

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-02-07

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 23rd day of April, 2007:

Present:	Vote:
David M. Sparks	Aye
James H. Burrell	Aye
Mark E. Hill	Aye
W. R. Davis, Jr.	Aye
Stran L. Trout	Aye

Motion was made by Mr. Hill, which carried 5:0, to adopt the following ordinance:

**AN ORDINANCE AMENDING
CHAPTER 30, NEW KENT COUNTY CODE
TO CREATE THE FIRE-RESCUE DEPARTMENT, THE FIRE MARSHAL, AND
TO REGULATE EMERGENCY MEDICAL SERVICES**

WHEREAS, the Fire Chief has proposed the formal creation of the New Kent Fire-Rescue Department; and

WHEREAS, the Fire Chief has proposed the adoption of the Statewide Fire Prevention Code; and

WHEREAS, the Fire Chief has proposed certain regulations for open burning and open fires; and

WHEREAS, the Fire Chief has proposed certain regulations for Emergency Medical Service providers in New Kent County; and

WHEREAS, the Board of Supervisors scheduled and conducted a formal and duly advertised public hearing on 9 April 2007, and carefully considered the public comment received; and

WHEREAS, the Board of Supervisors finds that creation of the Fire-Rescue Department is required to protect the public health and safety;

WHEREAS, the Board of Supervisors finds it desirable to consolidate all provisions for alarm systems

NOW THEREFORE BE IT ORDAINED this, the 9th day of April 2007, by the New Kent County Board of Supervisors that Chapters 30 and 34 of the New Kent County Code be amended by deleting the current Chapter 30 and inserting the text below in its place. The New Kent County Code is further amended by deleting the current Chapter 34 and that chapter number is reserved for future use.

"ARTICLE I. NEW KENT FIRE AND RESCUE DEPARTMENT

Sec. 30-1. Establishment of Fire and Rescue Department

The New Kent Fire and Rescue Department ("Fire-Rescue Department") is hereby established. The Fire-Rescue Department shall provide all fire and emergency medical services and services related to civilian safety and evacuation in disasters and emergencies. The Fire-Rescue Department shall also be responsible for administration of local, state, and federal emergency response, assistance and recovery programs within the county.

Sec. 30-2. Composition of Fire-Rescue Department

The Fire-Rescue Department shall be composed of the officials and staff of the Fire-Rescue Department, and the following volunteer fire companies and volunteer rescue squads, which are an integral part of the official safety program of the county:

- (a) Providence Forge Volunteer Fire and Rescue, Inc.
- (b) Quinton Volunteer Fire and Emergency Medical Services, Inc.
- (c) Weir Creek Emergency Services, Inc.

Sec. 30-3. Responsibilities of Fire-Rescue Department

(a) The Fire-Rescue Department shall be responsible for regulating and managing the provision of emergency patient care and services before that patient reaches a hospital and for regulating providers of the non-emergency transportation of patients requiring medical services.

(b) The Fire-Rescue Department shall be responsible for:

- (1) regulating and managing the provision of fire prevention, protection, suppression, and investigation services
- (2) enforcing laws relating to fire prevention
- (3) providing services related to hazardous materials and similar hazards that pose a threat to life and property.

(c) The Fire-Rescue Department shall also be responsible for any additional related services that are necessary for the provision of fire and emergency medical services.

Sec. 30-4. Administrative Office

(a) Chief of New Kent Fire-Rescue

(1) The County Administrator shall appoint the Chief of the New Kent Fire-Rescue ("Chief"). The appointed Chief shall be the director of the Fire-Rescue Department and shall be both the operational and administrative head of the Fire-Rescue Department. References to the Chief in this chapter shall include his or her designees.

(2) The Chief may delegate his or her operational authority to other officials and staff of the Fire-Rescue Department.

(3) The Chief shall establish, publish, and enforce Fire-Rescue Departmental regulations for the administration and operation of the Fire-Rescue Department. Such regulations shall implement this chapter, but may establish additional, and more stringent, requirements for the internal operation of the Fire-Rescue Department. No County or Fire-Rescue Departmental regulations or directives can waive the requirements of federal, state, or other local laws or regulations, including those related to licensing.

(4) The Chief shall hire and terminate officers and staff using the guidelines and procedures of New Kent Human Resource Department, and review and accept volunteers for the Fire-Rescue Department. The Chief may appoint such principal deputies or assistants as the County Administrator may approve. Deputies and assistants may perform any of the duties of the Chief, when authorized in writing by the Chief. The Chief shall provide for appropriate background investigation of staff and volunteer applicants and incumbents, including review of criminal and driving records, before offering the applicant a position.

(5) The Chief shall lead the planning for, training and preparation for, and response to any disaster that occurs in the County and that requires implementation of the County's emergency response plan. The Board of Supervisors and the County Administrator hereby designate the Chief, and the Chief shall so serve, as the coordinator of

emergency services for all purposes related to response to disasters pursuant to Title 44 of the Virginia Code. The Chief shall create and file with the Clerk of the Board of Supervisors an orderly succession to command designating those persons, whether by title or by name, who shall succeed him or her in the event of casualty.

