

## **Chapter 11 - FIRE PREVENTION AND PROTECTION**

\***Cross reference** – Buildings, ch. 6; smoke detectors, § 6-56 et seq.; fires in parks, § 14-47.

\***State law reference** – Fire protection, Code of Virginia, § 27-1 et seq.

### **Sec. 11-1. - Applicability of Virginia Statewide Fire Prevention Code.**

Except as set out in section 11-20, the current edition of the Virginia Statewide Fire Prevention Code setting forth regulations for the prevention of, and protection from, fire shall be administered and enforced in the county by the division of fire. Future amendments and revisions of the Virginia Statewide Fire Prevention Code shall be implemented upon their effective date.

*(Code 1980, § 10-1; Code 1995, § 11-1; Ord. No. 1060, § 1, 11-25-2003)*

**State law reference** – Uniform statewide fire prevention code, Code of Virginia, §§ 27-97, 27-98.

### **Sec. 11-2. - Penalty; time limit for correction of violations.**

The imposition of a penalty for any violation shall not excuse the violation or permit it to continue. All persons shall be required to correct or remedy violations or defects within a reasonable time.

*(Code 1980, § 10-22; Code 1995, § 11-2)*

### **Sec. 11-3. - Enforcement of this chapter and fire prevention code.**

The Statewide Fire Prevention Code and the provisions of this chapter shall be enforced by the fire chief or his designee. Whenever this chapter declares an act or omission to be unlawful or to constitute a misdemeanor, the fire chief or his designee shall obtain an arrest warrant or summons against the violator.

*(Code 1980, § 10-20; Code 1995, § 11-3)*

**State law reference** – Enforcement of fire code, warrants, Code of Virginia, §§ 27-34.2, 27-98.2.

### **Sec. 11-4. - Appeals.**

Appeals shall be made to the building code and examining board of appeals by any person aggrieved by a decision or interpretation of the fire chief.

*(Code 1980, § 10-21; Code 1995, § 11-4)*

**State law reference** – Enforcement and appeals regarding fire code, Code of Virginia, § 27-98 et seq.

### **Sec. 11-5. - Authority of members of division of fire.**

(a) While the division of fire is answering an alarm or operating at an emergency incident where there is imminent danger, the actual occurrence of fire or explosion, or the uncontrolled release of hazardous materials which threaten life or property, or is returning to the station, the officer in charge shall have the authority to maintain order at the emergency incident or its vicinity, direct the actions of the firefighters or emergency medical services personnel at the incident, keep bystanders or other persons at a safe distance from the incident and emergency equipment, facilitate the speedy movement and operation of emergency

equipment and firefighters or emergency medical services personnel, cause an investigation to be made into the origin and cause of the incident and, until the arrival of a police officer, direct and control traffic in person or by deputy and facilitate the movement of traffic. The officer in charge shall display his firefighter's badge or other means of identification.

**(b)** Notwithstanding any other provision of law, this authority shall extend to the activation of traffic control signals at a fire station.

**(c)** The authority granted under the provisions of this section may not be exercised to inhibit or obstruct members of law-enforcement agencies or rescue squads from performing their normal duties when operating at such emergency incident. Personnel from the news media, such as the press, radio and television, when gathering the news may enter at their own risk into the incident area only when the officer in charge has deemed the area safe and only into those areas of the incident that do not, in the opinion of the officer in charge, interfere with the fire department or firefighters or emergency medical services personnel dealing with such emergencies, in which case the chief or other officer in charge may order such person from the scene of the emergency incident.

**(d)** Any person refusing to obey the orders of the officer in charge shall be guilty of a class 4 misdemeanor. The officer in charge shall have the power to make arrests for violation of the provisions of this section.

*(Code 1980, §§ 10-2, 14-8; Code 1995, § 11-5)*

**State law reference**—Similar provisions, Code of Virginia, § 27-15.1.

#### **Sec. 11-6. - Physical examinations for firefighters.**

The county manager shall employ physicians to perform physical examinations of every salaried and volunteer firefighter entering the service of the division of fire.

*(Code 1980, § 10-19; Code 1995, § 11-6)*

**State law reference**—Performance of medical examination, Code of Virginia, § 27-40.1:1.

#### **Sec. 11-7. - False alarms.**

It shall be a misdemeanor to call or summon any ambulance or firefighting equipment without just cause.

