

ORDINANCE 2016-1-21

**AN ORDINANCE REPEALING CHAPTER 15 OF THE CODE OF THE CITY OF HOPEWELL, VIRGINIA, 1981, AS AMENDED AND REPLACING IT WITH THE BELOW.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL:

That Chapter 15 of the Code of the City of Hopewell, Virginia, 1981, as amended, is hereby repealed and replaced with the following.

**Chapter 15 FIRE PREVENTION AND PROTECTION**

**ARTICLE I.**

**Sec. 15-1. Fire Chief**

The head of the fire department shall be the fire chief, who shall be appointed by the city manager.

**Sec. 15-2 Powers and duties of fire chief.**

A. The fire chief, under the general supervision of the city manager, shall be the commanding officer of the fire department and shall have the powers and perform the duties prescribed for his office by state law, the city charter, this code and other ordinances and resolutions of the city council, and he shall be responsible for the:

1. Administration, training, discipline and morale of the members of the fire department;
2. Maintenance and good care of the equipment and apparatus of the fire department; and
3. Efficient employment of personnel, equipment and apparatus of the fire department for the prevention and extinguishment of fires within the city.

**Sec. 15-3. Duties of fire chief during fire.**

- A. During a fire, the fire chief shall control all water plugs, maintain order among the firefighters and bystanders, preserve property, command the city police, note and report to the city manager all violations of the laws or city ordinances, and do all things necessary for the efficient operation of the fire department.
- B. 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

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 §§ ~~46.2-888~~ through ~~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;
5. cause an investigation to be made into the origin and cause of the incident; and
6. 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 Chapter 11 (§ ~~10.1-1100~~ et seq.) 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. 15-4. battalion chief and other officers; chain of command.**

- A. The battalion chief and other officers of the fire department shall have such powers and perform such duties as may be delegated to them by the fire chief. In the absence or disability of the fire chief, or the fire chief's designee, the battalion chief shall assume command of the fire department and exercise the powers and perform the duties of the fire chief.
- B. The chain of command shall descend from the fire chief through the battalion chief to the other officers and members of the fire department in such order as shall be prescribed in the department regulations.

- C. It shall be unlawful for any officer or other member of the fire department to refuse or neglect to obey any lawful order of a superior in the chain of command, and any person found guilty of a violation of this subsection shall be subject to a fine not to exceed \$100.

**Sec. 15-5. Powers and duties of fire department.**

The fire department and all members thereof shall have all the powers and perform all the duties prescribed for them, by the city charter, this chapter, and other ordinances and by state law, with particular reference to Article 1, Chapter 9, of Title 27 (the Statewide Fire Prevention Code Act) of the Code of Virginia, as may be amended from time to time.

**Sec. 15-6. Enclosure of fire scenes.**

The fire department and police officers of the city are hereby given the authority to stretch lines around any fire area, and no person shall be allowed within such enclosure except persons connected with the fire department or police department, or have permission from the fire chief, fire marshal, or officer in charge of the scene, and it shall be unlawful for any other person to pass within any area so enclosed.

**Sec. 15-7. Regulations.**

The city manager, in consultation with the fire chief as a representative of the members of the fire department, may from time to time promulgate and amend such regulations for the fire department, not inconsistent with state law, the city charter, this article or any other ordinance or resolution of city council, as may be deemed appropriate for the government of the fire department or to implement the provisions of this chapter. Such regulations shall be in full force and effect when approved by resolution of city council and a true copy thereof has been filed in the office of the city clerk, and another true copy has been filed in the office of the fire chief and is there made available to the members of the fire department during all regular business hours. It shall be unlawful for any member of the fire department to violate any regulation.

