documents.

The Countywide SSPA nominations were reviewed by county staff and the community in a series of fourteen community meetings held in March – April 2025 during the screening process. The summaries of the community meetings are provided in the Enclosed Documents.

PLANNING COMMISSION RECOMMENDATION:
~~The Planning Commission's recommendation on the Work Program is scheduled for June 4, 2025, and will be forwarded upon decision.~~

The Planning Commission held public workshops on the nominations on May 1, May 15, and May 22, 2025; and developed their recommendations for the Board at the Work Program Mark-up session on June 4, 2025. On June 4, 2025, the Planning Commission voted to recommend that the Board of Supervisors adopt the 2025 Comprehensive Plan Amendment Work Program as shown in Attachment I.

Most of the SSPA nominations are recommended to proceed as site-specific amendments. However, given the close proximity of and/or planning considerations for certain nominations, special studies are proposed for the 1) Merrifield Suburban Center, Land Unit C, Sub-units C1, C3, C4, and C7; 2) Reston TSA (revision of existing Work Program item); 3)Tysons Office Designated Areas; and 4) Gordon Road Triangle. These are all proposed as Tier 1 priority studies. The Planning Commission's recommendations on the SSPA nominations are:

REVISED

Board Agenda Item
June 10, 2025

Braddock District

- **CPN-2025-II-BR-019: StorageMart – Do Not Add**

Dranesville District

- **2025-II-DR-003: Vinson Hall (Tier 1)**
- **2025-III-DR-034: Arrowbrook Centre (Tier 3)**

Franconia District

- **2025-IV-FR-006: 6404 Telegraph Rd. (Tier 3)**
- **2025-IV-FR-016: Hilltop Village Center (Tier 2)**
- **2025-IV-FR-031: Beulah St. at Steinway St. Properties (Tier 2)**

Hunter Mill District

- **2025-III-HM-005: Alexander Bell Dr. (Grouped for Reston TSA Study, Tier 1)**
- **2025-III-HM-013: 1841 Explorer St. (Tier 3)**
- **2025-III-HM-015: 11600 American Dream Way (Tier 2)**
- **2025-III-HM-021: Hunter Mill Rd. (WITHDRAWN)**
- **2025-III-HM-028: Reston National Golf Course (Tier 3, 8-4, Carter, Cortina, Niedzielski-Eichner, Thomas voted "No")**
- **2025-III-HM-033: 10690 Parkridge Blvd (Grouped for Reston TSA Study, Tier 1)**
- **2025-III-HM-038: 10800 Parkridge Blvd. (Grouped for Reston TSA Study, Tier 1)**
- **2025-III-HM-042: Wiehle TOD North District (Grouped for Reston TSA Study, Tier 1)**
- **2025-III-HM-043: 10701 Parkridge Blvd. (Grouped for Reston TSA Study, Tier 1)**
- **2025-III-HM-048: 11600 Sunrise Valley Dr. (Grouped for Reston TSA Study, Tier 1)**
- **2025-III-HM-049: Colvin Woods (Tier 3)**

Mason District

- **2025-I-MA-002: 6326 Edsall Rd. (Bren Mar Park) (Tier 2)**
- **2025-I-MA-007: 5300 Shawnee Rd. (Tier 2)**
- **2025-I-MA-008: 5505 & 5515 Cherokee Ave. (Tier 2)**
- **2025-I-MA-009: The Jefferson (Tier 2)**
- **2025-I-MA-010: 7616 Little River Tpke. (West Annandale) (Tier 1)**
- **2025-I-MA-020: Sears Site (Seven Corners) (Tier 1)**
- **2025-I-MA-022: 6675 Little River Tpke. (Tier 3, 8-4, Thomas, Batchelor-Causey, Carter, and Landgraf voted "No")**

- **2025-I-MA-023: Food Star (Tier 1)**
- **2025-I-MA-024: Strawbridge Square (Tier 3, 10-2, Sargeant and Batchelor-Causey voted "No")**
- **2025-I-MA-047: 6859 Versar Ct. (Tier 2)**
- **2025-I-MA-050: Lincolnia CBC Land Unit B1 (Tier 1)**

Mount Vernon District

- **2025-IV-MV-018: Pohick Rd. Lorton (Tier 2)**
- **2025-IV-MV-029: Lidl US Operations (Tier 2)**
- **2025-IV-MV-053: Excel Holdings 12 LLC (WITHDRAWN)**

Providence District

- **2025-II-PR-004: Corporate Ridge (Grouped for Tysons Office Study, Tier 1)**
- **2025-I-PR-014: Eaves Tower (Tier 3)**
- **2025-II-PR-025: 7950 Jones Branch Dr. (Grouped for Tysons Office Study, Tier 1)**
- **2025-I-PR-030: 2719 Dorr Ave. (Grouped for Merrifield Study, Tier 1)**
- **2025-I-PR-035: 2800 - 2804 Dorr Ave. (Grouped for Merrifield Study, Tier 1)**
- **2025-I-PR-036: Dorr Ave. South (Grouped for Merrifield Study, Tier 1)**
- **2025-I-PR-039: Halstead Square Rd. & Merrifield Ave. (Grouped for Merrifield Study, Tier 1)**
- **2025-II-PR-040: 1410-1430 Spring Hill Rd. (Grouped for Tysons Office Study, Tier 1)**
- **2025-I-PR-046: Beyer – Gordon Road Triangle (Tier 1)**

Springfield District

- **2025-III-SP-032: 12716 Route 29 – Metropolitan – Do Not Add**

Sully District

- **2025-II-SU-017: Community of Faith United Methodist Church (Tier 3)**
- **2025-III-SU-037: 14050 Thunderbolt Pl. (Tier 2)**

Finally, the recommendation would rescind five inactive Plan amendments currently listed on the Work Program:

- **SSPA-2023-III-2UP (Dranesville United Methodist Church), which was authorized with the 2022-2023 Countywide SSPA cycle but was not pursued by the nominator.**

- **S11-CW-3CP(B) (Parks Comprehensive Plan Update), which was authorized in 2011 and has been superseded by the Policy Plan update.**
- **SSPA 2023-I-5J (Fallfax), which was authorized with the 2022-2023 Countywide SSPA cycle but was not pursued by the nominator.**
- **SSPA 2023-IV-9S (Inova – Springfield Center Drive), which was authorized with the 2022-2023 Countywide SSPA cycle but was not pursued by the nominator. This site is included in the authorized Springfield TSA/CBC Study, and replanning may occur in that context.**
- **SSPA 2023-IV-8S (Frontier Drive), which was authorized with the 2022-2023 Countywide SSPA cycle but was not pursued by the nominator. This site is included in the authorized Springfield TSA/CBC Study, and replanning may occur in that context.**

EQUITY IMPACT:
The adoption of the Work Program aligns with One Fairfax areas of focus #2 and #11 by providing a development process that can ensure a quality built and natural environment that accommodates anticipated growth and change in an economically, socially, and environmentally sustainable and equitable manner. The current and proposed planning studies on the Work Program include mixes of land use that support a high quality of life, protect existing neighborhoods and green spaces, and promote employment opportunities, housing, amenities and services for all people.

Following the Board's acceptance of the SSPA nominations on March 4, 2025, the nominations were screened using the Board's adopted SSPA justification criteria that assess general consistency with the Board's policies, including those articulated in the Comprehensive Plan, Countywide Strategic Plan, Economic Success Plan, and One Fairfax Policy. A substantial majority of the nominations propose residential or residential mixed use within the county's development centers, advancing Countywide Comprehensive Plan objectives and One Fairfax Policy areas of focus by providing a wide range of housing opportunities for all people to live and work within the county within mixed use centers that are accessible to multiple modes of transport. The proposed prioritization system, for both the SSPA nominations and the balance of the Work Program, aligns with this area of focus by providing the highest priority of staff resources for planning studies within areas of development focus.

Community engagement is described as a part of the process for working towards equity as outlined in the One Fairfax Policy's areas of focus. To this end, the SSPA screening phase included robust community engagement, including a series of fourteen community meetings to hear from members of the public who live and work near the nominated sites, and were attended by over 1,190 people. These meetings were held virtually in most instances with four in-person meetings. Moreover, the adoption of the

Work Program was the subject of three Planning Commission workshops, which were open to the public for comment and discussion.

Individual Plan amendments and studies on the Work Program will undergo additional community outreach as well as area or site-specific equity impact analysis as part of the standard review process.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Planning Commission Recommendation for the 2025 Comprehensive Plan Amendment Work Program ~~(this attachment will be available following the Planning Commission meeting on June 4, 2025).~~

The 2023 Adopted Comprehensive Plan Amendment Work Program is available online at: https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/Assets/documents/CompPlanAmend/sspa/workprogram/adopted_work_program.pdf

The 2025 Countywide Site-Specific Plan Amendment Nomination Screening White Paper dated April 2025, including Appendices I and II, is available online at: https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/compplanamend/sspa/countywide/pc-whitepaper-nomination-screening.pdf

White Paper Appendix III: SSPA Community Meeting Summaries are available online at: https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/compplanamend/sspa/countywide/appendix-iv.pdf

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Planning Commission Recommendations on the 2025 Draft Fairfax County Comprehensive Plan Amendment Work Program

June 4, 2025

The Comprehensive Plan Amendment Work Program lists authorized current and future planning studies and amendments. The Work Program is organized into a Tier system. The Planning Commission's recommendations are shown with additions noted in underline, and with removals noted in ~~strikethroughs~~. SSPA nominations that are not recommended by the Planning Commission to advance for further review are not included in the draft Work Program.

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Description	Notes
Tier 1				
Policy Amendments				
Policy Plan Amendments -- 2022-CW-2CP *PLUS No. PA-2022-00009*	Countywide	12/6/2022	This Comprehensive Plan amendment will 1) review, update, and streamline existing Policy Plan elements; 2) add new Policy Plan elements as needed; and 3) ensure the Policy Plan is in alignment with the Countywide Strategic Plan, the One Fairfax Policy, and other recently adopted policies and initiatives. Initial efforts will focus on the Land Use, Environment and Transportation elements, and the potential addition of equity and community health policies to the Policy Plan.	
Manufactured Housing – 2022-CW-1CP *PLUS No. PA-2022-00006*	Countywide	10/11/2022	Consideration of a one-for-one replacement policy for manufactured housing units being redeveloped, as well as strengthening existing manufactured housing language in the Plan, identifying inconsistencies in manufactured housing policies, and assessing the Area Plans to determine if changes are needed for existing recommendations for the manufactured housing communities in the County.	
Heritage Resources -- 2017-CW-4CP	Countywide	12/7/2009	Update recommendations for Inventory of Historic Sites on an annual basis, if needed.	

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Description	Notes
Tier 1				
Public Facilities Plan Map Amendment – 2013-CW-5CP *PLUS No. PA-2020-00003*	Countywide	7/9/2013	Follow-on Considerations to Plan Amendment S11-CW-1CP, Adopted Amendment No. 2011-12: -- Coordinate with other local and state utilities, such Dominion Virginia Power, that own property planned for uses other than Public Facilities, Governmental, and Institutional uses to determine if those properties should be re-planned as Public Facilities, Governmental, and Institutional uses. -- Update Area Plans and Policy Plan text as necessary to reflect new public facilities and changes to existing public facilities identified during the Plan Map update process that were outside of the scope of that process. -- Consider re-planning land recommended for public facilities that is developed as residential and non-residential uses. – This authorization will be incorporated with the Tier 1 Public Facilities Policy Plan update.	
Public Facilities Policy Plan -- 2020-CW-1CP *PLUS No. PA-2020-00026*	Countywide	7/14/2020	Considerations a Comprehensive Plan amendment to update the Comprehensive Area Plans and references to public facilities, including reviewing the alignment of those updates with the CIP.	
Editorial Amendment	Countywide	6/10/2025	Update recommendations in the Policy Plan, Area Plans, Glossary, and Comprehensive Plan Maps to make editorial changes on an annual basis, as needed.	
Active Transportation and Trail Plan 2025-CW-T1 *PLUS No. PA-2025-00001*	Countywide	5/13/2025	Fairfax County is updating and consolidating the 2021 Bicycle Master Plan and the 2018 Countywide Trails Plan into a single, comprehensive document titled the Active Transportation and Trails Plan. In support of this effort, the Transportation Element of the Policy Plan must be revised to ensure consistency with the proposed Plan. This includes aligning definitions, bicycle and pedestrian recommendations, map notes, and references previously associated with the separate Bicycle Master Plan and Countywide Trails Plan. Additionally, amendments to Special Area Plans and other elements of the Comprehensive Plan may be necessary to reflect updated references and maintain internal consistency across planning documents.	
Areawide Studies				

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Description	Notes
Tier 1				
Fairfax Center Area Land Unit K 2024-II-1FC *PLUS No. PA-2024-00006*	Springfield	06/25/2024	Comprehensive Plan amendment to consider a planning study for Land Unit K of the Fairfax Center Area and the areas served by its sewer pump stations, with specific consideration for future land uses, open spaces, interparcel access, the surrounding transportation network, and supporting infrastructure.	
Fairfax Center Area, Phase III, Core Area – 2013-III-FC1 (C) *PLUS No. PA-2020-00007*	Braddock	12/6/2016	Pursue a third phase of the Fairfax Center Area Suburban Center Study to evaluate and update Plan recommendations for the Core Area. This study will include a transportation analysis and may also include editorial updates for the Fairfax Center Area to ensure that Plan recommendations account for existing and entitled development. The study should include Tax Map Parcel 56-2 ((1)) 1C (Reserve at Fairfax Ridge) for an increase in intensity up to 0.42 FAR to accommodate additional residential uses and consider topography and pedestrian connectivity to the adjacent Fairfax Corner development (CPN22-BR-002). Also informing this Plan Amendment is the Government Center Visioning effort authorized by the Board on June 28, 2022.	
Centreville Study – 2022-III-BR1 *PLUS No. P*A-2022-00008	Sully	10/25/2022	Comprehensive Plan amendment to consider updating Plan guidance for the Centreville Area, including the Centreville Suburban Center. -- Phase I: Public engagement initiatives and evaluation of existing conditions -- Phase II: Consideration and evaluation of new land use policy recommendations	
Lorton Visioning -- 2021-IV-LP1 *PLUS No. PA-2021-00011*	Mount Vernon	1/26/2021	Consideration of a Comprehensive Plan amendment for land use in the LP2 Lorton-South Route 1 Suburban Center, generally comprising Tax Maps 107-1, 107-2, 107-3, 107-4, 108-1, 108-3, 113-1, 113-2, 113-3, 113-4, 114-1. The focus should be placed on the Lorton Road area east of Silverbrook Road including the Lorton Town Center, and the Route 1 corridor from Fort Belvoir to the Occoquan River. The Comprehensive Plan amendment should reflect the community's future vision. As part of the study, new or improved placemaking and connectivity opportunities should be considered in the context of the immediate area's many unique historic, cultural, natural, recreational and transportation assets to ensure a comprehensive evaluation of additional ways to embrace and link to these distinct places.	

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Description	Notes
Tier 1				
Innovation Center TSA North Study SSPA 2023-III-1UP *PLUS No. PA-2023-00002*	Dranesville	4/11/2023	Consideration of a Plan amendment for Dulles Suburban Center, Land Unit L, encompassing the northern portion of the Innovation Center Station, including, but not limited to, specific considerations for the proposed land use mix and density/intensity proposed for land areas within the study area accepted into the 2022-2023 Countywide SSPA process (CPN22-DR-001, CPN22-DR-002, and CPN22-DR-004).* The location of transportation improvements associated with the review of this study should be carefully considered to ensure adherence to the County's Transit-Oriented Development Guidelines. *Note, SSPA sites consist of: • Dulles Greene SSPA 2023-III-18UP • Innovation Avene SSPA 2023-III-19UP • Rock Hill Road SSPA 2023-III-20UP	
Springfield TSA/CBC Study SSPA 2023-IV-1S *PLUS No. PA-2023-00003*	Franconia	4/11/2023	Consideration of a Plan amendment for the Springfield Transit Station Area and Community Business Center to consider the recommendations of the Springfield Market Study.	re-authorized 7/25/2023

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Description	Notes
Tier 1				
Reston TSA Study SSPA 2023-III-6UP *PLUS No. PA-2023-00031*	Hunter Mill	~~4/11/2023~~ 6/10/2025	Consideration of a Plan amendment for land areas accepted into the 2022-2023 and 2025 Countywide SSPA processes for the Reston Transit Station Areas, including, but not limited to, specific considerations for the proposed land use mix, density/intensity, consolidation recommendations, and other proposed changes in the affected Transit Station Areas (CPN22-HM-001, 002, 003, 004, 005, 006, 007, 009, 010, 014) and (CPN-2025-III-HM-005, 033, 038, 042, 043, 048.)* *Note, SSPA sites consist of: • Lake Fairfax Business Center SSPA 2023-III-9UP • Commerce Metro Center SSPA 2023-III-10UP • Samuel Morse Drive SSPA 2023-III-11UP • 1950 Roland Clarke Place SSPA 2023-III-12UP • Reston Corner SSPA 2023-III-13UP • 1760 Reston Parkway SSPA 2023-III-14UP • 12120 Sunrise Valley Drive SSPA 2023-III-15UP • Association Drive SSPA 2023-III-16UP • Preston White Drive SSPA 2023-III-17UP • Alexander Bell Drive • 10690 Parkridge Boulevard • 10800 Parkridge Boulevard • Wiehle TOD North District • 10701 Parkridge Boulevard • 11600 Sunrise Valley Drive	~~re-authorized & re-tiered 7/25/2023~~
Route 29 Corridor from Jermantown Road/Rust Road to Buckleys Fate Drive/Summit Drive 2024-CW-T1 *PLUS No. PA-2024-00008*	Countywide	12/3/2024	Consider a Comprehensive Plan amendment to include recommendations of the Route 29 Corridor Study with alternative transportation recommendations that would be more compatible with the current vision for the Fairfax Center Area and with recent developments.	

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Description	Notes
Tier 1				
Penn Daw CBC Land Unit C Study SSPA 2023-IV-1MV *PLUS No. PA-2023-00004*	Mount Vernon	4/11/2023	Consideration of a Plan amendment for Penn Daw CBC Land Unit C, including, but not limited to specific considerations for the proposed land use mix and density/intensity proposed for land areas within the study area accepted into the 2022-2023 Countywide SSPA process (CPN22-MV-007).	Re-tiered from tier 3 to tier 1 on 2/4/2025.
Tysons Office Designated Areas	Providence, Dranesville, Hunter Mill	6/10/2025	Consideration of a Plan Amendment for the Tysons Urban Center to update land use recommendations for the Office Designated Land Use Category, transportation and Parks Conceptual Plans, and associated areawide guidance.	
Merrifield Land Unit C	Providence	6/10/2025	Consideration of a Plan Amendment for the Merrifield Suburban Center, including, but not limited to, updates to the land use recommendations for Sub-units C1, C3, C4, and C7, the areawide grid of streets, park systems, and other associated areawide guidance.	
Gordon Road Triangle	Providence	6/10/2025	Consideration of a Plan Amendment for Rec #3 of the Jefferson North Community Planning Sector including, but not limited to, residential mixed-use up to 3.0 FAR to be coordinated with the planning for adjoining portions of the site in the City of Falls Church, and ongoing and planned transportation improvements.	
Site-Specific Amendments				
Brookside Motel -- 2021-IV-MV1 *PLUS No. PA-2021-00023*	Mount Vernon	12/7/2021	Consideration of a Comprehensive Plan for multifamily residential use on Tax Map Parcels 83-3 ((1)) 57A and 59, after a floodplain study and Resource Protection Area (RPA) delineation have been completed and approved by staff to locate the pre-development 100-year floodplain and RPA, respectively. Review of the proposed amendment should be reviewed concurrently with a rezoning application.	
~~Dranesville United Methodist Church -- SSPA 2023-III-2UP *PLUS No. PA-2023-00007*~~	~~Dranesville~~	~~4/11/2023~~	~~Consideration of a Plan amendment for Tax Map Parcels 6-4 ((1)) 66B, 70A, and 6-4 ((14)) A for an affordable independent living facility with up to 90 units, along with retention of the existing church building and other approved (yet to be built) uses, including a nursery school and childcare.~~	

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Description	Notes
Tier 1				
Merrifield at Dunn Loring Station Apartments -- SSPA 2023-I-2J *PLUS No. PA-2023-00011*	Providence	4/11/2023	Consideration of a Plan amendment for Tax Map Parcels 49-2 ((1)) 39, 40, 48 and 53 for residential mixed-use up to 1.9 FAR, consisting of residential, office, hotel, and office uses.	
Prosperity Business Campus -- SSPA 2023-1-3J *PLUS No. PA-2023-00012*	Providence	4/11/2023	Consideration of a Plan amendment for Tax Map Parcels 49-1 ((19)) A, C, D, E2, F1, F2, F3, F4, G, H, 1, 2, 3 and 4 for residential mixed-use up to 1.35 FAR on Sub-unit D1.	Formerly named Sequoia Capital
Park Center – SSPA 2023-III-1BR *PLUS No. PA-2023-00014*	Sully	4/11/2023	Consideration of a Plan amendment for Tax Map Parcel 43-2 ((2)) 39C for office use up to 0.69 FAR.	
Roger Bacon Drive 2023-III-UP8 *PLUS No. PA-2023-00043*	Hunter Mill	12/5/2023	Consideration of a Plan amendment for Tax Map 17-4 ((15)) 2 for residential mixed-use up to 2.5 FAR. This Plan amendment also considers a plan grid of streets linking Roger Bacon Drive, Michael Faraday Court and Lake Fairfax Business Center and includes the following parcels: Tax Map 17-4 ((16)) 1 – 23, 17-4 ((15)) 4, 17-4 ((15)) (5) 1, 3A, 4 and A; 18-3 ((5)) 7, 7A, 8B and G. Additionally, the analysis of the impacts will be considered in coordination with the proposed Plan amendment for Lake Fairfax Business Center. The Plan amendment should also prioritize increased connectivity to the Wiehle-Reston East Metrorail Station and the W&OD Trail, consider adopted watershed plans, and ensure the preservation of the existing Resource Protection Area (RPA) adjacent to Lake Fairfax Park.	
Penn Daw Fire Station, Emergency and Affordable Housing 2023-IV-MV3 *PLUS No. PA-2023-00044*	Mount Vernon	12/5/2023	Consideration of a Plan amendment for Tax Map Parcels 93-1 ((17)) 5, 6, 7, 8, A and B for the collocation of a new fire station, community shelter, and affordable housing.	
7616 Little River Tpke. (West Annandale)	Mason	6/10/2025	Consideration of a Plan Amendment for Tax Map Parcels 59-4 ((6))-10, 19B; 60-3 ((12))-5; 7-11-((2))4 for a mix of uses up to 1.9 FAR.	

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Description	Notes
Tier 1				
Sears Site	Mason	6/10/2025	Consideration of a Plan Amendment for Tax Map Parcels 51-3 ((11)) 189A and 190A and 51-3 ((23)) A for residential use at up to 63 du/ac with community serving retail and review of the land use guidance for Land Unit C of the Seven Corners CBC.	
Food Star	Mason	6/10/2025	Consideration of a Plan Amendment for Baileys Crossroads Community Business Center Subunit B4 to add an option for Tax Map Parcels 62-3 ((2)) A and B for multifamily residential use up to 1,309 units and approx. 37,000 SF of non-residential use.	
Lincolnia CBC – Land Unit B1	Mason	6/10/2025	Consideration of a Plan Amendment for Tax Map Parcels 72-4 ((1)) 15, 72-4 ((1)) 17A, and 72-4 ((1)) 14 for retail use up to 20,000 SF, multi-family residential use up to 665 unit, and senior living/hotel use up to 150,000 SF and increase in maximum building heights.	
Vinson Hall	Dranesville	6/10/2025	Consideration of a Plan Amendment for 31-3 ((1)) 83, 77A, and 81B for continuing care facility use up to 1.3 FAR.	

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Purpose	Notes
Tier 2				
Fair Lakes Study (Phase II) SSPA 2023-III-1FC *PLUS No. PA-2023-00005*	Springfield	4/11/2023	Consideration of a Plan amendment for Sub-unit E1 of the Fairfax Center Suburban Center. Phase II will consist of visioning and evaluation of a revised Comprehensive Plan for Fair Lakes, including but not limited to specific consideration of land use and density/intensity changes for Tax Map Parcel 55-2 ((01)) 9A, 55-2 ((1)) 19, 20 and 55-2 ((22)) B, C, and 55-2 ((1)) 11C1.	re-authorized on 3/4/2025
Fairfax Center Suburban Center Sub-Unit J1 and J2 and Evergreen Investment Co. LLC -- SSPA 2023-II-2F *PLUS No. PA-2023-00015*	Braddock	4/11/2023	Consideration of a Plan amendment for Sub-Units J1 and J2 of the Fairfax Center Suburban Center to evaluate the mix of uses and allowable densities, including specifically Tax Map Parcel 56-2 ((1)) 29A for residential use up to 1.9 FAR consisting of up to 200 multifamily units. Specific considerations should include the relationship of residential uses to the office uses in the broader area, and additional consideration of the density, bulk, mass, and orientation of the building and amenities to adjacent properties and the planned Route 50 interchange at the site.	
7600 Leesburg Pike SSPA 2023-II-1M	Dranesville	4/11/2023		Formally named Elm

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Purpose	Notes
Tier 2				
PLUS No. PA-2023-00016			Consideration of a Plan amendment for Tax Map Parcel 40-1 ((1)) 39 for an option for residential use up 12-16 du/ac, consisting of 122-162 townhome units with maximum height of 50 ft.	Street Communities
Cityside Huntington -- SSPA 2023-IV-2MV *PLUS No. PA-2023-00008*	Mount Vernon	4/11/2023	Consideration of a Plan amendment for Tax Map Parcels 83-3 ((1)) 90 and 90B for residential use at 50-65 dwelling units per acre provided that additional units above the current plan are committed, long-term affordable housing.	re-tiered from tier 1 to tier 2 on 5/7/2024
Cavalier Club -- SSPA 2023-I-2B *PLUS No. PA-2023-00019*	Mason	4/11/2023	Consideration of a Plan amendment for Tax Map Parcel 51-3 ((1)) 43 to add an option to allow mix of uses, including 20,000 square feet of retail and an increase in residential density to 20+ du/ac (approximately 300 new multifamily dwelling units). The existing residential structure is proposed to remain.	
Gallows Road -- SSPA 2023-I-1A *PLUS No. PA-2023-00020*	Mason	4/11/2023	Consideration of a Plan amendment for Tax Map Parcels 59-2 ((1)) 29A, 29B, 30-~~36, 31, 32, 33, 34, and 35~~ 41, 42, 43 and 43A to add an option for planned density of 3-4 dwelling units per acre. Specific considerations should include potential interparcel multimodal access, stormwater improvements, appropriate transitions to neighboring properties and consideration of environmental features. The opportunity for an additional vehicular access to Gallows Road, opposite Hemlock Drive, should be evaluated. ~~The inclusion of parcel 59 2 ((11)) 29B will ensure the opportunity to consider the full extent of the transition from the proposed development to the townhouse community to the west.~~	
Shoppes of Lorton Valley -- SSPA 2023-III-1P *PLUS No. PA-2023-00021*	Mount Vernon	4/11/2023	Consideration of a Plan amendment for Tax Map Parcel Tax Map Parcels 106-2 ((7)) 1, 4, 5 and 106-2 ((1)) 9A to remove the recommendation discouraging free-standing retail structures and allow a drive-thru facility within the existing shopping center parking lot. Specific considerations should include opportunities to improve pedestrian connections and vehicle circulation and queuing.	
Boston Boulevard – Costco -- SSPA 2023-IV-4S *PLUS No. PA-2023-00022*	Mount Vernon	4/11/2023	Consideration of a Plan amendment for Tax Map Parcel 99-1 ((12)) 24 for retail use to allow the subject site to consolidate with the abutting Costco parcel to allow for additional	

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Purpose	Notes
Tier 2				
			parking or a Costco member-only gas station. Specific considerations should include stormwater improvements to protect Accotink Creek, opportunities to improve pedestrian connections, and vehicle circulation and queuing.	
Fair Oaks Business Park – SSPA 2023-III-2FC *PLUS No. PA-2023-00025*	Springfield	4/11/2023	Consideration of a Plan amendment for Tax Map Parcel 56-2 ((1)) 74B; 57-1 ((1)) 10 and 23 for residential mixed-use up to 1.2 FAR in 5-6 story buildings, consisting of 750- 900 residential units and 60k - 120k square feet (sf) of office use, ancillary retail use and potential continuing care or assisted living uses. Specific considerations should include the provision of residential-serving amenities, future connectivity with planned uses in the land unit and in the City of Fairfax and ensuring that adjacent properties fronting on Route 50 can develop in line with the adopted plan.	
Fairfax Ridge Road – SSPA 2023-III-3FC *PLUS No. PA-2023-00026*	Springfield	4/11/2023	Consideration of a Plan amendment for Tax Map Parcels 46-4 ((1)) 15B; 56-2 ((1)) 15C and 15D for residential use up to 1.5 FAR, consisting of two new multifamily buildings containing up to 400 residential units and up to 70 feet in height. The existing office building would be demolished and the existing parking structure would be retained and utilized for residential parking.	
A&A Contracting – SSPA 2023-III-2BR *PLUS No. PA-2023-00027*	Sully	4/11/2023	Consideration of a Plan amendment for Tax Map Parcel 33-2 ((1)) 1 for warehouse or surface parking for vehicle storage up to 0.35 FAR. Specific considerations should include the delineation and preservation of the Cub Run Environmental Quality Corridor, stormwater improvements, and viable interparcel access. Authorization amended to allow the consideration of additional uses: "warehouse, contractor's office and shop, new vehicle storage, vehicle storage yard, and/or storage yard up to a 0.35 floor area ratio (FAR)"	authorization amended on Feb 18, 2025
Discovery Square – SSPA 2023-III-4UP *PLUS No. PA-2023-00028*	Sully	4/11/2023	Consideration of a Plan amendment for Tax Map Parcel 24-4 ((1)) 6C1 to amend Dulles Suburban Center, Land Unit D-3, Option B, to allow a mix of uses. The mix could include approximately, but not limited to, 29,000 square feet of retail, as well as 50 townhouses and 4 live/work units or alternatively retail and multi-family housing with flexibility to consider an intensity up to 0.8 FAR.	
Lincoln Park – SSPA 2023-III-5UP *PLUS No. PA-2023-00029*	Sully	4/11/2023	Consideration of a Plan amendment for Tax Map Parcels 24-4 ((1)) 6F and 6E for residential use with approximately 177 units at 18 dwelling units per acre (du/ac).	

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Purpose	Notes
Tier 2				
7426 Idylwood Road 2024-I-1J *PLUS No. PA-2024-00001*	Providence	2/20/2024	Consideration of a Plan amendment for Tax Map Parcels 40-3 ((1)) 6, 7, 7A and 9 to add an option for medium density residential development, with suitable conditions related to site design recognizing retention of the existing Church.	
Hilltop Village	Franconia	6/10/2025	Consideration of a Plan Amendment for Tax Map parcels 100-1 ((1)) 9C, 9D, 9E, 9F, 9G, and 9H for an option for residential mixed-use up to 0.41 FAR, to include approximately 280 multifamily units. Specific considerations should include amenities, pedestrian and bicyclist circulation, and open space and recreation to serve new residents, integrating new uses within the existing shopping center, and coordination with Fort Belvoir.	
Beulah Street	Franconia	6/10/2025	Consideration of a Plan Amendment for Tax Map parcels 91-3 ((8)) 1, 2, 3, 4, 5A, and 91-3 ((8)) A and B for residential use up to 8 du/ac. Specific considerations should include compatible transitions to the surrounding residential neighborhoods, pedestrian and bicyclist connectivity, transportation impacts, and on-site amenities to serve new residents.	
Edsall Road (Bren Mar Park)	Mason	6/10/2025	Consideration of a Plan Amendment for 81-1 ((1)) 13 for residential use up to 12 du/ac.	
Cherokee Ave (Sheetz)	Mason	6/10/2025	Consideration of a Plan Amendment for 80-2 ((1)) 52 and 57 for retail and other commercial uses.	
The Jefferson	Mason	6/10/2025	Consideration of a Plan Amendment for 51-3 ((1))24 for up to 101 additional attached residential units. Existing 310 multi-family units to remain.	
Versar Vehicles	Mason	6/10/2025	Consideration of a Plan Amendment for 80-2 ((1)) 22A and 22B for vehicle sales, rental, service, and storage.	
5300 Shawnee Road	Mason	6/10/2025	Consider a Plan Amendment for 71-4 ((26)) 4A for multi-family residential use at 16 to 20 dwelling units per acre.	
Raising Caines	Sully	6/10/2025	Consideration of a Plan Amendment for Dulles Suburban Center Subunit E1 to allow free-standing and drive through retail uses.	
Pohick Road – Lorton	Mount Vernon	6/10/2025	Consideration of a Plan Amendment for Tax Map Parcels 108-1 ((1)) 1B, 30, and 30A, and 108-1 ((2)) B1, C and D for residential use, with considerations for tree preservation, landscape buffering, and compatible building heights to ensure an appropriate transition and scale to the surrounding single family residential area. Access onto Pohick Road and Lagrange Street should be studied carefully to ensure adequate and safe turning movements, and to minimize impacts to the residential neighborhood. Environmental concerns such as, but not limited to, steep slopes, marumsco soils, floodplain, EQC, RPA, noise and required setbacks from the CSX railroad will be of high importance and factored into the design of the proposal. Offsite active transportation improvements should be considered with the proposal to connect the site to the core of Lorton. Collaboration with the Parks Authority should be explored for the portions of the site that are to remain undeveloped.	

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Purpose	Notes
Tier 2				
Lidl - Penn Daw	Mount Vernon	6/10/2025	Consideration of a Plan Amendment for 83-3 ((1)) 22A and 22B1 to add an option for multi-family residential use up to 200 units, in addition to the existing 30,000 SF non-residential use with consideration for coordination with the future BRT station, appropriate site access, building orientation, urban parks, and multimodal improvements.	
11600 American Dream Way	Hunter Mill	6/10/2025	Consideration of a Plan amendment for 17-4 ((40)) C to add an option for attached residential use up to 150 units.	

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Purpose	Notes
Tier 3				
~~Parks Comprehensive Plan Update – S11-CW-3CP(B)~~ ~~*PLUS No. PA-2020-00001*~~	~~Countywide~~	~~12/6/2011~~	~~Phase 2/3: Amend parks recommendations in planning district recommendations to align with Great Parks, Great Communities plans as a part of district planning studies.~~	
Transportation – County Transit Network Study – 2013-CW-T4 *PLUS No. PA-2020-00005*	Countywide	7/9/2013	Evaluate potential amendments resulting from countywide transit study: -- Phase I: Modification of Countywide Transportation Plan recommendations -- Phase II: Modification of activity center recommendations --	
8800 and 8850 Richmond Highway-- 2018-IV-MV2 *PLUS No. PA-2020-00008*	Mount Vernon	~~3/6/2018~~	Comprehensive Plan amendment to consider residential use up to eight dwelling units per acre for Tax Map parcels 109-2 ((1)) 18C, 19, and 20, and up to thirty dwelling units per acre for Tax Map parcel 109-2 ((1)) 13A (CPN22-MV-005).	
Beacon/Groveton and Hybla Valley/Gum Springs Areas -- 2018-IV-MV3 *PLUS No. 2020-00009*	Mount Vernon	3/20/2018	Comprehensive Plan amendment to evaluate the effect of the planned Metrorail extension on the areas within one-half mile of the potential station locations at Beacon/Groveton and Hybla Valley/Gum Springs areas. The evaluation may consider land use and development around the stations, including the effect on the surrounding neighborhoods. Elements such as access and connectivity should be considered. -- The Beacon Hill	

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Purpose	Notes
Tier 3				
			Apartments should be considered as a site of particular interest for potential redevelopment and the preservation of workforce housing.	
~~Frontier Drive – SSPA 2023-IV-8S *PLUS No. PA-2023-00040*~~	~~Franconia~~	~~7/25/2023~~	~~Consideration of a Plan amendment for Tax Map Parcels 90-2 ((1)) 86A, including, but not limited to, the land use mix and density for that was accepted into the 2022-2023 Countywide SSPA process (residential mixed-use up to 2.0 FAR, CPN22-LE-008).~~	**~~re-tiered from tier 1 to tier 3 on 5/7/2024~~**
Richmond Highway Corridor – Suburban Neighborhood Study -- 2018-IV-MV6 *PLUS No. 2020-00010*	Mount Vernon	3/20/2018	Evaluate the planned land uses within the suburban neighborhood areas between Community Business Centers along Richmond Highway.	
SNA Between South County Center and Woodlawn CBCs (Engleside Trailer Park / Ray's Mobile Home Colony) – SSPA 2021-IV-1MV – *PLUS No. PA-2021-00003*	Mount Vernon	1/26/2021	Consideration of revisions to the plan option for Recommendation Area #3 of the Suburban Neighborhood Area (SNA) between South County Center and Woodlawn CBCs to increase the planned density from 16-20 du/ac to 20-30 du/ac, as well as adjusting the recommended neighborhood retail and/or office use component. The amendment should consider the requested density only with substantial if not full consolidation of the Land Unit and with the replacement of the existing affordable residential units on-site in the redevelopment on a 1:1 basis. Review of the amendment should begin subsequent to the conclusion of the Affordable Housing Preservation Task Force and should consider, as part of the evaluation, any resulting Board action, including any countywide changes to County policy regarding mobile/manufactured housing, resulting from this effort. The amendment should include staff review of the adopted watershed plans and include appropriate recommendations as part of the staff analysis.	
Mount Vernon Highway Between Hybla Valley/ Gum Springs and South County Center CBCs -- SSPA 2021-IV-2MV *PLUS No. PA-2021-00004*	Mount Vernon	1/26/2021	Consideration of a Comprehensive Plan amendment to evaluate the recommended land use and density planned in Recommendation Area #5 of the Suburban Neighborhood Area (SNA) between Hybla Valley/Gum Springs and South County Center Community Business Centers (CBCs). Specific considerations should include an increase in the planned density of the residentially planned parcels fronting on Mount Vernon Highway from 2-3 du/ac to 5-8 du/ac. The amendment should include staff review of the adopted watershed plans and include appropriate recommendations as part of the staff analysis.	
Van Dorn TSA Land Units D and E (part) --	Franconia	1/26/2021		

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Purpose	Notes
Tier 3				
SSPA 2021-IV-1RH *PLUS No. PA-2021-00008*			Consideration of a Comprehensive Plan amendment for Land Unit D of the Van Dorn Transit Station Area to evaluate residential mixed-use development with office and self-storage as secondary uses, up to 850,000 square feet (SF), on 5605 Oakwood Road, and residential mixed-use, including office, institutional and/or industrial, up to 1.0 FAR, on 5400-5604 Oakwood Road, as a modification to the adopted Plan option for office mixed-use. Limited supportive commercial uses and modification of the phasing limitations within Land Unit D may be evaluated. The implications of the proposed land use changes on the northern portion of Land Unit E (Tax Map Parcel # 0812 01 0025A) and the effect of the proposed land use change on the planned connection between Oakwood Road to Vine Street (as referred to in the Fairfax County Capital Improvement Plan 2021-2025, Page 213) also should be studied. The amendment should include staff review of the adopted watershed plans and include appropriate recommendations as part of the staff analysis.	
Church of the Good Shepherd - SSPA 2023-II-3F *PLUS No. PA-2023-00030*	Braddock	4/11/2023	Consideration of a Plan amendment for Tax Map Parcel 69-4 ((1)) 6A for residential use 2-3 dwelling units per acre for approximately 8 detached residences, while retaining the existing church. Specific considerations on the church site should include opportunities to consider affordable housing, tree preservation, usable open space, and other factors to achieve compatibility with the surrounding neighborhood.	
Rose Hill Shopping Center -- SSPA 2023-IV-1RH *PLUS No. PA-2023-00033*	Franconia	4/11/2023	Consideration of a Plan amendment for Tax Map Parcel 82-3 ((1)) 41E for mixed-use consisting of multifamily residential and retail use. Specific considerations should include the appropriate land use mix and density level, adequate transitions in building height and scale, screening and buffering, and multimodal access and circulation.	
Vine Street – SSPA 2023-IV-2RH *PLUS No. PA-2023-00034*	Franconia	4/11/2023	Consideration of a Plan amendment for Land Unit B of the Van Dorn TSA for residential mixed-use. Specific considerations should include accommodating the results of the I-495 Express Lane VDOT Study and evaluating the existing options in the adopted plan for synthesis.	
Pistone's -- SSPA 2023-I-4J *PLUS No. PA-2023-00035*	Mason	4/11/2023	Consideration of a Plan amendment for Tax Map Parcel 51-3 ((1)) 2 and 3 for Plan option for mixed-use, including up to 450 residential units and retail use for a total of up to 450,000 square feet (or 2.9 FAR of the current property area). Specific considerations should include right of way impacts from the potential Seven Corners Ring Road.	

