

AN ORDINANCE

TO AMEND AND RE-ENACT CHAPTER 12 OF THE CODE OF THE CITY OF CHARLOTTESVILLE, VIRGINIA (1990), AS AMENDED, TO RECOGNIZE THE CHARLOTTESVILLE-ALBEMARLE RESCUE SQUAD AND CHARLOTTESVILLE FIRE COMPANY AS COMPONENT PARTS OF THE CITY'S FIRE DEPARTMENT

Chapter 12 FIRE PREVENTION AND EMERGENCY MEDICAL SERVICES

ARTICLE I. GENERAL

**Sec. 12-1. Violations.**

Except as otherwise specified, any person who violates the provisions of this article shall be guilty of a Class 1 misdemeanor.

**Sec. 12-2. Terms defined.**

For purposes of this chapter the following definitions shall apply:

*Component part* means a not-for-profit organization that forms a constituent element of the city's fire and emergency medical services department and which is deemed an instrumentality of the city solely for purposes of Virginia Code § 32.1-111.4:6.

*Designated emergency response agency* or *DERA* means an emergency medical services agency that responds to medical emergencies for its primary service area as defined by the city's emergency medical services system and response plan, and is recognized as an integral and essential part of the official public safety program of the city for purposes of Virginia Code § 15.2-955.

*Emergency incident* means any incident where there is imminent danger to life, health, property or the environment, or the actual occurrence of fire or explosion, or of the uncontrolled release of hazardous materials which threaten life or property, to which members of the city's fire and emergency medical services department are called to respond or dispatched, including but not limited to, incidents requiring fire suppression, emergency medical care, rescue, or services related to hazardous materials where there is imminent danger or the actual occurrence of fire or explosion or of the uncontrolled release of hazardous materials which threaten life or property.

*Emergency medical services* or *EMS* means health care, public health, and public safety services used in the medical response to the real or perceived need for immediate medical assessment, care, or transportation and preventive care, or transportation in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

*Emergency medical services agency* or *EMS agency* means any person or group engaged in the business, service, or regular activity, whether for profit or not, of rendering immediate medical care and providing transportation to persons who are sick, injured, wounded, or otherwise incapacitated or helpless, and that holds a valid license as an emergency medical services agency issued by the state Commissioner of Health in accordance with Virginia Code § 32.1-111.6.

*Emergency medical services personnel* or *EMS personnel* means persons who are employed by, or who are members of an emergency medical services agency, and who provide responsible for the direct provision of emergency medical or rescue services pursuant to an EMS agency license issued to that

agency by the state Commissioner of Health and in accordance with the authorization of that agency's operational medical director(s), in a given medical emergency or emergency rescue including all persons who could be described as attendants, attendants in charge, or operators.

*Emergency medical services system* or *EMS system* means the system of designated emergency response agencies, vehicles, equipment, and personnel; health care facilities; other health care and emergency services providers; and other components engaged in the planning, coordination, and delivery of emergency medical services within the city, including individuals and facilities providing communication and other services necessary to facilitate the delivery of emergency medical services in the city.

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

*Fire company* means a volunteer firefighting organization organized within the city pursuant to state law, for the purpose of fighting fires.

*Garbage* means putrescible animal and vegetable matter accumulated by a household in the course of ordinary day-to-day living.

*Household refuse* means waste material and trash normally accumulated by a household in the course of ordinary day-to-day living.

*Open burning* and *open fire* refer to the burning of any matter or substance in a manner that the resulting products of combustion are emitted directly into the atmosphere without passing through a stack, duct or chimney.

*Refuse* means trash, rubbish, garbage and other forms of solid or liquid waste, including, without limitation, wastes resulting from residential, agricultural, commercial, industrial, institutional, trade, construction, land cleaning, forest management and emergency operations.

### **Sec. 12-3. References to Virginia Code.**

All references within this ordinance to specific titles, chapters, articles and sections of the Virginia Code shall refer to those provisions of the Code of Virginia (1950), as amended, in effect on the date of adoption of this ordinance, and shall also be construed as references to successor titles, chapters, articles and sections, mutatis mutandis.