(6) The Chief, on behalf of the Board of Supervisors, shall have authority to enter into and implement the terms of agreements for mutual aid, disaster preparedness, and provision of services related to hazardous materials, rescue, fire suppression, investigation, medical services, or other emergency response services deemed necessary in his or her judgment, for events exceeding the emergency response capabilities of an individual locality or government agency.

(7) After an official declaration of a disaster or emergency, the Chief shall have the authority to contract on behalf of the County and to expend appropriated funds to provide for the public safety during such events, in accordance with applicable laws and regulations. The County Attorney shall review all such agreements for form prior to their execution, provided however, that this review does not delay the provision of essential services. The Chief shall have the authority to take all actions necessary to obtain funding and assistance from other localities and from state or federal agencies for those purposes.

(8) The chief shall be the point of contact for the county for all matters relating to the provision of fire, rescue, and emergency-disaster response.

(b) Advisors to the Chief

(1) An Advisory Board is hereby established and this Board shall include the highest-ranking operational leaders of each of the volunteer organizations listed under the composition of the Fire-Rescue Department. The Advisory Board shall consult with and advise the Chief before the issuance of any departmental policies or regulations. Following consultation, the Chief in his or her sole discretion may issue those Departmental policies or regulations that he or she deems necessary.

Sec. 30-5. Criminal History and Department of Motor Vehicle Record Checks

(a) In the interest of the public welfare and safety, the Chief shall review the criminal history records, if any exist, of applicants for employment and for volunteer service in the Fire-Rescue Department. The Chief shall periodically review the criminal history records, if any exist, of incumbents. These reviews will determine if the past conduct of any person would bar employment or service with the Fire-Rescue Department. When in the sole judgment of the Chief a criminal history report contains such information that the opportunity for employment or volunteer service should be denied, that person will not be hired or accepted into the volunteer service. If that person is currently employed or serving as a volunteer, the Chief shall immediately

suspend that person from operational duty, and that person may be dismissed from the Fire-Rescue Department, subject to notice of the material in the criminal history records and the opportunity for a hearing before the Chief and the Advisory Board.

(b) In the interest of the public welfare and safety, the Chief shall review the Department of Motor Vehicle records of applicants for employment and for volunteer service in the Fire-Rescue Department. The Chief shall periodically review the Department of Motor Vehicle records of incumbents. These reviews will determine if the past conduct of any person would bar employment or service with the Fire-Rescue Department. When in the sole judgment of the Chief a driving history report contains such information that the opportunity for employment or service should be denied, that person will not be hired or accepted into the volunteer service. If that person is currently employed or serving as a volunteer, the Chief shall immediately suspend that person from driving duty, and that person may be dismissed from the Fire-Rescue Department, subject to notice of the material in the criminal history records and the opportunity for a hearing before the Chief and the Advisory Board.

Sec. 30-6. Compliance with Regulations and Policies; Penalties

(a) All deputies, officers, staff, and volunteers shall comply with Fire-Rescue Department regulations and directives as a condition of employment with or volunteer service in the Fire-Rescue Department.

(b) Upon an allegation of a breach of Fire-Rescue Department regulations or directives, the Chief shall have the authority to suspend the accused person or corporate entity from duty, pending an investigation. If the investigation substantiates the allegation, the Chief may suspend from duty, terminate the employment or volunteer service of any individual, or revoke the authority of a corporate entity to operate as an Emergency Medical Service provider or as a fire service provider in the County to protect the public safety.

(c) Employees shall use the County's existing grievance policy to ask for review of the Chief's decision. Volunteer members may ask the Advisory Board to review any adverse personnel action. Upon a decision by the Advisory Board confirming any disciplinary action imposed by the Chief, the volunteer may request a final review of the Advisory Board's Decision by the County Administrator.

(d) County employees shall comply with all requirements of the Virginia Public Procurement Act and County purchasing policy. Should a volunteer member of the Fire-Rescue Department breach a regulation or directive and thereby expend public funds or waste a County asset without authority, that person shall be civilly liable for those funds or that waste.

Sec. 30-7. Volunteer Services

(a) Volunteer fire companies and rescue squads

(1) Volunteer fire companies and rescue squads may be formed, named, and dissolved. Volunteer fire companies shall only be formed,

named, and may only dissolve upon the approval of the Board of Supervisors. If formed, volunteer fire companies shall comply with the applicable statutes, this chapter, and Fire-Rescue Department regulations.

(2) Volunteer fire companies and rescue squads shall be properly incorporated and thereafter shall properly maintain their corporate status. Volunteer fire companies and rescue squads shall file a copy of their Articles of Incorporation, By-laws, any corporate resolutions, minutes of the Board of Directors, annual corporate report with the Fire Chief. The County shall neither approve or disapprove of any corporate action by the volunteer fire companies and rescue squads and shall accept these documents only in verification of their corporate status.

(b) Volunteers

(1) "Volunteer" means a member of the Fire-Rescue Department who serves without pay and whose name has been duly certified to the Circuit Court Clerk of New Kent County by the corporate secretary of such volunteer fire company or rescue squad as an active member thereof.

(2) "Active Member" means a volunteer who provides 24 hours of service to the county a month.

