

CODE OF VIRGINIA



Title 27 Fire Protection

Title 27 - FIRE PROTECTION

Chapter 1 - GENERAL PROVISIONS

§ 27-1. Firefighters and equipment may in emergencies go or be sent beyond territorial limits.

Whenever the necessity arises during any actual or potential emergency resulting from fire, personal injury, or other public disaster, the firefighters of any county, city, or town may, together with all necessary equipment, lawfully go or be sent beyond the territorial limits of such county, city, or town to any point within or without the Commonwealth, to assist in meeting such emergency.

In such event, the acts performed for such purpose by such firefighters and the expenditures made for such purpose by such county, city, or town shall be deemed conclusively to be for a public and governmental purpose and all of the immunities from liability enjoyed by a county, city, or town when acting through its firefighters for a public or governmental purpose within its territorial limits shall be enjoyed by it to the same extent when such county, city, or town is so acting, under this section or under other lawful authority, beyond its territorial limits.

The firefighters of any county, city, or town, when acting hereunder, or under other lawful authority, beyond the territorial limits of such county, city, or town, shall have all the immunities from liability and exemptions from laws, ordinances, and regulations, and shall have all of the pension, relief, disability, workers' compensation, and other benefits, enjoyed by them while performing their respective duties.

1942, p. 376; Michie Code 1942, § 3032c; 1966, c. 134; 1977, c. 326; 1995, c. [461](#); 2015, cc. [502](#), [503](#).

§ 27-2. Contracts of cities or towns to furnish fire protection.

The governing body of any city or town may, in its discretion, authorize or require the fire department or division thereof to render aid in cases of actual or potential fire occurring beyond their limits, and may prescribe the conditions on which such aid may be rendered, and may enter into a contract, or contracts, with nearby, adjacent or adjoining counties and cities, within or without the Commonwealth, including the District of Columbia, for rendering aid in fire protection in such counties, cities, or any district, or sanitary district thereof or in the District of Columbia, on such terms as may be agreed upon by such governing body and the governing body of the District of Columbia or of such counties or cities or district, including sanitary districts, provided that each of the parties to such agreement may contract as follows: (i) waive any and all claims against all the other parties thereto which may arise out of their activities outside their respective jurisdictions under such agreement; (ii) indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury that may arise out of the activities of the other parties to such agreement outside their respective jurisdictions under such agreement. When the fire department or division of any city or town is operating under such permission or contract, or contracts, on any call beyond the corporate limits of the city or town, it shall be deemed to be operating in a governmental capacity and subject only to such liability for injuries as it would be if it were operating within the corporate limits of such city or town.

Code 1919, § 3033; 1938, p. 576; 1966, c. 134; 1968, c. 801; 1995, c. [461](#); 2015, cc. [502](#), [503](#).

§ 27-2.1. Contracts for fire protection for federal and state property.

Any county, city, or town may contract with the federal or state government to provide fire service to federal or state property located within or without the boundaries of the county, city, or town.

In the absence of a written contract, any acts performed and all expenditures made by a county, city, or town in providing fire protection to property owned by the federal government shall be deemed conclusively to be for a public and governmental purpose and all of the immunities from liability enjoyed by a county, city, or town when acting through its firefighters for a public or governmental purpose within or without its territorial limits shall be enjoyed by it to the same extent when such county, city, or town is so acting, under the provisions of this section, or under other lawful authority.

The firefighters of any county, city, or town when acting hereunder, or under other lawful authority, shall have all of the immunities from liability and exemptions from laws, ordinances, and regulations and shall have all of the pension, relief, disability, workers' compensation, and other benefits enjoyed by them while performing their respective duties.

The amount of compensation to the county, city, or town pursuant to the contract shall be a matter within the sole discretion of the governing body of the county, city, or town.

1980, c. 729; 1995, c. [461](#); 2015, cc. [502](#), [503](#).

§ 27-3. Contract of county with city or another county for fire protection.

The governing body of any county adjoining or near any city, town, or county, within or without the Commonwealth, including the District of Columbia, having and maintaining firefighting equipment may contract with any such city, town, or county, upon such terms as such governing body may deem proper, for fighting fires in such county, town, or city and may prescribe the terms and conditions upon which such services may be provided on privately owned property in the county, town, or city and may raise funds with which to pay for such services, by levying and collecting annually, at such rates as such governing body may deem sufficient, a special tax upon the property in such county, or in any magisterial district thereof, subject to local taxation.

Code 1919, § 2743; 1942, p. 118; 1966, c. 134; 1995, c. [461](#); 2015, cc. [502](#), [503](#).

§ 27-3.1. Public liability insurance to cover claims arising out of mutual aid agreements.

The governing body of any city, county or town in the Commonwealth is authorized to procure or extend the necessary public liability insurance to cover claims arising out of mutual aid agreements executed with other cities, counties, or towns outside the Commonwealth, including the District of Columbia.

1968, c. 801; 1995, c. [461](#).

§ 27-4. Contract of county, city, or town to furnish fire protection.

Any county, city, or town that operates firefighting equipment as provided for in § [27-15.2](#) and any county, city, or town mentioned in § [27-6.02](#) may contract with counties, cities, or towns in, adjacent to,

or near such county, city, or town, including the District of Columbia, for fire protection in the manner provided for in § [27-2](#).

1946, p. 609; Michie Suppl. 1946, § 2743m; 1948, p. 160; 1970, c. 187; 1991, c. 54; 1995, c. [461](#); 2015, cc. [502](#), [503](#).

§ 27-5. Contracts as to installation of automatic sprinklers with incidental insurance clauses.

Nothing contained in Title 38.2 shall be construed as prohibiting the performance of any contract made for the introduction of automatic sprinklers for reducing the risk by fire on any property located in this Commonwealth and containing provisions for obtaining or guaranteeing insurance against loss or damage by fire or water for a specified time at a fixed rate; provided, that all insurance contracts issued as a result of such contracts shall be in the form required by law in this Commonwealth; provided, further, that the contract rate be less than the published rate on risks covered thereby or the rate used by insurance companies writing such risks.

1930, p. 23; Michie Code 1942, § 4246c.

§ 27-5.1. Repealed.

Repealed by Acts 1986, c. 429.

§ 27-5.2. Repealed.

Repealed by Acts 1988, c. 891.

§ 27-5.3. Certain counties authorized to accept grants and other federal assistance.

Any county having a population of more than 2,000 persons per square mile may apply for, accept and utilize grants and other assistance from the federal government pursuant to § 117 of the United States Housing Act of 1949 (79 Stat. 451, 477), as amended, for the purpose of carrying out programs of concentrated code enforcement and related activities.

1966, c. 435.

§ 27-5.4. Repealed.

Repealed by Acts 1988, c. 891.

§ 27-5.5. Plans of certain state structures to be submitted to local governing bodies; access of local fire officials to state structures; corrective actions.

A. Any agency, commission or institution of the Commonwealth engaging in the construction or renovation of a structure, the cost of which exceeds \$25,000, shall submit, prior to the initiation of such construction or renovation, preliminary and working plans and specifications to the governing body, or its designee, of the political subdivision in which the structure is or will be located, provided that such governing body has submitted a written request for such plans and specifications to the Director of the Department of General Services and to such agency, commission or institution.

B. Every agency, commission or institution of the Commonwealth shall permit, at all reasonable hours, a local fire official reasonable access to existing structures or a structure under construction or renovation, for the purposes of performing an informational and advisory fire safety inspection. The local fire

official may submit, subsequent to performing such inspection, his findings and recommendations including a list of corrective actions necessary to ensure that such structure is reasonably safe from the hazards of fire to the appropriate official of such agency, commission or institution, the Director of the Department of General Services, and the State Fire Marshal. Such agency, commission or institution shall notify, within sixty days of receipt of such findings and recommendations, the Director of the Department of General Services, the State Fire Marshal, and the local fire official of the corrective measures taken to eliminate the hazards reported by the local fire official. The State Fire Marshal shall have the same power in the enforcement of this section as is provided for the enforcement of the Statewide Fire Prevention Code (§ [27-94](#) et seq.).

1978, c. 197; 1989, c. 258.

Chapter 2 - FIRE/EMS DEPARTMENTS AND FIRE/EMS COMPANIES

Article 1 - PROVISIONS APPLICABLE TO COUNTIES, CITIES AND TOWNS

§ 27-6. Repealed.

Repealed by Acts 1970, c. 187.

§ 27-6.01. Definitions.

For the purposes of this chapter, unless the context requires a different meaning:

"Fire company" means a volunteer firefighting organization organized pursuant to § [27-8](#) in any county, city, or town of the Commonwealth for the purpose of fighting fires.

"Fire department" means a firefighting organization established as a department of government of any county, city, or town pursuant to § [27-6.1](#).

2015, cc. [502](#), [503](#).

§ 27-6.02. Provision of firefighting services.

A. Any county, city, or town may provide firefighting services to its citizens by (i) establishing a fire department as a department of government pursuant to § [27-6.1](#) or (ii) contracting with or providing for the provision of firefighting services by a fire company established pursuant to § [27-8](#).

B. In cases in which a county, city, or town elects to contract with or provide for the provision of firefighting services by a fire company pursuant to clause (ii) of subsection A, the fire company shall be deemed to be an instrumentality of the county, city, or town and, as such, exempt from suit for damages done incident to fighting fires therein. The county, city, or town may elect to provide for the matters authorized in §§ [27-4](#) and [27-39](#).