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Purpose	Notes
Tier 3				
Church Street -- SSPA 2023-I-1B *PLUS No. PA-2023-00018*	Mason	4/11/2023	Consideration of a Plan amendment for Tax Map Parcels 61-2 ((17)) (A) 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40 for mixed-use up to 1.0 Floor Area Ratio (FAR) [approximately 82,000 square feet (sf)], including 60 multifamily dwelling units and approximately 18,000 sf of ground floor, community-serving retail.	re-tiered from tier 2 to tier 3 on 6/10/2025
~~Fallfax --~~ ~~SSPA 2023-I-5J~~ ~~*PLUS No. PA-2023-00037*~~	~~Providence~~	~~4/11/2023~~	~~Consideration of a Plan amendment for Shreve-West Community Planning Sector Recommendation #1B, for an option for residential mixed-use up to 1.9 consisting of multifamily residential and ground floor retail uses. Specific considerations should include avoidance of flood-prone areas, stormwater improvements, the appropriate density level, provision of residential amenities, usable open spaces, and multimodal connections along Route 29.~~	
6404 Telegraph Road	Franconia	6/10/2025	Consideration of a Plan amendment for Tax Map Parcels 82-3 ((4)) 1A and 1B for single family detached residential use with specific attention given to the character, density and scale of new development; appropriate transitions and buffering to adjacent residential properties; the potential for marine clay soils on-site; pedestrian and vehicular access and/or appropriate roadway improvements; and on-site amenities to serve new residents.	
~~Inova -- Springfield Center Drive~~ ~~SSPA 2023-IV-9S~~ ~~*PLUS No. PA-2023-00041*~~	~~Franconia~~	~~7/25/2023~~	~~Consideration of a Plan amendment for Tax Map Parcel 90-4 ((1)) 11C, including, but not limited to, the land use mixes and densities that were accepted into the 2022-2023 Countywide SSPA process (residential and/or continuing care facility with potential ancillary ground floor retail up to 1.5 FAR, CPN-LE-004).~~	~~re-tiered from tier 1 to tier 3 on 7/30/2024~~
Arrowbrook	Dranesville	6/10/2025	Consideration of a Plan amendment for a 1.8-acre portion of Tax Map Parcel 16-3 ((20)), to allow for up to 132 multifamily dwelling units and to remove the constraints of planned ratios guiding the mix of residential and non-residential uses.	
Colvin Woods	Hunter Mill	6/10/2025	Consideration of a Plan amendment for Tax Map Parcels 18-1 ((1)) 8A and 9A to add an option for attached residential use up to 7.6 du/ac.	
1841 Explorer Street	Hunter Mill	6/10/2025	Consideration of a Plan amendment for Tax Map Parcels 17-1 ((17)) 3 for multi-family residential use up to 350 units.	
Reston National Golf Course	Hunter Mill	6/10/2025	Consideration of a comprehensive plan change to include, but not be limited to, the following specific considerations: 1) How potential development could connect with existing and planned public transit options, particularly nearby Metro stations; 2) The number and types of housing that would best serve the community's evolving housing needs, including how redevelopment could provide affordable and workforce housing; 3) Consideration of potential impacts to the PRC zoning district density provisions, including the maximum persons per acre and strategies to address such impacts; 4) Impact to transportation networks and multimodal access; 5) Strategies for the	

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Purpose	Notes
Tier 3				
			preservation or enhancement of tree canopy and vegetation, including visual and screening impacts on adjacent residential areas, and consideration of how the redevelopment would impact existing trails, parks, recreation and natural areas; and 6) Strategies for permanent, publicly accessible areas, such as linear parks, sports fields, playgrounds, or passive open space accessible to all Reston residents, and the self-reoccurring funding mechanisms needed for their maintenance.	
Strawbridge Square	Mason	6/10/2025	Consideration of a Plan amendment for Tax Map Parcel 72-3 ((1)) 40 for up to 131 additional affordable multi-family residential units.	
6675 Little River Turnpike	Mason	6/10/2025	Consideration of a Plan amendment for either residential use such as (1) multi-family at a range of 75-125 residential units with neighborhood serving retail or (2) townhomes. The proposed density and development concept should be further refined through nominator engagement with the community. The evaluation of this nomination should include, but not be limited to: 1) Analysis of the feasibility of adding stringent stormwater management control systems onsite that improve the area's stormwater drainage and mitigate downstream environmental effects; 2) Impact on traffic on neighboring streets, pedestrian safety, and parking; 3) Full compliance with open space and parks requirements; and 4) Appropriate buffering and transitional screening.	
Eaves Fairfax Tower	Providence	6/10/2025	Consideration of a Plan amendment for Tax Map Parcel 40-3 ((1)) 4 for up to 576 additional multi-family and attached residential units. Existing 415 multi-family units to remain.	
Community of Faith	Sully	6/10/2025	Consideration of a Plan amendment for Tax Map Parcels 035-1 ((4))(19) C2 for multifamily residential use with consideration for compatible density and building height, tree preservation, stormwater management, and transportation generated noise.	

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Purpose	Adopted Date & Number
Amendments Adopted Since April 11, 2023				
Renaming of Lee District to Franconia District 2022-CW-3CP *PLUS No.* PA-2022-00010	Countywide	12/6/2022	Considered editorial changes in the Comprehensive Plan to revise references to the Lee District as the Franconia District.	April 11, 2023 *Adopted # 2017-49 & 2017 P-16*
6235 and 6245 Brandon Ave -- 2021-IV-FS1	Franconia	6/22/2021		*June 27, 2023*

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Purpose	Adopted Date & Number
Amendments Adopted Since April 11, 2023				
PLUS No. PA-2021-00018			Considered a Comprehensive Plan for self-storage use up to an intensity of 3.0 FAR (175,000 square feet), with community-serving retail or alternative, non-residential use on the ground-floor, in conjunction with neighboring parcel Tax Map 80-4 ((1)) 5C1. Special consideration to innovative architecture that does not present as traditional self-storage and a site layout and other measures that would achieve the goals of the Springfield Community Business Center.	*Adopted # 2017-50*
Villa Park Road -- 2021-IV-S2 *PLUS No. PA-2021-00013*	Franconia	3/23/2021	Considered a Comprehensive Plan amendment for residential use up -- to a density of 8.5 dwelling units per acre (up to 49 dwelling units) for the subject -- property (Tax Map Parcel 90-2 ((4)) 19 and 20).	July 25, 2023 *Adopted # 2017-51*
West Falls Church, Transit Station Area (TSA), Sub-Unit A-2 -- 2023-II-M1 *PLUS No. PA-2023-00001*	Dranesville	3/21/2023	Considered a Comprehensive Plan amendment for sub-unit A-2 of the West Falls Church TSA. The plan amendment should consider a land use shift from planned institutional use to office use. The proposed change should not increase the planned FAR and it should be demonstrated that any proposed changes meet the broader goals of the West Falls Church TSA Plan. The Plan Amendment should be reviewed concurrently with the zoning application.	July 25, 2023 *Adopted # 2017-52*
Route 7 Bus Rapid Transit BRT- 2021-CW-T1 *PLUS No. PA-2021-00020*	Countywide	7/27/2021	Considered a Comprehensive Plan to include recommendations of the preferred alignment and associated potential stations of the Route 7 BRT Study. The plan amendment will include: -- -- Defining the two additional lanes along Route 7 recommended in the current Comprehensive Plan (from 1-66 to International Drive) for exclusive use by median-running BRT; -- -- Repurposing two existing lanes along International Drive (from Route 7 to Lincoln Circle) for exclusive median-running BRT; -- -- Defining the BRT route from the West Falls Church Metrorail Station to Tysons along Route 7 (from 1-66) to Spring Hill Metrorail Station (via International Drive); and -- -- Potential station locations along this segment of the BRT route.	July 25, 2023 *Adopted # 2017-53 & 2017 P-17*
Pan Am Shopping Center – 2021-II-V1 *PLUS No. PA-2021-00024*	Providence	12/7/2021	Considered a Comprehensive Plan for mixed-use development on Tax Map Parcel 48-4((1))12F with a broader mix of uses than what exists today. The plan further states that any development or improvements should respect the adjacent Thompson Cemetery (Tax Map 48-4((1))13A) as well as the floodplain on the site. Review of the proposed amendment should consider reviewed concurrently with a rezoning application.	September 12, 2023 *Adopted # 2017-54*
Reston Area Study -- 2020-III-UP1 *PLUS No. PA-2020-00023*	Hunter Mill	1/14/2020		September 12, 2023 *Adopted #*

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Purpose	Adopted Date & Number
Amendments Adopted Since April 11, 2023				
			Considered a Comprehensive Plan amendment: -- Projected population thresholds for Reston, and how to ensure that population, infrastructure and the environment are all in balance -- Land use in the village centers (Hunters Woods, South Lakes and North Point) – including clarification of what type of future redevelopment proposals might require an amendment to the Comprehensive Plan -- The adequacy of existing plan language to generate additional affordable housing, and improvements to plan language to encourage preservation and enhancement of existing communities that now provide affordable housing -- The adequacy of existing and planned pedestrian and bicycle infrastructure for accessing Silver Line stations -- The adequacy of existing Comprehensive Plan guidance to facilitate urban-scale mobility and development design in the TSAs while protecting the stability of nearby neighborhoods -- Existing Comprehensive Plan transportation improvements to ensure that they are aligned with planned development -- How the Comprehensive Plan could better facilitate enhancement of Reston's natural environment, encourage energy efficiency and support sustainable green neighborhoods -- How the Comprehensive Plan could address concerns about monopolization of ownership in Reston, and ways to encourage diverse ownership and/or management over the long term -- Whether the historic practice of promoting privately-owned and managed open space sufficiently addresses public needs during the next 50 years of Reston.	*2017-55*
Bailey's CBC, Sub-unit B5 – 2022-I-B1 *PLUS No. PA*-2022-00005	Mason	5/10/2022	Considered a Comprehensive Plan Amendment for Sub-Unit B-5 of the Baileys Town Center District for a mix of residential and commercial uses with a strong emphasis on parcel consolidation, design, and open space in addition to building heights ranging from four to up to 14 stories for the subject property. The Carousel Court Apartments, on the south side of Seminary Road, are part of Land Unit B-5 but will not be considered for a change in land use or density.	November 21, 2023 *Adopted # 2017-56*
Agape House -- SSPA 2023-III-3UP *PLUS No. PA-2023-00013*	Sully	4/11/2023	Considered a Plan Amendment for Tax Map Parcel 34-4 ((12)) C7 for an option for affordable independent living, continuing care, and/or other age-restricted uses, up to 250 units. Specific considerations should include the provision of open space, onsite amenities, multimodal connections around the site, and access to services.	January 24, 2024 *Adopted # 2017-57*
Topgolf Site, Kingstowne Area- 2015-IV-RH1 *PLUS No. PA-2020-00006*	Franconia	10/20/2015	Considered an amendment to the Comprehensive Plan for Tax Map parcels 91-2 ((1)) 35A and 35B to consider a mix of residential uses, up to approximately 275 residential units, and up to 20,000 gross square feet of retail uses. Consider also that the retail	January 24, 2024 *Adopted # 2017-58*

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Purpose	Adopted Date & Number
Amendments Adopted Since April 11, 2023				
			development may be increased up to 70,000 gross square feet to accommodate an appropriate retail anchor, such as a grocery store.	
Public Facilities Policy Plan -- 2020-CW-1CP *PLUS No. PA-2020-00026*	Countywide	7/14/2020	Considered a Comprehensive Plan amendment to update the Public Facilities Policy Plan and reviewing the alignment of the Policy Plan update with the CIP. The effort will begin with the Public Schools element of the Public Facilities section of the Policy Plan and include the School's Committee recommendations.	Phase I May 7, 2024 *Adopted # 2017 P-18*
Cornerstones -- 2022-III-FC1 *PLUS No. PA-2022-00003*	Sully	2/22/2022	Considered a Comprehensive Plan option for affordable housing at a density of up to 35 du/ac for a 1.12-acre county-owned property (Tax Map Parcels 46-3 ((1)) 8 and 9B), located northwest of the interchange of Route 50 and West Ox Road, within the Fairfax Center Area Suburban Center. The site is currently planned for low-density residential use at the baseline level or office use at the overlay level. Cornerstones, Inc. proposes construction of a 34-unit multifamily building with on-site supportive services that would serve low and very low-income individuals. The Plan Amendment will be reviewed concurrently with a rezoning application once it is submitted. A noise impact study shall also be a key component in the review of the amendment.	June 11, 2024 *Adopted # 2017-59*
Judicial Complex – 2022-II-F1 *PLUS No. PA-2022-00007*	Providence	10/11/2022	Considered a Comprehensive Plan amendment will consider the expansion of public facility uses, including new residential uses that may include affordable and supportive housing, and other land uses supportive of the 2021 Judicial Complex Master Plan for Tax Map parcels 57-3 ((1)) 17 and 57-4 ((1)) 14. It is anticipated that the Plan amendment will be reviewed concurrently with a zoning application once it is submitted.	June 11, 2024 *Adopted # 2017-60*
Fair Lakes Study (Phase I) SSPA 2023-III-1FC *PLUS No. PA-2023-00005*	Springfield	4/11/2023	Considered a Plan amendment for Sub-unit E1 of the Fairfax Center Suburban Center. Phase I of a planning study of Sub-unit E1 of the Fairfax Center Area – land use and density/intensity changes for Tax Map Parcel 45-4 ((11)) A2 and editorial sub-unit revisions.	September 10, 2024 *Adopted # 2017-61*
For-Sale Workforce Dwelling Unit Policy & Program 2023-CW-1CP *PLUS No. PA-2023-00042*	Countywide	12/5/2023	Considered a Comprehensive Plan amendment based on the WDU For-Sale Policy Task Force recommendations. Consistency between the for-sale and the rental WDU programs should be considered, as well as an additional focus on the effectiveness of the 100% AMI tier. The proposed amendment should include options and ranges, as appropriate,	September 10, 2024 *Adopted # 2017 P-19 & 2017-62*

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Purpose	Adopted Date & Number
Amendments Adopted Since April 11, 2023				
			for the Board's consideration. In drafting the proposed amendment, staff should engage a diverse group of stakeholders for input. Revisions to the Countywide and Tysons Urban Center WDU Administrative Policy Guidelines should be considered in line with the proposed Plan Amendment.	
Springfield Boulevard – SSPA 2023-IV-6S *PLUS No. PA-2023-00038*	Franconia	7/25/2023	Considered a Plan amendment for Tax Map Parcels 80-4 ((1)) 16, 17,18,19, and 20B and Tax Map parcels 90-2 ((1)) 4A, 4B, and 4C, including, but not limited to, the land use mixes and densities that was accepted into the 2022-2023 Countywide SSPA process (residential mixed-use, CPN22-LE-006). The opportunity to study parcels 80-4 ((1) 14, 14A, 15 and 16A (Amherst Avenue, CPN22-LE-009) should be considered for possible coordination.	November 19, 2024 Adopted # 2017-63
Amherst Avenue – SSPA 2023-IV-7S *PLUS No. PA-2023-00039*	Franconia	7/25/2023	Considered a Plan amendment for Tax Map Parcels 80-4 ((1) 14, 14A, 15 and 16A (CPN22-LE-009) to consider opportunities for redevelopment and possible coordination with the adjacent plan amendment study area (Springfield Boulevard, CPN22-LE-006).	November 19, 2024 Adopted # 2017-63
Alliance Center -- SSPA 2023-I-1J *PLUS No. PA-2023-00010*	Providence	4/11/2023	Considered a Plan amendment for Tax Map Parcels 49-3 ((34)) 2929 and 2932 for residential mixed-use up to 3.0 FAR, consisting of multifamily units and ground floor non-residential uses.	January 14, 2025 Adopted # 2017-64
Briarwood Farm -- SSPA 2023-II-1V *PLUS No. PA-2023-00024*	Providence	4/11/2023	Considered a Plan amendment for Tax Map Parcel 48-2 ((7)) (33) 4, 5, 6, 11, 12, 13 and 14 for Residential uses at up to 4-5 du/ac.	March 18, 2025 Adopted# 2017-65
AT&T Oakton -- SSPA 2023-II-1F *PLUS No. PA-2023-00009*	Providence	4/11/2023	Considered a Plan amendment for Tax Map Parcel 47-2 ((1)) 58 for residential mixed-use up to 1.0 FAR, consisting of single-family attached and multifamily dwellings, office use, and community serving retail use. Specific considerations should include evaluating the site as the potential Core for the Flint Hill Suburban Center, achieving compatible transitions to adjacent residential areas, tree preservation, and multimodal access and circulation.	March 18, 2025 Adopted# 2017-66
Hunters Branch Office Complex – SSPA 2023-II-2V *PLUS No. PA-2023-00036*	Providence	4/11/2023	Considered a Plan amendment for Tax Map Parcel 48-4 ((1)) 1E and 1G for Residential or mixed use development up to a density of 65-80 du/ac, including the potential for adaptive reuse of the existing office building for partial redevelopment, or redevelopment of the entire site for multi-family residential uses. Specific considerations	May 13, 2025 Adopted # 2017-67

Plan Amendment Name and Number	Supervisor District	Authorization Date	General Purpose	Adopted Date & Number
Amendments Adopted Since April 11, 2023				
			should include the mix of uses, appropriate density level, provision of residential amenities, usable open spaces, and multimodal connections to the Vienna Metrorail Station, Pan Am Shopping Center, and other nearby destinations.	
Ox Road/Hooes Road 2024-III-1P *PLUS No. PA-2024-00005*	Mount Vernon	4/16/2024	Considered a Comprehensive Plan amendment to consider detached residential use on Tax Map Parcels 106-4((1))17, 18, 19 (part), 27 and 27A, with specific considerations for tree preservation and buffering from Ox Road, watershed and noise impacts, multimodal connectivity, and open spaces and parks. The amendment will be reviewed in coordination with a concurrent development application.	May 13, 2025 Adopted # 2017-68
Franconia Triangle (S-9 Beulah Community Planning Sector Recommendation Area #3) Study SSPA 2023-IV-2S *PLUS No. PA-2023-00006*	Franconia	4/11/2023	Considered a Plan amendment for Recommendation area #3 of the S-9 Beulah Community Planning Sector, including but not limited to specific considerations for the proposed land use mix and density/intensity proposed for land areas within the study area accepted into the 2022-2023 Countywide SSPA process (CPN22-LE-003).	May 13, 2025 Adopted # 2017-69

Board Agenda Item
June 10, 2025

ACTION – 3

Authorization to Enter into First Amendment to Design and Construction Agreement with the Town of Vienna for Redevelopment of the Patrick Henry Library and the License, Operation, and Maintenance Agreement for the Associated Parking Structure (Hunter Mill District)

ISSUE:
The Board of Supervisors' authorization for the County Executive to execute the First Amendment to Design and Construction Agreement (Amendment) with the Town of Vienna (Town), substantially in the form of Attachment 1, and the License, Operation, and Maintenance Agreement (LOM Agreement), substantially in the form of Attachment 2, to support the redevelopment of the existing Patrick Henry Library site, located at 101 Maple Avenue E., Vienna, Virginia (Tax Map 28-4 ((2)) 142), with the new Vienna-Carter Library and jointly funded 3-level parking structure.

RECOMMENDATION:
The County Executive recommends that the Board (1) approve the Amendment and the LOM Agreement and (2) authorize the County Executive, or the designee of the County Executive, to execute the Amendment and the LOM Agreement. Approval is required to continue to move forward with the redevelopment and construction of the parking structure.

TIMING:
Board action is requested on June 10, 2025, in order to facilitate the development timeline.

BACKGROUND:
The Board of Supervisors owns and operates the Patrick Henry Library located at 101 Maple Avenue E., Vienna, Virginia 22180, in the Hunter Mill Magisterial District (Tax Map 38-4 ((2)) 142). At its July 14, 2020, meeting, the Board approved the Design and Construction Agreement (Agreement) to jointly fund with the Town the design and construction of a parking structure on the existing Patrick Henry Library site as part of the new Vienna-Carter Library redevelopment.

Major terms of the Agreement include:

- Project will be owned and operated by Fairfax County;

- Project costs for the parking structure will be allocated between County and Town at each phase of the project;
- Decision points at project phases and responsible party's financial impacts are specified; and
- Ongoing garage operation and maintenance costs will be shared.

Under the terms of the Agreement, the Town is responsible for 19% (with a cap of $4,200,000) of the total construction costs of the parking structure. Due to an increase in the anticipated construction costs, the Town approved an increase to the cap from $4,200,000 to $4,790,000, which is reflected in the Amendment.

In addition, to facilitate the Town's receipt of a grant from the Northern Virginia Transportation Authority for a portion of their construction payment, authorization is requested to enter into the LOM Agreement, setting forth the use and operation of the parking structure. The LOM Agreement includes cost allocations that are consistent with the Agreement and provides the Town with use of its designated spaces for 40 years.

EQUITY IMPACT:
The Carter-Vienna Library and Garage project will provide access to library and community services to residents of all age groups, in a central location within Fairfax County and the Town of Vienna. The project will provide an outdoor reading and gathering space, and a flexible community space that will be open during and after library business hours. Additionally, the project will provide 84 public and commuter parking spaces for residents and visitors. The addition of commuter parking will encourage use of public transportation and contribute towards a reduction in traffic in the area

FISCAL IMPACT:
This action will enable the County to proceed with construction of the project, maintain the project schedule, and fulfill the Town's share of construction funding for this jointly funded project.

To date, the Town has provided funding in the amount of $2,063,000. The Town will be responsible for the remaining balance of its 19% share of the total construction costs for the parking structure, up to the cap of $4,790,000, payable to the County as stipulated in the Agreement.

The previously approved funding of $29,500,000 is sufficient to address the County's cost share for the construction of the library and parking structure. This project is included in the FY 2026-FY2030 Adopted Capital Improvement Program (With Future Fiscal Years to 2035.

Board Agenda Item
June 10, 2025

ENCLOSED DOCUMENTS:
Attachment 1: First Amendment to Design and Construction Agreement
Attachment 2: License, Operation, and Maintenance Agreement

STAFF:
Jennifer Miller, Deputy County Executive
Christopher Herrington, Director, Department of Public Works and Environmental Services, (DPWES)
Eric Carzon, Director, Fairfax County Public Library
Carey Needham, Deputy Director, Capital Facilities, DPWES
Tiya Raju, Director, Building Design and Construction Division, DPWES
Vrushali Oak, Assistant Division Director, Building Design and Construction Division, DPWES
Michael Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:
Susan Timoner, Assistant County Attorney

Attachment 1

FIRST AMENDMENT TO
DESIGN AND CONSTRUCTION AGREEMENT
Patrick Henry Library

THIS FIRST AMENDMENT TO DESIGN AND CONSTRUCTION AGREEMENT (this "**Amendment**") is made and entered into as of June ____, 2025 (the "**Effective Date**"**),** by and between the BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia, acting in its proprietary capacity and not in its governmental or regulatory capacity (the "**County**"); and the TOWN OF VIENNA (the "**Town**"). The County and the Town may each be referred to in this First Amendment as a "**Party**," and collectively as the "**Parties**."

RECITALS

R-1 The County owns approximately 1.43 acres of land at 101 Maple Ave. E., Vienna, Virginia 22180 (the "Property") on which is located the Patrick Henry Library (the "**Library**").

R-2 As part of the redevelopment of the Library, the Parties entered into a Design and Construction Agreement dated as of November 20, 2020 (the "**Agreement**"), which addressed each party's responsibilities for the design and construction of the Property to include the redesign of the Library with public parking in addition to parking needed by the Library.

R-2 In the course of its design and entitlement work, the construction cost estimate has increased from the estimated cost included in Preliminary Budget, which was attached to the Agreement as Exhibit C.

R-3 As a result of these changes, the Parties have agreed to amend the Agreement to increase the Town's cost contribution limit.

NOW, THEREFORE, in consideration of the Recitals, which are incorporated into this Amendment by reference, the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. The Maximum Town Construction Payment, as defined in Section 3.1 of the Agreement, is amended to be the lesser of 19% of the total cost of construction or $4,790,000. The timing of the Town shall be in accordance with the terms and conditions of the Agreement in the following amounts:

a. First payment - $1,400,000

b. Second payment - $1,695,000

c. Third payment - $1,695,000

2. The County acknowledges the memorandum dated June 30, 2023, sent by the Town to the Northern Virginia Transportation Authority ("NVTA"), which is attached to this Amendment as Exhibit A. The memorandum sets forth certain agreements between the Town and NVTA and creates no new County obligations beyond those agreed to by the Parties in the Agreement. In addition, the Parties intend to enter into a License, Operation, and Maintenance Agreement with regard to the use and operation of the parking structure to be located on the Property.

3. Miscellaneous.

(a) Except as amended by this Amendment, the Agreement shall remain in full force and effect.

(b) This Amendment shall inure to the benefit of and shall be binding upon the parties hereto and their respective successors and assigns.

(c) All capitalized terms not defined in this Amendment shall have the meaning ascribed to them in the Agreement.

(d) This Amendment may be executed by the Parties in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed by their duly authorized representatives as of the day and year first above-written.

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia

By: _____
Name: Bryan J. Hill
Title: County Executive

TOWN OF VIENNA, VIRGINIA

By: _____
Name: Mercury T. Payton
Title: Town Manager

TOWN OF VIENNA

Exhibit A

Town of Vienna

Patrick Henry Library Commuter Parking Management

TO: NVTA

FROM: Town of Vienna – Mercury Payton: Town Manger

DATE: June 30, 2023

SUBJECT: Patrick Henry Library Commuter Parking Management

The Town of Vienna and Fairfax County, through a Memorandum of Understanding (MOU), are collaborating on an exciting project in Vienna – the reconstruction of Patrick Henry Library and a new on-site 209-space parking garage. 125 of the spaces, funded by Fairfax County, will be dedicated for use by library patrons and employees. The remaining 84 spaces are funded by the Town of Vienna, with support from the Northern Virginia Transportation Authority (NVTA), for the primary purpose of supporting commuter parking.

The commuter parking will operate as a Park-and-Ride facility on weekday mornings from 2 a.m. to 11 a.m. Those hours, along with periodic monitoring and signage, will help to reserve those parking spaces for morning commuters who wish to access travel modes other than single-occupancy automobiles. After 11 a.m. on weekdays, and on the weekends, the Town-sponsored spaces will be available for general public use.

The entire parking garage will be owned by Fairfax County, but the MOU calls for the establishment of an operations and maintenance agreement between Fairfax County and the Town of Vienna. That agreement will be in force in time for the garage's opening. As part of the Town's rights and responsibilities, the Town will install signage in strategic locations so that drivers know that the 84 Town-funded spaces are reserved for commuters during the morning hours.

The Town anticipates that the target commuters will find the Town-funded spaces very attractive to use for the intended purpose.

- The Town has already coordinated with Vanpool Alliance (including receiving their endorsement – see attached), Vanpool staging will be provided for Vanpool operations within the new facility.
- The Vienna Metrorail Station (Orange Line) is 1.5 miles away from the site, which is within bicycling and walking distance of the parking garage. The Greensboro Metrorail Station (Silver Line) is 2 miles away from the site, which is also within bicycling and walking distance of the parking garage.
- There is an existing Fairfax Connector bus stop directly adjacent to the site.
- The Washington & Old Dominion (W&OD) Trail is only 325 feet from the site. Approximately 2 million walkers and cyclists per year use this very popular paved trail, including an increasing number of bicycle commuters. Vienna is in a central location for the trail and within bicycling proximity to many northern Virginia employment centers, as well as to Washington, DC.

127 Center Street, South • Vienna, Virginia 22180-5719
p: (703) 255-6300 • f: (703) 255-5722 • TTY711
www.viennava.gov

Town of Vienna

Patrick Henry Library Commuter Parking Management

Adding these 84 publicly available spaces in the heart of the Town of Vienna will enhance the Town's, Fairfax County's and the Northern Virginia region's shared goal of facilitating and promoting transportation options other than single-occupancy automobiles.

Sincerely,

Mercury Payton
Town Manager – Town of Vienna

127 Center Street, South • Vienna, Virginia 22180-5719
p: (703) 255-6300 • f: (703) 255-5722 • TTY711
www.viennava.gov

COUNTY OF FAIRFAX AND TOWN OF VIENNA LICENSE, OPERATION, AND MAINTENANCE AGREEMENT

PARKING GARAGE

AT

Vienna-Carter Library
101 Maple Ave. East
Vienna, VA 22180

LICENSE, OPERATION, AND MAINTENANCE AGREEMENT

THIS LICENSE, OPERATION, AND MAINTENANCE AGREEMENT (the "Agreement") is made this ___ day of June, 2025, between the BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA (the "County") and the TOWN OF VIENNA, VIRGINIA (the "Town"). The County and the Town may be referred to individually as a "Party" or collectively as the "Parties."

WHEREAS, the County is redeveloping the Patrick Henry Library, located at 101 Maple Ave. East, Vienna, VA 22180, and identified as Tax Map 0384-02-0142 (the "Project"); and

WHEREAS, the redevelopment includes a new on-site 209-space parking structure (the "Garage"), which will include both library parking and public parking; and

WHEREAS, in consideration of monetary and other contributions by the Town of Vienna, the Parties desire to enter into this Agreement to (i) provide a license to the Town for use of certain parking spaces for public parking and (ii) set forth the ongoing operation and maintenance of the Garage, as outlined in the previously executed Design and Construction Agreement dated as of November 20, 2020.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth in this Agreement, the County and the Town agree to the following:

SECTION 1. GRANT OF LICENSE

A. The County grants to the Town, subject to the terms and conditions of this Agreement, a license to use, and to permit the public to use, at the Town's sole expense and risk, 84 parking spaces (the "Town Spaces") within the Garage, for the purpose of supporting commuter parking, including van-pool parking, as well as increasing public parking options on the Route 123 corridor. The Town Spaces will operate as a "Park-and-Ride" facility on weekday mornings from 2 a.m. to 11 a.m., or as otherwise regulated by the Town of Vienna, with the consent of the Northern Virginia Transportation Authority (NVTA) and the County.

B. The Town Spaces will be located in an area of the Garage to be agreed to by the Parties. Upon such agreement, this Agreement will be amended to add Exhibit A, Location of Town Spaces.

SECTION 2. TERM

The term of this Agreement shall commence upon substantial completion of the Project (the "Substantial Completion Date") and continue for a period of 40 years. By mutual consent of the Parties, this Agreement may be extended for additional five (5) year terms for the duration of the useful life of the Garage. The County will notify the Town of the Substantial Completion Date.

SECTION 3. GRANT OF EASEMENTS

If determined necessary by the Parties, the County agrees to grant appropriate ingress/egress easements, consistent with this Agreement and prior to the completion of the Garage, for the benefit of the Town of Vienna and the general public to enable the use of the Town Spaces for the purposes set forth in this Agreement.

SECTION 4. GARAGE STAFFING AND PERSONNEL

A. The Garage will be an unattended facility, with no proposed parking meters or cashier booths. Parking will be free to the public. The County will be responsible for providing personnel required for janitorial services, routine maintenance and security, with the costs shared between the Parties as set forth in Section 5 below. It is anticipated that the Town of Vienna Police Department will act as the first responders to any incidents at the library and parking garage.

B. Notwithstanding the above, to assist in reserving the Town Spaces for morning commuters who wish to access travel modes other than single-occupancy automobiles, the Town may elect to implement periodic monitoring, signage, or metered or pay-to park requirements for the Town Spaces, provided any such change is designed and implemented: (i) at the sole cost of the Town; (ii) only after prior approval of the County, which will not be unreasonably withheld; (iii) only during the period of day that the Town Spaces are used as a "Park-and-Ride" facility under Section 1 above; and (iv) without altering or damaging the garage structure or impeding the use of the Garage by library patrons and staff. The Town will perform periodic monitoring of commuter parking as well as monitor and enforce parking restrictions for the Town Spaces, which may include ticketing and towing unauthorized vehicles or vehicles parked in violation of posted parking restrictions for the Town Spaces. The Town will ensure that its enforcement is limited to the Town Spaces.

SECTION 5. OPERATION AND MAINTENANCE COSTS

A. The County will be responsible for performance of the maintenance of the Garage, subject to reimbursement in Section B below, including routine repairs, re-striping, renovation, trash removal, and removal and treating of ice and snow on a timely basis to assure safe conditions.

B. Consistent with Exhibit D of the Design and Construction Agreement previously executed by the Parties, the operating costs of the Garage, including maintenance, will be shared between the Parties as follows, with "pro rata" meaning 60% County, 40% Town:

	Responsible Party	**County Allocation %**	**Town Allocation %**
ANNUAL COSTS			
Property Insurance (real property only; each party responsible for its own personal property)	County	100	0
Security monitoring	County	100	0
General maintenance/ Safety checks	County	50	50

Trash removal	County	Pro rata	Pro rata
Power washing	County	Pro rata	Pro rata
Cleaning/Sweeping	County	Pro rata	Pro rata
Elevator maintenance	County	50	50
Equipment maintenance	County	50	50
Striping/Signage/ Painting	County	Pro rata	Pro rata
Fire suppression	County	50	50
MEP/FP	County	50	50
Snow/ice removal	County	50	50
Utilities	County	50	50

SECTION 6. CAPITAL COSTS

Elements within the Garage will deteriorate over time and will need repair/replacement. For the term of this Agreement, repair or replacement will be necessary when an element reaches the end of its useful life or damage/deterioration is evident; provided, however, either Party may terminate this Agreement in the event of a major casualty or condemnation. Repair and replacement require a trained professional to observe and recommend repairs to these items as part of the regular condition assessment program. Consistent with Exhibit D of the Design and Construction Agreement previously executed by the Parties, the cost for capital repairs/ replacements will be shared between the Parties as follows:

	Responsible Party	**County Allocation %**	**Town Allocation %**
LONG-TERM MAINTENANCE			
Structural repairs to concrete slabs and column	County	50	50
Waterproofing	County	50	50
Elevators	County	50	50
Fire suppression systems	County	50	50
Piping (domestic water)	County	50	50
Painting	County	50	50
Joint sealant and expansion joints	County	50	50
Signage and striping	County	50	50
Lighting	County	50	50
Stair nosings/treads	County	50	50
Railings and guards and bollards	County	50	50
Doors	County	50	50
Fire extinguishers	County	50	50
EXIT signs	County	50	50
Emergency call stations	County	50	50

SECTION 7. PAYMENT OF SHARED COSTS

The costs described in Sections 5 and 6 above (the "Shared Costs") will be paid as follows:

A. No later than 90 days prior to the anticipated Substantial Completion Date, the County will provide to the Town an initial budget with respect to the projected Shared Costs (the "Initial Budget") for the calendar year following the Substantial Completion Date and the balance of the calendar year in which the Substantial Completion Date occurs (the "Initial Period"), together with the computation of each Party's allocated share of the projected Shared Costs for the Initial Period (the "Initial Budgeted Share"). Beginning on the first day of the first month of the Initial Period, the Town will pay to the County on a monthly basis an amount equal to the Town's Initial Budgeted Share divided by the number of months remaining in the Initial Period. The Town may elect to prepay its Initial Budgeted Share for the Initial Period.

B. On or before November 1st immediately prior to the end of the Initial Period, and every December 1st thereafter, the County will provide to the Town an annual operational statement (the "Annual Statement"). The Annual Statement will include: (a) the actual to-date Shared Costs for the Initial Period or the current calendar year, as applicable (and each Party's allocation thereof); (b) re-forecasted Shared Costs through year-end for the Initial Period or current calendar year, as applicable (and each Party's allocation thereof); (c) projected Shared Costs for the following calendar year (the "Annual Budget"); and (d) the computation of each Party's allocation of projected Shared Costs for the following calendar year (the "Annual Budgeted Share"). On January 1st of each calendar year after the expiration of the Initial Period and on the first day of each month thereafter in each such year, the Town will pay to the County on a monthly basis an amount equal to $1/12^{th}$ of the Town's Annual Budgeted Share. The Town may elect to prepay its Annual Budgeted Share for the entire year.

C. By June 1 of each year, the County will prepare and provide to the Town a reconciliation of actual costs for the prior calendar year against the payments made in connection with the Annual Budget (the "Budget Payments"), for the prior calendar year (the "Annual Reconciliation"). The Annual Reconciliation will include: (a) the actual Shared Costs for the prior calendar year; (b) the Budget Payments made by the Town during the prior calendar year; and (c) a reconciliation of the actual Shared Costs for the prior calendar year compared to the Budget Payments made by the Town during the prior calendar year, with a computation of whether the Budget Payments resulted in an overpayment or underpayment of the Shared Costs for the prior calendar year. Within 30 days after receipt by the Town of the Annual Reconciliation, the Town will pay to the County the amount, if any, by which its Budget Payments for the prior year were less than the Town's allocation of the actual Shared Costs for the prior year. If the Annual Reconciliation reveals that the Town has overpaid its allocation of Shared Costs, then the County will credit such overpayment to the Town's Annual Budgeted Share for the then current year. The effect of this Section is that the Town will pay each year its allocation of the actual Shared Costs.

D. For the Initial Budget and each Annual Budget, the Town will have 20 days from receipt of the Initial Budget or Annual Statement to review and either approve or reject the proposed Initial Budget or Annual Budget. Until the approval of an Annual Budget, not to be unreasonably withheld conditioned, or delayed, the County may proceed on the basis of the previous year's Annual Budget, together with an increase in such Annual Budget equal to 3% of that of the immediately preceding year.

SECTION 8. LIABILITY

Neither the County nor the Town shall be liable to the other under this Agreement for any damage to or loss of the personal property of the other, its employees, agents, or guests arising from any act of any persons or interruption or loss of business arising from the use, occupancy or condition of the Garage. Neither the County nor the Town shall be liable to the other for any personal injury to the other, its employees, agents, or guests, arising from the use, occupancy or condition of the Garage. It is understood that neither Party will be named as an additional insured under the other Party's insurance coverages.

SECTION 9. COMPLIANCE WITH LAWS

Neither the County nor the Town will use or occupy any portion of the Garage for any unlawful purpose and will obey all present and future laws, ordinances, regulations, and orders of the United States of America and the Commonwealth of Virginia and any agency thereof.

SECTION 10. RULES AND REGULATIONS

The Town and its respective agents and employees will abide by and observe any such reasonable rules and regulations that the County may promulgate from time to time for the operation and maintenance of the Garage, provided that the rules and regulations are in conformity with common practice and usage in other similar Garages owned by the County, are consistent with the provisions of this Agreement, and are sent to the Town using the Notice provision below. Any maintenance performed on the Garage that will prevent public access to the Town Spaces for more than one (1) day shall require 30 days' notice to the Town.

SECTION 11. NOTICES

A. All notices, demands or other communications between the Parties ("Notice") must be in writing. Notices must be given by (i) personal delivery or (ii) a nationally-recognized, next-day courier service, addressed as follows:

(1) If to the County, to: Director, Building Design and Construction Division,
Fairfax County Department of Public Works and Environmental Services
12000 Government Center Parkway, Suite 449
Fairfax, VA 22035

with a copy to: Fairfax County
Office of the County Attorney
12000 Government Center Parkway,
Suite 549
Fairfax, Virginia 22035-0064
Attention: County Attorney

(2) If to the Town, to: Mercury T. Payton, Town Manager
127 Center Street, South
Vienna, VA 22180

with a copy to: Steven D. Briglia, Town Attorney
127 Center Street, South
Vienna, VA 22180

B. A Notice given in accordance with this Agreement will be effective upon receipt or refusal by the Party to which it is given.

C. For convenience, Notices may be sent via email; however, such email Notice will not be considered effective until the original Notice is received by the Party to which it is given pursuant to one of the delivery methods described in subsection (a) above.