(3) The corporate secretary of each volunteer fire company or rescue squad shall submit to the Chief a list of the active members thereof on September 1 of each year. On the first of each month, the corporate secretary of each volunteer fire company or rescue squad shall submit to

the Chief any additions or deletions to the active membership of that volunteer fire company or rescue squad.

(c) Junior Volunteers

(1) Persons who are not yet of the age of eighteen (18) shall be designated "junior volunteers" and may participate in Fire-Rescue Department activities in accordance with regulations of the Fire-Rescue Department. Junior volunteers who have obtained certification under any applicable national or state standards, and who have written, notarized, permission of a parent or legal guardian, may participate in Fire-Rescue Department functions in conformance with applicable laws and regulations.

(2) The Chief shall establish and publish regulations for the certification of minors. The Chief shall remove from volunteer service any minor who does not meet all certification requirements or who violates Fire-Rescue Department regulations, or whose removal is necessary to protect the public safety, provide for proper administration of the Fire-Rescue Department or for effective provision of services, may be removed from volunteer service. Fire-Rescue Department officers, staff and volunteers shall promptly notify the chief of any grounds for decertification of any junior volunteer. The Chief may suspend the eligibility of any minor during investigation of the alleged grounds for decertification.

(3) Only minors certified by the Chief as eligible pursuant to Fire-Rescue Department regulations may participate. No minor shall participate in any activity prohibited by Fire-Rescue Department regulations or by the regulations of the Commonwealth's Department of Labor and Industry.

(4) The Fire-Rescue Department shall maintain records of those minors certified. Fire-Rescue Department deputies, officers, staff, and volunteers shall not permit a minor not certified pursuant to this chapter to participate in the activities of the Fire-Rescue Department. Further, these persons have a duty to report the presence of said minor to the Chief.

ARTICLE II. FIRE INVESTIGATION AND PREVENTION

Sec. 30-8. Fire Marshal; Statewide Fire Prevention Code

(a) The Fire Marshal

(1) The Chief of the New Kent Fire-Rescue shall serve as the Fire Marshal and shall have all the powers and duties set out in Title 27, Chapter 3 of the Virginia Code pertaining to local Fire Marshals, including those powers and duties set out in the Statewide Fire Prevention Code. Deputies and assistants shall also have those powers and duties, in the absence of the Fire Marshal and as otherwise directed by the Fire Marshal, and the term "Fire Marshal" when used in this division shall include deputies and assistants of the Fire Marshal.

(2) The Fire Marshal, on behalf of the Board of Supervisors and County Administrator, shall appoint and may terminate deputy or assistant Fire Marshals to assist in the functions of the Fire-Rescue Department.

(3) The Fire Marshal shall have all of the authority, powers, and duties set forth in the Virginia Code, Title 27, Chapter 3, as amended.

(4) The Fire Marshal shall enforce the Statewide Fire Prevention Code and shall conduct inspections and plan reviews as necessary to ensure compliance with the Statewide Fire Prevention Code. The Fire Marshal shall also have the authority to enforce local provisions pertaining to fires and other related laws and regulations including those laws prohibiting parking in fire lanes.

(b) Statewide Fire Prevention Code

(1) The County of New Kent hereby adopts the Statewide Fire Prevention Code, Title 27, Chapter 9 of the Virginia Code, as though fully restated and set forth herein.

(2) Fire Prevention Code Appeals

a. The Board of Building Code Appeals shall also serve as the Board of Fire Prevention Code Appeals.

b. The Board of Fire Prevention Code Appeals shall hear the appeal of any person cited for a violation and is aggrieved by any decision or interpretation of the Fire Marshal made under the provisions of the statewide fire prevention code. Such appeals shall be submitted and heard in accordance with the provisions of the Statewide Fire Prevention Code.

(c) Permits Required For Certain Regulated Uses

(1) Where the Statewide Fire Prevention Code requires a permit for an activity, a person in the County shall request and receive that permit from the Fire Marshal before beginning that activity.

(2) Permits issued by the Fire Marshal shall be effective for a period of one (1) year from the date of issuance, unless the Fire Marshal specifies a shorter time. The recipient of the permit shall not conduct the requested activity or use without the required permit being present on site, and the activity or use shall be conducted only in accordance with the terms of that permit.

(3) The Fire Marshal shall establish procedures for inspections, issuance of permits and other functions necessary for administration of this requirement, and persons shall apply for permits on forms prescribed by the Fire Marshal.

(d) Violation of the Statewide Fire Prevention Code shall be punishable as a Class 1 misdemeanor.

Sec. 30-9. Open Burning or Fires

(a) Definitions.

(1) "Open Burning" means the burning of any matter in such a manner that the products resulting from combustion are emitted directly into the atmosphere without passing through a stack, duct, or chimney.

(2) "Refuse" means trash, rubbish, garbage and other forms of solid or liquid waste, including, but not limited to, wastes resulting from

residential, agricultural, commercial, industrial, institutional, trade, construction, land clearing, forest management, and emergency operations.

(3) "Garbage" means solid waste from the domestic and commercial preparation, cooking, and disposing of food and from the handling, storage and sale of produce.