**Sec. 15-8. Department bylaws.**

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

- A. The fire chief or the fire chief's designee, shall be the fire marshal, per the requirements in the Code of Virginia and the Statewide Fire Prevention Code Act.
- B. The fire chief, or the fire chief's designee, shall be the fire official, per the requirements in the Code of Virginia and the Statewide Fire Prevention Code Act.
- C. Within the fire department, there shall be appointed, by the fire marshal, such deputies

and assistants as may be necessary. These deputies and assistants shall have the same powers and perform the same duties as the fire marshal, at the direction of or in the absence of the fire marshal. The fire marshal, and the fire marshal's deputies and assistants shall be responsible for the enforcement of the Statewide Fire Prevention Code Act, this chapter, and related laws of the city and state, and for the investigation and prosecution of all cases of alleged arson and other fire-related incidents suspected to involve criminality.

- D. In making such investigations, the fire marshal, and the fire marshal's deputies and assistants may summon witnesses to appear before the fire marshal, or the fire marshal's authorized designee, at such time and place as the fire marshal may direct. The city sheriff or any other officer to whom such summons is delivered shall forthwith execute it and make return thereof to the fire marshal, or the fire marshal's deputy or assistant, at the time and place named therein. Any witnesses on whom such summonses are served may be compelled by the fire marshal, or the fire marshal's deputy or assistant, to attend and give evidence and shall be liable in like manner as if the summonses had been issued in a criminal case. Witnesses shall be sworn by the fire marshal, or the fire marshal's deputy or assistant, before giving evidence. Such evidence shall be reduced to writing and subscribed by the fire marshal or the fire marshal's deputy or assistant, or other designee.
- E. The fire marshal, and the fire marshal's deputies and assistants, before beginning their duties, shall respectively take an oath, before any officer authorized to administer oaths to faithfully discharge their duties. A certificate of the oath shall be returned to and filed by the city clerk.
- F. The fire marshal, the fire marshal's deputies and assistants shall have the authority to arrest, and to procure and serve warrants of arrest, and to issue summons, in the manner authorized by general law, for violation of fire prevention and fire safety laws and related ordinances and laws of the city and state. The authority granted in this section shall not be exercised until such person has satisfactorily completed a training course for fire marshals and their assistants, which course shall be approved by the Virginia Fire Marshal Academy or its successor.
- G. The fire marshal and the fire marshal's deputies and assistants shall have the same police powers as a sheriff, police officer, or law enforcement officer. The investigation and prosecution of all offenses pursuant to Title 27 of the Code of Virginia, as amended, shall be the responsibility of the fire marshal or the fire marshal's designee. The investigation and prosecution of all offenses involving hazardous materials, fires, fire bombings, other bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, and possession and manufacture of fire bombs and other explosive devices and substances shall be the responsibility of the fire marshal or the fire marshal's designee. The police powers granted in this section shall not be exercised by the fire marshal or any deputy or assistant until such person has satisfactorily

completed a course designed for fire marshals with police powers, and approved by the Virginia Fire Marshal Academy, or its successor. In addition, such person with police powers shall continue to exercise those powers only upon participation in, and satisfactory completion of, in-service and advanced courses and programs as shall be required and approved by the Virginia Fire Marshal Academy, or its successor.

- H. The fire marshal, and the fire marshal's deputies and assistants shall have the authority to exercise the powers authorized by the Virginia Fire Prevention Code Act.

**Sec. 15-9. Right of entry to investigate releases of hazardous material, hazardous waste or regulated substances.**

The fire marshal , or the fire marshal's deputies and assistants shall have the right to enter upon any property from which a release of any hazardous material, hazardous waste or regulated substance, as defined in §§ 10.1-1400 (Virginia Waste Management Act - Definitions) or 62.1-44.34:8 (State Water Control Law - Definitions) of the Code of Virginia, as amended, has occurred or is reasonably suspected to have occurred and which has entered into the ground water, surface water, or soils of the city, in order to investigate the extent and cause of any such release. If, in undertaking such an investigation, the fire marshal, or the fire marshal 's deputy or assistant makes an affidavit under oath that the origin or cause of any such release is undetermined and that the fire marshal or the fire marshal 's deputies or assistants has been refused admittance to the property, or is unable to gain permission to enter the property, any magistrate of the city may issue an investigation warrant authorizing the fire marshal , or the fire marshal 's deputy or assistant to enter such property for the purpose of determining the origin and source of the release. If the fire marshal , or the fire marshal 's deputy or assistant, after gaining access to any property pursuant to such warrant, has probable cause to believe that the release was caused by an act constituting a criminal offense, the investigation should discontinue until a search warrant has been obtained or consent to conduct the search has otherwise been given.

