

# RUSSELL COUNTY, VIRGINIA

INSTRUMENT 250002244

RECORDED IN THE CLERK'S OFFICE OF

RUSSELL CIRCUIT COURT ON

DECEMBER 18, 2025 AT 12:03 PM

## FIRE SERVICES ORDINANCE

MATIE PATTON, CLERK

RECORDED BY: LXM

### **Establishment of Russell County Fire Departments.**

The establishment and purpose of the Russell County Fire Departments/Companies is to ensure effective public safety, health and welfare, and education through a collaborative fire service program that is competent, highly trained, and efficiently delivered.

Fire Departments and Fire Companies shall be responsible for regulating and managing the provision of fire prevention, protection, and fire suppression services, and for provision of services related to hazardous materials and similar hazards which pose a threat to life, property, and the environment.

Russell County Fire Companies shall be composed of the following agencies:

- Castlewood Fire and Rescue, Incorporated
- Cleveland Volunteer Fire Department, Incorporated
- Copper Creek and Moccasin Volunteer Fire Department, Incorporated
- Dante Volunteer Fire Department, Incorporated
- The Belfast-Rosedale Volunteer Fire Department, Incorporated

Russell County Fire Departments shall be composed of the following agencies:

- Honaker Volunteer Fire Department, Incorporated
  - o Department of Town of Honaker, VA
- Lebanon Volunteer Fire Department
  - o Department of Town of Lebanon, VA
- St. Paul Volunteer Fire Department
  - o Department of Town of St. Paul, VA

The above-listed Fire Departments and Fire Companies shall establish and maintain By-Laws and Standard Operating Procedures (SOP) which shall promote the department's objectives consistent with federal, state, and County laws and regulations.

The above-listed Fire Companies shall additionally establish and maintain State Corporation Commission (SCC) Incorporation Registration, Constitution, and Internal Revenue Service Non-Profit 501c3 Organization.

Despite being an integral part of the County's public safety and emergency services program, the Fire agencies are their own entity and/or a department of a town. The agency members are members of the entity or a department of a town, and their membership of the agency does not construe employment with Russell County.

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## **Definitions.**

For the purposes of this section, the following definitions shall apply, unless the context requires a different meaning:

**Agency** means a fire company or fire department authorized to operate in Russell County with designated fire zones for first due response in Russell County.

**Fire company** means an agency that is a standalone 501c3 organization with an active Virginia State Corporation Commission entity authorized to operate by Russell County, Virginia Board of Supervisors or the designee of the Board of Supervisors with the purpose of fire suppression, initial technical rescue response, initial hazardous materials response, community risk reduction, and other incidents as part of an all-hazard concept as established with the approval of the Board as regulated hereunder, consisting of firefighters' personnel.

**Fire department** means an agency that is a department of local government of the State of Virginia with the purpose of fire suppression, initial technical rescue response, initial hazardous materials response, community risk reduction, and other incidents as part of an all-hazard concept as established with the approval of the Board as regulated hereunder, consisting of firefighters' personnel.

**Fire chief** means the head of any fire department.

**Member** means a member of an agency who serves with or without pay and who has been duly certified to the Circuit Court Clerk of Russell County by the corporate secretary of such volunteer fire department as an active member thereof and who has been approved by their agency and/or membership per the agency by-laws and/or operating procedures.

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## **Establishment of County Fire Zones.**

The fire zones are intended to accommodate the designated areas to ensure residents receive emergency fire services.

- 1) In order to assure the provision of adequate and continuing fire prevention and protective services to residents of Russell County and to preserve, protect, and promote the public health, safety, and general welfare, and in order to provide all fire fighters with the full benefit of privileges, rights and remedies available to them under law, the Board of Supervisors of Russell County hereby establishes a county fire zones in order to mitigate the effects of accidents, disasters, and other fire emergency situations.
- 2) The agencies as defined in the Establishment of Russell County Fire Departments clause are hereby recognized as entities of Russell County, Virginia, and are hereby granted permits to operate fire vehicles in Russell County. Agencies identified in this subsection will maintain oversight of their respective agencies unless a separate agreement is entered into with Russell County, as agreed to by both parties.
- 3) Each agency shall be assigned a response area approved by the Board of Supervisors of Russell County that provides the best services to the residents of the county. The response areas shall be maintained in writing by Russell County Emergency Management and available to the public. The Board of Supervisors may amend or change these boundaries from time to time with input from the Russell County Fire Chiefs' Association, to provide the best services available, subject to any then-applicable provisions of state law, following review and approval of the Russell County Board of Supervisors.

