

**ARTICLE I. DEPARTMENT OF FIRE AND EMERGENCY MEDICAL SERVICES--ESTABLISHMENT AND ADMINISTRATION**

**Sec. 8-1. Establishment of department.**

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

(Ord. No. 05-03, § 1, 4-27-05)

**Sec. 8-2. Composition of department.**

The Department shall be composed of the officials and staff of the department, and the following volunteer fire companies and volunteer rescue squads, which are an integral part of the official safety program of the County.

(Ord. No. 05-03, § 1, 4-27-05)

The following emergency units are hereby designated as integral parts of the County's official safety program:

Fire

- Bedford Volunteer Fire Co., Inc
- Big Island Volunteer Fire Co., Inc.
- Boonsboro Volunteer Fire
- Forest Volunteer Fire Co., Inc
- Hardy Volunteer Fire Co., Inc
- Huddleston Volunteer Fire Department, Inc.
- Moneta Volunteer Fire Department, Inc.
- Montvale Volunteer Fire Company, Inc.
- Saunders Volunteer Fire Co., Inc
- Smith Mountain Lake Marine Volunteer Fire Department.
- Shady Grove Volunteer Fire
- Stewartsville-Chamblissburg Volunteer Fire Co., Inc.

Rescue

- Bedford Life Saving & First Aid Crew, Inc.
- Big Island Emergency Crew, Inc.
- Boonesboro Rescue Co., Inc
- Chamblissburg First Aid and Rescue Crew, Inc.
- Goode Volunteer Rescue Squad
- Hardy Life Saving & Rescue, Inc.
- Huddleston Life Saving & First Aid Crew, Inc.
- Moneta Rescue Squad, Inc
- Montvale Rescue Squad, Inc
- Shady Grove Rescue Squad, Inc.
- Stewartsville First Aid and Rescue Squad, Inc.

**Sec. 8-3. Responsibilities of department.**

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

(b) The Department shall be responsible for regulating and managing the provision of fire prevention, protection, investigation and suppression services, for enforcing laws relating to fire prevention, and for provision of services related to hazardous materials and similar hazards which pose a threat to life and property.

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

(Ord. No. 05-03, § 1, 4-27-05)

(d) The Department shall be responsible for local disaster mitigation, preparedness, response and recovery. The director of emergency services shall be a member of the Board of Supervisors.

#### **Sec. 8-4. Chief of Fire and Rescue Services.**

(a) The Chief of Fire and Rescue Services shall be appointed by the County Administrator, shall be the director of the department, and shall provide general management of the department.

(b) The Chief may delegate any and all operational authority to other officials and staff of the department. References to the Chief in this chapter shall include designees.

(c) The Chief shall establish and enforce departmental regulations consistent with this chapter, for the administration and operation of the department. Such regulations shall be consistent with this chapter but may establish additional and more stringent requirements applicable to the department. In no event shall any County or departmental regulations or directives be interpreted to waive requirements of federal, state and local laws and regulations, including those related to licensing.

(d) The Chief shall hire, appoint and may terminate officers and staff of the department, including the deputies and assistants. The Chief shall provide for appropriate investigation of staff and volunteer applicants and incumbents, including review of criminal and driving records. Deputies and assistants may perform any of the duties of the Chief, when authorized by the Chief. The Chief will ensure that prior to any termination County staff will be accorded all rights endowed by the County's Personnel Policies and Procedures. *At the request of individual volunteer agencies, the Chief may assist with the termination of members. Prior to any termination, volunteers will be afforded due process, to include a review by a panel consisting of representatives from their volunteer agency.*

(e) The Chief 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 Chief is hereby designated by the County Administrator and shall serve as the coordinator of emergency services for all purposes related to response to disasters pursuant to Title 44 of the Virginia Code.

(f) The Chief, on behalf of the Board of Supervisors, shall have authority to enter into and take all actions necessary to implement and carry out 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 the judgment of the Chief for emergency response in events exceeding the capabilities of an individual locality or government agency. The Chief shall have the authority to enter into contracts on behalf of the County and to expend funds after an official disaster or emergency declaration to provide for the public

safety during such events, in accordance with applicable laws and regulations. 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.

