

ORDINANCE #O-2009-___

First Reading _____
Second Reading _____
Enacted _____
Effective _____

AN ORDINANCE TO AMEND AND REENACT THE CODE OF ORDINANCES, CITY OF MANASSAS, VIRGINIA (2002), AS AMENDED, BY DELETING ARTICLES II AND IV OF CHAPTER 54, DELETING CHAPTER 62, AND ENACTING A NEW CHAPTER 60 RELATING TO FIRE AND RESCUE SERVICES; PENALTY

BE IT ORDAINED by the Council of the City of Manassas, Virginia, meeting in _____ session this _____ day of _____, 2009:

1. That the Code of Ordinances, City of Manassas, Virginia (2002), is hereby amended and reenacted by deleting Articles II (Rescue Squad) and IV (Cost Reimbursement for Emergency Medical Transport) of Chapter 54, deleting Chapter 62 (Fire Prevention and Protection), and enacting a new Chapter 60 on Fire and Rescue Services as follows:

ARTICLE I. ORGANIZATION OF THE FIRE AND RESCUE SYSTEM

Sec. 60-1. Establishment of the Manassas City Fire and Rescue System; Purposes

(a) There is hereby created the Manassas City Fire and Rescue System, consisting of:

- (1) the City of Manassas Fire and Rescue Department,
- (2) the Greater Manassas Volunteer Rescue Squad,
- (3) the Manassas Volunteer Fire Company,
- (4) the Public Safety Committee,
- (5) the Fire and Rescue System Appeals Committee, and
- (6) such technical committees as may be appropriate and necessary.

(b) The Manassas City Council by creation of the Fire and Rescue System intends to assure adequate public safety, health, and welfare through a collaborative fire, rescue, and emergency medical services program that is competent, highly trained, efficiently delivered, and equitably administered, and that is operated through the City of Manassas Fire and Rescue Department, the

Greater Manassas Volunteer Rescue Squad, and the Manassas Volunteer Fire Company in accordance with this chapter. The System should provide maximum cost-effective performance, promote the City-wide public interest, account for adequate service levels, provide for sound financial practices involving the use of public funds, assure transparency in the operation of the operationally integrated system, fairly communicate and consider all views regarding the provision of these services, provide for the improvement in training and operational capabilities of all service providers, and develop near- and long-term plans and policies for projected growth and development in the City and its public safety requirements.

(c) The delivery of fire, rescue, and emergency medical services shall be accomplished through a coordinated policy and regulatory framework that addresses the City-wide need for such services and advances the competence and capabilities of the City's providers, both career and volunteer, while preserving the community-based perspectives and resources provided by the volunteer companies and respecting their traditions.

(d) Nothing in this chapter shall be deemed to prohibit or restrict the Volunteer Fire Company or Volunteer Rescue Squad from organizing or managing their respective affairs according to their bylaws, consistent with state law, City ordinances, and promulgated Policies and Standard Operating Procedures. Nothing in this article is intended, nor shall it be construed to make, any volunteer organization or any member of a volunteer organization an employee of the City.

Comment: This section replaces current Manassas Code § 54-31 (in part) and 62-31 (in part). Subsections (b) and (c) adapt PWC Ordinance § 9.1-1. Subsection (d) adapts PWC Ordinance § 9.1-4 (c) and current Manassas Code § 62-7 (last paragraph).

Sec. 60-2. Definitions.

Except as otherwise provided, the following terms have the meanings assigned below when used in this Chapter or in any resolutions, codes, policies, or Standard Operating Procedures adopted or promulgated under it:

Advanced Life Support Level 1 (ALS-1) means medical treatment or procedures provided to a patient beyond the scope of an Emergency Medical Technician (EMT)-Basic as defined by the National Emergency Medicine Services (EMS) Education and Practice Blueprint.

Advanced Life Support Level 2 (ALS-2) means advanced life support (ALS) services provided to a patient including any of the following medical procedures: (i) manual defibrillation/cardioversion, (ii) endotracheal intubation, (iii) central venous line, (iv) cardiac pacing, (v) chest decompression, (vi) surgical airway or (vii) intraosseous line, and the administration of three or more medications.

Appeals Committee means the Fire and Rescue System Appeals Committee appointed by Council pursuant to § 60-7 of this Code.

Basic Life Support (BLS) means medical treatment or procedures provided to a patient as defined by the National EMS Education and Practice Blueprint for the EMT-Basic.

Chief of the Fire and Rescue Department or *FRD Chief* means the Chief of the City of Manassas Fire and Rescue Department.

Coordinator of Emergency Management or *Emergency Management Coordinator* means the person tasked with coordinating emergency response for the City under the Commonwealth of Virginia Emergency Services and Disaster Law of 2000.

Corporation Counsel means the City Attorney.

Department or *Fire and Rescue Department* means the City of Manassas Fire and Rescue Department.

Director of Emergency Management or *Emergency Management Director*, for purposes of this ordinance and the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, means the City Manager.

Emergency Management means preparation and delivery of those services provided for under the Commonwealth of Virginia Emergency Services and Disaster Law of 2000.

Fire and Rescue System or *System* means the Manassas City Fire and Rescue System established by Section 60-1 of this Chapter.

Fire Code Official means the Fire Marshal.

Fire Prevention Code or *FPC* means that Code adopted under Code of Virginia § 27-97 and § 60-41 of this Code..

Fire Hazard means any thing or act increasing or causing an increase of the hazard or menace of fire to a greater degree than that customarily recognized by persons in the public service who are regularly engaged in preventing, suppressing, or extinguishing a fire; or which will obstruct, delay, hinder or interfere with the operations of the Fire and Rescue Department or the egress of occupants in the event of a fire.

Fire Marshal means the person appointed as Fire Marshal pursuant to § 60-45 of this Code.

Ground Transport Mileage (GTM) shall be assessed in statute mile from the location of the incident scene, or center point of a fire demand zone where an incident scene or address is located, to a hospital or other facility where a patient is transported.

International Fire Code or *IFC* means that Code adopted as the 2006 International Fire Code, as modified by the FPC.

Member, as used in the fire prevention code adopted by this Chapter, means any authorized representative of the Fire Marshal's office or the City of Manassas Fire and Rescue Department.

Municipality means the City of Manassas, Virginia.

NFPA means the National Fire Protection Association's Codes and Standards.

Operational Medical Director means an EMS physician, currently licensed to practice medicine or osteopathic medicine in the Commonwealth, who is formally recognized and responsible for providing medical direction, oversight and quality improvement to the Manassas City Fire and Rescue System.

Policy means a generally-applicable rule for the governance of the Fire and Rescue System, as promulgated by the FRD Chief.

A *promulgated Policy* or *Standard Operating Procedure* is one which is in effect and has not

been amended or rescinded by the Appeals Committee.

Public Safety Committee means the committee appointed by council pursuant to § 60-6 of this Code.

Rescue Squad means the Greater Manassas Volunteer Rescue Squad.

Standard Operating Procedure or *SOP* means a prescribed method to be followed routinely for the performance of designated operations or in designated situations, as promulgated by the FRD Chief.

Technical Committee means any of the committees appointed from time to time by the Public Safety Committee to assist in its work.

Volunteer Fire Chief or *Chief of the Volunteer Fire Company* means the Chief of the Manassas Volunteer Fire Company.