**Sec. 15-10. Service fees for emergency ambulance transport.**

- A. Pursuant to Code of Virginia § 32.1-111.14 (Penalty for disobeying emergency medical services agency chief or other officer in command), it is hereby determined and declared that the exercise of the powers and duties set forth herein is 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. The following definitions shall apply to ambulance charges:

BASIC LIFE SUPPORT (BLS) — Services shall be medical treatment or procedures provided to a patient as defined by the National Emergency Medicine Services (EMS) Education and Practice Blueprint for the Emergency Medical Technician (EMT)-Basic.
ADVANCED LIFE SUPPORT LEVEL 1 (ALS-1) — Services shall be medical treatment or procedures provided to a patient beyond the scope of an EMT-Basic as defined by the National EMS Education and Practice Blueprint.
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: manual defibrillation/cardioversion, endotracheal intubation, central venous line, cardiac pacing, chest decompression, surgical airway, or intraosseous line, and the administration of three or more medications.
LOADED MILEAGE (LM) — Shall be assessed in statute mile from the location where the patient is picked up to a hospital or other facility where a patient is transported.

- C. The schedule of rates for emergency ambulance transport services by the city of Hopewell shall be as follows:

Service	Fee
Basic Life Support	\$450
Advanced Life Support – Level 1	\$550
Advanced Life Support – Level 2	\$750
Grant Transport Miles	\$10.00 per loaded mile in addition to transport charges

- D. The fire chief and the Hopewell Emergency Medical Services department are hereby authorized and directed to establish rules and regulations for the administration of the charges imposed by this section, including, but not limited to, a subscription program for city residents and payment standards for those persons who demonstrate economic hardship, as permitted by applicable law.

**Sec. 15-11. Participation by minors in volunteer fire company activities.**

Pursuant to the Code of Virginia § 40.1-79.1 (Local Ordinance Authorizing Participation in Volunteer Fire Company Activities), the city hereby authorizes any minor 16 years of age or older who resides in the Commonwealth of Virginia, and is a member of a volunteer fire company within the city, with parental or guardian approval, participate fully in all activities of such volunteer fire company, provided such minor has attained certification under National Fire Protection Association (NFPA) 1001 (Firefighter I and II), firefighter standards. The certification record and consent for each participant shall be filed in the office of the fire chief.

**Secs. 15-12 thru 15-19 Reserved.**

## **Article II. FIRE PREVENTION CODE**

### **Sec. 15-20. The Virginia Statewide Fire Prevention Code Act.**

The Virginia Statewide Fire Prevention Code Act, as adopted by the State Board of Housing and Community Development pursuant to § 27-97 (Adoption of Fire Prevention Code) of the Virginia Code, as amended, and insofar as not inconsistent with the laws of the state and the city, is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, is hereby incorporated as fully as if set forth herein. The city of Hopewell Board of Fire Prevention Code Appeals, as created by Sec. 15-23 of this code, shall constitute the city's local board of fire prevention code appeals

### **Sec. 15-21. Enforcement.**

The fire prevention code adopted by this article shall be enforced by the fire department. The fire chief may designate such members of the fire department as inspectors as may be necessary for the enforcement of such code. The fire chief may recommend to the city manager the employment of technical inspectors for enforcement of such code.