As used in this section, "provide firefighting services" includes travel while performing fire, rescue, or other emergency operations in emergency vehicles or fire apparatus as described in §§ [46.2-920](#) and [46.2-1023](#), respectively.

2015, cc. [502](#), [503](#).

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

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

1970, c. 187; 2001, c. [142](#); 2008, c. [410](#); 2015, cc. [502](#), [503](#).

§ 27-6.2. Applicant preemployment information with fire departments.

Applicants for employment with the fire department of any locality having a local ordinance adopted in accordance with § [19.2-389](#) may be required to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant; however, such applicants shall, if required by local ordinance, pay the cost of the fingerprinting or criminal records check or both.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall make a report to the fire chief or his designee, who must belong to a governmental entity. In determining whether a criminal conviction directly relates to a position, the locality shall consider the following criteria: (i) the nature and seriousness of the crime; (ii) the relationship of the crime to the work to be performed in the position applied for; (iii) the extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved; (iv) the relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the position being sought; (v) the extent and nature of the person's past criminal activity; (vi) the age of the person at the time of the commission of the crime; (vii) the amount of time that has elapsed since the person's last involvement in the commission of a crime; (viii) the conduct and work activity of the person prior to and following the criminal activity; and (ix) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

If an applicant is denied employment because of information appearing in his criminal history record, the locality shall provide a copy of the information obtained from the Central Criminal Records Exchange to the applicant. The information shall not be disseminated except as provided for in this section.

2001, cc. [353](#), [373](#); 2003, c. [739](#); 2018, c. [834](#).

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

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

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

Code 1919, § 3126; 1970, c. 187; 1984, c. 595; 2001, c. [142](#); 2015, cc. [502](#), [503](#).

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

Any number of persons, not less than 20, may form themselves into a company for extinguishing fires. In any county in which two or more companies for extinguishing fires join together and singly use one fire station, the number of persons in the combined companies shall be not less than 20.

Code 1919, § 3121; 1946, p. 110; 1970, c. 187; 2001, c. [142](#); 2015, cc. [502](#), [503](#).

§ 27-8.1. Repealed.

Repealed by Acts 2015, cc. [502](#) and [503](#), cl. 2.

§ 27-9. Organization of fire company.

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

Code 1919, § 3122; 1970, c. 187; 2001, c. [142](#); 2015, cc. [502](#), [503](#).

§ 27-10. Dissolution of fire company.

Whenever the fire department of the county, city, or town to which any fire company belongs ascertains that such company has failed, for three months successively, to consist of 20 effective members, or ascertains that it has failed for the like period to have or keep in good and serviceable condition an engine, hose, and equipment and other proper implements, or the governing body of the county, city, or town for any reason deems it advisable, such governing body may dissolve the fire company.

Code 1919, § 3136; 1970, c. 187; 2001, c. [142](#); 2015, cc. [502](#), [503](#).

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

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

Code 1919, § 3123; 1970, c. 187; 2001, c. [142](#); 2015, cc. [502](#), [503](#).

§ 27-12. Repealed.

Repealed by Acts 1970, c. 187.

§ 27-13. Appointment of chief and other officers.

In every county, city, or town in which a fire company is established, there shall be appointed, at such time and in such manner as the governing body of such county, city, or town may prescribe, a chief and as many other officers as such governing body may direct.

Code 1919, § 3125; 1970, c. 187; 2008, c. [410](#); 2015, cc. [502](#), [503](#).

§ 27-14. Ordinances as to fire departments and fire companies.

A. The governing body of any county, city, or town in which a fire department or fire company is established may make such ordinances in relation to the powers and duties of such fire departments or fire companies, and chiefs and other officers of such fire departments or fire companies, as it may deem proper, including billing property owners on behalf of volunteer fire departments as provided in § [38.2-2130](#).

B. The ordinances shall not require a minor who achieved certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, on or before January 1, 2006, between the ages of 15 and 16, to repeat the certification after his sixteenth birthday.

Code 1919, § 3127; 1970, c. 187; 2001, c. [142](#); 2006, c. [462](#); 2008, c. [410](#); 2013, cc. [356](#), [616](#); 2015, cc. [502](#), [503](#).

§ 27-15. Repealed.

Repealed by Acts 1970, c. 187.

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

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, including the immediate airspace; (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.

1970, c. 187; 1977, c. 326; 1984, c. 644; 2001, c. [142](#); 2008, c. [410](#); 2015, cc. [502](#), [503](#); 2017, c. [517](#).

§ 27-15.1:1. Penalty for refusing or neglecting to obey order of chief or other officer in command.

If any person at a fire refuses or neglects to obey any order duly given by the chief or other officer in command, he shall be fined a civil penalty not to exceed \$100.

2015, cc. [502](#), [503](#).

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

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

B. Any fire department of a county, city, or town, or any fire company donating equipment for fighting fires to any fire department or any fire company, which equipment met existing engineering and safety standards at the time of its purchase by the donating entity, shall be immune from civil liability unless the donating entity acted with gross negligence or willful misconduct.

C. A safety inspection shall be completed by a certified emergency vehicle service center and a report designating any deficiencies shall be provided prior to the change in ownership of the donated emergency vehicle.

1970, c. 187; 2001, c. [142](#); 2010, c. [545](#); 2015, cc. [502](#), [503](#).

§ 27-15.3. Purchase of service-issued boots or helmet by certain firefighters.

A. Notwithstanding any other provision of law to the contrary, the governing body of any county, city, or town may allow any paid or volunteer firefighter for such jurisdiction with 10 or more years of service, but fewer than 20, to purchase the helmet or boots issued to the firefighter at fair market value.

B. Notwithstanding any other provision of law to the contrary, the governing body of any county, city, or town may allow any paid or volunteer firefighter for such jurisdiction with over 20 years of service to be given the helmet or boots issued to the firefighters or to purchase the helmet or boots issued to the firefighter at a price of \$1.

2011, c. [22](#).

§ 27-16. Repealed.

Repealed by Acts 1970, c. 187.

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

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

Code 1919, § 3130; 1970, c. 187; 2001, c. [142](#); 2015, cc. [502](#), [503](#).

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

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

1978, c. 149; 2001, c. [142](#); 2015, cc. [502](#), [503](#).

§ 27-18. Repealed.

Repealed by Acts 1970, c. 187.

§ 27-19. Repealed.

Repealed by Acts 2015, cc. [502](#) and [503](#), cl. 2.

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

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

Code 1919, § 3133; 1970, c. 187; 2001, c. [142](#); 2008, c. [410](#); 2015, cc. [502](#), [503](#).

§ 27-21. Owner may recover amount of actual damage.

The owner of property destroyed pursuant to § [27-20](#) shall be entitled to recover from the county, city, or town the amount of the actual damage that he may have sustained by reason of the same having been pulled down or destroyed under such direction.

Code 1919, § 3134; 1970, c. 187; 2015, cc. [502](#), [503](#).

§ 27-22. But not for property which would have been destroyed by the fire.

Section [27-21](#) shall not enable anyone to recover compensation for property which would have been destroyed by the fire, if the same had not been pulled down or destroyed under such direction, but only for what could have been saved with ordinary care and diligence, had no such direction been given.

Code 1919, § 3135.

§ 27-23. Repealed.

Repealed by Acts 1970, c. 187.

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

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

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

To raise funds for the purposes aforesaid, the governing body of any city or county in which such zones or districts are established may levy annually a tax on the assessed value of all property real and personal within such zones or districts, subject to local taxation, which tax shall be extended and collected as other city or county taxes are extended and collected. However, any property located in Augusta County that has qualified for an agricultural or forestal use-value assessment pursuant to Article 4 (§ [58.1-3229](#) et seq.) of Chapter 32 of Title 58.1 may not be included within such a zone or district and may not be subject to such tax. In any city or county having a population between 25,000 and 25,500, the maximum rate of tax under this section shall be \$0.30 on \$100 of assessed value.

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

1970, c. 187; 1972, c. 252; 1977, c. 326; 1978, c. 682; 1985, c. 343; 1993, c. 915; 2001, cc. [111](#), [142](#); 2007, c. [813](#); 2015, cc. [502](#), [503](#).

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

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

1970, c. 187; 1985, c. 343; 2001, c. [142](#); 2015, cc. [502](#), [503](#).

§ 27-23.3. Reimbursement for advances.

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

1970, c. 187; 1985, c. 343; 2001, c. [142](#); 2015, cc. [502](#), [503](#).

§ 27-23.4. Validation of prior advances.

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

1970, c. 187; 1985, c. 343; 2001, c. [142](#); 2015, cc. [502](#), [503](#).

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

The governing body of any city or county having a fire zone or district created under the provisions of § [27-23.1](#), prior to June 1 of any calendar year, may alter the boundaries of such fire zone or district for the purpose of excluding an area of any such fire zone or district that is also within the boundaries of a sanitary district providing fire protection services or under contract to a sanitary district providing fire protection services.

Any area excluded from a fire zone or district as provided by this section shall not be subject to the levy set forth in § [27-23.1](#) for the year such area is excluded.

1970, c. 187; 1985, c. 343; 2001, c. [142](#); 2015, cc. [502](#), [503](#).

§ 27-23.6. Repealed.