Volunteer Fire Company means the Manassas Volunteer Fire Company.

Volunteer Rescue Chief means the Chief of the Greater Manassas Volunteer Rescue Squad.

Comment: Many definitions are carried over from current Manassas Code §§ 54-101 and 62-62. Additional definitions were written for new bodies created by this ordinance.

Sec. 60-3. City of Manassas Fire and Rescue Department.

The City of Manassas Fire and Rescue Department is continued as a department of the City government. The Department shall be responsible for providing fire suppression, emergency medical service, fire prevention, and other related public safety functions. The City Fire and Rescue Department shall be under the operational command of a full time employee reporting to the City Manager and designated Chief of the Fire and Rescue Department.

Comment: This is identical to the first three sentences of current Manassas Code § 62-7 except for the use of capitalization to indicate defined terms.

Sec. 60-4. Chief of the Fire and Rescue Department; powers and duties.

(a) The FRD Chief has operational control of the Fire and Rescue System, serves as the department head of the City of Manassas Fire and Rescue Department; in coordination with the Volunteer Rescue Chief and Volunteer Fire Chief, develops Policies and Standard Operating Procedures consistent with applicable law, relevant fire and rescue standards, and agreed regional policies and operating procedures; represents the City's governmental interests on the Public Safety Committee and Technical Committees; and performs other job functions as required by the City Manager or the City Council. "Operational control of the Fire and Rescue System" means that the FRD Chief controls the day-to-day operations of the System, including but not limited to managing and commanding use of apparatus and equipment (regardless of how it is titled or how it is marked), the coordination of shifts between career and volunteer crews, coordination with mutual aid jurisdictions, the planning and implementation of training, insurance, incident and accident reporting, and such other administrative or operational details as

have any bearing on the operation of the System in accordance with the purposes recited in § 60-1 of this Code.

(b) Policies prepared by the FRD Chief shall address all aspects of the Fire and Rescue System, including but not be limited to the following topics:

- (1) Command and operation of the Fire and Rescue System and emergency incident procedures;
- (2) maintenance and repair of vehicles and equipment, in coordination with the Volunteer Fire Department and Rescue Squad;
- (3) proper insurance coverage, in coordination with the Rescue Squad and Volunteer Fire Department and the City's Risk Manager;
- (4) driver selection and vehicle and equipment use;
- (5) emergency medical services protocols, in concert with the Operational Medical Director(s);
- (6) drug and alcohol use, and driver testing for drugs and alcohol;
- (7) licensing and compliance with other state and federal requirements; and
- (8) audit of all public funds expended for fire and rescue services, including financial operations, staffing, station conditions, volunteer compliance with internal bylaws, compliance with promulgated Policies and Standard Operating Procedures, operational capabilities and any other matter that may be deemed necessary or convenient to the effectuation of the City's intent set forth in § 60-1 of this Code.

(c) The FRD Chief shall consult with the Public Safety Committee as to the content and effective date of all Policies and Standard Operating Procedures and as to any apparatus or equipment changes. If the Public Safety Committee finds that any Policy, SOP or equipment change affects the readiness of any element of the System, the FRD Chief shall present to the Public Safety Committee a fully-funded mitigation plan to maintain readiness before effecting the change. Funding for mitigation plans shall be shared by the City, Volunteer Fire Company, and Rescue Squad from public funds.

(d) Except in an emergency, every Policy and SOP shall be in writing, shall state its effective date and, if required by subsection (c) of this section, shall state its mitigation plan. Unless exempt from disclosure under the Virginia Freedom of Information Act, each Policy and SOP shall be published to the City's website. Any emergency Policy or SOP shall be reduced to writing as soon as practical after the emergency passes and shall be promptly brought to the Public Safety Committee for review and comment. Every Policy and SOP is effective from its effective date unless and until rescinded or modified by the FRD Chief or amended or rejected by the Appeals Committee. If an effective date is stated in terms of a contingent event, then the FRD Chief shall publish a notice when that contingent event has been met.

(e) The FRD Chief makes recommendations to the Public Safety Committee, the City

Manager, and the City Council, and faithfully executes promulgated Policies and Standard Operating Procedures. The FRD Chief makes monthly reports to the Public Safety Committee regarding operations of the Fire and Rescue System, including maintenance and repair of apparatus and equipment.

(f) The FRD Chief serves as the Emergency Management Coordinator for the City, reporting to the Emergency Management Director.

(g) In case of absence or disability of the FRD Chief, a deputy, assistant, or acting Chief of the Fire and Rescue Department shall exercise all the powers and assume the responsibilities of the FRD Chief.

Comment: This section adapts and expands current Manassas Code § 62-7 to fit the Ad Hoc Committee's framework.

Sec. 60-5. Unified Command and Operations Structure.

(a) On the scene of any emergency, all employees and volunteers within the System shall observe a unified and clearly defined operational chain of command to include both career and volunteer personnel in the following hierarchy, going from highest to lowest:

- (1) Chief of the Fire and Rescue Department
- (2) Chief, Manassas Volunteer Fire Company and Chief, Greater Manassas Volunteer Rescue Squad
- (3) Deputy or Assistant chief
- (4) Captain
- (5) Lieutenant
- (6) Fire master technician
- (7) Firefighter/EMT/medic.

If the most senior personnel on a scene are of equal rank, precedence shall be on the basis of rules set forth in Policy. Whenever this Chapter uses the term "Chief or other officer in charge," it means the highest-ranking officer on the scene under this provision.

(b) Nothing in this section shall be interpreted as overriding the authority of the Manassas Volunteer Fire Company or the Greater Manassas Rescue Squad to administratively govern their individual organizations and exercise administrative authority over their respective members.

(c) Every person entering service with the System shall undergo a criminal background check under § 2-138 of this Code at the expense of the City. A prospective volunteer shall request that his or her criminal history record information be provided pursuant to Code of Virginia § 19.2-389 to the City as intermediary.

Comment: Subsections (a) and (b) adapt the second and fourth paragraphs of the current Manassas Code § 62-7 to fit the Ad Hoc Committee's framework. Subsection (c) is adapted from PWC Code § 9.1-16 (d).

Sec. 60-6. Public Safety Committee.

(a) A Public Safety Committee is hereby formed as an arm of the City to assist in policy development and to provide oversight for the administration and coordination of fire and rescue services in the City. The committee shall consist of two members of the Manassas Volunteer Fire Company, two members of the Greater Manassas Volunteer Rescue Squad, two employees of the Fire and Rescue Department, and one non-voting City Council member. The Mayor shall appoint the non-voting member of council to the committee and the City Council shall appoint the balance of the members of the committee to serve at the pleasure of the Council. The City Council member shall chair the meetings of the committee, and the committee may elect a vice chair to preside over meetings in the absence of the chair. The term of the chair shall end when the Mayor appoints another City Council member to the position or the chair's term of office on the City Council ends. The term of any other member shall end when he or she ceases to be a member of the entity he or she represents or when the City Council appoints a successor.

