

CONSENT AGENDA

Chapter 15 FIRE PREVENTION AND PROTECTION

ARTICLE I. IN GENERAL

~~Sec. 15-1. Allowing intentionally set fire to escape to, and damage or jeopardize, another's property.~~

~~Any person who intentionally sets or procures another to set fire to any woods, brush, leaves, grass, straw or any other inflammable substance capable of spreading fire, and who intentionally allows the fire to escape to lands not his own, whereby the property of another is damaged or jeopardized, shall be guilty of a Class 1 misdemeanor, and shall be liable for the full amount of all expenses incurred in fighting the fire.~~

~~State law reference: Similar provisions, Code of Virginia, § 18.2-87.~~

~~Sec. 15-2. — Setting fire to woodland, grassland, etc., which damages or jeopardizes another's property.~~

~~If any person carelessly, negligently or intentionally sets any woods or marshes on fire, or sets fire to any stubble, brush, straw or any other substance capable of spreading fire on lands, whereby the property of another is damaged or jeopardized, he shall be guilty of a Class 4 misdemeanor, and shall be liable for the full amount of all expenses incurred in fighting the fire.~~

~~State law reference: Similar provisions, Code of Virginia, § 18.2-88.~~

~~Secs. 15-3 - 15-19. Reserved.~~

~~CODE CITY OF HOPEWELL, VIRGINIA (1981)~~

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~~ARTICLE II. FIRE PREVENTION CODE~~

~~Sec. 15-20. Amendment (warming fires).~~

~~The fire prevention code adopted by this article is hereby amended to add Section F-302.2.1. to read as follows:~~

~~"F-302.2.1. Exceptions: Warming fires of outdoor workers do not require a permit; however, sections F-301.3 through 301.6 must be complied with. Outdoor warming fires shall be in a container, such as a barrel with a screen top."~~

~~(Ord. No. 85-21, 1-21-86)~~

~~Sec. 15-21. Adopted.~~

~~Pursuant to section 27-97 of the Code of Virginia, and insofar as not inconsistent with the laws of the state and the ordinances of the city, there is hereby adopted by the city council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Virginia Statewide Fire Prevention Code, being particularly the code, including all future amendments thereto, as adopted and promulgated by the board of housing and community development, and the same is hereby adopted and incorporated as fully as if set out at length herein and the provisions thereof shall be controlling within the city. The board of building code and fire prevention code appeals, created by section 11-31 of this Code, shall constitute the city's local board of fire prevention code appeals.~~

~~(Ord. No. 2004-16, 6-8-2004)~~

~~Sec. 15-22. Definitions.~~

~~Whenever the bracketed phrase "[name of jurisdiction]" shall be found in the code adopted by this article, the words "City of Hopewell" shall be substituted therefor. The term "fire official," as defined in section F-102.1 of such code and wherever else found therein shall mean the chief of the fire department or his designated representative. The terms "legal officer" or "legal counsel," when used in such code, shall mean the city attorney. The term "educational use" shall include public or private schools, child day care centers, adult care centers, or any other similar use.~~

~~(Ord. No. 85-21, 1-21-86)~~

~~Sec. 15-23. Reserved.~~

~~Editor's note: Ord. No. 95-30, adopted Sept. 26, 1995, repealed § 15-23, pertaining to penalty~~

| ~~for violations as derived from the Code of 1963, § 16-14.~~

~~Sec. 15-24. Availability of copies.~~

~~Copies of the fire prevention code adopted by this article may be obtained during regular business hours at the office of the building official.~~

~~Sec. 15-25. Enforcement.~~

~~(a) — The fire prevention code adopted by this article shall be enforced by the chief of the fire department or his duly authorized representative.~~

~~(b) — The chief of the fire department may designate such members of the fire department as inspectors, and to be his duly authorized representatives for inspections, as shall from time to time be necessary to secure the proper enforcement of the fire prevention code adopted by this article.~~

~~Sec. 15-26. Annual report; recommendations of amendments.~~

~~A report of the fire department shall be made annually and transmitted to the city manager. Such report shall contain all proceedings under the fire prevention code adopted by this article, with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department shall also recommend any amendments to the fire prevention code, which in his judgment, shall be desirable.~~

~~Sec. 15-27. Modifications.~~

~~The chief of the fire department may modify any of the provisions of the fire prevention code adopted by this article, upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of such fire prevention code; provided that, the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.~~

~~Sec. 15-28. New materials, processes or occupancies which require permits.~~

~~The city manager and the chief of the fire department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the fire prevention code adopted by this article. The chief of the fire department shall post~~

~~such list in a conspicuous place in his office, and distribute copies thereof to interested persons.~~

~~Sec. 15-29. Amendment (frequency of fire drills).~~

~~Subsection F-703.2 of the fire prevention code adopted by this article is hereby amended to read as follows:~~

~~"F-703.2 Frequency: In educational uses, fire drills shall be held at least once a week during the first month of each session in order that pupils and users may be thoroughly practiced in such drills and at least once a month thereafter, and at least once every three (3) months on each work shift in institutional uses."~~

~~(Ord. No. 85-21, 1-21-86; Ord. No. 95-32, 9-26-95)~~

~~Secs. 15-30-15-40. Reserved.~~

~~CODE CITY OF HOPEWELL, VIRGINIA (1981)~~

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ARTICLE III. FIRE CONTROL MEASURES*

Sec. 15-41. Definition.

~~As used in this article, the term "fire chief" shall mean the chief of the fire department or his duly authorized representative.~~

Sec. 15-42. 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. (Ord. No. 79-17, § 16-21, 5-22-79)~~

Sec. 15-43. 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. 15-44. Authority of fire chief at fires and other emergencies.

~~(a) — The fire chief or any duly authorized representative in charge at the scene of a fire or other emergency involving the protection of life or property is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty. The fire chief may prohibit any person, vehicle or object from approaching the scene and may remove or cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operations of the fire department. The fire chief may remove or cause to be removed any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not reenter the area until authorized to do so by the fire chief.~~

~~(b) — Any person violating any provision of this section shall be guilty of a Class 4 misdemeanor.~~

~~(Ord. No. 79-17, § 16-22, 5-22-79)~~

~~Cross references: Authority of fire department officials to direct the traffic at scene of fire, § 22-16; driving near scene of fire, § 22-306.~~

~~*Editor's note: The provisions of this article are recommended for adoption by local governments in Appendix D to fire prevention code adopted in article II of this chapter.~~

~~Sec. 15-45. Interference with fire department operations.~~

~~It shall be unlawful and a Class 4 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.~~

~~(Ord. No. 79-17, § 16-23, 5-22-79)~~

~~Cross references: Driving near scene of fire or over fire hose, §§ 22-306, 22-307; obstructing members of rescue squad, § 25-7.~~

~~State law reference: Interference with emergency rescue squad, Code of Virginia, § 18.2-414.1.~~

~~Sec. 15-46. Compliance with commands of fire chief; interference with compliance by others.~~

~~(a) No person shall willfully fail or refuse to comply with any lawful order or direction of the fire chief or interfere with the compliance attempts of another individual.~~

~~(b) Any person violating any provision of this section shall be guilty of a Class 4 misdemeanor.~~

~~(Ord. No. 79-17, § 16-24, 5-22-79)~~

~~Sec. 15-47. 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. (Ord. No. 79-17, § 16-29, 5-22-79)~~

~~Cross reference: Tampering with vehicles generally, § 25-37.~~

~~State law reference: Similar provisions, Code of Virginia, §§ 18.2-146, 18.2-147.~~

~~Sec. 15-48. 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.
(Ord. No. 79-17, § 16-30, 5-22-79)~~

~~Cross-reference: Damaging vehicles generally, § 25-37.~~

~~State law references: Damaging property of others generally, Code of Virginia, § 18.2-137; assault and battery, § 18.2-57.~~

~~Sec. 15-49. Location or relocation of fire hydrants; placement or replacement of water mains.~~

~~The fire chief 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 chief.
(Ord. No. 79-17, § 16-34, 5-22-79)~~

~~Sec. 15-50. 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 housed in accordance with the approved rules 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.
(Ord. No. 79-17, § 16-35, 5-22-79)~~

~~Sec. 15-51. Permit to use fire hydrants.~~

~~No person shall use or operate any fire hydrant intended for use of the fire department for fire suppression purposes, unless he first secures a permit for such use from the fire chief and the water company having jurisdiction. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the water company having jurisdiction.~~

~~{Ord. No. 79-17, § 16-33, 5-22-79}~~

~~Sec. 15-52. 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 the same. Costs incurred in the performance of necessary work 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.~~

~~{Ord. No. 79-17, § 16-32, 5-22-79}~~

~~Cross reference: Parking near fire hydrants, § 22-447(a)(4).~~

~~Sec. 15-53. 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 nonapproved fire appliances or equipment shall be replaced or repaired as directed by the fire chief.~~

~~{Ord. No. 79-17, § 16-36, 5-22-79}~~

~~Sec. 15-54. Sale, trade, etc., of fire extinguishers.~~

~~No person shall sell, trade, loan or give away any form, type or kind of fire extinguisher which is not approved by the fire chief, or which is not in proper working order or the contents of which do not meet the requirements of the fire chief. The requirements of this section shall not apply to the sale, trade or exchange of obsolete or damaged equipment for junk, when such units are permanently disfigured or marked with a permanent sign identifying the unit as junk.~~

~~(Ord. No. 79-17, 5-16-37, 5-22-79)~~

~~CODE CITY OF HOPEWELL, VIRGINIA (1981)~~

~~www.HopewellVa.net Fire Chief~~

~~The head of the Fire Department shall be the Fire Chief and shall be appointed by the City Manager.~~

Sec. 15-2 Powers and duties of Chief.

