



# Powhatan County Board of Supervisors Agenda Item

Meeting Date: January 25, 2015

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Agenda Item Title: Ordinance O-2016-06 Amending Chapter 46, Article II. - Fire Prevention Code - of the Code of the County of Powhatan to revise the provisions related to the appointment of a local Fire Marshall and delineation of the Marshall's responsibilities. The proposed changes would also include certain modifications to the Virginia Statewide Fire Prevention Code requirements as enforced in Powhatan County.

Motion: Move to adopt Ordinance R-2016-06 as presented

Dates Previously  
Considered by Board: N/A

Summary of Item: The ordinance provides a review and update to Chapter 46, Article II. - Fire Prevention Code, of Powhatan County Code of Ordinance. These measures officially form the appointment of a local Fire Marshall and delineation of the Marshall's responsibilities. This moves the responsibilities of the "fire official" from the Building Inspections Division of the Community Development Department to the Fire and Rescue Department. The proposed changes also include certain modifications to the Virginia Statewide Fire Prevention Code requirements as enforced in Powhatan County. No changes are made to Article II. Sec 46-46 Open Burning.

Staff:  Approve  Disapprove  See Comments

Commission/Board:  Approve  Disapprove  See Comments

County Administrator:  Approve  Disapprove  See Comments

Comments: None

Budget/Fiscal Impact: None

Attachments: None

Staff/Contact: Steven Singer, Fire and Rescue Chief , 804-598-5646; [ssinger@powhatanva.gov](mailto:ssinger@powhatanva.gov)

*If Board members have questions, please call the staff / contact prior to the meeting.*

**ORDINANCE O-2016-06**

**Ordinance amending and re-enacting Article II, Fire Prevention Code, of Chapter 46, Fire Prevention and Protection, of the Code of the County of Powhatan related to the appointment of a local Fire Marshall and delineation of the Fire Marshall's responsibilities, and modifications to the Virginia Statewide Fire Prevention Code requirement enforced in Powhatan County.**

**WHEREAS**, Sections [15.2-1427](#) and [15.2-1433](#) of the *Code of Virginia*, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

**WHEREAS**, the *Virginia Statewide Fire Prevention Code* (SFPC) is a state regulation for the purpose of establishing statewide standards to safeguard life and property from the hazards of fire or explosion;

**WHEREAS**, the County of Powhatan adopted the SFPC, and incorporated it by reference in Article II, Fire Prevention Code, of Chapter 46 Fire Prevention and Protection of the Code of County of Powhatan on December 10, 2007; and

**WHEREAS**, the County of Powhatan hired a Fire Marshal on December 1, 2015; and

**WHEREAS**, the amendments to Article II, Fire Prevention Code, of Chapter 46 Fire Prevention and Protection of the Code of County of Powhatan are needed to reflect the duties of the County Fire Marshal; and

**WHEREAS**, this ordinance amendment was prepared to amend the provisions of Article II, Fire Prevention Code, of Chapter 46 Fire Prevention and Protection of the Code of County of Powhatan; and

**WHEREAS**, notice of the public hearing on this ordinance amendment was published in the Powhatan Today on January 13, 2016 and January 20, 2016; and

**WHEREAS**, the full text of this amendment was available for public inspection in the Powhatan County Administrator's Office, County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139; and

**WHEREAS**, on January 25, 2015, the Powhatan County Board of Supervisors held a public hearing on this matter and all of those who spoke on this matter were heard.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN**, that Article II, Fire Prevention Code, of Chapter 46 of the Code of the County of Powhatan is amended and reenacted as follows:

**ARTICLE II. - FIRE PREVENTION CODE****Sec. 46-41. - Adoption of statewide fire prevention code.**

Pursuant to Code of Virginia, § 27-98, the county shall enforce the Virginia Statewide Fire Prevention Code (Code of Virginia, § 27-94, et seq.) promulgated by the Board of Housing and Community Development of the Commonwealth.

**Sec. 46-42. - Implementation and enforcement; fire code official.**

- (a) Pursuant to Code of Virginia § 27-30, the board of supervisors shall appoint a local fire marshal, also referred to as the local fire official. The fire marshal shall be employed in the fire and rescue department and shall be under the direction of the chief of the county fire and rescue department. The provisions of the Virginia Statewide Fire Prevention Code (VSFPC) and chapter 46 of this Code shall be enforced and implemented by the fire marshal, as provided in the VSFPC. Pursuant to Code of Virginia § 27-36, the county administrator shall appoint one or more assistants to the fire marshal, who, in the absence of the fire marshal, shall have the powers and perform the duties of the fire marshal.
- (b) The county fire marshal and his assistants, shall have the authority to arrest, to procure and serve warrants and to issue summonses in the manner authorized by general law for violations of this chapter and of all fire safety, fire prevention and related ordinances, as permitted by Code of Virginia, § 27-34.2.
- (c) The county fire marshal and those assistants appointed pursuant to the Code of Virginia, § 27-36, who have met the training requirements outlined in the Code of Virginia, § 27-34.2:1, shall have the same police powers as a Sheriff Deputy 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 and the Powhatan County Sheriff's Office, as permitted by Code of Virginia, § 27-34.2:1
- (d) 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 board of supervisors.

**Sec. 46-43. - Right of entry to investigate releases of hazardous materials, hazardous waste, or regulated substances.**

- (a) Pursuant to the Code of Virginia, § 27-37.1 the fire official or designee shall have the right to enter upon any property from which a release of any hazardous materials, hazardous waste, or regulated substance, as defined by state law, has occurred or is reasonably suspected to have occurred and which has entered into the groundwater, surface water or soils of the county, in order to investigate the extent and cause of any such release.
- (b) If, in undertaking such an investigation, the fire official makes an affidavit under oath that the origin or cause of any such release is undetermined and that he has been refused admittance to the property, or is unable to gain permission to enter the property, any magistrate of the county may issue an investigation warrant to the fire official authorizing him to enter such property for the purpose of determining the origin and source of the release.
- (c) If the fire official, 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.

**Sec. 46-44. - Board of Fire Prevention Code Appeals (BFPCA).**

The county board of fire prevention code appeals (BFPCA) is hereby established and designated as the board to hear appeals arising from the application of the provisions of the fire prevention code, pursuant to Code of Virginia § 27-98. Those persons appointed to the county board of building code appeals (BBCA) shall be deemed to be the members of the county BFPCA. The terms of office for members of the BFPCA shall be concurrent with their terms of office on the BBCA. All provisions of the VSFPC, as amended, concerning appeals to the BFPCA are adopted herein by reference.

(Ord. of 12-10-07(1))

**Sec. 46-45. - Definitions.**

For the purpose of this chapter, the words or phrases shall have the meaning given them in this section. Terms not defined in this section shall have their ordinarily accepted meaning.

*Construction waste* means solid waste that is produced or generated during construction of structures. Construction waste includes but is not limited to lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, semi-liquids, compressed gases, or garbage are not construction wastes and the disposal of such materials must be in accordance with federal, state and local regulations.

*Debris waste* includes but is not limited to leaves, yard and garden trimmings, tree stumps, wood, brush and similar vegetation produced during land clearing operations, or otherwise.

*Demolition waste* means that solid waste which is produced by the destruction of structures and their foundations and includes but is not limited to construction waste.

*Fire lane* means designated area, identified by clearly visible signs or markings, in which parking of any vehicle for any reason, or placement of any object or structure, shall be prohibited, whether on public or private property, in order to insure ready access for and to firefighting equipment and facilities.

(Ord. of 12-10-07(1))

*Hazardous waste* means refuse or combinations of refuse which, because of its quantity, concentration or physical, chemical or infectious characteristics may:

- a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or
- b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed.

**Sec. 46-46. - Open burning.**

(a) Debris waste. Open burning of debris waste shall be allowed without a permit provided the following conditions are met:

- (1) The debris waste was generated on the property where burning takes place; and
- (2) The location of the burning is not less than 100 feet from any occupied building unless the occupants or owners of any building or property within 100 feet of the burning have given prior written permission; and
- (3) Any burn pile size shall not exceed eight feet by eight feet by four feet or 256 cubic feet, whichever is larger; and
- (4) A competent person shall constantly attend any fire from time of ignition until completely extinguished. The attendant shall have fully functioning and adequate fire-extinguishing equipment readily available for use at all times during the burning.
- (5) Burning shall be conducted only when winds will not carry ash to another person's dwelling, structure or roadway.