### **Sec. 15-22. Violations**

- A. Any person who violates any of the provisions of the fire prevention code adopted by this article, violates any order made thereunder, builds in violation of any detailed statement of specifications or plans approved thereunder, or any certificate or permit issued thereunder, from which no appeal has been taken, or who fails to comply with such order as affirmed or modified by the city manager or by a court of competent jurisdiction, within the time fixed therein, shall severally for each and every such violation and noncompliance respectively, be guilty of a class 1 misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
- B. The application of the above penalty shall not prevent the enforced removal of prohibited conditions.

### **Sec. 15-23. Establishment of a Board of Fire Prevention Code Appeals; membership; duration of terms; Chairman and Secretary**

- A. There is hereby created a city of Hopewell Board of Fire Prevention Code Appeals ("the Board"). The Board shall have the powers and duties specified in Section 112 (Appeals) of the Virginia Statewide Fire Prevention Code Act and any amendments thereto. The board shall follow the procedures and other provisions specified in Section 112 or any superseding section of the Virginia Statewide Fire Prevention Code.
- B. The Board shall consist of five members appointed by council. The Board members shall, to the extent possible, represent different occupations or professions involved in fire prevention or building construction. At least one member shall be an experienced

builder, and one member shall be a licensed professional engineer or architect. No employee or official of the city of Hopewell shall serve as a board member.

- C. Initially, one board member shall be appointed for a two-year term; two board members shall be appointed for three-year terms; and up to two board members shall be appointed for four-year terms. Thereafter, such term shall be for two years. City council may reappoint any members, and it shall fill by appointment any vacancy on the board for the duration of its unexpired term. Notwithstanding the terms herein, a board member may continue to serve until his predecessor is appointed.
- D. The board shall annually appoint one of its members as chairman. The administrative assistant to the fire chief, shall act as the board's secretary and shall perform those duties specified in Section 112, or any superseding section, of the Virginia Statewide Fire Prevention Code.

**Secs. 15-24 thru 15-40 reserved.**

### **ARTICLE III. FIRE CONTROL MEASURES**

#### **Sec. 15-41. Purpose of article.**

The fire control measures and regulations set forth in this article have been adopted for the purpose of controlling conditions which could impede or interfere with fire suppression forces.

#### **Sec. 15-42. Violations of article generally.**

Except as otherwise provided in other sections of this article, a violation of any provision of this article shall constitute a class 1 misdemeanor.

#### **Sec. 15-43. Interference with fire department operations.**

It shall be unlawful and a class 1 misdemeanor for any person to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or block the path of travel of, any fire department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any fire department operation.

#### **Sec. 15-44. Boarding or tampering with fire department emergency vehicles.**

No person shall, without proper authorization from the person in charge of any fire department emergency vehicle, cling to, attach himself to, climb upon or into, board or swing upon such vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereof, or manipulate or tamper with, or attempt to manipulate or tamper with, any levers, valves, switches, starting devices, brakes, pumps or any equipment or protective clothing on, or a part of, such vehicle.

#### **Sec. 15-45. Damaging or defacing fire department emergency vehicles; injuring department personnel.**

It shall be unlawful for any person to damage or deface, or attempt or conspire to damage or deface, any fire department emergency vehicle at any time, or to injure, attempt to injure or conspire to injure fire department personnel while performing departmental duties.

#### **Sec. 15-46. Location or relocation of fire hydrants; placement or replacement of water mains.**

The fire official shall recommend to the city manager the location or relocation of new or existing fire hydrants and the placement of new, or replacement of inadequate, water mains located upon public property and deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the fire official.

**Sec. 15-47. Fire hydrants and other protective measures for high hazard occupancies and uses.**

All new and existing ship yards, oil storage plants, lumber yards, amusement or exhibition parks, educational or institutional complexes and similar occupancies and uses involving high fire or life hazards, and which are located more than one hundred fifty (150) feet from a public street, or which require quantities of water beyond the capabilities of the public water distribution system, shall be provided with properly placed fire hydrants. Such fire hydrants shall be capable of supplying fire flows as required by the fire chief and shall be connected to a water system in accordance with accepted engineering practices. The fire chief shall designate and approve the number and location of such fire hydrants. The fire chief may require the installation of sufficient fire hose and equipment and may require the establishment of a trained fire brigade when the hazard involved requires such measures. Private hydrants shall not be placed into or removed from service until approved by the fire chief.