(Ord. No. 05-03, § 1, 4-27-05)

**Sec. 8-5. Criminal and driving record checks.**

(a) Review of the criminal records of applicants for employment and volunteer status in the Department shall be conducted in the interest of public welfare and safety, and review of such records of incumbents may be conducted, to determine if the past criminal conduct of any person with a criminal record would be compatible with the nature of the employment or service.

(b) Review of motor vehicle driving records of incumbents and of applicants for employment or volunteer status may be conducted in accordance with departmental regulations, to determine if the record is compatible with employment or service.

(Ord. No. 05-03, § 1, 4-27-05)

**Sec. 8-6. Compliance with regulations and policies; penalties.**

(a) Compliance with all regulations and directives of the Chief, by the officials, staff, volunteers and entities of the Department is a condition of the privilege of providing emergency medical and fire services and of participating in Department functions.

(b) For violation of regulations and policies promulgated by the Chief or the medical control board, or for the purpose of protecting the public safety and providing for proper administration of the Department and effective provision of services, the Chief shall have the authority to remove, suspend, or revoke the privileges of any individual or entity to operate as an EMS or fire service provider or officer in the County.

(c) *The Department of Fire and Rescue will develop and disseminate a standard operating guideline (SOG) clearly defining the procedure for revocation of such privileges.*

**Sec. 8-7 through 8-15 Reserved.**

**ARTICLE II. VOLUNTEER SERVICES**

**Sec. 8-16. Volunteer rescue squads and fire companies.**

The Bedford County Board of Supervisors recognizes the longstanding history and the tremendous value and contribution of volunteer rescue squads and fire companies made in the community. Volunteer rescue squads and fire companies may be formed, named and dissolved and shall operate in compliance with applicable statutes, provisions of this chapter and regulations, including those issued by the Chief. Formation, naming and dissolution shall be effective only if approved by the Board of Supervisors. Rescue squads and fire companies may adopt by-laws for affecting their purposes.

*Agencies may, in accordance with their by-laws and compliance with state code, dissolve. However, prior to such dissolution, agencies shall provide no less than a thirty day notice to the Bedford County Department of Fire and Rescue*

**Sec. 8-17. Participation by certain minors in volunteer fire company activities.**

Subject to any regulations published by the Bedford County Department of Fire and Rescue and pursuant to the authority of section 40.1-79.1 of the Code of Virginia, the County of Bedford hereby authorizes any person who is sixteen (16) years of age or older, with written parental or guardian approval, to work with or participate in activities of a volunteer fire company, provided such minor has attained certification under National Fire Protection Association 1001, Level One, fire-fighter standards, as administered by the state Department of fire programs. Any such fire fighting activity shall comply with regulations of 16 VAC 15-30-190 "Fire fighting".

Any trainer or instructor of such minor or any member of a paid or volunteer fire company who supervises such minor shall be exempt from the provisions of section 40.1-103 of the Code of Virginia, provided the volunteer fire company or the Board of Supervisors has purchased insurance which provides coverage for injuries to, or the death of, such minor in the performance of activities under this section.

If any part of this section is, for any reason, declared to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code.

***Sec. 8-18. Participation by certain minors in volunteer rescue activities.***

*Subject to any regulations published by the Bedford County Department of Fire and Rescue pursuant to authority in accordance with Virginia Administrative Code Title 12 Section 5-31-1200 and Section 5-31-900:*

- a. EMS personnel serving in a required staffing position on an EMS vehicle shall be at a minimum of 18 years of age.*
- b. EMS agencies may allow assistants or observers in addition to the required personnel. An assistant or observer must be at a minimum of 16 years of age.*
- c. An EMS agency may have associated personnel who are less than 16 years of age. This person is not allowed to participate in any EMS response, or any training program or other activity that may involve exposure to communicable disease, hazardous chemical or other risk of serious injury.*

**Sec. 8-19 through 8-25 Reserved**

**ARTICLE III. FIRE PREVENTION REQUIREMENTS**

**DIVISION 1. OPEN FIRES**

**Sec. 8-26. Burning of brush, leaves, etc., restricted to certain hours between February 15<sup>th</sup> - April 30<sup>th</sup> each year.**

(a) During the period beginning Feb 15<sup>th</sup> and ending April 30<sup>th</sup> of each year, it shall be unlawful, in any portion of the County organized for forest fire control under the direction of the state forester, 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, structures or other flammable material capable of spreading fire, located in or within three hundred (300) feet of any woodland, brushland, or field except between the hours of 4:00 p.m. and 12:00 midnight.

