

CAMPBELL COUNTY CODE OF 1988

CHAPTER 10

PUBLIC SAFETY

For state law as to fire protection, see VA. CODE ANN., Title 27 (Repl. Vol. 2016 and Cum. Supp. 2020). As to fire-fighting contracts with cities, counties, or towns, see VA. CODE ANN. §27-3 and 27-4 (Repl. Vol. 2016). As to duty of Board of Supervisors to make safety provisions for public halls, theaters and opera houses, see VA. CODE ANN. §27-54 (Repl. Vol. 2016). As to County fire departments, see VA. CODE ANN. §27-6.1 to 27-23.10 (Repl. Vol. 2016 and Cum. Supp. 2020). For state laws authorizing County to appoint local fire marshal and one or more assistants, see VA. CODE ANN. §27-30 (Repl. Vol. 2016) and §27-36 (Repl. Vol. 2016).

As to buildings generally, see Ch. 5 of this Code. As to participation of certain fire companies under Line of Duty Act, see §17-1. As to designation of certain private roads as "highways" for law-enforcement purposes, see §15-8.3:4 of this Code.

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Article I. Department of Public Safety

Sec. 10-1. Establishment of the Department of Public Safety.

(a) In order to help ensure the protection of the citizens, visitors and property of Campbell County it has been deemed necessary to organize the firefighting, emergency medical services, and other emergency services within Campbell County under a Department of Public Safety. These services shall be provided by using both government-employed and volunteer company firefighters and emergency medical services personnel. As such, the county-recognized volunteer fire-fighting and emergency medical services entities shall be deemed to be instrumentalities of the County and, as such, exempt from suit for damages done incident to the provision of services except where any emergency medical services agency is a private, for-profit emergency medical services agency. As used in this section, “provision of services” with respect to fire-fighting shall include travel while performing fire, rescue, or other emergency operations in emergency vehicles or fire apparatus as described in VA. CODE ANN. §§46.2-920 (Repl. Vol. 2017) and 46.2-1023 (Cum. Supp. 2020).

(b) In order to effectively carry out the provisions of subsection (a) of this section, the Campbell County Department of Public Safety (“the department”) shall be organized to coordinate all emergency management and preparedness, emergency 911 (E911) communications, fire and emergency medical services (EMS), and animal control services within the County.

(c) The department shall be composed of the officials and staff of the department, and the volunteer fire companies and volunteer emergency medical services agencies recognized as entities of the department in Section 10-6 and 10-60 and are an integral part of the official public safety program of the County.

For state law authority, see VA. CODE ANN. §27-6.02 (Repl. Vol. 2016) and VA. CODE ANN. §32.1-111.4:3 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-1500 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-1501 (Repl. Vol. 2018).

[THE JULY 17, 2012 ACT adopted this section.]

[THE JULY 7, 2015 AMENDMENT substituted “emergency medical services agencies” for “rescue squads.”]

[THE DECEMBER 1, 2015 AMENDMENT substituted “exempt from suit for damages done incident to the provision of services except where any emergency medical services agency is a private, for-profit emergency medical services agency” for “shall also receive the full benefit and protections of the law while acting in that capacity” in (a), and added the last sentence in (a).]

Sec. 10-2. Appointment of a Director of Public Safety.

(a) The Campbell County Administrator shall appoint a Director of Public Safety to carry out the responsibilities of the Department of Public Safety. The Director of Public Safety shall in turn be responsible to the County Administrator. Each of the divisions of the department shall be responsible to the Director.

(b) When deemed to be necessary by the Campbell County Board of Supervisors, the responsibilities of the emergency services coordinator may be divided from those of the Director of Public Safety. The emergency services coordinator shall be responsible to the Director of Public Safety and shall carry out the responsibilities of the emergency management division of the Department of Public Safety.

For state law authority, see VA. CODE ANN. §15.2-1501 (Repl. Vol. 2018). See also VA. CODE ANN. §44-146.19 (B)(2) (Cum. Supp. 2020).

[THE JULY 17, 2012 ACT adopted this section.]

Sec. 10-3. Responsibilities of department.

(a) The Campbell County Department of Public Safety shall be responsible for coordinating and managing all emergency services functions as described in the provisions of section 10-1 and in the sections below.

(b) The Director of Public Safety shall make recommendations to the County Administrator and the Campbell County Board of Supervisors on an annual basis on how to effectively provide the best emergency services available based on risk management principles within the parameters established by the Board for fiscal management and emergency response service level objectives. Recommendations may include future response districts, station and resource locations, and resource needs, e.g. facilities, apparatus, and staffing. All changes to the county's emergency response system and infrastructure impacting service delivery must have prior approval by the Board based on recommendation of the Director and the Public Safety Committee.

(c) The Director of Public Safety shall be responsible for the implementation of the currently adopted Campbell County Emergency Operations Plan and all necessary standard operating guidelines and other directives necessary for the service to the public and the safety of the responders. Fire and Emergency Medical Service related policies, procedures, and guidelines impacting the volunteer public safety entities shall be coordinated with the volunteer district fire chiefs and volunteer district rescue captains.

(d) The Department of Public Safety will have the authority to carry out its responsibilities and will be afforded all of the authority and protection of applicable laws and ordinances.

For state law authority, see VA. CODE ANN. §15.2-1500 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-1501 (Repl. Vol. 2018), VA. CODE ANN. §27-

4 (Repl. Vol. 2016) and VA. CODE ANN. §32.1-111.4:8 (Repl. Vol. 2018).

[THE JULY 17, 2012 ACT adopted this section.]

Sec. 10-4. Responsibilities and authority of Director of Public Safety.

- a) The Director of Public Safety or his designee shall carry out the responsibilities and general management of the department.
- b) The director shall establish and enforce departmental policies, procedures, and guidelines consistent with this chapter for the administration and operation of the department.
- c) The director shall provide general management of the planning, preparation and response for any disaster which occurs in the county and requires implementation of the county's emergency operations plan. The director shall serve as the coordinator of emergency services for all purposes related to response to disasters.

For state law authority, see VA. CODE ANN. §15.2-1501 (Repl. Vol. 2018). See also VA. CODE ANN. §44-146.19 (B)(2) (Cum. Supp. 2020).

[THE JULY 17, 2012 ACT adopted this section.]

Sec. 10-5. Public safety advisory groups.

- (a) There shall be an advisory group (“the Public Safety Committee”) composed of the County Administrator, the Director of Public Safety, the Sheriff, the Chief of Police for the Town of Altavista, the Chief of Police for the Town of Brookneal and rotating members appointed by the Board for a two (2) year term, to consist of two members of the Board of Supervisors, one volunteer district fire chief or liaison, and one volunteer district EMS captain or liaison. No rotating member shall serve more than two consecutive terms. The Public Safety Committee shall make recommendations to the Board of Supervisors from time to time on matters related to emergency services and public safety.
- (b) There shall be an advisory group (“the Fire Advisory Committee (FAC)”) composed of the Director of Public Safety, the Deputy Director of Public Safety – Fire Division, all county-recognized volunteer district chiefs, the County Administrator, two rotating members of the Board of Supervisors, and two rotating county citizen members appointed by the County Administrator with input from the volunteer district chiefs for a two (2) year term. No rotating member shall serve more than two consecutive terms. The FAC shall provide advice to the Director of Public Safety and make recommendations to the Public Safety Committee from time to time on any issue or policy affecting the delivery of fire service protection.
- (c) There shall be an advisory group (“the EMS Advisory Committee (EMSAC)”) composed of the Director of Public Safety, the Deputy Director of Public Safety – EMS Division,

the Department of Public Safety Medical Director, all county-recognized volunteer district rescue captains, the County Administrator, two rotating members of the Board of Supervisors, and two rotating county citizen members appointed by the County Administrator with input from the volunteer district rescue captains for a two (2) year term. No rotating member shall serve more than two consecutive terms. The EMSAC shall provide advice to the Director of Public Safety and make recommendations to the Public Safety Committee from time to time on any issue or policy affecting the delivery of emergency medical services.

For state law authority, see VA. CODE ANN. §15.2-1500 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-1501 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-1502 (Repl. Vol. 2018).

[THE JULY 17, 2012 ACT adopted this section.]

Article II. Fire Prevention and Protection.

Division A. General Provisions.

Sec. 10-6. Establishment of a County Fire Division.

(a) In order to assure the provision of adequate and continuing fire prevention and protection services to the citizens of Campbell County and to preserve, protect and promote the public health, safety, and general welfare, and in order to provide all fire fighters with the full benefit of privileges, rights and remedies available to them under law, the Board of Supervisors of Campbell County hereby establishes a County Fire Division in order to mitigate the effects of accidents, disasters and other fire emergency situations.

(b) The following organizations and groups are hereby recognized as entities of the Campbell County Department of Public Safety, Fire Division and are hereby granted permits to operate fire and emergency vehicles in Campbell County: Altavista Fire Company, Brookneal Volunteer Fire Department, Brookville/Timberlake Volunteer Fire Department, Concord Volunteer Fire Department, Evington Volunteer Fire Department, Gladys Volunteer Fire Department, Lyn-Dan Heights Volunteer Fire Department, Rustburg Volunteer Fire Department, and Campbell County Public Safety. Volunteer agencies identified in this subsection will maintain oversight of their respective volunteer agencies unless a separate agreement is entered into with Campbell County as agreed to by both parties.

(c) The following organizations and groups are hereby officially recognized as nonjurisdictional entities that are permitted to provide services for the Campbell County Department of Public Safety, Fire Division and are granted permits to operate fire protection service vehicles in Campbell County: Red House Volunteer Fire Department, Lynchburg Fire Department and Bedford Fire and Rescue. The Campbell County Department of Public Safety may enter into contracts with any of these organizations to provide services on a routine basis as authorized by the Board of Supervisors. Additionally, the County may enter into mutual aid agreements with surrounding jurisdictions and agencies when it is deemed appropriate to do so by the County Board of Supervisors.

(d) The following organizations are hereby officially recognized as private commercial or not-for-profit entities that are authorized to provide fire services within Campbell County and are granted permits to operate fire protection service vehicles in Campbell County: Babcock & Wilcox Nuclear Operations Group Emergency Team, Lynchburg Regional Airport Fire Department. Furthermore, these private commercial or not-for-profit entities are exempt from the remainder of the provisions in this article.

(e) Each of the organizations mentioned in section §10-60(b) shall be assigned response areas approved by the Board of Supervisors of Campbell County that provide the best services to the citizens of the County. These response areas shall be maintained in writing by the Campbell County Department of Public Safety, a copy of which will be posted in the communications center and available to the public. The Department of Public Safety may amend or change these boundaries from time to time in order to provide the best services available, subject to any then-applicable provisions of state law, following review and approval of the Public Safety Committee.

(f) For purposes of this Article, the following definitions shall apply, unless the context requires a different meaning:

“Fire company” means a volunteer firefighting organization organized pursuant to VA. CODE ANN. §27-8 in any county, city, or town of the Commonwealth for the purpose of fighting fires.

“Fire department” means a firefighting organization established as a department of government of any county, city, or town pursuant to VA. CODE ANN. §27-6.

For state law authority, see VA. CODE ANN. §27-14 (Repl. Vol. 2016). See also VA. CODE ANN. §15.2-955 (Repl. Vol. 2018), VA. CODE ANN. §27-6.01 (Repl. Vol. 2016), and VA. CODE ANN. §27-6.02 (Repl. Vol. 2016). See generally VA. CODE ANN. §27-1 et. seq (Repl. Vol. 2016 and Cum. Supp. 2020).

[THE DECEMBER 6, 2010 ACT adopted this section.]

[THE DECEMBER 1, 2015 AMENDMENT rewrote the definitions.]

Sec. 10-7. Entities of County Fire Division responsible to the Department of Public Safety.

(a) Each of the organizations and groups mentioned in subsections (b) and (c) of §10-60 shall coordinate their operations and activities with the Campbell County Department of Public Safety and will carry out their assigned tasks to the best of their ability.

(b) Each fire organization mentioned in §10-6 (b) shall appoint a district chief who shall be responsible for the overall direction and control of fire service activities using federally mandated NIMS protocols within his organization's respective primary response areas. Additionally, the district chief shall insure that his organization complies with all of the provisions of applicable laws, ordinances, and standard operating procedures/guidelines in coordination with the Department of Public Safety and shall advise and communicate his organization's operations and activities with the Director of Public Safety or his designee.

(c) The Campbell County Department of Public Safety Fire Division career staff, when responding to calls, will follow all applicable federal, state, and local regulations and will function under the same standards incorporating NIMS as noted in section (b).

For state law authority, see VA. CODE ANN. §27-14 (Repl. Vol. 2016) and VA. CODE ANN. §27-13 (Repl. Vol. 2016).

[THE DECEMBER 6, 2010 ACT adopted this section.]

Sec. 10-8. Responsibility and authority.

(a) All officially recognized members of the organizations and groups mentioned above shall perform their respective duties, as outlined in standard operating procedures/guidelines and applicable laws and ordinances, to the best of their ability.

(b) All officially recognized members of the organizations and groups mentioned above will be subject to the procedures and practices established by the Campbell County Board of Supervisors or its designee.

(c) While performing in his official capacity, each of the members of the organizations and groups mentioned above shall have the authority to carry out his respective assignments as provided for in applicable laws, ordinances and standard operating procedures/guidelines.

For state law authority, see VA. CODE ANN. §27-6.02 (Repl. Vol. 2016) and §27-14 (Repl. Vol. 2016).

[THE DECEMBER 6, 2010 ACT adopted this section.]

Sec. 10-9. Fire personnel afforded certain privileges, rights and remedies.

When providing services in their official capacity and acting within the guidelines of the Department of Public Safety, all officially recognized members of the organizations and groups mentioned above shall be afforded all of the privileges, rights and remedies available to them under law.

For state law authority, see VA. CODE ANN. §27-6.02 (Repl. Vol. 2016).

[THE DECEMBER 6, 2010 ACT adopted this section.]

Sec. 10-10. Authority of chief or other officer in charge when answering alarm; penalty for refusal to obey orders.