The burning of debris waste shall require a permit issued by the fire code official when any of the conditions listed above are not met.

(b) *Construction and demolition waste.* Open burning of construction waste and demolition waste shall require a permit issued by the fire official, except as allowed in subsection 46-47(4).

(Ord. of 12-10-07(1))

**Sec. 46-47. - Fire permits.**

Persons engaging in any of the following activities shall first obtain a permit from the fire official before commencement of the activities. The fire official shall follow the VSFPC in reviewing and issuing any permit to ensure public safety.

(1) Fireworks displays: A permit shall be required for the display of fireworks other than those defined by the VSFPC as "permissible fireworks". Application for fireworks display permits shall be made in writing at least 15 working days in advance of the date of the display or discharge of fireworks.

(2) Explosives: A permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects within the scope of the VSFPC, with the exception of those fireworks defined as "permissible fireworks".

(3) Burn permits: Unless excepted in subsection (4) below, a permit is required for the kindling or maintaining of an open fire on any property, public or private, for burning of debris waste, construction waste or demolition waste as defined herein. Failure to adhere to the instructions, conditions or stipulations of the permit shall be a violation of this article.

(4) Exceptions:

a. Open burning of debris, construction or demolition waste to be conducted by any person as part of lot clearing or construction operations upon any residentially zoned land which has been recorded as a subdivision shall be prohibited, and no permit shall be issued therefor.

b. A permit shall not be required for the burning of debris, construction or demolition waste that occurs on land zoned agricultural when the burning is directly associated with activities on the same parcel.

(Ord. of 12-10-07(1))

**Sec. 46-48. - Operation permits.**

An annual fire prevention inspection and issuance of an operation permit shall be required for the following occupancies:

- (1) Any building or structure that is equipped with one or more fire protection systems that are required for compliance with the Virginia Uniform Statewide Building Code.
- (2) State licensed educational or care facilities.

(Ord. of 12-10-07(1))

**Sec. 46-49. - Fees.**

(a) Fees for fire permits or operation permits shall be paid at the time of application for the permit in the amount specified in the county fee schedule.

(b) Fire department response fee: Costs for any emergency response required to control or extinguish an open burn shall be charged to the responsible party when the fire official determines that inadequate measures were taken to maintain control of open burning activities. The fee amount shall be determined in accordance with the county fee schedule.

(Ord. of 12-10-07(1))

**Sec. 46-50. - Prohibited use of designated fire lanes.**

(a) No person shall park or leave any unattended vehicle in a fire lane or otherwise obstruct or allow or cause obstruction of a fire lane with any vehicle, object or structure.

(b) No person shall place or locate any equipment, materials, or any other object in a fire lane or obstruct a fire lane in any other manner.

(c) In the event the vehicle, object or structure impedes emergency operations in any way, the penalty for violation of this chapter shall be the penalty provided in the VSFPC. In all other cases, the penalty shall be as provided by the parking regulations of the Powhatan County Code.

**Sec. 46-51. - Enforcement.**

In addition to enforcement actions by the fire official, the duly authorized law enforcement agencies of Powhatan County and the Commonwealth of Virginia are authorized to enforce this article.

(Ord. of 12-10-07(1))

**Sec. 46-. - Modifications.**

Pursuant to VSFPC §106.5, the chief of the fire and rescue department or the "fire official" shall have the authority to modify any of the provisions of the Virginia Statewide Fire Prevention Code, as herein amended, upon application in writing by an owner or lessee, or his duly authorized agent, if the chief or fire official finds there are practical difficulties in carrying out the strict letter of the code. The chief or fire official shall make no modifications unless the spirit of the code is observed, public safety is

secured, and substantial justice is done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department or fire official thereon shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.

**Sec. 46-53. - Amendments, additions and deletions to the VSFPC.**

The Virginia Statewide Fire Prevention Code is hereby amended and changed pursuant to Code of Virginia, § 27-97, in the following respects:

Chapter 1. Administration and Enforcement

106.3 Inspections: Delete and substitute 106.3 as follows:

The fire official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual in accordance with the fire official's written policy. The fire official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body. The fire official may require the owner or owner's agent to inspect the owner's property or equipment in accordance with guidelines approved by the fire official.

106.8 Plans Review and Certificate of Occupancy: Add section 106.8 as follows:

The fire official shall assist the building official in the review of construction plans for compliance with the fire protection provisions of the Virginia Uniform Statewide Building Code for all structures and/or facilities, except detached one- and two-family dwellings, prior to the issuance of a building permit. Furthermore, the fire official shall assist the building official in performing inspections of new systems and structures prior to the issuance of the certificate of occupancy.

106.9 Fire Hydrants: Add section 106.9 as follows:

During the site and/or construction plans review process for construction or change in use of any building or structure, the fire official shall have the authority to require the installation of fire hydrants where available as he deems necessary to have water available for firefighting purposes prior to the use of combustible materials in construction being commenced on any floor above the first or ground floor level. Such hydrants shall be accessible to firefighting apparatus at the time they are installed and at all times thereafter. The fire official will determine the need for fire hydrants based on the use and size of the structure involved and the availability of water in the area of the property.

The number of fire hydrants, their placement and the desired flow shall be determined by regulations established from nationally recognized standards.

106.10 Authority to Take Photographs: Add section 106.10 as follows:

The fire official or his duly authorized representative is authorized to make sketches and take photographs to document conditions he observes that he believes are violations of the provisions of this code. Subsequent to a fire, explosion, or other emergency, photographs may be taken as are necessary to adequately depict the conditions of the property for the purpose of investigation. No person shall prevent the fire official from making sketches or taking photographs.

107.2 Operational Permits Table 107.2: Current permit table as amended by the Powhatan County fire official

111.3 Failure to Correct Violations: Delete and substitute 111.3 as follows:

If the notice of violation is not complied within the time specified by the fire official, the fire official may issue a summons for the violation of the code. The fire official may also request the county attorney to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of any order or direction made pursuant to the code.

111.4 Penalty: Delete and Substitute 111.4 as follows:

Any person who violates any of the provisions of this code or the Virginia Statewide Fire Prevention Code, as herein amended, or who fails to comply with any order made thereunder shall for each violation and act of noncompliance be guilty of a Class 1 Misdemeanor, punishable by a fine of not more than \$2,500.00 or by imprisonment for not more than 12 months or by both. The imposition of one penalty for any single violation shall not excuse the violation or permit it to continue and each day that such violation continues shall constitute a separate offense.

In addition to the penalties specified above, the chief of the fire and rescue department or his duly authorized representative may invoke any other lawful procedure to prevent or abate any violation of this chapter.

## Chapter 2. Definitions

202.0. General Definitions. Add the following definition:

The term "occupant" means any person physically located or situated in or on any property, structure or vehicle irrespective of the length of time or the reason for such occupancy.

## Chapter 9 Fire Protection Systems

901.5.2 Altering or Changing Supervisory Services. Add subsection 901.5.2 as follows:

The code official shall be notified prior to any alterations to the supervisory service equipment or if the agent providing supervisory service changes for any required fire protection system. Functional testing shall be conducted prior to the system being returned to service. The level of testing will be determined by the code official. All testing shall be conducted in the presence of the code official and appropriate documentation shall be provided to the code official to verify that the system is being supervised as designed and in accordance with the building code in effect at the time of installation.

901.6.1.1 Limited Area Sprinkler Systems. Add subsection 901.6.1.1 as follows:

All limited area sprinkler systems shall be inspected annually and maintained according to NFPA 25 and in accordance with the following standards:

1. The sprinkler control valve shall be permanently marked with a sign stating "Sprinkler Control Valve." Markings made with embossed plastic tape, pencil, ink, crayon, or similar materials shall not be considered permanent. The sign shall be secured with noncorrosive wire, chain, or other means.
2. Markings shall be provided in a conspicuous place at the sprinkler control valve and shall state: "Notify the Fire Department (598-5646) before closing valve."
3. Valves connecting the limited area sprinkler system to the domestic water supply shall be locked open in an approved manner.