### **Secs. 12-4—12-14. Reserved.**

## ***ARTICLE II. FIRE DEPARTMENT***

### **Sec. 12-15. Establishment; direction and control.**

(a) There is hereby established as a department of the city government a firefighting and emergency medical services (EMS) department, to be known and designated as the Fire Department of the City of Charlottesville. The fire department shall provide all firefighting and emergency medical services, fire code enforcement, and services related to civilian protection and evaluation in disasters and emergencies.

(b) The fire department shall be composed of the officials and individuals who are a corps of paid full-time employees of the city within the department, of Charlottesville, as well as a group of the volunteer company knowns who are members of an organization known and designated as the Charlottesville Fire Company, and the Charlottesville-Albemarle Rescue Squad, Inc. ("CARS"). The fire department shall be subject generally to the direction and control of a full-time paid officer, appointed by the city manager, to be known as the "chief" of the fire department; provided, however, that the fire chief shall exercise control over the Charlottesville Fire Company and its members only at the scene of an emergency incident.

(c) CARS is recognized as a component part of the fire department and is deemed an instrumentality of the city solely for purposes of Virginia Code § 32.1-111.4:6, and as a designated emergency response agency of the city and an integral and essential part of the official public safety program of the city with responsibility for providing emergency medical response, for purposes of Virginia Code § 15.2-955. Details regarding the operational relationship between CARS and the fire department shall be as outlined in the most current emergency medical services agreement and/or other memoranda of agreement between the two parties.

**Sec. 12-16. Chief of fire and emergency medical services; powers and duties of fire chief.**

Except as described in section 12-18 of this chapter:

(a) The director of the fire department shall be a public officer known as the "fire chief." As many other officers and employees may be employed in the fire department as needed and as provided for by the city council within its annual budget. The city's fire chief shall provide general management of the fire department including all functions of the department described in this chapter and in statutes and regulations relating to local firefighting and emergency medical services. The city's fire chief shall have full authority and complete supervisory control of all equipment and personnel in attendance at an emergency incident, including, without limitation, officers and other members of the Charlottesville Fire Company. In the absence of the fire chief, all such authority and control shall be vested with the next in rank officer employed full-time within the city's fire department and holding the rank of captain or above.

(b) The fire chief is empowered to designate such subordinate officers and officials among the paid employees of the fire department as they may deem appropriate, including without limitation: designation of a local fire marshal and one (1) or more assistants to the fire marshal, as deemed necessary by the fire chief, which assistants shall, in the absence of the fire marshal, shall have the powers and perform the duties of the fire marshal.

(c) The fire chief shall have charge of the city's firehouses, and shall keep such property in good condition.

(d) The fire chief shall have authority to purchase (subject to applicable procurement laws and regulations) operate, staff, and maintain equipment for ~~fire~~fighting ~~fires~~, ~~provider~~performing emergency medical services, and for otherwise responding to emergency incidents, and to prescribe the terms and conditions upon which such equipment will be utilized ~~for fighting fires or providing emergency medical services in or upon publicly or privately owned property~~. The fire chief shall perform all actions and shall have all duties as may be necessary to properly care for and to keep such property and equipment in good condition and working order.

(e) ~~In accordance with the Virginia Public Records Act, the Virginia Freedom of Information Act, and other laws of the Commonwealth, as applicable, T~~he fire chief shall keep and maintain records of all emergency incidents, their place and time of occurrence, and such other information as the fire chief shall deem necessary or proper or the city manager may require. The fire chief shall deliver ~~or make available~~ to their successor in office all such records, and all other records pertaining to the operation and management of the city fire department that may be in their possession or control.

(f) The fire chief shall have general supervision of all fire hydrants in the city, and they shall report in writing to the director of public works whenever they deem it necessary or expedient that any fire hydrants should be erected, repaired, or removed.