1. The Chief of the Fire Department, 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:
 - a. Administration, training, discipline and morale of the members of the Fire Department;
 - b. Maintenance and good care of the equipment and apparatus of the Fire Department; and
 - c. Efficient employment of personnel, equipment and apparatus of the Department for the prevention and extinguishment of fires within the City.

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

During a fire, the chief of the fire department 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 department, under the general direction of the city manager.

Sec. 15-4. Battalion Chief and other officers; chain of command.

1. 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 Chief of the Fire Department. In the absence or disability of the Chief of the Fire Department, the Battalion Chief or the Fire Chief's designee shall assume command of the Department and exercise the powers and perform the duties of the Chief.
2. The chain of command shall descend from the Chief through the Battalion Chief to the

other officers and members of the Department in such order as shall be prescribed in the department regulations.

3. It shall be unlawful for any officer or other member of the Fire Department to refuse or neglect to obey any lawful order of his superior in the chain of command, and any person found guilty of a violation of this subsection shall be fined not to exceed \$100.

State law reference: Code of Virginia, § 27-19.

Sec. 15-5. Powers and Duties of Department.

The Fire Department and all members thereof shall have all the powers and perform all the duties prescribed for them, respectively, by the City Charter, this chapter and other ordinances and by state law, with particular reference to Article 1, Chapter 2, of Title 27 of the Code of Virginia (§ 27-6.1 et seq.).

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 this enclosure except persons connected with the Fire or Police Department of the city, City officials, persons holding passes signed by authority of the Chief of the Fire Department and the owners or occupants of the buildings so enclosed, and it shall be unlawful for any other person to pass within any area so enclosed.

Sec. 15-7. Rules and Regulations.

The City Manager, in consultation with the Chief of the Fire Department as a representative of the members of the Department appointed by the members, may from time to time promulgate and amend such regulations for the Fire Department, not inconsistent with state law, the City Charter, this chapter or any other ordinance or resolution of the 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 the City Council and a true copy thereof has been placed on file in the office of the City Clerk and another true copy thereof has been placed on file in the office of the Chief of the Fire Department and is there made available to the members of the Department for inspection and use during all regular business hours, and it shall then be unlawful for any member of the Department to violate or fail to comply with any such approved regulation so filed at Department headquarters.

Sec. 15-8. Department bylaws.

Pursuant to § 27-7 of the Code of Virginia, the City Council hereby empowers the members of the Fire Department to make bylaws to promote the purposes and objectives of the Department, not inconsistent with state law, the City Charter, this chapter or other ordinance or resolution of the City Council, provided that such bylaws shall not become effective until approved by resolution of the City Council.

1. The Chief of the Fire Department, or his designee, shall be the Fire Marshal, per the requirements in the Code of Virginia and Statewide Fire Prevention Code.
2. The Chief of the Fire Department, or his designee, shall also be the Fire Official, per the requirements in the Code of Virginia and Statewide Fire Prevention Code.
3. 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 his direction or in his absence. The Fire Marshal, his deputies and assistants shall be responsible for the enforcement of the Statewide Fire Prevention Code, 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.
4. In making such investigations, the Fire Marshal, his deputies and assistants may issue a summons directed to the Sheriff of the City commanding him to summon witnesses to attend before the Fire Marshal, or his authorized designee, at such time and place as he may direct. Any such officer to whom the summons is delivered shall forthwith execute it and make return thereof to the Fire Marshal, his 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, his deputy or assistant, to attend and give evidence and shall be liable in like manner as if the summonses had been issued by a Magistrate in a criminal case. They shall be sworn by the Fire Marshal, his deputy or assistant, before giving evidence, and their evidence shall be reduced to writing by him or under his direction and subscribed by them, respectively.
5. The Fire Marshal, his deputies and assistants, before entering upon their duties, shall respectively take an oath, before any officer authorized to administer oaths, faithfully to discharge the duties of such office. A certificate of the oath shall be returned to and preserved by the City Clerk.
6. The Fire Marshal, his deputies and assistants shall have the authority to arrest, 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.
7. The Fire Marshal and his designated 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 his designee. 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 shall be the responsibility of the Fire Marshal or his 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. 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.

8. The Fire Marshal, his deputies and assistants shall have the authority to exercise the powers authorized by the Fire Prevention Code.

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

The Fire Marshal, his 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 or 62.1-44.34:8 of the Code of Virginia, 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, his deputy or assistant makes an affidavit under oath that the origin or cause of any such release is undetermined and that he 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 to the Fire Marshal, his deputy or assistant authorizing him to enter such property for the purpose of determining the origin and source of the release. If the Fire Marshal, his deputy or assistant, after gaining access to any property pursuant to such investigation warrant, has probable cause to believe that the release was caused by an act constituting a criminal offense, he shall discontinue the investigation 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.

1. Pursuant to Code of Virginia § 32.1-111.14, 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.
2. Definitions. The following definitions shall apply to ambulance charges:

<u>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.</u>

<u>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</u>

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.

3. The schedule of rates for emergency ambulance transport services by the City of Hopewell shall be as follows:

<u>Service</u>	<u>Fee</u>
<u>BLS</u>	<u>\$450.00</u>
<u>ALS-1</u>	<u>\$550.00</u>
<u>ALS-2</u>	<u>\$800.00</u>
<u>LM</u>	<u>\$10.00 per loaded mile in addition to transport charges</u>

4. The Chief of the Fire and EMS Department is 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 authority of Code of Virginia, § 40.1-79.1, 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 of Hopewell, with parental or guardian approval, to seek certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, and work with or participate fully in all activities of such volunteer fire company, provided such minor has attained certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs. The certification record and consent for each participant shall be kept on file in the office of the Hopewell Fire Department.

Secs. 15-12 thru 15-19 Reserved.

Article II. Fire Prevention Code

Sec. 15-20. The Virginia Statewide Fire Prevention Code

The Virginia Statewide Fire Prevention Code, as adopted by the State Board of Housing and Community Development pursuant to § 27-97 of the Virginia Code, as amended from time to time, and insofar as not inconsistent with the laws of the state and the ordinances of the city, is hereby adopted by the city council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, is hereby adopted and incorporated as fully as if set forth herein. The board of building code and fire prevention code appeals, as created by section 11-31 of this Code, shall constitute the city's local board of fire prevention code appeals.

State Law reference— Virginia Statewide Fire Prevention Code Act, Code of Virginia, § 27-94 et seq.

Sec. 15-21. Enforcement.

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

Sec. 15-22. Violations

1. Any person who shall violate any of the provisions of the fire prevention code adopted by this article, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail 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.
2. The application of the above penalty shall not be held to 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

1. 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 and any amendments thereto; and the Board shall follow the procedures and other provisions specified in Section 112 or any superseding section of the Code.
2. The Board shall consist of five members appointed by the Council of the City of

Hopewell. 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.

3. Appointments by the City Council to the Board shall be for the following terms: one Board member shall be appointed for a two-year term; two Board members shall be appointed for three-year terms; and two Board members shall be appointed for four-year terms. The City Council may reappoint any members, and it shall fill any vacancy on the Board for the duration of its unexpired term.

4. The Board shall annually elect one of its members to act as Chairman. The Administrative Assistant to the Hopewell's' Chief of Fire and Emergency Medical Services 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. 15-23 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. (Ord. No. 79-17, § 16-21, 5-22-79)

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. Authority of fire chief at fires and other emergencies.

1. The fire chief or any duly authorized representative in charge at the scene of a fire or other emergency involving the protection of life or property is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty. The fire chief may prohibit any person, vehicle or object from approaching the scene and may remove or cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operations of the fire department. The fire chief may remove or cause to be removed any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not reenter the area until authorized to do so by the fire chief.

2. Any person violating any provision of this section shall be guilty of a Class 4 misdemeanor.

(Ord. No. 79-17, § 16-22, 5-22-79)

Cross references: Authority of fire department officials to direct the traffic at scene of fire, § 22-16; driving near scene of fire, § 22-306.

Sec. 15-44. Interference with fire department operations.

It shall be unlawful and a Class 4 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.

(Ord. No. 79-17, § 16-23, 5-22-79)

Cross references: Driving near scene of fire or over fire hose, §§ 22-306, 22-307; obstructing members of rescue squad, § 25-7.

State law reference: Interference with emergency rescue squad, Code of Virginia, § 18.2-414.1.

Sec. 15-45. Compliance with commands of fire chief; interference with compliance by others.
No person shall willfully fail or refuse to comply with any lawful order or direction of the fire chief or interfere with the compliance attempts of another individual.

Any person violating any provision of this section shall be guilty of a Class 4 misdemeanor.

(Ord. No. 79-17, § 16-24, 5-22-79)

Sec. 15-46. 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. (Ord. No. 79-17, § 16-29, 5-22-79)

Cross reference: Tampering with vehicles generally, § 25-37.

State law reference: Similar provisions, Code of Virginia, §§ 18.2-146, 18.2-147.

Sec. 15-47. 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. (Ord. No. 79-17, § 16-30, 5-22-79)

Cross reference: Damaging vehicles generally, § 25-37.

State law references: Damaging property of others generally, Code of Virginia, § 18.2-137; assault and battery, § 18.2-57.

Sec. 15-48. Location or relocation of fire hydrants; placement or replacement of water mains.

The fire chief 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 chief.

