

Chapter 8

**FIRE PROTECTION AND PUBLIC SAFETY**

- Sec. 8-1. Fire companies.
- Sec. 8-2. Regulations governing use of county fire trucks.
- Sec. 8-3. Official safety program.
- Sec. 8-4. Certification of firefighters aged 16 years and older.
- Sec. 8-5. Disposal of unclaimed personal property in the possession of the Sheriff.
- Sec. 8-6. Emergency Medical Services Cost Recovery.
  - Sec. 8-6-1. Purpose and Finding of Fact.
  - Sec. 8-6-2. Definitions.
  - Sec. 8-6-3. Permits required.
  - Sec. 8-6-4. Fees for emergency medical services vehicle transports.

## Chapter 8

**FIRE PROTECTION AND PUBLIC SAFETY.<sup>1</sup>****Sec. 8-1. Fire companies.**

All fire companies organized and operating within the county shall be subject to the approval of the board of supervisors in accordance with Title 27, chapter 2, article 1 of the Code of Virginia. Any approval heretofore granted for a fire company shall remain in effect; provided, however, that no such approval shall be deemed to relieve any such company of the continuing duty of compliance with the provisions of Title 27, chapter 2, article 1 (section 27-6.01 et seq.) of the Code of Virginia.

(Ord. 11-18-15)

**Sec. 8-2. Regulations governing use of county fire trucks.**

Fire trucks owned by the county shall be used for emergency use only with the following exceptions:

- (1) Parades within the county and the town of Scottsville;
- (2) Fire training purposes;
- (3) Driver training;
- (4) Cleaning landfill equipment;
- (5) Wet down of public areas and ballfields for county sanctioned functions;
- (6) Other uses deemed necessary by the county administrator or county fire chief.

Private use of such fire trucks is prohibited. Examples of such excluded uses are:

- (1) Filling of private swimming pools;
- (2) Filling baptismal pools;

---

<sup>1</sup> For state law as to forest wardens and fires generally, see Code of Va., § 10.1-1135 et seq.; as to smoke detectors in certain buildings, see Code of Va., § 15.2-922; as to Line of Duty Act, see Code of Va., § 9.1-400 et seq.; as to arson and related crimes, see Code of Va., § 18.2-77 et seq.; as to fire protection generally, see Code of Va., § 27-1 et seq.

(3) Pumping out private basements.  
(Comp. 1974, ch. 8; Ord. 5-15-85)

**Sec. 8-3. Official safety program.<sup>2</sup>**

Pursuant to the authority contained in sections 27-6.1 and 27-8.1 of the Code of Virginia the following official safety program of the county is hereby established.

The official safety program of this county shall be carried into effect by the following organizations or departments whose membership shall be deemed to be an integral part of the safety program of this county:

(A) The sheriff's department, together with all its law enforcement personnel;

(B) The Fluvanna County Volunteer Fire Department, Inc., at present consisting of Fork Union Volunteer Fire Company, Kents Store Volunteer Fire Company, Palmyra Volunteer Fire Company; and the Lake Monticello Fire Department;

(C) The Fluvanna Rescue Squad, Inc., at present consisting of Kents Store Rescue Squad, Fork Union Rescue Squad and Palmyra Rescue Squad; and the Lake Monticello Rescue Squad;

(D) All other law enforcement personnel of the county not included in (A) above.  
(Min. Bk. 7, p. 169; Comp. 1974, ch. 8; Ord. 2-3-75; Ord. 5-2-83; Ord. 11-18-15)

**Sec. 8-4. Certification of firefighters aged 16 years and older.<sup>3</sup>**

(A) Any person residing anywhere in the Commonwealth, aged 16 years or older, who is a member of a volunteer fire company within the County with parental or guardian approval, is hereby authorized (i) to seek certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs; and (ii) to work with or participate fully in all activities of such volunteer fire company, provided such person has attained certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs. No person who achieved certification under National Fire Protection Association

---

<sup>2</sup> For state law as to the Line of Duty Act, see Code of Va., § 9.1-400 et seq.

<sup>3</sup> For state law as to participation of children in activities of a volunteer fire company, see Code of Va., §§ 40.1-79.1 and 40.1-100.

1001, level one, firefighter standards, as administered by the Department of Fire Programs, on or before January 1, 2006, between the ages of 15 and 16, shall be required to repeat the certification after his sixteenth birthday.

(B) Any trainer or instructor of such persons mentioned in subsection (A) of this section and any member of a paid or volunteer fire company who supervises any such persons shall be exempt from the provisions of section 40.1-103 of the Virginia Code, provided that the provisions of section 40.1-100 of the Virginia Code have not been violated, when engaged in activities of a volunteer fire company, and provided that the volunteer fire company or the governing body of the County has purchased insurance which provides coverage for injuries to or the death of such persons in their performance of activities under this section.

(C) Children aged 16 years or older may participate in all activities of a volunteer fire company; provided, however, that no person under the age of 18 years shall enter a burning structure or a structure which contains burning materials prior to obtaining certification under National Fire Protection Association 1001, level one, fire fighter standards, pursuant to the provisions of subsection (A) of this section, except where entry into a structure that contains burning materials is during training necessary to attain certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs.