(g) ~~The fire chief shall establish and enforce departmental policies, regulations, and bylaws 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 firefighting or emergency medical services operations, consistent with federal and state laws and regulations. In no event shall any city or departmental regulation or directive be interpreted to waive requirements of any federal, state, or local law or regulation, including those related to permits or licensing.~~

(h) ~~The fire chief may delegate any operational authority to other officials and employees of the department. References in this chapter to the fire chief shall include such officials and employees acting under delegated authority, as applicable.~~

(i) ~~The fire chief, on behalf of the city council, shall have authority to enter into and take all actions necessary to implement and carry out the terms of agreements for mutual aid with other localities or agencies. Whenever the necessity arises during any actual, perceived, or potential emergency resulting from fire, personal injury, or other public disaster, the firefighters and emergency medical services personnel of the city may, together with all necessary equipment, lawfully go or be sent by the fire chief beyond the territorial limits of the city, to any point within the Commonwealth, to assist in responding to such emergency. All such extraterritorial acts and expenditures incurred for such purpose shall be entitled to the protections and immunities afforded by the Virginia Code, including Virginia Code § 27-1.~~

(j) ~~The fire chief shall have authority to take all lawful actions necessary for the provision of services related to hazardous materials, rescue, fire suppression, investigations of code violations and related enforcement actions, emergency medical services and other emergency response services deemed necessary in the judgment of the fire chief for emergency response in events exceeding the capabilities of an individual locality or government agency.~~

**Sec. 12-17. Control of the scene of an emergency incident.**

(a) ~~As set forth within section 12-16(a), above, the fire chief, or in their absence another authorized member of the fire department, shall have full authority and complete supervisory control over all equipment and personnel present at the scene of an emergency incident. In the absence of the fire chief, such authority and control over the scene of an emergency incident shall be vested with the designated incident commander, pursuant to fire department protocols.~~

(b) While the city's fire department is in the process of answering an alarm, or operating at an emergency incident, ~~or traveling to or from and returning to~~ the fire station ~~or the scene of an emergency incident~~, the fire chief ~~or other officer in charge of such operations at that time~~ shall have the authority to:

- (1) Maintain order at the emergency incident ~~or~~and its vicinity;
- (2) Direct the actions of the firefighters and emergency services personnel at the emergency incident or its vicinity;
- (3) Keep bystanders or other persons at a safe distance from the emergency incident and emergency equipment;
- (4) Facilitate the speedy movement and operation of emergency equipment, ~~firefighters and emergency medical services and fire department~~ personnel;
- (5) Cause an investigation to be made into the origin and cause of the emergency incident;
- (6) Until the arrival of a police officer, direct and control traffic in person or by deputy and facilitate the movement of traffic; and
- (7) Restrict the entry of personnel from the news media into the area of an emergency incident, as follows: personnel from the news media, when gathering the news, may enter at their own risk into the area of an emergency incident only when the fire chief or other officer in charge has deemed the area safe, and only into those areas of the emergency incident that do not, in the opinion of the fire chief or other officer in charge, interfere with firefighters or emergency medical services personnel dealing with such emergencies; and if the presence of personnel of the news media causes interference, in the opinion of the fire chief or other officer in charge of the fire department's operations at the scene of the emergency incident, in which case the fire chief or other officer in charge may order such person to leave the scene of the emergency incident.

(c) The fire chief or other officer in charge of the area of an emergency incident shall display their firefighter's or emergency medical services personnel badge, or other proper means of identification.

(d) Any person refusing to obey ~~the~~an order(s) of the fire chief or other officer in charge, or their deputies, shall be guilty of a Class 4 misdemeanor. The fire chief or other officer in charge shall have the power to make arrests for violation of the provisions of this section. The authority described within this section may not be exercised to inhibit or obstruct members of law-

enforcement agencies ~~or rescue squads~~ from performing their normal duties when operating at an emergency incident.