(Ord. No. 79-17, § 16-34, 5-22-79)

Sec. 15-49. 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 housed in accordance with the approved rules 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.

(Ord. No. 79-17, § 16-35, 5-22-79)

Sec. 15-50. Permit to use fire hydrants.

No person shall use or operate any fire hydrant intended for use of the fire department for fire suppression purposes, unless he first secures a permit for such use from the fire chief and the water company having jurisdiction. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the water company having jurisdiction.

(Ord. No. 79-17, § 16-33, 5-22-79)

Sec. 15-51. Damaging, obstructing, etc., fire hydrants and fire department connections generally.

1. 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.

2. 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 the same. Costs incurred in the performance of necessary work 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.

(Ord. No. 79-17, § 16-32, 5-22-79)

Cross reference: Parking near fire hydrants, § 22-447(a)(4).

Sec. 15-52. Parking Near Fire Hydrants or Fire Lanes

1. Parking in a fire lane or within 15 feet of any fire hydrant is a violation of City ordinance, and will result in a fine of \$200.00. It is also a Class 1 Misdemeanor and the vehicle will

be subject to towing at the owner's expense.

2. Fire lanes will be either painted yellow or will be posted with a "No Parking Fire Lane" sign. Parking in or within 15 feet of a fire lane is a violation of the Statewide Fire Prevention Code, and is a Class 1 Misdemeanor, and the vehicle will be subject to towing at the owner's expense.

Sec. 15-53. 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 nonapproved fire appliances or equipment shall be replaced or repaired as directed by the fire chief.

(Ord. No. 79-17, § 16-36, 5-22-79)

Sec. 15-54. Sale, trade, etc., of fire extinguishers.

No person shall sell, trade, loan or give away any form, type or kind of fire extinguisher which is not approved by the fire chief, or which is not in proper working order or the contents of which do not meet the requirements of the fire chief. The requirements of this section shall not apply to the sale, trade or exchange of obsolete or damaged equipment for junk, when such units are permanently disfigured or marked with a permanent sign identifying the unit as junk.

(Ord. No. 79-17, § 16-37, 5-22-79)

Sec. 15-55. Open burning prohibited; exceptions

1. 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.
2. Exceptions.
 - a. Open burning shall be prohibited for land clearing operations, except controlled force-air pit burning of brush, leaves and trees from land clearing operations conducted under authority of a permit issued by the fire code official or his designee is permitted; provided that such burning shall be in conformance with procedures approved by the fire code official and the department of environmental quality (air division), and shall be immediately terminated upon revocation of such permit. Compliance with the provisions of this subsection shall not exempt any person from any damages or liability which may result from such open burning, nor exempt any person from adherence to all applicable laws,

ordinance and regulations and orders of the fire code official and the state forester.

b. 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 subsections (a)–(c) of this section shall constitute a class 4 misdemeanor.

Sec. 15-56. New Construction.

1. All new construction with a Truss roof shall have the letter "T" posted on the front of the building, in letters the size, color and style of which shall be as set forth by the fire department.

2. All new construction and renovation/remodels will install a city fire hydrant within 50 feet of the Fire Department Connection.

ARTICLE IV. - FIRE ALARM ORDINANCE

Sec. 15-57. 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. 15-58. Definitions

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

1. **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.
2. **Alarm Test** - A test of any alarm system designed to determine whether the system is working properly.
3. **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.
4. **Chief Of Police** - The City of Hopewell Police Chief or his designee.
5. **Chief Of Fire And Ems** - The City of Hopewell Fire Chief or his designee
6. **False Alarm** - An alarm signal that results in a response by police or fire/EMS 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 Chief of Police or Chief of Fire and EMS to be beyond the control of the owner.
7. **Hazard** - An event requiring urgent attention and to which police or fire/EMS personnel are expected to respond.

8. Occurrence - An unauthorized intrusion, attempted burglary, or other criminal activity at the protected premises.
9. 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 and emergency response.

Sec. 15-59. 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. 15-60. 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. 15-61. Permit Required

1. Every owner or tenant of residential, commercial or industrial premises protected by an alarm system within the City shall obtain a permit for the operation of the system within 30 days of installation of the alarm system. The permit application shall be made on forms available from the Police Department and shall include, but not limited to, the following information:
 - a. The applicant's name, address, home and business telephone number.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. Any additional information required by the Chief of Police
2. The Chief of Police shall review the application for completeness and accuracy. If the application is satisfactory, the permit shall be issued.
3. If the information required on the permit application changes, the person providing the original information shall notify the Chief of Police of the change within 10 days of the change
4. 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. If the permit required by the section is not obtained within 30 days after notification by the Chief of Police, continued operation of the alarm system shall constitute a misdemeanor, punishable by a maximum fine of \$250.

5. 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. 15-62. Failure to respond; failure to silence.

1. 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.
2. 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 if 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. 15-63. Service fees.

1. 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:
 - a. First alarm; no charge
 - b. Second alarm: \$50
 - c. Third alarm: \$75
 - d. Fourth alarm: \$100
 - e. Fifth alarm: \$125
 - f. Sixth and each subsequent false alarm: \$150
 - g. 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.
 2. 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.
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Sec. 15-64. Failure to pay service fees or civil penalties; revocation of permit

1. All service fees or civil penalties assessed by the Chief of Police or Chief of Fire 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 ten-percent collection fee to the City and all court cost necessary to collect such fees or penalties.
2. The failure of a permit holder to pay any service or 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 Chief of Police. 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 Treasurer. The 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 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. 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.
3. An alarm permit that has been revoked may be reinstated by the Chief of Police upon payment of all amounts owing.

Sec. 15-65. Appeals.

1. 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 Chief of Police or Chief of Fire 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.
2. The Chief of Police or Chief of Fire 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 Chief of Police or Chief of Fire shall have the authority to waive or rescind, in whole or in part, a service fee or assessment if he believes that there is insufficient evidence to fully support the imposition of the service fee or assessment.
3. The Chief of Police or Chief of Fire may consider the following factors in reaching a determination on the appropriateness of a service fee or assessment:

4. Evidence of attempts by the person against whom the service fee is assessed to eliminate the cause of false alarms, such as:
 - a. Installation of new equipment
 - b. Replacement of defective equipment
 - c. Certified inspection and repair of the system by an alarm system technician
 - d. Specific formal training of the alarm's users
5. Evidence that the false alarm was caused by unusually severe weather conditions
6. 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.
7. Evidence that the alarm system that caused the false alarm has been disconnected and removed from the protected premises.
8. 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 Chief of Police or Chief of Fire from waiving or reducing service fees or assessments for any other reason.

Sec. 15-66. 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. 15-67. Enforcement.

The Chief of Police and the Chief of Fire shall designate employees within their department who shall enforce the provisions of this chapter by issuing a notice or citation of violation.

ARTICLE V. SMOKE DETECTORS

Sec. 15-68. Smoke detectors required.

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

1. Any building containing one or more dwelling units.
2. Any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons.
3. Rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

Sec. 15-69. 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.

Sec. 15-70. 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. 15-71. 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.

Sec. 15-72. - 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.

Chapter 15 FIRE PREVENTION AND PROTECTION

ARTICLE I. IN GENERAL

Sec. 15-1. Fire Chief

The head of the Fire Department shall be the Fire Chief and shall be appointed by the City Manager.

Sec. 15-2 Powers and duties of Chief.

1. The Chief of the Fire Department, 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:
 - a. Administration, training, discipline and morale of the members of the Fire Department;
 - b. Maintenance and good care of the equipment and apparatus of the Fire Department; and
 - c. Efficient employment of personnel, equipment and apparatus of the Department for the prevention and extinguishment of fires within the City.

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

During a fire, the chief of the Fire Department 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 department, under the general direction of the City Manager.

Sec. 15-4. Battalion Chief and other officers; chain of command.

1. 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 Chief of the Fire Department. In the absence or disability of the Chief of the Fire Department, the Battalion Chief or the Fire Chief's designee shall assume command of the Department and exercise the powers and perform the duties of the Chief.
2. The chain of command shall descend from the Chief through the Battalion Chief to the other officers and members of the Department in such order as shall be prescribed in the department regulations.
3. It shall be unlawful for any officer or other member of the Fire Department to refuse or neglect to obey any lawful order of his superior in the chain of command, and any person found guilty of a violation of this subsection shall be fined not to exceed \$100.

State law reference:

Sec. 15-5. Powers and Duties of Department.

The Fire Department and all members thereof shall have all the powers and perform all the duties prescribed for them, respectively, by the City Charter, this chapter and other ordinances and by state law, with particular reference to Article 1, Chapter 9, of Title 27 of the Code of Virginia.

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 this enclosure except persons connected with the Fire or Police Department of the city, or have permission from the Fire Chief, Fire Marshall 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. Rules and Regulations.

The City Manager, in consultation with the Chief of the Fire Department as a representative of the members of the Department appointed by the members, may from time to time promulgate and amend such regulations for the Fire Department, not inconsistent with state law, the City Charter, this chapter or any other ordinance or resolution of the 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 the City council and a true copy thereof has been placed on file in the office of the City Clerk and another true copy thereof has been placed on file in the office of the Chief of the Fire Department and is there made available to the members of the Department for inspection and use during all regular business hours, and it shall then be unlawful for any member of the Department to violate or fail to comply with any such approved regulation so filed at Department headquarters.

Sec. 15-8. Department bylaws.