(b) The Public Safety Committee is a public body subject to the Virginia Freedom of Information Act and the provisions of § 2-301 of this Code, and its records are public records. At its first meeting, the Public Safety Committee shall set a schedule for regular meetings. The chair or any four members may call special or emergency meetings by giving notice to the members; the notice shall state the subject matter to be considered at the special or emergency meeting, and no other business shall be considered or voted upon at that meeting without the unanimous consent of the voting members. The Public Safety Committee may propose bylaws to assist in the conducting of its business, subject to approval by City Council. To the extent that its procedure is not governed by this ordinance or by adopted bylaws, meetings of the Public Safety Committee (but not the meetings of subcommittees thereof) shall be governed by Robert's Rules of Order, current edition. The FRD Chief, Volunteer Rescue Chief, and Volunteer Fire Chief shall be notified of all of the Committee's meetings contemporaneously with notice to the committee's members and may attend all of its meetings personally or by a deputy or other representative.

(c) The duties of the Public Safety Committee are as follows:

- (1) The Committee shall engage in strategic planning and develop a Strategic Fire and Rescue Plan.
- (2) The Committee shall review the operations of the System.
- (3) The FRD Chief shall consult with the Public Safety Committee as to the content and effective date of all Policies and Standard Operating Procedures and as to any

apparatus or equipment changes. The Public Safety Committee shall determine whether any Policy, SOP or equipment change affects the readiness of any element of the System, and in such cases shall review the mitigation plan developed by the FRD Chief.

(4) The Committee shall develop a budget in coordination with the FRD Chief, Volunteer Fire Chief, and Volunteer Rescue Chief and shall present it to the City Manager. The Committee may propose budget amendments to the City Manager. During the budget cycles for Fiscal Years 2011, 2012, and 2013, the Public Safety Committee may submit three separate but coordinated budgets to the City Manager. Thereafter, the Public Safety Committee shall develop a unified budget.

(5) The Committee shall make an annual report to the City Council, which shall include a report by each of the three entities as well as a unified report on apparatus and equipment maintenance and repair, and shall make other reports to Council as the Committee or Council deems necessary.

(6) The Committee shall review its operation and the operation of the System and report to City Council on the third anniversary of its creation as to strengths, weaknesses, and recommendations for improvement in the System.

(7) The Committee shall hear and decide motions alleging that a member company of the Fire and Rescue System has materially failed to comply with promulgated Policies or Standard Operating Procedures, in accordance with § 60-8 of this Code.

(8) The Committee shall perform such other responsibilities as may be delegated by the City Council.

(d) The Public Safety Committee may appoint Technical Committees as needed to advise the Public Safety Committee on matters including training, apparatus, and equipment. Technical committees are ad hoc and distinct from standing committees of staff and volunteers such as the Quality Assurance committee and the Health and Safety committee. The Technical Committee so appointed shall consist of three members, including at least one member of the Public Safety Committee. Each Technical Committee shall be created only for such time and purpose as are specified in the written motion creating it. Each Technical Committee shall elect a member to chair its meetings. It shall coordinate with the FRD Chief in the conduct of its business, and the FRD Chief, Volunteer Rescue Chief, and Volunteer Fire Chief may attend all of its meetings personally or by a deputy or other representative. It may request funding from the Public Safety Committee for assistance in research. The Technical Committee shall submit a report and may submit a minority report or reports if unable to achieve consensus.

(e) Any voting member of the Public Safety Committee may appeal a Policy or Standard Operating Procedure to the Appeals Committee before it takes effect or within ten business days thereafter.

(f) From such money as is appropriated, the Public Safety Committee may hire experts or acquire research materials to assist it or the Technical Committees in the conduct of their business. The Public Safety Committee and Technical Committees shall call upon the City

Attorney's office when in need of legal advice.

Comment: This Public Safety Committee replaces the current Public Safety Committee created by Manassas Code § 62-7 with one based on the Ad Hoc Committee's framework.

Sec. 60-7. Fire and Rescue System Appeals Committee.

(a) The City Council shall appoint, as an arm of the City, an Appeals Committee to hear appeals from the Public Safety Committee relating to Policies, Standard Operating Procedures, and Findings of Noncompliance. The FRD Chief, Volunteer Rescue Chief, and Volunteer Fire Chief shall be notified of all of the Appeals Committee's meetings and may attend all of its meetings personally or by a deputy or other representative.

(b) The Appeals Committee shall consist of the City Manager, who shall chair the Committee, and two citizens appointed by the City Council who shall serve at the pleasure of Council and are subject to § 2-301 of this Code. The chair may vote and is counted in determining whether a quorum is present. The term of the chair shall begin and end with his or her term of office. In the absence of the City Manager, the acting City Manager shall chair the meeting and may vote. Citizen members of the committee shall serve for two years or until their successor has been appointed, and may be reappointed by Council.

(c) The Appeals Committee shall expeditiously consider and vote upon any Policy, Standard Operating Procedure, or Finding of Noncompliance appealed to it. Before the Appeals Committee deliberates or votes, it shall give parties in interest an opportunity to be heard. The Appeals Committee may amend, reject, or affirm a Policy or Standard Operating Procedure appealed to it, but may not increase the System budget as a result. A majority vote is required to amend or reject the Policy or Standard Operating Procedure. Failure to amend or reject the Policy or Standard Operating Procedure within thirty days of receipt of the appeal shall result in the Policy or Standard Operating Procedure standing approved. The Appeals Committee may reverse a Finding of Noncompliance by a majority vote. Failure to reverse the Finding of Noncompliance within thirty days of receipt of the appeal shall result in it standing affirmed.

(d) From such funds as are available, the City will provide such training, experts, and research materials to the Appeals Committee as may be requested by the committee. The Appeals Committee shall call upon the City Attorney's office when it requires legal advice.

Comment: This section implements the Ad Hoc Committee's framework. In Prince William County, Ordinance § 9.1-10 confers this power on the County Executive.

Sec. 60-8. Enforcement of the Fire and Rescue System Policies and Standard Operating Procedures.

(a) The Public Safety Committee, upon motion of the chair or any member thereof, may determine that a member company of the Fire and Rescue System has materially failed to comply with promulgated Policies or Standard Operating Procedures. A FRD employee who is otherwise subject to the City of Manassas Grievance Policy shall be limited to the process outlined therein; any allegation raised to the Public Safety Committee involving such an employee shall be immediately and directly referred to the FRD Chief for further action, and the FRD chief shall report to the Public Safety Committee the disposition of such allegation, to the extent permitted by such Grievance Policy and applicable law.

(b) Prior to a determination of noncompliance, the Public Safety Committee shall notify the Chief involved in writing and shall identify specifically those Policies or Standard Operating Procedures that it determines to have been implicated and shall provide a summary of the evidence upon which such determination was made. It shall schedule a hearing with respect to the asserted noncompliance no sooner than fifteen and no later than sixty days after delivery of such notification.

(c) Any member company of the System charged with noncompliance shall be given the opportunity to present its case to the Public Safety Committee.

(d) In the event that the Public Safety Committee determines that there has been noncompliance with any Policy or Standard Operating Procedure, then

(1) The chair shall, in the case of the FRD, assure compliance with the identified Policy or Standard Operating Procedure. In the case of a volunteer entity the chair shall appoint a person to work with the noncompliant volunteer entity to assure such compliance. A report shall be made to the Public Safety Committee at the next regularly scheduled meeting. In the event that the Public Safety Committee determines that the volunteer entity has failed to remediate the noncompliance, the volunteer entity shall be so notified. Following this second notification of noncompliance, the volunteer entity shall have not more than 30 days to come into compliance. Failure to comply to the satisfaction of the Public Safety Committee within 30 days shall constitute a formal Finding of Noncompliance.