(ee) The fire chief shall have the authority to equip fire department vehicles and personnel with devices for activation of traffic control signals, in order to facilitate the safe ingress and egress of ~~emergency department equipment, vehicles, and personnel~~ at a fire/~~EMS~~ station and to facilitate the safe travel of ~~fire department equipment, and vehicles, and personnel to and from~~ the scene of an emergency incident.

**Sec. 12-18. Charlottesville Fire CompanyVolunteer Agencies.**

(a) At ~~their respective~~its regular meetings ~~in August of~~ each year, or as soon thereafter as practicable, the Charlottesville Fire Company ~~and the Charlottesville-Albemarle Rescue Squad~~ shall elect from among ~~its~~ their respective members a chief and such other officers as ~~it~~they may deem appropriate, and shall communicate the names of the elected officers to the city's fire chief. ~~The terms of office shall commence upon appointment and shall expire on August 31 of the year following the year in which such officers were elected.~~ Officers so elected shall have full ~~direction and control~~ and command ~~of~~over ~~their respective organizations~~ ~~members of the Charlottesville Fire Company~~ at all times, except as otherwise provided within this chapter ~~with respect to activities at the scene of a fire~~.

(b) At the scene of ~~an emergency incident, the~~ fire ~~the~~ chief and other officers of ~~a volunteer agency~~the fire company shall exercise supervision and control over ~~their respective fire company~~ personnel; however, the chief and other officers of the ~~volunteer agency~~fire company shall receive direction and instructions from the ~~designated on-scene~~ incident commander, ~~city's fire chief or next-ranking officer in charge.~~ ~~In the event neither the city's fire chief nor another full-time employee of the city fire department holding the rank of captain or above is present at the scene of a fire, then the chief of the fire company, or another fire company officer holding the rank of captain or above, will be in charge until relieved by an authorized officer of the city's fire department.~~

**Sec. 12-19. Powers and duties of fire marshal; assistants.**

(a) The fire chief shall appoint an employee of the fire department to serve as the city's fire marshal, and one (1) or more assistants. The fire marshal shall have the powers, functions and responsibilities described within Title 27, Chapter 3 (Local Fire Marshals) of the Virginia Code.

(1) In addition to any other duties prescribed by law, the fire marshal and their assistants shall have the authority 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 authority granted in this section shall not be exercised by the fire marshal or any assistant until such person has satisfactorily completed a training course designed specifically for local fire marshals and their assistants and approved by the Virginia Fire Services Board.

(2) The city's fire marshal and their assistants shall have the same police powers as a police officer or law enforcement officer, and these officers shall have responsibility for the investigation and prosecution of offenses involving hazardous materials, fires, fire bombings,

bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, and possession and manufacture of explosive devices, substances and fire bombs. However, the police powers granted in this section shall not be exercised by any local fire marshal or assistant until such person has satisfactorily completed a course for fire marshals with police powers, designated by the department of fire programs in cooperation with the department of criminal justice services, which course shall be approved by the Virginia Fire Services Board. In addition, fire marshals and their assistants with police powers shall continue to have and exercise those police powers only upon satisfactory participation in in-service and advanced courses and programs designated by the department of fire programs in cooperation with the department of criminal justice services, which courses shall be approved by the Virginia Fire Services Board.

- (3) Where a city fire marshal or any assistant(s) have been designated by the city's fire chief they shall, before entering upon their duties, take oath before an officer authorized to administer oaths, faithfully to discharge the duties of such office(s). The certificate of the oath shall be returned to and preserved by the clerk of the city council.
- (b) The fire marshal shall have the right to enter upon any property from which a release of any hazardous material, hazardous waste or regulated substance, as defined in § 10.1-1400 or § 62.1-44.34:8 of 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 city. The right of entry authorized by this provision is to allow the fire marshal to investigate the extent and cause of any such release and shall be exercised in accordance with the provisions of § 27-37.1 of the Virginia Code.