While any fire department or fire company is in the process of answering an alarm where there is imminent danger or the actual occurrence of fire or explosion or the uncontrolled release of hazardous materials that threaten life or property and returning to the station, the chief or other officer in charge of such fire department or fire company at that time shall have the authority to (i) maintain order at such emergency incident or its vicinity, including the immediate airspace; (ii) direct the actions of the firefighters at the incident; (iii) notwithstanding the provisions of VA. CODE ANN. §§46.2-888 through 46.2-891 (Repl. Vol. 2017 and Cum. Supp. 2020), keep bystanders or other persons at a safe distance from the incident and emergency equipment; (iv) facilitate the speedy movement and operation of emergency equipment and firefighters; (v) cause an investigation to be made into the origin and cause of the incident; and (vi) until the arrival of a state trooper or sheriff's deputy, direct and control traffic in person or by deputy and facilitate the movement of traffic. The fire chief or other officer in charge shall display his firefighter's badge or other proper means of identification. Notwithstanding any other provision of law, this authority shall extend to the activation of traffic control signals designed to facilitate the safe egress and ingress of emergency equipment at a fire station. Any person or persons refusing to obey the orders of the chief or other officer in charge at that time is guilty of a Class 4 misdemeanor. The chief or other officer in charge shall have the power to make arrests for violation of the provision of this section.

If any person at a fire refuses or neglects to obey any order duly given by the chief or other officer in command, he shall be fined a civil penalty not to exceed \$100.

For state law authority, see VA. CODE ANN. §27-15.1 (Cum. Supp. 2020) and §27-15.1:1 (Repl. Vol. 2016).

[THE DECEMBER 6, 2010 ACT adopted this section.]

[THE DECEMBER 1, 2015 AMENDMENT rewrote this section in its entirety.]

[THE DECEMBER 5, 2017 AMENDMENT added "including the immediate airspace" in clause (i).]

Division B. County Fire Marshal.

Sec. 10-11. County Fire Marshal to be appointed; removal for cause.

(a) In order to safeguard the lives of the citizens of Campbell County and their property from the hazards of fire or explosion and to provide for enforcement of the Statewide Fire Prevention Code, the Board of Supervisors of Campbell County hereby finds and declares it

necessary to appoint a local Fire Marshal for Campbell County. The office of the Campbell County Fire Marshal shall be classified as part of the Campbell County Department of Public Safety.

(b) The Campbell County Fire Marshal shall be appointed by the Board of Supervisors upon the recommendation of the County Administrator. After permanent appointment, the County Fire Marshal shall not be removed from office except for cause after having been afforded a full opportunity to be heard on specific and relevant charges by and before the Board of Supervisors of Campbell County.

For state law authority, see VA. CODE ANN. §27-30 (Repl. Vol. 2016), and SFPC §105.1 (2015).

Editor's notes.—The Statewide Fire Prevention Code, hereinafter referred to as the “SFPC,” is a state regulation cooperatively developed by the Virginia Fire Services Board and the Virginia Board of Housing and Community Development. Its provisions are based on a nationally recognized model code published by the International Code Council, Inc. and fire protection and prevention standards published by the National Fire Protection Association. The SFPC is part of the Virginia Administrative Code (VAC), the official compilation of state regulations. SFPC provisions are found in the VAC at 13VAC5-51-11 et seq., on file with the Virginia Code Commission, wherein both VAC section numbers and the model code numbering system are used. References to the SFPC in this chapter utilize the model code numbering system. The current version of the SFPC incorporates by reference the 2015 edition of the International Fire Code, and became effective on October 16, 2018.

Enforcement of the SFPC by local government is optional. Any local government may enforce the SFPC following official action by the governing body. The State Fire Marshal is authorized to enforce the SFPC in cooperation with any local governing body and in those jurisdictions in which the local government does not enforce the SFPC, and may establish such procedures or requirements as may be necessary for the administration and enforcement of the SFPC in such jurisdictions. See VA. CODE ANN. §27-98 (Repl. Vol. 2016) and § 27-99 (Repl. Vol. 2016) and SFPC §§104.1, 104.1.1, 104.2, and 104.3 (2015).

Notification to Virginia Department of Housing and Community Development required. SFPC §105.1.2 requires the appointing authority for the locality (the Board of Supervisors in Campbell County) to notify the Department of Housing and Community Development and the State Fire Marshal's Office within thirty (30) days of the appointment or release of the permanent or acting fire official.

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE DECEMBER 3, 2001 AMENDMENT deleted “applicable provisions of” preceding “the Statewide Fire Prevention Code” in (a).]

[THE DECEMBER 6, 2004 AMENDMENT, in the second sentence in (b), added “After permanent appointment” at the beginning of the sentence and substituted “after having been afforded a full” for “and after full.”]

Sec. 10-12. Qualifications; certification, and training requirements for County Fire Marshal and other personnel.

(a) The County Fire Marshal and other personnel appointed pursuant to this article shall be selected upon the basis of education or experience in administering laws and regulations designed to prevent and eliminate hazards to life and property arising from fire.

(b) The County Fire Marshal and other personnel appointed pursuant to this article and having enforcement responsibility under the Statewide Fire Prevention Code (SFPC) shall satisfactorily complete the appropriate certification and periodic training requirements for such personnel prescribed in the SFPC. Other personnel appointed pursuant to this article shall meet the training requirements prescribed from time to time by state law or local ordinance.

For general state law authority, see VA. CODE ANN. §27-30 et seq. (Repl. Vol. 2016). See also SFPC §§105.1.3, 105.2, 105.3, 105.3.2, and 105.4. (2015). For similar state law, see VA. CODE ANN. §9.1-206 (Repl. Vol. 2018).

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE JULY 2, 2001 AMENDMENT deleted former subsections (b), (c), and (d) detailing specific training and certification requirements of the SFPC and rewrote the provisions in more general terms in revised (b).]

Sec. 10-13. Appointment, powers and duties of assistant fire marshals.

The County Administrator of Campbell County, pursuant to authority delegated to him by the Board of Supervisors under VA. CODE ANN. §27-36 (Repl. Vol. 2016), may appoint one or more technical assistants, who, in the temporary absence or disability of the County Fire Marshal, shall have the powers and perform the duties of the County Fire Marshal.

For state law authority, see VA. CODE ANN. §27-36 (Repl. Vol. 2016) and SFPC §105.3 (2015).

Editor's note: SFPC §105.3.1 (2015) requires that the fire official shall notify the Department of Housing and Community Development within sixty (60) days of the employment, contract or termination of all technical assistants for enforcement of the SFPC.

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE JULY 7, 2008 AMENDMENT inserted “technical” in the second clause of this section.]

Sec. 10-14. Oath of local Fire Marshal and assistants.

The County Fire Marshal and his assistants, before entering upon their duties, shall respectively take an oath, before any officer authorized to administer oaths, faithfully to discharge the duties of such office. The certificate of the oath shall be returned to and preserved by the Board of Supervisors.

For state law authority, see VA. CODE ANN. §27-37 (Repl. Vol. 2016). For general provisions as to oaths, see VA. CODE ANN. §49-1 et seq. (Repl. Vol. 2013).

[THE DECEMBER 20, 1999 ACT adopted this section.]

Sec. 10-15. Investigation of fires and explosions.

The County Fire Marshal shall examine or investigate, or cause examination or investigation to be made, into the origin, cause, and circumstances of every fire and explosion occurring in the County of Campbell, which may be brought to his attention by official report, complaint, or otherwise.

For state law authority, see VA. CODE ANN. §27-31 (Repl. Vol. 2016).

[THE DECEMBER 20, 1999 ACT adopted this section.]

Sec. 10-16. Duties and powers of County Fire Marshal conducting examination or investigation of fire or explosion; report of investigation.

In making examinations or investigations pursuant to the authority granted by §10-15 of this Code, the County Fire Marshal shall have the following duties and powers:

- (1) The County Fire Marshal may issue a summons directed to a sheriff or sergeant of any county, city or town commanding the officer to summon witnesses to attend before him at such time and place as he may direct, and may compel witnesses so served to attend and give evidence, in accordance with VA. CODE ANN. §27-32 (Repl. Vol. 2016);
- (2) The County Fire Marshal may seek issuance of a search warrant, based on a demonstration of probable cause and supported by affidavit, requiring the Sheriff of the County to accompany him in entering certain premises for purposes of conducting a search for evidence of arson or related crime, in accordance with VA. CODE ANN. §27-32.1 (Repl. Vol. 2016) and subject to the conditions and limitations prescribed therein;
- (3) The County Fire Marshal may seek issuance of a fire investigation warrant, based on a demonstration of probable cause and supported by affidavit, authorizing him to enter certain premises for the purposes of determining the origin and source of a fire or explosion of previously undetermined origin or cause, in accordance with VA. CODE ANN. §27-32.2 (Repl. Vol. 2016) and subject to the conditions and limitations prescribed therein; and
- (4) The County Fire Marshal shall make a report to the Board of Supervisors of any investigation made by him as soon thereafter as practicable, returning therewith the evidence taken by him and submitting such recommendations therein as he may

think the public interest demands, in accordance with VA. CODE ANN. §27-33 (Repl. Vol. 2016).

For state law authority, see VA. CODE ANN. §27-32 through §27-33 (Repl. Vol. 2016).

[THE DECEMBER 20, 1999 ACT adopted this section.]

Sec. 10-17. Duties and powers of County Fire Marshal at fires.

Whenever any fire occurs, it shall be the duty of the County Fire Marshal or his designated representative to be present at the fire and advise and act in concert with such officers of police as may be present. For the purpose of preserving order at and during the existence of such fire, and for the protection of property, he shall have concurrent powers with the officers of police, and the chief, director, or other officer in charge, but shall not exercise any authority which will conflict with the powers of any chief, director, or other officer in command of any fire department in the discharge of his special duties as such.

For state law authority, see VA. CODE ANN. §27-34 (Repl. Vol. 2016).

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT inserted “director” following “chief” twice.]

Sec. 10-18. Authority to take and preserve property found at scene of fire or explosion; petition for restitution.

The fire chief, County Fire Marshal or his designated representative may take and preserve any property found at the scene of a fire or explosion during his presence there while in the act of extinguishing such or found later with the consent of the owner or pursuant to a search warrant issued under VA. CODE ANN. §27-32.1 (Repl. Vol. 2016), which property indicates the fire or explosion was intentionally caused.

Any person whose property is so taken and held may petition the Circuit Court of Campbell County or judge in vacation, for return of the property. The court may order restitution upon such conditions as are appropriate for preservation of evidence, including the posting of bond.

For state law authority, see VA. CODE ANN. §27-34.1 (Repl. Vol. 2016).

[THE DECEMBER 20, 1999 ACT adopted this section.]

Sec. 10-19. Authority of County Fire Marshal under Statewide Fire Prevention Code.

The County Fire Marshal shall have the authority as necessary in the interest of public health, safety, and welfare to exercise the powers authorized by the Statewide Fire Prevention Code to implement provisions of the Statewide Fire Prevention Code, in accordance with such procedures and requirements as the Board of Supervisors may approve from time to time for the administration and enforcement of the Statewide Fire Prevention Code, in order to secure the intent thereof and to

designate requirements applicable locally because of local and climatic or other conditions. However, an order prohibiting the use of a building or equipment issued by the County Fire Marshal pursuant to the authority of VA. CODE ANN. §27-34.3 (Repl. Vol. 2016) shall be subject to the limitations prescribed in that section.

For state law authority, see VA. CODE ANN. §27-34.3 (Repl. Vol. 2016), VA. CODE ANN. §27-97 (Repl. Vol. 2016) and §27-98 (Repl. Vol. 2016), and SFPC §106.1 (2015).

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE DECEMBER 3, 2001 AMENDMENT, in the first sentence, substituted “Article and particularly in” for “division and,” deleted “those” following “implement,” and substituted “in accordance . . . Prevention Code” for “which have been designated by the Board of Supervisors for local enforcement.”]

[THE JULY 5, 2011 AMENDMENT deleted “Subject to the limitations specified in this Article and particular in Division C of this Article,” from the beginning of the section.]

Sec. 10-20. Inspection and review of building plans and buildings under construction responsibility for fire safety protection of completed structures.

Inspection of buildings other than state-owned buildings under construction and the review and approval of building plans for these structures for enforcement of the Uniform Statewide Building Code shall be the sole responsibility of the County Building Official. Upon completion of such structures, responsibility for fire safety protection shall pass to the State Fire Marshal pursuant to the Statewide Fire Prevention Code *unless* such responsibility is encompassed within provisions of the Statewide Fire Prevention Code administered by the Campbell County Fire Marshal in accordance with the procedures and requirements promulgated by the Board of Supervisors for the administration and enforcement of the Statewide Fire Prevention Code in Campbell County. The State Fire Marshal shall have the authority, in cooperation with the County Fire Marshal, to enforce the Statewide Fire Prevention Code.

For state law authority, see VA. CODE ANN. §27-34.4 (Repl. Vol. 2016), VA. CODE ANN. §27-98 (Repl. Vol. 2016), and VA. CODE ANN. §36-105.1 (Repl. Vol. 2019), and SFPC §102.6 (2015).

Cross-reference. For similar provisions regarding inspection and review of building plans and buildings under construction, see §5-4.3 of this Code.

Editor’s note: Effective December 3, 2001, the Campbell County Fire Marshal is authorized to enforce the SFPC as written upon discovery of an unsafe condition or upon receipt of information by official report, complaint, or otherwise concerning alleged violation of the SFPC.

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE DECEMBER 3, 2001 AMENDMENT deleted “those” preceding “provisions” and substituted “administered by . . . in Campbell County” for “which have been designated by the Campbell County Board of Supervisors for local enforcement by the local Fire Marshal pursuant to §10-27 of this Code” in the second sentence.]

[THE JULY 7, 2008 AMENDMENT inserted “the” after “buildings under construction and” in the first sentence.]

Sec. 10-21. Police powers of County Fire Marshal.