(2) Any volunteer entity that accumulates three formal Findings of Noncompliance within a five year period shall be required to come before the Public Safety Committee for a company review hearing. The Public Safety committee shall work with the volunteer entity to identify a hearing date and time reasonably acceptable to all parties.

(i) Failure by the volunteer entity to appear before the Public Safety Committee at the prearranged hearing time shall result in automatic written referral to the City Council.

(ii) Following the hearing, the Public Safety Committee shall meet and decide between the following options:

(A) an immediate written referral to the City Council for further action, up to and including dissolution, or

(B) the development of an action plan to timely remediate the problems, including but not limited to, the requirement of a change in leadership of the subject volunteer entity. Failure by the volunteer entity to comply with the action plan in the time established therein shall result in a referral to the City Council for further action, up to and including dissolution.

(iii) The chair, consistent with the recommendation of the Public Safety Committee, shall inform the City Manager and the Council, in writing, of the findings leading to the three Findings of Noncompliance by the volunteer entity, for any such action as the City Manager or the Council deems necessary and appropriate, up to and including dissolution of the subject member company by the City Council.

(3) In order to assure operational continuity, in the event that the Public Safety Committee's formal Finding of Noncompliance identifies an operational deficiency, as determined by the chair, the FRD Chief shall mitigate or temporarily resolve the deficiency until such time as it is eliminated, or such other remedy is developed by, or to the satisfaction of, the Public Safety Committee.

(4) The FRD Chief may not independently discipline or control any volunteer or volunteer entity, nor may a volunteer chief discipline or control any person in the Fire and Rescue Department.

(5) Nothing contained herein shall be deemed to permit the Public Safety Committee to discipline any employee of the FRD, or to regulate any other matter within the FRD when such regulations conflict with policies, procedures, or directives adopted by the City Council or issued by the City Manager.

(e) No representative of a volunteer entity shall be permitted to cast a vote on any matter concerning its asserted noncompliance with a Policy or Standard Operating Procedure.

(f) In the event that a volunteer entity is aggrieved by a Finding of Noncompliance, an appeal of that Finding shall lie to the Appeals Committee, whose decision thereon shall be final. Any such appeal must be filed within seven calendar days of the determination by the Public Safety Committee.

Comment: This section adapts PWC Ordinance § 9.1-11.

Sec. 60-9. Titling of Vehicles and Equipment.

(a) All apparatus and equipment used and to be used for fire, rescue, and emergency medical services employed by the Fire and Rescue System and purchased with public funds shall be the property of the City and subject to the provisions of this Code governing City property. The Volunteer Fire Department and the Rescue Squad shall have the right to use the City's equipment for the purpose of providing fire, rescue, and emergency medical services and for practicing therewith, pursuant to promulgated Policies and Standard Operating Procedures.

(b) It shall be the responsibility of the Chief of the Fire and Rescue Department to keep all apparatus referred to in subsection (a) of this section in proper condition and repair in accordance with promulgated policies and, to that end, to make regular systematic inspections of such apparatus and equipment and to establish and carry out maintenance schedules in accordance with promulgated policies. It shall be the duty of the Volunteer Fire Chief and the Volunteer Rescue Chief to report, at least once each year and as often as may be deemed necessary, as to the condition of such apparatus and equipment used by their respective organizations, with recommendations as to new equipment, additional or replacement, required for the protection of life and property in the City. Such reports shall be submitted in writing to the Chief of the Fire and Rescue Department.

Comment: Subsection (a) is identical to current Manassas Code § 62-36 (a) except that “purchased by the city” has been replaced with “purchased with public funds” and the last phrase (“pursuant to promulgated Policies and Standard Operating Procedures”) has been added. Subsection (b) adapts current Manassas Code § 62-36 (b) to fit the Ad Hoc Committee framework.

Sec. 60-10. Reserved.

ARTICLE II. VOLUNTEER FIRE COMPANY

Sec. 60-11. Establishment of the Manassas Volunteer Fire Company.

A volunteer fire company has been formed in the City pursuant to Code of Virginia, § 27-6.1 et seq., and is hereby recognized as an integral part of the Manassas City Fire and Rescue System in the delivery of emergency services.

Comment: This section adapts current Manassas Code § 62-31 to fit the Ad Hoc Committee framework.

Sec. 60-12. Organization of the Manassas Volunteer Fire Company.

(a) The Manassas Volunteer Fire Company shall provide fire and related services to the public in accordance with promulgated Policies and Standard Operating Procedures of the Manassas Fire and Rescue System, City ordinances, directives of the City Council, state law, and contractual agreements. The Volunteer Fire Chief is responsible to the Chief of the Fire and Rescue Department for volunteers' compliance with these obligations. To the end that public monies are expended consistently with applicable City Policies and Standard Operating Procedures, the Volunteer Fire Company's financial records shall be open for review by officials or agents of the City upon reasonable notice.

(b) Nothing in this chapter shall be deemed to prohibit or restrict the Volunteer Fire Company from organizing or managing its corporate administrative affairs according to its bylaws, consistent with state law, City ordinances, and promulgated Policies and Standard Operating Procedures. The Volunteer Fire Company shall provide a copy of its bylaws to the Public Safety Committee.

(c) Nothing in this article is intended, nor shall it be construed to make, any volunteer company or any member of a volunteer company an employee of the City.

Comment: Subsections (b) and (c) adapt PWC Ordinance § 9.1-4 (c) and (d).

Sec. 60-13. Enumeration of officers.

The Volunteer Fire Company shall include as elected officers a president, vice-president, secretary-treasurer, chief, assistant chief, captain, first lieutenant and second lieutenant. The Volunteer Fire Company president shall be the chief volunteer fire administrative officer. The Volunteer Fire Chief shall be the chief volunteer fire operational officer and must meet the qualifications established by Policy.

Comment: This section adapts current Manassas Code § 62-32.

Sec. 60-14. Election of officers; certification to council of officers and corrected roster of members.

All officers of the Volunteer Fire Company shall be annually elected by members of the company. Officers so elected shall be certified to the City Council immediately after election, and before they assume the responsibilities of their respective offices, together with a complete and correct roster of the company listing each member by name and giving that member's level of certification(s). Any officers selected to complete unexpired terms shall also be certified to the City Council before assuming the responsibilities of office.

Comment: This section adapts current Manassas Code § 62-33.

Sec. 60-15. Devolution of powers and responsibilities of chief.

In case of absence or disability of the Chief of the Volunteer Fire Company, the ranking officer present shall exercise all the powers and assume all the responsibilities of the Volunteer Fire Chief.

Comment: This section carries forward current Manassas Code § 62-34 with minor changes in detail.

Sec. 60-16. Physical examination

Every person in the service or entering the service of the Volunteer Fire Company shall receive a physical examination administered by a licensed physician, which shall be paid for out of City funds. This physical examination shall comply with the requirements of Code of Virginia, §§ 27-40.1 and 27-40.1:1. Every person providing fire response as a member of the Volunteer Fire Company after November 1, 2011, shall receive and pass an annual medical examination in accordance with NFPA 1582, which shall be paid for out of City funds.