**Secs. 12-20—12-29. Reserved.**

***ARTICLE III. FIRE PREVENTION CODE***

**Sec. 12-30. City fire prevention code.**

There is hereby established a fire prevention code for the City of Charlottesville, consisting of the Virginia Statewide Fire Prevention Code adopted pursuant to section 12-31, as well as the regulations set forth within section 12-32, following below.

**Sec. 12-31. Virginia Statewide Fire Prevention Code.**

- (a) It shall be the policy and practice of the city to enforce, in its entirety, the Virginia Statewide Fire Prevention Code ("SFPC") adopted by the Virginia Board of Housing pursuant to § 27-97 of the Virginia Code, as amended from time to time. Accordingly, the SFPC is hereby adopted as part of the fire prevention code of the city. At least one (1) copy of the SFPC shall be maintained in the office of the city's fire chief and such copy shall be made available for inspection during regular office hours.
- (b) Appeals concerning the application of the SFPC shall first lie to the city's board of building code appeals, which board is hereby designated as the local board of appeals for the SFPC. This board

shall have jurisdiction over all appeals initiated by persons aggrieved by a decision of the fire official implementing or interpreting any provision of the SFPC.

- (c) From time to time city council may approve a schedule of permits and of fees applicable to inspections, approvals and appeals conducted for purposes of enforcement of the SFPC. Once a schedule of permits and/or fees is approved it shall be maintained in the office of the city fire chief.
- (d) The city's fire department shall have responsibility to serve as the local enforcing agency for the SFPC. In carrying out such responsibility the fire department shall act by and through an executive official ("fire official") designated by the city's fire chief. Unless otherwise specified by the city's fire chief, the city's fire marshal shall serve as the city's fire official. The fire official and any fire department employees appointed by the fire chief to assist them, shall have authority to exercise the powers authorized within the SFPC and relevant provisions of the Statewide Fire Prevention Code Act, §§ 27-94 et seq. of the Virginia Code, as amended. The fire official may delegate duties and powers to their assistants appointed by the fire chief, but the fire official shall remain responsible for ensuring that any such delegated duties and powers are carried out in accordance with applicable provisions of law.
- (e) The fire official and their assistants shall have or obtain the qualifications and certifications specified within the SFPC.
- (f) The fire official shall keep and maintain official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. The fire official shall deliver to their successor in office all such records that may be in their possession or control.

**Sec. 12-32. Local regulations.**

- (a) The SFPC, as adopted pursuant to section 12-31, above, is hereby amended, supplemented, amplified and modified by the following provisions, which are intended to be more restrictive or more extensive in scope than the regulations set forth within the SFPC:
  - (1) *Certain fire suppression systems required.* Notwithstanding any contrary provision of law, general or special, fire suppression systems must be installed and maintained in full operating condition in buildings fifty (50) feet or more in height for which building permits have been issued after October 20, 1986. The technical requirements for the installation, repair, operation and maintenance of such systems shall be those found in the SFPC. A violation of this section shall constitute a Class 2 misdemeanor.
  - (2) *Certain smoke detectors required.* Notwithstanding any contrary provision of law, general or special, smoke detectors shall be installed in the following structures or buildings:
    - a. Any building containing one (1) or more dwelling units;
    - b. Any hotel or motel regularly used or offered for, or intended to be used to provide overnight sleeping accommodations for one (1) or more persons; and

- c. Rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

Smoke detectors installed pursuant to this section shall be installed in conformance with the provisions of the Uniform Statewide Building Code. Any required smoke detector may be either battery-operated or an AC-powered unit. The owner of any dwelling unit which is rented or leased, at the beginning of each tenancy and at least annually thereafter, shall furnish the tenant of that unit with a certificate that all required smoke detectors are present, have been inspected, and are in good working order. Except for smoke detectors located in hallways, stairwells, and other public or common areas of multifamily buildings, interim testing, repair, and maintenance of smoke detectors in rented or leased units shall be the responsibility of the tenant; however, the owner shall be obligated to service, repair, or replace any malfunctioning smoke detector(s) within five (5) days of receipt of written notice from the tenant that such smoke detector is in need of service, repair, or replacement. A violation of any provision of this section shall constitute a Class 2 misdemeanor.