(b) The provisions of this section shall not apply to any fires which may be set on rights-of-way of railroad companies by their duly authorized employees.

(c) Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor. In addition to any penalty imposed for such violation, if a forest fire results from the violation, such person shall be liable to the County for the full amount of all expenses incurred by it in suppressing such fire, such amount to be recoverable by action brought by the Board of Supervisors on behalf of the County.

**Cross references:** Penalty for Class 4 misdemeanor, § 1-10.

**State law references:** Similar provisions, Code of Virginia, § 10.1-1142

### **Sec. 8-27. Open fires may be prohibited in all or part of the County.**

(a) Whenever the Director of Emergency Services, 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 Director of Emergency Services may declare that open burning is prohibited in part or all of the County. 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 Director of Emergency Services shall remain effective until he/she declares the condition and the prohibition to have terminated.

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

(b) Any forest management burns conducted under the supervision of the Virginia Department of Forestry, or approved by the Virginia Department of Forestry shall be exempt from this section.

(c) Violation of this section shall be a class one misdemeanor and punished according to section 1-10(a)(1) of the Bedford County Code.

### **Sec. 8-28 through 8-32 Reserved**

## **DIVISION 2. ADDITIONAL PROHIBITIONS**

### **Sec. 8-33. Sale or discharge of fireworks.**

#### **General prohibition against sale, possession, use, etc.**

(a) Except as otherwise provided in this article, it shall be unlawful for any person to transport, manufacture, store, sell, offer for sale, expose for sale, or to buy, use, ignite or explode, within the County, any firecracker, torpedo, skyrocket or other substance or

thing, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended, or commonly known, as fireworks and which explodes, rises into the air or travels laterally, or fires projectiles into the air, other than sparks.

(b) The provisions of subsection (a) shall not be applicable to any person, firm or corporation that manufactures, stores, markets and distributes fireworks for the sole purpose of fireworks displays permitted under section 8-12 of statewide code or the laws of another County or state.

(c) This section shall not apply to the use or sale of sparklers, fountains, Pharaoh's serpents, caps for pistols or pinwheels commonly known as whirligigs or spinning jennies; provided, however, the fireworks listed herein may only be used, ignited or exploded on private property with the consent of the owner of such property.

(d) This section shall have no application to any officer or member of the armed forces of this state 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 and equipment, otherwise prohibited by this section, when such materials and equipment are 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.

(Ord. of 10-28-46; Ord. of 1-25-93)

**State law references:** Similar provisions, Code of Virginia, §§ 59.1-142, 59.1-146, 59.1-147; authority of County to prohibit use, sale, etc., of fireworks, § 59.1-148.

#### **Sec. 8-34. Permit to display.**

(a) Upon the receipt of a written application, a permit may be issued by the County Dept of Fire & Rescue for the display of fireworks by fair associations, operators of amusement parks or by any responsible organization or group of individuals, when the use of such fireworks will be under the direct supervision and control of an expert in the use and handling of fireworks.

(b) It shall be unlawful for any person to violate the terms and conditions of any permit issued under this section.

(c) The County shall be named as insured in such instances at an amount not less than one million dollars (\$1,000,000)

(Ord. of 10-28-46; Ord. of 1-25-93)

#### **Sec. 8-34 through 8-40 Reserved**

### **DIVISION 3. HAZARDOUS MATERIALS**

#### **Sec. 8-41. Purpose.**

The purpose and intent of this article is to prescribe minimum requirements and regulations with regard to the storage, transportation and possession of combustible or inflammable substances in the County in order to safeguard the life, property, and welfare of the citizens of the County.

(Ord. of 4-19-83, § 1; Ord. of 5-28-2002)

## **Sec. 8-42. Definitions.**

For the purposes of this article the following definitions shall apply:

*Automatic fire suppression system:* An engineered system using carbon dioxide (CO<sub>2</sub>), foam, wet or dry chemicals, a halogenated extinguishing agent, a clean extinguishing agent, or an automatic sprinkler system to detect automatically and suppress a fire through fixed piping and nozzles.

*Bulk plant tank:* Any stationery above ground container with a capacity of five thousand (5,000) liquid gallons or more which is used for the purpose of storing inflammable or combustible liquids and which is not supplied with said liquids directly by pipelines or interstate carriers.