Repealed by Acts 2015, cc. [502](#) and [503](#), cl. 2.

§ 27-23.7. Special levy for fire protection in certain counties.

Chapter 207 of the Acts of 1930, approved March 22, 1930 (codified as § 3144k of Michie Code of 1942), as amended, by Chapter 297 of the Acts of 1938, approved March 28, 1938, Chapter 392 of the Acts of 1940, approved April 1, 1940, Chapter 40 of the Acts of 1945, approved April 5, 1945, and Chapter 41 of the Acts of 1956, approved February 16, 1956, relating to special levy for fire protection in counties adjacent to a county containing more than 500 inhabitants a square mile, is continued in effect.

1970, c. 187.

§ 27-23.8. Trial board for members of fire departments in certain counties.

Chapter 8 of the Acts of 1950, approved February 9, 1950, as amended, by Chapter 409 of the Acts of 1954, approved April 3, 1954, relating to trial board for members of fire departments in any county having a population of more than 2,000 per square mile is incorporated in this Code by this reference.

1970, c. 187.

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

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

1970, c. 187; 2001, c. [142](#); 2015, cc. [502](#), [503](#).

§ 27-23.10. Ordinances to effectuate purposes of § 27-23.9.

Every county, city and town is authorized to enact and enforce appropriate ordinances to effectuate the purposes of § [27-23.9](#).

1970, c. 187.

Article 2 - IN COUNTIES GENERALLY [Repealed]

§§ 27-24 through 27-29.1. Repealed.

Repealed by Acts 1970, c. 187.

Chapter 3 - LOCAL FIRE MARSHALS

§ 27-30. Appointment of fire marshal.

An officer, who shall be called a "fire marshal," may be appointed for each county, city or town, by the governing body thereof, whenever, in the opinion of such body, the appointment shall be deemed expedient. The term "fire marshal" as used in this chapter may include the local fire official and local arson investigator when appointed pursuant to this section.

Code 1919, § 3137; 1970, c. 187; 1977, c. 334; 1984, c. 644.

§ 27-31. Investigation of fires and explosions.

Such fire marshal shall make an investigation into the origin and cause of every fire and explosion occurring within the limits for which he was appointed, and for any such service he shall receive such compensation as the governing body may allow.

Code 1919, § 3138; 1997, c. [436](#).

§ 27-32. Summoning witnesses and taking evidence.

In making investigations pursuant to § [27-31](#), the fire marshal may issue a summons directed to a sheriff or sergeant of any county, city or town commanding the officer to summon witnesses to attend

before him 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 at the time and place named therein.

Witnesses, on whom the summons before mentioned is served, may be compelled by the fire marshal to attend and give evidence, and shall be liable in like manner as if the summons had been issued by a magistrate in a criminal case. They shall be sworn by the fire marshal before giving evidence, and their evidence shall be reduced to writing by him, or under his direction, and subscribed by them respectively.

Code 1919, §§ 3138, 4808, 4810; 1970, c. 187; 1997, c. [436](#); 2008, cc. [551](#), [691](#).

§ 27-32.1. Right of entry to investigate cause of fire or explosion.

If in making such an investigation, the fire marshal shall make complaint under oath that there is good cause of suspicion or belief that the burning of or explosion on any land, building or vessel or of any object was caused by any act constituting a crime as defined in Article 1 (§ [18.2-77](#) et seq.) of Chapter 5 of Title 18.2 and that he has been refused admittance to the land, building or vessel or to examine the object in or on which any fire or explosion occurred within fifteen days after the extinguishment of such, any magistrate serving the city or county where the land, building, vessel or object is located may issue a warrant to the sheriff of the county or the sergeant of the city requiring him to enter such land, building or vessel or the premises upon which the object is located in the company of the fire marshal for the purposes of conducting a search for evidence showing that such fire or explosion was caused by any act defined in Article 1 of Chapter 5, of Title 18.2.

1970, c. 187; 2008, cc. [551](#), [691](#).

§ 27-32.2. Issuance of fire investigation warrant.

A. If, in undertaking such an investigation, the fire marshal or investigator appointed pursuant to § [27-56](#) makes an affidavit under oath that the origin or cause of any fire or explosion on any land, building, or vessel, or of any object is undetermined and that he has been refused admittance thereto, or is unable to gain permission to enter such land, building, or vessel, or to examine such object, within 15 days after the extinguishing of such, any magistrate serving the city or county where the land, building, vessel, or object is located may issue a fire investigation warrant to the fire marshal or investigator appointed pursuant to § [27-56](#) authorizing him to enter such land, building, vessel, or the premises upon which the object is located for the purpose of determining the origin and source of such fire or explosion. After issuing a warrant under this section, the magistrate shall file the affidavit in the manner prescribed by § [19.2-54](#). After executing the warrant, the fire marshal, or investigator appointed pursuant to § [27-56](#), shall return the warrant to the clerk of the circuit court of the city or county wherein the investigation was made.

B. If the fire marshal or investigator appointed pursuant to § [27-56](#), after gaining access to any land, building, vessel, or other premises pursuant to such a fire investigation warrant, has probable cause to believe that the burning or explosion was caused by any act constituting a criminal offense, he shall

discontinue the investigation until a search warrant has been obtained pursuant to § [27-32.1](#), or consent to conduct the search has otherwise been given.

1987, c. 701; 2008, cc. [551](#), [691](#); 2012, cc. [279](#), [330](#); 2014, c. [354](#).

§ 27-33. Report of investigation.

The fire marshal shall make report to the governing body by whom he was appointed of any investigation made by him as soon thereafter as practicable, returning therewith the evidence taken by him and submitting such recommendations therein as he may think the public interest demands.

Code 1919, § 3138.

§ 27-34. Duties and powers at fires.

Whenever any fire occurs, it shall be the duty of such fire marshal or his designated representative to be present at the same and advise and act in concert with such officers of police as may be present; and, for preserving order at and during the existence of such fire, and for the protection of property, he shall have concurrent powers with the officers of police, and the chief, director, or other officer in charge, but shall not exercise any authority which will conflict with the powers of any chief, director, or other officer in command of any fire department in the discharge of his special duties as such.

Code 1919, § 3139; 1970, c. 187; 2008, c. [410](#).

§ 27-34.1. Power of fire marshal or fire chief to take property found at scene of fire or explosion; restitution of such property.

The fire chief, fire marshal or his designated representative is authorized to take and preserve any property found at the scene of a fire or explosion during his presence there while in the act of extinguishing such or found later with the consent of the owner or pursuant to § [27-32.1](#), which property indicates the fire or explosion was intentionally caused. Any person whose property is so taken and held may petition the circuit court of the county or city in which the property was taken or judge in vacation, for return of the property, and the court may order restitution upon such conditions as are appropriate for preservation of evidence, including the posting of bond.

1970, c. 187; 1979, c. 189.

§ 27-34.2. Power to arrest, to procure and serve warrants and to issue summons; limitation on authority.

In addition to such other duties as may be prescribed by law, the local fire marshal and his assistants appointed pursuant to § [27-36](#) shall, if authorized by the governing body of the county, city or town appointing the local fire marshal, 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. The authority granted in this section shall not be exercised by any local fire marshal or assistant until such person has satisfactorily completed a training course designed specifically for local fire marshals and their assistants, which course shall be approved by the Virginia Fire Services Board.

The Department of Fire Programs in cooperation with the Department of Criminal Justice Services shall have the authority to design, establish and maintain the required courses of instruction through such agencies and institutions as the Departments jointly may deem appropriate and to approve such other courses as such Departments determine appropriate.

The authority granted in this section shall not be construed to authorize a fire marshal or his assistants to wear or carry firearms.

1974, c. 334; 1975, c. 173; 1979, c. 402; 1984, c. 779; 1986, c. 60; 1988, c. 65; 1997, c. [436](#).

§ 27-34.2:1. Police powers of fire marshals.

In addition to such other duties as may be prescribed by law, the local fire marshal and those assistants appointed pursuant to § [27-36](#) designated by the fire marshal shall, if authorized by the governing body of the county, city or town appointing the local fire marshal, have the same police powers as a sheriff, police officer or law-enforcement officer. 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, if authorized by the governing body of the county, city or town appointing the local fire marshal. The police powers granted in this section shall not be exercised by any local fire marshal or assistant until such person has satisfactorily completed a course for fire marshals with police powers, designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, which course shall be approved by the Virginia Fire Services Board.

In addition, fire marshals with police powers shall continue to exercise those powers only upon satisfactory participation in in-service and advanced courses and programs designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, which courses shall be approved by the Virginia Fire Services Board.

1977, c. 209; 1979, c. 446; 1984, c. 779; 1986, c. 60; 1988, c. 65; 2000, cc. [39](#), [390](#).

§ 27-34.3. Power to order immediate compliance with law, etc., or prohibit use of building or equipment.

The local fire marshal shall, if authorized by the governing body of the county, city or town appointing him, have the authority to exercise the powers authorized by the Fire Prevention Code. However, an order prohibiting the use of a building or equipment issued pursuant to this section shall not be effective beyond the date of a determination made by the authorities identified in and pursuant to § [27-97](#), regardless of whether or not said determination overrules, modifies or affirms the order of the local fire marshal. If an order of the local fire marshal issued pursuant to this section conflicts to any degree with an order previously issued by an authority identified in and pursuant to § [27-97](#), the latter order shall prevail. The local fire marshal shall immediately report to the authorities identified in § [27-97](#) on the issuance and content of any order issued pursuant to this section.