Any building containing fewer than four (4) dwelling units which was not in compliance with this section on July 1, 1984, shall be exempted from the requirements of this section until such time as that building or any dwelling unit therein is sold or rented to another person. The city's fire department may delegate responsibility for enforcement of this section, as may be appropriate, to the housing inspections division of the department of neighborhood development services, which is hereby authorized to enforce this section at the request of the fire department.

- (3) *Exits from public assembly halls.* The owners or lessees of any public hall or theater shall provide suitable and sufficient exits from such buildings. The doors to the exits shall remain unlocked during all performances or public gatherings in the buildings and shall, in all cases, open outwardly, and not inwardly. Any owner or lessee of any such building who shall violate this requirement shall be subject to the penalties set forth within Virginia Code § 27-53. The continuation of any failure to comply with this requirement for each week after notice has been given to the owner or lessee of a building that the exits are unsafe or insufficient shall be deemed a separate offense.
- (4) *Summoning firefighting apparatus without cause.* No person shall, without just cause, call or summon, by telephone or otherwise, any firefighting apparatus. No person shall maliciously activate a manual or automatic fire alarm in any building used for public assembly or for other public use, including, but not limited to, schools, theaters, stores, office buildings, shopping centers and malls, coliseums and arenas.
- (5) *Fireworks.* No person shall have, keep, store, use, discharge, manufacture, sell, handle or transport any fireworks in the city, except as provided within this section. Nothing in this section shall apply to:
  - a. Any materials or equipment that is used or to be used by any person for signaling or other emergency use in the operation of any railroad train or other vehicle for the transportation of persons or property.

- b. Any officer or member of the armed forces, while acting within the scope of their authority and duties as such, nor to any offer of sale or sale of fireworks to any authorized agent of such armed forces.

The fire chief may, upon due application, issue a permit to a properly qualified person for giving a pyrotechnic display of fireworks in the public parks or other open places. Such permits shall impose such restrictions as, in the opinion of the fire chief, may be necessary to properly safeguard life and property in each case. The term "fireworks," as used in this section, shall mean and refer to any firecracker, sparkler, roman candle, fire balloon, signal light, squib, rocket, railroad track or other torpedo, skyrocket, flashlight composition, or other substance or object, of whatever form or construction, that contains any explosive or inflammable compound or substance, and which explodes, rises into the air, travels laterally, or fires projectiles into the air to obtain visible or audible pyrotechnic effects.

- (6) *High explosives.* No person shall sell within the city any dynamite, blasting powder or other high explosive except upon a written permit from the chief of police, which permit shall be issued upon application by the purchaser showing that such explosives are to be used for legitimate purposes within a reasonable time after their purchase and the provisions of the fire prevention code with respect to the keeping of all such explosives shall in all respects apply to such purchaser. This section shall not be construed to apply to the purchase of shotgun, rifle or pistol ammunition at retail.
- (7) *Storage of explosive liquids.* It shall be unlawful for any person to store, keep or handle any gasoline or other highly explosive liquids in bulk within the city ("bulk storage") except:
  - a. In the city's manufacturing/industrial zoning districts as part of, or in connection with, a use authorized by the city's zoning ordinance; or
  - b. In existing bulk storage sites that were lawful as of March 1, 2004.

For the purposes of this section, the term "bulk storage" shall mean and refer to the storage and keeping as well as the parking, loading or unloading of gasoline or any other highly explosive liquid in quantities of more than ten thousand (10,000) gallons, into, to or from any single container, including, without limitation, tank cars or truck transports. Where permitted, such bulk storage shall be conducted in accordance with applicable provisions of the SFPC. It shall be unlawful for any person to store, keep or handle any gasoline or other highly explosive liquids in any underground container of ten thousand (10,000) gallons or less, in any residential zoning or B-1 zoning district; provided, however, that:

- a. In an R-3 or B-1 zoning district, a single underground tank may be installed to contain not in excess of five hundred fifty (550) gallons, provided that such tank is not located within one hundred (100) feet of any residential dwelling unit, is to serve a nonconforming business use, and shall not be resold to others; and
- b. Any elementary or secondary school, whether public or private, may install an underground tank to contain not in excess of five hundred fifty (550) gallons, so long as such tank is not located within one hundred (100) feet of any residential dwelling unit, is

not located within one hundred (100) feet of any building used for school purposes, and the contents of such tank are not resold to others.

