

Chapter 30

FIRE PREVENTION AND PROTECTION*

* **Charter References:** Authority of town council to control or prevent the storage of firecrackers, gunpowder, kerosene oil, gasoline and other combustibles, and to prevent all things detrimental to the safety and welfare of the inhabitants of the town, § 26.

Cross References: Buildings and building regulations, ch. 14; establishment of fire districts, § 14-7; hot ashes, § 54-40; burning of refuse, § 54-41.

State Law References: Forest resources and the department of forestry, Code of Virginia, § 10.1-1100 et seq.; removal, repair, etc., of dangerous structures, Code of Virginia, § 15.2-906; smoke detectors, Code of Virginia, § 15.2-922; appropriations, loans for voluntary firefighting organizations, rescue squads, etc., Code of Virginia, § 15.2-953 et seq.; explosive and inflammable substances, fireworks, Code of Virginia, § 15.2-1113; fuel-burning equipment, Code of Virginia, § 15.2-1116; regulation of the making of fires, Code of Virginia, § 15.2-1118; false fire alarms, Code of Virginia, § 18.2-212; fire protection generally, Code of Virginia, title 27; furnishing fire protection beyond territorial limits, Code of Virginia, § 27-1 et seq.; fire/EMS departments and fire/EMS companies, Code of Virginia, § 27-6.1 et seq.; ordinances as to

fire/EMS departments, etc., Code of Virginia, § 27-14; local fire marshals, Code of Virginia, § 27-30 et seq.; relief for firefighters and dependents, Code of Virginia, § 27-39 et seq.; mobilization of firefighters during state of war, Code of Virginia, § 44-152 et seq.; explosives, Code of Virginia, § 59.1-137 et seq.; fireworks, Code of Virginia, § 59.1-142 et seq.

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ARTICLE I.

IN GENERAL

Sec. 30-1. Obedience to orders at scene of fire; arrest of offenders; interfering with firefighters.

(a) Every person present at the scene of a fire shall be subject and obedient to the orders of firefighters and police officers in any matter relating to extinguishing the fire; removal and protection of persons and property endangered by fire, smoke or water; freedom of fire department and medical personnel and apparatus to perform their duties or to function properly; and the maintenance of order at or near the scene of the fire. It shall be unlawful for any person to disobey any such lawful order of a firefighter or police officer. Firefighters and police officers shall have authority to arrest persons who disobey such orders and to hold them in custody until the fire has been extinguished, at which time the violators shall be dealt with according to law.

(b) No person shall interfere with any firefighter in the discharge of his duty.

(Code 1992, § 8-1)

Sec. 30-2. Kindling of fire upon land of another.

No person shall kindle a fire upon the land of another without permission of the owner thereof or his agent.

(Code 1992, § 8-2)

Sec. 30-3. Carelessly damaging property by fire.

If any person carelessly, negligently or intentionally sets any woods or marsh on fire or sets 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.

(Code 1992, § 8-3)

State Law References: Similar provisions, Code of Virginia, § 18.2-88; burning of woods, brush, etc., Code of Virginia, § 10.1-1142.

Sec. 30-4. Bonfires and outdoor rubbish fires.

(a) *Authorization required.* No person shall kindle or maintain any bonfire or outdoor rubbish fire or authorize any such fire to be kindled or maintained without proper authorization of the chief of the fire department. The chief of the fire department may issue a general authorization subject to such restrictions as he may deem necessary for the protection of persons and property, or he may require special permits for such purposes. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit or other proper authorization.

(b) *Location restricted.* No person shall kindle or maintain any bonfire or outdoor rubbish fire or authorize any such fire to be kindled or maintained on any private land unless:

(1) The location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading to within 50 feet of any structure.

(2) The fire is contained in a waste burner of a type approved by the chief of the fire department, located safely not less than 15 feet from any structure.

(c) *Attendance of open fires.* Bonfires and outdoor rubbish fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use.

(d) *Chief may prohibit.* The chief of the fire department may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

(Code 1992, § 8-4)

Cross References: Solid waste, ch. 54.

Sec. 30-5. Open burning of leaves originating on premises where burned.

(a) Open burning within the corporate town limits for the disposal of leaves originating on the premises of private residences and burned on those premises shall be lawful only if:

(1) Such burning is done between 9:00 a.m. and 5:00 p.m. and all embers are totally extinguished at the end of this period. All open burning before 4:00 p.m. within 300 feet of woodlands or grasslands during the period of March 1 to May 15 of each year is prohibited.