1975, c. 216; 1988, c. 199.

§ 27-34.4. Inspection and review of plans of buildings under construction.

Inspection of buildings other than state-owned buildings under construction and the review and approval of building plans for these structures for enforcement of the Uniform Statewide Building Code shall be the sole responsibility of the appropriate local building inspectors. Upon completion of such structures, responsibility for fire safety protection shall pass to the local fire marshal or official designated by the locality to enforce the Statewide Fire Prevention Code (§ [27-94](#) et seq.) in those localities which enforce the Statewide Fire Prevention Code.

1980, c. 498; 1989, c. 258.

§ 27-35. Penalty for failure to discharge duty.

For his failure to discharge any duty required of him by law the fire marshal shall be liable for each offense to a fine not exceeding \$100, to be imposed by the governing body and to be collected as other fines are collected.

Code 1919, § 3138.

§ 27-36. Appointment, powers and duties of assistant fire marshals.

The governing body of any county, city or town, or its designee may appoint one or more assistants, who, in the absence of the fire marshal, shall have the powers and perform the duties of the fire marshal.

Code 1919, § 3140; 1970, c. 187; 1984, c. 644; 1998, c. [236](#).

§ 27-37. Oath of fire marshal and assistants.

The fire marshal and his 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; the certificate of the oath shall be returned to and preserved by such governing body.

Code 1919, § 3140.

§ 27-37.1. Right of entry to investigate releases of hazardous material, hazardous waste, or regulated substances.

A. The fire marshal shall have the right, if authorized by the governing body of the county, city, or town appointing the fire marshal, 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](#), has occurred or is reasonably suspected to have occurred and which has entered into the ground water, surface water or soils of the county, city or town in order to investigate the extent and cause of any such release.

B. If, in undertaking such an investigation, the fire marshal 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 serving the city or county where the property is located may issue an investigation warrant to the fire marshal authorizing him to enter such property for the purpose of determining the origin and source of the release. After issuing a

warrant under this section, the magistrate shall file the affidavit in the manner prescribed by § [19.2-54](#). After executing the warrant, the fire marshal shall return the warrant to the clerk of the circuit court of the city or county wherein the investigation was made.

C. If the fire marshal, after gaining access to any property pursuant to such investigation warrant, has probable cause to believe that the release was caused by any 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.

1992, c. 712; 2008, cc. [551](#), [691](#); 2014, c. [354](#).

Chapter 4 - RELIEF FOR FIRE FIGHTERS AND DEPENDENTS

Article 1 - GENERAL PROVISIONS

§ 27-38. Repealed.

Repealed by Acts 1950, p. 316.

§ 27-39. Counties, cities and towns authorized to provide relief.

Any county, city or town which operates fire-fighting equipment may provide for the relief of (1) any children and surviving spouse of any fire fighter who dies (2) and on or before July 1, 1977, shall provide for the relief of any fire fighter who is disabled by injury or illness as the direct or proximate result of the performance of his duty, including the presumption under § [27-40.1](#), in the service of the county, city or town or any political subdivision with which it contracts or has contracted for fire protection, whether such fire fighter be a member of a fire company of the county in which the injury occurred or of a political subdivision with which it contracts for fire protection. Such total disability retirement benefits shall be not less than those provided under the in-line-of-duty disability retirement provisions of § [51.1-157](#). Such relief of any children and surviving spouse of any fire fighter who dies shall be exclusive of, and not dependent upon, any payment under the Line of Duty Act (§ [9.1-400](#) et seq.).

1946, p. 609; Michie Suppl. 1946, § 2743m; 1948, p. 161; 1970, c. 187; 1973, c. 543; 1976, c. 772; 1977, c. 326.

§ 27-40. Support of dependent children of firemen.

The governing bodies of cities of the first class may, by ordinance adopted by a recorded vote of a majority of the members elected to each branch, if there be more than one branch, appropriate money out of the public funds to aid in the support of dependent children of members of the fire departments of such cities who may have lost their lives through injuries received or illness incurred while in the performance of their duties as members of such fire departments; such aid to continue in the case of each such child until he or she shall have attained the age of sixteen years, and the payment of same to be made monthly to the lawful guardian of such dependent children and in such amounts as the governing body of such city may deem wise and just.

1918, p. 224; Michie Code 1942, § 3035a.

§ 27-40.1. Presumption as to death or disability from respiratory diseases, hypertension or heart disease.

The death of, or any condition or impairment of health of salaried or volunteer fire fighters caused by respiratory diseases, hypertension or heart disease resulting in total or partial disability shall be presumed to have been suffered in the line of duty unless the contrary be shown by a preponderance of competent evidence; provided that prior to making any claim based upon such presumption for retirement, sickness or other benefits on account of such death or total or partial disability, such salaried or volunteer fire fighters shall have been found free from respiratory diseases, hypertension or heart disease, as the case may be, by a physical examination which shall include such appropriate laboratory and other diagnostic studies as such governing body shall prescribe and which shall have been conducted by physicians whose qualifications shall have been prescribed by such governing body; and provided, further, that any such fire fighter or, in the case of his death, any person entitled to make a claim for such benefits, claiming that his death or disability was suffered in the line of duty shall, if requested by such governing body or its authorized representative, submit himself, in the case of claim for disability benefits, to physical examination by any physician designated by such governing body, which examination may include such tests or studies as may reasonably be prescribed by the physician so designated or, in the case of a claim for death benefits, submit the body of the deceased fire fighter to a postmortem examination to be performed by the medical examiner for the county, city or town appointed under § [32.1-282](#). Such fire fighter or claimant shall have the right to have present at such examination, at his own expense, any qualified physician he may designate.

1964, c. 216; 1972, c. 607; 1973, c. 543; 1976, c. 772; 1977, c. 326; 1978, c. 768.

§ 27-40.1:1. Performance of physical examinations required by § 27-40.1.

Any county, city or town providing death, retirement, sickness or other benefits pursuant to the authority granted by § [27-39](#), or pursuant to any other provision of law or the charter of any city or town, or otherwise, shall do so exclusive of, and without regard to, any such benefits paid or payable out of the general fund of the state treasury pursuant to § [9.1-400](#) et seq. and shall by ordinance make provision for the employment of physicians and the performance of the physical examination required by § [27-40.1](#) and shall cause such examination to be made within ninety days after June 1, 1973, of every fire fighter in its service or the service of a political subdivision with which it has contracted for fire protection and of every fire fighter entering upon such service thereafter at the time of such entry, provided however, that any fire fighter employed by any such county, city or town which failed to cause such physical examination to be made on or before January 1, 1976, for any fire fighter employed prior to January 1, 1976, in its service or the service of a political subdivision with which it has contracted for fire protection shall be presumed to have been found free from respiratory disease, hypertension or heart disease as if such fire fighter had been examined pursuant to § [27-40.1](#). Such presumption shall also apply to the benefit of any fire fighter entering upon such service on or after January 1, 1976, unless said county, city or town shall cause such examination to be made of such fire fighter within ninety days after July 1, 1976. Every fire fighter entering upon such service on or after October 1,

1976, and thereafter, shall be entitled to the benefit of such presumption unless such county, city or town shall cause such examination to be made of such fire fighter at the time of such entry.

1973, c. 543; 1976, c. 772; 1977, c. 326.

§ 27-40.2. Employing such presumption in determining eligibility for benefits.

Such presumption, subject to the provisions of § [27-40.1](#), shall be employed in determining eligibility for death, retirement, sickness and other benefits provided pursuant to the authority granted by §§ [27-39](#), [27-40](#), or pursuant to any other provision of law or the charter of any city or town, or otherwise for persons who die or become totally or partially disabled; provided, however, that such presumption shall be used to determine eligibility for death benefits for all fire fighters employed by the City of Portsmouth when death occurs subsequent to July 1, 1972.

1964, c. 216; 1972, c. 607; 1973, c. 543; 1974, c. 579; 1977, c. 326.

§ 27-40.3. Definition.

For the purposes of this article the term "volunteer fire fighters" shall be defined as in § [27-42](#).

1972, c. 607; 1977, c. 326.

§ 27-40.4. Income earned during disability retirement; reduction in benefits.

If any person is entitled to and receives pensions and benefits under this article and subsequently becomes employed, whether full-time or part-time, the pensions and benefits received shall be reduced by the amount of income received which exceeds the difference between the benefits received under this article and the amount of pay to which he would have been entitled had his employment progressed in the same rank and grade with credit for the level of seniority he would have attained had he not been disabled. Such a reduction in benefits shall continue until the time he becomes eligible for normal retirement, had he remained uninjured and continued his employment. For the purposes of this section, "income" means gross income received less deductions for social security taxes only.

Any person receiving pensions or benefits under the provisions of this article shall upon request, on or before May 1 of each year, provide a true and correct copy of all W-2 forms showing income received, or a statement under oath as to whether he has received compensation for work performed in the previous calendar year, to the governing body of the jurisdiction which is the source of the pension, or to that body's designee. Refusal to provide such documents shall be grounds for termination of benefits under this section, until such documents are produced. Production of the documents shall be required only until such time as the person shall be eligible for normal retirement, had he remained uninjured and continued his employment.