Pursuant to the Code of Virginia, the City council hereby empowers the members of the Fire Department to make bylaws to promote the purposes and objectives of the Department, not inconsistent with state law, the City Charter, this chapter or other ordinance or resolution of the City council, provided that such bylaws shall not become effective until approved by resolution of the City council.

1. The Chief of the Fire Department, or his designee, shall be the Fire Marshal, per the requirements in the Code of Virginia and Statewide Fire Prevention Code.
2. The Chief of the Fire Department, or his designee, shall also be the Fire Official, per the requirements in the Code of Virginia and Statewide Fire Prevention Code.
3. 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 his direction or in

his absence. The Fire Marshal, his deputies and assistants shall be responsible for the enforcement of the Statewide Fire Prevention Code, 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.

4. In making such investigations, the Fire Marshal, his deputies and assistants may issue a summons directed to the Sheriff of the City commanding him to summon witnesses to attend before the Fire Marshal, or his authorized designee, at such time and place as he may direct. Any such officer to whom the summons is delivered shall forthwith execute it and make return thereof to the Fire Marshal, his 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, his deputy or assistant, to attend and give evidence and shall be liable in like manner as if the summonses had been issued by a Magistrate in a criminal case. They shall be sworn by the Fire Marshal, his deputy or assistant, before giving evidence, and their evidence shall be reduced to writing by him or under his direction and subscribed by them, respectively.
5. The Fire Marshal, his deputies and assistants, before entering upon their duties, shall respectively take an oath, before any officer authorized to administer oaths, faithfully to discharge the duties of such office. A certificate of the oath shall be returned to and preserved by the City Clerk.
6. The Fire Marshal, his deputies and assistants shall have the authority to arrest, 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.
7. The Fire Marshal and his designated 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 his designee. 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 shall be the responsibility of the Fire Marshal or his 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. 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.

8. The Fire Marshal, his deputies and assistants shall have the authority to exercise the powers authorized by the Fire Prevention Code.

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

The Fire Marshal, his 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 or 62.1-44.34:8 of the Code of Virginia, 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, his deputy or assistant makes an affidavit under oath that the origin or cause of any such release is undetermined and that he 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 to the Fire Marshal, his deputy or assistant authorizing him to enter such property for the purpose of determining the origin and source of the release. If the Fire Marshal, his deputy or assistant, after gaining access to any property pursuant to such investigation warrant, has probable cause to believe that the release was caused by an act constituting a criminal offense, he shall discontinue the investigation 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.

1. Pursuant to Code of Virginia § 32.1-111.14, 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.
2. 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.

3. 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 – 1	\$550
Advanced Life Support – 2	\$750
Grant Transport Miles	\$10.00 per loaded mile in addition to transport charges

4. The Chief of the Fire and EMS Department is 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 authority of Code of Virginia, § 40.1-79.1, 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 of Hopewell, with parental or guardian approval, to seek certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, and work with or participate fully in all activities of such volunteer fire company, provided such minor has attained certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs. The certification record and consent for each participant shall be kept on file in the office of the Hopewell Fire Department.

Secs. 15-12 thru 15-19 Reserved.

Article II. Fire Prevention Code

Sec. 15-20. The Virginia Statewide Fire Prevention Code

The Virginia Statewide Fire Prevention Code, as adopted by the State Board of Housing and Community Development pursuant to § 27-97 of the Virginia Code, as amended from time to time, and insofar as not inconsistent with the laws of the state and the ordinances of the city, is hereby adopted by the city council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, is hereby adopted and incorporated as fully as if set forth herein. The board of building code and fire prevention code appeals, as created by section 11-31 of this Code, shall constitute the city's local board of fire prevention code appeals.

State Law reference— Virginia Statewide Fire Prevention Code Act, Code of Virginia, § 27-94 et seq.

Sec. 15-21. Enforcement.

The fire prevention code adopted by this article shall be enforced by the Fire Department. The chief of the Fire Department may detail such members of the Fire Department as inspectors as shall, from time to time, be necessary for the enforcement of such code and he may recommend to the City Manager the employment of technical inspectors for enforcement of such code.

Sec. 15-22. Violations

1. Any person who shall violate any of the provisions of the fire prevention code adopted by this article, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail 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.
2. The application of the above penalty shall not be held to 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

1. 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 and any amendments thereto; and the Board shall follow the procedures and other provisions specified in Section 112 or any superseding section of the Code.

2. The Board shall consist of five members appointed by the Council of the City of Hopewell. 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.
3. Appointments by the City council to the Board shall be for the following terms: one Board member shall be appointed for a two-year term; two Board members shall be appointed for three-year terms; and two Board members shall be appointed for four-year terms. The City council may reappoint any members, and it shall fill any vacancy on the Board for the duration of its unexpired term.
4. The Board shall annually elect one of its members to act 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. 15-23 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. Authority of fire chief at fires and other emergencies.

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 (i) maintain order at such emergency incident or its vicinity; (ii) direct the actions of the firefighters 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 firefighters; (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 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. 15-44. 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. 15-46. 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.

Cross reference: Tampering with vehicles generally, § 18.2-146.

State law reference: Similar provisions, Code of Virginia, §§ 18.2-146, 18.2-147.

Sec. 15-47. 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.

Cross reference: Damaging vehicles generally, § 18.2-146.

State law references: Damaging property of others generally, Code of Virginia, § 18.2-146 and 18.2-147

Sec. 15-48. 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. 15-49. 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 housed in accordance with the approved rules 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. 15-51. Damaging, obstructing, etc., fire hydrants and Fire Department connections generally.

1. 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.
2. 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 the same. Costs incurred in the performance of necessary work 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.

Cross reference: Parking near fire hydrants, § 22-447(a)(4). Title 27-100, 46.2-1220 and 46.2-1239.

Sec. 15-52. Parking Near Fire Hydrants or Fire Lanes

1. Parking in a fire lane or within 15 feet of any fire hydrant is a violation of City ordinance, and will result in a fine of \$200.00. It is also a Class 1 Misdemeanor and the vehicle will be subject to towing at the owner's expense.
2. 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 Statewide Fire Prevention Code, and is a Class 1 Misdemeanor, and the vehicle will be subject to towing at the owner's expense.

Sec. 15-53. 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 nonapproved fire appliances or equipment shall be replaced or repaired as directed by the fire chief.

Sec. 15-55. Open burning prohibited; exceptions

1. 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.
2. Exceptions.
 - a. Open burning shall be prohibited other than for land clearing operations, conducted under authority of a permit issued by the fire official or his.
 - b. 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 subsections (a)—(c) of this section shall constitute a class 1 misdemeanor.

Sec. 15-56. New Construction.

1. All new construction with a Truss roof shall have the letter "T" posted on the front of the building, in letters the size, color and style of which shall be as set forth by the Fire Department.
2. All new construction and renovation/remodels will install a city fire hydrant within 50 feet of the Fire Department Connection.
3. Any new hydrant will be a city hydrant.

Sec. 15-57. Fireworks and pyrotechnic displays prohibited; exceptions.

1. 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 or commonly known as fireworks, and which explodes, rises into the air or travels laterally, fires projectiles or discharges sparks into the air.
2. 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 code 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.
3. The fire code 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.

4. Before the fire code 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 and in a form satisfactory to the city attorney.
5. Violation of any provision of this section shall constitute a class 1 misdemeanor.

State Law reference— Permits for display of fireworks; use and exhibitions, Code of Virginia, § 15.2-974; seizure and destruction of certain fireworks, Code of Virginia, § 27-100.1.

ARTICLE IV. - FIRE ALARM ORDINANCE

Sec. 15-57. 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. 15-58. Definitions

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

1. **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.
2. **Alarm Test** - A test of any alarm system designed to determine whether the system is working properly.
3. **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.
4. **Chief Of Police** - The City of Hopewell Police Chief or his designee.
5. **Chief Of Fire And Ems** - The City of Hopewell Fire Chief or his designee
6. **False Alarm** - An alarm signal that results in a response by police or fire/EMS 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 Chief of Police or Chief of Fire and EMS to be beyond the control of the owner.
7. **Hazard** - An event requiring urgent attention and to which police or fire/EMS personnel are expected to respond.

8. **Occurrence** - An unauthorized intrusion, attempted burglary, or other criminal activity at the protected premises.
9. **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 and emergency response.

Sec. 15-59. 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. 15-60. 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. 15-61. Permit Required

1. Every owner or tenant of residential, commercial or industrial premises protected by an alarm system within the City shall obtain a permit for the operation of the system within 30 days of installation of the alarm system. The permit application shall be made on forms available from the Police Department and shall include, but not limited to, the following information:
 - a. The applicant's name, address, home and business telephone number.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. Any additional information required by the Chief of Police
2. The Chief of Police shall review the application for completeness and accuracy. If the application is satisfactory, the permit shall be issued.
3. If the information required on the permit application changes, the person providing the original information shall notify the Chief of Police of the change within 10 days of the change
4. 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. If the permit required by the section is not obtained within 30 days after notification by the Chief of Police, continued operation of the alarm system shall constitute a misdemeanor, punishable by a maximum fine of \$250.

5. 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. 15-62. Failure to respond; failure to silence.

1. 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.
2. 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 if 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. 15-63. Service fees.

1. 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:
 - a. First alarm; no charge
 - b. Second alarm: \$50
 - c. Third alarm: \$75
 - d. Fourth alarm: \$100
 - e. Fifth alarm: \$125
 - f. Sixth and each subsequent false alarm: \$150
 - g. 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.
2. 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. 15-64. Failure to pay service fees or civil penalties; revocation of permit

1. All service fees or civil penalties assessed by the Chief of Police or Chief of Fire against the owner or tenant of 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 ten-percent collection fee to the City and all court cost necessary to collect such fees or penalties.
2. The failure of a permit holder to pay any service or 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 Chief of Police. 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 Treasurer. The 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 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. 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.
3. An alarm permit that has been revoked may be reinstated by the Chief of Police upon payment of all amounts owing.