(4) "Open pit incinerator" means a device used to burn waste for the primary purpose of reducing the volume by removing combustible matter. Such devices function by directing a curtain of air at an angle across the top of a trench or similarly enclosed space, thus reducing the amount of combustion by-products emitted into the atmosphere. The term also includes trench burners, air curtain destructors, and overdraft incinerators.

(b) Open burning or fires in the County shall require a permit from the Fire Marshal.

(c) Notwithstanding section (b) immediately above, the resident(s) or the owner(s) of a single-family dwelling may burn leaves, tree debris, yard, and garden trimmings where the burn location is further than 50 feet from the dwelling between the hours of 4:00 p.m. and midnight without the permit required by section (b) immediately above. Open burning or fires within agricultural zoning districts shall not require a permit.

(d) The Fire Marshal may ban open burning in any other area of the County, or in the entire County, when the Fire Marshal finds, in his sole discretion, that an extraordinary condition constituting an imminent fire hazard exists. The Fire Marshal shall publish his or her findings of fact that support his or her conclusion.

(e) Open burning is permitted, however, for bona fide firefighting instruction; for campfires or other fires used solely for recreational purposes, for outdoor noncommercial preparation of food; for safety flares or for warming of outdoor workers. Households lacking curbside trash collection may burn household refuse in an appropriate container equipped with a spark arrester.

(f) There shall be no open burning of garbage or refuse, tires, asphalt materials, crank case oil, impregnated wood, rubber, or petroleum based materials, or toxic or hazardous materials, or of the containers for such materials.

(g) Land clearing refuse may be burned on the site of clearing operations resulting from commercial, industrial, or residential development, the construction of roads or highways, railroad tracks, pipelines, and power or communication lines, using an open pit incinerator. The open pit incinerator shall be at least seven hundred fifty (750) feet from any occupied building, other than a building located on the property on which the burning is conducted. The material to be burned shall consist only of brush, stumps, and other vegetative

matter generated at the site and shall not include demolition or construction debris.

(h) Open burning or fires shall be attended at all times by a person eighteen (18) years of age or older to assure that the fire is controlled. The person attending the fire shall have available on site a fire suppression mechanism sufficient in capacity to prevent the spread of fire.

(i) Permit requirements

(1) The Fire Marshal shall establish procedures for issuance of permits for open burning or fires and shall include in the permits restrictions and conditions determined in the sole discretion of the Fire Marshal to be necessary to assure control of the fire and to minimize the impact on air quality.

(2) Any person conducting burning or fires shall first obtain a permit from the Fire Marshal.

(3) Application for any required permit shall be made to the county Fire Marshal at least fourteen (14) days prior to the burning, on forms prescribed by the Fire Marshal.

(4) Permits shall be effective for a maximum period of ninety (90) days from the date of issuance, shall apply only to the site defined in the permit application, and must be available on that site for inspection by the Fire Marshal.

Sec. 30-10. Open Burning or Fires during Drought

(a) Whenever the Fire Marshal, after consultation with appropriate agencies, declares that a drought condition exists; or that forest lands, brush lands and fields have become so dry or parched; or that other conditions exist so as to create an extraordinary fire hazard, the fire chief may declare that open burning or fires are prohibited in part or all of the county.

(b) Following such a declaration it shall be unlawful for any person to burn brush, grass, leaves, trash, debris or any other flammable material or to ignite or maintain any open fire within the county or within any part of the county subject to the prohibition. The declaration of the Fire Marshal shall remain effective until the Fire Marshal declares the drought condition abated and the prohibition terminated.

(c) When any such declaration is issued, amended, or rescinded, the County Administrator shall promptly post a copy of the declaration, amendment, or rescission on the front door of the County Courthouse, in the same place and manner as an announcement of a special meeting of the Board of Supervisors, and at each fire station in the area of the county in which the emergency has been declared. In addition, the County Administrator shall publish the declaration, amendment, or rescission in a newspaper of general circulation.

(d) Enforcement

(1) The Fire Marshal shall enforce the provisions of this section.

(2) Violation of this section shall be punishable as a Class 3 misdemeanor. (e) Each violation or failure shall constitute a separate offense.

Sec. 30-11. Limitation on Setting Fires in or near Woodlands or Brushlands

(a) During the period beginning at morning nautical twilight on February 15 and ending at evening nautical twilight on April 30 of each year, 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 or brushland, except between the hours of 4:00 p.m. and midnight.

(b) Any violation of this section shall be punishable as a class 3 misdemeanor. Each violation or failure shall constitute a separate offense.

(c) If any forest fire shall originate as a result of such violation, the person the Fire Marshal finds to be responsible shall, in addition to such penalty, be civilly liable to the County for the full amount of all expenses incurred by the county in suppressing such fire. If more than one person is found to be responsible, all such persons shall be jointly and severally liable. Such amount is recoverable by action brought by the Commonwealth's Attorney on behalf of the Commonwealth, or by the County Attorney on behalf of the County.

Sec. 30-12. Sale or Discharge of Fireworks

(a) It shall be unlawful and a class 1 misdemeanor for any person to sell or expose for sale or use or discharge, in the county, any firecrackers, torpedoes, sky rockets, Roman candles, squibs or any substance intended for and commonly known as fireworks of any kind whatsoever.