Notwithstanding any other provision of this article or of the Statewide Fire Protection Code, the County Fire Marshal and his assistants,

(1) shall have authority to arrest, to procure and serve warrants of arrest or to issue summons in the manner authorized by general law for violation of fire prevention and fire safety laws and related ordinances as specifically authorized by §10-22 of this Code;

(2) shall have the same police powers as a sheriff, police officer or law-enforcement officer;

(3) shall be responsible for the investigation or prosecution of all offenses involving hazardous materials, 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;

(4) may wear or carry firearms during performance of their duties.

The police powers granted in this section shall not be exercised by any local fire marshal or assistant until such person has satisfactorily completed a course for fire marshals with police powers, designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, which course shall be approved by the Virginia Fire Services Board. Fire marshals with police powers shall continue to exercise those powers only upon satisfactory participation in in-service and advanced courses and programs designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, which courses shall be approved by the Virginia Fire Services Board.

For state law authority, see VA. CODE ANN. §27-34.2:1 (Repl. Vol. 2016) and VA. CODE ANN. §27-34.2 (Repl. Vol. 2016).

Cross-reference.--For training and other requirements pertaining to local fire marshals who are specifically authorized by the appropriate locality to exercise police powers, see also SFPC §111.5 (2015). As to prosecution of violations of Statewide Fire Prevention Code, see VA. CODE ANN. §15.2-1542 (Repl. Vol. 2018) and VA. CODE ANN. §27-100 (Repl. Vol. 2016).

For specific provisions regarding investigation of fires and explosions, see §10-15 of this Code. See also §10-23 of this Code regarding hazardous materials.

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE JULY 2, 2001 AMENDMENT italicized the last clause in paragraph (1) for emphasis, and inserted “hazardous materials” in paragraph (3), and added the last clause at the end of that paragraph.]

[THE JULY 5, 2011 AMENDMENT substituted “Police powers” for “Limitations on authority” in the section title, deleted “unless specifically authorized by the Board of Supervisors of Campbell County” from the first paragraph, reversed a limitation in authority in subsections 1-4 by removing the word “not” from the language, and added the last paragraph.]

Sec. 10-22. Authority to issue summons for violations of fire prevention and fire safety laws and ordinances.

The County Fire Marshal and his assistants appointed pursuant to §10-13 of this Code are hereby authorized by the Board of Supervisors of Campbell County, pursuant to VA. CODE ANN. §27-34.2 (Repl. Vol. 2016), to arrest, to procure and serve warrants of arrest and to issue summons in the manner authorized by general law for violation of fire prevention and fire safety laws and related ordinances, including applicable provisions of the Statewide Fire Prevention Code as those provisions are administered in Campbell County.

The authority granted by this section shall not be exercised by the County Fire Marshal or any assistant until such person has satisfactorily completed a training course designed specifically for local fire marshals and their assistants, which course shall be approved by the Virginia Fire Services Board.

For state law authority, see VA. CODE ANN. §27-34.2 (Repl. Vol. 2016) and SFPC §111.5 (2015).

Cross Reference.--See also §10-27 and §10-28 of this Code regarding enforcement of Statewide Fire Prevention Code (SFPC) in Campbell County.

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE JULY 19, 2010 AMENDMENT added “to arrest, to procure and serve warrants of arrest and” in the first paragraph, and deleted “be construed to authorize the County Fire Marshal or any assistant to arrest or to procure and serve warrants of arrest for violation of fire prevention and fire safety laws and related ordinances. Such authority shall not” from the last paragraph.]

[THE JULY 5, 2011 AMENDMENT deleted “The authority granted by this section shall not be construed to authorize the County Fire Marshal or any assistant to wear or carry firearms.”]

Sec. 10-23. Right of entry to investigate releases of hazardous material, hazardous waste, or regulated substances.

(a) The County Fire Marshal is hereby authorized by the Board of Supervisors of Campbell County, pursuant to VA. CODE ANN. §27-37.1 (Repl. Vol. 2016), to enter upon any property from which a release of any hazardous material, hazardous waste, or regulated substance, as defined in VA. CODE ANN. §10.1-1400 (Repl. Vol. 2018) or VA. CODE ANN. §62.1-44.34:8 (Repl. Vol. 2019), has occurred or is reasonably suspected to have occurred and which has entered into the ground water, surface water or soils of Campbell County in order to investigate the extent and causes of any such release.

(b) If, in undertaking such an investigation, the County Fire Marshal makes an affidavit under oath that the origin or cause of any such release is undetermined and that he has been refused admittance to the property, or is unable to gain permission to enter the property, any magistrate serving the County may issue an investigation warrant to the County Fire Marshal authorizing him to enter such property for the purpose of determining the origin and source of the release. After issuing a warrant under this section, the magistrate shall file the affidavit in the manner prescribed by VA. CODE ANN. §19.2-54. After executing the warrant, the fire marshal shall return the warrant to the Clerk of Campbell County Circuit Court.

(c) If the County Fire Marshal, after gaining access to any property pursuant to such investigation warrant, has probable cause to believe that the release was caused by any act constituting a criminal offense, he shall discontinue the investigation until a search warrant has been obtained or consent to conduct the search has otherwise been given.

For state law authority, see VA. CODE ANN. §27-37.1 (Repl. Vol. 2016). See also VA. CODE ANN. §27-34.2:1 (Repl. Vol. 2016).

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT substituted “magistrate serving the County” for “magistrate of the County” in the second paragraph.]

[THE DECEMBER 2, 2014 AMENDMENT designated the existing provisions as subsections (a)-(c) and added the last two sentences in (b).]

Sec. 10-24. Penalty for failure to discharge duty.

For his failure to discharge any duty required of him by law the County Fire Marshal shall be liable for each offense to a fine not exceeding one hundred dollars (\$100), to be imposed by the Board of Supervisors and to be collected as other fines are collected.

For state law authority, see VA. CODE ANN. §27-35 (Repl. Vol. 2016).

[THE DECEMBER 20, 1999 ACT adopted this section.]

Sec. 10-25. Reserved.

Division C. Statewide Fire Prevention Code.

Sec. 10-26. Purpose and applicability; incorporation by reference of SFPC.

The purpose of this Division is to provide for statewide standards for local enforcement to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems, and structures, and the unsafe storage, handling, and use of substances, materials, and devices, including fireworks, explosives and blasting agents within the County of Campbell.

The Virginia Statewide Fire Prevention Code (SFPC) (2015 Edition), effective October 16, 2018, and as amended from time to time by the Virginia Board of Housing and Community Development, is hereby adopted as part of this article and incorporated by reference as a part of the Campbell County Code of 1988. Such incorporation by reference is specifically intended to include future amendments to the SFPC and its accompanying standards, specifications, regulations, appendices, etc.

Pursuant to the provisions of VA. CODE ANN. §27-98 (Repl. Vol. 2016), the County of Campbell elects to enforce the Virginia Statewide Fire Prevention Code as written, with such regulations of local applicability as the Board of Supervisors of the County of Campbell may adopt from time to time in accordance with the provisions of VA. CODE ANN. §27-97 (Repl. Vol. 2016). Such administration and enforcement of the Statewide Fire Prevention Code shall be in accordance with the procedures or requirements promulgated under authority of this Division.

For state law authority, see VA. CODE ANN. §27-96 (Repl. Vol. 2016) and §27-97 (Repl. Vol. 2016), and SFPC §101.3 (2015). See also VA. CODE ANN. §1-220 (Repl. Vol. 2017) as to effect of incorporation by reference.

Editor's notes.— Purpose and scope of SFPC. The Statewide Fire Prevention Code, hereinafter referred to as the “SFPC,” is a state regulation cooperatively developed by the Virginia Fire Services Board and the Virginia Board of Housing and Community Development. Its provisions are based on a nationally recognized model code published by the International Code Council, Inc. and fire protection and prevention standards published by the National Fire Protection Association. The SFPC incorporates by reference provisions of the 2015 Edition of the International Fire Code (IFC), including its standards and appendices, to be an enforceable part of the SFPC, except where the Virginia Board of Housing and Community Development (BHCD) has deleted, changed, or amended IFC provisions and referenced standards to bring them within the scope of SFPC

authority. Where conflicts occur between such changed provisions and the unchanged provisions of the IFC and referenced standards, the SFPC provisions shall govern.

More stringent local regulations authorized. The third paragraph of VA. CODE ANN. §27-97 (Repl. Vol. 2016) empowers local governments “to adopt fire prevention regulations that are more restrictive or more extensive in scope than the [State] Fire Prevention Code *provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure . . .*” [emphasis added]

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE DECEMBER 3, 2001 AMENDMENT rewrote this section.]

[THE DECEMBER 2, 2002 AMENDMENT inserted “including fireworks, explosives and blasting agents” in the first paragraph.]

[THE JULY 5, 2005 AMENDMENT inserted the new second paragraph.]

[THE DECEMBER 3, 2007 AMENDMENT, in the second paragraph, rewrote the first sentence to clarify adoption and incorporation by reference of SFPC, inserted the second sentence regarding the effect of incorporation, and deleted the former two last sentences thereof, which provisions are now included in the editor’s notes; and deleted the former fourth paragraph regarding future amendments of SFPC, which provisions are now included in the editor’s notes.]

Sec. 10-26.1. Definitions.

As used in this Division, unless the context or subject matter requires otherwise, the following words or terms shall have the meaning herein ascribed to them:

“**Board**” means the State Board of Housing and Community Development.

“**Code official,**” “**fire official,**” or “**fire code official**” shall mean the officer or other designated authority charged with administration and enforcement of the Statewide Fire Prevention Code, or a duly authorized representative. For the purpose of the SFPC, the term “code official,” “fire official,” or “fire code official” shall have the same meaning as used in VA. CODE ANN. §27-98.1. In Campbell County, these terms refer to the Campbell County Fire Marshal or other local official or agency charged with the administration and enforcement of the Statewide Fire Prevention Code in accordance with the provisions of this Division, or the State Fire Marshal charged generally with administration or enforcement of the SFPC.

“**Code provisions**” means the provisions of the Statewide Fire Prevention Code as adopted and promulgated by the Board, and the amendments thereof as adopted and promulgated from time to time by such Board.

“**Enforcement agency**” means the agency or agencies of any local governing body or the State Fire Marshal charged with the administration or enforcement of the Fire Prevention Code.

“Fire Prevention Code” or **“Code”** means the Statewide Fire Prevention Code.

“Fire prevention regulation” means any law, rule, resolution, regulation, ordinance or code, general or special, or compilation thereof to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling and use of substances, materials and devices, including explosives and blasting agents, wherever located, heretofore or hereafter enacted or adopted by the Commonwealth or any county or municipality, including departments, boards, bureaus, commissions or other agencies.

“Fire Services Board” means the Virginia Fire Services Board as provided for in VA. CODE ANN. §9.1-202.

“Fireworks” means any firecracker, torpedo, skyrocket, or other substance or object, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended, or commonly known, as fireworks, and that explodes, rises into the air or travels laterally, or fires projectiles into the air.

“Fireworks operator” or **“pyrotechnician”** means any person engaged in the design, setup, and firing of any fireworks other than permissible fireworks either inside a building or structure or outdoors.

“Inspection warrant” means an order in writing, made in the name of the Commonwealth, signed by any judge or magistrate whose territorial jurisdiction encompasses the building, structure or premises to be inspected or entered, and directed to a state or local official, commanding him to enter and conduct any inspection, examination, testing or collection or samples for testing required or authorized by the Virginia Statewide Fire Prevention Code.

“Local government”, **“local governing body”** or **“locality”** means the governing body of any city, county or town, other political subdivision and state agency in this Commonwealth charged with the enforcement of the SFPC under state law. This term as used in this chapter refers to the Board of Supervisors for the County of Campbell, Virginia, unless the context requires otherwise.

“Permissible fireworks” means any fountains that do not emit sparks or other burning effects to a distance greater than five meters (16.4 feet); wheels that do not emit a flame radius greater than one meter (39 inches); crackling devices and flashers or strobes that do not emit sparks or other burning effects to a distance greater than two meters (78.74 inches); and sparkling devices or other fireworks devices that (i) do not explode or produce a report, (ii) do not travel horizontally or vertically under their own power, (iii) do not emit or function as a projectile, (iv) do not produce a continuous flame longer than 20 inches, (v) are not capable of being reloaded, and (vi) if designed to be ignited by a fuse, have a fuse that is protected to resist side ignition and a burning time of not less than four seconds and not more than eight seconds.

“State Fire Marshal” means the State Fire Marshal as provided for in VA. CODE ANN. §9.1-206.

For state authority and applicable regulations, see VA. CODE ANN. §27-95 (Cum. Supp. 2020) and SFPC Chapter 2 (2015) [13VAC5-51-130] 13VAC5-51-150.

[THE DECEMBER 2, 2002 ACT adopted this section, which contains definitions of “fireworks” and “permissible fireworks” substantially similar to former §10-46 (a) and former §10-47 (a), respectively.]

[THE DECEMBER 6, 2004 AMENDMENT, in the definition of “‘Code official,’ ‘fire official,’ or ‘fire code official’” substituted “or fire code official” for “and ‘enforcement agency,’” rewrote the first sentence therein and added a new second sentence, and inserted “In Campbell County, these terms refer to the” and substituted “and” for “or” in the third sentence; added the definition of “Enforcement agency”; and rewrote the definition of “‘Local government,’ ‘local governing body’ or ‘locality.’”]

[THE JULY 7, 2008 AMENDMENT made minor revisions to the definition of “Fireworks” for syntax only.]

[THE DECEMBER 6, 2010 AMENDMENT added the definition of “fireworks operator or pyrotechnician”.]

[THE JULY 16, 2019 AMENDMENT revised the definition of “permissible fireworks.”]

Sec. 10-27. Enforcement of Statewide Fire Prevention Code within Campbell County.

(a) The Campbell County Fire Marshal, appointed pursuant to §10-11 and §10-19 of this Code, is hereby designated to act as the enforcement agency for enforcement of the Statewide Fire Prevention Code in Campbell County.