(2) No material will be added to the fire between 3:00 p.m. and 9:00 a.m.

(3) The location of the burning is not less than 300 feet from any occupied dwelling unless the occupant has given prior written permission.

(4) To minimize the possibility of contaminant emission from inadvertent fires, at no time shall the fires be unattended.

(b) It shall be unlawful for anyone to burn leaves in the open within the corporate town limits except as set forth in subsection (a) of this section. Anyone violating this section shall, upon conviction, be punished as provided in section 1-9.

(Code 1992, § 8-5)

Sec. 30-6. Smoking prohibited under certain conditions.

(a) As used in this section, the term "smoking" shall mean and include the carrying of lighted pipe, cigar, cigarette, tobacco or other vegetation in any form.

(b) Where conditions are such as to make smoking a hazard in any areas of warehouses, stores, industrial plants, institutions, places of assembly, and in open spaces where combustible materials are stored or handled, the chief of the fire department is empowered and authorized to order the owner or occupant in writing to post no smoking signs in each building, structure, room or place in which smoking shall be prohibited. The chief of the fire department shall designate specific safe locations, if necessary, in any building, structure or place in which smoking may be permitted.

(c) No smoking signs of approved sized lettering and location required in

accordance with subsection (b) of this section shall read "By Order of the Chief of the Fire Department."

(d) It shall be unlawful for any person to remove any legally required no smoking sign or to smoke in any place where such signs are posted.

(Code 1992, § 8-6)

Sec. 30-7. Use of torches for removing paint and sweating pipe joints.

(a) Any person using a torch or other flame-producing device for removing paint from any building or structure shall provide one fire extinguisher of a type approved by the chief of the fire department or water hose connected to a water supply in the area where such burning is done. In all cases, a fire watcher shall remain on the premises for one hour after the torch or flame-producing device has been used.

(b) Any person using a torch or other flame-producing device for sweating pipe joints in any building or structure shall have available in the immediate vicinity where the sweating is done one fire extinguisher of such approved type or water hose connected to a water supply. Combustible material in the close proximity of flame shall be protected against

ignition by shielding, wetting or other approved means. In all cases, a fire watcher shall remain in the vicinity of the sweating operation for one-half hour after the torch or flame-producing device has been used.

(Code 1992, § 8-7)

Sec. 30-8. Hot ashes and other dangerous materials.

No person shall deposit hot ashes or cinders, smoldering coals, or greasy or oily substances liable to spontaneous ignition into any combustible receptacle or place such items within ten feet of any combustible materials, except in metal or other noncombustible receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on noncombustible stands and in every case shall be kept at least two feet away from any combustible wall or partition or exterior window opening.

(Code 1992, § 8-8)

Cross References: Environment, ch. 26.

Sec. 30-9. Accumulations of waste materials.

Roofs, courts, yards, vacant lots and open spaces shall be kept free and clear of deposits or accumulations of wastepaper, hay, grass, straw, weeds, litter or combustible waste or rubbish of any kind. All weeds, grass, vines or other growth, when such growth endangers property or is liable to be fired, shall be cut down and removed by the owner or occupant of the property.

(Code 1992, § 8-9)

Cross References: Solid waste, ch. 54.

Sec. 30-10. Handling readily combustible materials.

No person making, using, storing or having in charge or under his control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall fail or neglect at the close of each day to cause all such materials which are not compactly baled and stacked in an orderly manner to be removed from the building, stored in suitable vaults or in metal or metal-lined, covered receptacles or bins. The chief of the fire department shall require suitable baling presses to be installed in stores, apartment buildings, factories and similar places where accumulations of paper and waste materials are not removed at least every second day.

(Code 1992, § 8-10)

Sec. 30-11. Storage of readily combustible materials.

(a) No person shall store in any building or upon any premises in excess of 2,500 cubic feet gross volume combustible empty packing cases, boxes, barrels or similar containers; rubber tires, baled cotton, rubber or cork; or other similarly combustible material without a permit from the chief of the fire department.

(b) Storage in buildings shall be orderly, shall not be within two feet of the ceiling, shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur, and not so located as to endanger exit from the building. Storage in the open shall not be more than 20 feet in height; shall be so located, with respect to adjacent buildings, as not to constitute a hazard; and shall be compact and orderly.

(Code 1992, § 8-11)

Sec. 30-12. Flammable decorative materials in buildings of mercantile and institutional occupancy.