D. Either Party may change its Notice address from time to time by informing the other Party in writing of such new address.

SECTION 12. MISCELLANEOUS

A. Amendments/Modifications. The terms of this Agreement may be amended or otherwise modified only by a written instrument duly executed by the Parties.

B. Captions/Headings. The captions of this Agreement are for reference only and do not describe the intent of this Agreement or otherwise alter the terms of this Agreement.

C. Severability. If any provision of this Agreement or its application to any Party or circumstances is determined by any court of competent jurisdiction to be invalid or unenforceable to any extent, the remainder of this Agreement will not be affected, and each provision of this Agreement will be valid and will be enforced to the fullest extent permitted by law.

D. Appropriations. Any terms of this Agreement that would require the payment of money by the County are subject to appropriations by the Fairfax County Board of Supervisors. Any terms of this Agreement that would require the payment of money by the Town are subject to appropriations by the Town Council of Vienna. If appropriations are not made for any fiscal year by the respective Party, such Party will not be obligated to make any payments beyond the amount appropriated.

E. No Partnership. Nothing contained in this Agreement will be construed to create a partnership or joint venture between the Parties or their successors or permitted assigns. Neither Party may assign this Agreement without the prior written consent of the other Party.

[Signatures on the following page]

IN WITNESS WHEREOF the Parties hereto have affixed their signatures all as of the date first above written.

BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA, a
political subdivision of the Commonwealth
of Virginia

By: _____
Name: Bryan J. Hill
Title: County Executive

TOWN OF VIENNA, VIRGINIA

By: _____
Name: Mercury T. Payton
Title: Town Manager

Board Agenda Item
June 10, 2025

ACTION – 4

Resolution to Support the Addition of the Extension of Howard Avenue (Providence District)

ISSUE:
Board adoption of the attached resolution (Attachment 1) supporting the addition of an extension of Howard Avenue (Route 1792) to the State maintenance inventory.

RECOMMENDATION:
The County Executive recommends that the Board adopt the attached resolution (Attachment 1) supporting the addition of the extension of Howard Avenue.

TIMING:
The Board should take action on June 10, 2025, so that the Virginia Department of Transportation (VDOT) has the support of the Board to finalize the addition of the extension in the State maintenance inventory.

BACKGROUND:
The Fairfax County Department of Transportation (FCDOT) received a request from VDOT regarding the addition of the Howard Avenue Extension. VDOT has requested the support of the County, by a Board Resolution, to add a portion of Howard Avenue (Route 1792) to the State maintenance inventory pursuant to the process outlined in Section 33.2-705 of the Code of Virginia. The subject portion of Howard Avenue was extended due to the improvements associated with VDOT Project #6007-029-108 C501 for “Additional Ramps at Tyson’s Corner”. VDOT is pursuing this request to add 0.12 miles of the Howard Avenue extension (Route 1792) that was constructed in the 1990’s.

EQUITY IMPACT:
None.

FISCAL IMPACT:
None.

Board Agenda Item
June 10, 2025

ENCLOSED DOCUMENTS:
Attachment 1 – Resolution
Attachment 2 – Howard Avenue, Route 1792 Addition
Attachment 3 – VDOT Construction Project # 6007-029-108 C501, Plan Sheets
Attachment 4 – Howard Avenue, Route 1792 Extension Link Sheet
Attachment 5 – Addition of Howard Avenue Extension Vicinity Map

STAFF:
Jennifer Miller, Deputy County Executive
Gregg Steverson, Director, Fairfax County Department of Transportation (FCDOT)
Martha Coello, Deputy Director, FCDOT
Jeffrey Hermann, Chief, Site Analysis & Transportation Planning Division, FCDOT
Gregory Fuller, Jr., Chief, Site Analysis Section (SAS), FCDOT
Brittany Nixon, Transportation Planner IV, SAS, FCDOT
Jeffrey Edmondson, Transportation Planner III, SAS, FCDOT
Colleen Campbell, Transportation Planner I, SAS, FCDOT

ASSIGNED COUNSEL:
Randall T. Greehan, Assistant County Attorney

ATTACHMENT 1

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
ADDITION
HOWARD AVENUE EXTENSION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, June 10, 2025, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the completion of Virginia Department of Transportation Project # 6007-029-108 C501 for "Additional Ramps at Tyson's Corner" caused roadway alteration in the Providence Magisterial District on Tax Maps 29-3 and 39-1; and

WHEREAS, Howard Avenue, Route 1792 was extended in the northeastern direction to provide a connection to Route 7 Frontage Road, FR-772; and

WHEREAS, the subject roadway connection is hereby requested to be added the Secondary System of State Highways pursuant to Section §33.2-705 of the Code of Virginia; and

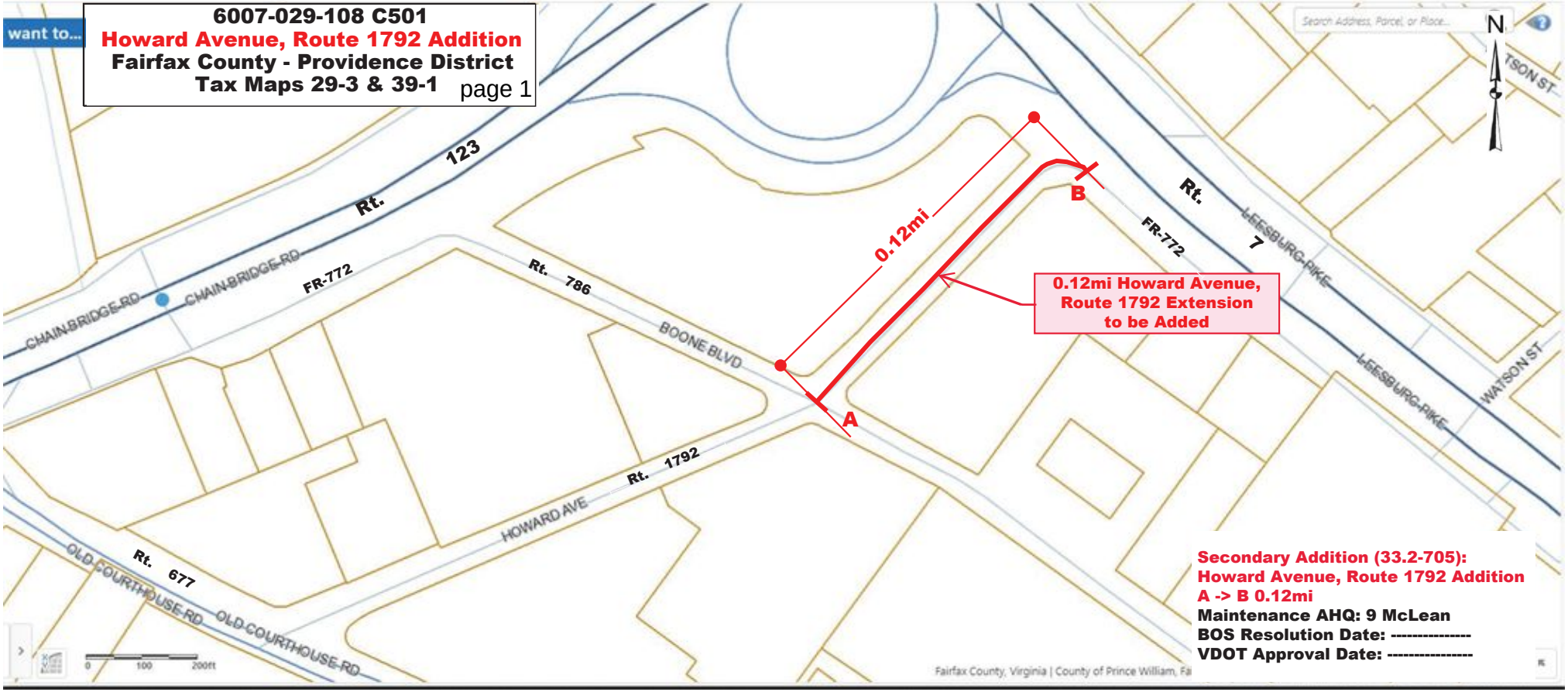
NOW THEREFORE, BE IT RESOLVED, that this Board supports the addition of Howard Avenue, Route 1792 Extension as depicted on the attachments and hereby supports that the Virginia Department of Transportation add the 0.12-mile subject portion of Howard Avenue, Route 1792, to the Secondary System of State Highways pursuant to §33.2-705 of the Code of Virginia. A copy of this resolution will be forwarded to the Resident Engineer for the Virginia Department of Transportation.

ADOPTED this 10th day of June, 2025

A Copy-Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

ATTACHMENT 2




6007-029-108 C501
Howard Avenue, Route 1792 Addition
Fairfax County - Providence District
Tax Maps 29-3 & 39-1
page 2
6007-029-108 C501
1997 Map
Rt. 7
123
Rt.
Rt. FR772
7
Rt. 677
Rt. 1792
Rt. 786
N
0.12mi to be Added as
Secondary Route 1792
1997
2021

401-11 | 30-10

LIMITED ACCESS HIGHWAY By resolution of State Highway and Transportation Commission dated Febr 15, 1962

INDEX OF SHEETS

SHEET NO. 1 THRU 1A TITLE SHEET & LAYOUT SHEET
" " 2 TYPICAL SECTION
" " 2A CROSS SECTION LAYOUT & DETAILS
" " 2B MAINTENANCE OF TRAFFIC
" " 2C GRADING DIAGRAM & GENERAL NOTES
" " 2D SUMMARY SHEET
" " 2E THRU 2(N) MISC. DETAIL
" " 3 " 3E PLAN & PROFILE
" " 4-1 " 4-24B SIGNAL PLANS & SIGN PLANS
22 SHEETS CROSS SECTIONS

PROJECT 6007-029-108,PE-101,RW-201
SHEETS 1,1A,2,2D,3,3A,3B,3C,3D,3E

PROJECT 6007-029-108,PE-101,C-501
SHEETS 1,1A,2 thru 2(N),3 thru 3C,4-1 thru 4-24B

COMMONWEALTH OF VIRGINIA

DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

PLAN AND PROFILE OF PROPOSED STATE HIGHWAY

COUNTY OF FAIRFAX

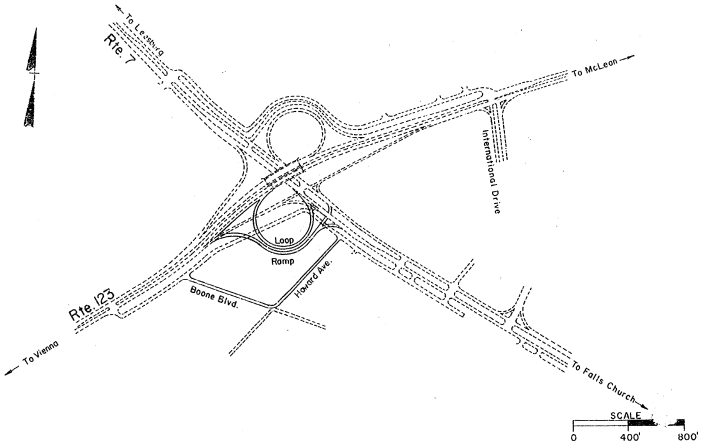
ADDITIONAL RAMPS AT TYSON'S CORNER

M-5401(4), F-110-1(103)

6007-029-108,PE-101,RW-201,C-501

FHWA REGION	STATE	FEDERAL AID PROJECT	ROUTE	STATE PROJECT	SHEET NO.	TOTAL SHEETS
3	VA.	M-5401(4) F-110-1(103)	7	6007-029-108 PE-101 RW-201 C-501	1	

DESIGN CLASSIFICATION ARTERIAL - DIVIDED - ROLLING		
	LOOP	RAMP
ADT(1973)	3150	3000
ADT(1995)	8680	8300
DHV	860	830
D (%)		
T(%)	4%	4%
V(MPH)	25	30



Note: This project is to be constructed in accordance with Virginia Department of Highways and Transportation Road and Bridge Specifications dated July 1, 1974 and Road Designs and Standards dated January 1, 1975, as amended by contract provisions and these plans.

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT.

CONVENTIONAL SIGNS

STATE LINE
COUNTY LINE
CITY, TOWN OR VILLAGE
RIGHT OF WAY LINE
FENCE LINE
UNFENCED PROPERTY LINE
FENCED PROPERTY LINE
TRAVELED WAY
GUARD RAIL
RETAINING WALL
RAILROAD
BASE OR SURVEY LINE
LEVEE OR EMBANKMENT
BRIDGES
CULVERTS
DROP INLET
TROLLEY POLES
POWER POLES
TELEPHONE OR TELEGRAPH POLES
MARSH
HEDGE
WOODS
GROUND ELEVATION
GRADE ELEVATION
POLES WITHIN CONSTRUCTION LIMITS

STATE PROJ. NOS.	SECTION NUMBERS	FEDERAL AID PROJ. NOS.	LENGTH INCL. BR. & BOX MILES	LENGTH INCL. BR. & BOX FEET	LENGTH EXCL. BR. MILES	LENGTH EXCL. BR. FEET	EQUALITIES FEET	TYPE PROJECT	DESCRIPTION
6007-029-108	PE-101		—	—	—	—	—	Preliminary Engr.	Additional Ramps At Tyson's Corner
	RW-201	M-5401(4)	—	—	—	—	—	Right of Way	
	C-501	F-110-1(103)			—	—	—	Constr.	

PLANS REVISED		
PROJECT	SHEET NO.	DATE
C-501	1, 4-11 4-14 Deleted 4-14(1)&4-24 Added	10-17-77
C-501	1, 4, 3C, 2D, 2E, 2H, 2I, 2J, 2K, 2L Added: 2M, 2N	11-14-77
C-501	1, 2D, 3, 2M, 2N	1-3-78
C-501	2D, 3	1-10-78
C-501	1, 2D	3-14-78
C-501	1, 4-7 thru 4-24B	5-22-78
RW-201, C-501	1, 3	5-11-82

PLANS REVISED					
PROJECT	SHEET NO.	DATE	PROJECT	SHEET NO.	DATE
	1, 3	1-7-76	RW-201, C-501	1, 2D	9-13-76
	1, 3	2-10-76	RW-201, C-501	1&5	10-13-76
	1, 3	2-18-76		1, 4-14-18, 4-24,	
	1, 5	4-15-76	C-501	4-22, 4-24 added	11-12-76
	1, 3	5-6-76			
	1, 5	6-10-76	RW-201, C-501	1, 5B	2-4-77
C-501	1, 4-7 thru 4-22	6-13-76	C-501	1, 2D	2-4-77
C-501	1, 2, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K, 2L, 2M, 2N added	8-11-76	C-501	1, 4-3 thru 4-14, 4-24, 4-24A, 4-24B	4-6-77
			C-501	1, 2D, 3A	6-21-77
			C-501	1, 2D, 3, 3A	7-6-77
RW-201, C-501	1, 3	8-16-76	C-501	1	7-28-77

RECOMMENDED FOR APPROVAL FOR RIGHT OF WAY ACQUISITION

DATE — LOCATION AND DESIGN ENGINEER
DATE — DIRECTOR OF ENGINEERING
DATE — DIRECTOR OF PROGRAM MANAGEMENT
DATE — DEPUTY COMMISSIONER AND CHIEF ENGINEER

APPROVED FOR RIGHT OF WAY ACQUISITION

DATE — COMMISSIONER

RECOMMENDED FOR APPROVAL FOR CONSTRUCTION

6-24-76 DATE — LOCATION AND DESIGN ENGINEER
6-25-76 DATE — DIRECTOR OF ENGINEERING
6-28-76 DATE — DIRECTOR OF PROGRAM MANAGEMENT

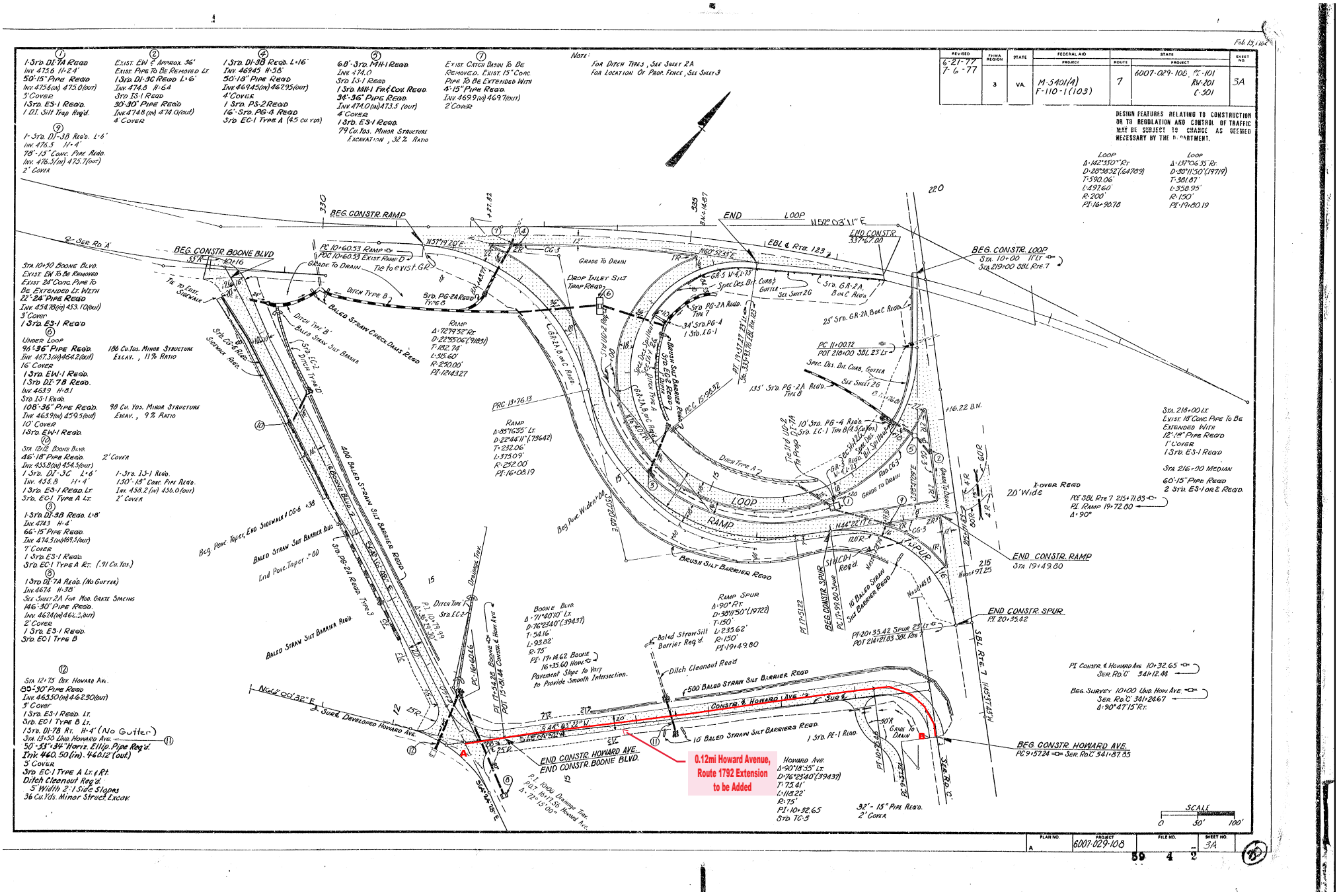
APPROVED FOR CONSTRUCTION

DATE — DEPUTY COMMISSIONER AND CHIEF ENGINEER

APPROVED

DATE — DIVISION ENGINEER FEDERAL HIGHWAY ADMINISTRATION U.S. DEPARTMENT OF TRANSPORTATION

PLAN NO. 208 13 | PROJECT 6007-029-108 PE-101, RW-201, C-501 | FILE NO. | SHEET NO. 1 | 50 4 2


BEG. CONSTR. RAMP
BEG. CONSTR. BOONE BLVD
BEG. CONSTR. LOOP
END CONSTR. RAMP
END CONSTR. SPUR
END CONSTR. HOWARD AVE.
END CONSTR. BOONE BLVD.
BEG. CONSTR. HOWARD AVE.
LOOP
RAMP
Boone Blvd
Howard Ave
0.12mi Howard Avenue, Route 1792 Extension to be Added
SCALE
0
50'
100'

6007-029-108 C501

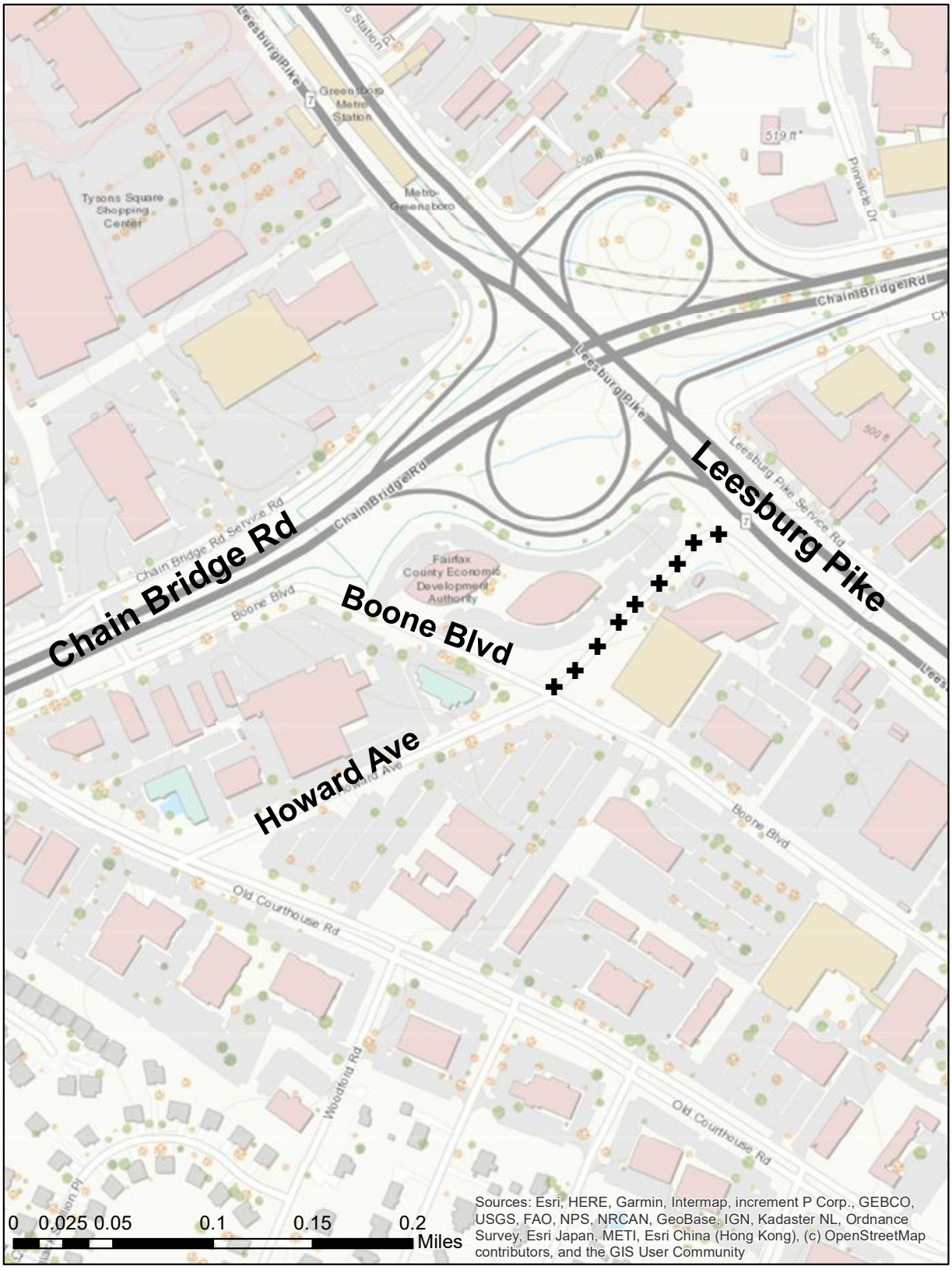
Howard Avenue, Route 1792 Extension Link Sheet

Fairfax County – Providence District
Tax Map: 29-3 & 39-1

Segment	Street Name/Route #	Addition	Abandonment	Discontinuance	From	To
A-> B	Howard Avenue Route 1792 Extension	0.12 mi	--	--	Intersection CL Boone Boulevard, Route 786 at CL Howard Avenue, Route 1792 (A)	0.12 mi NE to CL FR-772 (B)

Addition of Howard Avenue Extension Vicinity Map

Providence District



N

Tax Map 29-3 & 39-1

✚ **Denotes Area to be Added**

Board Agenda Item
June 10, 2025

CLOSED SESSION:

(a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).

(b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).

(c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, as identified below, where discussion in an open session would adversely affect the negotiating or litigating posture of the public body, as well as consultation with legal counsel regarding specific legal matters listed below requiring the provision of legal advice by such counsel, all as permitted by Virginia Code § 2.2-3711(A) (7) and (8).

1. *Fairfax Workers Coalition and David J. Lyons, Michelle Herrera Meadows, Julie Fincher, Jennifer McCullough, Randall Stewart, Brenda Reagan, Brandon Hahn, Athena Baker, Steven Zeizel, Sandra Nolff, Nikki Thomas-Campbell, Jackie Faett, and Jahangir-Chand v. Fairfax County and Sarah Miller Espinosa, J.D., Labor Relations Administrator for Fairfax County,* Case No. CL-2025-0003246 (Fx. Co. Cir. Ct.)

2. *Champion Services, Inc. v. Bryan Hill and Fairfax County Department of Public Works and Environmental Services*, Case No. 1:25-cv-00656 (E.D.Va.)

3. *Matthew Andrew Guzzetta v. Fairfax County Police Department, et al.*, Case No. CL-2024-0002762 (Fx. Co. Cir. Ct)

4. *Matthew Andrew Guzzetta v. Fairfax County, Kevin Davis, Todd Billeb*, Case No. 3:25-cv-346 (E.D. Va.)

5. *Yohannes Woldehanna and Betty Sintayehu v. County of Fairfax, Virginia*, Case No. GV24-014575 (Fx. Co. Gen. Dist. Ct.)

6. *Masood Malik v. Gregory Greenhow, et al.,* Case No. CL- 2024-0006027 (Fx. Co. Cir. Ct.)

7. *Khoa Luong by Government Employee's Insurance Co. v. Brian Eugene Talbot,* Case No. GV25-006861 (Fx. Co. Gen. Dist. Ct.)

8. *State Farm Fire and Casualty Company, as subrogee of Robert Bowman v. Nicholas Ullom*, Case No. GV24-027915 (Fx. Co. Gen. Dist. Ct).

9. *Jay Riat, Fairfax County Building Official v. Campbell's Code Consultants*, Appeal 25-09, (Technical Review Board)

10. *Jay Riat, Building Official for Fairfax County, Virginia v. Bruno Arone Apaza,* Case No. GV25-026208 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

11. *Jay Riat, Building Official for Fairfax County, Virginia v. Turkan Mahmudova and Hamed Ebadollhi*, Case No. GV25-000271 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

12. *Jay Riat, Building Official for Fairfax County, Virginia v. Viet Ngo & Giau T. Le,* Case No. GV25-008111 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

13. *Jay Riat, Building Official for Fairfax County, Virginia v. Kurt Adam Janssen, Eric Janssen, and Bonnie Janssen,* Case No. CL-2024-0000339 (Fx. Co. Cir. Ct.) (Dranesville District)

14. *Jay Riat, Building Official for Fairfax County, Virginia v. Debra Carmel and Mason Carmel,* Case No. CL-2025-0004264 (Fx. Co. Cir. Ct.) (Dranesville District)

15. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. John W. Sylvester and Sheri Sylvester,* Case No. GV24-024534 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Shafqat Iqbal Chaudry and Sarwat Shafquat Chaudry,* Case No. GV25-007284 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

17. *Jay Riat, Building Official for Fairfax County, Virginia v. Saeed Anwar Khan, Shamaila A. Khan, and Truealty Construction & Services, LLC,* Case No. GV25-012427 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

18. *Jay Riat, Building Official for Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator, v. Wilfredo S. Morales,* Case No. CL-2023-0003630 (Fx. Co. Cir. Ct.) (Franconia District)

19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sedaka A. Tomasto Tomateo, Juliana N. Lopez Mallqui, and Jose L. Lopez La Rosa,* Case No. GV25-013231 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

20. *Jay Riat, Building Official for Fairfax County, Virginia v. Paul John Curry,* Case No. GV25-004271 (Fx. Co. Gen Dist. Ct.) (Franconia District)

21. *Jay Riat, Building Official for Fairfax County, Virginia v. Yesenia Pleitez and Oscar Calderon,* Case No. GV25-002033 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

22. *Jay Riat, Building Official for Fairfax County, Virginia v. Antonio Rivas and Leonidas Rivas,* GV25-008873 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

23. *Jay Riat, Building Official for Fairfax County, Virginia v. Word of Life Assembly of God,* Case No. GV25-012203 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

24. *Jay Riat, Building Official for Fairfax County, Virginia v. Mebrat T. Getahun,* Case No. (pending) (Fx. Co. Gen. Dist. Ct.) (Franconia District)

25. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Victoria A. Perry,* Case No. CL-2023-0001058 (Fx. Co. Cir. Ct.) (Hunter Mill District)

26. *Jay Riat, Building Official for Fairfax County, Virginia v. The Wail A. Issa Living Trust,* Case No. CL-2025-0004267 (Fx. Co. Cir. Ct.) (Hunter Mill District)

27. *Jay Riat, Building Official for Fairfax County, Virginia v. Pooveshan Govender,* Case No. GV25-006863 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Aaron Samson, Mary Samson, and Zaaki Restaurant and Café LLC,* Case No. CL-2020-0009420 (Fx. Co. Cir. Ct.) (Mason District)

29. *Jay Riat, Building Official for Fairfax County, Virginia v. SNS 7601, LLC and Forever Smile Dental, LLC,* Case No. CL-2025-0001961 (Fx. Co. Cir. Ct.) (Mason District)

30. *Jay Riat, Building Official for Fairfax County, Virginia v. Maria R. Henriquez and Richardo A. Henriquez,* Case No. GV25-004272 (Fx. Co. Gen. Dist. Ct.) (Mason District)

31. *Jay Riat, Building Official for Fairfax County, Virginia v. Nelson Edgardo Tejada, Daniel Enrique Martin Mejia, Benjamin Moran Coto and Liliana Rosemary Paz Cardona,* Case No. GV25-001592 (Fx. Co. Gen. Dist. Ct.) (Mason District)

32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Phu Bui,* Case No. GV25-008857 (Fx. Co. Gen. Dist. Ct.) (Mason District)

33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Unite Muslim Association,* Case No. GV25-009911 (Fx. Co. Gen. Dist. Ct.) (Mason District)

34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. 6435 LLC,* Case No. GV25-012430 (Fx. Co. Gen. Dist. Ct.) (Mason District)

35. *Jay Riat, Building Official for Fairfax County, Virginia v. Fernando Alvarez and Patricia Alvarez,* Case No. GV25-001421 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

36. *Jay Riat, Building Official for Fairfax County, Virginia v. Fullerton Holding LLC,* Case No. GV25-003379 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

37. *Jay Riat, Building Official for Fairfax County, Virginia v. Sara Gerbremichael Kinfe aka Sara Gerbremichael Soloman, and Daniel Legesse Asfaw aka Daniel Beyene Soloman,* Case No. GV25-007304 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

38. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Mary D. Coombe,* Case No. CL-2025-0007115 (Fx. Co. Cir. Ct.) (Providence District)

39. *Jay Riat, Building Official for Fairfax County, Virginia v. Jenny M. Lobo and Gladys M. Vargas,* Case No. GV25-003266 (Fx. Co. Gen. Dist. Ct.) (Providence District)

40. *Jay Riat, Building Official for Fairfax County, Virginia v. Jose O. Lara Amaya and Celia E. Ramos Ventura,* Case No. GV25-012782 (Fx. Co. Gen. Dist. Ct.) (Providence District)

41. *Jay Riat, Building Official for Fairfax County, Virginia v. Agatha V. Williams,* Case No. CL-2022-000143 (Fx. Co. Cir. Ct.) (Springfield District)

42. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael A. Ficco and Pamela G. Ficco,* Case No. CL-2025-0003536 (Fx. Co. Cir. Ct.) (Springfield District)

43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nicole A. Rhea and James R. Rhea,* Case No. GV25-005846 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

44. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia v. Andrew J. Besaha,* Case No. GV25-007265 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

45. *Jay Riat, Building Official for Fairfax County, Virginia v. Maysa K. Moulhem,* Case No. GV25-007268 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

46. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ron Jagannathan,* Case No. CL-2024-0014037 (Fx. Co. Cir. Ct.) (Sully District)

47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Timothy J. Healy, Co-Trustee of the Healy Family Joint Declaration of Trust, November 27, 2017, and Cheryl Marie Healy, Co-Trustee,* Case No. CL-2024-0014036 (Fx. Co. Cir. Ct.) (Sully District)

48. *Jay Riat, Building Official for Fairfax County, Virginia v. DK Chantilly Plaza, LLC and Dulles Geotechnical and Material Testing Services, Inc.,* Case No. GV24-028615 (Fx. Co. Gen. Dist. Ct.) (Sully District)

49. *Jay Riat, Building Official for Fairfax County, Virginia v. La Fe Restaurante y Pupuseria, LLC & Sully Limited Partnership,* Case No. GV25-003264 (Fx. Co. Gen. Dist. Ct.) (Sully District)

50. *Jay Riat, Building Official for Fairfax County, Virginia v. Roberta Couver,* Case No. GV25-008107 (Fx. Co. Gen. Dist. Ct.) (Sully District)

51. *Jay Riat, Building Official for Fairfax County, Virginia v. Douglas G. Middleton and Jessica Middleton,* Case No. GV25-008778 (Fx. Co. Gen. Dist. Ct.) (Sully District)

52. *Jay Riat, Building Official for Fairfax County, Virginia v. St. Jude Syro-Malabar Catholic Church,* Case No. GV25-012432 (Fx. Co. Gen. Dist. Ct.) (Sully District)

Board Agenda Item
June 10, 2025

3:30 p.m.

Public Hearing on SE 2024-HM-00009 (Columbia Retail Dulles LLC) to Permit a Drive-Through Financial Institution, Located on Approximately 27,443 Square Feet of Land (Hunter Mill District)

This property is located at Tax Map 16-3 ((1)) 15B (pt.).

PLANNING COMMISSION RECOMMENDATION:
On May 7, 2025, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval of SE 2024-HM-00009, subject to the development conditions consistent with those dated April 23, 2025.

ENCLOSED DOCUMENTS:
Additional information available online at:
https://www.fairfaxcounty.gov/planning-development/board-packages

Planning Commission Meetings Video Archive available online at:
https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives

STAFF:
Suzanne L. Wright, Director, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD)
Karen Yee, Planner, ZED, DPD

Board Agenda Item
June 10, 2025

3:30 p.m.

Public Hearing on SEA 87-P-073-002 (Tysons Ventures LLC) to Amend SE 87-P-073 to add a Truck Rental Establishment and Associated Modifications to Site Design and Development Conditions, Located on Approximately 27,018 Square Feet of Land (Providence District)

This property is located at Tax Map 39-1 ((6)) 37.

PLANNING COMMISSION RECOMMENDATION:
On April 30, 2025, the Planning Commission voted 10-0 (Commissioner Wang was absent from the meeting. Commissioner Thomas was not present for the vote.) to recommend to the Board of Supervisors the following actions:

- Approval of SEA-87-P-073-002, subject to the development conditions dated April 16, 2025; and

- Modification of subsection 2103.8 of the Zoning Ordinance to permit the existing lot area and width;

- Modification of subsection 5108.3.A of the Zoning Ordinance on the street frontage landscaping requirements in favor of that shown on the SEA Plat;

- Modification of subsection 5108.4.C of the Zoning Ordinance of the peripheral parking lot landscaping requirements along the eastern and western lot lines in favor of that shown on the SEA Plat; and

- Modification of the Bicycle Parking Requirements of subsection 6102 of the Zoning Ordinance to reduce the number of bicycle parking spaces required from eight to two.

ENCLOSED DOCUMENTS:
Additional information available online at:
https://www.fairfaxcounty.gov/planning-development/board-packages

Planning Commission Meetings Video Archive available online at:
https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives

Board Agenda Item
June 10, 2025

STAFF:
Suzanne L. Wright, Director, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD)
Karen Yee, Planner, ZED, DPD

Board Agenda Item
June 10, 2025

3:30 p.m.

Public Hearing on PCA 2014-PR-021 (RZPA 2024-PR-00040) (1764VA, LLC) to Amend the Proffers for RZ 2014-PR-021, Previously Approved for Mixed Use Development, to Permit an Existing Self-Storage Use and Associated Modifications to Proffers and Site Design, Located on Approximately 1.90 Acres of Land (Providence District)

This property is located at Tax Map 29-4 ((6)) 97E.

PLANNING COMMISSION RECOMMENDATION:
On May 14, 2025, the Planning Commission voted 11-1 (Commissioner Cortina voted in opposition) to recommend to the Board of Supervisors the following actions:

- Approval of PCA 2014-PR-021, subject to the execution of proffers consistent with those dated April 30, 2025;

- Approval of a modification of subsection 4102.6.C(3)(a) of the Zoning Ordinance to permit the use of the exterior storage units as the outdoor activities associated with the self-storage use;

- Approval of a modification of subsection 4102.6.C(3)(b) of the Zoning Ordinance to permit the existing exterior outdoor storage units to remain as shown on the Finalized Development Plan (FDP);

- Approval of a modification of subsection 4102.6.C(3)(c) of the Zoning Ordinance to permit the exterior storage units' bay doors to be visible from outside of the storage structure;

- Approval of a modification of subsection 5108.5.B (1) (a) of the Zoning Ordinance of the transitional screening requirements along the western boundary of the subject property favor of that shown on the FDP; and

- Approval of a modification of subsection 5108.5.C(2)(a) of the Zoning Ordinance of the barrier requirement along the western boundary on the subject property in favor of that shown on the FDP.

In a related action, the Planning Commission voted 11-1 (Commissioner Cortina voted in opposition) to approve FDP 2014-PR-021-03.

Board Agenda Item
June 10, 2025

ENCLOSED DOCUMENTS:
Additional information available online at:
https://www.fairfaxcounty.gov/planning-development/board-packages

Planning Commission Meetings Video Archive available online at:
https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives

STAFF:
Suzanne L. Wright, Director, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD)
Karen Yee, Planner, ZED, DPD

REVISED

Board Agenda Item
June 10, 2025

3:30 p.m.

Public Hearing on PCA-80-P-039-010/CDPA-80-P-039-002 (RZPA-2023-PR-00105) (HB Route 29 Owner LLC) to Amend the Proffers and Conceptual Development Plan for Previously Approved RZ-80-P-039 for Mixed-Use, to Permit Residential Use and Associated Modifications to Proffers and Site Design at a Floor Area Ratio of 1.15, Including Bonus Density for Affordable Housing, Located on Approximately 13.90 Acres of Land (Providence District)

This property is located in the N.W. quadrant of intersection of Nutley St. and Route 29.

PLANNING COMMISSION RECOMMENDATION:
On May 21, 2025, the Planning Commission voted 10-0 (Commissioners Landgraf and Wang were absent from the meeting) to defer the public hearing for PCA 80-P-039-010, CDPA 80-P-039-002, and FDPA 80-P-039-09 to June 4, 2025, or the next available date.