(b) Pursuant to the authority of VA. CODE ANN. §27-98 (Repl. Vol. 2016), the Board of Supervisors of the County of Campbell is authorized to establish such procedures and requirements as may be necessary for the administration and enforcement of the SFPC in Campbell County. Accordingly, the Campbell County Fire Marshal is authorized to institute the enforcement procedures of the Statewide Fire Prevention Code ***upon discovery of an unsafe condition by such official or upon receipt by such official of information by official report, complaint, or otherwise concerning an alleged violation of the Statewide Fire Prevention Code or of this Article.***

For state law authority, see VA. CODE ANN. §27-98 (Repl. Vol. 2016) and VA. CODE ANN. §27-95 (Cum. Supp. 2020). SFPC §104.1 (2015), SFPC §106.1 (2015), and SFPC §110.1 (2015).

Editor’s note.- Enforcement of the SFPC by local government is optional. The State Fire Marshal is authorized to enforce the SFPC in those jurisdictions in which the local government does not enforce the SFPC. The State Fire Marshal shall also have the authority in cooperation with any local governing body to enforce the SFPC. See VA. CODE ANN. §27-98 (Repl. Vol. 2016).

More stringent local regulations authorized. The third paragraph of VA. CODE ANN. § 27-97 (Repl. Vol. 2016) empowers local governments “to adopt fire prevention regulations that are more restrictive or more extensive in scope than the [State] Fire Prevention Code *provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure. . .*” [emphasis added]

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE JULY 2, 2001 AMENDMENT inserted language beginning “in its entirety” and ending “(Cum. Supp. 2000)” in the first sentence of (a); redesignated (b) as paragraph (1) therein and substituted provisions concerning open burning, fire lanes, fireworks, and hazardous materials for provisions concerning unsafe conditions and open burning, and rewrote the former last sentence therein as present paragraph (2) in (b); and, in (c), inserted “and §10-19” and “such” and substituted “procedures or requirements established by the Board of Supervisors” for “guidelines” in the first sentence.]

[THE DECEMBER 3, 2001 AMENDMENT rewrote (a) and (b) to provide for enforcement of all of the SFPC, rather than designated provisions, and to provide procedures and requirements for enforcement; redesignated former (c) as present (b) in §10-28 and redesignated former (d) as present (c), deleting “portions of” preceding “Statewide Fire Prevention Code” and substituting “in accordance with the provisions of this Division” for “designated by the Board of Supervisors for local enforcement.”]

[THE DECEMBER 2, 2002 AMENDMENT deleted former subsection (c) which had provided definitions now included in §10-26.1 of this Code.]

Sec. 10-28. Authority of Campbell County Fire Marshal; limitations thereof.

(a) The Campbell County Fire Marshal is authorized to investigate, or cause to be investigated, alleged violations of the Statewide Fire Prevention Code which he is charged to enforce *which may be brought to his attention by discovery, official report, complaint, or otherwise.* The enforcement procedures of the Statewide Fire Prevention Code shall be instituted by the Campbell County Fire Marshal and shall be administered in accordance with the procedures and requirements approved by the Board of Supervisors for the administration and enforcement of the SFPC.

(b) The Campbell County Fire Marshal shall have the authority prescribed herein to enforce the provisions of the Statewide Fire Prevention Code and of this Article in accordance with such procedures or requirements for administration and enforcement of the SFPC as may be established by the Board of Supervisors of the County of Campbell, and to exercise such other powers including, but not limited to, enforcement procedures and the system of administrative appeals as provided in Chapter 1 of the SFPC or by other provisions of state law or local ordinance, as such powers may be expressly granted to the local fire marshal or as may be necessarily or fairly implied therefrom or that are essential and indispensable to the implementation of this Article or of the SFPC.

(c) Nothing in this Article or in the Statewide Fire Prevention Code shall be construed to require the Campbell County Fire Marshal to make periodic inspections to ensure compliance with provisions of the SFPC.

(d) Upon discovery of an unsafe condition or upon receipt of information by official report, complaint or otherwise concerning an alleged violation of SFPC provisions, the Campbell County Fire Marshal is authorized to make an immediate investigation into the existence of such

violation. Pursuant to the authority granted by §10-22 of this Code and Section 111.5 of the SFPC, the County Fire Marshal or his duly appointed assistant, having satisfied the training requirement specified in VA. CODE ANN. §27-34.2 (Repl. Vol. 2016), may issue a summons for any such violation in the manner authorized by general law.

(e) Nothing in this Article or in the Statewide Fire Prevention Code shall be construed to require the Campbell County Fire Marshal to make periodic inspections to ensure compliance with the SFPC in public buildings, residential care facilities operated by any state agency, assisted living facilities licensed or subject to licensure pursuant to VA. CODE ANN. §63.2-1800 et seq. (Repl. Vol. 2017 and Cum. Supp. 2020), student-residence facilities owned or operated by the public institutions of higher education in the Commonwealth or public schools which heretofore have been subject to periodic inspection by the State Fire Marshal. Responsibility for such periodic inspections shall remain with the State Fire Marshal unless the Board of Supervisors of Campbell County enters into an agreement with the Virginia Department of Fire Programs, or other appropriate agency, providing for cooperative enforcement of the SFPC through such periodic inspections or until such time as the Board of Supervisors provides by ordinance that the Campbell County Fire Marshal shall assume primary responsibility for such periodic inspections to ensure compliance with the SFPC.

(f) However, the provisions of subsection (e) hereof shall not prohibit the Campbell County Fire Marshal from exercising the authority granted to local fire officials by VA. CODE ANN. §27-98.1 (Repl. Vol. 2016) and to the Campbell County Fire Marshal by §10-11 et seq. of this Code.

(g) The authority granted to the Campbell County Fire Marshal by this Article or by the Statewide Fire Prevention Code shall not be construed to authorize the local Fire Marshal or his assistants to wear or carry firearms.

(h) The Campbell County Fire Marshal shall carry proper identification during the performance of his duties under this Article and/or the Statewide Fire Prevention Code, as required by SFPC Section 109.1.2.

For state law authority, see VA. CODE ANN. §27-98, §27-98.1, and §27-98.2 (Repl. Vol. 2016), VA. CODE ANN. §27-34.2 (Repl. Vol. 2016), VA. CODE ANN. §9.1-207 (Repl. Vol. 2018) and VA. CODE ANN. §9.1-208 (Repl. Vol. 2018). SFPC §§104.1, 109.1.2, 109.3, 110.1, and 111.5 (2015). See also VA. CODE ANN. §27-61 (Repl. Vol. 2016) and §10-22 of this Code.

Editor's note: For state law as to inspection of certain state-owned, state-operated or state-licensed facilities and enforcement of safety standards therein, see VA. CODE ANN. §9.1-207 (Repl. Vol. 2018), providing that State Fire Marshal is responsible for annual inspections in described facilities “which are not inspected by a local fire marshal.” The facilities listed include:

- (i) residential care facilities operated by any state agency;
- (ii) assisted living facilities licensed or subject to licensure pursuant to VA. CODE ANN. §63.2-1800 et seq. that are not inspected by the local fire marshal;

- (iii) student residence facilities owned or operated by a public institution of higher education; and
- (iv) public schools that are not inspected by the local fire marshal.

As noted in the preceding paragraph, the State Fire Marshal is mandated by law to inspect schools, certain assisted living facilities, etc., but is not required to inspect daycare centers. Once a locality appoints a local fire official, the State Fire Marshal no longer inspects daycare centers. Therefore, following a transitional period during which the State Fire Marshal will work with the local fire official, enforcement and inspections as to SFPC provisions applicable to daycare centers in Campbell County will no longer be conducted by the State Fire Marshal. Such responsibility may be assumed by the County Fire Marshal independently or pursuant to an agreement with the Department of Social Services.

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE JULY 2, 2001 AMENDMENT deleted provisions regarding unsafe conditions and added provisions regarding fire lanes, fireworks, and hazardous materials.]

[THE DECEMBER 3, 2001 AMENDMENT rewrote this section.]

[THE DECEMBER 2, 2002 AMENDMENT, in the first sentence of (e), substituted “assisted living facilities” for “adult care residences.”]

[THE JULY 7, 2008 AMENDMENT substituted “Fire Programs” for “Housing and Community Development” in (e).]

Sec. 10-28.01. Transportation, manufacture, sale, discharge, etc. of certain fireworks prohibited.

Except as otherwise provided in this Division, it shall be unlawful for any person, firm, or corporation to transport, manufacture, store, sell, offer for sale, expose for sale, or to buy, use, ignite or explode any fireworks *except* for those persons, firms, or corporations that manufacture, store, market and distribute fireworks for the sole purpose of fireworks displays permitted by an enforcement agency or by the County of Campbell.

It shall be unlawful for any person not certified by the State Fire Marshal’s Office as a fireworks operator or pyrotechnician to design, set up, or conduct or supervise the design, setup, or conducting of any fireworks display, either inside a building or structure or outdoors. It shall be required that at least one person holding a valid certification is present at the site where the fireworks display is being conducted. Certification shall not be required for the design, storage, sale, use, conduct, transportation, and set up of permissible fireworks or the supervision thereof or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification.

For state authority, see VA. CODE ANN. §27-97 (Repl. Vol. 2016) at the second and third paragraphs.

Cross reference: For definition of “fireworks,” see §10-26.1 of this Division. For ordinance authorizing issuance of permit for display of fireworks by fair associations, amusement parks, or by any organization or group of individuals meeting minimum terms and conditions prescribed in the SFPC or by the County, see §10-28.04 et seq. of this Division. For ordinance specifying other permit requirements, see §10-28.1 of this Code. For ordinance authorizing seizure and destruction of certain fireworks violating SFPC provisions, see §10-36.1 of this Code.

[THE DECEMBER 2, 2002 ACT adopted this section, which is substantially similar to former §10-46 of this Code.]

[THE JULY 19, 2010 AMENDMENT added the second paragraph.]

Sec. 10-28.02. Division inapplicable to certain uses of “permissible fireworks.”

The provisions of this Division pertaining to fireworks shall not apply to the sale of or to any person using, igniting or exploding permissible fireworks on private property with the consent of the owner of such property.

For state authority, see VA. CODE ANN. §27-96.1 (Repl. Vol. 2016). See also 13VAC5-51-150.

Cross-reference: For definition of “permissible fireworks,” see §10-26.1 of this Code.

[THE DECEMBER 2, 2002 ACT adopted this section, which is substantially similar to former §10-47 of this Code.]

Sec. 10-28.03. Exemptions generally regarding fireworks.

The provisions of this Division concerning fireworks shall have no application to any officer or member of the armed forces of this Commonwealth, or of the United States, while acting within the scope of his authority and duties as such, nor to any offer of sale or sale of fireworks to any authorized agent of such armed forces; nor shall it be applicable to the sale or use of materials or equipment, otherwise prohibited by the Statewide Fire Prevention Code, when such materials or equipment is used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.

For state authority, see VA. CODE ANN. §27-96.2 (Repl. Vol. 2016).

[THE DECEMBER 2, 2002 ACT adopted this section, which is substantially similar to former §10-48 of this Code.]

Sec. 10-28.04. Permit required for public display of fireworks.

(a) Notwithstanding any other provisions of this Division, the Board of Supervisors of Campbell County hereby authorizes issuance of permits by the County Fire Marshal for the public display of fireworks by fair associations, amusement parks, or by any organization or group of individuals, in accordance with the minimum terms and conditions set forth in the Virginia Statewide Fire Prevention Code, and any regulations promulgated thereunder, as enforced in

Campbell County and in accordance with additional terms and conditions prescribed in this Division.

(b) A permit for such public display of fireworks shall not be issued until the permit fee imposed under §10-28.1 of this Division has been paid.

(c) It shall be unlawful for any person to hold, present or give any such public display of fireworks without first having obtained such a permit from the County Fire Marshal.

(b) Any association, organization, or group that has been issued a permit hereunder may purchase and make use of fireworks under the terms and conditions of such permit.

For state law authority, see VA. CODE ANN. §15.2-974 (Repl. Vol. 2018). See also SFPC §107.2 (2015) and 13VAC5-51-150. For authority to impose permit fees, see second last sentence in VA. CODE ANN. §27-98 (Repl. Vol. 2016).

[THE DECEMBER 2, 2002 ACT adopted this section, which is substantially similar to former §10-49 of this Code.]

Sec. 10-28.05. Same--Application.

Any person desiring a permit required by §10-28.04 of this Code shall make application therefor in writing to the County Fire Marshal at least thirty (30) days prior to the date of such fireworks display. Such application shall be on forms provided by the County Fire Marshal. The applicant shall furnish such information as may be required by the County Fire Marshal.

For state law authority, see VA. CODE ANN. §15.2-974 (Repl. Vol. 2018). See also SFPC §§107.1 and 107.2 (2015).

[THE DECEMBER 2, 2002 ACT adopted this section, which is substantially similar to former §10-50 of this Code.]

Sec. 10-28.06. Same--Investigation; issuance or refusal.

Upon filing of an application for a permit required by §10-28.04 of this Code, the County Fire Marshal shall make an investigation to ensure that the planned fireworks display is in compliance with the minimum terms and conditions of the Statewide Fire Prevention Code, specifically that the public fireworks display will be conducted by a properly qualified person with demonstrable knowledge of safety measures to be taken in the arrangement, location, and discharge/firing of fireworks so that such display will not damage property or injure any person. If the County Fire Marshal is satisfied with the results of such investigation, he shall issue the permit. If he is not satisfied with the results of such investigation, he shall refuse to issue such permit, noting his reason for such refusal on the permit application.

For state law authority, see VA. CODE ANN. §15.2-974 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018). See also SFPC 13VAC5-51-150.

[THE DECEMBER 2, 2002 ACT adopted this section, which is substantially similar to former §10-51 of this Code.]

Sec. 10-28.07. Same--Conditions.

The County Fire Marshal may specify, in any permit issued pursuant to §10-28.04, any conditions which he shall deem reasonably necessary to protect persons and property. Such conditions may include, but shall not be limited to, the type of fireworks to be used in such display, the hours when such display may be presented, required fire extinguishing equipment, the presence of trained firemen and policemen and any other requirement that the County Fire Marshal may deem reasonably necessary.