(b) Nothing in this section shall be construed to prevent the Fire Marshal from providing for the issuance of permits, upon application in writing, for the display of fireworks by fair associations, amusement parks, or by any organization or group of individuals under such terms and conditions as the Fire Marshal may prescribe. No permit issued pursuant to this section shall be assignable or transferable.

(c) Any person desiring a permit required by this section shall apply in writing to the Fire Marshal at least 15 days prior to the date of such fireworks display. The application shall contain such information as may be required by the county Fire Marshal.

(d) Upon filing of an application for the permit required for public fireworks displays, the Fire Marshal shall make an investigation to determine whether the applicant is properly qualified to present a public fireworks display and whether such display can be held without danger to property or person. If the county Fire Marshal is satisfied with the results of such investigation, he shall issue the permit.

(e) The Fire Marshal may specify, in any permit issued pursuant to this section, any conditions necessary to protect persons and property. Such

conditions may include, but shall not be limited to, the type of fireworks to be used, the hours when such display may be presented, required fire extinguishing equipment, the presence of trained firefighters and law enforcement officers, and any other requirements deemed necessary.

(f) Each permittee under this article shall file with the Fire Marshal evidence, in a form satisfactory to the county attorney, of a policy of liability insurance or a bond in an amount deemed adequate by the Fire Marshal for the payment of all damages which might be caused either to persons or to property by reason of the permitted display and arising from any acts of the permittee or his agents, employees or subcontractors.

(g) Any law enforcement officer arresting any person for the violation of any provision of this article shall seize any item of fireworks mentioned in this article that is 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 court should a judgment of conviction against such person, the court shall order destruction of such articles upon expiration of the time allowed for the appeal of such judgment of conviction. The agency destroying these articles shall present evidence of its costs, whereupon the court shall docket that cost as though it were a money judgment against such person.

(h) This section shall not apply to the use or sale of sparklers, fountains, Pharaoh's serpents, caps for pistols, or to pinwheels commonly known as whirligigs or spinning jennies; provided however, that the same may only be

used, ignited or exploded on private property with the consent of the owner of such property.

Sec. 30-13. Throwing inflammatory objects from vehicle on highway while in or near certain lands.

It shall be unlawful for any person to throw, toss, or drip from a vehicle moving or standing on a highway any lighted smoking material, lighted match, lighted material of any nature, or any bomb or device liable to set fire to inflammable material on the ground while in or near any forest land, brushland or field containing inflammable vegetation or trash.

Sec. 30-14. Failure to clean premises of certain mills.

(a) Any individual, firm or corporation responsible for the operation of a sawmill, stave mill, heading mill, or any other mill through or near forest or brushland shall clean the premises for at least a distance of 50 yards in all directions from any fires maintained in or about, or in connection with the operating of such mill. The premises shall also be cleaned for a distance of 100 feet in all directions from any sawdust pile, slab pile or any other inflammable material that accumulates from the operation of such mill, or all matter not essential to the operation of such mill, which is liable to take fire from any sparks emitted from such fires. When any mill is removed or ceases to operate for a period of ten consecutive days, any fire which may be burning in any sawdust pile, slab pile or other debris shall be totally extinguished unless the owner of the land on which such fire is located assumes in writing responsibility for the control of the fire.

(b) Whenever it is established that a forest fire originated from a fire maintained in or about any such mill, the individual, firm, or corporation from whose mill any such fire originated shall immediately become liable for all costs incurred in fighting such fire.

Sec. 30-15. Failure to properly maintain logging equipment and railroad locomotives.

Logging equipment and railroad locomotives operated in, through, or near forest land, brushland, or fields containing dry grass or other inflammable material shall be equipped with appliances and maintained to prevent, as far as may be possible, the escape of fire and sparks from the smokestack.

ARTICLE III. EMERGENCY MEDICAL SERVICES

Sec. 30-16. Medical Directors

(a) The Chief shall appoint a County Operational Medical Director ("OMD"), who shall advise the Chief.

(b) The OMD shall:

(1) Recommend medical protocols, policies and procedures, and staffing requirements

(2) Advise the Chief, County Administrator, and the Board of Supervisors on medical issues pertaining to the provision of emergency medical services in the County.

(c) The medical director of any other entity or function included in New Kent County shall be an assistant medical director reporting to the OMD.

Sec. 30-17. Other Emergency Medical Services Operating in New Kent County

(a) Permits Required for Emergency Medical Service Providers

(1) It shall be unlawful for any person or organization to provide fire protection, emergency medical services, standby's, medical transportation, or operate vehicles for those purposes within the confines of the County for the emergency or non-emergency transportation of patients, without first being granted a permit by the Chief acting on behalf of the Board of Supervisors, except when a mutual aid agreement has been approved by the chief.

(2) Permits shall expire one (1) year from the date of issuance unless renewed by the Chief in accordance with the regulations of the Fire-Rescue Department.

(3) The Chief may revoke or suspend any permit upon a finding that any conditions of the permit have been violated, that federal, state or local laws or regulations have been violated or that the public health, safety or welfare is endangered by continued operation of the entity. Except in the case of a condition posing a danger to the public health or safety, no revocation or suspension action shall be taken by the fire chief prior to notice and reasonable time being given to the organization for correction of the condition.

