

ORDINANCE

No. 003-16

At the Regular Meeting of the Town Council of the Town of Onley held on October 3, 2016, the following Ordinance was unanimously adopted:

ADOPTION OF SECTION 27-94 *et seq.* (Statewide Fire Prevention Code) of Code of Virginia. The Virginia Statewide Fire Prevention Code as set forth in Section 27-94 *et seq.* of the Code of Virginia shall be enforced in the Town of Onley. Except as specifically modified by this Ordinance, all the provisions and requirements of the Statewide Fire Prevention Code, are hereby adopted, *mutatis mutandis*, and made part of this Ordinance as if fully set forth and shall be known as the Town of Onley Fire Prevention Code. No person within the Town shall violate or fail, neglect or refuse to comply with any provision of the Fire Prevention Code and in no event shall the penalty imposed for the violation of any provision or requirement adopted herein exceed the penalty imposed for a similar offense under such Section 27-94 *et seq.* of the Code of Virginia of 1950, as amended.

ENFORCEMENT; APPOINTMENT OF FIRE OFFICIAL. Through agreement, the Accomack County Fire Inspector is appointed as the Town of Onley's fire official, who shall be responsible for the enforcement of the Fire Prevention Code. The duties of such fire official shall include investigation into the origin and cause of every fire and explosion occurring within the limits for which he/she is appointed. The investigation and prosecution of all offenses involving hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances and fire bombs and environmental crimes shall be the responsibility of the fire official, his/her designee and legal counsel. As used herein, the terms "fire official", "enforcing agency" and "code official" shall refer to the Accomack County Fire Inspector for the purposes of this Ordinance.

POWERS; OFFICE OF THE FIRE OFFICIAL.

(a) The fire official and all duly appointed assistants shall be authorized to order immediate compliance with the provisions of this Ordinance and to exercise all powers authorized hereunder.

(b) In addition to such other duties as may be prescribed by law, the fire official and those assistants appointed pursuant to Section 27-36 of the Code of Virginia designated by the fire official 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 offenses, and 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 official or any assistant until such person has satisfactorily completed a course for fire officials with police powers, which course shall be approved by the Virginia Fire Services Board. In addition, the fire official 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 official and his assistants, before entering upon their duties, shall respectively take an oath, pursuant to Code of Virginia, Title 27-37.

ENFORCEMENT PROCEDURES; AUTHORITY. The enforcement procedures of this Ordinance shall be instituted by the fire official and administered in accordance with this Ordinance.

ADMINISTRATION. The fire official shall establish such procedures or requirements as may be necessary for the administration and enforcement of this Ordinance.

VIOLATIONS. It shall be unlawful for any owner or any other person, firm, or corporation, on or after the effective date of the Fire Prevention Code, to violate any provisions thereof. Any such violation shall constitute a Class 1 misdemeanor and any owner, or any other person, firm, or corporation convicted of such violation shall be subject to punishments set forth in the Town of Only ordinance for the classification of misdemeanors. Each separate incident may be considered a new violation.

SMOKE DETECTORS IN CERTAIN BUILDINGS. In accordance with the authorities specified in Section 15.2-922 of the Code of Virginia, smoke detectors shall be installed in the following structures or buildings:

- (a) Any building containing one or more dwelling units,
- (b) Any hotel or motel regularly used or offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons, and,
- (c) 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 shall be either battery operated or AC powered 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. 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. The owner of any unit which is rented or leased 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.

Nothing in this section shall excuse any owner for the required buildings from compliance with all other applicable provision of the Virginia Uniform Statewide Building Code or Town of Only ordinances pertaining to buildings and building regulations.

LOCAL BOARD OF FIRE PREVENTION CODE APPEALS. The Town of Onley Building Code and Appeals Board shall be designated as the Appeals Board to hear grievances arising from the application of the Fire Prevention Code.

PERMITS. Fire Prevention Code Operational Permits may be required by the fire official as permitted under the Statewide Fire Prevention Code. The application process and issuance of permits

will be in accordance with the Accomack County Fire Prevention Operational Permit Fee Schedule. All such permits requiring the payment of a fee, shall be issued by the fire official or his designated agent.

FIRE PREVENTION OPERATIONAL PERMIT FEE SCHEDULE. The Town of Onley adopts the Accomack County fire prevention operational permit fee schedule and incorporated requirements and definitions.

The Provisions hereof, as adopted shall be effective October 3, 2016. As of the effective date hereof, said adoption shall replace all Ordinances dealing with the same subject matter previously adopted.




Jack Pierson, Mayor

Attest:

Jamye Salazar, Clerk/Treasurer

I certify that the foregoing is a true copy of an ordinance adopted on October 3, 2016 by the Onley Town Council.



Jamye Salazar, Clerk/Treasurer

- Dize yes
- Hart yes
- Finney yes
- Rillo yes
- Zember yes
- Bliss yes