For state law authority, see VA. CODE ANN. §15.2-974 (Repl. Vol. 2018). See also 13VAC5-51-150.

[THE DECEMBER 2, 2002 ACT adopted this section, which is substantially similar to former §10-52 of this Code.]

Sec. 10-28.08. Same--Liability insurance or bond required.

Each permit holder under this division shall furnish a bond or certificate of insurance in an amount deemed adequate by the County Attorney for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors.

For state law authority, see VA. CODE ANN. §15.2-974 and §15.2-1200 (Repl. Vol. 2018). See also 13VAC5-51-150.

[THE DECEMBER 2, 2002 ACT adopted this section, which is substantially similar to former §10-53 of this Code.]

[THE DECEMBER 6, 2004 AMENDMENT substituted “permit holder” for “permittee” twice, “furnish a bond or certificate of insurance” for “file with the County Fire Marshal evidence of a policy of liability insurance or bond,” “County Attorney” for “County Fire Marshal,” “potential damages to a person or persons” for “damages which may be caused either to persons,” and “the agent” for “or his agents.”]

Sec. 10-28.09. Reserved.

Sec. 10-28.010. Disposal of unused fireworks after public display.

Any fireworks remaining unfired at the end of any public display shall be immediately disposed of in an approved way safe for that particular type of fireworks.

For state law authority, VA. CODE ANN. §15.2-974 (Repl. Vol. 2018) and §15.2-1200 (Repl. Vol. 2018).

[THE DECEMBER 2, 2002 ACT adopted this section, which is substantially similar to former §10-55 of this Code.]

Sec. 10-28.1. Permit requirements; fees imposed.

(a) Manufacture, storage, handling, use or sale of explosives; annual fee prescribed. No person shall manufacture, store, handle, use or sell explosives without first obtaining a permit from the Campbell County Fire Marshal. All such permit applications shall be considered by the County Fire Marshal in accordance with the requirements and procedures set forth in VA. CODE ANN. §27-97.2 (Repl. Vol. 2016) and in SFPC Sections 107.2 et seq. (2015) and additional regulations set forth at SFPC Sections 5601.1 et seq. (2015) [13VAC5-51-150], including, but not limited to, satisfaction of the requirement of proof of financial responsibility. Manufacture, storage, handling, use or sale of explosives shall comply with requirements of SFPC Section 5601.1 et seq. (2015)[13VAC5-51-150], or such other applicable standard as may be promulgated under the SFPC or under other state or federal authority from time to time, whichever is stricter. The Campbell County Fire Marshal may grant a valid permit to applicants who meet the criteria established in the regulations of the State Board of Housing and Community Development. Such permit shall not be issued until the permit fee imposed by this subsection has been paid. Fees for permits issued hereunder shall be as follows:

- (1) Fifty dollars (\$50.00) **per year** to possess, store, and dispose of explosives and blasting agents.
- (2) Seventy-five dollars (\$75.00) **per year** to use explosives and blasting agents.

(b) Manufacture, storage, or handling of fireworks; annual fee prescribed. No person shall manufacture, store, or handle fireworks without first obtaining a permit from the Campbell County Fire Marshal. All such permit applications shall be considered by the County Fire Marshal in accordance with the requirements and procedures set forth in the Statewide Fire Prevention Code and applicable regulations promulgated thereunder concerning manufacturing facilities and methods of operation. Manufacture, storage, or handling of fireworks shall comply with SFPC Section 5601.1 et seq. (2015) [13VAC5-51-150] as those provisions apply to fireworks, or such other applicable standard as may be promulgated under the SFPC or under other state or federal authority from time to time, whichever is stricter. The Campbell County Fire Marshal may grant a valid permit to applicants who meet the criteria established by the regulations of the State Board of Housing and Community Development. Such permit shall not be issued until the permit fee imposed by this subsection has been paid. The fee for a permit issued under this subsection shall be fifty dollars (\$50.00) **per year** to manufacture, store, or handle fireworks.

Issuance of permits for the public display of fireworks by fair associations, amusement parks, or by any organization or group of individuals as authorized by the provisions of VA. CODE ANN. §15.2-974 (Repl. Vol. 2018) and §10-28.04 of this Code shall not be affected by this subsection, but shall be subject to the provisions of subsection (c) of this section.

(c) Fireworks display permits. There is hereby imposed a twenty-five dollar (\$25.00) fee for each fireworks display permit issued by the Campbell County Fire Marshal pursuant to the authority of §10-28.04 et seq. of this Division.

(d) Other regulated activities. Pursuant to the authority of VA. CODE ANN. §27-98 (Repl. Vol. 2016), the Campbell County Board of Supervisors hereby requires persons engaged in or about to engage in certain activities regulated by the Statewide Fire Prevention Code, as it is enforced within Campbell County, to apply for issuance of a permit. Application for such permit shall be made to the Campbell County Fire Marshal on a form to be provided by his office and shall adhere to the requirements and procedures prescribed in SFPC Section 107.1 et seq. (2015) or other applicable provisions of the SFPC or its accompanying regulations. Fees for permits issued by the Campbell County Fire Marshal pursuant to the Statewide Fire Prevention Code, as it is enforced in Campbell County, shall be in such amount as is prescribed by the Board of Supervisors by duly adopted local provisions supplementary to the SFPC.

(e) No permit shall be issued until any applicable permit fee imposed by this section has been paid.

(f) A copy of the fees required by this section shall be maintained on file in the office of the Campbell County Fire Marshal and shall be available for inspection during regular business hours.

(g) A permit issued hereunder shall remain in effect until revoked, *or for such other time period as may be specified on the permit.* No permit issued under this Article shall be transferable.

(h) Pursuant to SFPC §5605.1.1 (2015), a permit to manufacture any explosive material in any quantity shall be prohibited unless such manufacture is authorized by a federal license and conducted in accordance with recognized safety practices.

For state law authority, see VA. CODE ANN. §27-97 (Repl. Vol. 2016), VA. CODE ANN. §27-98 (Repl. Vol. 2016); VA. CODE ANN. §27-97.2 (Repl. Vol. 2016), VA. CODE ANN. §15.2-974 (Repl. Vol. 2018), and SFPC §107.1 et seq. (2015), especially SFPC §107.12 (2015), §5601.1 et seq. (2015) [13VAC5-51-150].

Cross-reference.—For schedule of fees imposed under authority of this section, see also Appendix of Fees Imposed Under the Campbell County Code of 1988, following Chapter 22.

[THE DECEMBER 3, 2001 ACT adopted this section.]

[THE DECEMBER 2, 2002 AMENDMENT, inserted a new subsection (b) and redesignated former (b) as present (d); in (c), inserted “each” and “pursuant to the authority of §10-28.04 of this Division” in the first sentence, deleted the former second sentence, and redesignated the former last sentence as present subsection (f); in present subsection (d), added “or other applicable provisions of the SFPC or its accompanying regulations” at the end of the second sentence and added the third sentence (formerly second sentence of subsection (c)), deleting “any other” preceding “permits” therein; redesignated former last sentence in former (b) as present subsection (e); and redesignated former subsection (d) as present (g).]

[THE DECEMBER 6, 2004 AMENDMENT, in (a), added “107.2 through 107.15 . . .” to the end of second sentence and added the third sentence; in (b), substituted “Manufacture, storage, or handling” for “Storage” and “3301.1 et seq. . . . as those provisions apply to fireworks” in the third sentence in the first paragraph, and, in the second paragraph of (b), added “but shall be subject to the provisions of subsection (c) of this section.”]

[THE DECEMBER 3, 2007 AMENDMENT conformed parallel clauses in subsection (a) and (b) to read “or such other applicable standard as may be promulgated under the SFPC or under other state or federal authority from time to time”; and added subsection (h).]

Sec. 10-29. Applicability of SFPC to state-owned buildings and structures.

The Statewide Fire Prevention Code shall be applicable to all state-owned buildings and structures. Reasonable access to existing structures or a structure under construction or renovation shall be permitted, at all reasonable hours, to a fire official performing an informational and advisory fire safety inspection in accordance with VA. CODE ANN. §27-99 (Repl. Vol. 2016). In accordance with VA. CODE ANN. §27-98 (Repl. Vol. 2016), the State Fire Marshal shall be authorized to enforce this section in those jurisdictions in which the local fire official does not enforce this section. Furthermore, in accordance with VA. CODE ANN. §9.1-208 (Repl. Vol. 2018), the State Fire Marshal may enter into an agreement with any local enforcement agency that enforces the SFPC to enforce this section and to take immediate enforcement action upon verification of a complaint of an imminent fire safety hazard in public buildings.

For state law authority, see VA. CODE ANN. §27-99 (Repl. Vol. 2016) and SFPC §§104.2 and 104.3 (2015). See also VA. CODE ANN. §9.1-208 (Repl. Vol. 2018).

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE JULY 2, 2001 AMENDMENT substituted “fire safety hazard in public buildings” for more specific language detailing types of hazards in the last sentence.]

Sec. 10-30. Authorized inspections.

In order to carry out the purposes of this article and the Statewide Fire Prevention Code and any regulations or standards adopted in pursuance thereof, the Campbell County Fire Marshal, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized, with the consent of the owner, operator, or agent in charge to enter a building, structure, property or premises for the purpose of conducting an inspection, examination, testing, or collection of samples for testing, during regular working hours and at other reasonable times, and in a reasonable manner, to determine if the building, structures, systems, machines, apparatus, devices, equipment, and materials stored, used or handled, and all pertinent conditions therein, are in compliance with the requirements, regulations or standards set forth in the Statewide Fire Prevention Code.

For state law authority, see VA. CODE ANN. §27-98.1 (Repl. Vol. 2016) and SFPC §109.1 et seq. (2015), with particular attention to stated exemptions from routine inspections. See SFPC §109.1.2 (2015) as to requirement to carry proper credentials of office when performing inspections. See also VA. CODE ANN. §27-61 (Repl. Vol. 2016).

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE JULY 2, 2001 AMENDMENT added “as designated for enforcement in Campbell County” at the end of the section.]

[THE DECEMBER 3, 2001 AMENDMENT deleted “as designated for enforcement in Campbell County” at the end of the section.]

Sec. 10-31. Search warrants for inspection, reinspection, etc.--Issuance.

The Campbell County Fire Marshal may seek issuance of search warrants for inspections or reinspection of buildings, structures, property, or premises subject to inspections pursuant to the provisions of the Statewide Fire Prevention Code to determine compliance with regulations or standards set forth in the SFPC if such inspection, examination, testing or collection of samples for testing are necessary to ensure compliance with the SFPC for the protection of life and property from the hazards of fire or explosion and if consent to inspect, examine, test or collect samples for testing has been sought and refused or if facts and circumstances reasonably justify the failure to seek such consent in order to enforce effectively the fire safety laws, regulations or standards of the Commonwealth. Such inspection warrants may be issued by any judge or magistrate having authority to issue criminal warrants within the jurisdiction, shall be based on a demonstration of probable cause and supported by affidavit, and shall be subject to such other conditions or requirements as are provided in VA. CODE ANN. §27-98.2 (Repl. Vol. 2016).

For state law authority, see VA. CODE ANN. §27-98.2 (Repl. Vol. 2016) and SFPC §109.1.1 (2015). See also VA. CODE ANN. §27-61 (Repl. Vol. 2016).

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE JULY 2, 2001 AMENDMENT inserted “provisions of the” and “designated for local enforcement” in the first sentence.]

[THE DECEMBER 3, 2001 AMENDMENT deleted “designated for local enforcement” in the first sentence.]

Sec. 10-32. Same--Duration of warrant.

A search warrant for inspection or reinspection shall be effective for the time specified therein, for a period of not more than seven (7) days, unless extended or renewed by the judicial officer who signed and issued the original warrant. The judicial officer may extend or renew the inspection warrant upon application for extension or renewal setting forth the results which have been obtained or a reasonable explanation of the failure to obtain such results. The extension or renewal period of the warrant shall not exceed seven (7) days. The warrant shall be executed and returned to the Clerk of the Campbell County Circuit Court. The return shall list any samples taken pursuant to the warrant. After the expiration of such time, the warrant, unless executed, shall be void.

For state law authority, see VA. CODE ANN. §27-98.3 (Repl. Vol. 2016).

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE DECEMBER 2, 2014 AMENDMENT substituted “Clerk of the Campbell County Circuit Court” for “judicial officer by whom it was issued within the time specified in the warrant or within the extended or renewed time.”]

Sec. 10-33. Same--Execution; limitations.

(a) No warrant shall be executed in the absence of the owner, operator or agent in charge of the particular building, structure, property or premises unless specifically authorized by the issuing judicial officer upon showing that such authority is reasonably necessary to effect the purposes of a statute, ordinance, or regulation being enforced.

(b) (1) An entry pursuant to this warrant shall not be made forcibly, except that the issuing officer may expressly authorize a forcible entry,

(i) where facts are shown sufficient to create a reasonable suspicion of an immediate threat to an occupant of the particular building, structure, property, or premises, or, to the general safety and welfare of the public, or, to adjacent buildings, structures, properties or premises; or

(ii) where facts are shown establishing that reasonable attempts to serve a previous warrant have been unsuccessful.

(2) If forcible entry is authorized, the warrant shall be issued jointly to the appropriate fire official and to a law-enforcement officer who shall accompany the fire official during the execution of the warrant.

For state law authority, see VA. CODE ANN. §27-98.4 (Repl. Vol. 2016).

Cross-reference.--For provisions regarding entry of premises by County Fire Marshal accompanied by Sheriff for purposes of conducting arson investigation, see §10-16 of this Code.

[THE DECEMBER 20, 1999 ACT adopted this section.]

Sec. 10-34. Same--Review by courts.

(a) No court of the Commonwealth shall have jurisdiction to hear a challenge to the warrant prior to its return to the Clerk of the Campbell County Circuit Court except as a defense in a contempt proceeding, unless the owner or custodian of the building, structure, property or premises to be inspected alleges fraud in the issuance of the warrant and makes by affidavit a substantial preliminary showing accompanied by an offer of proof as required by VA. CODE ANN. §27-98.5 (Repl. Vol. 2016). The court shall conduct such expeditious in camera review as the court may deem appropriate.