(4) Applicants from outside the Fire-Rescue Department shall provide to the Chief any information and records requested during the

course of the application or renewal process or during the effective period of any permit.

(b) Permit Applications, Filing, and Content

(1) Any person or organization desiring a permit shall make application to the chief on a form prescribed by the chief.

(2) Each application shall include an explanation of the need for the services in the area to be served by the applicant, and evidence that the applicant is trained, equipped and otherwise qualified in all respects to render first-aid, emergency medical, and transportation services in the area indicated in the application.

(3) Each permit application shall include any other information required by the Chief and the applicant's notarized certification that all requisite state permits and certifications for its vehicles, operations and personnel are current and that its operations and personnel meet all applicable current federal, state and local requirements.

(4) Each applicant shall certify that at least one person who is to provide services has attained the age of eighteen (18) years. Persons under eighteen (18) years old can provide services on the condition that they are certified to provide Basic Lift Support services and are performing duty as an "other attendant" and not as Attendant in Charge. The Attendant in Charge shall actively supervise persons under eighteen (18) years old.

(c) The Chief may suspend the permit of any organization for a period of thirty (30) days and may recommend to the Board of Supervisors the continued suspension or revocation of any permit should it be found, upon investigation, that the agency is not in compliance with federal, state or local laws, regulations, or conditions of the permit or that the continued operation poses a danger to public health.

(d) Permitted providers shall promptly provide current records upon request of the Fire Chief.

(e) All Emergency Medical Service Providers outside the Fire-Rescue Department shall operate within the guidelines of the operational system established by the Operational Medical Director and New Kent County including but not limited to, policies and procedures, protocols, and staffing requirements.

(f) A volunteer agency operating within New Kent County may petition the county for funding of operational cost.

(g) A volunteer agency operating within New Kent County may petition the county for an assigned response areas based on the closest most appropriate unit and its availabilities.

(h) In addition, any outside agency operating in New-Kent County will:

(1) be dispatched through the New Kent County Sheriff's Office;

and

(2) operate on the assigned county emergency frequencies; and

(3) complete all required emergency response reports from the state and locality; and

(4) provide documentation that the organization meets all National Incident Management System (NIMS) requirements; and

(5) participate in the cost recovery program adopted by New Kent County.

(i) Any volunteer agency operating within New Kent County on or before April 9, 2007 is exempt from the permit fee required under this section.

Sec. 30-18. Penalty for Violation, Generally.

(a) Any violation of this chapter for which a penalty is not specified shall be punished as a Class 1 misdemeanor.

(b) Any misrepresentation made by any person to any County officer or employee in the course of obtaining or renewing a permit or in providing information for a criminal history, Department of Motor Vehicle driving record, or other investigation shall be punishable as a Class 1 misdemeanor.

ARTICLE IV. INTERFERING WITH EMERGENCY OPERATIONS

Sec. 30-19. Boarding or tampering with fire equipment.

No person shall, without proper authorization from the fire official in charge on scene, cling to, attach himself to, climb upon or into, board or swing upon any Fire-Rescue Department vehicle, whether the vehicle is in motion or at rest, or sound the siren, horn, bell or other sound producing device thereon, or manipulate or tamper with or attempt to manipulate or tamper with any levers,

valves, switches, starting devices, brakes, pumps or an equipment or protective clothing on or a part of any fire division emergency vehicle.

Sec. 30-20. Damaging or injuring fire equipment or personnel.

It shall be unlawful for any person to damage, deface, or to attempt or conspire to damage or deface any fire division emergency vehicle. It shall be unlawful for any person to injure, to attempt to injure, or to conspire to injure fire division personnel while they are performing fire division duties. Any person violating this section shall be guilty of a class 1 misdemeanor.

Sec. 30-21. Blocking hydrants and connections.

It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire division connection for the pressurization of fire suppression systems, including fire hydrants and fire division connections that are located on public or private streets and access lanes, or on private property. Any person violating this section shall be guilty of a class 2 misdemeanor.

ARTICLE V. COST RECOVERY

Sec. 30-22. Cost Recovery

(a) Except as otherwise provided by subsection (d) of this Section, the County will establish a service charge for Basic Life Support transport (BLS), for Advanced Life Support, level 1 transport (ALS1), for Advanced Life Support, level 2 transport (ALS2), for ground transport mileage on each person being transported by any emergency medical services vehicle that is operated or maintained by the County or for which a permit has been issued to the County

by the Virginia Office of Emergency Medical Services, and a fixed assessment for those responses where the person being treated declines to be transported. The precise of amount of these fees shall appear in the County's fee ordinance. The term "emergency medical services vehicle" has the definition specified in Va. Code § 32.1-111.1. The funds received from the payment of this fee shall be paid into the general fund of the County to aid in defraying the cost of providing such service.

(b). Definitions. The following definitions shall apply to emergency medical services transportation fees:

(1) *Basic Life Support (BLS)*: Services shall be medical treatment or procedures to a patient as defined by the National Emergency Medicine Services (EMS) Education and Practice Blueprint for the Emergency Medical Technician- Basic (EMT).