*(Code 1980, § 10-4; Code 1995, § 11-7)*

**Cross reference**—Fire alarm systems, § 3-56 et seq.

**State law reference**—Similar provisions, Code of Virginia, § 18.2-212.

#### **Sec. 11-8. - Boarding or tampering with vehicle or equipment of fire division.**

It shall be unlawful for any person to cling to, attach himself to, climb upon or into, board or swing upon any fire division emergency vehicle without permission. It shall also be unlawful to manipulate, tamper with, or attempt to manipulate or tamper with, any levers, valves, switches, starting devices, brakes, pumps or any equipment or protective clothing on or a part of any fire emergency vehicle.

*(Code 1980, § 10-5; Code 1995, § 11-8)*

**Sec. 11-9. - Damaging vehicle of fire division; injuring firefighters.**

(a) It shall be unlawful for any person to damage or deface, or to attempt or conspire to damage or deface, any fire division emergency vehicle.

(b) It shall be unlawful to injure, or to attempt or conspire to injure, fire division personnel while they are performing duties in the course of their employment.

*(Code 1980, § 10-6; Code 1995, § 11-9)*

**State law reference** – Damaging property, Code of Virginia, § 18.2-137 et seq.

**Sec. 11-10. - Blocking hydrants and connections.**

It shall be unlawful to damage, deface, obscure from view, obstruct or restrict access to any fire hydrant or any fire division connection for the pressurization of fire suppression systems, including fire hydrants and fire division connections on private property.

*(Code 1980, § 10-7; Code 1995, § 11-10)*

**State law reference** – Authority to prohibit parking near fire hydrants, Code of Virginia, § 46.2-1306; damaging property, Code of Virginia, § 18.2-137 et seq.

**Sec. 11-11. - Use of hydrants.**

No person shall use or operate any fire hydrant intended for use of the fire division unless such person secures a permit from the department of public utilities.

*(Code 1980, § 10-8; Code 1995, § 11-11)*

**Sec. 11-12. - Division of fire to recommend location of hydrants and mains; notification of division when hydrants are placed in or removed from service.**

The division of fire shall recommend the location or relocation of new or existing fire hydrants and the placement or replacement of new or inadequate water mains located on private property when necessary to provide adequate fire flow and distribution patterns. A fire hydrant shall not be placed into or removed from service until the division of fire is notified.

*(Code 1980, § 10-9; Code 1995, § 11-12)*

**Sec. 11-13. - Private fire protection system required for certain uses.**

The owners of new and existing shipyards, oil storage plants, lumberyards, amusement or exhibition parks, educational and institutional complexes, places of public assembly, and other uses involving high fire or life hazards which are located more than 150 feet from a public street or which require a quantity of water which the department of public utilities determines is beyond the capabilities of the public water distribution system shall provide properly placed fire hydrants or fire suppression systems. The division of fire may require the installation of a fire hose and equipment in accordance with approved standards and may require the establishment of a trained fire brigade. Private hydrants or fire suppression systems shall not be placed in or removed from service unless approved by the division of fire.

*(Code 1980, § 10-10; Code 1995, § 11-13)*

**Sec. 11-14. - Obstructing or tampering with hydrant or fire appliance.**

No person shall obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required by the Statewide Fire Prevention Code, except for the purpose of extinguishing fires, training, testing, recharging or making necessary repairs, or for other reasons approved by the division of fire. Whenever a fire appliance is removed as permitted in this section, it shall be replaced or repaired as directed by the fire chief or his designee.

*(Code 1980, § 10-11; Code 1995, § 11-14)*

**Sec. 11-15. - Sale of unapproved or defective fire extinguishers.**

No person shall sell, trade, loan or give away any fire extinguisher that is not approved by the division of fire as to form, type, kind or contents or which is not in proper working order. The requirements of this section shall not apply to the sale, trade or exchange of obsolete or damaged equipment for junk if such units are permanently disfigured or marked as junk.

*(Code 1980, § 10-12; Code 1995, § 11-15)*

**Sec. 11-16. - Parking or storage of vehicles used to transport inflammable liquid prohibited in residential areas; exceptions.**

It shall be unlawful for any person to park or store any truck, trailer or other vehicle designed or used to transport gasoline, kerosene, fuel oil or other inflammable liquid on the streets, alleys, public rights-of-way or private property in any residential area, except while making a delivery or being used under a permit of the division of fire.