901.6.3 Reporting Results of Periodic Tests. Add subsection 901.6.3 as follows:

The individual or company performing any test or inspection required under this article shall provide the code official with a complete written record of the test or inspection within 15 days after it is conducted. Such written record shall note plainly which standard, as referenced by this code, was used for the test or inspection.

901.12 Permits Required.

All modifications, additions, or repair work beyond the scope of routine maintenance and inspections require permits issued by the Building Official in accordance with the Uniform Statewide Building Code.

904.11.1.1 Manual Operations. Add subsection 904.11.1.1 as follows:

Instructions for manually operating the fire suppression system for the commercial kitchen exhaust system shall be posted conspicuously in the kitchen and shall be reviewed periodically with employees by the management.

904.11.6.4 Ventilation System. Add subsection 904.11.6.4 as follows:

The ventilation system in connection with hoods shall be operated at the required rate of air movement, and classified grease filters shall be in place when equipment under a kitchen grease hood is used. Cooking appliances, which require a commercial kitchen exhaust hood system, shall not be operated while the fire suppression system or kitchen exhaust system is non-operational or otherwise impaired.

907.9 Nuisance Alarm Activations. Add section 907.9 as follows:

The owner and/or the occupant of any structure served by a fire protection system which has activated on two or more occasions when no fire, unsafe condition or other hazard has occurred, shall repair the system or correct conditions which are causing the system to activate.

#### Chapter 10. Means of Egress

1030.10 Marking Means of Egress. Add subsection 1030.10 as follows:

The code official may require the means of egress through storage areas to be marked, and the owner or his agent shall be responsible for marking and maintaining such aisles as required.

#### Chapter 50. Hazardous Materials - General Provisions

5002.1 Definitions. Delete and substitute the following definition:

Hazardous Materials. Those chemicals or substances which are physical hazards or health hazards as defined and classified in this Chapter, whether the materials are in usable or waste condition, including flammable and combustible liquids.

#### Chapter 57. Flammable and Combustible Liquids

5704.1.1 Prohibited Storage. Add subsection 5704.1.1 as follows:

The storage of flammable and combustible liquid shall be prohibited in occupancies of Use Group A, R-1, R-2, and in rental storage facilities.

5706.5.1.6 Fire Protection. Delete and substitute 5706.5.1.6 as follows:

Whenever tank vehicles are automatically loaded with flammable liquids at bulk storage terminals without an employee in attendance, the loading rack area shall be protected by a completely automatic fire suppression system approved by the code official. The system shall be designed to provide fire protection to both the loading rack and tank vehicles and shall be supervised by an accredited central station facility.

#### Chapter 61. Liquefied Petroleum Gases

6101.4 Emergency Services. Add subsection 6101.4 as follows:

Anyone who supplies liquefied petroleum gas service shall have a qualified maintenance person available at all times to assist fire department personnel with emergency incidents involving the service.

6109.13 Delete and substitute section 6109.13 as follows:

Protection of Containers. Containers shall be placed in a suitable enclosure or otherwise protected against tampering. The enclosure shall be secured to the sidewalk, concrete pad, or building to avoid tipping or movement of the enclosure. The servicing company's name and 24-hour phone number and "NO SMOKING" signs shall be provided and maintained on the enclosure. Vehicular protection shall be provided as required by the fire official.

The following appendices of the International Fire Code, 2012 edition, shall be a part of this code:

Appendix B - Fire-Flow Requirements for Buildings

Appendix C - Fire Hydrant Locations and Distribution

Appendix D - Fire Apparatus Access Roads, except that Section D106 and Section D107 shall not be included.

(Ord. of 12-10-07(1))

## **Sec. 46-54. SMOKE DETECTORS IN CERTAIN BUILDINGS**

1. - Required.

Pursuant to the authority set forth in Code of Virginia, § 15.2-922, smoke detectors shall be installed in (i) buildings containing one or more dwelling units which are rented or leased; (ii) hotel or motel rooms and (iii) rooming houses used to provide overnight sleeping accommodations.

2. - Definitions.

For purposes of this article, the following words shall be defined as follows:

(a)

*Dwelling unit* means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(b)

*Owner* means anyone vested with legal title to the property; or beneficial ownership and a right to present use and enjoyment of the premises, including a mortgagee in possession.

(c)

*Smoke detectors* means mechanical devices powered by batteries or alternating current capable of sounding an audible alarm upon sensing visible or invisible products of combustion, and meeting the specifications set forth by Underwriters' Laboratories for single-station smoke detectors.

(d)

*Tenant* means a person who rents or leases a dwelling unit.

3. - Installation requirements.

- (a) Any person who installs a smoke detector powered by alternating current must obtain a permit as required by the Virginia Uniform Statewide Building Code; however, no fee will be charged for the permit.
- (b) Smoke detectors shall be installed in conformance with the Virginia Uniform Statewide Building Code. The fire department shall approve the specific locations of the placement of smoke detectors on walls or ceilings.

4. - Responsibilities for testing and maintenance.

- (a) The agent or owner of the hotel or motel shall maintain all smoke detectors in good working order at all times and shall test each smoke detector each day at the time the rooms are cleaned.
- (b) The owner or agent of the owner of any building containing a dwelling unit which is rented or leased shall furnish the tenant at the beginning of each tenancy and at least annually thereafter, with a certificate that all required smoke detectors are present, have been inspected, and are in good working order.
- (c) The tenant shall be responsible for interim testing, repair, and maintenance of smoke detectors installed in his rented or leased unit and for providing written notice to the owner that such smoke detector is in need of service, repair, or replacement. Such service, repair, or replacement shall occur within five days of receipt of written notice from the tenant that a smoke detector is malfunctioning. The owner or agent of the building shall be responsible for maintaining smoke detectors located in hallways, stairwells, and other public or common areas.
- (d) The owner or agent of the owner of any building containing one or more dwelling units which are rented or leased shall provide written notification to the tenant of the responsibilities and duties imposed by subsection (c) of this section.
- (e) The owner or agent of any building containing one or more dwelling units which are rented or leased, or of any hotel or motel, shall provide the county with written certification annually that all required smoke detectors are present, have been inspected as required by this section, and are in good working order.

5. - Enforcement and penalties.

The chief of the fire and rescue department and his duly authorized representatives are authorized to administer and enforce the requirements of this article. Failure to comply with the requirements for the installation and

maintenance of smoke detectors shall constitute a violation of this chapter and shall be a Class 1 misdemeanor, punishable by a fine of not more than \$2,500.00 or by imprisonment of not more than 12 months, or by both such fine and imprisonment. The imposition of one penalty for any single violation shall not excuse the violation or permit it to continue and each day that such violation continues shall constitute a separate offense.

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In all other respects the Code of the County of Powhatan shall remain unchanged and be in full force and effect.

**APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS  
ON JANUARY 25, 2016.**

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**William E. Melton, Chairman  
Powhatan County Board of Supervisors**

**ATTEST:**

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**Patricia Weiler, Clerk  
Powhatan County Board of Supervisors**

**Recorded Vote:**

**David T. Williams** \_\_\_\_\_  
**Larry J. Nordvig** \_\_\_\_\_  
**Angela Y. Cabell** \_\_\_\_\_  
**William E. Melton** \_\_\_\_\_  
**Carson L. Tucker** \_\_\_\_\_

**ORDINANCE O-2016-06**

**Ordinance amending and re-enacting Article II, Fire Prevention Code, of Chapter 46, Fire Prevention and Protection, of the Code of the County of Powhatan related to the appointment of a local Fire Marshall and delineation of the Fire Marshall's responsibilities, and modifications to the Virginia Statewide Fire Prevention Code requirement enforced in Powhatan County.**

**WHEREAS**, Sections [15.2-1427](#) and [15.2-1433](#) of the *Code of Virginia*, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

**WHEREAS**, the *Virginia Statewide Fire Prevention Code* (SFPC) is a state regulation for the purpose of establishing statewide standards to safeguard life and property from the hazards of fire or explosion;

**WHEREAS**, the County of Powhatan adopted the SFPC, and incorporated it by reference in Article II, Fire Prevention Code, of Chapter 46 Fire Prevention and Protection of the Code of County of Powhatan on December 10, 2007; and

**WHEREAS**, the County of Powhatan hired a Fire Marshal on December 1, 2015; and

**WHEREAS**, the amendments to Article II, Fire Prevention Code, of Chapter 46 Fire Prevention and Protection of the Code of County of Powhatan are needed to reflect the duties of the County Fire Marshal; and

**WHEREAS**, this ordinance amendment was prepared to amend the provisions of Article II, Fire Prevention Code, of Chapter 46 Fire Prevention and Protection of the Code of County of Powhatan; and

**WHEREAS**, notice of the public hearing on this ordinance amendment was published in the Powhatan Today on January 13, 2016 and January 20, 2016; and

**WHEREAS**, the full text of this amendment was available for public inspection in the Powhatan County Administrator's Office, County Administration Building, 3834 Old Buckingham Road, Powhatan, Virginia 23139; and

**WHEREAS**, on January 25, 2015, the Powhatan County Board of Supervisors held a public hearing on this matter and all of those who spoke on this matter were heard.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN**, that Article II, Fire Prevention Code, of Chapter 46 of the Code of the County of Powhatan is amended and reenacted as follows:

## ARTICLE II. - FIRE PREVENTION CODE

### Sec. 46-41. - Adoption of statewide fire prevention code.

~~The Virginia Statewide Fire Prevention Code (VSFPC), as amended, the provisions of which are incorporated herein by reference, is adopted as the Fire Prevention Code of the County of Powhatan (fire prevention code). (Ord. of 12-10-07(1))~~

Pursuant to Code of Virginia, § 27-98, ~~the~~ county shall enforce the Virginia Statewide Fire Prevention Code (Code of Virginia, § 27-94, et seq.) promulgated by the Board of Housing and Community Development of the Commonwealth pursuant to Code of Virginia, § 27-98.

~~The provisions of the Virginia Statewide Fire Prevention Code and chapter 46 of this Code shall be enforced by the fire marshal, or his duly authorized representative, hereafter referred to as the "fire official", at the direction of the chief of the county fire and rescue department.~~

### Sec. 46-42. - Implementation and enforcement; fire code official.

- (a) Pursuant to Code of Virginia § 27-30, ~~The~~ the board of supervisors shall appoint a local fire marshal, also referred to as the local fire ~~code~~ official. The fire marshal shall be employed in the fire and rescue department and shall be under the direction of the chief of the county fire and rescue department. The provisions of the Virginia Statewide Fire Prevention Code (VSFPC) and chapter 46 of this Code shall be enforced and implemented by the fire marshal, as provided in the VSFPC. Pursuant to Code of Virginia § 27-36, the county administrator shall appoint one or more assistants to the fire marshal, who, in the absence of the fire marshal, shall have the powers and perform the duties of the fire marshal.

~~The fire code official and such persons as he may designate to act for and in his behalf shall take all actions necessary to implement and enforce the fire prevention code. The fire code official shall be employed in the building inspection department. The provisions of the fire prevention code shall be enforced and implemented by the fire code official as provided in the VSFPC. (Ord. of 12-10-07(1))~~

- (b) The county fire marshal and his assistants, ~~who shall be appointed by the county administrator pursuant to Code of Virginia, § 27-36,~~ shall have the authority to arrest, to procure and serve warrants and to issue summonses in the manner authorized by general law for violations of this chapter and of all fire safety, fire prevention and related ordinances, as permitted by Code of Virginia, § 27-34.2.

~~(d)~~(c) The county fire marshal and those assistants appointed pursuant to the Code of Virginia, § 27-36.2, who have met the training requirements outlined in the Code of Virginia, § 27-34.2:1, shall have the same police powers as a Sheriff Deputy 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 and the Powhatan County Sheriff's Office, as permitted by Code of Virginia, § 27-34.2:1

~~(e)~~(d) 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 board of supervisors.

**Sec. 46-43. - Right of entry to investigate releases of hazardous materials, hazardous waste, or regulated substances.**

(a) Pursuant to the Code of Virginia, § 27-37.1 the fire official or designee shall have the right to enter upon any property from which a release of any hazardous materials, hazardous waste, or regulated substance, as defined by state law, has occurred or is reasonably suspected to have occurred and which has entered into the groundwater, surface water or soils of the county, in order to investigate the extent and cause of any such release.

(b) If, in undertaking such an investigation, the fire official makes an affidavit under oath that the origin or cause of any such release is undetermined and that he has been refused admittance to the property, or is unable to gain permission to enter the property, any magistrate of the county may issue an investigation warrant to the fire official authorizing him to enter such property for the purpose of determining the origin and source of the release.

(c) If the fire official, 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.

**Sec. 46-~~43~~44. - Board of Fire Prevention Code Appeals (BFPCA).**

The county board of fire prevention code appeals (BFPCA) is hereby established and designated as the board to hear appeals arising from the application of the provisions of the fire prevention code, pursuant to Code of Virginia § 27-98. Those persons appointed to the county board of building code appeals (BBCA) shall be deemed to be the members of the county BFPCA. The terms of office for members of the BFPCA shall be concurrent with their terms of office on the BBCA. All provisions of the VSFPC, as amended, concerning appeals to the BFPCA are adopted herein by reference.

(Ord. of 12-10-07(1))

**Sec. 46-4445. - Definitions.**

For the purpose of this chapter, the words or phrases shall have the meaning given them in this section. Terms not defined in this section shall have their ordinarily accepted meaning.

*Construction waste* means solid waste that is produced or generated during construction of structures. Construction waste includes but is not limited to lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, semi-liquids, compressed gases, or garbage are not construction wastes and the disposal of such materials must be in accordance with federal, state and local regulations.

*Debris waste* includes but is not limited to leaves, yard and garden trimmings, tree stumps, wood, brush and similar vegetation produced during land clearing operations, or otherwise.

*Demolition waste* means that solid waste which is produced by the destruction of structures and their foundations and includes but is not limited to construction waste.

*Fire lane* means designated area, identified by clearly visible signs or markings, in which parking of any vehicle for any reason, or placement of any object or structure, shall be prohibited, whether on public or private property, in order to insure ready access for and to firefighting equipment and facilities.

(Ord. of 12-10-07(1))

*Hazardous waste* means refuse or combinations of refuse which, because of its quantity, concentration or physical, chemical or infectious characteristics may:

- a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or
- b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed.

**Sec. 46-~~45~~46. - Open burning.**

- (a) Debris waste. Open burning of debris waste shall be allowed without a permit provided the following conditions are met:
- (1) The debris waste was generated on the property where burning takes place; and
  - (2) The location of the burning is not less than 100 feet from any occupied building unless the occupants or owners of any building or property within 100 feet of the burning have given prior written permission; and
  - (3) Any burn pile size shall not exceed eight feet by eight feet by four feet or 256 cubic feet, whichever is larger; and
  - (4) A competent person shall constantly attend any fire from time of ignition until completely extinguished. The attendant shall have fully functioning and adequate fire-extinguishing equipment readily available for use at all times during the burning.
  - (5) Burning shall be conducted only when winds will not carry ash to another person's dwelling, structure or roadway.

The burning of debris waste shall require a permit issued by the fire code official when any of the conditions listed above are not met.

- (b) *Construction and demolition waste.* Open burning of construction waste and demolition waste shall require a permit issued by the fire ~~code~~ official, except as allowed in subsection 46-~~46~~47(4).

(Ord. of 12-10-07(1))

**Sec. 46-~~46~~47. - Fire permits.**

Persons engaging in any of the following activities shall first obtain a permit from the fire ~~code~~ official before commencement of the activities. The fire ~~code~~ official shall follow the VSFPC in reviewing and issuing any permit to ensure public safety.

