

PITTSYLVANIA COUNTY CODE

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PITTSYLVANIA COUNTY CODE

CHAPTER 11

PUBLIC SAFETY

ARTICLE I. GENERAL.

SEC. 11-1. ESTABLISHMENT OF THE PITTSYLVANIA COUNTY DEPARTMENT OF PUBLIC SAFETY.

(a) To help ensure the protection of the citizens, visitors, and property of Pittsylvania County, Virginia (the “County”), and to afford all emergency services personnel the full benefit of the law, it has been deemed necessary to organize the Emergency Services operations within the County under a Department of Public Safety.

(b) All current references to the existing Department of Emergency Services shall be carried forward as meaning the same as the Department of Public Safety.

(c) To effectively carry out the provisions of subsection (a) of this Section, the County Department of Public Safety shall be created in place of the existing Department of Emergency Services. Any and all contracts, agreements, and other legal documents currently in force under the Pittsylvania County Department of Emergency Services shall automatically transfer and remain in full legal force to the Public Safety Department.

(d) The adoption of this Chapter by the Pittsylvania County Board of Supervisors formally abolishes the Fire/Rescue Medical Services Advisory Committee (“EMAC”) previously created by/in Pittsylvania County Code (“PCC”) § 31-3.1 and all other references to EMAC contained in any other PCC Section(s).

SEC. 11-2. ESTABLISHMENT OF THE FIRE AND EMS COMMISSION.

(a) Establishment: The Board of Supervisors creates and establishes the Fire and EMS Commission (the “Commission”).

(b) Purpose: The Commission provides recommendations regarding the County’s Fire and EMS systems in the County; oversees strategic planning efforts; and provides a mechanism for collaboration and coordination among the Public Safety Department, volunteer fire companies, volunteer rescue squads, and the Board of Supervisors on issues impacting fire and emergency medical services. The Commission shall work with the Public Safety Director, or his/her designee, on these issues, and the Public Safety Department shall provide Staff support to the Commission. The Commission shall submit such recommendations and reports to the Board of Supervisors as needed. The Commission shall assist with the development of the Fire and Rescue Services Annual Budget and Capital Improvement Projects. The Commission shall serve

as a partner with the Department of Public Safety. Together, they should serve as a centralized unit responsible to the Board of Supervisors for all County Fire and EMS issues.

(c) Membership Composition; Term:

(1) The Commission shall be composed of nine (9) at-large Members appointed by the Board of Supervisors as follows: One (1) Member from a Fire Department located West of Highway 29 and North of Highway 57 and one (1) citizen at large from the same area; One (1) Fire Department Member from a Fire Department located East of Highway 29 and North of Highway 57 and one (1) citizen at large from the same area; One (1) Member of a Fire Department East of Highway 29, South of R and L Smith Road to its intersection with Franklin Turnpike, East of Franklin Turnpike, and East of the City of Danville, and South of Highway 57 and one (1) citizen at large from the same area; One (1) member from a Fire Department West of Highway 29, North of R and L Smith Road, West of Franklin Turnpike and West of the City of Danville and South of Highway 57 and one (1) citizen at large from the same area; One (1) Member from previous four (4) Departments must represent a Department that does transport EMS; and one (1) Member shall be from the Board of Supervisors. All the aforementioned appointed Commission Members shall have full and complete voting rights. The Director of Public Safety and one (1) Member from the County's Fire and Rescue Association shall serve as an ex-officio Members with no voting rights. The Director of Public Safety shall be the Commission's Staff Representative. Fire and Rescue Members appointed to the Commission must be from Fire and Rescue Agencies that are in good standing with the County and meeting all standards as set forth by the same. The Fire and Rescue Agencies within each quadrant of the County as set forth in this Ordinance, shall recommend at least one (1) Fire and Rescue Member for potential appointment by Board of Supervisors. The Fire and Rescue Agencies may also recommend the citizens at large for appointment by the Board of Supervisors. However, the Board of Supervisors shall have full authority to appoint any and all citizen appointees to the Commission.

(2) Terms: Determined by a drawing of lots at the Commission's first Organizational Meeting, the nine (9) appointed Members shall be appointed for initial terms as follows: 3, 1-year terms, 3, 2-year terms, and 4, 4-year terms, and, thereafter, each member shall serve for four (4) year terms.

(3) Meeting Governance; Meeting Schedule: The Commission shall adopt Bylaws and Rules of Procedures, as it deems appropriate, to govern the conduct of its business. Meetings shall be held as scheduled, not less than bi-monthly.

SEC. 11-3. APPOINTMENT OF A DIRECTOR OF PUBLIC SAFETY.

(a) The County Administrator, with input from the Commission, shall hire and appoint a Director of Public Safety to carry out the responsibilities of the Department of Public Safety. Said Director shall in turn report to and be responsible to the County Administrator.

(b) Effective upon adoption of this Chapter, the current Emergency Services Coordinator shall also become the Director of Public Safety, while also maintaining the position and duties of Emergency Services Coordinator.

SEC. 11-4. RESPONSIBILITY AND AUTHORITY OF THE DEPARTMENT OF PUBLIC SAFETY.

(a) The Department of Public Safety, in conjunction with the Commission, shall provide overall direction and operational support of the Public Safety Divisions to carry out the provisions of Section 11-1(a) of this Chapter.