*(Code 1980, § 10-14; Code 1995, § 11-16)*

**Cross reference**—Stopping, standing and parking, § 22-151 et seq.; zoning, ch. 24.

**Sec. 11-17. - Burning of leaves.**

(a) Notwithstanding any other provision of this Code, it shall be unlawful for any person to burn leaves in the open in any area designated by the board of supervisors for leaf pickup service without charge by the county on a scheduled basis. In areas where scheduled leaf pickup service is not provided free of charge by the county, leaf burning is permitted between 8:00 a.m. and 8:00 p.m. from October 15 to February 14, except on hard-surfaced roadways of any street maintained by the county. Between February 15 and April 30, leaf burning is permitted in areas where scheduled leaf pickup service is not provided free of charge by the county between 4:00 p.m. and 8:00 p.m., except on hard-surfaced roadways of any streets maintained by the county.

(b) Notice of leaf pickup service areas shall be by publication of a description of the areas and schedules for free leaf pickup service at least once a week for two successive weeks in a newspaper having general circulation in the county.

*(Code 1980, § 10-15.1; Code 1995, § 11-17; Ord. No. 982, § 1, 10-14-1998)*

**Cross reference**—Environment, ch. 10; burning leaves, trash or other materials on hard-surfaced roadways prohibited, § 18-5.

**State law reference**—Regulations for the open burning of wood, brush, etc., Code of Virginia, §§ 10.1-1142,

10.1-1158.

**Sec. 11-18. - Safety requirements for open burning; state burning permits.**

It shall be unlawful for any person to burn, or to procure another to burn, brush, grass, leaves, debris or other inflammable material unless the person has either cut and piled the material to be burned or has carefully cleared around the material to be burned, or has taken other precautions necessary to prevent the spread of fire and controls the fire until it has completely burned out or been extinguished. No one shall burn any materials without obtaining all permits required by state law, including the Virginia Statewide Fire Prevention Code.

*(Code 1980, § 10-16; Code 1995, § 11-18)*

**Sec. 11-19. - Open burning prohibited during drought conditions.**

(a) Whenever the fire chief declares that a drought condition exists or that forest lands, brush lands and fields have become so dry or parched as to create an extraordinary fire hazard in part or all of the county, it shall be unlawful for any person to burn brush, grass, leaves, trash, debris or any other inflammable material or to ignite or maintain any open fire. The fire chief's declaration shall remain effective until the fire chief declares the condition to have terminated.

(b) When any such declaration is issued, amended or rescinded, the fire chief shall promptly post a copy of the declaration, amendment or rescission at the front door of the county courthouse and at each fire station in the area of the county in which the emergency has been declared. In addition, the fire chief shall publish the declaration, amendment or rescission in a newspaper of general circulation.

*(Code 1980, § 10-18; Code 1995, § 11-19; Ord. No. 982, § 2, 10-14-1998)*

**Cross reference** – Fires in parks, § 14-47; water shortages, § 23-264 et seq.

**Sec. 11-20. - Possession, sale, storage or use of fireworks prohibited.**

(a) This section is adopted pursuant to authority granted localities by Code of Virginia, § 27-97, and Virginia Statewide Fire Prevention Code section 101.5 to adopt fire prevention regulations that are more restrictive than the Virginia Statewide Fire Prevention Code.

(b) No person shall store, possess, offer for sale, expose for sale, sell at retail or use or explode any fireworks, as that term is defined in the Virginia Statewide Fire Prevention Code, except that a person may conduct a supervised public display of fireworks pursuant to a permit granted by the fire marshal.

(c) Applications for permits shall be made in writing at least 60 days before the date of the supervised public display of fireworks. The sale, possession, discharge and distribution of fireworks for such display shall be lawful only under the terms and conditions and for the purpose set forth in the permit. A permit shall not be transferable nor extend beyond the date or dates set forth therein.

(d) For purposes of this section, the term "fireworks" shall include "permissible fireworks" as that term is defined in the Virginia Statewide Fire Prevention Code.

(e) For purposes of this section, "fireworks" shall not include automobile flares, paper caps containing not more than an average of 0.25 grams (16 mg) of explosive content per cap, or any toy pistols, toy canes, toy guns, and other devices using such caps.

*(Code 1995, § 11-20; Ord. No. 1060, § 2, 11-25-2003; Code 2010, § 11-20(b); (d); Ord. No. 1210, 11-25-2014)*