- (1) Fireworks displays: A permit shall be required for the display of fireworks other than those defined by the VSFPC as "permissible fireworks". Application for fireworks display permits shall be made in writing at least 15 working days in advance of the date of the display or discharge of fireworks.
- (2) Explosives: A permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects within the scope of the VSFPC, with the exception of those fireworks defined as "permissible fireworks".

- (3) Burn permits: Unless excepted in subsection (4) below, a permit is required for the kindling or maintaining of an open fire on any property, public or private, for burning of debris waste, construction waste or demolition waste as defined herein. Failure to adhere to the instructions, conditions or stipulations of the permit shall be a violation of this article.
- (4) Exceptions:
  - a. Open burning of debris, construction or demolition waste to be conducted by any person as part of lot clearing or construction operations upon any residentially zoned land which has been recorded as a subdivision shall be prohibited, and no permit shall be issued therefor.
  - b. A permit shall not be required for the burning of debris, construction or demolition waste that occurs on land zoned agricultural when the burning is directly associated with activities on the same parcel.

(Ord. of 12-10-07(1))

**Sec. 46-~~47~~48. - Operation permits.**

An annual fire prevention inspection and issuance of an operation permit shall be required for the following occupancies:

- (1) Any building or structure that is equipped with one or more fire protection systems that are required for compliance with the Virginia Uniform Statewide Building Code.
- (2) State licensed educational or care facilities.

(Ord. of 12-10-07(1))

**Sec. 46-~~48~~49. - Fees.**

(a) Fees for fire permits or operation permits shall be paid at the time of application for the permit in the amount specified in the county fee schedule.

(b) Fire department response fee: Costs for any emergency response required to control or extinguish an open burn shall be charged to the responsible party when the fire official determines that inadequate measures were taken to maintain control of open burning activities. The fee amount shall be determined in accordance with the county fee schedule.

(Ord. of 12-10-07(1))

**Sec. 46-50. - Prohibited use of designated fire lanes.**

- (a) No person shall park or leave any unattended vehicle in a fire lane or otherwise obstruct or allow or cause obstruction of a fire lane with any vehicle, object or structure.
- (b) No person shall place or locate any equipment, materials, or any other object in a fire lane or obstruct a fire lane in any other manner.
- (c) In the event the vehicle, object or structure impedes emergency operations in any way, the penalty for violation of this chapter shall be the penalty provided in the VSFPC. In all other cases, the penalty shall be as provided by the parking regulations of the Powhatan County Code.

**Sec. 46-5051. - Enforcement.**

In addition to enforcement actions by the fire ~~code~~ official, the duly authorized law enforcement agencies of Powhatan County and the Commonwealth of Virginia are authorized to enforce this article.

(Ord. of 12-10-07(1))

**Sec. 46-51. - Modifications.**

~~The fire code official shall have the authority granted by the VSFPC to modify any provision of the fire prevention code, upon application in writing by an owner or lessee or his or her duly authorized agent. The fire code official shall make no modifications except as allowed by the VSFPC. In evaluating such modification requests, the fire code official shall consult with the Powhatan County Fire Chief prior to granting final approval. (Ord. of 12-10-07(1))~~

Pursuant to VSFPC §106.5, ~~t~~The chief of the fire and rescue department or the "fire official" shall have the authority to modify any of the provisions of the Virginia Statewide Fire Prevention Code, as herein amended, upon application in writing by an owner or lessee, or his duly authorized agent, if the chief or fire official finds there are practical difficulties in carrying out the strict letter of the code. The chief or fire official shall make no modifications unless the spirit of the code is observed, public safety is secured, and substantial justice is done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department or fire official thereon shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.

**Sec. 46-5253. - Amendments, additions and deletions to the VSFPC.**

The Virginia Statewide Fire Prevention Code is hereby amended and changed pursuant to Code of Virginia, § 27-97, in the following respects:

Chapter 1. Administration and Enforcement

106.3 Inspections: Delete and substitute 106.3 as follows:

The fire official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code

and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual in accordance with the fire official's written policy. The fire official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body. The fire official may require the owner or owner's agent to inspect the owner's property or equipment in accordance with guidelines approved by the fire official.

106.8 Plans Review and Certificate of Occupancy: Add section 106.8 as follows:

The fire official shall assist the building official in the review of construction plans for compliance with the fire protection provisions of the Virginia Uniform Statewide Building Code for all structures and/or facilities, except detached one- and two-family dwellings, prior to the issuance of a building permit. Furthermore, the fire official shall assist the building official in performing inspections of new systems and structures prior to the issuance of the certificate of occupancy.

106.9 Fire Hydrants: Add section 106.9 as follows:

During the site and/or construction plans review process for construction or change in use of any building or structure, the fire official shall have the authority to require the installation of fire hydrants where available as he deems necessary to have water available for firefighting purposes prior to the use of combustible materials in construction being commenced on any floor above the first or ground floor level. Such hydrants shall be accessible to firefighting apparatus at the time they are installed and at all times thereafter. The fire official will determine the need for fire hydrants based on the use and size of the structure involved and the availability of water in the area of the property. The number of fire hydrants, their placement and the desired flow shall be determined by regulations established from nationally recognized standards.

106.10 Authority to Take Photographs: Add section 106.10 as follows:

The fire official or his duly authorized representative is authorized to make sketches and take photographs to document conditions he observes that he believes are violations of the provisions of this code. Subsequent to a fire, explosion, or other emergency, photographs may be taken as are necessary to adequately depict the conditions of the property for the purpose of investigation. No person shall prevent the fire official from making sketches or taking photographs.

107.2 Operational Permits Table 107.2: Current permit table as amended by the Powhatan County fire official

111.3 Failure to Correct Violations: Delete and substitute 111.3 as follows:

If the notice of violation is not complied within the time specified by the fire official, the fire official may issue a summons for the violation of the code. The fire official may also request the county attorney to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of any order or direction made pursuant to the code.

111.4 Penalty: Delete and Substitute 111.4 as follows:

Any person who violates any of the provisions of this code or the Virginia Statewide Fire Prevention Code, as herein amended, or who fails to comply with any order made thereunder shall for each violation and act of noncompliance be guilty of a Class 1 Misdemeanor, punishable by a fine of not more than \$2,500.00 or by imprisonment for not more than 12 months or by both. The imposition of one penalty for any single violation shall not excuse the violation or permit it to continue and each day that such violation continues shall constitute a separate offense.

In addition to the penalties specified above, the chief of the fire and rescue department or his duly authorized representative may invoke any other lawful procedure to prevent or abate any violation of this chapter.

## Chapter 2. Definitions

202.0. General Definitions. Add the following definition:

The term "occupant" means any person physically located or situated in or on any property, structure or vehicle irrespective of the length of time or the reason for such occupancy.

## Chapter 9 Fire Protection Systems

901.5.2 Altering or Changing Supervisory Services. Add subsection 901.5.2 as follows:

The code official shall be notified prior to any alterations to the supervisory service equipment or if the agent providing supervisory service changes for any required fire protection system. Functional testing shall be conducted prior to the system being returned to service. The level of testing will be determined by the code official. All testing shall be conducted in the presence of the code official and appropriate documentation shall be provided to the code official to verify that the system is being supervised as designed and in accordance with the building code in effect at the time of installation.

901.6.1.1 Limited Area Sprinkler Systems. Add subsection 901.6.1.1 as follows:

All limited area sprinkler systems shall be inspected annually and maintained according to NFPA 25 and in accordance with the following standards:

1. The sprinkler control valve shall be permanently marked with a sign stating "Sprinkler Control Valve." Markings made with embossed plastic tape, pencil, ink, crayon, or similar materials shall not be considered permanent. The sign shall be secured with noncorrosive wire, chain, or other means.
2. Markings shall be provided in a conspicuous place at the sprinkler control valve and shall state: "Notify the Fire Department (598-5646) before closing valve."
3. Valves connecting the limited area sprinkler system to the domestic water supply shall be locked open in an approved manner.