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## Agency Requirements

### Requirements - Insurance coverage.

All agencies must demonstrate appropriate evidence of a public liability insurance policy in the official name of the organization written by an insurance company licensed and authorized to do business in this state, providing for the payment of any final judgment of at least the sum of \$300,000.00 for injury or death to any one person, and of at least the sum of \$1,000,000.00 for injury or death of more than one person in any accident, and for the payment of any final judgment at least the sum of \$150,000.00 for damaged property that may be rendered against the applicant for injury, death or damage caused by or arising out of the operation of any vehicle owned or operated by such applicant.

All agencies must demonstrate appropriate evidence annually of a vehicle insurance policy as defined by the Commonwealth of Virginia.

### Line of Duty Act.

Pursuant to the Line of Duty Act, Code of Virginia, § 9.1-400 et seq., members of the agencies as defined in the Establishment of Russell County Fire Departments clause are recognized as an integral part of the official safety program of the county and, therefore, their members are subject to the Line of Duty Act.

Russell County Board of Supervisors shall provide Line of Duty Death insurance coverage for all active member of the of the agencies as defined in the establishment of Russell County Fire Agencies clause.

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State law reference(s)-Line of duty act, Code of Virginia, § 9.1-400 et seq.

### Member Training Requirements.

The minimum training course for fire department members is as follows:

Twenty-five percent of the membership shall successfully complete Firefighter I Certification as defined under National Fire Protection Association 1001, Standard for Fire Fighter Professional Qualifications, and administered or accepted by the Virginia Department of Fire Programs. Firefighter I Certification includes Hazardous Materials Operations and Awareness as administered or accepted by the Virginia Department of Fire Programs

All membership (100%) shall successfully complete any and all classes required by the Virginia Department of Fire Programs.

### NERIS Call / Incident Reporting

All Russell County Fire Agencies shall report every call, response, and/or incident either directly or via third party software to NERIS (National Emergency Reporting Information System).

### Radio and Radio Frequency Use.

The agencies defined in this ordinance are authorized to use the appropriate county owned radio frequencies as long as the agency remains in good standing and active with the county.

If the agency is not in good standing, the latest chief as the custodian of the organization shall be responsible for ensuring radios and/or pagers shall be reprogrammed to remove county-owned radio.

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Frequencies or the radios and/or pagers turned into Russell County Emergency Management Director for safekeeping until the agency returns to good standing.

Radios and pagers that are purchased by the agencies or the county may be programmed with the appropriate frequencies and encryption codes. Radios must be programmed to transmit a unique identifier with each transmission.

If the radio system is updated or changed and new radio equipment is required, Russell County Board of Supervisors shall purchase radios for each agency-owned vehicle, a base station for each station, portable radios for each member and pay for all programming or provide software and programming equipment for the individual agency to program the radios, installation costs and any recurring fee associated.

Personally owned radio and pagers may not be programmed with the frequencies or encryption code owned by Russell County.

Decommissioned radios and pagers that have been purchased by the agency or the county, the radio shall be reprogrammed to remove all frequencies and encryption codes.

Radios and Pagers must be tracked with the members assigned to the radio by serial number and unique identifier by the agency.

Radio transmissions shall be for direct emergencies and/or agency communications.

Encrypted radio transmissions are not public and shall be treated as confidential information. Information obtained from the encrypted and confidential radio traffic may not be shared with any outside sources and/or organizations.

### **Participation in Firefighters by Minors.**

- (a) Subject to any restriction established by the individual fire agency, any minor who is 16 years of age or older, a resident of the Commonwealth of Virginia, and a member of a fire agency in the county, is authorized to work with or to participate fully in all activities of a fire agency in the county; provided the volunteer fire agency has satisfied insurance requirements as set forth in this section and provided such person has first given to the fire agency written record of the following:
  - a. Proof of residency in the Commonwealth of Virginia;
  - b. Written record of his or her parent's or guardian's approval of such participation; and
- (b) The minor should be encouraged to obtain Firefighter I Certification under National Fire Protection Association (NFPA) 1001, Standard for Fire Fighter Professional Qualifications
- (c) The minor shall not participate in the hot zone in any emergency scene.
- (d) Any fire agency that allows any minor, 16 years of age or older, to participate in its activities pursuant to this section shall maintain insurance that provides coverage for injuries to, or the death of, such minor in the performance of activities under this section.
- (e) Any trainer or instructor of a minor who is 16 years of age or older and participating in the activities of a fire agency pursuant to this section and any member of the fire agency who supervises any such person(s) shall be exempt from the provisions of section §40.1-103 of the Code of Virginia, provided the provisions of section §40.1-100 of the Code of Virginia have not been violated, when engaged in activities of a fire agency, and provided the fire agency has satisfied the terms set out in this section and other such requirements as may be established by law.

