

Chapter 8

FIRE PROTECTION AND PUBLIC SAFETY.

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Chapter 8

FIRE PROTECTION AND PUBLIC SAFETY.¹**Sec. 8-1. Fire companies.**

All fire companies organized and operating within the county shall be subject to the approval of the board of supervisors in accordance with Title 27, chapter 2, article 1 of the Code of Virginia. Any approval heretofore granted for a fire company shall remain in effect; provided, however, that no such approval shall be deemed to relieve any such company of the continuing duty of compliance with the provisions of Title 27, chapter 2, article 1 of the Code of Virginia.

Sec. 8-2. Regulations governing use of county fire trucks.

Fire trucks owned by the county shall be used for emergency use only with the following exceptions:

- (1) Parades within the county and the town of Scottsville;
- (2) Fire training purposes;
- (3) Driver training;
- (4) Cleaning landfill equipment;
- (5) Wet down of public areas and ballfields for county sanctioned functions;
- (6) Other uses deemed necessary by the county administrator or county fire chief.

Private use of such fire trucks is prohibited. Examples of such excluded uses are:

- (1) Filling of private swimming pools;
- (2) Filling baptismal pools;
- (3) Pumping out private basements. (Comp. 1974, ch. 8; Ord. 5-15-85)

¹For state law as to forest wardens and fires generally, see Code of Va., § 10.1-1135 et seq. As to smoke detectors in certain buildings, see Code of Va., § 15.1-29.9. As to Line of Duty Act, see Code of Va., § 2.1-133.5 et seq. As to arson and related crimes, see Code of Va., § 18.2-77 et seq. As to fire protection generally, see Code of Va., § 27.1-1 et seq.

Sec. 8-3. Official safety program.²

Pursuant to the authority contained in sections 2.1-133.5 *et seq.* of the Code of Virginia the following official safety program of the county is hereby established.

The official safety program of this county shall be carried into effect by the following organizations or departments whose membership shall be deemed to be an integral part of the safety program of this county:

(a) The sheriff's department, together with all its law enforcement personnel.

(b) The Fluvanna County Volunteer Fire Department, Inc., at present consisting of Fork Union Volunteer Fire Company, Kents Store Volunteer Fire Company, Palmyra Volunteer Fire Company; and the Lake Monticello Fire Department;

(c) The Fluvanna Rescue Squad, Inc., at present consisting of Kents Store Rescue Squad, Fork Union Rescue Squad and Palmyra Rescue Squad; and the Lake Monticello Rescue Squad;

(d) All other law enforcement personnel of the county not included in (a) above. (Min. Bk. 7, p. 169; Comp. 1974, ch. 8; Ord. 2-3-75; Ord. 5-2-83)

Sec. 8-4. Certification of firefighters aged 16 years and older.³

A. Any person residing anywhere in the Commonwealth, aged 16 years or older, who is a member of a volunteer fire company within the County with parental or guardian approval, is hereby authorized (i) to seek certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs; and (ii) to work with or participate fully in all activities of such volunteer fire company, provided such person has attained certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs. No person who achieved certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, on or before January 1, 2006, between the ages of 15 and 16, shall be required to repeat the certification after his sixteenth birthday.

²For state law as to the Line of Duty Act, see Code of Va., § 2.1-133.5 *et seq.*

³ For state law as to participation of children in activities of a volunteer fire company, see Code of Virginia Sections 40.1-79.1 and 40.1-100.

B. Any trainer or instructor of such persons mentioned in subsection A of this section and any member of a paid or volunteer fire company who supervises any such persons shall be exempt from the provisions of Virginia Code § 40.1-103, provided that the provisions of § 40.1-100 have not been violated, when engaged in activities of a volunteer fire company, and provided that the volunteer fire company or the governing body of the County has purchased insurance which provides coverage for injuries to or the death of such persons in their performance of activities under this section.

C. Children aged 16 years or older may participate in all activities of a volunteer fire company; provided, however, that no person under the age of 18 years shall enter a burning structure or a structure which contains burning materials prior to obtaining certification under National Fire Protection Association 1001, level one, fire fighter standards, pursuant to the provisions of subsection A. of this section, except where entry into a structure that contains burning materials is during training necessary to attain certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs. (Ord. 4-16-08)

Sec. 8-5. Disposal of unclaimed personal property in the possession of the Sheriff.

Any unclaimed personal property which has been in the possession of the Sheriff and unclaimed for a period of more than sixty days may be (i) sold at public sale in accordance with the provisions of this section or (ii) retained for use by the Sheriff. As used herein, "unclaimed personal property" shall be any personal property belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.). Unclaimed bicycles and mopeds may also be disposed of in accordance with Virginia Code § 15.2-1720, and unclaimed firearms may also be disposed of in accordance with Virginia Code Sec. 15.2-1721.

Prior to the sale or retention for use by the Sheriff of any unclaimed item, the Sheriff or his duly authorized agents shall make reasonable attempts to notify the rightful owner of the property, obtain from the attorney for the Commonwealth in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the County once a week for two successive weeks, notice that there will be a public display and sale of unclaimed personal property. Such property, including property selected for retention by the Sheriff, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The Sheriff or his duly authorized agents shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by such officer for the owner and paid

to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the Sheriff shall become the property of the County and shall be retained only if, in the opinion of the Sheriff, there is a legitimate use for the property by the Sheriff and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

If no claim has been made by the owner for the property or proceeds of such sale within sixty days of the sale, the remaining funds shall be deposited in the general fund of the County and the retained property may be placed into use by the Sheriff. Any such owner shall be entitled to apply to the County within three years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the County shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three years from the date of the sale. (Ord. 11-18-09)