901.6.3 Reporting Results of Periodic Tests. Add subsection 901.6.3 as follows:

The individual or company performing any test or inspection required under this article shall provide the code official with a complete written record of the test or inspection within 15 days after it is conducted. Such written record shall note plainly which standard, as referenced by this code, was used for the test or inspection.

901.12 Permits Required.

All modifications, additions, or repair work beyond the scope of routine maintenance and inspections require permits issued by the Building Official in accordance with the Uniform Statewide Building Code.

904.11.1.1 Manual Operations. Add subsection 904.11.1.1 as follows:

Instructions for manually operating the fire suppression system for the commercial kitchen exhaust system shall be posted conspicuously in the kitchen and shall be reviewed periodically with employees by the management.

904.11.6.4 Ventilation System. Add subsection 904.11.6.4 as follows:

The ventilation system in connection with hoods shall be operated at the required rate of air movement, and classified grease filters shall be in place when equipment under a kitchen grease hood is used. Cooking appliances, which require a commercial kitchen exhaust hood system, shall not be operated while the fire suppression system or kitchen exhaust system is non-operational or otherwise impaired.

907.9 Nuisance Alarm Activations. Add section 907.9 as follows:

The owner and/or the occupant of any structure served by a fire protection system which has activated on two or more occasions when no fire, unsafe condition or other hazard has occurred, shall repair the system or correct conditions which are causing the system to activate.

Chapter 10. Means of Egress

1030.10 Marking Means of Egress. Add subsection 1030.10 as follows:

The code official may require the means of egress through storage areas to be marked, and the owner or his agent shall be responsible for marking and maintaining such aisles as required.

#### Chapter 50. Hazardous Materials - General Provisions

5002.1 Definitions. Delete and substitute the following definition:

Hazardous Materials. Those chemicals or substances which are physical hazards or health hazards as defined and classified in this Chapter, whether the materials are in usable or waste condition, including flammable and combustible liquids.

#### Chapter 57. Flammable and Combustible Liquids

5704.1.1 Prohibited Storage. Add subsection 5704.1.1 as follows:

The storage of flammable and combustible liquid shall be prohibited in occupancies of Use Group A, R-1, R-2, and in rental storage facilities.

5706.5.1.6 Fire Protection. Delete and substitute 5706.5.1.6 as follows:

Whenever tank vehicles are automatically loaded with flammable liquids at bulk storage terminals without an employee in attendance, the loading rack area shall be protected by a completely automatic fire suppression system approved by the code official. The system shall be designed to provide fire protection to both the loading rack and tank vehicles and shall be supervised by an accredited central station facility.

#### Chapter 61. Liquefied Petroleum Gases

6101.4 Emergency Services. Add subsection 6101.4 as follows:

Anyone who supplies liquefied petroleum gas service shall have a qualified maintenance person available at all times to assist fire department personnel with emergency incidents involving the service.

6109.13 Delete and substitute section 6109.13 as follows:

Protection of Containers. Containers shall be placed in a suitable enclosure or otherwise protected against tampering. The enclosure shall be secured to the sidewalk, concrete pad, or building to avoid tipping or movement of the enclosure. The servicing company's name and 24-hour phone number and "NO SMOKING" signs shall be provided and maintained on the enclosure. Vehicular protection shall be provided as required by the fire official.

The following appendices of the International Fire Code, ~~2003~~ 2012 edition, shall be a part of this code:

Appendix B - Fire-Flow Requirements for Buildings

Appendix C - Fire Hydrant Locations and Distribution

Appendix D - Fire Apparatus Access Roads, except that Section D106 and Section D107 shall not be included.  
(Ord. of 12-10-07(1))

**Sec. 46-~~53~~54. SMOKE DETECTORS IN CERTAIN BUILDINGS**

1. - Required.

Pursuant to the authority set forth in Code of Virginia, § 15.2-922, smoke detectors shall be installed in (i) buildings containing one or more dwelling units which are rented or leased; (ii) hotel or motel rooms and (iii) rooming houses used to provide overnight sleeping accommodations.

2. - Definitions.

For purposes of this article, the following words shall be defined as follows:

(a)

*Dwelling unit* means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(b)

*Owner* means anyone vested with legal title to the property; or beneficial ownership and a right to present use and enjoyment of the premises, including a mortgagee in possession.

(c)

*Smoke detectors* means mechanical devices powered by batteries or alternating current capable of sounding an audible alarm upon sensing visible or invisible products of combustion, and meeting the specifications set forth by Underwriters' Laboratories for single-station smoke detectors.

(d)

*Tenant* means a person who rents or leases a dwelling unit.

3. - Installation requirements.

(a)

Any person who installs a smoke detector powered by alternating current must obtain a permit as required by the Virginia Uniform Statewide Building Code; however, no fee will be charged for the permit.

(b)

Smoke detectors shall be installed in conformance with the Virginia Uniform Statewide Building Code. The fire department shall approve the specific locations of the placement of smoke detectors on walls or ceilings.

4. - Responsibilities for testing and maintenance.

(a)

The agent or owner of the hotel or motel shall maintain all smoke detectors in good working order at all times and shall test each smoke detector each day at the time the rooms are cleaned.

- (b) The owner or agent of the owner of any building containing a dwelling unit which is rented or leased shall furnish the tenant at the beginning of each tenancy and at least annually thereafter, with a certificate that all required smoke detectors are present, have been inspected, and are in good working order.
- (c) The tenant shall be responsible for interim testing, repair, and maintenance of smoke detectors installed in his rented or leased unit and for providing written notice to the owner that such smoke detector is in need of service, repair, or replacement. Such service, repair, or replacement shall occur within five days of receipt of written notice from the tenant that a smoke detector is malfunctioning. The owner or agent of the building shall be responsible for maintaining smoke detectors located in hallways, stairwells, and other public or common areas.
- (d) The owner or agent of the owner of any building containing one or more dwelling units which are rented or leased shall provide written notification to the tenant of the responsibilities and duties imposed by subsection (c) of this section.
- (e) The owner or agent of any building containing one or more dwelling units which are rented or leased, or of any hotel or motel, shall provide the county with written certification annually that all required smoke detectors are present, have been inspected as required by this section, and are in good working order.

5. - Enforcement and penalties.

The chief of the fire and rescue department and his duly authorized representatives are authorized to administer and enforce the requirements of this article. Failure to comply with the requirements for the installation and maintenance of smoke detectors shall constitute a violation of this chapter and shall be a Class 1 misdemeanor, punishable by a fine of not more than \$2,500.00 or by imprisonment of not more than 12 months, or by both such fine and imprisonment. The imposition of one penalty for any single violation shall not excuse the violation or permit it to continue and each day that such violation continues shall constitute a separate offense.

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In all other respects the Code of the County of Powhatan shall remain unchanged and be in full force and effect.

**APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS  
ON JANUARY 25, 2016.**

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**William E. Melton, Chairman  
Powhatan County Board of Supervisors**

**ATTEST:**

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**Patricia Weiler, Clerk  
Powhatan County Board of Supervisors**

**Recorded Vote:**

<b>David T. Williams</b>	_____
<b>Larry J. Nordvig</b>	_____
<b>Angela Y. Cabell</b>	_____
<b>William E. Melton</b>	_____
<b>Carson L. Tucker</b>	_____

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# LEGALS

## Legal Notices

### TRUSTEE SALES

#### NOTICE OF SUBSTITUTE TRUSTEE SALE 3421 Lake Randolph Circle, Powhatan, VA 23139

By virtue of the power and authority contained in a Deed of Trust dated December 15, 2004, and recorded in Deed Book 630, Page 1296 in the Clerk's Office for the Circuit Court for Powhatan, VA, securing a loan which was originally \$215,000.00. The appointed SUBSTITUTE TRUSTEE, Commonwealth Trustees, LLC will offer for sale at public auction at the front steps of the Circuit Court, located at 3880 Old Buckingham Road, Powhatan, Virginia 23139 on:

February 2, 2016 at 1:30 PM

improved real property, with an abbreviated legal description of All that certain tract, piece or parcel of land lying and being in Spencer District, Powhatan County, Virginia, designated as Lot 15 of Lake Randolph Estates-Section 8 on plat of survey by Woodrow K. Cofer, Inc., C.L.S. dated November 20, 2003, recorded April 20, 2004, in the Circuit Court, Clerk's Office, Powhatan County, Virginia, in Plat Cabinet G., Slide 69, reference to which is hereby made for a more particular description, and as more fully described in the aforesaid Deed of Trust.