(b) After the warrant has been executed and returned to the Clerk of the Campbell County Circuit Court, the validity of the warrant may be reviewed either as a defense to any citation issued by the fire official or otherwise by declaratory judgment action brought in a circuit court, subject to the procedures for review provided in VA. CODE ANN. §27-98.5 (Repl. Vol. 2016). The review shall only determine whether there is substantial evidence in the record supporting the decision to issue the warrant.

For state law authority, see VA. CODE ANN. §27-98.5 (Repl. Vol. 2016).

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE DECEMBER 2, 2014 AMENDMENT substituted “Clerk of the Campbell County Circuit Court” for “issuing judge” in both (a) and (b).]

Sec. 10-35. Injunction in aid of enforcement of SFPC or prevention of violation thereof.

Every court having jurisdiction under existing or any future law is empowered to and shall, upon the application of the Campbell County Fire Marshal or the State Fire Marshal, issue either a mandatory or restraining injunction in aid of the enforcement of, or in prevention of the violation of, any of the provisions of the Statewide Fire Prevention Code or any valid rule or regulation made in pursuance thereof. The procedure for obtaining any such injunction shall be in accordance with the laws then currently governing injunctions generally except that the enforcing agency shall not be required to give bond as a condition precedent to obtaining an injunction.

For state law authority, see VA. CODE ANN. §27-101 (Repl. Vol. 2016).

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE JULY 2, 2001 AMENDMENT inserted “designated for local enforcement” in the first sentence.]

[THE DECEMBER 3, 2001 AMENDMENT deleted “designated for local enforcement” in the first sentence.]

Sec. 10-36. Violations; penalties.

It shall be unlawful for any owner or any other person, firm, or corporation, on or after the effective date of any provisions of the Statewide Fire Prevention Code or of this Article, to violate any provisions of the SFPC or of this Article. Any such violation shall be deemed a Class 1 misdemeanor, and any owner, or any other person, firm, or corporation convicted of such violation shall be punished in accordance with the provisions of VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

For state law authority, see VA. CODE ANN. §27-100 (Repl. Vol. 2016) and SFPC §111.1 et seq. (2015). See also VA. CODE ANN. §15.2-1542 (Repl. Vol. 2018) and §1-6 of this Code.

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE JULY 2, 2001 AMENDMENT inserted “designated for local government” twice.]

[THE DECEMBER 3, 2001 AMENDMENT deleted “designated for local enforcement” twice in the first sentence.]

Sec. 10-36.1. Seizure and destruction of certain fireworks.

Any law-enforcement officer arresting any person for a violation of this Division related to fireworks shall seize any article of fireworks in the possession or under the control of the person so arrested and shall hold the same until final disposition of any criminal proceedings against such person. If a judgment of conviction be entered against such person, the court shall order destruction of such articles upon expiration of the time allowed for appeal of such judgment of conviction.

For state authority, see VA. CODE ANN. §27-100.1 (Repl. Vol. 2016). See also SFPC §5601.7 (2015) and §104.1.1 (2015).

[THE DECEMBER 2, 2002 ACT adopted this section, which is substantially similar to former §10-57 of this Code.]

Sec. 10-37. Appeals.

(a) Local BFPCA created. The Campbell County Board of Fire Prevention Code Appeals (BFPCA) is hereby established and designated as the local Board of Fire Prevention Code Appeals to hear appeals arising from the application of the provisions of this Article and of the

Statewide Fire Prevention Code by the Campbell County Fire Marshal. The composition, duties, and responsibilities of the local Board shall be as prescribed in SFPC Sections 112.2 through 112.8.1 (2015).

(b) Application for appeal to local BFPCA.

(1) The owner of a structure, the owner's agent or any other person involved in the design, construction or maintenance of the structure may appeal a decision of the fire official concerning application of the Statewide Fire Prevention Code or the fire official's refusal to grant modification under SFPC §106.5 (2015) to the provisions of the SFPC. The appeal shall first lie to the Campbell County Board of Fire Prevention Code Appeals and then to the State Building Code Technical Review Board (TRB) **except that appeals concerning the application of the SFPC or refusal to grant modifications by the State Fire Marshal shall be made directly to the TRB in accordance with SFPC §112.5 and §112.9 (2015) and with subsection (d) of this section.**

(i) Such initial appeal shall be submitted in writing to the local Board of Fire Prevention Code Appeals **within fourteen (14) calendar days** of the application of the SFPC provision(s) in question and shall state the grounds for appeal.

(a) The application for appeal shall contain the name and address of the owner of the structure and the person appealing if not the owner.

(b) A copy of the written decision of the fire official shall be submitted along with the application for appeal and maintained as part of the record.

(c) The application for appeal shall be stamped or otherwise marked by the Board of Fire Prevention Code Appeals to indicate the date received.

(ii) The written application for appeal shall be accompanied by the payment of the sum of two hundred dollars (\$200.00), in order to defray the costs of enforcement and appeals of the SFPC.

(2) Failure to submit an application for appeal within the time limit established by this subsection shall constitute acceptance of the fire official's decision.

(3) The Campbell County Board of Fire Prevention Code Appeals (BFPCA) shall meet within thirty (30) calendar days after the date of receipt of the application for appeal. The Board shall comply with the notice requirements and hearing procedures set forth in SFPC §§112.6 through 112.7.1 (2015). The Board may uphold, reverse or modify the decision of the fire official by a concurring vote of a majority of those present. The Board's decision shall be by resolution signed by the chairman as prescribed by SFPC §112.8.1 (2015) and retained as part of the record by the BFPCA. Copies of such resolution shall be furnished to all parties. Such decision shall be final if no appeal is made therefrom.

(c) Appeal to the TRB from decision of local BFPCA. After final determination by the Campbell County BFPCA, any person who was a party to the appeal to the Campbell County Board of Fire Prevention Code Appeals may appeal to the State Building Code Technical Review Board (TRB).

(1) Application for appeal from a decision of the Campbell County BFPCA shall be made to the TRB **within twenty-one (21) calendar days** of receipt of the decision to be appealed.

(2) Copies of the fire official's decision and the resolution of the Campbell County Board of Fire Prevention Code Appeals shall be submitted with the application for appeal, along with such other information as may be requested by the office of the TRB pursuant to SFPC §112.9.1 (2015).

(3) Failure to submit an application for appeal within the time limit established by this subsection shall constitute an acceptance of the decision of the Campbell County Board of Fire Prevention Code Appeals or fire official's decision.

(d) Appeal to the TRB arising from State Fire Marshal Office enforcement of SFPC.

(1) Application for appeal to the State Building Code Technical Review Board (TRB) arising from the State Fire Marshal Office's enforcement of the SFPC, including but not limited to appeals concerning the application of the SFPC by the State Fire Marshal or refusal to grant modifications by the State Fire Marshal, shall be made to the TRB **within fourteen (14) calendar days** of receipt of the decision to be appealed.

(2) Copies of the inspection reports and other relevant information shall accompany the application for appeal.

(3) Failure to submit an application for appeal within the time limit established by this subsection shall constitute an acceptance of the State Fire Marshal Office's decision.

(e) TRB procedures. The procedures of the State Building Code Technical Review Board (TRB) shall be in accordance with VA. CODE ANN. §36-108 et seq. (Repl. Vol. 2019). Decisions of the TRB shall be final if no appeal is made therefrom and the appellant and the code official shall act accordingly.

For state law authority, see VA. CODE ANN. §27-98 (Repl. Vol. 2016) for authority for imposition of fees; see also VA. CODE ANN. §36-108 et seq. (Repl. Vol. 2019), and SFPC Sections 112.1 through 112.9.2. (2015).

[THE DECEMBER 20, 1999 ACT adopted this section.]

[THE DECEMBER 3, 2001 AMENDMENT redesignated former subsections (a) and (b) as present (b) and (c), rewriting the first sentence in (b), designating subsequent sentences as numbered paragraphs therein, and inserting paragraph (2) therein, imposing a fee for appeals; added new (a) and inserted "Fire Code" preceding "Board of Appeals."]

[THE DECEMBER 6, 2004 AMENDMENT rewrote the section to conform to provisions of the Statewide Fire Prevention Code, as revised as of October 1, 2003.]

[THE DECEMBER 3, 2007 AMENDMENT added subsection catchlines, inserted abbreviations for local and state agencies and updated SFPC citations throughout the section; substituted the clause beginning “except that appeals . . .” for “except as provided for appeals concerning state owned structures in SFPC §112.9 (2000)” at the end of (b)(1); substituted “and retained as part of the record by the BFPCA. Copies” for “and copies” near the end of (b)(3); rewrote the first sentence in the introductory language in (c) for clarity and deleted the former last sentence therefrom (which is now substantially set forth in subsection (d)(1)); inserted “of the Campbell County BFPCA” in (c)(1); redesignated former (c)(4) as present subsection (e), and added “and the appellant and the code official shall act accordingly” at the end thereof; and added (d).]

Sec. 10-38. Reserved.

Sec. 10-39. Applicability within towns.

The provisions of this Division shall be applicable within the corporate limits of the Town of Altavista and the Town of Brookneal.

Editor’s note: By resolution adopted on September 11, 2001, the Town Council of the Town of Altavista requested and authorized the Campbell County Fire Marshal to enforce the Statewide Fire Prevention Code within the corporate limits of the Town of Altavista. By resolution adopted on October 12, 2010, the Town Council of the Town of Brookneal requested and authorized the Campbell County Fire Marshal to enforce the Statewide Fire Prevention Code within the corporate limits of the Town of Brookneal.

[THE DECEMBER 3, 2001 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT added “and the Town of Brookneal” at the end of the section.]

Sec. 10-40. Reserved.

Division D. Regulation of Burning.

Sec. 10-41. Burning of woods, brush, etc.

Woods, brush, logs, leaves, grass, debris, or other inflammable material may be burned on the property on which it originated only, subject to the following conditions:

(a) It shall be unlawful for any owner or lessee of land to set fire to, or to procure another to set fire to such material upon such land unless he previously has taken all reasonable care and precaution, by having cut and piled the same or carefully cleared around the same, to prevent the spread of such fire to lands other than those owned or leased by him. It shall also be unlawful for any employee of any such owner or lessee of land to set fire to or to procure another to set fire to any such material upon such land unless he has taken similar precautions to prevent the spread of

such fire to any other land. Such burning shall be done between 8:00 a.m. and 12:00 a.m.; except as provided in (b) herein.

(b) Except as provided in subsection (c) of this section, during the period February 15 through April 30 of each year, even though the precautions required by the foregoing subsection have been taken, it shall be unlawful for any person to set fire to, or to procure another to set fire to, any brush, leaves, grass, debris or field containing dry grass or other inflammable material capable of spreading fire, located in or within three hundred (300) feet of any woodland, brushland, or field containing dry grass or other inflammable material, except between the hours of 4:00 p.m. and 12:00 midnight.

The provisions of this subsection shall not apply to any fires which may be set to prevent damage to orchards or vineyards by frost or freezing temperatures or be set on federal lands.

(c) Subsection (b) of this section shall not apply to any fire set during the period beginning February 15 through April 30 of each year, if:

1. The fire is set for “prescribed burning” that is conducted in accordance with a “prescription” and managed by a “certified prescribed burn manager” as those terms are defined in VA. CODE ANN. §10.1-1150.1 (Repl. Vol. 2018);

2. The burn is conducted in accordance with VA. CODE ANN. §10.1-1150.4 (Repl. Vol. 2018);

3. The State Forester has, prior to February 1, approved the prescription for the burn; and

4. The burn is being conducted for one of the following purposes: (i) control of exotic and invasive plant species that cannot be accomplished at other times of the year; (ii) wildlife habitat establishment and maintenance that cannot be accomplished at other times of the year; or (iii) management necessary for natural heritage resources.

The State Forester may on the day of any burn planned to be conducted pursuant to this subsection revoke his approval of the prescription for the burn if hazardous fire conditions exist. The State Forester may revoke the certification of any certified prescribed burn manager who violates any provision of this subsection.

(d) (1) In subdivisions located in residentially-zoned districts Residential-Single Family (R-SF), Residential-Multi Family (R-MF), and Residential-Manufactured Housing (R-MH), the location of burning shall not be less than three hundred feet (300') from any occupied building unless the occupant has given prior permission.

(2) In all other areas, such burning shall not be less than fifty feet (50') from any structure, nor be allowed to spread to within fifty feet (50') of any structure, except that fires in approved containers may be permitted, provided that such fires are not less than fifteen feet (15') from any structure. For the purposes of this article, an “approved container” shall mean a fire receptacle or container in good condition and of substantial non-combustible construction designed

to minimize the release of firebrands and embers through use of a metal screen. The container shall be placed on bare soil or gravel.

(3) On any property not located in residentially-zoned districts but immediately adjacent to property located in residentially-zoned districts, the location of burning shall not be less than three hundred feet (300') from any occupied building located in the residentially-zoned district unless the occupant has given prior permission.

(4) No burning may take place within the state rights-of-way and all burning shall take place on the premises where the debris originated.

(5) Burning shall not be allowed to smolder beyond the minimum period of time necessary to destroy materials being burned, and shall be attended at all times unless the burn is surrounded by three hundred feet (300') by non-combustible materials. At least one approved on-site fire extinguishing material or equipment, such as dirt, sand, water barrel, garden hose, water truck, or portable fire extinguisher(s) of minimum required rating, shall be available for immediate use. Any person who builds a fire in the open air, or uses a fire built by another in the open air, within one hundred, fifty (150) feet of any woodland, brushland or field containing dry grass or other inflammable material, shall totally extinguish the fire before leaving the area.

(e) No owner or other person shall cause or permit open burning or the use of a special incineration device for the destruction of rubber tires, asphaltic materials, crankcase oil, impregnated wood, or other rubber or petroleum-based materials except when conducting bona fide firefighting instruction at firefighting training schools having permanent facilities.