Sec. 15-65. Appeals.

1. 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 Chief of Police or Chief of Fire 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.
2. The Chief of Police or Chief of Fire 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 Chief of Police or Chief of Fire shall have the authority to waive or rescind, in whole or in part, a service fee or assessment if he believes that there is insufficient evidence to fully support the imposition of the service fee or assessment.
3. The Chief of Police or Chief of Fire may consider the following factors in reaching a determination on the appropriateness of a service fee or assessment:

4. Evidence of attempts by the person against whom the service fee is assessed to eliminate the cause of false alarms, such as:
 - a. Installation of new equipment
 - b. Replacement of defective equipment
 - c. Certified inspection and repair of the system by an alarm system technician
 - d. Specific formal training of the alarm's users
5. Evidence that the false alarm was caused by unusually severe weather conditions
6. 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.
7. Evidence that the alarm system that caused the false alarm has been disconnected and removed from the protected premises.
8. 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 Chief of Police or Chief of Fire from waiving or reducing service fees or assessments for any other reason.

Sec. 15-66. 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. 15-67. Enforcement.

The Chief of Police and the Chief of Fire shall designate employees within their department who shall enforce the provisions of this chapter by issuing a notice or citation of violation.

ARTICLE V. SMOKE DETECTORS

Sec. 15-68. Smoke detectors required.

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

1. Any building containing one or more dwelling units.
2. Any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons.
3. Rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

Sec. 15-69. 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. 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 be brought up to the current code.

Sec. 15-70. 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. 15-71. 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.

State law reference: Code of Virginia, § 55-248.16

Sec. 15-72. - 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.

PUBLIC HEARINGS

**COMMUNICATIONS
FROM CITIZENS**

**UNFINISHED
BUSINESS**

UB-1



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

1. **COUNCIL AGENDA ITEM TITLE:** Approve and file a request to subdivide Lot 1R Appomattox Bio Energy from one lot to two lots forming Lot 1R and Lot 2R, Appomattox Bio Energy.

ISSUE: A request from the Green Plains Hopewell to subdivide property located at 200 South Main Street.

RECOMMENDATION: The City Administration recommends the approval of a request to subdivide Lot 1R to Lots 1R and Lot 2R in the Appomattox Bio Energy.

TIMING: City Council action is requested on January 26, 2016.

BACKGROUND: The purpose of this plat is to subdivide one parcel into two parcels.

FISCAL IMPACT: None

ENCLOSED DOCUMENTS: Attachment 1: Staff Report
Attachment 2: Proposed Subdivision Plat

STAFF: Tevya W. Griffin, Director, Neighborhood Assistance & Planning
Horace W. Wade, City Planner

SUMMARY:

- | | | | | |
|--------------------------|--------------------------|---|--------------------------|--------------------------|
| Y | N | | Y | N |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Christina J. Luman-Bailey, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Anthony J. Zevgolis, Ward #3 | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Jasmine E. Gore, Ward #4 | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | <input type="checkbox"/> |
| | | | | <input type="checkbox"/> |



Green Plains Hopewell
Subdivision of Lot 1R Appomattox Bio
Energy forming Lot 1R & 2R Green Plains

Staff Report prepared for the Hopewell City
Council Regular Meeting – Revised January 20,
2016

This report is prepared by the City of Hopewell Department of Development Staff to provide information to the Hopewell Planning Commission to assist them in making an informed decision on this matter.

I. PUBLIC HEARINGS:

Planning Commission	December 7, 2016	Approved 3-1 (1 absent)
City Council	January 12, 2016	Tabled
City Council	January 26, 2016	Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Existing Zoning:	M-2, Intensive Industrial District
Parcel Size:	<ul style="list-style-type: none">• Parcel 1R- 52.795 acres• Parcel 2R- 0.666 acres
Owner:	Green Plains Hopewell
Location of Property:	200 South Main Street
Election Ward:	Ward 2
Land Use Plan Recommendation:	Industrial Use
Strategic Plan Goal:	Economic Development
Map Location(s):	Sub-parcel ID's # 048-0175 & 048-0172

Zoning of Surrounding Property:

North:	B-1
South:	R-4/M-1
East:	M-1
West:	B-3/M-2

III. EXECUTIVE SUMMARY:

The City has received a request from Green Plains Hopewell to subdivide Lot 1R Appomattox Bio Energy from one lot to two lots forming Lot 1R and Lot 2R, Appomattox Bio Energy. In accordance with Article 6, Section 6-10, the Planning Commission shall discuss the preliminary plat and determine whether or not the preliminary plat conforms to the requirements of the Subdivision, Zoning Ordinance any other applicable City plans or ordinances. The properties are located in the Ward 2 Election District. The City of Hopewell's 2001 Comprehensive Land Use Plan recommends this area for Industrial Use.

IV. APPLICABLE CODE SECTIONS:

The provisions of the Subdivision Ordinance that are germane to this subdivision request include the following:

Article 6, *Preparation, Approval and Recording of Subdivision Plats*,
Section 6-10, *Approval of Preliminary Plat*:

"The City shall refer the preliminary plat to the Planning Commission and to the City Council for Council's information. The Planning Commission shall discuss the preliminary plat with the subdivider in order to determine whether or not the preliminary plat generally conforms to the requirements of the Subdivision Ordinance, Zoning ordinance and any other applicable City plans or ordinances. Within sixty (60) days of the preliminary plat submission to the Planning Commission, the subdivider shall be advised in writing by formal letter of approval, approval with conditions or disapproval of the preliminary plat."

Article 6, *Preparation, Approval and Recording of Subdivision Plats*,
Section 6-14, *Approval of Final Plat*:

"The final plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this ordinance, and has made satisfactory arrangements for performance bond, cash or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of Council. Approval of final plat shall be written on the face of the plat by the Council."

V. SUBJECT PROPERTY:

The subject properties are zoned M-2, Intensive Industrial District. The property is currently one parcel, the applicant is requesting to subdivide the property into two lots. Lot 1R is 52.795 acres. Lot 2R is 0.666 acres.

VI. ZONING/STAFF ANALYSIS:

The plat complies with all of the requirements of the City of Hopewell's Zoning and Subdivision Ordinances.

Revisions recommended by the City's Real Estate and Development Office have been made and are reflected on the enclosed plat.

VII. STAFF RECOMMENDATION:

Staff recommends approval of the plat showing the Subdivision of Lot 1R Appomattox Bio Energy from one lot to two lots forming Lot 1R and Lot 2R, Appomattox Bio Energy, dated December 11, 2015, last revised January 3, 2016, submitted by Timmons Group.

The plat meets all requirements of the Subdivision & Zoning Ordinance.

VIII. PLANNING COMMISSION RECOMMENDATION:

The Hopewell Planning Commission of the City of Hopewell *voted 3-1 to approve the* subdivision request submitted by Green Plains Hopewell to subdivide Lot 1R Appomattox Bio Energy from one lot to two lots forming Lot 1R and Lot 2R, Appomattox Bio Energy, dated December 11, 2015, last revised January 3, 2016, submitted by Timmons Group.

IX. CITY COUNCIL ACTION:

On January 12, 2016 the Hopewell City Council voted 6-1 to table the subdivision request submitted by Green Plains Hopewell to subdivide Lot 1R Appomattox Bio Energy from one lot to two lots forming Lot 1R and Lot 2R, Green Plains, dated December 11, 2015, last revised January 3, 2016, submitted by Timmons Group.

City Council requested the applicant provide answers to questions regarding the purpose of the subdivision at their next scheduled meeting.

Attachments:

1. Application for subdivision
2. Plat of proposed subdivision

SUBDIVISION CERTIFICATE

THE SUBDIVISION OF LAND SHOWN ON THIS PLAN, DESIGNATED AS **PLAT SHOWING RESUBDIVISION OF PARCEL 1R, APPOMATTOX ROAD ENERGY FORMING PARCEL 1R & PARCEL 2R, GREEN PLAINS HOPEWELL**, IS APPROVED BY THE UNDERSEAL WITH THE DESIRES OF THE UNDERSEAL AND IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ACT OF THE COMMONWEALTH OF VIRGINIA AND EASEMENTS ARE OF THE WIDTH AND EVENT SHOWN ON THIS PLAN.

GREEN PLAINS HOPEWELL, LLC
A DELAWARE LIMITED LIABILITY COMPANY

BY: MICHELLE WARES
TITLE: EMP-GENERAL COUNSEL & CORP. SECRETARY

STATE OF VIRGINIA }
COUNTY OF DOUGLASS } SS.

