

VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

CHAPTER 142

An Act to amend and reenact §§ 27-6.1 through 27-11, 27-14, 27-15.1, 27-15.2, 27-17, 27-17.1, 27-19, 27-20, 27-23.1 through 27-23.6 and 27-23.9 of the Code of Virginia, relating to fire protection and emergency medical services.

[H 1807]

Approved March 13, 2001

Be it enacted by the General Assembly of Virginia:

1. That §§ 27-6.1 through 27-11, 27-14, 27-15.1, 27-15.2, 27-17, 27-17.1, 27-19, 27-20, 27-23.1 through 27-23.6 and 27-23.9 of the Code of Virginia are amended and reenacted as follows:

§ 27-6.1. Establishment of fire/EMS department; chief, officers and employees.

The governing body of any city, town or county may establish as a department of government a fire/EMS department and may designate it by any name consistent with the names of its other governmental units. The head of such fire department shall be known as "the chief." As many other officers and employees may be employed in such fire/EMS department as the governing body may approve.

§ 27-7. Bylaws of fire/EMS department; compensation of officers and employees; information on check stubs, time cards, etc.

The governing body of any city, town or county may empower the fire/EMS department therein to make bylaws to promote its objects consistent with the laws of this Commonwealth and ordinances of the city, town or county, and may provide for the compensation of the officers and employees of such department.

All check stubs or time cards purporting to be a record of time spent on the job by a fire fighter *or emergency medical services personnel* shall record all hours of employment, regardless of how spent. All check stubs or pay records purporting to show the hourly compensation of a fire fighter *or emergency medical services personnel* shall show the actual hourly wage to be paid. Nothing in this section shall require the showing of such information on check stubs, time cards or pay records; however, if such information shall be shown, the information shall be in compliance with this section.

§ 27-8. Who may form a fire/EMS company; limit on number of persons in combined companies.

Any number of persons, not less than twenty, may form themselves into a company for extinguishing fires *or for performing emergency medical services, or both*. In any county in which two or more companies for extinguishing fires *or for performing emergency medical services* shall join together and singly use one fire/EMS station, the number of persons in the combined companies shall be not less than twenty. *The minimum number of persons required by this section shall only apply to the formation of a fire company.*

§ 27-8.1. Definitions.

"Emergency medical services personnel" means persons responsible for the direct provision of emergency medical or rescue services in a given medical emergency or emergency rescue including all persons who could be described as attendants, attendants-in-charge, or operators.

"Emergency medical services vehicle" means any vehicle, vessel, aircraft, or ambulance that holds a valid emergency medical services permit issue by the Office of Emergency Medical Services that is equipped, maintained or operated to provide emergency medical care or transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless.

A ~~"fire company"~~ is "Fire/EMS company" or "Fire/EMS department" means a volunteer fire-fighting or emergency medical services (EMS) organization organized pursuant to § 27-8 in any town, city or county of the Commonwealth, with the approval of the governing body thereof *consisting of fire fighters or emergency medical services personnel, or both*.

§ 27-9. Organization of company.

A writing stating the formation of such company, with the names of the members thereof thereto subscribed, shall be recorded in the court of the city or the court of the county wherein such fire company is. After which, the members of the company may make regulations for effecting its objects consistent with the laws of the Commonwealth, the ordinances of the city, town or county, and the bylaws of the fire/EMS department thereof. The principal officer of such fire company shall be known as "the chief."

§ 27-10. Dissolution of company.

Whenever the fire/EMS department of the city, town, or county to which any fire/EMS company belongs shall ascertain that such company has failed, for three months successively, to consist of twenty effective members *in the case of a fire company*, or ascertain that it has failed for the like period to have or keep in good and serviceable condition, an engine, hose, *emergency medical services vehicle*

and equipment and other proper implements, or the governing body of the county, city or town for any reason deems it advisable, such governing body may dissolve the company.

§ 27-11. Duty of members on alarm of fire or call of a medical emergency.