~~The Planning Commission's public hearing on this application is scheduled for June 4, 2025. The Planning Commission's recommendation will be forwarded upon decision.~~

On June 4, 2025, the Planning Commission voted 12-0 to recommend to the Board of Supervisors the following actions:

- **Approval of PCA-80-P-039-010 and CDPA-80-P-039-002, subject to the execution of proffers consistent with those dated June 2, 2025;**

- **Approval of a modification of subsection 2105.4.C(1)(a)1 to allow secondary uses to exceed 50% of the gross floor area of all principal uses in the development;**

- **Approval of a modification of subsection 5100.2.C(5) of the Zoning Ordinance to allow for a parapet wall, cornice or similar projection to exceed the height limit established by more than three (3) feet but no more than twelve (12) feet to screen mechanical equipment and rooftop decks for the proposed multi-family and stacked townhome units;**

- **Approval of a waiver of subsection 5107.3.A(2) to permit private streets less than twenty-four (24) feet in width and to allow existing garage aisles to remain less than twenty-three (23) feet in width, as shown on the CDPA/FDPA;**

REVISED

Board Agenda Item
June 10, 2025

- **Approval of a waiver of subsection 5107.3.A(3) to permit private streets greater than 600 feet in length, as shown on the CDPA/FDPA;**

- **Approval of a waiver of subsection 6100.2.C(4)(B) to permit existing substandard parking spaces to be considered compliant and count towards required and provided parking;**

- **Approval of a modification of subsection 5108.4.A(1) for interior parking lot landscaping of above grade parking structures, as shown on the CDPA/FDPA;**

- **Approval of a waiver of subsection 5108.4.B(1) for shade structures on exposed parking structures in favor of that shown on the CDPA/FDPA; and**

- **Approval of a waiver of subsection 5108.4.C for peripheral parking lot landscaping requirements of above grade parking structures in favor of that shown on the CDPA/FDPA.**

In a related action, the Planning Commission voted 12-0 to approve FDPA-80-P-039-09.

ENCLOSED DOCUMENTS:
Additional information available online at:
https://www.fairfaxcounty.gov/planning-development/board-packages

Planning Commission Meetings Video Archive available online at:
https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives

STAFF:
Suzanne L. Wright, Director, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD)
Katie Quinn, Planner, ZED, DPD

Board Agenda Item
June 10, 2025

4:00 p.m.

Public Hearing on the Spot Blight Abatement Ordinance for 3106 Groveton Street, Alexandria, VA 22306 (Franconia District)

ISSUE:
Public Hearing to adopt a Spot Blight Abatement Ordinance for 3106 Groveton Street, Alexandria, VA 22030 (Tax Map No. 092-2 ((18)) (02) 0037) and approval of a blight abatement plan for the Property.

RECOMMENDATION:
The County Executive recommends that the Board adopt an ordinance to declare 3106 Groveton Street blighted, constituting a nuisance, and approve a blight abatement plan for the Property.

TIMING:
On May 13, 2025, the Board authorized advertisement of this public hearing to be held Tuesday, June 10, 2025, at 4:00 p.m.

BACKGROUND:
Va. Code Ann. § 36-49.1:1 (2014) (Spot Blight Abatement Statute) allows the Board, by ordinance, to address a property as "spot blight." *Under Va. Code Ann. § 36-3*, a property is considered "blighted" if any structure or improvement on that property endangers the public health, safety, or welfare because it is "dilapidated, deteriorated, or violates minimum health and safety standards." If, after reasonable notice, the owner
fails to abate or obviate the conditions that cause a property to be blighted, the Board may approve a spot blight abatement plan, and may recover the costs of implementing that plan against the property owner in the same manner as for the collection of local taxes *Va. Code Ann. § 36-49.1:1(D)—(E)*.

Located on the subject property is a dilapidated, structurally unsafe, one-story dwelling that was constructed in 1940 according to Fairfax County Tax Records along with a detached accessory structure (Shed). The property has inadequate structural support and multiple deteriorated framing members, no heating, no working plumbing facilities, and hazardous electrical elements throughout the dwelling. The structure has been in this condition since 2009. Inspection records indicate no reasonable attempts to correct the VPMC violations at the property have been completed.

A Property Maintenance case was opened and investigated in November 2017 for neglect and maintenance concerns for the dwelling ultimately resulting in violations. Inspections were conducted throughout the year in order to work with the owner to comply with the Virginia Property Maintenance Code (VPMC). No progress was made so on September 14, 2018, during a court hearing, the Court imposed a $100.00 per day fine. During the next two years, multiple unsuccessful attempts have been made by the owner to address the safety concerns within the structure. During an inspection conducted on February 12, 2020, the property was deemed an Unsafe Structure, and a placard was posted. On October 29, 2021, during a court hearing, the judge imposed a fine of $600.00 and increased the daily fines to $200.00 per day. These fines have increased to the outstanding amount of over $156k. Records indicate the property owner applied for a permit application for interior alterations and a permit was issued on March 15, 2022. However, the work performed did not match the scope of work proposed and no inspections have ever been conducted to date. In June 2022, the Property Maintenance case was transferred to a new investigator due to retirement. The property was referred to the Blight Abatement Program (BAP) due to the unresponsiveness of the owner to correct the maintenance issues.

On April 4, 2023, the Neighborhood Enhancement Task Force (NETF) reviewed the property and approved a preliminary blight determination. BAP staff sent certified and regular notices to the property owner advising them of that determination. To date, the property owner has not responded or otherwise submitted the required spot blight abatement plan to the County.

Due to the increasing deterioration of the structure, BAP staff has determined that the dwelling is not economically feasible to repair and recommend demolition. The NETF concurs with that recommendation in their blight determination.

A recent inspection took place on December 17, 2024, and revealed no significant changes in the properties condition and remains unsafe. A new Property Maintenance Notice of Violation and Unsafe Structure Notice was issued to the property owner on March 4, 2025.

The County will continue to seek cooperation from the property owner to eliminate the blighted conditions; however, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property blighted and to approve the spot blight abatement plan to demolish the structure. State code requires that the Board provide notice concerning the proposed adoption of such an Ordinance.

If the property owner(s) fails to abate the blighted conditions within thirty (30) days after notification of the Board’s action, the County will proceed with the demolition process for the structure(s). The County will incur the cost, expending funds that are available in Fund 300-C30010, General Construction and Contributions, Project 2G97-001-000,

Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

EQUITY IMPACT:
None.

FISCAL IMPACT:
If the blighted conditions are not eliminated by the property owner, the County will fund the demolition from Fund 300-C30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement. Funding is available in Project 2G97-001-000 to proceed with the demolition, estimated to cost approximately $ 55,000.00.

It is anticipated that all costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner(s). Funds recovered will be allocated to the Blight Abatement Program to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:
Attachment 1: Property Photographs
Attachment 2: Tax Map
Attachment 3: Blighted Property Technical Report and Abatement Plan
Attachment 4: Ordinance

STAFF:
Jennifer Miller, Deputy County Executive
Gabriel Zakkak, Director, Department of Code Compliance
Benjamin Aiken, Deputy Director, Department of Code Compliance
Kevin Talbot, Code Compliance Investigator III, Department of Code Compliance
Dustin Bergey, Code Compliance Investigator III, Department of Code Compliance

ASSIGNED COUNSEL:
Patrick Foltz, Assistant County Attorney

Attachment 1
3106 Groveton Street, Alexandria, Va 22306
Tax Map # 0922 18020037
Franconia District



Case #: PMINV-2017-142812

PMINV-2022-195468

Address: 3106 Groveton Street Alexandria, VA 22306

PHOTOS TAKEN BY INVESTIGATOR VICTORIA FITZGERALD (RETIRED)

Photographer:

Kevin Talbot

Kevin Talbot, Investigator
County of Fairfax, Dept. of Code Compliance

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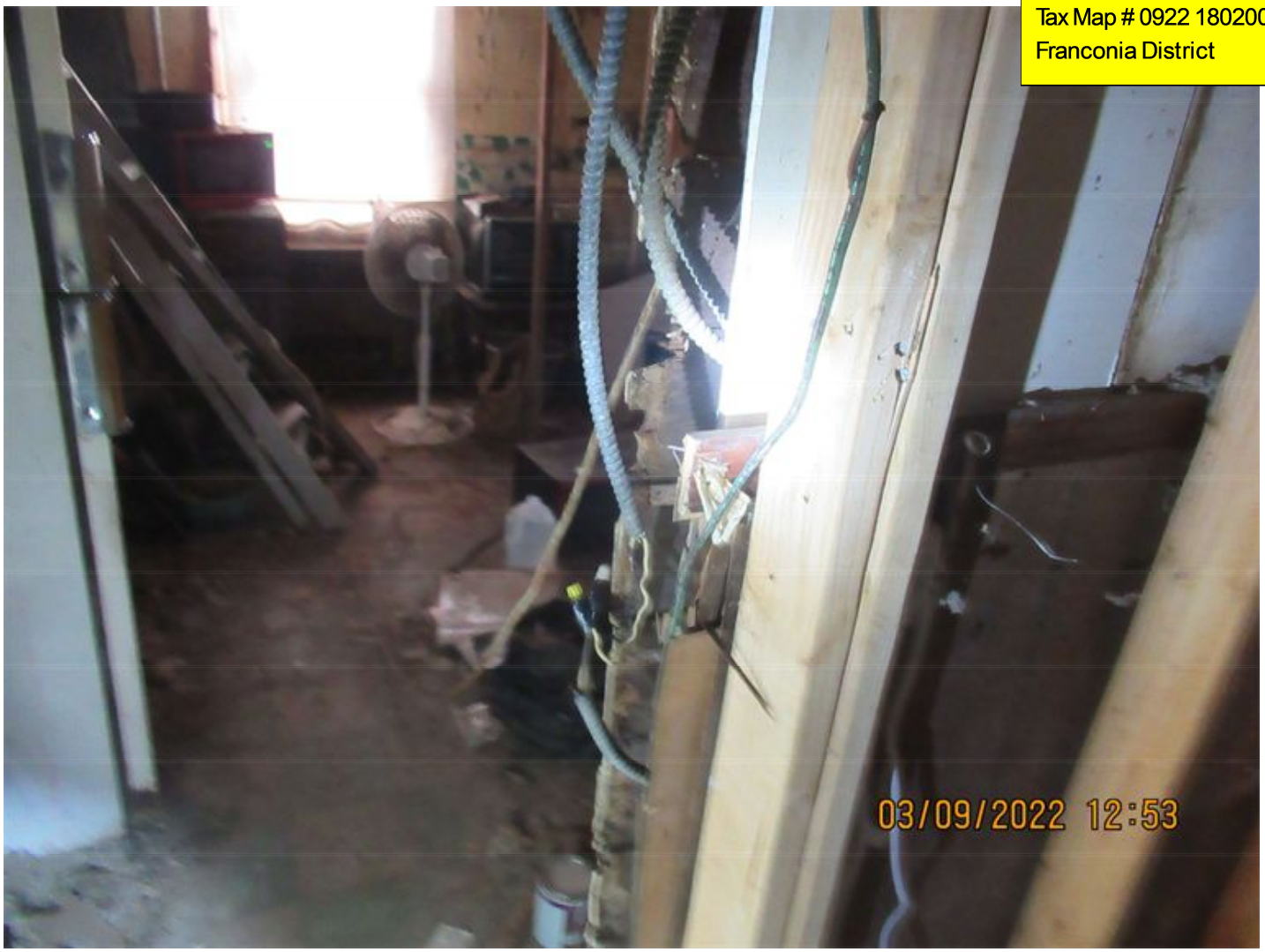

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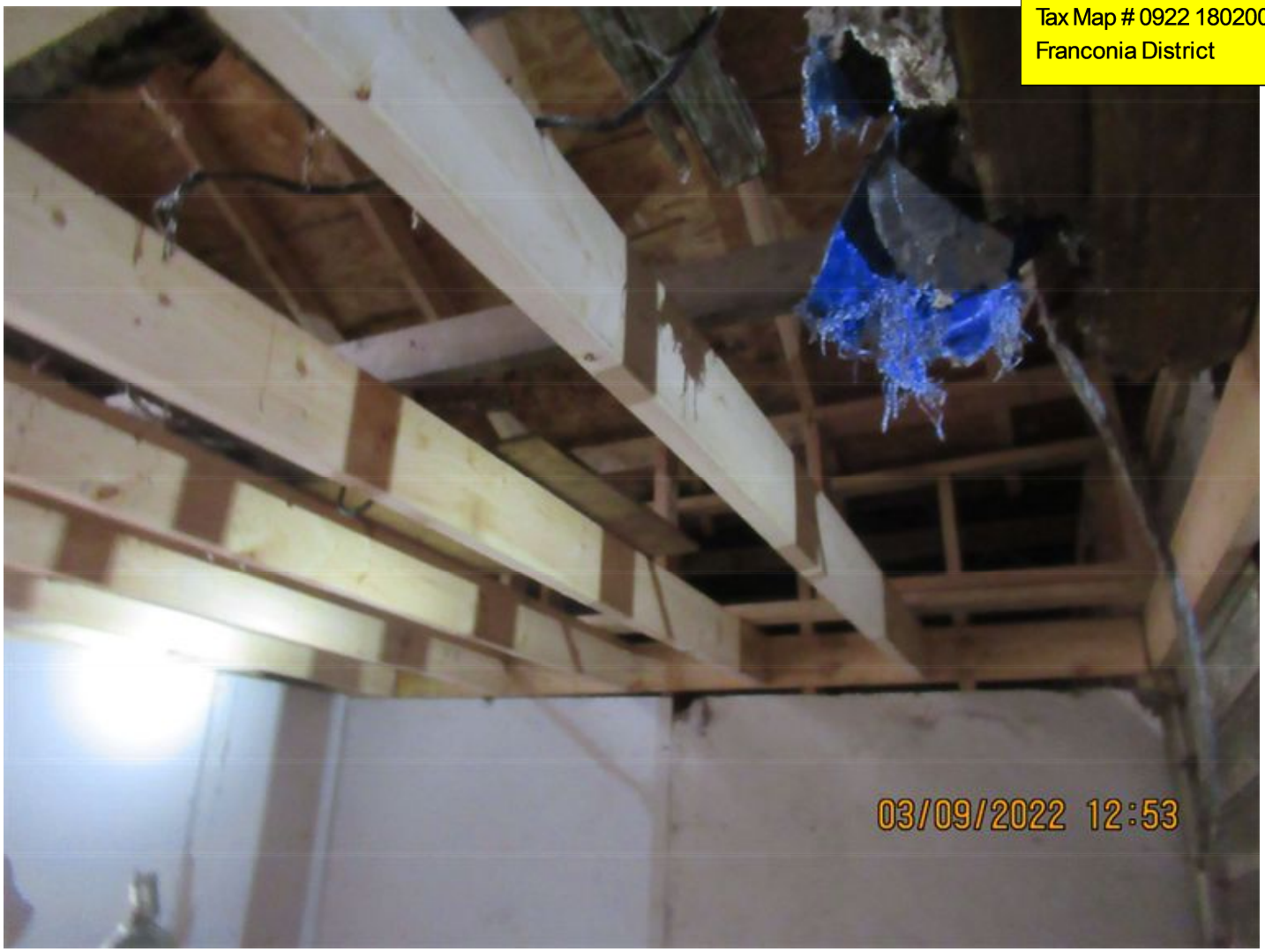

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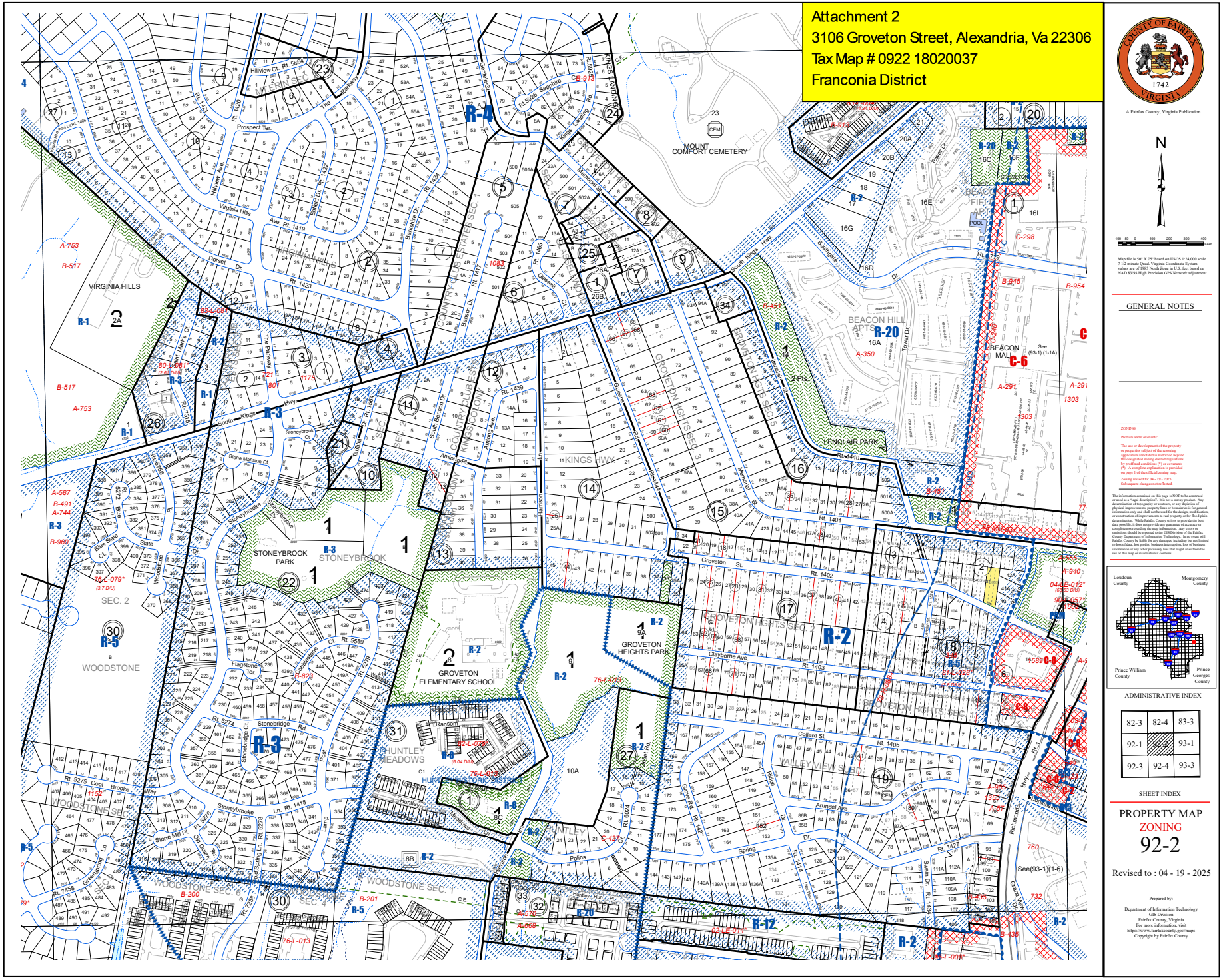
Attachment 2
3106 Groveton Street, Alexandria, Va 22306
Tax Map # 0922 18020037
Franconia District
COUNTY OF FAIRFAX
1742
VIRGINIA
A Fairfax County, Virginia Publication
N
GENERAL NOTES
ADMINISTRATIVE INDEX
SHEET INDEX
PROPERTY MAP
ZONING
92-2
Revised to : 04 - 19 - 2025
Prepared by:
Department of Information Technology
GIS Division
Fairfax County, Virginia
Copyright by Fairfax County
Print Code: 20251904

ATTACHMENT 3

BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN

PROJECT TITLE (OWNERS): Harry M. Studds

CASE: PMINV-2022-195468

OWNER'S ADDRESS: 3106 Groveton Street Alexandria, VA 22306

ADDRESS OF BLIGHTED PROPERTY: 3106 Groveton Street Alexandria, VA 22306

TAX MAP NO.: 092-2 ((18)) (02) 0037 **MAGISTERIAL DISTRICT:** Franconia

2025 ASSESSED VALUE: $324,000 **LAND:** $274,000 **IMPROVEMENTS:** $0.00

PROPERTY ZONING: R-2 **YEAR BUILT:** 1940

TAX STATUS: Current as of 5/16/2025

DESCRIPTION:
Located on the 0.377-acre property is a 1,078 square foot one and a half story wood frame dwelling with a full basement. The structure was constructed in 1940. The property has a lengthy complaint history dating back to 2017. Investigations of the property since 2017 resulted in notices of violation being sent to the owners of record. However, on September 14, 2018, during a court hearing, the Court imposed a $100.00 per day fine. During the next two years, multiple unsuccessful attempts have been made by the owner to address the safety concerns within the structure. During an inspection conducted on February 12, 2020, the property was deemed an Unsafe Structure, and a placard was posted. On October 29, 2021, during a court hearing, the judge imposed a fine of $600.00 and increased the daily fines to $200.00 per day. These fines have increased to the outstanding amount of over $156k. Records indicate the property owner applied for a permit application for interior alterations and a permit was issued on March 15, 2022. However, the work performed did not match the scope of work proposed and no inspections have ever been conducted to date. In June 2022, the Property Maintenance case was transferred to a new investigator due to retirement. The property was referred to the Blight Abatement Program (BAP) on June 17, 2022, due to the unresponsiveness of the owner to correct the maintenance issues.

IMPACT OF PROPERTY ON SURROUNDING USES:
The property in its current state is an attractive nuisance and blight on the surrounding community.

ATTACHMENT 3

NATURE OF COMPLAINTS:
The property located at 3106 Groveton Street was referred to the Blight Abatement Program (BAP) on June 17, 2022, reference its dilapidated and attractive nuisance conditions.

STAFF RECOMMENDATION:
BAP recommends demolishing the dilapidated structures and removing all debris on the property. If the owners fail to cure the blighted conditions of the property after receiving written notice of the Board's adoption of the Blight Abatement Ordinance. Costs of blight abatement, including direct County administrative costs, would then be collected from the property owners.

ORDINANCE FOR 3106 GROVETON STREET (FRANCONIA DISTRICT)

WHEREAS, a goal of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas; and

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any property "spot blight" as defined in the Va. Code Ann. § 36-3 (2019); and

WHEREAS, the Board has approved the implementation of a blight abatement program authorized by State legislation; and

WHEREAS, citizens have expressed concern about specific properties in their communities that are abandoned, dilapidated or otherwise in an unsafe state; and

WHEREAS, it has been determined that the property located at 3106 Groveton Street (Franconia District) identified on the Fairfax County Tax Map as 092-2 ((18)) (02) 0037 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36-3 (2019); and

WHEREAS, the Board desires that the blight be abated as authorized by Va. Code Ann. § 36-49.1:1 (2019);

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36-3 (2019).

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned blight be abated in accordance with the terms as authorized by Va. Code Ann. § 36-49.1:1 (2019), including without limitation that if the owner of the Property fails to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owner of the Property in any manner provided by law for the collection of state or local taxes.

Upon certification by the County Executive of Fairfax County or his designee that the blight has been abated and that all expenses of Fairfax County with respect thereto have been paid in full, this Ordinance shall be deemed of no further force or effect.

PROPERTY ADDRESS (DISTRICT)	**TAX MAP NUMBER**
3106 Groveton Street (Franconia District)	092-2 ((18)) (02) 0037

Board Agenda Item
June 10, 2025

4:00 p.m.

Public Hearing to Consider the Adoption of Amendments to Chapter 41.1 of the Fairfax County Code, Relating to Animal Control and Care, and Chapter 82 of the Fairfax County Code Relating to Motor Vehicles

ISSUE:
Public hearing to consider amendments to *Chapter 41.1 of the Fairfax County Code*, relating to Animal Control and Care, and *Chapter 82 of the Fairfax County Code*, related to motor vehicles. The proposed amendments to *Chapter 41.1* will update definitions, references and position titles to reflect the consolidation of animal control functions under the renamed Department of Animal Services. The proposed amendments to *Chapter 82* reflect the renamed Department of Animal Services.

RECOMMENDATION:
The County Executive recommends that the Board approve the proposed amendments to *Fairfax County Code Chapter 41.1 and Chapter 82*.

TIMING:
On April 22, 2025, the Board authorized advertisement of a public hearing to consider this matter on June 10, 2025, at 4:00 p.m. If adopted, these amendments will become effective on July 1, 2025.

BACKGROUND:
The proposed amendments to *County Code Chapters 41.1 and 82* reflect organizational changes resulting from the consolidation of the County's animal control functions with the County's animal sheltering services. This consolidation is an outcome of the FY2025 budget and will result in a new Department of Animal Services.

Currently, the Department of Animal Sheltering operates the County's animal shelter and the Fairfax County Police Department (FCPD) is responsible for animal control through its animal protection police officers. The new Department of Animal Services will oversee both animal sheltering and animal control functions. The proposed amendments change definitions, position titles and other references to reflect the new Department of Animal Services, its responsibilities, and its director, where applicable. References to FCPD and the Department of Animal Sheltering are deleted or modified

where appropriate. The definition of animal control officer is changed to encompass both animal control officers and animal protection police officers.

County Code Section 82-5-32 is the County's trespass towing ordinance and currently requires tow truck drivers to notify FCPD when a companion animal is inside a towed vehicle. The proposed amendments substitute the Department of Animal Services for FCPD. *Pursuant to Va. Code § 46.2-1233.2 and County Code Section 82-5-32.1*, the County's Trespass Towing Advisory Board (TTAB) must provide recommendations to the Board of Supervisors on proposed changes to *Section 82-5-32*. At its March 5, 2025 meeting, the TTAB voted unanimously to recommend these proposed amendments.

EQUITY IMPACT:
The proposed changes are in furtherance of the One Fairfax Policy. ACOs will connect pet owners with a range of shelter services, including free pet food and supplies, the PetHaven Program for victims of domestic abuse, and free and low-cost veterinary care and ensure consideration is given to the impact of systemic poverty and structural inequality on pet ownership.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Proposed Amendments to Chapter 41.1, Animal Control and Care and Chapter 82, Motor Vehicles (Markup)
Attachment 2 – Proposed Amendments to Chapter 41.1, Animal Control and Care and Chapter 82 (Clean)

STAFF:
Thomas Arnold, Deputy County Executive
Reasa Currier, Director, Department of Animal Sheltering
Robert Blakely, Assistant Chief of Police, Operations, Police Department

ASSIGNED COUNSEL:
John W. Burton, Assistant County Attorney

AN ORDINANCE AMENDING CHAPTER 41.1 OF THE FAIRFAX COUNTY CODE, RELATING TO ANIMAL CONTROL AND CARE, AND CHAPTER 82, RELATING TO MOTOR VEHICLES

Draft of January 22, 2025

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Sections 41.1-1-1, 41.1-2-2, 41.1-2-5, 41.1-2-16, 41.1-4-3 and 41.1-5-2 relating to animal care and control, and amending and readopting Section 82-5-32 relating to motor vehicles.

Be it ordained by the Board of Supervisors of Fairfax County:

1. **That Sections 41.1-1-1, 41.1-2-2, 41.1-2-5, 41.1-2-16, 41.1-4-3, 41.1-5-1, 41.1-5-2 and 82-5-32 of the Fairfax County Code are amended and reenacted as follows:**

Section 41.1-1-1. - Definitions.

For the purpose of this Chapter, the following words and phrases have the following meanings unless otherwise defined within this Chapter:

Animal means any nonhuman vertebrate species except fish. For the purposes of Sections 41.1-2-8 through 41.1-2-11, animal means any species susceptible to rabies. For the purposes of Section 41.1-2-20, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

Animal control officer means a person appointed as the animal control officer or a deputy animal control officer, or the animal protection police officer or a deputy animal protection police officer pursuant to Virginia law to enforce the Virginia Comprehensive Animal Care Laws, this Chapter, and all laws for the protection of domestic animals.

Animal Shelter means a facility which is operated by the Department of Animal ~~Sheltering~~ Services as a public animal shelter as defined in Virginia Code § 3.2-6500, as amended.

~~*Animal Services Division* means the Animal Services Division of the Fairfax County Police Department. References to the Commander of the Animal Services Division mean the Commander or his or her agent.~~

Certified service animal means a monkey that is used or is in training to be used solely to assist disabled persons and which use is certified by officials of a generally recognized scientific or educational institution, provided that such certified service animal has been bred in a closed breeding environment located in the United States.

Circus means any commercial variety show featuring animal acts for public entertainment.

Companion animal means any domestic or feral dog, domestic or feral cat, non-human primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purpose of this chapter.

Department of Animal ~~Sheltering~~ Services means the Fairfax County agency responsible for the operation of the public animal shelter(s) in Fairfax County~~.~~ and the activities of Fairfax County animal control officers. References to the Director of Animal Services means the Director of the Department of Animal Services or his or her designee.

Director of Health means the Director of the Fairfax County Health Department or his or her designee.

Director of Tax Administration means the Director of the Department of Tax Administration or his or her designee. For purposes of issuing dog licenses, the Department of Animal Services ~~Division~~ is a designee of the Director of Tax Administration.

Horse means and includes horse, mule, donkey, and ass.

Kennel means any place in or at which five or more dogs or cats or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

Livestock includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in state law; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

Owner means any person, firm, partnership, corporation, association, or other legal entity, who has a right of property in an animal, keeps or harbors an animal, has an animal in his, her or its care, or acts as a custodian of an animal, including operators or managers of stables, kennels, pet shops, or other animal establishments.

Primary enclosure means any structure used to immediately restrict an animal to a limited amount of space, such as a room, tank, pen, cage, compartment or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

Rabid animal means an animal that has had the diagnosis of rabies confirmed by the Virginia Division of Consolidated Laboratory Services, Fairfax Health Department Laboratory, Centers for Disease Control and Prevention Rabies Laboratory, or a laboratory in any state that is recognized by that state to perform rabies testing for public health purposes. Any suspected rabid animal that has exposed a companion or agricultural animal or a person and is not available for laboratory testing should be presumed to be rabid

Rabies exposure or potentially exposed to rabies means any circumstance where saliva or central nervous system tissue from a rabid or suspected rabid animal entered or could have entered a fresh, open wound or come in contact with a mucous membrane of a person or susceptible animal species. For the purposes of companion and agricultural animal exposure, the actual witnessing of a bite or attack by a rabid or suspected rabid animal is not necessary to define an exposure; however, a rabid or suspected rabid animal needs to have been witnessed in close proximity to the exposed animal and where, in the judgment of the Director of Health, it is reasonable to assume that the rabid or suspected rabid animal could have exposed the susceptible companion or agricultural animal.

Releasing agency means a public or private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or

other similar entity or home-based rescue that releases a companion animal for adoption, including the ~~Fairfax County~~ Animal Shelter.

Rightful owner means a person with a right of property in the animal.

Service animal means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Suspected rabid animal means any animal that has not been tested for rabies and that the Fairfax County Health Department considers to be a species at high risk for acquiring or transmitting rabies whether or not the animal is exhibiting clinical signs compatible with rabies and any animal the Fairfax County Health Department considers at low risk for acquiring or transmitting rabies that is exhibiting clinical signs compatible with rabies.

Traveling animal exhibition means any spectacle, display, act or event, including circuses and carnivals, where animals are maintained, whether or not the animals actually perform, the owners or operators of which do not have their principal place of business in Fairfax County, Virginia, and that are required to obtain an administrative or special permit pursuant to the Zoning Ordinance. Notwithstanding the foregoing, a horse or pony ride is not a traveling animal exhibition.

Unrestricted means not under the control of the owner or his agent either by leash, cord, chain, or primary enclosure when off the property or premises of the owner or custodian. An electronic device does not qualify as a leash, cord or chain.

Vicious animal means any animal or animals that constitute a physical threat to human beings or other animals, not to include vicious dogs.

Wild or exotic animal means any animal of a species naturally occurring or normally found in the wild within the continental United States, including, but not limited to, foxes, raccoons, skunks, wolves and squirrels, regardless of whether such animal has been bred in captivity; any animal of a species naturally occurring or normally found in the wild outside of the continental United States, including, but not limited to, non-human primates, lions, panthers, leopards, lynx and tigers, regardless of whether such animal has been bred in captivity; and any animal, insect, spider or scorpion venomous to humans. The following animals shall be excluded from this definition: (i) chinchillas, guinea pigs, hamsters, rats, mice and gerbils that have been bred in captivity and never known the wild; (ii) rabbits, ferrets, and hedgehogs that have been bred in captivity and never known the wild; (iii) birds that have been bred in captivity and never known the wild; and (iv) non-venomous reptiles and amphibians, other than crocodilians.

Section 41.1-2-2. - Dog license required; license tax on dogs and kennels.

(a) Except as otherwise provided herein, it is unlawful for any person to own a dog 4 months old or older in the County unless the dog is licensed by Fairfax County. Any dog not wearing a collar bearing a current license tag shall prima facie be deemed to be an unlicensed dog and in any proceeding under this Chapter the burden of proof of the fact that the dog has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog. No license tag shall be issued for any dog unless the Director of Tax Administration receives either the certificate of rabies vaccination required by Section 41.1-2-3, satisfactory evidence that such certificate has been obtained, or a rabies vaccination exemption certificate issued annually by the Director of Health. This subsection shall not apply to a releasing agency that has registered as such annually with the Department of Animal Services ~~Division~~.

(b) There is hereby provided and levied within the County an annual license tax of $10.00 per dog, regardless of whether the dog is fertile or infertile.

(1) [Reserved.]

(2) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing impaired person, that is trained and serves as a service dog for a mobility-impaired person, or on any dog owned by a person having diplomatic status in the United States. As used in this section, "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond and "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

(c) Duplicate License Tag. If a dog license tag is lost, destroyed or stolen, the owner shall at once apply to the Director of Tax Administration for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner that the original license tag has been lost, destroyed or stolen, the Director of Tax Administration shall issue a duplicate license tag which the owner shall immediately affix to the collar of the dog. The Director shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog is $1.00.

(d) Upon application and payment of the license tax to the Director of Tax Administration, the Director shall issue a dog license tag, which tag shall bear only the words "Fairfax County, VA Dog Tag," an assigned number, and the current license year.

(e) It is unlawful to operate a kennel in the County unless it is licensed. The owner or operator of a dog kennel shall pay an annual license tax of $50.00 for up to but not more than 50 dogs.

(f) The Director of the Department of Tax Administration shall keep a list of all licenses issued annually, and a separate account of funds received from such tax. All unissued license tags for the current license year shall be destroyed at the end of such year.

(g) Displaying Receipts; Dogs To Wear Tags. Dog license receipts, issued by the Director of Tax Administration at the time of purchase of a dog license tag, and kennel license tax receipts shall be preserved by the licensees and exhibited promptly upon request for inspection by any animal control officer or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner

and worn by the dog at all times, except the owner of the dog may temporarily remove the tag required by this Section:

(1) When the dog is engaged in lawful hunting while accompanied by the owner;

(2) When the dog is competing in a dog show;

(3) When the dog has a skin condition which would be exacerbated by the wearing of the collar;

(4) When the dog is confined;

(5) While the dog is engaged in a supervised formal obedience training class; or

(6) During formally sanctioned field trials.

Section 41.1-2-5. - County animal shelter; confinement and disposition of stray animals; impoundment and boarding fees; adoption fees.

(a) The County Animal Shelter shall be operated and maintained in accordance with Virginia law, and it shall be accessible to the public at reasonable hours during the week.

(b) Except as otherwise provided by Section 41.1-2-9, whenever any animal is confined at the Animal Shelter, it shall be kept for a period of not less than 5 days, such period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. If any animal confined at the Animal Shelter is claimed by its rightful owner, such owner shall be charged the applicable fee or fees set forth in this Section.

(c) Any animal impounded that is not suspected of being rabid may be redeemed by its rightful owner upon: (1) presentation of proof of ownership and personal identification; (2) payment of all applicable fees set forth in this Section; (3) if the animal being claimed is a dog or a cat that is 4 months of age or older, presentation of a certificate that shows the animal being claimed has been vaccinated for rabies in accordance with the requirements of Section 41.1-2-1; (4) if the animal being claimed is a dog that is 4 months old or older, presentation of evidence of payment of a valid dog license, as required by Section 41.1-2-2; and (5) payment of any necessary veterinary expenses incurred for the benefit of that animal by the Animal Shelter. Any rightful owner who fails to produce the certificate of vaccination or

proof of payment of the license fee shall be allowed to have custody of the animal, but shall be subject to issuance of a summons for violation of Section 41.1-2-1 or Section 41.1-2-2. Any dog not redeemed may be destroyed in a humane manner or otherwise lawfully disposed of by the Director of ~~the~~ Animal ~~Shelter~~ Services or the designated agent of the Director. The Director or the designated agent of the Director shall not knowingly give, sell, or otherwise release any animal to any person who intends to use that animal for research purposes.

(d) Any person who adopts an animal from the Animal Shelter shall pay the applicable adoption fee set forth in this Section and shall sign an adoption contract agreeing to comply with laws regulating the adoption and ownership of the animal and to appropriately care for the animal. The Animal Shelter shall not release any dog or cat for adoption unless the animal is already sterilized or the person who adopts the animal signs an agreement as required by Virginia law to have the animal sterilized.

(e) Fee Schedules:

Impoundment fees:

Dogs and cats, first impoundment …$ 25.00

Second impoundment …50.00

Third or subsequent impoundment …75.00

Livestock, under 150 pounds …50.00

Livestock, 150 pounds or more …100.00

Reptiles …20.00

Rodents, ferrets, and rabbits …20.00

Boarding fees (for each day boarded):

Dogs and cats …20.00

Livestock (under 150 pounds) …25.00

Livestock (150 pounds or more) …50.00

Reptiles …10.00

Rodents, ferrets, and rabbits …10.00

Adoption fees:

Dogs under six (6) months of age …200.00

Dogs age six (6) months through five (5) years …150.00

Dogs age six (6) years and older …100.00

Cats under six (6) months of age …150.00

Cats age six (6) months through five (5) years …75.00

Cats age six (6) years and older …50.00

Rabbits …30.00

Ferrets, Chinchillas and Hedgehogs …40.00

Hermit crabs …10.00

Reptiles …20.00

Guinea Pigs …15.00

Rodents (mice, hamsters, gerbils, rats) …5.00

Equine and bovine …200.00

Other livestock …50.00

Small birds (parakeets, finches, canaries) …10.00

Medium birds …75.00

Large birds …150.00

Poultry …20.00

The ~~Animal Shelter~~ Director of Animal Services may waive or reduce the adoption, impoundment or boarding fees established in this subsection (e) for good cause, including, but not limited to, special adoption events.

(f) The owner of any animal that is held pursuant to Va. Code Ann. § 3.2-6569 for more than 30 days shall post a bond in surety with the County in an amount equal to the cost of boarding the animal for 9 months at the rates established in this Section. If the owner satisfies this obligation by obtaining a commercial bond, then the bond must be issued by a surety that is licensed to do business in Virginia and that has an A-IV or better rating from A.M Best. Upon a request by an owner, the County may reduce the bond for good cause shown.

Section 41.1-2-16. - Burial or cremation of dead animals and fowl.

When the owner of any animal or fowl that has died knows of the death, such owner shall forthwith have its body cremated or buried, or otherwise disposed of in a manner acceptable to the Director of Health; alternatively, the owner may request such service from the Animal Shelter. If, after notice, the owner of any companion animal that has died fails to properly dispose of the animal, the animal control officer or other officer may bury or cremate the animal and may recover, on behalf of the County, from the owner for the cost of the disposal. If the owner of any other animal that has died fails to bury or cremate the dead animal or fowl, any judge of a general district court, after notice to the owner if he can be ascertained, shall authorize Department of Animal Services ~~Division~~ or the Director of Health to do so. In that event, the County shall be entitled to recover the actual cost of the cremation or burial.

Section 41.1-4-3. - Disposition of Animals.

Any person who keeps a wild, exotic, or vicious animal in contravention of this Article may dispose of the animal by removal of the animal from Fairfax County, by giving or selling the animal to a zoological park or by releasing the animal to the Department of Animal ~~Sheltering~~ Services.

Section 41.1-5-1. - Permit to operate required.

It is unlawful for any traveling animal exhibition to operate within Fairfax County without a valid permit issued by the ~~Commander~~ Director of ~~the~~ Animal Services ~~Division~~. A permit fee of $50.00 shall be paid at the time the application for permit is made. The permit shall not be transferable and shall be posted in a conspicuous place on the premises occupied by the traveling animal exhibition for the entire duration of any such spectacle, display, act or event.

Section 41.1-5-2. - Issuance of permit.

(a) The owner or operator of any traveling animal exhibition desiring to operate in Fairfax County shall make written application for permit on forms provided by the Department of Animal Services ~~Division~~ no later than 21 days prior to the first performance of any spectacle, display, act or event. The application shall include but not be limited to the name of the owner of the traveling animal exhibition, all proposed locations in Fairfax County for the traveling animal exhibition, the date the traveling animal exhibition is to arrive in Fairfax County, the date of departure, all dates on which it is to perform at any location in Fairfax County, the owner's principal address and telephone number, the total length of time during which the traveling animal exhibition will operate in Fairfax County, a list of all locations at which the traveling animal exhibition has performed during the twelve-month period prior to making this application, whether or not the owner or operators of the traveling animal exhibition have been charged or convicted of an offense constituting cruelty to animals, a brief description of the acts or events to be performed and the signature of the owner or representative thereof. The applicant shall attach to the application a copy of a current and valid Exhibitor's License issued by the United States Department of Agriculture (USDA), and health certificates issued within 30 days of the date of the application by a licensed veterinarian for each animal to be exhibited in Fairfax County.

