

ADOPTED

NOV 6 1989

ORDINANCE NO. 9A-3

**BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA**

AN ORDINANCE OF THE COUNTY OF JAMES CITY, VIRGINIA, PROVIDING FOR THE REPEAL OF SECTION 6-1 THROUGH SECTION 6-6 OF CHAPTER 6, FIRE PREVENTION, BY REPEALING AND REPLACING SAID SECTIONS WITH NEW SECTIONS 6-1 THROUGH 6-5.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Section 6-1 through Section 6-6 are hereby repealed and replaced by enacting and reordaining new Chapter 6, Fire Prevention and Protection, Article I. Fire Prevention Code, Section 6-1. Adoption of Virginia Statewide Fire Prevention Code; Section 6-2. Definitions; Section 6-3. Amendments; Article II. Smoke Detectors, Section 6-4, Definitions; and Section 6-5. Owner's responsibilities in residential buildings.

Chapter 6. Fire Prevention and Protection

Article I. Fire Prevention Code

Section 6-1. Adoption of Virginia Statewide Fire Prevention Code.

Pursuant to Section 27-97 of the Code of Virginia, the Virginia Statewide Fire Prevention Code is adopted by James City County, except as otherwise modified or amended in this Article, and the same is hereby incorporated fully by reference. This code shall be referred to in this chapter as the "Fire Prevention Code." The Fire Department shall enforce the Fire Prevention Code under the direction of the fire official.

Section 6-2. Definitions.

The following words and terms used in the Fire Prevention Code shall have the definitions ascribed to them in this section:

- (a) Jurisdiction shall mean the County of James City, Virginia.
- (b) Fire official shall mean the Fire Marshal of the County or his duly authorized representative.
- (c) Legal counsel of the jurisdiction shall mean the County Attorney or an attorney appointed by the Board of Supervisors to represent the County in legal matters.

Section 6-3. Amendments.

The Fire Prevention Code is hereby amended, modified and changed as set out in the following subsections of this section.

(1) Section F-104.2. Permits required is hereby amended to read as follows:

Permits shall be obtained, when required, from the fire official. Permits shall be available at all times on the premises designated in the permit for inspection of the fire official. Fees for such permits, and for inspections, shall be in such amounts as are from time to time established by resolution of the Board of Supervisors.

(2) Section F-105.1. Local appeals is hereby amended to read as follows:

(a) The James City County Building Board of Appeals is hereby constituted as, and shall serve as the James City County Fire Prevention Code Appeals Board.

(b) The chairman and secretary of the James City County Building Board of Appeals shall serve in that same capacity for the James City County Fire Prevention Appeals Board. A majority of the members of the Board shall constitute a quorum. The Board shall operate in accordance with the applicable provisions of the Administrative Process Act set forth in Section 9-6.14 of the Code of Virginia. All Board hearings shall be open to the public.

(c) The fire official shall provide clerical support to the Board within personnel and budgeting limits.

(d) Appeals to the Board may be made by any person aggrieved by any decision or interpretation of the fire official made under the provisions of this code. The Board shall meet within thirty (30) days of receipt of an appeal application by the Board.

(3) Section F-301.2. Allowable burning is hereby amended to read:

Open burning shall be allowed without prior notification to the fire official for recreational fires, highway safety flares, smudge pots and similar occupational needs, and the burning of leaves, twigs and household debris, except garbage, in small and contained quantities; provided, however, pursuant to Section 10.1-1142 of the Code of Virginia, that:

(a) It shall be unlawful for any owner or lessee of land to set fire to, or to procure another to set fire to, any woods, brush, logs, leaves, grass, debris, or other inflammable material upon such land unless he previously has taken all reasonable care and precaution, by having cut and piled the same or carefully cleared around the same, to prevent the spread of such fire to lands other than those owned or leased by him. It shall also be unlawful for any employee of any such owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass, debris, or other inflammable material, upon such land unless he has taken similar precautions to prevent the spread of such fire to any other land.

