



## COUNTY of FREDERICK

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### M E M O R A N D U M

To: Frederick County Board of Supervisors  
From: Ann W. Phillips, Deputy Clerk  
Date: April 1, 2020  
Re: Frederick County Code Chapter 89

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Attached is a proposed ordinance detailing revisions to Frederick County Code Chapter 89 (Fire and Rescue Services), which were developed by the Fire and Rescue Department, in conjunction with the Volunteer Community. The proposed revisions have been reviewed by the Fire & Rescue Association and were recommended to move forward to the Public Safety and Code & Ordinance committees.

The Public Safety Committee and the Code & Ordinance Committee recommended the revised chapter be forwarded to the Board of Supervisors for public hearing. Following the public hearing, staff is seeking Board action on the ordinance revising Chapter 89.



## **ORDINANCE** **\_\_\_\_\_, 2020**

The Board of Supervisors of Frederick County, Virginia hereby ordains that Chapter 89 (Fire and Rescue Services) of the Code of Frederick County, Virginia be, and the same hereby is, amended and reenacted as follows:

### **CHAPTER 89 FIRE AND RESCUE SERVICES**

#### **ARTICLE I GENERAL; FIRE AND RESCUE SYSTEM**

##### **§ 89-1 Definitions.**

For the purposes of this chapter, the following words and/or terms shall have the meanings ascribed to them by this section:

**ADVANCED LIFE SUPPORT, LEVEL 1 (ALS1)** — Medical treatment or procedures provided to a patient beyond the training of an Emergency Medical Technician as defined by the National Emergency Medical Services (EMS) Education and Practice Blueprint for the Emergency Medical Technician (EMT) and the Virginia Office of Emergency Medical Services EMS Regulations, but not ALS2.

**ADVANCED LIFE SUPPORT, LEVEL 2 (ALS2)** — Advanced life support services provided to a patient, including one or more of the following medical procedures:

- A. Defibrillation / Cardioversion
- B. Endotracheal intubation
- C. Cardiac pacing
- D. Chest decompression
- E. Intraosseous line
- F. The administration of three or more medications

**ASSISTANT CHIEF** — A person who is appointed to act as a substitute for the System Chief, and on their behalf, in matters in which the System Chief may act.

**ASSOCIATION** — A body recognized pursuant to § 89-4 of this Chapter.

BASIC LIFE SUPPORT (BLS) — Medical treatment or procedures to a patient defined as basic life support by the National Emergency Medicine Services (EMS) Education and Practice Blueprint for the Emergency Medical Technician (EMT) and the Virginia Office of Emergency Medical Services EMS Regulations.

BOARD — The Frederick County Board of Supervisors.

CHIEFS WORK GROUP — A body recognized pursuant to § 89-4 of this Chapter.

COMPANY or VOLUNTEER COMPANY — A County volunteer fire and rescue organization formed pursuant to § 27-8 of the Code of Virginia and recognized by the Board pursuant to Article III of this Chapter and/or the Town Council of an incorporated Town in Frederick County.

EXECUTIVE COMMITTEE — A body established pursuant to § 89-5 of this Chapter.

FIRE AND RESCUE DEPARTMENT or DEPARTMENT — The Frederick County Fire and Rescue Department, which is established pursuant to Title 27 of the Code of Virginia for the purpose of the provision of emergency medical services (EMS), firefighting, and other related emergency public safety services.

FREDERICK COUNTY FIRE AND RESCUE SYSTEM (FCFRS) or SYSTEM — The Department and every Company.

GROUND TRANSPORT MILEAGE (GTM) — Road miles from the location of the incident to a hospital or other facility where a patient is transported.

SYSTEM CHIEF — The individual appointed pursuant to § 89-3 of this Chapter.

SYSTEM PERSONNEL — All members of the Frederick County Fire and Rescue System.

SYSTEMWIDE POLICY — Policies adopted by the Frederick County Fire and Rescue System.

VOLUNTEER CHIEF — The individual selected by a company to serve as the operational leader of the Volunteer Company.