Comment: The first two sentences of this section are identical to current Manassas Code § 62-35, except for capitalization. The third sentence adapts a provision from PWC Ordinance § 9.1-16.

Sec. 60-17. Nomination of two members to the Public Safety Committee.

The Volunteer Fire Company shall nominate two members for service on the Public Safety Committee for appointment by the City Council.

Comment: This section implements the Ad Hoc committee framework.

Sec. 60-18. Compliance with Virginia Freedom of Information Act, Virginia Public Record Act, and Virginia Public Procurement Act.

- (a) The Volunteer Fire Company shall comply with the Virginia Freedom of Information Act.
- (b) The records of the Volunteer Fire Company are City records and subject to the City's comprehensive record management program. Such records shall be maintained, archived, and destroyed only in accordance with Article VII of Chapter 2 of this Code and applicable state law.
- (c) From and after November 1, 2011, the Volunteer Fire Company will comply with the

Virginia Public Procurement Act and the City of Manassas Purchasing Policies Manual. The City Purchasing Office shall provide training and assistance to the Volunteer Fire Company in complying with the Manual.

Comment: Subsection (a) is a statement reflecting the effect of Code of Virginia § 2.2-3700 and the definition in § 2.2-3701 of “public body” as including any organization “supported wholly or principally by public funds.” Subsection (b) is a statement reflecting the definition of “agency” under Code of Virginia § 42.1-77 in the Virginia Public Records Act. Subsection (c) is new and serves to conserve public funds and provide transparency in procurement.

Sec. 60-19 – 60-20. Reserved.

ARTICLE III. VOLUNTEER RESCUE SQUAD

Sec. 60-21. Establishment of the Greater Manassas Volunteer Rescue Squad.

Prior to July 1, 1984, a volunteer rescue squad, known as the Greater Manassas Volunteer Rescue Squad, Inc., has been formed in the City as a nonprofit lifesaving crew, organization or rescue squad, and such organization is hereby recognized as an integral part of the Manassas City Fire and Rescue System in the delivery of emergency services to be coordinated by the Chief of the Fire and Rescue Department.

Comment: This section adapts current Manassas Code § 54-31 to the new terminology.

Sec. 60-22. Organization of the Greater Manassas Volunteer Rescue Squad.

(a) The Greater Manassas Volunteer Rescue Squad shall provide rescue and related services to the public in accordance with promulgated Policies and Standard Operating Procedures of the Manassas Fire and Rescue System, City ordinances, directives of the City Council, state law, and contractual agreements. The Volunteer Rescue Chief is responsible to the Chief of the Fire and Rescue Department for volunteers’ compliance with these obligations. To the end that public monies are expended consistently with applicable City Policies and Standard Operating Procedures, the Rescue Squad’s financial records shall be open for review by officials or agents of the City upon reasonable notice.

(b) Nothing in this chapter shall be deemed to prohibit or restrict the Rescue Squad from organizing or managing its corporate administrative affairs according to its bylaws, consistent with state law, City ordinances, and promulgated Policies and Standard Operating Procedures. The Volunteer Rescue Squad shall provide a copy of its bylaws to the Public Safety Committee.

(c) Nothing in this article is intended, nor shall it be construed to make, any volunteer company or any member of a volunteer company an employee of the City.

Comment: This section is parallel to new § 60-12.

Sec. 60-23. Enumeration of officers.

The Rescue Squad shall include as elected officers a president, vice-president, treasurer, secretary, chief, assistant chief, captain, and three lieutenants. The elected chief shall be the chief operational officer and must meet the qualifications established by Policy.

Comment: This section is parallel to new § 60-13.

Sec. 60-24. Election of officers; certification to council of officers and corrected roster of members.

All officers of the Rescue Squad shall be annually elected by members of the company. Officers so elected shall be certified to the City Council immediately after election, and before they assume the responsibilities of their respective offices, together with a complete and correct roster of the company listing each member by name and giving that member's level of certification(s). Any officers selected to complete unexpired terms shall also be certified to the City Council before assuming the responsibilities of office.

Comment: This section is parallel to new § 60-14.

Sec. 60-25. Devolution of powers of Volunteer Rescue Chief.

In case of absence or disability of the Volunteer Rescue Chief, the ranking officer present shall assume the powers and responsibilities of the Volunteer Rescue Chief.

Comment: This section adapts current Manassas Code § 54-33.

Sec. 60-26. Physical examination

Every person in the service or entering the service of the Rescue Squad shall receive a physical examination administered by a licensed physician, which shall be paid for out of City funds. This physical examination shall comply with the requirements of applicable Policies. Every person providing rescue services as a member of the Rescue Squad after November 1, 2011, shall receive and pass an annual medical examination in accordance with applicable Policies, which shall be paid for out of City funds.

Comment: This section is parallel to new § 60-16.

Sec. 60-27. Nomination of two members to the Public Safety Committee.

The Rescue Squad shall nominate two members for service on the Public Safety Committee for appointment by the City Council.

Comment: This section implements the Ad Hoc Committee framework.

Sec. 60-28. Compliance with Virginia Freedom of Information Act, Virginia Public Record Act, and Virginia Public Procurement Act.

- (a) The Rescue Squad shall comply with the Virginia Freedom of Information Act.
- (b) The records of the Rescue Squad are City records and subject to the City's comprehensive record management program. Such records shall be maintained, archived, and destroyed only in accordance with Article VII of Chapter 2 of this Code and applicable state law.
- (c) From and after November 1, 2011, the Rescue Squad will comply with the Virginia Public Procurement Act and the City of Manassas Purchasing Policies Manual. The City Purchasing Office shall provide training and assistance to the Rescue Squad in complying with the Manual.

Comment: Subsection (a) is a statement reflecting the effect of Code of Virginia § 2.2-3700 and the definition in § 2.2-3701 of "public body" as including any organization "supported wholly or principally by public funds." Subsection (b) is a statement reflecting the definition of "agency" under Code of Virginia § 42.1-77 in the Virginia Public Records Act. Subsection (c) is new and serves to conserve public funds and provide transparency in procurement.

Sec. 60-29 – 60-30. Reserved.

ARTICLE IV. COST RECOVERY FOR EMERGENCY RESPONSE

Sec. 60-31. Reimbursement of expenses incurred in responding to DUI incident.

Any person who is convicted of a violation of Code of Virginia, §§ 18.2-51.4, 18.2-266 or 29.1-738, or a similar ordinance, when his operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of any accident or incident resulting in an appropriate emergency response, shall be liable in a separate civil action to the City or to any volunteer

rescue squad, or both, which may provide such emergency response for the reasonable expense thereof, in an amount not to exceed \$1,000.00 in the aggregate for a particular accident or incident occurring in the City. As used in this section, the term "appropriate emergency response" includes all costs of providing law enforcement, firefighting, rescue, and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the City or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving or operation of a vehicle as set forth in this section.

Comment: This section is identical to current Manassas Code § 54-34 except as to capitalization.

Sec. 60-32. Service fees for emergency medical transport.

Reasonable fees shall be charged for emergency medical transport services and GTM provided by the Manassas City Fire and Rescue System. The schedule of rates for services shall be established by resolution of the City Council.

Comment: This section comes from current Manassas Code § 54-100.