TERMS OF SALE: The property will be sold "AS IS," WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND AND SUBJECT TO conditions, restrictions, reservations, easements, rights of way, and all other matters of record taking priority over the Deed of Trust to be announced at the time of sale. A deposit of \$20,000.00, or 10% of the sale price, whichever is lower, in cash or cashier's check payable to the SUBSTITUTE TRUSTEE will be required at the time of sale. The balance of the purchase price, with interest at the rate contained in the Deed of Trust Note from the date of sale to the date said funds are received in the office of the SUBSTITUTE TRUSTEE, will be due within fifteen (15) days of sale. In the event of default by the successful bidder, the entire deposit shall be forfeited and applied to the costs and expenses of sale and Substitute Trustee's fee. All other public charges or assessments, including water/sewer charges, whether incurred prior to or after the sale, and all other costs incident to settlement to be paid by the purchaser. In the event taxes, any other public charges have been advanced, a credit will be due to the seller, to be adjusted from the date of sale at the time of settlement. Purchaser agrees to pay the seller's attorneys at settlement, a fee of \$445.00 for review of the settlement documents.

Additional terms will be announced at the time of sale and the successful bidder will be required to execute and deliver to the Substitute Trustees a memorandum or contract of the sale at the conclusion of bidding.

#### FOR INFORMATION CONTACT:

Rosenberg & Associates, LLC  
(Attorney for the Secured Party)  
7910 Woodmont Avenue, Suite 750  
Bethesda, Maryland 20814  
301-907-8000  
www.rosenberg-assoc.com

#### NOTICE OF SUBSTITUTE TRUSTEE SALE 2700 Daphne Lane, Powhatan, VA 23139

By virtue of the power and authority contained in a Deed of Trust dated May 29, 2008, and recorded in Deed Book 749, Page 001 in the Clerk's Office for the Circuit Court for Powhatan, VA, securing a loan which was originally \$267,500.00. The appointed SUBSTITUTE TRUSTEE, Commonwealth Trustees, LLC will offer for sale at public auction at the front steps of the Circuit Court, located at 3880 Old Buckingham Road, Powhatan, Virginia 23139 on:

February 2, 2016 at 1:30 PM

improved real property, with an abbreviated legal description of ALL that certain parcel of land lying and being in Huguenot District, Powhatan County, Virginia, containing 10.40 acres, shown and designated as "Parcel G" on plat of survey by Foster & Miller, Certified Surveyors, dated February 2, 1970, a copy of which is recorded in the Clerk's Office of the Circuit Court of Powhatan County, Virginia, in Deed Book 93, page 518, and in accordance with said plat being more particularly described as follows. COMMENCING at the point of the Northern and Western lines of the Northern terminus of a fifty foot road called Daphne Lane as shown on the aforesaid plat, said point being marked thereon "A", thence from said point of commencement proceeding with the said western line of said Daphne Lane South 33 degrees 58' 30" West 300 feet, thence leaving said Western line of said Daphne Lane and proceed North 56 degrees 01' 30" West 252.07, thence North 25 degrees 27' 40" East 39 68 feet, thence South 86 degrees 17' 30" East 77 61 feet, thence North 3 degrees 57' 00" East 786 54 feet, thence South 86 degrees 17' 30" East 555 55 feet, thence South 4 degrees 02' 20" West 483 30 feet, thence South 73 degrees 32' 45" East 39 80 feet, thence South 23 degrees 00' 21" West 338 72 feet, thence North 56 degrees 01' 30" West 238 92 feet to the point of commencement, and as more fully described in the aforesaid Deed of Trust.

TERMS OF SALE: The property will be sold "AS IS," WITHOUT REPRESENTATION OR WARRANTY OF ANY KIND AND SUBJECT TO conditions, restrictions, reservations, easements, rights of way, and all other matters of record taking priority over the Deed of Trust to be announced at the time of sale. A deposit of \$20,000.00, or 10% of the sale price, whichever is lower, in cash or cashier's check payable to the SUBSTITUTE TRUSTEE will be required at the time of sale. The balance of the purchase price, with interest at the rate contained in the Deed of Trust Note from the date of sale to the date said funds are received in the office of the SUBSTITUTE TRUSTEE, will be due within fifteen (15) days of sale. In the event of default by the successful bidder, the entire deposit shall be forfeited and applied to the costs and expenses of sale and Substitute Trustee's fee. All other public charges or assessments, including water/sewer charges, whether incurred prior to or after the sale, and all other costs incident to settlement to be paid by the purchaser. In the event taxes, any other public charges have been advanced, a credit will be due to the seller, to be adjusted from the date of sale at the time of settlement. Purchaser agrees to pay the seller's attorneys at settlement, a fee of \$445.00 for review of the settlement documents.

Additional terms will be announced at the time of sale and the successful bidder will be required to execute and deliver to the Substitute Trustees a memorandum or contract of the sale at the conclusion of bidding.

#### FOR INFORMATION CONTACT:

Rosenberg & Associates, LLC  
(Attorney for the Secured Party)  
7910 Woodmont Avenue, Suite 750  
Bethesda, Maryland 20814  
301-907-8000  
www.rosenberg-assoc.com

### LEGAL DISPLAY ADS

### LEGAL DISPLAY ADS

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## NOTICE OF PUBLIC HEARINGS POWHATAN COUNTY BOARD OF SUPERVISORS

Pursuant to Sections 15.2-1427 and 15.2-2204 of the Code of Virginia, notice is hereby given that the Powhatan County Board of Supervisors will conduct public hearings on **Monday, January 25 at 7:00 p.m.** in the Village Building Auditorium located at 3910 Old Buckingham Road, Powhatan, VA, 23139. The purpose of the public hearings is to receive public comment on the following proposed ordinances:

- **Ordinance O-2015-01** (15-03-REZC) Riverton Associates (Subletts/Manakin/Flat Rock Electoral District) request the rezoning from Residential-Utility (R-U) and Commercial (C) to Village Center Planned Development (VC-PD) and amendment of the zoning district map of approximately 50+ acres of land fronting 584 feet on the south side of Huguenot Trail and on the along Winterfield Road. Density and use will be controlled by zoning conditions or ordinance standards. The 2010 Long-Range Comprehensive Plan designates the subject properties as Village Center, Village Residential and Natural Conservation on the Route 711 Village Special Area Plan Map. Reference to Tax Map Parcels 32-44A, 32-44C, 32-45B1, 32-45B2, 32-46, 32-46A, 32-58B, 32D-1-1, 32D-1-3, 32C-2-1, 32C-2-2, 32C-2-3, 32C-2-4, 32C-2-5, 32C-2-6, and 32C-2-7.
- **Ordinance O-2016-02** (15-11-CUP) Blanton and Debora Gordon (SmithsCrossroads/ Pineville/Tobaccoville Electoral District) request a conditional use permit (CUP) to operate a country inn on two adjoining parcels in the A-10, Agricultural District per §83.162(49) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject properties as Rural Preservation on the Countywide Land Use Plan Map. One property is located at 1660 Ballsville Road and is approximately 2.65 acres in size and the second property is approximately 43.8 acres in size and has not been assigned an address. Reference Tax Map Parcels #35-17B & #35-17.
- **Ordinance O-2016-03** (15-12-CUP) Richard W. Dressler (Powhatan Station/ Graceland Electoral District) requests a conditional use permit (CUP) to operate a commercial landscaping operation in the A-10, Agricultural District per §83-162(50) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Land Use Plan Map. The property is approximately 33.05 acres in size and is located east of Dorset Road (Rt. 622) north of its intersection with Stavemill Road (Rt. 634). Reference Tax Map Parcel #53-78.
- **Ordinance O-2016-04** (15-15-REZC) Academy Park II, LLC (Bethesda / Lees Landing Electoral District) request the rezoning from Residential-Commercial (R-C) to Village Center (VC) and amendment of the zoning district map of approximately 2.47+ acres of land fronting 511 feet on the north side of Anderson Highway (U.S. Route 60). Density and use will be controlled by zoning conditions or ordinance standards. The 2010 Long-Range Comprehensive Plan designates the subject properties as Village Center on the Courthouse Village Special Area Plan Map. Reference to Tax Map Parcels 39C-2-2 and 39C-2-3.
- **Ordinance O-2016-05** (15-10-CUP) Virginia Solar LLC (Powhatan Courthouse/Mt. Zion Electoral District) requests a conditional use permit (CUP) to operate a solar energy farm in the A-10, Agricultural District per §83-162(26) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Land Use Plan Map. The subject property is 350 acres of the 898.4 acre parcel and is located west of Old Buckingham Road (Rt. 13) south of its intersection with Old Plantation Road (Rt. 644). The lot at 4325 Old Buckingham Road is also a part of the CUP, is 3.6 acres, and will serve as the access point for the use. Reference to Tax Map Parcels #38-28 and # 38-3-1.
- **Ordinance O-2016-06** Ordinance amending and re-enacting Article II, Fire Prevention Code, of the Code of the County of Powhatan related to the appointment of a local Fire Marshall and delineation of the Fire Marshall's responsibilities, and modifications to the Virginia Statewide Fire Prevention Code requirement enforced in Powhatan County.