Highly flammable materials such as cotton batting, straw, dry vines, leaves, trees, artificial flowers or shrubbery and foam or plastic materials shall not be used for decorative purposes in show windows or other parts of mercantile and institutional occupancies unless first rendered flameproof. Electric lightbulbs in mercantile and institutional occupancies shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flameproof.

(Code 1992, § 8-12)

Sec. 30-13. Storage or display in roofed-over malls.

No combustible goods, merchandise or decorations shall be displayed or stored in a roofed-over mall unless approved by the chief of the fire department.

(Code 1992, § 8-13)

Sec. 30-14. Open flames, lights or kindling of fire restricted.

(a) No person shall take an open flame or light into any building, barn, vessel, boat or any other place where highly flammable, combustible or explosive material is kept, unless such light or flame shall be well secured in a glass globe, wire mesh cage or similar approved device.

(b) No heating or lighting apparatus or equipment capable of igniting flammable material of the type stored or handled shall be used in the storage area of any warehouse storing rags, excelsior, hair or other highly flammable or combustible material; nor in the work area of any shop or factory used for the manufacture, repair or renovating of mattresses or bedding; nor in the work areas of any establishment used for the upholstering of furniture.

(Code 1992, § 8-14)

Sec. 30-15. Maintenance of chimneys, vents, heat-producing appliances and exhaust systems.

(a) Chimneys, flues or similar devices for conveying products of combustion or hot gases to the exterior of the building shall be maintained in a manner as not to create a hazardous condition.

(1) Existing masonry chimneys which upon inspection are found to be without flue liner and with open mortar joints which will permit smoke or gases to be discharged into the building or which are cracked as to be dangerous shall be made safe by means of a fire clay liner, firebrick, a corrosion-resistant metal pipe and otherwise repaired if necessary, or the chimney shall be removed. Metal pipe liners shall be one inch less in diameter than the least dimension of the flue, and the entire space between the metal liner and the walls of the chimney shall be filled with cement mortar.

(2) Existing chimneys and vents of metal which are corroded or improperly supported shall be replaced, unless suitable repairs are made.

(3) Existing chimneys and vent connectors of metal which are corroded or improperly supported shall be replaced.

(b) All heat-producing appliances, including boilers, furnaces, incinerators, ovens and restaurant-type cooking appliances, shall be installed and maintained in an approved manner.

(c) Exhaust systems provided for restaurant cooking equipment shall be maintained in a manner such as not to create a hazardous condition.

(1) Hoods, grease removal devices, fans, ducts and other devices shall be inspected periodically and cleaned as needed to remove grease and deposits of residues.

(2) Fire extinguishing systems shall be inspected periodically and checked for proper operation. These inspections shall include a check that the supply of extinguishing agent in the system is adequate and all actuation components are operating satisfactorily. Fusible links, if employed, shall be replaced or properly cleaned. Instructions for manually operating the system shall be posted conspicuously in the kitchen, and employees shall be checked for their knowledge of procedures.

(3) Any fire dampers shall be tested periodically to ensure proper functioning of all parts.

(d) Commercial, industrial and flue-fed incinerators shall be provided with approved spark arrestors or other effective means for arresting sparks and fly ash.

(Code 1992, § 8-15)

Sec. 30-16. Use of chimneys or flues.

No person shall intentionally make use of the chimney or flue of any house occupied by him so that the blaze shall extend above the top of such flue or chimney, except in the daytime and when the roof of such house, by reason of rain or snow, is in such condition as not to be endangered.

(Code 1992, § 8-16)

Sec. 30-17. Sale and discharge of fireworks; permit required.

(a) Except as otherwise provided in this section, it shall be unlawful for any person to sell or offer for sale or to discharge or cause to be discharged any squibs, firecrackers, Roman candles or fireworks of any kind within the corporate town limits. However, this section shall have no application to the following:

(1) 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.

(2) Any offer of sale or sale of fireworks to any authorized agent of such armed forces.

(3) The sale or use of material or equipment when such material or equipment is used or to be used by any person for signalling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.

(4) Sparklers, fountains, pharaoh's serpents, caps for pistols.

(5) Pinwheels commonly known as whirligigs or spinning jennies, when used, ignited or exploded on private property with the consent of the owner of such property.

(b) Any fair association, amusement park or any organization or group of individuals

may conduct a display of fireworks, provided that such fair association, amusement park, organization or group of individuals shall have obtained a permit therefor from the town council, upon application therefor made in writing.