(b) The owner or operator of the traveling animal exhibition shall comply with the provisions of Section 41.1-4-1 and shall present upon demand by any law enforcement officer a current and valid USDA Exhibitor's License and valid health certificates issued within 30 days for each animal to be exhibited.

(c) All animals maintained by the traveling animal exhibition must be given adequate feed, adequate water, adequate shelter, adequate space for the particular type of animal depending upon its age, size and weight, adequate veterinary care when needed, and humane care and treatment. For the purposes of this Section, adequate care, adequate feed, adequate shelter, adequate space

and adequate water shall have the meanings set forth in Va. Code § 3.2-6500, as amended.

(d) The ~~Commander~~ Director of ~~the~~ Animal Services ~~Division~~ shall issue a permit to the traveling animal exhibition if the traveling animal exhibition complies with the requirements of this Article and shall notify the Zoning Administrator that a permit has been issued. The permit will be valid for the length of time requested on the application not to exceed 21 days from the date of issuance.

(e) The ~~Commander~~ Director of ~~the~~ Animal Services ~~Division~~ may deny the application for permit if the traveling animal exhibition fails to comply with any of the requirements of this Article.

(f) Any costs of fees incurred by Fairfax County as a result of the permit process shall be charged to the traveling animal exhibition. Payment of all such costs shall be in addition to the $50.00 permit fee required by this Article and shall be considered a precondition to the issuance of the permit.

Section 82-5-32. - Removal, immobilization, and disposition of vehicles unlawfully parked on private or county property.

(a) Applicability. Section 82-5-32 establishes the minimum requirements for all trespass towing initiated in Fairfax County. Fairfax County Code shall also apply to a trespassing vehicle towed from Fairfax County and stored outside the County.

(b) Definitions. The following words and phrases shall have the meanings respectively ascribed to them in this section:

"Advisory Board" means the Fairfax County Trespass Towing Advisory Board.

"Board" means the Fairfax County Board of Supervisors.

"Commission" means the Fairfax County Consumer Protection Commission.
"County" means the County of Fairfax, Virginia.

"Department" or "DCCS" means the Fairfax County Department of Cable and Consumer Services.

"Director" means the Director of the Fairfax County Department of Cable and Consumer Services or the duly assigned agent of the Director of the Department.

"Driver" means a person who drives or is in actual physical control of a tow truck. A driver shall have obtained all required documents issued by the state in order to operate a tow truck while providing towing services.

"Drop fee" means a fee that is charged a vehicle owner for disconnecting a tow truck from a vehicle prior to leaving private property.

"Equipment" means any tow truck, vehicle or related machinery or tools used to provide towing.

"Immobilize" means a procedure or piece of equipment, such as a boot, used to prevent a vehicle from moving. Immobilization does not include attachment to a tow truck.

"Law-enforcement officer" means any officer authorized by law to direct or regulate traffic, or to make arrests for violations of the Code of Virginia or local ordinances.

"Locality" means the geographical area of control of a county, city, or town.

"Locality permit" means a document indicating an operator has been approved to immobilize or trespass tow vehicles in Fairfax County and store vehicles both inside and outside of Fairfax County.

"Operator" or "towing and recovery operator" means any person, including a business, corporation, or sole proprietor, offering services involving the use of a tow truck and services incidental to the use of a tow truck.

"Personal property" means any property in a vehicle which is not attached to or considered to be necessary for the proper operation of the vehicle.

"Property owner" means the owner, operator, authorized agent, or lessee of any land, space, or area used for parking, including any county, city, or town, or authorized agent of the person having control of such premises.

"Registration certificate" means a document indicating an operator has been approved to trespass tow and store vehicles within Fairfax County.

"State" means the Commonwealth of Virginia.

"Storage site" means a location where vehicles are taken until the owner reclaims the vehicle or it is sold. The location must meet all requirements specified in this section.

"Tow" or "towed" means when the tow truck has engaged a vehicle by a physical or mechanical means that causes the towed vehicle to be removed from private property.

"Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus, and (ii) having a manufacturer's gross vehicle weight rating (GVWR) of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks."

"Trespass tow" means requests for towing services made by the owner, manager, or lessee of private property, or the authorized agent thereof, or under contract between such person and a towing and recovery operator that specifies what tows are to be made from the property when a vehicle is on the property in violation of law or rules promulgated by the owner, manager, or lessee of the private property.

"Vehicle" means every device in, on, or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks.

"Vehicle owner" means the owner, operator, authorized agent, or lessee of a vehicle.

(c) Exclusions.

(1) This section shall not apply to:

(A) Police, fire, or public health vehicles, or where a vehicle, because of a wreck or other emergency, is parked or left temporarily on the property of another at the direction of police, fire or public health officials.

(B) Vehicle repossession activities.

(C) Vehicles towed, moved, or stored at the request of a law-enforcement officer.

(2) The provisions of this section shall not be construed to prohibit vehicles from being towed when such towing is otherwise permitted by law.

(d) Signs.

(1) Permanent signs, clearly visible during daytime and nighttime hours, shall be posted at all entrances to the parking area that conspicuously disclose that such vehicle shall be towed or immobilized.

(2) Such signs, at a minimum, shall: (all measurements are approximate)

(A) Be made of metal.

(B) Be 18 inches high and 12 inches wide.

(C) Contain reflective red letters and red reflective graphics on a reflective white background, with a ⅜ inch reflective red trim strip ⅜ inch in from the entire outer edge of the sign.

(D) Contain the international Towing symbol that is at least 5 inches high by 11 inches wide as found in the Federal Highway Administration, "Manual on Uniform Traffic Control Devices".

(E) Use Series B or Clearview lettering found in the Federal Highway Administration, "Manual on Uniform Traffic Control Devices".

(F) Contain "Towing Enforced" in a font size of two inch letters.

(G) Contain "If towed Call 703-691-2131" in a font size of one inch letters, which is the Fairfax County Department of Public Safety Communications (DPSC) telephone number. However, if the tow originated in the Town of Vienna, the sign shall contain, "If Towed Call 703-255-6366" and if the tow originated in the Town of Herndon, the sign shall contain, "If Towed Call 703-435-6846".

(3) Signs posted in a government road right-of-way must meet Virginia Department of Transportation standards and all applicable Virginia laws to include the bottom of the sign mounted at least seven feet above the ground. Signs posted on private property are not required to meet this height requirement as long as they are clearly visible.

(4) Sign contents may also include additional information such as, but not limited to, the name of the property or name and telephone number of the designated operator in a font size of 19/32 inch letters.

(5) In addition to the mandatory entrance signs, other area signs may be used to specify any other requirements for parking.

(6) The requirement for signs shall not apply to single-family residence properties not subject to common interest community regulations (as defined in Va. Code § 54.1-2354.1, as amended).

(7) No signage of the type required in this section shall be required to effect the towing of a vehicle unlawfully parked in a spot reserved for persons with disabilities or in a "Fire Lane" that is approved and marked in accordance with County and state requirements.

(8) Trespassing vehicle on property not marked by signs.

(A) Non-residential properties. A notice must be conspicuously affixed to a trespassing vehicle with a warning the vehicle is liable to be towed 48 hours after such notice is posted.

(i) The notice must contain the date and time of posting.

(ii) A vehicle found to be trespassing a second time on the same unmarked property may be towed immediately. A warning notice is not required.

(B) Vehicles trespassing on single-family residence properties not subject to common interest community regulations may be towed immediately. No notice is required.

(e) Property owner.

(1) A property owner may have a vehicle towed to a storage site or immobilized without the permission of the vehicle owner if the vehicle is occupying property without permission of the property owner, and if conditions set forth in this section are met.

(A) The property owner has executed a contract with a towing and recovery operator that specifies what tows are to be made from the property when a vehicle is parked on the property in violation of law, or rules promulgated by the owner, manager, or lessee of the private property. Such contract shall clearly state the terms under which towing and recovery operators may monitor private lots on behalf of property owners.

(B) Copies of such written contracts shall be retained for three years after the date of the last tow or immobilization approved by the agreement.

(2) In lieu of having such vehicle towed or immobilized, the property owner on which the vehicle is located may request a law enforcement officer issue, on the premises, a citation to the vehicle owner.

(f) Operator. Trespass tow operators must comply with all requirements of this section.

(1) Registration certificate.

(A) All operators engaged in immobilizing or towing vehicles without the consent of the vehicle owner in Fairfax County must register with the Department of Cable and Consumer Services prior to the initiation of any such operations, and by January 31 of each subsequent year.

(B) To obtain a registration certificate, the following information and documents must be provided to the Department:

(i) Name, address and telephone number of the business engaged in immobilizing or towing;

(ii) Name and telephone number of the business owner or chief executive officer (CEO);

(iii) Copy of the operator's business license;

(iv) Address, telephone number, and vehicle storage capacity of each storage site to which vehicles will be towed;

(v) Copy of each office and storage site Non-Residential Use Permit and,

(vi) Number of tow trucks to be operated in Fairfax County.

(vii) Proof of insurance as required by Va. Code § 46.2-2143, as amended, and shall include provisions for notice by the insurance carrier to the Director prior to termination of such coverage.

(C) Application shall be made on forms provided by the Department.

(D) The department must be notified of any changes to information previously provided by the operator within 30 calendar days of the change.

(2) Locality permit.

(A) All operators engaged in towing vehicles without the consent of the vehicle owner in Fairfax County and storing those vehicles outside of Fairfax County must obtain an approved locality permit prior to the initiation of any such operations and by January 31 of each subsequent year.

(i) The initial application and annual renewal fee for each operator shall be $150.00.

(ii) The initial inspection fee for each storage site outside of Fairfax County shall be $450.00.

(B) To obtain a locality permit, the following information and documents must be provided to the Department:

(i) Name, address and telephone number of the business engaged in immobilizing or towing;

(ii) Name and telephone number of the business owner or chief executive officer (CEO);

(iii) Copy of the operator's business license issued by the jurisdiction in which the operator is headquartered;

(iv) Address, telephone number, and vehicle storage capacity of each storage site to which vehicles will be towed;

(v) Copy of each office and storage site occupancy permit issued by the zoning agency in the jurisdiction in which the storage site is located.

(vi) Number of tow trucks to be operated in Fairfax County.

(vii) Proof of insurance as required by Va. Code 46.2-2143, as amended, and shall include provisions for notice by the insurance carrier to the Director prior to termination of such coverage.

(C) Application shall be made on forms provided by the Department.

(D) The Department must be notified of any changes to information previously provided by the operator within 30 calendar days of the change.

(3) Registration certificates and locality permits.

(A) It shall be unlawful for any person to procure, or assist another to procure, through theft, fraud, or other illegal means, a registration certificate or locality permit from the Department. Any violation of any provision of this section shall be punishable as a Class 2 misdemeanor.

(B) Any person or entity other than the Department that sells, gives, or distributes, or attempts to sell, give or distribute any document purporting to be a registration certificate or locality permit to conduct a trespass towing business in Fairfax County is guilty of a Class 1 misdemeanor.

(4) Operational requirements.

(A) The operator shall be open for business 24 hours a day and seven days per week, unless the operator has no vehicles immobilized or stored at an approved storage site.

(B) All tow truck safety devices must be operational, used, and comply with local, state, and federal laws and regulations.

(C) An operator shall not tow a vehicle from private property or immobilize a vehicle on private property unless the vehicle is parked on the property in violation of law or rules promulgated by the owner, manager, or lessee of the private property.

(D) All tow trucks shall have the following identifying markings of a contrasting color to the truck body on both sides of each tow truck:

(i) The operator's business name as registered with the Department in a font not less than three inches in height.

(ii) The operator's telephone number in a font not less than three inches in height.

(iii) Truck number in a font not less than four inches in height.

(E) Each tow truck, while trespass towing, shall have a copy of the current Fairfax County trespass towing registration certificate or locality permit in the tow truck.

(F) Each immobilization device shall have a label, clearly visible while the device is in position immobilizing a vehicle, that lists the operator's name and telephone number, immobilization fee, and the Department's name and telephone number.

(G) The Fairfax County Department of Public Safety Communications (DPSC) shall be notified no later than 30 minutes after initiating the immobilization or towing of a vehicle. However, whenever a vehicle is towed or immobilized from sites within the Town of Herndon or the Town of Vienna, the operator, shall notify the law enforcement agency in those localities as applicable.

(H) Such notification shall include the:

(i) Operator name and driver employee number who towed or immobilized the vehicle;

(ii) Make, model, color, year, vehicle identification number of the towed or immobilized vehicle;

(iii) License plate type (such as passenger car, truck, dealer, taxi, disabled), number, state, and year of license of the towed or immobilized vehicle;

(iv) Address where the vehicle was towed or immobilized from;

(v) Reason for the tow or immobilization;

(vi) Time such tow or immobilization was initiated; and

(vii) Storage site address where the vehicle is located and the operator's telephone number.

(I) It shall be unlawful to fail to report a tow or immobilization as required by this section. Violation of the reporting requirements of this section shall

constitute an invalid tow resulting in no charge to the owner for the release of the vehicle.

(J) Any tow truck driver who tows a vehicle that is occupied by an unattended companion animal, as defined by Va. Code § 3.2-6500, as amended, shall, upon such removal, immediately notify the Department of Animal Services ~~Division of the Fairfax County Police Department (FCPD)~~. Such notification should be made to the Fairfax County DPSC non-emergency telephone number.

(K) Upon leaving private property, a driver must tow each vehicle directly to a storage site registered with the Department. Changing the towing vehicle shall not be permitted unless the original towing vehicle becomes non-operational.

(i) The vehicle must remain in that lot for 30 calendar days if the owner fails to claim the vehicle.

(ii) A vehicle towed outside of Fairfax County may not be towed more than ten miles from the origin of the tow, and must remain in the Commonwealth. The straight line ten-mile radius from a storage site outside of Fairfax County shall be determined by the Director using the Fairfax County GIS & Mapping Services Branch data.

(L) Photographic evidence clearly substantiating the vehicle's condition, location, and reason for the vehicle's tow or immobilization must be made prior to connecting the tow truck to the vehicle.

(M) While being towed, vehicles shall be properly secured in accordance with all laws, regulations, and tow truck vehicle manufacturer recommendations.

(N) Nothing in this section shall release the operator from liability for failure to use reasonable care to prevent the load from shifting or falling.

(O) Records. An operator shall maintain written and electronic records for each towed or immobilized vehicle for a period of three years after such tow or immobilization. Records to be retained shall include:

(i) A record of the property owner's approval;

(ii) The information required to be provided to the DPSC and other local law enforcement agencies pursuant to this section;

(iii) A legible copy of the receipt provided to vehicle owner; and

(iv) Photographs and any other documentation supporting the tow.

(5) Storage site requirements.

(A) Every site to which trespassing vehicles are towed, stored, and available for return to the vehicle owner shall comply with the following requirements:

(i) A storage site must be staffed, and open for business 24 hours per day and seven days per week, unless the operator has no vehicles towed from a location in Fairfax County stored at the storage site.

(ii) Each storage site must be properly zoned and approved for storage of towed vehicles, as evidenced by an occupancy permit issued by the zoning agency in the jurisdiction in which the storage site is located. Each storage site must also be registered with the Department.

(iii) A storage site shall be lighted during the hours of darkness to afford clear visibility to all portions of the storage site.

(iv) A towed vehicle shall not be stored more than a reasonable walking distance from the area where towing and storage fee payments are received.

(v) The operator shall exercise reasonable care to keep the towed vehicle and its contents safe and secure at all times, which shall include appropriate permanent fencing.

(vi) No operator may take a vehicle to a storage site which does not meet these standards and all other applicable ordinances and regulations:

(a) A clearly visible sign must be posted at the entrance of the storage site that provides the operator's name and telephone number; and

(b) The telephone for the posted number shall be answered 24 hours a day.

(c) A clearly visible sign with a list of all of the operator's fees for trespass immobilization, towing and storage services, and the operator's contact information.

(d) A clearly visible sign available from the Department of Cable and Consumer Services, listing the Department's web site, office address, and telephone number.

(6) Personal property.

(A) Nothing shall be removed from the vehicle without the express consent of the vehicle owner.

(B) Personal property must be released immediately upon the vehicle owner's request without charge, and it shall be the duty of the operator to return it to the vehicle owner if the vehicle owner claims the items prior to release or disposition of the vehicle. Any lien created under this section shall not extend to any personal property.

(7) Vehicle release.

(A) If the vehicle owner of the vehicle is present and removes the vehicle from the property or corrects the violation before the vehicle is connected to the tow truck, no fee shall be charged the vehicle owner;

(B) If the vehicle has been connected to the tow truck and has not yet left private property, the vehicle shall not be towed upon request of the vehicle owner. The vehicle owner shall be liable for a drop fee, as set forth in this section, in lieu of towing, provided that the vehicle owner or representative is present and ready, willing, and able to pay the required drop fee and removes the vehicle from the property or corrects the violation.

(C) An immobilized or a towed vehicle moved to a storage site shall be immediately available for release at the request of the vehicle owner.

(D) The operator shall accept the following forms of payment for any trespass towing fees:

(i) Cash;

(ii) Two major national credit cards;

(iii) MasterCard or Visa debit cards; and

(iv) Personal checks shall be accepted when credit/debit card machines are not available or are inoperable.

(E) In all cases when a vehicle is immobilized, towed, or fees charged, the operator shall provide the vehicle owner with a receipt that bears the:

(i) Complete name, address, and telephone number of the operator that towed the vehicle;

(ii) Time the vehicle was towed;

(iii) Address from which the vehicle was towed;

(iv) Authority for the tow (entity or person authorizing the tow);

(v) Reason for the tow;

(vi) Driver employee number; (the corresponding driver's name shall be provided to the FCPD; and/or the Director upon request)

(vii) Time the vehicle was released;

(viii) An itemized list of all fees assessed in the immobilization, towing, storage, and/or release of the vehicle;

(ix) The printed name of the person to whom the vehicle was released; and

(x) The name and telephone number of the Department where vehicle owners may file a consumer complaint.

(F) If any requirements of this section are not met, for such immobilization or tow, no fee shall be charged.

(8) Compliance.

(A) The operator shall provide to the vehicle owner, upon request, a copy of the authority for the tow; including, without limitation, photographs and other documentation supporting the tow.

(B) Right of entry. Whenever it is necessary for the purposes of this section, the duly authorized agent of the Director may enter any trespass towing business, business establishment, or storage site property to obtain information, conduct surveys, audits, compliance reviews, or investigations.

(g) Rates and charges.

(1) Change to rates and charges.

(A) Changes in rates and charges for trespass towing services rendered by operators shall be approved by the Board.

(B) The Board may consider changes in rates or charges upon recommendation of the Director or the Advisory Board.

(C) The Director shall conduct a review of rates every two years.

(D) Any review of rate changes as well as any recommended change to any rule, regulation, or practice thereto shall come before the Advisory Board pursuant to a public hearing, which shall be scheduled as soon as analysis, investigation, and administration allow. All recommendations of the Advisory Board and the Director shall be conveyed to the Board for its consideration and determination.

(E) Whenever the Director or Advisory Board determines a rate change is warranted, all registered operators shall provide notice to the public of proposed changes in rates and charges thereto, by means of a sign posted in a clearly visible place at each of their fixed places of business in Fairfax County. Such notice shall be on a document no smaller than 8.5 by 11.0 inches, printed in no smaller than 12-point type, and shall contain substantially the following information:

Notice of Proposed Rate Change

A proposed change in trespass towing rates is under consideration by the Fairfax County government. The proposed rates are: (Insert description of the proposed changes).

The proposed trespass towing rate change shall be considered by the Trespass Towing Advisory Board at a public hearing. The date, time and location of the public hearing may be obtained by calling the Department of Cable and Consumer Services. Any interested person may appear before the Advisory Board to be heard on this proposed change. Persons who wish to be placed on the speakers' list or who wish further information should call the Department of Cable and Consumer Services at 703-324-5966.

(F) Notices with respect to a proposed rate change shall be posted within ten days of the staff report for such change and shall remain posted until the change in rates is denied or becomes effective.

(2) Rates and charges.

(A) It shall be unlawful for an operator to charge any fees exceeding the fees set forth in this section.

(i) Immobilization. An operator may charge a vehicle owner a maximum fee of $75.00 for the release of a vehicle when it is immobilized. No other fee of any type may be charged.

(ii) Dropfee. An operator may charge a vehicle owner a maximum fee of $50.00 for the release of a vehicle prior to towing the vehicle from private property. No other fee of any type may be charged.

(iii) Hookup and initial towing fee shall not exceed:

(I) $150.00 for vehicles with GVWR of 7,500 pounds or less.

(II) $250.00 for vehicles with GVWR of 7,501 pounds through 10,000 pounds.

(III) $500.00 for vehicles with GVWR greater than 10,000 pounds.

(IV) For towing a vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, a maximum additional fee of $30 per instance may be charged; however, in no event shall more than two such fees be charged for towing any such vehicle.

(V) No other fees or charges shall be imposed during the first 24 hour period.

(iv) Storage fee for the safekeeping of vehicles:

(I) No charge shall be made for storage and safekeeping of a vehicle for the first 24 hours the vehicle is on the storage site.

(II) After the vehicle is on the storage site for more than 24 hours, a vehicle storage fee may be charged for each subsequent 24-hour period, or any portion thereof, at a rate not to exceed $50.00 for any vehicle 22 feet or less in length, or $5.00 per foot for any vehicle over 22 feet in length.

(v) If an administrative fee for notification of lien holder, owner, agent or other interested party is charged, it shall not exceed $75.00. This fee may only apply after the vehicle is on the storage site over three full business days. If an administrative fee is charged, a copy of the Virginia Department of Motor Vehicles report shall be attached to the receipt given to the vehicle owner.

(vi) No other fees shall be charged unless expressly set forth herein.

(B) Upon vehicle release, the operator shall give the vehicle owner a receipt itemizing all charges.

(C) An operator shall not require a vehicle owner to sign any waiver of the vehicle owner's right to receive compensation for damages to the owner's vehicle as a condition of the owner retrieving the towed vehicle.

(h) Penalties and remedies for violations.

(1) All trespass towing.

(A) It shall be unlawful for any person to violate any of the provisions of this section, or any regulation adopted pursuant to this section. Unless otherwise stated, these violations shall constitute traffic infractions punishable by a fine of not more than that provided for a Class 4 misdemeanor.

(B) It shall be unlawful for any person to make or cause to be made any false statement in writing for the purpose of procuring a registration certificate or locality permit, or to make any false statements or entry on records required to be kept by this section.

(C) An operator shall be suspended if the operator's insurance is no longer in effect. Suspension shall be in accordance with Section 82-5-32(h)(2)(B) and (D).

(2) Locality permit operators.

(A) Denial.

(i) The Director may deny an operator's locality permit application to conduct a trespass towing business in Fairfax County if the operator:

(I) Does not have an approved storage site;

(II) Does not possess a valid business license; or

(III) Is not properly licensed by the state; or

(IV) Provides false information on the application.

(ii) The operator may reapply after application deficiencies are corrected. If the denial is based on 82-5-32(h)(2)(A)(i)(IV), the denial shall remain in force for one year from the date of denial.

(B) Suspension.

(i) The Director may suspend an operator's Fairfax County locality permit for a period of one to 60 days and/or until proof of

compliance is provided to the satisfaction of the Director for any of the following reasons, but not limited to:

(I) Operating a tow vehicle that fails to meet federal, state, and local codes.

(II) Any violations of this section which regulate conduct, reporting, and record-keeping.

(III) Occurrence of any of the grounds for denial of a registration application or locality permit, listed in Section 82-5-32(h)(2)(A).

(IV) Failure to maintain the storage site(s) and/or operation(s) in good order and repair.

(V) Failure to pay all fees and taxes imposed insofar as such fees relate to operation of a trespass towing business.

(VI) Failure to maintain proper insurance.

(VII) Valid consumer complaints regarding trespass towing operation.

(ii) Any suspension for a violation of Sections 82-5-32(h)(2)(B)(i)(I) and (VI) shall become effective upon the date of any such violation without notification pursuant to paragraph (d) below.

(C) Revocation.

(i) An operator's locality permit may be revoked by the Director for, but not limited to, any of the following reasons:

(I) If an operator fails to correct deficiencies for which the operator was suspended;

(II) The operator makes or causes or allows to be made any false statement in writing for the purpose of procuring a locality permit;

(III) If an operator makes or causes or allows to be made any false statement or entry on records required to be kept by this section;

(IV) Conducts operations in the County while under suspension;

(V) At the discretion of the Director for multiple violations by the locality permit holder of any of the provisions of this section within a twelve-month period.

(D) Notification.

(i) Written notice of any denial, suspension, or revocation under the above provisions of this section shall be given by the Director to the operator in person, or by email, and by certified mail. Such suspension or revocation shall be effective seven calendar days after the deposit of such notice in the US mail unless otherwise specified in this section.

(ii) Locality permits that have been suspended or revoked shall be returned to the Director within seven calendar days from the effective date of the suspension or revocation, provided such suspension was ordered for more than seven calendar days.

(E) Appeal. Procedure for appeal of action by the Director.

(i) If the Director denies, suspends or revokes any operator's locality permit, any party aggrieved thereby may appeal such decision to the Commission.

(ii) An appeal shall be filed with the Department of Cable and Consumer Services by the appellant or by the legal representative of the appellant. Appeals shall be in writing, and appeals shall include a brief statement of the reasons thereof. Appeals shall be filed within 45 calendar days of receipt of the notice of denial, suspension, or revocation, and signed by the appellant or the legal representative of the appellant.

(iii) Upon receipt of notice of appeal, the Commission shall set a time and place for such hearing and shall give the appellant or legal representative and the Director reasonable notice thereof. All hearings on appeals shall be scheduled and determined as promptly as practicable and in no event more than 60 calendar days from the date the notice of appeal is filed.

(iv) An appeal may be withdrawn at any time by the appellant or his agent prior to the Commission meeting by giving written notice to the Director.

(v) An appeal may also be administratively withdrawn by the Director if it is determined that the appeal was the result of an error.

(vi) The Commission shall consider the case record as well as the statements offered by any interested party and shall consider the matter de novo, and the Commission shall, upon the basis of the record before it, affirm, modify or reverse the decision of the Director.

(vii) If the Commission affirms the decision of the Director to suspend or revoke an operator's a locality permit, then the suspension or revocation shall be effective from the date of the Commissioner's order.

(viii) If the Commission reverses the decision of the Director, the Director shall issue or restore the operator's locality permit, in accordance with its order.

(ix) Except as otherwise provided in this section, an appeal of the decision of the Director to suspend or revoke an operator's locality permit shall stay the effective date of the suspension or revocation.

(x) However, if any suspension or revocation of an operator's locality permit is based on failure to follow appropriate safety procedures or falsifying documents, then the order of the Director shall remain in effect until the Commission has rendered its decision on the appeal.

(F) The provisions of this section are not exclusive and do not relieve the parties or the contracts subject thereto from compliance with all other applicable provisions of law.

(G) Code or regulatory conflict. In the event of a conflict between an action of the state and the County, the County ordinance shall be controlling, provided such provisions are no less stringent than requirements imposed by action of the state.

(i) Restrictions on towing a resident’s vehicle from multifamily dwelling unit for expired vehicle registration or expired vehicle inspection sticker.

(1) For purposes of this subsection:

"Multifamily dwelling unit" means more than one single-family dwelling unit located in a building, including townhomes. "Multifamily dwelling unit" does not include any lot within a development created pursuant to the Property Owners' Association Act (Va. Code §

55.1-1800 et seq.), any unit within a condominium created pursuant to the Virginia Condominium Act (Va. Code § 55.1-1900 et seq.), any apartment within a horizontal property regime created pursuant to the Horizontal Property Act (Va Code § 55.1-2000 et seq.), any unit within a cooperative created pursuant to the Virginia Real Estate Cooperative Act (Va. Code § 55.1-2100 et seq.), any time-share unit within a project created pursuant to the Virginia Real Estate Time-Share Act (Va. Code § 55.1-2200 et seq.), or any lot within a subdivision created pursuant to the Subdivided Land Sales Act (Va. Code § 55.1-2300 et seq.).

"Resident's vehicle" means any vehicle that is (i) owned, leased, or used by a resident of a multifamily dwelling unit in which the parking lot is owned and maintained by the landlord; (ii) known to the landlord to be associated with such resident, by means of a permit, registry, or other document designated by the landlord for such identification purposes; and (iii) in compliance with any requirements set forth in such lease or other agreement regarding such vehicle.

"Towing operator" means any individual or company that has contracted with a landlord for the provision of parking enforcement.

(2) Notwithstanding any other provision of this Section 82-5-32, no towing operator shall tow a resident's vehicle from a parking lot owned and maintained by the landlord of a multifamily dwelling unit for an expired vehicle registration or expired vehicle inspection sticker without complying with the following requirements:

(A) The towing operator shall post written notice on the vehicle, which shall include the date of posting of such notice, that such vehicle will be towed due to an expired registration or expired vehicle inspection sticker after 48 hours from the date of the posting of such notice and that such vehicle will not be removed or towed until such period of time has passed.

(B) The towing operator shall, in addition to posting such notice on the vehicle, transmit a copy of such notice to the landlord with which he contracts for parking enforcement of the multifamily dwelling unit's parking lot.

(C) No towing operator shall remove such vehicle until the 48 hours have passed from the date of posting of such notice.

(3) If a towing operator fails to post such notice on the vehicle, or does not wait the required period of time prior to removing or requesting the towing of such vehicle, he shall be required to reimburse the resident whose vehicle was towed the value of the charges imposed for the towing, storage, and safekeeping of the vehicle and he shall also be subject to a civil penalty of $100.

2. That the provisions of this ordinance are severable, and if any provision of this ordinance or any application thereof is held invalid, that invalidity shall

not affect the other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

3. **That the provisions of this ordinance shall take effect on July 1, 2025.**

GIVEN under my hand this ____ day of _____, 2025.

_____
Jill G. Cooper
Clerk for the Board of Supervisors

AN ORDINANCE AMENDING CHAPTER 41.1 OF THE FAIRFAX COUNTY CODE, RELATING TO ANIMAL CONTROL AND CARE, AND CHAPTER 82, RELATING TO MOTOR VEHICLES

Draft of January 22, 2025

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Sections 41.1-1-1, 41.1-2-2, 41.1-2-5, 41.1-2-16, 41.1-4-3 and 41.1-5-2 relating to animal care and control, and amending and readopting Section 82-5-32 relating to motor vehicles.

Be it ordained by the Board of Supervisors of Fairfax County:

1. **That Sections 41.1-1-1, 41.1-2-2, 41.1-2-5, 41.1-2-16, 41.1-4-3, 41.1-5-1, 41.1-5-2 and 82-5-32 of the Fairfax County Code are amended and reenacted as follows:**

Section 41.1-1-1. - Definitions.

For the purpose of this Chapter, the following words and phrases have the following meanings unless otherwise defined within this Chapter:

Animal means any nonhuman vertebrate species except fish. For the purposes of Sections 41.1-2-8 through 41.1-2-11, animal means any species susceptible to rabies. For the purposes of Section 41.1-2-20, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

Animal control officer means a person appointed as the animal control officer or a deputy animal control officer, or the animal protection police officer or a deputy animal protection police officer pursuant to Virginia law to enforce the Virginia Comprehensive Animal Care Laws, this Chapter, and all laws for the protection of domestic animals.

Animal Shelter means a facility which is operated by the Department of Animal Services as a public animal shelter as defined in Virginia Code § 3.2-6500, as amended.

Certified service animal means a monkey that is used or is in training to be used solely to assist disabled persons and which use is certified by officials of a

generally recognized scientific or educational institution, provided that such certified service animal has been bred in a closed breeding environment located in the United States.

Circus means any commercial variety show featuring animal acts for public entertainment.

Companion animal means any domestic or feral dog, domestic or feral cat, non-human primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purpose of this chapter.

Department of Animal Services means the Fairfax County agency responsible for the operation of the public animal shelter(s) in Fairfax County and the activities of Fairfax County animal control officers. References to the Director of Animal Services means the Director of the Department of Animal Services or his or her designee.

Director of Health means the Director of the Fairfax County Health Department or his or her designee.

Director of Tax Administration means the Director of the Department of Tax Administration or his or her designee. For purposes of issuing dog licenses, the Department of Animal Services is a designee of the Director of Tax Administration.

Horse means and includes horse, mule, donkey, and ass.

Kennel means any place in or at which five or more dogs or cats or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

Livestock includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in state law; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

Owner means any person, firm, partnership, corporation, association, or other legal entity, who has a right of property in an animal, keeps or harbors an animal, has an animal in his, her or its care, or acts as a custodian of an animal, including operators or managers of stables, kennels, pet shops, or other animal establishments.

Primary enclosure means any structure used to immediately restrict an animal to a limited amount of space, such as a room, tank, pen, cage, compartment or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

Rabid animal means an animal that has had the diagnosis of rabies confirmed by the Virginia Division of Consolidated Laboratory Services, Fairfax Health Department Laboratory, Centers for Disease Control and Prevention Rabies Laboratory, or a laboratory in any state that is recognized by that state to perform rabies testing for public health purposes. Any suspected rabid animal that has exposed a companion or agricultural animal or a person and is not available for laboratory testing should be presumed to be rabid

Rabies exposure or potentially exposed to rabies means any circumstance where saliva or central nervous system tissue from a rabid or suspected rabid animal entered or could have entered a fresh, open wound or come in contact with a mucous membrane of a person or susceptible animal species. For the purposes of companion and agricultural animal exposure, the actual witnessing of a bite or attack by a rabid or suspected rabid animal is not necessary to define an exposure; however, a rabid or suspected rabid animal needs to have been witnessed in close proximity to the exposed animal and where, in the judgment of the Director of Health, it is reasonable to assume that the rabid or suspected rabid animal could have exposed the susceptible companion or agricultural animal.

Releasing agency means a public or private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases a companion animal for adoption, including the Animal Shelter.

Rightful owner means a person with a right of property in the animal.

Service animal means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a

physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Suspected rabid animal means any animal that has not been tested for rabies and that the Fairfax County Health Department considers to be a species at high risk for acquiring or transmitting rabies whether or not the animal is exhibiting clinical signs compatible with rabies and any animal the Fairfax County Health Department considers at low risk for acquiring or transmitting rabies that is exhibiting clinical signs compatible with rabies.

Traveling animal exhibition means any spectacle, display, act or event, including circuses and carnivals, where animals are maintained, whether or not the animals actually perform, the owners or operators of which do not have their principal place of business in Fairfax County, Virginia, and that are required to obtain an administrative or special permit pursuant to the Zoning Ordinance. Notwithstanding the foregoing, a horse or pony ride is not a traveling animal exhibition.

Unrestricted means not under the control of the owner or his agent either by leash, cord, chain, or primary enclosure when off the property or premises of the owner or custodian. An electronic device does not qualify as a leash, cord or chain.

Vicious animal means any animal or animals that constitute a physical threat to human beings or other animals, not to include vicious dogs.

Wild or exotic animal means any animal of a species naturally occurring or normally found in the wild within the continental United States, including, but not

limited to, foxes, raccoons, skunks, wolves and squirrels, regardless of whether such animal has been bred in captivity; any animal of a species naturally occurring or normally found in the wild outside of the continental United States, including, but not limited to, non-human primates, lions, panthers, leopards, lynx and tigers, regardless of whether such animal has been bred in captivity; and any animal, insect, spider or scorpion venomous to humans. The following animals shall be excluded from this definition: (i) chinchillas, guinea pigs, hamsters, rats, mice and gerbils that have been bred in captivity and never known the wild; (ii) rabbits, ferrets, and hedgehogs that have been bred in captivity and never known the wild; (iii) birds that have been bred in captivity and never known the wild; and (iv) non-venomous reptiles and amphibians, other than crocodilians.

Section 41.1-2-2. - Dog license required; license tax on dogs and kennels.

(a) Except as otherwise provided herein, it is unlawful for any person to own a dog 4 months old or older in the County unless the dog is licensed by Fairfax County. Any dog not wearing a collar bearing a current license tag shall prima facie be deemed to be an unlicensed dog and in any proceeding under this Chapter the burden of proof of the fact that the dog has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog. No license tag shall be issued for any dog unless the Director of Tax Administration receives either the certificate of rabies vaccination required by Section 41.1-2-3, satisfactory evidence that such certificate has been obtained, or a rabies vaccination exemption certificate issued annually by the Director of Health. This subsection shall not apply to a releasing agency that has registered as such annually with the Department of Animal Services.

(b) There is hereby provided and levied within the County an annual license tax of $10.00 per dog, regardless of whether the dog is fertile or infertile.

(1) [Reserved.]

(2) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing impaired person, that is trained and serves as a service dog for a mobility-impaired person, or on any dog owned by a person having diplomatic status in the United States. As used in this section, "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond and "service dog" means a dog trained to accompany its owner for the

purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

(c) Duplicate License Tag. If a dog license tag is lost, destroyed or stolen, the owner shall at once apply to the Director of Tax Administration for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner that the original license tag has been lost, destroyed or stolen, the Director of Tax Administration shall issue a duplicate license tag which the owner shall immediately affix to the collar of the dog. The Director shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog is $1.00.

(d) Upon application and payment of the license tax to the Director of Tax Administration, the Director shall issue a dog license tag, which tag shall bear only the words "Fairfax County, VA Dog Tag," an assigned number, and the current license year.

(e) It is unlawful to operate a kennel in the County unless it is licensed. The owner or operator of a dog kennel shall pay an annual license tax of $50.00 for up to but not more than 50 dogs.

(f) The Director of the Department of Tax Administration shall keep a list of all licenses issued annually, and a separate account of funds received from such tax. All unissued license tags for the current license year shall be destroyed at the end of such year.

(g) Displaying Receipts; Dogs To Wear Tags. Dog license receipts, issued by the Director of Tax Administration at the time of purchase of a dog license tag, and kennel license tax receipts shall be preserved by the licensees and exhibited promptly upon request for inspection by any animal control officer or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner and worn by the dog at all times, except the owner of the dog may temporarily remove the tag required by this Section:

(1) When the dog is engaged in lawful hunting while accompanied by the owner;

(2) When the dog is competing in a dog show;

(3) When the dog has a skin condition which would be exacerbated by the wearing of the collar;

(4) When the dog is confined;

(5) While the dog is engaged in a supervised formal obedience training class; or

(6) During formally sanctioned field trials.

Section 41.1-2-5. - County animal shelter; confinement and disposition of stray animals; impoundment and boarding fees; adoption fees.

(a) The County Animal Shelter shall be operated and maintained in accordance with Virginia law, and it shall be accessible to the public at reasonable hours during the week.

(b) Except as otherwise provided by Section 41.1-2-9, whenever any animal is confined at the Animal Shelter, it shall be kept for a period of not less than 5 days, such period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. If any animal confined at the Animal Shelter is claimed by its rightful owner, such owner shall be charged the applicable fee or fees set forth in this Section.

(c) Any animal impounded that is not suspected of being rabid may be redeemed by its rightful owner upon: (1) presentation of proof of ownership and personal identification; (2) payment of all applicable fees set forth in this Section; (3) if the animal being claimed is a dog or a cat that is 4 months of age or older, presentation of a certificate that shows the animal being claimed has been vaccinated for rabies in accordance with the requirements of Section 41.1-2-1; (4) if the animal being claimed is a dog that is 4 months old or older, presentation of evidence of payment of a valid dog license, as required by Section 41.1-2-2; and (5) payment of any necessary veterinary expenses incurred for the benefit of that animal by the Animal Shelter. Any rightful owner who fails to produce the certificate of vaccination or proof of payment of the license fee shall be allowed to have custody of the animal, but shall be subject to issuance of a summons for violation of Section 41.1-2-1 or Section 41.1-2-2. Any dog not redeemed may be destroyed in a humane manner or otherwise lawfully disposed of by the Director of ~~the~~ Animal Services or the designated agent of the Director. The Director or the designated agent of the Director shall not knowingly give, sell, or otherwise release any animal to any person who intends to use that animal for research purposes.