Nothing contained herein shall limit or restrict the right of any person to receive workers' compensation benefits under Title 65.2, as amended.

1983, c. 351.

Article 2 - RELIEF FOR VOLUNTEER FIRE FIGHTERS

§ 27-41. Relief provided for.

Financial relief shall be extended by the counties, cities and towns of Virginia to volunteer fire fighters who are killed or injured while engaged in fighting fire or while responding to an alarm or returning from the scene of a fire, such relief to be paid in amounts and manner as hereinafter set forth.

1928, p. 1002; Michie Code 1942, § 3144a; 1970, c. 187; 1977, c. 326.

§ 27-42. Definition of term "volunteer fire fighters."

For the purposes of this article, the term "volunteer fire fighters" shall include only members of any organized fire-fighting company which has in its possession and operates fire-fighting apparatus and equipment, whose members serve without pay and whose names are maintained on a list kept by the secretary of such company. It shall be the responsibility of the secretary of such company or the secretary's designee to (i) file the list with the office of the clerk of the circuit court where such company is located, (ii) keep the list of such members up to date, and (iii) file the updated list with the clerk in a timely manner. The clerk shall not be responsible to obtain the list or an updated list from the secretary of the fire-fighting company if the list is not filed with the clerk.

1928, p. 1002; Michie Code 1942, § 3144b; 1977, c. 326; 2012, c. [802](#); 2014, c. [291](#).

§ 27-43. Payment on death.

Should any volunteer fire fighter be killed while actually engaged in fighting fire, or while going to a fire in answer to an alarm or returning therefrom, the governing body of the county, city or town in which his company is located shall pay to his personal representative, for the benefit of his estate, the sum of \$1,000.

1928, p. 1002; Michie Code 1942, § 3144c; 1970, c. 187; 1977, c. 326.

§ 27-44. Payments for total and permanent disability.

Should any volunteer fire fighter be injured under circumstances set forth in § [27-43](#), so as to be totally and permanently disabled from making a livelihood, he shall be paid in like manner the sum of twenty-five dollars per week for forty weeks.

1928, p. 1002; Michie Code 1942, § 3144d; 1977, c. 326.

§ 27-45. Payments for partial disability.

Should a volunteer fire fighter be injured under circumstances set forth in § [27-43](#), so as to be prevented from attending to his usual occupation for a period greater than two weeks, but not permanently and totally disabled, he shall be paid in like manner the sum of twenty-five dollars per week until able to return to his usual occupation, provided, that the payments shall not continue in any event for a period greater than ten weeks.

1928, p. 1002; Michie Code 1942, § 3144e; 1977, c. 326.

§ 27-46. Payment for hospital and medical services.

In addition to the relief set forth in §§ [27-43](#) through [27-45](#), all necessary hospital charges and all necessary and proper medical, surgical, laboratory and operating room charges for any volunteer fire fighter arising out of any injury set forth in such sections shall be paid by such county, city or town.

1928, p. 1003; Michie Code 1942, § 3144f; 1970, c. 187; 1977, c. 326.

§ 27-47. Levy for funds.

All funds necessary to carry out the provisions of this article shall be raised in the case of a city by a general levy on all property therein subject to taxation for local purposes; and in the case of a county one-half thereof shall be raised by a general levy throughout the county and one-half by the levy within the town or magisterial district in which the fire company is located on all property therein subject to taxation for local purpose.

1928, p. 1003; Michie Code 1942, § 3144g.

§ 27-48. Disputed questions of fact.

Any disputed question of fact arising under the operation of this article shall be triable before the governing body of such county or city having jurisdiction of the company involved, and from the decision of such governing body the petitioner and the county or city, as the case may be, shall have an appeal of right to the circuit court of the county or the corporation court of the city. Such appeal on behalf of the county or city shall be taken by the attorney for the Commonwealth or the corporation counsel who shall prosecute the same in the trial court.

1928, p. 1003; Michie Code 1942, § 3144h.

§ 27-49. Special laws not affected.

This article shall not be construed to repeal any special act now in force in any county or city for the relief of volunteer fire fighters or to limit the enactment of further special and local laws for such purpose.

1928, p. 1003; Michie Code 1942, § 3144i; 1977, c. 326.

§ 27-50. Adoption of article by counties, cities and towns.

This article shall not become effective in any county, city or town until the governing body thereof shall adopt and approve the same by resolution duly passed and spread on its minutes.

1928, p. 1003; Michie Code 1942, § 3144j.

Chapter 5 - SAFETY PROVISIONS GENERALLY

Article 1 - GENERALLY

§ 27-51. Exits from public halls, theaters and opera houses.

All owners or lessees of public halls, theaters or opera houses situated in any city or town, or in any county which has elected to come under the provisions of Article 1 (§ [27-6.01](#) et seq.) of Chapter 2 of this title, shall provide suitable and sufficient exits from such buildings. The doors to the exits shall

remain unlocked during all performances or public gatherings in the buildings, and shall in all cases open outwardly, and not inwardly.

Code 1919, § 3142; R. P. 1948, § 27-36.

§ 27-52. Inspection of buildings designated in preceding section.

In cities and towns having police and fire departments or having a fire inspector employed by such city or town, the respective heads of such departments and the mayor of such city or town shall, as a committee of three, or the fire inspector of such city or town, inspect at least semiannually, all buildings mentioned in § [27-51](#) which are located in their city or town, and see that the provisions thereof are complied with.

In cities and towns which do not possess police and fire departments or a fire inspector, the mayor and two members of the council to be selected by the mayor shall, as a committee of three, inspect all such buildings located in their city or town semiannually, and see that the provisions of § [27-51](#) are complied with. Any such building as to which such provisions have not been complied with, may be closed by order of the mayor of the city or town until the provisions are complied with.

Code 1919, § 3143; R. P. 1948, § 27-37; 1974, c. 41.

§ 27-53. Penalty for violating § 27-51; separate offenses.

Any owner or lessee of any such building, who shall violate any of the provisions of § [27-51](#), shall be punishable by a fine of not less than \$100 nor more than \$500, or by confinement in jail not less than 6 nor more than 12 months, or by both. The continuation of any failure to comply with the provisions of such section for each week after notice has been given the owner or lessee of the buildings that the exits are unsafe or insufficient shall be deemed a separate offense.

Code 1919, § 3144; R. P. 1948, § 27-38.

§ 27-54. Governing body to make additional safety provisions.

The governing body of any city or town, or of any such county, shall make such further provisions insuring the safety of the public using such buildings as is mentioned in § [27-51](#) as such governing body may see proper to make, not in conflict with such section.

Code 1919, § 3145; R. P. 1948, § 27-39.

Article 2 - IN AREAS MADE HAZARDOUS BY DROUGHT [Repealed]

§§ 27-54.1 through 27-54.4. Repealed.

Repealed by Acts 1988, c. 891.

Article 3 - OPEN BURNING [Repealed]

§ 27-54.5. Repealed.

Repealed by Acts 1988, c. 891.

Chapter 6 - DEPARTMENT OF STATE POLICE; PUBLIC BUILDING SAFETY LAW; ARSON REPORTING IMMUNITY ACT

Article 1 - GENERAL PROVISIONS

§ 27-55. Department of State Police or successor agency to keep record of fires and explosions; when open to public inspection.

The Department of State Police or its successor agency shall keep in its office a record of all fires occurring in the Commonwealth, investigation of which is provided for in this article, together with all facts, statistics and circumstances concerning the same, including the origin of the fires. Such records shall not be open to public inspection, except insofar as the Department shall permit otherwise. Whenever the word "Department" appears in this article it shall be deemed to mean the Department of State Police or its successor agency in the Office of Public Safety.

Code 1919, § 4148; 1918, p. 123; 1936, p. 259; 1948, p. 487; 1977, c. 613.

§ 27-56. Department to examine into origin of fires; appointment of arson investigators.

The Department shall examine, or cause examination to be made, into the origin and circumstances of all fires occurring in this Commonwealth, which may be brought to its attention by official report, or otherwise, and for that purpose shall have authority to call for and demand of the chief or other head officer of the fire department, and the chief or other head officer of the police department, of any city or town, and the sheriff of any county, for any information or assistance it may require in making or furthering such examination.

The Department shall appoint a chief arson investigator and assistant arson investigators, who shall have the same police powers as a sheriff in the investigation and prosecution of all offenses involving fires, fire bombings, bombings, attempts, threats to commit such offense, false alarms relating to any such offense, possession and manufacture of explosive devices, substances and firebombs.

Code 1919, § 4186; 1977, c. 613.

§ 27-57. When insurance company to pay expenses of examination.

When such examination is made on the application of any fire insurance company, the necessary expenses attending the same shall be paid by such company.

Code 1919, § 4186.

§ 27-58. Right to examine buildings or premises.

The Department, and such person or persons as it may appoint, shall have authority at all times of the day, in the performance of the duties imposed by the provisions of § [27-56](#), to enter upon and examine any building or premises where any fire has occurred, and any other buildings or premises immediately adjoining the same; provided, that such adjoining building is not at the time occupied and used as a dwelling house.

Code 1919, § 4187; 1977, c. 613.

§ 27-59. Criminal prosecutions.