(b) The Department of Public Safety shall be responsible for the promulgation of the Pittsylvania County Emergency Operations Plan and all laws, standard operating procedures, and other directives to help ensure that the provisions of said documents are provided for.

(c) The Department of Public Safety shall have the authority to carry out its responsibilities as authorized by the Board of Supervisors, and will be afforded all of the authority and protection of applicable laws and ordinances.

SECS. 11-5. - 11-10. Reserved.

ARTICLE II. FIRE PREVENTION AND PROTECTION.

DIVISION 1. FIRE DIVISION.

SEC. 11-11. ESTABLISHMENT OF COUNTY FIRE DIVISION.

(a) To effectively carry out the provisions of Section 11-1(a) of this Chapter, and to provide all emergency services personnel with the full benefit of privileges, rights, and remedies available to them under law, a County Fire Division is hereby established to mitigate the effects of fire, hazardous materials, and explosions.

(b) The following organizations and groups are officially recognized as entities of the Department of Public Safety, Fire Division:

- ST 1 - 16: Reserved for Public Safety
- ST 17: Dry Fork Fire Department
- ST 18 - 20: Reserved
- ST 21: Chatham Fire Department
- ST 22: Gretna Fire Department
- ST 23: Ringgold Fire Department
- ST 24: Kentuck Fire Department

- ST 25: Tunstall Fire Department
- ST 26: Renan Fire Department
- ST 27: Mt. Cross Fire Department
- ST 28: Reserved
- ST 29: Riceville-Java Fire Department
- ST 30: Bachelors Hall Fire Department
- ST 31: Hurt Fire Department
- ST 32: Climax Fire Department
- ST 33: Mt. Herman Fire Department
- ST 34: Blairs Fire Department
- ST 35: Callands Fire Department
- ST 36: Laurel Grove Fire Department
- ST 37: Brosville Fire Department
- ST 38: Cascade Fire Department
- ST 39: Cool Branch Fire Department
- ST 40: Riverbend Fire Department
- ST 41: Reserved
- ST 42: Keeling Fire Department

(c) Each of the aforementioned Fire Departments shall be designated with a Boundary Service Fire District. Each of the aforementioned Fire Departments shall be required to enter into a Department Service Memorandum of Agreement with the Board of Supervisors. If any aforementioned Fire Departments fail to maintain its corporate status, or otherwise fails to comply with any applicable regulations, contracts, SOG's, or policies of the Department of Public Safety, the Board of Supervisors, for said cause, or for other good cause as solely determined by the Board of Supervisors, which shall be deemed sufficient, may remove said Fire Department as an officially recognized entity by a majority vote of the Board of Supervisors.

(d) Each Fire Department shall have a Chief, standardized line officers, and a membership roster. Said roster shall be provided annually to the Department of Public Safety, unless there is a change in the officers of the Department.

(e) The following organization and group is officially recognized as non-jurisdictional entity which is authorized to provide services for the County's Department of Public Safety, Fire Division: The Smith Mountain Lake Marine Fire Company. The Department of Public Safety may enter into a contract with said organization to provide services on a routine basis as authorized by the Board of Supervisors. Additionally, the County may enter into Mutual Aid Agreements with surrounding jurisdictions and agencies when deemed appropriate to do so by the Board of Supervisors.

(f) Each of the above-mentioned organizations shall be assigned response areas that provide the best services to County citizens. These response areas shall be maintained in writing by the Department of Public Safety, a copy of which will be posted in the Emergency

Communications Center and be made available to the public. The Department of Public Safety may amend or change these boundaries from time-to-time to provide the best services available.

SEC. 11-12. RESPONSIBLE TO THE DEPARTMENT OF PUBLIC SAFETY.

(a) Each of the organizations and groups mentioned in Sections 11-11(b) and (e) of this Chapter shall be responsible to the Department of Public Safety and will carry out their assigned tasks to the best of their abilities.

(b) Each Fire Department shall appoint a Department Chief who shall be responsible for the overall direction and control of Fire Department activities within their respective primary response areas. Additionally, said Department Chief shall ensure that their organization complies with all of the provisions of applicable laws, ordinances, and standard operating procedures implemented by the Commission, and shall directly work with the to the Director of Public Safety, or his/her designee, to provide fire, rescue, and EMS services.

SEC. 11-13. RESPONSIBILITIES AND AUTHORITY.

(a) All officially recognized Members of the organizations and groups mentioned above shall perform their respective duties, as outlined in standard operating procedures, applicable laws, and ordinances, to the best of their abilities.

(b) All officially recognized Members of the organizations and groups mentioned above shall be subject to the procedures and practices established by the Department of Public Safety and other applicable laws and ordinances.

(c) While performing in their official capacity, each of the Members of the organizations and groups mentioned above shall have the authority to carry out their respective assignments as provided for in applicable laws, ordinances, and standard operating procedures.

SEC. 11-14. FIRE PERSONNEL AFFORDED CERTAIN PRIVILEGES, RIGHTS, AND REMEDIES.

When providing services in their official capacity and acting within the guidelines of the Department of Public Safety, all officially recognized Members of the organizations and groups mentioned above shall be afforded all of the privileges, rights, and remedies available to them under law.