*Bulk plant tank facility:* An owner's holdings in one (1) or more bulk plant tanks and adjacent buildings and structures.

*Combustible and inflammable liquids:*

(1) Combustible liquids. Any liquid having a flash point at or above one hundred (100) degrees Fahrenheit (37.78 degrees centigrade) shall be known as class II or III liquids. Combustible liquids shall be divided into the following classifications:

Class II: Liquids having a flash point at or above one hundred (100) degrees Fahrenheit (37.78 degrees centigrade) and below one hundred forty (140) degrees Fahrenheit (60 degrees centigrade).

Class IIIA: Liquids having flash points at or above one hundred forty (140) degrees Fahrenheit (60 degrees centigrade) and below two hundred degrees Fahrenheit (93.33 degrees centigrade).

Class IIIB: Liquids having flash points at or above two hundred (200) degrees Fahrenheit (93.33 degrees centigrade).

(2) Inflammable liquids: Any liquid having a flash point below one hundred (100) degrees Fahrenheit (37.78 degrees centigrade) and having a vapor pressure not exceeding forty (40) psia (717.08kPa) at one hundred (100) degrees Fahrenheit (37.78 degrees centigrade). Flammable liquids shall be known as class I liquids and be divided into the following classifications:

Class IA: Liquids having flash points below seventy-three (73) degrees Fahrenheit (22.78 degrees centigrade) and having a boiling point below one hundred (100) degrees Fahrenheit (37.78 degrees centigrade).

Class IB: Liquids having flash points below seventy-three (73) degrees Fahrenheit (22.78 degrees centigrade) and having a boiling point at or above one hundred (100) degrees Fahrenheit (37.78 degrees centigrade).

Class IC: Liquids having flash points at or below seventy-three (73) degrees Fahrenheit (22.78 degrees centigrade) and below one hundred (100) degrees Fahrenheit (37.78 degrees centigrade).

*Distribution terminal:* Any facility which transports, distributes or transfers by way of pipeline at any time in excess of five thousand (5,000) gallons of inflammable or combustible liquids to a tank facility for storage.

*High level alarm:* A supervised class A device which conforms with the standards of the Underwriters Laboratories, Factory Mutual or any other testing laboratory recognized by the fire official and NFPA-70 and which is capable of either of the following:

(1) Emitting visible and audible signals indicating high levels of liquid in a tank and capable of being monitored on the property upon which the tank is located and by the carrier making the delivery; or

(2) Emitting an audible signal and terminating the flow of liquid into the tank when the level of liquid reaches the capacity of the tank.

*Loading racks:* Either a truck or a rail car loading rack for the purpose of loading or unloading flammable and combustible liquids or hazardous materials.

*Operator:* One (1) or more persons, jointly or severally, performing their duties at a tank facility or distribution terminal in whom is vested supervisory authority. The term shall include the tank facility and distribution terminal manager, the on-site supervisor or their designees.

*Owner:* One (1) or more persons, jointly or severally, in whom is vested all or part of the beneficial ownership and a right to present use and enjoyment of the premises. The term shall include a lessee. The term shall also include a mortgagee only when in possession. The term owner shall include the owner's agents, employees and assignees.

*Person:* An individual, association, firm, partnership, and bodies politic and corporate.

*Property:* Real and personal property of all types except combustible liquids and inflammable liquids.

*Tank:* Any stationery above ground container with a capacity of five thousand (5,000) liquid gallons or more which is used for the purpose of storing inflammable or combustible liquids and which is supplied with said liquids directly by pipelines of interstate carriers.

*Tank facility:* An owner's holdings in one (1) or more tanks and adjacent buildings and structures.

(Ord. of 4-19-83, § 2; Ord. of 5-28-2002)

#### **Sec. 8-43. Fire suppression system-loading racks.**

(a) *Loading racks:* Where flammable and combustible liquids or hazardous materials are dispensed or unloaded, shall be equipped with an approved automatic fire suppression system.

Motor vehicle service stations as defined in NFPA 30A shall be exempt.

(b) *Area:* The area to be protected shall be based on the total ground area within the curbed area around the loading rack or the entire length of the truck or rail car whichever is greater.