If the Department shall be of opinion, after investigation as to the cause or origin of any fire, that there is sufficient evidence to charge any person with the crime of arson, or with incendiary burning of property, it shall furnish to the attorney for the Commonwealth of the city or county all such evidence, together with the names of witnesses, and all information obtained by it, including a copy of all pertinent and material testimony taken by it touching such offense.

Code 1919, § 4188; 1918, p. 123; 1977, c. 613.

§ 27-60. Department to conduct investigations in certain cases; investigations may be private.

The Department may petition an appropriate judicial officer to summons and compel the attendance of witnesses to testify in relation to any matter which is, by the provisions of this chapter, a subject of inquiry and investigation. It may also administer oaths and affirmations to such witnesses, and false swearing in any such matter shall be deemed perjury, and shall be punished as such. It may in its discretion take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matters as to which any examination is, in this chapter, required to be made, and shall cause the same to be reduced to writing. Investigations in relation to such matters may, in the discretion of the Department, be private, and persons other than those required to be present by the provisions of this chapter may be excluded from that place where such examination is held, and witnesses may be kept separate and apart from each other, and not allowed to communicate with each other until they have been examined.

Code 1919, § 4189; 1977, c. 613.

§ 27-61. When Department or fire chief may remedy inflammable or unsafe conditions.

The Department of Fire Programs, by its representative, or the chief or other head of the fire department of any county, city or town or district thereof, shall have the right, at all reasonable hours, for the purpose of examination, to enter into and upon any public school building or any other building or premises not at the time occupied and used as a dwelling house, within their respective jurisdictions, for examination as to combustible materials or inflammable or unsafe conditions in any such building or upon any such premises. Upon complaint of any person having an interest in any building or premises or property adjacent thereto, in his jurisdiction, an officer shall make an immediate investigation as to the presence of any combustible materials or the existence of inflammable or unsafe conditions in such buildings or upon such premises. Whenever any officer finds in any building or upon any premises combustible, inflammable or unsafe conditions, dangerous to the safety of the building or premises, or other property, he shall order the same to be removed or remedied, and the order shall, within a reasonable time to be fixed in the order, be complied with by the owner or occupant of the building or premises.

Any owner or occupant aggrieved by such order may within five days after notice of such order, appeal to the Department of Fire Programs, and the cause of his complaint shall be at once investigated by the Executive Director of the Department of Fire Programs, and unless by its authority such

order is revoked, the order shall remain in force and the owner or occupant shall comply with the order.

Any owner or occupant of any building or premises failing to comply with any final order made or given under the authority of this section, shall be deemed guilty of a misdemeanor, and punished by a fine of not less than \$5 nor more than \$100 for each offense.

Code 1919, § 4190; 1936, p. 776; 1977, c. 613; 1988, c. 199; 2007, cc. [647](#), [741](#).

§ 27-62. Penalty on local officers for violating law.

Any city, town or county officer referred to in this article who willfully neglects or refuses to comply with any of the requirements of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof, be punished by a fine of not less than \$5, nor more than \$100.

Code 1919, § 4192.

Article 2 - PUBLIC BUILDING SAFETY LAW [Repealed]

§§ 27-63, 27-64. Repealed.

Repealed by Acts 1988, c. 199.

§ 27-65. Repealed.

Repealed by Acts 1981, c. 499.

§ 27-66. Repealed.

Repealed by Acts 1977, c. 613.

§ 27-66.1. Repealed.

Repealed by Acts 1989, c. 258.

§ 27-67. Repealed.

Repealed by Acts 1981, c. 499.

§ 27-68. Repealed.

Repealed by Acts 1977, c. 613.

§ 27-69. Repealed.

Repealed by Acts 1981, c. 499.

§ 27-70. Repealed.

Repealed by Acts 1981, c. 499.

§ 27-70.1. Repealed.

Repealed by Acts 1988, c. 199.

§ 27-70.2. Repealed.

Repealed by Acts 1981, c. 499.

§ 27-71. Repealed.

Repealed by Acts 1977, c. 613.

§ 27-72. Repealed.

Repealed by Acts 1988, c. 199.

§ 27-73. Repealed.

Repealed by Acts 1989, c. 258.

§ 27-73.1. Repealed.

Repealed by Acts 1988, c. 199.

§§ 27-74 through 27-77. Repealed.

Repealed by Acts 1977, c. 613.

§§ 27-78, 27-78.1. Repealed.

Repealed by Acts 1989, c. 258.

§ 27-79. Repealed.

Repealed by Acts 1988, c. 199.

§§ 27-79.1 through 27-79.8. Repealed.

Repealed by Acts 1981, c. 499.

§ 27-79.9. Repealed.

Repealed by Acts 1989, c. 258.

§§ 27-80 through 27-84. Repealed.

Repealed by Acts 1988, c. 199.

§§ 27-85, 27-85.1. Repealed.

Repealed by Acts 1981, c. 499.

§ 27-85.2. Repealed.

Repealed by Acts 1989, c. 258.

Article 3 - ARSON REPORTING IMMUNITY ACT

§ 27-85.3. Short title.

This article shall be known as the Arson Reporting Immunity Act.

1979, c. 279.

§ 27-85.4. Definitions.

For the purposes of this article:

"Action" includes nonaction or the failure to take action.

"Authorized agencies" means:

- i. The chief or director of any municipal or county fire or police department or the sheriff of any county;
- ii. The arson investigator of the State Police Department; the Alcohol, Tobacco and Firearms Division of the United States Department of the Treasury; or

iii. The attorney for the Commonwealth or other person responsible for prosecutions in the jurisdiction where the fire occurred.

"Insurance company" includes the Virginia Property Insurance Association.

1979, c. 279; 1985, c. 58; 2008, c. [410](#).

§ 27-85.5. Disclosure of information.

A. Any authorized agency may, in writing, require an insurance company to release to the requesting agency any or all relevant information or evidence deemed material by the requesting agency in the insurance company's possession relating to the fire loss in question. Relevant information may include, but shall not be limited to:

1. Pertinent insurance policy information relevant to a fire loss under investigation and any application for such a policy;
2. Policy premium payment records;
3. History of previous claims made by the insured;
4. Material relating to the investigation of the loss, including statements of any person, proof of loss, and any other evidence relevant to the investigation.

B. 1. When an insurance company has reason to believe that a fire loss in which it has an interest may be of other than accidental cause, then, for the purpose of notification and for having such fire loss investigated, the company shall, in writing, notify an authorized agency and provide it with any or all material developed from the company's inquiry into the fire loss.

2. When an insurance company provides any one of the authorized agencies with notice of a fire loss, it shall be sufficient notice for the purpose of this article.

C. The authorized agency provided with information pursuant to subsections A or B of this section and in furtherance of its own purposes, may release or provide such information to any of the other authorized agencies.

D. Any insurance company providing information to an authorized agency or agencies pursuant to subsections A or B of this section shall have the right to request relevant information and receive, within a reasonable time, not to exceed thirty days, the information requested.

E. Any insurance company, or person acting in its behalf or authorized agency who releases information, whether oral or written, pursuant to subsections A or B of this section shall be immune from any liability arising out of a civil action, or penalty resulting from a criminal prosecution unless actual malice on the part of the insurance company or authorized agency is present.

1979, c. 279.

§ 27-85.6. Evidence.

Any authorized agency and insurance company described in § [27-85.4](#) or § [27-85.5](#) who receives any information furnished pursuant to this article, shall hold the information in confidence until such time

as its release is required pursuant to a criminal or civil proceeding, except release in accordance with subsection C of § [27-85.5](#).

1979, c. 279.

Chapter 7 - LIQUEFIED PETROLEUM GASES [Repealed]

§§ 27-86 through 27-90. Repealed.

Repealed by Acts 1995, c. [44](#).

Chapter 8 - FIRE SERVICES TRAINING [Repealed]

§§ 27-91 through 27-93. Repealed.

Repealed by Acts 1981, c. 154.

Chapter 9 - STATEWIDE FIRE PREVENTION CODE ACT

§ 27-94. **Short title.**

This chapter may be cited as the "Virginia Statewide Fire Prevention Code Act."

1986, c. 429.

§ 27-95. **Definitions.**

As used in this chapter, unless the context or subject matter requires otherwise, the following words or terms shall have the meaning herein ascribed to them:

"Board" means the Board of Housing and Community Development.

"Code provisions" means the provisions of the Fire Prevention Code as adopted and promulgated by the Board, and the amendments thereof as adopted and promulgated from time to time by such Board.

"Enforcement agency" means the agency or agencies of any local governing body or the State Fire Marshal charged with the administration or enforcement of the Fire Prevention Code.

"Fire Prevention Code" or "Code" means the Statewide Fire Prevention Code.

"Fire prevention regulation" means any law, rule, resolution, regulation, ordinance or code, general or special, or compilation thereof to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling and use of substances, materials and devices, including explosives and blasting agents, wherever located, heretofore or hereafter enacted or adopted by the Commonwealth or any county or municipality, including departments, boards, bureaus, commissions or other agencies.

"Fire Services Board" means the Virginia Fire Services Board as provided for in § [9.1-202](#).

"Fireworks" means any firecracker, torpedo, skyrocket, or other substance or object, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended,

or commonly known as fireworks, and which explodes, rises into the air or travels laterally, or fires projectiles into the air.

"Fireworks operator" or "pyrotechnician" means any person engaged in the design, setup, and firing of any fireworks other than permissible fireworks either inside a building or structure or outdoors.