(Ord. 4-16-08)

#### **Sec. 8-5. Disposal of unclaimed personal property in the possession of the Sheriff.<sup>4</sup>**

Any unclaimed personal property which has been in the possession of the Sheriff and unclaimed for a period of more than sixty (60) days may be (i) sold at public sale in accordance with the provisions of this section or (ii) retained for use by the Sheriff. As used herein, "unclaimed personal property" shall be any personal property belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (section 55-210.1 et seq. of the Virginia Code). Unclaimed bicycles and mopeds may also be disposed of in accordance with section 15.2-1720 of the Virginia Code, and unclaimed firearms shall only be disposed of in accordance with section 15.2-1721 of the Virginia Code after having been in the possession of the Sheriff and unclaimed for a period of more than 120 days.

Prior to the sale or retention for use by the Sheriff of any unclaimed item, the Sheriff or his duly authorized agents shall make reasonable attempts to notify the rightful owner of

---

<sup>4</sup> For state law as to local disposition of unclaimed property, see Code of Va., § 15.2-1719.

the property, obtain from the attorney for the Commonwealth in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the County once a week for two (2) successive weeks, notice that there will be a public display and sale of unclaimed personal property. Such property, including property selected for retention by the Sheriff, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The Sheriff or his duly authorized agents shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by such officer for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the Sheriff shall become the property of the County and shall be retained only if, in the opinion of the Sheriff, there is a legitimate use for the property by the Sheriff and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

If no claim has been made by the owner for the property or proceeds of such sale within sixty (60) days of the sale, the remaining funds shall be deposited in the general fund of the County and the retained property may be placed into use by the Sheriff. Any such owner shall be entitled to apply to the County within three (3) years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the County shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three (3) years from the date of the sale.

(Ord. 11-18-09; Ord. 11-18-15)

**Sec. 8-6. Emergency Medical Services Cost Recovery.** (Ord. 3-18-15)

**Sec. 8-6-1. Purpose and Finding of Fact.**<sup>5</sup>

Pursuant to section 32.1-111.14 of the Virginia Code, it is hereby determined that the powers set forth herein must be exercised in order to assure the provision of adequate and continuing emergency services and to preserve, protect and promote the public health, safety and general welfare. (Ord. 3-18-15)

**Sec. 8-6-2. Definitions.**<sup>6</sup>

---

<sup>5</sup> For state law reference, see Code of Va., § 32.1-111.14.

<sup>6</sup> For state law reference, see Code of Va., § 32.1-111.1.

*Agency* means any person engaged in the business, service or regular activity, whether or not for profit, of transporting persons who are sick, injured, wounded or otherwise incapacitated or helpless, or of rendering immediate medical care to such persons.

*Ambulance* means any vehicle, vessel or aircraft, which holds a valid permit issued by the Office of Emergency Medical Services, that is specially constructed, equipped, maintained and operated, and is intended to be used for emergency medical care and the transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless. The word "ambulance" may not appear on any vehicle, vessel or aircraft that does not hold a valid permit.

*Emergency medical services vehicle* means any vehicle, vessel, aircraft, or ambulance that holds a valid emergency medical services vehicle permit issued by the 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.

(Ord. 3-18-15)

**Sec. 8-6-3. Permits required.**<sup>7</sup>

No agency shall charge fees for transport services provided by a private emergency medical services vehicle within the county in response to a call for service originating from the county without first obtaining a permit pursuant to this section. Permits shall be issued in accordance with section 32.1-111.14 of the Virginia Code, as amended, by the county administrator or his designee, upon such terms and conditions as may be needed to ensure the public health, safety and welfare. No permit shall be required for any person acting pursuant to a mutual aid agreement with the county or while assisting the county during a state of emergency. Agencies permitted pursuant to this article shall comply with all terms and conditions of their permits. (Ord. 3-18-15)

**Sec. 8-6-4. Fees for emergency medical services vehicle transports.**<sup>8</sup>

(A) Reasonable fees shall be charged for transport services provided by emergency medical services vehicles operated by fire departments, rescue agencies, or by any private agency permitted under this article, including charging insurers for ambulance services as authorized by section 38.2-3407.9 of the Virginia Code. The schedule of fees shall be

---

<sup>7</sup> For state law reference, see Code of Va., § 32.1-111.14.

<sup>8</sup> For state law reference, see Code of Va., § 32.1-111.14.

established by resolution of the board. In no event shall a person be denied transport for emergency medical services due to his or her ability to pay.

(B) Funds collected from service fees established by this article shall be used for purposes of defraying costs and improving services associated with providing emergency medical transport services, including but not limited to capital, facility vehicle, equipment and supply costs, and professional services.

(C) The county administrator shall establish policies and procedures to implement this section in accordance with applicable law, including, but not limited to, payment standards for persons demonstrating economic hardships.

(Ord. 3-18-15)