**Sec. 15-48. Damaging, obstructing, etc., fire hydrants and fire department connections generally.**

- A. It shall be unlawful for any person to obscure from view, damage, remove, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections that are located on public or private streets and access lanes or on private property.
  
- B. If, upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments prohibited by this section are not removed, the fire chief shall proceed to remove them. Removal costs shall be paid from the city treasury on certificate of the fire chief and with the approval of the city manager. The city attorney shall institute appropriate action for the recovery of such costs, which shall constitute a lien on the property.

**Sec. 15-49. Parking Near Fire Hydrants or Fire Lanes**

- A. Parking in a fire lane or within 15 feet of any fire hydrant will result in a \$200 fine and is a class 1 misdemeanor, and the vehicle will be subject to towing at the owner's expense.
  
- B. Fire lanes will be either painted yellow or will be posted with a "No Parking Fire Lane" sign. Parking in a fire lane is a violation of the Virginia Statewide Fire Prevention Code, and is a class 1 misdemeanor, and the vehicle will be subject to towing at the owner's expense.

**Sec. 15-50. Obstructing, removing, etc., fire hydrants or fire appliances required by fire prevention code.**

No person shall obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the fire prevention code adopted in this chapter, except for the purpose of extinguishing fire, training or testing

purposes, recharging or making necessary repairs or when permitted by the fire chief. Whenever a fire appliance is removed, as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and unapproved fire appliances or equipment shall be replaced or repaired as directed by the fire chief.

**Sec. 15-51. Open burning prohibited; exceptions**

- A. Except as otherwise provided in this section, no person shall ignite or maintain, or cause or permit to be ignited or maintained, any open fire on public property outside any building. Salvage, demolition operations, construction waste, or disposal of waste materials by burning is prohibited. Private property is regulated below.
- B. Exceptions.
  - 1. Open burning shall be prohibited other than for land clearing operations, conducted under authority of a permit issued by the fire official or the fire official's designee.
  - 2. Open burning, where permitted by this chapter, shall be constantly monitored until the fire is extinguished. Fire extinguishing equipment shall be available for immediate use.
- C. Violation of this section shall constitute a class 1 misdemeanor.

**Sec. 15-52. New construction.**

- A. All new construction with a truss roof shall have the letter "T" posted on the front of the building. Such letter shall be red in color and shall be no less than 12 inches in height, and 6 inches in width.
- B. All newly constructed and renovated/remodeled buildings will have a city fire hydrant installed within 50 feet of the fire department connection.
- C. Any new hydrant will be a city hydrant.
- D. The owner of the property and the owner's contractors or other agents shall jointly and severably be billed for noncompliance with this section, which noncompliance shall constitute a class 1 misdemeanor.

**Sec. 15-53. Fireworks and pyrotechnic displays prohibited; exceptions.**

- A. Except as otherwise provided in this section, it shall be unlawful for any person to transport, manufacture, assemble, store, sell, offer or display for sale, or to buy, use, possess, ignite or explode any firecracker, torpedo, sky rocket, or other substance or device that contains any explosive or flammable compound or substance, and is intended to be or commonly known as fireworks, and which has the capacity to explode,

rise into the air or travel laterally backward or forward, fire projectiles or discharge sparks into the air.