(f) No owner or other person shall cause or permit open burning or the use of a special incineration device for the destruction of hazardous waste or containers for such materials.

(g) Notwithstanding subsection (d) of this section, the County Fire Marshal may prohibit the burning or may require the immediate extinguishment of such fire when the burning will be or has become offensive, hazardous, or objectionable due to excessive smoke or offensive odors, or otherwise, due to local circumstances or atmospheric conditions.

(h) Any person violating any provisions of this section shall be guilty of a misdemeanor for each separate offense. If any forest fire originates as a result of the violation by any person of any provision of this section, such person shall, in addition to the above penalty, be liable to the Commonwealth for the full amount of all expenses incurred by the Commonwealth in suppressing such fire. Such amounts shall be recoverable by action brought by the State Forester in the name of the Commonwealth on behalf of the Commonwealth and credited to the Forestry Operations Fund. (9-8-87) (3-21-89)

For state law authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018). For state law basis, see VA. CODE ANN. §10.1-1142 (Repl. Vol. 2018).

Editor's note.--The authority for this division derives from the State forestry laws, particularly VA. CODE ANN. §10.1-1142 (Repl. Vol. 2018), which are in certain respects stricter than comparable

provisions of the Statewide Fire Prevention Code. Ordinances promulgated under this authority are compatible with enforcement of the SFPC in the County.

[THE 1987 AMENDMENT substituted "has taken" for "shall have taken" twice in (a), deleted "shall" following "foregoing paragraph," substituted a comma for "or" preceding "brushland," and inserted "or field containing dry grass or other inflammable material" in (b); and, in (d), rewrote the first sentence, substituted "Commonwealth" for "State" in the second sentence, and deleted "if it has entered into a contract as provided in section 10-46.1 of the Code of Virginia" preceding "for the full amount."]

[THE MARCH 1989 AMENDMENT redesignated former (d) as present (e), added new (d), and, in present (e), substituted "\$500.00" for "\$100.00" in the first sentence, divided the former second sentence into present second and third sentences, substituted "originates" for "shall originate" in the second sentence, deleted "and to the County" following "to the Commonwealth" and "and the County respectively" following "by the Commonwealth" therein, substituted "Such amounts shall be" for "such amounts to be" in the third sentence and "and credited to the Forestry Operations Fund" for "and by the Board of Supervisors on behalf of the County" at the end.]

[THE MARCH 17, 1997 AMENDMENT substituted "February 15 through April 30" for "beginning March 1 and ending May 15" in (b) and substituted "federal lands and, between February 15 and March 1 of each year, on lands owned by the Virginia Department of Game and Inland Fisheries" for "rights-of-way of railroad companies by their duly authorized employees" in (c).]

[THE DECEMBER 3, 2001 AMENDMENT inserted "Except as provided in (c) of this section" at the beginning of (b); deleted former "(c)" designation of the next paragraph, making it an undesignated second paragraph of (b), and therein substituted "this subsection" for "subsection (b) of this section" and deleted "and, between February 15 and March 1 of each year, on lands owned by the Virginia Department of Game and Inland Fisheries" following "federal lands;" and inserted new (c).]

[THE DECEMBER 4, 2006 AMENDMENT substituted "during the period beginning February 15 through April 30" for "between February 15 and March 1" in the introductory language in subsection (c); and updated state code citations.]

[THE JULY 17, 2012 AMENDMENT added the first sentence and deleted similar language from the first paragraph, added the last sentence in (a), deleted former (d) and replaced with new (d)(1-5), (e), (f), and (g), and renumbered former (e) to (h), and deleted "and, upon conviction, shall be fined not more than \$500.00 for each separate offense" from the first sentence of (h).]

[THE DECEMBER 5, 2017 AMENDMENT added "to prevent damage to orchards or vineyards by frost or freezing temperatures or be set" to the second paragraph of B.]

[THE DECEMBER 4, 2018 AMENDMENT substituted "8:00 a.m. and 12:00 a.m." for "11:00 a.m. and 7:00 p.m." in (a), added "in good condition" and "through use of a metal screen. The container shall be placed on bare soil or gravel" in (d)(2), added "and all

burning shall take place on the premises where the debris originated” in (d)(4), rewrote (e) and (f), and renumbered former (f) to (g).]

Sec. 10-42. Reserved.

Sec. 10-43 to 10-44. Reserved.

Division E. Display of Fireworks.

Editor’s note: Effective July 1, 2002, VA. CODE ANN. §§59.1-142 through 59.1-148, which had regulated fireworks and which provided the state law authority for this Division, were repealed and new provisions were added to the Statewide Fire Prevention Code regarding fireworks. Provisions substantially similar to the former provisions of this Division may now be found in Sections 10-28.01 through 10-28.010 of this Code.

Secs. 10-45 to 10-59. Reserved.

Article III. EMS/Rescue.

Division A. General Provisions.

Sec. 10-60. Establishment of a County EMS/Rescue Division.

(a) In order to assure the provision of adequate and continuing emergency services to the citizens of Campbell County and to preserve, protect and promote the public health, safety, and general welfare, and in order to provide all emergency services personnel with the full benefit of privileges, rights and remedies available to them under law, the Board of Supervisors of Campbell County hereby establishes a County EMS/Rescue Division in order to mitigate the effects of accidents, disasters and other medical and rescue oriented emergency situations.

(b) The following organizations and groups are hereby officially granted the status of permitted entities recognized by the Campbell County Department of Public Safety, EMS/Rescue Division and are hereby granted permits to operate emergency medical service vehicles in Campbell County: Altavista Life Saving and First Aid Crew, Inc., Campbell County Rescue Squad, Inc., Citizens Emergency Crew, Inc., Concord Rescue Squad, Inc., Campbell County Rescue Commission, Evington Volunteer Fire Department, Brookville-Timberlake Volunteer Fire Department, Altavista Fire Company, Campbell County Public Safety. Volunteer agencies identified in this subsection will maintain separate licensure with the Virginia Department of Health – Division of Emergency Medical Services and maintain oversight of their respective volunteer agencies unless a separate agreement is entered into with Campbell County as agreed to by both parties.

(c) The following organizations and groups are hereby officially recognized as nonjurisdictional entities that are permitted to provide services for the Campbell County Department of Public Safety, EMS/Rescue Division and are granted permits to operate emergency

medical service vehicles in Campbell County and charge a fee for the service they provide to patients: Lynchburg Fire Department and EMS. The Campbell County Department of Public Safety may enter into contracts with any of these organizations to provide services on a routine basis as authorized by the Board of Supervisors. Additionally, the County may enter into mutual aid agreements with surrounding jurisdictions and agencies when it is deemed appropriate to do so by the County Board of Supervisors.

(d) The following organizations are hereby officially recognized as private commercial or not-for-profit entities that are authorized to provide EMS services within Campbell County and are granted permits to operate emergency medical service vehicles, including but not limited to air medical evacuation (medevac) services utilizing helicopters equipped for such use, in Campbell County and charge a fee for the service they provide to patients: Virginia Ambulance Services, Inc., Centra Health (*Centra One* helicopter), University of Virginia (*Pegasus* helicopter), and Carilion Health System (*Lifeguard* helicopter). Furthermore, these private commercial or not-for-profit entities are exempt from the remainder of the provisions in this article.

(e) Each of the organizations mentioned in section §10-60(b) shall be assigned response areas approved by the Board of Supervisors of Campbell County that provide the best services to the citizens of the County. These response areas shall be maintained in writing by the Campbell County Department of Public Safety, a copy of which will be posted in the communications center and available to the public. The Department of Public Safety may amend or change these boundaries from time to time in order to provide the best services available, subject to any then-applicable provisions of state law, following review and approval of the EMSAC and Public Safety Committee.

(f) For purposes of this Article, the following definitions shall apply, unless the context requires a different meaning:

“Emergency medical services personnel” or “EMS personnel” means individuals who are employed by or members of an emergency medical services agency and who provide emergency medical services pursuant to an emergency medical services agency license issued to that agency by the Commissioner of the State Emergency Medical Services Advisory Board and in accordance with the authorization of that agency’s operational medical director.

“Emergency medical services vehicle” means any vehicle, vessel, or aircraft that holds a valid emergency medical services vehicle permit issued by the state Office of Emergency Medical Services that is equipped, maintained or operated to provide emergency medical care or transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless.

“Emergency medical services agency” or “EMS agency” means any person engaged in the business, service, or regular activity, whether for profit or not, of rendering immediate medical care and providing transportation to persons who are sick, injured, wounded, or otherwise incapacitated or helpless and that holds a valid license as an emergency medical services agency issued by the Commissioner of the State Emergency Medical Services Advisory Board in accordance with VA. CODE ANN. §32.1-111.6 (Repl. Vol. 2018).

For state law authority, see VA. CODE ANN. §32.1-111.14 (Repl. Vol. 2018); VA. CODE ANN. §32.1-

111.4:3 (Repl. Vol. 2018); VA. CODE ANN. §32.1-111.1 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-955 (Repl. Vol. 2018).

Editor's note: This ordinance is established to provide general guidelines in the provision of Emergency Medical Services within Campbell County. More specific guidelines regarding the relationship between Campbell County and the various volunteer agencies within Campbell County may be found in the most recently adopted Memorandum of Agreement adopted by the Campbell County Board of Supervisors.

[THE NOVEMBER 21, 2005 ACT adopted this section.]

[THE JANUARY 3, 2006 AMENDMENT added the last two sentences in (b).]

[THE JULY 7, 2008 AMENDMENT revised the first sentence of subsection (b) for clarity, substituted “permitted” for “authorized” in the first sentence of (c), added “any of” before “these organizations” in the second sentence of (c), added “approved by the Board of Supervisors of Campbell County” in the first sentence of (e), and added “subject to any then-applicable provisions of state law, following review and approval of the EMSAC and Public Safety Committee” at the end of (e).]

[THE DECEMBER 6, 2010 AMENDMENT added “Altavista Fire Company” to the list of entities in (a), deleted “Included in this provision is the responsibility to maintain mutual aid agreements with bordering agencies” from subsection (b) and substituted “Centra One” for “Medflight” in (d).]

[THE DECEMBER 1, 2015 AMENDMENT rewrote the definitions of “*Emergency medical services personnel*” or “*EMS personnel*” and “*Emergency medical services agency*” or “*EMS agency*”.]

[THE DECEMBER 5, 2017 AMENDMENT deleted references to Brookneal Rescue Squad and Rustburg Rescue Squad after their dissolutions.]

Sec. 10-61. Entities of County EMS/Rescue Division responsible to the Department of Public Safety.

(a) Each of the organizations and groups mentioned in subsections (b) and (c) of §10-60 shall coordinate their operations and activities with the Campbell County Department of Public Safety and will carry out their assigned tasks to the best of their ability.

(b) Each EMS/rescue organization mentioned in §10-60(b) shall appoint a district captain who shall be responsible for the overall direction and control of EMS/rescue service activities using federally mandated NIMS protocols within his organization’s respective primary response areas. Additionally, the captain shall insure that his organization complies with all of the provisions of applicable laws, ordinances, and standard operating procedures/guidelines in

coordination with the Department of Public Safety and shall advise and communicate his organization's operations and activities with the Director of Public Safety or his designee.

(c) The Campbell County Department of Public Safety EMS Division career staff, when responding to calls, will follow all applicable federal, state, and local regulations and will function under the same standards incorporating NIMS as noted in section (b).

For state law authority, see VA. CODE ANN. §32.1-111.14 (Repl. Vol. 2018) and VA. CODE ANN. §32.1-111.4:8 (Repl. Vol. 2018).

[THE NOVEMBER 21, 2005 ACT adopted this section.]

[THE JULY 7, 2008 AMENDMENT added "using federally mandated NIMS protocols" in the first sentence of (b), substituted "advise and communicate" for "coordinate" in the second sentence of (b), and added subsection (c).]

[THE DECEMBER 6, 2010 AMENDMENT added "/guidelines in coordination with the Department of Public Safety" to the second sentence of subsection (b).]

Sec. 10-62. Responsibility and authority.

(a) All officially recognized members of the organizations and groups mentioned above shall perform their respective duties, as outlined in standard operating procedures/guidelines and applicable laws and ordinances, to the best of their ability.

(b) All officially recognized members of the organizations and groups mentioned above will be subject to the procedures and practices established by the Campbell County Board of Supervisors or its designee.

(c) While performing in his official capacity, each of the members of the organizations and groups mentioned above shall have the authority to carry out his respective assignments as provided for in applicable laws, ordinances and standard operating procedures/guidelines.

For state law authority, see VA. CODE ANN. §32.1-111.14 (Repl. Vol. 2018) and VA. CODE ANN. §32.1-111.4:8 (Repl. Vol. 2018).

[THE NOVEMBER 21, 2005 ACT adopted this section.]

[THE DECEMBER 6, 2010 AMENDMENT added "/guidelines" twice, in (a) and (c).]

Sec. 10-63. EMS/Rescue personnel afforded certain privileges, rights and remedies.

Emergency medical services personnel of the County, when acting under lawful authority beyond the territorial limits of the County, shall have all usual immunities from liability and exemptions from laws, ordinances, and regulations and shall have all of the pension, relief,

disability, workers' compensation, and other benefits enjoyed by them while performing their respective duties.

Where the County has elected to contract with or provide for emergency medical services by an emergency medical services agency pursuant to VA. CODE ANN. §32.1-111.4:7 (Cum. Supp. 2020), the emergency medical services agency shall be deemed to be an instrumentality of the County and as such, exempt from suit for damages done incident to the provision of emergency medical services therein unless the emergency medical services agency is a private, for-profit emergency medical services agency.

For state law authority, see VA. CODE ANN. §32.1-111.4:4 (Repl. Vol. 2018) and VA. CODE ANN. §32.1-111.4:3 (Repl. Vol. 2018).

[THE NOVEMBER 21, 2005 ACT adopted this section.]

[THE DECEMBER 1, 2015 AMENDMENT rewrote this section.]

Sec. 10-64. Authority of emergency medical services agency incident commander when operating at an emergency incident; penalty for refusal to obey orders.