(d) Any person who adopts an animal from the Animal Shelter shall pay the applicable adoption fee set forth in this Section and shall sign an adoption contract agreeing to comply with laws regulating the adoption and ownership of the animal and to appropriately care for the animal. The Animal Shelter shall not release any dog or cat for adoption unless the animal is already sterilized or the person who adopts the animal signs an agreement as required by Virginia law to have the animal sterilized.

(e) Fee Schedules:

Impoundment fees:

Dogs and cats, first impoundment …$ 25.00

Second impoundment …50.00

Third or subsequent impoundment …75.00

Livestock, under 150 pounds …50.00

Livestock, 150 pounds or more …100.00

Reptiles …20.00

Rodents, ferrets, and rabbits …20.00

Boarding fees (for each day boarded):

Dogs and cats …20.00

Livestock (under 150 pounds) …25.00

Livestock (150 pounds or more) …50.00

Reptiles …10.00

Rodents, ferrets, and rabbits …10.00

Adoption fees:

Dogs under six (6) months of age …200.00

Dogs age six (6) months through five (5) years …150.00

Dogs age six (6) years and older …100.00

Cats under six (6) months of age …150.00

Cats age six (6) months through five (5) years …75.00

Cats age six (6) years and older …50.00

Rabbits …30.00

Ferrets, Chinchillas and Hedgehogs …40.00

Hermit crabs …10.00

Reptiles …20.00

Guinea Pigs …15.00

Rodents (mice, hamsters, gerbils, rats) …5.00

Equine and bovine …200.00

Other livestock …50.00

Small birds (parakeets, finches, canaries) …10.00

Medium birds …75.00

Large birds …150.00

Poultry …20.00

The Director of Animal Services may waive or reduce the adoption, impoundment or boarding fees established in this subsection (e) for good cause, including, but not limited to, special adoption events.

(f) The owner of any animal that is held pursuant to Va. Code Ann. § 3.2-6569 for more than 30 days shall post a bond in surety with the County in an amount equal to the cost of boarding the animal for 9 months at the rates established in this Section. If the owner satisfies this obligation by obtaining a commercial bond, then the bond must be issued by a surety that is licensed to do business in Virginia and that has an A-IV or better rating from A.M Best. Upon a request by an owner, the County may reduce the bond for good cause shown.

Section 41.1-2-16. - Burial or cremation of dead animals and fowl.

When the owner of any animal or fowl that has died knows of the death, such owner shall forthwith have its body cremated or buried, or otherwise disposed of in a manner acceptable to the Director of Health; alternatively, the owner may request such service from the Animal Shelter. If, after notice, the owner of any companion animal that has died fails to properly dispose of the animal, the animal control officer or other officer may bury or cremate the animal and may recover, on behalf of the County, from the owner for the cost of the disposal. If the owner of any other animal that has died fails to bury or cremate the dead animal or fowl, any judge of a general district court, after notice to the owner if he can be ascertained, shall authorize Department of Animal Services or the Director of Health to do so. In that event, the County shall be entitled to recover the actual cost of the cremation or burial.

Section 41.1-4-3. - Disposition of Animals.

Any person who keeps a wild, exotic, or vicious animal in contravention of this Article may dispose of the animal by removal of the animal from Fairfax County, by giving or selling the animal to a zoological park or by releasing the animal to the Department of Animal Services.

Section 41.1-5-1. - Permit to operate required.

It is unlawful for any traveling animal exhibition to operate within Fairfax County without a valid permit issued by the Director of Animal Services. A permit fee of $50.00 shall be paid at the time the application for permit is made. The permit shall not be transferable and shall be posted in a conspicuous place on the premises occupied by the traveling animal exhibition for the entire duration of any such spectacle, display, act or event.

Section 41.1-5-2. - Issuance of permit.

(a) The owner or operator of any traveling animal exhibition desiring to operate in Fairfax County shall make written application for permit on forms provided by the Department of Animal Services no later than 21 days prior to the first performance of any spectacle, display, act or event. The application shall include but not be limited to the name of the owner of the traveling animal exhibition, all proposed locations in Fairfax County for the traveling animal exhibition, the date the traveling animal exhibition is to arrive in Fairfax County, the date of departure, all dates on which it is to perform at any location in Fairfax County, the owner's principal address and telephone number, the total length of time during which the traveling animal exhibition will operate in Fairfax County, a list of all locations at which the traveling animal exhibition has performed during the twelve-month period prior to making this application, whether or not the owner or operators of the traveling animal exhibition have been charged or convicted of an offense constituting cruelty to animals, a brief description of the acts or events to be performed and the signature of the owner or representative thereof. The applicant shall attach to the application a copy of a current and valid Exhibitor's License issued by the United States Department of Agriculture (USDA), and health certificates issued within 30 days of the date of the application by a licensed veterinarian for each animal to be exhibited in Fairfax County.

(b) The owner or operator of the traveling animal exhibition shall comply with the provisions of Section 41.1-4-1 and shall present upon demand by any law enforcement officer a current and valid USDA Exhibitor's License and valid health certificates issued within 30 days for each animal to be exhibited.

(c) All animals maintained by the traveling animal exhibition must be given adequate feed, adequate water, adequate shelter, adequate space for the particular type of animal depending upon its age, size and weight, adequate veterinary care when needed, and humane care and treatment. For the purposes of this Section, adequate care, adequate feed, adequate shelter, adequate space and adequate water shall have the meanings set forth in Va. Code § 3.2-6500, as amended.

(d) The Director of Animal Services shall issue a permit to the traveling animal exhibition if the traveling animal exhibition complies with the requirements of this Article and shall notify the Zoning Administrator that a permit has been issued. The permit will be valid for the length of time requested on the application not to exceed 21 days from the date of issuance.

(e) The Director of Animal Services may deny the application for permit if the traveling animal exhibition fails to comply with any of the requirements of this Article.

(f) Any costs of fees incurred by Fairfax County as a result of the permit process shall be charged to the traveling animal exhibition. Payment of all such costs shall be in addition to the $50.00 permit fee required by this Article and shall be considered a precondition to the issuance of the permit.

Section 82-5-32. - Removal, immobilization, and disposition of vehicles unlawfully parked on private or county property.

(a) Applicability. Section 82-5-32 establishes the minimum requirements for all trespass towing initiated in Fairfax County. Fairfax County Code shall also apply to a trespassing vehicle towed from Fairfax County and stored outside the County.

(b) Definitions. The following words and phrases shall have the meanings respectively ascribed to them in this section:

"Advisory Board" means the Fairfax County Trespass Towing Advisory Board.

"Board" means the Fairfax County Board of Supervisors.

"Commission" means the Fairfax County Consumer Protection Commission.
"County" means the County of Fairfax, Virginia.

"Department" or "DCCS" means the Fairfax County Department of Cable and Consumer Services.

"Director" means the Director of the Fairfax County Department of Cable and Consumer Services or the duly assigned agent of the Director of the Department.

"Driver" means a person who drives or is in actual physical control of a tow truck. A driver shall have obtained all required documents issued by the state in order to operate a tow truck while providing towing services.

"Drop fee" means a fee that is charged a vehicle owner for disconnecting a tow truck from a vehicle prior to leaving private property.

"Equipment" means any tow truck, vehicle or related machinery or tools used to provide towing.

"Immobilize" means a procedure or piece of equipment, such as a boot, used to prevent a vehicle from moving. Immobilization does not include attachment to a tow truck.

"Law-enforcement officer" means any officer authorized by law to direct or regulate traffic, or to make arrests for violations of the Code of Virginia or local ordinances.

"Locality" means the geographical area of control of a county, city, or town.

"Locality permit" means a document indicating an operator has been approved to immobilize or trespass tow vehicles in Fairfax County and store vehicles both inside and outside of Fairfax County.

"Operator" or "towing and recovery operator" means any person, including a business, corporation, or sole proprietor, offering services involving the use of a tow truck and services incidental to the use of a tow truck.

"Personal property" means any property in a vehicle which is not attached to or considered to be necessary for the proper operation of the vehicle.

"Property owner" means the owner, operator, authorized agent, or lessee of any land, space, or area used for parking, including any county, city, or town, or authorized agent of the person having control of such premises.

"Registration certificate" means a document indicating an operator has been approved to trespass tow and store vehicles within Fairfax County.

"State" means the Commonwealth of Virginia.

"Storage site" means a location where vehicles are taken until the owner reclaims the vehicle or it is sold. The location must meet all requirements specified in this section.

"Tow" or "towed" means when the tow truck has engaged a vehicle by a physical or mechanical means that causes the towed vehicle to be removed from private property.

"Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus, and (ii) having a manufacturer's gross vehicle weight rating (GVWR) of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks."

"Trespass tow" means requests for towing services made by the owner, manager, or lessee of private property, or the authorized agent thereof, or under contract between such person and a towing and recovery operator that specifies what tows are to be made from the property when a vehicle is on the property in violation of law or rules promulgated by the owner, manager, or lessee of the private property.

"Vehicle" means every device in, on, or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks.

"Vehicle owner" means the owner, operator, authorized agent, or lessee of a vehicle.

(c) Exclusions.

(1) This section shall not apply to:

(A) Police, fire, or public health vehicles, or where a vehicle, because of a wreck or other emergency, is parked or left temporarily on the property of another at the direction of police, fire or public health officials.

(B) Vehicle repossession activities.

(C) Vehicles towed, moved, or stored at the request of a law-enforcement officer.

(2) The provisions of this section shall not be construed to prohibit vehicles from being towed when such towing is otherwise permitted by law.

(d) Signs.

(1) Permanent signs, clearly visible during daytime and nighttime hours, shall be posted at all entrances to the parking area that conspicuously disclose that such vehicle shall be towed or immobilized.

(2) Such signs, at a minimum, shall: (all measurements are approximate)

(A) Be made of metal.

(B) Be 18 inches high and 12 inches wide.

(C) Contain reflective red letters and red reflective graphics on a reflective white background, with a ⅜ inch reflective red trim strip ⅜ inch in from the entire outer edge of the sign.

(D) Contain the international Towing symbol that is at least 5 inches high by 11 inches wide as found in the Federal Highway Administration, "Manual on Uniform Traffic Control Devices".

(E) Use Series B or Clearview lettering found in the Federal Highway Administration, "Manual on Uniform Traffic Control Devices".

(F) Contain "Towing Enforced" in a font size of two inch letters.

(G) Contain "If towed Call 703-691-2131" in a font size of one inch letters, which is the Fairfax County Department of Public Safety Communications

(DPSC) telephone number. However, if the tow originated in the Town of Vienna, the sign shall contain, "If Towed Call 703-255-6366" and if the tow originated in the Town of Herndon, the sign shall contain, "If Towed Call 703-435-6846".

(3) Signs posted in a government road right-of-way must meet Virginia Department of Transportation standards and all applicable Virginia laws to include the bottom of the sign mounted at least seven feet above the ground. Signs posted on private property are not required to meet this height requirement as long as they are clearly visible.

(4) Sign contents may also include additional information such as, but not limited to, the name of the property or name and telephone number of the designated operator in a font size of 19/32 inch letters.

(5) In addition to the mandatory entrance signs, other area signs may be used to specify any other requirements for parking.

(6) The requirement for signs shall not apply to single-family residence properties not subject to common interest community regulations (as defined in Va. Code § 54.1-2354.1, as amended).

(7) No signage of the type required in this section shall be required to effect the towing of a vehicle unlawfully parked in a spot reserved for persons with disabilities or in a "Fire Lane" that is approved and marked in accordance with County and state requirements.

(8) Trespassing vehicle on property not marked by signs.

(A) Non-residential properties. A notice must be conspicuously affixed to a trespassing vehicle with a warning the vehicle is liable to be towed 48 hours after such notice is posted.

(i) The notice must contain the date and time of posting.

(ii) A vehicle found to be trespassing a second time on the same unmarked property may be towed immediately. A warning notice is not required.

(B) Vehicles trespassing on single-family residence properties not subject to common interest community regulations may be towed immediately. No notice is required.

(e) Property owner.

(1) A property owner may have a vehicle towed to a storage site or immobilized without the permission of the vehicle owner if the vehicle is occupying property without permission of the property owner, and if conditions set forth in this section are met.

(A) The property owner has executed a contract with a towing and recovery operator that specifies what tows are to be made from the property when a vehicle is parked on the property in violation of law, or rules promulgated by the owner, manager, or lessee of the private property. Such contract shall clearly state the terms under which towing and recovery operators may monitor private lots on behalf of property owners.

(B) Copies of such written contracts shall be retained for three years after the date of the last tow or immobilization approved by the agreement.

(2) In lieu of having such vehicle towed or immobilized, the property owner on which the vehicle is located may request a law enforcement officer issue, on the premises, a citation to the vehicle owner.

(f) Operator. Trespass tow operators must comply with all requirements of this section.

(1) Registration certificate.

(A) All operators engaged in immobilizing or towing vehicles without the consent of the vehicle owner in Fairfax County must register with the Department of Cable and Consumer Services prior to the initiation of any such operations, and by January 31 of each subsequent year.

(B) To obtain a registration certificate, the following information and documents must be provided to the Department:

(i) Name, address and telephone number of the business engaged in immobilizing or towing;

(ii) Name and telephone number of the business owner or chief executive officer (CEO);

(iii) Copy of the operator's business license;

(iv) Address, telephone number, and vehicle storage capacity of each storage site to which vehicles will be towed;

(v) Copy of each office and storage site Non-Residential Use Permit and,

(vi) Number of tow trucks to be operated in Fairfax County.

(vii) Proof of insurance as required by Va. Code § 46.2-2143, as amended, and shall include provisions for notice by the insurance carrier to the Director prior to termination of such coverage.

(C) Application shall be made on forms provided by the Department.

(D) The department must be notified of any changes to information previously provided by the operator within 30 calendar days of the change.

(2) Locality permit.

(A) All operators engaged in towing vehicles without the consent of the vehicle owner in Fairfax County and storing those vehicles outside of Fairfax County must obtain an approved locality permit prior to the initiation of any such operations and by January 31 of each subsequent year.

(i) The initial application and annual renewal fee for each operator shall be $150.00.

(ii) The initial inspection fee for each storage site outside of Fairfax County shall be $450.00.

(B) To obtain a locality permit, the following information and documents must be provided to the Department:

(i) Name, address and telephone number of the business engaged in immobilizing or towing;

(ii) Name and telephone number of the business owner or chief executive officer (CEO);

(iii) Copy of the operator's business license issued by the jurisdiction in which the operator is headquartered;

(iv) Address, telephone number, and vehicle storage capacity of each storage site to which vehicles will be towed;

(v) Copy of each office and storage site occupancy permit issued by the zoning agency in the jurisdiction in which the storage site is located.

(vi) Number of tow trucks to be operated in Fairfax County.

(vii) Proof of insurance as required by Va. Code 46.2-2143, as amended, and shall include provisions for notice by the insurance carrier to the Director prior to termination of such coverage.

(C) Application shall be made on forms provided by the Department.

(D) The Department must be notified of any changes to information previously provided by the operator within 30 calendar days of the change.

(3) Registration certificates and locality permits.

(A) It shall be unlawful for any person to procure, or assist another to procure, through theft, fraud, or other illegal means, a registration certificate or locality permit from the Department. Any violation of any provision of this section shall be punishable as a Class 2 misdemeanor.

(B) Any person or entity other than the Department that sells, gives, or distributes, or attempts to sell, give or distribute any document purporting to be a registration certificate or locality permit to conduct a trespass towing business in Fairfax County is guilty of a Class 1 misdemeanor.

(4) Operational requirements.

(A) The operator shall be open for business 24 hours a day and seven days per week, unless the operator has no vehicles immobilized or stored at an approved storage site.

(B) All tow truck safety devices must be operational, used, and comply with local, state, and federal laws and regulations.

(C) An operator shall not tow a vehicle from private property or immobilize a vehicle on private property unless the vehicle is parked on the property in violation of law or rules promulgated by the owner, manager, or lessee of the private property.

(D) All tow trucks shall have the following identifying markings of a contrasting color to the truck body on both sides of each tow truck:

(i) The operator's business name as registered with the Department in a font not less than three inches in height.

(ii) The operator's telephone number in a font not less than three inches in height.

(iii) Truck number in a font not less than four inches in height.

(E) Each tow truck, while trespass towing, shall have a copy of the current Fairfax County trespass towing registration certificate or locality permit in the tow truck.

(F) Each immobilization device shall have a label, clearly visible while the device is in position immobilizing a vehicle, that lists the operator's name and telephone number, immobilization fee, and the Department's name and telephone number.

(G) The Fairfax County Department of Public Safety Communications (DPSC) shall be notified no later than 30 minutes after initiating the immobilization or towing of a vehicle. However, whenever a vehicle is towed or immobilized from sites within the Town of Herndon or the Town of Vienna, the operator, shall notify the law enforcement agency in those localities as applicable.

(H) Such notification shall include the:

(i) Operator name and driver employee number who towed or immobilized the vehicle;

(ii) Make, model, color, year, vehicle identification number of the towed or immobilized vehicle;

(iii) License plate type (such as passenger car, truck, dealer, taxi, disabled), number, state, and year of license of the towed or immobilized vehicle;

(iv) Address where the vehicle was towed or immobilized from;

(v) Reason for the tow or immobilization;

(vi) Time such tow or immobilization was initiated; and

(vii) Storage site address where the vehicle is located and the operator's telephone number.

(I) It shall be unlawful to fail to report a tow or immobilization as required by this section. Violation of the reporting requirements of this section shall constitute an invalid tow resulting in no charge to the owner for the release of the vehicle.

(J) Any tow truck driver who tows a vehicle that is occupied by an unattended companion animal, as defined by Va. Code § 3.2-6500, as amended, shall, upon such removal, immediately notify the Department of Animal Services. Such notification should be made to the Fairfax County DPSC non-emergency telephone number.

(K) Upon leaving private property, a driver must tow each vehicle directly to a storage site registered with the Department. Changing the towing vehicle

shall not be permitted unless the original towing vehicle becomes non-operational.

(i) The vehicle must remain in that lot for 30 calendar days if the owner fails to claim the vehicle.

(ii) A vehicle towed outside of Fairfax County may not be towed more than ten miles from the origin of the tow, and must remain in the Commonwealth. The straight line ten-mile radius from a storage site outside of Fairfax County shall be determined by the Director using the Fairfax County GIS & Mapping Services Branch data.

(L) Photographic evidence clearly substantiating the vehicle's condition, location, and reason for the vehicle's tow or immobilization must be made prior to connecting the tow truck to the vehicle.

(M) While being towed, vehicles shall be properly secured in accordance with all laws, regulations, and tow truck vehicle manufacturer recommendations.

(N) Nothing in this section shall release the operator from liability for failure to use reasonable care to prevent the load from shifting or falling.

(O) Records. An operator shall maintain written and electronic records for each towed or immobilized vehicle for a period of three years after such tow or immobilization. Records to be retained shall include:

(i) A record of the property owner's approval;

(ii) The information required to be provided to the DPSC and other local law enforcement agencies pursuant to this section;

(iii) A legible copy of the receipt provided to vehicle owner; and

(iv) Photographs and any other documentation supporting the tow.

(5) Storage site requirements.

(A) Every site to which trespassing vehicles are towed, stored, and available for return to the vehicle owner shall comply with the following requirements:

(i) A storage site must be staffed, and open for business 24 hours per day and seven days per week, unless the operator has no vehicles towed from a location in Fairfax County stored at the storage site.

(ii) Each storage site must be properly zoned and approved for storage of towed vehicles, as evidenced by an occupancy permit issued by the zoning agency in the jurisdiction in which the storage site is located. Each storage site must also be registered with the Department.

(iii) A storage site shall be lighted during the hours of darkness to afford clear visibility to all portions of the storage site.

(iv) A towed vehicle shall not be stored more than a reasonable walking distance from the area where towing and storage fee payments are received.

(v) The operator shall exercise reasonable care to keep the towed vehicle and its contents safe and secure at all times, which shall include appropriate permanent fencing.

(vi) No operator may take a vehicle to a storage site which does not meet these standards and all other applicable ordinances and regulations:

(a) A clearly visible sign must be posted at the entrance of the storage site that provides the operator's name and telephone number; and

(b) The telephone for the posted number shall be answered 24 hours a day.

(c) A clearly visible sign with a list of all of the operator's fees for trespass immobilization, towing and storage services, and the operator's contact information.

(d) A clearly visible sign available from the Department of Cable and Consumer Services, listing the Department's web site, office address, and telephone number.

(6) Personal property.

(A) Nothing shall be removed from the vehicle without the express consent of the vehicle owner.

(B) Personal property must be released immediately upon the vehicle owner's request without charge, and it shall be the duty of the operator to return it to the vehicle owner if the vehicle owner claims the items prior to release or disposition of the vehicle. Any lien created under this section shall not extend to any personal property.

(7) Vehicle release.

(A) If the vehicle owner of the vehicle is present and removes the vehicle from the property or corrects the violation before the vehicle is connected to the tow truck, no fee shall be charged the vehicle owner;

(B) If the vehicle has been connected to the tow truck and has not yet left private property, the vehicle shall not be towed upon request of the vehicle owner. The vehicle owner shall be liable for a drop fee, as set forth in this section, in lieu of towing, provided that the vehicle owner or representative is present and ready, willing, and able to pay the required drop fee and removes the vehicle from the property or corrects the violation.

(C) An immobilized or a towed vehicle moved to a storage site shall be immediately available for release at the request of the vehicle owner.

(D) The operator shall accept the following forms of payment for any trespass towing fees:

(i) Cash;

(ii) Two major national credit cards;

(iii) MasterCard or Visa debit cards; and

(iv) Personal checks shall be accepted when credit/debit card machines are not available or are inoperable.

(E) In all cases when a vehicle is immobilized, towed, or fees charged, the operator shall provide the vehicle owner with a receipt that bears the:

(i) Complete name, address, and telephone number of the operator that towed the vehicle;

(ii) Time the vehicle was towed;

(iii) Address from which the vehicle was towed;

(iv) Authority for the tow (entity or person authorizing the tow);

(v) Reason for the tow;

(vi) Driver employee number; (the corresponding driver's name shall be provided to the FCPD; and/or the Director upon request)

(vii) Time the vehicle was released;

(viii) An itemized list of all fees assessed in the immobilization, towing, storage, and/or release of the vehicle;

(ix) The printed name of the person to whom the vehicle was released; and

(x) The name and telephone number of the Department where vehicle owners may file a consumer complaint.

(F) If any requirements of this section are not met, for such immobilization or tow, no fee shall be charged.

(8) Compliance.

(A) The operator shall provide to the vehicle owner, upon request, a copy of the authority for the tow; including, without limitation, photographs and other documentation supporting the tow.

(B) Right of entry. Whenever it is necessary for the purposes of this section, the duly authorized agent of the Director may enter any trespass towing business, business establishment, or storage site property to obtain information, conduct surveys, audits, compliance reviews, or investigations.

(g) Rates and charges.

(1) Change to rates and charges.

(A) Changes in rates and charges for trespass towing services rendered by operators shall be approved by the Board.

(B) The Board may consider changes in rates or charges upon recommendation of the Director or the Advisory Board.

(C) The Director shall conduct a review of rates every two years.

(D) Any review of rate changes as well as any recommended change to any rule, regulation, or practice thereto shall come before the Advisory Board pursuant to a public hearing, which shall be scheduled as soon as analysis, investigation, and administration allow. All recommendations of the Advisory Board and the Director shall be conveyed to the Board for its consideration and determination.

(E) Whenever the Director or Advisory Board determines a rate change is warranted, all registered operators shall provide notice to the public of proposed changes in rates and charges thereto, by means of a sign posted in a clearly visible place at each of their fixed places of business in Fairfax County. Such

notice shall be on a document no smaller than 8.5 by 11.0 inches, printed in no smaller than 12-point type, and shall contain substantially the following information:

Notice of Proposed Rate Change

A proposed change in trespass towing rates is under consideration by the Fairfax County government. The proposed rates are: (Insert description of the proposed changes).

The proposed trespass towing rate change shall be considered by the Trespass Towing Advisory Board at a public hearing. The date, time and location of the public hearing may be obtained by calling the Department of Cable and Consumer Services. Any interested person may appear before the Advisory Board to be heard on this proposed change. Persons who wish to be placed on the speakers' list or who wish further information should call the Department of Cable and Consumer Services at 703-324-5966.

(F) Notices with respect to a proposed rate change shall be posted within ten days of the staff report for such change and shall remain posted until the change in rates is denied or becomes effective.

(2) Rates and charges.

(A) It shall be unlawful for an operator to charge any fees exceeding the fees set forth in this section.

(i) Immobilization. An operator may charge a vehicle owner a maximum fee of $75.00 for the release of a vehicle when it is immobilized. No other fee of any type may be charged.

(ii) Dropfee. An operator may charge a vehicle owner a maximum fee of $50.00 for the release of a vehicle prior to towing the vehicle from private property. No other fee of any type may be charged.

(iii) Hookup and initial towing fee shall not exceed:

(I) $150.00 for vehicles with GVWR of 7,500 pounds or less.

(II) $250.00 for vehicles with GVWR of 7,501 pounds through 10,000 pounds.

(III) $500.00 for vehicles with GVWR greater than 10,000 pounds.

(IV) For towing a vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, a maximum additional fee of $30 per instance may be charged; however, in no event shall more than two such fees be charged for towing any such vehicle.

(V) No other fees or charges shall be imposed during the first 24 hour period.

(iv) Storage fee for the safekeeping of vehicles:

(I) No charge shall be made for storage and safekeeping of a vehicle for the first 24 hours the vehicle is on the storage site.

(II) After the vehicle is on the storage site for more than 24 hours, a vehicle storage fee may be charged for each subsequent 24-hour period, or any portion thereof, at a rate not to exceed $50.00 for any vehicle 22 feet or less in length, or $5.00 per foot for any vehicle over 22 feet in length.

(v) If an administrative fee for notification of lien holder, owner, agent or other interested party is charged, it shall not exceed $75.00. This fee may only apply after the vehicle is on the storage site over three full business days. If an administrative fee is charged, a copy of the Virginia Department of Motor Vehicles report shall be attached to the receipt given to the vehicle owner.

(vi) No other fees shall be charged unless expressly set forth herein.

(B) Upon vehicle release, the operator shall give the vehicle owner a receipt itemizing all charges.

(C) An operator shall not require a vehicle owner to sign any waiver of the vehicle owner's right to receive compensation for damages to the owner's vehicle as a condition of the owner retrieving the towed vehicle.

(h) Penalties and remedies for violations.

(1) All trespass towing.

(A) It shall be unlawful for any person to violate any of the provisions of this section, or any regulation adopted pursuant to this section. Unless otherwise stated, these violations shall constitute traffic infractions punishable by a fine of not more than that provided for a Class 4 misdemeanor.

(B) It shall be unlawful for any person to make or cause to be made any false statement in writing for the purpose of procuring a registration certificate or locality permit, or to make any false statements or entry on records required to be kept by this section.

(C) An operator shall be suspended if the operator's insurance is no longer in effect. Suspension shall be in accordance with Section 82-5-32(h)(2)(B) and (D).

(2) Locality permit operators.

(A) Denial.

(i) The Director may deny an operator's locality permit application to conduct a trespass towing business in Fairfax County if the operator:

(I) Does not have an approved storage site;

(II) Does not possess a valid business license; or

(III) Is not properly licensed by the state; or

(IV) Provides false information on the application.

(ii) The operator may reapply after application deficiencies are corrected. If the denial is based on 82-5-32(h)(2)(A)(i)(IV), the denial shall remain in force for one year from the date of denial.

(B) Suspension.

(i) The Director may suspend an operator's Fairfax County locality permit for a period of one to 60 days and/or until proof of compliance is provided to the satisfaction of the Director for any of the following reasons, but not limited to:

(I) Operating a tow vehicle that fails to meet federal, state, and local codes.

(II) Any violations of this section which regulate conduct, reporting, and record-keeping.

(III) Occurrence of any of the grounds for denial of a registration application or locality permit, listed in Section 82-5-32(h)(2)(A).

(IV) Failure to maintain the storage site(s) and/or operation(s) in good order and repair.

(V) Failure to pay all fees and taxes imposed insofar as such fees relate to operation of a trespass towing business.

(VI) Failure to maintain proper insurance.

(VII) Valid consumer complaints regarding trespass towing operation.

(ii) Any suspension for a violation of Sections 82-5-32(h)(2)(B)(i)(I) and (VI) shall become effective upon the date of any such violation without notification pursuant to paragraph (d) below.

(C) Revocation.

(i) An operator's locality permit may be revoked by the Director for, but not limited to, any of the following reasons:

(I) If an operator fails to correct deficiencies for which the operator was suspended;

(II) The operator makes or causes or allows to be made any false statement in writing for the purpose of procuring a locality permit;

(III) If an operator makes or causes or allows to be made any false statement or entry on records required to be kept by this section;

(IV) Conducts operations in the County while under suspension;

(V) At the discretion of the Director for multiple violations by the locality permit holder of any of the provisions of this section within a twelve-month period.

(D) Notification.

(i) Written notice of any denial, suspension, or revocation under the above provisions of this section shall be given by the Director to the operator in person, or by email, and by certified mail. Such suspension or revocation shall be effective seven calendar

days after the deposit of such notice in the US mail unless otherwise specified in this section.

(ii) Locality permits that have been suspended or revoked shall be returned to the Director within seven calendar days from the effective date of the suspension or revocation, provided such suspension was ordered for more than seven calendar days.

(E) Appeal. Procedure for appeal of action by the Director.

(i) If the Director denies, suspends or revokes any operator's locality permit, any party aggrieved thereby may appeal such decision to the Commission.

(ii) An appeal shall be filed with the Department of Cable and Consumer Services by the appellant or by the legal representative of the appellant. Appeals shall be in writing, and appeals shall include a brief statement of the reasons thereof. Appeals shall be filed within 45 calendar days of receipt of the notice of denial, suspension, or revocation, and signed by the appellant or the legal representative of the appellant.

(iii) Upon receipt of notice of appeal, the Commission shall set a time and place for such hearing and shall give the appellant or legal representative and the Director reasonable notice thereof. All hearings on appeals shall be scheduled and determined as promptly as practicable and in no event more than 60 calendar days from the date the notice of appeal is filed.

(iv) An appeal may be withdrawn at any time by the appellant or his agent prior to the Commission meeting by giving written notice to the Director.

(v) An appeal may also be administratively withdrawn by the Director if it is determined that the appeal was the result of an error.

(vi) The Commission shall consider the case record as well as the statements offered by any interested party and shall consider the matter de novo, and the Commission shall, upon the basis of the record before it, affirm, modify or reverse the decision of the Director.

(vii) If the Commission affirms the decision of the Director to suspend or revoke an operator's a locality permit, then the suspension or revocation shall be effective from the date of the Commissioner's order.

(viii) If the Commission reverses the decision of the Director, the Director shall issue or restore the operator's locality permit, in accordance with its order.

(ix) Except as otherwise provided in this section, an appeal of the decision of the Director to suspend or revoke an operator's locality permit shall stay the effective date of the suspension or revocation.

(x) However, if any suspension or revocation of an operator's locality permit is based on failure to follow appropriate safety procedures or falsifying documents, then the order of the Director shall remain in effect until the Commission has rendered its decision on the appeal.

(F) The provisions of this section are not exclusive and do not relieve the parties or the contracts subject thereto from compliance with all other applicable provisions of law.

(G) Code or regulatory conflict. In the event of a conflict between an action of the state and the County, the County ordinance shall be controlling, provided such provisions are no less stringent than requirements imposed by action of the state.

(i) Restrictions on towing a resident’s vehicle from multifamily dwelling unit for expired vehicle registration or expired vehicle inspection sticker.

(1) For purposes of this subsection:

"Multifamily dwelling unit" means more than one single-family dwelling unit located in a building, including townhomes. "Multifamily dwelling unit" does not include any lot within a development created pursuant to the Property Owners' Association Act (Va. Code § 55.1-1800 et seq.), any unit within a condominium created pursuant to the Virginia Condominium Act (Va. Code § 55.1-1900 et seq.), any apartment within a horizontal property regime created pursuant to the Horizontal Property Act (Va Code § 55.1-2000 et seq.), any unit within a cooperative created pursuant to the Virginia Real Estate Cooperative Act (Va. Code § 55.1-2100 et seq.), any time-share unit within a project created pursuant to the Virginia Real Estate Time-Share Act (Va. Code § 55.1-2200 et seq.), or any lot within a subdivision created pursuant to the Subdivided Land Sales Act (Va. Code § 55.1-2300 et seq.).

"Resident's vehicle" means any vehicle that is (i) owned, leased, or used by a resident of a multifamily dwelling unit in which the parking lot is owned and maintained by the landlord; (ii) known to the landlord to be associated with such resident, by means of a permit, registry, or other document designated by the landlord for such identification

purposes; and (iii) in compliance with any requirements set forth in such lease or other agreement regarding such vehicle.

"Towing operator" means any individual or company that has contracted with a landlord for the provision of parking enforcement.

(2) Notwithstanding any other provision of this Section 82-5-32, no towing operator shall tow a resident's vehicle from a parking lot owned and maintained by the landlord of a multifamily dwelling unit for an expired vehicle registration or expired vehicle inspection sticker without complying with the following requirements:

(A) The towing operator shall post written notice on the vehicle, which shall include the date of posting of such notice, that such vehicle will be towed due to an expired registration or expired vehicle inspection sticker after 48 hours from the date of the posting of such notice and that such vehicle will not be removed or towed until such period of time has passed.

(B) The towing operator shall, in addition to posting such notice on the vehicle, transmit a copy of such notice to the landlord with which he contracts for parking enforcement of the multifamily dwelling unit's parking lot.

(C) No towing operator shall remove such vehicle until the 48 hours have passed from the date of posting of such notice.

(3) If a towing operator fails to post such notice on the vehicle, or does not wait the required period of time prior to removing or requesting the towing of such vehicle, he shall be required to reimburse the resident whose vehicle was towed the value of the charges imposed for the towing, storage, and safekeeping of the vehicle and he shall also be subject to a civil penalty of $100.

2. **That the provisions of this ordinance are severable, and if any provision of this ordinance or any application thereof is held invalid, that invalidity shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid provision or application.**

3. **That the provisions of this ordinance shall take effect on July 1, 2025.**

GIVEN under my hand this ____ day of _____, 2025.

_____
Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
June 10, 2025

4:30 p.m.

Public Hearing to Consider Adoption of an Ordinance to Approve a Joint Exercise of Powers Agreement to Authorize Participation in a Trust Fund with Other Virginia Jurisdictions for the Purpose of Investing Public Funds

ISSUE:
The adoption of an ordinance to approve a joint exercise of powers agreement that authorizes participation in a trust fund as an additional resource for the investment of public funds held by the County. Atlantic Union Municipal Advisors, Inc., a Virginia Corporation, has created the Virginia Municipal Investment Trust, a trust fund as a means by which local jurisdictions can obtain the benefits of enhanced earnings through short-term, medium-term, and reserve fund investing in a professionally managed investment pool.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt an ordinance approving a joint exercise of powers agreement for the purpose of participation in the Virginia Municipal Investment Trust (VA MINT) in cooperation with other jurisdictions in the Commonwealth of Virginia.

The VA MINT offers Virginia jurisdictions an investment option that reduces costs through expense sharing and opens investment opportunities that might not be available to them if acting individually. The VA MINT is structured to require that all investments are in accordance with the requirements and restrictions of Virginia law, under the supervision of local treasurers, directors of finance and municipal investment managers. The objective of this pool, unlike others, such as the Local Government Investment Pool (LGIP) managed by the Virginia Department of Treasury, is to invest in a variety of products while streamlining multiple portfolios into a single flexible and liquid product that allows for targeted maturities to improve interest potential. The ability to invest in the VA MINT would expand the County's revenue options in line with its three fundamental investment principles: continued safety of principal, adequacy of liquidity, and reasonable return on investment.

TIMING:
On April 22, 2025, the Board authorized advertisement of a public hearing to be held on June 10, 2025, at 4:30 p.m.

Board Agenda Item
June 10, 2025

The Board should take action on June 10, 2025, to enable the County to participate in the VA MINT as a Participating Political Subdivision as provided in the ordinance. Upon adoption of the ordinance, the Director of Finance will execute the Trust Joinder Agreement.

BACKGROUND:
Local jurisdictions are permitted by Virginia law to invest public funds, subject to clearly defined limits as to the type of securities and the credit quality of the investments. Monies needed to meet bill-paying and other short-term obligations are typically invested in money market accounts or certificates of deposit or placed with an external money manager. Many jurisdictions utilize the Local Government Investment Pool (LGIP) managed by the Virginia Department of the Treasury for this purpose. Because monies placed with LGIP can be drawn upon with no advance notice, the LGIP invests in short-term securities. Those securities historically produce lower returns to investors than are available with a longer investment horizon. Nonetheless, the availability of funds with the LGIP makes it a very efficient investment option for many local jurisdictions. However, jurisdictions utilizing the LGIP and similar pools are limited by overnight availability requirements, forcing either additional monies to be invested through alternative purchases at additional expense to the jurisdictions, or potentially leaving interest revenue on the table by not better targeting maturities to expenditures. Furthermore, it subjects the jurisdictions to risk with interest rate changes, as overnight rates are subject to change compared to other fixed-income products.

Atlantic Union Municipal Advisors, a subsidiary of Atlantic Union Bank, is addressing this gap by establishing the VA MINT. In November 2024, the City of Danville and Henry County, by separately approved ordinances, established a trust fund under the authority of *Section 15.2-1300 of the Code of Virginia*, Virginia's Joint Powers Act, as further described in the VA MINT Trust Fund Agreement (the "Agreement"), attached hereto as Exhibit A to the proposed ordinance. A jurisdiction may join the VA MINT by entering into a Trust Joinder Agreement after approval of its participation in the trust fund by the locality by adoption of an ordinance. By entering into the Trust Joinder Agreement, a jurisdiction agrees to participate in the VA MINT in accordance with the terms of the Agreement. An extensive outreach program has been conducted and there is substantial interest in participating in the trust at other jurisdictions and eligible organizations.

Thus, participation by Fairfax County requires adoption of an ordinance authorizing the County to become a "Participating Political Subdivision." The proposed ordinance designates the Director Finance as a trustee for the County with respect to the Trust Fund and authorizes the Director of Finance to execute the Trust Joinder Agreement. A copy of the proposed ordinance and Trust Joinder Agreement is included in Attachment 1.

Board Agenda Item
June 10, 2025

EQUITY IMPACT:
This action relates to the Countywide Strategic Plan related to Effective and Efficient Government. The passage of this ordinance does not have an equity impact and has no inequity identified.

FISCAL IMPACT:
Approval of this ordinance and the County's subsequent participation in the VA MINT is expected to result in increased investment revenue. The amount of such additional revenue, based on the timing and size of any County investments and ever-changing market conditions, cannot be reliably estimated.

ENCLOSED DOCUMENTS:
Attachment 1: An Ordinance to Adopt the Virginia Municipal Investment Trust for the Purpose of Investing Moneys Belonging to County of Fairfax, Virginia, with exhibits as follows:
- Virginia Municipal Investment Trust Agreement (Exhibit A)
- Trust Joinder Agreement for Participating Political Subdivisions in the Virginia Municipal Investment Trust (Exhibit B)

Attachment 2: Virginia Municipal Investment Trust Investment Policy Statement

STAFF:
Christina Jackson, Deputy County Executive/Chief Financial Officer
Christopher J. Pietsch, Director, Department of Finance
Christopher Hartl, Division Chief, Department of Finance

ASSIGNED COUNSEL:
Emily Smith, Assistant County Attorney

ORDINANCE TO APPROVE A JOINT EXERCISE OF POWERS AGREEMENT TO AUTHORIZE PARTICIPATION IN THE VIRGINIA MUNICIPAL TRUST FUND WITH OTHER VIRGINIA JURISDICTIONS

AN ORDINANCE to approve participation in the Virginia Municipal Investment Trust Fund for the purpose of investing moneys belonging to or within the County's control, other than sinking funds, in certain authorized investments in accordance with Section 2.2-4501 of the Virginia Code.