(Ord. of 5-28-2002)

**State law references:** Similar provisions, Code of Virginia, § 27-98.

#### **Sec. 8-44. Alarm on tanks.**

(a) Each tank shall be equipped with one of the following types of high level alarms:

(1) An alarm of any type defined in subsection (1) of the definition "high level alarm" in section 8-42 and installed to emit two (2) signals. The first signal shall be activated when the amount of inflammable or combustible liquid in the tank reaches a level which is ten (10) minutes prior to reaching the tank's capacity. The second signal shall be activated when the amount of inflammable or combustible liquid in the tank reaches a level which is five (5) minutes prior to reaching the tank's capacity. The level is referred

to herein shall be calculated at peak flow of the inflammable or combustible liquid to the tank; or

(2) An alarm of the type defined in subsection (2) of the definition "high level alarm" in section 8-42 and installed to emit an audible signal and terminate the flow of inflammable or combustible liquid into the tank when the level of the liquid reaches the capacity of the tank.

(b) No inflammable or combustible liquid shall be added to any tank by any person unless it is equipped with a high level alarm which has been inspected as required in section 8-44. However, in the event of an inoperative high level alarm, inflammable or combustible liquid may be added to a tank if such addition is manually monitored in accordance with plans approved in advance by the fire official. Inflammable or combustible liquid may be stored in or removed from the tank when the alarm is not in effective operating condition.

(Ord. of 4-19-83, § 3; Ord. of 5-28-2002)

**Sec. 8-45. Supervision of receipt by tank of inflammable or combustible liquids.**

When any combustible or inflammable liquid is added to any tank, the owner of said tank shall be required to have a responsible person physically supervise and monitor said addition at the following intervals:

(1) One (1) hour immediately prior to the beginning of any addition to said tanks of said liquids and continuing for one-half hour after the beginning of said addition; and

(2) One (1) hour immediately preceding the anticipated time for completion of said addition of liquids to said tanks, and continuing until completion of said addition.

(Ord. of 4-19-83, § 4; Ord. of 5-28-2002)

**Sec. 8-46. Supervision of receipt by bulk plant tank of inflammable or combustible liquids.**

When any inflammable or combustible liquid is added to any bulk plant tank the owner of said bulk plant tank shall be required to have a responsible person physically supervise and monitor the entire addition of said liquids to the bulk plant tank.

(Ord. of 4-19-83, § 5; Ord. of 5-28-2002)

**Sec. 8-47. Emergency plans.**

Every owner of a facility with one (1) or more tanks; every owner of a facility with one (1) or more bulk plant tanks; and every owner of a distribution terminal shall prepare and maintain an emergency plan which shall include the following:

(1) Procedures for the immediate notification of the County in the event of:

a. The ignition of combustible or inflammable liquids; or

b. Conditions indicating the reasonable likelihood of such ignition, including, but not limited to, tank leaks or pipeline leaks; and

c. Combustible or inflammable liquid spills in excess of twenty-five (25) gallons;

(2) On-site emergency response procedures in such event;

(3) Procedures to accomplish the requirements of this article;

(4) Such emergency plans shall be submitted to and approved by the fire official prior to the issuance of a license required by section 8-40 (a), (b) and (c). Also such emergency plan shall be submitted to the fire official not later than sixty (60) days before any

reissuance is to take place. Within thirty (30) days of the fire official's receipt of such plan, he shall approve such plan, or disapprove such plan indicating proposed amendments to such plan which would allow its approval. No license shall be issued unless the fire official has approved the emergency plans for the tank facility, bulk plant tank facility or distribution terminal for which the license is applicable.  
(Ord. of 4-19-83, § 6; Ord. of 5-28-2002)

**Sec. 8-48. Regulation of distribution terminal.**

When any inflammable or combustible liquid is being discharged, transferred or distributed from any distribution terminal by pipeline to any tank facility, the owner of said distribution terminal shall be required to have a responsible person present at said distribution terminal to supervise and monitor personally the entire transfer of said liquids.

(Ord. of 4-19-83, § 7; Ord. of 5-28-2002)

**Sec. 8-49. Inspections and reports.**

(a) *Tank facility.*

(1) Inspection of high level alarms shall be conducted monthly by the operator in the presence of the fire official or his duly authorized representative. The fire official shall maintain a written record of such inspections.

(2) The operator of each tank shall maintain a written record, in a form approved by the fire official, of all alarm tests and supervision of receipt of combustible or inflammable liquids which record shall be available for inspection by the fire official upon request.

