

Chapter 22\*

**FIRE PREVENTION AND PROTECTION**

**Article I. Fire Marshal**

- Sec. 22-1. Office created; deputies; appointments
- Sec. 22-1.1. Oaths of office
- Sec. 22-1.2. General powers and duties
- Sec. 22-2. Fire Marshal to be summoned to scene of fire, explosion, etc.
- Sec. 22-3. Reserved
- Sec. 22-4. Right of entry to investigate releases of hazardous material, hazardous waste, or regulated substances.
- Sec. 22-5. Power to arrest, to procure and serve warrants and to issue summons.
- Sec. 22-5.1. Police powers of fire marshals.

**Article II. Fire Prevention Code**

- Sec. 22-6. Adopted; enforcement; availability for reference.
- Sec. 22-7. Amendment to the Virginia Statewide Fire Prevention Code – Generally.
- Sec. 22-8. Violations of the Statewide Fire Prevention Code.
- Sec. 22-9. Notification of fire.
- Sec. 22-10. Responsibility for filing incident report.
- Sec. 22-11. Obstruction of fire apparatus roads.
- Sec. 22-12. Interior finish, decorative materials, and furnishings.
- Sec. 22-13. Fire protection systems; standards.
- Sec. 22-14. Fire protection systems; systems out of service.
- Sec. 22-15. Fire alarms; faulty and nuisance alarms.
- Sec. 22-16. Fire department connections; signs.
- Sec. 22-17. Means of egress from buildings and/or occupancies; maintenance and inspection.
- Sec. 22-18. Hazardous materials; unauthorized discharges.

**Article III. Criminal Offenses**

- Sec. 22-19. Impersonation.
- Sec. 22-20. Damage or injury to fire department equipment or personnel.
- Sec. 22-21. Unlawful boarding or tampering with fire and rescue vehicles.
- Sec. 22-23. Allowing fire to spread to land of another.
- Sec. 22-24. Carelessly damaging property by fire.
- Sec. 22-25. Refusal to obey orders of a fire or rescue officer.
- Sec. 22-26. Prohibited parking within a designated fire lane; unauthorized use.
- Sec. 22-27. Penalty for chapter violations.

\*Ord. O-2013-04

## **CHAPTER 22. FIRE PREVENTION AND PROTECTION**

### **ARTICLE I. – FIRE MARSHAL**

#### **Sec. 22-1. Office created; deputies; appointments.**

The Town Council shall appoint the chief fire marshal (the fire marshal). The deputy fire marshal(s) and assistant fire marshals shall be appointed by the chief fire marshal, whose powers and duties shall be as set forth in this chapter and as authorized by the Code of Virginia.

#### **Sec. 22-1.1. Oaths of office.**

The fire marshal, deputy fire marshal, assistant fire marshals, and members of the fire marshal's staff, before entering upon their duties, shall, respectively, take an oath, before any officer authorized to administer oaths, faithfully to discharge the duties of their offices.

#### **Sec. 22-1.2. General powers and duties.**

The fire marshal and deputies or assistants shall have such powers and duties as are prescribed by state law and by this chapter and other ordinances of the county.

#### **Sec. 22-2. Fire marshal to be summoned to scene of fire, explosion, etc.**

The fire department officer-in-charge of any fire, explosion or incident to which fire apparatus or equipment responds shall immediately summons the fire marshal to the scene to investigate the circumstances involved. Such fire marshal shall make an investigation, or cause to be investigated, the origin and cause of every fire and explosion occurring with the Town.

#### **Sec. 22-3. Reserved.**

#### **Sec. 22-4. Right of entry to investigate releases of hazardous material, hazardous waste, or regulated substances.**

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 Code of Virginia, § 10.1-1400 or § 62.1-44.34:8, 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 marshal makes an affidavit under oath that the origin or cause of any such release is undetermined and that he has been refused admittance to the property, or is unable to gain permission to enter the property, any magistrate of the city or county where the property is located may issue an investigation warrant to the fire marshal authorizing him to enter 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, he shall discontinue the investigation until a search warrant has been obtained or consent to conduct the search has otherwise been given.

#### **Sec. 22-5. Power to arrest, to procure and serve warrants and to issue summons.**

The fire marshal and his assistants appointed pursuant to Code of Virginia § 27-36 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 the fire prevention and fire safety laws and related ordinances.