Sec. 60-33. Authority of the Chief of the Fire and Rescue Department.

The FRD Chief is hereby authorized and directed to establish Policies and SOP's, subject to the coordination, consultation, and appeal processes established in this Chapter, for the administration of the charges imposed by §§ 60-31 and 60-32 above, including, but not limited to, payment standards for those persons who demonstrate economic hardship, as permitted by applicable law.

Comment: This section comes from current Manassas Code § 54-102.

Sec. 60-34 – 60-40. Reserved.

ARTICLE V. FIRE PREVENTION

Sec. 60-41. Statewide Fire Prevention Code adopted.

(a) There is hereby adopted by the City Council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code or documents marked as and designated as the current edition, Virginia Statewide Fire Prevention Code, as adopted by the Commonwealth Board of Housing and Community Development, which adopts, with amendments, the International Fire Code, current edition, as published by the International Code Council, Inc. Such code is hereby adopted and incorporated as fully as if set out at length in this section, and the provisions thereof shall be controlling within the limits of the City.

(b) All those other sections presently in force in this article shall remain in full force and effect and where appropriate shall be considered to be amendments to the Virginia Statewide Fire Prevention Code, current edition.

(c) Pursuant to the power granted by Code of Virginia § 1-220, the incorporation of the FPC by reference of this section includes future amendments to the FPC as of their effective date.

Comment: This section comes from current Manassas Code § 62-61.

Sec. 60-42. Amendments to Statewide Fire Prevention Code.

Under the authority granted by FPC § 1015, the Fire Prevention Code adopted by this article is hereby amended and changed by inserting in the appropriate places the provisions listed in this section. If any amendment in this section is less restrictive or extensive in scope than the Fire Prevention Code as it exists as of the effective date of this ordinance or as later amended, however, then the provisions of the Fire Prevention Code shall take precedence.

107.7.1. Permit renewal. All permits shall be renewed annually except those for explosives and/or blasting agents use and burning, which shall be renewed for each site annually.

107.12.1. Reinspection fee. A reinspection fee equal to one hundred (100) per cent of the original permit fee shall be levied after a reinspection is completed and the originally listed discrepancies have not been abated.

109.4. Inspections. In order to ensure the proper use and maintenance of decorations, exitways, fire alarms and combustible or explosive materials and to prevent dangerous accumulations of rubbish, unnecessary accumulation of waste paper, boxes, shavings or any highly combustible material, and other operating conditions that may endanger life, limb or property by fire, regular periodic inspections shall be made as follows:

- (1) Use Group A buildings—Annually.
- (2) Use Group I buildings—Annually.
- (3) Use Group R buildings—Annually.
- (4) Use Group E buildings—At least once each six (6) months.
- (5) Use Group B buildings—Annually.
- (6) Use Group H buildings—Annually.
- (7) Use Group F buildings—Annually.
- (8) Use Group S buildings—Annually.
- (9) Any buildings not identified—Annually.

303.10. Permit required. Prior to the use of an asphalt (tar) kettle to install or repair a portion of a structure or roadway, a permit shall be secured from the code official.

304.3.4. Rubbish containers. Refuse containers shall be located a minimum of fifteen (15) feet from structures.

308.3.1. Portable cooking grills. A person shall not use or permit to be used a portable cooking grill or device on a balcony or within fifteen (15) feet of a Use Group R-2 Structure (multi-family).

505.1. Building and property signage.

505.1.1. Addressing of property. Addresses shall be posted on all structures on the street frontage side of the building in contrasting colors in the following sizes using standard numerals:

- (a) 0 to 50 feet from street or fire lane—4 inch numbers.
- (b) 50 to 100 feet from street or fire lane—8 inch numbers.
- (c) 100 to 150 feet from street or fire lane—12 inch numbers.
- (d) Over 150 feet from street or fire lane—Monument signage.

505.1.2. *Labeling of side and rear doors.* Every exterior rear and side door of a structure containing two (2) or more occupancies shall have a sign on the outside of the door stating the address of the occupancy in black letters and numerals at least four (4) inches high on white backgrounds.

505.1.3. *Labeling of required fire exits.* All exterior fire exits which, in the opinion of the fire official, are subject to blocking from the exterior shall be labeled with four (4) inch letters “FIRE EXIT DO NOT BLOCK” on a contrasting background.

506.3. *Contents of key box.* The following items shall be secured inside of the key box:

- (1) Key(s) to locked points of egress, whether on the interior or exterior of such buildings.
- (2) Key(s) to mechanical equipment rooms.
- (3) Key(s) to electrical rooms.
- (4) Key(s) to fire protection system control device rooms or areas.
- (5) Key(s) to elevator controls.
- (6) Key(s) to mechanical, card-entry, or locked gates in the required fire lanes.
- (7) Key(s) to other areas as directed by the fire official.

506.4. *Alarms to key boxes.* At the request of the owner or lessee in writing, the fire official shall permit either of them to install a key box tamper switch connected to the building’s fire alarm system on a trouble circuit.

508.5.5. *Clearances.* A minimum of four (4) feet of clearance shall be maintained from a fire hydrant, Fire and Rescue Department connection or post indicator valve to an obstruction. The fire official shall be empowered to have such obstruction removed at the owner’s expense.

2704.14. *Permit required.* A permit shall be required for pesticide storage on property or in structures of Use Groups B, M, S, F and H when the aggregate capacity exceeds sixty (6) gallons or five hundred (500) pounds.

3302.1. *Definitions.* Add the following:

Approved means approved by the Fire Marshal.

Retailer means any person selling fireworks or offering fireworks for sale at retail.

Wholesaler means a person offering fireworks for sale or selling fireworks to a retailer. Such term shall include a manufacturer of fireworks, a representative of any such manufacturer, a distributor, a jobber and a middleman of any description dealing in fireworks, any of which shall sell or offer to sell fireworks to a retailer within the City.

3307.17. Bond required for blasting. No blasting shall be conducted without a permit from the Fire Marshal. Before a permit to do commercial blasting shall be issued, the applicant for such permit shall file with the Fire Marshal's office bond or evidence of a liability insurance policy with minimum limits of at least three million dollars (\$3,000,000.00) for bodily injury or death of any one person in any one accident and ten million dollars (\$10,000,000.00) for bodily injury or death of more than one person in any one accident and five million dollars (\$5,000,000.00) for damage to or destruction of property in any one accident. Such bond or liability insurance policy shall become available for the payment of any damage arising from neglect of the applicant or his agents or his employees. Bonds or liability insurance policies may be for a specific operation or for an entire year, provided that the applicant shows evidence that the bonds or liability insurance policy is in continuing effect.

3308.12. Approval of permissible fireworks. Persons engaged in the business of selling or offering to sell fireworks at wholesale shall submit to the Fire Marshal at least three (3) samples of each such fireworks proposed to be sold or delivered by such wholesaler, together with complete specifications, including the manufacturer and trade names of such fireworks and a chemical analysis of each such fireworks so submitted. Said samples, specifications and chemical analyses shall be submitted to the Fire Marshal no later than ninety (90) days prior to offering such fireworks for sale in the City, and the same shall not be sold until approved by the Fire Marshal.