(2) *Advanced life support, level 1 (ALS1)*: 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.

(3) *Advanced life support, level 2 (ALS2)*: Services shall be defined as advanced life support (ALS) services provided to a patient including one or more of the following medical procedures: (i) defibrillation/cardioversion, (ii) endotracheal intubation, (iii) cardiac

acing, (iv) chest decompression, (v) intraosseous line, and/or (vi) the administration of three or more medications.

(4) *Ground transport mileage (GTM)*: Mileage shall be assessed in statute miles from the location of the incident to a hospital or other facility where a patient is transported.

(c) The Fire Chief is hereby authorized and directed to establish rules and regulations for the administration of the charges imposed by this section, including, but not limited to payment standards for those persons who demonstrate economic hardship.

(d) Notwithstanding sub-section (c) above, no charge shall be imposed on persons in the following instances:

(1) Persons determined to be indigent by the County using the same standards as those applied by the Courts of the Commonwealth;

(2) Persons confined in a detention facility supporting the County;

(3) Persons affected by fire, flood, storm, natural or man-made calamity or disaster, or by widespread public disturbance or disorder when an emergency medical services vehicle responds as a matter of County policy without call; or

(4) Persons transported pursuant to any no-charge mutual aid agreement with another jurisdiction.

ARTICLE VI. ALARMS

Sec. 30-23. Purpose and scope of article.

(a) The purpose of this article is to reduce the number of false alarms and thereby protect the public safety by minimizing unnecessary use of the county's limited emergency services, both from the Fire-Rescue Department and from the Sheriff's Department.

(b) This article governs alarm systems, establishes a service fee, and provides a system of administration.

Sec. 30-24. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm system means any device or system that transmits a signal visibly, audibly, electronically, mechanically or by any combination of these methods that indicates a hazard or occurrence requiring urgent attention and to which firefighters or sheriff's personnel are expected to respond. Alarm system shall not include a personal, direct telephonic call requesting emergency services.

Alarm user and *user* mean the owner and/or occupant of the premises that are protected by the alarm system.

Answering service means a telephone answering service providing among its services the service of receiving on a continuous basis through trained employees, emergency signals from alarm systems and thereafter immediately

relaying the message by live voice to the communications office of the Sheriff's Department.

Automatic dialing device means a device that is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

False alarm means any alarm signal communicated to the communications office of the Sheriff's Department that is not reasonably believed to be in response to actual or threatened activity. False alarms include negligently activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposely activated to summon the fire personnel in non-emergency situations. False alarms shall not include signals activated by unusually severe weather conditions, utility conditions, or other causes that the Fire Marshal or Sheriff, or his designee, identifies to be beyond the control of the user.

Indirect alarm transmittal means any security alarm system which does not directly terminate in the communications office of the Sheriff's Department but which causes a third party or answering service to notify the communications office.

Installer means any person that installs, services, monitors, sells or leases any security alarm system.

Interconnect means to connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

Negligently activated means the doing of an act where ordinary care suggests that the act should not have been done at all or that it should have been done in some other way.

Non-emergency means any activation of an alarm resulting in a response by the Fire-Rescue Department or Sheriff's Department for other than that purpose for which the system was designed, installed, and approved by the Fire Marshal or Sheriff.

Sec. 30-25. Telephone dial alarm systems.

It shall be unlawful for any person to install, sell, lease or use, or cause to allow to be installed, sold, leased or used within the jurisdictional boundaries of the county, automatic telephone dialing devices or systems which are set or programmed to directly dial, actuate, call or in any other manner make direct contact with any telephone line or radio circuit of the communications office of the Sheriff's Department without the prior approval of the sheriff.

Sec. 30-26. Alarm users data form.

Upon installing an alarm system, all users shall, on a form provided for that purpose, furnish the communications office of the county sheriff's office with the following information: Name and location of alarmed premises; type of

alarmed premises (residential or commercial); normal operating hours, if commercial; individuals designated by the user to respond when notified; manufacturer, model and type of alarm system; name, address and telephone number of the service company; zone of alarm, if applicable, and other applicable information. This shall not include single unit heat and smoke detectors of four or less.

Sec. 30-27. Duties of alarm users.

It shall be the responsibility of alarm users to instruct employees or others who may have occasion to activate an alarm, that alarm systems are to be activated only in emergency situations to summon an immediate emergency response. Alarm users shall also instruct appropriate employees as to the operation of the alarm system, including setting, activation and resetting of the alarm. All instructions pertaining to alarm systems and procedures shall be in written form, suitable for distribution to employees, and shall be available for inspection at reasonable times by the Fire Marshal or Sheriff. The information required to be disseminated by this section shall be transmitted via means of formalized training sessions developed and conducted by the alarm users. The user shall be responsible for maintaining the alarm system in proper working order.

Sec. 30-28. Deliberate false alarms.

It shall be unlawful for any person knowingly to activate or cause to be activated, without just cause, an alarm system to summon the Fire-Rescue Department or Sheriff's Department in a non-emergency situation. Nothing

contained in this section shall apply to the periodic testing of direct transmittal alarms when sufficient notice is given to the communications office of the Sheriff's office.

Sec. 30-29. Service fees.