WHEREAS, Section 15.2-1500 of the Virginia Code provides, in part, that every locality shall provide for all the governmental functions of the locality, including, without limitation, the organization of all departments, offices, boards, commissions and agencies of government, and the organizational structure thereof, which are necessary to carry out the functions of the government; and

WHEREAS, Section 2.2-4501 of the Virginia Code provides that all municipal corporations and other political subdivisions may invest any and all moneys belonging to them or within their control, other than sinking funds, in certain authorized investments; and

WHEREAS, Section 15.2-1300 of the Virginia Code provides that any power, privilege or authority exercised or capable of exercise by any political subdivision of the Commonwealth of Virginia may be exercised and enjoyed jointly with any other political subdivision of the Commonwealth having a similar power, privilege or authority pursuant to agreements with one another for joint action pursuant to the provisions of that section; and

WHEREAS, any two or more political subdivisions may enter into agreements with one another for joint action pursuant to the provisions of Section 15.2-1300 of the Virginia Code provided that the participating political subdivisions shall approve such agreement before the agreement may enter into force; and

WHEREAS, the City of Danville, Virginia and the County of Henry, Virginia have determined to jointly establish and participate in the Virginia Municipal Investment Trust Fund (the "Trust Fund") for each such locality; and

WHEREAS, the Board of Supervisors of Fairfax County, Virginia has determined that it is in the best interests of Fairfax County to become a participating locality in the Trust Fund; and

NOW, THEREFORE THE BOARD OF SUPERVISORS OF FAIRFAX HEREBY ORDAINS THE FOLLOWING:

§ 1 The Board of Supervisors of Fairfax County shall participate in the Trust Fund for the purpose of investing moneys determined to derive the most benefit from this investment strategy, belonging to it or within its control, other than sinking funds, in certain authorized investments in accordance with Section 2.2-4501 of the Virginia Code, which Trust Fund has been established and shall operate as set forth in the Virginia Municipal Investment Trust Trust Fund Agreement (the "Agreement"), a copy of which is attached hereto as Exhibit A.

§ 2 The Board of Supervisors of Fairfax County shall become a "Participating Political Subdivision" in the Trust Fund, as further defined in the Agreement.

§ 3 The Board of Supervisors of Fairfax County hereby designates the Director of Finance of Fairfax County to serve as the trustee of Fairfax County with respect to the Trust Fund, to determine what funds under the control of the Director of Finance shall be invested in the Trust Fund and to perform the responsibilities of the "Chief Investment Officer," as described in the Agreement, on behalf of Fairfax County.

§ 4 The Board of Supervisors of Fairfax County hereby authorizes the Director of Finance to execute and deliver the Trust Joinder Agreement for Participating Political Subdivisions Virginia Municipal Investment Trust ("Trust Joinder Agreement"), a copy of which is attached hereto as Exhibit B.

§ 5 This ordinance shall be in force and effect upon its adoption or passage.

Exhibits: Virginia Municipal Investment Trust Trust Fund Agreement ("Exhibit A")
Trust Joinder Agreement ("Exhibit B")

GIVEN under my hand this _____ day of _____ 2025.

_____
Clerk for the Board of Supervisors

VIRGINIA MUNICIPAL INVESTMENT TRUST
TRUST FUND AGREEMENT

THIS AGREEMENT (the "Agreement") is made by and among the Participating Political Subdivisions that are signatories hereto; the Participating Political Subdivisions that execute Trust Joinder Agreements, in a form substantially similar to the document attached as Exhibit A hereto, for the purpose of participating in the Virginia Municipal Investment Trust ("VA MINT," or the "Trust"); their duly elected Treasurers or other Chief Investment Officers, as appropriate, who are empowered by law to invest the public funds of such Participating Political Subdivisions; and those individuals named as Trustees pursuant to Section 107 hereof and their successors (the "Board of Trustees," or the "Board").

WITNESSETH:

WHEREAS, Section 15.2-1500 of the Virginia Code provides, in part, that every locality shall provide for all the governmental functions of the locality, including, without limitation, the organization of all departments, offices, boards, commissions and agencies of government, and the organizational structure thereof, which are necessary to carry out the functions of government; and

WHEREAS, Chapter 45 of Title 2.2 of the Virginia Code (§§ 2.2-4500 et *seq*.). of the Virginia Code provides that all municipal corporations and other political subdivisions may invest any and all moneys belonging to them or within their control, other than sinking funds, in certain authorized investments; and

WHEREAS, Section 15.2-1300 of the Virginia Code provides that any power, privilege or authority exercised or capable of exercise by any political subdivision of the Commonwealth of Virginia may be exercised and enjoyed jointly with any other political subdivision of the Commonwealth having a similar power, privilege or authority pursuant to agreements with one another for joint action pursuant to the provisions of that section; and

WHEREAS, the City of Danville and the County of Henry (the "Initial Participants") have adopted ordinances or resolutions, or otherwise taken steps required by law or rule, to authorize and approve participation in the Virginia Municipal Investment Trust Fund for each such locality; and

WHEREAS, the Participating Political Subdivisions and their Treasurers or Chief Investment Officers and the Board of Trustees of the Virginia Municipal Investment Trust Fund (herein referred to as the "Trust Fund") hereby establish a trust for the purpose of investing monies belonging to or within the control of the Participating Political Subdivisions, respectively, other than sinking funds, in investments authorized under Chapter 45 of Title 2.2 of the Virginia Code (§§ 2.2-4500 *et seq*.); and

WHEREAS, the parties intend that the Trust Fund hereby established shall constitute a tax-exempt governmental trust under Section 115 of the Internal Revenue Code of 1986, as amended;

NOW, THEREFORE, The Participating Political Subdivisions, together with their Treasurers or Chief Investment Officers, hereby establish with the Board of Trustees, and the Board of Trustees hereby accepts, under the terms of this Agreement, a trust for the purpose of investing moneys belonging to or within the control of the respective Participating Political Subdivisions as allowed by law; and, further, the parties hereto mutually agree as follows:

ARTICLE I
GENERAL PROVISIONS

Section 100. APPLICATION.

The provisions of this Article I are general administrative provisions applicable to each Part of this Agreement and provisions applicable to the Board of Trustees.

Section 101. NAME

The name of the trust created by this Agreement shall be the "Virginia Municipal Investment Trust" and the Board and/or any other authorized individual or entity shall conduct and carry on the activities of the Trust established hereunder, execute all documents, and sue or be sued, under that name. The Board may use such other formal or informal designations, including "VA MINT," in connection with the business of the Trust, and may adopt such other names for the Trust as the Board deems proper, and the Trust may hold property and conduct its activities under such adopted designations or names. The Board shall take such action as they, acting with the advice of counsel, shall deem necessary or appropriate to file or register such names in accordance with the laws of the Commonwealth of Virginia or the United States of America so as to protect and reserve the right of the Trust in and to such names.

Section 102. DEFINITIONS.

The following definitions shall apply to this Agreement, unless the context of the term indicates otherwise, and shall govern the interpretation of this Agreement:

102.1 Administrator. The term "Administrator" shall mean a person or other qualified entity duly designated by the Board of Trustees pursuant to the terms hereof to administer VA MINT.

102.2 Beneficial Interest. The right of a party to some distribution or benefit from VA MINT; a vested interest in VA MINT's assets.

102.3 Business Day. Means a day on which banks are not required or authorized by law to close in the State and on which the Investment Manager or Custodian is not closed.

102.4 Code. The term "Code" means the Internal Revenue Code of 1986, as amended, and, as relevant in context, the Internal Revenue Code of 1954, as amended.

102.5 Custodian. The term "Custodian" means U.S. Bank, or any other bank, mutual fund, insurance company or other qualified entity selected by the Board of Trustees, under a separate

written document with each, to accept contributions from Participating Political Subdivisions and to otherwise hold some or all of the assets of VA MINT.

102.6 Effective Date. The term "Effective Date" means the date coinciding with the last to occur of each of the following events: (i) passage of an ordinance by either or both of the Initial Members approving such governmental entity or entities as Participating Political Subdivisions in VA MINT; (ii) execution by the authorized officer of each such governmental entity of the Trust Joinder Agreement; and (iii) execution of this Agreement by all members of the initial Board of Trustees and the Administrator.

102.7 Participating Political Subdivision. The term "Participating Political Subdivision" means any county, city, town, or other political subdivision within the State whose governing body has passed an ordinance or resolution to participate in VA MINT, or is otherwise entitled to participate in accordance with State law, and whose Treasurer or Chief Investment Officer, serving as trustee for such Participating Political Subdivision, executes a Trust Joinder Agreement, as provided in Section 301 hereof.

102.8 Treasurer. The term "Treasurer" means an officer described in Article VII, Section 4, of the Constitution of Virginia who shall serve as the trustee and representative of its Participating Political Subdivision for purposes of this Agreement. Nothing in this Agreement shall be construed to limit the discretion of a duly elected Treasurer to invest the public funds of his or her political subdivision in any manner otherwise permitted by law, nor shall the decision of any local governing body to become a Participating Political Subdivision under this agreement compel any duly elected Treasurer having responsibility for such investments of public funds to invest any the locality's funds in VA MINT created under this Agreement.

102.9 Chief Investment Officer. The term "Chief Investment Officer" means an officer designated by the governing body of a Participating Political Subdivision to invest public funds on behalf of the political subdivision and to serve as the trustee of such Participating Political Subdivision with respect to VA MINT. The term "Chief Investment Officer" may include certain individuals holding the title of "treasurer" for the political subdivision but who are not included in the definition in Subsection 102.8. Each Treasurer or Chief Investment Officer, as the case may be, shall be the trustee and representative of his or her Participating Political Subdivision for purposes of this Agreement and shall serve on the Board of Trustees established hereby.

102.10 Fiscal Year. The first fiscal year of VA MINT shall be a short fiscal year beginning on the Effective Date of this Agreement and ending on June 30, 2024. Each subsequent fiscal year of VA MINT shall begin on the first day of July and end on the thirtieth day of June.

102.11 Investment Manager or AUMA. The term "Investment Manager" or "AUMA" shall mean Atlantic Union Municipal Advisors, Inc., a Virginia Corporation, and/or any person or persons appointed, employed, or contracted with by the Administrator on behalf of the Trust pursuant to Section 202.3 hereof.

102.12 Investment Policy. The term "Investment Policy" means the Virginia Municipal Investment Trust Investment Policy, as established by the Board of Trustees, as may be amended from time to time.

102.13 Prudent Person. A person who conducts himself faithfully, with intelligence, and exercising sound discretion in the management of his affairs, not in regard to speculation, but in regard to the permanent disposition of his funds, considering the probable income, as well as the probable safety of capital to be invested.

102.14 State. The term "State" means the Commonwealth of Virginia.

102.15 Supermajority. When used with reference to a vote hereunder, the term "Supermajority" shall mean the vote of not less than 75% of those entitled to vote.

102.16 Trust Fund, Trust, or VA MINT. The terms "Trust Fund," "Trust," or "VA MINT" shall mean the Virginia Municipal Investment Trust, comprising of all of the assets set aside hereunder.

102.17 Trust Joinder Agreement. The term "Trust Joinder Agreement" means the agreement, in the form attached hereto as Exhibit A or any form substantially similar, pursuant to which a Participating Political Subdivision participates in VA MINT once executed by a duly authorized officer of such Participating Political Subdivision and, in connection with which, the Treasurer or Chief Investment Officer, as the case may be, serves as the trustee of such Participating Political Subdivision, and thereby agrees to be bound by the terms and conditions of the Virginia Municipal Investment Trust Fund Agreement, as provided in Article III hereof.

102.18 Trustees. The term "Trustees" means the individuals who serve on the Board of Trustees of VA MINT pursuant to Section 107 hereof and their successors.

102.19 Virginia Code. The term "Virginia Code" means the laws embraced in the titles, chapters, articles and sections designated and cited as the "Code of Virginia," under the laws of the State.

102.20 Enhanced Cash Pool. The name of one of the portfolios of VA MINT, into which assets of VA MINT are invested for purposes of providing VA MINT participants with safety of principal, liquidity and return by taking moderate interest rate and liquidity risk by investing in a diversified portfolio of high-quality securities. While not guaranteed, the Enhanced Cash Pool intends to maintain a Net Asset Value of $1.00 per share.

102.21 Flex-Term Pool. The name of one of the portfolios of VA MINT, into which assets of VA MINT are invested for purposes of providing a series of investment options subject to pre-set redemption periods ranging from 60 days to one year from the time of investment, to meet the cash management needs of the Participating Political Subdivisions. The Virginia MINT Flex Term Pool will seek to provide the highest investment return consistent with maintaining principal at maturity and meeting such pre-set redemption schedule.

Section 103. GENERAL DUTIES AND MEETINGS OF THE BOARD OF TRUSTEES.

103.1 General Duties. The Board of Trustees and each Investment Manager appointed pursuant to this Agreement shall discharge their respective duties under this Agreement solely as follows: (i) except as otherwise provided by any applicable provision of any statute, regulation, ordinance, or resolution, for the exclusive purpose of fulfilling the investment objectives of the

Participating Political Subdivisions and defraying the reasonable expenses of administering VA MINT; (ii) with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims; and (iii) by diversifying the investments of VA MINT so as to minimize the risk of large losses unless under the circumstances, it is clearly prudent not to do so. However, the duties and obligations of the Board of Trustees and each Investment Manager, respectively, as such, shall be limited to those expressly imposed upon them, respectively, by this Agreement. The Board of Trustees shall administer VA MINT in compliance with Chapter 45 of Title 2.2 of the Virginia Code (§§ 2.24500 et. *seq*.)

103.2 Authority of the Trustees. The Trustees shall have the power and authority and shall be charged with the duty of general supervision and operation of VA MINT and shall conduct the business and activities of VA MINT in accordance with this Agreement, the Trust Joinder Agreements, rules and regulations adopted by the Board of Trustees and applicable law.

103.3 Trustees' Liabilities. No Trustee shall be liable: for any act of omission or commission by any other Trustee; for any action taken pursuant to this Agreement in good faith; or for an act of omission except bad faith or gross negligence. The Trustees are hereby authorized and empowered to obtain, at the expense of VA MINT, liability insurance fully protecting the respective Trustees, the Administrator, and VA MINT from any loss or expense incurred, including reasonable attorney's fees, for all acts of the Trustees except bad faith or gross negligence. VA MINT shall save, hold harmless and indemnify the Trustees from any loss, damage or expense incurred by said persons or entities while acting in their official capacity excepting bad faith or gross negligence.

103.4 Standard of Review. In evaluating the performance of the Trustees, compliance by the Trustees with this Agreement must be determined in light of the facts and circumstances existing at the time of the Trustees' decision or action and not by hindsight.

103.5 Limitations on Liabilities. The Trustees' responsibilities and liabilities shall be subject to the following limitations:

103.5.1 The Trustees shall have no duties other than those expressly set forth in this Agreement and those imposed on the Trustees by applicable laws.

103.5.2 The Trustees shall be responsible only for money actually received by the Trustees, and then to the extent described in this Agreement.

103.5.3 The Trustees shall not be responsible for the correctness of any determination of payments or disbursements from VA MINT.

103.5.4 The Trustees shall have no liability for the acts or omissions of any predecessor or successor in office.

103.5.5 The Trustees shall have no liability for (i) the acts or omissions of any Investment Manager or Managers; (ii) the acts or omissions of any insurance company; (iii) the acts or omissions of any mutual fund; or (iv) following directions that

are given to the Trustees by the Treasurer or Chief Investment Officer in accordance with this Agreement.

103.6 Reliance on Counsel. The Board of Trustees may employ, retain or consult with legal counsel, who may be counsel for the Administrator, concerning any questions which may arise with reference to the duties and powers or with reference to any other matter pertaining to this Agreement; and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by the Trustees in good faith in accordance with the opinion of such counsel, and the Trustees shall not be individually or collectively liable therefor.

103.7 Meetings.

103.7.1 The Board of Trustees shall meet at least three times per year, and more frequently if called, at the principal office of VA MINT or at such other location as may be acceptable to a majority of the Trustees, including via a virtual, online secure meeting platform. One such meeting of the Board of Trustees shall be held as soon as practicable after the adjournment of the annual meeting of Treasurers or Chief Investment Officers of Participating Political Subdivisions at such time and place as the Board of Trustees may designate. Other meetings of the Board of Trustees shall be held at places within the Commonwealth of Virginia and at times fixed by resolution of the Board of Trustees, or upon call of the Chairperson of the Board or a majority of the Trustees, on not less than ten (10) days' advance notice. Such notice shall be directed to the Trustees by U. S. mail to the respective addresses of the Trustees as recorded in the office of VA MINT or by electronic mail. The notice of any special meetings of the Board of Trustees shall state the purpose of the meeting.

103.7.2 A majority of the number of Trustees elected and serving at the time of any meeting shall constitute a quorum for the transaction of business. Each Trustee shall be entitled to cast a single vote of equal weight on each question coming before the Board. Proxy voting is not allowed. The act of a majority of Trustees present at a meeting at which a quorum is present, shall be the act of the Board of Trustees unless otherwise specified in this agreement. Less than a quorum may adjourn any meeting. Robert's Rules of Order shall be the parliamentary authority to govern meetings of the Board, unless the Board adopts such other authority.

103.8 Office of VA MINT. The Administrator shall establish, maintain and provide adequate funding for an office for the administration of VA MINT. The initial address of the office for the administration of VA MINT shall be 4300 Cox Road, Glen Allen, VA 23060, unless and until the Administrator establishes another office. The address of such office is to be made known to the parties interested in or participating in VA MINT and to the appropriate governmental agencies. The official books and records pertaining to VA MINT and its administration shall be kept and maintained at the by the Administrator at the office of VA MINT.

103.9 Execution of Documents. A certificate signed by a person designated hereunder by the Board of Trustees to serve as Secretary shall be evidence of the action of the Trustees, and any

such certificate or other instrument so signed shall be kept and maintained at the office of VA MINT and may be relied upon as an action of the Trustees.

103.10 Appointment and Removal of Administrator. The Board of Trustees may appoint an Administrator pursuant to an administrative services agreement between the parties. The Board of Trustees shall provide compensation for the Administrator to administer the affairs of VA MINT. Any three (3) Trustees may call for a vote of the Board of Trustees to remove the Administrator by providing no less than 30 days' notice to the other Trustees and to the Administrator. A vote will be scheduled at the next meeting of the Board of Trustees, for which sufficient notice can be given, at which meeting the Administrator may be removed on the vote of a Supermajority of the members of the Board of Trustees then serving. Upon removal of the Administrator, the Board of Trustees shall designate a successor Administrator.

103.11 Duty to Furnish Information. The Treasurers or Chief Investment Officers and the Board of Trustees shall furnish to each other any document, report, return, statement, or other information that the other reasonably deems necessary to perform duties imposed under this Agreement or otherwise imposed by law.

103.12 Reliance on Communications. The Board of Trustees may rely upon a certification of a Treasurer or Chief Investment Officer with respect to any instruction, direction, or approval of its Participating Political Subdivision and may continue to rely upon such certification until a subsequent certification is filed with the Trustees. The Trustees shall have no duty to make any investigation or inquiry as to any statement contained in any such writing but may accept the same as fully authorized by the Treasurer or Chief Investment Officer and its Participating Political Subdivision.

Section 104. ADMINISTRATIVE POWERS AND DUTIES.

104.1 Trustees. The Board of Trustees, in addition to all powers and authorities under common law or statutory authority, including Chapter 45 of Title 2.2 of the Virginia Code (§§ 2.2-4500 *et seq*.), and subject to the requirements and limitations imposed by the common law or statutory authority, including Chapter 45 of Title 2.2 of the Virginia Code (§§ 2.2-4500 et *seq*.), shall have and in its sole and absolute discretion may exercise from time to time and at any time, either through its own actions, delegation to the Administrator or any other third party as selected by the Board of Trustees, or through a Custodian selected by the Board of Trustees the following administrative powers and authority with respect to VA MINT:

104.1.1 To receive for the purposes hereof all cash contributions paid to it by or at the direction of the Participating Political Subdivisions or their Treasurers or Chief Investment Officers.

104.1.2 To hold, invest, reinvest, manage, administer and distribute cash balances as shall be transferred to the Trustees from time to time by the Participating Political Subdivisions or their Treasurers or Chief Investment Officers and the increments, proceeds, earnings and income thereof for the exclusive benefit of Participating Political Subdivisions.

104.1.3 To continue to hold any property of VA MINT that becomes otherwise unsuitable for investment for as long as the Board of Trustees in its discretion deems desirable; to reserve from investment and keep unproductive of income, without liability for interest, cash temporarily awaiting investment and such cash as it deems advisable, or as the Administrator from time to time may specify, in order to meet the administrative expenses of VA MINT or anticipated distributions therefrom.

104.1.4 To hold property of VA MINT in the name of VA MINT, or in the name of a nominee or nominees (*e.g.*, registered agents), without disclosure of the trust, or in bearer form so that it will pass by delivery, but no such holding shall relieve the Board of Trustees of its responsibility for the safe custody and disposition of VA MINT property in accordance with the provisions of this Agreement; the books and records of the Board of Trustees shall show at all times that such property is part of VA MINT and the Board of Trustees shall be absolutely liable for any loss occasioned by the acts of its nominee or nominees with respect to securities registered in the name of the nominee or nominees.

104.1.5 To employ in the management of VA MINT suitable agents, attorneys, advisors, and other professionals, without liability for any loss occasioned by any such person, so long as they are selected with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

104.1.6 To make, execute and deliver, as trustee, any deeds, conveyances, leases, mortgages, contracts, waivers, or other instruments in writing that it may deem necessary or desirable in the exercise of its powers under this Agreement.

104.1.7 To do all other acts that it may deem necessary or proper to carry out any of the powers set forth in this Section 104 or Section 202, to administer or carry out the purposes of VA MINT, or as otherwise is in the best interests of VA MINT; provided, however, the Board of Trustees need not take action unless in its opinion there are sufficient Trust Fund assets available for the expense thereof.

104.1.8 To adopt rules and regulations governing the Trustees' operations and procedures.

104.1.9 To contract with municipal corporations, political subdivisions, and other public entities of State or of local government and private entities for the provision of Trust Fund services and for the use or furnishing of services and facilities necessary, useful, or incident to providing Trust Fund services.

104.1.10 To advise the Administrator on the establishment of expectations with regard to the provision of administrative services and the establishment of appropriate fee levels.

104.1.11 To establish and charge fees for participation in VA MINT and for additional administrative services provided to a Participating Political Subdivision in addition to any fees charged by other administrative service providers.

104.1.12 To collect and disburse all funds due or payable from VA MINT, under the terms of this Agreement.

104.1.13 To provide for and promulgate all rules, regulations, and forms deemed necessary or desirable in contracting with Treasurers and Chief Investment Officers and their Participating Political Subdivisions, in fulfilling the Trustees' purposes and in maintaining proper records and accounts.

104.1.14 To employ insurance companies, banks, trust companies, investment brokers, investment advisors, or others as agents for the receipt and disbursement of funds held in trust for Participating Political Subdivisions.

104.1.15 To determine, consistent with the applicable law and the procedures under VA MINT, all questions of law or fact that may arise as to investments and the rights of any Participating Political Subdivision to assets of VA MINT.

104.1.16 Subject to and consistent with the Code and the Virginia Code, to construe and interpret the Trust Agreement and to correct any defect, supply any omissions, or reconcile any inconsistency in the Agreement.

104.1.17 To contract for, purchase or otherwise procure insurance and investment products.

104.1.18 To employ transfer agents for the purposes of maintaining records of the funds and investments held by VA MINT and providing the usual and customary services performed by transfer agents.

104.2 Administrator. Pursuant to an administrative services agreement between the Board of Trustees and the Administrator, the Administrator shall have the power and authority to implement policy and procedural matters as directed by the Board of Trustees as they relate to the ongoing operation and supervision of VA MINT and the provisions of this Agreement and applicable law. The Administrator shall immediately make application for appropriate insurance, to any company designated by the Board of Trustees, in such amount as may be specified by the Board of Trustees. The premium on such bond or insurance shall be paid from VA MINT, which bond or insurance shall be continued in force in such amount as the Board of Trustees may from time to time require. If the Administrator's bond or insurance coverage is refused, or is ever cancelled, the Administrator may be removed on a Supermajority vote of the Trustees then serving.

Section 105. TAXES, EXPENSES AND COMPENSATION OF TRUSTEES.

105.1 Taxes. The Administrator, without direction from the Board of Trustees, shall pay out of VA MINT all taxes, if any, properly imposed or levied with respect to VA MINT, or any

part thereof, under applicable law, and, in its discretion, may contest the validity or amount of any tax, assessment, claim or demand respecting VA MINT or any part thereof.

105.2 Expenses and Compensation. The Board of Trustees is authorized to set aside from Participating Political Subdivision contributions received and the investment income earned thereon a reasonable sum for the operating expenses and administrative expenses of VA MINT including but not limited to, the employment of such administrative, legal, accounting, and other expert and clerical assistance, and the purchase or lease of such materials, supplies and equipment as the Board of Trustees, in its discretion, may deem necessary or appropriate in the performance of its duties, or the duties of the agents or employees of VA MINT or the Trustees. All remaining funds received by the Trust shall be set aside, managed, and used only for the benefit of Participating Political Subdivisions.

Section 106. COMMUNICATIONS.

Until notice is given to the contrary, communication to the Trustees or to the Administrator shall be sent to them at the initial office of VA MINT in care of the Administrator at the address set forth in Section 103.8 hereof. Thereafter, communications to the Trustees or to the Administrator shall be sent to them at the duly established office of VA MINT.

Section 107. APPOINTMENT, RESIGNATION OR REMOVAL OF TRUSTEES.

107.1 Appointment of Trustees and Length of Appointment. The initial number of voting Trustees serving on the Board of Trustees shall be two, and the total number of voting Trustees shall be no more than five (5).

107.1.1 The initial group of Trustees to establish VA MINT shall be the following: (a) the Treasurer or other duly appointed Chief Investment Officer or other representative of the City of Danville; and (b) the Treasurer or other duly appointed Chief Investment Officer or other representative of the County of Henry.

107.1.2 Thereafter, each Treasurer or other duly appointed Chief Investment Officer or other representative of subsequent Participating Political Subdivisions shall become Trustees, until such time as the total number of Trustees shall be five (5).

107.1.3 The Administrator shall serve as a non-voting *ex officio* trustee.

107.1.4 On no less than an annual basis, the Board of Trustees shall appoint a chairperson to lead the meetings of the Board of Trustees.

107.1.5 The Board of Trustees may, by approval of a majority of the then-serving Trustees, appoint such non-voting trustees to the Board of Trustees as it deems appropriate.

107.2 Designation. A Treasurer or other duly appointed Chief Investment Officer shall have the authority to appoint a delegate to discharge his or her duties as member of the Board of

Trustees hereunder, and such individual shall be deemed a member of the Board of Trustees upon such designation.

107.3 Restrictions on Board Service. No individual Trustee may be elected or continue to serve as a Trustee after becoming an owner, officer or employee of the Administrator, an Investment Manager or a Custodian.

107.4 Resignation of a Trustee.

107.4.1 A Trustee may resign from all duties and responsibilities under this Agreement by giving written notice to the Chairperson of the Trustees.

107.4.2 The Chairperson may resign from all duties and responsibilities under this Agreement by giving written notice to all of the other Trustees. Such notice shall state the date such resignation shall take effect and such resignation shall take effect on such date but not later than sixty (60) days after the date such written notice is given.

107.4.3 Any Trustee, upon leaving office, shall forthwith turn over and deliver to the Administrator at the principal office of VA MINT any and all records, books, documents or other property in his or her possession or under his or her control which belong to VA MINT.

107.4.4 Upon such resignation, the Participating Political Subdivision represented by the resigning Trustee shall appoint a new Trustee to serve in his/her stead.

107.5 Removal of a Trustee.

107.5.1 Each Trustee, unless due to resignation, death, incapacity, removal, or conviction of a felony or any offense for which resignation is required as defined in Virginia Code § 9.1-902, shall serve and shall continue to serve as Trustee hereunder, subject to the provisions of this Agreement. If a Trustee is removed hereunder, then the Participating Political Subdivision represented by such removed Trustee shall appoint a successor Trustee.

107.5.2 A Trustee shall relinquish his or her office or may be removed by a majority vote of the Trustees then serving or *ipso facto* when the Political Subdivision that he/she represents is no longer a Participating Political Subdivision in VA MINT. Notice of removal of a Trustee shall be furnished to the other Trustees by the Chairperson of the Trustees and shall set forth the effective date of such removal. Notice of removal of the Chairperson shall be furnished to the other Trustees by the Administrator and shall set forth the effective date of such removal.

107.5.3 Upon removal of a Trustee where the Political Subdivision that he/she represents is no longer a Participating Political Subdivision in VA MINT, a successor Trustee shall be elected forthwith by the affirmative vote of the majority of the remaining Trustees, even if such remaining Trustees constitute less than a quorum of the Board of Trustees. The notice of the election of a successor Trustee shall be furnished to the other Trustees by the Chairperson.

107.5.4 A Trustee shall relinquish his or her office *ipso facto* when he or she no longer serves as Treasurer, Chief Investment Officer, or other duly appointed representative of a Participating Political Subdivision. In that case, and notwithstanding anything herein to the contrary, such Trustee shall be replaced by the then-current Treasurer, Chief Investment Officer, or other duly appointed representative of the same Participating Political Subdivision.

107.6 Trustees' Rights. In case of the death, resignation or removal of any one or more of the Trustees, the remaining Trustees shall have the powers, rights, estates and interests of this Agreement as Trustees and shall be charged with the duties of this Agreement; provided in such cases, no action may be taken unless it is concurred in by a majority of the remaining Trustees. However, if such vacancies leave less than a quorum of Trustees, the remaining trustees may only act to appoint successors. Only after a quorum has been established may the Trustees take the other actions established in this subsection.

Section 108. BONDING.

The Board of Trustees shall immediately make application for a fidelity bond or other appropriate insurance, to any company designated by the Board of Trustees, in such amount as may be specified by the Board of Trustees. Premiums on such bond or insurance shall be paid from VA MINT, which bond or insurance shall be continued in force in such amount as the Board of Trustees may from time to time require. If such a bond or insurance coverage is refused or cancelled due to the service on the Board of Trustees by any Trustee, except with the Board of Trustees' approval, such Trustee may be removed from office by majority vote of the Trustees then serving.

ARTICLE II
INVESTMENTS

Section 200. APPLICATION.

The provisions of Article apply to the investments of VA MINT.

Section 201. ADMINISTRATION OF TRUST.

201.1 General. All such assets shall be held by the Trustees in VA MINT.

201.2 Contributions. The Board of Trustees hereby delegates to the Custodian the responsibility for accepting cash contributions to VA MINT, and the Custodian shall have the responsibility for accepting cash contributions by Participating Political Subdivisions. Assets held in VA MINT shall be dedicated to the benefit of each Participating Political Subdivision, respectively, or to defraying reasonable expenses of VA MINT. All contributions by a Participating Political Subdivision shall be transferred to VA MINT to be held, managed, invested and distributed as part of VA MINT by the Trustees in accordance with the provisions of this Agreement and applicable law.

201.3 Applicable Laws and Regulations, The Board of Trustees shall be authorized to take the steps it deems necessary or appropriate to comply with any laws or regulations applicable to VA MINT.

201.4 Accumulated Share. No Participating Political Subdivision shall have any right, title or interest in or to any specific assets of VA MINT, but shall have an undivided beneficial interest in VA MINT; however, there shall be a specific accounting of assets allocable to each Participating Political Subdivision.

Section 202. MANAGEMENT OF INVESTMENTS OF VA MINT.

202.1 Authority of Trustees. Except as otherwise set forth in this Section 202, and except as otherwise provided by law, the Board of Trustees shall have exclusive authority and discretion to manage and control the assets of VA MINT held by them pursuant to the guidelines established by the Board of Trustees in the Investment Policy.

202.2 Investment Policy. The Board of Trustees, as its primary responsibility under this Agreement, shall develop and adopt written Investment Policies establishing guidelines applicable to the investment of the assets of VA MINT, and from time to time shall modify such Investment Policies, in light of the short and long-term financial interests of the Participating Political Subdivisions and VA MINT. The Investment Policies shall serve as the description of the funding policies and method for VA MINT.

202.3 Investment Manager.

202.3.1 From time to time, the Administrator may, pursuant to approval of the Board of Trustees, appoint one (1) or more independent Investment Manager, pursuant to a written investment advisory or management agreement with each, describing the powers and duties (including the compensation) of the Investment Manager with regard to the management of all or any portion of any investment or trading account of VA MINT. The Investment Manager shall review with the Board of Trustees, a minimum of every calendar quarter: the Investment Policy; the suitability of VA MINT's investments with regard to applicable law, sound investment practices, and in consideration of expected distribution policies of the investments; the performance of the Investment Managers; the asset allocations maintained by the Investment Managers; and the investments' and asset allocation's consistency with the objectives of the Investment Policy.

202.3.2 The initial Investment Manager shall be AUMA. The Board of Trustees hereby ratifies such appointment. The Investment Manager will serve at the pleasure of the Board of Trustees and will be compensated for its recurring, usual and customary services.

202.3.3 The Investment Manager shall maintain an asset allocation for VA MINT, in its reasonable discretion, that is consistent with the objectives of the Investment Policy and applicable law.

202.3.4 AUMA, and any subsequently appointed Investment Manager, may be removed upon the votes of a Supermajority of the then-constituted Board of Trustees.

202.4 Custodian.

202.4.1 The Custodian is responsible for holding all funds and securities in a separate account in the name of VA MINT, collecting all income and principal due VA MINT from securities held, accepting contributions and distributing redemptions, and properly accepting for delivery and/or delivering securities in accordance with the contract between VA MINT and the Custodian.

202.4.2 The Board on behalf of VA MINT shall employ a bank or trust company organized under the laws of the United States of America or the Commonwealth of Virginia. The Custodian shall be subject to such restrictions, limitations, and other requirements set forth in a Custodian Agreement to be entered into between the Board and the Custodian.

202.4.3 The Custodian shall have such duties as are set forth in the Custodian Agreement. Such agreement shall also provide that it may be terminated at any time without cause and without the payment of any penalty within an appropriate time specified in such agreement. In the event that, at any time, the Custodian shall resign or shall be terminated the Board shall appoint a successor.

202.4.4 The initial Custodian shall be U.S. Bank, and such appointment is hereby ratified by the Board of Trustees.

202.4.5 The Custodian shall be compensated for its recurring, usual and customary services.

202.5 Absence of Trustees' Responsibility for Investment Manager. Except to the extent provided herein, the Board of Trustees, collectively and individually, shall not be liable for any act or omission of any Investment Manager and shall not be under any obligation to invest or otherwise manage the assets of VA MINT that are subject to the management of any Investment Manager. Without limiting the generality of the foregoing, the Board of Trustees shall be under no duty at any time to make any recommendation with respect to disposing of or continuing to retain any such asset. Furthermore, the Board of Trustees, collectively and individually, shall not be liable by reason of its taking or refraining from taking the advice of the Investment Manager any action pursuant to this Section, nor shall the Board of Trustees be liable by reason of its refraining from taking any action to remove or replace any Investment Manager; and The Board of Trustees shall be under no duty to make any review of an asset acquired at the direction or order of an Investment Manager.

202.6 Reporting. The Board of Trustees shall be responsible for and shall cause to be filed periodic audits, valuations, reports and disclosures of VA MINT as are required by law or agreements. Notwithstanding anything herein to the contrary, the Board of Trustees shall cause VA MINT to be audited by a certified public accounting firm retained for this purpose at least once each year. The Board of Trustees may employ professional advisors to prepare such audits, valuations, reports and disclosures and the cost of such professional advisors shall be borne by VA MINT.

202.7 Commingling Assets. Except to the extent prohibited by applicable law, the Board of Trustees may commingle the assets of all Participating Political Subdivisions held by the Board of Trustees under this Agreement for investment purposes in VA MINT and shall hold VA MINT in trust and manage and administer the same in accordance with the terms and provisions of this Agreement. However, the assets of each Participating Political Subdivision shall be accounted for separately.

202.7 Record of Shares. The Trust shall maintain records which shall contain the names and addresses of Participating Political Subdivisions; the number of shares representing their respective interests hereunder; and a record of all allocations and redemptions. Such records shall be conclusive as to the identity of the Participating Political Subdivisions to which shares are allocated. Only those Participating Political Subdivisions whose allocation of shares is recorded in the Trust records shall be entitled to receive distributions with respect to shares or otherwise to exercise or enjoy the rights and benefits related to the beneficial interests represented by the shares. No Participant shall be entitled to receive any distribution, nor to have notices given to it, until it has given its appropriate address to the Trust.

202.9 Maintenance of Records. The Administrator, or such other entity appointed by the Board, shall record the allocations of shares in the records of the Trust.

202.10 No Transfer of Shares. The beneficial interests measured by the shares shall not be transferable, in whole or in part, other than to VA MINT itself for purposes of redemption. However, shares may be redeemed from one Participating Political Subdivision's account and the proceeds deposited directly into another Participating Political Subdivision's account upon instructions received from both respective Participants.

202.11 Limitation of Responsibility. The Board of Trustees shall not, nor shall the Participating Political Subdivisions or any officer or other agent of the Trust, be bound to determine the existence of any trust, express, implied or constructive, or of any charge, pledge or equity to which any of the shares or any interest therein are subject, or to ascertain or inquire whether any redemption of any such shares by any Participating Political Subdivision or its representatives is authorized by such trust, charge, pledge or equity, or to recognize any person as having any interest therein except the Participating Political Subdivision recorded as the Participating Political Subdivision to which such shares are allocated. The receipt of moneys by the Participating Political Subdivision in whose name any share is recorded or by the duly authorized agent of such Participating Political Subdivision shall be a sufficient discharge for all moneys payable or deliverable in respect of such shares and from all responsibility to see the proper application thereof.

Section 203. ACCOUNTS.

The Board of Trustees shall keep or cause to be kept at the expense of VA MINT accurate and detailed accounts of all its receipts, investments and disbursements under this Agreement, with the Trustees causing the Investment Manager to account separately for each Investment Manager's portion of VA MINT.

Section 204. DISBURSEMENTS FROM THE TRUST.

204.1 Trust Payments. The Board of Trustees hereby delegates to the Administrator the responsibility for making payments from VA MINT, in accordance with rules and regulations established by the Board of Trustees. Payments from VA MINT shall be made by electronic transfer or check (or the check of an agent) for deposit to the order of the payee. Payments or other distributions hereunder may be mailed to the payee at the address last furnished to the Administrator. The Trustees shall not incur any liability on account of any payment or other distribution made by VA MINT in accordance with this Section. Such payment shall be in full satisfaction of claims hereunder against the Trustee, Administrator or Participating Political Subdivision.

204.2 Payments from the Trust to Participating Political Subdivisions. Any and all allocated shares may be redeemed at the option and as directed by the Treasurer of Chief Investment Officer of each Participating Political Subdivision upon and subject to the terms and conditions provided in this Agreement and the Investment Policy. VA MINT shall, upon application of any Participating Political Subdivision, redeem from such Participating Political Subdivision allocated shares for an amount per share equivalent to the proportional interest in the net assets of VA MINT at the time of the redemption. The procedures for effecting redemption shall be prescribed by the Board; provided, however, that such procedures shall not be structured so as to substantially and materially restrict the ability of the Participating Political Subdivisions to withdraw funds from the Trust.

204.3 Allocation of Expenses.

204.3.1 The Board of Trustees shall pay all expenses of VA MINT from the assets in VA MINT. All expenses of VA MINT, which are allocable to a particular investment option or account, may be allocated and charged to such investment option or account as determined by the Trustees.

204.3.2 All expenses of VA MINT which are not allocable to a particular investment option or account shall be charged to each such investment option or account in the manner established by the Trustees.

204.3.3 The Board of Trustees hereby directs the Administrator to pay such necessary and customary fees and expenses already incurred and associated with the formation and operation of VA MINT until the Effective Date, including legal, accounting, and other expenses, upon request, and to reimburse, upon request, any other entity advancing payment for such fees and expenses, and hereby ratifies any and all agreements with service providers and expenses incurred to date.

Section 205. INVESTMENT PORTFOLIOS.

205.1 Establishment of Portfolios. The Board of Trustees shall initially establish two (2) investment portfolios within VA MINT pursuant to the Investment Policies, for communication to, and acceptance by, Treasurers and Chief Investment Officers:

205.1.1 Enhanced Cash Pool. This pool is established so that VA MINT may make investments therein for purposes of providing VA MINT participants with safety of

principal, liquidity and return by taking moderate interest rate and liquidity risk by investing in a diversified portfolio of high-quality securities.