SEC. 11-15. AUTHORITY OF CHIEF OR OTHER OFFICER IN CHARGE WHEN ANSWERING ALARM; PENALTY FOR REFUSAL TO OBEY ORDERS.

While any Fire Department or Fire Company is in the process of answering an alarm where there is imminent danger or the actual occurrence of fire or explosion or the uncontrolled release of

hazardous materials that threaten life or property and returning to the station, the Chief or other officer in charge of such Fire Department or Fire Company at that time, shall have the authority to (i) maintain order at such emergency incident or its vicinity, including the immediate airspace; (ii) direct the actions of the firefighters at the incident; (iii) notwithstanding the provisions of Code of Virginia §§ 46.2-888 - 46.2-891, 1950, as amended, keep bystanders or other persons at a safe distance from the incident and emergency equipment; (iv) facilitate the speedy movement and operation of emergency equipment and firefighters; (v) cause an investigation to be made into the origin and cause of the incident; and (vi) until the arrival of a police officer, direct and control traffic in person or by deputy and facilitate the movement of traffic.

The Fire Chief or other officer in charge shall display his firefighter's badge or other proper means of identification. Notwithstanding any other provision of law, this authority shall extend to the activation of traffic control signals designed to facilitate the safe egress and ingress of emergency equipment at a fire station. Any person or persons refusing to obey the orders of the Chief or other officer in charge at that time is guilty of a Class 4 Misdemeanor. The Chief or other officer in charge shall have the power to make arrests for violation of the provisions of this Section. The authority granted under the provisions of this Section may not be exercised to inhibit or obstruct members of law-enforcement agencies or emergency medical services agencies from performing their normal duties when operating at such emergency incident, nor to conflict with or diminish the lawful authority, duties, and responsibilities of Forest Wardens, including, but not limited, to the provisions of the Code of Virginia, Chapter 11, of Title 10.1.

Personnel from the news media, such as the press, radio, and television, when gathering the news may enter, at their own risk, into the incident area only when the officer in charge has deemed the area safe and only into those areas of the incident that do not, in the opinion of the officer in charge, interfere with the Fire Department or Fire Company, firefighters, or emergency medical services personnel dealing with such emergencies, in which case the Chief or other officer in charge may order such person from the scene of the emergency incident.

SEC. 11-16. RECOGNIZED ORGANIZATION TO REPRESENT FIRE AND RESCUE AGENCIES WITHIN THE COUNTY.

The Pittsylvania County Fire and Rescue Association, Inc. ("PCFRA"), is officially recognized as representing a collective of agencies that provide Fire and EMS Services as referenced in Sections 11-11(b) and 11-71(b) of this Chapter. The PCFRA and the Public Safety Director, or his/her appointee, shall work in conjunction to carry out the day-to-day operations of the Division. The PCFRA President, or other PCFRA appointed representative, shall be recognized at every Fire and Rescue Commission meeting to report and update on matters concerning the PCFRA. The PCFRA shall annually provide, upon election, a list of Officers to the Commission no later than thirty (30) days after any election.

SEC. 11-17. LIMITATION ON BURNING BRUSH, LEAVES, ETC., BETWEEN FEBRUARY 15 AND APRIL 30 AND IN GENERAL.

(a) During the period beginning February 15 and ending April 30 of each year, it shall be unlawful for any person to set fire to brush, leaves, grass, debris, or any field containing dry grass or other inflammable material capable of spreading fire located in or within three hundred (300) feet of any woodland or brush land, except between the hours of 4:00 p.m. and 12:00 midnight.

(b) When it is deemed necessary at the Director of Public Safety's sole discretion, an open burning ban may be imposed on the entire County, or sections of the County, when conditions exist that would make open burning a threat to life or property, at any time during the year.

(c) A violation of this Section is a Class 1 Misdemeanor.

SEC. 11-18. PARTICIPATION BY CERTAIN MINORS IN VOLUNTEER FIRE COMPANY ACTIVITIES.

Pursuant to authority contained in Section 40.1-79.1, Code of Virginia, 1950, as amended, the County authorizes any minor, sixteen (16) years of age or older, with parental or guardian approval, to work with or participate fully in all activities of a Volunteer Fire Company, provided such minor has attained certification under National Fire Protection Association 1001, Level One, Fire-Fighter Standards, as administered by the State Department of Fire Programs. Any trainer or instructor of such minor, or any Member of a paid or Volunteer Fire Company who supervises such minor, shall be exempt from the provisions of the aforementioned Code of Virginia Section, provided the Volunteer Fire Company or the Board of Supervisors have purchased insurance which provides coverage for injuries to, or the death of, such minor in the performance of activities under this Section.

SECS. 11-19. - 11-35. RESERVED.

DIVISION 2: STATEWIDE FIRE PREVENTION CODE; LOCAL FIRE PREVENTION.

SEC. 11-36. ADOPTION OF THE STATEWIDE FIRE PREVENTION CODE.

To provide the best fire prevention activities available to the County, the Virginia Statewide Fire Prevention Code is adopted in the County by the Board of Supervisors.

SEC. 11-37. APPOINTMENT OF A LOCAL FIRE OFFICIAL/FIRE MARSHAL.

(a) To carry out the provisions of the Virginia Statewide Fire Prevention Code adopted by the Commonwealth of Virginia, and other related Virginia Code Sections, a local Fire Official/Fire Marshal shall be appointed. If Police Powers are not granted, pursuant to Section 11-38 herein, the Director of Public Safety may appoint Fire Investigators/Inspectors.