- B. The provisions of this section shall not be applicable to any organization or group of individuals which has been granted a permit by the fire official for the public or private display of fireworks or pyrotechnics, provided that such fireworks are stored, handled, transported and used in compliance with the terms and conditions of such permit. The provisions of this section shall not apply to sparklers when used or ignited by an adult or a minor under the supervision of an adult.
- C. The fire official or any law enforcement officer shall be authorized to seize, take, remove or cause to be removed, at the expense of the owner, all fireworks offered or exposed for display or sale, stored or held in violation of this section.
- D. Before the fire official issues any permit required by this section, the applicant for the permit shall submit evidence of liability insurance for the protection of persons and property from death, bodily injury and damage in an amount not less than \$1,000,000.00 or a greater amount if determined necessary by the city manager, and in a form satisfactory to the city attorney.
- E. Violation of any provision of this section shall constitute a class 1 misdemeanor.

## ARTICLE IV. FIRE ALARMS

### Sec. 15-54. Purpose

The purpose of this chapter is to regulate the use, operation and maintenance of alarm systems in order to reduce the number of false alarms, to promote the public health, safety and welfare, and to protect property in the city.

### Sec. 15-55. Definitions

For the purpose of this chapter, the following words and phrases shall have the following meanings:

- A. **alarm system** - a system or device that transmits a signal that indicated an occurrence or hazard requiring an emergency response at the protected premises. The term "alarm system" refers to all systems which are designed to attract the attention and response of city police or city fire and emergency medical services personnel, including, but not limited to, alarm bells, horns, siren and lights, which are either audible or visible beyond the lot lines of the protected premises.
- B. **alarm test** - a test of any alarm system designed to determine whether the system is working properly.
- C. **automated dialing device** - an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency that the alarm is designed to detect.
- D. **police chief** - the city of Hopewell police chief or designee.
- E. **fire chief** - the city of Hopewell fire chief or designee
- F. **false alarm** - an alarm signal that results in a response by police, fire or emergency medical services personnel that is not a result of actual or threatened criminal activity or other hazards. False alarms shall include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposely activated to summon the police or fire/EMS in nonemergency situations; and alarms for which the actual cause is not determined. False alarms shall not include signals activated by weather conditions, utility condition, or other causes which are identified and determined by the Police Chief, fire chief to be beyond the control of the owner.
- G. **hazard** - an event requiring urgent attention and to which police or fire/EMS personnel are expected to respond.

- H. **occurrence** - an unauthorized intrusion, attempted burglary, or other criminal activity at the protected premises.
- I. **permit holder** - the owner or tenant of residential, commercial or industrial premises upon which an alarm system has been placed for the purpose of detecting a hazard or occurrence requiring an emergency response.

**Sec. 15-56. Intentional false alarms.**

It shall be unlawful for any person without just cause to knowingly and willfully activate and alarm system causing a false alarm.

**Sec. 15-57. Alarm testing.**

Any contractor or certified alarm technician shall notify the city emergency communications center prior to any alarm testing. The same company shall notify the center once all testing is complete.

**Sec. 15-58. Permit required.**

- A. Every owner or tenant of residential, commercial or industrial premises protected by an alarm system within the city shall obtain, within 30 days of installation, a permit for the operation of the system. The permit application shall be made on forms available from the police department and shall include the following information:
  - 1. The applicant's name, address, home and business telephone number;
  - 2. The names, addresses and telephone number of the owners of any premises with an alarm system and the address and phone number of the premises themselves;
  - 3. The names, addresses and home and business telephone numbers of at least two persons who are to be contacted in the event of the activation of the alarm system, and who are authorized to secure the premises;
  - 4. A general description of the type of alarm system, including whether the system is audible or silent, and whether the system is monitored and by whom; and
  - 5. Any additional information required by the police chief.
- B. The fire marshal shall review the application for completeness and accuracy. If the application is satisfactory, the permit shall be issued.
- C. If the information required on the permit application changes, the person providing the original information shall notify the fire marshal of the change within 10 days of the change.
- D. A service fee of \$25 shall be assessed against the owner or tenant of any residential, commercial or industrial premises protected by an operative alarm system who has not obtained the required permit within the time limits set forth in this section. If a service fee is assessed, it must be paid before the permit will be issued. If the permit required

by the section is not obtained within 30 days after notification by the fire marshal, continued operation of the alarm system shall constitute a misdemeanor, punishable by a maximum fine of \$250.