205.1.2 Virgina MINT Flex Term Pool. This pool is established so that VA MINT may make investments therein for purposes of providing a series of investment options subject to pre-set redemption periods ranging from 60 days to one year from the time of investment, to meet the cash management needs of the Participating Political Subdivisions.

205.2 Separately Managed Accounts. The Board of Trustees authorizes the Investment Manager to offer, and each Participating Political Subdivision to participate in, a separately managed account program ("SMA"), at the discretion of each Participating Political Subdivision. By the SMA, each Participating Political Subdivision electing to participate may invest in longer-term fixed income securities, in a customized manner as coordinated between the Investment Manager and each Participating Political Subdivision that elects to participate in the SMA. The Investment Manager shall establish "break points" for fees associated with participation in the SMA, which break points shall be cumulative across all Participating Political Subdivisions that participate in the SMA, such that the total number of assets directed to the SMA from all Participating Political Subdivisions (and not per each Participating Political Subdivision) shall be used to determine the appropriate fee break point. The SMA shall conform to the Investment Policies and the terms thereof shall be agreed to by the Investment Manager and the Participating Political Subdivision.

205.3 Other Investment Options.

205.3.1 Upon consultation with the Investment Manager, the Board of Trustees may develop additional investment options, reflecting different risk/return objectives and corresponding asset mixes, for selection by Treasurers and Chief Investment Officers, as alternatives to the current investment options.

205.3.2 The determination to add alternative investment options to the Investment Policies, and the development of each such investment option, are within the sole and absolute discretion of the Board of Trustees. The Trustees shall transfer to any deemed investment option developed hereunder such portion of the assets of VA MINT as appropriate.

205.5.3 The Trustees shall manage, acquire, or dispose of the assets in an investment option in accordance with the directions given by each Treasurer or Chief Investment Officer. All income received with respect to, and all proceeds received from, the disposition of property held in an investment option shall be credited to, and reinvested in, such investment option.

205.5.4 If multiple investment options are developed, from time to time, the Board of Trustees may eliminate an investment option, and the proceeds thereof shall be reinvested in the remaining investment option having the shortest duration of investments unless another investment option is selected in accordance with directions given by the Treasurer or Chief Investment Officer.

205.5.6 Separate investment funds within VA MINT and varying percentages of investment in any such separate investment fund by the Participating Political Subdivisions, to the extent so determined by the Board of Trustees, are expressly permitted.

ARTICLE III
PARTICIPATING POLITICAL SUBDIVISIONS

Section 300. APPLICATION.

The provisions of This Article III set forth the rights of Participating Political Subdivisions.

Section 301. PARTICIPATING POLITICAL SUBDIVISIONS.

301.1 Approval. The Board of Trustees or its designee shall receive applications from Treasurers and Chief Investment Officers of Participating Political Subdivisions for membership in VA MINT and shall approve or disapprove such applications for membership in accordance with the terms of this Agreement, the Trust Joinder Agreement, and the rules and regulations established by the Board of Trustees for admission of new Participating Political Subdivisions. The Board of Trustees shall have total discretion in determining whether to accept a new member. The Board of Trustees may delegate the authority for membership approval to the Administrator.

301.2 Execution of Trust Joinder Agreement. Once the governing body of a political subdivision has approved an ordinance or resolution to participate in VA MINT, its Treasurer or Chief Investment Officer, serving as trustee for such political subdivision, may execute a Trust Joinder Agreement in such form and content as set forth in Exhibit A hereto, or as otherwise prescribed by the Board of Trustees. By the execution of the Trust Joinder Agreement, the Participating Political Subdivision agrees to be bound by all the terms and provisions of this Agreement, the Trust Joinder Agreement, and any rules and regulations adopted by the Trustees under this Agreement. The Treasurer or Chief Investment Officer of each Participating Political Subdivision, serving as such Participating Political Subdivision's trustee shall represent such Participating Political Subdivision's interest in all meetings, votes, and any other actions to be taken by a Participating Political Subdivision hereunder, provided that a Treasurer who elects not to invest public funds pursuant to the Joinder Agreement shall have no obligation to serve as a trustee for his or her locality.

301.3 Continuing as a Participating Political Subdivision. Application for participation in this Agreement, when approved in writing by the Board of Trustees or its designee, shall constitute a continuing contract for each succeeding fiscal year unless terminated by the Trustees or unless the Participating Political Subdivision resigns or withdraws from this Agreement by written notice sent by its duly authorized official. The Board of Trustees may terminate a Participating Political Subdivision's participation in this Agreement for any reason by vote of a Supermajority of the voting members of the Board of Trustees present at a duly called meeting. If the participation of a Participating Political Subdivision is terminated, the Board of Trustees and the Administrator shall effect the withdrawal of such Participating Political Subdivision's beneficial interest in VA MINT and removal of such Participating Political Subdivision's Trustee representative in accordance with its usual withdrawal policies.

ARTICLE IV
OFFICERS

Section 400. APPLICATION.

The provisions of Article IV set forth provisions regarding the officers of VA MINT.

Section 401. ELECTION AND REMOVAL OF OFFICERS.

401.1 Election of Officers; Terms. The Board of Trustees shall appoint the officers of VA MINT. The officers of VA MINT shall consist of a Chairperson of the Board, a Vice-Chairperson, and a Secretary. The Secretary need not be a member of the Board of Trustees and may be the Administrator. Other officers, including assistant and subordinate officers, may from time to time be elected by the Board of Trustees, and they shall hold office for such terms as the Board of Trustees may prescribe. All officers shall hold office until the next annual meeting of the Board of Trustees and until their successors are elected.

401.2 Removal of Officers; Vacancies. Any officer of VA MINT may be removed summarily with or without cause, at any time, on the vote of three-quarters of the Board of Trustees present at a duly called meeting. Vacancies may be filled by the Board of Trustees.

Section 402. DUTIES.

402.1 Duties, Generally. The officers of VA MINT shall have such duties as generally pertain to their offices, respectively, as well as such powers and duties as are prescribed by law or are hereinafter provided or as from time to time shall be conferred by the Board of Trustees. The Board of Trustees may require any officer to give such bond for the faithful performance of such officer's duties as the Board of Trustees may see fit.

402.2 Duties of the Chairperson.

402.2.1 The Chairperson shall be selected from among the Trustees. Except as otherwise provided in this Agreement or in the resolutions establishing such committees, the Chairperson shall be *ex officio* a member of all Committees of the Board of Trustees. The Chairperson shall preside at all Board meetings.

402.2.2 The Chairperson may sign and execute in the name of VA MINT stock certificates, deeds, mortgages, bonds, contracts, or other instruments except in cases where the signing and the execution thereof shall be expressly delegated by the Board of Trustees or by this Agreement to some other officer or agent of VA MINT or as otherwise required by law. In addition, he/she shall perform all duties incident to the office of the Chairperson and such other duties as from time to time may be assigned to the Chairperson by the Board of Trustees.

402.2.3 In the event of any vacancy in the office of the Chairperson, the Vice-Chairperson shall serve as Chairperson on an interim basis until such vacancy is filled by subsequent action of the Board of Trustees.

402.3 Duties of the Vice-Chairperson. The Vice-Chairperson, if any, shall be selected from among the Trustees and shall have such powers and duties as may from time to time be assigned to the Vice-Chairperson. The Vice-Chairperson will preside at meetings in the absence of the Chairperson.

402.4 Duties of the Secretary.

402.4.1 The Secretary shall act as secretary of all meetings of the Board of Trustees and of the Treasurers and Chief Investment Officers. When requested, the Secretary shall also act as secretary of the meetings of the Committees of the Board of Trustees.

402.4.2 The Secretary shall keep and preserve the minutes of all such meetings in permanent books. The Secretary shall see that all notices required to be given by VA MINT are duly given and served. The Secretary may, at the direction of the Board of Trustees, sign and execute in the name of VA MINT stock certificates, deeds, mortgages, bonds, contracts or other instruments, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Trustees or by this Agreement.

402.4.3 The Secretary shall have custody of all deeds, leases, contracts and other important Trust Fund documents; shall have charge of the books, records and papers of VA MINT relating to its organization and management as a trust; and shall see that all reports, statements and other documents required by law are properly filed.

ARTICLE V
MISCELLANEOUS PROVISIONS

Section 500. APPLICATION.

The provisions of this Article V shall apply generally to matters related to this Agreement.

Section 501. TITLES.

The titles to Parts and Sections of this Agreement are placed herein for convenience of reference only, and the Agreement is not to be construed by reference thereto.

Section 502. SUCCESSORS.

This Agreement shall bind and inure to the benefit of the successors and assigns of the Trustees, the Treasurers and Chief Investment Officers, and the Participating Political Subdivisions.

Section 503. COUNTERPARTS.

503.1 This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original but all of which together shall constitute but one instrument, which may be sufficiently evidenced by any counterpart.

503.2 Any Participating Political Subdivision that formally applies for participation in this Agreement by its execution of a Trust Joinder Agreement which is accepted by the Trustees shall thereupon become a party to this Agreement and be bound by all of the terms and conditions thereof and said Trust Joinder Agreement shall constitute a counterpart of this Agreement.

Section 504. AMENDMENT OR TERMINATION OF THIS AGREEMENT; TERMINATION OF POOLS.

504.1 Duration. VA MINT shall be perpetual, subject to the termination provisions contained herein.

504.2 Amendment.

504.2.1 This Agreement may be amended in writing at any time by the vote of a Supermajority of the Trustees. Notwithstanding the preceding sentence, this Agreement may not be amended so as to change its purpose as set forth herein or to permit the diversion or application of any funds of VA MINT for any purpose other than those specified herein.

504.2.2 The Board of Trustees, upon adoption of an amendment to this Agreement, shall provide notice by sending a copy of any such amendment to each Treasurer and Chief Investment Officer within 15 days of adoption of such amendment. If a Treasurer or Chief Investment Officer objects to such amendment, the Treasurer or Chief Investment Officer must provide written notice of its objection and intent to terminate its participation in VA MINT by registered mail delivered to the Administrator within ninety (90) days of such notice, and if such notice is given, the amendments shall not apply to such Participating Political Subdivision for a period of 180 days from the date of adoption of such amendments.

504.3 Withdrawal and Termination.

504.3.1 Any Participating Political Subdivision may at any time in its sole discretion withdraw and terminate its interest in this Agreement and any trust created hereby, including VA MINT, by giving written notice from the Participating Political Subdivision's Treasurer or Chief Investment Officer to the Trustees in the manner prescribed by this Section. VA MINT may be terminated in its entirety when all participation interests of all Participating Political Subdivisions have been terminated in their entirety. This Agreement and VA MINT will then be terminated in its entirety pursuant to Virginia law.

504.3.2 In case of a termination of this Agreement, either in whole or in part by a Participating Political Subdivision, the Trustees shall hold, apply, transfer, or distribute the affected assets of VA MINT in accordance with the applicable provisions of this Agreement and as directed by the Treasurer or Chief Investment Officer of each Participating Political Subdivision. Upon any termination, in whole or in part, of this Agreement, the Trustees shall have a right to have their respective accounts settled as provided in this Section 504.

504.3.3 In the case of the complete or partial termination of this Agreement as to one or more Participating Political Subdivisions, the affected assets of VA MINT shall continue to be held pursuant to the direction of the Trustees, for the benefit of the Participating Political Subdivision, until the Trustees, upon recommendation of the Administrator, distribute such assets to a Participating Political Subdivision, or other suitable arrangements for the transfer of such assets have been made. This Agreement shall remain in full effect with respect to each Participating Political Subdivision that does not terminate or withdraw its participation in VA MINT, or whose participation is not terminated by the Trustees. However, if distributions must be made, the Treasurer or Chief Investment Officer of each Participating Political Subdivision shall be responsible for directing the Administrator on how to distribute the beneficial interest of such Participating Political Subdivision. In the absence of such direction, the Administrator may take such steps as it determines reasonable to distribute such Participating Political Subdivision's interest.

504.3.4 A Participating Political Subdivision must provide written notice of its intent to terminate its participation in VA MINT by registered mail signed by the appropriate official of such Participating Political Subdivision and delivered to the Administrator.

504.3.5 Notwithstanding the foregoing, the Trustees shall be required to pay out any assets of VA MINT to Participating Political Subdivisions upon termination of this Agreement or VA MINT, in whole or in part, upon receipt by the Trustees of written certification from the Administrator that all provisions of law with respect to such termination have been complied with. The Administrator shall provide the required written certification to the Trustees within three (3) working days of receiving a written notice of intent to terminate as described above. The Trustees shall rely conclusively on such written certification and shall be under no obligation to investigate or otherwise determine its propriety.

504.3.6 When all of the assets of VA MINT affected by a termination have been applied, transferred or distributed and the accounts of the Trustees have been settled, then the Trustees and Administrator shall be released and discharged from all further accountability or liability respecting VA MINT, or portions thereof, affected by the termination and shall not be responsible in any way for the further disposition of the assets of VA MINT, or portions thereof, affected by the termination or any part thereof so applied, transferred or distributed; provided, however, that the Trustees shall provide full and complete accounting for all assets up through the date of final disposition of all assets held in the Trust.

Section 505. <u>SPENDTHRIFT PROVISIONS; PROHIBITION OF ASSIGNMENT OF INTEREST</u>.

VA MINT shall be exempt from taxation and execution, attachment, garnishment, or any other process. No Participating Political Subdivision or other person with a beneficial interest in any part of VA MINT may commute, anticipate, encumber, alienate or assign the beneficial interests or any interest of a Participating Political Subdivision in VA MINT, and no payments of

interest or principal shall be in any way subject to any person's debts, contracts or engagements, nor to any judicial process to levy upon or attach the interest or principal for payment of those debts, contracts, or engagements.

Section 506. VIRGINIA FREEDOM OF INFORMATION ACT.

506.1 The Administrator shall give the public notice of the date, time, and location of any meeting of the Board of Trustees in the manner and as necessary to comply with the Virginia Freedom of Information Act (Va. Code §§ 2.2-3700 *et seq.*). The Secretary or its designee shall keep all minutes of all meetings, proceedings and acts of the Trustees, but such minutes need not be verbatim. Copies of all minutes of the meetings of the Board of Trustees shall be sent by the Secretary or its designee to each member of the Board of Trustees.

506.2 All meetings of the Board of Trustees shall be open to the public, except as provided in § 2.2-3711 of the Virginia Code. No meeting shall be conducted through telephonic, video, electronic or other communication means where the members are not physically assembled to discuss or transact public business, except as provided in §§ 2.2-3708.2 or 2.2-3708.3 of the Virginia Code.

Section 507. JURISDICTION.

This Agreement shall be interpreted, construed and enforced, and the trust or trusts created hereby shall be administered, in accordance with the laws of the United States and of the Commonwealth of Virginia, excluding Virginia's law governing the conflict of laws.

Section 508. SITUS OF THE TRUST.

The situs of the trust or trusts created hereby is the Commonwealth of Virginia. All questions pertaining to its validity, construction, and administration shall be determined in accordance with the laws of the Commonwealth of Virginia.

Section 509. CONSTRUCTION.

Whenever any words are used in this Agreement in the masculine gender, they shall be construed as though they were also used in the feminine or neuter gender in all situations where they would so apply and whenever any words are used in this Agreement in the singular form, they shall be construed as though they were also used in the plural form in all situations where they would so apply, and whenever any words are used in this Agreement in the plural form, they shall be construed as though they were also in the singular form in all situations where they would so apply.

Section 510. CONFLICT.

In resolving any conflict among provisions of this Agreement and in resolving any other uncertainty as to the meaning or intention of any provision of the Agreement, the interpretation that (i) causes VA MINT to be exempt from tax under Code Sections 115 and 501(a), and (ii) causes VA MINT to comply with all applicable requirements of law shall prevail over any different interpretation.

Section 511. NO GUARANTEES.

Neither the Administrator nor the Trustees guarantee VA MINT from loss or depreciation or for the payment of any amount which may become due to any person under this Agreement.

Section 512. PARTIES BOUND; NO THIRD-PARTY RIGHTS.

This Agreement and the Trust Joinder Agreements, when properly executed and accepted as provided hereunder, shall be binding only upon the parties hereto, *i.e.*, the Board of Trustees, the Administrator and the Participating Political Subdivisions. Neither the establishment of the Trust nor any modification thereof, nor the creation of any fund or account shall be construed as giving to any person any legal or equitable right against the Trustees, or any officer or employee thereof, except as may otherwise be provided in this Agreement. Under no circumstances shall the term of employment of any Employee be modified or in any way affected by this Agreement.

Section 513. NECESSARY PARTIES TO DISPUTES.

Necessary parties to any accounting, litigation or other proceedings relating to this Agreement shall include only the Trustees and the Administrator. The settlement or judgment in any such case in which the Trustees are duly served or cited shall be binding upon all Participating Political Subdivisions and upon all persons claiming by, through or under them.

Section 514. SEVERABILITY.

If any provision of this Agreement shall be held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of the Agreement shall continue to be fully effective. If any provision of the Agreement is held to violate the Code or to be illegal or invalid for any other reason, that provision shall be deemed to be null and void, but the invalidation of that provision shall not otherwise affect the trust created by this Agreement.

[*SIGNATURE PAGES FOLLOWS*]

IN WITNESS WHEREOF, the Chief Investment Officer has caused this Trust Agreement to be executed this 4th day of December, 2024.

CHIEF INVESTMENT OFFICER OF

City of Danville, **VIRGINIA**

Michael L Adkins

Michael L. Adkins

ATTEST:

Joy J Jones

JOY J. JONES
NOTARY PUBLIC • REG. # 7821306
Commonwealth of Virginia
My Commission Expires 04/30/2028

IN WITNESS WHEREOF, the Treasurer has caused this Trust Agreement to be executed this 3 day of December, 2024.

TREASURER OF
Henry County, **VIRGINIA**

Scott B. Grindstaff

Scott B. Grindstaff

ATTEST:
Debbie Scott

EXHIBIT A

TRUST JOINDER AGREEMENT
FOR PARTICIPATING POLITICAL SUBDIVISIONS
VIRGINIA MUNICIPAL INVESTMENT TRUST

THIS TRUST JOINDER AGREEMENT is made by and between the Treasurer/Chief Investment Officer of the _____ ,Virginia (herein referred to as the "Treasurer/Chief Investment Officer"), the _____, Virginia (herein referred to as the "Participating Political Subdivision"), and the Board of Trustees (herein collectively referred to as the "Trustees") of the Virginia Municipal Investment Trust (herein referred to as "VA MINT").

WITNESSETH:

WHEREAS, the governing body of the Participating Political Subdivision desires to participate in a trust for the purpose of investing monies belonging to or within its control, other than sinking funds, in investments authorized under Section 2.2-4501 of the Virginia Code; and

WHEREAS, the governing body of the Participating Political Subdivision has adopted an ordinance and/or resolution (a certified copy of which is attached hereto as Exhibit A) to authorize, or has otherwise taken action required by law or rule to authorize and approve, participation in VA MINT and has designated the Treasurer/Chief Investment Officer to serve as the trustee of the Participating Political Subdivision with respect to VA MINT and to determine what funds under the Treasurer's/Chief Investment Officer's control shall be invested in VA MINT, and has authorized the Treasurer/Chief Investment Officer to enter into this Trust Joinder Agreement; and

WHEREAS, VA MINT, in accordance with the terms of the Virginia Municipal Investment Trust Fund Agreement (the "Agreement"), provides administrative, custodial and investment services to the Participating Political Subdivisions in VA MINT; and

WHEREAS, the Treasurer/Chief Investment Officer, upon the authorization of the governing body of _____, Virginia, desires to submit this Trust Joinder Agreement to the Trustees to enable _____, Virginia, to become a Participating Political Subdivision in VA MINT and a party to the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements flowing to each of the parties hereto, it is agreed as follows:

1. Pursuant to the Board of Trustees' acceptance of this Trust Joinder Agreement, the _____, Virginia, is a Participating Political Subdivision in VA MINT, as provided in the Agreement, and the Treasurer/Chief Investment Officer is authorized to enter into this Trust Joinder Agreement, and to represent and vote the beneficial interest of _____, Virginia, in VA MINT in accordance with the Agreement.

2. Capitalized terms not otherwise defined in this Trust Joinder Agreement have the meaning given to them under the Agreement.

3. The Treasurer/Chief Investment Officer shall cause appropriations designated by the Participating Political Subdivision for deposit in VA MINT to be deposited into a depository designated by the Trustees.

4. The Treasurer/Chief Investment Officer shall timely remit, or timely approve the remittance of, administrative fees as may be due and payable by the Participating Political Subdivision under the Agreement into a depository designated by the Trustees.

5. The Participating Political Subdivision shall have no right, title or interest in or to any specific assets of VA MINT, but shall have an undivided beneficial interest in VA MINT; however, there shall be a specific accounting of assets allocable to the Participating Political Subdivision.

6. The Treasurer/Chief Investment Officer shall provide to the Administrator designated by the Trustees all relevant information reasonably requested by the Administrator for the administration of the Participating Political Subdivision's investment, and shall promptly update all such information. The Treasurer/Chief Investment Officer shall certify said information to be correct to the best of his/her knowledge, and the Trustees and the Administrator shall have the right to rely on the accuracy of said information in performing their contractual responsibilities.

7. VA MINT shall provide administrative, custodial and investment services to the Participating Political Subdivision in accordance with the Agreement.

8. The Trustees and the Administrator, in accordance with the Agreement and the policies and procedures established by the Trustees, shall periodically report Trust activities to the Participating Political Subdivision on a timely basis.

9. The Treasurer/Chief Investment Officer and the Participating Political Subdivision agree to abide by and be bound by the terms, duties, rights and obligations as set forth in the Agreement, as may be amended by the Trustees, which is attached hereto and is made a part of this Trust Joinder Agreement.

10. The Treasurer/Chief Investment Officer, in fulfillment of his/her duties as the trustee of the Participating Political Subdivision, retains the services of the Investment Manager or Managers selected by the Trustees pursuant to the Agreement.

11. The term of this Trust Joinder Agreement shall be indefinite. The Treasurer/Chief Investment Officer may terminate this Trust Joinder Agreement on behalf of the Participating Political Subdivision by giving notice in writing to the Trustees. Termination shall be governed by the provisions of the Agreement.

[*SIGNATURE PAGE FOLLOWS*]

IN WITNESS WHEREOF, the Treasurer/Chief Investment Officer has caused this Trust Joinder Agreement to be executed this _____ day of _____, 20____.

TREASURER/CHIEF INVESTMENT OFFICER OF

_____, VIRGINIA

_____

_____

_____

ATTEST:

_____

* * * *

ACCEPTANCE:

VIRGINIA MUNICIPAL INVESTMENT TRUST

By:_____

TRUST JOINDER AGREEMENT
FOR PARTICIPATING POLITICAL SUBDIVISIONS
VIRGINIA MUNICIPAL INVESTMENT TRUST

THIS TRUST JOINDER AGREEMENT is made by and between the Director of Finance of the County of Fairfax, Virginia (herein referred to as the "Treasurer/Chief Investment Officer"), the County of Fairfax, Virginia (herein referred to as the "Participating Political Subdivision"), and the Board of Trustees (herein collectively referred to as the "Trustees") of the Virginia Municipal Investment Trust (herein referred to as "VA MINT").

WITNESSETH:

WHEREAS, the governing body of the Participating Political Subdivision desires to participate in a trust for the purpose of investing monies belonging to or within its control, other than sinking funds, in investments authorized under Section 2.2-4501 of the Virginia Code; and

WHEREAS, the governing body of the Participating Political Subdivision has adopted an ordinance and/or resolution (a certified copy of which is attached hereto as Exhibit A) to authorize, or has otherwise taken action required by law or rule to authorize and approve, participation in VA MINT and has designated the Director of Finance to serve as the trustee of the Participating Political Subdivision with respect to VA MINT and to determine what funds under the control of the Director of Finance shall be invested in VA MINT, and has authorized the Director of Finance to enter into this Trust Joinder Agreement; and

WHEREAS, VA MINT, in accordance with the terms of the Virginia Municipal Investment Trust Fund Agreement (the "Agreement"), provides administrative, custodial and investment services to the Participating Political Subdivisions in VA MINT; and

WHEREAS, the Director of Finance, upon the authorization of the governing body of the County of Fairfax, Virginia, desires to submit this Trust Joinder Agreement to the Trustees to enable the County of Fairfax, Virginia, to become a Participating Political Subdivision in VA MINT and a party to the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements flowing to each of the parties hereto, it is agreed as follows:

1. Pursuant to the Board of Trustees' acceptance of this Trust Joinder Agreement, the County of Fairfax, Virginia, is a Participating Political Subdivision in VA MINT, as provided in the Agreement, and the Director of Finance is authorized to enter into this Trust Joinder Agreement, and to represent and vote the beneficial interest of the County of Fairfax, Virginia, in VA MINT in accordance with the Agreement.

2. Capitalized terms not otherwise defined in this Trust Joinder Agreement have the meaning given to them under the Agreement.

3. The Director of Finance shall cause appropriations designated by the Participating Political Subdivision for deposit in VA MINT to be deposited into a depository designated by the Trustees and shall perform the responsibilities of the "Chief Investment Officer," as described in the Agreement, on behalf of the Participating Political Subdivision.

4. The Director of Finance shall timely remit, or timely approve the remittance of, administrative fees as may be due and payable by the Participating Political Subdivision under the Agreement into a depository designated by the Trustees.

5. The Participating Political Subdivision shall have no right, title or interest in or to any specific assets of VA MINT but shall have an undivided beneficial interest in VA MINT; however, there shall be a specific accounting of assets allocable to the Participating Political Subdivision.

6. The Director of Finance shall provide to the Administrator designated by the Trustees all relevant information reasonably requested by the Administrator for the administration of the Participating Political Subdivision's investment and shall promptly update all such information. The Director of Finance shall certify said information to be correct to the best of his/her knowledge, and the Trustees and the Administrator shall have the right to rely on the accuracy of said information in performing their contractual responsibilities.

7. VA MINT shall provide administrative, custodial and investment services to the Participating Political Subdivision in accordance with the Agreement.

8. The Trustees and the Administrator, in accordance with the Agreement and the policies and procedures established by the Trustees, shall periodically report Trust activities to the Participating Political Subdivision on a timely basis.

9. The Director of Finance and the Participating Political Subdivision agree to abide by and be bound by the terms, duties, rights and obligations as set forth in the Agreement, as may be amended by the Trustees in accordance with the terms of the Agreement, which is attached hereto and is made a part of this Trust Joinder Agreement.

10. The Director of Finance, in fulfillment of his/her duties as the trustee of the Participating Political Subdivision, retains the services of the Investment Manager or Managers selected by the Trustees pursuant to the Agreement.

11. The term of this Trust Joinder Agreement shall be indefinite. The Director of Finance may terminate this Trust Joinder Agreement on behalf of the Participating Political Subdivision by giving notice in writing to the Trustees. Termination shall be governed by the provisions of the Agreement.

[*SIGNATURE PAGE FOLLOWS*]

IN WITNESS WHEREOF, the Director of Finance has caused this Trust Joinder Agreement to be executed this _____ day of _____, 2025.

DIRECTOR OF FINANCE

COUNTY OF FAIRFAX, VIRGINIA

_____
Christopher J. Piestch, Director of Finance

ATTEST:

_____

* * * *

ACCEPTANCE:

VIRGINIA MUNICIPAL INVESTMENT TRUST

By:_____

VIRGINIA MUNICIPAL INVESTMENT TRUST

Investment Policy Statement

11/16/2023

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PURPOSE

This Investment Policy Statement ("Policy Statement") describes the investment policy, objectives, guidelines, and goals for the Virginia Fixed Income Rates Series Trust ("Virginia MINT"). It is set forth in order to:

1. State the general investment policy under which the Virginia MINT pools will be invested.
2. Assign responsibilities for all parties involved in the administration and management of Virginia MINT and the Virginia MINT investment pools.
3. Establish for all parties involved a clear understanding of:
   a. Investment objectives,
   b. Investment guidelines including allowable and prohibited investments,
   c. Specific investment strategy for each Virginia MINT pool, and
   d. The ongoing review of investment results.

POLICY

This Policy Statement has been adopted by the Board of Trustees of Virginia MINT ("Virginia MINT Board") to ensure the investment of Virginia MINT pool assets in a manner consistent with the investment objectives, with the requirements of the Investment of Public Funds Act of the Code of Virginia §2.2-4500, et seq., and the standards of a S&P/Fitch 'AAAf' fund rating. Pursuant to the Code of Virginia §2.2-4514, Virginia MINT shall invest and manage pool assets solely in the interest of participating political subdivisions and with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

OBJECTIVES

The Virginia Municipal Investment Trust was created to provide political subdivisions of the Commonwealth of Virginia a series of investment pools to support their cash management and short-term investment needs offering diversification, liquidity, and professional investment management. The primary objectives of the Virginia MINT pools are:

1. Safety of Principal
2. Liquidity
3. Investment Return

The Virginia MINT pools shall be comprised solely of investments authorized in this Investment Policy Statement and in compliance with the Investment of Public Funds Act (§2.2-4500, et seq.) applicable to municipal corporations and other political subdivisions. The Virginia MINT Enhanced Cash pool and the Virginia MINT Flex Term pool shall be managed in accordance with the requirements of a S&P/Fitch 'AAAf' fund rating.

INVESTMENT RISKS

The Virginia MINT pools are subject to the following risk factors that could impact overall performance and could result in a loss for participants.

- *Interest Rate Risk.* When interest rates rise sharply or unexpectedly, the market value of the pool holdings will decline, which may cause the share price to fall.
- *Credit Risk.* The issuer of a security may fail to repay interest or principal in a timely manner or the credit quality of an issuer may deteriorate resulting in a decline in the market value or decreased liquidity of that issuer's securities. Additionally, the credit quality of the pool's holdings can change rapidly in certain market conditions. The default or decline in credit quality of a single holding could have an adverse impact on the pool share price.
- *Liquidity Risk.* The market value of the pool holdings, and the pool share price, may decline due to general market conditions that make it harder to sell individual securities at, or close to, carrying value or in a reasonable time period. Liquidity conditions may change rapidly, and this may have a negative impact on the market value of the pool holdings.
- *Reinvestment Risk.* The pool yield will vary as securities mature or are sold and may result in reinvestment at a lower yield.
- *Management Risk.* The pools are actively managed and depend on the Investment Manager's decisions regarding markets, interest rates, liquidity, issuers, relative value, and the timing of purchases and sales. The pools could experience losses if these decisions prove incorrect.
- *Early Redemption Risk.* Market price adjustments to account security holdings in the form of early redemption penalties charged to a Participant could reduce or eliminate investment gains and could mean that the amount that Participant receives back is less than the initial investment.
- *U.S. Government Default Risk.* Obligations of the U.S. Government and certain agencies and authorities depend on the full faith and credit of the U.S. Government. A default could result in a decline in the value of pool holdings as well as decreased liquidity for impacted securities. Certain U.S. Government agencies may not be backed by the full faith and credit of the U.S. Government and no assurance can be given that it will provide financial support of its agencies and authorities if it is not legally required to do so.
- *Market Disruption Risk.* The market value of the pool holdings may decline due to factors that affect an individual issuer or a particular industry or sector. Natural or environmental disasters, widespread public health emergencies, war, military conflict, acts of terrorism, or other events may have a negative impact on the pool holdings. Periods of significant or acute market disruption may limit the Investment Manager's ability to effectively implement the investment strategy.
- *Yield Risk.* When interest rates are very low or negative the pool may not be able to maintain a positive yield.

PERMITTED INVESTMENTS

The Virginia MINT Board has authorized the Investment Manager to invest in the following categories of securities that are applicable to municipal corporations and other political subdivisions pursuant to the Investment of Public Funds Act of the Code of Virginia §2.2-4500, et seq.

1. Bonds, notes and other obligations of the United States, and securities unconditionally guaranteed as to the payment of principal and interest by the United States, or any agency thereof. Such securities may be held directly, or in the form of repurchase agreements collateralized by such debt securities, or through securities of other such investment companies or investment trusts whose portfolios are so restricted.
2. Municipal obligations issued by any state of the United States or any county, city, town, district, authority or other public body as described in §2.2-4501.
3. Bonds and other obligations issued, guaranteed or assumed by the International Bank for Reconstruction and Development, by the Asian Development Bank or by the African Development Bank.
4. Prime quality commercial paper issued by corporations organized under the laws of the United States, including paper issued by banks and bank holding companies, with a maturity of 270 days or less. “Prime quality” means that the security has received at least two of the following ratings: at least P-1 by Moody’s, at least A-1 by S&P, or at least F1 by Fitch. Not more than thirty-five percent of the total funds available for investment may be invested in commercial paper, and not more than five percent of the total funds available for investment may be invested in commercial paper of any one issuing corporation.
5. Repurchase agreements collateralized with securities that are approved for direct investment.
6. Open-end mutual funds that are registered under the Securities Act of the Commonwealth (§13.1-501 et seq.) or the Federal Investment Co. Act of 1940, and that the investment by such funds are restricted to investments otherwise permitted by Virginia law.
7. Negotiable certificates of deposit and negotiable bank deposit notes of domestic banks and domestic offices of foreign banks meeting the following ratings criteria. For maturities not exceeding one year, that have received at least two of the following ratings: (i) at least A-1 by Standard & Poor's; (ii) at least P-1 by Moody's Investors Service, Inc.; or (iii) at least F1 by Fitch Ratings, Inc. For maturities over one year and not exceeding five years that have received at least two of the following ratings: at least AA by S&P; at least Aa by Moody's; or at least AA by Fitch. Not more than five percent of the total funds available for investment may be invested in negotiable certificates of deposit and negotiable bank deposit notes of any one issuing bank.
8. High quality corporate notes with maturities of no more than five years that have received at least two of the following ratings: at least AA by S&P; at least Aa by Moody’s or at least AA by Fitch. Not more than five percent of the total funds available for investment may be invested in corporate notes of any one issuing corporation.

INVESTMENT POOLS

1. Virginia MINT Enhanced Cash Pool ("Enhanced Cash"):
    - The Virginia MINT Enhanced Cash Pool ("Enhanced Cash") seeks to outperform the yield of daily liquidity funds by employing a longer average duration while minimizing volatility of the Net Asset Value (NAV) per share. The Enhanced Cash pool is designed to complement daily investment pools for Virginia's public funds investors by taking modest interest rate and liquidity risk while adhering to the primary objective of safety of principal. The Enhanced Cash pool is not a stable value fund, does not adhere to GASB Statement 79, and should be reported using fair value accounting. The Enhanced Cash pool is managed to maintain its AAAf fund rating by S&P/Fitch.
    - Safety of principal and market and credit risks are minimized by investing in a diversified pool of high-quality securities as described in the 'Permitted Investments' section. To further strengthen the risk management of the pool, the Investment Manager shall: maintain a list of approved issuers and securities, perform ongoing credit monitoring of all securities, perform periodic stress tests, create a risk management policy to minimize Net Asset Value deviations, and take appropriate action necessary to maintain a stable share price.
    - It is the policy of the Enhanced Cash pool to maintain a share price rounded to the nearest penny and to maintain a NAV of $1.00 per share, however the Virginia MINT Board and the Investment Manager do not provide any assurance that that the NAV will not deviate from $1.00 per share. If net unrealized gains or losses should exceed $0.005 per share, the NAV per share will change from $1.00 or be maintained at $1.00 per share by retention of earnings or pro rata reduction in the pool's distributed yield in the event of losses, or by a pro rata distribution in the event of gains.
    - The Enhanced Cash pool will diversify its holdings with not more than five percent of total pool assets invested in securities of any one issuer, other than a money market fund, U.S> Treasuries or any agency thereof.
    - The Enhanced Cash pool will maintain a weighted average maturity to next reset, WAM(R), of no more than 120 days and a weighted average maturity to final, WAM(F), of no more than 360 days.
    - The Enhanced Cash pool provides for next-day liquidity for all redemption requests made before 2pm EST. Transactions requests received by 2pm will receive that day's closing price. Transaction requests received after 2pm will receive the next day's closing price.

2. Virginia MINT Flex Term Pool ("Flex Term"):
    - The Virginia MINT Flex Term Pool ("Flex Term") provides a series of investment options subject to pre-set redemption periods ranging from 60 days to one year from the time of investment to meet the cash management needs of Virginia's public funds investors. Each Flex Term series provides for a fixed-rate, fixed-term investment for participants. The pool will seek to provide the highest investment return consistent with maintaining principal at maturity and meeting the redemption schedule. The Flex Term pool is managed to maintain its AAAf fund rating by S&P/Fitch.

- The Net Asset Value of the Flex Term pool may fluctuate prior to the planned maturity date. However, the Investment Manager shall manage each of the series to produce a share price of at least $1.00 per share on the termination date for the participant that redeems on that date. The redemption value per share for each series is equal to the original purchase price, plus dividends at the projected yield less such share's allocation of any loss incurred by the series other than from early redemptions.
- Any early redemption is subject to a charge for losses and all other costs, without limitation, associated with selling or terminating a security to meet said early redemption and necessary to maintain the pool's $1.00 NAV. An early redemption is therefore subject to the risk that the redemption value per share is lower than the purchase price, and that the return is lower than the projected yield at the time of issuance.
- Any loss incurred by a Flex Term pool series other than losses resulting from early redemptions will be allocated among all shares of the series outstanding at the time such loss is incurred. A loss may result from a default from a sale of an investment. If such a loss occurs, the redemption value per share could be lower than the projected yield at the time of issuance.
- The Flex Term pool provides next-day liquidity for early redemptions requests made by 2pm EST. Early redemption requests made before 2pm EST and will receive that day's closing price, adjusted for charges as previously explained. Early redemption requests received after 2pm will receive the next day's closing price adjusted for charges.

SEPARATELY MANAGED ACCOUNTS

Virginia MINT offers participants the option to invest in longer term fixed income securities through a separately managed account (SMA) held outside of the Enhanced Cash and Flex Term pools. By using a SMA a participant may invest in a customized manner that the Investment Manager will coordinate with each participant. Each SMA will be managed by the Investment Manager with full discretion with regard to the investment of such funds subject to mutually agreed upon investment objectives, including but not limited to benchmark, asset class, or maturity. Each SMA will be held in a sub-account in the name of the participant at a third-party custodian, segregated from the other assets of the Trust.

Separately managed accounts are designed to complement investment in the Virginia MINT Enhanced Cash and Flex Term pools by providing specific investment strategies for surplus funds or for funds not needed to meet near-term liquidity requirements. A single participant may open an unlimited number of SMAs provided that each SMA meets certain fee minimums charged by the Investment Manager. All investments within a SMA are subject to the same investment restrictions and limitations as the Virginia MINT pools as outlined in the *Permitted Investments* section. SMAs can be customized to meet individual requirements with investment maturities from one year and beyond. Participants may wish to match expected future cash needs, target specific known outflows beyond one year, or have their account managed against a specific benchmark. Each SMA will have its own unique Investment Policy Statement and the Investment Manager will assist each participant in evaluating the use of SMAs and crafting the policy statement. The Investment Manager has full discretion in selection of specific investments, asset

allocation, and trading counterparties within the constraints established in participant's Investment Policy Statement. Participants should discuss the characteristics of specific investments and strategies employed in a separately managed account with the Investment Manager.

To open a separately managed account each participant must first join the Virginia MINT Trust. Subject to the approval of the Investment Manager, a participant may fund their SMA in cash or by delivering assets in kind. All costs associated with an SMA will be charged separately to the participant through a monthly invoice and deducted directly from the assets invested in the SMA. All SMAs established under the Virginia MINT Trust will be aggregated to determine the investment management fee allowing each participant to benefit from the scale provided by the Trust.

REPORTING REQUIREMENTS

The Administrator will prepare and submit to the Board quarterly a report on the investment transactions for the preceding reporting period. The report shall include securities in each pool by class or type, book value, income earned, and market value as of the report date. The Investment Manager shall report to the Board of Trustees quarterly, providing such information the Board determines necessary to fulfill its function. At its discretion, the Board may require additional information from the Investment Manager between quarterly reporting periods.

ANNUAL REVIEW

The Board of Trustees shall review this Investment Policy at least annually and adopt a resolution confirming the continuance of the Policy without amendment or adopt an Amended Policy.