(b) The Public Safety Director shall appoint the local Fire Marshal. If said position is vacant, the Director of Public Safety may appoint a Deputy Fire Marshal to serve as the interim local Fire Marshal.

SEC 11-38. POWERS; OFFICE OF FIRE MARSHAL.

(a) The Fire Marshal, and all duly appointed assistants, shall be authorized to order immediate compliance with the provisions of this Chapter, and to exercise all powers authorized hereunder.

(b) In addition to such other duties as may be prescribed by law, the local Fire Marshal, and those assistants appointed pursuant to Section 27-36, Code of Virginia, 1950, as amended, designated by the Fire Marshal, shall have the same police powers as a Sheriff, police officer, or law-enforcement officer to include the authority to arrest, to procure and serve warrants of arrest and search warrants, and to issue summons in the investigation and prosecution of all related offenses involving the violation of fire prevention and fire safety laws and related ordinances, hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, possession and manufacture of explosive devices, substances, and fire bombs.

(c) The police powers granted in this Section shall not be exercised by the Fire Marshal or any assistant until such person has satisfactorily completed a course for Fire Marshals with police powers, which course shall be approved by the Virginia Fire Services Board. In addition, the Fire Marshal, and those assistants with police powers, shall continue to exercise those powers only upon satisfactory participation in in-service and advanced courses and programs, which courses shall be approved by the Virginia Fire Services Board. The Fire Marshal and his assistants, before entering upon their duties, shall respectively take an oath, pursuant to Title 27, Code of Virginia, 1950, as amended.

SEC. 11-39. RESPONSIBILITY AND AUTHORITY OF THE LOCAL FIRE MARSHAL.

The local Fire Marshal/Fire Inspector-Investigator shall have responsibility and authority as outlined in the Statewide Fire Prevention Code and the Code of Virginia.

SEC. 11-40. AUTHORITY TO APPOINT DEPUTY FIRE MARSHAL AND ASSISTANT FIRE MARSHAL.

(a) When it is deemed necessary by the local Fire Administrator, and approved by the County Administrator, a Deputy Fire Marshal(s) and Assistant Fire Marshals may be appointed to carry out the requirements of the Statewide Fire Prevention Code and Title 27 of the Code of Virginia, 1950, as amended.

(b) Deputy Fire Marshal(s) and Assistant Fire Marshal(s) shall be afforded all of the privileges, rights, and remedies available to them under law when acting in their official capacity as directed by the local Chief Fire Administrator.

SEC. 11-41. LOCAL BOARD OF FIRE PREVENTION CODE APPEALS.

The County Board of Building Code Appeals shall be designated as the Appeals Board to hear grievances arising from the application of the County Fire Prevention Code.

SEC. 11-42. ADMINISTRATIVE PRACTICES.

The Fire Marshal shall establish such procedures or requirements as may be necessary for administration and enforcement of this Ordinance. The procedures shall be approved by the Director of Public Safety.

SEC. 11-43. FIRE INSPECTION FEES.

The Fire Marshal, or his/her designee, shall have the ability to charge and collect fire inspection fees. A schedule of said fees shall be established annually by the Commission and approved by the Board of Supervisors.

SECS. 11-44. - 11-70. RESERVED.

ARTICLE III. EMERGENCY MEDICAL AND RESCUE SERVICES.

SEC. 11-71. ESTABLISHMENT OF A COUNTY EMS DIVISION.

(a) To effectively carry out the provisions of Section 11-1(a) of this Chapter, and to provide all emergency services personnel with the full benefit of privileges, rights, and remedies available to them under law, a County EMS Division is established to mitigate the effects of accidents, disasters, and other medically and rescue-oriented emergency situations.

(b) The following organizations and groups are hereby officially recognized as entities of the County Department of Public Safety, EMS Division:

- SQ 1 - 8: Reserved for Public Safety
- SQ 9 - 11: Reserved
- SQ 12: Chatham Rescue
- SQ 13: Cool Branch Rescue
- SQ 14: 640 Community Rescue
- SQ 15: Reserved
- SQ 16: Angel Search & Rescue
- SQ 17 - 21: Reserved
- SQ 22: Gretna Fire and Rescue
- SQ 23: Ringgold Fire & Rescue
- SQ 24: Reserved
- SQ 25: Tunstall Fire & Rescue

- SQ 26: Reserved
- SQ 27: Mt. Cross Fire & Rescue
- SQ 28 - 29: Reserved
- SQ 30: Bachelors Hall Fire & Rescue
- SQ 31 - 32: Reserved
- SQ 33: Mt. Herman Fire & Rescue
- SQ 34: Blairs Fire & Rescue
- SQ 35: Callands Fire & Rescue
- SQ 36: Reserved
- SQ 37: Brosville Fire & Rescue

(c) Each of the aforementioned EMS Departments shall be designated with a Boundary Service EMS District. Each of the aforementioned EMS Departments shall be required to enter into a Service Department Memorandum of Agreement with the Board of Supervisors. If any aforementioned EMS Departments fail to maintain its corporate status, or otherwise fails to comply with any regulations, contracts, SOG's, or policies of the Department of Public Safety, the Board of Supervisors for said cause, or for other good cause as solely determined by the Board of Supervisors, which shall be deemed sufficient, may remove said EMS Department as an officially recognized entity by a majority vote of the Board of Supervisors.