A copy of the proposed ordinances may be reviewed at the Powhatan County Administrator's Office located at 3834 Old Buckingham Road, Suite A, Powhatan, Virginia, during normal business hours. All interested persons are invited to attend and participate in the public hearings. Persons requiring special assistance to attend and participate in the hearings should contact the Powhatan County Administrator's Office at (804) 598-5612 at least three days prior to the meeting.



POWHATAN'S PAPER OF RECORD

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## NOTICE OF PUBLIC HEARINGS

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## Legal Notices

### PROPOSALS, BIDS, RFP

2001 GMC Sierra, 4wd, Ext cab, vinyl int., cruise, 131K miles, tow package, 4.8L V8. Sealed bids must be submitted/post marked by 4:30 pm 2/5/16 to Monacan SWCD, 3064 River Rd West, PO Box 66 Goochland, VA 23063. Min bid of \$4,500. For info call 804-556-4936. Monacan SWCD reserves the right to accept or reject any bid. Payment is due within 30 days & prior to transfer of ownership.

### ADVERTISE

Call 598-4305 to find out about upcoming opportunities to advertise with your community newspaper in print and online!



### NOTICE OF RFP

The County of Powhatan Virginia is seeking proposals from qualified applicants for Public Safety Staffing Services. To view the RFP packet and get more information please visit our Bid and Procurement Opportunities page on our website at www.powhatanva.gov. Responses are due no later than 2:00 pm February 12th 2016, to the Powhatan County Department of Finance located at 3834 Old Buckingham Rd, Suite B Powhatan VA, 23139. If you need additional information please contact the Department of Finance office at 804-598-5610.

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### SIDING

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### MISCELLANEOUS FOR SALE

**Mattress Truck Load Sale - Twin \$89; Full \$99; Queen \$129; King \$189. Delivery/Lay -A-Way. Call 804-218-0680.**

## Recruitment

### ADMIN. & OFFICE WORK

**Cumberland Area - Part-time ADMINISTRATIVE ASSISTANT** needed. Duties include (but not limited to): answering phone, filing, data entry, and cleaning the office. Approximately 5 hours a day/4 days a week Monday through Thursday. Email resumes to: [asallumber@verizon.net](mailto:asallumber@verizon.net)

### GENERAL

**Awesome House Cleaners needed** (no experience necessary): Hours 8:00-4:00ish, M-F (no evening or weekends). Caring, passionate & committed individual's who take pride in their work. A team player is a must! Valid driver's license required. Salary \$10 to \$11/hr. (except during training) +paid time off + holidays and other benefits. We do background checks and drug testing. Located in Powhatan, SET Cleaning services [www.setcleaning.com](http://www.setcleaning.com) or 598-3210 for application.

**Electrical Automation Technician** Come work for a growing process automation company as an Automation Technician. No experience necessary & travel required with all expenses paid. Full Benefits Package. Send resume to: [ethautoinc@comcast.net](mailto:ethautoinc@comcast.net)

**FABRICATOR/WELDER** - Brookfield M&W is currently seeking an experienced Fabricator/Welder. Please apply @ 9135 Barricade Ln, Mechanicsville. Salary is negotiable depending on experience. Call (804) 746-0488.

### HEALTHCARE

**PSYCHOSOCIAL REHABILITATION COUNSELOR** wanted for a clubhouse model day support program for SMI adults. FT w/ benefits, QMHP-A required. Visit [www.gpcsb.org](http://www.gpcsb.org) for application, job description & salary. Open until filled. EOE.

## TRANSPORTATION

**DRIVERS - Part-time.** Goochland Powhatan Community Services is seeking drivers to transport individuals to and from facilities in Goochland and Powhatan Counties. Qualified applicants must be 25 yrs. or older. Must be able to work w/people, and work morning hours and late afternoon hours. A valid VA Driver's License w/ a good driving record, pre-employment drug screening, and criminal background check required. \$10.14/hour. Call 804-556-5400 or visit [www.gpcsb.org/Job-Opportunities](http://www.gpcsb.org/Job-Opportunities) for job description and application. Open until filled. EOE.

### GENERAL

10 positions - Temporary/Seasonal work planting, cultivating, and harvesting nursery stock, field grown trees, shrubs and ornamental plants, from 2/15/2016 to 12/15/2016 at Watkins Nurseries, Inc., Amelia Courthouse & Powhatan, VA. Three months of previous verifiable experience required in the job described. Saturday work required. Must be able to lift/carry 60 lbs. Employer-paid post-hire drug testing is required after a worker has an accident at work. \$10.72/hr or current applicable AEW. Raise/bonus at employer discretion. Workers are guaranteed ¾ of work hours of total period. Work tools, supplies, equipment supplied by employer without charge to worker. Housing with kitchen facilities provided at no cost to only those workers who are not reasonably able to return same day to their place of residence at time of recruitment. Transportation and subsistence expenses to work site will be paid to nonresident workers not later than upon completion of 50% of the job contract. Interviews required. Apply for this job at nearest State Workforce Agency in state in which this ad appears, or Virginia Employment Commission, 221 Sunchase Blvd., Farmville, VA 23901. Provide copy of this ad. VA Job Order #706812.

## Residential for Rent

### Apartment Referral Services Policy

Apartment referral service companies sell lists of available apartments for rent in your area. Please read contracts thoroughly to ensure that you understand and agree to all the terms and the cancellation policy of the contract.

### HOUSES UNFURNISHED

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## HOUSES UNFURNISHED

### FOR RENT

**3465 A Goodwyn Road Powhatan, VA 23139**  
2 bedrooms, 1.5 baths, Duplex \$895/month

**2518 Georges Road Powhatan, VA 23139**  
2 bedrooms/1 bath \$750/month

**5832 Trenholm Woods Drive Powhatan, VA 23139**  
3 bedrooms, 2 baths, attached garage \$1,495/month

**1508 Cartersville Road Goochland County, VA 23063**  
4 bedrooms, 2.5 baths \$1,495/month

**377 Clayville Road Powhatan, VA 23139**  
3 bedrooms, 3 baths, full basement \$1,395/month

**3148 Kemp Trail Powhatan, VA 23139**  
1 bedroom, 1 bath \$695/month

**2228 Lakeview Drive Powhatan, VA 23139**  
2 bedrooms, 1 bath \$995/month

**35 Boone Trail Cartersville, VA 23027**  
2 bedrooms, 1 bath \$800/month

**4748 Bell Road Powhatan, VA 23139**  
3 bedrooms, 2 baths \$895/month

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## POWHATAN TODAY

Letters to the Editor Every Week  
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