**Sec. 22-5.1. Police powers of fire marshals.**

In addition to such other duties as may be prescribed by law, the fire marshal and his assistants appointed pursuant to Code of Virginia § 27-36 shall have the same police powers as a sheriff, police officer or law enforcement officer. The investigation and prosecution of all offenses involving hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances and fire bombs shall be the responsibility of the fire marshal or his designee.

**ARTICLE II. FIRE PREVENTION CODE**

**Sec. 22-6. Adopted; enforcement; availability for reference.**

- (a) There is hereby adopted by the Town Council, for the purpose of prescribing regulations to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling and use of substances, materials and devices, wherever located, that certain code known as the Virginia Statewide Fire Prevention Code (“Fire Prevention Code”), as amended, save and except such portions as are deleted, modified or amended by this article, and the same is hereby adopted and incorporated as fully as if set out at length herein.
- (b) The fire marshal shall have responsibility for enforcement of the Fire Prevention Code. The term “fire official,” as used in the fire prevention code, shall mean the fire marshal or his designee.
- (c) At least one copy of the fire prevention code adopted in subsection (a), above shall be on file in the office of the fire marshal, and it shall be available for inspection between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday inclusive, except for legal holidays.

**Sec. 22-7. Amendment to the Virginia Statewide Fire Prevention Code – Generally.**

Pursuant to the authority found in Code of Virginia, Title 27, Chapter 9, the “Virginia Statewide Fire Prevention Code” (Fire Prevention Code), the Town hereby adopts the following changes to the fire prevention code.

**Sec. 22-8. Violations of the Statewide Fire Prevention Code.**

- (a) If any notice of violation issued pursuant to Section 111 of the Fire Prevention Code is not complied with within the time specified in the notice citing the alleged violation, the fire marshal shall request the county attorney to institute the appropriate legal proceedings to restrain, correct, or abate such alleged violation.
- (b) Where two or more follow-up inspections are required because a responsible party, person, firm, or corporation has failed to comply with a previously issued order or notice of violation, a fee shall be charged as permitted in section 107.15 of the Fire Prevention Code. Fees shall be in accordance with the fee schedule set out in section 107.15 of the Fire Prevention Code.

**Sec. 22-9. Notification of fire.**

In any building subject to inspection under any provision of the fire prevention code, when a fire or evidence of there having been a fire is discovered, even though it has apparently been extinguished, it shall be immediately reported to the Prince William County Public Communications Center. This shall be the duty of the owner, manager, or person in control of such building at the time of discovery. This requirement shall not be construed to forbid the owner, manager, or person in control of said building from using all diligence necessary to extinguish such fire prior to the arrival of the fire department.

**Sec. 22-10. Responsibility for filing incident report.**

It shall be the responsibility of the fire department officer-in-charge, or his designee, to file with the chief fire marshal, in such form as he or she shall prescribe, a report of every fire, explosion, or incident to which apparatus or equipment responds. Such reports shall be filed at such time and location prescribed by the chief fire marshal.

**Sec. 22-11. Obstruction of fire apparatus roads.**

Fire apparatus access roads and approved designated fire lanes shall not be obstructed in any manner including the parking of vehicles, staging or storage of devices, equipment or materials or any unauthorized use in accordance with sections 503.4.1 through 503.4.2 of the International Fire Code (2009). The minimum widths and clearances established in section 503.2.1 shall be maintained at all times.

**Sec. 22-12. Interior finish, decorative materials, and furnishings.**

This section shall be applicable to all Assembly, Educational and Institutional occupancies. Combustible materials such as paper, cotton batting, straw, cut or dry vines, leaves, trees, artificial flowers or shrubbery, or similar combustible materials, and foam plastic materials shall not be used for decorative purposes in non-sprinklered show windows, building lobbies, exits or exit accesses, interior stairways, or other parts of buildings, or any area of public use in such a quantity as to constitute a fire hazard.

**Sec. 22-13. Fire protection systems; standards.**

All fire protection systems that were installed in compliance with any law, ordinance or order, shall be maintained in an operative condition at all times. An owner or occupant shall not reduce the effectiveness of the protection so required to include to silence, reset, remove, tamper with, damage, destroy, or use without just cause any fire detection or alarm system, fire protection system except for the purpose of extinguishing fire, training, recharging, repairing or when approved by the fire official. Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listing in Table 901.6.1 of the International Fire Code (2009 Edition).