## **§ 89-2 Frederick County Fire and Rescue System; intent and purpose.**

To assure the safety, health, and welfare of the public, the Board of Supervisors maintains a combination career and volunteer system for the provision of emergency medical services, fire, and rescue programs that is competent, highly trained, efficiently delivered and equitably administered, and that is operated by the FCFRS in accordance with this Chapter.

The Frederick County Fire and Rescue Department is hereby established pursuant to Title 27 of the Code of Virginia for the purpose of the provision of emergency medical services, firefighting, and other related emergency public safety services. The Department shall consist of the System Chief and any such career officers and employees appointed by the System Chief.

The Volunteer Companies are the volunteer fire and rescue organizations formed pursuant to § 27-8 of the Code of Virginia and recognized by the Board pursuant to Article III of this Chapter and/or the Town Council of an incorporated Town in Frederick County.

The delivery of emergency medical services, fire, rescue, technological hazards, and disaster responses shall be accomplished through a coordinated policy and combination framework that addresses the Countywide need for such services, while preserving the community-based perspectives and resources provided by the Volunteer Companies and respecting their traditions.

### **§ 89-3 System Chief.**

- A. The position of System Chief is hereby established and shall possess operational and administrative authority pursuant to Title 27 of the Code of Virginia. The System Chief shall be appointed by and report directly to the County Administrator.
- B. The System Chief shall have the following duties:
  - 1. The System Chief shall serve as the head of the FCFRS and the chief executive of the FCFRS governance structure as defined under this Article and may delegate authority to other officials and system personnel at his discretion.
  - 2. The System Chief shall supervise and manage the duties and responsibilities of the career personnel of the FCFRS as defined in accordance with applicable Frederick County Government policies.
  - 3. The System Chief shall have the following authority, duties and responsibilities:
    - a. Oversight of the full scope of emergency medical services, fire prevention, fire suppression, hazardous materials response, emergency management and other public safety operational and management functions as provided to the county and its incorporated towns unless authority is otherwise granted under state law to and exercised by the incorporated town.

- b. Formulation, administration, and enforcement of the operational rules, regulations, and policies that will govern the FCFRS. In carrying out his duties under this subsection, the Chief shall consult with the Chiefs Work Group.
- c. Formulation, administration, and enforcement of the administrative rules, regulations, and policies that will govern the FCFRS. In carrying out his duties under this subsection, the System Chief shall consult with the Association.
- d. Executive management and administration of the FCFRS governance structure including working with the Fire and Rescue Association and Chiefs Work Group.
- e. Execution of agreements for mutual aid, disaster preparedness, and provision of services deemed necessary for emergency response to events exceeding FCFRS capability. The System Chief shall oversee the performance FCFRS duties under these agreements, and shall seek funding and assistance from other localities, and from state and federal agencies, where available, to offset costs of performance.
- f. Establishment of an integrated chain of command for system personnel of FCFRS, in consultation with the Chiefs Working Group.
- g. Establishment of qualifications for operational eligibility and certification at each rank for system personnel, in consultation with the Chiefs Working Group.
- h. Carrying out other duties and responsibilities as assigned by the County Administrator with regard to the provision of fire and rescue services and emergency management.

## **ARTICLE II FIRE AND RESCUE ASSOCIATION**

### **§ 89-4 Purpose; bylaws.**

- A. The Association is hereby recognized by the County for the following purposes: for providing advice, counsel, and recommendations to the System Chief on matters pertaining to FCFRS which include but are not limited to administration guidelines, policies, procedures, fiscal matters, recruitment and retention, and objectives of the Volunteer Companies. The Association is empowered to promulgate bylaws to effectuate the purposes set out herein.
- B. The Association shall serve as an administrative advisory group to the System Chief and shall be notified and consulted prior to the issuance of any

administrative policies related to FCFRS operations.

