

Town of Strasburg, VA
Ordinance Change/Addition

Council Meeting Date: December 10, 2019

1. Ordinance: Amendments to Strasburg Town Code Chapter 42 Fire Prevention and Protection.

Attachments: X Yes No
(ordinance wording attached here-to)

The changes to Chapter 42 were passed by the Town Council during its regular meeting on Tuesday, December 10, 2019 with the following result:

Council Member Kim Bishop	Yes
Council Member Ken Cherrix	Yes
Council Member John Massoud	Yes
Council Member Taralyn Nicholson	Yes
Council Member Barbara Plitt	Absent
Council Member Emily Reynolds	Absent
Vice Mayor Scott Terndrup	Yes
Council Member Jocelyn Vena	Yes



Certified by:
Amy Keller, MMC
Clerk of Council
Strasburg, VA

PLEASE NOTE:

An amendment was made to the motion, and approved, which adds the following to Chapter 42, Sec. 28 (c). Please, add Section (c) with the following wording:

(c) Council may require voluntary departments to disclose their expenditures of public funds on an annual basis.

Chapter 42 - FIRE PREVENTION AND PROTECTION^[1]

Footnotes:

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Charter reference— Authority of council to make regulations for the purpose of guarding against fires, § 13(14).

Cross reference— Buildings and building regulations, ch. 22; emergency services, ch. 34.

State Law reference— 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, tit. 27; furnishing fire protection beyond territorial limits, Code of Virginia, § 27-1 et seq.; fire departments and fire companies, Code of Virginia, § 27-6.1 et seq.; ordinances as to fire 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.

ARTICLE I. - IN GENERAL

Secs. 42-1—42-25. - Reserved.

Sec. 42-1. – Establishment of Fire Department.

The Town of Strasburg hereby recognizes the County of Shenandoah Fire Department, the Strasburg Volunteer Fire Department Incorporated, and the Strasburg Volunteer Rescue Squad Incorporated as an integral part of the official safety program of the Town and hereby delegates supervision and operational control over all volunteer fire and rescue companies or department to the Shenandoah County Fire and Rescue Fire Chief.

ARTICLE II. - FIRE DEPARTMENT ^[2]

Footnotes:

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State Law reference— Use of firefighters and equipment in emergencies beyond territorial limits of town, Code of Virginia, § 27-1; contracts of towns to furnish fire protection, Code of Virginia, § 27-2; fire departments and fire companies generally, Code of Virginia, § 27-6.1 et seq.; ordinances as to fire departments, Code of Virginia, § 27-14.

Sec. 42-26. - Authority to make bylaws.

The council hereby empowers the fire department to make such bylaws as may be consistent with the laws of the state and the town ordinances.

(Code 1968, § 10-1; Code 1983, § 7-11)

Sec. 42-27. - Equipment; ownership; storage.

The council shall provide a suitable place for housing the fire department's truck and paraphernalia, hose, cars and like equipment, as may be required and as may be agreed upon by the council. All property, implements, paraphernalia or equipment furnished in part or in whole by the town shall be and remain the property of the town, subject, however, to use of the fire department for the purpose of extinguishing fires.

(Code 1968, § 10-2; Code 1983, § 7-12)

Sec. 42-28. - Appropriations for voluntary firefighting and emergency medical services.

- (a) So long as the town volunteer fire department meets the required minimum standards for volunteer fire departments and operates on a nonprofit basis exclusively for the benefit of the general public, the council shall appropriate from its treasury a monetary donation on an annual basis to be used at the department's discretion. Further, the volunteer fire department may request the council to appropriate funds for capital improvements for the fire department structure.
- (b) So long as the town emergency medical service meets the required minimum standards for emergency medical services and operates on a nonprofit basis exclusively for the benefit of the general public, the council shall appropriate from its treasury a monetary donation on an annual basis to be used at the service's discretion.

(Code 1983, § 7-13; Ord. No. 1-90, 5-8-1990; Mo. of 4-13-1999; Mo. of 3-11-2003)

State Law reference— Donations to voluntary firefighting organizations, Code of Virginia, § 15.2-953.

Secs. 42-29—42-55. - Reserved.

Sec. 42-29. - Upon dissolution of the Strasburg Volunteer Fire Department, all ownership of firefighting equipment, apparatus, vehicles, etc. shall transfer to the Shenandoah County Department of Fire and Rescue, for the purpose of providing fire suppression in and around the Town of Strasburg.

ARTICLE III. - FIRE PREVENTION CODE

Sec. 42-56. - Adoption.