- E. This permit requirement is intended to assist the police department and the fire department in the administration of the provisions of this chapter and shall not create any special duty between the city or its employees and members of the public with respect to any premises protected by an alarm system.

**Sec. 15-59. Failure to respond; failure to silence.**

- A. An owner or tenant of residential, commercial or industrial premises protected by an alarm system shall be assessed a civil penalty of \$100 if he or his designee fails to arrive at the protected premises within one hour of being notified in connection with an activation of the alarm system.
- B. An owner or tenant of residential, commercial or industrial premises protected by an alarm system which emits an audible signal loud enough to be heard by any other person outside the property shall be responsible for silencing such audible signal as soon as reasonably possible, but in all cases within 30 minutes of being notified in connection with an activation of alarm system. Any person failing to comply with this section shall be assessed a civil penalty of \$100.

**Sec. 15-60. Service fees.**

- A. The owner or tenant of any residential, commercial and industrial premises protected by an alarm system shall pay a service fee for false alarms originating from the protected premises. The service fee shall be due upon receipt of the bill and shall be payable to the city treasurer. The service fee shall be assessed for each false alarm during each calendar year as follows:
  - 1. First alarm; no charge
  - 2. Second alarm: \$50
  - 3. Third alarm: \$75
  - 4. Fourth alarm: \$100
  - 5. Fifth alarm: \$125
  - 6. Sixth and each subsequent false alarm: \$150

Failure to notify prior to alarm testing: \$150. The assessment of this \$150 fee precludes the assessment of a false alarm service fee for the same incident.

- B. Service fee shall not be charged for false alarms in premises owned, leased, occupied or under the control of the United States, the Commonwealth of Virginia, political subdivisions of the Commonwealth of Virginia, or any of their officers, agents or employees while they are acting or are employed in their official capacity.

**Sec. 15-61. Failure to pay service fees or civil penalties; revocation of permit**

- A. All service fees or civil penalties assessed by the fire marshal against the owner or tenant or residential, commercial or industrial premises protected by an alarm system shall be due and owing to the city Treasurer. If legal action is necessary to collect the service fees or civil penalties, the owner or tenant shall be required to pay a ten percent collection fee to the city and all court costs necessary to collect such fees or penalties.
  
- B. The failure of a permit holder to pay any service fee or civil penalty assessed under this chapter within 30 days after it is assessed shall constitute grounds for the revocation of an alarm system permit by the fire marshal. Any service fee or civil penalty remaining unpaid 30 days after it has been assessed shall be referred to the city Treasurer for collection. A late payment penalty of 10% or \$10, whichever is greater, shall be added to the account upon referral to the city treasurer. The city treasurer may attempt to collect any fee or penalty due by any method authorized in the Code of Virginia. Any city agency or department, including the finance department, may assist the city treasurer in collecting such fee or penalty. In addition, the treasurer may impose upon the permit holder an administrative charge to offset the cost of engaging in collection. Such administrative charge shall not exceed the maximum amount authorized by Code of Virginia, 58.1-3958 (Payment of administrative costs, etc.). The continued operation of an alarm system by the owner or tenant of premises protected by an alarm system after notification by first-class mail that the permit has been revoked shall constitute a misdemeanor, punishable by a maximum fine of \$250.
  
- C. An alarm permit that has been revoked may be reinstated by the fire marshal upon payment of all amounts owing.

**Sec. 15-62. Appeals.**

- A. Any person who believes that a service fee or civil penalty has been wrongfully assessed against him may appeal such assessment by submitting a letter to the fire chief within 10 days of receiving the bill. The letter shall contain the person's name, complete address and telephone number, the reasons for disputing the fee or assessment and any other written evidence which might justify a change in the assessment.
  