(d) Each EMS Department shall have a Chief, standardized line officers, and a membership roster. Said roster shall be provided semi-annually to the Department of Public Safety.

(e) The following organizations and groups are hereby officially recognized as non-jurisdictional entities which are authorized to provide services for the County's Department of Public Safety, EMS Division: SQ 09: North Halifax Fire & Rescue; and SQ 20: Danville Life Saving Crew and any County contracted ambulance provider. The Department of Public Safety may enter into contracts with these organizations to provide services on a routine basis as authorized by the Board of Supervisors. Additionally, the County may enter into Mutual Aid Agreements with surrounding jurisdictions and agencies when it is deemed appropriate to do so by the Board of Supervisors.

(f) Each of the above-mentioned organizations shall be assigned response areas that provide the best services to County citizens. These response areas shall be maintained in writing by the Department of Public Safety, a copy of which will be posted in the Communications Center and available to the public. The Department of Public Safety may amend or change these boundaries from time-to-time to provide the best services available.

SEC. 11-72. RESPONSIBLE TO THE DEPARTMENT OF PUBLIC SAFETY.

(a) Each of the organizations and groups mentioned in Section 11-71 (b) and (e) shall be responsible to the Department of Public Safety, and will carry out their assigned tasks to the best of their abilities.

(b) Each EMS organization shall appoint a District Chief/Captain, who shall be responsible for the overall direction and control of EMS service activities within their respective primary response areas. Additionally, the Chief/Captain shall ensure that their organization complies with all of the provisions of applicable laws, ordinances, and standard operating procedures implemented by the Fire and EMS Commission and shall directly work with the to the Director of Public Safety, or his designee to provide fire, rescue, and EMS services.

SEC. 11-73. RESPONSIBILITIES AND AUTHORITY.

(a) All officially recognized Members of the organizations and groups mentioned above shall perform their respective duties, as outlined in standard operating procedures and applicable laws and ordinances, to the best of their abilities.

(b) All officially recognized Members of the organizations and groups mentioned above will be subject to the procedures and practices established by the County Department of Public Safety and other applicable laws and ordinances.

(c) While performing in their official capacity, each of the Members of the organizations and groups mentioned above shall have the authority to carry out their respective assignments as provided for in applicable laws, ordinances, and standard operating procedures.

SEC. 11-74. EMS PERSONNEL AFFORDED CERTAIN PRIVILEGES, RIGHTS, AND REMEDIES.

When providing services in their official capacity and acting within the guidelines of the Department of Public Safety, all officially recognized members of the organizations and groups mentioned above shall be afforded all of the privileges, rights, and remedies available to them under law.

SEC. 11-75. OBEDIENCE TO ORDERS OF THE SENIOR OFFICER IN CHARGE AT SCENE OF ACCIDENTS, DISASTERS, AND OTHER MEDICALLY AND RESCUE-ORIENTED INCIDENTS.

Every person present at the scene of an accident, or other medically or rescue-oriented incident, shall be obedient to the orders of the Senior Officer in Charge in any matter relating to removal and protection of persons and property endangered; freedom of rescue squad, medical personnel and apparatus to perform their duties or to function properly; and the maintenance of order at or near the scene of an accident or other medically or rescue-oriented incident, and

it shall be unlawful and a Class 1 Misdemeanor for any person to disobey any such order of the Senior Officer in Charge. The Senior Officer in Charge shall have authority to arrest persons who disobey such orders and to hold them in custody until the incident or danger is abated, at which time the violator shall be dealt with according to law.

SECS. 11-76. - 11-80. RESERVED.

**ARTICLE IV. RECOVERY OF EXPENSES FOR RESPONSE TO CERTAIN
EMERGENCY CALLS.**

SEC. 11-81. HAZARDOUS MATERIALS INCIDENTS.

(a) The Department of Public Safety shall make every attempt to recover expenses incurred while performing official duties at the scene of a hazardous materials incident.

(b) When the incident requires the resources of the County Department of Public Safety or any County Volunteer Fire or Rescue Agencies, the responsible party shall be responsible for reimbursement of expenses directly to the County Department of Public Safety for all expendable items used, apparatus, equipment, and personnel charges at a fee for service set by the Board of Supervisors.

(c) Monies recovered from such incidents shall be appropriated back to the responding Departments and/or the Public Safety Department to help replace item used and provide for partial funding of capital projects required to maintain and operate the hazardous materials response capabilities within the County.

(d) When the resources used involve both County resources and resources of another jurisdiction, agency, or the State, the funds shall be recovered using the same rates as established in Paragraph (b) above. Pursuant to the Code of Virginia, the Virginia Department of Emergency Management has the responsibility to collect for any expenses incurred for State resources.

SEC. 11-82. NEGLIGENT AND UNLAWFUL ACTS.

(a) The Department of Public Safety shall make every attempt to recover expenses incurred while performing official duties at the scene of a negligent or unlawful act as determined by a Court of competent jurisdiction.

(b) When the resources used involved both County resources and resources of another jurisdiction, agency, or the State, the funds shall be recovered using the same rates as established in Section 11-81(b) of this Chapter. If requested to do so, the Department of Public Safety is authorized to reimburse other jurisdiction and agencies their funds collected by the County as a result of the same incident.