In accordance with Code of Virginia, title 27, chapter 9 (§ 27-94 et seq.), the council hereby adopts the Virginia Statewide Fire Prevention Code Act, as amended (Code of Virginia, title 27, chapter 9, § 27-94 et seq.).

~~Except so far as inconsistent with state law and the sections of this Code and other town ordinances, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Virginia Statewide Fire Prevention Code, as now or hereafter amended, is hereby adopted and incorporated as fully as if set out at length in this section.~~

(Code 1968, § 10-5; Code 1983, § 7-24)

State Law reference— Authority to adopt fire prevention code by reference, Code of Virginia, § 27-97.

Sec. 42-57. - Definitions.

- (a) Wherever the term "municipality" is used in the fire prevention code adopted in section 42-56, it shall be held to mean the Town of Strasburg, Virginia.
- (b) Wherever the term "corporation counsel" is used in the fire prevention code adopted in section 42-56, it shall be held to mean the town attorney for the Town of Strasburg, Virginia.

(Code 1968, § 10-5(a), (b); Code 1983, § 7-25)

Cross reference— Definitions generally, § 1-2.

~~Sec. 42-58. - Copies.~~

~~Copies of the fire prevention code adopted in this article may be obtained at the office of the town manager during regular office hours.~~

~~(Code 1968, § 10-6; Code 1983, § 7-27)~~

~~Sec. 42-59. - Term of permits.~~

~~Any permit issued pursuant to the fire prevention code adopted under this article shall be valid until revoked or suspended.~~

~~(Code 1968, § 10-7; Code 1983, § 7-28)~~

~~Sec. 42-60. - Establishment and duties of bureau of fire prevention.~~

~~The bureau of fire prevention in the fire department is hereby established and shall be operated under the supervision of the town manager. Such bureau shall assist in the enforcement of the Statewide Fire Prevention Code under section 42-65.~~

~~(Code 1968, § 10-8; Code 1983, § 7-29)~~

~~Sec. 42-61. - Modifications.~~

~~Subject to the provisions of Code of Virginia, § 27-97, the town manager shall have power to modify any of the provisions of the fire prevention code adopted under this article upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of such fire prevention code, provided that the spirit of the fire prevention code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the town manager thereon shall be entered upon the town records, and a signed copy shall be furnished the applicant.~~

~~(Code 1968, § 10-9; Code 1983, § 7-30)~~

~~Sec. 42-62. - Appeals.~~

~~Whenever the town manager 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 under this article do not apply or that the true intent and meaning of such fire prevention code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the town manager to the board of appeals established in section F-113.2 of the Virginia Statewide Fire Prevention Code and referred to in section 42-65(c) of this article within 30 days from the date of the decision from which the appeal is taken.~~

~~(Code 1968, § 10-10; Code 1983, § 7-31)~~

~~Sec. 42-63. New materials, processes or occupancies which may require permits.~~

~~Subject to the provisions of Code of Virginia, § 27-97, the town manager shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those enumerated in the fire prevention code adopted under this article. The town manager shall distribute copies thereof to interested persons.~~

~~(Code 1968, § 10-11; Code 1983, § 7-32)~~

~~Sec. 42-64. Penalties.~~

~~(a) Any person who shall violate any of the provisions of the fire prevention code adopted under this article or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or 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 board of appeals or the state building code technical review board or by a court of competent jurisdiction, within the time fixed, shall be guilty of a class 1 misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and 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 subsection (a) of this section shall not be held to prevent the enforced removal of prohibited conditions.~~

~~(Code 1968, § 10-12; Code 1983, § 7-33)~~

Sec. 42-65. - Administration; enforcement; appeals.

- (a) *Enforcing agency designated.* The Shenandoah ~~e~~County fire marshal is hereby designated to act as the enforcing agency for enforcement of the statewide fire prevention code duly adopted by the state board of housing and community development under authority of Code of Virginia, § 27-97.
- (b) *Enforcement procedures.* The enforcement procedures of the statewide fire prevention code shall be instituted by the fire marshal when a written complaint is filed with the code official and administered in accordance with the provisions set forth in the statewide fire prevention code and subsection (d) of this section.
- (c) *Appeals.* The county board of building code appeals is hereby designated as the appeals board to hear appeals arising from the application of the provisions of the statewide fire prevention code.
- (d) *Administrative practices.* The fire marshal shall establish such procedures or requirements as may be necessary for administration and enforcement of this section. ~~The procedures are to be approved by the town council.~~

(Code 1983, § 7-34; Ord. No. 3-88, §§ 1—4, 11-8-1988)

Cross reference— Administration, ch. 2.