Every member of the company shall, upon any alarm of fire *or call of a medical emergency*, attend according to the ordinances of the city, town or county or the bylaws, rules or regulations of the fire/EMS department or the company's regulations, and endeavor to extinguish such fire *or assist in the medical emergency*.

§ 27-14. Ordinances as to fire/EMS departments, etc.

Such governing body may make such ordinances in relation to the powers and duties of fire/EMS departments, companies, chiefs and other officers as it may deem proper.

§ 27-15.1. Authority of chief or other officer in charge when answering alarm or operating at an emergency incident; penalty for refusal to obey orders.

While any fire/EMS department or fire/EMS company is in the process of answering an alarm or operating at an emergency incident where there is imminent danger or the actual occurrence of fire or explosion or the uncontrolled release of hazardous materials which threaten life or property and returning to the station, the chief or other officer in charge of such fire/EMS department or company at that time shall have the authority to: (i) maintain order at such emergency incident or its vicinity, (ii) direct the actions of the fire fighters *or emergency medical services personnel* at the incident, (iii) 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, (iv) facilitate the speedy movement and operation of emergency equipment and fire fighters *or emergency medical services personnel*, (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 fire fighter's *or emergency medical services personnel'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/EMS station. Any person or persons refusing to obey the orders of the fire chief or his deputies or other officer in charge at that time shall be 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 rescue squads 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 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/EMS department or ~~rescue workers~~ *fire fighters 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.

§ 27-15.2. Purchase, maintenance, etc., of equipment.

The governing body of every city, town or county shall have power to provide for the purchase, operation, manning and maintenance of suitable equipment for fighting fires *or performing emergency medical services* in or upon the property of the city, town or county and of its inhabitants, and to prescribe the terms and conditions upon which the same will be used for fighting fires *or performing emergency medical services* in or upon privately owned property. All equipment purchased after October 1, 1970, shall be equipped with threads of USA Standard B2.3, B2.4 of the American Standards Association.

§ 27-17. Entry of buildings on fire and premises adjoining.

The chief of any fire/EMS department, or company or other authorized officer in command at a fire *or medical emergency*, and his subordinates, upon his order or direction, shall have the right at any time of the day or night to enter any building or upon any premises where a fire *or medical emergency* is in progress, or any building or premises adjacent thereto for the purpose of extinguishing the ~~same~~ *fire or performing emergency medical services*.

§ 27-17.1. Remaining on premises after fire extinguished.

The chief or other authorized officer of any fire/EMS department or fire/EMS company in command at a fire *or medical emergency*, and his subordinates upon his order or direction, shall have the right to remain at the scene of fire *or medical emergency*, including remaining in any building or house, for purposes of protecting the property and preventing the public from entry into the ~~damaged~~ premises, until such reasonable time as the owner may resume responsibility for the protection of the property.

§ 27-19. Penalty for disobeying chief or other officer in command.

If any person at a fire *or medical emergency* ~~refuse or neglect~~ *refuses or neglects* to obey any order duly given by the chief or other officer in command, he shall, upon conviction of such offense, be fined not to exceed \$100.

§ 27-20. Destruction of property to prevent spread of fire.

The chief, or other officer commanding in his absence, may direct the pulling down or destroying of any fence, house, or other thing which he may judge necessary to be pulled down or destroyed, to prevent the further spreading of ~~the~~ a fire, and for this purpose may require such assistance from all present as he shall judge necessary.

§ 27-23.1. Establishment of fire/EMS zones or districts; tax levies.

The governing bodies of the several cities or counties of this Commonwealth may create and establish, by designation on a map of the city or county showing current, official parcel boundaries, or by any other description which is legally sufficient for the conveyance of property or the creation of parcels, fire/EMS ~~or rescue~~ zones or districts in such cities or counties, within which may be located and established one or more fire/EMS departments and/or ~~rescue~~ squads, to be equipped with apparatus for fighting fires and protecting property and human life within such zones or districts from loss or damage by fire, illness or injury.