(3) When it is discovered that an alarm is not in effective operating condition, unless the alarm can be repaired within twenty-four (24) hours or at least two (2) hours prior to the next delivery to such tank, whichever is sooner, the operator of the tank shall immediately orally notify the fire official of the out of service alarm. Such oral notification shall be confirmed by the operator in writing within three (3) days thereafter on a form provided by the County.

(b) *Distribution terminal.* The owner of any distribution terminal for combustible or inflammable liquids shall submit written reports of compliance with section 8-37 of this article as may be required by guidelines and policies set forth by the fire official.

(c) *Bulk plant tank facility.* The owner of any bulk tank facility shall submit written reports of compliance with section 8-35 of this article as may be required by guidelines and policies set forth by the fire official.

**Sec. 8-50. Licenses.**

(a) No person shall engage in the business of storing inflammable or combustible liquids in the County, in a tank facility, unless he has a current license to do so, issued by the fire official.

(b) No person shall engage in the business of operating a distribution terminal for combustible or inflammable liquids in the County unless he has a current license to do so, issued by the fire official.

(c) No person shall engage in the business of storing inflammable or combustible liquids in the County in a bulk plant tank facility unless he has a current license to do so issued by the fire official.

(d) A license fee shall be imposed for the issuance of a license pursuant to this section in order to provide funds necessary for the administration and enforcement of this article.

(e) No license shall be issued by the fire official unless the applicant for said license furnishes to the fire official written permission for the fire official, or his lawful agent, to go upon the property of the applicant at any time for the purpose of determining compliance with this article.

(f) Any license issued under this section shall expire on the thirty-first day of December next following its issuance.

(Ord. of 4-19-83, § 10; Ord. of 5-28-2002)

**Sec. 8-51. Notice of violation.**

Whenever the fire official observes an apparent or actual violation of a provision of this article he shall prepare a written notice of violation describing the condition and specifying time limits for the abatement of violation. The written notice of violation of this article shall be served upon the licensee, his duly authorized agent, or upon the occupant, operator, or other person responsible for the conditions under violation. Such notice of violation shall be served either by delivering a copy of same to such person or persons by ordinary mail to his last known post office address, delivered in person or by delivering it to and leaving it in the possession of any person in charge of the licensee's premises, or in the case such person is not found upon the premises, by affixing a copy thereof, in a conspicuous place at the entrance door or avenue of access; and such procedure shall be deemed the equivalent of personal notice. The notice of violation shall be complied with in the time specified by the fire official.

(Ord. of 4-19-83, § 11; Ord. of 5-28-2002)

**Sec. 8-52. Revocation of license.**

If the fire official determines that there has been a violation of or noncompliance with this article, he may suspend any license issued pursuant to section 8-41. In the event that a license is suspended, the licensee shall have the right to appeal. Pending the appeal in a case where the fire official determines that the violation does not result in the endangerment or loss of life, limb or property of any person, the suspension of the license shall be stayed. Suspensions under this section shall remain in effect until the cause of the violation has been ascertained and rectified and until the conditions causing suspension is certified safe by the fire official.

(Ord. of 4-19-83, § 13; Ord. of 5-28-2002)

**Sec. 8-53. Waiver of provisions.**

The fire official shall have the power to waive any of the provisions of this article for up to thirty (30) days upon application in writing by the owner when there are practical difficulties in carrying out the strict letter of this article. In all cases, the spirit of this article shall be observed and public safety assured. The particulars of such waiver when granted or allowed and the decision of the fire official thereon shall be immediately

communicated to the County Board of Supervisors, entered upon the records of the fire official's office and a signed copy shall be furnished to the owner.  
(Ord. of 4-19-83, § 15; Ord. of 5-28-2002)

**Sec. 8-54 through 8-60 Reserved**

**DIVISION 4. FIRE MARSHAL; ENFORCEMENT**

**Sec. 8-61. Appointment.**

There shall be a Fire Marshal appointed by the Board of Supervisors. The Fire Marshal 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.

(Ord. No. 05-03, § 1, 4-27-05)

**Sec. 8-62. Authority and duties.**

The Fire Marshal shall have the authority and duties set out in the Virginia Code, Title 27, Chapter 3, including the power 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. The Fire Marshal, deputies and assistants shall have the same police powers as a sheriff, police officer or law enforcement officer and the Fire Marshal, deputies and assistants shall be responsible for investigation and prosecution of all offenses occurring within the County, , 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.