**Sec. 22-14. Fire protection systems; systems out of service.**

Where a required fire protection system is out of service, the Public Safety Communications Center and the fire marshal shall be notified immediately and, where required by the fire marshal, the building shall be evacuated and/or an approved and documented fire watch shall be provided for all occupants and premises left unprotected by the inoperative system until the fire protection system has been returned to service and the fire watch has been terminated by the fire marshal.

Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the premises and keep watch for fire.

**Sec. 22-15. Fire alarms; faulty and nuisance alarms.**

- (a) Notwithstanding the provisions found in sections 2.5-1 et seq., of chapter 2.5 of the Prince William County Code, whenever faulty or nuisance alarms in an occupancy exceed three in any one-month period, the fire official may require the owner or occupant to conduct a witnessed test of the fire protection system causing the faulty or nuisance alarm.
- (b) For the purpose of this section, a faulty or nuisance alarm is deemed to occur whenever the fire officer in charge responding to a fire alarm call shall determine, after investigation, that faulty equipment initiated the alarm. An alarm caused by mechanical failure, malfunction, improper installation, or lack of proper

maintenance, or an alarm activated by a cause that cannot be determined may be deemed a faulty alarm.

- (c) As soon as practical following the faulty or nuisance alarm, the responding officer in charge shall cause the fire marshal's office to be notified in writing of the facts and circumstances supporting his determination that faulty equipment initiated the alarm.
- (d) Whenever an owner or occupant is required by this section to conduct a test of a fire alarm or suppression system, the fire official shall notify the owner or occupant in writing and prescribe a certified test consistent with standard procedures to be witnessed by the fire official or his designee.
- (e) Any faulty equipment or systems identified during the test which will reduce the effectiveness of the protection shall be recorded and a notice of violation prepared and served in accordance with the provisions of section 111.0 of Virginia Statewide Fire Prevention Code (2009). The notice of violation will require the repair, abatement or correction of any noted defects, the restoration of the system to normal operative condition and compliance with any law, ordinance or order affecting such alarm system.

The notice of violation shall be enforced pursuant to the provisions of section 110 of the International Fire Code (2009).

**Sec. 22-16. Fire department connections; signs.**

A metal sign with raised letters at least one-inch in size shall be mounted on all fire department connections serving automatic sprinklers, standpipes or fire pump connections. Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable.

Where multiple fire department connections are provided, a metal sign with raised letters at least one-inch in size shall be provided at all fire department connections to indicate the numerical street address, range of numerical street addresses, or fire protection zones served by a fire protection system connected to fire department connection. This sign is to be placed in a location as to be readily visible, free of obstruction, and approved by the fire marshal.

**Sec. 22-17. Means of egress from buildings and/or occupancies; maintenance and inspection.**

The owner, operator, manager or other person responsible for the operation of an assembly, educational or mercantile occupancy, or other occupancy or building open to the

general public, shall inspect and check egress facilities before such occupancy or building is occupied to determine compliance with this section. If such inspection reveals that any element of the means of egress cannot be accessed, is obstructed, locked, fastened or otherwise unsuited for immediate utilization, admittance to the occupancy or building shall not be permitted until necessary corrective action has been completed and the means of egress restored to a safe and compliant condition.

**Sec. 22-18. Hazardous materials; unauthorized discharges.**

The storage, use and handling of all hazardous materials shall be in accordance with section 2703 of the International Fire Code (2009 Edition).

When hazardous materials or hazardous waste are released in any quantity, the code official shall be notified and the procedures required in accordance with sections 2703.3.1.1 through 2703.1.4 of the Fire Prevention Code (2009 Edition) shall be followed.

**ARTICLE III. CRIMINAL OFFENSES**

**Sec. 22-19. Impersonation.**

It shall be unlawful and a Class 1 misdemeanor for any unauthorized person to use a badge, uniform or any other credentials, so as to gain access to any building, marine vessel, vehicle or premises, or to otherwise falsely identify himself as the fire marshal or his designated representative.

**Sec. 22-20. Damage or injury to fire department equipment or personnel.**

It shall be unlawful and a Class 1 misdemeanor for any person to damage or deface, or attempt or conspire to damage or deface any fire or rescue vehicle belonging to the Prince William County Department of Fire and Rescue or a volunteer company at any time, or to injure, or attempt to injure or conspire to injure fire and rescue personnel while such personnel are in the performance of their duties.