(b) During the period beginning March 1 and end ending May 15 of each year, even though the precautions required by the foregoing subsection have been taken, it shall be unlawful, in this county, for any person to set fire to, or to procure another to set fire to, any brush, leaves, grass, debris, or field containing dry grass or other inflammable material capable of spreading fire, located in or within three hundred feet of any woodland, brushland, or field containing dry grass or other inflammable material, except between the hours of 4:00 p.m. and 12:00 midnight.

The provisions of this subsection shall not apply to any fires which may be set on rights-of-way of railroad companies by their authorized employees.

(c) Any person who builds a fire in the open air, or uses a fire built by another in the open air, within one hundred and fifty feet of any woodland, brushland, or field containing dry grass or other inflammable material, shall totally extinguish the fire before leaving the area and shall not leave the fire unattended.

(d) Any person violating any of the provisions of subsections a), b), or c) of this section shall be guilty of a Class 3 misdemeanor for each separate offense.

(4) Section F-2700.2. Permit required is hereby amended to read:

A permit shall be obtained from the county administrator for the display or discharge of fireworks. Upon written application by an organization or association representing a fair or amusement park or by any organization or group of individuals to the county administrator, a permit may be issued for the display of fireworks provided that such display shall be held under proper supervision and at a location safe to persons and property. Such application shall be made at least 15 days in advance of the date of display or discharge of the fireworks, and shall include a description of the types of fireworks to be displayed and the location to be used to ensure the

safety of those in attendance. The permittee shall furnish a bond in the amount required by Section F-2701.2 of the Virginia Statewide Fire Prevention Code. A permit, when issued, shall be for a stated period. No such permit shall be issued by the county administrator to any organizations or association or group of individuals unless the county administrator is satisfied that the display will be held at an appropriate site. A member of the fire department shall prior to the issuance of such a permit inspect the scene for its appropriateness for the display of fireworks and make a recommendation to the county administrator. The county administrator or an authorized member of the fire department may revoke any such permit during the display if such is conducted in any manner not in keeping with the application or in compliance with this section, and the display shall thereupon be immediately stopped.

(5) Section F-2700.4. Definition is hereby amended to read:

Fireworks shall mean and include any item known as a firecracker, torpedo, skyrocket, or other substance or thing, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended, or commonly known, as fireworks and which explodes, rises into the air, or travels laterally, or fires projectiles into the air. The term "fireworks" shall also include pinwheels, sparklers, fountains or Pharaoh's serpents. The term "fireworks" shall not include auto flares or caps for pistols.

Article II. Smoke Detectors

Section 6-4. Definitions.

As used in this article, the following words and terms shall have the meanings respectively ascribed:

(a) Smoke detectors shall mean any mechanical device powered by batteries or alternating current capable of sensing visible or invisible particles of combustion and capable of sounding an audible alarm.

(b) Owner shall mean the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendor in possession, assignee of rents, receivers, executor, trustee, or other person, firm or corporation in control of a building.

(c) Dwelling unit shall mean any single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 6-5. Owner's responsibilities in residential buildings.

(a) The owner shall install smoke detectors in the following structures or buildings: (i) any building containing one or more dwelling units, (ii) any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons, and

(iii) rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations. Smoke detectors installed pursuant to this section shall be installed in conformance with the provisions of the Uniform Statewide Building Code. Smoke detectors may be either battery operated or AC powered units.

(b) 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.

A copy of all such certificates shall be available for inspection by the county building inspector, or his duly authorized representative.

(c) 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.


(d) Any building containing fewer than four dwelling units which was not in compliance with this section on July 1, 1984, shall be exempted from the requirements of this section until such time as that building or any dwelling unit therein is sold or rented to another person.

State law reference, Code of Virginia, Section 15.1-29.9.

Thomas D. Mahone

Thomas D. Mahone, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NORMENT	AYE
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
MAHONE	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 6th day of November, 1989.

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