(c) After the issuance, pursuant to such an application, of a permit for conducting a display of fireworks, sales of fireworks may be made for use under such permit, and the fair association, amusement park, organization or group of individuals to which the permit is issued may make use of such fireworks under the terms and conditions of such permit.

(Code 1992, § 8-17)

State Law References: Fireworks, Code of Virginia, § 59.1-142 et seq.

Secs. 30-18--30-45. Reserved.

ARTICLE II.

FIRE PREVENTION CODE*

* **Charter References:** Authority of town council to control or prevent the storage of firecrackers, gunpowder, kerosene oil, gasoline and other combustibles, and to prevent all things detrimental to the safety and welfare of the inhabitants of the town, § 26.

State Law References: Nuisances, Code of Virginia, § 15.2-1115; statewide fire prevention code, Code of Virginia, § 27-94 et seq.; explosives, Code of Virginia, § 59.1-137 et seq.

Sec. 30-46. Adopted.

The most current edition, as amended, of a certain document, one copy of which is on file in the office of the mayor, being marked and designated as the "Virginia Statewide Fire Prevention Code," as published by the state board of housing and community development, is hereby adopted as the fire prevention code of the town for the control of buildings and structures as provided in this article. Each and all of the regulations, provisions, penalties, conditions and terms of such code are hereby referred to, adopted and made a part of this article, as if set out in this article.

(Code 1992, § 8-36)

Sec. 30-47. Definitions.

Wherever in the fire prevention code adopted by this article the word "municipality" appears, it shall be construed to mean this town.

(Code 1992, § 8-37)

Cross References: Definitions generally, § 1-2.

Sec. 30-48. Administration and enforcement.

The provisions of the fire prevention code adopted by this article shall be administered and enforced by the chief of the fire department with the cooperation of the chief of police and the building official.

(Code 1992, § 8-38)

Cross References: Administration, ch. 2.

Sec. 30-49. Permits, inspections and fees.

(a) The town council may, by ordinance or resolution, adopt a schedule of fees for permits and inspections required or authorized by the fire prevention code adopted by this article. When any such schedule has been so adopted, the fees therein provided shall be payable to the town treasurer prior to issuance of the applicable permits or making of the applicable inspections.

(b) Permits issued pursuant to the fire prevention code shall be valid for the period of time stated in each such permit, but not for more than one year. However, when an annual town license is required in addition to such permit, the permit may be written so as to be valid for an indefinite period.

(Code 1992, § 8-39)

Sec. 30-50. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of the fire prevention code adopted by this article do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the town board of appeals within 30 days from the date of the decision appealed.

(Code 1992, § 8-40)

Sec. 30-51. Conflicts.

When a provision of the fire prevention code adopted by this article is in conflict or incompatible with an applicable provision of federal or state law, the more stringent provision shall prevail, unless otherwise provided by such federal or state law.

(Code 1992, § 8-41)

Sec. 30-52. Violations and penalties.

(a) Any person who shall violate any of the provisions of the fire prevention code adopted by this article or fail to comply therewith; who shall violate or fail to comply with any order made thereunder; who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the town council or by a court of competent jurisdiction within the time fixed therein shall, upon conviction thereof, be punished as provided in section 1-9. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the penalty in this section shall not be held to prevent the enforced removal of prohibited conditions.

(Code 1992, § 8-42)

State Law References: Violations of fire prevention code, Code of Virginia, § 27-100.

Secs. 30-53--30-80. Reserved.

ARTICLE III.

FIRE DEPARTMENT*

* **Charter References:** Volunteer fire department, § 26a.

State Law References: Authority of town to make contributions to voluntary firefighting services and rescue squads, Code of Virginia, § 15.2-953; fire/EMS departments and fire/EMS companies, Code of Virginia, § 27-6.1 et seq.

Sec. 30-81. Continuation of existing department; composition.

(a) The volunteer fire department organized pursuant to section 26a of the Charter and Code of Virginia, § 27-9, is hereby declared to be the fire department of the town.

(b) The fire department shall consist of such personnel, regular and volunteer, with such ranks or grades as may from time to time be authorized by ordinance or resolution of the town council.

(Code 1992, § 8-61)

Sec. 30-82. Election of officers and wardens; powers and duties of chief and assistant chief generally.

(a) The chief, assistant chief and other officers and wardens of the fire department shall be elected annually by the town council from such members of the fire department as are nominated by the membership thereof. The chief of the fire department, assistant chief and wardens must be residents of the town.