**Sec. 22-21. Unlawful boarding or tampering with fire and rescue vehicles.**

It shall be unlawful and a Class 1 misdemeanor for any person, without proper authorization from the fire or rescue officer in charge of said vehicle, to cling to, attach himself to, climb upon or into, board or swing upon any fire or rescue vehicle, whether such vehicle is in motion or at rest, or to sound any warning devise thereon, or to manipulate, tamper with or destroy or attempt to manipulate, tamper with or destroy any lever, valve, switch, starting device, brake, pump or any equipment, protective clothing or tool, on or a part of such vehicle.

**Sec. 22-22. Unlawful use of fire or rescue apparatus, equipment, etc., within Town.**

- (a) It shall be unlawful and a Class 2 misdemeanor for any person to operate or cause to be operated upon a public highway or street in the Town any vehicle or equipment used, intended to be used, or designated to be used for the purpose of fighting fires or

responding to emergency incidents, unless the use of such vehicle or equipment is authorized by the county.

- (b) This section shall not apply to the operation of firefighting vehicles or rescue equipment owned by any fire or rescue company outside of the county when such vehicle or equipment is traveling in or through the Town for parade or other non-firefighting purposes or in response to a call from the county’s public safety communications center.

**Sec. 22-23. Allowing fire to spread to land of another.**

Any person who intentionally sets or procures another to set fire to any woods, brush, leaves, grass, straw or any other inflammable substance capable of spreading fire, and who intentionally allows the fire to escape to lands not his own, whereby the property of another is damaged or jeopardized, shall be guilty of a Class 1 misdemeanor and shall be liable for the full amount of all expenses incurred in fighting the fire.

**Sec. 22-24. Carelessly damaging property by fire.**

If any person shall carelessly, negligently or intentionally set any woods or marshes on fire, or set fire to any stubble, brush, straw or any other substance capable of spreading fire on lands, whereby the property of another is damaged or jeopardized, he shall be guilty of a Class 4 misdemeanor and shall be liable for the full amount of all expenses incurred in fighting the fire.

**Sec. 22-25. Refusal to obey orders of a fire or rescue officer.**

- (a) Any person or persons refusing to obey the orders of the officer in charge at an incident scene shall be guilty of a Class 4 misdemeanor.
- (b) Any officer in charge at an incident scene shall have the power to make arrests for violation of the provisions of this section.
- (c) Any person neglecting to obey any order of an officer in charge of an incident scene shall upon conviction of such offense, be fined not to exceed \$100.00.

**Sec. 22-26. Prohibited parking within a designated fire lane; unauthorized use.**

Notwithstanding the provisions found in sections 13-324 and 13-325 of the Prince William County Code, it shall be unlawful for any person to park a vehicle within a designated fire lane. In any prosecution under this section, proof that the vehicle described in the complaint, summons or warrant was parked in violation of this code, together with proof that the defendant was at the time of such prohibited parking the registered owner of the vehicle,

shall constitute a prima facie evidentiary presumption that such registered owner of the vehicle was the person who parked the vehicle at the place and at the time such violation occurred. In addition, the vehicle parked in violation of this section may be impounded by the county police department and held until the penalty provided and the towing and storage charges incurred are paid. This section shall be enforced by the county fire marshal's office and the county police department.

It shall be unlawful for any person, firm, or corporation to otherwise obstruct, stage or store devices, equipment, or materials, or use any designated fire lane without authorization from the fire official.

**Section 22-27. Penalty for chapter violations.**

- (a) Unless otherwise specified in this chapter, any person, firm or corporation who shall violate any of the sections of this chapter, or any provisions of the fire prevention code adopted in accordance with this chapter, shall separately for each and every such violation and noncompliance respectively, be guilty of a violation of this chapter, and shall, upon conviction, be punishable as a Class 1 misdemeanor.
- (b) A violation of this chapter shall be construed to be an infringement, breach, or failure to comply with any provision of this chapter or any order made thereunder, or any act of building in violation of any detailed statement, specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or any failure to comply with such an order within the time fixed therein.
- (c) Each day that a violation continues after a service of notice as provided for in this Code shall be deemed a separate offense.