Sec. 42-~~66~~59. - Fire lanes/fire apparatus access roads.

- (a) *Parking within fire lanes and fire apparatus access roads.* No person shall obstruct in any manner, including the parking of vehicles in any area designated as a fire lane or fire apparatus access road, as defined in the Virginia Statewide Fire Prevention Code.

Exceptions:

- (1) Buses, loading or unloading passengers, provided that the driver remains with the vehicle and able to move vehicle if necessary.
 - (2) Fire, rescue, or law enforcement vehicles while they are involved in emergency operations.
- (b) *Obstructing fire hydrants.* Post, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrant.
- (c) *Penalties for violations of subsection (a) or (b).* Any person violating any provision of subsection (a) or (b) may be subject to fines as follows:
- (1) If paid within 30 calendar days at the town office, \$50.00.
 - (2) If not paid within 30 calendar days, a summons may be issued, upon which a fine of not more than \$250.00 may be assessed.

In addition to the above penalties, any vehicle parked in violation of subsection (a) or (b) may be removed to a storage area in accordance with the Code of Virginia, § 46.2-1213; provided, however, that no vehicle shall be removed from private property without the written request of the owner, lessee, or occupant of the premises. Any such removal shall be carried out by or under the direction of a law enforcement officer. As promptly as possible, each removal shall be reported to the county fire marshal and to the owner of the vehicle before regaining possession of the vehicle, the owner shall pay to the town all costs incidental to its removal and storage and locating the owner. Nothing in this section shall prevent any authorized officer from removing a vehicle in an emergency situation in such manner as deemed necessary.

(Ord. of 1-12-2010)

Secs. 42-~~67~~60—42-90. - Reserved.

ARTICLE IV. - FIREWORKS³

Footnotes:

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State Law reference— Regulation of fireworks by town, Code of Virginia, §§ 15.2-1113, 59.1-148; fireworks generally, Code of Virginia, §§ 59.1-142—59.1-148.

Sec. 42-91. - Exemptions.

- (a) This article shall have no application to any officer or member of the armed forces of this state or of the United States, while acting within the scope of his authority and duties as such, nor to any offer of sale or sale of fireworks to any authorized agent of such armed forces; nor shall it be applicable to the sale or use of materials or equipment, otherwise prohibited by this article, when such material or equipment is used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.
- (b) This article shall not apply to the use or the sale of sparklers, fountains, pharaoh's serpents, caps for pistols, or to pinwheels commonly known as whirligigs or spinning jennies; provided, however, the fireworks listed in this subsection may only be used, ignited or exploded on private property with the consent of the owner of such property.

(Code 1968, §§ 10-15, 10-16; Code 1983, § 7-44)

State Law reference— Similar provisions, Code of Virginia, §§ 59.1-146, 59.1-147.

Sec. 42-92. - Unlawful manufacture, storage, transportation, purchase, sale, use.

Except as otherwise provided in this article, it shall be unlawful for any person to transport, manufacture, store, sell, offer for sale, expose for sale, or to buy, use, ignite or explode any firecracker, torpedo, skyrocket, or other substance or thing, of whatever form or construction, that contains any explosive or inflammable compound or substance and is intended or commonly known as fireworks and which explodes, rises into the air or travels laterally or fires projectiles into the air, other than sparks or those fireworks excepted under section 42-91(b).

(Code 1968, § 10-13; Code 1983, § 7-41)

State Law reference— When manufacture, transportation, sale, etc., of fireworks unlawful, Code of Virginia, § 59.1-142; local ordinances not affected, Code of Virginia, § 59.1-148.

Sec. 42-93. - Seizure, destruction.

Any law enforcement officer arresting any person for a violation of this article shall seize any article mentioned in section 42-92 in the possession or under the control of the person so arrested and shall hold the article until final disposition of any criminal proceedings against such person. If a judgment of conviction is entered against such person, the court shall order destruction of such articles upon expiration of the time allowed for appeal of the judgment of conviction.

(Code 1968, § 10-13; Code 1983, § 7-42)

State Law reference— Similar provisions, Code of Virginia, § 59.1-143.

Sec. 42-94. - Display by fair association, amusement park, organization, group.

Upon application in writing for a display of fireworks by a fair association, amusement park or by any organization or group of individuals, the town manager may, in his discretion, issue a permit for the supervised display of such fireworks within the town at definite times and places and under such circumstances as shall be reasonably safe for persons and property. After such permit has been issued, sales of fireworks may be made for use under such permit, and the association, amusement park, organization or group to which it is issued may make use of such fireworks under the terms and conditions of such permit.