On this day of _____, 2016 before me appeared Michelle Wares, to me personally known, who, being by me duly sworn, did say that she is the Emp-Gen Counsel & Corporate Secretary of GREEN PLAINS HOPEWELL, LLC, a Delaware limited liability company, and that the foregoing instrument was signed on behalf of such company, pursuant to due authority, properly exercised, and she acknowledged such instrument to be the free and true deed of such company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Notary Public

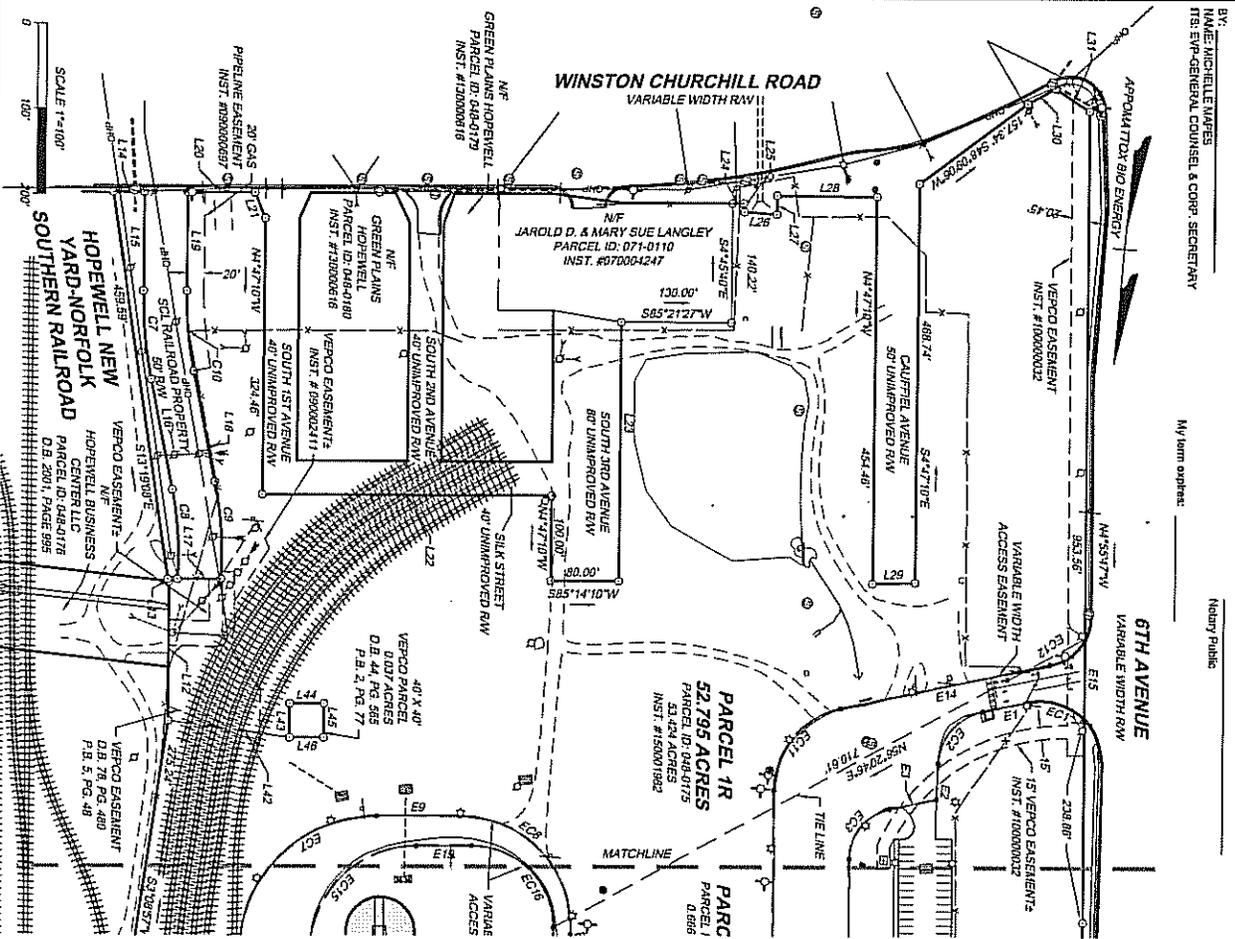
My term expires: _____

CERTIFICATE OF APPROVAL

THE SUBDIVISION OF LAND SHOWN ON THIS PLAN, DESIGNATED AS **PLAT SHOWING RESUBDIVISION OF PARCEL 1R, APPOMATTOX ROAD ENERGY FORMING PARCEL 1R & PARCEL 2R, GREEN PLAINS HOPEWELL**, IS APPROVED BY THE UNDERSEAL WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE COMMITTED TO RECORD.

DATE: _____ MAYOR

DATE: _____ PLANNING COMMISSION CHAIRPERSON



LINE	BEARING	LENGTH	LINE TABLE	LINE BEARING	LENGTH
L1	N43°07'29"E	47.81'	L21	N27°04'59"W	32.43'
L2	N87°01'17"E	65.47'	L22	S85°14'10"W	340.00'
L3	N4°58'49"W	75.00'	L23	S4°47'10"E	304.46'
L4	S05°07'11"W	38.17'	L24	S85°14'20"W	12.72'
L5	N87°22'10"E	3.59'	L25	N10°27'24"W	10.00'
L6	N45°50'49"W	9.39'	L26	S89°55'41"W	38.14'
L7	N41°54'4"E	2.78'	L27	S4°23'20"E	22.21'
L8	N85°05'26"E	61.43'	L28	S83°55'59"W	50.00'
L9	N65°08'49"E	54.94'	L29	S83°55'59"W	50.00'
L10	N4°57'58"W	60.72'	L30	S86°47'20"W	37.19'
L11	N87°56'29"E	64.20'	L31	N81°18'41"W	47.78'
L12	S4°57'28"E	163.91'	L32	N85°00'42"E	160.00'
L13	S25°17'49"E	3.21'	L33	N4°59'18"W	34.00'
L14	S89°14'10"W	36.35'	L34	N85°00'42"E	25.00'
L15	N4°45'30"W	116.00'	L35	S4°29'18"E	168.00'
L16	N16°02'50"W	132.10'	L36	S85°00'42"W	58.00'
L17	S85°14'10"W	50.00'	L37	S4°49'18"E	80.00'
L18	S16°02'50"E	132.10'	L38	S85°00'42"W	35.00'
L19	S44°55'50"E	116.00'	L39	N4°59'18"W	85.00'
L20	S85°14'10"W	79.66'	L40	S85°00'42"W	58.00'

CURVE	RADIUS	LENGTH	YANGBE	DELTA	CHORD BEARING	CHORD
C1	109.80'	89.41'	52.43'	52°10'42"	N82°13'39"E	96.03'
C2	109.80'	82.34'	28.68'	27°23'12"	N19°59'21"W	51.84'
C3	216.80'	121.28'	62.26'	42°08'17"	N17°30'23"W	119.61'
C4	339.31'	275.47'	145.80'	46°20'55"	N21°45'42"E	287.98'
C5	4481.75'	428.01'	213.17'	5°28'55"	N41°07'15"E	425.85'
C6	4481.75'	398.68'	198.47'	5°08'17"	N32°14'37"E	398.55'
C7	520.40'	104.61'	52.48'	11°18'01"	N10°29'50"W	104.44'
C8	489.28'	105.53'	52.08'	14°46'15"	N9°16'42"W	105.24'
C9	459.25'	115.25'	58.00'	14°22'32"	S81°32'13"E	115.00'
C10	480.40'	94.75'	47.53'	11°18'01"	S10°23'57"E	94.60'

SOURCE OF TITLE

THE PROPERTY EMPASSED WITHIN THE LIMITS OF THIS SUBDIVISION WAS CONVEYED TO GREEN PLAINS HOPEWELL, LLC BY DEED DATED OCTOBER 22, 2015 AS RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF HOPEWELL, VIRGINIA.

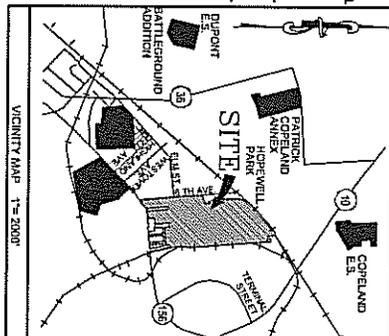
SURVEYOR'S CERTIFICATE

TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL OF THE REQUIREMENTS AS SET FORTH IN THE ORDINANCE FOR APPROVING PLATS OF SUBDIVISION IN THE CITY OF HOPEWELL, VIRGINIA HAVE BEEN COMPLIED WITH.



GENERAL NOTES

1. USE: COMMERCIAL/INDUSTRIAL
2. ZONING: M2
3. WATER: VIRGINIA AMERICAN WATER COMPANY
4. SEWER: PUBLIC
5. DRAINAGE: CURB & GUTTER
6. AREA: AREAS IN LOTS 53, 61 ACRES ARE IN OPEN SPACE. NA TOTAL AREA: 53.61 ACRES
7. NUMBER OF LOTS: 1
8. DRAINAGE, SANITARY, WATER AND UTILITY EASEMENTS ARE DEICATED TO THE CITY OF HOPEWELL ON THE VIRGINIA AMERICAN BUILDING LINES. ALL BUILDING LINES TO CONFORM TO THE CITY OF HOPEWELL ZONING ORDINANCE.
9. BASED ON GRAPHIC DETERMINATION THIS PROPERTY IS IN ZONE "M" OF THE HUD DEFERRED FLOOD HAZARD AREA AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP. COMMUNITY PANEL #5100000180 DATED JULY 10, 2015.
- 10.



PLAT SHOWING
A RESUBDIVISION OF
**PARCEL 1R
APPOMATTOX ROAD ENERGY
FORMING
PARCEL 1R & PARCEL 2R
GREEN PLAINS
HOPEWELL, VIRGINIA**

TIMMONS GROUP

YOUR VISION ACHIEVED THROUGH OURS.

