

## TITLE 6 FIRE

## DEPARTMENT

## CHAPTER 1 - Volunteer Fire Department

6-101 Recognition of Shepherdstown Volunteer Fire Department 6-102  
Support of volunteer fire department

## CHAPTER 2 - Authority of Local Fire Department

6-201 Entry of buildings on fire or where reasonable cause to believe  
a fire is in progress; adjoining premises.

6-202 Authority of chief or other fireman in command when answering  
alarm or extinguishing fire.

6-203 Person in command at fire scene may take and preserve certain  
property; restitution.

6-204 Conducting investigation to determine cause of fire.

6-205 Person attacking or hindering or obstructing firemen or  
emergency equipment; penalties.

## CHAPTER 3 - Fire Protection and Control

6-301 Power and authority of fire department

6-302 Maintenance of fire hazard; order for repair or demolition;  
order to contain notice to comply and right to appeal.

6-303 "Fireworks" defined; labels required.

6-304 Unlawful sale, possession or use of fireworks; permit for  
public display.

6-305 Penalties.

## CHAPTER 1 - Volunteer Fire Department

Section 6-101 Recognition of Shepherdstown Volunteer Fire Department

The Town Council of Shepherdstown hereby recognizes the Shepherdstown Volunteer  
Fire Department as the official firefighting agency in the corporation.

Section 6-102 Support of volunteer fire department

This municipality may contribute financially to its fire department.

## CHAPTER 2 - Authority of local fire department

Section 6-201 Entry of buildings on fire where reasonable cause to  
believe a fire is in progress; adjoining premises

The chief of the fire department, any fireman in charge or the subordinates  
so ordered may enter any building in which there is believed to be a fire, or  
any building in which it is necessary to enter to stop a fire from spreading or  
to fight a fire or to protect either said burning building or one nearby from  
burning.

Section 6-202 Authority of chief or other fireman in command when  
answering alarm or extinguishing fire

While a fire is in progress all bystanders shall obey the direction of the fire chief or the fireman in control.

While going to the station, extinguishing a fire or returning to the station, the fire chief or the fireman in control shall direct all bystanders, order all firemen, facilitate the movement of equipment and men, and until a policeman arrives, direct traffic or order a subordinate to do so. The fire chief or fireman in control shall display a fireman's badge or proper means of identification. Notwithstanding any other provisions of the law, the authority granted in this section shall extend to the activation of traffic control signals designed to facilitate the safe egress and ingress of fire-fighting equipment at a station.

Section 6-203 Person in command at fire scene may take and preserve certain  
property; restitution

The fire chief or any fireman in charge may take and preserve any property that might show where the fire started. A person may petition the court to re-obtain said property. However, the Judge may require a bond on the property for the preservation of evidence.

Section 6-204 Conducting investigation to determine cause of fire

To determine the cause of a fire, a fire chief or fireman in control may enter the scene of the fire for up to forty-eight hours after the fire.

If there is evidence that such fire was of incendiary origin, the fire chief or other authorized fireman may control who may enter the scene of such fire by posting no trespassing signs at such scene for a period of forty-eight hours after such fire has been extinguished.

After the scene of a fire has been posted against trespassing, no person shall enter such scene, unless he is an owner, lessee or has personal property at the scene, and then only after the area has been declared safe. He may then salvage for personal property if he is with or has the permission of an authorized fire department or company official.

Section 6-205 Person attacking or hindering or obstructing fireman or  
emergency equipment; penalties

It shall be unlawful, while any fire department or company or fireman is in the process of answering an alarm of fire or extinguishing a fire or returning to station, for any person to:

- 1) Take any action for the purpose of hindering or obstructing any fireman, equipment or emergency vehicle by any means.
- 2) Refuse to take any action for the purpose of hindering or obstructing any fireman, equipment or emergency vehicle by any means.

Any person willingly violating (6-203), (6-204), or (6-205) shall be guilty of a misdemeanor and fined not less than ten or more than one hundred dollars.

### CHAPTER 3 - Fire Protection and Control

#### Section 6-301 Power and authority of fire department

The Shepherdstown Volunteer Fire Department shall have plenary power and authority to prevent and extinguish fire, obtain proper firefighting equipment, provide for the organization and government of the fire department, describe the powers and duties of the department and the power and duties of its commanders and impose a penalty on those who refuse the orders of the men in command.

#### Section 6-302 Maintenance of fire hazard; order for repair or demolition; order to contain notice to comply and right to appeal

- a) No person shall build or maintain anything that is a fire hazard or might explode or is in violation of the fire safety laws of this municipality.
- b) Whenever the fire chief or his deputies find any fire hazard they shall notify the owner in writing and send a copy to the town recorder. In the notification, they may order repair and demolition.
- c) Fire hazard - any building or portion thereof, device, apparatus equipment, combustible waste or vegetation which, in the judgement of the fire chief or someone appointed by the governing body of this municipality, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

The owner shall have thirty days to comply with the order or that person may have a chance to file for a public hearing to be held within ten days of the order before the town council and then to the circuit court on appeal.

#### Section 6-303 "Fireworks" defined; labels required

The term "fireworks" means and includes any substance or combustion of substance or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, sparklers or other fireworks of like construction and any fireworks containing any explosive substance, but shall not include those that use plastic or paper caps. The sale of these caps is permitted and each package containing them for sale in a retail store must indicate maximum explosive content.

Section 6-304 Unlawful sale, possession or use of fireworks; permit for  
public display

Except as provided in this section, no person shall sell or use fireworks; provided the State Fire Marshall may grant permits for special occasions such as fairs, amusement parks, municipalities and others. All permits are obtained through the State Fire Marshall after he has inspected the fireworks and a bond has been posted. The permit is good only for the one purpose it is listed for and is not transferable.

Section 6-305 Penalties

Any person who violates any provision of this title shall be guilty of a misdemeanor and shall be fined not more than one hundred dollars.