(Ord. No. 05-03, § 1, 4-27-05)

**Sec. 8-63. Investigation of fires.**

The Fire Marshal or designee shall investigate and determine the origin and cause of every fire occurring within the County.

(Ord. No. 05-03, § 1, 4-27-05)

**Sec. 8-64. Enforcement of Statewide Fire Prevention Code.**

The Fire Marshal shall enforce the provisions of the Statewide Fire Prevention Code related to open burning, fire lanes, fireworks and hazardous materials and shall conduct inspections and plan reviews as necessary to ensure compliance with the Statewide Fire Prevention Code.

**Sec. 8-65. Right to enter property.**

The Fire Marshal shall have the right, pursuant to the Virginia Code Title 27, Chapter 3, to enter upon any property from which a release of any hazardous material, hazardous waste, or regulated substance, as defined in the Virginia Code, has occurred or is

reasonably suspected to have occurred and which has entered into the ground water, surface water or soils of the County, city or town in order to investigate the extent and cause of any such release. If, in undertaking such an investigation, the fire mar shall 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 may issue an investigation warrant to the Fire Marshal authorizing entry upon such property for the purpose of determining the origin and source of the release. If the 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, the investigation shall be discontinued until a search warrant has been obtained or consent to conduct the search has otherwise been given.

(Ord. No. 05-03, § 1, 4-27-05)

**Sec. 8-66. Fire code appeals board.**

The Fire Code Appeals Board is hereby established. The Board shall be composed of at least seven (7) members who meet the qualifications set out in the Statewide Fire Prevention Code. The members of the fire code appeals Board shall be appointed by the Board of Supervisors to serve, at the pleasure of the board, for four-year terms. The fire code appeals Board shall hear appeals made by any person who has been cited for a violation and is aggrieved by any decision or interpretation of the Fire Marshal made u 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.

(Ord. No. 05-03, § 1, 4-27-05)

**Sec. 8-67. Permits required for certain regulated uses.**

(a) A permit shall be obtained from the Fire Marshal as deemed necessary or in response to a violation. Permits issued by the Fire Marshal shall be effective until such time as there is a change in use; change in ownership; or in response to a violation.

(b) This permit requirement shall be interpreted and administered by the Fire Marshal in accordance with the Statewide Fire Prevention Code. The Fire Marshal shall establish procedures for inspections, issuance of permits and other functions necessary for administration of this requirement, and applications for permits shall be made on forms prescribed by the Fire Marshal.

(Ord. No. 05-03, § 1, 4-27-05)

**Sec. 8-68. Permit fees.**

(a) Permit fees established by resolution of the Board of Supervisors shall be paid at the time of application.

(b) Agencies of federal, state and local governments and entities which have been granted tax-exempt status pursuant to Section 501(c) of the Internal Revenue Code shall be exempt from the requirement for payment of fees.

(Ord. No. 05-03, § 1, 4-27-05)

**Sec. 8-69 through 8-75 Reserved**

## **ARTICLE IV. EMERGENCY MEDICAL SERVICES**

### **DIVISION 1. MEDICAL DIRECTORS AND CONTROL BOARD**

#### **Sec. 8-76. Medical director and assistant medical directors.**

(a) There shall be a Bedford Department of Fire and Rescue Operational Medical Director ("OMD"), who shall be appointed by the Chief and shall serve as chairman of the medical control Board and advise the Chief.

(b) The OMD shall also be responsible for:

(1) Coordinating the work of all assistant medical directors.

(2) Serving as the department's operational medical director.

(3) Recommending medical protocols to the medical control board.

(4) Advising the Chief and the Board of Supervisors on medical issues pertaining to the provision of emergency medical services in the County.

(c) The medical director of each rescue squad or other entity included in the Department shall be an assistant medical director.

(Ord. No. 05-03, § 1, 4-27-05)

*Coordination of the work of assistant medical directors will include consideration of protocols specific to the Western region and BREMS.*

#### **Sec. 8-77. Service fees for emergency medical transport.**

Reasonable fees shall be charged for emergency medical transport services provided by the fire and EMS department. The schedule of rates for services shall be established by resolution of the Board of Supervisors.