3308.13. Permit for transportation, sale, etc.

- (a) It shall be unlawful for any person to transport, manufacture, store, possess, sell, offer for sale or expose for sale, any fireworks within the City without a permit from the Fire Marshal's office. Such permit shall be issued only after a bond or evidence of liability insurance has been filed with the Fire Marshal's office, having minimum limits of at least three million dollars (\$3,000,000.00) for bodily injury or death of any one person in any one accident and ten million dollars (\$10,000,000.00) for bodily injury or death of more than one person in any one accident and five million dollars (\$5,000,000.00) for damage to or destruction of property in any one accident, and all provisions of the fire prevention code or other City requirements have been met.
- (b) The permit required by this section shall be issued for twelve (12) months, and

the annual fee therefore shall be one thousand dollars (\$1,000.00).

- (c) If a permit holder discontinues sales during the twelve-month period that the permit is valid, he shall notify the Fire Marshal and obtain a reinspection before restarting his sales operation. No additional fee shall be required for this reinspection.

3308.14. Sale of Permissible Fireworks.

3308.14.1. Retail sale to be from fixed location. No person shall sell any fireworks at retail except from a fixed location.

3308.14.2. Sale by minors. No person below the age of eighteen (18) years shall be allowed to engage in the business of selling or offering to sell any fireworks.

3308.14.3. Record of sales and purchases. Each wholesaler shall maintain full and complete records of all purchases and sales of fireworks, and each retailer shall maintain full and complete records of all purchases of fireworks. The Fire Marshal or his designated agent is authorized to examine the books and records of any wholesaler and retailer as they relate to the purchase and sale of fireworks within the corporate limits of the City.

3308.15. Permit for display of prohibited fireworks.

- (a) The Fire Marshal may issue permits upon application in writing for the display of fireworks which are not Permissible Fireworks by fair associations, amusement parks or by any organization or group of individuals, providing such display is in general accord with the applicable sections of the National Fire code. After such permit has been issued, sales of fireworks may be made for use under such permit, and the association, organization or group to which it is issued may make use of such fireworks under the terms and conditions of such permit. No permit shall be issued until the organization is under protection of an insurance policy providing minimum limits of at least three million dollars (\$3,000,000.00) for bodily injury or death of any one person in any one accident and ten million dollars (\$10,000,000.00) for bodily injury or death of more than one person in any one accident and five million dollars (\$5,000,000.00) for damage to or destruction of property in any one accident. Such insurance shall become available for the payment of any damage arising from neglect of the applicant or his agents or employees.
- (b) No fee shall be charged for a permit under this section.

3404.5. Waste oil tanks. Waste oil tanks for storage of waste oil incidental to the use or process

on site, not exceeding six hundred sixty (660) gallons (2.50 m³), shall be permitted. The location shall be approved by the fire official, and the installation shall comply with all applicable provisions of NFPA 30 and 30A listed in Chapter 45 of the IFC.

3404.5.1. Multiple tank installations. Multiple tank installations shall not be permitted.

3404.5.2. Labeling. Aboveground waste oil tanks shall be labeled in minimum of four-inch (102 mm) numbers and letters as indicated below:

- (1) Product contained in tank.
- (2) Capacity of tank in gallon increments.
- (3) DOT placard and UN (United Nations) or NA (North America) hazard numbers.

3404.5.3. Mechanical protection. Aboveground waste oil tanks subject to damage by impact shall be protected with a minimum of six-inch diameter steel bollards, concrete filled, a minimum of two (2) feet in the ground. Placement and alternative protection shall be specified by the fire official.

3404.5.4. Spill control. Aboveground waste oil tanks shall be equipped with adequate spill containment.

3404.6. Flammable and combustible liquid storage on construction sites. Flammable and combustible liquid tanks incidental to the site being constructed, not exceeding six hundred sixty (660) gallons (2.50 m³), shall be permitted. The location shall be as close to the site construction entrance as practical. No flammable or combustible liquid tank shall be delivered or moved on site until proper site improvement permits, if applicable, are approved by the Fire Marshal. Tank use is temporary, and the tank shall be removed prior to occupancy of the affected building unit.

3404.6.1. Multiple tank installations. Multiple tank installations on construction sites shall be permitted only when each tank shall contain a different product.

3404.6.2. Labeling. Aboveground tanks shall be labeled in minimum of four-inch numbers and letters as indicated below:

- (1) Product contained in tank.
- (2) Capacity of tank in gallon increments.
- (3) DOT placard and UN (United Nations) or NA (North America) hazard number.

- (4) Warning signs must comply with F-1904.3.1, paragraphs 2 and 3.

3404.6.3. Mechanical protection. Mechanical protection shall not be required.

3404.6.4. Spill control. Spill containment equipment shall not be required. Adequate permanently fastened supports or skids shall be supplied to prevent tank from being overturned. Care shall be taken to prevent spillage of flammable and/or combustible liquids from the installation during fueling.

3404.6.5. Protection from vandalism. The tank installation shall be equipped with a securable dispenser shroud or equipped with a means of securing and protecting discharge valves or nozzles.

3404.6.6. Tank construction. Tank construction shall comply with all applicable provisions of NFPA 30 listed in Appendix A. Physically damaged or repaired tanks shall be subject to an air test of not less than three (3) pounds per square inch (PSI) (20.69 kPa) nor more than five (5) PSI (34.48 kPa). All leaks and deformations shall be corrected in an approved manner before product is introduced into the tank. The decision to perform the above-referenced test shall be at the discretion of the fire official.

3404.7. Flammable and combustible liquid tank storage for uses other than those listed in section 3404 of the FPC. The flammable and combustible liquid tank storage as defined above must comply with all provisions of NFPA 30 and 30A as listed in Chapter 45 of the FPC. This does not preclude the requirements for other use permits through any local, state or federal government regulations.

3404.7.1. Multiple tank installations. Multiple tank installations shall be approved and located as required by the fire official.

3404.7.2. Labeling. Labeling shall conform to section F-3207.7.2.

3404.7.3. Mechanical protection. Mechanical protection shall conform to section F-3207.6.3.

3404.7.4. Spill control. Aboveground tanks shall be equipped with adequate spill containment.

3404.7.5. Illumination. Site lighting shall be provided to illuminate the tank installation.

Comment: This section comes from current Manassas Code § 62-63, which referenced amendments to a previous Statewide Fire Prevention Code as set out in a superseded City Code. Those amendments were updated and restated for convenience of enforcement.

Sec. 60-43. Permit fees.

Pursuant to Code of Virginia, § 27-97, fees to be charged for permits described in sections 107.12 and 107.15 of the Fire Prevention Code and this article shall be in accordance with a fee schedule established by an uncodified ordinance enacted by the City Council.

Comment: This section comes from current Manassas Code § 62-64.

Sec. 60-44. Appeals.

The City Board of Building Code Appeals is hereby designated as the appeals board to hear appeals arising from the application of the provisions of the Fire Prevention Code.

Comment: This section comes from current Manassas Code § 62-65.

Sec. 60-45. Fire Marshal.

The office of City Fire Marshal is hereby established as a position appointed by the City Manager. The Fire Marshal is the “Fire Official” for purposes of the Virginia Fire Prevention Code. After permanent appointment, the Fire Marshal shall not be removed from office except for cause after having been afforded a full opportunity to be heard on specific and relevant charges by and before the City Manager. The Fire Marshal shall have such powers and duties as are prescribed by this chapter, other ordinance provisions and the laws of the Commonwealth. In case of absence or disability of the Fire Marshal, a deputy, assistant, or acting Fire Marshal shall exercise all the powers and assume the responsibilities of the Fire Marshal.