### **Fire Chief Responsibilities.**

There shall be a position of fire chief within each fire agency in Russell County.

The fire chief's requirements shall include:

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(1) The chief shall meet the standards and qualifications established under this ordinance.

(2) The chief shall be elected or appointed by the agency-specific bylaws.

The fire chiefs' responsibilities shall include:

- (1) The fire chief shall have responsibility and authority for all operations and administration of the agency.
- (2) The Chief shall establish, publish, and enforce operating procedures, policies, and regulations for the administration and operation of the agency.
- (3) The Chief shall assign duties and tasks as required for all personnel.
- (4) The Chief shall ensure that all fire personnel meet or exceed the minimum physical qualifications and training requirements as established.
- (5) The Chief shall ensure that members of the agency are professionally trained, promoted, adequately recruited, and are completely integrated into the fire system to ensure the county has an efficient and cost-effective fire agency.
- (6) The Chief shall lead a coordinated recruitment and retention program. The Chief or designees shall review and approve new applicants for the agency.
- (7) The Chief shall evaluate the performance of all personnel on an annual basis.
- (8) The Chief shall ensure that proper training is made periodically available, either in-house or externally, for command and line officers, drivers, and firefighters.
- (9) The Chief shall plan fire ground operating procedures and response procedures within the overall area approved by the county.
- (10) The Chief shall ensure that all fire agency personnel receive printed or digital copies of the governing ordinances, administrative regulations, and other appropriate communications.
- (11) The Chief shall ensure the secretary of such company/department 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 for obtaining the list or an updated list from the secretary of the fire-fighting company if the list is not filed with the clerk, Code of Virginia §27.42.

#### **Fire Chief and Officer in Charge Authority (Incident Commander).**

- (a) While any fire department or fire company is in the process of answering an alarm or operating at an emergency incident where there is potential imminent danger or the actual occurrence of fire or explosion or the uncontrolled release of hazardous materials which threaten life or property and returning to the station, the fire chief or other officer in charge of such fire agency at that time shall have the authority to:
  - (1) Maintain order at such an emergency incident or its vicinity;
  - (2) Direct the actions of the firefighters at the incident; Facilitate the speed and operations of emergency equipment, firefighters, and other emergency personnel on scene;
  - (3) Notwithstanding the provisions of the Code of Virginia §46.2-888-§46.2-891;
  - (4) Cause an investigation to be made into the origin and cause of the incident; and
  - (5) Until the arrival of a law enforcement officer, direct and control traffic in person or by deputy and facilitate the movement of traffic.
  - (6) All law enforcement vehicles shall park in a manner to assist with the control of traffic and to ensure fire vehicles can access the scene.
- (b) The fire chief or officer in charge shall display their firefighter's badge, or other proper means of identification.

- (1) Any person refusing to obey the orders of the fire chief or other officer in charge at that time shall be 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 rescue squads from performing their normal duties when operating at such emergency incident, or to conflict with or diminish the lawful authority, duties and responsibilities of forest wardens, including but not limited to the provisions of the Code of Virginia, § 10.1-1100 et seq.
- (2) 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 fire chief or 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 fire and rescue workers 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.

### **Fire Equipment and Apparatus.**

No person shall damage or deface or attempt or conspire to damage or deface any fire system vehicle at any time nor shall members use it for non-official or personal use.

No person shall, without proper authorization from the fire system officer in charge of the vehicle, cling to, attach himself to, climb upon or into, board or swing upon any fire apparatus, whether such vehicle is in motion or at rest, or sound any warning device thereon or manipulate, tamper with or destroy or attempt to manipulate, tamper with or destroy any lever, valve, switch, starting device, brake, or pump, or any equipment, protective clothing or tool, on or a part of such agency vehicles.

No person shall operate or cause any vehicle or equipment to be operated on a public highway or street in the county, intended to be used for the purpose of fighting fires, unless such vehicle or equipment is owned by a recognized fire agency of Russell County, a mutual aid partner, an authorized Virginia Department of Fire Programs instructor, a service provider or a vehicle dealer.

This section shall not apply to the operation of fire vehicles and equipment owned by any agency outside of the county when such vehicle or equipment is traveling in or through the county for a parade or other non-firefighting purposes or in response to a call as requested by central 911 dispatch.

### **Fires and Explosions Reporting.**

Every fire and explosion shall be reported to the County's Coordinator of Emergency Management or alternate as requested by the Coordinator by the E-911 Central Dispatch Center. Such reports shall be in such form as the coordinator of emergency management shall prescribe.