(c) Monies recovered from such incidents shall be appropriated back to the Department of Public Safety to help replace items used and provide for partial funding of Capital Projects required to maintain and operate the emergency services response capabilities within the County.

SEC. 11-83. SERVICE FEE FOR EMERGENCY AMBULANCE TRANSPORT PROGRAM.

(a) Pursuant Section 32.1-111.14, Code of Virginia, 1950, as amended, it is determined and declared that the exercise of the powers and duties set forth herein are necessary to assure the provision of adequate and continuing emergency services, and to preserve, protect, and promote the public health, safety, and general welfare.

(b) Definitions:

(1) Permitted Agencies: Those emergency medical service transport agencies authorized to provide emergency medical services, basic life support, and/or advanced life support who are officially recognized in Section 11-71(b) of this Chapter.

(2) Participating Agencies: Those emergency medical service transport agencies who provide basic life support and/or advanced life support recognized as Permitted Agencies in Section 11-71(b), of this Chapter.

(3) Emergency Medical Transport System: All components of emergency medical transportation available within the County.

(4) Basic Life Support (“BLS”): Services shall be medical treatment or procedures provided to a patient as defined by the National Emergency Medical Services (“EMS”) Educational and Practices Blueprint for the Emergency Medical Technician (“EMT”)-Basic.

(5) Advanced Life Support Level 1 (“ALS-1”): Services shall be medical treatment of procedures provided to a patient beyond the scope of an EMT-Basic as defined by the National EMS Education and Practice Blueprint.

(6) Advanced Life Support Level 2 (“ALS-2”): Services shall be defined as Advanced Life Support (“ALS”) services provided to a patient including any of the following medical procedures:

- (i) manual defibrillation/cardioversion,
- (ii) endotracheal intubation,
- (iii) intra-venous line,
- (iv) cardiac pacing,
- (v) chest decompression,
- (vi) surgical airway, or
- (vii) intraosseous line, and the administration of three (3) or more medications.

(7) Ground Transport Mileage (“GTM”): Shall be statute mile from the location of the incident, scene, or center point of a rescue demand zone where an incident scene or address is located, to a hospital or other facility where a patient is transported.

(8) Treatment without Transport: 9-1-1 patient that accepts emergency medical care, but declines transport to a hospital emergency department; treatment that is of the BLS level, as defined by County, will be charged at the “refusal” rate; treatment at that is ALS1 or higher will be charged at the “treatment without transport” rate.

(9) Patient Refusal: When a patient or patient’s family member calls 9-1-1 and request emergency medical services and the patient refuses any treatment by emergency medical services and/or transport to a hospital emergency department.

(10) Long Term Care Facility: A facility that provides rehabilitative, restoration, and/or ongoing skilled nursing care to patients or residents in need of assistance with activities of daily living. Long-term care facilities include nursing homes, rehabilitation facilities, inpatient behavioral health facilities, and long-term chronic care hospitals.

(c) The schedule of rates for emergency ambulance transport services by Permitted Agencies shall be set in accordance with a Schedule recommended by the Commission and adopted by the Board of Supervisors.

(d) The Department of Public Safety shall adopt appropriate rules and policies for the administration of the charges imposed by this Section, including, and not limited to, payment standards for those persons who demonstrate economic hardship, as established by this Ordinance.

(e) Billing:

(1) The County, or its agent, shall generate a bill for ambulance transports or patient treatment with no transport and/or refusals whose point of origin is within the boundaries of the County performed by all ambulances operated by an agency licensed and chartered in the County by the Commonwealth of Virginia and mentioned in Section 11-71(b) above. Organizations are required to submit information required for the County, or its agent, to generate a bill for such services. The County will not generate a bill for ambulance transport by organizations mentioned in Section 11-71(b) above that would be considered humanitarian assistance (meaning activities not undertaken as a result of a call for emergency assistance to the County Public Safety Communications Center). Due to the fact that patient care information is highly confidential under several State and Federal laws, Call Sheets/Patient Care reports will remain the responsibility of the agency responding to individual calls. Information shared under this Subsection shall be that information reasonably necessary to accomplish the billing process or other arrangement as mutually agreed to by the providing agency and the County.

(2) The County may generate a bill for ambulance service in the primary response areas of organizations mentioned in Section 11-71(b) above, and in adjoining localities by separate agreement between the County, the adjoining locality, and the organization.

(3) Fees and Responsibility for Payment: Payment of all charges for ambulance services, including evaluation, treatment, patient refusals, or ambulance transport, shall be the responsibility of the patient or the parent, guardian, or other legally responsible party in the case of a minor or an individual deemed incompetent.

(4) A charge of two hundred dollars (\$200.00), in addition to any other applicable EMS fees, shall be billed to an originating long term care facility requesting 9-1-1 emergency medical services for a patient when it is determined by the responding agency that the patient did not have a life threatening or potentially life threatening medical condition.

(a) - (c) Reserved.

(d) Billing Contractor: The County may contract with a third-party for billing and related services.

(e) Reserved.