In the event of the creation of such zones or districts in any city or county, the city or county governing body may acquire, in the name of the city or county, real or personal property to be devoted to the uses aforesaid, and shall prescribe rules and regulations for the proper management, control and conduct thereof. Such governing body shall also have authority to contract with, or secure the services of, any individual corporation, organization or municipal corporation, or any volunteer fire fighters *or emergency medical services personnel* for such fire or ~~rescue~~ *emergency medical services* protection as may be required.

To raise funds for the purposes aforesaid, the governing body of any city or county in which such zones or districts are established may levy annually a tax on the assessed value of all property real and personal within such zones or districts, subject to local taxation, which tax shall be extended and collected as other city or county taxes are extended and collected. In any city or county having a population between 25,000 and 25,500, the maximum rate of tax under this section shall be 30/c on the \$100 of assessed value.

The amount realized from such levy shall be kept separate from all other moneys of the city or county and shall be applied to no other purpose than the maintenance and operation of the fire/EMS departments and ~~companies rescue~~ squads established under the provisions of this section.

§ 27-23.2. Advances by city or county to fire/EMS district.

The governing body of any city or county in this Commonwealth may advance funds, not otherwise specifically allocated or obligated, from the general fund to a fire/EMS district to assist the fire district to exercise the powers set forth in § 27-23.1.

§ 27-23.3. Reimbursement for advances.

Notwithstanding the provisions of any other law, the governing body shall direct the treasurer to reimburse the general fund of the city or county from the proceeds of any funds to the credit of the fire/EMS district, not otherwise specifically allocated or obligated to the extent that the city or county has made advances to the fire/EMS district from such general fund to assist the district to exercise the powers set forth in § 27-23.1.

§ 27-23.4. Validation of prior advances.

The advancement of any funds heretofore advanced from the general fund by the governing body of any city or county in this Commonwealth for the benefit of a fire/EMS district in exercising the lawful powers of such fire/EMS district is hereby validated and confirmed.

§ 27-23.5. Exclusion of certain areas from fire/EMS districts and exemption of such areas from certain levies.

The governing body of any city or county having a fire/EMS district created under the provisions of § 27-23.1, prior to June 1 of any calendar year, may alter the boundaries of such fire/EMS district for the purpose of excluding an area of any such fire/EMS district which is also within the boundaries of a sanitary district providing fire protection *or emergency medical services* or under contract to a sanitary district providing fire protection *or emergency medical services*.

Any area excluded from a fire/EMS district as provided by this section shall not be subject to the levy set forth in § 27-23.1 for the year such area is excluded.

§ 27-23.6. Provision of fire-fighting and emergency medical services.

A. Any county, city or town may contract with or provide for any volunteer fire-fighting or *emergency medical services* ~~rescue~~ companies or associations in the county, city or town for the fighting of fire or provision of *emergency medical* ~~rescue~~ services in any county, city or town. If such provisions are made by the county, city or town, the fire-fighting or *emergency medical services* ~~rescue~~ company shall be deemed to be an instrumentality of the county, city or town and as such exempt from suit for damages done incident to fighting fires or providing *emergency medical* ~~rescue~~ services therein. The county, city or town may elect to provide for the matters authorized in §§ 27-4 and 27-39.

B. Any county, city or town may provide fire-fighting and *emergency medical* ~~rescue~~ services to its citizens by using both government-employed and volunteer company or association firefighters and *emergency medical services personnel* ~~rescuers~~. If such a system is utilized, the volunteer fire-fighting and *emergency medical services* ~~rescue~~ companies and associations shall be deemed an instrumentality of the county, city or town, and as such exempt from suit for damages done incident to providing

fire-fighting and *emergency medical* ~~rescue~~ services to the county, city or town. The county, city or town may also elect to provide for matters authorized in §§ 27-4 and 27-39.

§ 27-23.9. Supervision and control of joint services of fire/EMS companies or departments.

Whenever two or more fire/*EMS* companies or departments are called to provide joint services in any district or political subdivision, the commander of the first company to arrive shall have general supervision and control of all such participating companies and departments until an officer of such district or political subdivision who is otherwise authorized by law to do so shall assume such general supervision and control.