Comment: This section comes from current Manassas Code § 62-1.

Secs. 60-46 – 60-50. Reserved.

ARTICLE VI. FIRE RESPONSE; OFFENSES

Sec. 60-51. Reporting and investigation of fires and explosions.

(a) Every fire and explosion shall be reported to the Fire Marshal by the Chief or other officer of the fire company responding to such fires. Such reports shall be in such form as the Fire Marshal shall prescribe.

(b) The Fire Marshal shall make an investigation into the origin and cause of every fire and

explosion occurring within the limits for which he was appointed, and for any such service he shall receive such compensation as the City Council may allow. Such investigation shall be made immediately at the time of the fire or at a subsequent time, depending on the nature and circumstances of the fire.

(c) If the circumstances of any fire indicate the possibility of an incendiary origin, the Chief or other officer in charge of the fire company in whose area the fire occurs shall immediately summon the Fire Marshal. In such cases, the Fire Marshal or one of his assistants shall report to the scene of the fire and, with the officer in charge of such fire, conclude the investigation. The Fire Chief, Fire Marshal or his designated representative is authorized to take and preserve any property found at the scene of a fire or explosion during his presence there while in the act of extinguishing such or found later with the consent of the owner or pursuant to Code of Virginia, § 27-32.1, which property indicates the fire or explosion was intentionally caused.

(d) The City police department, upon request of the Fire Marshal, shall assist in the investigation of any fire which is of a suspicious origin. The results of any such investigation shall be turned over by the Fire Marshal's office to the Commonwealth Attorney and the City Attorney. The police department shall be the lead investigative agency for incidents involving terrorist attacks.

(e) The Fire Marshal or assistants in making investigations pursuant to Code of Virginia, § 27-31, may issue a summons directed to a Sheriff or Sergeant of county, city, or town commanding the officer to summon witnesses to attend at such time and place as he may direct. Any such officer to whom the summons is delivered shall forthwith execute it, and make return thereof to the Fire Marshal at the time and place named therein. Witnesses on whom such summons is served may be compelled by the Fire Marshal to attend and give evidence, and shall be liable in like manner as if the summons had been issued by a justice of the peace in a criminal case. They shall be sworn by the Fire Marshal before giving evidence, and their evidence shall be reduced to writing by him, or under his direction, and subscribed by them respectively.

(f) If, in undertaking such an investigation, the Fire Marshal or assistants makes an affidavit under oath that the origin or cause of any fire or explosion on any land, building, vessel, or any object is undetermined within 15 days after extinguishment and that he has been refused admittance thereto, or is unable to gain permission to enter such land, building, vessel, or examine such object, within 15 days after the extinguishment of such, any magistrate of the city or county where the land, building, vessel or object is located may issue an investigation warrant to the Fire Marshal or assistant to authorize him to enter such land, building, vessel, or premises upon which the object is located for the purpose of determining the origin and source of such fire or explosion. If the Fire Marshal or assistant, after gaining access to land, building, vessel, or other premises pursuant to such fire investigation warrant, has probable cause to believe that the burning or explosion was caused by an act constituting a criminal offense, he shall discontinue the investigation until a search warrant has been obtained pursuant to Code of Virginia, § 27-

32.1, or consent to conduct the search has otherwise been given.

(g) In addition to such other duties as may be prescribed by law, the City Fire Marshal and those assistants appointed pursuant to Code of Virginia, § 27-36, designated by the Fire Marshal shall have the same police powers as a sheriff, police officer or law enforcement officer for the protection of property while at and during the existence of a fire, but shall not exercise any authority which will conflict with the powers of any Chief, director, or other officer in command of any fire department in the discharge of his special duties as such. The investigation and prosecution of all offenses involving fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacturing of explosive devices, substances and fire bombs shall be the responsibility of the Fire Marshal or his designee. The police powers granted in this section shall not be exercised until such persons have satisfactorily completed a course for fire marshals with police powers, designed by the Commonwealth Department of Fire Programs in cooperation with the Commonwealth Department of Criminal Justice Services, which course shall be approved by the Commonwealth Fire Services Board. In addition, a Fire Marshal with police powers shall continue to exercise those 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 Fire Services Board.

Comment: This section comes from current Manassas Code § 62-2.

Sec. 60-52. Duties of police at fires, explosions, hazardous material incidents and mass casualty incidents.

The police shall attend all major fires in the City and shall direct traffic and enforce traffic regulations in the vicinity of fires, explosions, hazardous materials incidents and mass casualty incidents, so as to expedite the approach and work of the Fire and Rescue Department. The police shall also safeguard property during the progress of the incident.

Comment: This section comes from current Manassas Code § 62-3.

Sec. 60-53. Damaging Fire and Rescue System vehicles.

No person shall damage or deface or attempt or conspire to damage or deface any Fire and Rescue System vehicle at any time.

Comment: This section comes from current Manassas Code § 62-4.

Sec. 60-54. Boarding or tampering with Fire and Rescue System vehicles.

No person shall, without proper authorization from the Fire and Rescue System officer in charge

of the vehicle, cling to, attach himself to, climb upon or into, board or swing upon any Fire and Rescue System vehicle, whether such vehicle is in motion or at rest, or sound any warning device thereon or manipulate, tamper with or destroy or attempt to manipulate, tamper with or destroy any lever, valve, switch, starting device, brake, or pump or any equipment, protective clothing or tool on or a part of such Fire and Rescue System vehicle.

Comment: This section comes from current Manassas Code § 62-5.

Sec. 60-55. Unlawful use of vehicles or equipment.

- (a) No person shall operate or cause to be operated upon a public highway or street in the City any vehicle or equipment used, intended to be used or designed to be used for the purpose of fighting fires, unless such vehicle or equipment is owned by a recognized firefighting company of the Commonwealth.
- (b) For the purpose of this section, the term "recognized firefighting company of the Commonwealth" shall be construed to mean one that has been recognized as such by resolution of a governmental organization.
- (c) This section shall not apply to the operation of firefighting vehicles and equipment owned by any firefighting company outside of the City when such vehicle or equipment is traveling in or through the City for parade or other non-firefighting purposes or in response to a call from a fire alarm headquarters.

Comment: This section comes from current Manassas Code § 62-6.

Sec. 60-56. Authority of Chief or other officer in charge when answering alarm or operating at emergency incident; penalty for refusal to obey orders.

- (a) While any fire department or fire company is in the process of answering an alarm or operating at an emergency incident where there is imminent danger or the actual occurrence of fire or explosion or the uncontrolled release of hazardous materials which threaten life or property and returning to the station, the Chief or other officer in charge of such fire department or company at that time shall have the authority to:
 - (1) Maintain order at such emergency incident or its vicinity;
 - (2) Direct the actions of the firefighters at the incident;
 - (3) Notwithstanding the provisions of Code of Virginia, § 46.2-888--46.2-891, keep bystanders or other persons at a safe distance from the incident and emergency equipment;
 - (4) Facilitate the speedy movement and operation of emergency equipment and firefighters;

Andrea Madden

City Clerk