Otherwise, underground storage of quantities not in excess of ten thousand (10,000) gallons, in a container complying with requirements of the SFPC, is permitted within the city, except that if any such underground tank is located within ten (10) feet of any building, the maximum quantity permitted in such container shall be two thousand (2,000) gallons.

(8) *Open burning.* Except as otherwise provided in this section, no person shall ignite or maintain, or cause or permit to be ignited or maintained, any open fire on public or private property outside any building. Salvage, demolition operations, land clearing and disposal of waste materials (including, without limitation, construction debris, garbage, refuse, household refuse, brush, grass, leaves and other waste materials) by burning are specifically prohibited. Exceptions to the prohibitions of this section are as follows:

- a. Open fires may be set in the performance of official duties by the fire chief or their designee when necessary:
  1. For the abatement of a fire hazard which cannot be abated by other means;
  2. For training in firefighting or for research in control of fires under supervision of the fire chief or their designee; and
  3. In emergency or other extraordinary circumstances when open burning is determined by the fire chief to be in the public interest.
- b. Open fires may be used for cooking food, if such fires are contained within approved grills and barbecues for the purpose of food preparation for human consumption.
- c. Open fires may be set within approved outdoor fireplaces provided such fireplaces have screened burn chambers and chimneys equipped with spark arrestor screens. Salamanders and similar heating devices may be used for heating by outdoor workers provided that no smoke hazard or other nuisance is created and provided that such devices are used not less than fifteen (15) feet from any structure.
- d. Open fires may be set for recreational purposes, or for ceremonial occasions, with the advance approval of the fire marshal, and provided that no smoke violation or nuisance is created.
- e. Where permitted, open burning shall be constantly monitored until the fire is extinguished. Fire extinguishing equipment shall be available for immediate use. Notwithstanding the above-listed exceptions, there is hereby reserved to the city's fire chief the authority to prohibit any and all open burning when in their determination smoke may cause reduced visibility on any highway, the fire is endangering adjacent property, or when flames, emissions or odors from the fire may otherwise constitute a hazard or nuisance. The fire chief or their designee may order the extinguishing of any fire which creates any such hazard(s) or nuisance(s).

(9) *Fire hydrant distribution.* Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets where new building construction or modifications to water mains occur as follows: No more than three hundred (300) feet shall exist between fire hydrants serving buildings meeting SFPC occupancy classifications other than Residential Group R-5, in which case no more than six hundred (600) feet shall exist between fire hydrants.

(10) *Chapter 1, section 103.1.2* of the SFPC is replaced by the following:

10.1.2. Appendices.

- (i) Appendix B, Fire-Flow Requirements For Buildings, of the International Fire Code - 2006 Edition, as amended from time to time (hereinafter "IFC"), is considered part of the IFC for the purposes of Section 103.1 of the SFPC.
- (ii) Appendix D, Fire Apparatus Access Roads, of the IFC is considered part of the IFC for the purposes of Section 103.1 of the SFPC, as modified in the city's Standards and Design Manual. Any conflict between the two (2) documents shall be resolved in favor of the city's Standards and Design Manual.