"Inspection warrant" means an order in writing, made in the name of the Commonwealth, signed by any judge or magistrate whose territorial jurisdiction encompasses the building, structure or premises to be inspected or entered, and directed to a state or local official, commanding him to enter and to conduct any inspection, examination, testing or collection of samples for testing required or authorized by the Virginia Statewide Fire Prevention Code.

"Local government" means the governing body of any city, county or town in this Commonwealth.

"Permissible fireworks" means any fountains that do not emit sparks or other burning effects to a distance greater than five meters (16.4 feet); wheels that do not emit a flame radius greater than one meter (39 inches); crackling devices and flashers or strobes that do not emit sparks or other burning effects to a distance greater than two meters (78.74 inches); and sparkling devices or other fireworks devices that (i) do not explode or produce a report, (ii) do not travel horizontally or vertically under their own power, (iii) do not emit or function as a projectile, (iv) do not produce a continuous flame longer than 20 inches, (v) are not capable of being reloaded, and (vi) if designed to be ignited by a fuse, have a fuse that is protected to resist side ignition and a burning time of not less than four seconds and not more than eight seconds.

"State Fire Marshal" means the State Fire Marshal as provided for by § [9.1-206](#).

1986, c. 429; 1988, cc. 340, 549; 1989, c. 258; 2002, c. [856](#); 2010, cc. [587](#), [643](#); 2019, c. [720](#).

§ 27-96. Statewide standards.

The purposes of this chapter are to provide for statewide standards for optional local enforcement to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling, and use of substances, materials and devices, including fireworks, explosives and blasting agents, wherever located.

1986, c. 429; 1988, c. 340; 2002, c. [856](#).

§ 27-96.1. Chapter inapplicable to certain uses of fireworks.

Unless prohibited by a local ordinance, the provisions of this chapter pertaining to fireworks shall not apply to the sale of or to any person using, igniting or exploding permissible fireworks on private property with the consent of the owner of such property.

2002, c. [856](#).

§ 27-96.2. Exemptions generally.

The provisions of this chapter concerning fireworks shall have no application to any officer or member of the armed forces of this Commonwealth, or of the United States, while acting within the scope of his

authority and duties as such, nor to any offer of sale or sale of fireworks to any authorized agent of such armed forces; nor shall it be applicable to the sale or use of materials or equipment, otherwise prohibited by this chapter, when such materials or equipment is used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.

2002, c. [856](#).

§ 27-97. Adoption of Fire Prevention Code.

The Board of Housing and Community Development is hereby empowered to adopt and promulgate a Statewide Fire Prevention Code which shall be cooperatively developed with the Fire Services Board pursuant to procedures agreed to by the two Boards. The Fire Prevention Code shall prescribe regulations to be complied with for the protection of life and property from the hazards of fire or explosion and for the handling, storage, sale and use of fireworks, explosives or blasting agents, and shall provide for the administration and enforcement of such regulations. The Fire Prevention Code shall require manufacturers of fireworks or explosives, as defined in the Code, to register and report information concerning their manufacturing facilities and methods of operation within the Commonwealth in accordance with regulations adopted by the Board. In addition to conducting criminal background checks pursuant to [§ 27-97.2](#), the Board shall also establish regulations for obtaining permits for the manufacturing, storage, handling, use, or sales of fireworks or explosives. In the enforcement of such regulations, the enforcing agency may issue annual permits for such activities to any state regulated public utility. Such permits shall not apply to the storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1.

The Fire Prevention Code shall prohibit any person, firm, or corporation from transporting, manufacturing, storing, selling, offering for sale, exposing for sale, or buying, using, igniting, or exploding any fireworks except for those persons, firms, or corporations that manufacture, store, market and distribute fireworks for the sole purpose of fireworks displays permitted by an enforcement agency or by any locality.

The Fire Prevention Code shall supersede fire prevention regulations heretofore adopted by local governments or other political subdivisions. Local governments are hereby empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure, including the voluntary installation of smoke alarms and regulation and inspections thereof in commercial buildings where such smoke alarms are not required under the provisions of the Code. The Fire Prevention Code shall prohibit any person not certified by the State Fire Marshal's Office as a fireworks operator or pyrotechnician to design, set up, or conduct or supervise the design, setup, or conducting of any fireworks display, either inside a building or structure or outdoors and shall require that at least one person holding a valid certification is present at the site where the fireworks display is being conducted. Certification shall not be required for the design, storage, sale, use, conduct, transportation, and set up of permissible fireworks or the

supervision thereof or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification.

In formulating the Fire Prevention Code, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations including, but not limited to, standards of the International Code Council, the National Fire Protection Association, and recognized organizations issuing standards for the protection of the public from the hazards of explosives and blasting agents. Such standards shall be based on the companion document to the model building code referenced by the Uniform Statewide Building Code.

The Fire Prevention Code shall require that buildings constructed prior to 1973 be maintained in accordance with state fire and public building regulations in effect prior to March 31, 1986, and that any building which is (i) more than 75 feet or more than six stories high and (ii) used, in whole or in part, as a dormitory to house students by any public or private institution of higher education shall be required to comply with the provisions of § [36-99.3](#). The Fire Prevention Code shall also require annual fire drills in all buildings having floors used for human occupancy located more than 75 feet above the lowest level of fire department vehicle access. The drills shall be conducted by building staff personnel or the owner of the building in accordance with a plan approved by the appropriate fire official and shall not affect other current occupants. The Board may modify, amend or repeal any Code provisions as the public interest requires. Any such Code changes shall be developed in cooperation with the Fire Services Board pursuant to procedures agreed to by the two Boards.

1986, c. 429; 1988, cc. 199, 340; 1989, cc. 90, 420; 1990, c. 69; 1991, c. 53; 1994, c. [275](#); 1997, c. [584](#); 2000, cc. [951](#), [1065](#); 2002, c. [856](#); 2007, cc. [647](#), [741](#); 2010, cc. [587](#), [643](#).

§ 27-97.1. Reports of stolen explosives.

Any person holding a permit for the manufacture, storage, handling, use or sale of explosives issued in accordance with the provisions of the Code shall report to the office of the chief arson investigator for the Commonwealth as well as the chief local law-enforcement official any theft or other unauthorized taking or disappearance of any explosives or blasting devices from their inventory. An initial verbal report shall be made within three days of the discovery of the taking or disappearance. A subsequent written report shall be filed within such time, and in such form, as is specified by the chief arson investigator.

Failure to comply with the provisions of this section shall constitute a Class 1 misdemeanor punishable by the same penalties applicable to violations of the Fire Prevention Code.

1988, c. 340.

§ 27-97.2. Issuance of permit; background investigations.

A. The State Fire Marshal or other issuing authority shall consider all permit applications for manufacturing, storage, handling, use or sales of explosives and applications for certification as a blaster or as a fireworks operator or pyrotechnician, and may grant a valid permit or certification to applicants who meet the criteria established in the Statewide Fire Prevention Code. The State Fire Marshal shall

require a background investigation, to include a national criminal history record information check, of all individual applicants and all designated persons representing an applicant that is not an individual, for a permit to manufacture, store, handle, use or sell explosives, and for any applicant for certification as a blaster or as a fireworks operator or pyrotechnician. Each such applicant shall submit his fingerprints to the State Fire Marshal on a form provided by the State Fire Marshal and provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history record check regarding such applicant. Any firm or company manufacturing, storing, using, or selling explosives shall provide to the enforcement agency, the State Fire Marshal or other issuing authority the name of a representative responsible for (i) ensuring compliance with state law and regulations relating to blasting agents and explosives and (ii) applying for permits. The State Fire Marshal or other issuing authority shall deny any application for a permit or for certification as a blaster or as a fireworks operator or pyrotechnician if the applicant or designated person representing an applicant has been convicted of any felony, whether such conviction occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, unless his civil rights have been restored by the Governor or other appropriate authority. The provisions of this section shall not apply to the manufacturing, storage, handling, use or sales of permissible fireworks or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification.

B. No permit under this section shall be required of any person holding a certification or permit issued pursuant to the provisions of Title 45.1.

2000, cc. [951](#), [1065](#); 2007, cc. [647](#), [741](#); 2010, cc. [587](#), [643](#).

§ 27-98. Enforcement of Fire Prevention Code; appeals from decisions of local enforcing agencies; inspection of buildings.