- C. The Chiefs Work Group, a standing committee of the Association, shall serve as an operational advisory group to the System Chief. The Chiefs Work Group shall provide advice, counsel, and recommendations to the Association and System Chief on matters pertaining to operational policies, equipment standardization, EMS and fire related rescues and responses, fire prevention, and fire suppression, as well as operational objectives of the Volunteer Companies. The Chiefs Work Group is empowered to promulgate bylaws to effectuate the purposes set out herein.
- D. The membership of the Association and the Chiefs Working Group will be set by the bylaws of the respective groups.

#### **§ 89-5 Executive Committee established.**

- A. The Executive Committee shall be comprised of the following six (6) members appointed and/or elected on an annual basis:
  - 1. President of the Association as annually elected by a quorum of members of the group or their designee.
  - 2. Chairperson of the Chiefs Working Group as annually elected by a quorum of members of the group or their designee.
  - 3. FCFRS Assistant Chief, or other career employee designee as annually appointed by the System Chief.
  - 4. FCFRS Deputy Chief of Operations, or other designee as annually appointed by the System Chief.
  - 5. A representative of the career firefighters no higher than the rank of Specialist selected by the System Chief.
  - 6. A representative of the volunteer firefighters no higher than the rank of firefighter selected by the Chairperson of the Chiefs Working Group.
- B. In the event that either the Association and/or Chiefs Working Group object to a systemwide policy, rule, or regulation enacted by the System Chief and cannot come to a resolution with the System Chief, the Executive Committee will convene to attempt to resolve the issue. If Executive Committee and System Chief are not able to resolve the issue, the chair of the committee may raise the issue to the County Administrator for a final determination.
- C. The Executive Committee will establish bylaws for the limited purpose of selecting a chair of the committee.

## **ARTICLE III FIRE COMPANIES**

### **§ 89-6 List of Companies.**

Each individual fire and rescue organization located in Frederick County shall be defined as a "company". These are: Stephens City Volunteer Fire and Rescue Company, Inc.; Middletown Volunteer Fire and Rescue Company, Inc.; Clear Brook Volunteer Fire and Rescue, Inc.; Gore Volunteer Fire Company; Round Hill Community Fire and Rescue Company, Inc.; Gainesboro Fire Company, Inc.; Star Tannery Volunteer Fire Department; Greenwood Volunteer Fire and Rescue Company, Inc.; North Mountain Volunteer Fire Company, Inc.; Reynolds Store Volunteer Fire and Rescue Company, Inc.; Millwood Station Volunteer Fire and Rescue Company 21, Inc.

### **§ 89-7 Approval of names and numbers.**

Newly established fire and rescue company names and numbers shall be recommended by the Association, in conjunction with the System Chief, and are subject to final approval by the Board.

### **§ 89-8 Establishment.**

Pursuant to § 27-8 of the Code of Virginia, any number of persons, not less than 20, may form themselves into a company for emergency response, subject to approval by the Board.

### **§ 89-9 Organization.**

A writing stating such formation of a company, with names of its members, shall be presented to the Board and recorded in the Circuit Court pursuant to § 27-9 of the Code of Virginia.

### **§ 89-10 Dissolution.**

Pursuant to § 27-10 of the Code of Virginia, whenever the Department shall ascertain that a company has failed, for three consecutive months, to consist of 20 effective members, or ascertains that it has failed for the same period of time to keep in good and serviceable condition its fire and rescue apparatus, hose, emergency medical services vehicle, equipment and other proper implements, or whenever the Board for any reason deems it advisable, the Board may act to dissolve a Company.

### **§ 89-11 Rules and regulations; audits.**

- A. The members of each Company may make their own rules and regulations consistent with systemwide policies and procedures, the laws of the

Commonwealth of Virginia, this Chapter, and other ordinances of the County.

- B. Annual financial audits of all Volunteer Companies using appropriate audit procedures as prescribed by the County, shall be performed with full cooperation of the Companies, the Association and FCFRS.