(b) The chief of the fire department, under the general management and control of the town council through the mayor, shall be the commanding officer of the fire department and shall have the powers and perform the duties prescribed for his office by state law, the Charter, this Code and other ordinances and resolutions of the town council. He shall be responsible for:

(1) The administration, training, discipline and morale of the members of the fire department;

(2) The maintenance and good care of the equipment and apparatus of the fire department; and

(3) The efficient employment of personnel, equipment and apparatus of the department for the prevention and extinguishment of fires within the town.

(c) The assistant chief of the fire department shall have such powers and perform such duties as may be delegated to him by the chief of the fire department. In the absence or disability of the chief, he shall have all powers and perform all duties prescribed in subsection (b) of this section for the chief.

(Code 1992, § 8-62)

Charter References: Annual election or appointment of chief of the fire department and four fire wardens, powers and duties, § 26a.

State Law References: Appointment of chief and other officers, Code of Virginia, § 27-13.

Sec. 30-83. Powers and duties of department generally; meetings and drills.

(a) The fire department shall have all powers and perform all duties prescribed for it in the Charter, this Code and other ordinances and resolutions of the town council and as prescribed for town fire departments in the Code of Virginia generally, and especially as prescribed in Code of Virginia, §§ 27-6.1--27-23.10.

(b) The fire department shall hold such meetings and drills as may be provided in department regulations and bylaws.

(Code 1992, § 8-63)

Sec. 30-84. Powers and duties of fire wardens.

(a) Whenever any fire occurs, it shall be the duty of each fire warden to be present thereat and advise and act in concert with such police officers as may be present. For preserving order at and during the existence of such fire and for the protection of property, each fire warden shall have concurrent powers with the police officers and the chief or other officer in charge, but shall not exercise any authority which will conflict with the powers of any chief or other officer in command of the fire department in the discharge of his special duties as such.

(b) Fire wardens shall have such additional powers and perform such additional duties as may be prescribed in the department regulations promulgated pursuant to section 30-85.

(Code 1992, § 8-64)

State Law References: Duties and powers of local fire marshals at fires, Code of Virginia, § 27-34.

Sec. 30-85. Guard lines around scenes of fire; prohibited violation of guard lines.

The fire department and town police officers are hereby given the authority to stretch lines around any fire area, and no person shall be allowed within this enclosure except persons connected with the fire or police department, town officials, persons holding passes signed by authority of the chief of the fire department, and the owners or occupants of the buildings. It

shall be unlawful for any other person to pass within any area so enclosed.

(Code 1992, § 8-65)

Sec. 30-86. Persons admissible to engine house.

No person other than the members of the fire department and the town officers shall enter the room in which is kept the engine and fire apparatus belonging to the fire department, except by invitation or permission of the town officers or members of the fire department.

(Code 1992, § 8-66)

Sec. 30-87. Regulations.

The mayor or a committee of the town council designated by the council for such purpose, in consultation with the chief of the fire department and the president or principal officer of the volunteer fire department, may from time to time promulgate and amend such regulations for the fire department, not inconsistent with state law, the Charter, this Code or other ordinance or

resolution of the town council, as may be deemed appropriate for the government of the fire department or to implement this article. Such regulations shall be in full force and effect when approved by resolution of the town council, and a true copy thereof has been placed on file in the headquarters of the fire department for the inspection and use of the members of the department. It shall be unlawful for any member of the department to violate or fail to comply with any such approved regulation so filed at department headquarters.

(Code 1992, § 8-67)

Sec. 30-88. Bylaws.

Pursuant to Code of Virginia, § 27-7, the town council hereby empowers the members of the fire department to make bylaws to promote the purposes and objectives of the department, not inconsistent with state law, the Charter, this Code or other ordinance or resolution of the town council, provided that such bylaws shall not become effective until approved by resolution of the town council.

(Code 1992, § 8-68)

Sec. 30-89. Junior firefighter members.

Subject to any restrictions that may be adopted by the town volunteer fire company and pursuant to the authority of Code of Virginia, § 40.1-79.1, as amended, any person residing within the corporation limits of the town who is 16 years of age or older, after first obtaining his/her parent's or legal guardian's approval, in writing, is authorized to work with or fully participate in all activities of the town volunteer fire company, provided the town volunteer fire company has liability insurance coverage for junior members and such junior members have attained certification under the National Fire Protection Association NFPA 1001, Level One, firefighter standards, and any other requirements, as administered by the state department of fire programs. The certification record and parental or guardian consent shall be kept on file in the office of the county volunteer fire company for each participant who is enrolled pursuant to this section.

(Ord. of 10-12-2004)