The Russell County Emergency Management and E-911 Central Dispatch Center shall direct all news and media inquiries to the agency in charge of the scene. If a law enforcement agency is investigating the scene, the lead law enforcement agency shall be responsible for communicating with the news media.

### **Fire Services Organizations.**

Fire agencies may be formed, named, and dissolve upon the approval of the Russell County Board of Supervisors or Russell County Board of Supervisor's Designee. If formed, fire agencies shall comply with the applicable federal, state, and local statutes, and agency regulations.

If a group of twenty or more individuals wish to form an agency, a request for approval shall be made to the Russell County Board of Supervisors. The individuals shall meet the requirements of this ordinance and Virginia Code§ 27-9 - Organization of fire company.

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If the agency completely dissolves, the agency will transfer all resources including equipment and funds to another 501c3 organization or to local government involved in or providing emergency response service to Russell County, Virginia. Property that is failed to be disbursed by the dissolving agency shall be property of the county 120 days if no action is taken by the dissolving agency.

If the agency fails to meet the requirements of Virginia Code§ 27-10 and the provisions of this ordinance may be suspended and/or dissolved by a vote of Board of Supervisors.

Fire Agencies shall be either a corporation or department of local government and fall under the appropriate standards for the category.

(a) Company

Fire Departments shall be properly incorporated and thereafter shall properly maintain their corporate status. Fire Departments shall file a copy of their articles of incorporation, by-laws, any corporate resolutions, minutes of the Board of Directors and annual corporate report annually with the Chief and the County.

(b) Department of Local Government

Fire Departments shall file a copy of their by-laws, any corporate resolutions, minutes, and annual corporate report with the County.

**All Departments**

- (a) The County shall neither approve nor disapprove of any corporate action by the agencies and shall accept these documents only in verification of their active status under state and federal law.
- (b) The secretary of each agency shall submit to the Russell County Administrator a list of the active members thereof on September 1 of each year.
- (c) Nothing in this ordinance shall be deemed to prohibit or restrict an agency from organizing or managing their respective affairs according to their department by-laws that are consistent with state laws, county ordinance, and promulgated system-wide policies and standard operational procedures.
- (d) Nothing in this ordinance is intended, nor shall it be interpreted to make any agency a department of the county or any member of any agency an employee of the county.

**Vehicles and Driving.**

**Agency Owned Vehicles.**

All members driving any vehicle shall have a valid driver's license per§ 46.2-300.

All members driving agency owned vehicles shall have a Virginia Department of Fire Programs approved Emergency Vehicles Operations Certifications training for the class of vehicle being operated within six months of the ordinance adoption.

All members who are operating vehicles shall have driving records reviewed at least annually to confirm active driver's license. The use of the Virginia Department of Motor Vehicle monitoring program is recommended.

**Personal or Non-Agency Owned Vehicles.**

All members driving any vehicle shall have a valid driver's license per§ 46.2-300.

All members may install warning lights as approved by § 46.2-1024 on their personal vehicle. All members using lights to respond to an emergency call shall follow individual department policies and procedures.

All member personal vehicles and non-agency vehicles shall not be equipped with sirens per Virginia Code §46.2-1061.

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## General Public - DUI incident.

Any person who is convicted of a violation of Code of Virginia, §18.2-51.4, §18.2-266 or §29.1-738, or similar ordinance, when that person's operation of a motor vehicle, engine, train, or watercraft while so impaired is the proximate cause of any accident or incident resulting in appropriate emergency response; he, she or they will be liable in a separate civil action to the county or any agency, or all of them, which may provide such emergency response for the reasonable expense thereof.

Adopted this 3<sup>rd</sup> day of November 2025, by the Russell County Board of Supervisors.

Recorded Vote:

Moved by: Steve Breeding

Seconded by: Lou Ann Wallace

Yea: 6

Nay: 0

Absent: Nate Kiser

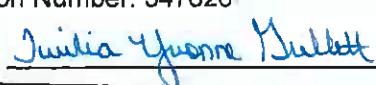


David Eaton, Chairman  
Russell County Board of Supervisors

Attest:

  
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Lonzo Lester, Russell County Administrator

Sworn to me this 5<sup>th</sup> day of November, 2025  
in the county of Russell, state of Virginia.  
My commission expires: September 30, 2028  
Notary Registration Number: 347626

Notary signature: 

TWILIA YVONNE GULLETT
NOTARY PUBLIC
REGISTRATION # 347626
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
SEPTEMBER 30, 2028