THIS DRAWING PREPARED AT THE
714 - 575-8878 OFFICE
4260 Crabapple Blvd., 1st Floor, Greensboro, NC 27407
TEL: 804-541-6620 FAX: 804-751-0708 www.timmons.com

Site Development Residential Infrastructure Technology



The City
of
Hopewell, Virginia

300 N. Main Street · Department of Development · (804) 541-2220 · Fax: (804) 541-2318

SUBDIVISION /
ADMINISTRATIVE RESUBDIVISION

SUBDIVISION
APPLICATION FEE: \$250

APPLICATION

ADMIN. RESUB.
APPLICATION FEE: \$50

12/4/15

APPLICANT: GREEN PLAINS HOPEWELL
 ADDRESS: 450 REGOXY PKWY
OMAHA, NE 68114

PHONE #: 402-315-1627 FAX #: 402-984-8776

INTEREST IN PROPERTY: OWNER OR AGENT
~~OWNER:~~ AGENT MIKE NAULTY
 ADDRESS: MIKE.NAULTY@TIMMONS.COM

PHONE #: 804-541-6601 FAX #: _____

PROPERTY ADDRESS / LOCATION:
200 S. MAIN ST

PARCEL #: 048-0175 ACREAGE: 53.42 ZONING: M2

ENGINEER/SURVEYOR: TIMMONS GROUP
 ADDRESS: 4701 OWENS WAY
PRINCE GEORGE, VA

PHONE #: 541-6601 FAX #: 458-1511

SUBDIVISION / ADMIN. RESUB. TITLE:
LOT 1R + 2R, APPOMATTOX BIO ENERGY

NUMBER OF EXISTING / PROPOSED LOTS: 1 1 2

LENGTH OF PROPOSED NEW PUBLIC STREETS:
N/A

<u>LOT INFO</u>	<u>MINIMUM REQUIRED</u>	<u>PROVIDED</u>
LOT SIZE	n/a	54 AC / 0.666 AC
LOT WIDTH AT SETBACK LINE	n/a	

EIGHT (8) COPIES OF A PLAT OF THE SUBDIVISION / ADMINISTRATIVE RESUBDIVISION MUST ACCOMPANY THIS APPLICATION

- FOR A SUBDIVISION, THE SUBDIVISION PLATS MUST BE ON 17" x 22" SHEETS AND FOLLOW THE GUIDELINES SET FORTH IN ARTICLE 6-13 OF THE SUBDIVISION ORDINANCE.
- FOR AN ADMIN. RESUB., THE "BOUNDARY LINE ADJUSTMENT" (BLA) PLATS MUST FOLLOW THE GUIDELINES SET FORTH IN ARTICLES 6-15 AND 6-16 OF THE SUBDIVISION ORDINANCE.

AS OWNER OF THIS PROPERTY OR THE AUTHORIZED AGENT HEREOF, I HEREBY CERTIFY THAT THIS APPLICATION AND ALL ACCOMPANYING DOCUMENTS ARE COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.



 _____ DATE
 APPLICANT'S SIGNATURE

OFFICE USE ONLY

DATE RECEIVED 12/11/2015 DATE OF ACTION 01/07/2016 - 3+1

APPROVED DENIED

Planning Commission
 approve
 City Council
 01/12/2016 6+1
 poctane / table

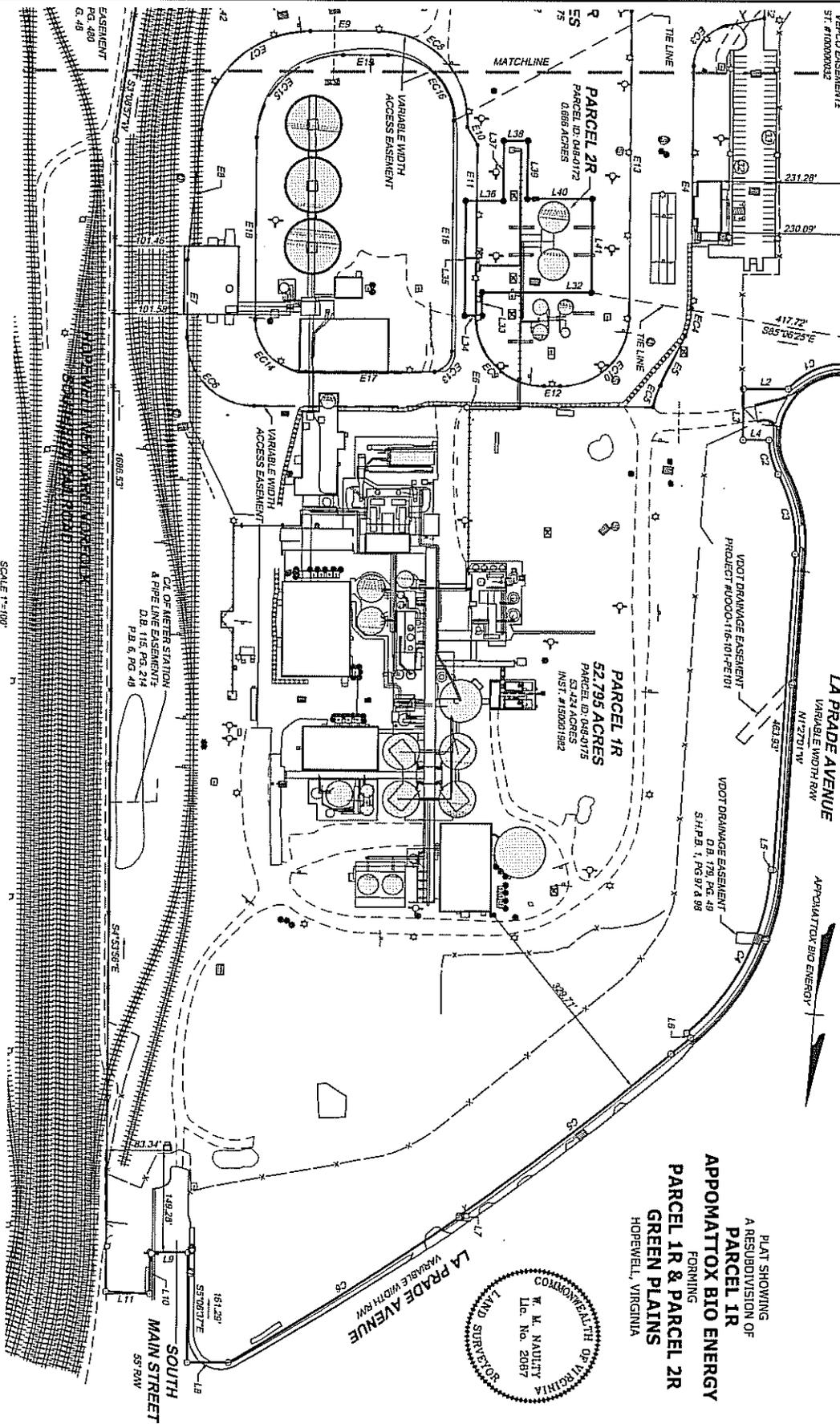
LINE	BEARING	LENGTH
E1	N72°21'4"E	52.09'
E2	N2°44'32"W	42.71'
E3	N7°00'16"E	55.72'
E4	N4°59'18"W	354.27'
E5	N20°51'45"E	88.88'

LINE	BEARING	LENGTH
E6	N89°00'42"E	98.155'
E7	S4°59'59"E	113.52'
E8	S0°56'28"W	192.29'
E9	S85°00'42"W	98.82'
E10	N4°59'18"W	30.00'

LINE	BEARING	LENGTH
E11	N4°59'18"W	251.29'
E12	S85°00'42"W	23.98'
E13	S4°59'18"E	489.32'
E14	S72°04'23"W	250.64'
E15	N4°59'18"W	95.58'
E16	N4°59'18"W	337.34'
E17	N85°00'42"E	181.82'
E18	S4°59'18"E	283.34'
E19	S85°00'42"W	63.29'

CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
EC1	75.00'	71.50'	40.01'	58°09'13"	S79°51'01"E	70.60'
EC2	60.00'	60.49'	50.97'	78°12'13"	N39°21'34"E	80.22'
EC3	60.00'	61.72'	48.59'	77°53'14"	N39°02'33"E	75.57'
EC4	100.00'	42.49'	21.57'	24°20'20"	N7°19'33"E	42.16'
EC5	128.00'	32.99'	16.59'	14°59'54"	N12°14'14"E	32.89'
EC6	100.00'	157.15'	100.07'	90°02'19"	S49°58'00"E	141.47'
EC7	160.00'	235.60'	145.00'	84°22'11"	S42°48'37"W	214.89'

CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
EC8	120.50'	214.30'	140.11'	84°02'34"	N47°02'04"W	191.65'
EC9	100.00'	157.09'	100.00'	90°00'00"	N49°59'18"W	141.42'
EC10	100.00'	157.09'	100.00'	90°00'00"	S49°59'18"W	141.42'
EC11	95.00'	134.68'	80.26'	78°03'46"	S14°02'23"W	124.69'
EC12	60.13'	51.09'	28.41'	50°14'42"	S17°44'23"W	51.37'
EC13	30.00'	47.12'	30.00'	90°00'00"	N40°00'42"E	42.84'
EC14	75.00'	117.81'	75.00'	90°00'00"	S49°59'18"E	106.07'
EC15	125.00'	196.35'	125.00'	90°00'00"	S49°59'18"E	178.78'
EC16	95.00'	159.80'	95.00'	90°00'00"	N49°59'18"W	135.78'



SCALE 1"=100'
100' 200'

PLAT SHOWING
A RESUBDIVISION OF
PARCEL 1R
FORMING
**APPOMATTOX BIO ENERGY
GREEN PLAINS**
HOPEWELL, VIRGINIA

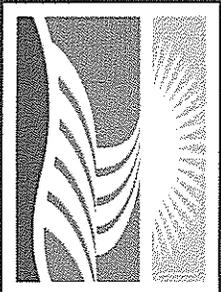


REVISED: January 7, 2016
DATE: December 11, 2015
SHEET 2 OF 2
DRAWN BY: J. Livingston
CHECK BY: W. M. Naudity

TIMMONS GROUP

YOUR VISION ACHIEVED THROUGH OURS.
THIS DRAWING PREPARED AT THE
TRUSTEE'S OFFICE
4360 Crossings Blvd | Mechanicsville, VA 23103
TEL 804-541-6600 FAX 804-751-0798 www.timmons.com

Site Development | Residential | Infrastructure | Technology



Green Plains

Hopewell City Council Presentation

January 26, 2016

Green Plains Inc.