## **ARTICLE IV VOLUNTEER MEMBERSHIP**

### **§ 89-12. Volunteer fire fighter and rescue members.**

- A. Any person, 18 years of age or older, is eligible for membership in a company as a regular member. Persons must apply and be accepted by the company to which application is made according to its rules and regulations and the Code of Virginia. Participation by members must be in accordance with the company rules and regulations and the Code of Virginia.
- B. Applicants for membership shall be subject to a background check. Applications for membership shall require, for the background check, the submission of fingerprints and personal descriptive information, to be processed in accordance with the following:
  - 1. Any person who applies to be a volunteer with a company shall submit fingerprints and provide personal descriptive information to be sent directly by the Department to (i) the State Board of Health to be forwarded by Central Criminal Records Exchange to the Federal Bureau of Investigation or (ii) the Central Criminal Records Exchange to then be forwarded to the Federal Bureau of Investigation, in either case for the purpose of obtaining criminal history records information for the applicant, in accordance with Code of Virginia § 32.1-111.5.
  - 2. Upon the receipt of the results of the state and national criminal history records search, the System Chief, as designee of the County Administrator, shall notify the Company and Office of Emergency Medical Services regarding the applicant's eligibility to serve as a volunteer.
  - 3. Information provided to the Office of Emergency Medical Services shall be limited to notification as to whether the applicant is eligible to serve as a volunteer in accordance with requirements related to disqualifying offenses set forth in regulations of the State Board of Health, and shall not include information regarding whether the applicant has been found ineligible to serve as a volunteer due to any additional exclusionary criteria established by the County.

This section is in accordance with the Code of Virginia, 1950, as amended, §§ 15.2-1503.1, 19.2-389, and 32.1-111.5.



### **§ 89-13 Authorization for youth to serve; parental guardian approval.**

Pursuant to the provision of § 40.1-79.1 of the Code of Virginia, any person 16 or 17 years of age, with parental or guardian approval, is authorized to work with or participate in activities of the Volunteer Companies, provided such person has attained certification under National Fire Protection Association 1001, Level One, Firefighter Standards, as administered by the Virginia Department of Fire Programs. Nothing in this Section shall prohibit participation by such persons in nonhazardous activities of a Volunteer Company, including fire prevention efforts and training courses approved by the Virginia Fire Services Board that are designed to provide situational awareness.

## **ARTICLE V HAZARDOUS MATERIALS RESPONSE REIMBURSEMENT**

### **§ 89-14 Payment of monies recovered; purpose.**

Any monies recovered by the County of Frederick, as reimbursement for actual costs incurred by a company for hazardous materials (HAZMAT) response, shall be reimbursed to the company.

## **ARTICLE VI COST REIMBURSEMENT FOR EMERGENCY MEDICAL TRANSPORT**

### **§ 89-15 Service fees for emergency medical transport.**

A service fee will be imposed for basic life support transport (BLS), advanced life support, level 1 transport (ALS1), advanced life support, level 2 transport (ALS2), and for ground transportation mileage on each person being transported by an emergency medical services vehicle that is operated or maintained by the County and/or a Company and has an EMS vehicle permit issued by the Virginia Office of Emergency Medical Services. The term "emergency medical services vehicle" has the definition specified in § 32.1-111.1 of the Code of Virginia. The funds received from the payment of this fee shall be paid into a fund for the Frederick County Fire and Rescue EMS Expense Recovery Program.

**§ 89-16 Authority of Board of Supervisors; amount of fees [section previously numbered as § 89-17; definitions that were in § 89-16 moved to § 89-1].**

- A. The Board of Supervisors shall, in its discretion, establish or revise rules and regulations for the administration of the fees imposed by this section, including, but not limited to, payment standards for those persons who demonstrate economic hardship.
- B. The service fees imposed by this article shall be payable in such amounts as may from time to time be set by the Board of Supervisors.

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Charles S. DeHaven, Jr., Chairman	_____	Shawn L. Graber	_____
J. Douglas McCarthy	_____	Robert W. Wells	_____
Blaine P. Dunn	_____	Gene E. Fisher	_____
Judith McCann-Slaughter	_____		

A COPY ATTEST

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Kris C. Tierney  
Frederick County Administrator