The second and subsequent false alarms originating from any premises within a 180-day period will result in the appropriate service fee being imposed upon the alarm user that must be paid within 30 days after billing. The service fee shall be imposed in accord with the schedule as provided in appendix A to this Code.

Sec. 30-30. Payment of fees.

The Fire Marshal shall certify to the Treasurer the name of the user, the address from which alarms subject to penalty emanated and the amount due the county on the last day of each month. The Treasurer shall cause billing to be sent and shall in turn notify the Fire Marshal when any account is more than 30 days in arrears. Any account more than 30 days in arrears shall be subjected to interest at the legal rate provided by the Code of Virginia, commencing when the account is more than 30 days in arrears.

Sec. 30-31. Exceptions.

Section 30-29 and section 30-30 shall not be applied to any alarm system used, operated, or installed in any premises or place owned, leased, occupied or under the control of the United States government, the commonwealth or any of its political subdivisions, nor to the county or its school board or any officer,

agent or employee of such governmental agencies while acting or employed in their official capacity. All other requirements of this division shall apply.

Sec. 30-32. Penalties for violation of division.

Any person who installs, sells, leases or utilizes an alarm system in violation of sections 30-25, 30-26, or 30-27 shall be guilty of a class 4 misdemeanor.

ARTICLE VII. AGENCY OF EMERGENCY SERVICES

Sec. 30-33. Selection and term of director of emergency services; vacancy.

The Chairman of the Board of Supervisors, or his designee, shall be the county Director of Emergency Services, and his term of office shall be coextensive with his term as Chairman of the Board of Supervisors. Any vacancy that may occur in the office of county Director of Emergency Services shall be filled by the succeeding Chairman of the Board of Supervisors or, in the discretion of the Board, shall be vested in the chief administrative officer of the county.

Sec. 30-34. Coordinator of emergency services activities.

The county Director of Emergency Services may, with the consent of the board of supervisors, appoint a coordinator of emergency services activities, to serve at the pleasure of the county director of emergency services and to exercise such powers and perform such duties as may lawfully be delegated to him by the county director of emergency services.

Sec. 30-35. Responsibilities of director; utilization of county personnel and equipment; cooperation by county personnel.

(a) The county director of emergency services shall be responsible for:

(1) The organization, equipping, training and operations of the county agency of emergency services;

(2) The preparation, updating and proper coordination of plans to cope with all types of disasters which may occur within the county and within such other areas as the county agency of emergency services may be called upon to function, and which are within the purview of local agencies of emergency services as provided by the Commonwealth of Virginia Emergency Services and Disaster Law of 1973, Code of Virginia, § 44-146.13 et seq., as it may be amended from time to time.

(3) The timely and effective execution of the plans mentioned in subsection (a) (2) of this section;

(4) Publicity throughout the county concerning the organization of the county agency of emergency services and the plans to cope with disasters, to the end that all inhabitants of the county may know their roles and what is expected of them when any disaster occurs;

(5) Maintenance of liaison with the office of the governor in general and the state department of emergency services in particular.

(6) The performance of such other duties as may be prescribed for local directors of emergency services by the Commonwealth of Virginia

Emergency Services and Disaster Law of 1973 and other state statutes, and by county ordinances not inconsistent with state law.

(b) In the exercise of his powers and the performance of his duties, the county director of emergency services shall utilize, to the fullest extent practicable, the personnel, buildings, grounds and equipment of the county government which are under the control of the board of supervisors for operational purposes; and all such personnel shall cooperate with the county director of emergency services in this respect.

Sec. 30-36. Duty to obey orders, rules, and regulations of governor; where such rules and regulations are available for inspection.

It shall be the duty of the county agency of emergency services and the officers and members thereof to execute and enforce such orders, rules and regulations as may be made by the governor under authority of the Commonwealth of Virginia Emergency Services and Disaster Law of 1973 (Code of Virginia, § 44-146.13 et seq.); and the county director of emergency services shall have available for inspection at his office all such orders, rules and regulations.

Sec. 30-36. Equal opportunity employment plan.

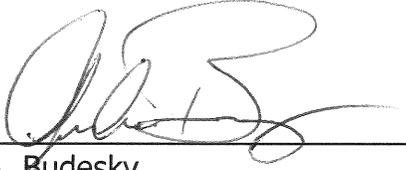
The county director of emergency services shall observe and comply with all provisions of the state Equal Employment Opportunity Plan that may be applicable to the county.

Sec. 30-37. Persons excluded from agency of emergency service; loyalty oath required.

No person shall be employed by or associated with the county agency of emergency services who advocates or has advocated a change by force or violence in the constitutional form of government of the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of, or is under indictment or information charging, any subversive act against the United States. Each person who is appointed to serve in the county agency of emergency services shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this state, which shall be substantially as follows:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the Commonwealth of Virginia, against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the government of the United States or of this state by force or violence and that during such time as I am a member of the New Kent County, Virginia, agency of emergency services, I will not advocate, nor become a member of any political party or organization that advocates, the overthrow of the government of the United States or of this state by force or violence."

This ordinance to be effective July 1, 2007.



John A. Budesky
County Administrator



Stran L. Trout
Chairman