Green Plains

- Green Plains is a diversified commodity-processing business with \$1.8 billion in assets and enterprise value of \$1.0 billion
- We process approximately 12 million tons of corn annually, making us one of the largest corn processors in the world, to produce 1.2 billion gallons of ethanol a year
- We operate with four business segments:

Ethanol Production

- 14 dry-mill ethanol plants in 8 states
- 1.2 billion gallons of ethanol
- 3.4 million tons of livestock feed
- 275 million pounds of industrial corn

Agribusiness

- 56 million bushels of grain storage capacity
- 70,000-head capacity cattle feedlot with 2.8 million bushels of grain storage

Marketing and Distribution

- 1.3 billion gallons sold over the last twelve months
- Merchant trading flows around 12 commodities

Partnership

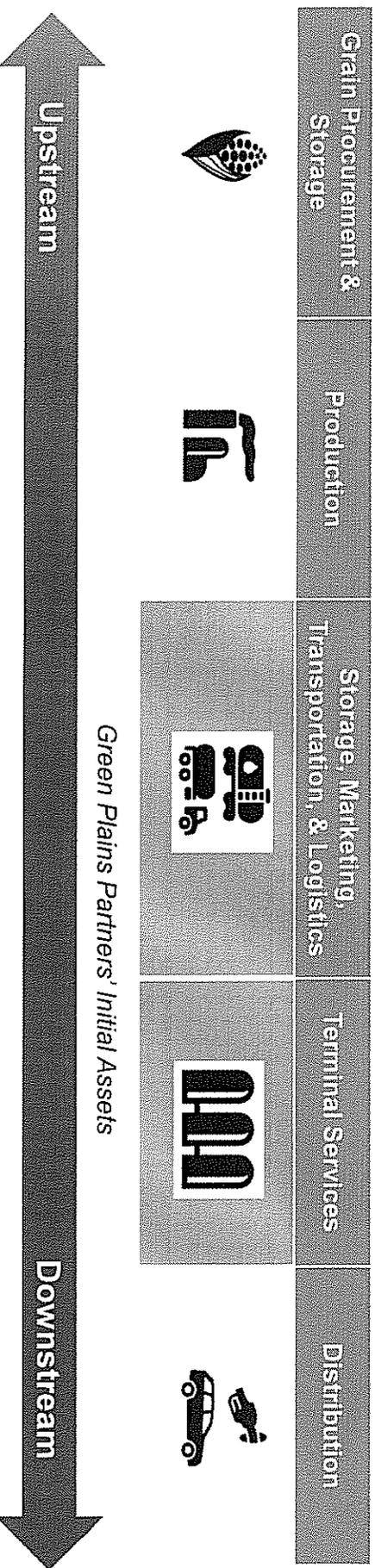
- Fuel storage and transportation services
- Downstream logistics for Green Plains' marketing and distribution

Green Plains Partners LP



- Green Plains Partners LP was formed by Green Plains Inc. to provide fuel storage and transportation services by owning, operating, developing and acquiring ethanol and fuel storage tanks, terminals, transportation assets and other related assets and businesses
- Primary vehicle to expand downstream logistics activities to support Green Plains' ethanol marketing and distribution business
- Vertical integration enables Green Plains to better capture the economic value of these operations within the ethanol value chain and continue to develop downstream logistic assets

Ethanol Value Chain



MLP Advantage



Green Plains

- If at least 90% of a master limited partnership's (MLP) gross income for each taxable year consists of qualifying income, the MLP is treated as a partnership for federal income tax purposes
 - Income earned by an MLP is passed to its partners—owners of common units which represent limited partner interests (public investors)
 - Partners pay income tax on their share of the MLP
- Energy Improvement and Extension Act of 2008 expanded the definition of qualifying income to include income from the transportation or storage of certain renewable and alternative fuels, including ethanol
 - Amendment does not extend to activities beyond storage and transportation, i.e., production or sale of biodiesel or ethanol does not generate qualifying income

Partnership Structure



Green Plains

- Partnership closed its initial public offering (IPO) on July 1, 2015; 11,500,000 common units, representing limited partner interests, were sold
 - Green Plains owns a 62.5% limited partner interest
 - Green Plains also owns the general partner, Green Plains Holdings II LLC, which manages and operates the partnership
 - Public owns the remaining 35.5% limited partner interest
- Green Plains contributed all of the storage tanks, associated land and rail assets for its 13 ethanol plants to the partnership as part of the IPO
- Green Plains also entered into a 10-year commercial agreement with the partnership to use the storage tanks, property and transportation assets

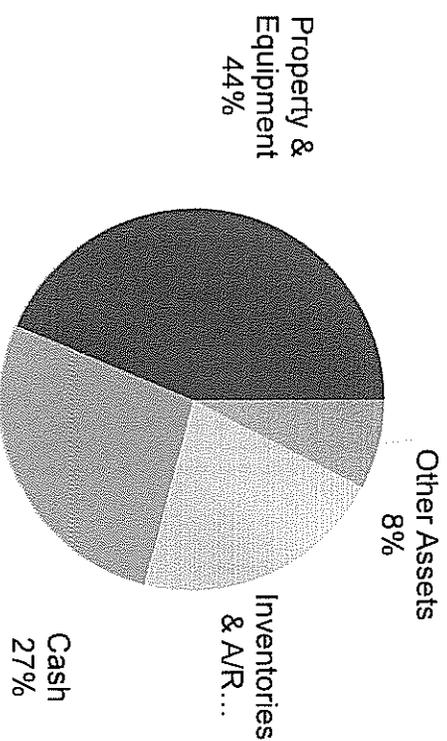
Liquidity and Capital Structure



Green Plains

(in millions)	2010	2011	2012	2013	2014	9/30/2015
Production capacity (mmgy)	680	740	740	1,020	1,020	1,020
EBITDA	\$129.6	\$148.6	\$115.5	\$156.6	\$350.7	\$181.4
Cash and cash equivalents	\$261.0	\$194.6	\$280.1	\$299.0	\$455.3	\$512.5
Stockholder's equity	\$497.6	\$505.4	\$490.5	\$545.4	\$797.4	\$809.9
Term debt / total capitalization	53.8%	52.9%	51.4%	50.8%	36.7%	35.6%
Term debt / EBITDA	4.5x	3.8x	4.5x	3.6x	1.3x	2.5x

Total assets of \$1,881 million at of 9/30/15:



Thank You



■ Thank you for your time and consideration

■ The Hopewell plant acquisition is an exciting, strategic addition to our company and part of our overall growth plan

■ From our October 2015 press release announcing the Hopewell transaction:



FOR IMMEDIATE RELEASE

Green Plains Acquires Hopewell Ethanol Facility

OMAHA, Neb., Oct. 26, 2015 (GLOBE NEWSWIRE) – Green Plains Inc. (NASDAQ:GPRE) today announced that it has acquired an ethanol production facility in Hopewell, Virginia, located approximately 20 miles south of Richmond, from Future Fuels LLP. Operating at full capacity, the facility's dry mill ethanol plant will increase the company's annual production capacity by approximately 60 million gallons to nearly 1.1 billion gallons per year.

"We are confident in our ability to significantly improve the plant's production economics by applying our operational and commercial expertise," said Todd Becker, president and chief executive officer. "We plan to make several capital investments before restarting the plant to increase its operational efficiency and production volume. In addition, we anticipate using the site to transport distillers grains that are produced locally and at our other plants located on the Norfolk Southern rail line into containers destined for export markets to further enhance the property's profitability."

Production is expected to resume by the end of the year and corn oil processing is expected to be operational during the second quarter of 2016. When the plant is fully operational, Green Plains expects to offer the Hopewell plant's transportation and storage assets to its master limited partnership, Green Plains Partners LP (NASDAQ:GPP).

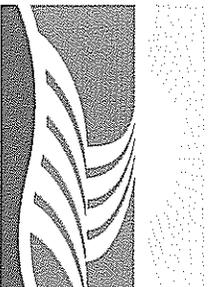
About Green Plains

Green Plains Inc. (NASDAQ:GPRE) is a diversified commodity-processing business with operations related to ethanol, distillers grains and corn oil production; grain handling and storage; a cattle feedlot; and commodity marketing and distribution services. The company processes ten million tons of corn annually, producing more than one billion gallons of ethanol, approximately 2.9 million tons of livestock feed and 250 million pounds of industrial grade corn oil at full

Thank You!

Jim Stark

VP, Investor & Media Relations



Green Plains

www.gpreinc.com

450 Regency Parkway, Suite 400

Omaha, Nebraska 68114