(f) Collections: Billing and collection policies and services will be established by the Commission. No provider mentioned in Section 11-71(b) above will accept or receive payment directly from a patient or on behalf of a patient for services rendered to a patient. Funds collected from EMS billing shall be returned to the agency who transported said patient. The County may hold one-percent (1%) of collected cost to offset administrative cost.

(g) Nothing in this Section shall require county EMS agencies to participate in the County EMS Billing Program.

(h) Billing Process:

(1) Patients will fall into one (1) of the following categories for billing purposes:

(i) Insured through Third-Party Health Insurance Company, Medicare, or Medicaid: The appropriate health insurance carrier will be billed. Any applicable copayments, co-insurance, deductibles, or other similar payments, will be billed to the patient except as provided for herein.

(ii) No Third-Party Source of Payment: If there is no third-party source of payment, a bill is to be sent to the patient transported. If the individual has the financial ability to pay, then payment of the outstanding charges are required, except as otherwise provided for herein. If the patient can demonstrate a financial hardship and qualifies for reduced payments pursuant to this Chapter, then the patient shall be eligible for a reduction or waiver of the amount of the charges due.

(i) Billing Contractor: The Board of Supervisors may contract with a third-party for billing and related services.

(j) Ability to Pay Program:

(1) When any patient is billed for a transport or copayment pursuant to this Ordinance, and because of limited financial resources or assets, a procedure shall be established by the Department of Public Safety for such patient to apply for a reduction or waiver in the charge due.

(2) The Department of Public Safety shall establish an ability to pay scale and eligibility criteria for individuals who can demonstrate financial hardship.

(3) The Ability to Pay Program shall establish an equitable fee policy for those situations where the patient is unable to meet the ambulance transport charge because of demonstrated financial hardship.

(4) A patient representing that there exists a financial hardship will submit information sufficient to determine such hardship. If it is determined that payment of the emergency ambulance transport charges creates a financial hardship, charges due may be reduced or waived according to the scale by the Department of Public Safety.

(k) Collections: Billing and collection policies and services will be established by the Department of Public Safety. No Participating Agency will directly accept or receive payment for services rendered to a patient.

SEC. 11-84. FIRE SERVICE FEES AND CHARGES PROGRAM.

(a) Fee Schedule: The Board of Supervisors is authorized to establish Fire Service Fees and Charges for the use of the County-recognized Fire District equipment and Department of Public Safety equipment, supplies, and personnel in the performance of firefighting and rescue operations. The Board of Supervisors, upon the Commission's recommendation, shall set Fire Service Fees and Charges annually. Said Fee Structure is based upon the number and nature of the equipment, supplies, and personnel used in the emergency operation.

(1) The County, or its agent, shall generate a bill for Fire Service whose point of origin is within the boundaries of the County performed by all Fire Departments operated by an agency licensed and chartered in the County by the Commonwealth of Virginia, and mentioned in Section 11-11(b). Organizations are required to submit information required for the County, or its agent, to generate a bill for such services. The County will not generate a bill for fire service by organizations mentioned in Section 11-11(b) that would be considered humanitarian assistance (meaning activities not undertaken as a result of a call for emergency assistance to the County Public Safety Communications Center). Information shared under this Subsection shall be that information reasonably necessary to accomplish the billing process or other arrangement as mutually agreed to by the recognized agency and the County.

(2) The County may generate a bill for Fire Service in the primary response areas of organizations mentioned in Section 11-11(b) and in adjoining localities by separate agreement between the County, the adjoining locality, and the organization.

(3) Fees and Responsibility for Payment: Payment of all charges for Fire Services, shall be the responsibility of the parent, guardian, or other legally responsible party in the case of a minor or an individual deemed incompetent.

(b) Reserved.

(c) Billing Contractor: The County may contract with a third-party for billing and related services.

(d) Collections: Billing and collection policies and services will be established by the Commission. No organization mentioned in Section 11-11(b) will accept or receive payment directly for services rendered.

(e) Nothing in this Section shall require County agencies to participate in this Billing Program.

(f) Billing Process: Responsible Parties will fall into one (1) of the following categories for billing purposes:

(1) The appropriate homeowners/automobile insurance carrier will be billed in accordance with Section 38.2-2130, code of Virginia, 1950, as amended. Any applicable copayments, co-insurance, deductibles, or other similar payments, will be billed to the responsible party except as provided for herein.

(g) Billing Contractor: The Board of Supervisors may contract with a third-party for billing and related services.

(h) Ability to Pay Program:

(1) When any homeowner/automobile owner is billed for Fire Service or copayment pursuant to this Ordinance, and because of limited financial resources or assets, a procedure shall be established by the Department of Public Safety for such insured person and/or responsible party to apply for a reduction or waiver in the charge due.

(2) The Department of Public Safety shall establish an Ability to Pay scale and eligibility criteria for individuals who can demonstrate financial hardship.

(3) The Ability to Pay Program shall establish an equitable fee policy for those situations where the insured person and/or responsible party is/are unable to meet the Fire Service charge because of demonstrated financial hardship.

(4) An insured party and/or responsible party representing that there exists a financial hardship may submit information sufficient to determine such hardship. If it is determined that payment of the Fire Service Fees and Charges creates a financial hardship, charges due may be reduced or waived according to the scale by the Department of Public Safety.

(i) Collections: Billing and collection policies and services will be established by the Department of Public Safety. No Participating Agency will directly accept or receive payment for services rendered to a patient.