Any local government may enforce the Fire Prevention Code in its entirety or with respect only to those provisions of the Fire Prevention Code relating to open burning, fire lanes, fireworks, and hazardous materials. If a local governing body elects to enforce only those provisions of the Fire Prevention Code relating to open burning, it may do so in all or in any designated geographic areas of its jurisdiction. The State Fire Marshal shall also have the authority, in cooperation with any local governing body, to enforce the Code. The State Fire Marshal shall also have authority to enforce the Code in those jurisdictions in which the local governments do not enforce the Code and may establish such procedures or requirements as may be necessary for the administration and enforcement of the Code in such jurisdictions. In addition, subject to the approval of the Board of Housing and Community Development, the State Fire Marshal may charge a fee to recover the actual cost of administering and enforcing the Code in jurisdictions for which he serves as the enforcement authority. No fee may be charged for the inspection of any school. The local governing body of any jurisdiction that enforces the Code may establish such procedures or requirements as may be necessary for the administration and enforcement of the Code. Appeals concerning the application of the Code by the local

enforcing agency shall first lie to a local board of appeals and then to the State Building Code Technical Review Board. Appeals from the application of the Code by the State Fire Marshal shall be made directly to the State Building Code Technical Review Board as provided in Article 2 (§ [36-108](#) et seq.) of Chapter 6 of Title 36. Fees may be levied by the local governing body in order to defray the cost of such enforcement and appeals; however, for the City of Chesapeake no fee charged for the inspection of any place of religious worship designated as Assembly Group A-3 under the Fire Prevention Code shall exceed \$50. For purposes of this section, "defray the cost" may include the fair and reasonable costs incurred for such enforcement during normal business hours, but shall not include overtime costs, unless conducted outside of the normal working hours established by the locality. A schedule of such costs shall be adopted by the local governing body in a local ordinance. A locality shall not charge an overtime rate for inspections conducted during the normal business hours established by the locality. Nothing herein shall be construed to prohibit a private entity from conducting such inspections, provided the private entity has been approved to perform such inspections in accordance with the written policy of the fire official for the locality. Any local fire code may provide for an appeal to a local board of appeals. If no local board of appeals exists, the State Building Code Technical Review Board shall hear appeals of any local fire code violation.

1986, c. 429; 1994, c. [275](#); 2000, cc. [941](#), [1001](#); 2001, c. [570](#); 2004, c. [787](#); 2008, c. [499](#); 2010, c. [102](#); 2012, cc. [607](#), [635](#).

§ 27-98.1. Inspections of buildings, structures, properties and premises.

In order to carry out the purposes of the Code and any regulations or standards adopted in pursuance thereof, the local fire official, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized, with the consent of the owner, operator, or agent in charge to enter a building, structure, property or premises for the purpose of conducting an inspection, examination, testing, or collection of samples for testing, during regular working hours and at other reasonable times, and in a reasonable manner, to determine if the building, structures, systems, machines, apparatus, devices, equipment, and materials stored, used or handled, and all pertinent conditions therein, are in compliance with the requirements, regulations or standards set forth in the Code.

1988, c. 549.

§ 27-98.2. Issuance of warrant.

Search warrants for inspections or reinspection of buildings, structures, property, or premises subject to inspections pursuant to the Code, to determine compliance with regulations or standards set forth in the Code, shall be based upon a demonstration of probable cause and supported by affidavit. Such inspection warrants may be issued by any judge or magistrate having authority to issue criminal warrants whose territorial jurisdiction encompasses the building, structure, property or premises to be inspected or entered, if he is satisfied from the affidavit that there is probable cause for the issuance of an inspection warrant. No inspection warrant shall be issued pursuant to this chapter except upon probable cause, supported by affidavit, particularly describing the place, thing or property to be inspected, examined or tested and the purpose for which the inspection, examination, testing or collection of

samples for testing is to be made. Probable cause shall be deemed to exist if such inspection, examination, testing or collection of samples for testing are necessary to ensure compliance with the Fire Prevention Code for the protection of life and property from the hazards of fire or explosion. The supporting affidavit shall contain either a statement that consent to inspect, examine, test or collect samples for testing has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent in order to enforce effectively the fire safety laws, regulations or standards of the Commonwealth which authorize such inspection, examination, testing or collection of samples for testing. In the case of an inspection warrant based upon legislative or administrative standards for selecting buildings, structures, property or premises for inspections, the affidavit shall contain factual allegations sufficient to justify an independent determination by the judge or magistrate that the inspection program is based on reasonable standards and that the standards are being applied to a particular place in a neutral and fair manner. The issuing judge or magistrate may examine the affiant under oath or affirmation to verify the accuracy of any matter in the affidavit. After issuing the warrant, the judge or magistrate shall file the affidavit in the manner prescribed by § [19.2-54](#).

1988, c. 549; 2014, c. [354](#).

§ 27-98.3. Duration of warrant.

An inspection warrant shall be effective for the time specified therein, for a period of not more than seven days, unless extended or renewed by the judicial officer who signed and issued the original warrant. The judicial officer may extend or renew the inspection warrant upon application for extension or renewal setting forth the results which have been obtained or a reasonable explanation of the failure to obtain such results. The extension or renewal period of the warrant shall not exceed seven days. The warrant shall be executed and returned to the clerk of the circuit court of the city or county wherein the inspection was made. The return shall list any samples taken pursuant to the warrant. After the expiration of such time, the warrant, unless executed, shall be void.

1988, c. 549; 2014, c. [354](#).

§ 27-98.4. Conduct of inspections, examinations, testing, or collection of samples.

No warrant shall be executed in the absence of the owner, operator or agent in charge of the particular building, structure, property or premises unless specifically authorized by the issuing judicial officer upon showing that such authority is reasonably necessary to effect the purposes of a statute or regulation being enforced. An entry pursuant to this warrant shall not be made forcibly, except that the issuing officer may expressly authorize a forcible entry (i) where facts are shown sufficient to create a reasonable suspicion of an immediate threat to an occupant of the particular building, structure, property, or premises, or, to the general safety and welfare of the public, or, to adjacent buildings, structures, properties or premises, or (ii) where facts are shown establishing that reasonable attempts to serve a previous warrant have been unsuccessful. If forcible entry is authorized, the warrant shall be issued jointly to the fire official and to a law-enforcement officer who shall accompany the fire official during the execution.

1988, c. 549.

§ 27-98.5. Review by courts.

A. No court of the Commonwealth shall have jurisdiction to hear a challenge to the warrant prior to its return to the clerk of the circuit court of the city or county wherein the inspection was made except as a defense in a contempt proceeding, unless the owner or custodian of the building, structure, property or premises to be inspected makes by affidavit a substantial preliminary showing accompanied by an offer of proof that (i) a false statement, knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in his affidavit for the inspection warrant and (ii) the false statement was necessary to the finding of probable cause. The court shall conduct such expeditious in camera view as the court may deem appropriate.

B. After the warrant has been executed and returned to the clerk of the circuit court of the city or county wherein the inspection was made, the validity of the warrant may be reviewed either as a defense to any citation issued by the fire official or otherwise by declaratory judgment action brought in a circuit court. In any such action, the review shall be confined to the face of the warrant and affidavits and supporting materials presented to the issuing judge unless the owner, operator, or agent in charge of whose building, structure, property or premises has been inspected makes a substantial showing by affidavit accompanied by an offer of proof that (i) a false statement, knowingly and intentionally, or with reckless disregard for the truth, was made in support of the warrant and (ii) the false statement was necessary to the finding of probable cause. The review shall only determine whether there is substantial evidence in the record supporting the decision to issue the warrant.

1988, c. 549; 2014, c. [354](#).

§ 27-99. State buildings.

The Fire Prevention Code shall be applicable to all state-owned buildings and structures. Every agency, commission or institution, including all institutions of higher education, of the Commonwealth shall permit, at all reasonable hours, a local fire official reasonable access to existing structures or a structure under construction or renovation, for the purposes of performing an informational and advisory fire safety inspection. The local fire official may submit, subsequent to performing such inspection, his findings and recommendations including a list of corrective actions necessary to ensure that such structure is reasonably safe from the hazards of fire to the appropriate official of such agency, commission, or institution and the State Fire Marshal. Such agency, commission or institution shall notify, within 60 days of receipt of such findings and recommendations, the State Fire Marshal and the local fire official of the corrective measures taken to eliminate the hazards reported by the local fire official. The State Fire Marshal shall have the same power in the enforcement of this section as is provided for in [§ 27-98](#).

The State Fire Marshal may enter into an agreement as is provided for in [§ 9.1-207](#) with any local enforcement agency that enforces the Fire Prevention Code to enforce this section and to take immediate enforcement action upon verification of a complaint of an imminent hazard such as a chained or blocked exit door, improper storage of flammable liquids, use of decorative materials and overcrowding.

1986, c. 429; 1989, c. 258; 1994, c. [275](#); 1997, c. [584](#); 2007, cc. [647](#), [741](#).

§ 27-100. Violation a misdemeanor.

It shall be unlawful for any owner or any other person, firm, or corporation, on or after the effective date of any Code provisions, to violate any provisions of the Fire Prevention Code. Any such violation shall be deemed a Class 1 misdemeanor, and any owner, or any other person, firm, or corporation convicted of such violation shall be punished in accordance with the provisions of § [18.2-11](#).

1986, c. 429.

§ 27-100.1. Seizure and destruction of certain fireworks.

Any law-enforcement officer arresting any person for a violation of this chapter related to fireworks shall seize any article of fireworks in the possession or under the control of the person so arrested and shall hold the same until final disposition of any criminal proceedings against such person. If a judgment of conviction be entered against such person, the court shall order destruction of such articles upon expiration of the time allowed for appeal of such judgment of conviction.

2002, c. [856](#).

§ 27-101. Injunction upon application.

Every court having jurisdiction under existing or any future law is empowered to and shall, upon the application of the local enforcing agency or State Fire Marshal, issue either a mandatory or restraining injunction in aid of the enforcement of, or in prevention of the violation of, any of the provisions of this law or any valid rule or regulation made in pursuance thereof. The procedure for obtaining any such injunction shall be in accordance with the laws then current governing injunctions generally except that the enforcing agency shall not be required to give bond as a condition precedent to obtaining an injunction.

1986, c. 429.