(Ord. No. 05-03, § 1, 4-27-05)

#### **Sec. 8-78. Definitions.**

*Basic life support (BLS), advanced life support level 1 (ALS-1), advanced life support level 2 (ALS-2) and any other transport services* shall be those services as defined by applicable federal regulations, including Title 47 of the Code of Federal Regulations.

*Ground transport mileage (GTM)* shall be assessed based on measurement of a straight line from the location of the incident scene to a hospital or other facility where a patient is transported

#### **Sec. 8-79. Implementation.**

The Chief, under the supervision of the County Administrator, is hereby authorized and directed to establish rules and regulations for the administration of the charges imposed by this division, including, but not limited to, a subscription program for County residents and payment standards for those persons who demonstrate economic hardship, as permitted by applicable law. Such rules and regulations shall be reviewed by the Board of Supervisors annually.

(Ord. No. 05-03, § 1, 4-27-05)

#### **Sec. 8-80.**

No organization mentioned in §8-2 above that is licensed and chartered in Bedford County by the Commonwealth of Virginia may bill for services without the prior consent of the Bedford County Board of Supervisors. No provider mentioned in §8-2 above will accept or receive payment directly from a patient or on behalf of a patient for services rendered to a patient.

**Sec. 8-81. Penalties.**

Any violation of this chapter for which a penalty is not specified shall be a class 1 misdemeanor. 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 or other record investigation shall constitute a class 1 misdemeanor.

(Ord. No. 05-03, § 1, 4-27-05)

**Sec. 8-82 through 8-100 Reserved**

**DIVISION 2. NON-DEPARTMENTAL EMS PROVIDERS**

**Sec. 8-101. Permits--Required for nondepartmental providers.**

(a) It shall be unlawful for any person or organization to provide emergency medical services, medical transportation, or operate vehicles for those purposes within the confines of the County for the emergency or nonemergency transportation of patients, without first being granted a permit by the Board of Supervisors, except when a mutual aid agreement has been approved by the Chief. The Board may issue such permits following a public hearing, subject to conditions established by the board.

(b) Permits shall expire one (1) year from the date of issuance unless renewed by the Chief in accordance with regulations of the Department and the conditions established by the board.

(c) The Board of Supervisors 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 Board prior to notice and reasonable time being given to the permittee for correction of the condition.

(d) Nondepartmental applicants and providers 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.

(Ord. No. 05-03, § 1, 4-27-05)

**Sec. 8-102. Procedure for permit applications.**

Filing and content of application.

(1) Any person or organization desiring a permit shall make application to the Chief on a form prescribed by the Chief, who may make a recommendation to the Board of Supervisors regarding the application.

(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 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 no person who is to provide services is, or shall be, under the age of eighteen (18) years.

(Ord. No. 05-03, § 1, 4-27-05)

#### **Sec. 8-103. Hearing, issuance and administration.**

(a) The Board of Supervisors shall consider each properly filed application after holding a public hearing. Should the Board find (1) that there is a need for emergency medical services within the area in question, (2) that the need will be properly served by the applicant, and (3) that the applicant and any employees or personnel of the applicant are properly trained, equipped and otherwise qualified, the Board of Supervisors in its sole discretion may issue a permit under such conditions as the Board deems appropriate.

(b) Copies of all applications and all permits shall be retained by the Chief, who shall be responsible for reviewing the permit prior to expiration and either renewing the permit or referring it to the Board of Supervisors for revocation or other action.

(c) The Chief may suspend the permit of any permittee 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) The Board of Supervisors 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 Board prior to notice and reasonable time being given to the permittee for correction of the condition.

(Ord. No. 05-03, § 1, 4-27-05)

#### **Sec. 8-104. Criminal record investigations and driving records.**

Applicants for nondepartmental provider permits shall provide to the Chief a copy of the complete criminal history record available from the Virginia Criminal Record Exchange and the motor vehicle driving record from the Virginia Department of Motor Vehicles, of the applicant and of all persons proposed to provide services. The Chief shall determine whether the records of the individuals are compatible with the provision of emergency medical services. Permitted providers shall also provide current records upon request of the Chief.

(Ord. No. 05-03, § 1, 4-27-05)

#### **Sec. 8-105. Appeals.**

Upon application in writing by any person against whom a civil penalty or service charge has been assessed under this article, the County Administrator may waive the civil penalty or service charge for good cause shown.