(11) *Testing and inspection reports.*

- a. *Testing, inspection, repair and maintenance required.* Fire protection systems and other life safety systems, whether required or nonrequired, shall be inspected, tested, repaired and maintained in an operative condition at all times, and in accordance with requirements set forth within the SFPC. Itemized records of all system tests, inspections, repairs and maintenance required by the SFPC shall be maintained by the property owner on the premises of the system(s), and copies of such records shall be submitted to the city's fire official as required by paragraph b., below.
- b. *Reporting.* It shall be the responsibility of any person (including, without limitation, any individual or company) providing or conducting tests or inspections of fire protection and life safety systems for properties within the city to submit a copy of the itemized records of such tests, inspections, repairs, or maintenance to the fire official's approved and designated web-based reporting vendor, within thirty (30) days of the test, inspection, repair or maintenance. With respect to inspections, testing, maintenance, repair, or replacement of fire protection and life safety systems, the term "itemized records" includes, but is not limited to: identification of the individual and company performing the inspection; a description of the inspection, testing, maintenance, repair, or replacement; when and where the inspection, testing, maintenance, repair, or replacement took place; and the results of the inspection, testing, maintenance, repair, or replacement.
- c. *Web-based reporting requirement.* The fire official shall utilize a web-based reporting program which connects and engages the key stakeholders involved in fire prevention and community risk reduction, including: the governmental authorities having jurisdiction within the city, testing and inspection service providers, and property owners. Records, including reports of testing and inspections, referenced in paragraph a. preceding above must be uploaded to the web-based reporting system designated by

the city's fire official. The web-based inspection reporting provider shall transmit said inspection reports to the city's fire official, and to any other governmental authorities to whom such reports are required to be given.

d. Every individual and company performing testing, inspection, repair or maintenance of any fire protection or life safety systems within the city shall be qualified (certified) and licensed, registered or otherwise authorized to perform such work or services within the Commonwealth of Virginia, and in accordance with applicable SFPC standards. The city's fire official may reject any records or reports if the person or company providing the reports does not also provide the city with documentation of their current certification(s) and qualification(s) to perform such work or services.

(b) Nothing in this section shall be construed, interpreted or applied to abrogate, nullify, or abolish any law, ordinance or code enacted by the city, or by the Commonwealth of Virginia, its boards or agencies. When any provision of this section is found to be in conflict with any zoning, safety, health or other applicable law, ordinance or code, the provision that establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.

**Secs. 12-33—12-39. Reserved.**

**ARTICLE IV. EMERGENCY MEDICAL SERVICES**

**Sec. 12-40. Purpose.**

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

**Sec. 12-41. DefinitionsResponsibilities of the department.**

As otherwise consistent with this chapter, the city's fire 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.

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

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

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

**Sec. 12-42. Permits required.**

- (a) ~~No agency shall operate an emergency medical services vehicle within city limits unless a permit is first obtained from the city. Agencies permitted pursuant to this article shall comply with all terms and conditions of their permits.~~
- (b) ~~Permits shall be issued in accordance with Code of Virginia, § 32.1-111.14, as amended, by the city manager or their designee, upon such terms and conditions as may be needed to ensure the public health, safety and welfare.~~
- (c) ~~No permit shall be required for (1) any agency acting pursuant to a mutual aid agreement with the city, or any agency while assisting the city during a state of emergency; or (2) any agency in operation within the city on June 28, 1968, that has been in continuing operation up to and including the effective date of this ordinance; or (3) any emergency medical services vehicle operated by the City of Charlottesville.~~

**Sec. 12-432. Fees for emergency medical services vehicle transports.**

- (a) Reasonable fees shall be charged for services provided by an EMS agency operating an EMS emergency medical services vehicles under this article. The schedule of fees shall be established by resolution of city council.
- (b) In no event shall a person be denied transport for emergency medical services due to their inability to pay.
- (c) The city manager shall establish policies and procedures to implement this section in accordance with applicable law, including payment standards for persons demonstrating economic hardship.

**Sec. 12-43. Medical directors.**

- (a) There shall be a city operational medical director ("OMD"), who shall be appointed by the fire chief. The OMD shall be responsible for approval of the fire department's medical protocols and advising the fire chief pertaining to the provision of emergency medical services in the city.
- (b) Each component part of the fire department shall have its own OMD(s), who shall be responsible for approval of their respective agency's medical protocols.