SEC. 11-85. RESERVED.

SEC. 11-86. DESTRUCTION OF EQUIPMENT.

The County may charge for all equipment damaged or destroyed at the scene of a Fire/EMS call and/or all supplies utilized in said activity.

SEC. 11-87. BILLING; USE OF FUNDS.

Billing for the fees imposed herein shall be managed by the Director of Public Safety, and all funds shall be returned to the Agency generating said funds and utilized by appropriation by the Board of Supervisors for the purchase, operation, repair, and maintenance of equipment, supplies, and training for Fire/EMS personnel.

SEC. 11-88. NON-DEPARTMENTAL EMS PROVIDER.

a) Permits:

(1) It shall be unlawful for any person or organization to provide emergency medical services, medical transportation, or operate vehicles for those purposes within the confines of the County for the emergency or nonemergency transportation of patients, without first being granted a permit by the Director of Public Safety, except when a Mutual Aid Agreement has been approved by the Director or pursuant to Mutual Aid arrangements authorized by statute and approved by the Director. The Director may issue such permits including conditions established by the Department. This requirement shall not apply to any EMS agency recognized by the County Code, any private ambulance service provider under contract with the County, or any hospital based private ambulance service provider operating from a hospital within the borders of the County.

(2) Permits shall expire one (1) year from the date of issuance unless renewed by the Director in accordance with regulations of the department. Fees for said permit shall be established by the Fire and Rescue Commission. Fees collected from said permits shall be used for the requirement and retention of Volunteer Fire and Rescue Members.

(3) The Director may decline to renew, revoke, or suspend any permit upon a finding that any conditions of the permit have been violated, that Federal, State, local laws, or regulations have been violated or that the public health, safety, or welfare is endangered by continued operation of the entity. Except in the case of a condition posing a danger to the public health or safety, no nonrenewal, revocation, or suspension action shall be taken by the Director prior to notice and reasonable time being given to the permittee for correction of the condition.

(4) Non-departmental applicants and providers shall provide to the Director any information and records requested during the course of the application or renewal process or during the effective period of any permit.

b) Procedure for Permit Applications:

(1) Any person or organization desiring a permit shall make application to the Director on a form prescribed by the Director.

(2) Each application shall include an explanation of the need for the services in the area to be served by the applicant, a complete description of the type of service proposed, evidence that the applicant is trained, equipped and otherwise qualified in all respects to render first-aid, emergency, and transportation services in the area indicated in the application, and certification or other information related to criminal and driving records of providers if required by the Director.

(3) Each permit application shall include any other information required by the Director and the applicant's notarized certification that all requisite State permits and certifications for its vehicles, operations, and personnel are current and that its operations, and personnel meet all applicable current Federal, State, and local requirements.

(4) Each applicant shall certify that no person who is to provide services is, or shall be, under the age of eighteen (18) years.

(c) Issuance and Administration:

(1) The Director shall consider each properly filed application. Should the Director find:

- i. That there is a need for the specified type of EMS within the County;
- ii. That the need will be properly served by the applicant; and
- iii. That the applicant and any employees or personnel of the applicant are properly trained and, equipped and otherwise qualified, the Director may issue a permit under such conditions as the director deems appropriate.

(2) Copies of all applications and all permits shall be retained by the Director, who shall be responsible for reviewing the permit prior to expiration and either renewing the permit or denying the renewal, or other action.

(3) The Director may suspend or revoke the permit of any permittee should it be found by the Director, upon investigation, that the permittee is not in compliance with Federal, State, or local laws, regulations, or conditions of the permit or that the continued operation poses a danger to public health, safety, or welfare.

(4) Except in the case of a condition posing a danger to the public health or safety, no revocation, nonrenewal, or suspension action shall be taken prior to written notice and reasonable time being given to the permittee for correction of the condition.

b) Penalty:

(1) Failure to comply with this section shall result in a \$1,000 civil fine for the first offense in a twelve (12) month period, a \$1,500 fine for the second offense in at twelve (12) month period and \$2000 fine for any subsequent violation(s) in a twelve (12) month period.

SEC. 11-89. - 90. RESERVED.

SEC. 11-91. PROVISION OF FIRE DEPARTMENT SERVICES AND EMERGENCY MEDICAL SERVICES AT PUBLIC EVENTS OR PRIVATE BUSINESSES OR PLACES OF PUBLIC ENTERTAINMENT.

a) The County Administrator is empowered to direct the Director of Public Safety to assign Fire and EMS personnel at public events or private businesses or places of public entertainment where the character of such public event or private business or public entertainment is, in the opinion of the Director of Public Safety, such as to make it advisable to have Fire and EMS personnel at the event.

b) The number of personnel assigned to such public event or private business or place of public entertainment shall be determined by the Director of Public Safety in coordination with the promoter or person in charge of such event, business, or place. The personnel assigned shall at all times be under the supervision of the Director of Public Safety, or his/her designee, and subject to the rules and regulations of the Public Safety Department.

c) Fees or charges for the use of Fire and EMS personnel and apparatus pursuant to this Section shall be in such amount as is prescribed by the Department. All such fees shall be paid in advance to the Director of Public Safety, and by him/her, paid over to the Director of Finance. All fees earned shall be directed back to the agency providing personnel and apparatus.

Approved by the BOS 9/17/2019.