- B. The fire chief may consider the evidence presented and render a written decision within 10 days of his receipt of the appeal unless an extension has been agreed upon by both parties. The fire chief shall have the authority to waive or rescind, in whole or in part, a service fee or assessment there is insufficient evidence to fully support the imposition of the service fee or assessment.

- C. The fire chief may consider the following factors in reaching a determination on the appropriateness of a service fee or assessment:
1. Evidence of attempts by the person against whom the service fee is assessed to eliminate the cause of false alarms, such as:
    - i. Installation of new equipment
    - ii. Replacement of defective equipment
    - iii. Certified inspection and repair of the system by an alarm system technician
    - iv. Specific formal training of the alarm's users,
  2. Evidence that the false alarm was caused by unusually severe weather conditions
  3. Evidence that the false alarm was caused by the disruption of telephone or electrical circuits beyond the control of the alarm user or the user's monitoring company and that the cause of such disruption has been corrected.
  4. Evidence that the alarm system that caused the false alarm has been disconnected and removed from the protected premises.
- D. Nothing in this section shall be interpreted to require the waiver or rescission of the service fee or assessment in appeals that meet any or all of the above factors. Such factors are intended as guidelines only and shall not prevent the police chief, the fire marshal or fire chief from waiving or reducing service fees or assessments for any other reason.

**Sec. 15-63. Automated dialing devices.**

It shall be unlawful for any person to install, sell, lease, use, or cause or allow to be installed, sold, leased or used an automated dialing service or system which is set or programmed to make direct contact with the city's enhanced 911 emergency telephone system. All automated dialing devices shall be required to connect to an emergency seven-digit number designated by the city to the alarm user at the time of permit application.

**Sec. 15-64. Enforcement.**

The fire chief or fire marshal shall designate employees within the fire department who shall enforce the provisions of this chapter by issuing a notice or citation of violation.

## **ARTICLE V. SMOKE DETECTORS**

### **Sec. 15-65. Smoke detectors required.**

The owner or owners of the following structures or buildings shall install smoke detectors in such structures or buildings:

- A. Any building containing one or more dwelling units.
- B. Any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons.
- C. Rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

### **Sec. 15-66. Types of smoke detectors; method of installation.**

Smoke detectors installed pursuant to this article shall be either battery-operated or AC-powered units and shall be installed in conformance with the provisions of the Uniform Statewide Building Code ("USBC"). For single family residences, the smoke detectors must be located according to the USBC as was written at the time the house was built. However, if the property is renovated at any time after the initial installation of the smoke detectors, the smoke detectors must comply with the current code.

### **Sec. 15-67. Certificates, rented or leased units.**

The owner of any unit which is rented or leased, at the beginning of each tenancy and at least annually thereafter, shall furnish the tenant with a certificate that all required smoke detectors are present, have been inspected, and are in good working order.

### **Sec. 15-68. Tenants' and owners' interim responsibilities.**

Except for smoke detectors located in hallways, stairwells, and other public or common areas of multifamily buildings, interim testing, repair and maintenance of smoke detectors in rented or leased units shall be the responsibility of the tenant; however, the owner shall be obligated to service, repair or replace any malfunctioning smoke detectors within five days of receipt of written notice from the tenant that such smoke detector is in need of service, repair, or replacement. The tenant shall not remove or tamper with a properly functioning smoke detector installed by the landlord, including removing any working batteries, so as to render the detector inoperative. The tenant shall also not remove or tamper with a properly functioning carbon monoxide detector installed by the landlord, including removing any working batteries, so as to render the carbon monoxide detector inoperative.

### **Sec. 15-69. - Penalty for violation.**

Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be guilty of a class 3 misdemeanor.

The undersigned Acting Clerk of City Council for the City of Hopewell, Virginia certifies the foregoing ordinance was adopted by City Council on January 21, 2016.

**WITNESS** my signature and the seal of the City of Hopewell, Virginia, this 21<sup>st</sup> day of September, 2016.



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Hopewell City Clerk

SEAL