Except as provided in VA. CODE ANN. §32.1-111.14:6 (Repl. Vol. 2018), while any emergency medical services personnel are in the process of operating at an emergency incident where there is imminent danger and when emergency medical services personnel are returning to the emergency medical services agency, the incident commander of such emergency medical services agency at that time shall have the authority to (i) maintain order at such emergency incident or its vicinity; (ii) direct the actions of emergency medical services personnel at the incident; (iii) notwithstanding the provisions of VA. CODE ANN. §§46.2-888 through 46.2-891 (Repl. Vol. 2017 and Cum. Supp. 2020), keep bystanders or other persons at a safe distance from the incident and emergency equipment; (iv) facilitate the speedy movement and operation of emergency equipment and emergency medical services personnel; and (v) until the arrival of a state trooper or sheriff's deputy, direct and control traffic in person or by deputy and facilitate the movement of traffic. The emergency medical services agency incident commander shall display his emergency medical services personnel's badge or other proper means of identification. Notwithstanding any other provision of law, this authority shall extend to the activation of traffic control signals designed to facilitate the safe egress and ingress of emergency equipment at an emergency medical services agency. Any person or persons refusing to obey the orders of the emergency medical services incident commander at that time is guilty of a Class 4 misdemeanor.

If any person at a fire or medical emergency refuses or neglects to obey any order duly given by the individual having command of the incident in accordance with VA. CODE ANN. §32.1-111.14:5 (Repl. Vol. 2018) or VA. CODE ANN. §32.1-111.14:6 (Repl. Vol. 2018), he shall, upon conviction of such offense, be fined not to exceed \$100.

For state law authority, see VA. CODE ANN. §32.1-111.14:5 (Repl. Vol. 2018) and VA. CODE ANN. §32.1-111.14:7 (Repl. Vol. 2018).

[THE NOVEMBER 21, 2005 ACT adopted this section.]

[THE DECEMBER 1, 2015 AMENDMENT rewrote this section.]

Sec. 10-65. Service fee for ambulance transport.

(a) *Service fee for emergency ambulance transport.*

(1) Pursuant to VA. CODE ANN. §32.1-111.14 (Repl. Vol. 2018), as amended, it is hereby determined and declared that the exercise of the powers and duties set forth herein is necessary to assure the provision of adequate and continuing emergency services and to preserve, protect and promote the public health, safety and general welfare.

(2) *Definitions.* The following definitions shall apply to ambulance charges:

“Basic life support (BLS)”: Services shall be medical treatment or procedures provided to a patient as defined by the National Emergency Medical Services (EMS) Educational and Practice Blueprint for the Emergency Medical Technician (EMT)-Basic.

“Advanced life support level 1 (ALS-1)”: Services shall be medical treatment or procedures provided to a patient beyond the scope of an EMT-Basic as defined by the National EMS Education and Practice Blueprint.

“Advanced life support level 2 (ALS-2)”: Services shall be defined as advanced life support (ALS) services provided to a patient including any of the following medical procedures: (i) manual defibrillation/cardioversion, (ii) endotracheal intubation, (iii) central venous line, (iv) cardiac pacing, (v) chest decompression, (vi) surgical airway or (vii) intraosseous line, and the administration of three (3) or more medications.

“Ground transport mileage (GTM)”: Shall be assessed in actual road miles from the location of the incident scene, or center point of a rescue demand zone where an incident scene or address is located, to a hospital or other facility where a patient is transported.

(3) The schedule of rates for emergency ambulance transport services by the Campbell County emergency medical services system shall be based on a schedule as may be set by resolution by the Campbell County Board of Supervisors from time to time.

(4) The County Board of Supervisors shall adopt appropriate rules and policies for the administration of the charges imposed by this section, including and not limited to, payment standards for those persons who demonstrate economic hardship, as established by this ordinance.

(b) *Billing.*

(1) Campbell County or its agent shall generate a bill for ambulance transports whose point of origin is within the boundaries of Campbell County performed by all ambulances operated by an agency licensed and chartered in Campbell County by the Commonwealth of Virginia and mentioned in §10-60(b) above. Organizations are required to submit information required for the County or its agent to generate a bill for such services. Campbell County will not generate a bill for ambulance transport by organizations mentioned in §10-60(b) above that would be considered humanitarian assistance (meaning activities not undertaken as a result of a call for emergency assistance to the Campbell County Public Safety Communications Center). Due to the fact that patient care information is highly confidential under several state and federal laws, Call Sheets/Patient Care reports will remain the responsibility of the agency responding to individual calls. Information shared under this subsection shall be that information *reasonably necessary* to accomplish the billing process or other arrangement as mutually agreed to by the providing agency and Campbell County.

(2) Campbell County may generate a bill for ambulance service in the primary response areas of organizations mentioned in §10-60(b) above in adjoining localities by separate agreement between Campbell County, the adjoining locality, and the organization.

(3) No organization mentioned in §10-60(b) above that is licensed and chartered in Campbell County by the Commonwealth of Virginia may participate in the County's billing program without the prior consent of the Campbell County Board of Supervisors.

(4) Fees and responsibility for payment. Payment of all charges for ambulance services, including evaluation, treatment or ambulance transport, shall be the responsibility of the patient or the parent, guardian, or other legally responsible party in the case of a minor or an individual deemed incompetent.

(c) Reserved.

(d) *Billing contractor.* Campbell County may contract with a third-party for billing and related services.

(e) Reserved.

(f) *Collections.* Billing and collection policies and services will be established by the Board of Supervisors. No provider mentioned in §10-60(b) above will accept or receive payment directly from a patient or on behalf of a patient for services rendered to a patient.

For state law authority, see VA. CODE ANN. §32.1-111.14 (Repl. Vol. 2018).

Editor's note: The amendments to this section adopted by the Board of Supervisors on September 5, 2006, became effective at 12:01 a.m. on September 12, 2006. Also adopted at that time and effective on September 12, 2006 was a resolution of the Board of Supervisors setting a fee schedule of rates for emergency ambulance transport services, pursuant to Sec. 10-65(a)(3) of this Code.

[THE NOVEMBER 21, 2005 ACT adopted this section.]

[THE JANUARY 3, 2006 AMENDMENT added the last two sentences in (b)(1).]

[THE SEPTEMBER 5, 2006 AMENDMENT, effective on September 12, 2006, in subsection (b), deleted former paragraph (2) which exempted members of certain County volunteer rescue and EMS agencies, volunteer fire departments, law enforcement agencies, and their immediate families from being billed for ambulance transport, and renumbered the subsequent paragraphs; in subsection (c)(1), substituted “*and is a resident of or employed in Campbell County*” for “*or a subscription member*” in the first sentence, deleted the former third sentence which had read: “A member of the subscription program will be sent a statement showing no charges due and payable for services rendered on the date of service,” and added the new third sentence; in subsection (c)(2), substituted “*and is not a resident of or employed in Campbell County*” for “*or a non-subscription member*” in the first sentence and substituted “may be billed” for “will be billed” in the third sentence; in (c)(3), substituted “*and is a resident of or employed in Campbell County*” for “*optional subscription program*” in the first sentence, deleted former second and third sentences, and added the present second sentence; in (c)(4), substituted “*and is not a resident of or employed in Campbell County*” for “*non-subscription member*” in the first sentence, and substituted “may be sent” for “is to be sent” in the second sentence and “(e)” for “(f)” in the last sentence; deleted former subsection (e) entirely, which had set forth procedures for the subscription program designed to limit out-of-pocket expenses associated with emergency ambulance transports for enrolled persons; and redesignated former (f) and (g) as present (e) and (f).]

[THE DECEMBER 3, 2007 AMENDMENT deleted subsections (c) and (e), and deleted “subscription services” from the first line of subsection (f).]

[THE JULY 7, 2008 AMENDMENT substituted “participate in the County’s billing program” for “bill for services” in (b)(3).]

Secs. 10-66 to 10-79. Reserved.

Division B. [Reserved.]

Secs. 10-80 to 10-99. Reserved.

Article IV. Reserved.

Editor’s Note: Former Article IV, Communications, which deals with street naming, signage, and structure numbering, was moved to Chapter 5, Buildings, of this Code on December 4, 2012. The text of former sections 10-100 through 10-108 and all three of the related Appendices can now be found at Chapter 5, sections 5-14 through 5-22 and Appendices.

Sec. 10-100 to 10-129. Reserved.

ARTICLE V. PUBLIC WATERS WITHIN CAMPBELL COUNTY

Sec. 10-130. Establishment of “no wake” and warning zones

(a) In accordance with the provisions of VA. CODE ANN. §29.1-744 (Repl. Vol. 2018) and in order to protect public safety, the Board of Supervisors of the County of Campbell, Virginia, does hereby establish “no wake” and warning zones in certain waterways within the County;

(1) along that portion of the Staunton (Roanoke) River adjacent to the main water intake at the lower end of The Vic Thomas Striped Bass Hatchery near Brookneal, Virginia, and more particularly described as located at Latitude 37° 01' 42", Longitude 78° 55' 36" and being an area approximately twenty feet from the north bank of the river’s edge and approximately 1.5 miles downstream from the public boat ramp at Brookneal; and

(2) along that portion of Leesville Lake adjacent to the Runaway Bay subdivision, within four coves known as Boat Launch Cove, Lobue Cove, Lugo Cove, and Skillman Cove, and more particularly described as located at Latitude North 37.08383, Longitude West 079.40482, Latitude North 37.08383, Longitude West 079.40811, Latitude North 37.07817, Longitude West 079.40479, Latitude North 37.07355, Longitude West 079.40490, and Latitude North 37.06061, Longitude West 079.40957.

(b) Application shall be made to the Board of Supervisors of Campbell County, in accordance with the provisions of VA. CODE ANN. §29.1-744 E. (Repl. Vol. 2018), prior to the placement or removal of any “no wake” buoys or other regulatory markers pursuant to this article. Any markers or buoys designating such zone shall conform to the requirements established by the Board of Game and Inland Fisheries. Any marker or buoy which is not placed in conformance with the regulations of the Board or which is not properly maintained shall be removed by Campbell County or by the Department of Game and Inland Fisheries. “No wake” buoys or other markers placed prior to July 1, 2001, shall only be removed when no longer required for the safe and efficient operation of vessels pursuant to any local ordinance.

(c) As used in this article, unless the context clearly requires a different meaning, the terms “motorboat,” “no wake,” “operate,” “owner,” “personal watercraft,” and “vessel” shall have the same meaning ascribed to them in the definitions in VA. CODE ANN. §29.1-700 (Repl. Vol. 2018).

For state law authority, see VA. CODE ANN. §29.1-744 (Repl. Vol. 2018), §29.1-700 (Repl. Vol. 2018), and VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018).

Editor’s note. - The location of the Staunton River “no wake” and danger zone as described above is also shown on maps accompanying a copy of an “Application for Establishment of Regulatory

Markers on Public Waters in Virginia,” dated October 29, 1999, submitted by H. Eugene Gwathmey, Jr., Warmwater Hatcheries Manager, Virginia Department of Game and Inland Fisheries. The location of the Leesville Lake “no wake” and danger zone as described above is also shown on maps accompanying a copy of “Memorandum re No Wake Buoys for Leesville Lake Coves within the Runaway Bay Community,” dated July 16, 2007, submitted by the Chairperson of the Safety and Security Committee of the Runaway Bay Homeowner’s Association, Inc.

[THE FEBRUARY 7, 2000 ACT adopted this section.]

[THE DECEMBER 3, 2001 AMENDMENT added the last sentence in subsection (b).]

[THE DECEMBER 3, 2007 AMENDMENT moved the last portion of subsection (a) into subpart (1) and added subsection (a)(2).

Sec. 10-131. Same.-Operation of motorboat or personal watercraft restricted in and near designated “no wake” and warning zone.

(a) It shall be unlawful to operate any motorboat, including a personal watercraft, at a speed greater than the slowest possible speed required to maintain steerage and headway when within fifty (50) feet or less of any “no wake” and warning zone established by §10-130 of this Code.

(b) It shall be unlawful to operate any watercraft within said area marked by regulatory markers, buoys, or otherwise, as “no wake” and warning zone so as to come within close proximity to the water intake of the Vic Thomas Striped Bass Hatchery near Brookneal as described in §10-130(a)(1).

For state law authority, see VA. CODE ANN. §29.1-744.3 (Repl. Vol. 2018), §29.1-748 A.7. (Repl. Vol. 2018), and §29.1-738.03 (Repl. Vol. 2018).

[THE FEBRUARY 7, 2000 ACT adopted this section.]

[THE DECEMBER 3, 2007 ACT rewrote the language of subsection (a) so as to make the subsection applicable to all zones established by §10-130, and added “Vic Thomas Striped Bass Hatchery near Brookneal as described in §10-130(a)(1)” to the end of subsection (b).]

Sec. 10-132. Same - Enforcement and penalties.

(a) Every conservation police officer, officer of the Virginia Marine Police, and other law-enforcement officer of the Commonwealth and its subdivisions shall have the authority to enforce the provisions of this article and shall have the authority to stop, board, and inspect any vessel subject to this article or Chapter 7 of Title 29.1 of the Code of Virginia (Repl. Vol. 2018 and Cum. Supp. 2020), after having identified himself in his official capacity, subject to the exceptions set forth in VA. CODE ANN. §29.1-745 (Repl. Vol. 2018).

(b) Any person violating the provisions of this article shall be guilty of a Class 4 misdemeanor for each such violation, unless some other penalty is specifically prescribed herein or by state law, in which event the more severe penalty shall apply.

For state law authority, see VA. CODE ANN. §29.1-745 (Repl. Vol. 2018) and §29.1-746 (Repl. Vol. 2018). For penalties for misdemeanors, see VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE FEBRUARY 7, 2000 ACT adopted this section.]

[THE DECEMBER 3, 2007 AMENDMENT, in (a), substituted “conservation police officer” for “game warden” and updated the state code citations.]

[THE DECEMBER 1, 2015 AMENDMENT substituted “officer of the Virginia Marine Police, and” for “Marine Resources Commission inspector, and every” in (a).]